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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: January 28, 2014
SUBJECT: Update on ESEA Flexibility Extension

PURPOSE:

The purpose of this agenda item is to provide an update on the Elementary and Secondary Education Act (ESEA) Flexibility Waiver Extension.

BACKGROUND:

In September 2011, the United States Department of Education (USDE) offered each state educational agency (SEA) the opportunity to request flexibility on behalf of itself and its local education agencies (LEAs) and schools, to help them move forward with state and local reforms designed to improve student learning and increase the quality of instruction for students. The opportunity provided educators and state and local leaders with flexibility regarding specific requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, in exchange for rigorous and comprehensive state-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Maryland's ESEA Flexibility Request, dated February 28, 2012, was approved by USDE on June 29, 2012, and is effective through the end of the 2013-14 school year.

On August 29, 2013, USDE issued guidance and invited states to request a two-year renewal of ESEA flexibility through the end of the 2015-16 school year. The Guidance document can be found at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/index.html>. In the event Congress reauthorizes ESEA prior to the end of the 2015-16 school year, USDE will provide guidance on the transition to the new law.

An SEA seeking renewal of ESEA flexibility must submit an updated ESEA flexibility request reaffirming its commitment to the four core principles of ESEA flexibility below:

- Principle 1: The SEA is implementing college- and career-ready standards, which serve as the basis for what all students are taught, and will implement high-quality assessments aligned to those standards, to ensure that every student graduates from high school college- and career-ready.

- Principle 2: The SEA is implementing targeted and differentiated accountability systems, providing rigorous supports and interventions to the lowest-performing schools and schools with the lowest graduation rates, and identifying and supporting low-achieving students based on need.
- Principle 3: The SEA is implementing teacher and principal evaluation and support systems that provide teachers and principals with the feedback and support they need to improve their practices and increase student achievement.
- Principle 4: the SEA is working to reduce duplication and unnecessary burden.

In a letter to Chief State School Officers on November 14, 2013, Deborah Delisle, Assistant Secretary of the U.S. Department of Education stated:

Since releasing that guidance [on August 29, 2013], the [U.S. Department of Education (ED)] received input from a variety of stakeholders and, after considering that input, we have determined that its goals and objectives can be accomplished at this time through a streamlined process that maintains the high bar set with EDs initial approval of ESEA flexibility requests while reducing burden and allowing States to move forward with the hard work of implementing college- and career-ready standards, more effective accountability systems for all students, and teacher and principal evaluation and support systems. As a result, ED is offering an amended waiver extension process in place of the previously announced renewal process. [...] An eligible SEA is invited to submit its request for an extension of ESEA flexibility by February 28, 2014 or 60 days from receipt of its Part B monitoring report, whichever is later.

ACTION:

For information only. No action required.

Attachment

ESEA Flexibility Extension

January 28, 2014

Dr. Jack Smith

Ms. Penelope Thornton Talley, Esq.

Principles of ESEA Flexibility

Transitioning to college- and career-ready standards and assessments (Principle 1)

Developing systems of differentiated recognition, accountability, and support (Principle 2)

Evaluating teacher and principal effectiveness and support improvement (Principle 3)

Reducing duplication and unnecessary burden (Principle 4)

Principle 1 (Section II)

1. Updated description of the SEA's current process for **ensuring** that all LEAs are **fully implementing** the State's **college- and career-ready standards** (Assurance 15)
2. ~~Description of how the SEA is leveraging existing processes in a systemic way to ensure:~~
 - ~~■ LEA's use of **Title II, Part A** funds is aligned with the findings of the local needs assessment and educator data~~
 - ~~■ When an LEA is using Title II, Part A for Professional Development for college and career ready standards~~

Principle 1 continued..

3. Updated description of the SEA's status in **adopting English Language proficiency standards** by the end of 2013-2014
4. Maryland is part of PARCC- Describe a process for ensuring that each of its LEAs is able to implement college- and career-ready **assessments** for all students in the 2014-2015 school year (Assurance 17)

Principle 1- Continued...

5. Updated narrative that the SEA will develop and administer **alternate** assessments aligned with college and career ready standards
6. Evidence that the SEA has phased out the **modified** academic achievement standards
7. Evidence of Public Reporting- Maryland complies

Principle 2

8. A high-quality plan for implementation of interventions aligned with the turnaround principles in **Priority Schools** in 2014–2015 and 2015–2016 school years
9. An updated timeline for implementation of interventions and a demonstration of an increase in the rigor of interventions in **Focus Schools**

Principle 2 continued...

10. SEA's system of differentiated recognition, accountability, and support that **ensures continuous improvement in other Title I schools** including a clear and rigorous process for providing interventions and supports to low-achieving students when one or more subgroups miss AMOs or graduation rate targets over a number of years
11. A demonstration that the SEA's system of differentiated recognition, accountability, and support that **holds LEAs accountable and builds SEA, LEA, and school capacity** to improve student learning in all schools

Principle 3

12. A demonstration that the SEA is on track for **full implementation** of its teacher and principal evaluation systems in 2013–2014
13. ~~Each SEA must develop a **comprehensive equity plan** to ensure that poor and minority students are not taught at higher rates than other children by ineffective teachers using effectiveness data from teacher and principal evaluation (Assurance 16)~~

Section III & Section IV

- Section III- Resolution of state specific implementation issues
 - Questions will come from USDE- from Part B Monitoring (December 17th and 19th, 2013)
- Section IV- Additional Amendments (Optional)
 - Grade 7 & 8 Math
 - Accountability System
 - Teacher/Principal Evaluation