UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ACTING ASSISTANT SECRETARY

SEP 15 2011

The Honorable Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
Four State Capitol Mall, Room 304A
Little Rock, Arkansas 72201

Dear Superintendent Kimbrell:

On August 12, 2011, I invited State educational agencies (SEAs) to request a waiver to permit them to allow, in accordance with criteria they develop, a local educational agency (LEA) that is implementing a transformation model with School Improvement Grant (SIG) funds to have additional time to meet the teacher and principal evaluation requirement in section I.A.2(d)(1)(i)(B) of the SIG final requirements. Through a letter dated August 26, 2011, the Arkansas Department of Education has requested such a waiver.

After reviewing the materials that the Arkansas Department of Education provided in support of its request, I am pleased to grant the requested waiver. I am granting this waiver because I believe that the Arkansas Department of Education has provided sufficient assurances, through its request, that the waiver will enable qualifying LEAs in Arkansas to meet the SIG final requirements while encouraging the development and implementation of high-quality teacher and principal evaluation systems that will increase the quality of instruction for students and improve the academic achievement of students.

As you know, this waiver would apply only to evaluation systems for cohort 1 and cohort 2 SIG schools, as follows:

- A school that began implementing the transformation model during the 2010–2011 school year (cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–2012 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–2013 school year. The piloted systems should produce valid and reliable data that may be used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

- A school that began implementing the transformation model in the 2011–2012 school year (cohort 2) must develop its evaluation systems during that year, pilot them for all teachers and principals during the 2012–2013 school year, and use the system in the school, including for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

I am granting this waiver on the condition that the Arkansas Department of Education will satisfy the conditions set forth below. In particular, in exchange for this waiver of the implementation timeline for the evaluation systems requirements of the transformation model, the Arkansas Department of Education must:

- Develop criteria that:
    - The Arkansas Department of Education will use to evaluate LEA requests for timeline extensions, including by evaluating whether an LEA has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for its cohort 1 or cohort 2 schools to justify the receipt of a timeline extension and whether, if an extension is granted, the LEA will be able to meet the timelines described above for developing and implementing such systems; and
    - Enable the Arkansas Department of Education to distinguish among LEAs that have met the requirements, those that are making sufficient progress toward meeting the requirements, and those that have not made a good-faith effort to meet the requirements.
- Approve an LEA request to implement the waiver only if the Arkansas Department of Education determines, based on its criteria, that the LEA warrants an extension of the evaluation systems timeline.
- Develop a technical assistance and support plan that outlines how the Arkansas Department of Education will differentiate support to LEAs based on their current level of implementation and will provide LEAs with the assistance they need to meet the evaluation system requirements (*e.g.*, by assisting LEAs in selecting observational rubrics, developing student growth metrics, disseminating guidance for developing student learning outcomes, and training raters).
- Develop a monitoring plan for the 2011–2012 school year, specifically for the LEAs that receive timeline extensions, that will help ensure that the LEAs are on track to pilot the required evaluation systems no later than the 2012–2013 school year (cohorts 1 and 2) and fully implement the evaluation systems no later than the 2013–2014 school year (cohort 2), as required.
- Within 30 days of receiving the waiver from the U.S. Department of Education (Department), post on its public Web site the criteria, process, and timeline for reviewing an LEA's extension request.
- Within 30 days of the Arkansas Department of Education approving LEA extension requests, post on its public Web site and submit to the Department (via e-mail to school.improvement.grants@ed.gov) the names of the LEAs (including their NCES District Identification Number) for which it has approved a timeline extension and the schools (including their NCES School Identification Number) within those LEAs that will benefit from the extension, including an indication of the cohort to which each school belongs.

- Determine what action it will take with respect to LEAs that have not made a good-faith effort to meet the evaluation system requirements.

If the Arkansas Department of Education does not comply substantially with the conditions of this waiver, then the Secretary may terminate the waiver after providing notice and an opportunity for a hearing, in accordance with ESEA section 9401(f). If, as a result of the termination of the waiver, the SEA or its LEAs are unable to comply substantially with the SIG final requirements, the Department will take appropriate enforcement action, which may include initiating withholding proceedings.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Carlas McCauley at carlas.mccauley@ed.gov or (202) 260-0824.

Sincerely,

Michael Yudin
Acting Assistant Secretary
Office of Elementary and Secondary Education

cc: Bobby Lester, Director of Federal Programs