

Summary of ESEA Waiver Renewal Process and Requirements September 15, 2013

Background

- In September 2011, the U.S. Department of Education (USED) offered states 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 (ESEA flexibility).
- To be granted flexibility from ESEA requirements states had to submit applications requesting waivers and outlining the state-developed plans described above. Virginia submitted its waiver request to USED in February 2012, or “Window 2” of the waiver submission to USED.
 - After numerous amendments, it was approved in March 2013.
 - The terms of the waiver are effective for two years, through the end of the 2013-2014 school year.
- The waiver builds on three principles:
 - Principle 1 – College- and career-ready standards and high-quality assessments to ensure that every student graduates from high school college- and career-ready.
 - Principle 2 –Targeted and differentiated accountability systems, rigorous supports and interventions to the lowest-performing schools and schools with the lowest graduation rates, and identification of support to low-achieving students based on need.
 - Principle 3 –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.

Waiver Renewal Process

- In August 2013, USED invited “Window 1” and “Window 2” states to request a two-year renewal of ESEA flexibility through the end of the 2015-2016 school year.
 - If Congress reauthorizes ESEA prior to the end of 2015-2016, USED will provide guidance on the transition to the new law.
- The purpose of the renewal is to confirm that a state is meeting its commitments in accordance with the principles and timelines of ESEA flexibility.
- A state seeking renewal of ESEA flexibility must:
 - Submit an updated ESEA flexibility request describing how it will continue to meet the principles and improve its implementation of the state plan; and
 - Demonstrate that the waivers have contributed to improved student achievement and that their extension is in the public’s best interest.

Action Items

- States must submit a letter of intent to apply for renewal to USED by December 15, 2013.
- States must submit their requests for renewal during one of three phases: January 2–10, 2014 (Phase A); January 22–31, 2014 (Phase B); or February 12–21, 2014 (Phase C).
- The Virginia Department of Education will recommend that the Board of Education submit Virginia’s renewal request during Phase B – January 22–31, 2014.
 - Opportunities will be provided for public and stakeholder input during the fall of 2013.

- It is anticipated that a preliminary draft of the waiver renewal request will be presented to the Board of Education for first review on November 21, 2013, and a final draft will be presented for approval on January 16, 2014.

Conditions for Renewal

- In order to receive a renewal, a state must submit:
 - A revised version of its currently approved flexibility request to USED, with narrative responses and new documentation, as appropriate and needed, describing implementation of or plans to implement the areas outlined under “Terms of Renewal”; and
 - A completed ESEA flexibility renewal form indicating where changes have been made in its currently approved ESEA flexibility request.
- If a state’s request for ESEA flexibility is not renewed, the state and its school divisions will be required to resume complying with all ESEA requirements by the beginning of the 2014–2015 school year, including:
 - Making adequate yearly progress (AYP) determinations based on assessments administered during the 2013–2014 school year;
 - Identifying schools and LEAs for improvement; and
 - Taking required improvement actions, including offering and paying for supplemental educational services and transportation for public school choice, as required by Title I of the ESEA.

Terms of Renewal

- States must agree to a number of assurances, including, but not limited to:
 1. Meet the principles of ESEA flexibility;
 2. Adopt English language proficiency (ELP) standards that correspond to the state’s college- and career-ready standards;
 3. Develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities;
 4. Develop and administer ELP assessments aligned with the state’s ELP standards;
 5. Report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the state;
 6. Demonstrating that assessments are administered statewide, include all students, and provide appropriate accommodations for English Learners and students with disabilities;
 7. Report to the public its lists of reward schools, priority schools, and focus schools;
 8. Provide to all teachers of reading/language arts and mathematics in grades where assessments were administered, student growth data on current students and students they taught in the previous year;
 9. Evaluate and revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools;
 10. Consult with its Committee of Practitioners regarding the information set forth in its request;
 11. Provide all LEAs with notice and an opportunity to comment on the request;
 12. Provide notice and information regarding the request to the public in the manner in which the state customarily provides such notice and information to the public;
 13. Provide to the Department all required reports, data, and evidence regarding its progress in implementing the plans contained throughout the request;

14. Report annually on its state report card for the “all students” group and for each subgroup: information on student achievement at each proficiency level; data comparing actual achievement levels to the state’s annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools;
 15. Ensure the full implementation of college- and career-ready standards statewide in at least reading/language arts and mathematics for all students and schools; and
 16. Submit a comprehensive teacher equity plan using effectiveness data from teacher and principal evaluation and support systems by October 2015.
- Additionally, the state must provide evidence of:
 1. Full implementation of college- and career-ready standards for all students, including for English Learners, students with disabilities, and low-achieving students, by the start of the 2013–2014 school year;
 2. Professional development for teachers and principals on the college- and career- ready standards and aligned assessments that meets certain criteria prescribed by USED;
 3. Progress in adopting English language proficiency (ELP) standards that correspond to the state’s college- and career-ready standards and developing and administering ELP assessments aligned with the state’s ELP standards;
 4. Ability to administer aligned, high-quality assessments beginning no later than the 2014–2015 school year;
 5. Progress in administering alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities;
 6. Ceasing to administer alternate assessments based on modified academic achievement standards;
 7. Updated report cards;
 8. A high-quality plan for implementation of interventions aligned with the turnaround principles in priority schools in the 2014–2015 and 2015–2016 school years, including how the state will identify future cohorts of priority schools;
 9. A high-quality plan for implementation of interventions in focus schools in the 2014–2015 and 2015–2016 school years, including how the state will identify future cohorts of focus schools;
 10. A high-quality plan for ensuring continuous improvement in other Title I schools;
 11. A process for providing differentiated recognition, accountability, and support to LEAs based on improved school and student performance;
 12. Progress toward full implementation of its teacher and principal evaluation and support systems no later than the 2014–2015 school year. This should include providing a process for collecting and incorporating data and feedback on implementation in all of its LEAs.
 13. A transition from using highly qualified teacher data to teacher effectiveness data to ensure that poor and minority students are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers.