
ESEA Flexibility

Request for Window 3

Puerto Rico Department of Education

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INTRODUCTION

The U.S. Department of Education (Department) is offering each State educational agency (SEA) the opportunity to request flexibility on behalf of itself, its local educational agencies (LEAs), and its schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity will provide educators and State and local leaders with flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. This flexibility is intended to build on and support the significant State and local reform efforts already underway in critical areas such as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

The Department invites interested SEAs to request this flexibility pursuant to the authority in section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), which allows the

Secretary to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver. Under this flexibility, the Department would grant waivers through the 2014–2015 school year.

Review and Evaluation of Requests

The Department will use a review process that will include both external peer reviewers and staff reviewers to evaluate SEA requests for this flexibility. This review process will help ensure that each request for this flexibility approved by the Department is consistent with the principles described in the document titled *ESEA Flexibility*, which are designed to support State efforts to improve student academic achievement and increase the quality of instruction, and is both educationally and technically sound. Reviewers will evaluate whether and how each request for this flexibility will support a comprehensive and coherent set of improvements in the areas of standards and assessments, accountability, and teacher and principal effectiveness that will lead to improved student outcomes. Each SEA will have an opportunity, if necessary, to clarify its plans for peer and staff reviewers and to answer any questions reviewers may have. The peer reviewers will then provide comments to the Department. Taking those comments into consideration, the Secretary will make a decision regarding each SEA's request for this flexibility. If an SEA's request for this flexibility is not granted, reviewers and the Department will provide feedback to the SEA about the components of the SEA's request that need additional development in order for the request to be approved.

GENERAL INSTRUCTIONS

An SEA seeking approval to implement this flexibility must submit a high-quality request that addresses all aspects of the principles and waivers and, in each place where a plan is required, includes a high-quality plan. Consistent with ESEA section 9401(d)(1), the Secretary intends to grant waivers that are included in this flexibility through the end of the 2014–2015 school year for SEAs that request the flexibility in “Window 3” (*i.e.*, the September 2012 submission window for peer review in October 2012). The Department is asking SEAs to submit requests that include plans through the 2014–2015 school year in order to provide a complete picture of the SEA's reform efforts. The Department will not accept a request that meets only some of the principles of this flexibility.

This *ESEA Flexibility Request for Window 3* is intended for use by SEAs requesting ESEA flexibility in September 2012 for peer review in October 2012. The timelines incorporated into this request reflect the timelines for the waivers, key principles, and action items of ESEA flexibility for an SEA that is requesting flexibility in this third window.

High-Quality Request: A high-quality request for this flexibility is one that is comprehensive and coherent in its approach, and that clearly indicates how this flexibility will help an SEA and its LEAs improve student achievement and the quality of instruction for students.

A high-quality request will (1) if an SEA has already met a principle, provide a description of how it has done so, including evidence as required; and (2) if an SEA has not yet met a principle, describe how it will meet the principle on the required timelines, including any progress to date. For

example, an SEA that has not adopted minimum guidelines for local teacher and principal evaluation and support systems consistent with Principle 3 by the time it submits its request for the flexibility will need to provide a plan demonstrating that it will do so by the end of the 2012–2013 school year. In each such case, an SEA’s plan must include, at a minimum, the following elements for each principle that the SEA has not yet met:

1. **Key milestones and activities:** Significant milestones to be achieved in order to meet a given principle, and essential activities to be accomplished in order to reach the key milestones. The SEA should also include any essential activities that have already been completed or key milestones that have already been reached so that reviewers can understand the context for and fully evaluate the SEA’s plan to meet a given principle.
2. **Detailed timeline:** A specific schedule setting forth the dates on which key activities will begin and be completed and milestones will be achieved so that the SEA can meet the principle by the required date.
3. **Party or parties responsible:** Identification of the SEA staff (*e.g.*, position, title, or office) and, as appropriate, others who will be responsible for ensuring that each key activity is accomplished.
4. **Evidence:** Where required, documentation to support the plan and demonstrate the SEA’s progress in implementing the plan. This *ESEA Flexibility Request for Window 3* indicates the specific evidence that the SEA must either include in its request or provide at a future reporting date.
5. **Resources:** Resources necessary to complete the key activities, including staff time and additional funding.
6. **Significant obstacles:** Any major obstacles that may hinder completion of key milestones and activities (*e.g.*, State laws that need to be changed) and a plan to overcome them.

Included on page 19 of this document is an example of a format for a table that an SEA may use to submit a plan that is required for any principle of this flexibility that the SEA has not already met. An SEA that elects to use this format may also supplement the table with text that provides an overview of the plan.

An SEA should keep in mind the required timelines for meeting each principle and develop credible plans that allow for completion of the activities necessary to meet each principle. Although the plan for each principle will reflect that particular principle, as discussed above, an SEA should look across all plans to make sure that it puts forward a comprehensive and coherent request for this flexibility.

Preparing the Request: To prepare a high-quality request, it is extremely important that an SEA refer to all of the provided resources, including the document titled *ESEA Flexibility*, which includes the principles, definitions, and timelines; the document titled *ESEA Flexibility Review Guidance for Window 3*, which includes the criteria that will be used by the peer reviewers to determine if the request meets the principles of this flexibility; and the document titled *ESEA Flexibility Frequently Asked Questions*, which provides additional guidance for SEAs in preparing their requests.

As used in this request form, the following terms have the definitions set forth in the document titled *ESEA Flexibility*: (1) college- and career-ready standards, (2) focus school, (3) high-quality assessment, (4) priority school, (5) reward school, (6) standards that are common to a significant number of States, (7) State network of institutions of higher education, (8) student growth, and (9) turnaround principles.

Each request must include:

- A table of contents and a list of attachments, using the forms on pages 1 and 2.
- The cover sheet (p. 3), waivers requested (p. 4-6), and assurances (p. 7-8).
- A description of how the SEA has met the consultation requirements (p. 9).
- Evidence and plans to meet the principles (p. 10-18). An SEA will enter narrative text in the text boxes provided, complete the required tables, and provide other required evidence. An SEA may supplement the narrative text in a text box with attachments, which will be included in an appendix. Any supplemental attachments that are included in an appendix must be referenced in the related narrative text.

Requests should not include personally identifiable information.

Process for Submitting the Request: An SEA must submit a request to the Department to receive the flexibility. This request form and other pertinent documents are available on the Department's Web site at: <http://www.ed.gov/esea/flexibility>.

Electronic Submission: The Department strongly prefers to receive an SEA's request for the flexibility electronically. The SEA should submit it to the following address:
ESEAflexibility@ed.gov.

Paper Submission: In the alternative, an SEA may submit the original and two copies of its request for the flexibility to the following address:

Paul S. Brown, Acting Director
Student Achievement and School Accountability Programs
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W320
Washington, DC 20202-6132

Due to potential delays in processing mail sent through the U.S. Postal Service, SEAs are encouraged to use alternate carriers for paper submissions.

Request Submission Deadline

The submission due date for Window 3 is September 6, 2012.

Technical Assistance for SEAs

The Department has conducted a number of webinars to assist SEAs in preparing their requests and to respond to questions. Please visit the Department's Web site at:

<http://www.ed.gov/esea/flexibility> for copies of previously conducted webinars and information on upcoming webinars.

For Further Information

If you have any questions, please contact the Department by e-mail at ESEAflexibility@ed.gov.

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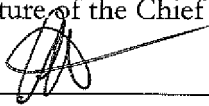
For each attachment included in the *ESEA Flexibility Request for Window 3*, label the attachment with the corresponding number from the list of attachments below and indicate the page number where the attachment is located. If an attachment is not applicable to the SEA’s request, indicate “N/A” instead of a page number. Reference relevant attachments in the narrative portions of the request.

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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

Legal Name of Requester: Edward Moreno Alonso, Ed. D.	Requester's Mailing Address: P. O. Box 190759 San Juan, P.R. 00919-0759
State Contact for the ESEA Flexibility Request Name: Grisel Muñoz Marrero, Ph.D. Position and Office: Undersecretary of Academic Affairs Contact's Mailing Address: P. O. Box 190759 San Juan, P.R. 00919-0759 Telephone: 787-773-3060 Fax: Click here to enter text. Email address: munozmg@de.pr.gov	
Chief State School Officer (Printed Name): Edward Moreno Alonso, Ed. D.	Telephone: 787-773-5803
Signature of the Chief State School Officer: X 	Date: August 31, 2012
The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.	

WAIVERS

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled *ESEA Flexibility Frequently Asked Questions* enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State’s proficient level of academic achievement on the State’s assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority and focus schools that meet the definitions of “priority schools” and “focus schools,” respectively, set forth in the document titled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that

section only to LEAs with schools identified for improvement, corrective action, or restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State’s priority and focus schools that meet the definitions of “priority schools” and “focus schools,” respectively, set forth in the document titled *ESEA Flexibility*.

- 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State’s reward schools that meet the definition of “reward schools” set forth in the document titled *ESEA Flexibility*.
- 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.
- 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State’s priority schools that meet the definition of “priority schools” set forth in the document titled *ESEA Flexibility*.

Optional Flexibilities:

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

- 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.
- 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA’s State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all

subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools.

13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not otherwise rank sufficiently high to be served under ESEA section 1113.

ASSURANCES

By submitting this request, the SEA assures that:

- 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
- 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)

NOTE: The Accountability Workbook (2009), states “In Puerto Rico, Spanish is the language of instruction, as well as the predominant language used in commerce and social interaction. Therefore, limited Spanish proficiency, or LSP, is the category that holds academic significance in Puerto Rico. Accordingly, for purposes of Puerto Rico’s accountability system, LSP will be substituted where there is a reference to Limited English Proficiency (LEP) in the accountability provisions of NCLB. All LSP students are required to participate in the assessment program with appropriate accommodations as needed.” PRDE is participating in the development of Spanish Language Proficiency (SLP) standards and the accompanying assessment through a U.S. Department of Education Enhanced Assessment Grant (EAG). The World-Class Instructional Design and Assessment (WIDA) consortium was awarded the funding through the EAG program to develop the SLP standards and aligned assessments. The PRDE joined WIDA to develop Spanish Language Proficiency Standards which are scheduled to be released in early 2013.

- 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments 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 are aligned with the State's college- and career-ready standards. (Principle 1)
- 4. It will develop and administer ELP assessments 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). (Principle 1)

NOTE: The Accountability Workbook (2009), states “In Puerto Rico, Spanish is the language of instruction, as well as the predominant language used in commerce and social interaction. Therefore, limited Spanish proficiency, or LSP, is the category that holds academic significance in Puerto Rico. Accordingly, for purposes of Puerto Rico’s accountability system, LSP will be substituted where there is a reference to Limited English Proficiency (LEP) in the accountability provisions of NCLB. All LSP students are required to participate in the assessment program with appropriate accommodations as needed.” PRDE is participating in the development of Spanish Language Proficiency (SLP) standards and the accompanying assessment through a U.S. Department of Education Enhanced Assessment Grant (EAG). The World-Class Instructional Design and Assessment (WIDA) consortium was awarded the funding through the EAG program to develop the SLP standards and aligned assessments. The PRDE joined WIDA to develop Spanish Language Proficiency assessments. By August 2014, WIDA will have developed aligned assessments for grades K-2.

5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)
6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools as well as make public its lists of priority and focus schools if it chooses to update those lists. (Principle 2)
8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)
- NOTE:** Currently, student growth data does not exist. However, the PRDE is currently working with a nationally recognized vendor to develop a growth model that encompasses our state testing program as well as a series of assessments in the non-tested grades and subjects for the purpose of providing student growth data to every teacher to inform instructional practices and teacher evaluations. It is expected that growth data will be made available for the 2012-2013 reporting period.
9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website)

and has attached a copy of, or link to, that notice (Attachment 3).

- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the “all students” group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State’s annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all the guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2012–2013 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State’s Committee of Practitioners regarding the information set forth in the request and provide the following:

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

Our teachers in Puerto Rico are not currently represented by elected and certified teachers’ unions, however, teachers are active in four primary teacher representative organizations, including non-certified teacher unions (for more context please see pages 23-24). As a result, we were deliberate in inviting a significant number of teachers to each of our four public forums. Teachers and other school personnel participated in these forums in a noteworthy way. In addition to the overall descriptions of stakeholder feedback provided below (pages 13-14), we received a tremendous amount of positive feedback from our teachers. In particular, teachers were excited about the opportunities that a new differentiated accountability system can bring, and were supportive of the overarching goals and structure of this differentiated system. Most importantly, the teachers believe that this new accountability system will work better for Puerto Rico’s students, including students with disabilities.

2. A description of how the SEA meaningfully engaged and solicited input on its request from 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.

In July 2012, the Secretary of Education posted a letter on PRDE’s website making public Puerto Rico’s intent to submit a request for ESEA flexibility. This letter outlines PRDE’s intention to work towards improving the quality of instruction and students achievement by implementing a new accountability and recognition system, and providing technical assistance during instruction. The Secretary encouraged all stakeholders to share their opinions and comments on PRDE’s intention to apply for the flexibility request. This letter can be found on the PRDE’s website at the following link:
<http://www.de.gobierno.pr/sites/de.gobierno.pr/files/cartas/Carta%20secretario%20ESEA.pdf>.

The following chart outlines the primary meetings conducted with diverse stakeholders to engage them in the consultation process and to inform development of this ESEA flexibility request. In preparation for each of these meetings, an official memo was sent to invite stakeholders and representatives to participate in these important conversations. Each conversation included a presentation of the ESEA flexibility request, followed by discussions of the proposals components and the potential impact of flexibility on schools, teachers, students, and the island overall. During the four forums identified in the chart below, comment cards were made available to attendees to submit written feedback if desired. In addition, the letter from the Secretary (described above) was provided to each forum participant.

Primary Stakeholder Meetings Conducted

Date	Forum	Stakeholders	PRDE Central Staff
November and December 2011	UPR Leaders Meetings (4) <ul style="list-style-type: none"> • Four meetings at the University of Puerto Rico, Rio Piedras campus 	UPR President, 15-20 professors in the areas of mathematics, science, Spanish, and English from the UPR, faculty from private universities	Dr. Grisel Muñoz, Undersecretary of Academic Affairs
July 2012	Coordinators Forum (1)	Regional coordinators for PPAA/PPEA	Pura Cotto Lopez, Special Assistant/Assessment Director
August 2012	Regional Forums (2) <ul style="list-style-type: none"> • Forum for eastern regions • Forum for western regions 	Teachers, school directors, content facilitators, special education personnel, superintendents, social workers, regional coordinators for PPAA/PPEA, parents, and community members	Pura Cotto Lopez, Special Assistant/Assessment Director
August 2012	Title I Committee of Practitioners (1)	COP members including central level personnel, parents, school directors, private school representatives and university members	Pura Cotto Lopez, Special Assistant/Assessment Director
August 2012	Community Leaders Forum (1)	NCLR and LULAC Puerto Rico Chapter members, Fundación Flamboyán, Fundación Angel Ramos, Fundación Banco Popular, SAPIENTIS, Instituto de Política Educativa y Desarrollo Comunitario (IPEDCO), and university representatives	Pura Cotto Lopez, Special Assistant/Assessment Director

University Meetings

In November and December of 2011, the Undersecretary of Academic Affairs participated in four meetings with the University of Puerto Rico and other university faculty to discuss the need for ESEA flexibility and its implications for the island. These meetings focused on college and career readiness and the need to lay additional groundwork to support Puerto Rico's submission of an ESEA flexibility request. Together, the Undersecretary, the UPR president, and UPR faculty discussed the process to align state high school standards with college expectations (i.e. freshman syllabus) in response to Principle 1. After these meetings, a group of 15-20 UPR professors conducted a 5-week alignment analysis with an emphasis on math, science, Spanish, and English. This process culminated in the presentation of these analyses to the PRDE Undersecretary of Academic Affairs, along with supporting documents, as well as a letter from the UPR president confirming the rigor of Puerto Rico's standards and alignment with college expectations.

Forums

In addition, from July 2012 through August 2012, we held four stakeholders meetings with approximately 130 participants including teachers, school directors, content facilitators, special education personnel, superintendents, social workers, regional coordinators for PPAA/PPEA, parents, civil rights organizations, and various members of the community including community leaders. In each of these meetings we had approximately 20 to 40 participants. The purpose of these meetings was to provide stakeholders with an overview of the flexibility request and to solicit feedback on the primary components of the flexibility request. An official memorandum (attachment 12) was sent to invite stakeholders and representatives from all seven regions to these meetings. Stakeholders had the opportunity to share their opinions, comments, and concerns about this request. A summary of the feedback received from our stakeholders is provided below, organized by principle.

Committee of Practitioners Meeting

During the month of August 2012, we held a meeting with our Title I Committee of Practitioners (COP). This committee is made up of central level PRDE personnel, parents, school directors, university members, and private school representatives. The purpose of this meeting was to discuss a draft of the Puerto Rico ESEA Flexibility Request and to solicit feedback on the primary components of the flexibility request. In advance of the COP meeting, an official memorandum (attachment 12) was distributed to invite COP members to this critical meeting. Stakeholders had the opportunity to share their opinions, comments, and concerns regarding this request. A summary of the feedback received from our stakeholders is provided below, organized by principle. The participants all agreed that the plan was drafted explicit and complete.

Stakeholder Feedback

Regarding college and career readiness, the stakeholders agreed that our standards are college and career ready providing students with a smooth transition from high school to post secondary studies. In addition stakeholders believe that PRDE content standards and grade-level expectations provide students with better opportunities internationally and prepare students to be responsible citizens. Also, stakeholders pointed out that there is a rigorous alignment between the standards and the curriculum. On the other hand, stakeholders also expressed their interest in PRDE promoting partnership with business, universities and schools. At the same time, stakeholders indicated that we should reevaluate

technical and vocational courses, providing more technical and vocational courses in the public schools and providing more flexibility for special education students to enter in our vocational schools. Moreover, stakeholders indicated the importance for all non-tested grade and subject areas curriculum to better align with their standards and increasing PRDE's communication with all post secondary institutions and universities to integrate university programs within the public schools. Finally, stakeholders indicated the need to reevaluate *programas de educacion acelerada* and their curriculum as well as placements exams.

Stakeholders agreed that the existing accountability system is punitive. Although there were some concerns about the changes in the new accountability system, stakeholders thought that the new proposed system allows for better classification of schools as well as better use of data for decision making. Participants from these meeting provided input on additional incentives for rewards schools (both highest performing and high progress). Some of these incentives are: allow reward schools to paint in a different color, provide internet in school, allow high school students from reward schools to take entry level college courses (not advanced placement), incentives for teachers and school directors, public recognition through the media, and recognition from the Governor and Secretary of Education. Stakeholders also proposed that reward schools should have their own flag, mascot, have science and technology laboratories and obtain a maintenance contract for one year on technical equipment.

Stakeholders indicated that PRDE needs to redesign their current system for a clear merit system. In addition, participants thought that teachers and schools director are very effective but they need more support and coaching. Stakeholders strongly agreed a fair and effective evaluation system should be tied to student achievement, and the importance of having formative and summative evaluations in all grades and subjects. Finally, participants indicated that it is important with the new evaluation system for school directors to restructure the school schedule to offer better options to students and for classroom visits.

EVALUATION

The Department encourages an SEA that receives approval to implement the flexibility to collaborate with the Department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. Upon receipt of approval of the flexibility, an interested SEA will need to nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principles 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if it is determined to be feasible and appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

Check here if you are interested in collaborating with the Department in this evaluation, if your request for the flexibility is approved.

OVERVIEW OF SEA’S REQUEST FOR THE ESEA FLEXIBILITY

Provide an overview (about 500 words) of the SEA’s request for the flexibility that:

1. explains the SEA’s comprehensive approach to implement the waivers and principles and describes the SEA’s strategy to ensure this approach is coherent within and across the principles; and
2. describes how the implementation of the waivers and principles will enhance the SEA’s and its LEAs’ ability to increase the quality of instruction for students and improve student achievement.

Overview

ESEA flexibility represents a pivotal moment not simply for the Puerto Rico Department of Education (PRDE), but for educators, students, parents, and other stakeholders across the island. With this flexibility, the PRDE has a tremendous opportunity to implement rigorous plans to boost student achievement and improve educational outcomes for all students, including students with disabilities and Spanish learners. In addition, ESEA flexibility will allow us to renew our focus on improving quality of instruction, aligning the educational system to college and career readiness goals, and developing a framework of evaluation and support for Puerto Rico’s educators. We are requesting this set of waivers to empower us to meaningfully improve instruction and increase achievement for all students in Puerto Rico.

Principle 1 reflects the PRDE’s rigorous, approved, and adopted college and career ready academic content standards in Spanish language arts and mathematics for grades K-12. These standards include grade-specific content expectations for all students in each grade level. A gap analysis study conducted in September 2011 showed a high correspondence between the PRDE academic content standards and the Common Core State Standards. In addition, the University of Puerto Rico has conducted an analysis that determined that the PRDE standards are sufficient to ensure student success in college and career. Principle 2 proposes a differentiated accountability system that sets new ambitious AMOs; identifies priority, focus, and reward schools; identifies differentiated supports for schools in all categories including the 75% of schools in the middle; and engages the community and other stakeholders to participate in educating Puerto Rico’s school children. Principle 3 demonstrates the PRDE’s commitment to an evaluation process that recognizes and enhances teacher and school director strengths while identifying and supporting their areas of need. Finally, Principle 4 exhibits our determination to reduce the administrative burdens inflicted on our districts and schools.

We believe all of the work outlined in this flexibility request will move us toward greater success in closing achievement and graduation gaps. For far too long, significant portions of our student population have struggled to achieve at desired levels. Implementation of PRDE’s academic content standards is the vehicle to reenergize our focus on classroom instruction and this flexibility is a timely opportunity to focus on long-term, continuous improvement. Combined with the systemic improvements we have made over the last several years, we believe that it is realistic and appropriate to hold our schools accountable for student growth. We believe that our schools can both grow

achievement levels for individual students and close gaps between groups of students.

The implementation of the plans described in this ESEA flexibility request will enhance the ability of the Puerto Rico Department of Education and the schools across the island to increase the quality of instruction for all students and improve their achievement levels. Puerto Rico’s dedication to accountability, support for educators, spirit of collaboration, and excellence for all students will be essential in guiding Puerto Rico in preparing world-class college and career ready students.

Influencing development of this flexibility request and its various components was the guidance set forth by the U.S. Department of Education (USED) in a number of resources including *ESEA Flexibility*, *ESEA Review Guidance*, and *ESEA Flexibility Frequently Asked Questions*, as well as other supporting documents developed by the USED and the Council of Chief State School Officers (CCSSO).

Background and Context for Puerto Rico’s Flexibility Request

The Puerto Rico Department of Education (PRDE) is requesting flexibility regarding specific requirements of the federal No Child Left Behind Act of 2001 (NCLB). As a recipient of federal education funds, the PRDE faces the same responsibility that states face to implement and comply with federal legislation. Our intention is to implement rigorous plans to improve educational outcomes for all students in Puerto Rico, including students with disabilities and limited Spanish proficiency students, close achievement gaps, improve the quality of instruction, and ensure college and career readiness. The educational system in Puerto Rico has some significant differences from other states and these differences represent unique challenges to the systemic change that is needed to improve educational outcomes. The provision of NCLB flexibility will better meet the unique needs of students, teachers, schools, and districts island-wide in Puerto Rico.

Puerto Rico’s Vision and Mission

The vision of the Puerto Rico Department of Education is that our students are the primary force of the system, our teachers are the main agent of change, and our school directors are the facilitators of all processes which occur within each of our schools. To help make this vision a reality, the mission of the Department of Education is to promote the development and formation of the student based on the core values of society, through a free education system accessible to all.

Puerto Rico’s Educational System

The Puerto Rico Department of Education is the governmental entity responsible for providing primary and secondary public education in Puerto Rico. Puerto Rico has been working since the 2002-2003 school year to implement the requirements of the No Child Left Behind Act of 2001 (NCLB). Over the years, the PRDE has worked to develop rigorous standards for Spanish language arts, mathematics, science, and English as a second language; it has also developed a system incorporating general assessments (the *Pruebas Puertorriqueñas de Aprovechamiento Académico*; PPAA) as well as an alternate assessment for students with the most significant cognitive disabilities (the *Pruebas Puertorriqueñas de Evaluación Alternativa*; PPEA). The PRDE has worked to submit evidence to the U.S. Department of Education demonstrating its compliance with the law’s mandates, and the validity of its implemented standards and assessment systems for their intended purposes.

Each school in Puerto Rico is required to develop or modify annually either an action plan for continuous improvement or a school improvement plan. School Improvement Grant schools use the school improvement plan (based on the results of a SIG needs assessment) while all others develop action plans (based on the Florida and Islands Comprehensive Center, FLICC needs assessment). We have developed integrated technology tools that guide the development of the action plans and collect the data for easy monitoring by PRDE.

The PRDE oversees one island-wide education system comprising 1,457 public schools serving more than 471,000 students from kindergarten through grade 12 and employing 31,136 teachers (see Exhibit 1 for the number of schools per level). Of these teachers, 78% have a bachelor's degree, 21% have obtained a master's degree and less than 1% has a doctoral degree. Only about 0.60% of the teachers have less than a bachelor's degree. Most schools in the system (99%) are Title I schools; only 18 public schools are state funded. About half of all the public schools (51%) are considered rural.

Exhibit 1. Number of Schools per Level and Grades Served

School Level	Grades	Number of Schools
Elementary	PK-6	851
Middle School	7-9	209
High School	10-12	163
“Segunda Unidad”	K-9	170
Secondary	7-12	40
All Grades	K-12	24

The structure of the education system in Puerto Rico is unique in several ways. First, Puerto Rico is a unitary system serving as both the state educational agency (SEA) and a single local education agency (LEA). The PRDE consists of the central level, led by the secretary of education (appointed by the governor of Puerto Rico and a member of the executive cabinet), regions, school districts, and 1,457 schools (see Exhibit 2). The central level consists of two main undersecretaries: one for academic affairs and one for administrative affairs. The central office also includes a Secretariat of Special Education headed by a deputy secretary. This secretariat handles all matters related to administration, technical assistance, transition, transportation, equitable services and provision of services to students with disabilities and compliance with these provisions.

For administrative purposes, the PRDE divides the geographic area of Puerto Rico into seven regions and 28 school districts. A region is a functional unit of the PRDE under the supervision of a director in which PRDE develops administrative facilitation work for the benefit of school districts and schools falling within a geographical area. Regional directors report directly to the undersecretary of administrative affairs at the central level and are responsible for a variety of activities such as organizing training programs for school administrative personnel (e.g., budget, school staff management, fiscal audits, and purchasing procedures); coordinating transportation services; organizing academic, recreational, and cultural activities for schools; and managing professional services for students with disabilities. Regions are also responsible for providing support to address administrative issues in different schools and providing recommendations for addressing such

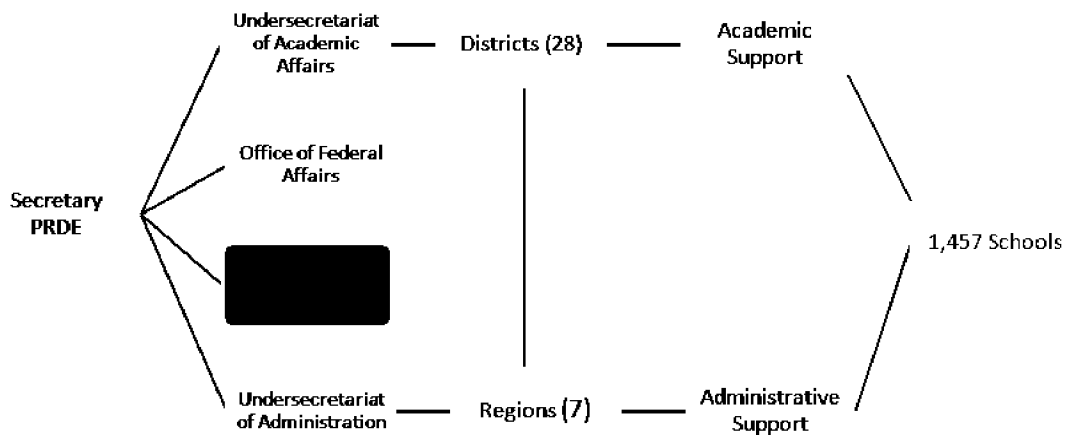
problems. In addition, regions support schools on discipline norms; maintain teacher certification records; provide orientation to school directors on services and systems related to school security as well as any other administrative function delegated by the secretary of education.

Although PRDE uses the term “districts,” these entities are not independent local educational agencies (LEAs). This branch of the PRDE operates under the direction of a district superintendent and oversees all academic activities to the schools within each district’s geographical area. District superintendents report directly to the undersecretary of academic affairs at the central level. Also at the district level are auxiliary superintendents whose responsibilities include direct technical assistance to school directors, and facilitating and overseeing compliance of federal regulations and procedures. Districts also have academic auxiliary superintendents who oversee all academic activities within the schools. Under the academic auxiliary superintendents are academic facilitators who serve as instructional leaders, coaches for teachers, and facilitate professional development on curriculum and instructional strategies. These facilitators also provide support in the design of programs adjusted to the needs of students in the school, and collaborate with school directors in developing programs for talented students, low-achieving students, students at-risk of dropping out, and special education and LSP students.

Finally, districts are also responsible for coordinating professional development activities for teachers and other support personnel, as well as running the professional development centers established by the secretary of education. All school districts also have a coordinator that oversees the Committee for Parents, whose role is to provide technical assistance to parents, coordinate workshops, and encourage parental involvement in the school community.

As stated before, PRDE as a whole, is the sole LEA operating in Puerto Rico. These districts do not have autonomous decision-making authority, nor do they have fiscal independence. All fiscal responsibilities, communications, and decisions reside within the central level. Regions and districts disseminate information and are granted specific authority to make some decisions.

At the school level, each school has a school director (the equivalent of a principal) who is responsible for administrative tasks and acts as the instructional leader for all teachers in the school. The primary role of teachers is to facilitate the instructional and learning process to help students discover and develop their abilities, as well as to help them develop attitudes and behaviors that enable them to integrate with the fundamental values of today’s society.

Exhibit 2. Relationships Between PRDE Levels

Note. This diagram is a simplified version of the official PRDE organizational chart which is included in this flexibility request as Attachment 13.

The PRDE is presided by the Law No. 149 of July 15, 1999, also known as the Organic Act of the Puerto Rico Department of Education, which forms its current structure with other legal statutes. This law outlines the roles and responsibilities of each member of the school community including students, teachers, support staff, the school director, and district facilitators. It also delineates the roles of the secretary of education, who is authorized to create and implement regulations for the public school system, known as *Carta Circulares* (Circular Letters) and *Reglamentos* (Regulations).

Law No. 149 established the policies of the Puerto Rico public school system and authorized the designation of the schools on the island as community schools providing them with the autonomy to govern certain academic, fiscal, and administrative matters, while belonging to a coherent education system. Such autonomy includes establishing institutional priorities with regards to selecting instructional personnel, adapting academic programs to meet the needs of the student population, experimenting with new organizational and instructional strategies, developing extra-curricular activities that benefit the students and the community, and preparing and administering the school budget, among other responsibilities. Although public schools in Puerto Rico have certain autonomy, they do follow the Department's policies such as school calendars, curricula, and other policies and laws (local and federal).

Since Law No. 149 does not address internal policies, secretaries of education usually issue policies known as *Cartas Circulares* (Circular Letters) to address those needs. A circular letter is a publication or communication to provide guidelines on how to comply with a regulation or statute and is authorized by the secretary of education. In essence, these are the vehicle to transmit communications between the secretary and personnel at the central, regional, district, and school level and these guide the fiscal, academic, and administrative procedures of the Department of Education. For example, *Carta Circular 17-2010-2011* establishes the guidelines for an academic school calendar that must include at least 180 instructional days and six daily hours of instruction. In

addition, Regulation rules (*Reglamentos*) are meant to carry out the organic law and its amendments. The regulations are authorized by the secretary of education and the secretary of state.

Although Spanish is the language of instruction in Puerto Rico, the Law No. 149 states that each school must help its students acquire mastery of oral and written communication in both Spanish and English. Our dual language requirement is different from other states and adds an additional requirement outside of NCLB requirements. The public school system in Puerto Rico was established at the turn of the 20th century under United States control of the island. Given the extent of the U.S. influence on the island, the structure of public schools in Puerto Rico at the time was set up to mirror that of the U.S. – schools would be free of charge to students and funded by the state. The official language of instruction has fluctuated between Spanish and English over the years. In 1901, English was imposed as the language of instruction only to be overturned in 1915 when Spanish became the official language. These changes occurred several more times throughout Puerto Rico’s educational history, including the use of both languages during instruction at varying levels depending on the grade. In 1949, Spanish was declared the “vehicle of instruction” by Instruction Commissioner Mariano Villaronga. Since then, English as a second language has been taught as part of the K-12 curriculum every year.

During the 2011-2012 school year, approximately 471,677 students were enrolled in Puerto Rico’s public schools. These public school students account for approximately 57% of the island’s total population of students in grades PK-12 while 43% of Puerto Rico’s students attend private schools. This percentage is higher than reported national rates where enrollment in private schools is 10% (NCES, 2010). The population of students who attend public versus private schools may have significant demographic patterns such as the distribution of economic status and disability.

Our public school population is fairly homogenous; less than 3% of the student population consists of ethnicities other than Puerto Rican (Hispanic, non Puerto Rican 1.71%; American Indian/Alaskan Native 0.30%; White, non Hispanic 0.15%; Black/African American 0.03%; Asian 0.01%; and Native Hawaiian/Pacific Islander 0.01%). The two largest subgroups on the island are students with disabilities and economically disadvantaged students. Approximately 20% of all students in our public school system have been identified as students with disabilities, compared to approximately 13% of public school students nationally (NCES, 2011). The Center for Special Education Services (*Centro de Servicios de Educación Especial, CSEE*) coordinates the process of identifying students eligible to receive special education services. The CSEE has increased efforts to develop procedures and guidelines for the appropriate identification and evaluation of students with disabilities. Despite the availability of these procedures, the disparity between Puerto Rico’s rate and the national average indicates potential issues with the identification of students who are eligible for services and the adequacy of the training provided to school and district staff members, including teachers, and the reliability of the screening evaluations.

Limited Spanish proficiency (LSP) is the student group in Puerto Rico that under the USED approved Accountability Workbook (2009) replaces the Limited English Proficient (LEP) subgroup. There are currently 3,349 students in the public schools that have been identified as LSP. The PRDE provides services and support to these students in the acquisition of Spanish proficiency and meeting academic standards. Just as with the LEP subgroup, once these students demonstrate language proficiency

using the state identified language proficiency test, they exit LSP status.

PRDE has transitioned to the U.S. Department of Education (USED) cohort graduation rate. Graduation rate uses a standard adjusted cohort measurement that measures the number of students who graduate in a standard number of years with a regular high school diploma by the number of students who form the adjusted cohort for that particular class. For U.S. high schools, which are predominantly four years long, the cohort starts with grade 9 and ends with graduation in grade 12. In Puerto Rico, 83% of our high schools consist of three grades spanning 10th through 12th grades. As such, Puerto Rico will report a three-year adjusted cohort graduation rate starting with grade 10 and ending with graduation in grade 12, as approved by the USED in 2009.

PRDE's graduation rate cohort consists of first-time 10th graders in the 2009-2010 school year at each high school, plus any students who transferred into the cohort through the 2010-2011 and 2011-2012 school years, minus any students who show evidence of: transferring out, emigrating to another country, or passing away during the three-year period. Students who leave for any other reasons, or do not present the required evidence, may not be removed from the cohort. The PRDE used the transitional graduation rate as described in the approved Accountability Workbook (2009) through the 2011-2012 school year. This rate was an adaptation of the method recommended by the National Center for Education Statistics. The first true cohort graduation rate is planned for release based on the cohort that should have graduated in the 2011-2012 school year. This result will be available during the fall of 2012.

Challenges

Puerto Rico has several unique challenges that are explained below and help to demonstrate PRDE's need for ESEA flexibility. Key among these challenges is: 1) a significant number of schools in improvement, and 2) the need for implementation of a longitudinal data system.

For the 2012-2013 school year, a total of 1,321 (91%) schools have been categorized as needing improvement under ESEA. About 52% of these schools have been in improvement for four years or more (see Exhibit 3 for the number of schools in each school improvement category, by school level). Though a significant number of mainland states also experience an annual increase in the number of schools in improvement, Puerto Rico has a unique challenge; all but 151 of Puerto Rico's public schools have been identified as "in need of improvement" under NCLB. This ESEA flexibility request will allow us to focus critical funds on the students that need the most assistance.

Exhibit 3. Number of Schools under ESEA in Need of Improvement, by School Improvement Category and School Type, School Year 2012-2013

	Year 1	Year 2	Corrective Action	Restructuring 1	Restructuring 2	Restructuring 3	Restructuring 4	Restructuring 5	All Levels of Improvement
Elementary Schools (K-6)	78	81	203	123	30	49	64	117	745
Middle Schools (7-9)	3	0	10	13	8	9	19	145	207
Segunda Unidad (K-9)	4	4	31	36	9	18	25	38	165
Secondary Schools (7-12)	1	3	6	3	0	4	1	15	33
High Schools (10-12)	1	3	14	16	7	9	15	95	160
All Grades (K-12)	1	2	3	1	1	1	0	2	11
All Schools	88	93	267	192	55	90	124	412	1321

