

ITEM ADDENDUM

DATE: March 5, 2013

TO: MEMBERS, State Board of Education

FROM: TOM TORLAKSON, State Superintendent of Public Instruction

SUBJECT: Item 16 – Elementary and Secondary Education Act: Discussion and Comment Regarding Local Educational Agency Requests to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.

Summary of Key Issues

A consortium of California local educational agencies (LEAs) has submitted a district-level waiver of selected provisions of the Elementary and Secondary Education Act (ESEA) to the U.S. Department of Education (ED). A copy of the consortium's waiver request is available at the California Office to Reform Education (CORE) Web site at <http://coredistricts.org/wp-content/uploads/2013/02/CORE-ESEA-Flexibility-Request.pdf>. The consortium is not required to obtain state educational agency (SEA) approval. However, as the SEA you have the opportunity to comment.

The submission of an LEA-level waiver is unprecedented and raises a number of potential policy issues. Attached is a summary of the CORE request to waive selected provisions of the ESEA and an analysis of state policy issues for your consideration.

Attachment(s)

Attachment 1: Summary of California Office to Reform Education Request to Waive Provisions of the Elementary and Secondary Education Act and Analysis of State Policy Issues (7 Pages)

Summary of California Office to Reform Education Request to Waive Provisions of the Elementary and Secondary Education Act and Analysis of State Policy Issues

Note: This summary was prepared to give members of the California State Board of Education (SBE) a broad overview of the California Office to Reform Education (CORE) waiver. For full details, please consult the original document on the CORE Elementary and Secondary Education Act (ESEA) Waiver Web page at <http://coredistricts.org/core-esea-waiver/>.

Background information

The CORE is a group of ten districts that have joined together to implement education reform strategies and learn from one another in the process. The CORE unified districts include Clovis, Fresno, Garden Grove, Long Beach, Los Angeles, Oakland, Sacramento City, San Francisco, Santa Ana, and Sanger. Together these districts serve over a million students, representing about 17 percent of all California students.

The CORE organization is a nonprofit entity with a board of directors (composed of the superintendents of the CORE districts), an executive director, and a small staff. CORE's waiver application notes that there is no intention to build the capacity of the central CORE organization in order to provide accountability, support, or assistance to districts participating in the CORE waiver. Those services will be provided by the participating schools and districts themselves. A third party (e.g., a university research center) will organize and display data related to the performance of participating schools and districts.

The CORE waiver application is actually a bundled set of requests from nine of the ten districts (in other words, the nonprofit CORE entity is not the applicant). Per federal law, districts may request waivers from specific provisions of the ESEA and must submit such requests to their State Education Agency (the State Board in California) for review and optional comment. The decision to grant the waiver rests solely with the U.S. Department of Education (ED).

The CORE waiver application includes a Memorandum of Understanding (MOU) that lists the commitments of the CORE districts. If the waiver is approved, the CORE intends to allow any California district to join the waiver by signing the MOU—an opportunity that would remain available as long as the CORE waiver is in effect. As envisioned by the CORE, the MOU would offer districts the flexibility granted by the waiver, provided districts agree to the commitments outlined in the MOU. For districts that join and ultimately become unable or unwilling to uphold the MOU commitments, the CORE envisions rescinding the MOU and the district returning to the existing system of accountability under the ESEA.

Analysis of state policy issues in this section:

- It is not yet clear if other districts in California will have an equal opportunity to apply directly to the ED for a waiver, either individually or as part of a consortium other than the CORE.
- It is not clear exactly how the CORE waiver will be reviewed or judged by the ED. The CORE waiver application is the first of its kind and at present, there are no federal guidelines or regulations that are specific to the process, nor a set of publicly available evaluation criteria for waiver approval.
- It is not yet clear whether or how the state would monitor ESEA compliance in districts participating in the CORE waiver (also mentioned below under Principle 2).
- It is not clear what entity would determine that a participating district is not complying with the terms of the CORE waiver, or how it would make this determination. The proposal to allow districts to opt in to the CORE waiver at any time and the possibility of districts returning to the state accountability system if they fail to meet their commitments could present further legal and technical complications.

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

(Note: The CORE’s waiver request follows the same format as the ED application template for states seeking ESEA waivers. As such, it is organized around three main principles.)

Districts participating in the CORE waiver will:

- Affirm that they have adopted the Common Core State Standards (CCSS).
- Commit to adopting the new standards-based assessments that are being developed at the national level by the Smarter Balanced Assessment Consortium (Smarter Balanced) or the Partnership for Assessment of Readiness for College and Career, once the state’s current testing system sunsets in 2014–15.
- Develop and implement plans for aligning teaching to the CCSS, paying additional attention to English language learners and students with disabilities.
- Pilot “performance task assessment modules”—multi-part student assessments that generate information about their skills and knowledge—that are developed locally or by CORE districts and that are aligned with the CCSS and the new assessments. These modules include a “stimulus,” such as a text or data set; short-answer questions about the stimulus, of increasing rigor; and a culminating

“authentic performance task,” such as an analytic essay or quantitative problem based on the stimulus.

- Develop professional development plans to help all teachers transition to the CCSS and the new assessments.
- Ensure that all students have access to courses that prepare them for college courses and career expectations. Publicly report on performance towards CORE-developed college- and career-readiness metrics.

Analysis of state policy issues in this section:

- The State of California has already adopted the CCSS and plans to administer the new assessments being developed by the Smarter Balanced, beginning in 2014–15, so CORE’s plans in these areas present no significant policy issues.
- If the CORE waiver is approved, the State will still need to maintain and report state-level required data elements to the ED; some mechanism for transferring data will be needed for this purpose.

Principle 2: Differentiated Recognition, Accountability, and Support

Districts participating in the CORE waiver will:

- Agree to report all data elements requested by the CORE, including data elements to be used in the CORE accountability system—including measures related to academic achievement, social and emotional well-being, and school and district culture and climate—and other data elements that are collected only for improvement purposes.
- Continue to administer, at a minimum, all federally required state assessments (currently the California Standards Tests in grades three through eight and the California High School Exit Examination [CAHSEE]).
- Administer any additional assessments that are part of the CORE accountability model, which includes:
 - Assessments in English language arts and mathematics for the highest grade level of the school (e.g., grade five in a kindergarten through grade five school) for elementary and middle schools,
 - Writing assessments in two grades,
 - Science assessments in two grades,

- History/Social Science in three grades, and
- The CAHSEE.
- Develop and administer additional assessments to provide interim information about student progress (recommended but not required).
- Ensure that the assessments used for accountability provide appropriate accommodations for English learners and students with disabilities.
- Agree to implement the CORE-developed accountability system beginning in 2014–15, as detailed in the following bullets.
- Use CORE-developed Annual Measureable Objectives (AMOs) (meaning performance targets and cut-points for identifying different levels of performance) for the purposes of school and district recognition, accountability, and support. CORE’s AMOs, to be developed in Spring 2013, will be in three areas:
 - Academic: based on schools’ test scores, graduation rates, and persistence rates.
 - Social and emotional: based on data about student attendance, discipline (e.g. suspension and expulsion), and a yet-to-be-determined measure of “non-cognitive skills.”
 - School and district climate and culture: based on perception surveys of parents, students, and teachers; the extent to which students are disproportionately assigned to special education; and the rate at which students are assigned to and exit English learner status.
- Agree to using CORE’s AMOs and methodology for identifying “Schools of Distinction,” defined as highest achieving or fastest improving schools; “Priority Schools,” defined as the lowest-performing five percent of schools; and “Focus Schools,” defined as the ten percent of schools (at least) with the greatest achievement gaps among students with different demographic backgrounds.
- Agree to support and enable partnerships between high-performing and low-performing schools for the purposes of peer coaching and technical assistance. Agree to using Title I funds to pay for the costs of travel, training, and release time for staff in the high-performing partner school, if necessary.
- Agree to CORE’s guidelines for supporting and intervening in low-performing schools. The CORE waiver application outlines three tiers of increasingly intensive interventions and a timeline of which interventions will be applied in each successive year that a school does not meet the AMOs. Specific interventions will vary depending on the performance and needs of the school.

- The most intensive interventions include school closure or restarting as a charter school, replacement of the principal, re-staffing the school, allowing parents to transfer students to higher performing schools in the district, and implementing an alternative governance structure (e.g., district oversight).
 - Less intensive interventions include pairing lower-achieving schools with higher-achieving schools for coaching, conducting needs assessments and school improvement plans, redesigning school schedules to provide more collaboration time for teachers, and reviewing the effectiveness of the principal and the instruction delivered by all teachers.
 - The CORE waiver request additionally gives examples of “differentiated interventions” that would be specific to the needs of a particular school. These specialized interventions might include local reviews of school quality, teachers engaging in research about the performance problems at the school, and community engagement campaigns to address patterns of problematic student behavior or other issues.
- Agree to share accountability and improvement data (see abbreviated list above) with other districts participating in the waiver.
 - Agree to collaborate with and support other participating districts in the areas of curriculum, instruction, aligning expenditures to instructional priorities, developing and monitoring school improvement plans, and professional development strategies.

Analysis of state policy issues in this section:

- The ED can waive the interventions that districts must implement for failure to meet state-level targets, such as the provision of supplemental education services, but cannot waive state-level provisions of the ESEA at the request of a district. The CORE waiver envisions that participating districts will use a new set of AMOs developed by CORE, but it appears that the state will need to continue to apply its AMOs to all schools in the state. These two sets of targets (and resulting identifications of schools’ performance levels) could be confusing for parents and the public.
- It is not yet clear whether or how the state would monitor ESEA compliance in districts participating in the CORE waiver. If the state plays no role, then compliance would fall to another entity. If the state does play a role, it would mean monitoring new and different requirements in a subset of districts. If additional districts or consortia are granted waivers in the future, then multiple sets of requirements would be in effect across California, potentially presenting further complications.

Principle 3: Supporting Effective Instruction and Leadership

Districts participating in the CORE waiver will:

- Design or adjust their existing systems for evaluating and supporting teachers, principals, and superintendents to adhere to CORE's guidelines. Implement these changes in the timeline developed by CORE, beginning in 2013–14 and completed by 2015–16.
- Include in their evaluation systems certain components that are common across participating districts, including:
 - Classroom observation procedures that provide teachers with quality feedback on their teaching,
 - At least one significant measure of student academic growth (meaning an aggregate measure of the growth of individual students in that teacher's class, or the principal or superintendent's school),
 - Data collection that is sufficiently frequent to provide a basis for evaluation,
 - Performance ratings that meaningfully differentiate among at least four categories of performance,
 - Efforts to help individual teachers grow and improve, and
 - Efforts to promote and strengthen collaboration among teachers.
- Develop additional measures or components of their evaluation system, if desired, to suit their local contexts.
- Develop and implement systems for helping those who are underperforming, including (at least) the following elements:
 - Comprehensive "remediation plans" to improve teaching and performance for permanent teachers who are identified in the lowest performance category.
 - Voluntary remediation plans to improve teaching and performance for teachers in the second lowest category of performance, including one-on-one mentoring.
 - Inclusion of evaluation ratings when making staffing decisions such as recruitment, promotion, tenure, transfer, layoff, and dismissal.
- Report on the progress of implementing the new (or changed) evaluation system.

- Track and report how teachers and principals of different performance levels are distributed across the district by 2015–16.

Analysis of state policy issues in this section:

- The Stull Act is the current state law governing teacher evaluation. Depending on the specifics of the existing contract in each participating district, some aspects of the evaluation system envisioned in the CORE waiver may need to be renegotiated locally.