



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Brenda Cassellius
Commissioner
Minnesota Department of Education
1500 Highway 36
West Roseville, Minnesota 55113-4266

Dear Commissioner Cassellius:

Thank you for submitting Minnesota'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 Minnesota 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, Minnesota'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 Minnesota's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve Minnesota's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Minnesota's request and areas that would benefit from further development. Department staff also reviewed Minnesota's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Minnesota has a strong foundation that will enable it to effectively address each of the Principles within its waiver request. Minnesota should be especially commended for the hard work on teacher and leader evaluation and support systems. While there is still work to be done, Minnesota's adopted statute provides a strong basis for statewide implementation of an effective educator evaluation system. Working groups are engaged in developing many of the specific components and appear to be making good progress toward completing those by the close of the 2011–2012 school year. Finally, Minnesota took some positive steps in Principle 2 – such as setting ambitious goals for students, incorporating student growth into its accountability system, and providing a Statewide System of Support that will provide effective interventions in low-performing schools.

At the same time, based on the peer reviewers' comments and our review of the materials Minnesota has provided to date, we have identified certain components of your request that need further clarification and may need additional development or revision. In particular, significant concerns were identified with respect to the following:

- The accountability system's over-emphasis on normative growth, rather than growth to standards or attainment of proficiency;

- The lack of detail regarding Minnesota's capacity to successfully implement the proposed plans outlined in the request; and
- The lack of incentives to improve achievement for all groups of students and narrow achievement gaps between subgroups.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of Minnesota's request. We encourage Minnesota 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 Minnesota 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 outstanding concerns and provide Minnesota 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 Minnesota 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 Minnesota to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Minnesota 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 materials. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Sharon Hall, at 202-260-0998.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING MINNESOTA'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please clarify how feedback from teacher representatives and other diverse groups was used to make adjustments to the proposal. *See Consultation Question 1.*
- Please identify the work group members and their affiliation. *See Consultation Question 1.*

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

- Please provide more information on professional development related to the needs of students with disabilities and English Learners, especially for content teachers and for teaching content beyond English language proficiency. *See 1.B, Principle 1 Overall Review.*
- Please articulate how educator prep programs will ensure that pre-service teachers are being prepared to teach the new standards. *See 1.B, Principle 1 Overall Review.*

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

- Please address concerns regarding the emphasis on growth, including:
 - That status achievement accounts for only a small percentage of the Multiple Measures Rating (MMR), particularly given that the status achievement measure itself incorporates growth. *See 2.A.i, 2.A.i.a, Principle 2 Overall Review.*
 - The growth and achievement gap reduction indicators within the MMR are normative and do not communicate an expectation of growth to standards or an individual school's performance, only its change relative to other schools. *See 2.A.i, 2.A.i.a, Principle 2 Overall Review.*
 - The MMR's normative growth could mean that a school earned points as a result of their gap stagnating or even widening, provided that other schools had less gap reduction. *See 2.A.i.b.*
- Please address concerns regarding subgroup accountability, including:
 - Subgroup graduation rates do not carry much weight in the MMR and thus schools might get a high MMR rating but have low graduation rates for particular subgroups. *See 2.A.i, 2.A.i.a, 2.A.i.b, Principle 2 Overall Review.*
 - The graduation rate measure does not include subgroup performance, potentially identifying schools that will not necessarily be those with the largest gaps. *See 2.E.ii.*
- Please demonstrate that Minnesota has set AMOs that increase in annual equal increments toward a goal of reducing by half the percentage of students in the "all students" group and in each subgroup who are not proficient within six years, and use current proficiency rates from the 2010–2011 school year as the base year. *See 2.B.*
- Please address concerns regarding English Learners and students with disabilities, including:
 - The supports and interventions provided through the statewide system do not provide information on targeting to English Learners and students with disabilities. *See 2.A.i.c.*
 - The lack of focus on improving content instruction for English Learners and students with disabilities. *See 2.E.iii, 2.G.i, and Principle 2 Overall Review.*
- Please address concerns regarding interventions in priority and focus schools, including:
 - The LEA's responsibilities are not delineated in regard to focus and priority schools. *See 2.D.iii.a, 2.E.iii and Principle 2 Overall Review.*
 - The metrics for identification and exit are different, and the reason a school is identified may not match up with the reason it's eligible to exit. *See 2.E.iv and 2.E.iv.a.*
 - The lack of a process for technical assistance, review, approval, and monitoring of improvement plan to ensure the plans are effective responses to the actual challenges faced by the schools. *See 2.D.iii.a and 2.D.iii.b.*

- The lack of information on the duration of required interventions, and the need for clarification on the three-year process described on page 71. *See 2.D.iii.c.*
- Please provide a demonstration that the schools Minnesota provided on its list of reward, priority, and focus schools align with the respective definitions of these schools provided in the document titled *ESEA Flexibility*, particularly in the places where Minnesota used normative growth to identify schools and in the case of schools with graduation rates below 60%. *See 2.C.i, 2.D.i, and 2.E.ii.*
- Please provide more information about supports, interventions, and incentives, including how they are linked to meeting AMOs, for the large percentage of schools that are not priority, focus, continuous improvement, celebration, or reward. *See 2.F and Principle 2 Overall Review.*
- Please address the concern that the plan does not include a process, supports, and consequences for low-performing districts. *See 2.G.ii.*
- Please provide more information about any state or local funding to be allocated to support the proposed system of recognition, support, and accountability. *See 2.G.iii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

In response to Principle 3, Minnesota selected Option B, applicable to a State that has already developed and adopted one or more, but not all, guidelines for teacher and principal evaluation systems. The peers reviewed Minnesota’s response against criteria for that option. In further consideration of Minnesota’s response, we believe Minnesota more appropriately falls under Option A, applicable to a State that has not already adopted guidelines. Accordingly, our suggestions below reflect the fact that the Minnesota legislature mandated the Minnesota Department of Education to create and publish guidelines for model teacher and principal evaluation system in 2012, after Minnesota submitted its ESEA flexibility request.

- Please address the following concerns regarding Minnesota’s plan for developing its teacher and principal evaluation and support system:
 - Please provide more information on how Minnesota will ensure high-quality and consistent implementation, including plans to monitor for fidelity and rigor of implementation and plans to train evaluators and ensure inter-rater reliability. *See 3.B.*
 - Please provide additional information on how Minnesota plans to work through the collective bargaining process to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*
- Please address the following concerns before Minnesota submits its teacher and principal evaluation and support guidelines by the end of the 2011–2012 school year (note: these concerns do not need to be addressed prior to approval of ESEA flexibility):
 - Securing expert guidance in measuring growth for students with disabilities and English Learners and their teachers. *See 3.A.i Option B.v.*
 - The lack of statutory requirements around principal evaluations, particularly for measuring student growth, providing timely feedback, and using the result of the evaluation for personnel decisions. *See 3.A.ii.c, 3.A.ii.c(i), 3.A.ii.e, 3.A.ii.f, and Principle 3 Overall Review.*
 - Providing more detail on the State’s process for determining validity of the measures in determining performance levels or for ensuring that districts will implement the measures in a consistent and high-quality manner. *See 3.A.ii.c, 3.A.ii.c(i), and Principle 3 Overall Review.*
 - Measuring growth on alternative assessments. *See 3.A.ii.c(ii).*
 - Meeting the timelines in ESEA Flexibility for measuring student growth in non-tested grades and subjects. *See 3.A.ii.c(iii).*
 - How “adequate progress” will trigger disciplinary actions. *See 3.A.ii.f.*

