

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

<b>Title:</b>	<b>ESEA Flexibility and Future Work of the Joint Select Committee on Education Accountability</b>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Advocacy for an effective, accountable governance structure for public education <input type="checkbox"/> Goal Two: Policy leadership for closing the academic achievement gap. <input type="checkbox"/> Goal Three: Policy leadership to increase Washington's student enrollment and success in secondary and postsecondary education	<input type="checkbox"/> Goal Four: Effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocacy for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input checked="" type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input checked="" type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	This memo is intended to lay out a timeline for updates to the current Achievement Index and accountability system, as well as to highlight key issues: stakeholder input, student growth data, aligning AMOs and an updated Index, ELL data, and alignment with the Joint Select Committee on Education Accountability.	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	This memo provides an overview of the ESEA Flexibility Request, Joint Select Committee on Education Accountability, a timeline, and key issues for Board Member consideration.	

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## **ESEA Flexibility and Future Work of the Joint Select Committee on Education Accountability**

### **Background**

#### **ESEA Flexibility Request**

On February 27, 2012, OSPI submitted an ESEA Flexibility Request<sup>1</sup> to the US Department of Education (ED). This request was developed in partnership with SBE. This request was aligned with the expectations of RCW 28A.657.110, which directed OSPI and SBE to seek approval from ED to use the Achievement Index to replace the federal accountability system known as No Child Left Behind.

ED established four required principles for states to meet:

1. *Principle 1—College- and Career-Ready Expectations for All Students*  
For Washington. Principle 1 is met primarily through adoption of the Common Core State Standards (CCSS) in English language arts and mathematics and the state plan to implement CCSS. Additionally, Washington State's role as a lead state with the SMARTER Balanced Assessment Consortium (SBAC) satisfies the requirement to administer high-quality assessments to all students by 2014–15.
2. *Principle 2—State-Developed Differentiated Recognition, Accountability, and Support.*  
The major work for Washington is contained in this principle. ED guidelines require four components of an accountability system: establishing annual measureable objectives (AMOs); recognizing and rewarding schools for high achievement and closing educational opportunity gaps; identifying and developing improvement plans for Priority Schools, and identifying and developing improvement plans for Focus Schools with low performance and/or large achievement gaps among low income students, students with disabilities, English language learners, and other student subgroups. As laid out in E2SSB 6696, the accountability system suggested by OSPI and SBE uses the current Achievement Index as the basis for developing the system.
3. *Principle 3—Supporting Effective Instruction and Leadership.*  
This principle is met through the teacher/principal evaluation components of E2SSB 6696, now being implemented through the work of the Teacher Principal Evaluation Project (TPEP) and the new bill, which just passed the Legislature, Engrossed Substitute Senate Bill 5895.
4. *Principle 4—Reducing Duplication and Unnecessary Burden.*  
This principle is met by efforts to align data collection and thus reduce reporting burdens by districts, a goal which is also reflected in recent state legislation.

Appendix A is an overview of the Flexibility Request.

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<sup>1</sup> The full Flexibility Request is available on the OSPI website, along with supporting information: <http://www.k12.wa.us/ESEA/PublicNotice.aspx>.

## Joint Select Committee on Education Accountability

Engrossed Second Substitute Senate Bill 6696 found that:

'a unified and equitable system of education accountability must include expectations and benchmarks for improvement, along with support for schools and districts to make the necessary changes that will lead to success for all students. Such a system must also clearly address the consequences for persistent lack of improvement. Establishing a process for school districts to prepare and implement a required action plan is one such consequence. However, to be truly accountable to students, parents, the community, and taxpayers, the Legislature must also consider what should happen if a required action district continues not to make improvement after an extended period of time. Without an answer to this significant question, the state's system of education accountability is incomplete.'

To answer this question, the Legislature created the Joint Select Committee on Education Accountability, made up of four members from each of the largest caucuses of the Senate and the House of Representatives. The committee shall:

- Identify and analyze options for a complete system of education accountability, particularly consequences in the case of persistent lack of improvement by a RAD.
- Identify appropriate decision-making responsibilities and accompanying consequences at the building, district, and state level.
- Examine models and experiences in other states.
- Identify the circumstances under which significant state action may be required.
- Analyze the financial, legal, and practical considerations that would accompany significant state action.

The Committee may convene after May 1, 2012. It is required to produce two reports; an interim report by September 1, 2012 for the education committees of the Legislature, and a final report with recommendations by September 1, 2013.

Timeline

The Joint Select Committee was created in legislation before there was any contemplation of an opportunity for flexibility from ESEA. The timeline displayed here is included in the Flexibility Request and incorporates simultaneous SBE/OSPI work and Joint Select Committee work. It will require SBE and OSPI to take bold action to engage stakeholders (including the Joint Select Committee) to update the Achievement Index.

	Spring/ Summer 2012	Sept-Dec 2012	Jan-Aug 2013	Sept-Dec 2013	Jan-March 2014
SBE and OSPI	May-Sept 2012 SBE, OSPI engage stakeholders to develop updated Achievement Index	OSPI and SBE pilot updated Achievement Index to determine Reward, Priority, and Focus schools	OSPI and SBE monitor and adjust updated Index as needed	OSPI fully implements updated Achievement Index to determine Reward, Priority, and Focus Schools	Legislative approval and/or implementation of State Accountability System (incorporating Joint Select Committee Recommendations)
Joint Select Committee	May 2012: Joint Select Committee convenes  Sept 2012: Joint Select Committee Interim Report Due			Sept 2013: Joint Select Committee Final Report Due	

**Policy Consideration**

There are several issues for SBE and OSPI to consider when updating the current Washington Achievement Index and accountability system.

1. Student growth data:  
A significant development is the availability of student growth data at the school level beginning in August 2012. Exactly how student growth is factored into the accountability system will need to be determined.
  
2. AMOs and the Index – how do they connect:  
The ED Flexibility requires the state to set new Annual Measureable Objectives, disaggregated by subgroup in at least reading and math. The current proposal is to include writing and science as well. Therefore, each school will have targets set – by subgroup – for four content areas. There will also be an updated Achievement Index that will identify Reward, Focus, and Priority schools. The degree to which these two elements – the AMOs and the Index – are interrelated will need to be determined.

3. English Language Learner data:  
Board members and stakeholders have clearly expressed a desire to highlight ELL data in an updated Achievement Index. How will that data be included in the Index? How will schools be held accountable for that data?
4. Stakeholder input:  
What is the best way to ensure broad stakeholder input on the development of an updated Achievement Index?
5. Alignment with the Joint Select Committee:  
What is the most effective way to engage the Joint Select Committee on Education Accountability to align efforts for a unified outcome? SBE has an opportunity to engage multiple stakeholders, each with similar but distinct roles and potentially divergent recommendations on a short timeline. To this end, staff has drafted a letter to the Joint Select Committee on Education Accountability to propose a collaborative effort.

A committee of SBE members will take the lead on accountability work with support from SBE staff. Those members include: Kris Mayer, Bernal Baca, Amy Bragdon, Sheila Fox, and Bob Hughes. Committee members will become familiar with the ESEA Flexibility request, be knowledgeable of ED feedback and revisions to the request, be familiar with developments of the Joint Select Committee on Education Accountability and potentially participate in Joint Select Committee meetings, and contribute to Board member discussions during SBE meetings.

### **Expected Action**

Members will discuss updates to the Achievement Index and the timeline. Members will consider sending a letter to the Joint Select Committee on Education Accountability to convey the progress made thus far on accountability and the SBE's interest in partnering with the Committee on further work.

### ESEA FLEXIBILITY REQUEST SUMMARY



#### 1. What is the ESEA flexibility opportunity?

Last September, the U.S. Department of Education (ED) announced guidelines for state educational agencies (OSPI in Washington State) to apply for flexibility that would allow relief from existing sanctions under the No Child Left Behind (NCLB) accountability system.

#### 2. Why did ED choose this time to offer states flexibility opportunities?

NCLB refers to the 2002 iteration of the Elementary and Secondary Education Act (ESEA) that was first passed by Congress in the mid-1960s and has been periodically reauthorized since then. NCLB was supposed to be reauthorized in 2007, but Congress has not been able to agree on a reauthorization package—meaning the existing law stayed in effect. ED and Education Secretary Arne Duncan offered the flexibility partly because of frustration with Congress over the delay, and partly because of the almost universal frustration among educators and many educational advocates regarding NCLB and its unwieldy and often unenforceable adequate yearly progress (AYP) regulations and sanctions.

#### 3. What are the benefits of being granted this flexibility?

States receiving this flexibility are relieved of AYP rules, including consequences for Title I schools and districts that do not meet the elementary, middle, and secondary proficiency levels in state testing for math and reading. This means that the roughly two-thirds of schools in Washington that did not make AYP in 2011 would **not** have to (a) send School Choice letters or (b) set aside 20% of their Title I allocation for Supplementary Educational Service (SES) providers and for supporting students who leave the district under Public School Choice. This flexibility will give other relief from certain rules, but most districts will benefit most from Public School Choice and SES flexibility.

#### 4. If this flexibility is granted, when will relief from these regulations go into effect?

Relief begins immediately after the flexibility is granted.

#### 5. Did Washington apply for an ESEA Flexibility Request?

Yes. On February 27, with Superintendent Dorn's concurrence, Washington submitted an ESEA Flexibility Request.

#### 6. Why did Superintendent Dorn decide to apply in February? Were there other submission deadlines available to the state?

ED set November 11, 2011 and February 21, 2012 (later changed to February 28) as submission deadlines, and hinted that a September 2012 date likely would be announced later this year. Superintendent Dorn chose the February date to assure that, if flexibility is granted, the school choice and 20% set aside relief will go into effect for 2012–13. Waiting until September to submit the request would likely have the effect of delaying relief until 2013–14.

#### 7. What must the State do to qualify for this flexibility?

ED has established four principles that must be met.

Principle 1—College- and Career-Ready Expectations for All Students

Principle 2—State-Developed Differentiated Recognition, Accountability, and Support

Principle 3—Supporting Effective Instruction and Leadership

Principle 4—Reducing Duplication and Unnecessary Burden

For Washington, Principle 1—College- and Career-Ready Expectations for All Students—is met primarily through our adoption of the Common Core State Standards (CCSS) in English language arts and mathematics and the state plan to implement CCSS. Additionally, Washington State's role as a lead state with SMARTER Balanced Assessment Consortium (SBAC) satisfies the requirement to administer high-quality assessments to all students by 2014–15. The major "lift" for Washington is contained in Principle 2—State-Developed Differentiated Recognition, Accountability, and Support—

which essentially is the construction of a new state accountability system. Principle 3—Supporting Effective Instruction and Leadership—is met through the teacher/principal evaluation components of E2SSB 6696, passed by the Legislature in 2010 and now implemented through the work of the Teacher Principal Evaluation Project (TPEP). Principle 4—Reducing Duplication and Unnecessary Burden—is an ongoing task in all states.

**8. With respect to Principle 2, what are OSPI and the State Board of Education (SBE) suggesting for a new Washington accountability system?**

ED guidelines require four components of an accountability system: establishing annual measureable objectives (AMOs); recognizing and rewarding schools for high achievement and closing educational opportunity gaps; identifying and developing improvement plans for Priority Schools with low achievement levels in reading and math; and identifying and developing improvement plans for Focus Schools with low performance and/or large achievement gaps among low income students, students with disabilities, English language learners, or other student subgroups. An expanded version of Washington’s proposal for Principle 2 is provided below. Note that per E2SSB 6696, the accountability system suggested by OSPI and SBE uses the current SBE Achievement Index as the basis for developing the system.

**9. Why would states submit an ESEA Flexibility Request if ESEA is reauthorized later this year or early next year? Wouldn’t the reauthorization rules trump the flexibility guidelines?**

First, there is not an expectation that reauthorization will take place anytime soon. The Republican-controlled House of Representatives and the Democratic-controlled Senate have difficulty seeing eye-to-eye on the reauthorization, and the prospects of them agreeing on a complex and politically sensitive education reform bill in an election year are not good. (NOTE: The current NCLB law runs over 1,100 pages.) And, following the presidential election in November, many think that reauthorization will not be a first-look priority in 2013. Second, reauthorization rules would affect flexibility requests, but many educational policy observers in Washington, D.C. predict that a reauthorized ESEA would allow states the authority to develop their own accountability systems in a process similar to satisfy Principle 2. Therefore, the work in developing a new state accountability system as part of this request would eliminate the need to do that work later.

**10. Is stakeholder input a necessary part of the ESEA Flexibility Request?**

Yes. ED rules specifically call for stakeholder input, especially teachers and their representatives, school and district administrators, plus diverse groups such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English learners, business organizations, Indian tribes, and Title I Committee of Practitioners. Efforts have, or will be made to engage all of those groups and other educational stakeholders. In addition, OSPI, working with the SBE, produced a draft of the Washington State *ESEA Flexibility Request* for stakeholder feedback and comment. That draft was posted on the OSPI website on January 18; stakeholders were asked to provide input by February 3. Superintendent Dorn reviewed survey input from those who analyzed the draft prior to making his submission decision. NOTE: Over 75% of survey respondents recommended that Superintendent Dorn submit the request to ED.

**11. When will we hear if the ESEA Flexibility Request is approved?**

We hope to know by May 15. However, the process ED has set to review state applications is iterative. A peer review team will analyze the application, ask clarifying questions, and perhaps ask that sections be enhanced or modified. Eventually, representatives of ED, in consultation with the peer reviewers, will determine acceptability. We expect the entire process to be completed in eight to twelve weeks.

**12. Where can more information about the ESEA Flexibility Request be found?**

The Washington State *ESEA Flexibility Request* can be found at [www.k12.wa.us/ESEA/PublicNotice.aspx](http://www.k12.wa.us/ESEA/PublicNotice.aspx).

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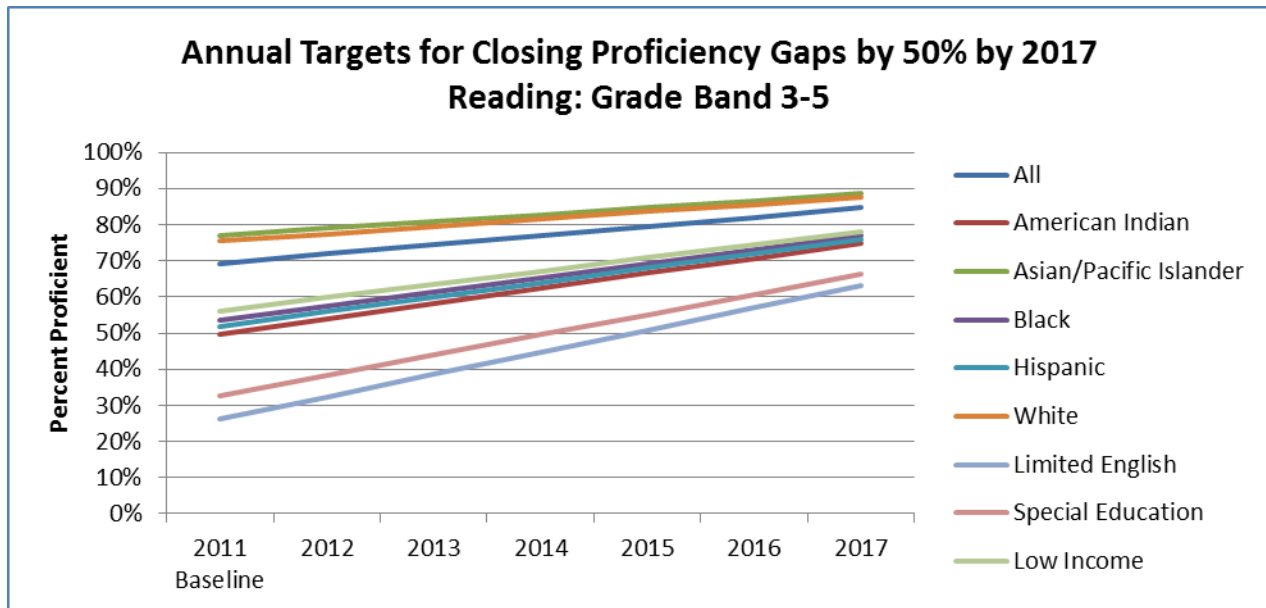
**PRINCIPLE 2: PROPOSED STATE ACCOUNTABILITY SYSTEM**

**Annual Measurable Objectives (AMOs) or Targets**

ED offered three choices: (1) move the current 2014 deadline for 100% proficiency in reading and math to 2020; (2) set annual equal increments toward the goal of reducing by half the percent of students who are not proficient in all AYP

subcategories by fall 2017 (within six years); or (3) establish another AMO that is educationally sound and results in ambitious and achievable AMOs. Each option will apply to the state and each district and its schools.

We are proposing option 2, which can best be described by viewing the chart below for a “typical” school.



### **Reward Schools**

Building on the current SBE Washington Achievement Awards (which include performance in writing and science as well as reading and math), identify the:

- Highest Performing Schools: Schools with high performance and high graduation rates without significant achievement gaps among subgroups; schools have met AYP for 3 consecutive years (2009, 2010, and 2011) in all students group and subgroups.
- High-Progress Schools: Schools making the most progress in improving performance in the all students group or in increasing graduation rates, without significant achievement gaps among subgroups.

### **Priority Schools**

The State will annually identify Priority Schools; the total number must be at least equal to 5% of the total number of Title I schools in 2010–11. Washington State has 913 Title I participating schools, so the state must identify at least 46 schools as Priority Schools (5% of 913). A Priority School must be at least one of the following:

- Among the lowest 5% of Title I schools in the state based on both achievement and lack of progress of the all students group over 3 years.
- A Title I-participating or Title I-eligible high school with a graduation rate less than 60% over 3 years.
- A currently-served Tier I or Tier II SIG school.

Districts with Priority Schools must ensure the school implements meaningful interventions aligned with turnaround principles.\* SIG Priority Schools will use SIG funds to continue their turnaround process. Districts with Non-SIG Priority Schools will be required to set aside up to 20% of district Title I, Part A funds to support the school’s improvement efforts.

### **Focus Schools**

The State must annually identify a number equal to at least 10% of the total number of Title I schools in the state as Focus Schools; in Washington, this equates to at least 92 schools (10% of 913) each year. Focus Schools are Title I schools with the lowest subgroup achievement and/or biggest gaps among subgroups. Title I high schools with subgroups with graduation rates less than 60% may also be identified as Focus Schools.



Districts with Focus Schools ensure the school implements meaningful interventions aligned with the unique needs of the school and its students.\* Districts with Focus Schools will be required to set aside up to 20% of district Title I, Part A funds to support the school's improvement efforts.

\* "Turnaround Principles" refers to a list of principles provided by ED that must be addressed in the formulation of a school improvement plan: performance of the principal and teaching staff, operational flexibility, embedded professional development, increased learning time, ensuring a research-based instructional program, data-based decision making, ensuring a safe environment, and ongoing mechanisms for family and community engagement.