

# The Washington State Board of Education

Governance | Achievement | Transitions | Math & Science | Effective Workforce

<b>Title:</b>	<b>ESEA Flexibility Overview</b>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Advocate for effective and accountable P-13 governance in public education <input checked="" type="checkbox"/> Goal Two: Provide policy leadership for closing the academic achievement gap <input type="checkbox"/> Goal Three: Provide policy leadership to strengthen students' transitions within the P-13 system	<input type="checkbox"/> Goal Four: Promote effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocate for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input checked="" type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	<p>As of June 25, the Office of Superintendent of Public Instruction (OSPI) is still waiting for a decision on the ESEA Flexibility Request. The Board will briefly discuss the possible impact of US Department of Education (ED) denial on the revision of the Index and future accountability work.</p> <p>If ED approves the request, then the development of the revised Achievement Index, culminating in September 2013 with a final product, will proceed as planned. Specific details about commitments in the request, as it relates to Index revision, are outlined in more detail in the State Accountability System memo.</p>	
<b>Possible Board Action:</b>	<input type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>ED has informed OSPI that Principles One and Two are acceptable in their revised form. Principle Three, however, remains unapproved as of this writing (June 25, 2012). ED feedback centered on the concern that although student growth data will be used as a factor in teacher evaluation, it may not be a <i>significant enough</i> factor.</p> <p>Given the possibility that ED may not approve Washington's Flexibility Request, the SBE should discuss possible impacts on the proposed Achievement and Accountability work. SBE has clear statutory authority to develop a revised Index (see SBE Statutory Authority for Accountability memo) and there are compelling reasons to revise the Index, even absent an approved Flexibility Request.</p>	

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

## ESEA Flexibility Overview

### Policy Consideration

As of June 27, the Office of Superintendent of Public Instruction (OSPI) is still waiting for a decision on the ESEA Flexibility Request. The Board will briefly discuss the implications of a waiver denial, specifically in regards to the revision of the Index and future accountability work.

With an approved waiver, work towards the development of the revised Achievement Index will proceed as planned. Specific details about commitments in the request, as it relates to Index revision, are outlined in more detail in the State Accountability System memo.

### Summary

The US Department of Education (ED) has informed OSPI that Principles One and Two are acceptable in their revised form. Principle Three, however, remains unapproved as of this writing. The ED expressed concern that student growth data may not be *a significant enough* factor in teacher evaluations, as currently proposed in our request.

Given the possibility that ED may not approve Washington's application, members should discuss possible impacts on the proposed Achievement and Accountability work. SBE has clear statutory authority to develop a revised Index (see SBE Statutory Authority for Accountability memo). Beyond the context of a Flexibility Request, compelling reasons to revise the Index include an opportunity to do the following:

- Include student growth data, which would create a more equitable way of evaluating school and district performance over time.
- Reassess performance indicators for alignment with education system goals.
- Fulfill SBE's responsibility as defined in Senate Bill 6696 to continue to "*refine* the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions" (emphasis added).
- Lay the necessary ground work to begin Phase II outlined in Senate Bill 6696, including the "implementation of SBE's Accountability Index for identification of schools in need of improvement, and use state and local intervention models and state funds through a required action process beginning in 2013, in addition to the federal program, to raise the achievement of those schools."

If ED does not approve the request, then the following issues should be taken into account when planning to revise the Index:

- The Index will not necessarily have to identify Reward, Priority, Focus, and Consistently Low-Achieving schools in the same ways that were required by ED, leaving more flexibility for SBE to determine categories of schools for recognition and improvement.
- Stakeholder engagement may diminish due to the lack of immediate relief from NCLB sanctions.

## **Background**

On February 27, 2012, OSPI submitted an ESEA Flexibility Request<sup>1</sup> to ED. This request was developed in partnership with SBE. This request was aligned with the expectations of RCW 28A.657.110, which directed OSPI and SBE to seek approval from ED to use the Achievement Index to replace the federal accountability system known as No Child Left Behind (NCLB).

At the request of ED for clarification, seven revisions were subsequently submitted in May and June.

The ED established key principles that states must meet:

1. *Principle One—College- and Career-Ready Expectations for All Students*  
For Washington, Principle One is met primarily through adoption of the Common Core State Standards (CCSS) in English / language arts and mathematics and the state plan to implement CCSS. Additionally, Washington State's role as a lead state with the SMARTER Balanced Assessment Consortium (SBAC) satisfies the requirement to administer high-quality assessments to all students by 2014–15.
2. *Principle Two—State-Developed Differentiated Recognition, Accountability, and Support.*  
The major work for Washington is contained in this principle. ED guidelines require four components of an accountability system:
  1. Establishing annual measureable objectives (AMOs).
  2. Recognizing and rewarding schools for high achievement and closing educational opportunity gaps.
  3. Identifying and developing improvement plans for Priority Schools.
  4. Identifying and developing improvement plans for Focus Schools with low performance and/or large achievement gaps among low income students, students with disabilities, English language learners, and other student subgroups.

As laid out in E2SSB 6696, the accountability system suggested by OSPI and SBE uses the current Achievement Index as the basis for developing the system.

3. *Principle Three—Supporting Effective Instruction and Leadership.*  
This principle is met through the teacher/principal evaluation components of E2SSB 6696, now being implemented through the work of the Teacher Principal Evaluation Project (TPEP) and a new bill, which recently passed the Legislature, Engrossed Substitute Senate Bill 5895.

Appendix A is an overview of the Flexibility Request.

## **Expected Action**

None. This information is presented for discussion only.

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<sup>1</sup> The full Flexibility Request and revisions to the request are available on the OSPI website, along with supporting information: <http://www.k12.wa.us/ESEA/PublicNotice.aspx>.

### ESEA FLEXIBILITY REQUEST SUMMARY



#### 1. What is the ESEA flexibility opportunity?

Last September, the U.S. Department of Education (ED) announced guidelines for state educational agencies (OSPI in Washington State) to apply for flexibility that would allow relief from existing sanctions under the No Child Left Behind (NCLB) accountability system.

#### 2. Why did ED choose this time to offer states flexibility opportunities?

NCLB refers to the 2002 iteration of the Elementary and Secondary Education Act (ESEA) that was first passed by Congress in the mid-1960s and has been periodically reauthorized since then. NCLB was supposed to be reauthorized in 2007, but Congress has not been able to agree on a reauthorization package—meaning the existing law stayed in effect. ED and Education Secretary Arne Duncan offered the flexibility partly because of frustration with Congress over the delay, and partly because of the almost universal frustration among educators and many educational advocates regarding NCLB and its unwieldy and often unenforceable adequate yearly progress (AYP) regulations and sanctions.

#### 3. What are the benefits of being granted this flexibility?

States receiving this flexibility are relieved of AYP rules, including consequences for Title I schools and districts that do not meet the elementary, middle, and secondary proficiency levels in state testing for math and reading. This means that the roughly two-thirds of schools in Washington that did not make AYP in 2011 would **not** have to (a) send School Choice letters or (b) set aside 20% of their Title I allocation for Supplementary Educational Service (SES) providers and for supporting students who leave the district under Public School Choice. This flexibility will give other relief from certain rules, but most districts will benefit most from Public School Choice and SES flexibility.

#### 4. If this flexibility is granted, when will relief from these regulations go into effect?

Relief begins immediately after the flexibility is granted.

#### 5. Did Washington apply for an ESEA Flexibility Request?

Yes. On February 27, with Superintendent Dorn's concurrence, Washington submitted an ESEA Flexibility Request.

#### 6. Why did Superintendent Dorn decide to apply in February? Were there other submission deadlines available to the state?

ED set November 11, 2011 and February 21, 2012 (later changed to February 28) as submission deadlines, and hinted that a September 2012 date likely would be announced later this year. Superintendent Dorn chose the February date to assure that, if flexibility is granted, the school choice and 20% set aside relief will go into effect for 2012–13. Waiting until September to submit the request would likely have the effect of delaying relief until 2013–14.

#### 7. What must the State do to qualify for this flexibility?

ED has established four principles that must be met.

Principle 1—College- and Career-Ready Expectations for All Students

Principle 2—State-Developed Differentiated Recognition, Accountability, and Support

Principle 3—Supporting Effective Instruction and Leadership

Principle 4—Reducing Duplication and Unnecessary Burden

For Washington, Principle 1—College- and Career-Ready Expectations for All Students—is met primarily through our adoption of the Common Core State Standards (CCSS) in English language arts and mathematics and the state plan to implement CCSS. Additionally, Washington State's role as a lead state with SMARTER Balanced Assessment Consortium (SBAC) satisfies the requirement to administer high-quality assessments to all students by 2014–15. The major "lift" for Washington is contained in Principle 2—State-Developed Differentiated Recognition, Accountability, and Support—

which essentially is the construction of a new state accountability system. Principle 3—Supporting Effective Instruction and Leadership—is met through the teacher/principal evaluation components of E2SSB 6696, passed by the Legislature in 2010 and now implemented through the work of the Teacher Principal Evaluation Project (TPEP). Principle 4—Reducing Duplication and Unnecessary Burden—is an ongoing task in all states.

**8. With respect to Principle 2, what are OSPI and the State Board of Education (SBE) suggesting for a new Washington accountability system?**

ED guidelines require four components of an accountability system: establishing annual measurable objectives (AMOs); recognizing and rewarding schools for high achievement and closing educational opportunity gaps; identifying and developing improvement plans for Priority Schools with low achievement levels in reading and math; and identifying and developing improvement plans for Focus Schools with low performance and/or large achievement gaps among low income students, students with disabilities, English language learners, or other student subgroups. An expanded version of Washington’s proposal for Principle 2 is provided below. Note that per E2SSB 6696, the accountability system suggested by OSPI and SBE uses the current SBE Achievement Index as the basis for developing the system.

**9. Why would states submit an ESEA Flexibility Request if ESEA is reauthorized later this year or early next year? Wouldn’t the reauthorization rules trump the flexibility guidelines?**

First, there is not an expectation that reauthorization will take place anytime soon. The Republican-controlled House of Representatives and the Democratic-controlled Senate have difficulty seeing eye-to-eye on the reauthorization, and the prospects of them agreeing on a complex and politically sensitive education reform bill in an election year are not good. (NOTE: The current NCLB law runs over 1,100 pages.) And, following the presidential election in November, many think that reauthorization will not be a first-look priority in 2013. Second, reauthorization rules would affect flexibility requests, but many educational policy observers in Washington, D.C. predict that a reauthorized ESEA would allow states the authority to develop their own accountability systems in a process similar to satisfy Principle 2. Therefore, the work in developing a new state accountability system as part of this request would eliminate the need to do that work later.

**10. Is stakeholder input a necessary part of the ESEA Flexibility Request?**

Yes. ED rules specifically call for stakeholder input, especially teachers and their representatives, school and district administrators, plus diverse groups such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English learners, business organizations, Indian tribes, and Title I Committee of Practitioners. Efforts have, or will be made to engage all of those groups and other educational stakeholders. In addition, OSPI, working with the SBE, produced a draft of the Washington State *ESEA Flexibility Request* for stakeholder feedback and comment. That draft was posted on the OSPI website on January 18; stakeholders were asked to provide input by February 3. Superintendent Dorn reviewed survey input from those who analyzed the draft prior to making his submission decision. NOTE: Over 75% of survey respondents recommended that Superintendent Dorn submit the request to ED.

**11. When will we hear if the ESEA Flexibility Request is approved?**

We hope to know by May 15. However, the process ED has set to review state applications is iterative. A peer review team will analyze the application, ask clarifying questions, and perhaps ask that sections be enhanced or modified. Eventually, representatives of ED, in consultation with the peer reviewers, will determine acceptability. We expect the entire process to be completed in eight to twelve weeks.

**12. Where can more information about the ESEA Flexibility Request be found?**

The Washington State *ESEA Flexibility Request* can be found at [www.k12.wa.us/ESEA/PublicNotice.aspx](http://www.k12.wa.us/ESEA/PublicNotice.aspx).

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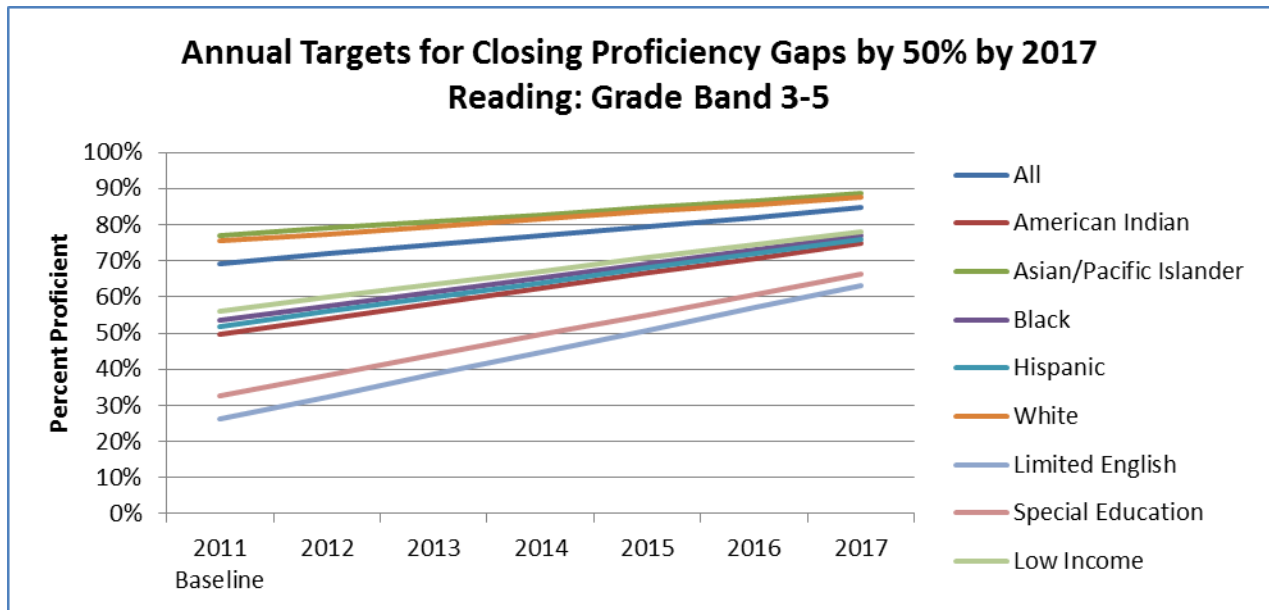
**PRINCIPLE 2: PROPOSED STATE ACCOUNTABILITY SYSTEM**

**Annual Measurable Objectives (AMOs) or Targets**

ED offered three choices: (1) move the current 2014 deadline for 100% proficiency in reading and math to 2020; (2) set annual equal increments toward the goal of reducing by half the percent of students who are not proficient in all AYP

subcategories by fall 2017 (within six years); or (3) establish another AMO that is educationally sound and results in ambitious and achievable AMOs. Each option will apply to the state and each district and its schools.

We are proposing option 2, which can best be described by viewing the chart below for a “typical” school.



### **Reward Schools**

Building on the current SBE Washington Achievement Awards (which include performance in writing and science as well as reading and math), identify the:

- Highest Performing Schools: Schools with high performance and high graduation rates without significant achievement gaps among subgroups; schools have met AYP for 3 consecutive years (2009, 2010, and 2011) in all students group and subgroups.
- High-Progress Schools: Schools making the most progress in improving performance in the all students group or in increasing graduation rates, without significant achievement gaps among subgroups.

### **Priority Schools**

The State will annually identify Priority Schools; the total number must be at least equal to 5% of the total number of Title I schools in 2010–11. Washington State has 913 Title I participating schools, so the state must identify at least 46 schools as Priority Schools (5% of 913). A Priority School must be at least one of the following:

- Among the lowest 5% of Title I schools in the state based on both achievement and lack of progress of the all students group over 3 years.
- A Title I-participating or Title I-eligible high school with a graduation rate less than 60% over 3 years.
- A currently-served Tier I or Tier II SIG school.

Districts with Priority Schools must ensure the school implements meaningful interventions aligned with turnaround principles.\* SIG Priority Schools will use SIG funds to continue their turnaround process. Districts with Non-SIG Priority Schools will be required to set aside up to 20% of district Title I, Part A funds to support the school’s improvement efforts.

### **Focus Schools**

The State must annually identify a number equal to at least 10% of the total number of Title I schools in the state as Focus Schools; in Washington, this equates to at least 92 schools (10% of 913) each year. Focus Schools are Title I schools with the lowest subgroup achievement and/or biggest gaps among subgroups. Title I high schools with subgroups with graduation rates less than 60% may also be identified as Focus Schools.

Districts with Focus Schools ensure the school implements meaningful interventions aligned with the unique needs of the school and its students.\* Districts with Focus Schools will be required to set aside up to 20% of district Title I, Part A funds to support the school's improvement efforts.

\* "Turnaround Principles" refers to a list of principles provided by ED that must be addressed in the formulation of a school improvement plan: performance of the principal and teaching staff, operational flexibility, embedded professional development, increased learning time, ensuring a research-based instructional program, data-based decision making, ensuring a safe environment, and ongoing mechanisms for family and community engagement.