

---

# **ESEA FLEXIBILITY: UPDATED REQUEST AND REVIEW GUIDANCE**

---

February 14, 2012



# AGENDA

- Approved Requests
- New Window #2 Deadline
- Updated Request
- Updated Review Guidance
- Resources
- Window #2 Timeline
- Window #3 Timeline
- 1 Year AMO Waiver

# 10 REQUESTS APPROVED FOR FLEXIBILITY

“This is good news for our kids; it’s good news for our country. And I’m confident that we’re going to see even more states come forward in the months ahead.”

President Barack Obama

February 9, 2012

## REVISED TIMELINE FOR WINDOW #2

- New Window 2 deadline for submission of an SEA request for ESEA flexibility:

**Tuesday, February 28**

# ESEA Flexibility Request



Revised February 10, 2012

U.S. Department of Education  
Washington, DC 20202

OMB Number: 1810-0708

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0708. The time required to complete this information collection is estimated to average 306 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4337.

# ESEA Flexibility Review Guidance



February 10, 2012

# WAIVERS

- Adds 2 more optional waivers that an SEA may request:
  - **Waiver 12: Adequate Yearly Progress Waiver**
    - An SEA may seek a waiver of the current law requirement to determine AYP for each LEA and school.
  - **Waiver 13: Rank Order Funding Allocation Waiver**
    - An SEA may seek a waiver allowing its LEAs to serve a Title I-eligible high school identified as a priority school due to a graduation rate below 60 percent without regard to the rank order requirements of section 1113(a).

# ASSURANCES

- Adds language to Assurance 7 to clarify that if an SEA elects to update its lists of priority and focus schools, it must make those lists public.

“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)”

## ASSURANCES, CONT'D

- Adds Assurance 14:
  - The SEA and its LEAs will continue to meet the report card requirements of current law, including the providing of school performance data on annual SEA and LEA.
  - Note that these report cards must include student achievement data for each ESEA subgroup compared with the AMOs for those subgroups.

## 2.A.ii ASSESSMENTS IN A STATE'S SYSTEM OF DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

### Option A

The SEA includes student achievement only on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system and to identify reward, priority, and focus schools.

### Option B

If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system **or** to identify reward, priority, and focus schools, it must:

- a. provide the percentage of students in the “all students” group that performed at the proficient level on the State’s most recent administration of each assessment for all grades assessed; and
- b. include an explanation of how the included assessments will be weighted in a manner that will result in holding schools accountable for ensuring all students achieve college- and career-ready standards.

## SECTIONS 2.C.i, 2.D.i, AND 2.E.i

- Clarification that, if an SEA's methodology for identifying reward, priority, or focus schools is, based on school grades or ratings that take into account a number of factors, rather than a direct application of the definitions, the SEA must demonstrate that its lists of those schools provided with its request include the requisite number of schools that meet the ESEA flexibility definitions.

## SECTIONS 2.C.i, 2.D.i, AND 2.E.i, CONT'D

➤ Example from 2.C.i:

“Describe the SEA’s methodology for identifying highest-performing and high-progress schools as reward schools. If the SEA’s methodology is not based on the definition of reward schools in *ESEA Flexibility* (but instead, e.g. based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department’s ‘Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions’ guidance.”

## TABLE 2

- Clarifies the categories of priority schools.
- SEAs will identify priority schools in Table 2 as follows:
  - C. Among the lowest five percent of Title I schools in the State based on the proficiency and lack of progress of the “all students” group
    - D-1. Title I-participating high schools with graduation rates less than 60% over a number of years
    - D-2. Title I-eligible high schools with graduation rate less than 60% over a number of years
  - E. Tier I or Tier II SIG school implementing a school intervention model

## 2.G. BUILD SEA, LEA, AND SCHOOL CAPACITY TO IMPROVE STUDENT LEARNING

➤ Switches the order of subcomponents ii and iii.

2.G Describe the SEA's process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, including through:

- i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in priority and focus schools;
- ii. ensuring sufficient support for implementation of interventions in priority schools, focus schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources); and
- iii. holding LEAs accountable for improving school and student performance, particularly for turning around their priority schools.

## 3.A DEVELOP AND ADOPT GUIDELINES FOR LOCAL TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

- Removed Option B for SEAs who had developed and adopted some but not all guidelines for its teacher and principal evaluation and support systems.
- An SEA that believes it would have fit under this option should come in under Option A.
- All SEAs selecting Option A must submit their fully developed and adopted guidelines by the end of the 2011-2012 school year.
- Option C in the original ESEA Flexibility Request has now been relabeled Option B.

## 3.A CONTINUED

### OPTION A

If the SEA has not already developed and adopted all of the guidelines consistent with Principle 3, provide:

- a. the SEA's plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by the end of the 2011–2012 school year;
- b. a description of the process the SEA will use to involve teachers and principals in the development of these guidelines; and
- c. an assurance that the SEA will submit to the Department a copy of the guidelines that it will adopt by the end of the 2011–2012 school year (see Assurance 14).

### OPTION B

(Previous Option C)

If the SEA has developed and adopted all of the guidelines consistent with Principle 3, provide:

- a. a copy of the guidelines the SEA has adopted (Attachment 10) and an explanation of how these guidelines are likely to lead to the development of evaluation and support systems that improve student achievement and the quality of instruction for students;
- b. evidence of the adoption of the guidelines (Attachment 11); and
- c. a description of the process the SEA used to involve teachers and principals in the development of these guidelines.

# **CHANGES IN THE *ESEA* *FLEXIBILITY REVIEW GUIDANCE***

# OVERVIEW OF THE SEA'S REQUEST

- Removes review questions in this section.

# EMPHASIS ON INCLUDING ENGLISH LEARNERS AND STUDENTS WITH DISABILITIES

- Deletes 2.A.i.c, but adds language emphasizing consideration of English Learners and students with disabilities and teachers of these students to the following questions:
  - 2.E.iii
  - 2.F.ii
  - 3.A.ii.a, Consideration

# EMPHASIS ON INCLUDING ENGLISH LEARNERS AND STUDENTS WITH DISABILITIES

- Added the following questions:
  - 1.B, 11<sup>th</sup> Consideration
    - *Does the SEA intend to analyze the factors that need to be addressed in preparing teachers of students with disabilities participating in a State's alternate assessment based on modified academic achievement standards (AA-MAAS) in order to ensure these students can participate in the assessments that will be aligned with college and career-ready standards?*
  - 3.B, 4<sup>th</sup> Consideration
    - *Does the SEA have a process for ensuring that teachers working with special populations of students, such as students with disabilities and English Learners, are included in the LEA's teacher and principal evaluation and support systems?*

# CHANGES TO IMPROVE CLARITY ABOUT WHAT REVIEWERS WILL BE LOOKING FOR

- Modified language in the following questions:
  - 1.B
  - 2.A.i.b
  - 2.C.iii
  - 2.D.iii.b
  - 2.D.iv
  - 2.G.ii
  - 3.B, Consideration 4
- Moved 2.E.ii.b to 2.E.i.a
- Added the following question:
  - 2.E.i.b

# ADDITIONAL RESOURCES

## ESEA Flexibility Resources

- *ESEA Flexibility Frequently Asked Questions (FAQs) Addendum #3*
- *Summary of Considerations to Strengthen State Requests for ESEA Flexibility*
- *Demonstrating that an SEA's Lists of Schools Meet ESEA Flexibility Definitions*

## Other Related Resources

- *National Evaluation of Title III Implementation Supplemental Report: Exploring Approaches to Setting English Language Proficiency (ELP) Performance Criteria and Monitoring English Learner Progress*  
(<http://www2.ed.gov/about/offices/list/oeped/ppss/reports.html#tq>)

## WINDOW #2 TIMELINE

- February 28: Requests Due
- March: Completeness Review
- March 25-30: On-site Peer Review
- April and Beyond: Ongoing work with SEAs

# **WINDOW #3 AND 1 YEAR AMO WAIVER**

## WINDOW #3

- Request Due **September 6, 2012.**
- Information on timeline expectations for SEAs submitting requests for this window is forthcoming.

# 1 YEAR AMO WAIVER

- Allows an SEA to use the same AMOs for determining AYP based on assessments administered in the 2011–2012 school year that it used for the previous year.
- In order to receive this waiver, an SEA must:
  - Adopt College- and Career-ready standards;
  - Provide student growth data to teachers; and
  - Identify achievement and graduation rate gaps.

# QUESTIONS?

# CLOSING

## State Questions and Office Hours

- To submit questions or schedule a time for SEA teams to speak with Department staff, contact your ED ESEA flexibility contact or email [ESEAflexibility@ed.gov](mailto:ESEAflexibility@ed.gov)