

## ESEA FLEXIBILITY PART B MONITORING REPORT

MONITORING VISIT INFORMATION	
<b>State Educational Agency (SEA)</b>	Michigan Department of Education (MDE)
<b>Request Approved</b>	July 19, 2012
<b>Request Amended</b>	August 6, 2013
<b>ESEA Flex Monitoring Activity</b>	Part B Onsite Monitoring
<b>Monitoring Review Date(s)</b>	September 4-5, 2013
<b>Exit Conference</b>	September 19, 2013
<b>Interviews Conducted</b>	MDE staff
<b>U.S. Department of Education (ED) Monitors</b>	ED staff included members of the Office of Elementary and Secondary Education (OESE) as well as the Office of Special Education Programs (OSEP): <ul style="list-style-type: none"> <li>- Leslie Clithero, OESE</li> <li>- Todd Stephenson, OESE</li> <li>- Gregg Corr, OSEP</li> <li>- Marsha Goldberg, OSEP</li> </ul>

### OVERVIEW OF ESEA FLEXIBILITY MONITORING

The U.S. Department of Education (ED) is committed to supporting State educational agencies (SEAs) as they implement ambitious reform agendas through their approved ESEA flexibility requests. Consistent with this commitment, ED has designed a monitoring process to assess an SEA's implementation of the principles of ESEA flexibility and the State-level systems and processes needed to support that implementation.

#### *Part B Monitoring*

In Part B monitoring, SEA implementation of ESEA flexibility was reviewed across several key areas: State-level Systems and Processes, Principle 1, Principle 2, and Principle 3, as outlined in the *ESEA Flexibility Part B Monitoring Protocol*. In each broad area, ED identified key elements that are required under ESEA flexibility and are likely to lead to increased achievement for students.

Through examination of documentation submitted by the SEA and interviews with SEA staff, ED assessed the effectiveness of implementation of ESEA flexibility by identifying the extent to which an SEA:

1. Is ensuring that implementation is occurring consistent with the SEA's approved request and the principles and timelines of ESEA flexibility.
2. Is continuing to review and make adjustments to support implementation.
3. Is establishing systems and processes to sustain implementation and improvements.

The report contains the following sections:

- *Highlights of the SEA's Implementation*. This section identifies key accomplishments in the SEA's implementation of ESEA flexibility.
- *Status of Implementation of ESEA Flexibility*. This section indicates whether or not the SEA has met expectations for each element of ESEA flexibility.

- *Elements Requiring Next Steps.* When appropriate, this section identifies any elements where the SEA is not meeting expectations and includes Next Steps that the SEA must take to meet expectations.
- *Recommendations to Strengthen Implementation.* This section provides recommendations to support the SEA in continuing to meet the principles and timelines of ESEA flexibility and strengthening implementation.

**HIGHLIGHTS OF IMPLEMENTATION OF ESEA FLEXIBILITY**

The SEA’s work includes the following key accomplishments relating to the implementation of ESEA flexibility and/or efforts to engage in a process of continuous review and analysis, particularly for those elements receiving a comprehensive review:

- Michigan demonstrates ongoing efforts to ensure that its Accountability Scorecard is a meaningful tool, as evidenced through continued efforts to refine the color-coding strategy so that it most effectively differentiates among schools. These efforts reflect Michigan’s continued work to review, assess, and revise, as appropriate, its system for collecting, reporting, and using data. The efforts also show that the SEA is using systems and processes to review the performance of and make adjustments, as needed, to the SEA’s system of differentiated recognition, accountability, and support.
- Through Michigan’s Statewide system of support (MI Excel), priority and focus schools are provided with an array of supports, including district and/or school improvement facilitators. These facilitators are trained, prepared, and employed by Michigan State University to engage in diagnostic dialogues that enable schools and districts to focus on targeted interventions tied to their greatest needs.
- In order to promote a cohesive approach to whole school turnaround in SIG and non-SIG priority schools, MDE has captured application, implementation, and monitoring information in an online platform that all of these schools use. With this approach, MDE has experienced improved alignment among these schools each year.

**STATUS OF IMPLEMENTATION OF ESEA FLEXIBILITY**

**SEA Systems & Processes**

<b>Element</b>	<b>Status</b>
<b>Monitoring</b> (EDGAR §80.40 and 2.G)	Not Meeting Expectations
<b>Technical Assistance</b> (2.G)	Not Meeting Expectations
<b>Data Collection &amp; Use</b> (§9304(a)(6))	Meeting Expectations
<b>Family &amp; Community Engagement and Outreach</b> (Implementation Letter)	Meeting Expectations

**Principle 1**

<b>Element</b>	<b>Status</b>
<b>Transition to and Implement College- and Career-ready Standards</b> (1.B)	Not Meeting Expectations
<b>Adopt English Language Proficiency Standards</b> (Assurance 2)	Meeting Expectations

<b>Develop and Administer High-Quality Assessments</b> (Assurance 3)	Meeting Expectations
<b>Develop and Administer Alternate Assessments</b> (Assurance 3)	Meeting Expectations
<b>Develop and Administer English Language Proficiency Assessments</b> (Assurance 4)	Meeting Expectations
<b>Annually Reports College-going and College-credit Accumulation Rates</b> (Assurance 5)	Meeting Expectations

### Principle 2

Element	Status
<b>Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support</b> (2.A)	Meeting Expectations
<b>Reward Schools</b> (2.C)	Not Meeting Expectations
<b>Priority Schools</b> (2.D)	Meeting Expectations
<b>Focus Schools</b> (2.E)	Not Meeting Expectations
<b>Other Title I Schools</b> (2.F)	Meeting Expectations
<b>State and Local Report Cards</b> (§1111 of the ESEA; 2.B and Assurance 14)	Not Meeting Expectations

### Principle 3

Element	Status
<b>Teacher Evaluation and Support Systems</b> (3.B)	Not Meeting Expectations
<b>Principal Evaluation and Support Systems</b> (3.B)	Not Meeting Expectations

### ELEMENTS REQUIRING NEXT STEPS

Element	Monitoring (EDGAR §80.40 and 2.G)
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p>Under <i>ESEA Flexibility</i>, MDE is required to have a process to monitor implementation of ESEA flexibility activities at the local educational agency (LEA) and school levels regarding implementation of Principle 1 (college- and career-ready standards), Principle 2 (differentiated recognition, accountability, and support systems), and Principle 3 (development, adoption, piloting, and implementation of teacher and principal evaluation and support systems). While MDE monitors its LEAs for Principle 2 implementation, MDE is not meeting the expectations for ESEA flexibility monitoring because it does not monitor for Principles 1 and 3. For Principle 1, MDE relies on the Intermediate School Districts (ISDs) to monitor for the implementation of college- and career-ready standards and MDE was unable to describe a uniform approach for the ISDs' work in this area. For Principle 3, MDE indicated that current legislation prohibits the SEA from monitoring implementation of teacher and principal evaluation systems at the LEA-level. While ED acknowledges that MDE is seeking legislative change so that it gains the ability to ensure implementation of</p>

Element	<b>Monitoring</b> (EDGAR §80.40 and 2.G)
	teacher and principal evaluation systems at the local level, the Michigan legislature has yet to enact any change to grant MDE such authority which is a requirement of ESEA Flexibility.
<b>Next Steps</b>	<p>Within the ESEA flexibility extension process MDE must submit a high-quality plan that provides:</p> <ol style="list-style-type: none"> <li>1) MDE’s strategy to work with Michigan’s ISDs to ensure that LEAs and schools are monitored for implementation of college- and career-ready standards; and</li> <li>2) A description of MDE’s process to seek legislative change so that MDE gains authority to monitor LEA-level implementation of teacher and principal evaluation systems, as well as the process and timeline by which MDE will monitor LEA-level implementation of teacher and principal evaluation systems.</li> </ol> <p>Please see the monitoring findings included under Element 3.B, below, for additional description of this issue.</p>

Element	<b>Technical Assistance</b> (2.G)
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p>Under <i>ESEA Flexibility</i>, MDE is required to provide guidance and technical assistance to LEAs and schools related to ESEA flexibility activities regarding Principle 1 (implementation of college- and career-ready standards), Principle 2 (differentiated recognition, accountability, and support systems), and Principle 3 (development, adoption, piloting, and implementation of teacher and principal evaluation and support systems).</p> <p>MDE is not meeting these expectations because it has a limited role in providing technical assistance to LEAs with regard to teacher and principal evaluation systems. Because the Michigan Council for Educator Effectiveness (MCEE) recently finalized its recommendations regarding new legislation on educator evaluations, MDE anticipates that there will be a legislative change in the 2013-2014 school year that will provide for a transition from local educator evaluation systems to a Statewide system. ED recognizes that MDE’s capacity to provide technical assistance is more limited while the local systems are in operation than it will be under the Statewide system. Nevertheless, it appears that MDE is not fully utilizing the opportunity to facilitate the sharing of information common across LEAs (<i>e.g.</i>, sharing best practices).</p>
<b>Next Steps</b>	Within the ESEA flexibility extension process MDE must submit a high-quality plan that describes MDE’s plans for providing technical assistance on teacher and principal evaluation systems in the 2013-2014 school year and beyond.

<b>Element</b>	<b>Transition to and Implement College- and Career-ready Standards (1.B)</b>
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p>Under its approved request for ESEA flexibility, MDE is required to have a process to monitor implementation of college- and career-ready standards at the local educational agency (LEA) and school levels. MDE relies on the Intermediate School Districts (ISDs) to monitor for the implementation of college- and career-ready standards. MDE was not able to describe a uniform approach for the ISDs' work in this area and therefore could not demonstrate that it has a process for monitoring implementation of college- and career-ready standards.</p>
<b>Next Steps</b>	<p>Within the ESEA flexibility extension process MDE must submit a high-quality plan that describes MDE's plans for ensuring that the SEA has a monitoring process in place which includes further information detailing how MDE will work with Michigan's ISDs to ensure that LEAs and schools are monitored for implementation of college- and career-ready standards.</p>

<b>Element</b>	<b>Reward Schools (2.C)</b>
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p>MDE is conducting some of the reward activities outlined in its request but did not conduct the full scope of activities it outlined. For example, due to a lack of funding, MDE did not provide banners to reward schools in 2012-2013. MDE also did not use social media networks to encourage dialogue between schools.</p>
<b>Next Steps</b>	<p>Through the ESEA flexibility extension process MDE should amend its request to accurately reflect how it is rewarding schools.</p>

<b>Element</b>	<b>Focus Schools (2.E)</b>
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p>In accordance with <i>ESEA Flexibility</i>, MDE must ensure that LEAs implement interventions in each focus school based on the specific school needs and the student group performance which led to the school's identification as a focus school. While MDE ensured that focus schools conducted diagnostic dialogues as the initial step in identifying the academic needs at each focus school and MDE could identify the specific interventions each school chose as a result of the diagnostic dialogues for the 2012-2013 school year, MDE could not ensure implementation of those interventions.</p>
<b>Next Steps</b>	<p>Within the ESEA flexibility extension process MDE must submit a high-quality plan to ensure that each focus school implements specific interventions that</p>

<b>Element</b>	<b>Focus Schools (2.E)</b>
	target the needs of the lowest achieving students at the school in the 2013-2014 school year and beyond. In the high quality plan, MDE will develop its process for monitoring the implementation of these interventions at each focus school.

<b>Element</b>	<b>State and Local Report Cards (§1111 of the ESEA; 2.B and Assurance 14)</b>
<b>Summary and Status of Implementation</b>	The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i> .
	Under ED’s non-regulatory guidance, <i>State and Local Report Cards</i> , revised on February 8, 2013, an SEA that has included one or more “combined subgroups” in its State differentiated recognition, accountability, and support system under ESEA flexibility must also report high school graduation rate data for each combined subgroup. MDE’s report cards do not currently include graduation rate data for the combined subgroup.
<b>Next Steps</b>	Within the ESEA Flexibility extension process, MDE must submit a template demonstrating how its report cards based on data from the 2013-2014 school year will fully comply with ED’s current report card guidance.

<b>Element</b>	<b>Teacher Evaluation and Support Systems (3.B)</b>
<b>Summary and Status of Implementation</b>	The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i> .
	<u>Issue 1: Michigan law does not require LEAs to use State assessment data in teacher evaluations.</u>
	In accordance with <i>ESEA Flexibility</i> , an SEA and each LEA must commit to develop, adopt, pilot, and implement, with the involvement of teachers and principals, teacher and principal evaluation and support systems that use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities). <i>ESEA Flexibility</i> defines “student growth” as the change in student achievement for an individual student between two or more points in time. For the purpose of this definition, student achievement, for grades and subjects in which assessments are required under ESEA section 1111(b)(3), means: (1) a student’s score on such assessments and may include (2) other measures of student learning, provided they are rigorous and comparable across schools within an LEA, such as: student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.  MDE’s current legislation requires an LEA to include student growth and some form of assessment data as a significant factor in its teacher evaluation system:

Element	Teacher Evaluation and Support Systems (3.B)
	<p>In 2013-2014, 25% of the evaluation is to be based on student growth and achievement data and in 2014-2015, the requirement is 40%. However, current legislation does not necessarily require LEAs to incorporate State assessments (inclusion of State assessment data is at the LEA’s discretion). Thus, MDE’s current system for teacher evaluations does not meet the requirements of <i>ESEA Flexibility</i>.</p> <p>The Michigan Council for Educator Effectiveness (MCEE) proposed final guidelines in July 2013 to inform new legislation governing teacher and principal evaluations. The MCEE recommendations state that student growth and assessment data should constitute 50% of an educator’s evaluation beginning in 2015-2016. During 2013–14 and 2014–15, during which time the new educator evaluation system is not yet fully implemented, the MCEE recommends that LEAs use student growth as a significant component of teacher evaluations, but not for more than 50% of an individual teacher’s evaluation (note that this timeline is inconsistent with the ESEA flexibility requirement for full implementation in 2014–15). The MCEE recommendations state that, for teachers in core content areas in grades for which there are growth data available from state mandated assessments (currently reading and mathematics in grades 4–8, but likely to change over time), at least half of the teachers’ student growth component should be based on state-provided value-added modeling scores. However, to date, the Michigan legislature has not taken action on the MCEE recommendations so it is unknown to what extent the results of State assessments may be included in teacher evaluations in future years.</p> <p><u>Issue 2: MDE does not monitor LEA implementation of teacher evaluation systems.</u></p> <p>Under <i>ESEA Flexibility</i>, SEAs are expected to ensure that LEAs implement teacher evaluation and support systems. MDE does not monitor nor provide technical assistance to LEAs regarding their design of teacher evaluation systems. MDE does not believe that it has the authority to do so under current State law but expects to gain this authority in the upcoming legislation. ED approved MDE for ESEA flexibility and for Principle 3 with the understanding that MDE was seeking legislation to gain this authority and continues to expect that MDE will seek such authority.</p>
<p><b>Next Steps</b></p>	<p>Within the ESEA flexibility extension process MDE must submit a high-quality plan that provides a description of MDE’s process to seek legislative change so that:</p> <ul style="list-style-type: none"> <li>a) All LEAs throughout Michigan are required to incorporate student growth, as defined by <i>ESEA Flexibility</i>, as a significant factor in teacher evaluation systems at the beginning of the 2014-2015 school year; and</li> <li>b) MDE gains authority to monitor LEA-level implementation of teacher evaluation systems and can ensure that LEAs fully implement evaluation and support systems consistent with the ESEA flexibility requirements</li> </ul>

<b>Element</b>	<b>Teacher Evaluation and Support Systems (3.B)</b>
	<p>in the 2014-2015 school year, including the incorporation of student growth as a significant factor.</p> <p>If Michigan cannot resolve these issues prior to the end of the 2013-2014 school year, ED may take enforcement action, including, but not limited to non-extension of Michigan’s ESEA flexibility request.</p>

<b>Element</b>	<b>Principal Evaluation and Support Systems (3.B)</b>
<b>Summary and Status of Implementation</b>	<p>The SEA has not demonstrated that this element is carried out consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled <i>ESEA Flexibility</i>.</p> <p><u>Issue 1: Michigan law does not require LEAs to use State assessment data in principal evaluations.</u></p> <p>In accordance with <i>ESEA Flexibility</i>, an SEA and each LEA must commit to develop, adopt, pilot, and implement, with the involvement of teachers and principals, teacher and principal evaluation and support systems that use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities). <i>ESEA Flexibility</i> defines “student growth” as the change in student achievement for an individual student between two or more points in time. For the purpose of this definition, student achievement, for grades and subjects in which assessments are required under ESEA section 1111(b)(3), means: (1) a student’s score on such assessments and may include (2) other measures of student learning, provided they are rigorous and comparable across schools within an LEA, such as: student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.</p> <p>MDE’s current legislation requires an LEA to include student growth and some form of assessment data as a significant factor in its principal evaluation system: In 2013-2014, 25% of the evaluation is to be based on student growth and achievement data and in 2014-2015, the requirement is 40%. However, current legislation does not necessarily require LEAs to incorporate State assessments (inclusion of State assessment data is at the LEA’s discretion). Thus, MDE’s current system for principal evaluations does not meet the requirements of <i>ESEA Flexibility</i>.</p> <p>The MCEE proposed final guidelines in July 2013 to inform new legislation governing teacher and principal evaluations. The MCEE recommendations state that student growth and assessment data should constitute 50% of an educator’s evaluation beginning in 2015-2016. The recommendations note that according to PA 102 (current law), the practice and student growth</p>

Element	Principal Evaluation and Support Systems (3.B)
	<p>subcomponents of an administrator’s evaluation will each make up 50% of an administrator’s evaluation starting in the 2015–16 school year. During 2013–14 and 2014–15, during which time the new educator evaluation system is not yet fully implemented, the MCEE recommends that LEAs may use student growth as a significant component of administrator evaluations, but not for more than 50% of an individual administrator’s evaluation. To prepare for full implementation in 2015–16, the MCEE recommendations note that it may be advisable for LEAs to pilot the use of student growth and assessment data as 50% of an administrator’s evaluation during 2013–14 and 2014–15 (note that this timeline is inconsistent with the ESEA flexibility timeline that requires full implementation in 2014–15). However, to date, the Michigan legislature has not taken action on the MCEE recommendations so it is unknown to what extent the results of State assessments may be included in principal evaluations in future years.</p> <p><u>Issue 2: MDE does not monitor LEA implementation of principal evaluation systems.</u></p> <p>Under <i>ESEA Flexibility</i>, SEAs are expected to ensure that LEAs implement principal evaluation and support systems. MDE does not monitor nor provide technical assistance to LEAs regarding their design of principal evaluation systems. MDE does not believe that it has the authority to do so under current State law but expects to gain this authority in the upcoming legislation. ED approved MDE for ESEA flexibility and for Principle 3 with the understanding that MDE was seeking legislation to gain this authority and continues to expect that MDE will seek such authority.</p>
<p><b>Next Steps</b></p>	<p>Within the ESEA flexibility extension process MDE must submit a high-quality plan that provides a description of MDE’s process to seek legislative change so that:</p> <ul style="list-style-type: none"> <li>a) All LEAs throughout Michigan are required to incorporate student growth, as defined by <i>ESEA Flexibility</i>, as a significant factor in principal evaluation systems at the beginning of the 2014-2015 school year; and</li> <li>b) MDE gains authority to monitor LEA-level implementation of principal evaluation systems and can ensure that LEAs fully implement evaluation and support systems consistent with the ESEA flexibility requirements in the 2014-2015 school year, including the incorporation of student growth as a significant factor.</li> </ul> <p>If Michigan cannot resolve these issues prior to the end of the 2013-2014 school year, ED may take enforcement action, including, but not limited to non-extension of Michigan’s ESEA flexibility request.</p>

## **RECOMMENDATIONS TO STRENGTHEN IMPLEMENTATION**

The following recommendations are provided to support the SEA in continuing to meet the principles and timelines of ESEA flexibility and strengthening implementation through continuous improvement and the establishment of systems and processes to sustain implementation and improvement.

- ED staff were concerned that MDE's special education staff were generally not present for monitoring conversations, although the reason(s) for their minimal participation was not clear. ED urges MDE to take any necessary steps to involve all staff in implementing ESEA flexibility so that all of Michigan's students benefit from the work, including students with disabilities.