



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 23 2015

The Honorable Brad C. Smith  
State Superintendent of Public Instruction  
Utah State Office of Education  
250 East 500, P.O. Box 144200  
Salt Lake City, UT 84111

Dear Superintendent Smith:

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

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Utah's request dated July 14, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Utah's ESEA flexibility request for one year, through the end of the 2015–2016 school year, as requested by the Utah State Office of Education.

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

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

This renewal is subject to Utah's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Utah is meaningfully collaborating with stakeholders on the implementation of Utah's ESEA flexibility request, including with civil rights groups, organizations representing students with disabilities, organizations representing English learners, business organizations, institutions of higher education, and Indian tribes.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Utah is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in the teacher and

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

principal evaluation and support systems based on State assessments administered no later than the 2015–2016 school year and each year thereafter.

Utah 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 Utah 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 Janine Rudder or Bryan Thurmond of my staff at: [OSS.Utah@ed.gov](mailto:OSS.Utah@ed.gov).

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

Sincerely,

(b)(6)

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

Enclosure

cc: Jo Ellen Shaeffer, Utah Department of Public Instruction  
Ann White, Utah Department of Public Instruction  
Sydnee Dickson, Utah Department of Public Instruction

## Approved Amendments to Utah's ESEA Flexibility Request

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

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

Revision: Utah has amended its process for setting annual measurable objective (AMO) targets beginning in the 2014–2015 school year. Targets will be set by reducing in half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years (2014–2020).

Revision: Utah has amended its process for identifying priority schools to include the steps it will take should the number of School Improvement Grants (SIG) schools not equal or exceed five percent of the Title I schools in the State. Specifically, if Utah needs to identify additional priority schools, Utah will review its rank-ordered Title I schools list and identify a sufficient number of the lowest-performing Title I schools that will be designated as priority schools.

- **Supporting Effective Instruction and Leadership (Principle 3)**

Revision: Utah set the weight at which LEAs must incorporate student growth in their educator evaluation systems at 20 percent for the 2015–2016 school year. Utah will continue to refine the weight of student growth for LEAs to incorporate into their educator evaluation systems, based on future research, for future school years.