
ESEA Flexibility

Review Guidance



September 28, 2011

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INTRODUCTION

The U.S. Department of Education (Department) has offered each State educational agency (SEA) the opportunity to request flexibility on behalf of itself, its local educational agencies (LEAs), and its schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity will provide educators and State and local leaders with flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) 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. This flexibility is intended to build on and support the significant State and local reform efforts already underway in critical areas such as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

The Department invited interested SEAs to request this flexibility pursuant to the authority in section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), which allows the Secretary to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver. Under this flexibility, the Department will grant waivers through the 2013–2014 school year, after which time an SEA may request an extension of this flexibility.

To obtain this flexibility, an SEA must submit a comprehensive, high-quality request describing how it will meet a set of principles concerning the development and implementation of rigorous academic content standards to prepare all students for college and careers; high-quality assessments that are aligned with those standards; a differentiated recognition, accountability, and support system that appropriately targets interventions and supports and recognizes or rewards excellence; and activities that elevate the education profession by better evaluating and supporting teacher and principal effectiveness. The details of this flexibility and its principles are described in the document titled *ESEA Flexibility*.

REVIEW AND EVALUATION OF REQUESTS

The Department will use a review process that will include both external peer reviewers and staff reviewers to evaluate SEA requests for this flexibility. This review process will help ensure that each request for this flexibility approved by the Department is consistent with the principles, which are designed to support State efforts to improve student academic achievement and increase the quality of instruction, and is both educationally and technically sound. Reviewers will evaluate whether and how each request for this flexibility will support a comprehensive and coherent set of improvements in the areas of standards and assessments, accountability, and teacher and principal effectiveness that will lead to improved student outcomes. Each SEA will have an opportunity, if necessary, to clarify its plans for peer and staff reviewers and to answer any questions reviewers may have. The peer reviewers will then provide comments to the Department. Taking those comments into consideration, the Secretary will make a decision regarding each SEA's request for this flexibility. If an SEA's request for this flexibility is not granted, reviewers and the Department will provide

feedback to the SEA about the components of the SEA’s request that need additional development in order for the request to be approved.

This document provides guidance for reviewers, including the specific information that a request must include and questions to guide reviewers as they evaluate each request. **Questions that have numbers or letters represent required elements.** The italicized questions reflect inquiries that reviewers will use to fully consider all aspects of an SEA’s plan for meeting each principle, but do not represent required elements.

In addition to this guidance, reviewers will also use the document titled *ESEA Flexibility*, including the definitions and timelines, when reviewing each SEA’s request. As used in the request form and this guidance, the following terms have the definitions set forth in the document titled *ESEA Flexibility*: (1) college- and career-ready standards, (2) focus school, (3) high-quality assessment, (4) priority school, (5) reward school, (6) standards that are common to a significant number of States, (7) State network of institutions of higher education, (8) student growth, and (9) turnaround principles.

In addition to considering whether an SEA requesting this flexibility meets, or has a high-quality plan to meet, each of the principles described below, reviewers must evaluate the SEA’s request in its entirety. This flexibility includes a set of SEA- and LEA-level principles that hold the greatest promise of improving educational outcomes when implemented as part of a comprehensive and coherent statewide plan. Thus, the review must consider the extent to which an SEA submits a comprehensive and coherent high-quality request covering all aspects of the principles and waivers and, in each place where a specific plan is required to meet a particular principle, a high-quality plan.

INSTRUCTIONS FOR REVIEWERS ON HIGH-QUALITY REQUESTS

Peer reviewers should consider whether an SEA’s request meets the definition of a high-quality request and, in each place where a plan is required, whether that plan is of high-quality.

High-Quality Request: A high-quality request for this flexibility is one that is comprehensive and coherent in its approach and that clearly indicates how this flexibility will help an SEA and its LEAs improve student achievement and the quality of instruction for students.

A high-quality request will (1) if an SEA has already met a principle, provide a description of how it has done so, including evidence as required; and (2) if an SEA has not yet met a principle, describe how it will meet the principle on the required timelines, including any progress to date. For example, an SEA that has not adopted minimum guidelines for local teacher and principal evaluation and support systems consistent with principle 3 by the time it submits its request for the flexibility will need to provide a plan demonstrating that it will do so by the end of the 2011–2012 school year. In each such case, an SEA’s plan must include, at a minimum, the following elements for each principle that the SEA has not yet met:

1. Key milestones and activities: Significant milestones to be achieved in order to meet a given principle, and essential activities to be accomplished in order to reach the key milestones. The SEA should also include any essential activities that have already been completed or key milestones that have already been reached so that reviewers can understand the context for and fully evaluate the SEA’s plan to meet a given principle.

2. Detailed timeline: A specific schedule setting forth the dates on which key activities will begin and be completed and milestones will be achieved so that the SEA can comply with the principle by the required date.
3. Party or parties responsible: Identification of the SEA staff (*e.g.*, position, title, or office) and, as appropriate, others who will be responsible for ensuring that each key activity is accomplished.
4. Evidence: Where required, documentation to support the plan and demonstrate the SEA's progress in implementing the plan. Refer to the document titled *ESEA Flexibility Request* for specific evidence that the SEA must either include in its request or provide at a future reporting date.
5. Resources: Resources necessary to complete the key activities, including staff time and additional funding.
6. Significant obstacles: Any major obstacles that may hinder completion of key milestones and activities (*e.g.*, State laws that need to be changed) and a plan to overcome them.

Peer reviewers should consider whether an SEA's timelines and plans comply with the deadlines associated with each principle and allow for completion of the activities necessary to meet each principle. Although the plan for each principle will reflect that particular principle, as discussed above, peer reviewers should look across all of an SEA's plans to make sure an SEA puts forward a comprehensive and coherent request for this flexibility.

GUIDANCE FOR REVIEWING AN SEA’S REQUEST

TABLE OF CONTENTS AND LIST OF ATTACHMENTS

1. included in the SEA’s request? Is a Table of Contents
2. Is a list of labeled attachments included in the SEA’s request?
3. Are all listed attachments included? If not, what is missing?

COVER SHEET

1. Is the required information provided?
2. If not, what is missing?
3. Is the Cover Sheet signed and dated by the SEA’s authorized representative (*e.g.*, Chief State School Officer, Chairperson of the State Board of Education, or State superintendent)?

WAIVERS

1. Has the SEA requested all waivers?
2. If not, which waivers were not selected?
3. Did the SEA request the optional waiver?

ASSURANCES

1. Has the SEA indicated that it will meet all assurances?
2. If not, which assurances did the SEA not indicate that it will meet?
3. If the SEA selected Option A or B in section 3.A of its request indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, did it indicate that it will meet Assurance 14?

CONSULTATION

1. Did the SEA meaningfully engage and solicit input on its request from teachers and their representatives?
 - *Is the engagement likely to lead to successful implementation of the SEA's request due to the input and commitment of teachers and their representatives at the outset of the planning and implementation process?*
 - *Did the SEA indicate that it modified any aspect of its request based on input from teachers and their representatives?*
2. Did the SEA meaningfully engage and solicit input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes?
 - *Is the engagement likely to lead to successful implementation of the SEA's request due to the input and commitment of relevant stakeholders at the outset of the planning and implementation process?*
 - *Did the SEA indicate that it modified any aspect of its request based on stakeholder input?*
 - *Does the input represent feedback from a diverse mix of stakeholders representing various perspectives and interests, including stakeholders from high-need communities?*

OVERVIEW OF THE SEA'S REQUEST FOR ESEA FLEXIBILITY

1. Did the SEA provide an overview of the SEA's vision to increase the quality of instruction and improve student achievement?
2. Does the SEA's overview sufficiently explain the SEA's comprehensive approach to implementing the waivers and principles and describe the SEA's strategy for ensuring that this approach is coherent within and across the principles?
3. Does the SEA's overview describe how the implementation of the waivers and principles will enhance the SEA's and its LEAs' ability to increase the quality of instruction for students and improve student achievement?

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

1.A ADOPT COLLEGE- AND CAREER-READY STANDARDS

- 1.A** Has the SEA adopted college- and career-ready standards in at least reading/language arts and mathematics through one of the two options below?

Option A:

If the SEA has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States, consistent with part (1) of the definition of college- and career-ready standards, did it attach evidence that the State has adopted the standards consistent with the State’s standards adoption process? (Attachment 4)

Option B:

If the SEA has adopted college- and career-ready standards in at least reading/language arts and mathematics that have been approved and certified by a State network of institutions of higher education (IHEs), consistent with part (2) of the definition of college- and career-ready standards, did it attach:

- i. Evidence that the State has adopted the standards consistent with the State’s standards adoption process (Attachment 4); and
- ii. A copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet the standards will not need remedial coursework at the postsecondary level (Attachment 5)?

1.B TRANSITION TO COLLEGE- AND CAREER-READY STANDARDS

- 1.B** Is the SEA’s plan to transition to and implement college- and career-ready standards statewide in at least reading/language arts and mathematics no later than the 2013–2014 school year realistic, of high quality, and likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with such standards?

A high-quality plan will likely include activities related to the following questions or an explanation of why one or more of the activities is not included.

- *Does the SEA intend to analyze the extent of alignment between the State’s current content standards and the college- and career-ready standards to determine similarities and differences between those two sets of standards? If so, will the results be used to inform the transition to college- and career-ready standards?*

- *Does the SEA intend to analyze the linguistic demands of the State’s college- and career-ready standards to inform the development of ELP standards corresponding to the college- and career-ready standards and to ensure that English Learners will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to inform revision of the ELP standards and support English Learners in accessing the college- and career-ready standards on the same schedule as all students?*
- *Does the SEA intend to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to support students with disabilities in accessing the college- and career-ready standards on the same schedule as all students?*
- *Does the SEA intend to conduct outreach on and dissemination of the college- and career-ready standards? If so, does the SEA’s plan reach the appropriate stakeholders, including educators, administrators, families, and IHEs? Is it likely that the plan will result in all stakeholders increasing their awareness of the State’s college- and career-ready standards?*
- *Does the SEA intend to provide professional development and other supports to prepare teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new standards? If so, will the planned professional development and supports prepare teachers to teach to the new standards, use instructional materials aligned with those standards, and use data on multiple measures of student performance (e.g., data from formative, benchmark, and summative assessments) to inform instruction?*
- *Does the SEA intend to provide professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards? If so, will this plan prepare principals to do so?*
- *Does the SEA propose to develop and disseminate high-quality instructional materials aligned with the new standards? If so, are the instructional materials designed (or will they be designed) to support the teaching and learning of all students, including English Learners, students with disabilities, and low-achieving students?*
- *Does the SEA plan to expand access to college-level courses or their prerequisites, dual enrollment courses, or accelerated learning opportunities? If so, will this plan lead to more students having access to courses that prepare them for college and a career?*
- *Does the SEA intend to work with the State’s IHEs and other teacher and principal preparation programs to better prepare—*
 - *incoming teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new college- and career-ready standards; and*
 - *incoming principals to provide strong, supportive instructional leadership on teaching to the new standards?*

If so, will the implementation of the plan likely improve the preparation of incoming teachers and

principals?

- *Does the SEA plan to evaluate its current assessments and increase the rigor of those assessments and their alignment with the State’s college- and career-ready standards, in order to better prepare students and teachers for the new assessments through one or more of the following strategies:*
 - *Raising the State’s academic achievement standards on its current assessments to ensure that they reflect a level of postsecondary readiness, or are being increased over time to that level of rigor? (E.g., the SEA might compare current achievement standards to a measure of postsecondary readiness by back-mapping from college entrance requirements or remediation rates, analyzing the relationship between proficient scores on the State assessments and the ACT or SAT scores accepted by most of the State’s 4-year public IHEs, or conducting NAEP mapping studies.)*
 - *Augmenting or revising current State assessments by adding questions, removing questions, or varying formats in order to better align those assessments with the State’s college- and career-ready standards?*
 - *Implementing another strategy to increase the rigor of current assessments, such as using the “advanced” performance level on State assessments instead of the “proficient” performance level as the goal for individual student performance or using college-preparatory assessments or other advanced tests on which IHEs grant course credits to entering college students to determine whether students are prepared for postsecondary success?*

If so, is this activity likely to result in an increase in the rigor of the State’s current assessments and their alignment with college- and career-ready standards?

- *Does the SEA propose other activities in its transition plan? If so, is it likely that these activities will support the transition to and implementation of the State’s college- and career-ready standards?*

1.C DEVELOP AND ADMINISTER ANNUAL, STATEWIDE, ALIGNED, HIGH-QUALITY ASSESSMENTS THAT MEASURE STUDENT GROWTH

- 1.C** Did the SEA develop, or does it have a plan to develop, annual, statewide, high-quality assessments, and corresponding academic achievement standards, that measure student growth and are aligned with the State’s college- and career-ready standards in reading/language arts and mathematics, in at least grades 3-8 and at least once in high school, that will be piloted no later than the 2013–2014 school year and planned for administration in all LEAs no later than the 2014–2015 school year, as demonstrated through one of the three options below? Does the plan include setting academic achievement standards?

Option A:

If the SEA is participating in one of the two State consortia that received a grant under the Race to the Top Assessment (RTTA) competition, did the SEA attach the Memorandum of Understanding (MOU) submitted under that competition? (Attachment 6)

Option B:

If the SEA is neither participating in a State consortium under the RTTA competition nor has developed and administered high-quality assessments, did the SEA provide a realistic and high-quality plan describing activities that are likely to lead to the development of such assessments, their piloting no later than the 2013–2014 school year, and their annual administration in all LEAs beginning no later than the 2014–2015 school year? Does the plan include setting academic achievement standards?

Option C:

If the SEA has developed and begun annually administering high-quality assessments in all LEAs and has set academic achievement standards, did the SEA attach evidence that the SEA has submitted these assessments and academic achievement standards to the Department for peer review (Attachment 7), or a timeline showing when the SEA will submit the assessments to the Department for peer review (Attachment 7)?

PRINCIPLE 1 OVERALL REVIEW

Is the SEA’s plan for transitioning to and implementing college-and career-ready standards, and developing and administering annual, statewide, aligned high-quality assessments that measure student growth, comprehensive, coherent, and likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

2.A DEVELOP AND IMPLEMENT A STATE-BASED SYSTEM OF DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- 2.A.i** Did the SEA propose a differentiated recognition, accountability, and support system, and a high-quality plan to implement this system no later than the 2012–2013 school year, that is likely to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students?
- Does the SEA’s accountability system provide differentiated recognition, accountability, and support for all LEAs in the State and for all Title I schools in those LEAs based on (1) student achievement in reading/language arts and mathematics, and other subjects at the State’s discretion, for all students and all subgroups of students identified in ESEA section 1111(b)(2)(C)(v)(II); (2) graduation rates for all students and all subgroups; and (3) school performance and progress over time, including the performance and progress of all subgroups?
 - Does the SEA’s differentiated recognition, accountability, and support system create incentives and provide support to close achievement gaps for all subgroups of students?
 - Does the SEA’s differentiated recognition, accountability, and support system include interventions specifically focused on improving the performance of English Learners and students with disabilities?
 - Did the SEA provide a plan that ensures that the system will be implemented in LEAs and schools no later than the 2012–2013 school year?

If the SEA elects to include student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and to identify reward, priority, and focus schools by selecting Option B, review and respond to peer review questions in section 2.A.ii. If the SEA does not include other assessments, go to section 2.B.

- 2.A.ii** Did the SEA include student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and to identify reward, priority, and focus schools?
- Did the SEA provide the percentage of students in the “all students” group that performed at the proficient level on the State’s most recent administration of each additional assessment for all grades assessed?

- b. Does the SEA’s weighting of the included assessments result in holding schools accountable for ensuring all students achieve the State’s college- and career-ready standards?
- c. Has the SEA checked Assurance 6?

2.B SET AMBITIOUS BUT ACHIEVABLE ANNUAL MEASURABLE OBJECTIVES

- 2.B** Did the SEA describe the method it will use to set new ambitious but achievable annual measurable objectives (AMOs) in at least reading/language arts and mathematics, for the State and all LEAs, schools, and subgroups, that provide meaningful goals and are used to guide support and improvement efforts through one of the three options below?

Option A:

Did the SEA set its AMOs so that they increase 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?

- i. Did the SEA provide the new AMOs and the method used to set these AMOs?
- ii. Did the SEA use current proficiency rates from the 2010–2011 school year as the base year?
- iii. If the SEA set AMOs that differ by LEA, school, or subgroup, do the AMOs require LEAs, schools, and subgroups that are further behind to make greater rates of annual progress?

Option B:

Did the SEA set its AMOs so that they increase in annual equal increments toward a goal of 100 percent proficiency no later than the end of the 2019–2020 school year?

- i. Did the SEA provide the new AMOs and the method used to set these AMOs?
- ii. Did the SEA use current proficiency rates from the 2010–2011 school year as the base year?
- iii. If the SEA set AMOs that differ by LEA, school, or subgroup, do the AMOs require LEAs, schools, and subgroups that are further behind to make greater rates of annual progress?

Option C:

Did the SEA describe another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups?

- i. Did the SEA provide the new AMOs and the method used to set these AMOs?

- ii. Did the SEA provide an educationally sound rationale for the pattern of academic progress reflected in the new AMOs?
 - iii. If the SEA set AMOs that differ by LEA, school, or subgroup, do the AMOs require LEAs, schools, and subgroups that are further behind to make greater rates of annual progress?
 - iv. Did the SEA attach a copy of the average statewide proficiency based on assessments administered in the 2010–2011 school year in reading/language arts and mathematics for the “all students” group and all subgroups? (Attachment 8)
- *Are these AMOs similarly ambitious to the AMOs that would result from using Option A or B above?*
 - *Are these AMOs ambitious but achievable given the State’s existing proficiency rates and any other relevant circumstances in the State?*
 - *Will these AMOs result in a significant number of children being on track to be college- and career-ready?*

2.C REWARD SCHOOLS

- 2.C.i** Did the SEA describe its methodology for identifying highest-performing and high-progress schools as reward schools?
- 2.C.ii** Did the SEA’s request identify both highest-performing and high-progress schools as part of its first set of identified reward schools? (Table 2)
- 2.C.iii** Did the SEA describe how the SEA will publicly recognize and, if possible, reward highest-performing and high-progress schools?
 - *Has the SEA provided a reasonable explanation of why its proposed recognition and, where applicable, rewards are likely to be considered meaningful by schools? For example, has the SEA consulted with LEAs and schools in designing its recognition and, where applicable, rewards?*

2.D PRIORITY SCHOOLS

- 2.D.i** Did the SEA describe its methodology for identifying a number of lowest-performing schools equal to at least five percent of the State’s Title I schools as priority schools?
- 2.D.ii** Does the SEA’s request include a list of its priority schools? (Table 2)
 - a. Did the SEA identify a number of priority schools equal to at least five percent of its Title I schools?

- b. Did the SEA’s methodology result in the identification of priority schools that are —
- (i) among the lowest five percent of Title I schools in the State based on the achievement of the “all students” group in terms of proficiency on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, combined, and have demonstrated a lack of progress on those assessments over a number of years in the “all students” group;
 - (ii) Title I-participating or Title I-eligible high schools with a graduation rate less than 60 percent over a number of years; or
 - (iii) Tier I or Tier II schools under the School Improvement Grants (SIG) program that are using SIG funds to fully implement a school intervention model?

2.D.iii Are the interventions that the SEA described aligned with the turnaround principles and are they likely to result in dramatic, systemic change in priority schools?

- a. Do the SEA’s interventions include all of the following?
- (i) providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;
 - (ii) ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs;
 - (iii) redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
 - (iv) strengthening the school’s instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards;
 - (v) using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;
 - (vi) establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students’ social, emotional, and health needs; and
 - (vii) providing ongoing mechanisms for family and community engagement?

- b. Has the SEA identified practices to be implemented that meet the turnaround principles and are likely to —
 - (i) increase the quality of instruction in priority schools;
 - (ii) improve the effectiveness of the leadership and the teaching in these schools; and
 - (iii) improve student achievement and, where applicable, graduation rates for all students, including English Learners, students with disabilities, and the lowest-achieving students?
- c. Has the SEA indicated that it will ensure that each of its priority schools implements the selected intervention for at least three years?

2.D.iv Is the SEA’s proposed timeline for ensuring that LEAs that have one or more priority schools implement meaningful interventions aligned with the turnaround principles in each priority school no later than the 2014–2015 school year reasonable and likely to result in implementation of the interventions in these schools?

- *Does the SEA’s proposed timeline distribute priority schools’ implementation of meaningful interventions aligned with the turnaround principles in a balanced way, such that there is not a concentration of these schools in the later years of the timeline?*

2.D.v Did the SEA provide criteria to determine when a school that is making significant progress in improving student achievement exits priority status?

- a. Do the SEA’s criteria ensure that schools that exit priority status have made significant progress in improving student achievement?
 - *Is the level of progress required by the criteria to exit priority status likely to result in sustained improvement in these schools?*

2.E FOCUS SCHOOLS

2.E.i Did the SEA describe its methodology for identifying a number of low-performing schools equal to at least 10 percent of the State’s Title I schools as focus schools?

2.E.ii Did the SEA include a list of its focus schools? (Table 2)

- a. Did the SEA identify a number of focus schools equal to at least 10 percent of the State’s Title I schools?
- b. In identifying focus schools, was the SEA’s methodology based on the achievement and lack of progress over a number of years of one or more subgroups of students identified under ESEA section 1111(b)(2)(C)(v)(II) in terms of proficiency on the statewide

assessments that are part of the SEA’s differentiated recognition, accountability, and support system or, at the high school level, graduation rates for one or more subgroups?

- c. Did the SEA’s methodology result in the identification of focus schools that have —
- (i) the largest within-school gaps between the highest-achieving subgroup or subgroups and the lowest-achieving subgroup or subgroups or, at the high school level, the largest within-school gaps in the graduation rate; or
 - (ii) a subgroup or subgroups with low achievement or, at the high school level, a low graduation rate?
- d. Did the SEA identify as focus schools all Title I-participating high schools with a graduation rate less than 60 percent over a number of years that are not identified as priority schools?

2.E.iii Did the SEA describe the process and timeline it will use to ensure that each LEA identifies the needs of its focus schools and their students and provide examples of and justifications for the interventions the SEA will require its focus schools to implement to improve the performance of students who are furthest behind?

- *Has the SEA demonstrated that the interventions it has identified are effective at increasing student achievement in schools with similar characteristics, needs, and challenges as the schools the SEA has identified as focus schools?*
- *Has the SEA identified interventions that are appropriate for different levels of schools (elementary, middle, high) and that address different types of school needs (e.g., all-students, targeted at the lowest-achieving students)?*

2.E.iv Did the SEA provide criteria to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exits focus status?

- a. Do the SEA’s criteria ensure that schools that exit focus status have made significant progress in improving student achievement and narrowing achievement gaps?
- *Is the level of progress required by the criteria to exit focus status likely to result in sustained improvement in these schools?*

2.F PROVIDE INCENTIVES AND SUPPORT FOR OTHER TITLE I SCHOOLS

2.F Does the SEA’s differentiated recognition, accountability, and support system provide incentives and supports for other Title I schools that, based on the SEA’s new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps? Are those incentives and supports likely to improve student achievement, close achievement gaps, and increase the quality of instruction for students?

2.G BUILD SEA, LEA, AND SCHOOL CAPACITY TO IMPROVE STUDENT LEARNING

- 2.G** Is the SEA’s process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, likely to succeed in improving such capacity?
- a. Is the SEA’s process for ensuring timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in priority and focus schools likely to result in successful implementation of these interventions and in progress on leading indicators and student outcomes in these schools?
 - *Did the SEA describe a process for the rigorous review and approval of any external providers used by the SEA and its LEAs to support the implementation of interventions in priority and focus schools that is likely to result in the identification of high-quality partners with experience and expertise applicable to the needs of the school, including specific subgroup needs?*
 - b. Is the SEA’s process for ensuring sufficient support for implementation in priority schools of meaningful interventions aligned with the turnaround principles (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources) likely to result in successful implementation of such interventions and improved student achievement?
 - c. Is the SEA’s process for holding LEAs accountable for improving school and student performance, particularly for turning around their priority schools, likely to improve LEA capacity to support school improvement?

PRINCIPLE 2 OVERALL REVIEW

Is the SEA’s plan for developing and implementing a system of differentiated recognition, accountability, and support likely to improve student achievement, close achievement gaps, and improve the quality of instruction for students? Do the components of the SEA’s plan fit together to create a coherent and comprehensive system that supports continuous improvement and is tailored to the needs of the State, its LEAs, its schools, and its students? If not, what aspects are not addressed or need to be improved upon?

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

3.A DEVELOP AND ADOPT GUIDELINES FOR LOCAL TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

3.A.i Has the SEA developed and adopted guidelines consistent with Principle 3 through one of the three options below?

Option A:

If the SEA has not already developed any guidelines consistent with Principle 3:

- i. Is the SEA’s plan for developing and adopting guidelines for local teacher and principal evaluation and support systems likely to result in successful adoption of those guidelines by the end of the 2011–2012 school year?
- ii. Does the SEA’s plan include sufficient involvement of teachers and principals in the development of these guidelines?
- iii. Has the SEA checked Assurance 14?

Option B:

If the SEA has already developed and adopted one or more, but not all, guidelines consistent with Principle 3:

- i. Did the SEA attach a copy of the guidelines it has adopted? (Attachment 10)
- ii. Are the guidelines the SEA has adopted likely to lead to the development of evaluation and support systems that increase the quality of instruction for students and improve student achievement? (See question 3.A.ii to review the adopted guidelines for consistency with Principle 3.)
- iii. Did the SEA provide evidence of the adoption of one or more guidelines? (Attachment 11)
- iv. Is the SEA’s plan for developing and adopting the remaining guidelines for teacher and principal evaluation and support systems likely to result in successful adoption of these guidelines by the end of the 2011–2012 school year?
- v. Did the SEA have sufficient involvement of teachers and principals in the development of these guidelines? Does the SEA’s plan include sufficient involvement of teachers and principals in the development of the remaining guidelines?

- vi. Has the SEA checked Assurance 14?

Option C:

If the SEA has developed and adopted all guidelines consistent with Principle 3:

- i. Are the guidelines the SEA has adopted likely to lead to the development of evaluation and support systems that increase the quality of instruction for students and improve student achievement? (See question 3.A.ii to review the adopted guidelines for consistency with Principle 3.)
- ii. Did the SEA provide evidence of the adoption of the guidelines? (Attachment 11)
- iii. Did the SEA have sufficient involvement of teachers and principals in the development of these guidelines?

If the SEA has adopted guidelines for local teacher and principal evaluation and support systems by selecting Option B or C in section 3.A, review and respond to peer review question 3.A.ii below.

3.A.ii For any teacher and principal evaluation and support systems for which the SEA has developed and adopted guidelines, consistent with Principle 3, are they systems that:

- a. Will be used for continual improvement of instruction?
 - *Are the SEA's guidelines likely to result in support for teachers that will enable them to improve their instructional practice?*
- b. Meaningfully differentiate performance using at least three performance levels?
 - *Does the SEA incorporate student growth into its performance-level definitions with sufficient weighting to ensure that performance levels will differentiate among teachers and principals who have made significantly different contributions to student growth or closing achievement gaps?*
- c. Use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys)?
 - (i) Does the SEA have a process for ensuring that all measures that are included in determining performance levels are valid measures, meaning measures that are clearly related to increasing student academic achievement and school performance, and are implemented in a consistent and high-quality manner across schools within an LEA?
 - (ii) For grades and subjects in which assessments are required under ESEA section 1111(b)(3), does the SEA define a statewide approach for measuring student growth on these assessments?

- (iii) For grades and subjects in which assessments are not required under ESEA section 1111(b)(3), does the SEA either specify the measures of student growth that LEAs must use or select from or plan to provide guidance to LEAs on what measures of student growth are appropriate, and establish a system for ensuring that LEAs will use valid measures?
- d. Evaluate teachers and principals on a regular basis?
- e. Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development?
 - *Will the SEA’s guidelines ensure that evaluations occur with a frequency sufficient to ensure that feedback is provided in a timely manner to inform effective practice?*
 - *Are the SEA’s guidelines likely to result in differentiated professional development that meets the needs of teachers?*
- f. Will be used to inform personnel decisions?

3.B ENSURE LEAs IMPLEMENT TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

- 3.B** Is the SEA’s process for ensuring that each LEA develops, adopts, pilots, and implements, with the involvement of teachers and principals, evaluation and support systems consistent with the SEA’s adopted guidelines likely to lead to high-quality local teacher and principal evaluation and support systems?
- *Does the SEA have a process for reviewing and approving an LEA’s teacher and principal evaluation and support systems to ensure that they are consistent with the SEA’s guidelines and will result in the successful implementation of such systems?*
 - *Does the SEA have a process for ensuring that an LEA develops, adopts, pilots, and implements its teacher and principal evaluation and support systems with the involvement of teachers and principals?*
 - *Did the SEA describe the process it will use to ensure that all measures used in an LEA’s evaluation and support systems are valid, meaning measures that are clearly related to increasing student academic achievement and school performance, and are implemented in a consistent and high-quality manner across schools within an LEA?*
 - *Is the SEA’s plan likely to be successful in ensuring that LEAs meet the timeline requirements by either (1) piloting evaluation and support systems no later than the 2013–2014 school year and implementing evaluation and support systems consistent with the requirements described above no later than the 2014–2015 school year; or (2) implementing these systems no later than the 2013–2014 school year?*
 - *Do timelines reflect a clear understanding of what steps will be necessary and reflect a logical sequencing*

and spacing of the key steps necessary to implement evaluation and support systems consistent with the required timelines?

- *Is the SEA plan for providing adequate guidance and other technical assistance to LEAs in developing and implementing teacher and principal evaluation and support systems likely to lead to successful implementation?*
- *Is the pilot broad enough to gain sufficient feedback from a variety of types of educators, schools, and classrooms to inform full implementation of the LEA's evaluation and support systems?*

PRINCIPLE 3 OVERALL REVIEW

Is the SEA's plan for the SEA's and LEAs' development and implementation of teacher and principal evaluation and support systems comprehensive, coherent, and likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?

OVERALL EVALUATION OF REQUEST

Did the SEA provide a comprehensive and coherent approach for implementing the waivers and principles in its request for the flexibility? Overall, is implementation of the SEA's approach likely to increase the quality of instruction for students and improve student achievement? If not, what aspects are not addressed or need to be improved upon?