

# Is AYP Really Dead? A Look at Waivers and ESEA Reauthorization

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# Political Climate

- Secretary Duncan's rationale for waivers:
  - recognizes that a great majority of schools are labeled as "failing"
  - ESEA reauthorization is moving too slowly in Congress and realizes states need "relief" from AYP
- Waiver Proposal: states must agree to changes in four main areas in exchange for relief from AYP requirements

# Secretary's Authority to Waive ESEA Requirements

- Case by case waiver authority in ESEA Section 9401
- Waivers must be specifically requested and must include:
  - “specific, measurable educational goals ...
  - and the methods to be used to measure annually ...
  - progress for meeting such goals and outcomes.”

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

- College- and Career-Ready Expectations for All Students
- State-Developed Differentiated Recognition, Accountability and Support
- Supporting Effective Instruction and Leadership
- Reducing Duplication and Unnecessary Burden

# College and Career-Ready Expectations for All Students

## Waiver Requirements

States Adopt *Standards*:

- In at least reading/language arts and mathematics
- Aligned to state developed *high-quality assessments*
- Corresponding to academic achievement standards
- That measure *student growth* in at least grades 3-8 and at least once in high school
- That support English language proficiency (ELP)

# College and Career-Ready Standards

## *Standards - Waiver Definition*

Content standards for K – 12 that build towards college and career readiness by high school graduation

Must be either:

- Standards that are common to a significant number of states; or
- Standards that are approved by a state network of institutions of higher education, which must certify that students who meet the standards will not need remedial course work at the postsecondary level.

# College and Career-Ready Expectations for All Students

## Waiver Definitions

*High-quality Assessments:* An assessment or a system of assessments that is valid, reliable, and fair for its intended purposes; and measures student knowledge and skills against college- and career-ready standards that:

- Provides an accurate measure of student achievement including high- and low-achieving students;
- Provides an accurate measure of student growth over a full academic year;

# College and Career-Ready Expectations for All Students

## Waiver Definitions (continued)

- Produces student achievement data and student growth data that can be used to determine whether individual students are college- and career-ready or are on track to being college- and career-ready;
- Assesses all students, including English Learners and students with disabilities; and
- Provides for 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, consistent with IDEA.

# College and Career-Ready Expectations for All Students

## Waiver Definitions (continued)

*Student Growth* is a change in student achievement for an individual student between two or more points in time that means:

- A student's score on assessments (as required by ESEA) and may include other measures of student learning, provided they are rigorous and comparable across schools within an LEA that include:
- Alternative measures of student learning and performance such as results on pre-tests, end-of course tests and objective performance-based assessments.

# College and Career-Ready Expectations for All Students

## Senate HELP Bill

- College and career ready academic content standards in reading or language arts, and mathematics (Dec 2013), and matching achievement standards (2015-16)
- Standards to be aligned with: academic coursework, without the need for remediation, at public institutions of higher education in the State; relevant State career and technical education standards; and appropriate career skills.

# College and Career-Ready Expectations for All Students

## Senate HELP Bill

Every state **must** have:

- Academic content standards that match achievement standards in reading, math and science
- English language proficiency standards, aligned with reading standards

Every state **may** have:

- Alternate standards for students with severe cognitive disabilities

# College and Career-Ready Standards

## Senate HELP Bill

### State-wide Assessments:

- Are unchanged from NCLB – test in reading and math in grades 3-8 and once in high school AND three grade-spans for science;
- “Involve multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding”
- Adaptations and accommodations for students with disabilities and English Language Learners;

# College and Career-Ready Standards

## Senate HELP Bill

- Continues disaggregation by student sub-groups and requirement to assess 95% of all students;
- “Achievement” means scores on state tests, though there is no official definition of “growth” or “achievement”; and
- Growth/value added measures are allowed, as well as, computer-adaptive assessments.

# College and Career-Ready Standards

## Senate HELP Bill

- Measure achievement of all students and include high school graduation rates;
- Expect continuous improvements of all students (and subgroups) towards being college- and career-ready;
- Have state-set targets for reaching this goal;
- Differentiate schools by level of performance;
- Identify schools that need supports and interventions;
- Ensure equitable distribution of “highly qualified” teachers.

# State-Developed Differentiated Recognition, Accountability and Support

## Waiver Flexibility

Many states moving forward with next-generation systems that:

- Recognize student growth and school progress;
- Align accountability determinations with support and capacity-building efforts; and
- Provide for systemic, context-specific interventions that focus on the lowest-performing schools and schools with the largest achievement gaps.

# State-Developed Differentiated Recognition, Accountability and Support

## Waiver Flexibility

An SEA's system **must**, at a minimum:

- Set new “ambitious” but “achievable” performance targets or AMO’s in at least reading/language arts and mathematics for the State, LEAs, schools and subgroups that provide “meaningful” goals and are used to guide support and improvement efforts; and
- Provide “incentives” and “recognition” for success on an annual basis, and, if “possible,” rewarding Title I schools making the most progress as “reward schools.”

# State-Developed Differentiated Recognition, Accountability and Support

Waiver Flexibility - Changes in how AMO's are used:

OPTION A: Cut the Gap in Half – Set AMOs in annual equal increments toward a goal of reducing by half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years.

OPTION B: 100% by 2020 – Set AMOs that increase in annual equal increments toward a goal of 100% proficiency no later than the end of the 2019-2020 school year.

OPTION C: State Determined Method – Describe another “similarly ambitious” method that is educationally sound and achievable AMO for all LEAs, schools and subgroups.

# State-Developed Differentiated Recognition, Accountability and Support

## Waiver Flexibility (continued)

- Effect “dramatic, systemic change” in the lowest-performing schools by “publicly” identifying “priority schools” and ensuring that each LEA implements, for three years, “meaningful” interventions aligned with turnaround principles in each identified school; and
- Work to close achievement gaps by “publicly” identifying Title I schools with the greatest achievement gaps, or in which subgroups are furthest behind, as “focus schools” and ensuring that each LEA implements interventions that may include tutoring and public school choice.

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

To address “Gap schools” the bill stipulates that states **must**:

- Identify the lowest 5% of high schools and other schools, based on state test scores; and for high schools, the 5% with the lowest graduation rates and all those that have a graduation rate lower than 60%;
- Ensure that the LEA establishes an improvement plan for each identified school; and
- Ensure that there are some “consequences” for lack of improvement.

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

For “persistently low-achieving schools” the LEA **must**:

- Identify the lowest 5% of high schools and other schools, based on state test scores, and for high school graduation rates, those that have a graduation rate lower than 60%;
- Conduct a “needs analysis” that includes such factors as staffing, resources, governance and parent engagement;

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

- Select an improvement strategy for the school;
- Implement and monitor a five-year improvement plan;
- Adjust implementation based on data about progress of the plan;
- Sustain school effectiveness when a school is no longer identified; and
- Provide technical assistance in a range of areas, including professional development, coordination of services and family engagement.

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

School improvement strategies **must** address:

- Professional development;
- Staff evaluation;
- Staff collaboration;
- Provision of useful data;
- Collaboration with families and communities; and
- A research-based instructional program.

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

The LEA **must** pick one of seven strategies for identified schools:

- Transformation;
- Strategic staffing;
- Turnaround;
- Whole school reform;
- Restart;
- School closure; or
- State flexibility.

# State-Developed Differentiated Recognition, Accountability and Support

- In all but ‘state flexibility,’ the principal must be replaced if s/he has been in the job more than two years.
- In all but ‘state flexibility’ and ‘strategic staffing,’ other staff must be replaced; but who, how and how many varies.
- A district is not limited in how many schools can be in each option (e.g., all could be in ‘strategic staffing’)
- A district has the freedom to pick any option, but use of “state flexibility” must be approved by the Secretary.

# State-Developed Differentiated Recognition, Accountability and Support

## Senate HELP Bill

Additional points include:

- A student in an identified school has the right to transfer to another public school that is not on the lowest-performing list;
- A school re-identified for a 2<sup>nd</sup> five year period must be closed or restarted;
- School improvement funds are to be authorized although no \$ amount is specified; and
- States can use “value added” or “student growth” measures at their discretion.

# Supporting Effective Instruction and Leadership

## Waiver Flexibility

This flexibility will allow SEAs and LEAs the ability to develop high-quality systems, informed by research, that affirms that educators have significant and lasting effects on student learning and draws on multiple measures of instructional and leadership practices to evaluate and support teacher and principal effectiveness.

In order to receive this flexibility, an SEA and each LEA must commit to develop, adopt, pilot, and implement support systems that:

# Supporting Effective Instruction and Leadership

## Waiver Flexibility

- Will be used for continual improvement of instruction;
- Meaningfully differentiate performance using at least three performance levels;
- Use multiple valid measures in determining performance levels, including as a significant factor, data on student growth for ALL students, and other measures of professional practice;
- Evaluate teachers and principals on a regular basis;

# Supporting Effective Instruction and Leadership

## Waiver Flexibility

- Provide clear, timely, and useful feedback; and
- Will be used to inform personnel decisions.

The development of these systems must include involvement of teachers and principals. Additionally, to ensure high-quality implementation, all teachers, principals, and evaluators should be trained on the evaluation system and their responsibilities in the evaluation system.

# Supporting Effective Instruction and Leadership

## Senate HELP Bill

- The language provides for using ESEA funds for an educator evaluation system for teachers and principals as an optional use of Title II funds.
- If a state chooses to use Title II funds, then student “achievement” must be included “in significant part” as a factor in the evaluation. “Significant part” varies widely from state to state among the RttT awardees.
- Note: Some states are creating new student tests in order to have scores to evaluate teachers in all subjects.

# Reducing Duplication and Unnecessary Burden

## Waiver Requirements

To receive this flexibility, an SEA must assure that it will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools.

# Congressional Efforts

## Senate and House Bills

To learn more about the HELP bill, visit <http://help.senate.gov/> [as of 12/1/11, the version that passed the Committee had not been printed].

The House is moving ESEA reauthorization in pieces, with several major bills likely to move before the end of the year. [Learn more](#). Or visit <http://edworkforce.house.gov/>

# Looking to the Future -- What Can You Do?

- Visit our [Education Votes](#) site to share your story and read about other actions you can take to make sure your voice is heard on the issues that matter the most.  
Or go to our Legislative Action Center and send a letter to your member of Congress and tell them what does, or doesn't work for you in your mission to support public education.
- <http://www.nea.org/home/LegislativeActionCenter.html>

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# FEA Recommendations

Available under Recommendations summary and letter on Educator Evaluation, at:

<http://www.edaccountability.org>

Assessment

Accountability

Public school improvement/capacity building

Opportunity to learn and equity

Educator Evaluation

# FEA Recommendations and the HELP bill

- FEA assessment recommendations were not followed as the HELP bill remains as narrowly focused on testing as NCLB.
- AYP is largely removed, as FEA recommends, but requirements for the lowest-scoring schools are numerous and complex.
- Many of the school improvement recommendations were adopted by the committee; the mandated 'strategic improvements' were not recommended (FEA opposed the Race to the Top version of these). The key question would be implementation.
- The bill makes no progress on opportunity to learn as defined by FEA.
- The bill makes state educator evaluation systems optional, as recommended by FEA, but mandates the use of student test scores for states that do choose this option, contrary to FEA recommendations.

# Resources

All the key documents can be found in Department's flexibility page at <http://www.ed.gov/esea/flexibility>

They include:

- [ESEA Flexibility](#)
- [ESEA Flexibility Request](#)
- ESEA Flexibility Review [Guidance](#)
- ESEA Flexibility [FAQs](#)
- Additional [support for states](#)

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