



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 21 2015

The Honorable Richard Ross
Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, OH 43215

Dear Superintendent Ross:

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

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Ohio's request dated August 18, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Ohio's ESEA flexibility request for one year, through the end of the 2015–2016 school year, subject to the below condition.

My decision to renew approval of Ohio's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Ohio to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Ohio 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. Ohio's approved request will be posted on ED's website.

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

To receive approval to implement ESEA flexibility beyond the 2015–2016 school year, Ohio must meet the following condition:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Ohio is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth for all teachers and principals based on student performance data from the 2016–2017 school year and each year thereafter, as a significant factor in its teacher and principal evaluation and support systems.

If Ohio resolves this condition 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 Ohio's request for renewal of ESEA flexibility for additional years.

In addition to the condition discussed above, this renewal is subject to Ohio's commitment to:

- Provide to ED, by December 31, 2015, additional information on its progress in carrying out the high-quality plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to implementation of high-quality statewide assessments in English language arts (ELA) and mathematics that are aligned to its college- and career-ready standards in the 2015–2016 school year and each year thereafter.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that all Priority schools are implementing all of the turnaround principles, including the turnaround principle related to redesigning the school day, week, or year to include additional time for student learning, in the 2016–2017 school year and each year thereafter.

In its renewal request, Ohio requested an amendment that would exempt performance on the State's ELA and mathematics assessments of "recently arrived" English learners (ELs) in grades three through eight who have attended schools in the United States for less than two years from the performance component of the State's accountability system. Instead, Ohio would assess all recently arrived ELs in grades three through eight in ELA and mathematics in their first year in schools in the United States and use the results as a baseline to measure growth in the students' second year in schools in the United States as part of its accountability system. Ohio would include all recently arrived ELs in grades three through eight in ELA and mathematics in both the school achievement measure and the academic growth measure of its accountability system in the students' third year in schools in the United States.

After careful consideration of this matter, I am pleased to approve the amendment, subject to the conditions outlined below. Pursuant to my authority in Section 9401 of the ESEA, I am granting Ohio a waiver of 34 C.F.R. § 200.20(f)(1)(ii) through the period of renewal subject to the following conditions:

1. Ohio may exempt all recently arrived EL students in grades three through eight from the academic achievement component of the State's accountability system in their second year enrolled in schools in the United States, so long as Ohio includes such students in the longitudinal academic growth component of the State's A-F accountability system in that year by using the ELA and mathematics assessments administered to the students during their first year of enrollment to provide a baseline for the growth calculation.
2. Ohio must include in the academic achievement and academic growth components of its accountability system in ELA and mathematics the performance of all ELs, including recently arrived ELs who have been enrolled in schools in the United States for more than two years.
3. Ohio must: (1) include the performance of recently arrived ELs on the State's ELA and mathematics assessments in reporting student achievement under ESEA section 1111(h)(1)(C)(i) and (h)(2)(B), respectively, beginning in their first year in schools in the United States; and (2) include performance on the ELA and mathematics assessments of all recently arrived ELs in the calculation of annual measurable objectives after the students' have been enrolled in schools in the United States for more than two years.

The waiver described above does not in any way affect the requirements to administer science assessments to recently arrived ELs on the required timeline.

In addition to requesting approval of Waiver 14 for mathematics, Ohio requested the same waivers so that it does not have to assess, on the grade-level Statewide assessments, a middle school student who takes advanced, high school-level science or ELA coursework and the corresponding assessment prior to entering high school. I am granting waivers of: (1) ESEA Section 1111(b)(1)(B) and the corresponding regulatory provisions that require each State to apply the same academic content and academic achievement standards to all public schools and public school children in the State; and (2) ESEA section 1111(b)(3)(C)(i) and the corresponding regulatory provisions that require each State's assessment to be the same academic assessment used to measure the

achievement of all public school children. With these waivers, Ohio may assess its middle school students who take advanced, high school-level coursework in science or ELA on the corresponding assessment alone, instead of on both the grade-level Statewide assessment and the advanced, high school-level assessment. For Federal accountability purposes in ESEA section 1111(b)(2), Ohio must use the results of that assessment in the year in which it is administered. Ohio must also administer one or more additional advanced, high school-level science or ELA assessments to such students in high school, consistent with the State's academic content standards for those subjects. The students' results on the additional advanced, high school-level science and ELA assessments administered during high school must be included in Federal accountability determinations for the students' high school.

Ohio continues to have an affirmative responsibility to ensure that it and its local educational agencies (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 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 Ohio will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs 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 Robyn Pettiford of my staff at: OSS.Ohio@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of Ohio'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: Chris Woolard, Senior Executive Director, Center for Accountability and Continuous Improvement, Ohio
Department of Education

Approved Amendments to Ohio's ESEA Flexibility Request

The following is a summary of significant amendments that Ohio included as part of its request for renewal of ESEA flexibility. ED approves these amendments because Ohio'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/oh.html>) for Ohio's complete ESEA flexibility request.

- **Transition to College- and Career-Ready Standards (Principle 1):**

Revision: Ohio added substantial updates to describe supports provided for students with disabilities, including references to the Results Driven Accountability work that is underway in ED's Office of Special Education and Rehabilitative Services.

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2):**

Revision: Ohio will report overall school grades based on assessments administered in school year (SY) 2016–2017, rather than those administered in SY 2014–2015 as a result of H.B. 64, which prohibits assigning overall grades to schools until SY 2017–2018. Schools and LEAs will continue to receive individual grades for each component of Ohio's report card.

Revision: Ohio will remove the High School Value-added Measure component of its report card.

Revision: In SY 2017–2018, Ohio will add a new category of Reward Schools that recognizes those schools that receive an overall "A." Additionally, beginning in SY 2017–2018, high-progress schools will be required to earn an overall grade of at least a "C" or higher and High Progress Schools of Honor will be required to earn an overall grade of at least a "B" or higher.

Revision: Ohio amended its requirements for its Reward Schools as follows:

- a. Clarifying that it will use its State report card to identify Reward Schools. The highest reward in Ohio's accountability system is granted to schools or LEAs that receive straight "A's" on all report card measures;
- b. Recognizing LEAs and schools that are exceeding expectations in student growth and that received straight "A's" in all value-added measures with the State Board of Education's MOMENTUM award (a new category of Reward Schools); and
- c. Including students with disabilities and English Learners in the list of subgroups that must meet or exceed the State standard of 80 percent proficiency in ELA and mathematics rather than 75 percent proficiency to receive the Schools of Promise recognition. In addition, schools must have an Annual Measurable Objective (AMO) grade, graduation rate grade, and overall Progress grade of an "A" or "B" for the two most recent years of data.

Revision: Ohio revised its exit criteria for Priority Schools. Ohio will allow a school to exit Priority status only when it no longer falls in the bottom five percent of schools based on combined mathematics and reading proficiency rates and, for a high school, a combined graduation rate above 60 percent.

Revision: Ohio reclassified other low-performing Title I schools as Watch schools and removed the classification of Alert schools. Watch schools are Title I schools that are not Priority or Focus schools and have a "D" or "F" on any individual AMO, including subgroup gaps and graduation rate, for two of the three most previous years.

Revision: Ohio further unified its accountability system by labeling LEAs in one of four support categories based on LEA and school performance: Independent; Moderate; Intensive; and Academic Distress Commission. Ohio is implementing a differentiated accountability continuum of supports and interventions based on the new LEA support categories.

Revision: Ohio updated its request to specify that beginning in 2015 every community school (charter) authorizer will be evaluated by ODE and will receive one of the following four ratings: (1) exemplary; (2) effective; (3) ineffective; or (4) poor. An authorizer rated poor will have its authority to authorize charter schools revoked and its existing schools will be required to find new authorizers. An authorizer rated ineffective will be placed on a one-year corrective action plan and will not be permitted to establish any additional charter schools in that year.

- **Teacher and Principle Evaluation (Principle 3):**

Revision: Ohio changed its methodology for calculating summative teacher and principal evaluation ratings from a matrix model to a framework model with points associated with each category.