



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 12, 2014

The Honorable Pat McCrory
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

The Honorable June St. Clair Atkinson
Superintendent of Public Instruction
North Carolina Department of Public Instruction
Education Building
301 North Wilmington Street
Raleigh, NC 27601-2825

Dear Governor McCrory and Superintendent Atkinson:

This letter is in response to North Carolina's request to amend its approved flexibility request under the Elementary and Secondary Education Act of 1965, as amended (ESEA), which we approved on May 29, 2012, and the State's Race to the Top grant (awarded September 24, 2010). Between October 29, 2013, and February 3, 2014, the State submitted documentation to, and held conversations with, the U.S. Department of Education (the Department) to support amendments to its approved ESEA flexibility waiver and Race to the Top plan. Specifically, North Carolina requests that its local educational agencies (LEAs) have flexibility to: (1) use the average of the highest two of three annual student growth values from school years (SYs) 2012-2013, 2013-2014, and 2014-2015 to determine an overall status for teachers and administrators following SY 2014-2015 (i.e., in the fall of SY 2015-2016); (2) request approval from the State to utilize a locally designed measure of student growth or school-wide growth for teacher evaluations in non-tested grades and subjects rather than the State's Final Exams (previously referred to as Measures of Student Learning), and (3) delay enforcement of consequences for educators who receive a status of "in need of improvement." It is the Department's understanding that educators will continue to receive annual ratings on each of the individual standards in the North Carolina Educator Evaluation System prior to receiving an overall status. Given the timing of personnel decisions, the State expects that LEAs would have the option to use first year status information delivered in fall of 2015 to inform personnel decisions in SY 2015-2016 and that second year status information delivered in the fall of 2016 be required to inform personnel decisions (e.g., State-mandated plan for improvement and dismissal if performance does not improve) in SY 2016-2017.

After careful review, North Carolina's amendments are approved. Please note that these amendments do not change the timeline of North Carolina's commitment to implement teacher and principal evaluation

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

<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.

and support systems that meet the requirements of ESEA flexibility, including using, as a significant factor, data on student growth for all students and other measures of professional practice. Consistent with North Carolina's approved ESEA flexibility request, North Carolina must fully implement those systems no later than SY 2014–2015. With this additional flexibility, LEAs in North Carolina may begin to use the statuses delivered in fall of 2015 to inform personnel decisions in SY 2015-2016 and will be required to use statuses delivered in fall of 2016 in personnel decisions (i.e., State-mandated plan for improvement) in SY 2016-2017.

With respect to North Carolina's Race to the Top grant, these amendments will not change North Carolina's performance measures and outcomes, nor will they substantially change the scope and objectives of the work. It is the Department's understanding that the State will publicly report aggregate information by school and district on ratings for each of the individual standards in the North Carolina Educator Evaluation System based on results from initial implementation in SYs 2012-2013 through 2014-2015 prior to the availability of a single status. While this additional flexibility will delay the State's ability to meet its targets for using outcomes from a qualifying evaluation system to inform personnel decisions, the Department expects that the State will work toward this commitment in the grant period.

North Carolina must make necessary changes to its ESEA flexibility request that are related to these amendments. North Carolina may do so in the redlined request that it submits as part of the ESEA flexibility extension process.

We are confident that North Carolina will continue to implement the reforms it proposed under its approved ESEA flexibility request and its Race to the Top grant 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 Shevine Holeman at Shevine.Holeman@ed.gov. If you need any additional assistance regarding your Race to the Top grant, please do not hesitate to contact Ashlee Davis at Ashlee.Davis@ed.gov.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary for
Elementary and Secondary Education

/s/

Ann Whalen
Director, Policy and Program Implementation
Implementation and Support Unit