



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

November 10, 2015

The Honorable John White
State Superintendent of Education
Louisiana Department of Education
PO Box 94064
Baton Rouge, LA 70804

Dear Superintendent White:

I am writing in response to Louisiana's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Louisiana may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Louisiana's request dated November 4, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am renewing approval of Louisiana's ESEA flexibility request through the end of the 2015–2016 school year, subject to the conditions below.

My decision to renew approval of Louisiana's ESEA flexibility request is based on my determination that ESEA flexibility has been helpful in Louisiana's efforts to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Louisiana will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Louisiana's approved request will be posted on ED's website.

Louisiana's original ESEA flexibility request and extension request were approved based in part on an assurance that it would administer, no later than the 2014–2015 school year, an alternate assessment for students with disabilities based on grade-level academic achievement standards or an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and aligned with the State's college- and career-ready standards. Additionally, as a part of receiving renewal of ESEA flexibility, Louisiana must develop and administer an English language proficiency (ELP) assessment aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii), no later than the 2015–2016 school year.

While Louisiana administered an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities in 2014–2015, the State acknowledges that the assessment was not fully aligned to the State's college- and career-ready standards and that the alternate assessment it will administer in 2015–2016 will also not be fully aligned.

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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.

Similarly, the State acknowledges that its current ELP standards and the ELP assessment it will administer in 2015–2016 will not fully meet ESEA or ESEA flexibility requirements. Finally, while Louisiana has submitted a high-quality plan to administer in 2015–2016 assessments in reading/language arts and mathematics aligned to the State’s college- and career-ready standards, it does not have a high-quality plan in place to administer such assessments beyond the 2015–2016 school year. Accordingly, I have determined, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, to place Louisiana on “high-risk” status.

To receive approval to implement ESEA flexibility beyond the 2015–2016 school year and remove the “high-risk” status, Louisiana must provide evidence that it will:

- Administer, in the 2016–2017 school year and each year thereafter, high-quality assessments in reading/language arts and mathematics aligned to the State’s college- and career-ready standards.
- Administer, in the 2016–2017 school year, an intermediary alternate assessment of its own selection based on alternate academic achievement standards for students with the most significant cognitive disabilities. The State must administer, no later than the 2017–2018 school year and each year thereafter, an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities that is consistent with 34 C.F.R. § 200.6(a)(2) and fully aligned with the State’s college- and career-ready standards.
- Administer, no later than the 2016–2017 school year and each year thereafter, an ELP assessment of its own selection aligned with the State’s ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii).

To meet the above conditions, Louisiana must:

- Submit, no later than May 1, 2016, a high-quality plan, as described in the ESEA Flexibility Review Guidance (available at: <http://www.ed.gov/esea/flexibility/documents/review-guidance.doc>), to administer high-quality English/language arts and mathematics assessments no later than the 2016–2017 school year and each year thereafter.
- Submit, no later than May 1, 2016, a high-quality plan, as described in the ESEA flexibility Review Guidance, to administer an intermediary alternate assessment in the 2016–2017 school year based on alternate academic achievement standards for students with the most significant cognitive disabilities; and to administer an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities that is fully aligned with Louisiana’s college- and career-ready standards no later than the 2017–2018 school year and each year thereafter.
- Submit, no later than May 1, 2016, a high-quality plan, as described in the ESEA flexibility Review Guidance, to administer a high-quality ELP assessment aligned to Louisiana’s ELP standards no later than the 2016–2017 school year and each year thereafter.
- Confer with ED on a monthly basis, beginning on November 30, 2015, regarding its implementation of ESEA flexibility and progress toward meeting the above conditions.

Additionally, this renewal is subject to Louisiana’s commitment to:

- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that a school in Louisiana may not receive the highest rating in the SEA’s differentiated recognition, accountability, and support system if there are significant achievement or graduation rate gaps that are not closing in the school. This may be done either by: (1) submitting data about reward schools identified for the 2016–2017 school year that demonstrate that none of the identified schools have any significant gaps; or (2) by submitting evidence that Louisiana has a policy in place to ensure that schools cannot be identified as reward schools if they have significant achievement gaps.
- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that Louisiana is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in its teacher and principal evaluation and support systems based on student performance data and State assessments administered no later than the 2016–2017 school year and each year thereafter, and that these data will be used to inform personnel decisions.
- Demonstrate during ED’s monitoring and follow-up of ESEA flexibility implementation, that Louisiana is meaningfully collaborating with stakeholders on the implementation of Louisiana’s ESEA flexibility request, including with students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities, organizations representing English learners, business organizations, institutions of higher education, and Indian tribes.

If the conditions above are not resolved, Louisiana will be required to resume implementing the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), in school year 2016–2017. If Louisiana resolves all of the above conditions and makes no additional changes to its ESEA flexibility request, and is otherwise continuing to fulfill the commitments in its ESEA flexibility request, I will consider Louisiana’s request for renewal of ESEA flexibility for additional years.

Louisiana may request reconsideration of its “high-risk” designation by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If Louisiana chooses to request such reconsideration, that request must be submitted via e-mail to me, with a copy to Elizabeth Witt and Andrew Curry at: OSS.Louisiana@ed.gov, as well as by U.S. mail or commercial delivery. If I do not receive a request for reconsideration by November 23, 2015, Louisiana’s “high-risk” status will be considered final, and will be lifted only upon completing the actions set forth above.

This letter also provides my approval of Louisiana’s amendments to its ESEA flexibility request. A summary of Louisiana’s significant approved amendments is enclosed with this letter.

Louisiana continues to have an affirmative responsibility to ensure that it and its LEAs are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the

Page 4 – The Honorable John White

Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

If you have any questions regarding this letter or the implementation of Louisiana's ESEA flexibility request, please contact Elizabeth Witt or Andrew Curry of my staff at: OSS.Louisiana@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of Louisiana's students.

Sincerely,

/s/

Ann Whalen
Delegated the authority to perform the functions
and duties of Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Bridget Devlin, Louisiana Department of Education

Approved Amendments to Louisiana's ESEA Flexibility Request

The following is a summary of the significant amendments that Louisiana included as part of its request for renewal of ESEA flexibility. ED approves these amendments because Louisiana's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html>) for Louisiana's complete ESEA flexibility request.

Principle 1: College and Career Ready Expectations for All Students

Revision: Louisiana will develop resources and provide direct supports for principals, including an extension of the TAP professional development model and the new Louisiana Principal Fellowship program, as part of its implementation of college- and career-ready standards and assessments.

Principle 2: State-Developed System of Differentiated Recognition, Accountability and Support

Revision: Louisiana's State Board has approved an alternate pathway for students with the most significant cognitive disabilities to attain a high school diploma. Louisiana will award 100 points in its graduation index, which makes up 25 percent of a high school's rating in the State's accountability system, for eligible students who complete the alternate pathway.

Revision: Louisiana will change the formula for how it awards progress points to high schools in its accountability index so that if at least 50 percent of previously non-proficient students exceed expectations on the ACT series, then schools will earn 0.05 points for each student exceeding expectations and 0.1 points for each student who previously scored at the lowest performance level.

Revision: Louisiana will change its definition for high-progress reward schools. Beginning with data from the 2014–2015 assessment, 50.01 percent of students in K-8 schools' and 30 percent of students in high schools' non-proficient super subgroup must exceed expected growth in English language arts and/or mathematics for a school to be considered high-progress. The State will change the percentage in high schools to 50.1 percent in 2015–2016.