

**Note: New Location**  
**System Performance Accountability (SPA) Meeting**  
**October 13, 2009**

**AGENDA**

- 9:00 – 9:10**      **Welcome and Framing the Issues**  
Kris Mayer, SPA Board Lead  
Edie Harding, Executive Director, SBE
- 9:15 – 10:00**    **Overview of Proposed SBE Accountability Framework and  
New Federal Guidelines for Voluntary Action and Required  
Action**  
Edie Harding, Executive Director, SBE  
Janell Newman, Assistant Superintendent of School and District  
Improvement, OSPI
- 10:00 – 10:30**   **Review of Criteria for District Identification for Voluntary and  
Required Action**  
Pete Bylsma, SBE Consultant  
Janell Newman, Assistant Superintendent of School and District  
Improvement, OSPI
- 10:30-10:45**    **Break**
- 10:45-12:00**    **Group Discussion on Voluntary Action and Required Action**
- 12:00- 1:00**     **Working Lunch to Continue Discussion How to Incorporate  
SPA Work into Race to the Top Application for Struggling  
Schools**  
Edie Harding, Executive Director, SBE  
Janell Newman, Assistant Superintendent of School and District  
Improvement, OSPI
- Group Discussion
- 1:00 – 2:30**     **Revisions to SBE Provisional Accountability Index and Sub  
Group Analysis**  
Pete Bylsma, SBE Consultant

Group Discussion

**2:30-2:45**

Break

**2:45-3:15**

**Proposed Revisions to 180 Day School Waiver Process**  
Brad Burnham, Policy and Legislative Specialist, SBE

Group Discussion

**3:15-4:00**

**Informal Discussion and Wrap Up**  
Kris Mayer, SPA Board Lead

***Scheduled SPA Meetings for 2010***

<b>February 9, 2010</b>	1:00-4:00 p.m.	TBD
<b>April 13, 2010</b>	1:00-4:00 p.m.	TBD
<b>June 8, 2010</b>	1:00-4:00 p.m.	TBD

**Topics to Cover in 2010:**

School and District Improvement Plans

SBE Report Card

SBE performance goals

**System Performance Accountability Committee Roster**

Edie Harding SBE Executive Director	Mack Armstrong WASA
Mike Bernard Madison Cooke, Inc.	Phil Brockman Ballard School District
Marc Cummings Pacific Northwest Laboratory/Batelle	Karen Davis Washington Education Association
Bob Harmon Office of Superintendent of Public Instruction	Mary Alice Heuschel Renton School District
Myra Johnson Professional Educator Standards Board (Alt.) Clover Park School District	Erin Jones Office of Superintendent of Public Instruction
George Juarez Othello School District	Caroline King Partnership for Learning
Gary Kipp Association of Washington State Principals	Anne Luce Partnership for Learning
Janell Newman Office of Superintendent of Public Instruction	Don Rash Association of Washington State Principals
Martha Rice Washington State School Directors Association	Marilee Scarbrough Washington State School Directors Association
Nancy Smith Professional Educator Standards Board Lake Stevens School District	Bill Williams Washington State Parent Teacher Association

## **System Performance Accountability Charter**

**April 2008**

### **Project Purpose:**

To develop a statewide accountability system with state and local policy makers, educators, parents, and citizens working together to ensure no student falls through the cracks and that no school fails its students.

### **Background:**

When the legislature reconstituted the State Board in 2005, it transferred the responsibilities for creating a statewide accountability system from the A+ Commission to the State Board of Education. The requirements<sup>1</sup> for an accountability system include:

- » Setting performance improvement goals;
- » Setting cut scores on state assessments;
- » Identifying criteria for successful schools and districts in need of assistance and those where students persistently fail;
- » Identifying criteria for schools and districts where intervention and appropriate strategies are needed;
- » Creating performance incentives;
- » Reviewing the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity;
- » Providing biennial report on progress; and
- » Determining when school districts should choose from a curricular and instructional materials menu (2SHB 1906 from the 2007 Legislative Session).

### **Connection to Board's Mission, Goals, and Work Plan**

The Board adopted two overall goals to frame its work with accountability and the review of high school graduation requirements. The goals are:

- » Improve student performance dramatically; and
- » Provide all Washington students the opportunity to succeed in post-secondary education, the 21<sup>st</sup> century world of work, and citizenship.

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<sup>1</sup> RCW 28A.305.130 (4)

A focus on system performance accountability is one of the top priorities for the Board's work plan in 2007-08.

## **Board Role**

Kris Mayer will serve as the Board lead. Board members will participate in work sessions as well as regular Board meetings. The Board will adopt a final package of system performance accountability measures by September 2008 to prepare for the 2009 Legislative Session.

## **Scope of Work**

The Board adopted a preamble to its motions on key concepts for the system performance accountability work to provide direction to staff as they develop proposals for the State Board of Education's future review. The Board wants to be clear that these are preliminary, draft concepts that will receive extensive and formative public input and refinement. The Board, in advancing these concepts, is not endorsing specific details at this point. In addition, the Board acknowledges the magnitude of the implementation challenges that these proposals may present and asks our staff to be especially sensitive to identifying potential implementation barriers as well as strategies for dealing with them as they bring forward proposals for our review.

The three draft concepts are:

1. Performance Improvement Goals and Indicators to Measure System Progress
2. A Tiered System of Continuous Improvement for All Schools
3. Targeted Strategies for Chronically Underperforming Schools

## **Deliverables**

- Revisions to school and district improvement plans through SBE rules and guidelines
- Proposed accountability index to identify schools and districts
- Barriers study
- Student voices video
- Development of tiers with detail for continuous school and district improvement with OSPI
- Proposal on when school districts must adopt a state curricular menu
- Proposal on strategies for state/local partnerships for chronically underperforming schools
- Legislative package on final proposals for school and district support
- Proposals on revision and adoption of performance goals
- SBE report card

### Draft Timeline for Input Process and Board Deliverables

October 22, 2007	Board work session with advisors on school and district improvement plans
November 1, 2007	SPA Charter and discussion of teacher distribution study
November-December 2007	Consultant expert review of accountability index
January 9-10, 2008	Board meeting to discuss staff recommendations on WAC rule revisions and other changes for school improvement plans
January-March 2008	Student voices video produced Selection of consultants to assist with policy barriers study and state/local partnership for chronically underperforming schools
February 26, 2008	Board work session with advisors on tiers for continuous school and district improvement, accountability index for tiers and ESD accreditation
March-June 2008	Consultants to assist with policy barriers study (final report due June 2008) and state/local partnership for chronically underperforming schools (final report due September 2008)
March 26-27, 2008	Board meeting to discuss staff recommendations on tiers and accountability index. Note: NWREL selected for policy barriers study and Mass Insight for state/local partnerships options
Spring 2008	Engage with stakeholders on suggestions for system performance accountability concepts
May 14-15, 2008	Board meeting to discuss outreach
June 19, 2008	Board work session with advisors on results of barriers study, update on state/local partnership for chronically underperforming schools, and performance indicators
July 23-24, 2008	Board meeting to review barriers study, proposed rule changes for School Improvement Rule, and update on state/local partnerships
September 24-25, 2008	Board meeting to adopt full proposal package for 2009 session on accountability
September 30, 2008	Submit legislative and budget proposals to the Governor
Fall 2008	Continued Board outreach to key stakeholders and community on proposed legislative and budget package Board work session and meetings on performance improvement goals  SBE Symposium with PESB and others
Fall 2009	First SBE Report Card produced

## **Communication Plan**

The communication plan includes work sessions and public outreach meetings to be held periodically throughout the year (see Timeline) with relevant stakeholders such as educators, legislators, parents, and business representatives.

### **Staff Project Manager**

Edie Harding, Executive Director

**Systems Performance Accountability (SPA) Notes  
October 13, 2009**

Attendees: Kris Mayer, Phyllis Bunker Frank, Warren Smith, Bernal Baca, Steve Dal Porto, Amy Bragdon, Connie Fletcher, Bob Hughes, Mack Armstrong, George Juarez, Erin Jones, Janell Newman, Tonya Middling, Gary Kipp, Karen Davis, Mike Bernard, Bill Williams, Phil Brockman, Caroline King, Martha Rice, Pete Bylsma, Edie Harding, Brad Burnham

**Recap of Progress To Date and Current Work on Accountability Framework for Voluntary and Required Action**

Edie Harding gave an update on progress to complete the details of the State Board of Education (SBE) Accountability Framework. OSPI and SBE will ensure our Accountability Framework is seamless, integrates with the new Federal School Improvement guidelines, and builds upon the work of our Systems Performance Accountability (SPA) work group, which includes: a continuous system of improvement for schools and districts, a joint state/local collaboration for voluntary and required action, a focus on improvement and additional state criteria to determine which districts move into Required Action.

The accomplishments of the SPA work group and the SBE include: a review of current national research issues and Washington state school and district policy barriers and performance issues; a collaborative accountability framework; a provisional accountability index to recognize high achieving schools that improve; close the achievement gap and out perform their peer schools; and creation of a process for reviewing districts with persistently low achieving schools for voluntary and required action.

Janell Newman discussed the expectations under the draft Federal School Improvement guidelines. New measures will be used to determine the lowest achieving schools that include measuring absolute performance as well as growth in the all category of students for reading and math. One cohort of Title I and Title I eligible schools will be identified by Washington based on these and other criteria to receive federal funds under school improvement (through the district with these schools). Districts will be asked to participate based on a determination of greatest commitment to follow through on the four federal models of intervention. These models are: turnaround, closure, restart and transformation.

Edie outlined the proposed steps that would occur for those very few districts that would fall under the SBE proposal for Required Action. The steps include a joint state/local collaboration with recommendation from an independent external audit that the local school board will use to create a plan using one of the four federal models or a state model or local model. SBE will need to approve the local school board plan. The state will be responsible for providing the resources and authority to districts to implement the binding conditions of the plan.

Feedback forms in hard copy and electronically were distributed to the SPA group for input. Some of the initial thoughts from the group included: concerns about the sustainability of the school improvement funds after three years and timing with the Quality Education Council and basic education funding revisions. Members of the groups wanted a way to be clear about the role of districts vs. schools in the voluntary and required action, the capacity to address the four federal models for school

improvement, and details of how opening up the collective bargaining agreement would work in required action.

SBE will consider action at its November Board meeting to approve further refinements of its Accountability Framework:

- 1) The details for Voluntary and Required Action for addressing the role of the state and local districts with low performing schools to improve educational outcomes for their students – a final report and a draft bill for the 2010 legislation session will be prepared based upon the Board's action.
- 2) Revisions to the SBE Provisional Accountability Index to examine high and low achieving schools. The current SBE Provisional Accountability Index will be used for a Joint OSPI/SBE Recognition Program for high achieving schools as well as those that show gains in achievement and closing the achievement gap, compared to their peers or overall improvement. SBE/OSPI will work with the Federal government to pursue a waiver or changes in No Child Left Behind to use the revised Accountability Index with low achieving schools.

### **Review of Criteria for District Identification for Voluntary and Required Action**

Pete Bylsma outlined some suggested state criteria to determine what additional measures beyond the federal school improvement rule could be used to identify districts with persistently low achieving schools. These include as a first step: identification of the bottom 25 percent of schools (both Title I and non Title I) based on percentage of all students in both reading and math for four years; the use of the AYP uniform bar as a metric; the results for elementary, middle, high and multiple grade bands; and examination of those in the bottom quartiles of their grade band in both math and reading for 4 years. Under the second step, a deeper analysis would include: contextual data (school type, changes in student population, feeder patterns, district governance); other assessment data (subgroups, achievement gaps, Washington Language Proficiency Test); teaching and learning issues (staff qualifications and experience, curriculum alignment, extended learning opportunities, community involvement); other data (dropout rates, external evaluations, participation and unexcused absences); cells of the SBE Accountability Index (peer ratings, close the achievement gap, graduation rates). State criteria for Required Action for districts will need to be legally defensible: quantitative and not open to subjective interpretation.

### **Race to the Top**

Edie provided an update on Washington's plans to seek funding from the Race to The Top competitive grant in Round 1 (January 2010) and Round 2 (June 2010). She handed out an organizational and work plan. The Governor, Superintendent and Chair of the State Board of Education must sign off on the application. There are a number of work groups involved, including one on struggling schools, that the SPA group will be consulted on. We will solicit feedback from local districts and other education stakeholders. Proposals must address: the state's full range of students, show effective strategies to change and improve educational outcomes, be equitable, be research based, be able to take to scale, and be sustainable.

## **Revisions to SBE Provisional Accountability Index and Sub Group Analysis**

A critical revision to the Provisional Accountability Index is the addition of the subgroup analysis. Pete Bylsma made revisions based upon feedback from his technical advisers, federal experts and SPA members which will: 1) keep reporting all subgroups on the OSPI Report Card, 2) keep the Accountability Index the same as the Board adopted last May and use for Adequate Yearly Progress (AYP) decisions for all students, and 3) use a separate modified Index with more subgroups to make AYP decisions based on each individual subgroup (this last one was suggested by the SPA group discussion).

The all student group will use SBE Provisional Accountability Index (reading, writing, math, science and graduation rate) and schools and districts must have a 2-year average of at least 3.00 as an overall average on the Accountability Index to make AYP.

On the additional index for subgroups, four more subgroups will be added. The outcomes for the subgroups will be limited to those in the Federal accountability – reading, math and extended graduation rate, computing a row average for each subgroup. Any subgroup may not make AYP if the average of the subgroup row does not improve at least once every two years. Special education students will have no restriction on the percent of students who can count as meeting standard on the Washington Alternate Assessment System (WAAS) and special education students who reach level 2 on the state wide assessments will be deemed as meeting standard.

The Board will consider taking action on these changes at its November Board meeting.

## **Revisions to the 180 Day Waiver Process**

Brad Burnham presented one of the options for consideration for revisions to the 180 day waivers. The proposed option would shift long term planning efforts for student achievement to OSPI to administer under the new accountability system in both voluntary and required action. SPA members felt that these waivers should not be available to schools and districts that were going to receive additional funds under voluntary or required action. They felt the waivers should be handled in one office (SBE). All acknowledged the dilemma in terms of trading time for professional development and instructional time for students.

Staff does not plan to go forward with a recommendation on this particular revision to the 180 day waiver process.

**The next SPA meeting is scheduled for 1- 4 p.m. on February 9, 2010 at the Renton School District.**





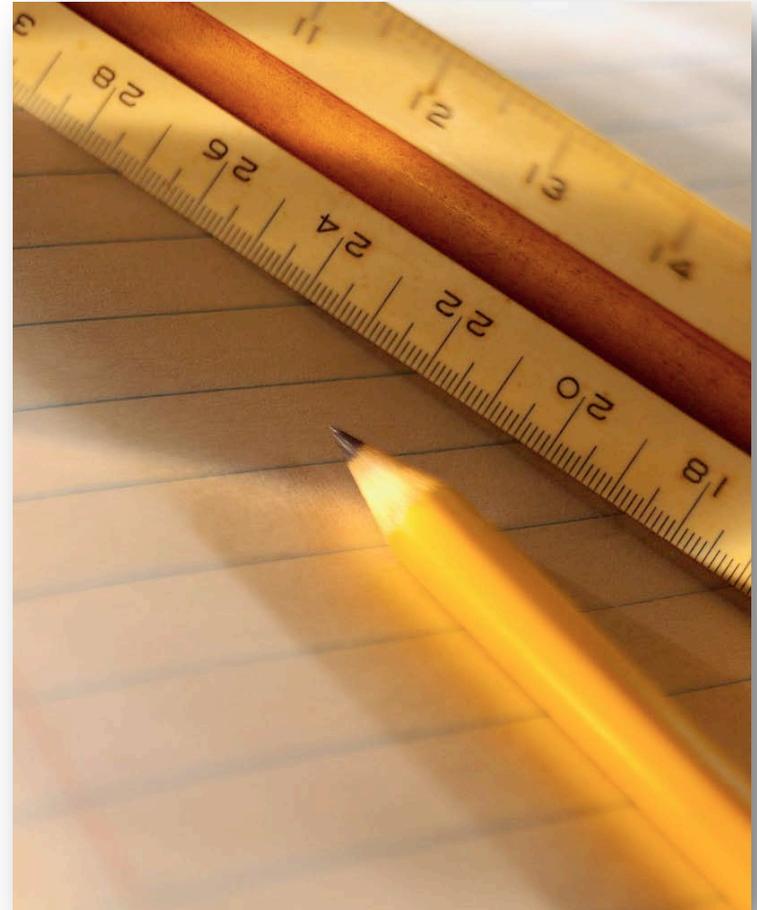
# Systems Performance Accountability Update

A Presentation to the Systems Performance Accountability (SPA) Workgroup  
October 13, 2009

Ms. Edie Harding, Executive Director  
Dr. Janell Newman, OSPI District and School Improvement  
Washington State Board of Education (SBE)

# Topics for Today's Presentation

1. Federal Draft Guidelines for School Improvement.
2. State Accountability Framework Considerations.



# Draft Federal School Improvement Guidelines (slide 1 of 2)

- Address bottom 5% of persistently low achieving Title I schools and Title I eligible schools.
- Change conditions dramatically to raise student achievement substantially.



# Draft Federal School Improvement Guidelines (slide 2 of 2)

- Remove state barriers to allow the state to:
  - Intervene in low achieving schools.
  - Permit charters.
  - Improve efforts to recruit and retain effective staff.
- Award funding for 3-5 years based on rigorous interventions and intensive technical assistance.

# Our Commitment as a State

(slide 1 of 2)

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- OSPI and SBE will ensure our Accountability Framework is seamless for our work together.
- We will integrate the new draft Federal School Improvement Guidelines to ensure we are operating under one system.

# Our Commitment as a State

(slide 2 of 2)

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- We will build upon the SPA work over the last two years, which includes:
  - A continuous system of improvement for schools and districts.
  - A joint state/local collaboration for Voluntary and Required Action.
  - A focus on improvement and additional state criteria to determine which districts move into Required Action.



# Our Systems Performance Accountability Challenge

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- Make sure that all of our kids have an excellent and equitable education.
- Focus critical resources and collaborative efforts in districts with schools in greatest need.
- Improve the federal system of accountability (currently 1073 schools and 103 districts are in a step of improvement).

# Accomplishments to Date (slide 1 of 3)

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- A review of current national research issues and Washington state school and district policy barriers and performance issues.
- A collaborative Accountability Framework that honors state and local partnerships and recognizes the need in limited circumstances to mandate a Required Action process.

# Accomplishments to Date (slide 2 of 3)

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- Creation of a Provisional Accountability Index to recognize high achieving schools that improve, close the achievement gap, and outperform their peer schools with similar demographics.
- Improvements to the Accountability Index that take into account subgroups (to be discussed at SPA meeting).

# Accomplishments to Date (slide 3 of 3)

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- Development of additional ways to review data beyond assessments for determining which districts should be identified for Voluntary and Required Action.
- Creation of a Required Action Process that integrates the federal expectations for turnaround schools with the SPA work group suggestions.

# SBE Accountability Framework

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- Board endorsed January 2009.
- SBE Accountability Framework: local school boards play a “critical role in addressing student achievement,” and must be “proactive (and) collaborative” in order to achieve this end.
- Legislature approved and asked for proposal and timeline by December 1, 2009, on:
  - Accountability Index.
  - Voluntary assistance to districts.
  - Required Action if no improvement.

# Washington State Board of Education (SBE) Accountability Framework

## Key Components of the SBE Accountability Framework

1. An excellent and equitable education for all students.
2. Continuous improvement for all schools and districts.
3. One federal/state system.
4. State and local collaborative effort.



## Office of Superintendent of Public Instruction (OSPI) Identification Process

**Step One:** Identify persistently low achieving schools (and their districts) using proposed federal school improvement guidelines (include non-Title I schools).

**Step Two:** Use additional criteria to examine school and district performance.

**Step Three:** Identify the lowest performing schools (and their districts).



**All Districts Not Identified for Voluntary or Required Action**



### Annual Efforts

The districts create School and District Improvement plans to address issues of student achievement.

OSPI provides limited technical assistance.



**Districts with Persistently Low Achieving Schools Identified for Voluntary or Required Action**



**Voluntary Action: Priority Districts**



**Required Action: Academic Watch Districts**



The local board will select one of the four Federal School Improvement Guidelines: (turnaround, restart, closure, transformation) or additional state or local models.



### Positive Outcomes

1. Improve student achievement for all students.
2. Build the capacity of districts to help students improve.
3. Close the achievement gap.
4. Lower dropout rates.

# Update on SBE Accountability Index

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- SBE adopted the draft Accountability Index that focuses on multiple subjects, improvement, and closing the achievement gap - May 2009.
- SBE and OSPI will use the draft index with some additions for the Joint Recognition Award - November 2009.
- SBE continues to refine index based on feedback to prepare request for federal approval (waiver and NCLB reauthorization - 2010? 11? 12?).

# Use of Current Federal Matrices

- For now, OSPI must consider new draft Federal School Improvement Guidelines to identify districts and schools for Voluntary Action.
- SBE will consider the new draft Federal School Improvement Guidelines for Required Action.



# Identification of Districts with Persistently Low Achieving Schools

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- OSPI and SBE will use criteria based on new federal guidelines as well as other measures to identify Priority Districts for Voluntary Action and Academic Watch Districts for Required Action.
- Academic Watch Districts will include Title I and non Title I schools.

# New Achievement Metrics

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**ABSOLUTE:** Data indicates overall student achievement in reading and mathematics in “all students” is extremely low.

**GROWTH:** A school is not improving compared to the state in reading and mathematics in the “all students” category.

# Persistently Low-achieving Schools

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- Tier 1: Lowest 5% of Title I schools in Steps 1-5 not making AYP in state.
- Tier 2: Equally low-achieving secondary schools that are Title I-eligible.
- Tier 3: Title I schools in Steps 1-5 not identified in Tier 1.

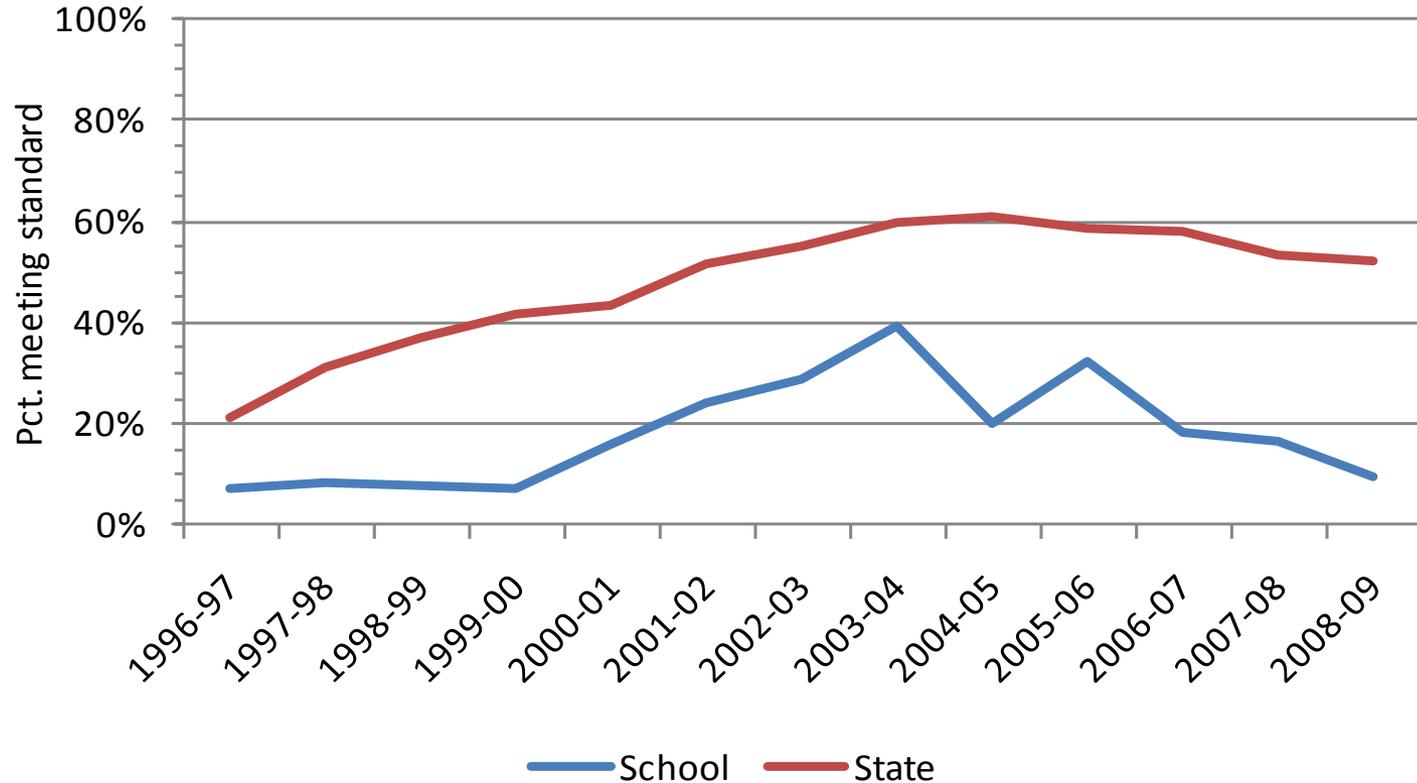
# OSPI Identification Process (slide 1 of 2)

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**First Step:** Identify lowest 5% of Title I schools in a step of improvement using proposed federal school improvement guidelines. Title I eligible secondary schools may be served with a Secretary's waiver. Lowest performance is defined as little or no progress over a number of years in the "all student" category in reading and math compared to the average state performance in these same categories.

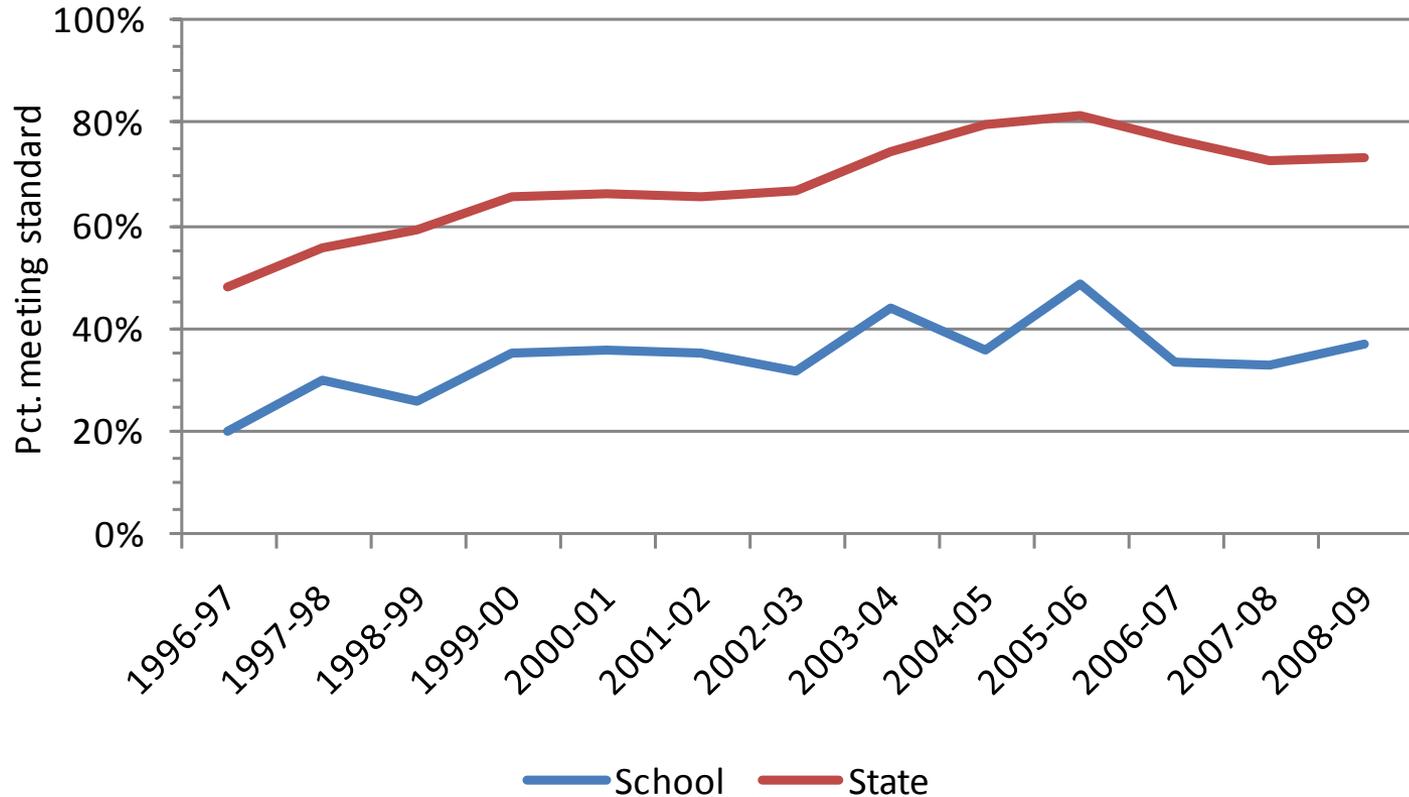
# Example of an Existing Low Performing School in the New Federal Matrix

## Grade 4 Math WASL



# Example of an Existing Low Performing School in the New Federal Matrix

## Grade 4 Reading WASL



# OSPI Identification Process (slide 2 of 2)

**Second Step:** Use additional contextual data to narrow the list of eligible schools and districts, in addition to considerations permitted or required by final Federal School Improvement Guidelines.



# Voluntary Action (slide 1 of 2)

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- Voluntary Action: Priority Districts.
- Determine “greatest commitment” through district demonstrations that might include:
  - Support of school board, association, and staff.
  - Commitment to select intervention model and implementation with fidelity.
  - Commitment to research-based strategies utilized by all staff.
  - Commitment to development of staff evaluation process that includes measures of student achievement.

# Voluntary Action (slide 2 of 2)

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- OSPI provides external needs assessment and data review to inform model selection and action planning (turnaround, restart, closure, and transformation).
- Needs assessment and subsequent action planning address root causes of persistent low performance.

# Moving from Voluntary to Required Action

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- Determine additional criteria to use to examine why a district would be recommended for Required Action (Pete will discuss later in agenda).
- Determine the timeline for when a district will be recommended for Required Action (right away or after several years).

# Required Action Steps (slide 1 of 4)

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OSPI will recommend districts for Academic Watch (those most in need of assistance).

For districts selected for Academic Watch:

1. SBE directs OSPI to conduct an independent Academic Performance Audit.
2. OSPI will manage the Performance Audit.

# Required Action Steps (slide 2 of 4)

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3. Academic Watch districts will develop and present a Board approved Academic Watch plan and budget.
4. The local board will select one of the four Federal School Improvement Guidelines (turnaround, restart, closure, transformation) or additional state or local models.

Explanation follows...

# Federal Models of Intervention

(slide 1 of 2)

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- **Turnaround** (replace principal and 50% of staff).
- **Restart** (close school and reopen under charter or new management).
- **Closure** (move students to high performing school).

# Federal Models of Intervention

(slide 2 of 2)

- **Transform** Implement a comprehensive transformation strategy that:
  1. Develops teacher school leader effectiveness,
  2. Implements comprehensive instructional reform strategies,
  3. Extends learning and teacher planning time, creates community oriented schools,
  4. Provides operating flexibility and intensive support.

# Required Action Steps (slide 3 of 4)

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5. SBE approves local Academic Watch plan, which becomes binding for district.
6. The state provides the authority and resources to the district (potential to revise collective bargaining agreement, funding, and technical expertise).
7. With authority and resources, the district implements the plan and provides quarterly updates on progress to state and community.

# Required Action Steps (slide 4 of 4)

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8. OSPI provides assistance and determines when a district is eligible to exit Academic Watch status.
9. OSPI notifies SBE annually of a district's Academic Watch status.
10. SBE approves a district's release from Academic Watch based on AWI (Academic Watch Implementation) plan metrics or requires the district to revise the Academic Watch Implementation Plan.

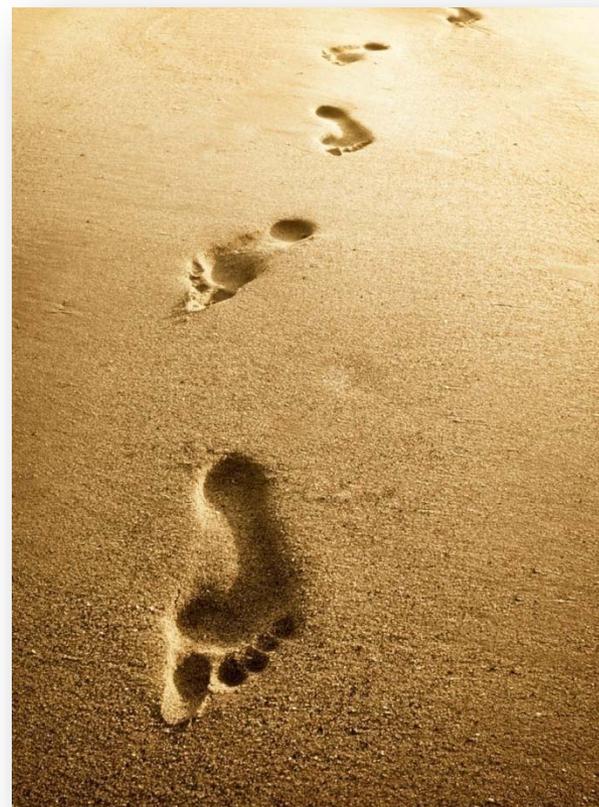
# Legislative Authority

The Legislature must approve this Required Action component, ensuring **state/local partnerships**, allowing Required Action, and providing the resources and authority for the Academic Watch plan to commence.



# SBE Next Steps

- Review elements of this proposal with stakeholders and SPA group - fall 2009.
- Board will take action at its November 12-13, 2009, meeting.
- Report and draft legislation due to Legislature - December 1, 2009.



# Future SBE Work

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- Work with the Department of Education to authorize the use of our Provisional Accountability Index through a waiver or through reauthorization of NCLB.
- Integrate our work into the Race to the Top grant proposal.
- Create state performance goals.
- Revise school improvement plan rule.
- Create key report card indicators on school performance.

Draft/August 28, 2009

## Federal School Improvement Grants

### Initial Summary Analysis of the U.S. Department of Education Notice of Proposed Requirements Published August 26, 2009

#### Introduction

Secretary of Education Arne Duncan published in the August 26, 2009, *Federal Register* a notice of proposed requirements for the School Improvement Grants program authorized by Section 1003(g) of the Elementary and Secondary Education Act (ESEA). The proposed requirements would govern grants to state educational agencies (SEAs) and sub-grants to local educational agencies (LEAs) with funds appropriated under the American Recovery and Reinvestment Act (ARRA) as well as the Fiscal Year 2009 appropriation. Funds from these two sources would be consolidated into a single fund totaling \$3.546 billion, which will be allocated to all states by formula based on state application to the U.S. Department of Education (USED).

Under ESEA, SEAs receive funds to make grants to LEAs to support school improvement activities in schools that have been identified for school improvement, corrective action, or restructuring under Title I. Ninety-five percent of the funds must be granted to LEAs by the state (with five percent retained at the state level), though some of these funds may be used by the SEA for direct services with agreement from the LEA. These school improvement funds are in addition to funds that states must set aside for parallel school improvement purposes (4% of the state grant under Part A of Title I) under Section 1003(a) of ESEA.

Public comments on the notice are due to USED by September 25, 2009. The August 26 notice does not solicit state applications. There will be a subsequent notice inviting applications, likely in late fall 2009, either as part of or concurrent with the issuance of final requirements for the program.

#### Summary

**The August 26 notice on School Improvement Grants would require SEAs to target funds to LEAs with the greatest "need," in that they have the lowest performing schools as defined in the notice, and the strongest "commitment," in that they demonstrate fidelity to significant interventions as defined in the notice and the capacity to carry out those interventions. The notice promotes a significant shift in philosophy regarding the use of School Improvement Grant funds, which can be summarized in several core principles:**

- **Funds must be targeted to the lowest performing schools, which the notice defines in detailed terms;**
- **Those schools must be the focus of significant interventions based on four options, which the notice defines in detailed terms;**
- **Those schools should be given significant, sufficient resources to ensure their ability to implement reforms (rather than LEAs spreading funds across more schools);**

**Draft/August 28, 2009**  
**Summary Analysis of USED School Improvement Grant Notice**

- **Funds should more fully target low-performing middle and high schools (as long as they are Title I-eligible even if they do not receive Title I funds);**
- **States should seek waivers from current No Child Left Behind (NCLB) requirements to promote this model for School Improvement Grants.**
- **Schools receiving Grant funds must be held to additional accountability requirements, including annual progress on student achievement and a number of new "leading indicators."**

**Full Analysis**

The School Improvement Grant notice proposes to require SEAs to provide grants to LEAs for school improvement based on a simple equation: LEAs are to be evaluated based on (1) those with the greatest *need* in terms of low performing schools and (2) those with the greatest commitment to identified reforms and capacity to implement those reforms. With respect to "need," the notice proposes to require states to create three tiers of schools and includes provisions designed to target funds to the lowest performing 5% of Title I schools identified for school improvement, corrective action, or restructuring (Tier 1 schools), as well as middle and high schools with equivalent low-achievement levels that are eligible, but do not receive, Title I funds (Tier 2 schools), using the Secretary's waiver authority to permit funding for these schools). Schools in Tiers 1 and 2 would be the focus of school improvement activities, with money targeted to those LEAs and schools with the greatest commitment and capacity for significant reform. LEAs would be required to use one of four intervention models in their schools receiving funds – turnaround, restart, closure, or transformation – and schools should receive significant funding over a three-year period to support those significant reforms. Finally, schools receiving funds must be held to additional accountability benchmarks regarding gains in student achievement and other "leading indicators." The sections below explain each of these core elements of the notice in greater detail.

**I. Need.**

The notice proposes to implement the statutory priority on "need" by requiring that the SEA identify three tiers of schools:

- Tier 1 includes the lowest achieving 5% of Title I schools in improvement, corrective action, or restructuring, based on extremely low overall student achievement *and* "little or no progress," defined to mean that the school's gains on state math and reading/language arts assessments in the "all students" category are less than the average gains of schools in the state. The SEA must set specific criteria and identify these schools.
- Tier 2 includes equally low achieving middle and high schools eligible for, but not receiving, Title I funds. (LEAs could include these schools at their option and would receive a waiver to permit them to do so. If included, the LEA would have priority for funding from the state.)
- Tier 3 includes the remaining Title I schools in school improvement, corrective action, or restructuring. States would be encouraged to prioritize among Tier III schools, as well.

**Draft/August 28, 2009**  
**Summary Analysis of USED School Improvement Grant Notice**

An LEA must serve all Tier 1 schools unless it demonstrates it lacks sufficient capacity or school improvement funds to undertake one of the four prescribed intervention models summarized below in each Tier I school (e.g., if it shows it can best impact student achievement by concentrating resources in a subset of Tier 1 schools). Once an LEA has identified all Tier 1 schools it has the capacity to serve, it may also identify Tier 3 schools it will serve. An LEA with one or more Tier 1 schools may not apply only to serve Tier 3 schools.

If an SEA has insufficient funds to fund each LEA that submits an approvable application, the SEA must give priority to LEAs that apply to serve both Tier 1 and Tier 2. Also, if an SEA has insufficient funds to allocate to each LEA with a Tier 1 or Tier 2 school to implement the specified interventions for those schools for three years, the SEA may take into account the distribution of Tier 1 and Tier 2 schools among such LEAs to ensure that Tier 1 and Tier 2 schools throughout the state can be served.

## **II. Commitment**

The notice proposes to implement the statutory priority on "commitment" by prescribing LEAs use on of four interventions in Tier 1 and Tier 2 schools and that LEAs demonstrate capacity and sufficient concentration of resources to implement the proposed interventions in all schools that the LEA proposes to serve. The four interventions are:

- Turnaround, which includes replacing the principal and at least 50% of school staff, adopting a new governance structure, and implementing a new or revised instructional program;
- Restart, which involves closing a school and reopening it under the management of a charter school operator or a charter or educational management organization;
- Closure, with students who attended the school reassigned to other schools in the LEA; and
- Transformation, which minimally include the following four elements: (1) strategies to develop teacher and school leader effectiveness, including using evaluations based significantly on student growth to improve teacher and school leader performance and to reward and remove teachers and school leaders; removing the principal; providing professional development; *and* implementing strategies to recruit, place, and retain effective staff; (2) comprehensive instructional reform strategies, including use of data to identify and implement research-based instructional programs and promote continuous use of individualized student data to inform instruction; (3) extended learning time, including time for enhanced student learning and enrichment, teacher collaboration and planning, and mechanisms for family and community involvement; **and** (4) provision of operating flexibility for the school in implementing a comprehensive approach to improve student achievement, as wells as ongoing technical assistance and support to the school.

Under the proposed requirements, an LEA with nine or more Tier 1 and Tier 2 schools would not be able to implement any one of these four interventions in more than 50% of those schools.

## **III. Funding**

Consistent with the statute, the notice indicates the minimum and maximum funding for an LEA based on the numbers of eligible Title I schools identified for improvement, corrective action, or restructuring in the LEA that the LEA proposes to serve with this grant – whether a Tier 1 or Tier 3 school. The LEA

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may receive between \$50k and \$500k per year for each such school. The notice clearly contemplates a grant of \$500k per year for each Tier 1 school that will implement a turn-around, restart, or transformation model. Once the LEA proposes and receives a pool of funds based on its Title I schools identified for improvement, corrective action, or restructuring, the LEA is permitted (and encouraged) to adjust spending across its Tier 1, 2, and 3 schools – spending more on targeted Tier 1 schools and spending funds on Tier 2 schools (through a waiver, even though such schools do not count in the initial allocation of funds to the LEA), with lesser amounts spent on Tier 3 schools. School allocations should be based on the LEA's expected budget for implementing one of the four interventions in each Tier 1 and Tier 2 school being targeted, as well as for serving participating Tier 3 schools.<sup>1</sup>

An LEA in its application needs to propose which eligible schools it will serve and how grant funds will actually be allocated among the schools. The LEA may use more than \$500k per year in each of its Tier 2 and Tier 2 schools, so long as all schools identified in its application are served. Also, the LEA must budget sufficient funds to implement one of the four interventions in each Tier 1 and Tier 2 school that it proposes to serve. If an LEA lacks the capacity to implement one of the four interventions in each Tier 1 school, the SEA would need to adjust the size of the LEA's grant accordingly.

Finally, the Secretary will waive limits on fund availability to make the funds available for three years, with funds to be released one year at a time based on the progress of funded schools. This means that Title I schools in school improvement, corrective action, or restructuring make LEAs eligible for up to \$500k per year *for three years*, or \$1.5M over three years, with actual spending considerably higher in targeted Tier 1 or 2 schools.

#### **IV. LEA Applications**

The notice includes requirements for LEA applications that focus on selection of schools consistent with the prescribed Tiers, the capacity of the LEA, and the adequacy of its budget to implement the proposed interventions, particularly including the four prescribed interventions for Tier 1 and Tier 2 schools. Specifically, LEA applications must address the requirements summarized above regarding Tiers, schools to be served, prescribed interventions, and their capacity to implement them. The budget must be sufficient to implement prescribed interventions in selected Tier 1 and Tier 2 schools proposed to be served, as well as providing services to participating Tier 3 schools. SEAs may require additional information in the application.

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<sup>1</sup> The notice includes several examples of how an SEA might determine the amount of the grant for hypothetical LEAs and how the LEAs might then decide to use the funds. In one example, an LEA has 10 Title I schools in improvement, corrective action, or restructuring: three are Tier 1 schools and the rest are Tier 3 schools. The LEA also has one Tier 2 school. The LEA and SEA agree that the LEA has the capacity to serve all of these schools. The maximum grant that the LEA may receive per year is \$5 million (\$500k X 10 Title I schools to be served). Based on the LEA's proposed budget and capacity, the SEA awards the LEA a grant totaling \$4,150,000 per year. In spending the school improvement funds, the LEA, consistent with its budget submission to the SEA, uses \$1.5 million per year in one Tier 1 school; \$1 million per year in the Tier 2 school; \$750k per year in each of the two remaining Tier 1 schools; \$50k per year in each of two Tier 3 schools; and \$10k per year in each of the remaining five Tier 3 schools. If progress is shown, this budget would presumably be reallocated for years two and three. Other examples make clear that SEAs have some room to make judgments on grant size – and LEAs have similar room for judgments on use of funds among the schools -- based on budget and capacity.

## **V. SEA Responsibilities**

The notice also addresses the statutory role of the SEA to administer the School Improvement Grants program; make funding decisions consistent with the regulations; develop criteria for its Tier 1 schools and use those criteria to identify those schools; and oversee LEA implementation of the program and accountability for funded schools. SEAs must submit an application to USED addressing the SEA's role in identifying Tier 1 and Tier 2 schools in the state; establishing criteria on the overall quality of LEA applications and on LEA capacity; allocating funds to LEAs; providing technical assistance to LEAs and monitoring their implementation and the progress of participating schools; and holding each Tier 1 and Tier 2 school accountable for achievement goals and other indicators on an annual basis.

The SEA reviews and approves LEA applications, including –

- ensuring LEA compliance with requirements, including LEA budget and capacity to implement one of the four prescribed interventions in Tier 1 and Tier 2 schools to be served. (If LEA capacity is lacking, the SEA would adjust the size of the grant);
- considering the quality of the application, including LEA analysis of needs of each school and matching of proposed interventions to those needs; and whether interventions are part of a long-term plan to sustain gains in student achievement and will be sustained after the funding period ends.

The SEA may decide not to approve all schools included in an LEA application based on capacity and budget issues. It must apportion the funds to LEAs over three years.

USED is encouraging SEAs to allocate school improvement funds under the separate authority in section 1003(a), ESEA to Tier 1 and Tier 2 schools to support LEA and school ability to implement the interventions and to design a multi-pronged strategy for changing the school culture and reforming the lowest achieving schools.

SEAs are also encouraged to begin work with stakeholders to lay the foundation for this program, including quickly defining Tier 1 and Tier 2 schools; reviewing and eliminating barriers to reform; diagnosing causes of failure; developing or refining processes to recruit, screen, and select necessary outside partners and providers; fairly and rigorously evaluating teachers and leaders in the lowest performing schools; and recruiting and training turnaround and transformation school leaders and teachers.

## **VI. Accountability**

The notice proposes to hold funded schools accountable for progress, above and beyond AYP. (In fact, the notice invites SEAs to propose to restart AYP timelines for targeted Tier 1 schools.) The notice would require each LEA to establish three-year student achievement goals in math and reading/language arts. The initial grant is renewed annually (within the three-year project limit) if the LEA demonstrates that its Tier 1 and Tier 2 schools are meeting or are on track to meet the student achievement goals for all children in the school and for each subgroup identified in Title I, ESEA, *and* are making progress on "leading indicators" of school reform specified in the notice. The proposed "leading indicators" include items such as graduation and dropout rates, student attendance, college enrollment rates, number of instructional minutes, equitable teacher distribution, etc.

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SEAs and LEAs need to report school level data relating to the use of grant funds and the impact of interventions, including student achievement data and school reform indicators. SEAs and LEAs must also participate in a USED evaluation.

### **VII. Flexibility**

The notice proposes several significant elements of flexibility to facilitate implementation of the proposed policies through USED's "waiver" authority:

- SEAs may award funds to continue implementation of a turnaround, restart, or transformation intervention model initiated by the LEA in a Tier 1 school within the last two years.
- An SEA may seek a waiver to permit a school that implements a turnaround or restart model to "start over" in the school improvement timeline under ESEA while continuing to receive school improvement grant funds. For example, under the turnaround or restart model, a school in restructuring status would exit from that status and would not need to provide public school choice or supplemental educational services.
- An SEA may seek a waiver to enable Tier I schools that operate targeted assistance programs to operate schoolwide programs in order to implement the proposed intervention.
- As noted above, the Secretary will waive limits on the availability of funds to permit their use over a three-year project period.

### **Conclusion**

USED's notice on School Improvement Grants seeks to leverage \$3.5 billion in federal school improvement funds through ARRA (along with Fiscal Year 2009 funds) to transform nationwide our systems for intervening in the lowest performing schools. It establishes detailed requirements to guide these school improvement efforts, including defining significant interventions for lowest performing schools and targeting funds accordingly. The notice does not focus on integrating these efforts into broader statewide systems of support – an issue with which states must wrestle. But it is likely that this focus on supports and interventions, and this focus on the lowest performing schools, will continue to receive significant attention and funding as the Administration moves forward – in the Fiscal Year 2010 budget and beyond, as well as in ESEA reauthorization.

EducationCounsel provides education strategy, policy, advocacy, and legal support to state and national education leaders across the country. Our goal is to help transform education policies to help dramatically improve student achievement and close achievement gaps. This summary and analysis is provided for policy planning purposes, and does not constitute specific legal advice.

If you have questions about USED's ARRA School Improvement Grant notice, or other ARRA issues, please contact **Scott Palmer**, Managing Partner, at [scott.palmer@educationcounsel.com](mailto:scott.palmer@educationcounsel.com) or (202) 545-2916; **Reg Leichty**, Partner, at [reg.leichty@educationcounsel.com](mailto:reg.leichty@educationcounsel.com) or (202) 545-2918; or **Steve Winnick**, Senior Counsel, at [steve.winnick@educationcounsel.com](mailto:steve.winnick@educationcounsel.com) or (202) 545-2913. General information is also available at [www.EducationCounsel.com](http://www.EducationCounsel.com)

**DEPARTMENT OF EDUCATION****Notice of Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before October 26, 2009.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 21, 2009.

**James Hylar,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

**Federal Student Aid**

*Type of Review:* New.

*Title:* Student Assistance General

Provisions Non-Title IV Revenue Requirements (90/10).

*Frequency:* Annually.

*Affected Public:* Business/other for profits.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 2,058.

*Burden Hours:* 3,087.

*Abstract:* The regulations establish the requirements under which a proprietary institution of higher education must derive at least ten percent of its annual revenue from resources other than Title IV HEA funds, and implements the Net Present Value formula and its alternative calculation prescribed by the statute and implemented through these regulations.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4076. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-20617 Filed 8-8-09; 8:45 am]

**BILLING CODE**

**DEPARTMENT OF EDUCATION**

**[Docket ID ED-2009-OESE-0010]**

**RIN 1810-AB06**

**School Improvement Grants—  
American Recovery and Reinvestment  
Act of 2009; Title I of the Elementary  
and Secondary Education Act of 1965**

**ACTION:** Notice of proposed requirements.

**SUMMARY:** The U.S. Secretary of Education (Secretary) proposes requirements for School Improvement Grants authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and funded through both the Department of Education Appropriations Act, 2009 and the American Recovery and Reinvestment Act of 2009 (ARRA). The proposed requirements would define the criteria that a State educational agency (SEA) must use to award school improvement funds to local educational agencies (LEAs) with the lowest-achieving Title I schools that demonstrate the greatest need for the funds and the strongest commitment to use those funds to provide adequate resources to their lowest-achieving Title I schools in order to raise substantially the achievement of the students attending those schools. The proposed requirements also would require an SEA to give priority, through a waiver under section 9401 of the ESEA, to LEAs that also wish to serve the lowest-achieving secondary schools that are eligible for, but do not receive, Title I funds. Finally, the proposed requirements would require an SEA to award school improvement funds to eligible LEAs in amounts sufficient to enable the targeted schools to implement one of four specific proposed interventions.

**DATES:** We must receive your comments on or before September 25, 2009.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by e-mail. Please submit your comments only one time in order to ensure that we do not receive duplicate copies. In addition, please include the Docket ID and the term "School Improvement Grants" at the top of your comments.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> to submit your comments electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How To Use This Site."

• *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about these proposed requirements, address them to Dr. Zollie Stevenson, Jr., U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W230, Washington, DC 20202-7241.

• *Privacy Note:* The Department's policy for comments received from

members of the public (including those comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at <http://www.regulations.gov>. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

**FOR FURTHER INFORMATION CONTACT:** Dr. Zollie Stevenson, Jr.; Telephone: (202) 260-0826 or by e-mail: [Zollie.Stevenson@ed.gov](mailto:Zollie.Stevenson@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities may obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding this notice. We are particularly interested in comments on the measures of accountability described in Section II.A.7 of the proposed requirements and whether they are appropriate measures for Tier I and Tier II schools that implement one of the interventions proposed in Section I.A.2.a, 2.b, or 2.d of this notice. To ensure that your comments have maximum effect in developing the notice of final requirements, we urge you to identify clearly the specific proposed requirement that each comment addresses.

We invite you also to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed requirements. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of this program.

During and after the comment period, you may inspect all public comments about this notice by accessing [Regulations.gov](http://www.Regulations.gov). You may also inspect the comments in person in Room 3W100, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request we will

provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Purpose of Program:* In conjunction with Title I funds for school improvement reserved under section 1003(a) of the ESEA, School Improvement Grants under section 1003(g) of the ESEA are used to improve student achievement in Title I schools identified for improvement, corrective action, or restructuring so as to enable those schools to make adequate yearly progress (AYP) and exit improvement status.

Appropriations for School Improvement Grants have grown from \$125 million in fiscal year (FY) 2007 to \$546 million in FY 2009. The ARRA provides an additional \$3 billion for School Improvement Grants in FY 2009. The proposed requirements in this notice would govern the total \$3.546 billion in FY 2009 school improvement funds, an unprecedented sum with the potential to support implementation of the fundamental changes needed to turn around some of the Nation's lowest-achieving schools.

**Program Authority:** 20 U.S.C. 6303(g).

**Background**

*Statutory Context*

Section 1003(g) of the ESEA (20 U.S.C. 6303(g)) requires the Secretary to award School Improvement Grants to each SEA based on the SEA's proportionate share of the funds it receives under Title I, Parts A, C, and D of the ESEA. In turn, each SEA must provide subgrants to LEAs that apply for those funds to assist their Title I schools identified for improvement, corrective action, or restructuring under section 1116 of the ESEA. This assistance is intended to help these schools implement reform strategies that result in substantially improved student achievement so that the schools can make AYP and exit improvement status.

To receive school improvement funds under section 1003(g), an SEA must submit an application to the Department at such time, and containing such information, as the Secretary shall reasonably require. An SEA must allocate at least 95 percent of its school improvement funds directly to LEAs, although the SEA may, with the approval of the LEAs that would receive the funds, directly provide assistance in

implementing school reform strategies or arrange for their provision through such other entities as school support teams or educational service agencies. A subgrant to an LEA must be of sufficient size and scope to support the activities required under section 1116 of the ESEA. An LEA's total subgrant may not be less than \$50,000 or more than \$500,000 per year for each participating Title I school in improvement, corrective action, or restructuring. An LEA's subgrant is renewable for two additional one-year periods if the LEA's schools are meeting, or are on track to meet, their student achievement goals.

In awarding School Improvement Grants, an SEA must give priority to LEAs with the lowest-achieving schools that, in their application to the SEA, demonstrate (1) the greatest need for the funds and (2) the strongest commitment to ensuring that the funds are used to provide adequate resources to enable the lowest-achieving schools to meet their goals for substantially raising the achievement of their students.

*Overview of the Secretary's Proposal*

The Secretary views the large FY 2009 investment in school improvement funds made possible by the ARRA as a historic opportunity to face education's most intractable challenge: turning around or closing down our Nation's most persistently low-achieving schools. Although there are noted examples of successful school reforms, the vast majority of the lowest performers have not changed course, either because they have received insufficient support or because interventions have been ineffective. The Secretary is committed to turning around over five years the 5,000 lowest-achieving schools nationwide, and School Improvement Grants are a centerpiece of that strategy.

The Secretary's strategy includes identifying and serving the lowest-achieving Title I schools in each State; supporting only the most rigorous interventions that hold the promise of producing rapid improvements in student achievement and school culture; providing sufficient resources over several years to implement those interventions; and measuring progress in achieving results.

**Identifying and Serving the Lowest-Achieving Title I Schools**

To drive school improvement funds to LEAs with the greatest need for those funds, the Secretary would require each SEA to identify three tiers of schools:

- *Tier I:* The lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring in the State, or the five

lowest-achieving Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater.<sup>1</sup>

- *Tier II:* Equally low-achieving secondary schools (both middle and high schools) in the State that are eligible for, but do not receive, Title I funds.

- *Tier III:* The remaining Title I schools in improvement, corrective action, or restructuring that are not Tier I schools in the State. The Secretary encourages an SEA to develop criteria to further differentiate among the schools in Tier III, either in the State as a whole or within an LEA.

An LEA that wishes to receive a School Improvement Grant would submit an application to its SEA identifying which Tier I, Tier II, and Tier III schools it commits to serve. The SEA would give priority to LEAs serving Tier I and Tier II schools.

### Supporting Only the Most Rigorous Interventions

In order to ensure that the large influx of school improvement funds is used most effectively to improve outcomes for students, the Secretary proposes to require an LEA to use those funds to implement four specific interventions in the lowest-achieving schools intended to improve the management and effectiveness of these schools. Thus, in its application to the SEA, an LEA would be required to demonstrate its strong commitment to raising student achievement by implementing, in each Tier I and Tier II school, one of four rigorous interventions:

- Turnaround model, which would include, among other actions, replacing the principal and at least 50 percent of the school's staff, adopting a new governance structure, and implementing a new or revised instructional program.

- Restart model, in which an LEA would close the school and reopen it under the management of a charter school operator, a charter management organization (CMO), or an educational management organization (EMO) that has been selected through a rigorous review process.

- School closure, in which an LEA would close the school and enroll the students who attended the school in other, high-achieving schools in the LEA.

- Transformation model, which would address four specific areas

critical to transforming the lowest-achieving schools.

An LEA with nine or more Tier I and Tier II schools would not be able to implement the same intervention in more than 50 percent of those schools.

### Providing Sufficient Resources Over Several Years

The Secretary believes that it takes substantial funds in combination with rigorous interventions to break the cycle of failure and raise student achievement substantially in the Nation's lowest-achieving schools. Therefore, he would require the SEA to allocate sufficient school improvement funds to an LEA to match, as closely as possible, the LEA's budget for implementing one of the four proposed interventions in each Tier I and Tier II school and the costs associated with closing such schools, as well as for serving participating Tier III schools. An LEA's total grant award would contain funds for each Title I school in improvement, corrective action, or restructuring that the LEA intends to serve, including \$500,000 per year for each Tier I school that will implement a turnaround, restart, or transformation model.<sup>2</sup> Once an LEA receives its School Improvement Grant, it has the flexibility to spend more than \$500,000 per year in its Tier I and Tier II schools so long as all schools identified in its application are served. Recognizing that it takes time to implement rigorous interventions and reap results in the most persistently low-achieving schools, the Secretary would waive the period of availability of school improvement funds beyond September 30, 2011 so as to make those funds available to LEAs for three years.

### Measuring Progress in Achieving Results

Because measuring progress is essential to knowing whether an intervention results in improved student achievement, the Secretary would require an LEA to establish three-year student achievement goals in reading/language arts and mathematics. The LEA would hold each Tier I and Tier II school it serves with school improvement funds annually accountable for meeting, or being on track to meet, those goals with respect to the achievement of all students in

<sup>2</sup> An SEA may award school improvement funds to an LEA based only on the Title I participating schools that the LEA identifies in its application. Tier II schools would, thus, not generate any funds because they are not Title I schools in improvement, corrective action, or restructuring; however, the LEA could serve them, through a waiver requested by the SEA, with the school improvement funds it receives.

each school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7),<sup>3</sup> and for making progress on the leading indicators of school reform.

### SEA Priorities for Awarding School Improvement Grants

Section 1003(g)(6) of the ESEA requires an SEA, in allocating school improvement funds, to give priority to LEAs with the lowest-achieving Title I schools in improvement, corrective action, or restructuring that demonstrate the greatest need for the funds and the strongest commitment to carrying out the purposes of the program. Consistent with his focus on reforming or closing the 5,000 lowest-achieving schools in the Nation over the next five years, the Secretary proposes to require an SEA that receives a School Improvement Grant to define the terms "greatest need" and "strongest commitment" as follows to help accomplish this goal.

*Greatest need.* The Secretary would require an SEA to define three tiers of schools in identifying those LEAs with the greatest need for school improvement funds.

*Tier I schools:* The Secretary proposes to require each SEA to identify the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring in the State or the five lowest-achieving Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater. These are schools for which the data indicate that overall student achievement is extremely low and that little or no progress has occurred over a number of years. Under the proposed requirements, a school has not made progress if its gains on the State's assessments in reading/language arts and mathematics in the "all students" category are less than the average gains of schools in the State on those assessments. The Secretary is targeting these schools because of the urgency to provide their students with a high-quality education. Indeed, in school year 2007–08, based on data reported by each State, the average percentage of students performing at the proficient level in the lowest-achieving 25 Title I-eligible schools in each State, aggregated for the Nation, was approximately 32 percent in reading/language arts and 25 percent in mathematics. Moreover, in most cases, despite years of earlier efforts to turn around the performance

<sup>1</sup> These are the same schools as the Secretary has proposed to target in the Race to the Top competitive grant program and has proposed that States report on under phase two of the State Fiscal Stabilization Fund (SFSF) under the ARRA.

<sup>3</sup> The subgroups identified in 34 CFR 200.13(b)(7) include students from major racial and ethnic groups, economically disadvantaged students, student with limited English proficiency, and students with disabilities.

of these schools, they have failed to make sufficient progress in improving student achievement and continue, year after year, to turn out students who are unprepared for further education or the workforce. And in the case of secondary schools, these lowest-achieving schools contribute disproportionately to the more than 1 million students who drop out each year, too often permanently. This diminishes the educational and employment prospects of these young people who deserve the opportunity to acquire the knowledge and skills necessary to be successful in life and to be productive citizens. For these reasons, the Secretary is proposing to use school improvement funds to transform fundamentally the lowest-achieving schools in each State.

*Tier II schools.* The Secretary also proposes to require an SEA to identify secondary schools (both middle and high schools) that are equally as low-achieving as the State's Tier I schools and are eligible for, but do not receive, Title I funds. Low-achieving secondary schools often present unique resource, logistical, and pedagogical challenges that require rigorous interventions. There are close to 2,000 high schools in the country in which graduation is at best a 50/50 proposition.<sup>4</sup> However, Department data indicate that fewer than half of these schools currently receive Title I, Part A funds. In order to reverse this high dropout rate and drive the attainment of better outcomes for these students, the Secretary also proposes to target some of these extremely low-achieving secondary schools (both high schools and their middle school "feeder" schools) that are eligible for, but do not receive, Title I funds.

Because of the importance of identifying and intervening in Tier II schools, the Secretary encourages an SEA to apply for a waiver under section 9401 of the ESEA to enable its LEAs to serve such schools. Such a waiver is necessary because section 1003(g) of the ESEA authorizes an LEA to use school improvement funds only in Title I schools in improvement, corrective action, or restructuring. If the provisions proposed in this notice become final, an LEA would not be required to include Tier II schools in its application; however, including Tier II schools would enhance an LEA's likelihood of funding because, as proposed in this notice, the SEA would be required to give priority to an LEA that commits in

its application to serve both Tier I and Tier II schools.

*Tier III schools.* The Secretary proposes that all Title I schools in improvement, corrective action, or restructuring that are not Tier I schools would be Tier III schools. To urge LEAs to differentiate among these schools in their use of school improvement funds, the Secretary encourages an SEA to establish criteria to give priority to applications from LEAs that, after addressing the needs of their Tier I and Tier II schools, focus school improvement funds on a subset of their Tier III schools. For example, an SEA's criteria might target Tier III schools that are in the lowest-achieving sixth to tenth percentile in the State or might reward and provide public recognition for Tier III schools that would have been in the lowest-achieving five percent but have made progress over several years. Similarly, an SEA's criteria might focus on clusters of Tier III elementary schools that are feeder schools to Tier I or Tier II secondary schools.

*Strongest commitment.* In awarding school improvement funds among the LEAs with schools in Tier I, Tier II, and Tier III (*i.e.*, those with the greatest need), the Secretary would require each SEA to give priority to those LEAs with the strongest commitment to use school improvement funds to implement one of four specific interventions described in this notice. These interventions are based on research that suggests that the lowest-achieving schools—

(1) Require rigorous interventions, including changes in leadership, staffing, time for learning, governance, operating conditions, student supports, and school culture;

(2) Benefit from intensive, ongoing, coordinated technical assistance and support, such as technical assistance from external providers to build capacity so that LEAs and SEAs can provide them with more concentrated and sustained support; and

(3) Need substantial funding over three to five years to plan, implement, and solidify rigorous interventions that change school culture and result in substantial increases in student achievement.<sup>5</sup>

The Secretary believes that rigorous interventions are essential if LEAs are to reform the lowest-achieving schools and

improve educational outcomes for their students. Incremental change in these schools that may result in marginal improvements is not enough to enable each student to achieve to high standards. Fortunately, the large increase in FY 2009 funding for school improvement available through the ARRA provides an unprecedented opportunity to implement intensive interventions. Accordingly, the Secretary proposes to define an LEA that demonstrates the strongest commitment as an LEA that would implement, in each Tier I and Tier II school that it commits to serve, one of the following four rigorous interventions:<sup>6</sup>

(1) *Turnaround model.* To implement a turnaround model, an LEA would be required to replace the principal and at least 50 percent of the staff; adopt a new governance structure, which may include, but is not limited to, reporting to a new "turnaround office" in the LEA or SEA, hiring a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or entering into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability; and implement a new or revised instructional program. The LEA would also be required to incorporate strategies designed to recruit, place, and retain effective staff, and provide ongoing, high-quality job-embedded professional development designed to ensure that staff members are equipped to facilitate effective teaching and learning; promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students; establish schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff; and provide appropriate social-emotional and community-oriented services and supports for students.

(2) *Restart model.* Under this model, an LEA would close the school and

<sup>6</sup> We note that some of the activities that an LEA would be required to implement as part of a proposed intervention are not allowable uses of Title I funds in a Tier I school that operates a targeted assistance program under section 1115 of the ESEA; therefore, an LEA that wishes to implement one of the proposed interventions in such a school would need to do so through a schoolwide program under section 1114 of the ESEA. To enable the LEA to serve a Tier I targeted assistance school below 40 percent poverty, the SEA would need to apply to the Secretary for a waiver of the poverty threshold in order that the LEA can operate a schoolwide program in its Tier I schools. See the Department's Title I, Part A Waiver Guidance available at: <http://www.ed.gov/programs/titleiparta/title-i-waiver.doc>.

<sup>4</sup> Balfanz, R. & Legters, N. (2004). Locating the dropout crisis: Which high schools produce the nation's dropouts? Where are they located? Who attends them? Baltimore: The Johns Hopkins University.

<sup>5</sup> See, e.g., Calkins, A., Guenther, W., Belfiore, G., & Lash, D. (2007). The turnaround challenge: Why America's best opportunity to dramatically improve student achievement lies in our worst-performing schools. Boston: Mass Insight Education and Research Institute; American Institutes for Research. (in press). State and local implementation of the No Child Left Behind Act, Volume IX—accountability under NCLB: Final report. Washington, DC.

reopen it under the management of a charter school operator, a charter management organization (CMO), or an educational management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides "whole-school operation" services to an LEA.) A restart school would be required to admit, within the grades it serves, any former student who wishes to attend.

(3) *School closure.* Under this model, an LEA would close the school and enroll the students who attended the school in other, high-achieving schools within the LEA.

(4) *Transformation model.* To implement a transformation model, an LEA would be required to address four specific areas, as defined in this notice, critical to transforming the lowest-achieving schools: (1) Developing teacher and school leader effectiveness; (2) implementing comprehensive instructional reform strategies; (3) extending learning time and creating community-oriented schools; and (4) providing operating flexibility and sustained support.

In determining the strength of an LEA's commitment to using school improvement funds to implement these interventions in its Tier I and Tier II schools, an SEA would be required to consider, for example, the extent to which the LEA's application shows the LEA's efforts to analyze the needs of its schools and match the interventions to those needs; design interventions consistent with this notice; recruit, screen, and select external providers to ensure quality; embed the interventions in a longer-term plan to sustain gains in achievement; align other resources with the interventions; modify its practices, if necessary, to enable it to implement the interventions fully and effectively; and sustain the reforms after the funding period ends. Moreover, the SEA would be required to consider the LEA's capacity to implement the changes it seeks to make. For example, the SEA could determine that an LEA with ten Tier I and Tier II schools has the capacity to serve only five of those schools at the level of intensity contemplated by the proposed interventions. Accordingly, the SEA may approve the LEA to serve only those schools for which the SEA determines that the LEA can fully and effectively implement one of the proposed interventions.

### Providing Flexibility

To fully support an LEA's efforts to intervene in low-achieving schools, the Secretary believes there is need for flexibility in several respects. First, so as not to penalize an LEA that has proactively implemented rigorous reform strategies prior to the publication of this notice, an SEA may award school improvement funds to an LEA that has implemented, in whole or in part, one of the interventions proposed in Section I.A.2.a, 2.b, or 2.d in a Tier I school within the last two years. For example, an LEA might have replaced the principal of a Tier I school and begun to implement improvement activities that meet many, but not all, of the proposed requirements in this notice for a transformation model. In this case, the SEA could award the LEA school improvement funds to fully implement the transformation model in this school without needing to replace the new principal or duplicate the reform activities already in place. Second, an SEA could seek a waiver from the Secretary to permit a school that implements a turnaround or restart model in an LEA that receives a School Improvement Grant to "start over" in the school improvement timeline while continuing to receive school improvement funds. In other words, such a school in restructuring could exit that status even though it has not made AYP for two consecutive years and, thus, would not need to continue providing public school choice or supplemental educational services. Finally, an SEA could seek a waiver from the Secretary to enable a Tier I school that operates a targeted assistance program to instead operate a schoolwide program in order to implement one of the proposed interventions.

### Awarding School Improvement Grants to LEAs

#### LEA Applications

Under this proposal, any Title I LEA that can demonstrate the greatest need and strongest commitment, as defined by the SEA consistent with this notice, to reform its lowest-achieving schools would be eligible to apply to the SEA for a School Improvement Grant. In addition to providing information that the SEA may require, the LEA would be required to demonstrate its commitment to use the school improvement funds to provide adequate resources to each Tier I and Tier II school it commits to serve in order to implement fully one of the four proposed interventions described in this notice. If an LEA has nine or more Tier I and Tier II schools, the LEA

would not be able to implement the same intervention in more than 50 percent of those schools.

An LEA would be required to serve each of its Tier I schools, unless the LEA demonstrates that it lacks sufficient capacity or sufficient school improvement funds to undertake one of the four proposed interventions in each such school. For example, an LEA might demonstrate a lack of capacity to serve all of its Tier I schools if no EMOs or CMOs of sufficient quality are available to restart its schools. An LEA might also demonstrate a lack of capacity if it lacks a sufficient number of school leaders (e.g., principals, assistant principals, teacher leaders) capable of implementing one of the rigorous interventions proposed in this notice. Additionally, an LEA might decide that it can best impact student achievement by focusing resources heavily in a subset of Tier I schools, attempting to turn around some schools before proceeding to others. In such cases, the LEA would identify in its application the Tier I schools that it can serve effectively with one of the proposed interventions; such an LEA would not be permitted to use school improvement funds to serve a Tier I school that is not implementing one of the four interventions. An LEA would not be required to include Tier II schools in its application, although the SEA would be required to give priority to LEA applications that include both Tier I and Tier II schools. Once an LEA has identified all of the Tier I schools it has capacity to serve, it may also identify Tier III schools it will serve. No LEA would be required to apply for a School Improvement Grant; however, an LEA that has one or more Tier I schools would not be permitted to apply for a grant to serve only Tier III schools.

An LEA would be required to include in its application for a School Improvement Grant a budget indicating the amount of funds needed for each Tier I, Tier II, and Tier III school the LEA commits to serve. In designing its budget, the LEA would be required to ensure, for each Tier I and Tier II school identified in its application, that its request is of sufficient size and scope to ensure that the LEA can implement one of the four rigorous interventions proposed in this notice. The Secretary believes that, in most cases, implementing these interventions (with the exception of closing a school) would require annual amounts that considerably exceed \$500,000 per school, the maximum amount per year of school improvement funds that may be generated by a participating school under the statute. (Tier II schools would

not generate any funds because they are not Title I schools in improvement, corrective action, or restructuring; however, the LEA could serve them, through a waiver, with the school improvement funds it receives.) Accordingly, if the Secretary adopts the proposed requirements as final, the LEA should estimate the full cost of implementing its selected intervention in each Tier I and Tier II school it commits to serve and the costs associated with closing a school,<sup>7</sup> as well as the costs of providing services in participating Tier III schools. In estimating costs, the LEA should consider such factors as the size of each school; whether the LEA plans to serve clusters of elementary schools that feed into Tier I or Tier II secondary schools; and whether the schools to be served are elementary, middle, or high schools. The Secretary strongly urges an LEA to develop its budget in a way that sufficiently concentrates school improvement funds to raise student achievement substantially by the end of the grant period in the schools served with those funds.

An LEA would also be required to establish, in its application, three-year student achievement goals in reading/language arts and mathematics. The LEA would be required to hold each Tier I and Tier II school it commits to serve annually accountable for meeting, or being on track to meet, those goals with respect to the achievement of all students in each school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7),<sup>8</sup> and for making progress on the leading indicators described in Section III of this notice. If an LEA implements a restart model, it would also be required to hold the charter school operator, CMO, or EMO accountable for meeting these annual goals for student achievement and for making progress on the leading indicators.

### SEA Responsibilities

Under this proposal, to receive a School Improvement Grant, an SEA would submit an application to the Department at such time, and containing such information, as the Secretary shall reasonably require. That application would generally address the SEA's role with respect to school

improvement funds, including, at a minimum: (1) Identifying Tier I and Tier II schools in the State; (2) establishing criteria related to the overall quality of the LEA's application and to the LEA's capacity to implement fully and effectively the required interventions; (3) allocating school improvement funds to the LEA; (4) monitoring the LEA's implementation of interventions in and the progress of its participating schools; (5) providing technical assistance to the LEA and its participating schools; and (6) holding each Tier I and Tier II school it has committed to serve annually accountable for meeting, or being on track to meet, the LEA's student achievement goals with respect to the achievement of all students in the school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7), and for making progress on the leading indicators described in Section III of this notice.

An SEA would review and approve the applications for a School Improvement Grant that it receives from its LEAs. Before approving an LEA's application, the SEA would ensure that the application meets the requirements the Secretary establishes in a notice of final requirements, particularly with respect to whether the LEA has demonstrated that it has the capacity to implement one of the four proposed rigorous interventions in the Tier I and Tier II schools it has committed to serve and whether the LEA has budgeted sufficient funds to implement fully and effectively the selected interventions. If an LEA lacks the capacity to implement one of the four interventions in each of its Tier I schools, the SEA would adjust the size of the LEA's School Improvement Grant accordingly. Additionally, the SEA would consider the quality of the application, including the extent to which the LEA analyzed the needs of each school and matched an intervention to those needs, consistent with Section II.A.2; the design of the interventions consistent with this notice; whether the interventions are part of a long-term plan to sustain gains in student achievement; the coordination with other resources; whether the LEA will modify its practices, if necessary, to be able to implement the interventions fully and effectively; and how the LEA will sustain the reforms after the funding period ends. If an SEA does not have sufficient school improvement funds to award a grant to each LEA that submits an approvable application, the SEA would be required to give priority to LEAs that apply to serve both Tier I and Tier II schools and to LEAs that

apply to serve Tier I schools before LEAs serving only Tier III schools.

Section 1003(g)(5) of the ESEA requires an SEA to award a School Improvement Grant to an LEA in an amount that is of sufficient size and scope to support the activities required under section 1116 of the ESEA, which include taking corrective actions and restructuring the LEA's lowest-achieving Title I schools. An LEA's *total* grant may not be less than \$50,000 or more than \$500,000 per year for each participating Title I school (*i.e.*, the Tier I and Tier III schools that the LEA commits to serve); however, the LEA has flexibility to spend higher or lower amounts in serving individual schools.

Experts in implementing effective school reform strategies, such as those proposed in this notice, estimate that the cost of turning around a persistently low-achieving school of 500 students can range from \$250,000 to \$1,000,000 per year for at least three years; implementation in a larger school would likely cost more.<sup>9</sup> Thus, in order to ensure that an LEA has sufficient resources to turn around its Tier I and Tier II schools, the Secretary proposes to require that an SEA allocate to each such LEA \$500,000 per year in school improvement funds (the maximum per-school amount permitted under section 1003(g)(5) of the ESEA) for each Tier I school for which the LEA applies to implement one of the interventions in Section I.A.2.a, 2.b, or 2.d of this notice and for which the SEA approves the LEA to serve. (Due to issues of capacity, an SEA could decide not to approve all the schools included in an LEA's application.) Additionally, the SEA would be required to allocate sufficient school improvement funds in total to the LEA, consistent with section 1003(g)(5), to match, as closely as possible, the LEA's budget for implementing the proposed interventions in each Tier I and Tier II school approved by the SEA and costs associated with closing those schools under Section I.A.2.c, while also serving participating Tier III schools, particularly those schools meeting additional criteria established by the SEA. Further, to provide the sustained support that available research suggests is necessary for successful interventions, the Secretary would require the SEA to apportion its FY 2009 school improvement funds so as to provide funding to LEAs over three

<sup>7</sup> Costs of closing a school may include, for example, parent and community meetings regarding the school closure, services to help parents and students transition to a new school, orientation activities at the new school, *etc.*

<sup>8</sup> The subgroups identified in 34 CFR 200.13(b)(7) are students from major racial and ethnic groups, economically disadvantaged students, students with limited English proficiency, and students with disabilities.

<sup>9</sup> Calkins, A., Guenther, W., Belfiore, G., & Lash, D. (2007). The turnaround challenge: Why America's best opportunity to dramatically improve student achievement lies in our worst-performing schools. Boston: Mass Insight Education and Research Institute.

years, which the Secretary would make possible by waiving the period of availability beyond September 30, 2011.

The following examples illustrate how an SEA might determine the amount of a School Improvement Grant for three hypothetical LEAs, all of which have the same number of Title I schools in improvement, corrective action, or restructuring:

**LEA A:** LEA A has ten Title I schools in improvement, corrective action, or restructuring; three are Tier I schools and the rest are Tier III schools. The LEA also has one Tier II school. The LEA and SEA agree that the LEA has capacity to serve all of those schools. Under section 1003(g)(5), the maximum School Improvement Grant that the LEA may receive per year is \$5,000,000 (\$500,000 × 10 Title I schools to be served). Based on the LEA's proposed budget and capacity, the SEA awards the LEA a School Improvement Grant totaling \$4,150,000 per year (consistent with section 1003(g)(5)). In spending the school improvement funds, the LEA uses, consistent with its budget, \$1,500,000 in one Tier I school; \$1,000,000 in the Tier II school; \$750,000 in each of the remaining two Tier I schools; \$50,000 in each of two Tier III schools; and \$10,000 in each of the remaining five Tier III schools.

**LEA B:** LEA B has ten Title I schools in improvement, corrective action, or restructuring; three are Tier I schools. The LEA also has one Tier II school. The LEA decides, however, that it has capacity to serve only two of its Tier I schools, no Tier II schools, and five of its Tier III schools. Under section 1003(g)(5), the maximum School Improvement Grant that the LEA may receive per year is \$3,500,000 (\$500,000 × 7 Title I schools to be served). Based on the LEA's proposed budget and capacity, the SEA awards the LEA a School Improvement Grant totaling \$2,500,000 (consistent with section 1003(g)(5)). In spending the school improvement funds, the LEA uses, consistent with its budget, \$1,200,000 in one Tier I school; \$800,000 in the other Tier I school; and \$100,000 in each of the five Tier III schools.

**LEA C:** LEA C has ten Title I schools in improvement, corrective action, or restructuring; none is a Tier I school, although two are among the lowest-achieving Title I schools in the State but are making significant progress. The LEA has one Tier II school. The LEA applies to serve all its Tier III schools as well as its Tier II school. Under section 1003(g)(5), the maximum School Improvement Grant that the LEA may receive per year is \$5,000,000 (\$500,000 × 10 Title I schools to be served). Based

on the LEA's proposed budget and capacity, the SEA awards the LEA a School Improvement Grant totaling \$2,500,000 (consistent with section 1003(g)(5)). In spending the school improvement funds, the LEA uses, consistent with its budget, \$1,000,000 in its one Tier II school; \$500,000 in each of the two Tier III schools making progress; and \$62,500 in each of the remaining eight Tier III schools.

Targeting resources in this manner may result in school improvement funds being concentrated in a small number of LEAs and schools, depending on where in a State the Tier I schools are located and the ability of an LEA to implement the proposed interventions. The Secretary believes such targeting is warranted by the significant needs of the students in the lowest-achieving schools and is fully consistent with the priorities stated in the statute.

With the approval of its LEAs, an SEA could also directly implement the proposed interventions in a Tier I or Tier II school and provide services in a Tier III school or arrange for their provision through other entities such as EMOs, school support teams, or educational service agencies. An SEA also plays a critical role in building capacity at the State and local levels to raise achievement in the State's lowest-achieving schools, including by supporting efforts to increase the supply of effective teachers and principals who have the ability to implement one of the proposed interventions and to recruit external providers to support implementation of such interventions. The SEA might also establish a specific unit at the State level to provide support to its lowest-achieving schools. Moreover, the SEA should seek to eliminate barriers to the implementation of the proposed interventions, such as State laws, regulations, or policies that limit the SEA's authority to intervene in low-achieving schools, limit the number of charter schools that may operate in the State, or impede efforts to recruit and retain effective teachers and principals in low-achieving schools.

#### Reporting Metrics

Because data are critical to informing and evaluating the effectiveness of the rigorous interventions proposed in this notice, the Secretary proposes that SEAs and LEAs report specific school-level data related to the use of school improvement funds and the impact of the specific interventions implemented. Local educators need the data on an ongoing basis to evaluate the extent to which effective reform strategies are being implemented, to monitor the impact of changes, to track progress

against their own goals, and to identify areas where, during implementation, assistance or adjustments are needed. SEAs can use the data to identify trends across schools and LEAs and to inform technical assistance efforts targeted to schools and LEAs receiving school improvement funds, as well as to other LEAs with schools in improvement, corrective action, or restructuring. Analyses of these data at the national level would inform the Nation's collective knowledge of what works in turning around our lowest-achieving schools.

The Secretary proposes to collect data in three general categories: (1) Interventions (those an LEA is implementing); (2) Leading Indicators (instructional minutes per school year and teacher attendance); and (3) Student Achievement Outcomes (average scale scores on State assessments, in the aggregate and disaggregated by subgroup as identified in 34 CFR 200.13(b)(7), and number of students enrolled in advanced coursework). These data, which are not currently available at the national level, would augment, and not duplicate, other important school-level data collected through EDFacts and through State Fiscal Stabilization Fund (SFSF) reporting that are identified in Section III of this notice. Turning around the lowest-achieving schools is particularly challenging; however, with the development and implementation of statewide longitudinal data systems, increased resources, and more concentrated focus on data, the Secretary believes that the availability of an increased body of knowledge in this area will help educators understand and meet this challenge.

*Coordination with Section 1003(a) Funds.*<sup>10</sup> Implementing intensive interventions that would dramatically turn around the lowest-achieving schools in a State requires substantial planning at the LEA and school levels. Although the proposed requirements in this notice are being published for comment and thus are not final, they reflect the Secretary's expectation that school improvement funds will be used to support rigorous interventions in Tier I and Tier II schools. Because the identity of potential Tier I and Tier II schools will likely not change significantly from this year to next year,

<sup>10</sup> In addition to school improvement funds available through a separate appropriation under section 1003(g) of the ESEA, an SEA must reserve under section 1003(a) of the ESEA four percent of the Title I, Part A funds the State receives for school improvement activities. Of this amount, the SEA must distribute at least 95 percent to LEAs for schools identified for improvement, corrective action, or restructuring under section 1116 of the ESEA.

the Secretary strongly encourages each SEA to allocate its FY 2009 section 1003(a) funds to LEAs with these schools in order to provide the resources needed to remove barriers to, and set the conditions for, implementing the proposed interventions.<sup>11</sup>

The Secretary also encourages an LEA with Tier I and Tier II schools to conduct an analysis of these schools' and the LEA's ability to implement the proposed interventions; review student achievement outcomes; evaluate current policies and practices that may support or impede successful reform strategies; assess the strengths and weaknesses of school leaders, teachers, and other school staff; recruit and train principals with the needed skills to lead a school that would implement one of the proposed interventions; screen and identify necessary external partners (e.g., an EMO, institution of higher education, or educational service agency); and design a multi-pronged strategy for changing the school culture and reforming the lowest-achieving schools. At the same time, an SEA should consider what steps it can take now to set the conditions for reform, especially those, such as taking actions to support changes to State laws, regulations, and policies that cap the number of charter schools or place restrictions on school calendars, that are not dependent on which LEAs ultimately receive a School Improvement Grant.

Although not every LEA and school participating in this planning process would likely receive section 1003(g) funds, all LEAs and schools can become better positioned to implement interventions that improve student achievement. Using section 1003(a) funds to set the conditions for reform would also allow participating LEAs and schools that actually receive section 1003(g) funds to move more quickly in implementing the interventions as soon as they receive funds. Moreover, an LEA would be able to use the information gathered from this planning process to inform its application to the SEA for section 1003(g) funds. This information might also help the SEA determine the amount of funding that it would allocate to the LEA on behalf of individual schools. In addition, this planning would inform the SEA as to the kinds of technical assistance or external partners that would be needed in LEAs and schools that do not have the

capacity to implement the rigorous interventions necessary to turn around their lowest-achieving schools.

### Proposed Requirements

The Secretary proposes the following requirements with respect to the allocation and use of School Improvement Grants.

## I. SEA Priorities in Awarding School Improvement Grants

### A. Defining Key Terms

To award School Improvement Grants to its LEAs, consistent with section 1003(g)(6) of the ESEA, an SEA must define three tiers of schools, in accordance with the requirements in paragraph 1, to enable the SEA to select those LEAs with the greatest need for such funds. From among the LEAs in greatest need, the SEA must select, in accordance with paragraph 2, those LEAs that demonstrate the strongest commitment to ensuring that the funds are used to provide adequate resources to enable the lowest-achieving schools to meet, or be on track to meet, the LEA's three-year student achievement goals in reading/language arts and mathematics. Accordingly, the Secretary proposes to require an SEA to use the following definitions to define key terms:

1. *Greatest need.* An LEA with the greatest need for a School Improvement Grant must have one or more schools in at least one of the following tiers:

a. *Tier I schools:* A Tier I school is a school in the lowest-achieving five percent of all Title I schools in improvement, corrective action, or restructuring in the State, or one of the five lowest-achieving Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater.

(i) In determining the lowest-achieving Title I schools in the State, an SEA must consider both the absolute performance of a school on the State's assessments in reading/language arts and mathematics and the school's lack of progress on those assessments over a number of years as defined in paragraph (a)(ii).<sup>12</sup>

(ii) A school has not made progress if its gains on the State's assessments in reading/language arts and mathematics, in the "all students" category (as used in section 1111(b)(2)(C)(v)(I) of the ESEA), are less than the average gains of

schools in the State on those assessments.

b. *Tier II schools:* A Tier II school is a secondary school (middle school or high school) that is equally as low-achieving as a Tier I school and that is eligible for, but does not receive, Title I, Part A funds.

c. *Tier III schools:* A Tier III school is a Title I school in improvement, corrective action, or restructuring that is not a Tier I school. An SEA may establish additional criteria to encourage LEAs to differentiate among these schools in their use of school improvement funds and to use in setting priorities among LEA applications for funding.

2. *Strongest Commitment.* An LEA with the strongest commitment is an LEA that agrees to implement, and demonstrates the capacity to implement fully and effectively, one of the following rigorous interventions in each Tier I and Tier II school that the LEA commits to serve:

a. *Turnaround model.* A turnaround model must include—

(i) Replacing the principal and at least 50 percent of the staff;

(ii) Adopting a new governance structure, which may include, but is not limited to, reporting to a new "turnaround office" in the LEA or SEA, hiring a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or entering into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(iii) Implementing a new or revised instructional program;

(iv) Implementing strategies designed to recruit, place, and retain effective staff;

(v) Providing ongoing, high-quality, job-embedded professional development to staff to ensure that they are equipped to facilitate effective teaching and learning;

(vi) Promoting the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students;

(vii) Establishing schedules and strategies that increase instructional time for students and time for collaboration and professional development for staff; and

(viii) Providing appropriate social-emotional and community-oriented services and supports for students.

b. *Restart model.* A restart model is one in which an LEA closes a school and reopens it under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that

<sup>11</sup> If an LEA wishes to use FY 2009 section 1003(a) funds in a Tier II school, it would need to apply for a waiver from the Secretary, because Tier II schools do not now receive Title I funds.

<sup>12</sup> As noted in footnote 1, these are the same schools as the Secretary has proposed to target in the Race to the Top competitive grant program and has proposed to require States to report on under phase two of SFSF under the ARRA.

has been selected through a rigorous review process. A restart model must admit, within the grades it serves, all former students who wish to attend the school.

c. *School closure.* An LEA closes a school and enrolls the students who attended that school in other, high-achieving schools in the LEA, which may include charter schools.

d. *Transformation model.* A transformation model must include each of the following strategies:

(i) *Developing teacher and school leader effectiveness.*

(A) *Required activities.* The LEA must—

(1) Use evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance;

(2) Identify and reward school leaders, teachers, and other staff who improve student achievement outcomes and identify and remove those who do not;

(3) Replace the principal who led the school prior to commencement of the transformation model;

(4) Provide staff ongoing, high-quality, job-embedded professional development (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed to ensure staff are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and

(5) Implement strategies designed to recruit, place, and retain effective staff.

(B) *Permissible activities.* An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as—

(1) Providing additional compensation to attract and retain high-quality educators to the school;

(2) Instituting a system for measuring changes in instructional practices resulting from professional development; or

(3) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

(ii) *Comprehensive instructional reform strategies.*

(A) *Required activities.* The LEA must—

(1) Use data to identify and implement comprehensive, research-based, instructional programs that are vertically aligned from one grade to the next as well as aligned with State academic standards; and

(2) Promote the continuous use of individualized student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction to meet the needs of individual students.

(B) *Permissible activities.* An LEA may also implement other strategies for implementing comprehensive instructional reform strategies, such as—

(1) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

(2) Implementing a schoolwide "response-to-intervention" model; or

(3) In secondary schools—  
(a) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement or International Baccalaureate), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;

(b) Improving student transition from middle to high school through summer transition programs or freshman academies; or

(c) Increasing graduation rates through, for example, credit-recovery programs, smaller learning communities, and acceleration of basic reading and mathematics skills.

(iii) *Extending learning time and creating community-oriented schools.*

(A) *Required activities.* The LEA must—

(1) Provide more time for students to learn core academic content by expanding the school day, the school week, or the school year, or increasing instructional time for core academic subjects<sup>13</sup> during the school day;

(2) Provide more time for teachers to collaborate, including time for horizontal and vertical planning to improve instruction;

(3) Provide more time or opportunities for enrichment activities for students (e.g., instruction in financial literacy, internships or apprenticeships, service-learning opportunities) by partnering, as appropriate, with other organizations, such as universities, businesses, and museums; and

(4) Provide ongoing mechanisms for family and community engagement.

(B) *Permissible activities.* An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as—

(1) Partnering with parents, faith- and community-based organizations, health clinics, the police department, and others to create safe school environments that meet students' social, emotional and health needs;

(2) Extending or restructuring the school day to add time for such strategies as advisory periods to build relationships between students, faculty, and other school staff; or

(3) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment.

(iv) *Providing operating flexibility and sustained support.*

(A) *Required activities.* The LEA must—

(1) Give the school sufficient operating flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes; and

(2) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

(B) *Permissible activities.* The LEA may also implement other strategies for providing operational flexibility and intensive support, such as—

(1) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or

(2) Implementing a weighted per-pupil school-based budget formula.

In determining the strength of an LEA's commitment to using school improvement funds to implement these interventions, an SEA must consider, at a minimum, the extent to which the LEA's application shows the LEA's efforts to: (1) Analyze the needs of its schools and match the interventions to those needs; (2) design interventions consistent with this notice; (3) recruit, screen, and select external providers to ensure quality; (4) embed the interventions in a longer-term plan to sustain gains in achievement; (5) align other resources with the interventions; (6) modify its practices, if necessary, to enable it to implement the interventions fully and effectively; and (7) sustain the reforms after the funding period ends. Moreover, the SEA must consider the

<sup>13</sup> Under section 9101(11) of the ESEA, "core academic subjects" are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

LEA's capacity to implement the proposed interventions and may approve the LEA to serve only those schools for which the SEA determines that the LEA can implement fully and effectively one of the proposed interventions.

#### *B. Providing Flexibility*

1. An SEA may award school improvement funds to an LEA for a Tier I school that has implemented, in whole or in part, an intervention that meets the requirements under Section I.A.2.a, 2.b, or 2.d of these proposed requirements within the last two years so that the LEA and school can continue or complete the intervention being implemented in that school.

2. An SEA may seek a waiver from the Secretary of the requirements in section 1116(b) of the ESEA in order to permit a Tier I school implementing an intervention that meets the requirements under Section I.A.2.a or 2.b of these proposed requirements in an LEA that receives a School Improvement Grant to "start over" in the school improvement timeline. Even though the school is no longer in improvement, corrective action, or restructuring, it may receive school improvement funds.

3. An SEA may seek a waiver from the Secretary to enable a Tier I school that is ineligible to operate a Title I schoolwide program and is operating a Title I targeted assistance program to operate a schoolwide program in order to implement an intervention that meets the requirements under Section I.A.2.a, 2.b, or 2.d of these proposed requirements.

## **II. Awarding School Improvement Grants to LEAs**

### *A. LEA Applications*

1. An LEA may apply for a School Improvement Grant if it has one or more schools that qualify under the State's definition of a Tier I, Tier II, or Tier III school.

2. In its application, in addition to other information that the SEA may require, the LEA must identify the Tier I, Tier II, and Tier III schools it commits to serve and demonstrate that it has the capacity to use the school improvement funds to provide adequate resources and related support to each of the Tier I and Tier II schools in order to implement fully and effectively one of the interventions identified in Section I.A.2 of this notice. If an LEA has nine or more Tier I and Tier II schools, the LEA may not implement the same intervention in more than 50 percent of those schools.

3. The LEA must include in its application a budget indicating how it will allocate school improvement funds among the Tier I, Tier II, and Tier III schools it commits to serve. The LEA must serve each Tier I school using one of the four interventions identified in Section I.A.2 of this notice, unless the LEA demonstrates that it lacks sufficient capacity to undertake intensive interventions in each such school, in which case the LEA must indicate the Tier I schools that it can effectively serve. An LEA may not serve with these school improvement funds a Tier I school in which it does not implement one of the proposed interventions.

4. The LEA's budget for each Tier I and Tier II school it commits to serve must be of sufficient size and scope to ensure that the LEA can implement one of the rigorous interventions identified in Section I.A.2 of this notice. A budget should cover three years. The LEA's budget may, and likely would, exceed \$500,000 per year for each Tier I and Tier II school that implements an intervention in Section I.A.2.a, 2.b, or 2.d in order to reform the school consistent with the LEA's application and the requirements in this notice. The LEA's budget may include less than \$500,000 per year for a Tier I or Tier II school for which it proposes to implement the school closure intervention in Section I.A.2.c. In addition, a school closure typically would be completed in less than three years.

5. The LEA's budget for each Tier III school it commits to serve must include the services it will provide the school, particularly if the school meets additional criteria established by the SEA, although those services do not need to be commensurate with the funds the SEA provides the LEA based on the school's inclusion in the LEA's School Improvement Grant application.

6. An LEA in which a Tier I school is located and that does not apply to serve that school for reasons other than lack of capacity may not apply for a grant to serve only Tier III schools.

7. An LEA must establish, in its application, three-year student achievement goals in reading/language arts and mathematics. The LEA must hold each Tier I and Tier II school it commits to serve annually accountable for meeting, or being on track to meet, those goals with respect to the achievement of all students in each school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7),<sup>14</sup> and for making progress

on the leading indicators described in Section III of this notice. If an LEA proposes to implement a restart model, it must also describe how it will hold the charter school operator, CMO, or EMO accountable for meeting, or being on track to meet, the LEA's student achievement goals and making progress on the leading indicators.

8. An LEA must demonstrate how it will sustain the interventions implemented with its School Improvement Grant after the funding period for the grant has ended.

### *B. SEA Responsibilities*

1. To receive a School Improvement Grant, an SEA must submit an application to the Department at such time, and containing such information, as the Secretary shall reasonably require.

2. An SEA must review and approve, consistent with the requirements in this notice, an application for a School Improvement Grant that it receives from an LEA. Before approving the application, the SEA must ensure that it meets the requirements of this notice, particularly with respect to: (1) Whether the LEA has agreed to implement one of the four rigorous interventions identified in Section I.A.2 of this notice in each Tier I and Tier II school included in its application; (2) the extent to which the LEA's application shows the LEA's efforts to analyze the needs of each school and match an intervention to those needs, consistent with Section II.A.2; design and implement interventions consistent with this notice; recruit, screen, and select external providers to ensure quality; embed the interventions in a longer-term plan to sustain gains in student achievement; coordinate with other resources; modify its practices, if necessary, to enable it to fully and effectively implement the interventions; and sustain the reforms after the funding period ends; (3) whether the LEA has the capacity to implement the selected intervention fully and effectively in each Tier I and Tier II school; and (4) whether the LEA has submitted a budget that includes sufficient funds to implement the selected intervention fully and effectively in each Tier I and Tier II school.

3. An SEA must review and approve the LEA's three-year student achievement goals to ensure that they are sufficiently rigorous to hold each Tier I and Tier II school accountable for

<sup>14</sup> The subgroups identified in 34 CFR 200.13(b)(7) include students from major racial and

ethnic groups, economically disadvantaged students, students with limited English proficiency, and students with disabilities.

meeting, or being on track to meet, those goals with respect to all students in the school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7), and for making progress on the leading indicators described in Section III of this notice.

4. If an SEA does not have sufficient school improvement funds to award, for up to three years, a grant to each LEA that submits an approvable application, the SEA must give priority to LEAs that apply to serve both Tier I and Tier II schools.

5. An SEA must award a School Improvement Grant to an LEA in an amount that is of sufficient size and scope to support the activities required under section 1116 of the ESEA and this notice. The LEA's total grant may not be less than \$50,000 or more than \$500,000 per year for each Tier I and Tier III school that the LEA commits to serve.

6. In awarding the school improvement funds, an SEA must allocate \$500,000 per year for each Tier I school that will implement a rigorous intervention under Section I.A.2.a, 2.b, or 2.d for which the LEA has requested funds in its budget and for which the SEA determines the LEA has the capacity to serve. The SEA must also allocate sufficient school improvement funds in total to the LEA, consistent with section 1003(g)(5), to match, as closely as possible, the LEA's budget for implementing one of the four interventions in each Tier I and Tier II school it commits to serve, including costs associated with closing such schools under Section I.A.2.c, as well as for serving participating Tier III schools, particularly those meeting additional criteria established by the SEA.

7. If an SEA does not have sufficient school improvement funds to allocate to each LEA with a Tier I or Tier II school an amount sufficient to enable the school to implement fully the specified intervention for three years, the SEA may take into account the distribution of Tier I and Tier II schools among such LEAs in the State to ensure that Tier I and Tier II schools throughout the State can be served.

8. If an SEA has provided a School Improvement Grant to each LEA that has requested funds to serve a Tier I or Tier II school in accordance with this notice, the SEA may award remaining school improvement funds to an LEA with only Tier III schools that applies to receive those funds.

9. In awarding School Improvement Grants, an SEA must apportion its FY 2009 school improvement funds, including those available through the ARRA, in order to make grants that are renewable for two additional years, which the Secretary will make possible by waiving the limitation on the period of availability beyond September 30, 2011.

*C. Renewal for Two Additional One-Year Periods*

An SEA must renew an LEA's School Improvement Grant for two additional one-year periods if the LEA demonstrates that its Tier I and Tier II schools are meeting, or are on track to meet, the LEA's student achievement goals with respect to all students in the school, as well as each subgroup of students identified in 34 CFR 200.13(b)(7), and are making progress on the leading indicators described in Section III of this notice and that its Tier III schools are meeting the goals in their plans developed under section 1116 of the ESEA. If an SEA does not renew an LEA's School Improvement Grant because the LEA's participating schools are not meeting or on track to meet their student achievement goals, the SEA may reallocate those funds to other eligible LEAs, consistent with the requirements of this notice.

*D. State Reservation for Administration, Evaluation, and Technical Assistance*

An SEA may reserve from the total FY 2009 school improvement funds it receives under section 1003(g) of the ESEA no more than five percent for administration, evaluation, and technical assistance expenses.

*E. States Whose School Improvement Grant Exceeds the Amount the State May Award to Eligible LEAs*

In some States in which a limited number of Title I schools are identified for improvement, corrective action, or restructuring, the SEA may be able to make School Improvement Grants, renewable for two additional years, to each LEA with a Tier I, Tier II, or Tier III school without using the State's full allocation under section 1003(g) of the ESEA. An SEA in this situation may reserve up to five percent of its FY 2009 allocation of school improvement funds for administration, evaluation, and technical assistance expenses under section 1003(g)(8) of the ESEA. The SEA may retain sufficient school improvement funds to serve, for two succeeding years, each Tier I, II, and III school that generates funds for an eligible LEA in the 2010–2011 school year. The Secretary proposes to reallocate to other States, before September 30, 2010, any remaining school improvement funds from the States with surplus funds.

**III. Reporting and Evaluation**

*A. Reporting Metrics*

To inform and evaluate the effectiveness of the interventions in this notice, the Secretary proposes to collect data on the metrics in the following chart. The Department already collects most of these data through EDFacts and will collect data on two metrics through SFSF reporting. Accordingly, an SEA must only report the following new data with respect to school improvement funds:

1. A list of the LEAs that received a School Improvement Grant under section 1003(g) and the amount of the grant.

2. For each LEA that received a School Improvement Grant, a list of the schools that were served and the amount of funds or value of services each school received.

3. For any Tier I or Tier II school, school-level data on the metrics designated on the following chart as "SIG" (School Improvement Grant):

Metric	Source	Achievement indicators	Leading indicators
<b>School Data</b>			
Which intervention the school used ( <i>i.e.</i> , turnaround, restart, closed, or transformation).	NEW SIG .....	.....	.....
AYP status .....	EDFacts .....	✓	.....
Which AYP targets the school met and missed .....	EDFacts .....	✓	.....
School improvement status .....	EDFacts .....	✓	.....

Metric	Source	Achievement indicators	Leading indicators
<b>Student Outcome/Academic Progress Data</b>			
Percentage of students at or above each proficiency level on State assessments in reading/language arts and mathematics (e.g., Basic, Proficient, Advanced), by grade and by student subgroup.	EDFacts .....	✓	.....
Student participation rate on State assessments, by student subgroup.	EDFacts .....	.....	✓
Average scores on State assessments across subgroups—scale scores by quartile.	NEW SIG .....	✓	.....
Title III LEP students English language proficiency .....	EDFacts .....	✓	.....
AMAO status for LEP students .....	EDFacts .....	✓	.....
Graduation rate .....	EDFacts .....	✓	.....
Dropout rate .....	EDFacts .....	.....	✓
Student attendance .....	EDFacts .....	.....	✓
Students enrolled in advanced coursework (e.g., AP/IB), early-college high schools, or dual enrollment classes.	NEW SIG HS only .....	.....	✓
College enrollment rates .....	NEW SFSF phase two HS only	✓	.....
<b>Student Connection and School Climate</b>			
Discipline incidents .....	EDFacts .....	.....	✓
Truants .....	EDFacts .....	.....	✓
Number of instructional minutes .....	NEW SIG .....	.....	✓
<b>Talent</b>			
Distribution of teachers by performance level on LEA's teacher evaluation system.	NEW .....	.....	✓
Teacher attendance .....	SFSF phase two .....	.....	✓
	NEW SIG .....	.....	✓

**B. Evaluation**

An LEA that receives a School Improvement Grant must participate in any evaluation of that grant conducted by the Secretary.

**Executive Order 12866**

Under Executive Order 12866, the Secretary must determine whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that (1) has an annual effect on the economy of \$100 million or more, or adversely affects a section of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments, or communities in a material way (also referred to as an “economically significant” rule); (2) creates serious inconsistency or otherwise interferes with an action taken or planned by another agency; (3) materially alters the budgetary impact of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raises novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive order. The Secretary has determined

that this regulatory action is economically significant under section 3(f)(1) of the Executive order.

**Potential Costs and Benefits**

The proposed costs have been reviewed in accordance with Executive Order 12866. Under the terms of the order, the Department has assessed the costs and benefits of this regulatory action.

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed requirements, the Department has determined that the benefits of the proposed requirements exceed the costs. The Department also has determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the requirements of Executive Order 12866, the Secretary invites comments on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed requirements without impeding the effective and efficient administration of the program.

**Summary of Costs and Benefits**

The Department believes that the proposed requirements will not impose significant costs on States, LEAs, or

other entities that receive school improvement funds. As noted elsewhere, these proposed requirements would drive school improvement funds to LEAs that have the lowest-achieving schools in amounts sufficient to turn those schools around and significantly increase student achievement. They would also require participating LEAs to adopt the most effective approaches to turning around low-achieving schools. In short, the Department believes that the proposed requirements would ensure that limited school improvement funds are put to their optimum use—that is, that they would be targeted to where they are most needed and used in the most effective manner possible. The benefits, then, would be more effective schools serving children from low-income families and a better education for those children.

The Department believes that the State and local costs of implementing the proposed requirements (including State costs of applying for grants, distributing the grants to LEAs, ensuring compliance with the proposed requirements, and reporting to the Department, and LEA costs of applying for subgrants and implementing the interventions) will be financed through the grant funds. The Department does not believe that the proposed requirements will impose a financial

burden that States and LEAs will have to meet from non-Federal sources.

### Need for Federal Regulatory Action

The proposed requirements are needed to implement the School Improvement Grants program in FY 2009 in a manner that the Department believes will best enable the program to achieve its objective of supporting comprehensive and effective efforts by LEAs to overcome the challenges faced by low-achieving schools that educate concentrations of children living in poverty. The proposed requirements for SEAs to target school improvement funds on schools that are among the very lowest-achieving in their State will ensure that limited Federal funds will go to the schools in which they are most needed, including high schools with high dropout rates. The requirement for LEAs receiving school improvement funds to implement one of four specific interventions would ensure that those funds are not used for activities that are unlikely to produce the improvement in outcomes that the lowest-achieving schools need to achieve.

The reporting requirements proposed in this notice would ensure that the Department receives limited but essential data on the results of this major Federal investment in school improvement. The Department does not believe that the State and local costs of providing those data will be significant and, as noted earlier, those costs can be met with grant funds.

The definitions proposed would give clearer meaning to some of the terms used elsewhere in the notice.

### Regulatory Alternatives Considered

A likely alternative to promulgation of the requirements proposed in this notice would be for the Secretary to allocate the FY 2009 school improvement funds without setting any regulatory requirements governing their use. Under such an alternative, States and LEAs would be required to meet the statutory requirements, but funds likely would not be targeted to the very lowest-achieving schools and LEAs would likely not use all the funds for activities most likely to result in a real turnaround of those schools and significant improvement in the educational outcomes for the students they educate.

### Accounting Statement

As required by OMB Circular A-4 (available at <http://www.Whitehouse.gov/omb/Circulars/a004/a-4.pdf>), in the following table, we have prepared an accounting statement showing the classification of the expenditures associated with the

provisions of these proposed requirements. This table provides our best estimate of the Federal payments to be made to States under this program as a result of these proposed requirements. Expenditures are classified as transfers to States.

TABLE—ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

Category	Transfers
Annual Monetized Transfers.	\$3,545,633,000.
From Whom to Whom	Federal Government to States.

As previously noted, the ARRA provides \$3 billion for School Improvement Grants in FY 2009 in addition to the previously appropriated \$546 million. The proposed requirements in this notice would govern the total \$3.546 billion in FY 2009 school improvement funds.

The proposed requirements will have a distributional impact on the allocation of school improvement funds nationally. The implementation of these requirements would likely result in a larger proportion of program funds flowing to LEAs that have larger concentrations of the lowest-achieving schools (Tier I and Tier II schools) and a smaller portion flowing to other LEAs. However, because the FY 2009 appropriation for the program is much larger than the appropriation for FY 2008, the negative impact on the latter category of LEAs may be minimal. The Department is unable to project the amount of the shift but will collect data on the allocations through the procedures described under Reporting and Evaluation.

### Regulatory Flexibility Act Certification

The Secretary certifies that these proposed requirements will not have a significant economic impact on a substantial number of small entities. Under the U.S. Small Business Administration's Size Standards, small entities include small governmental jurisdictions such as cities, towns, or school districts (LEAs) with a population of less than 50,000. Approximately 11,900 LEAs that receive Title I funds qualify as small entities under this definition. However, the small entities that the proposed requirements will affect are small LEAs receiving school improvement funds under section 1003(g) of the ESEA—*i.e.*, a small LEA that has one or more schools in improvement, corrective action, or restructuring and that meets

the SEA's priorities for greatest need for those funds and demonstrates the strongest commitment to use the funds to provide adequate resources to their lowest-achieving Title I schools to raise substantially the achievement of their students.

SEAs would develop their own definitions for their lowest-achieving schools, consistent with the requirements of this notice, but preliminary data analyses by the Department suggest that 15–25 percent of the lowest-performing schools in the Nation are located in rural areas, which are likely to contain most of the targeted schools that are operated by small LEAs. Assuming a maximum of 1,000 turnaround schools nationwide, and that few if any rural LEAs will contain more than one of their State's lowest-performing schools, there would be a range of 150 to 250 small LEAs affected by the requirements in this notice, including a limited number of small suburban and urban LEAs.

The requirements proposed in this notice would not have a significant economic impact on these small LEAs because (1) the costs of implementing the required interventions would be covered by the grants received by successful applicants, and (2) in most cases the costs of developing turnaround plans and submitting applications would not be significantly higher than the costs that would be incurred in applying for School Improvement Grants under the statutory requirements.

Successful LEAs would receive up to three years of funding under section 1003(g) of the ESEA to implement their proposed interventions, consistent with the Secretary's intention that SEAs ensure that awards are of sufficient size and duration to turn around the Nation's lowest-achieving schools.

Small LEAs may incur costs to develop and submit plans for turning around their lowest-achieving schools but, in general, such costs would be similar to those incurred to apply for School Improvement Grant funding under existing statutory requirements. Moreover, since nearly all of the schools included in the applications submitted by small LEAs would be schools that already are in improvement status, these LEAs would be able to incorporate existing data analysis and planning into their applications, at little additional cost. Also, small LEAs may receive technical assistance and other support from their SEAs in developing turnaround plans and applications for these funds.

In addition, the Department believes the benefits provided under this

proposed regulatory action will outweigh the burdens on these small LEAs of complying with the proposed requirements. In particular, the proposed requirements potentially make available to eligible small LEAs significant resources to make the fundamental changes needed to turn around their lowest-achieving schools, resources that otherwise may not be available to small and often geographically isolated LEAs.

The Secretary invites comments from small LEAs as to whether they believe the requirements proposed in this notice would have a significant economic impact on them and, if so, requests evidence to support that belief.

#### Paperwork Reduction Act of 1995

The proposed requirements in this notice contain information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). It is our plan to offer a comment period for the information collection provisions at the time of the notice of final requirements. This is because we cannot finalize the requirements and develop the application package until we have received and responded to comments on the underlying proposed requirements in this notice. At that time, the Department will submit the information collection to OMB for its review and provide the burden hours associated with each requirement for comment.

Because it is likely that the information collection requirements will be reviewed under emergency OMB processing, however, the Department encourages the public to comment on the burden hours associated with the contents of the SEA application proposed in this notice. As noted earlier, that application would generally address the SEA's role with respect to school improvement funds, including establishing criteria to approve an LEA's application, allocating school improvement funds to the LEA, monitoring the implementation of interventions by the LEA and the progress participating schools in the LEA are making with respect to both student achievement outcomes and the leading indicators described in Section III of this notice, providing technical assistance to the LEA and its participating schools, and holding the LEA and its schools accountable for acceptable progress. We estimate that an SEA would spend approximately 90 hours of staff time to plan and prepare its application at a cost of \$2,700 per State (\$30.00 (average cost per hour of SEA staff) times 90 hours). Thus, we estimate the total burden to be up to

4,680 hours (52 SEAs (50 States, the District of Columbia, and Puerto Rico) times 90 hours) or \$140,400 (\$30.00 times 4,680) for all States.

#### Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

#### Electronic Access to This Document

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Number: 84.377)

Dated: August 21, 2009.

**Arne Duncan,**

*Secretary of Education.*

[FR Doc. E9–20612 Filed 8–25–09; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Initial H-Prize Competition for Breakthrough Advances in Materials for Hydrogen Storage

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

**ACTION:** Notice of Initial H-Prize Competition for Breakthrough Advances in Materials for Hydrogen Storage (“H-Prize Competition”).

**SUMMARY:** As authorized in Section 654 of the Energy Independence and Security Act of 2007, DOE is announcing the Initial H-Prize Competition which will be a single award for \$1 million in the subject area of advanced materials for hydrogen storage—a critical challenge to enable widespread commercialization of hydrogen and fuel cell technologies. Evaluation of entries will begin approximately 15 months after the date this announcement appears in the **Federal Register** (FR). A single prize of

\$1 million will be awarded, unless no entries are significant enough to merit an award. The essential elements of the H-Prize Competition are included in this announcement; further updates and answers to questions asked by participants will be available on a public Web site, <http://hydrogenprize.org>, and through future FR notices as required. We encourage prospective participants to visit the Web site, as it will be updated periodically.

#### DATES:

- *February 15, 2010:* Deadline for Registration and Eligibility Documentation.
- *November 15, 2010:* Deadline for submittal of material samples for testing.
- *Dec 2010/Jan 2011:* Sample testing by an independent third party laboratory.
- *Dec 2010/Jan 2011:* Panel of Judges reviews and evaluates the independent third party testing data.
- *February 2011:* Award of \$1 million prize, if the Panel of Judges determines that there is a winning entry.

**ADDRESSES:** Questions may be submitted through <http://hydrogenprize.org>.

#### FOR FURTHER INFORMATION CONTACT:

**Technical Information:** Dr. Ned Stetson, Technology Development Manager, Office of Hydrogen, Fuel Cells and Infrastructure Technologies; EE–2H; 1000 Independence Ave., SE., Washington, DC 20585; (202) 586–9995. More information on DOE's hydrogen storage program, targets and current research information can be found at <http://www1.eere.energy.gov/hydrogenandfuelcells/storage/>.

**Prize contest:** Jeffrey Serfass, Project Director, Hydrogen Education Foundation, 1211 Connecticut Ave., NW.; Suite 600; Washington, DC 20036–2701; (202) 223–5547. The HEF H-Prize Web site is <http://hydrogenprize.org>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The H-Prize is authorized by Section 654 of the Energy Independence and Security Act of 2007, Public Law 110–140, as an amendment to Sec. 1008 of the Energy Policy Act of 2005, Public Law 109–58. Under Section 654, the Secretary of Energy is authorized to carry out a program to competitively award cash prizes to advance the research, development, demonstration and commercial application of hydrogen energy technologies. The purpose is to accelerate the development of hydrogen and fuel cell technologies by offering prizes to motivate and reward outstanding scientific and engineering advancements. The mobilization of private funding, in concert with a core

**EDUCATION REFORM: FEDERAL AND STATE EFFORTS**

**BACKGROUND**

Several key federal and state efforts are underway to improve student achievement and boost the important work in local districts. At the September Board meeting, we provided an update of current efforts and why this work is critical to the Board’s goal to improve student achievement and work on accountability.

**A. Federal Initiatives**

The federal government has a number of major efforts<sup>1</sup> to stimulate education reform in states. This memo highlights three: 1) the American Recovery and Reinvestment Act with fiscal stabilization funding for states; 2) a competitive grant process “Race to the Top” (RTTT), to stimulate reform in states; and 3) draft revised guidelines for school improvement. A comparative chart is provided below to show how the three efforts interrelate in terms of expectations:

	<b>Federal Stimulus Funding Phase Two</b>	<b>Race to the Top Competitive Grant</b>	<b>School Improvement Proposed Guidelines for Funding</b>
<b>Funding</b>	\$1 billion. State has received two thirds of those funds to date. <sup>2</sup> Washington will need to apply for a second round of stabilization funding this October and must demonstrate its progress on the four assurances.	\$4.35 billion total (state allocations vary).  State will allocate at least fifty percent to school districts.	\$45 million.  Up to \$500,000 for each school, per year, for three years allocated to districts with Title I or Title II eligible schools
<b>Timing</b>	Submit request by October 2009.	Round one applications due December 2009.  Round two applications due May 2010.	2010.

<sup>1</sup> Additional federal stimulus money is available for Washington under Title I \$135 million, Special Education \$221 million, and School Improvement \$44.5 million over the next two years. Competitive federal grants will also occur in the areas of: an Innovation Fund, Statewide Longitudinal Data Systems, Education Technology, Teacher Incentive fund. In addition, there is a national effort to create a common core of standards and assessments in academic subjects. A draft of proposed math standards is under review now by the states. Washington signed the memorandum of agreement to participate in this effort, which was discussed at the May Board meeting.

<sup>2</sup> The funds were for both Fiscal Years FY 09 and FY 10, to replace funds the legislature cut from Initiative 728, approved by the voters in 2001, provides funds for local districts to improve student achievement through: class size, targeted assistance, extended learning, pre-kindergarten learning, and professional development.

	Federal Stimulus Funding Phase Two	Race to the Top Competitive Grant	School Improvement Proposed Guidelines for Funding
<b>Priorities</b>	<ol style="list-style-type: none"> <li>1. Standards and assessments.</li> <li>2. Data systems to support instruction and measure student success.</li> <li>3. Effective teachers and principals, and equitable distribution of teachers.</li> <li>4. Remedy for turning around struggling schools.</li> </ol>	<ol style="list-style-type: none"> <li>1. Standards and assessments.</li> <li>2. Data systems to support instruction and measure student success.</li> <li>3. Effective teachers and principals; and equitable distribution of teachers.</li> <li>4. Remedy for turning around struggling schools.</li> <li>5. STEM emphasis.</li> </ol>	<p>Award funds to lowest achieving Title I schools that have not made progress on gains in state's assessment in reading and math in the all student category and are less than the average gains of schools in state:</p> <p>Tier 1: Lowest five percent of schools now in improvement based on absolute performance and growth/gains.</p> <p>Tier 2: Equally low performing secondary schools, which are Title-eligible but not receiving services.</p> <p>Tier 3: Rest of Title I schools not in Tier I</p> <p>States will give priority to districts serving both Tier 1 and II schools.</p>
<b>Requirements</b>	<p>Provide update on indicators and descriptors for each of the above assurance areas. States must make this data transparent and outline steps they will take to develop data by September 13, 2011.</p> <p>Example of the kind of data to be provided for support to struggling schools:</p> <ul style="list-style-type: none"> <li>• Number and percent of schools in improvement that made progress in reading and math</li> </ul>	<p>Phase I and II of Federal Stimulus Funds must be approved by time of RTTT award.</p> <p>No legal barriers linking student, teacher, and principal data.</p> <p>Signed by Governor, Superintendent, and State Board of Education Chair.</p> <p>Describe progress in four reform areas.</p> <p>Show financial data.</p> <p>Show stakeholder support.</p>	<p>State eliminates laws or rules that limit state to intervene in low performing schools, limit charters, or impede efforts to recruit and retain effective teachers and principals in low performing schools.</p> <p>Must implement one of the following reform models:</p> <ol style="list-style-type: none"> <li>1. <u>Turnaround</u>: Replace principal and fifty percent of staff, adopt a new governance structure, implement new or</li> </ol>

	Federal Stimulus Funding Phase Two	Race to the Top Competitive Grant	School Improvement Proposed Guidelines for Funding
	<p>assessments.</p> <ul style="list-style-type: none"> <li>• Number of charter schools operating.</li> <li>• Number of schools that have been turned around, consolidated, or closed.</li> </ul>	<p>Describe how funds will be used to improve student achievement, improve graduation rates, and close achievement gaps. Give high priority to high need districts.</p> <p>Provide evidence for each state reform conditions criterion.</p> <p>Implement statewide data system that includes America COMPETEs Act elements.</p> <p>Provide access of data to key stakeholders.</p> <p>Use data to improve instruction.</p> <p>Provide alternative pathways for aspiring teachers and applicants.</p> <p>Differentiate teacher and principal effectiveness based on performance.</p> <p>Ensure equitable distribution of effective teachers and principals.</p> <p>Report in effectiveness of teacher and principal prep programs.</p> <p>Provide effective support to teachers and principals.</p>	<p>revised instructional program.</p> <p>2. <u>Restart Model:</u> Close school and reopen under charter or education management organization.</p> <p>3. <u>School Closure:</u> Close school and enroll students in a high performing school.</p> <p>4. <u>Transforming Model:</u></p> <ul style="list-style-type: none"> <li>• Develop teacher and school leader effectiveness.</li> <li>• Develop comprehensive instructional strategies.</li> <li>• Extend learning time and community oriented schools.</li> <li>• Provide operating flexibility and sustained support.</li> </ul>
<b>Criteria</b>	See Requirements	<p>Adopt common standards and sign MOA to participate in assessments consortia.</p> <p>Plan to implement standards, aligned assessments, curriculum, and professional</p>	<p>State will make awards based on greatest need and strongest district commitment.</p> <p>District volunteer to participate and implement one of the</p>

	Federal Stimulus Funding Phase Two	Race to the Top Competitive Grant	School Improvement Proposed Guidelines for Funding
		<p>development.</p> <p>Intervene in lowest performing schools.</p> <p>Increase number of high quality charters.</p> <p>Plan to identify five percent of lowest performing schools and follow strategies similar to those outlined in School Improvement Guidelines.</p> <p>Demonstrate significant progress on four assurances.</p> <p>Create conditions favorable to reform.</p> <p>Make education funding a priority.</p> <p>Enlist statewide support and commitment of stakeholders, including state leaders, districts, grant makers, and foundations.</p> <p>Raise achievement and close gaps. Use annual targets for increasing overall and subgroup achievement.</p> <p>Build strong statewide capacity to implement, scale, and sustain proposed plans.</p>	<p>four interventions.</p> <p>If district is serving more than nine schools, it cannot do the same intervention in more than fifty percent of its schools.</p>

## Next Steps to Address these Federal Initiatives

### Federal Stabilization Fund Phase II

The Governor's Office will submit an application with documentation by October 2009 for the second round of federal stabilization funds.

### Race to the Top Application

The Governor, Superintendent of Public Instruction, and the State Board of Education Chair have formed a team to prepare and submit a request on behalf of Washington State. While our preference was for the Round II applications in the spring of 2010, the Governor has asked that we also submit for Round I. We will engage all interested education stakeholders in a review of the grant application and use a national consulting firm to assist us in this work. The following actions and timelines to complete the grant are outlined below by the Washington Race to the Top Team:

<b>Task</b>	<b>Date</b>	<b>Action Taken or to be Taken</b>
Identify facilitator/convener and resources to support grant application.	August-September 2009	Partnership4Learning selected to provide facilitator support.  Funding support sought for grant application.  Selection of consulting firm to assist with application.
Identify baseline data and reach out to all stakeholders to determine scope of Washington application.	October-December 2009	Examine RTTT requirements, others states' applications, and Washington's current status on the key issues.  Identify potential priorities and legislation needed.  Engage in discussions with stakeholders on priorities.  Determine what the state must do to show its progress beyond HB 2261.  Finalize priorities.  Submit Round I application.
Complete application for Round II of Race to the Top (SBE preference).	January-May 2010	Work with legislature and stakeholders on initiatives; examine ways to strengthen Round II application. Submit Round II application.

A number of work groups will be set up to address the Race to the Top application. The SPA work group will assist with the lowest performing schools piece of the application, by integrating its current policy efforts for the State Board of Education and Office of Superintendent of Public Instruction.

### Proposed School Improvement Guidelines

OSPI provided comment to the federal government on the proposed guidelines in the next few weeks. OSPI and SBE staff to identify five percent of persistently underachieving schools that must be identified in the different Tiers. OSPI is determining the impact the proposed federal rules will have on its current program and what adjustments must be made to prepare for obtaining funds in 2010. OSPI and SBE will work on ways to incorporate these new School Improvement expectations for the SBE Voluntary Action and Required Action this fall, with the recognition that the federal guidelines are open for comment before finalization.

## **B. State Initiatives**

### **HB 2261 (Chapter 548, Laws of 2009)**

The legislature passed HB 2261 this spring to reform the funding of basic education in our state as well as to expand the definition of basic education and advance some key concepts. Public education has evolved since 1977 and there have been many studies (most recently, The Joint Basic Education Finance Task Force, the Achievement Gap Commission reports, Building Bridges report, and Washington Learns) that identify a need to:

- Educate all students to a higher level.
- Focus on individualized instruction.
- Close the achievement gap and reduce dropout rates.
- Prepare students for evolving workforce and global economy.

Some of the key areas that will be worked on under HB 2261 include:

- Expanded definition of basic education:
  - Increased instructional hours for secondary education from 1000 to 1080 hours.
  - Opportunity to complete 24 high school credits.
  - All day kindergarten (phase in highest poverty schools first).
  - Highly capable (2.3 percent of student enrollment).
  - Early learning is under consideration to be added in the future.
- Prototypical school funding formula.
- Transportation funding formula.
- Quality Education Council, which will recommend and inform the ongoing implementation of HB 2261.
- Work groups for finance, local funding, data governance, early learning, and compensation.
- Accountability: refinement of the SBE work on its Accountability Framework, including the Accountability Index, Voluntary Programs of Assistance, and Formalized Comprehensive System of Improvement for Challenged Schools and Districts (see the SPA Tab for additional information).
- Teacher Standards and Certification.

The funding to support this work will be phased in and fully implemented by the legislature by September 1, 2018.

## The Quality Education Council's Work under HB 2261

The Quality Education Council's (QEC) purpose is to develop strategic recommendations for implementation of a new definition of Basic Education based on evidence that the programs effectively support student learning as well as the financing necessary to support it.

In addition to guiding implementation of the bill, the QEC must also:

- Develop strategic recommendations and update them every four years on the Program of Basic Education.
- Identify measurable goals and priorities for a ten-year period for the educational system, including ongoing strategies to eliminate the achievement gap and reduce dropout rates.
- Consider the OSPI system capacity report.
- Consider the availability of data and implementation progress of data systems.

The members of the QEC include four state representatives and four state senators (with equal representation among Democrats and Republicans), as well as one representative from the Office of the Governor, Office of Superintendent of Public Instruction, the State Board of Education, the Professional Educator Standards Board, and the Department of Early Learning. Randy Dorn was selected by the members as Chair.

- Randy Dorn, Superintendent of Public Instruction and Chair of the QEC
- Mary Jean Ryan, Chair, State Board of Education
- Stephen Rushing, Chair, Professional Educator Standards Board
- Dr. Bette Hyde, Director, Department of Early Learning
- Dr. Jane Gutting, Superintendent, ESD 105 (Governor's appointee)
- Rep. Frank Chopp, Speaker of the House, 43rd District (D)
- Rep. Pat Sullivan, State Representative, 47th District, (D)
- Rep. Skip Priest, State Representative, 30th District (R)
- Rep. Bruce Dammeier, State Representative, 25th District (R)
- Sen. Curtis King, State Senator, 14th District (R)
- Sen. Eric Oemig, State Senator, 45th District (D)
- Sen. Joseph Zarelli, State Senator, 18th District (R)
- Sen. Rosemary McAuliffe, State Senator, 1st District (D)
- Alternate: Rep. Marcie Maxwell, State Representative, 41st District (D)

The first QEC meeting was held on August 27, 2009. The materials for that meeting and future QEC meetings may be found at: <http://www.k12.wa.us/QEC/default.aspx>.

## Basic Education Funding Law Suit

*McCleary v. State* was filed in January 2007. The plaintiffs are led by the Network for Excellence in Washington Schools (NEWS), a coalition of groups including the Washington Education Association (WEA), Parent Teacher Association (PTA), 29 school districts, and several advocacy groups. The case takes its name from one of two families who are also named plaintiffs. The plaintiffs asked the court to declare that the state is not meeting its duty to amply fund basic education and to order the state to: 1) determine the actual dollar cost of providing a basic education; and 2) fund that amount. In fall of 2007, the plaintiffs sought a summary judgment order asking the court to declare, as a matter of law, that the state's constitutional obligation was measured by the WASL results and that because the WASL results show all students are not meeting standard, the state was therefore not meeting its constitutional obligation to provide a basic education. The motion failed, leaving the matter to be proven at trial, which began August 31, 2009 and is scheduled to last at least four

weeks. During their opening arguments, state attorneys cited increased K-12 investments over the last thirty years and previewed the upcoming testimony of expert witnesses who will argue that increased financial investment does not always result in higher achievement. The plaintiffs began to counter that claim through the testimony of their witnesses.

## **Final Language for Accountability Under ESHB 2261 As Signed by The Governor**

### **SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT**

NEW SECTION. **Sec. 501.** (1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

1 (b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

**Sec. 502.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows: The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards- based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall ... (language continues from current law)

NEW SECTION. **Sec. 503.** A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.

Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features:

- (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning;
- (ii) A requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and
- (iii) Monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left 31 behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

# Washington State Board of Education (SBE) Accountability Framework

## Key Components of the SBE Accountability Framework

1. An excellent and equitable education for all students.
2. Continuous improvement for all schools and districts.
3. One federal/state system.
4. State and local collaborative effort.



## Office of Superintendent of Public Instruction (OSPI) Identification Process

**Step One:** Identify persistently low achieving schools (and their districts) using proposed federal school improvement guidelines (include non-Title I schools).

**Step Two:** Use additional criteria to examine school and district performance.

**Step Three:** Identify the lowest performing schools (and their districts).



**All Districts Not Identified for Voluntary or Required Action**



### Annual Efforts

The districts create School and District Improvement plans to address issues of student achievement.

OSPI provides limited technical assistance.



**Districts with Persistently Low Achieving Schools Identified for Voluntary or Required Action**



**Voluntary Action: Priority Districts**



**Required Action: Academic Watch Districts**



The local board will select one of the four Federal School Improvement Guidelines: (turnaround, restart, closure, transformation) or additional state or local models.



### Positive Outcomes

1. Improve student achievement for all students.
2. Build the capacity of districts to help students improve.
3. Close the achievement gap.
4. Lower dropout rates.

SPA Update

October 13, 2009

# Identifying Low-Performing Schools for Required Action

Pete Bylsma, MPA, EdD  
SBE Consultant

# Required Action: Overview of Criteria

- **Low student performance**
- **In both reading and math**
- **Over a 4-year period of time**
- **Across multiple grade levels**  
(for districts)
- **Improvement worse than state**

# Initial Identification

**1<sup>st</sup> Step:** Identify bottom quartile (lowest 25%) of schools based on the percentage of “all students” meeting standard in both reading and math in each of the past 4 years.

- Use distance from AYP “uniform bar” as the metric
- Separate results for 4 grade bands: elem, middle, high, multiple
- Those in bottom quartile of their grade band in both subjects in each of the past 4 years move to 2<sup>nd</sup> step

Some will not be Title I schools or be in School Improvement due to their small size.

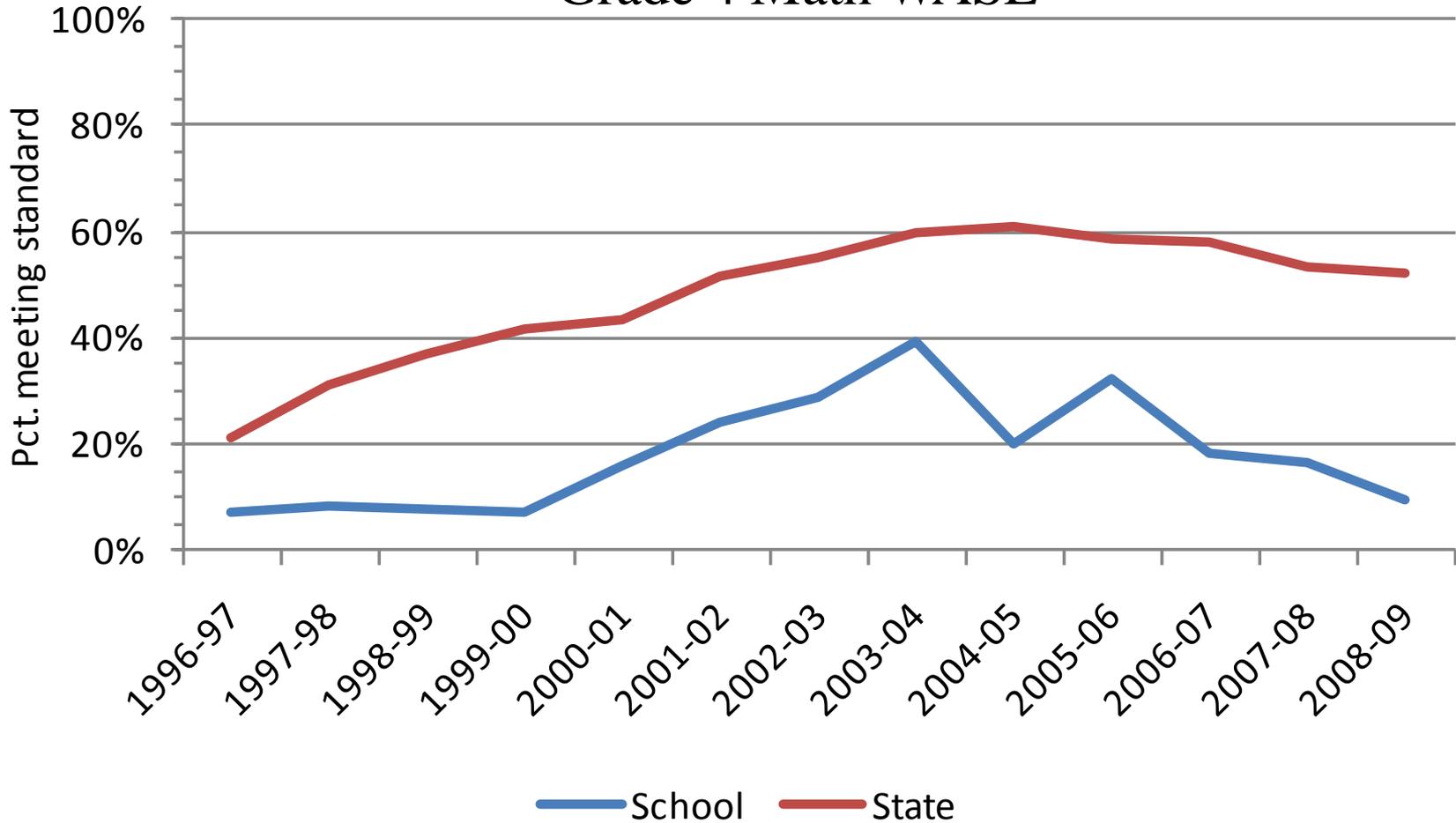
# Deeper Analysis

**2<sup>nd</sup> Step:** Deeper analysis to ensure they are *truly in need*

- **Contextual data:** School type, changes in student populations
- **Other assessment trends:** Subgroups, achievement gaps, WLPT, improvement taking place over time in relation to state trend
- **Teaching and learning issues:** Staff characteristics and turnover, classroom conditions, curricula alignment, ELL program models and exit rates, extended learning opportunities, community involvement
- **Other data:** Participation & unexcused absences rates, dropout rates for subgroups, perception results, resources made available, results of reviews by external parties
- **Cells of Accountability matrix:** Peers ratings, overall column average, gap between the two income groups

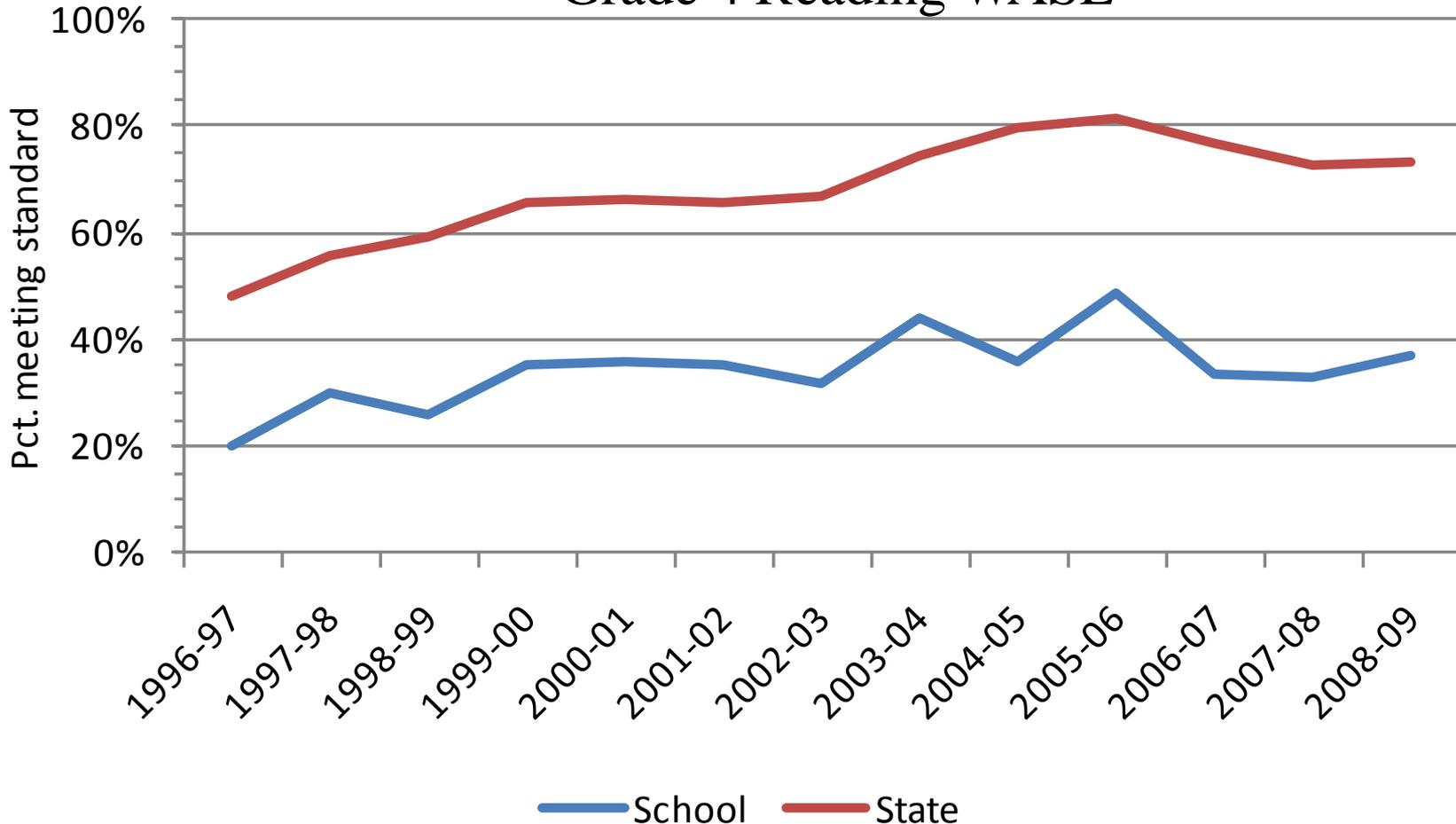
# Example of Low Performing School

## Grade 4 Math WASL



# Example of Low Performing School

## Grade 4 Reading WASL



# Voluntary vs. Required Action

## Priority Districts (Voluntary Action)

- Those identified after 2<sup>nd</sup> step; based 4 years of results
- Those *committed to change with capacity to benefit* are offered assistance
- All have 2 years to show more improvement (at least a 15% reduction in those not meeting standard in both reading and math)

## If required improvement is not made, school moves to Academic Watch (Required Action)

- Reserved for schools that have low performance and have shown little improvement over a 6-years period (less than 25% reduction in both subjects)
- Can go directly to Academic Watch based on 6 years of data (low achievement plus little improvement in both subjects)
- Establish goal of 25% reduction in three years in both reading and math, try to build capacity to continue improvement into the future

# Identification Issues to Resolve

- How should we treat alternative schools?
- Should we include graduation rate somehow?
- Should the number of students in a school be part of the identification criteria?
- Should we pick districts based on the proportion of students in schools that are in the bottom quartile?
- If absolute performance is very low, what kind of improvement should be needed compared to the state trend?
- What is the best way to distribute support across Tiers I, II, and III?
- Who will do deeper analysis?
- How can the deeper analysis be made objective, quantifiable, and fair?

**Race to the Top Grant  
October 13, 2009  
SPA Discussion**

Potential Grant Ideas for Struggling Schools Built Around OSPI/SBE work on Accountability Framework and SBE CORE 24:

1. Fund non Title I schools that are persistently low achieving under Washington Voluntary and Required Action Process.
2. Fund state or local models for intervention under Washington Required Action Process.
3. Fund programs that encourage all students to become College and Career Ready:
  - a. CORE 24 high school graduation requirements early adopters.
  - b. Advanced Placement, International Baccalaureate, and honors classes in schools that have little or no access to these currently.
4. Development of state data system to graphically portray absolute performance and growth of individual schools.
5. Create cadre of highly effective teachers and principals prepared to teach in low performing schools.

*What suggestions do you have for our grant proposal?*

**SYSTEM PERFORMANCE ACCOUNTABILITY SYSTEM:  
NEXT STEPS**

**BACKGROUND**

Since 2006, the State Board of Education has been considering the components of a statewide accountability system, one essential to ensuring our students receive an excellent and equitable education. A comprehensive accountability system must address the core challenges in our persistently low achieving schools.

Washington's laws currently prohibit the state from intervening in persistently low achieving schools. Thus school districts may choose whether or not to participate in state supported assistance. Our students deserve better.

The Board created a Systems Performance Accountability (SPA) work group to review staff work on developing proposals for an accountability system. Dr. Kristina Mayer has served as lead for the SPA work group, which consists of stakeholders from a variety of educational groups. The meeting materials can be found at: <http://www.sbe.wa.gov/spa.htm>. The Board has also conducted many outreach sessions statewide. The Board has incorporated the feedback received, which included: a state partnership with the local districts (no state unilateral action), and one system of accountability (both federal and state).

At its January 2009 meeting, the Board passed a resolution outlining its Accountability Framework (see Attachment A). There are three components to the Accountability Framework:

1. An Accountability Index to recognize schools that are successful and those that need additional assistance.
2. Targeted state programs to assist districts.
3. Required action, if there are no improvements.

The 2009 Legislature's approval of the Board's Accountability Framework is reflected in sections 501-503 of ESHB 2261 (part of the new basic education funding system). The legislature asked the SBE to present its report by December 1, 2009 (see Attachment B). The System Performance Accountability (SPA) work plan may be found under Attachment C.

Board and staff have continued to work on the details of the Accountability Framework over the last nine months.

**POLICY CONSIDERATION**

Due to the recent federal activity; feedback from policy experts on the Provisional Accountability Index; our SPA work group; and OSPI input, staff has outlined detailed next steps for the Board's Accountability Framework. See the Background and Policy Consideration Details in the following pages.

**EXPECTED ACTION**

The Board gave feedback to staff at the September 2009 meeting. Staff and Board members will make revisions to the detailed Accountability Framework and share with stakeholders this fall. Then the draft final report and proposed legislation will be submitted to the Board for discussion and approval at its November 2009 meeting. The report is due to the legislature December 1, 2009.

**BACKGROUND AND POLICY CONSIDERATION DETAILS**

**The State Board of Education’s Work to Date**

Accountability Index

At the May 2009 meeting, the Board approved a Provisional Accountability Index to identify successful schools and districts as well as those in need of improvement. The purpose of this index is to give credit to schools that are improving and or closing the achievement gap in the state identified outcomes below. The Provisional SBE Accountability Index criteria form a 20-cell matrix that measures five outcomes in four ways. The results for each cell are rated on a scale of one to seven. The ratings are then averaged to create one final number that averages the rating of all the cells: an Accountability Index. Averages for the outcomes and indicators are also computed to provide more relevant feedback to educators.

**Table 1: Matrix of Accountability Measures for Index**

INDICATORS	OUTCOMES					Average
	Reading	Writing	Math	Science	Ext. Grad. Rate	
Achievement of non-low income						
Achievement of low income						
Achievement vs. peers						
Improvement from previous year						
<i>Average</i>						<i>INDEX</i>

The Board intends to have one accountability system. Thus, the Board will work with OSPI and the federal government to adopt a new index either through a U.S. Department of Education waiver or revisions to No Child Left Behind (NCLB).

The Board has received feedback from Washington stakeholders as well as from Washington D.C. policy experts. Though the Board’s proposed index has some very desirable features, many education stakeholders informed us that we should include student data by race, ethnicity, ELL, and special education. The Board’s consultant, Pete Bylsma, is working on changes that will include a subgroup analysis.

The Provisional Accountability Index will; however, be used with some modifications for the Joint OSPI/SBE School Recognition Program in the fall of 2009.

## System for Voluntary Action

OSPI has briefed the Board on its District and School Improvement Programs under Title I. OSPI has shifted from working with individual schools to building district capacity. At the August 2009 SPA meeting, OSPI provided an update on its continuum of voluntary services. Please see the SPA Notes in Attachment D. New federal regulations on the Title I School Improvement Program were published in late August and may have a significant impact on how OSPI provides services to districts and schools in the future.

## Required Action

At the August 2009 SPA meeting, the work group discussed criteria beyond Annual Yearly Progress (AYP) that could be used to examine districts with schools that are chronically struggling. These districts would then be notified that they were being considered for state Required Action. The steps for Required Action were also discussed. Please see the SPA August Notes in Attachment D. Based on the feedback from this meeting and further discussions with OSPI, a set of conditions for identifying schools and districts and steps for Required Action are identified below.

## **Federal Direction and Discussion of Need for State Alignment**

Recent federal initiatives including the state stimulus funds, the competitive grant for Race to the Top,<sup>1</sup> and proposed School Improvement guidelines under Title I<sup>2</sup> require states to change dramatically the way states will assist persistently low achieving schools both in terms of the interventions as well as the data collected.

In particular, the Board must consider the proposed guidelines for Title I School Improvement as part of its work to ensure some uniformity in the accountability system. The federal government has provided a significant increase in school improvement funding to serve Title I schools. Washington State may receive \$45 million over the next two years, which is almost double the amount it currently receives. The U.S. Department of Education is looking for a significant investment in the lowest performing schools in each state to dramatically transform school culture and improve student academic outcomes. Since Title I disproportionately supports elementary schools, there will be an opportunity to allow states to intervene in low performing middle and high schools that are eligible for Title I but not currently funded.

The new draft regulations for the School Improvement Program may require a significant shift in how OSPI now provides services. The essence of the proposed rules will require that OSPI identify the lowest performing Title I and Title II eligible schools. Performance is defined as: those schools that have not made similar gains to the state average of all schools performance in the "all student" category for both math and reading.

OSPI must identify the lowest performing five percent of Title I schools and equally low-achieving secondary schools eligible but not receiving Title I funds. Lowest performance is defined as little or no progress over a number of years in the "all student" category in reading and mathematics compared to average state performance in these same categories.

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<sup>1</sup> Federal Register Volume 74, No 144/Wednesday July 29, 2009 See page 37810 for turning around struggling schools

<sup>2</sup> Federal Register Volume 74, No 164/Wednesday, August 26, 2009 pages 43101-14.

In the selection process, OSPI will consider greatest need, strongest commitment, and mix of Tier I, II and III schools: Initial identification will be based on the following:

Tier I. Lowest achieving five percent of Title I schools in a step of NCLB improvement.

Tier II: Equally low-achieving Title I eligible secondary schools.

Tier III: Remaining Title I schools in a step of NCLB improvement.

OSPI will also consider additional criteria to determine a final list.

States will be expected to eliminate laws and rules that limit:

1. The state's authority to intervene in low performing schools.
2. The number of charters that may operate in a school.
3. Impediments to recruit and retain effective teachers and principals in low performing schools.

Districts will be allocated up to \$500,000 per school each for three years, if they choose to participate, to implement one of the following models:

1. **Turnaround:** Replace the principal and at least fifty percent of the staff. Adopt new governance structure. Implement a new or revised instructional program.
2. **Restart:** Close failing school and reopen as a charter or through an education management organization.
3. **Closure:** Close school and transfer to higher performing schools in the districts.
4. **Transformation:** Implement a comprehensive transformation strategy that develops teacher school leader effectiveness, implements comprehensive instructional reform strategies, extends learning and teacher planning time, creates community oriented schools, and provides operating flexibility and intensive support.

A. Accountability Index , Proposed Federal Matrices and State Additional Criteria for Identification of Persistently Low Achieving Schools and Their Districts

At the August SPA work session, the Board staff acknowledged that permission from the federal government (or reauthorization of NCLB) might take several years. While the Board will continue to improve its Provisional Accountability Index and work with the federal government, it is important to move ahead using the current NCLB accountability system and the proposed new federal school improvement guidelines for Voluntary Assistance and Required Action for persistently low achieving schools. In addition to the federal guidelines, staff recommends adding some factors identified by the state be used to examine improvement and other criteria to develop a process for determining which districts are eligible for Voluntary Action and Required Action.

B. Voluntary Action for Priority Districts

OSPI will create the tiers of lowest achieving schools identified using the new federal matrices under the proposed school improvement guidelines plus additional state defined criteria to determine which districts should be encouraged to participate in Voluntary Action. These districts will be identified as Priority Districts. All schools, not just Title I schools will be included in the initial review although only federal funding will be available to Title I schools.

The following ideas/criteria have been discussed at the SPA work group for state criteria. In deciding which criteria to pursue, the state will need to ensure that the information used is legally defensible (objective, quantitative, and fair) particularly if the state and local district enter into the Required Action Process. The following criteria have been discussed, some of which may not meet our need for legally defensible criteria:

- Numbers and percentages of persistently low achieving schools in districts.
- Numbers and percentages of schools not making AYP in districts.
- Number of students in each school not meeting standards in math and reading.
- Little or no growth in closing educational and achievement gaps.
- Whether improvements were made in reading, math, and high school graduation over a three year period by each school.
- Types of schools and programs.
- Changes in demographic profile of students in the last three years.
- How performance compares to similar schools.
- Washington Language Proficiency Trends and percent of students exiting the ELL program.
- Staff/Leadership turnover and equitable distribution of quality staffing.
- Alignment of curriculum and instruction to standards in math and reading.
- Use of data to inform instruction.
- Equitable allocation of resources.
- Contextual information specific to the schools and district community.
- Provisions in collective bargaining agreement that might affect student achievement.
- Climate surveys (staff, parents, and students).

OSPI will examine ways to provide services as outlined in the proposed new federal school improvement guidelines for Title I or Title II eligible schools. The state will need to decide how to serve non Title I schools that are also identified as persistently lowest achieving schools. Districts with the lowest achieving schools will be designated Priority Districts and may use one of the four models listed. At this point it is unclear what other potential programs, such as OSPI's Summit District or the Board's Innovation Zone may be available. However, it will be up to the local school districts to decide if they want to participate in any state assistance.

#### Required Action Process for Academic Watch Districts

Several Priority Districts may be designated as candidates for Required Action. The SPA work group, OSPI, and the Board will discuss whether some Priority Districts become Academic Watch Districts immediately for Required Action or after a two year period. OSPI will then notify the local school board and SBE of the districts it determines should become Academic Watch Districts. It is expected that no more than one to three districts would be selected for a cohort each year.

- Local school boards may appeal this designation to the SBE with supporting evidence that addresses each of the criteria used to designate them in Academic Watch.
- SBE directs OSPI to conduct an independent Academic Performance Audit of Districts on Academic Watch. The audit will be completed and communicated to the district and the SBE.
- OSPI will manage the Academic Performance Audit. Audit findings and recommendations will be provided to the local school district and may include one or more of the following items:
  - ✓ Improvement of the comprehensive instructional program.
  - ✓ Reorganization of instructional time.
  - ✓ Requirement to select new personnel and/or revise personnel practices.

- ✓ Requirement to change school structures to improve learning opportunities.
- ✓ Requirement to strengthen family and community engagement.
- Academic Watch Districts receive a grant and OSPI assistance to develop an Academic Watch Plan and estimated budget. The local school board works with its staff and community to prepare the Academic Watch Plan. The Plan will select one of the models outlined in the federal school improvement guidelines that best fits their conditions:
  - ✓ **Turnaround.** Replace principal and fifty percent of staff; adopt new governance and other requirements.
  - ✓ **Restart.** Open under new management.
  - ✓ **Closure.** Send students to other schools in district.
  - ✓ **Transformation.** Develop teacher and school leader effectiveness, comprehensive instructional reforms, extended learning times, community based schools, and provide operating flexibility.
- The legislature provides the resources and authority (including the ability to change provisions in the collective bargaining agreements that are cited as impediments to student achievement in the audit) to the Academic Watch District enacting its plan.
- SBE approves local district Academic Watch Plan and ensures resources/changes in state policy are available and that the plan becomes binding between the SBE and the local school board.
- The Academic Watch District implements the plan and provides updates to its community and the SBE on a regular basis.
- OSPI provides technical assistance as needed and determines when a district has made sufficient progress necessary to leave Academic Watch.
- OSPI notifies SBE annually of a district's Academic Watch status.
- SBE approves release from Academic Watch or, if no progress, requests the district reassess its current plan and make revisions.

**STATE BOARD OF EDUCATION ACCOUNTABILITY RESOLUTION  
JANUARY 15, 2009**

WHEREAS, the State Board of Education believes that all students deserve an excellent and equitable education and that there is an urgent need to strengthen a system of continuous improvement in student achievement for all schools and districts; and

WHEREAS, the legislature charged the State Board of Education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and performance incentive systems; and

WHEREAS, the State Board of Education affirms the call for stronger accountability must be reciprocal between the state and local school district and accompanied by comprehensive funding reform for basic education that demonstrates “taxpayer money at work” in improving student achievement; and

WHEREAS, the State Board of Education will work with its education partners to create a unified system of federal and state accountability to improve student achievement; and

WHEREAS, the State Board of Education recognizes the need for a proactive, collaborative accountability system with support from the local school board, parents, students, staff in the schools and districts, regional educational service districts, business partners, and state officials to improve student achievement; and

WHEREAS, the State Board of Education believes that schools and districts should be recognized for best practices and exemplary work in improving student achievement; and

WHEREAS, the State Board of Education recognizes the critical role of local school boards in addressing student achievement in developing a new state accountability system as well as the need to create a new collaborative mechanism to require certain school district actions if student achievement does not improve;

THEREFORE, BE IT RESOLVED, that the State Board of Education will develop an Accountability Index to identify schools and districts, based on student achievement using criteria that are fair, consistent, transparent, and easily understood for the purposes of providing feedback to schools and districts to self-assess their progress as well as to identify schools with exemplary performance and those with poor performance; and

BE IT FURTHER RESOLVED that the State Board of Education will work with its education partners to build the capacity of districts to help their schools improve student achievement. Programs will be tailored to the magnitude of need. As part of this system of assistance, the Board will ensure that all efforts are administered as part of one unified system of state assistance including the Innovation Zone – a new effort to help districts dramatically improve achievement levels; and

BE IT FURTHER RESOLVED that after a time set by the State Board of Education where there is no significant improvement based on an Accountability Index and other measures as defined by the Board, the district will be placed on Academic Watch and the State Board of Education will:

- Direct the Office of Superintendent of Public Instruction to conduct an academic performance audit using a peer review team.
- Request the local school board, in collaboration with the Office of Superintendent of Public Instruction, to develop an Academic Watch Plan based on the review findings, which would include an annual progress report to the local community.
- Review, approve, or send back for modification the local board Academic Watch plan, which once approved becomes a binding performance contract between the state and district.
- Ensure that the local school board will remain responsible for implementation.
- Request the Office of Superintendent of Public Instruction to monitor implementation of the plan and provide updates to the State Board of Education, which may require additional actions be taken until performance improvement is realized.
- Declare a district is no longer on Academic Watch when the Office of Superintendent of Public Instruction reports to the State Board of Education that the district school or schools are no longer in Priority status; and

BE IT FURTHER RESOLVED that the State Board of Education believes this accountability framework needs to be a part of the revisions made to the basic education funding system and that the legislature will provide the State Board of Education, the Office of Superintendent of Public Instruction, and the local school boards with the appropriate legal authority and resources to implement the new system; and

BE IT FURTHER RESOLVED that the Board will continue to refine the details of the accountability system by working with its education, parent, business and community partners over the next year.

Adopted: January 15, 2009

Attest:

Mary Jean Ryan, Chair



**ESHB 2261 Accountability Language****Summary:**

Legislative intent is to create a proactive, collaborative system of accountability based on progressive levels of support and with a goal of continuous improvement in student achievement. The State Board of Education (SBE) and the Office of Superintendent of Public Instruction (OSPI) has been directed to seek approval for use of the system for federal accountability purposes.

Requires the SBE to continue refining an accountability framework that includes:

- An accountability index to identify successful schools and those in need of assistance.
- A proposal and timeline for a comprehensive system of voluntary support and assistance to be submitted to the legislature before being implemented.
- A proposal and timeline for a system targeted to those that have not demonstrated improvement that takes effect only if authorized by the legislature and that includes an academic performance audit; a school board-developed corrective action plan, which would be subject to SBE approval and become binding; and progress monitoring by OSPI.
- Report due to legislature December 1, 2009.

**ESHB 2261 Language****SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT**

NEW SECTION. **Sec. 501.** (1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

1 (b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

**Sec. 502.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows: The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards- based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall ...(language continues from current law)

**NEW SECTION. Sec. 503.** A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.

Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features:

- (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning;
- (ii) A requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and
- (iii) Monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left 31 behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

**SPA Work Plan  
August 2009**

**Objectives:**

- Approve the provisional state Accountability Index and proposed recognition system by May 2009.
- Finalize OSPI/SBE recognition program(s) by July 2009 for 2009-2010 school year based on provisional Accountability Index.
- Work with OSPI and stakeholders to refine continuous improvement model processes, which includes OSPI voluntary support programs (and the Innovation Zone) and Academic Watch for Challenged Schools, June-November 2009.
- Develop proposed new rule on school improvement planning by March 2010.
- Work with OSPI (and national groups) to request the U.S. Education Department to use the provisional state Accountability Index when making AYP decisions, beginning with results generated in the 2010-2011 school year (we realize we may need to adapt our Accountability Index to meet federal expectations).
- Submit report and proposed legislation to legislature by December 1, 2009.

**Revised Timeline for System Performance Accountability (SPA)  
Work 2009**

<b>Dates</b>	<b>Activities</b>
January 14-15	Board meeting to review: <ul style="list-style-type: none"> <li>• Draft resolution for action.</li> <li>• Feedback on Accountability Index and Pete Bylsma's revisions.</li> <li>• Work Plan for 2009.</li> <li>• Achievement Gap Data Overview for Commissions' Work.</li> <li>• ELL Issues for state oversight by Howard DeLeeuw, OSPI.</li> </ul>
January- March	Edie and Pete will meet with superintendents at nine ESD meetings statewide to review the Accountability Index, Innovation Zone and Academic Watch proposals. Pete will meet with technical advisers from school districts and OSPI at least twice regarding refinements to the index.
February 17	SPA Work session: <ul style="list-style-type: none"> <li>• Kris and Edie will frame our work for year.</li> <li>• OSPI will give brief update on NCLB status and federal funding.</li> <li>• OSPI will present lessons learned from Summit Districts and sustainability and thoughts on programs to serve continuous improvement for schools and districts.</li> <li>• SBE consultant will discuss refinements to Accountability Index, as presented to Board at January Meeting.</li> <li>• SBE consultant will discuss recognition program using Accountability Index.</li> </ul>
March 12-13	Board meeting: <ul style="list-style-type: none"> <li>• Hear update from SPA work session.</li> </ul> Pete will seek input from several national experts from OSPI's National Technical Advisory Committee on March 13 to review the SBE proposed Accountability Index.
April 21	SPA Work session: <ul style="list-style-type: none"> <li>• Review continued refinements on Accountability Index (focus on</li> </ul>

Dates	Activities
	alternative education, ELL), deeper analysis for struggling schools and recognition program.
May 14-15	Board meeting to review: <ul style="list-style-type: none"> <li>• Update from SPA work session.</li> <li>• Approve Provisional Accountability Index Plan A (we will also work on a Plan B) and SBE and OSPI recognition program(s).</li> </ul>
May-July	Develop strategy and outreach to different stakeholder groups and work with OSPI and the U.S. Education Department on Accountability Index for improved (and unified) system for determining AYP.  Work with OSPI on recognition program(s).
June 16	SPA work session on OSPI voluntary state programs of continuous improvement for all schools as well as deeper analysis of struggling schools. Discuss ways to incorporate dropout data and achievement gap recommendations into our work for overall report card tracking.
July 15-17	Board meeting: <ul style="list-style-type: none"> <li>• Begin discussion on OSPI voluntary state programs of continuous improvement and key indicators for deeper analysis.</li> </ul>
August 11	SPA work session on feedback on Accountability Index and Next Steps for Voluntary Action and Required Action, Professional Learning Communities, and Data in Motion.
September 17-18	Board meeting: <ul style="list-style-type: none"> <li>• Continue discussion on provisions for OSPI voluntary school for continuous improvement and Academic Watch process.</li> </ul>
October 13	SPA work session: <ul style="list-style-type: none"> <li>• Discussion of recommendations and timeline on state voluntary support programs and Academic Watch process.</li> <li>• Examine options for school and district improvement plans.</li> <li>• Feasibility of using prototypical funding allocation model to report on how state resources are being used.</li> <li>• Discuss draft overall accountability report card.</li> </ul>
October - November	OSPI/SBE recognition of schools under new program.  Discussions with U.S. Education Department on proposed unified accountability system.
November 12-13	Board meeting: <ul style="list-style-type: none"> <li>• Review draft school improvement plan rule revisions (look at nine effective school characteristics) and approval of proposals and timeline for OSPI voluntary state support programs for struggling schools under Academic Watch.</li> <li>• Present overall accountability report card.</li> </ul>
December 1	Report to legislature December 1 on proposal and implementation for: <ol style="list-style-type: none"> <li>1) Recommendations for state voluntary program.</li> <li>2) "Academic Watch" for challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system-- Legislature must approve this in statute or appropriations bill.</li> <li>3) Use of prototypical school model to report on how state resources are used (this last provision does not have a December 1 date).</li> </ol>

**Systems Performance Accountability (SPA) Notes  
August 11, 2009**

Attendees: Kris Mayer, Phyllis Bunker Frank, Warren Smith, Mack Armstrong, Gayle Pauley, Janell Newman, Tonya Middling, Gary Kipp, Karen Davis, Roger Erskine, Martha Rice, Pete Bylsma, Edie Harding

**Recap of Last Meeting**

Kris Mayer summarized the last SPA meeting, where we discussed the recent research and achievement gap reports. In addition, the group reviewed data for in-depth analysis after districts are identified by the Accountability Index. The three key categories are: context, student learning trends, and teaching and learning data. SBE staff also discussed the Accountability Framework from: 1) identifying schools and districts in need of improvement; 2) providing voluntary assistance for districts in improvement under voluntary assistance; and 3) requiring state/local action if there is no improvement. The SBE would like to see the opportunity for an Innovation Zone under voluntary action to encourage districts to try a variety of innovations in terms of quality teaching, personalized education supports, and ways to engage parents and families. OSPI and SBE are moving ahead with a joint recognition program this fall based on the SBE Provisional Accountability Index. SBE is discussing ways to move ahead with the Innovation Zone next year, if federal funding is available.

**Feedback on SBE Provisional Accountability Index**

SBE staff asked a variety of experts in D.C. to review the SBE Provisional Accountability Index. In short, many of the reviewers said the SBE Accountability Index makes some significant improvements over the current NCLB provisions, to identify schools and districts for improvement, but we must find a way to include the subgroup analysis. SBE staff met with Ricardo Sanchez and some of the LEAP (Latino Education Achievement Project) members and they want to ensure that districts are still held accountable for their English Language Learner (ELL) populations under our new Index.

Pete shared some ideas he had to incorporate subgroups into the Accountability System. He will continue to refine his concepts to bring revisions to the Board in November. Pete also laid out a recommendation for addressing ELL learners, which would: a) exclude results for ELL in their first three years of US public school enrollment or until achieving Level Three on the Washington Learning Proficiency Test (WLPT); b) use performance on the WLPT to provide feedback about whether ELLs are on track to meet standards; and c) require OSPI to develop detailed results of the WLPT on the OSPI Report Card.

**Next Steps on Voluntary Action and Required Action**

Janell Newman and Tonya Middling outlined the continuum of voluntary services that OSPI provides to schools and districts in improvement. These services have shifted from focusing on the school level to the district level over the past several years in an effort to build internal capacity for a district to address all of its schools. OSPI provides intensive assistance to districts and schools through its Washington Improvement and Implementation Network as well as through targeted programs such as the Summit District. The lowest districts with the lowest performance and gains will receive the greatest targeted services. These services focus on specific outcomes in four areas:

- Effective Leadership.
- Quality Teaching and Learning.
- Support for System-wide Improvement.
- Clear and Collaborative Relationships.

Once a district is in Step Two of AYP, it would be notified that it has two years to make improvements in student achievement. If there is no improvement, they would be moved into Required Action (no longer voluntary assistance). Edie Harding discussed the options for identifying districts for potential Required Action. Options include additional detail from:

- a) AYP data on math, reading and graduation rates.
- b) The SBE Provisional Accountability Index, which has additional content areas (math and science) and includes a set of improvement measures.
- c) SBE proposed in-depth analysis of district context issues, student trends, and teaching and learning data.

The group discussed their preference for AYP data, unless the Index is approved (districts are used to this system now under No Child Left Behind combined with an in-depth analysis to go beyond strictly test scores and understand some of the other key data in a district affecting student achievement).

Edie also outlined potential steps for Required Action as follows:

1. Priority Districts in Step Two of AYP, under current NCLB, for two years (as of effective date of state legislation) will be notified by OSPI that they are under Academic Watch, based on criteria and the process discussed in the document titled "Options for Identifying Districts for Potential Required Action." OSPI will then notify the SBE.
2. Local school boards may appeal this designation to the SBE with supporting evidence that addresses each of the criteria used to designate them in Academic Watch.
3. SBE directs OSPI to conduct Academic Performance Audit of Districts on Academic Watch. The audit is to be completed within two months and communicated to the district and the SBE.
4. OSPI will conduct the Academic Performance Audit. Audit findings<sup>3</sup> may include the following items (list is not exhaustive). The need for:
  - a. An improved comprehensive instructional program.
  - b. Reorganization of instructional time.
  - c. Ability to select new personnel.
  - d. Ability to change school structures to improve learning opportunities.
  - e. Measuring teacher and principal effectiveness.
  - f. Rewarding effective teachers and principals.
  - g. Ongoing family and community engagement.
5. Local school district receives grant and OSPI assistance to develop an Academic Watch Plan with their local school board. Action steps and concrete measures will be developed to

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<sup>3</sup> The components are a modified version of those listed in the Race to the Top Guidelines from the US Department of Education (which also included new leadership, new governance, charter schools, contracting out to an educational management organization, control local school budget).

determine progress, based on the Academic Performance Audit within three months of report's receipt.

6. SBE approves local district Academic Watch action steps and ensures resources/changes in state policy are available and that the plan becomes binding between the SBE and local board school.
7. District implements the plan and provides updates to its community and the SBE annually.
8. OSPI provides technical assistance as needed and determines when a district has made sufficient progress as defined in the district's plan for Action Steps and concrete measures, as well as an improvement of .50 of the SBE Accountability Index to leave Academic Watch.
9. OSPI notifies SBE annually that the district is no longer on Academic Watch or that they will remain on Academic Watch.
10. SBE approves release from Academic Watch or refinement Academic Watch plan.

### **Professional Learning Communities**

Lisa Kodama, from the WEA, provided a briefing on how schools are creating Professional Learning Communities of teachers and administrators to meet regularly and collaborate on student learning. Each team must focus on four foundational questions:

1. What do we want our students to learn?
2. How will we know they are learning?
3. How will we respond when they don't learn?
4. How will we respond when they do learn?

This school model reinforces the need for teachers and administrators to meet in teams and collaborate, rather than work in isolation. Lisa gave some examples of schools that have been able to improve student achievement as measured by the WASL in math, reading, and writing over the last five years. WEA, AWSP, and WASA are working in partnership to implement this program all over the state.

### **Data in Motion**

Todd Johnson showed how ESD 113 has used a concept of growth to look at performance over time on the WASL, based on student demographics. He presented sample graphs of schools with balls that mark their performance and show how they moved over time. He also shared a District Dashboard that uses Student Achievement, Student Enrollment and Financial Data.

### What is Adequate Yearly Progress (AYP)?<sup>4</sup>

- Adequate Yearly Progress (AYP) is one of the cornerstones of the federal Elementary and Secondary Education Act (ESEA) signed into law January 2002, as the No Child Left Behind (NCLB) Act. In Washington, it is primarily a measure of year-to-year student achievement on the Washington Assessment of Student Learning (WASL) in reading and mathematics. One of the requirements of NCLB is that states develop a baseline or starting point for students to achieve proficiency as measured by WASL math and reading scores (science will be added). Each year the state must “raise the bar” in gradual increments so that by 2013-2014, all (100%) students will achieve proficiency in each subject area.
- In addition to measuring academic achievement in reading and mathematics, NCLB requires an additional indicator of student performance be measured. For high school students the on-time graduation rate must be used. The additional indicator for middle and elementary schools in Washington is the unexcused absence rate. See OSPI Bulletin 25-03 for guidance on reporting unexcused absences.
- Each school and district must meet the yearly AYP goals as a whole and by disaggregated student population groups. These groups are specified by the law to be race/ethnicity, students with disabilities, limited English proficient students, and students who are economically disadvantaged. These groups must contain enough students to be statistically reliable and not permit personal identification of individual students. In Washington a group must contain at least 30 continuously enrolled students to be considered statistically reliable and at least 10 to protect personally identifiable information. To be considered “continuously enrolled” a student must be enrolled without a break in service from October 1 through the testing period.
- AYP applies to each school in the state that serves students in grades four, seven, and ten. School totals for these grades are aggregated up to the district and state totals.

### How is AYP determined?

- AYP is calculated separately for reading and mathematics.
- There are two ways a school can make AYP:
  - By demonstrating all students and required groupings meet or exceed the established WASL proficiency goals in both mathematics and reading.
  - By meeting the “safe harbor” provision. This provision permits schools with one or more subgroups not making the goals to still make AYP if the percentage of students not making AYP in that school declined by at least ten percent in each student category and the other indicator (graduation rate for high school or unexcused absences for elementary and middle schools) is met.

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<sup>4</sup> <http://www.k12.wa.us/ESEA/AdequateYearlyProgress.aspx>

## What happens if AYP is not met?

- The law specifies consequences for schools and districts receiving Title I, Part A funds which do not meet the AYP targets for two or more years in a row. While the results of WASL testing are reported for all schools and districts, the consequences apply only to those schools receiving Title I, Part A funds.
- After two consecutive years of not meeting AYP targets, a school enters Step one and is subject to the related consequences (see below). If AYP is met the next year the school or district stays at Step one, if AYP is not met, it moves to Step two. If AYP is met for two consecutive years, the school exits school improvement.

## What are the school consequences and when are they applied?

### • **Step 1—Schools not making AYP for two years:**

- Are identified for school improvement and must notify parents of their status.
- Will receive technical assistance to improve performance and may be eligible to receive federal funds for school improvement activities.
- Must develop or revise the school improvement plan not later than three months after being identified for improvement; must cover a two-year period.
- Must offer parents the opportunity to transfer their student(s) (Public School Choice) to another public school within the district, which has not been identified for school improvement, if one exists.
- Must pay for transportation if transfer is requested. They may use up to five percent of their Title I funds for this purpose, unless a lesser amount is needed. Under certain circumstances, districts may use an additional ten percent of Title I funds, if necessary, to provide Public School Choice. If requests exceed the amount of Title I funds available for this purpose, priority is given to the lowest-achieving students from low-income families.

### • **Step 2—Schools not making AYP for three years:**

- Are identified for their second year of school improvement and must notify parents of their status.
- Must continue to offer Public School Choice as described above.
- Must offer parents the opportunity to request Supplemental Educational Services, such as tutoring, to low achieving students. A list of OSPI-approved supplemental educational service providers is available from the OSPI website at <http://www.k12.wa.us/title1/>. As with transportation above, districts use up to five percent of their Title I funds for Supplemental Educational Services, unless a lesser amount is needed. If needed, an additional ten percent of Title I funds may be used to cover the costs of Public School Choice, Supplemental Educational Services, or both. No more than twenty percent of Title I funds may be used for Public School Choice and Supplemental Educational Services.

• **Step 3—Schools not making AYP for four years:**

- Are identified for corrective action and must notify parents of their status.
- Must continue to offer Public School Choice and Supplemental Educational Services as described earlier.
- Must select options from the following list:
  - Replace certain school staff.
  - Implement a new curriculum and provide additional professional development.
  - Significantly decrease management authority.
  - Appoint an outside expert to advise on school improvement plan.
  - Extend the school year or school day.
  - Restructure the internal organization of the school.

• **Step 4—Schools not making AYP for five years:**

- Are identified for restructuring and must notify parents of their status.
- Must continue to offer Public School Choice and Supplemental Educational Services as described above.
- Must begin planning for restructuring (see below).

• **Step 5—Schools not making AYP for six years:**

- Must implement restructuring.
- Must select options from the following list:
  - Replace all or most of relevant school staff.
  - Contract with outside entity to operate school.
  - If the state agrees, undergo a state takeover.
  - Undertake any other major restructuring of school.

### **Identifying Schools for Voluntary and Required Action**

What comments do you have about ...

- *the 1<sup>st</sup> Step of the process?*
  
- *the 2<sup>st</sup> Step of the process?*
  
- *how priority districts (Voluntary Action) and those in academic watch (Required Action) are identified and their respective goals?*
  
- *the other issues that need to be resolved (alternative schools, including the graduation rate, school size as a criterion, identifying districts based on proportion of students in the lowest performing schools, level of improvement required, deeper analysis process)?*

Other questions or comments on these topics (attach more paper if needed)



**SPA Work Session  
October 13, 2009**

**Suggestions for  
Subgroup Accountability**

Dr. Pete Bylsma  
SBE Consultant

# Background

- DC advisors noted lack of subgroup analysis
- Need to add subgroups to help determine AYP
- Proposal at August SPA meeting was too complicated
- Consulted advisors, simplified proposed recommendations

# Guiding Principles for Determining AYP

- Keep Accountability Index matrix unchanged
- Continue reporting all subgroup results for each grade (current policy)
- Use Index “rules” when making AYP decisions
  - N=10, no margin of error, combine grades across schools, same benchmarks and ratings
- Make necessary adjustments to indicators/outcomes
- Add more subgroups to aid transparency
- Have improvement goals, but do not tie them to AYP
  - 25% reduction goal for each group every 3 years with 2009 as baseline

# Proposed Methods to Determine AYP

- Hold the “All” group accountable using the full Index  
Requires  $\geq 4$  rated cells in matrix when making AYP decisions  
(if  $< 4$ , must submit improvement plan)

**Schools and districts must have a 2-year average of at least 3.00 on the Accountability Index to make AYP.**

*21% of all schools in 2009 had 2-year average  $< 3.00$*

- Possible alternatives
  - Exclude ratings from writing & science (not much effect)
  - Use 2.50 as required 2-year average ( $< 10\%$  had  $< 2.50$ )
  - Include improvement criterion (if 2-year average is below 3.00, must have at least one year of improvement to make AYP ... “safe harbor”)

# Subgroup AYP

Add 4 more subgroups to make 12 total

Pac Is., multi-racial, non-low income, continuously enrolled

Adjust index and compute row averages

Use only reading, math, and extended grad rate  
(add writing and science later)

No separate results by income level

Exited ELL and special education students count

Compute overall average of all subgroups

**Schools and districts make AYP if the overall subgroup average improves at least once every two years.**

# Example

Ratings in **red** are less than the previous year.  
Ratings in **green** are more than the previous year.

2009 Subgroup	READING			MATH			EXT. GRAD. RATE			Average rating	Change from previous year
	(all st.)	Peers	Improve.	(all st.)	Peers	Improve.	(all st.)	Peers	Improve.		
American Indian	4	4	4	1	5	4	1	4	4	3.44	0.33
Asian	6	4	5	4	5	4	5	4	6	4.78	0.56
Pacific Islander	4	4	4	1	5	4	1	4	4	3.44	0.22
Black	3	3	3	1	3	5	1	3	2	2.67	-1.00
Hispanic	3	4	4	1	4	4	1	4	4	3.22	-0.11
White	5	4	4	3	3	4	3	4	4	3.78	-0.22
Multi-racial	4	4	4	2	4	4	2	4	4	3.56	-0.22
Special education	2	4	4	1	4	4	1	2	1	2.56	-1.22
ELL	1	5	5	1	4	4	1	3	3	3.00	-0.11
Low income	4	5	5	1	5	4	1	4	4	3.67	0.22
Non-low income	6	4	4	4	4	4	1	4	4	3.89	0.00
Continuously enrolled	5	4	4	3	4	4	1	4	4	3.67	0.00
Average	3.92	4.08	4.17	1.92	4.17	4.08	1.58	3.67	3.67	3.47	-0.13

# Possible Alternatives

*Analyses should be conducted to see the impact of the most viable options.*

- **Make decisions using row average of each subgroup**
- Break “all students” indicator into non-low income and income indicators (but N will often be <10)
- Count improvement cells twice (give it more weight)
- Look at extended graduation rate separately
- Require a certain level of improvement  
(e.g., average must increase over a 2-year period)
- For ELLs, base decisions on improvement using the percentage in WLPT Levels 2 and 3 who are on track to meet standard when reaching proficiency in English

# Moving in/out of “Improvement”

## **Moving into improvement always requires deeper analysis**

- Data to be reviewed fall into 4 general areas  
Contextual Data, Assessment Results, Teaching and Learning Issues, Other Data
- Schools/districts not making AYP in consecutive years move into “improvement” unless not justified by results of review.

# Moving in/out of “Improvement”

- **If subgroup rows are used to decide AYP:**

If not making AYP in 2nd year for *same subgroup*, school advances to Step 1; if it doesn't make AYP for a new reason, it doesn't advance.

School choice & supplemental educational services apply only to students in subgroup(s) whose results are not making AYP.

(Currently it applies to all students, even those in groups doing well.)

- **When school/district in improvement makes AYP, it moves back a step (e.g., from Step 2 to Step 1); if it makes AYP in two straight years, it moves totally out of improvement.**

# Summary

- Keep reporting all subgroup details on the Report Card (no “adjustments” are made).
- The Accountability Index remains unchanged and is used to make AYP decisions for the “all students” group (e.g., must have 2-year index average of at least 3.00 to make AYP).
- Use a modified Index with more subgroups to make AYP decisions based on the average ratings of all the groups, or for individual groups (e.g., improved at least once every two years).



# Washington's "Race to the Top" Proposal

Overview document

October 2009

## Overview of this document

- The Federal Department of Education has created the Race to the Top competition designed to catalyze state-led school reform programs. Governor Christine Gregoire has committed to submitting a Round 1 proposal for Washington State to gain funding to bring the state's existing reform efforts to the next level
- The Race To The Top application effort is lead by Governor Gregoire, Superintendent Dorn and State Board of Education chair Ryan
- Areas of work have been identified and processes established to develop this proposal. The working team will base activities on existing committees and bring in expertise as needed. School district staff and stakeholders will be consulted
- Over the next three months the following will be accomplished: diagnostic analysis that identifies key gaps related to grant requirements, set of aspirations for success, initiatives to close the key gaps, high level implementation plan, comprehensive application submitted

## Race to the Top provides states an opportunity to receive discretionary funds for education by meeting specific criteria for education reform

- RTTT is a competitive grant program where states **compete to receive discretionary** funds from the federal government for **reforming K-12 education**
  
- The federal government has set aside **\$4.35B for discretionary education spending** to be awarded in 2 rounds of funding
  - Round 1 proposals likely to be due in January of 2010
  - Round 2 proposals likely to be due Spring of 2010
  - 5-8 winners will be selected from Round 1 applicants and unsuccessful applicants can apply again in Round 2
  
- States compete for funding by submitting proposals that include the following:
  - Description its **progress to date** against each **required criterion** and any selected optional initiatives, including the use of State and Federal funding
  - **Financial data** comparing FY 2009 education funding relative to FY 2008 and show education funding has increases as a portion of the state budget
  - Description of **support from key stakeholders** including LEAs, unions and foundations
  - **Budget** detailing **how grant funds** and other resources will be used to improve student outcomes, giving priority to high-need LEAs
  - **Detailed implementation plan** for each Reform Plan Criterion including activities, goals and rationale, timing, responsibilities and targets

# Washington State has committed to competing for a Race to the Top grant

## **Governor Gregoire's has committed to competing for the grant**

*"We are doing great work in Washington, and I am committed to make every effort to build on that by successfully competing for this grant. I share the same goals as our federal partners. I want every one of our schools to be high-performing, and I want to ensure our teachers are able to expand their skills to be the best teachers they can be. These federal grants will help us intensify our focus on these issues, and make sure our students are prepared for their next steps in life."* –Governor Christine Gregoire, July 24<sup>th</sup> 2009

## **Race to the Top builds on Washington's existing efforts**

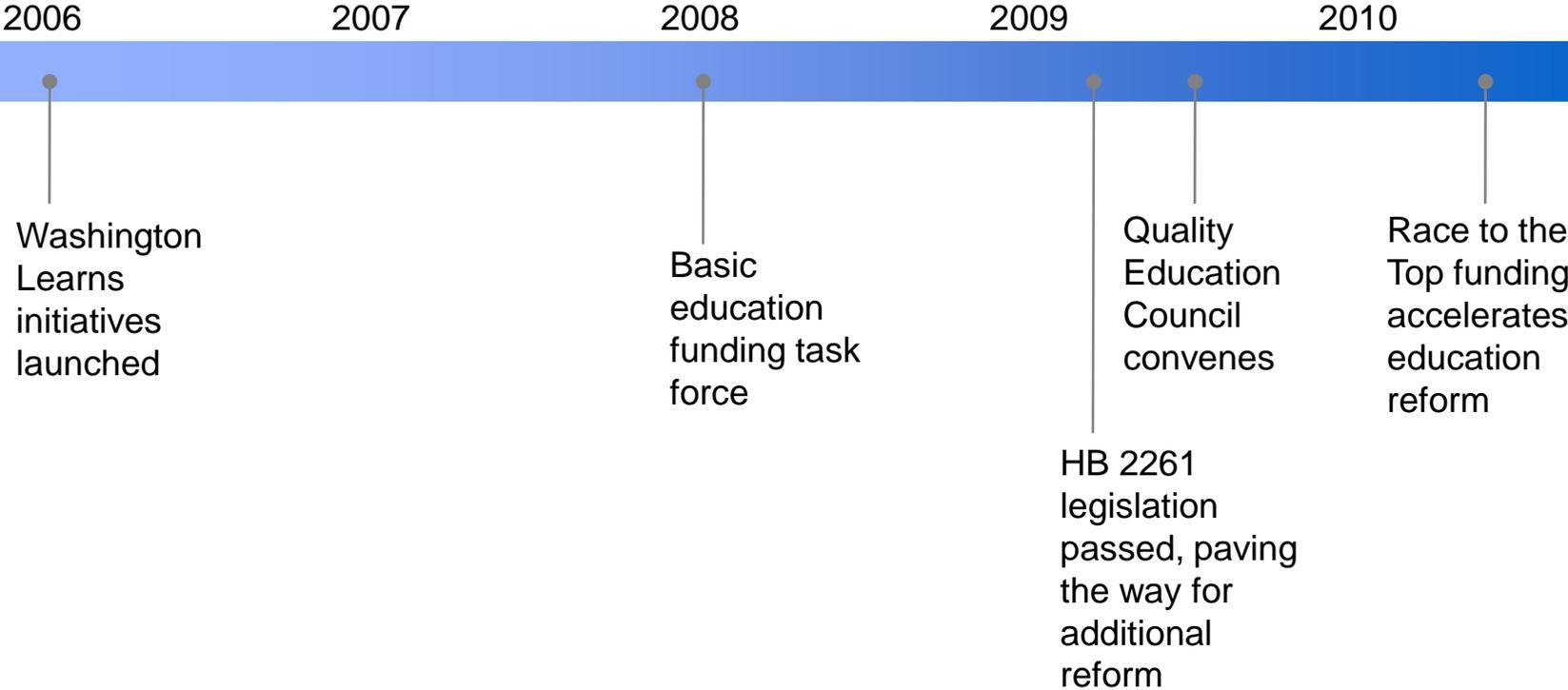
Washington has made significant progress in education reform through its Washington Learns initiative and HB 2261 legislation

- *"We propose a bold plan to redesign and re-invest in education during the next decade. We offer a new way of thinking about the purpose and function of education... Our education system must encourage creativity and innovation and reward performance"* –Governor Christine Gregoire, Washington Learns Report, November 2006
- *"We are now committed and accountable to ensuring that all students leave high school, college or work ready. After too long a wait, Washington's educational system is once again moving in the right direction"* – Mary Jean Ryan, Chair, State Board of Education on the passage of HB 2261 legislation
- *"Race to the Top money offers an unprecedented opportunity for Washington state. We get national recognition for having high standards and high results with relatively low per-pupil spending. Add Race to the Top money to our efficient system, and all of our students – no matter their color or income level – will respond. The money will place them on a more equal footing globally, whether they go on to further education or enter the workforce."* – Randy Dorn, Washington Superintendent of Public Instruction
- The State of Washington is on the cusp of making great strides in education reform and Federal funding would be a catalyst to enable significant advances

## **Washington's RTTT is being driven by the state's most senior leaders in education**

- The Governor's office has convened a leadership team charged with ensuring Washington State receives a Race to the Top federal grant; members include
  - Christine Gregoire, Washington Governor
  - Randy Dorn, Washington Superintendent of Public Instruction
  - Mary Jean Ryan, Washington State Board of Education Chair

# Washington has been making continuous progress toward reforming K-12 education



## The ED will select winning proposals based on the four “Assurances”

Like the other ARRA education funding programs, Race to the Top requires that states focus on the four assurance areas; proposals will be scored in part on each applicant’s response to criteria in these assurance areas



**Standards and assessments** – participation in national efforts to adopt common standards and assessments of student performance, and a plan for instituting them



**Data systems to support instruction** – statewide longitudinal data system that links student and teacher data and makes data available to researchers and the public



**Great teachers and leaders** – differentiation of teachers and principals according to effectiveness, and incorporation of effectiveness data in human capital policies and decisions



**Turning around struggling schools** – authority to intervene with struggling schools and a policy framework that supports high-quality charter schools

## States may strengthen their proposals by illustrating progress against additional priorities

Proposed Priority	Description	Type of priority
<ul style="list-style-type: none"> <li>Emphasis on Science, Technology, Engineering and Mathematics (STEM)</li> </ul>	<ul style="list-style-type: none"> <li>Develop a plan to (i) offer a rigorous course of study in STEM, (ii) work with industry experts, universities, etc to prepare teachers for integrating STEM content and (iii) prepare more students to pursue advanced study and careers in STEM</li> </ul>	Competitive
<ul style="list-style-type: none"> <li>Expansion and Adaptation of Statewide Longitudinal Data Systems</li> </ul>	<ul style="list-style-type: none"> <li>Expand longitudinal systems to include data from special ed, ELL and early childhood programs, human resources, postsecondary and other areas</li> </ul>	Invitational
<ul style="list-style-type: none"> <li>P-20 Coordination and Vertical Alignment</li> </ul>	<ul style="list-style-type: none"> <li>Coordinate early childhood, K-12 schools, postsecondary and workforce organizations to create a more seamless P-20 path for students</li> </ul>	Invitational
<ul style="list-style-type: none"> <li>School-Level Conditions for Reform and Innovation</li> </ul>	<ul style="list-style-type: none"> <li>Provide schools flexibilities and autonomies where appropriate including selecting of staff, school schedules, budgets, etc</li> </ul>	Invitational

## USED outlined additional requirements for proposed initiatives

### The proposed efforts must...

- Address the needs of the state's **full range of students**
- Be shown to be **effective** strategies for change and improving student outcomes
- Be **equitable** for all students and to all state schools and districts
- Be **research-based**
- Be **able to be taken to scale – state level**
- Be **sustainable** – able to be maintained without RTTT funding

# Washington's Race to the Top Project Structure

- Sets vision
- Approves and signs final proposal
- Ensure stakeholders feedback is solicited

Steering Committee	
▪ Governor Christine Gregoire	▪ Randy Dorn, Superintendent of Public Instruction
▪ Mary Jean Ryan, Chair, State Board of Education	

- Set clear direction and expectations for working team
- Review progress
- Recommend a final proposal to the steering committee
- Remove roadblocks
- Collects feedback from stakeholders and ensures viewpoints are considered

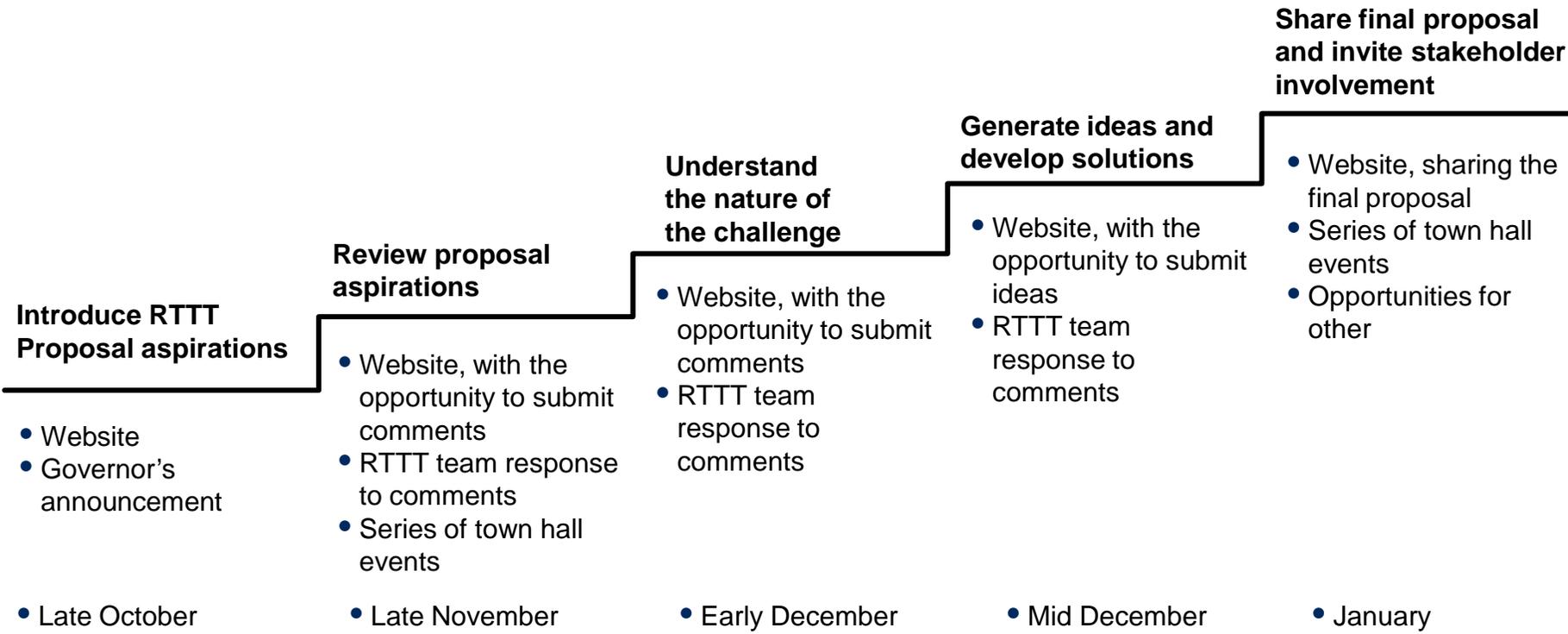
Coordinating Committee	
▪ Judy Hartmann, Education Policy Advisor, Office of Governor, Project lead	▪ Alan Burke, Deputy Superintendent for K-12 Education Office of the Superintendent of Public Instruction
▪ Edie Harding, Executive Director, State Board of Education	▪ Jeffrey Vincent, State Board of Education
▪ Jennifer Wallace, Professional Educator Standards Board	

Project support	
▪ Proposal writer --Kathleen Plato	▪ Logistics – Vittrice Abel
▪ Data request coordinator –Kathleen Plato	▪ Public relations and communications - Kate Lykins Brown
▪ Consulting team	

- Drive day-to-day project activity
- Organize project and milestones
- Synthesize and develop recommendations
- Prepare for meetings with coordinating and steering committees
- Conduct analyses
- Prepare proposal

Working team				
Standards and assessment	Great teachers and leaders	Data systems	Turnaround Schools	STEM
Co-lead – Alan Burke Co-lead - Jessica Vavrus	Co-lead – Jennifer Wallace Co-lead – Judy Hartmann	Lead – Bob Butts	Co-lead – Edie Harding Co-lead- Janell Newman	Lead – Bob Butts
				Conditions for reform
				Lead – Judy Hartmann

# A series of opportunities will allow stakeholders to engage in RTTT



▪ **Communications will come from the Governor's office, OSPI and the State Board of Education**  
▪ **Exact dates will be determined and announced by the end of October**

# Working Teams (1/2)

Assurance	Role	Contact	Supporting committees
<b>1. Standards and assessment</b>			
Leads		<ul style="list-style-type: none"><li>Alan Burke, Jessica Vavrus</li></ul>	
Support		<ul style="list-style-type: none"><li>Joe Willhoft, Mary Holmberg, Judi Moseby, Anne Banks, Kathe Taylor</li></ul>	
<hr/>			
<b>2. Great teachers and leaders</b>			
Leads		<ul style="list-style-type: none"><li>Jennifer Wallace</li><li>Judy Hartmann</li></ul>	
Support		<ul style="list-style-type: none"><li>Kathleen Plato, David Kinnunen, Sam Chandler, Mary Jo Johnson, Michaela Miller</li></ul>	
<hr/>			
<b>3. Data Systems to support instruction</b>			
Lead		<ul style="list-style-type: none"><li>Bob Butts</li></ul>	
Support		<ul style="list-style-type: none"><li>Peter Tamayo, Robin Munson, Enrico Yap, Dennis Small, existing K12 Data Governance Committee</li></ul>	
<hr/>			
<b>4. Turning around struggling schools</b>			
Lead		<ul style="list-style-type: none"><li>Edie Harting</li><li>Janell Newman</li></ul>	
Support		<ul style="list-style-type: none"><li>Existing SBE SPA Committee</li></ul>	

# Working Teams (2 / 2)

Assurance	Contact
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## 5. Overall Diagnostic

### *Dropout*

Co Leads

- Dan Newell
- Alan Burke

Support

- Helen Malagon, Rudi Bertschi, Robert Harkins, John-Paul Chassisson-Cardenas, Denny Hurtado, Mona Johnson, Annie Blackledge, Reginald Reed, Cheryl Young, Sarah Rich, Mary Seaton, Leslie Pyper, Dixie Grunenfelder, Arcella Hall

### *Achievement Gap*

Lead

- Erin Jones

Support

- Robert Harkins, John-Paul Chaisson-Cardenas, Rudi Bertschi, Dan Barkley, Tonya Middling

### *Core 24*

Lead

- Kathe Taylor

Support

- Arcella Hall and others from the existing SBE Core 24 Task Force

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## 6. Additional priorities

### *Stem*

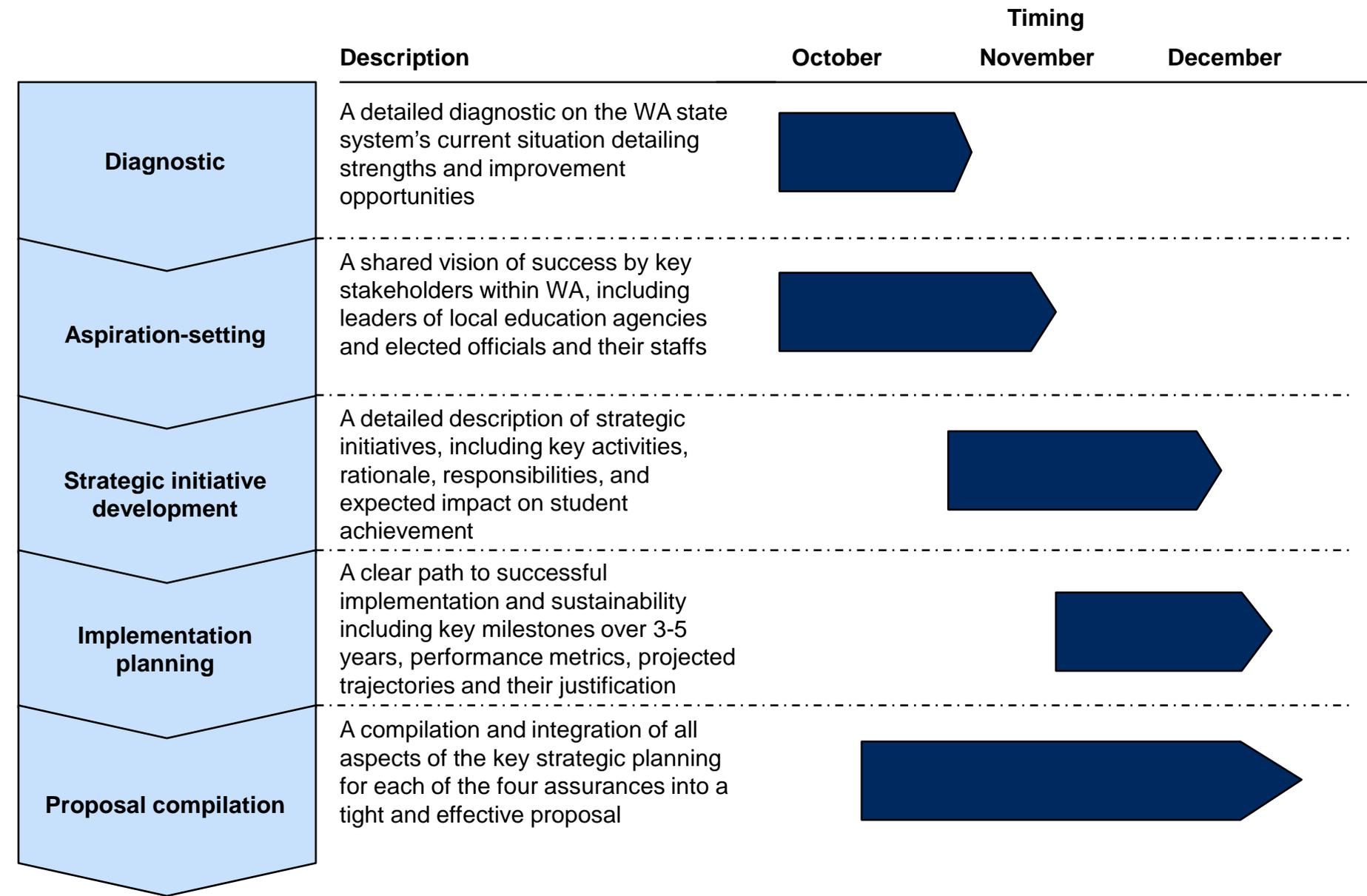
Lead

- Bob Butts

Support

- Dennis Milliken, Greta Bornemann, Mary McClellan, Gilda Wheller, Kathe Taylor, Shannon Edwards

# Five activities will guide the proposal process



Note the option to add fourth month to focus on a round 2 proposal is available  
 SOURCE: Team analysis

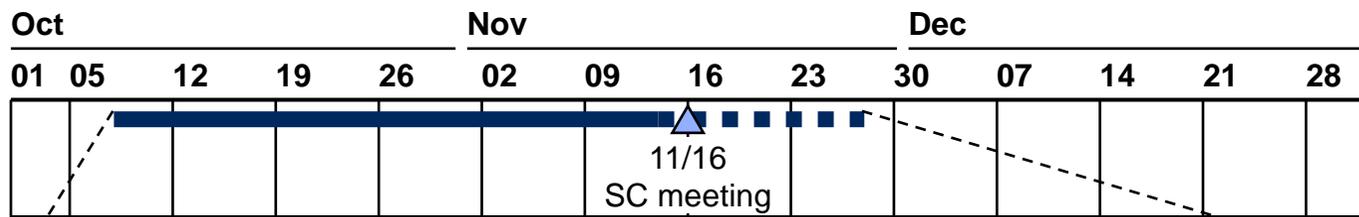
# Appendix

## Each of the four Assurances has specific criteria that must be addressed

Category	Selection criteria	
	State Reform conditions <sup>1</sup>	Reform plan <sup>2</sup>
<b>A. Standards and assessments</b>	(A)(1) Developing and adopting common standards (A)(2) Developing and implementing common, high-quality assessments	(A)(3) Supporting a transition to enhanced standards and high-quality assessments
<b>B. Data Systems to Support Instruction</b>	(B)(1) Fully implementing a statewide longitudinal system	(B)(2) Accessing and using State data (e.g. parents, students, teachers, principals, researchers, policymakers) (B)(3) Using data to improve instruction
<b>C. Great Teachers and Leaders</b>	(C)(1) Providing alternative pathways for aspiring teachers and principals	(C)(2) Differentiating teacher and principal effectiveness based on performance (e.g. for PD, compensation/promotion, tenure and removal) (C)(3) Ensuring equitable distribution of effective teachers and principals (C)(4) Reporting the effectiveness of teacher and principal preparation programs (C)(5) Providing effective support to teachers and principals
<b>D. Turning Around Struggling Schools</b>	(D)(1) Intervening in the lowest-performing schools and LEAs (State's legal ability) (D)(2) Increasing the supply of high-quality charter schools (lack of legal barriers and presence of support and accountability)	(D)(3) Turning around struggling schools
<b>E. Overall Selection Criteria</b>	(E)(1) Demonstrating significant progress (E)(2) Making education funding a priority (E)(3) Enlisting statewide support and commitment	(E)(4) Raising achievement and closing gaps (targets for achievement gains, gap closing and graduation rates) (E)(5) Building strong statewide capacity to implement, scale and sustain proposed plans

# Detail: Washington Race To The Top proposal development plan

## Activity 1 – Diagnostic



### Key tasks

#### State team

- Conduct diagnostic on WA education system, including status against 19 criteria and performance by district
- Identify appropriate interviews and provide additional data, as needed

#### Consulting team

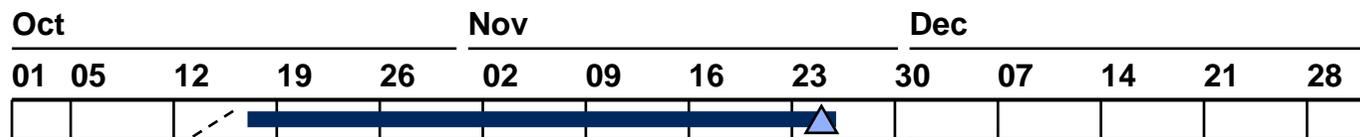
- Review state's existing system diagnostic, work jointly to identify gaps, and supplement with review of additional data, as needed
- Identify the biggest barriers to a round 1 and round 2 Proposal
- Conduct interviews with broad set of key leaders, key staff, and program end users to identify improvement opportunities, as needed

#### Deliverables

- Collected evidence regarding past Washington State Reform Conditions against each relevant criterion
- List of spending, existing and planned initiatives and their current status against 19 criteria
- Identified gaps in Washington State's system versus 19 criteria

# Detail: Washington Race To The Top proposal development plan

## Activity 2 – Aspiration setting



### Key tasks

#### State team

- Identify key stakeholders
- Manage workshop invitations and logistics
- Co-develop broader communication/ involvement strategy and plan to engage stakeholders

#### Consulting team

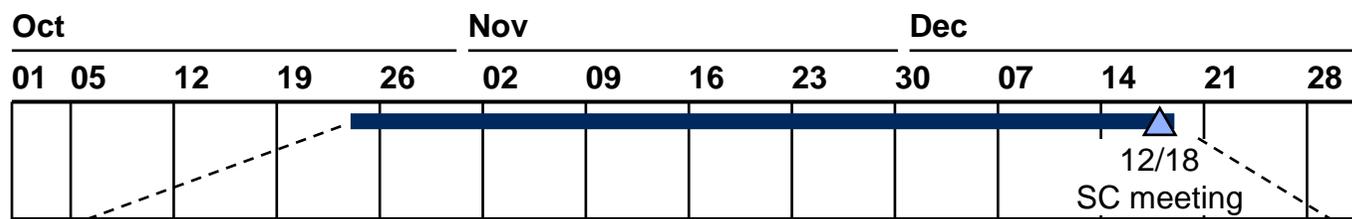
- Lead and facilitate multiple workshops with key stakeholders
- Help shape WA aspirations for RTTT goals
- Determine biggest obstacles to achieving vision
- Synthesize key takeaways and outputs for distribution to participants
- Co-develop broader communication/ involvement strategy and plan for stakeholders

#### Deliverables

- All material (agendas, handouts, presentations) for facilitated workshops
- Documented shared vision for the Washington State system, including the 5-year future vision, broken into priority focus areas and key themes and initial list of initiatives
- Communication/involvement strategy and plan to engage key stakeholders through RTTT proposal development process and beyond, including communication method/medium, timing, and responsibilities

## Detail: Washington Race To The Top proposal development plan

### Activity 3 – Strategic initiative development and syndication



#### Key tasks

##### State team

- Co-develop initial list of coherent strategic priorities and supporting initiatives based on vision, diagnostic, and external data/research, and develop detailed description of each initiative
- Execute communication/ involvement plan with consulting support

##### Consulting team

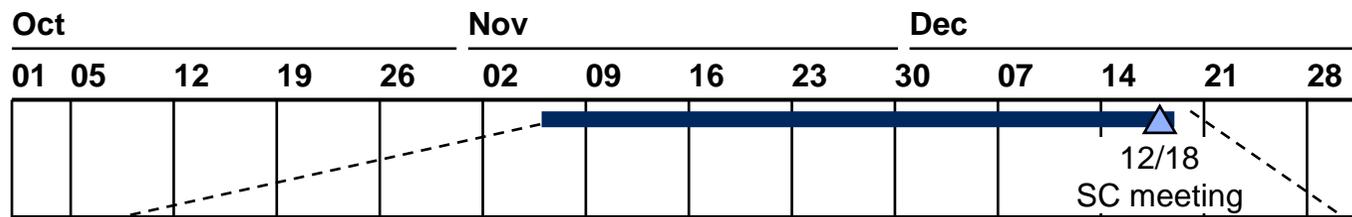
- Co-develop initial list of coherent strategic priorities and supporting initiatives based on vision, diagnostic, and external data/research, and develop detailed description of each initiative
- Pressure test initiatives against best-practice examples, outside research and case studies, and for coherence
- Support execution of communication/ involvement plan

##### Deliverables

- Coherent list of strategic priorities and supporting initiatives satisfying 19 criteria, including Washington State and national proposed performance measures
- Delineation of where key stakeholders will contribute, e.g., Washington State Education Association leads communication effort to their membership
- Identified areas of stakeholder support and concerns from initial syndication

# Detail: Washington Race To The Top proposal development plan

## Activity 4 – Implementation planning



### Key tasks

#### State team

- Co-develop overall implementation plan, by providing necessary inputs and helping to detail key activities, responsibilities, timing and milestones for each initiative

#### Consulting team

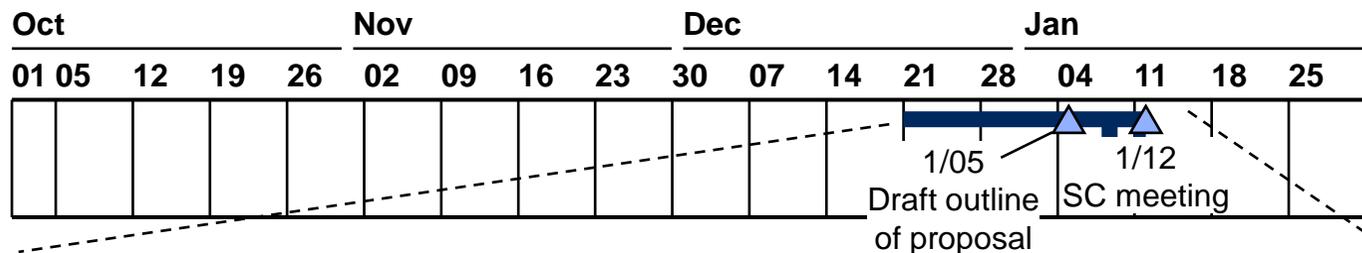
- Design program management organization (PMO) to ensure overall implementation and define Washington's role in implementation
- Co-develop overall implementation plan, detailing key activities, responsibilities, timing and milestones for each initiative
- Provide tools and processes for setting prioritized/measurable goals and managing stakeholders and performance trajectories

#### Deliverables

- PMO design, outlining necessary functions, major tasks, reporting relationships, meeting cadences, and time commitments
- Overall implementation plan, including detailed activities, responsibilities, timing, trajectory, deliverables, and milestones for each initiative

# Detail: Washington Race To The Top proposal development plan

## Activity 5 – Proposal compilation



### Key tasks

#### State team

- Provide grant writers to draft and edit final grant proposal
- Deliver drafts and collect signed letters of support from key stakeholders
- Approve final proposal

#### Consulting team

- Provide inputs to proposal, including outputs from strategic/implementation planning, information from section leaders and stakeholders
- Draft letters of commitment, support, and/or funding to be provided to key stakeholders to show necessary alignment for implementation success
- Partner with state provided grant writers to review and edit final grant proposal

#### Deliverables

- Finalized grant proposal, including current status from diagnostic output, strategic plan to achieve the future state vision, implementation plan to ensure success, and communication/involvement strategy for key stakeholders
- Signed letters of strong commitment, support, and/or funding, as needed

## **Waivers from the Basic Education Act Requirements and System Performance Accountability**

### **Summary**

The State Board of Education (SBE) is considering a revision to its rules on waivers from the Basic Education Act requirements. SBE's Waivers Committee has produced a set of potential options and would like input from the SPA Work Group on one option. The proposed option would allow districts to request waivers under the new accountability system. SBE will consider this and other options at its November 2009 meeting.

### **Waivers and SPA**

Currently, both SBE and the Office of Superintendent of Public Instruction (OSPI) have the authority to grant school districts waivers from the Basic Education Act requirements (RCW 28A.655.180). OSPI provides waivers to districts for short-term planning after floods or storms. SBE provides waivers to districts for long-term planning to increase student achievement.

### **Shifting Waivers**

The proposed option would shift the long-term planning waivers over to OSPI to administer under the new accountability system. OSPI would evaluate the proposed waivers according to guidelines and rubrics to ensure that they are used for innovative purposes. For districts in Required Action, OSPI would assist the districts in determining if waivers fit into their improvement plans. For Academic Watch Districts, both OSPI and SBE would approve waivers as part of the Academic Watch Implementation.

### **Benefits**

OSPI would have the capacity under the new accountability system to evaluate waiver proposals and effectively monitor progress towards goals. The school improvement staff within OSPI has the knowledge and the ability to provide guidance and share information about best practices. It has the resources to develop a full picture of districts' academic achievement, financial fitness and contractual obligations. The staff has access to the latest statewide data and national research.

### **Current Use of Waivers**

Long-term planning waivers enhance the educational program for each student. They are primarily used by districts for professional development days. Washington State laws allow waivers to be granted for up to three years for the following requirements:

- Minimum one hundred eighty-day school year.
- Total instructional hour (no current waivers).
- Student-to-teacher ratio (no current waivers).

For the 2009-10 school year, there are 67 school districts with waivers from the 180 school day requirement. The average number of days is three and the average number of years is three. Most districts propose to meet the goals of their waivers by providing full days of professional

development. This kind of waiver may no longer be necessary when the state restores previously cut Learning Improvement Days.

For current waivers, the most common goals are:

- Improve student achievement and state assessment scores in mathematics and science (currently the most common goal).
- Improve student achievement and state assessment scores in reading and writing (the most common goal prior to 2008).
- Align curricula and classroom instruction to state standards.
- Close the achievement gap.
- Improve teachers' instructional skills and content knowledge.
- Increase parent involvement.

The most common strategies to accomplish the goals are:

- Professional development (most commonly used strategy).
- Alignment of curricula to standards or implementation of new curricula.
- Collaborative time across disciplines, grades, buildings, and districts.
- Professional Learning Communities.
- Analyze district-wide student achievement data and apply appropriate strategies.
- Partner with other districts to provide professional development or establish professional learning communities.

### **For Consideration**

Feedback on the following questions will assist SBE in determining the strength of the proposed option:

1. What are the benefits to moving the waiver program into the new accountability system?
2. How could the waiver program be a useful tool in the accountability system?
3. Currently all districts may apply for waivers. Which stages of the accountability system would waivers best fit as a tool for improving student achievement?
4. How well do the most common strategies and goals of waivers fit into the design of the new accountability system?