MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: October 25, 2011

SUBJECT: U.S. Department of Education ESEA Flexibility

PURPOSE:

To provide information to the State Board on the U. S. Department of Education Elementary and Secondary Education Act (ESEA) Flexibility Application which is designed to improve academic achievement and increase the quality of instruction for all students in a manner that was not originally contemplated by the No Child Left Behind Act of 2001.

BACKGROUND/HISTORICAL PERSPECTIVE:

The No Child Left Behind (NCLB) Act, which was enacted nearly a decade ago, helped State and local educational agencies (LEAs) shine a bright light on the achievement gap and increased accountability for groups of high-need students. However, many of the NCLB requirements have unintentionally become barriers to State and local implementation of forward-looking reforms designed to raise academic achievement and have caused negative labels to be unfairly placed on LEAs and far too many schools.

EXECUTIVE SUMMARY:

The U.S. Department of Education has offered the opportunity to request flexibility on behalf of the State, the LEAs and schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity provides flexibility regarding specific requirements of NCLB in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

To receive the waiver, a State must submit a request that addresses four principles to increase the quality of instruction for students and improve student academic achievement in the State and LEAs. The State must describe how it will ensure that the LEAs will fully implement College- and Career-Ready Expectations for all Students (Principle 1); State-Developed Differentiated Recognition, Accountability, and Support (Principle 2); Supporting Effective Instruction and Leadership (Principle 3); and Reducing Duplication and Unnecessary Burden (Principle 4).

In addition to addressing the four principles, the State would also need to agree to 15 assurances. Upon approval of the ESEA Flexibility submission, the State would receive a waiver of ten ESEA requirements and their associated, regulatory, administrative, and reporting requirements. The key waiver areas include: Removal of Adequate Yearly Progress (AYP) and the 2014 timeline for achieving 100% proficiency; Removal of school and district improvement requirements including Supplemental Education Services (SES), choice, corrective action, restructuring, etc.; and Removal of improvement plan requirements and Title I and Title II fund restrictions for districts that miss Highly Qualified Teacher requirements.

The U.S. Department of Education (USDE) has announced three dates for submission of the applications for ESEA Flexibility which include November 14, 2011, a date to be announced in mid-February 2012, and an additional opportunity following the conclusion of the 2011-2012 school year. As requested by USDE, on October 12, I informed the U.S. Department of Education that Maryland plans to submit an application for ESEA Flexibility in February 2012.

ACTION:

For information and discussion.

BJS:mlg

Maryland State Board of Education

October 25, 2011

Elementary and Secondary Education Act (ESEA) Flexibility

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ESEA Flexibility

- Improve educational outcomes for *all* students
- Close achievement gaps and increase equity
- Improve the quality of instruction

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Supporting Ongoing Reform and Innovation

and District of Columbia have adopted Common Core State Standards

and District of Columbia are developing high-quality assessments aligned with college- and career-ready standards

are implementing reforms in teacher and principal evaluation and support for low-performing schools

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Principles of ESEA Flexibility

to college- and career-ready standards and assessments

systems of differentiated recognition, accountability, and support

teacher and principal effectiveness and support improvement

duplication and unnecessary burden

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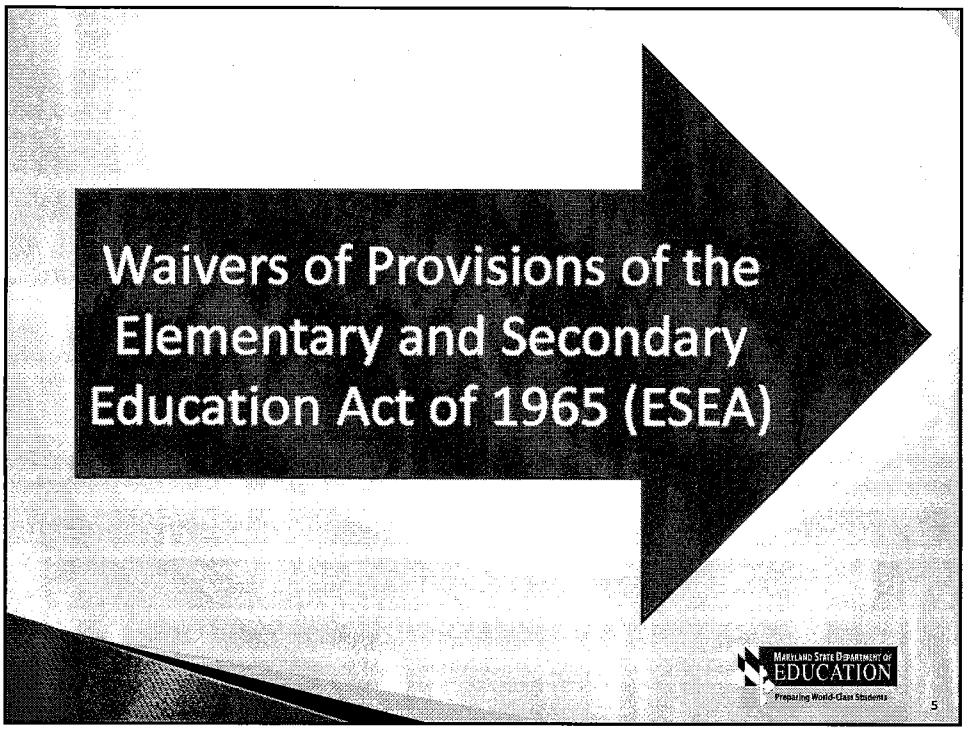
Waivers of Provisions of the Elementary and Secondary Education Act of 1965 (ESEA)
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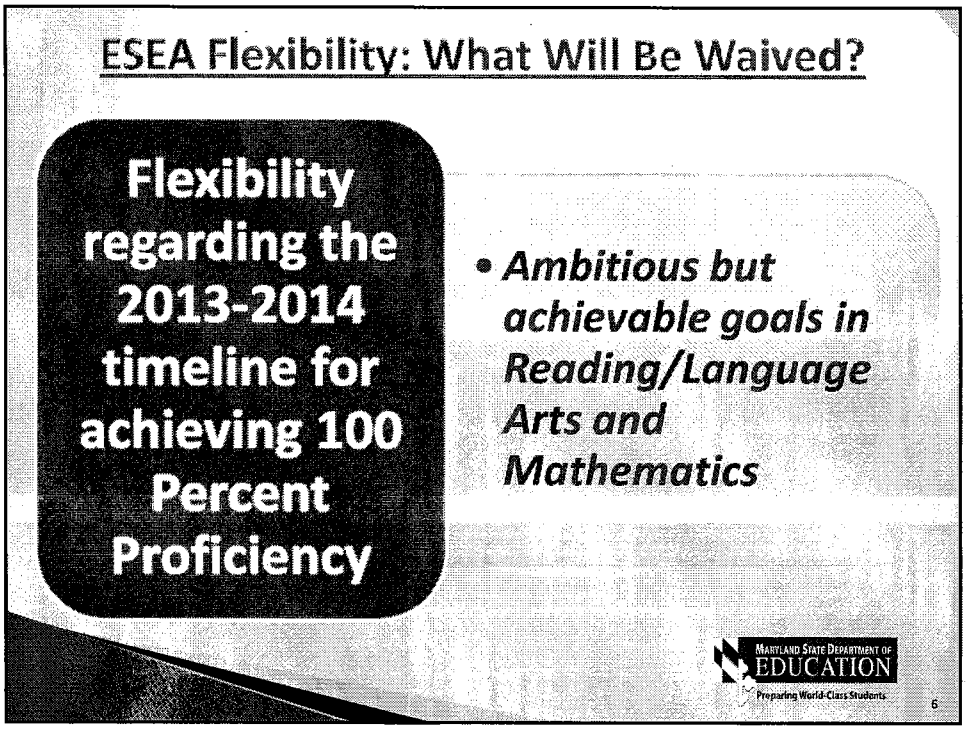
ESEA Flexibility: What Will Be Waived?
Flexibility regarding the 2013-2014 timeline for achieving 100 Percent Proficiency
• Ambitious but achievable goals in Reading/Language Arts and Mathematics
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ESEA Flexibility: What Will Be Waived?

Flexibility Regarding District and School Improvement and Accountability Requirements

- *Lowest-performing schools and schools with the largest achievement gaps*
- *Interventions tailored to the unique needs of schools, districts, and students*
- *Recognize and reward schools that are highest-achieving and students making the most progress*

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ESEA Flexibility: What Will Be Waived?

Flexibility Related to the Use of Federal Education Funds

- *Funds to meet student needs*
- *Funds for rural districts*
- *Funds to meet the needs of particular populations of disadvantaged students protected*

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Submission Windows

November 14, 2011

A date to be announced in [illegible]

Additional opportunity following the conclusion of the 2011-2012 school year

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Principles for Improving Student Academic Achievement and Increasing the Quality of Instruction

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Principle 1: Transitioning to College- and Career-Ready Standards and Assessments

- Adopt College- and Career-Ready standards for all students
- Include English Language Learners and students with disabilities
- Support transition
- Administer statewide tests aligned with college and career

Principle 2: Developing Systems of Differentiated Recognition, Accountability, and Support

- Gives credit for progress toward college- and career-readiness
- Recognizes and rewards highest-achieving schools that serve low-income students and those showing greatest progress *(Reward Schools)*
- Implements rigorous Interventions for 5 percent of the lowest-performing schools *(Priority Schools)*
- Targets strategies for 10 percent of schools with low graduation rates, large achievement gaps, and low student subgroup performance *(Focus Schools)*

Principle 2 Options

Option 1: Sets AMOs to reduce by half the percentage of students in the *"all students"* group and in each subgroup who are not proficient with 3 years.

Option 2: Sets AMOs for 100 percent of students achieving proficiency no later than the end of 2019-2020.

Option 3: Use another method that is educationally sound and results in ambitious but achievable AMOs for LEAs, schools, and subgroups.

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Principle 3: Evaluating and Supporting Teacher and Principal Effectiveness

- Establish basic guidelines for teacher and principal evaluation
- Develop with input from teachers and principals
- Will be based on multiple measures, including student progress over time
- Include multiple measures of professional practice
- Provide clear feedback to teachers on how to improve instruction

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Definitions

- Priority Schools
- Focus Schools
- Reward Schools

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Priority Schools

- Lowest 5 percent of Title I Schools
- Based on achievement of *"all students"* in proficiency on statewide assessments that are part of the differentiated recognition, accountability, and support system
- Title I-participating or Title I-eligible high school with graduation rate less than 60 percent
- Tier I or Tier II school under the School Improvement Grant (SIG)

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Focus Schools

- Title I School with largest within-school gaps between the highest-achieving subgroup(s) and the lowest-achieving subgroup(s); or at high school level, has the largest within-school gaps in graduation rates; or
- A school that has a subgroup(s) with low achievement or, at the high school level, low graduation rates.
- Must also identify a Title I high school with a graduation rate less than 60 percent over a number of years that is not a priority school

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Reward Schools

- Highest-performing school which is a Title I school with the highest absolute performance for *"all students"* group and for all subgroups
- High-progress school which is a Title I school among the 10 percent of Title I schools in the State that are making the most progress in improving the performance *of "all students"* and, at the high school level, is also among the Title I schools in the State that are making the most progress in increasing graduation rates

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ESEA Flexibility

Consultation

- Communicate with and solicit input from diverse stakeholders and community in the development of the request.

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Questions & Discussion

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