



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 31 2014

The Honorable Mark Murphy
Secretary of Education
Delaware Department of Education
John G. Townsend Building
401 Federal Street
Dover, DE 19901

Dear Secretary Murphy:

This letter is in response to Delaware's January 27, 2014 request for a one-year extension of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Delaware may continue to implement ESEA flexibility through the end of the 2014–2015 school year.

Our team has reviewed Delaware's request and, pursuant to section 9401(d)(2) of the ESEA, I am pleased to extend Delaware's ESEA flexibility request for one year, through the end of the 2014–2015 school year. My decision to extend Delaware's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Delaware to carry out important reforms to improve student achievement and that this extension is in the public interest. I have also determined that Delaware's monitoring next steps have been adequately addressed through submission of documentation and other information. This letter also marks my approval of Delaware's proposed amendments to Principles 1 and 2 of its ESEA flexibility request. A summary of Delaware's approved amendments is enclosed with this letter, and Delaware's approved request will be posted on the U.S. Department of Education's (ED) website.

This extension is subject to Delaware's commitment to continue working with ED on Delaware's requested amendments to its teacher and principal evaluation and support systems, which may require additional flexibility. Delaware's progress in implementing its approved ESEA flexibility request during the 2014–2015 school year, as well as Delaware's continued work with ED on its requested changes to Principle 3, will inform ED's decision regarding renewal of Delaware's ESEA flexibility after the 2014–2015 school year.

Delaware continues to have an affirmative responsibility to ensure that it and its districts 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 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.

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<http://www.ed.gov/>

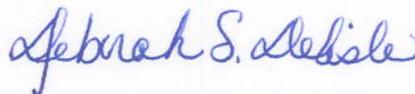
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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I am confident that Delaware will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Victoria Hammer at: victoria.hammer@ed.gov or Jean Yan at: jean.yan@ed.gov.

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

Sincerely,

A handwritten signature in blue ink that reads "Deborah S. Delisle". The signature is written in a cursive style with a large initial 'D'.

Deborah S. Delisle
Assistant Secretary

Enclosure

cc: Susan Haberstroh, Associate Secretary, Education Supports & Innovative Practices Branch

Approved Amendments to Delaware's ESEA Flexibility Request

The following is a summary of substantive amendments to Delaware's approved ESEA flexibility request. The U.S. Department of Education (ED) approves the following amendments because Delaware'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/de.html>) for Delaware's complete ESEA flexibility request.

- **Transition to College- and Career-Ready Standards (Element 1.B)**

Revision: Delaware described how it will strengthen supports for teachers of students with disabilities, including by partnering with the National Secondary Technical Assistance Center and the National Post-School Outcomes Center.

- **Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments That Measure Student Growth (Element 1.C)**

Revision: Consistent with its approved ESEA flexibility request, Delaware replaced references to its legacy assessment, the Delaware Comprehensive Assessment System (DCAS), with references to the Smarter Balanced Assessment Consortium (SBAC) assessments. Delaware will begin administering the SBAC assessments in the 2014-2015 school year.

- **Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support (Element 2.A)**

Revision: Consistent with its approved ESEA flexibility request, Delaware reduced its minimum n-size from 40 to 30 students.

Revision: Delaware will continue to work on a multi-measure framework that it believes will allow for a more nuanced and targeted method of identifying schools for intervention, support, and recognition. The State will submit to ED for review and approval any framework that it wishes to use as part of its State-based system of differentiated recognition, accountability, and support under ESEA flexibility.

- **Set Ambitious But Achievable Annual Measureable Objectives (Element 2.B)**

Revision: Consistent with an amendment that ED approved on October 25, 2012, to align Delaware's graduation rate targets under its Race to the Top and ESEA flexibility programs, Delaware made conforming revisions to the text in its approved ESEA flexibility request where two cells in Delaware's table of graduation rate targets had inadvertently not been previously revised. (ED approval letter can be found at: <http://www2.ed.gov/policy/eseaflex/secretary-letters/de3.html>).

Revision: Delaware described how it will enhance the monitoring of its English as a second language (ESL) programs and the English Learners that transition from its ESL programs.

▪ **Priority Schools (Element 2.D)**

Revision: Delaware will identify and publically name additional Priority Schools (additional to the number that Delaware was required to and did identify as part of its approved ESEA flexibility request), require them to use 2014-2015 as a planning year, and require them to be fully implemented in the 2015-2016 school year.

Revision: Under its approved ESEA flexibility request, all Priority Schools in Delaware were fully implementing school improvement grant schools. In order to identify the additional Priority Schools referenced above, the State will do the following: 1) determine as eligible those Title I participating schools that have a combined average English-language arts (ELA)/math proficiency rate of less than 50 percent for at least two of the past three years; 2) remove those schools that have improved to a combined average ELA/math proficiency rate of 45 percent based on 2013-2014 assessment results; 3) rank the remaining schools based on a combined average ELA/math proficiency; and 4) select, with input from the Delaware Department of Education Superintendent, Priority Schools from those in the bottom five percent of schools.

Revision: Delaware will revise the memorandum of understanding that it implements with its Priority Schools beginning with the additional Priority Schools referenced above.

Revision: Delaware will revise the exit criteria for the additional Priority Schools referenced above. Specifically, Delaware's approved ESEA flexibility request requires that Priority Schools make adequate yearly progress after having completed their second year of full implementation in order to exit Priority School status. Under this amendment, Priority Schools will be required to meet their annual measureable objectives for the "all students" subgroup and all applicable ESEA subgroups after having completed their third full year of implementation in order to exit Priority School status. These schools will not be permitted to exit Priority School status prior to that.

▪ **Build SEA, LEA, and School Capacity to Improve Student Learning (Elements 2.G)**

Revision: Delaware adjusted elements of its process to monitor districts and schools, by 1) having relevant State educational agency staff attend on-site monitoring activities (*e.g.*, Title III staff attend monitoring visits where appropriate); 2) revising its district monitoring feedback to identify "Priority Issues" and "Watch List Issues,]" and 3) identifying district challenges and progress in the transition to

college- and career-ready standards to inform how it is supporting districts in that reform area.

Revision: Delaware adjusted its approach to monitor and provide technical assistance to its districts in order to streamline its processes and better differentiate its support to districts. Specifically, in its originally approved ESEA flexibility request, Delaware categorized its districts into one of four levels: “intense, advanced, moderate, and minimal.” Under this amendment, Delaware will categorize its districts into one of three levels: “intense, moderate, and minimal.” To support its districts, Delaware will continue to conduct on-site performance evaluations (to evaluate performance overall, discuss areas of strength and challenge, inform future planning for a district, and identify ways that the State can best support the district) and on-site performance reviews (formative in nature and intended to help identify and implement any necessary adjustments to a district’s plan during the course of the school year). Districts in all three categories will have an annual Performance Evaluation, while “intense” districts will have a performance review in the fall and spring as well, “moderate” districts will have one required and one optional performance review as well, and “minimal” districts will have one optional performance review.

- **Other Title I Schools (2.F)**

Revision: Delaware revised the process by which it ensures supports and incentives for other Title I schools not identified as priority or focus but in which students consistently miss performance targets, including graduation rates. Delaware’s original request indicated that such schools would address student needs through their required “Success Plans.” Under this amendment, Delaware will inform districts of schools in which students miss performance targets for a period of two consecutive years. The State will hold these districts accountable for ensuring that identified schools address student needs accordingly. Delaware provided a detailed process and timeline on which it would notify districts in which such schools reside and the districts would submit to Delaware for review and approval a plan describing how they will provide supports and incentives to these schools. Delaware additionally provided a sample notification letter to one of its districts informing it of schools in which students (by subgroup) missed performance targets based on 2011–2012 and 2012–2013 assessment results.