



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 19, 2018

The Honorable Jennifer McCormick
Superintendent
Indiana Department of Education
South Tower, Suite 600
115 W. Washington Street
Indianapolis, IN 46204

Dear Superintendent McCormick:

I am writing in response to the Indiana Department of Education's (IDOE's) request on December 18, 2017, for a waiver of section 8101(43) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeed Act (ESSA). ESEA section 8101(43) states that a regular high school diploma "(A) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E); and (B) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential." IDOE requested this waiver to consider its General diploma, which is not "awarded to the preponderance of students in the State," as a regular high school diploma for purposes of calculating the four-year adjusted cohort graduation rate (ACGR) and any extended-year rates under ESEA section 8101(23) and (25).

I appreciate the comprehensive information that IDOE submitted on December 18, 2017, as part of this waiver request. After carefully reviewing this information in the context of IDOE's request, I am declining to approve IDOE's request because it does not meet the statutory requirements for a waiver outlined in ESEA section 8401(b), which requires waiver requests to include a plan that, among other things:

- Describes how the waiving of requirements will advance student academic achievement (ESEA section 8401(b)(1)(C));
- Describes the methods that will be used to monitor and regularly evaluate the effectiveness of the implementation of the plan (ESEA section 8401(b)(1)(D)); and
- Describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested (ESEA section 8401(b)(1)(F)).
- In the case of a waiver that relates to provisions of ESEA section 1111(h), describes how waiving of requirements will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of subgroups (ESEA section 8401(b)(1)(F)).

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

IDOE does not sufficiently demonstrate how its request meets the requirements because IDOE does not demonstrate how its request would advance student academic achievement (ESEA section 8401(b)(1)(C)). The ESEA definition of a “regular high school diploma” provides protection for students to ensure that they are provided significant opportunity to receive a fair, equitable and high-quality education, and to close educational achievement gaps, consistent with purpose of Title I under ESEA section 1001. As IDOE explains in its request, the Core 40 diploma is the diploma awarded to the preponderance of students in the State and includes two higher variants, the Core 40 with Academic Honors and the Core 40 with Technical Honors. The General diploma is awarded to approximately 12 percent of students and requires that a student “opt out” of the Core 40 diploma track. It is also our understanding that the General diploma requires less rigorous coursework than the Core 40 diploma and is insufficient to enroll in an Indiana four-year college or university. Given these factors, it is unclear how the waiver requested by IDOE would ensure that students awarded a General diploma are held to the same standards as students awarded the Core 40 diploma. Thus, IDOE has not demonstrated how waiving the definition of “regular high school diploma” to include the General diploma would advance the academic achievement of the students who receive it.

The ACGR is a critical component of accountability under Title I. State and local educational agencies must include the four-year ACGR and any extended-year rates on report cards required under ESEA section 1111(h). In addition, these rates are an important component of a State’s accountability system under ESEA section 1111(c), particularly with respect to the identification of schools for Comprehensive Support and Improvement. In this regard, IDOE indicated in its request that excluding its General diploma from ACGR calculations would likely result in some schools being identified for Comprehensive Support and Improvement for low graduation rates that would not be identified as such if General diploma recipients were not included. However, the additional schools with significant percentages of students not receiving the Core 40 or higher diplomas may need additional supports and services available to them under this designation. Thus, it is again unclear how the waiver would advance student academic achievement (ESEA section 8401(b)(1)(C)) or ensure that the student populations affected by the waiver will receive appropriate support (ESEA section 8401(b)(1)(F)).

Additionally, IDOE also does not sufficiently demonstrate how it will monitor and regularly evaluate the effectiveness of the implementation of a waiver, if granted (ESEA section 8401(b)(1)(D)). Further, IDOE does not sufficiently demonstrate how a waiver would enable it to maintain or improve transparency in reporting to parents and the public on graduation rates. Including students who receive a General diploma would inflate a school’s graduation rate by including students who do not graduate with a regular high school diploma (ESEA section 8401(b)(1)(F)).

Under ESEA section 8401(b)(4)(B)(ii), IDOE may revise and resubmit its waiver request by no later than 60 days from the date of this letter. If you would like additional assistance or have

questions, please contact Collette Roney of my staff at: OSS.Indiana@ed.gov. I appreciate the work you are doing to improve your schools in Indiana and provide a high-quality education for all students.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant
Secretary of Elementary and Secondary
Education

cc: Nathan Williamson, Director of Title Grants and Support
Lee Ann Kwiatkowski, Chief of Staff