



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Tony Bennett
Superintendent of Public Instruction
Indiana Department of Education
151 West Ohio Street
Indianapolis, Indiana 46204

Dear Superintendent Bennett:

Thank you for submitting Indiana's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop systems of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Indiana and ten other States are leading the way in designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Indiana's request was reviewed by a panel of seven peer reviewers during the week of December 5-9, 2011. During the review, the expert peers considered each component of Indiana's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve Indiana's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Indiana's request and areas that would benefit from further development. Department staff also reviewed Indiana's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Indiana's request includes a strong proposal regarding the State's teacher and principal evaluation and support systems and demonstrates that Indiana has already taken significant steps toward implementing college- and career-ready standards. However, based on the peer reviewers' comments and our review of the materials Indiana has provided to date, we have identified certain components of Indiana's request that need further clarification and may need additional development or revision. In particular, significant concerns were identified with respect to the following:

- How Indiana intends to incorporate a subgroup based on the "bottom 25 percent" of students into its accountability system;
- Indiana's inattention to the ESEA subgroups, including English Learners and students with disabilities, such as the lack of annual, ambitious but achievable performance targets that are set separately for reading/language arts and mathematics and are applied to each ESEA subgroup;
- Indiana's proposal with respect to interventions and supports for priority and focus schools; and
- Indiana's lack of incentives and supports for other Title I schools that are not priority or focus schools.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of Indiana's request. We encourage Indiana to consider the peers' comments and technical assistance suggestions in making revisions to its request.

Please keep in mind that, while the peers identified weaknesses in all of the requests submitted by States during this first round of review, this result should be viewed in the context of the difficult, trailblazing work that Indiana and others are doing in the context of ESEA flexibility. You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address all outstanding concerns and provide Indiana with the requested flexibility.

At the same time, it is our responsibility to ensure that, as we permit States to depart from the requirements of current law, they do so in a manner that continues to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English learners, and students with disabilities.

While the Peer Panel Notes for Indiana provide information specific to your request, your State also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple States' requests. For this reason, we will soon send you a document that summarizes some of these technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Indiana to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Indiana as quickly as possible and will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or additional materials to the Department. If you have any additional questions or want to request technical assistance, please do not hesitate to contact the team lead for Indiana, Sharon Hall, at 202-260-0998.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING INDIANA'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please clarify the steps Indiana took to meaningfully engage teachers' representatives and other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English learners, business organizations, and Indian tribes, or describe how Indiana will meaningfully engage teachers' representatives and other diverse communities as it continues to develop and implement ESEA flexibility. *See Consultation Questions 1 and 2.*

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Demonstrate that Indiana will implement college- and career-ready standards statewide in at least reading/language arts and mathematics no later than the 2013–2014 school year. *See 1.B.*
- Clarify the support that will be provided to principals and teachers with respect to Indiana's transition to implementing Common Core State Standards (CCSS), including how information, tools, and resources about the CCSS will reach teachers. *See 1.B.*
- Describe the infrastructure that is in place or will be put in place to ensure successful implementation of the CCSS. *See 1.B.*
- Describe Indiana's plan for transitioning English Learners to the State's new English/language arts assessment. *See 1.B.*
- Clarify whether Indiana intends to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the CCSS. *See Principle 1 Overview.*
- Clarify whether Indiana intends to conduct outreach on and dissemination of the CCSS and, if so, describe how Indiana will reach the appropriate stakeholders, including educators, administrators, families, and institutions of higher education (IHEs). *See Principle 1 Overview.*
- Clarify whether Indiana intends to provide professional development and other supports to prepare teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the CCSS. *See Principle 1 Overview.*
- Clarify whether Indiana intends to develop and disseminate high-quality instructional materials aligned with the CCSS and, if so, demonstrate that the materials are designed or will be designed to support the teaching and learning of all students, including English Learners, students with disabilities, and low-achieving students. *See Principle 1 Overall Review.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address the concern that Indiana's proposed AMOs do not include annual, ambitious but achievable performance targets that are set separately for reading/language arts and mathematics and are applied to each ESEA subgroup. *See 2.A.i, 2.B, Option C.*
- Please address concerns regarding subgroup accountability, including:
 - The use of the "bottom 25 percent" subgroup, including concerns that:

- Use of the bottom 25 percent subgroup masks the performance of, and detracts attention from, students in the ESEA subgroups, particularly given that the composition of the bottom 25 percent in a particular school may vary significantly from the composition of the bottom 25 percent of students statewide (*See 2.A.i, 2.A.i.a, 2.E.iii*);
- The performance of the “top 75 percent” subgroup can compensate for the performance of the bottom 25 percent and can form the basis for a school’s grade (*See 2.A.1.a, 2.B, Option C*);
- Use of the bottom 25 percent subgroup may result in a system that does not create incentives and provide support to close achievement gaps for all subgroups of students (*See 2.A.1.b*).
- By demonstrating that Indiana requires at least a 95 percent participation rate for all ESEA subgroups and for all tested grades on the State’s English/language arts and mathematics assessments. *See 2.A.i.*
- The lack of focus on increasing graduation rates or college readiness rates for all subgroups of students in Indiana’s proposed accountability system. *See 2.A.i.*
- Please demonstrate that Indiana’s proposed accountability system is designed to ensure that schools meet the State’s performance targets. *See 2.A.i.*
- Please address the concern that some English Learners and students with disabilities would be systematically excluded from Indiana’s proposed system of differentiated recognition, accountability, and support. *See 2.A.1.c.*
 - Demonstrate that all English Learners are included in Indiana’s statewide assessments as required by the ESEA. *See 2.A.i.a.*
 - Demonstrate that Indiana’s graduation rate calculation includes all students, including students with disabilities who receive or are on track to receive a certificate of completion. *See 2.A.i.a.*
- Please address concerns regarding interventions and supports for priority, focus, and reward schools, including:
 - By demonstrating that Indiana has identified the required number of priority, focus, and reward schools that meet the respective definitions of those groups of schools in ESEA flexibility. *See 2.C.i, 2.D.i, 2.E.ii.*
 - Indiana’s ability to ensure that all LEAs with one or more priority schools will implement meaningful interventions aligned with the turnaround principles in each priority school, for at least three years, no later than the 2014–2015 school year, including by addressing:
 - Whether the interventions priority schools will implement are aligned with the turnaround principles and likely to result in dramatic, systemic change;
 - Whether the current and proposed State law regarding the timeline for interventions in the State’s lowest-achieving schools would prevent Indiana from ensuring that all priority schools implement meaningful interventions aligned with the turnaround principles according to the timeline required by ESEA flexibility;
 - Whether current State law permits schools to move in and out of priority status each year; and
 - The fact that a school may exit priority status after only two consecutive years of maintaining a C grade or better. *See 2.D.iii.a, 2.D.iii.c, 2.D.iv.*
 - That Indiana has not identified the successful practices of effective schools and LEAs to help inform strategies for the lowest-performing schools. *See 2.D.iii.a, 2.D.iii.b., 2.E.iii.*

- The lack of a process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, low-performing schools and schools with the largest achievement gaps. *See 2.E.iii, 2.G.i.*
- The lack of detail on the process and timeline Indiana will use to ensure that each LEA identifies the needs of its focus schools and their students and provide examples of and justifications for the interventions Indiana will require its focus schools to implement to improve the performance of students who are furthest behind. *See 2.E.iii.*
- That a school may exit focus status without necessarily making significant progress in improving student achievement and narrowing achievement gaps. *See 2.E.iv.*
- Insufficient capacity to implement interventions that meet the requirements of ESEA flexibility in priority and focus schools given that approximately 32 percent of the State's Title I schools will be identified as priority or focus schools. *See 2.D.ii, 2.E.ii.*
- By describing a process for ensuring timely and comprehensive technical assistance for LEA implementation of interventions in priority and focus schools and by demonstrating that this process is likely to result in successful implementation of these interventions and in progress on leading indicators and student outcomes in these schools. *See 2.G.i.*
- By describing how Indiana will ensure that its LEAs leverage the funds they were previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources to support implementation in priority schools, focus schools, and other Title I schools. *See 2.G.iii.*
- Please describe how Indiana will hold LEAs, not just schools, accountable for improving school and student performance, particularly for turning around their priority schools. *See 2.G.ii.*
- Please demonstrate that Indiana's proposed accountability system provides incentives and supports for other Title I schools that, based on Indiana's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps, and that those incentives and supports are likely to improve student achievement, close achievement gaps, and increase the quality of instruction for students. *See 2.F.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please demonstrate that Indiana's guidelines for its teacher and principal evaluation and support systems will likely result in support for teachers that will enable them to improve their instructional practice. *See 3.A.ii.a.*
- Please demonstrate that Indiana's teacher and principal evaluation and support systems include as a significant factor in determining performance levels student growth data for all students, including students with disabilities who take the State's alternate assessments. *See 3.A.ii.c.*
- Please clarify how Indiana will help build the capacity of principals and LEAs to guide professional development that meets the needs of teachers. *See 3.A.ii.e.*
- Please clarify how Indiana intends to ensure a smooth transition from its current six-LEA pilot of evaluation and support systems that meet the State's guidelines to the scale-up that will occur when all LEAs must implement these systems. *See 3.B.*
- Please demonstrate that Indiana's teacher and principal evaluation and support systems include all students, including students with disabilities and English Learners. *See Principal 3 Overall Review.*