



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAY 21 2014

The Honorable Diane DeBacker  
Commissioner of Education  
Kansas State Department of Education  
Landon State Office Building  
900 Southwest Jackson Street  
Topeka, KS 66612

Dear Commissioner DeBacker:

I am writing in response to Kansas's request to amend its approved ESEA flexibility request. As you know, on July 19, 2012, the Department of Education (ED) approved Kansas's flexibility request. In January 2013, Kansas initially submitted an amended request including a number of changes, with subsequent versions submitted on February 7, 2014 and March 12, 2014.

I am pleased to approve Kansas's amended request through the remainder of the 2013-2014 school year. If Kansas would like to request an additional extension of these waivers through the 2014-2015 school year, it will need to request such an extension through the process I outlined in my February 5, 2014 letter to Chief State School officers. A summary of Kansas's amendments that I am approving is enclosed with this letter. Any further requests to amend Kansas's ESEA flexibility request must be submitted to ED for review and approval.

Kansas 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 as well as their implementation of all other Federal education programs. 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.

I am confident that Kansas will continue to implement the reforms it proposed under 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 Christie Imholt of my staff at: [christina.imholt@ed.gov](mailto:christina.imholt@ed.gov)

Sincerely,

Deborah S. Delisle  
Assistant Secretary

Enclosure

cc: Brad Neuenswander, Deputy Commissioner, Division of Learning Services

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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.*

## **Amendments to Kansas's Approved ESEA Flexibility Request**

The following is a summary of the substantive amendments to Kansas's approved ESEA flexibility request. The U.S. Department of Education (ED) approves the following amendments because Kansas's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website ([www.ed.gov/admins/lead/account/stateplans03/index.html](http://www.ed.gov/admins/lead/account/stateplans03/index.html)) for Kansas's complete ESEA flexibility request.

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

Revision: KSDE the State's definition of "College- and Career-ready," which was adopted by its State Board of Education (SBE) in December 2012, to its plan to transition to college- and career-ready standards.

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

Revision: KSDE will identify Title I priority schools in the 2011–2012 school year and every three years, but will no longer identify them annually.

- **Set Ambitious But Achievable Annual Measurable Objectives (Element 2.B) (1 of 2—AMOs)**

Revision: KSDE will use 2011–2012 assessment data, rather than 2010-2011 assessment data, for the baseline data for establishing new AMOs with the goal of reducing the percentage of non-proficient students by 50 percent in six years. The revised request reflects the new State-level AMOs.

- **Set Ambitious But Achievable Annual Measurable Objectives (Element 2.B) (2 of 2—Graduation Rate targets)**

Revision: KSDE proposes to change the way its graduation rate targets are calculated to require schools with lower graduation rates to make greater rates of progress by requiring schools with graduation rates below 50 percent to have targets that are a five-percent improvement over the previous year's rate (instead of three percent as in the original request) and schools with graduation rates between 50 percent and 80 percent to have targets that are a three-percent improvement over the previous year's rate (instead of five percent as in the original request). Additionally, KSDE proposes to modify language in its request to indicate that all students and traditional subgroups will count for accountability purposes.

- **Reward Schools (Element 2.C)**

Revision: KSDE deleted language explaining why it did not identify any high progress schools based solely on the percent proficient, since it did in fact identify school in this manner.

- **Reward Schools, Priority Schools, and Focus Schools (Elements 2.C, 2.D, and 2.E)**

Revision: KSDE updated its lists of reward, priority and focus schools to reflect the final lists of schools identified based on 2011–2012 school year data. The final lists also reflect that KSDE reduced the number of SIG schools it is counting as priority schools from seven to six because one school was identified as a reward school. KSDE made corresponding changes in the narrative of section 2.D.ii to indicate the correct number of SIG schools.

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

Revision: KSDE has modified its method for identifying the State's Not Making Progress schools.

KSDE also made a handful of additional technical changes throughout its request to clarify language in its original request.