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No Child Left Behind Waivers

Promising Ideas from Second Round Applications

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with Glenda Partee and Theodora Chang

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Center for American Progress



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Introduction and summary

The Obama administration has offered states the chance to waive some requirements of the No Child Left Behind Act in recognition that parts of the law are dated. States are required, however, to make specific reforms in exchange for increased flexibility.

Waivers are needed because No Child Left Behind is broken in significant ways. The law lacks focus on college and career readiness. The law identifies schools as “in need of improvement” whether they missed achievement targets by a little or a lot. It also prescribes lockstep interventions for those schools, which are not working as well as they could and are not always tailored to the context of the school. Further, the law ensures teachers have credentials to enter the profession but does not ensure they are effective instructors.

Congress must ultimately revise No Child Left Behind to address these problems permanently. Lawmakers have taken some steps to do so but have been stymied by partisan gridlock. With little prospect for bipartisan cooperation in sight, the Obama administration is wise to take action now to ensure states, districts, and schools move forward with education reform while receiving the flexibility they need.

We reviewed applications submitted for the second round of waivers by 26 states plus the District of Columbia to identify what changes states propose to make compared to current law and practice. The Department of Education has approved 22 of the second round proposals at the time of publication and is working with the remaining states to revise their applications. We identified recurring themes and highlighted promising or innovative proposals across all plans, both approved and pending. We also raised questions or concerns where applicable. Overall, we found that states are proposing significant reforms compared to what was required or practiced under No Child Left Behind.

Ours is not an exhaustive or comprehensive analysis. The Department of Education has already reviewed applications in detail and made judgments on the

merits of each. We took a qualitative look across all applications to see what states are doing and to bring attention to interesting or innovative ideas. A few findings emerged from this review:

- **Most states have changed and would change their policies and practices significantly from those under No Child Left Behind.** Change has come as a result of various motivations and has led to some improvements and deliberate shifts in policy, several of which are captured by the waiver applications.
- **The waiver process itself did not appear to stimulate new innovations aside from accountability, but was an opportunity to articulate a new vision for reform.** A number of changes in each state are already underway and in various stages of implementation, but the application process prodded states to articulate a comprehensive plan for improving education.
- **States have proposed interesting and promising ideas in each principle area.** Some states are pushing new ideas, many of which are promising or innovative, by ensuring all students graduate college and career ready, developing differentiated accountability systems, and improving teacher and leader effectiveness.
- **Very few states proposed detailed plans for reducing duplication and unnecessary administrative burden on districts and schools.** The goal of the federal flexibility package is to offer needed relief to states; states could benefit from doing the same for their districts and schools.
- **Very few states detailed how they would use their 21st Century Community Learning Center funding to increase learning time.** About half the states rejected the opportunity for additional federal funding to lengthen the school day, week, or year and those that indicated that they would accept the funding offered little detail on how they would utilize the extra dollars.
- **States are using various sources of funding to implement their plans.** States do not receive new money under the waivers. As a result states demonstrated a willingness to pursue new reform without additional funding.

In the pages that follow, we outline themes across state applications in the major priorities laid out by the Department of Education—college- and career-ready standards, differentiated accountability systems, and supporting effective instruction and leadership. The fourth principle, reducing duplication and burden,

received scant attention in state applications, and as such is not covered in detail in this report. Our report concludes with recommendations for states and the Department of Education, summarized below.

1. **States should be treated as laboratories of reform that set the stage for eventual reauthorization of the Elementary and Secondary Education Act.** Both successes and failures of waiver reforms can and should inform how the act is reauthorized.
2. **The Department of Education should ask for, and states should offer, more detail on aspects of state plans.** We call on states to provide better, clearer information on how they will ensure students have equitable access to effective teachers; how their school rating system is linked to their annual goals; how they will ensure districts and schools engage in comprehensive approaches to school turnaround; how they will increase learning time; and how they will reduce duplication and administrative burden on districts and schools.
3. **The Department of Education should establish a clearinghouse to document and share tools, strategies, and lessons of implementation.** In this way states and districts can learn from the successes and challenges faced and overcome by other states and districts.
4. **States should learn from other states, either by joining consortia or replicating successful practices.** States should consider forming partnerships or consortia with other states to build infrastructure as a group, as opposed to taking on an entire reform alone.
5. **The Department of Education should increase its staffing and capacity to oversee and enforce implementation of waiver plans.** The sheer variety and complexity of state plans, compared to No Child Left Behind, means the department will need to build capacity to ensure states turn their plans into reality.
6. **States should implement their plans as part of a coherent strategy—with clear goals, mid-course corrections, and consequences for failure to make progress.** Any of the innovations discussed in this report will fade quickly if they are not implemented with fidelity and persistence as part of a coherent approach to improving the K-12 education system.

Waivers and innovation: Who, what, why

When the No Child Left Behind Act was passed in 2002, mobile phones were bulky, and most laptops connected to the Internet through an excruciatingly slow dial-up connection. Today landlines are quickly becoming a thing of the past, and 94 percent of smartphone owners ages 18 to 29 use their cell phones to go online instantly.¹

More than a decade after No Child Left Behind was passed, advances in technology have paved the way for an increasingly interconnected, globally competitive environment. Advances in technology are just one example that encapsulates the transformed environment in which we live today. Likewise, high school graduation is no longer the key indicator of success that it once was. Students must now acquire the knowledge and critical thinking skills that enable them to compete on an international scale. Yet the system of teaching and learning is largely the same as it was in 2002.

Federal policy has not kept pace with the speed of innovation. In spite of several attempts, Congress has not been able to reauthorize No Child Left Behind. But this failure on the part of federal lawmakers has not prevented some states from moving ahead. Many states, for example, developed ways to measure student growth and teacher effectiveness. And a bipartisan group of state officials developed college- and-career ready standards known as the Common Core State Standards, which have been adopted by 45 states and the District of Columbia.

Even with these promising education reforms there still exists a need to update federal education law and to spur further innovation. Thus, the Department of Education is offering states flexibility from 10 outdated parts of No Child Left Behind, as outlined in Appendix A. In turn, states must reform their education systems following four key principles, which are described in greater detail in Appendix B:

- **Adopting college- and career-ready standards.** States must adopt and implement higher standards in at least reading and math, along with assessments that measure student growth in those subjects. States are still required, as they were under No Child Left Behind, to administer the new assessments in at least read-

ing and math in grades three through eight and once in high school. They must also adopt English language proficiency standards and report data on how well students perform in college.

- **Creating state-defined accountability systems that reward success and promote improvement.** States must develop new accountability systems based on reading and math assessments, graduation rates, and student growth over time. States are required to set annual goals for schools, rewarding those that achieve them and providing support and interventions for those schools that do not. States must focus improvement efforts on the bottom 15 percent of schools in the state, but they must also provide some assistance to every school.
- **Supporting effective instruction and leadership.** States have to adopt teacher and principal evaluation systems based on multiple factors with student growth being a significant factor. Results should then be used to improve instruction, provide useful feedback, and inform professional development and personnel decisions.
- **Reducing duplication and administrative burden placed on districts and schools.** States must assure that they will evaluate and revise administrative requirements to reduce duplication and unnecessary burden on districts and individual schools. This principle unfortunately received very little attention in state applications, which we discuss later in the findings and recommendations section of this paper.

The aforementioned reforms reflect significant changes from the requirements of No Child Left Behind. Let's examine in turn how the new state reforms differ from the earlier requirements of No Child Left Behind.

- **Standards and assessments.** No Child Left Behind required states to set high standards and administer assessments in at least reading and math in grades three through eight and once in high school. States were free to decide what standards and tests entailed, and few aligned them with college or career expectations. This resulted in 50 separate sets of standards with 50 different state assessments that varied in clarity and rigor. Some states responded by weakening their standards so it would appear that more students were proficient in reading and math.
- **Accountability systems.** No Child Left Behind required states to annually increase the percentage of students obtaining proficiency on state assessments, in

order to ultimately reach 100 percent proficiency by 2014. Districts then administered escalating interventions for every school failing to make adequate progress. The law also identified schools as “in need of improvement” whether they missed achievement targets by a little or a lot and prescribed lockstep interventions for schools that were frequently not tailored to the context of each school.

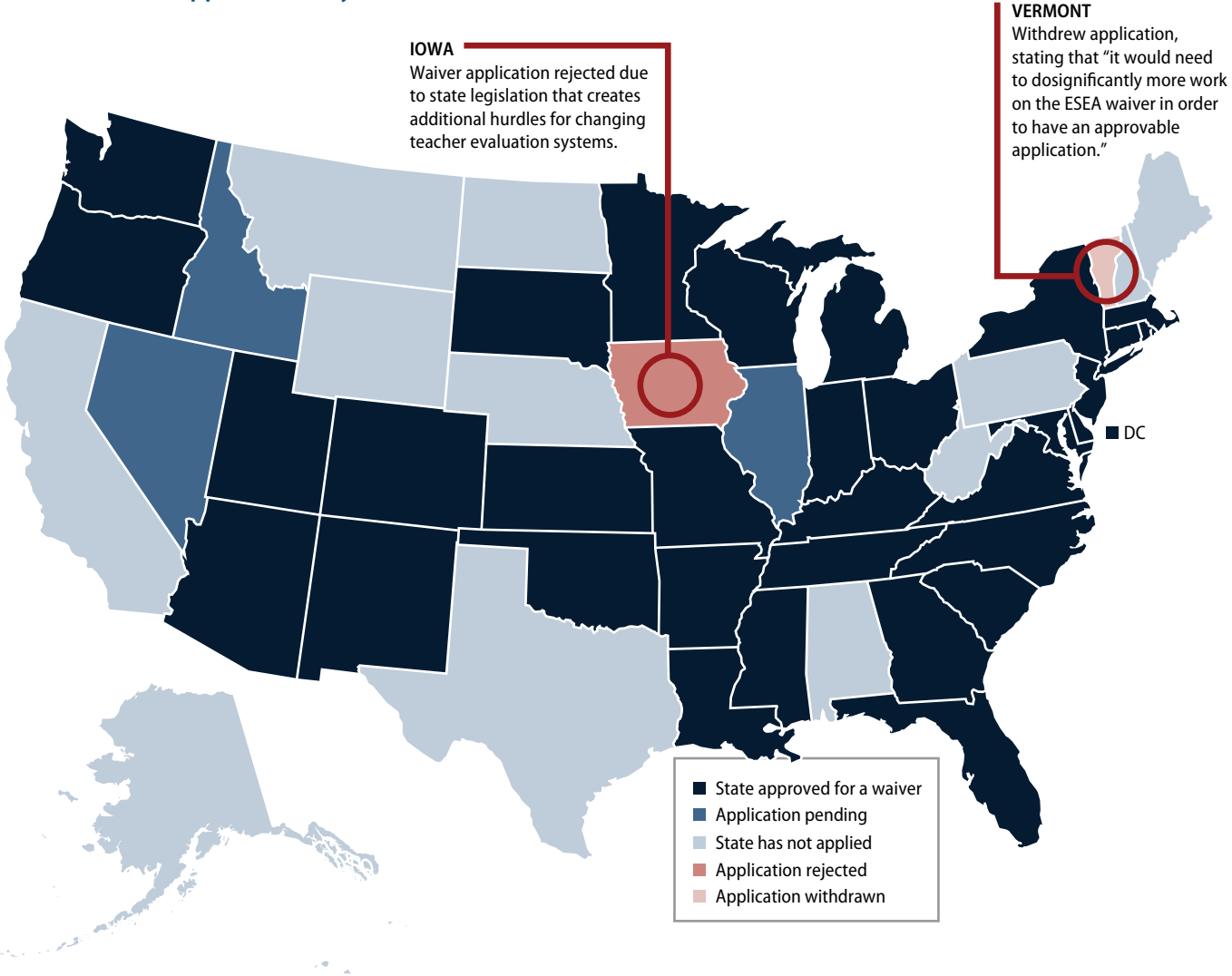
- **Teaching and leadership.** No Child Left Behind required core academic teachers to obtain specific credentials in order to be deemed “highly qualified,” and states had to ensure poor and minority students had equal access to experienced and qualified teachers. It ensured that teachers had credentials to enter the profession and teach in a school, but did not ensure that they were actually effective with students in the classroom. The law also said little about school principals.
- **Duplication and burden.** No Child Left Behind said little about this issue, which is a relatively new focus in federal policy. We commend the Department of Education for including this in the flexibility package but lament that it did not ask states for detailed information, and that few states took the initiative to fully discuss this topic.

In order to address the deficiencies in No Child Left Behind, the Department of Education is granting waivers for two years, after which states may reapply for an additional two-year waiver. Given the significant changes states have proposed in some areas, observers and advocates will need to keep a close eye on implementation and progress of state proposals to ensure states live up to their promises. And the Department of Education must require a high level of detail and thoughtful plans for implementation before approving additional applications. The opportunity for relief from No Child Left Behind is not a free pass from the law, but rather a chance for states to improve their systems in ambitious but achievable ways.

Eleven states submitted applications in November 2011 during the first opportunity to apply for a waiver. All 11 applications were eventually approved.² In February 2012 states had a second opportunity to apply for a waiver, and 27 states plus the District of Columbia (herein referred to as a state) submitted applications.³ The Department of Education and a panel of independent peer reviewers examined the proposals and engaged in dialogue with states to improve their plans. The Department of Education then approved 22 applications over the course of several months, as of publication time. Future winners will be announced on a rolling basis. Figure 1 shows a map of approved and pending states.

Congress must ultimately revise No Child Left Behind, originally called the Elementary and Secondary Education Act, or ESEA, to address these problems permanently. Lawmakers have taken some steps to do so but have been stymied by partisan gridlock. With little prospect for bipartisan cooperation in sight, the Obama administration is wise to take action now to ensure states, districts, and schools move forward with education reform while receiving the flexibility they need.

FIGURE 1
Status of waiver applications, by state



Source: U.S. Department of Education, <http://www.ed.gov/eSEA/flexibility>

Methodology

Our first task was to identify *changes* states are proposing as compared to current law and practice. In this case current law means the No Child Left Behind Act, and current practice means what is currently occurring in states as described in their flexibility application. We sought to identify what reforms the waiver process may have spurred or at least occasioned. As described in the following section, states are not necessarily proposing brand new ideas, but they have departed significantly from No Child Left Behind.

Next, we identified themes or common practices across states in the three main principles of the flexibility package.⁶ We examined those themes for innovation, promising practice, and interesting changes. Where applicable, we noted questions or issues of concern. The three main principles include:

1. College- and career-ready expectations for all students
2. State-developed differentiated recognition, accountability, and support
3. Supporting effective instruction and leadership

We then based our criteria on our own policy work, most notably the platform articulated in “A Way Forward: A Progressive Vision for Reauthorizing the Elementary and Secondary Education Act.”⁷ We conducted a thorough review that, in our estimation, yielded valuable information on new or promising directions in state education policy. We used a thumbs up to draw attention to what appear to be new, interesting, or promising plans. Plans that we believe raise questions or concerns are signaled by a question mark.

In the course of our review we read all 26 applications submitted for review in the second round of waiver applications on February 28, 2012. The Department of Education has also released public communications to the winning states, including peer panel review notes and updated applications. We examined these documents as well. Throughout the application process states used the feedback from the peer review panel and worked with the Department of Education to

make their applications stronger. For winning states we based our review on their updated applications as they became available. Because the Department of Education continues to approve applications on a rolling basis, this report is only based on information available up until the time of publication.

We stress that our analysis is neither exhaustive nor comprehensive, but is instead an initial look across state applications, using information available in the public domain. Nonetheless, we are confident that our report contains a useful review of promising changes to current law and practice, and hopefully sets the stage for future analysis.

College- and career-ready standards

The focus on college and career readiness was heightened by Race to the Top, a federally administered competitive grant program that rewards states for proposing significant education reform, including developing and adopting college- and career-ready standards. The waiver application also requires states to implement college- and career-ready assessments and demands that the new standards be fully implemented by the 2013-14 school year with assessments fully implemented the following year.

Standards under No Child Left Behind

When it was implemented No Child Left Behind required each state to have a statewide set of standards and assessments in at least reading and math. It did not, however, establish a level of rigor. This led to 50 sets of standards and 50 different state assessments varying in rigor, clarity, and coherence. This is highlighted by the glaring differences between the percentage of students scoring at or above proficient on state tests versus the percentage of students scoring proficient or above on the only nationally administered test—the National Assessment of Educational Progress.⁸ To avoid having schools labeled as failing under No Child Left Behind’s accountability requirements, some states weakened their standards leading to the oft-used quip, “race to the bottom.”

The charts below show the stark difference between the percentage of students scoring proficient or above on the state test under No Child Left Behind versus the percentage of students scoring proficient or above on National Assessment of Educational Progress in fourth-grade reading and math in 2009. The states below show there is a marked difference in states that did not perform well on NAEP in 2009 (Tennessee), states that were in the middle of the pack on NAEP in 2009 (Delaware), and states that performed higher than average on NAEP (New Hampshire).

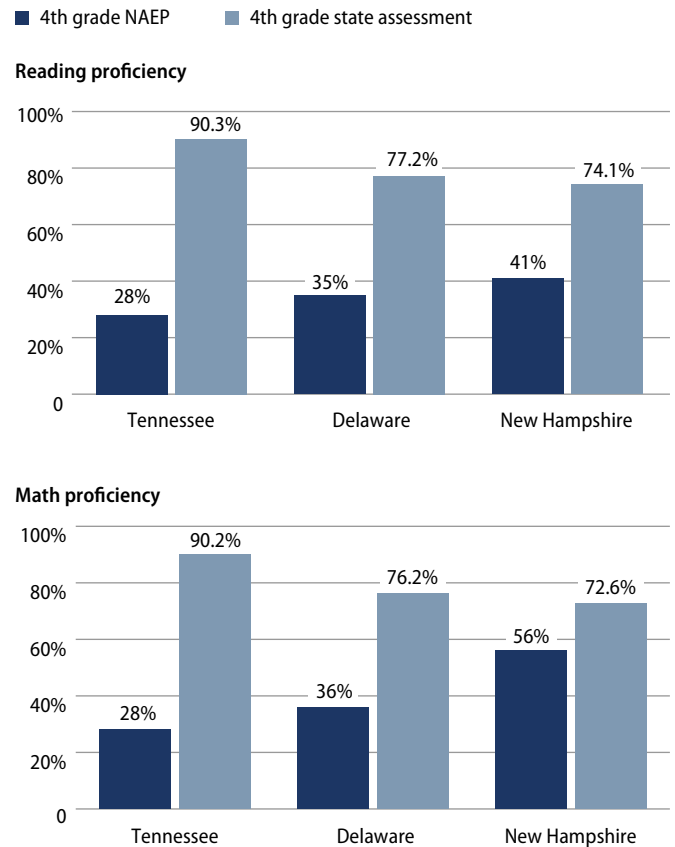
Standards under flexibility

States must focus on college and career readiness for all students to prepare them for the demands of postsecondary education, reduce the need for remediation, or ensure that students have the requisite skills to enter the workforce. This includes adopting college- and career-ready standards, developing a plan to transition to those standards, aligning assessment with the new standards, and increasing access to rigorous courses. States can either adopt common standards or develop their own college- and career-ready standards that have been vetted by the state's institutions of higher education.

Forty-six states adopted the Common Core State Standards in English language arts and math, which were developed by the Council of Chief State School Officers and the National Governors Association. The fact that these standards were developed by a bipartisan group of education experts and advocates, and have been so widely adopted, reflects states' recognition that all students must be prepared for whatever they choose beyond high school, be it entering college or the workforce. High school graduation is no longer the only goal.

FIGURES 2 AND 3

Difference in proficiency scores between state and National Assessment of Education Progress exams in 2009



Source: Federal Education Budget Project, New America Foundation, available at <http://febp.newamerica.net/>

FIGURE 4

Requirements for college- and career-ready expectations under Elementary and Secondary Education Act flexibility

1	Adopt college- and career-ready standards in at least reading and math <ul style="list-style-type: none">• Option A: Adopt standards that are common to a number of states• Option B: Adopt college- and career-ready standards that have been approved in alignment with the state's institutions of higher education
2	Implement the new standards by the 2013-14 school year
3	Adopt and administer assessments that measure student growth in grades three through eight and once in high school <ul style="list-style-type: none">• Option A: The state is participating in one of the two consortia funded by Race to the Top• Option B: The state is not participating in a consortium and has not developed a new assessment system. The state must document its plan for developing an assessment system• Option C: The state has developed and begun administering an assessment system that measures student growth at least once in grades three through eight
4	Adopt English language proficiency standards
5	Annually report the college-going and college credit-accumulation rates for all students and subgroups of students

Our review showed that most states are following a similar path toward ensuring that all students are college and career ready by the time they graduate from high school.

Professional development aligned with the new standards

A number of states are relying heavily on their regional offices and districts to deliver professional development tied to the new standards. Others are hosting or presenting at conferences, webinars, and video and in-person trainings to instruct educators in the new standards. Some states propose using the train-the-trainer model where district representatives are trained and then share what they learned with others in their district. Others suggest that the more direct face-to-face training approach be used. Teachers need coaching on how to develop students' higher-order thinking, such as critical thinking skills, communication, and collaboration. In some cases teachers themselves will need to develop a deeper understanding of the content.



Implementation of the more rigorous standards began in most states in 2010 after adopting the Common Core State Standards, and consequently a portion of the work is complete. Even though states are already well on the way to full implementation, it is unclear whether the trainings are adequately preparing teachers and administrators. The success of the Common Core State Standards rests on how well they are taught, and each state must monitor regional and district professional development to ensure teachers are teaching to the new standards.

All teachers prepared to support English language learners

It is increasingly likely that all general teachers will have English language learners in their classrooms at some point in the future, yet most states only provide training and support to language specialists, English as a second language teachers, and bilingual teachers.⁹ This is despite the fact that about 10 percent of students are English language learners, and that figure is growing.¹⁰ Mainstream teachers need preparation and training on how best to work with English language learners since they will inevitably find these students in their classrooms.



All educators in **Arizona** are required to obtain an endorsement in Structured English Immersion training. The endorsement is now part of all teacher-training programs. The Structure English Immersion training includes various aspects of educating including data analysis, assessments, and parent communication. The state cites “highly qualified and trained teachers” as part of the package of strategies leading to better English language learner results.



In **Missouri** the state department of education is taking steps to ensure the English language learner perspective is included in all preparation and trainings. English language learners and general education teachers will take part in trainings focused on the language development of these students and ensuring English language learners are college and career ready. **Connecticut**, too, is providing trainings for general educators, administrators, and district staff on instructional strategies for English language learners.



Most states did not include plans to train general educators on ways to best support English language learners aligned with the Common Core State Standards. We caution these states as recent increases in immigration have shifted the demographic makeup of schools. All teachers and administrators must be prepared to work with English language learners.

New state department focus on college and career readiness

The implementation of standards touches various aspects of teaching and learning, including: awareness of the differences between the old and new standards; professional development geared towards the new standards; alignment with the teacher-evaluation system; assessments that accurately measure the new standards; developing new curriculum; potentially reallocating funding; and coordinating with institutions of higher education. Offices within state education agencies tend to be separated by function, focusing on one issue with little intraoffice communication.¹¹ Thus it is difficult to develop a coherent strategy around the goal of college and career readiness.

Recognizing this problem some state agency chiefs have begun—and others are proposing—to streamline the agency and refocus around certain goals. This is quite an impressive task and involves a complete organizational restructuring along with changing the way the agency has conducted business for decades. The result could lead to better coordination of services and an agency that is more efficient at supporting districts to achieve the goal of college and career readiness for all students.



In January 2012 **Connecticut** embarked on reorganizing its state education agency, including creating a new position—the chief academic officer—whose primary role is overseeing the state’s transition to the Common Core State Standards. The chief academic officer will coordinate the implementation of the new standards with other pertinent state agencies and districts, as well as other states. Coordination is essential to a successful transition to the new standards both within the department and across the state. It allows the chief academic officer to help build capacity for implementation, and share and promote best practices.



Before the waiver application pushed states to focus more intentionally on the needs of students with disabilities, **Louisiana** worked to raise achievement of students with disabilities starting with the agency's reorganization in 2010. Rather than all disability staff working in one federal compliance office, special education professionals were placed in goal offices throughout the agency. Goal offices reflect each of the state's main goals, such as literacy; science, technology, engineering, and math; and college and career readiness. This infrastructure will allow the agency to better serve students with disabilities going forward, including providing the necessary resources to support the implementation of the new standards.



Most states established some kind of taskforce bringing together relevant representatives from various agencies. While these task forces play an important role in planning for and executing the implementation of the new standards, reorganizing the state education agency institutionalizes the focus on better teaching and learning under the more rigorous standards.

State funding for rigorous courses

In the waiver application states were asked how they plan to increase access to college-level courses such as dual enrollment, since too often students do not have access to rigorous courses at their school. Some states are beginning to think of ways to allow state funding to pay for those courses. More students will have access to rigorous courses if funding barriers are dismantled.



In order to increase access to rigorous programming the **Idaho** state legislature passed a law to allow funding to follow a student to programming they chose outside of school, through Fractional Average Daily Attendance. Typically, this type of funding is distributed to districts based on the average number of students who are in attendance each day, yet does not account for students who are only in school for part of the day. Some students seek credit-bearing courses outside of the traditional school. Beginning in the 2012-13 school year portions of this funding can follow students if they decide to take courses outside of regular school programming, such as online or dual enrollment

courses or classes in neighboring districts. State funding can be divided between the district and other programming the student chooses to attend.



Louisiana is streamlining existing dual-enrollment programs, including providing financial assistance to students who enroll in dual-enrollment courses at eligible colleges or universities and providing assistance to students enrolled in courses that lead to obtaining an industry-based certification. State funding can now be used towards secondary and postsecondary credit-bearing programs, which will increase access to rigorous courses.

Online courses and dual enrollment are good options when rigorous college-preparatory courses are not available. While increasing access to rigorous courses outside the school is commendable, it is important that states continue to build capacity at the district and school level for rigorous curriculum aligned to the Common Core State Standards that is available at the school. The first step to building capacity at the school level is training or hiring teachers who are prepared to teach rigorous courses. States should also encourage creative ways for schools to provide access to rigorous courses, through collaboration, cost sharing of teachers, virtual courses, and articulated agreements with postsecondary institutions.

Identifying students at risk of dropping out

Each state collects data on every student, such as attendance and grade promotion, and each state has certain requirements a student must meet in order to graduate. Almost all states have developed state longitudinal data systems, yet not all states streamline that data into one database nor do they always share it with educators and administrators across the state. Educators, administrators, and researchers have identified certain factors that may suggest a student is at risk of dropping out, such as grade point average, course failure, absences during ninth grade, and not making the transition from ninth to tenth grade. Early warning systems collect all the data about students in one location making it easier to identify problems and address them before a student drops out. They also go one step further by suggesting possible ways to help those students at risk of dropping out. These systems have great potential to arm teachers with real-time data, allowing the people closest to students to intervene, since schools now need to be accountable for more students achieving to higher expectations and keeping more students on track to graduation.



Beginning in 2011 **Washington** has worked to create the Dropout Early Warning Intervention System, which identifies students at risk of dropping out and suggests interventions to get them back on track.

Washington has created and trained regional data teams and developed data tools and resources. Increasing access to data and training more data specialists will help Washington's teachers and administrators reduce the number of dropouts each year.



In **South Carolina** the Student Potential Performance Snapshot is available at all schools and provides information about low-performing students who are in danger of not advancing or graduating.

Attendance, discipline, and poor performance are just 3 of the 22 indicators tracked since 2006 and used to identify struggling students and those in danger of not completing high school. The Student Potential Performance Snapshot details strategies and interventions for improving performance and getting students back on track.



Virginia, created an Early Warning System in 2009, which uses data collected at the school level—such as attendance, grades, and behavior—to identify students who may drop out and suggest school- and district-level supports for those students. Additionally, the system looks for patterns in the data that might suggest “school climate” issues that contribute to the problems that lead students to drop out. Analyzing school climate issues could be just as beneficial as identifying individual students at risk for dropping out and in addressing school-based factors that negatively affect student learning.

Additional state-specific standards

Those states that adopted the Common Core State Standards have the option of including 15 percent of their own state-specific content standards in addition to the base Common Core State Standards. The Common Core Standards must account for at least 85 percent of standards in each subject area. This 15 percent option allows states to account for local interests. After assessing which of their own standards align with the Common Core State Standards, some states found that their previous set of standards included relevant content standards that were not covered by the Common Core, and were still necessary for student learning.



After finding a high percentage of **Iowa's** standards in both English language arts and math correlated with the Common Core State Standards, the state convened a group of teachers, administrators, and area education agency consultants to decide which, if any, of the unmatched standards to keep. The group decided to keep 12 percent of standards not covered by the Common Core State Standards. **Kansas** too made modifications and enhancements to the Common Core State Standards. These changes count towards the additional 15 percent of content standards.



Alternately, some states have specifically said they will not adopt additional standards. In that case those states will just use the base standards from the Common Core State Standards without any state-specific standards, which is also a deliberate decision. For example, after identifying which standards in English language arts and math did not align with the Common Core State Standards, **Connecticut** convened a group to decide what to do with the standards that do not match. That group decided not to include those standards as part of the additional 15 percent option. **Arkansas** also decided against including additional content, citing the high percentage of correlation between the state's own standards and the Common Core State Standards.

Competency or standards-based report cards

Report cards that communicate interim and/or final grades provide a marker for teachers, parents, and students, but fail to give much indication of a student's progress and true understanding in various subjects. One letter grade or the numerical value that grade represents reflects a student's average level of understanding of the entire curriculum covered in a course. A competency- or standards-based report card would reflect more specific details of proficiency and document what a student truly understands. If a student gets an A on one test, for example, and a C on another test, and the grade on the report card is based on those two tests, the student will earn a B, which does not shed light on the fact that the student mastered one topic, but did not grasp the full breadth of another topic. Since the new college- and career-ready standards demand a switch from memorization and the regurgitation of facts to more dynamic and advanced thinking, report cards should better document true levels of capability and skill.



Some districts in **Connecticut** are already using competency-based report cards for math classes in kindergarten through second grade. The state believes this helps teachers, students, and parents better understand each student's aptitude and helps broaden understanding of the new standards. Connecticut is now encouraging more districts to use the competency-based report cards.



North Carolina acknowledges that letter grades do not offer detailed information on student performance. Starting with the implementation of the Common Core State Standards the state will help districts develop standards-based report cards. The new report cards will shift away from letter grades to identify proficiency levels and advancement, providing both students and parents with more insight on the student's progress.

Differentiated accountability systems

States proposed significant changes to their accountability systems compared to the other principles in the flexibility package. This is natural since the waiver process offered states the most flexibility in this area. For years some states have crafted separate state-level accountability systems alongside a federally required one. As a result some plans are not wholly new even though they diverge from No Child Left Behind. Yet the waiver process occasioned a fresh look at accountability, and because of the breadth of changes, this section contains more concerns or questions than other sections.

Accountability under No Child Left Behind

No Child Left Behind required states to adopt challenging academic standards, administer annual assessments, and hold schools accountable for student achievement in at least reading and math in grades three through eight and at least once in high school.¹² All states were required to annually increase the percentage of students obtaining proficiency on those standards and assessments, with the eventual goal of reaching 100 percent proficiency by 2014. States had to approve district-administered interventions for every school failing to make adequate yearly progress. Interventions escalated in their scope for every year a school missed its yearly targets, ranging from allowing students to transfer to another school and financing supplemental educational services (tutoring) to restructuring schools, replacing staff, or closing and reopening a school under a new management arrangement. Districts were allowed, but not required, to recognize and reward schools that did succeed.

Accountability under flexibility

The Department of Education has invited states to craft new differentiated accountability systems that diverge markedly from No Child Left Behind. States may now alter the goal of 100 percent proficiency, eliminate the requirement for

schools to make adequate yearly progress, and develop their own requirements for interventions in low-performing schools. States must still adopt standards and assessments. And they must still follow federal guidelines for intervening in the lowest-performing schools, but only in the bottom 5 percent of schools known as priority schools. Another 10 percent of schools with large achievement gaps—focus schools—must take some kind of action, but states are free to devise their own remedies. States are now *required* to reward high-performing schools, provide some kind of assistance to all Title I schools, and build the capacity of every school in the state. States are allowed, as they were under No Child Left Behind, to include subjects besides reading and math in their systems. Figure 5 outlines the key accountability requirements for the waiver process.

FIGURE 5
Requirements for state accountability systems under Elementary and Secondary Education Act flexibility

1	<p>Develop accountability system based on reading, math, graduation rates, and student growth</p> <ul style="list-style-type: none"> • Option A: Include only reading and math scores • Option B: Include subjects other than reading and math
2	<p>Set ambitious but achievable annual goals in at least reading and math</p> <ul style="list-style-type: none"> • Option A: Halve the percentage of students not at grade level (proficient) in six year • Option B: Ensure 100 percent of students are on grade level by 2020 • Option C: Use a sound method that results in ambitious but achievable goals for all students
3	<p>Adopt and administer assessments that measure student growth in grades three through eight and once in high school</p> <ul style="list-style-type: none"> • Option A: The state is participating in one of the two consortia funded by Race to the Top • Option B: The state is not participating in a consortium and has not developed a new assessment system. The state must document its plan for developing an assessment system • Option C: The state has developed and begun administering an assessment system that measures student growth at least once in grades three through eight
4	<p>Recognize “reward schools” that make progress</p>
5	<p>Identify the bottom 5 percent of low-performing schools as “priority schools” and effect systemic change by following federal turnaround parameters</p>
6	<p>Identify an extra 10 percent of schools that have the greatest achievement gaps between student groups as “focus schools” and work to close the gaps</p>

States have proposed significant changes to current law and practice—more than can be covered sufficiently in this report. A number of themes emerged in each category, as well as an interesting move by states to increase accountability for school districts. We examine each in turn.

New subjects and exams

Fourteen second-round applicants plan to add subjects beyond reading and math to their accountability systems. This is not required, and states were already allowed to do this under No Child Left Behind. But states appear to be using the waiver process as an opportunity to include a broader range of subjects by which to assess students and evaluate schools. Many states would include science (11 states), writing (5 states), and/or history or social studies (4 states).¹³



Illinois is the only state that would include English language proficiency exams in its new accountability system, thereby increasing school accountability for the performance of English learners. The state would also include science and ACT exams as a measure of college readiness for high school students.



Connecticut, Idaho, and Ohio proposed to include new subjects but failed to specify what those subjects would be or when they would be added. This could be a welcome move, but the lack of clarity and timeframe is worrisome.

New goals

The Department of Education provided states three options for changing their annual achievement goals, as outlined in Figure 5. Eight states chose Option A, the ambitious “gap cutting” approach, which requires schools to cut in half the gap between current achievement levels and 100 percent over the course of six years. Four states proposed similar goals.¹⁴ This approach has been described as ambitious and achievable based on research spanning 10 states.¹⁵ Arizona is the lone state that chose Option B, getting all students to grade level by 2020.

The bulk of states, however, chose the open-ended option to shape their own goals. This provides states ample flexibility to demonstrate they can derive an equally rigorous approach. According to our review, however, it is difficult to discern if states do indeed meet the high bar. An exhaustive analysis is beyond the scope of this report, but a few examples in the following box illustrate the point.



We commend the eight states that set the goal of cutting in half their achievement gap for all students and each subgroup over six years—**Arkansas, Delaware, Illinois, Maryland, North Carolina, New York, Rhode Island, and Washington.**



Iowa would ask all schools to score an 85 percent on an achievement index within 10 years. The index would include multiple factors, a somewhat complicated scoring formula, and would not necessarily indicate 85 percent of students are achieving goals. It is thus hard to discern if 85 percent is indeed a lofty goal.



It is difficult to even understand **Nevada's** goal. Its goals would vary for proficiency, growth, and college- and career-ready categories. The goals would be calculated by norming performance on 2011 state assessments and awarding maximum points for schools that then achieve at the 95th percentile in subsequent years. Of course, if state performance was low in 2011, being at the 95th percentile does not necessarily indicate rigor.

New school rating systems

States under No Child Left Behind rated schools based on whether or not schools met their annual goals. Arkansas, Delaware, and New York would continue this practice in some form with waiver authority.¹⁶

Most states, however, would only partly rate schools based on annual goals, using a constellation of other factors to make accountability determinations. We noted concerns about this bifurcation in a previous report on the first round applications because it can cause confusion and potentially draw focus away from achieving the ambitious goals states have set.¹⁷ We discerned no alignment between goals and school ratings in Louisiana, Missouri, Oregon, and possibly Nevada.¹⁸ North Carolina,

by contrast, specifically discussed how it would align its goals and school ratings systems, and school grades would be directly tied to their performance on goals.

Many school rating systems are also complex. Nine states proposed giving schools letter grades or stars so that the ratings were clear to educators and the public.¹⁹ But many states have set elaborate, complex formulas for deriving those school ratings. Louisiana is an exception, as the state will pare back the number of school rating factors in order to “return to a focus on proficiency.”²⁰ Within the formulas, some states would give schools credit for partially meeting benchmarks, a laudable attempt to reward progress. But states like Missouri would give schools credit even when students achieve below their targets, and Rhode Island would grant credit even if a school had zero percent of students achieving a performance goal or made negative growth—innovations that do not appear to advance student achievement.

All states would rate schools using student-growth measures in addition to proficiency scores in reading and math. This is a significant departure from No Child Left Behind. About half the states would include growth scores in subjects other than reading and math. Some, like Ohio, would include scores for school-level growth in addition to student-level growth. These are welcome moves to accurately capture the progress that schools and students are making, even if they do not hit their specific proficiency target.

In terms of other factors, states such as Illinois, Louisiana, and North Carolina would include college- and career-ready measures for high schools, usually through use of ACT scores. South Dakota would eventually make 20 percent of a school’s rating based on the percentage of its teachers and principal that scored well on new evaluation systems.



We think it is commendable that nine states would give schools letter grades or one to five stars in order to clarify for educators, students, and the public what their school rating means.



We commend **North Carolina** for making clear how it would closely align its school ratings system with its annual goals.



Utah’s rating system is clear and simple. School ratings would be based half on achievement and half on student growth.



We discerned no alignment between goals and school ratings in **Louisiana, Missouri, Oregon**, and possibly **Nevada**. We are concerned that these states and others have not made a clear case why their goals and rating systems should diverge or if their rating systems are sufficiently aligned to their annual goals.

Treatment of student subgroups

Five states—the District of Columbia, Iowa, Maryland, New York, and Ohio—proposed including student subgroups for most, if not all, accountability decisions.²¹ But most states would combine them in some way into so called super subgroups rather than counting each individual group. States have purportedly taken this step to capture more schools in their accountability system due to overly large “n-size” regulations. (Under No Child Left Behind, states set a numerical threshold, or n-size, that subgroups must reach in order to be counted in accountability systems.) A number of states made data-based cases that they would indeed capture more schools. Utah, for example, showed that lowering its n-size from 30 to 10 students would only capture 62 percent of schools, while creating a super subgroup of below proficient students would capture 90 percent. This approach, however, certainly begs the question as to why states do not significantly lower their n-size as well as create super subgroups, especially in light of concern from many civil rights groups and advocates that lumping subgroups together will diminish focus on each group.²²

States also vary in how they would act on student subgroup information, though every state is required to report the performance of every group. Some states include subgroup information in their school rating systems, while others would only use performance of the all students group. Therefore, regardless of reducing n-sizes or combining subgroups to capture more schools, we remain concerned about how or if interventions and supports will be targeted to historically disadvantaged students.

Illinois, for example, would not include Asian students in its super subgroup, a move that appears to be based on the general trend of high performance among Asian students. Yet researchers have noted that the umbrella Asian subgroup often masks the underperformance of certain students within the category.²³ This would include recent immigrants, refugees, English language learners, and certain historically challenged groups such as Hmong students. Hmong, Laotian, and Cambodian students have a 35 percent dropout rate.²⁴ By removing the Asian subgroup, states such as Illinois will no longer be holding districts and schools directly accountable for the performance of these particular students.



Illinois would lower its “n-size” from 30 to 15 students and then only use a super subgroup for schools with groups of students under the “n-size.” **Nevada** would also only employ a super subgroup in schools with groups below the “n-size.” **Iowa** would lower its “n-size” from 30 students at the school level to 10 students at the district level, so that more schools would be included.



In **Arkansas** subgroup performance would be used to identify focus schools but not priority schools. **Iowa** would only label a school as “focus” if every single subgroup was underachieving.



Illinois would create a super subgroup but not include Asian students.

Rewarding progress

Second-round states proposed similar ways to reward highly rated schools, both for achievement and growth. Rewards tend to include public recognition and a financial award. A number of states, such as Nevada, would grant high-flying schools more autonomy or reduce administrative requirements. Some states would ask reward schools to share information on how they achieved success with other schools in the state. We were particularly drawn to the idea proposed by a few states of connecting high-performing schools with low-performing schools. Most states would simply ask reward schools to share information. But other states proposed more promising ideas.



Iowa would ask reward schools to host teams from low-performing schools.



Connecticut would pay top educators from reward schools to serve as improvement coaches in low-performing schools, that is, in the state-achievement zone.

Turning around low-performing schools

States proposed a variety of approaches to turning around low-performing schools, almost all of which would move away from current strategies required by No Child Left Behind—school choice and supplemental educational services (tutoring). But their proposals often lacked detail or important quality controls that could strengthen the execution of turnarounds. A few themes and proposals merit mentioning.

First, 24 states would require priority (the lowest-performing) schools to undergo a battery of diagnostic assessments or a needs analysis to determine why they are underperforming and then to design interventions based on those findings. Twenty-five would do the same for focus schools (schools with large achievement gaps). Some states would continue to require priority schools to implement one of the four federally defined turnaround models, while several would augment those or create new ones.

Second, most states appear to identify such schools on a two-year cycle, the life of the waiver. A few states, though, would stretch that to three or four years. Kansas, on the other hand, would identify priority and focus schools every year, while Louisiana, Maryland, New York, and Washington would identify focus schools annually. We commend these states for identifying and acting on underperformance on a yearly basis, and we call on other states to more closely follow their lead.

Third, many states would utilize outside organizations or external partners to assist districts and schools with the improvement process. Some would require an outside partner for priority schools while making it an option for focus schools,

and some states like Virginia would create a pre-approved list of providers from which districts can select.

Last, good practice in school turnaround has demonstrated that states must be clear with districts and schools up front about their expectations for progress, plans for making midcourse corrections, and supports or consequences for schools not making improvement.²⁵ Aside from monitoring, few states spelled out any type of consequences or plan for making adjustments along the way. A few did, as noted in the following box.



Illinois and Louisiana would create or expand state units for school turnaround, invest in regional teams to provide technical assistance, require detailed diagnosis and action in priority and focus schools, and outline clear consequences and supports for schools failing to improve.



Arkansas would set clear expectations, reporting requirements, and consequences for both priority schools and their external providers. **Delaware** would also set clear expectations, reporting requirements, consequences, and supports for persistently low-performing schools. It would also ask focus schools to compete for state funding based on a clearly defined rubric that shows how committed and capable they are to engage in turnaround.



Rhode Island had one of the clearest, most comprehensive turnaround plans. Priority and focus schools must complete diagnostic screenings, gain approval for a selected intervention model, set performance targets—including leading and lagging indicators of progress—and show they have reached at least 80 percent of their targets in order to exit low-performing status. Focus schools that do not make progress with subgroups can fall into priority status and persistently underperforming priority schools lose autonomy and must implement more drastic intervention models within three to five years.



Ohio would help focus schools examine data by subgroup and then train them in strategies to work with those subgroups. But the state shared no detail about what the strategies would entail, who would do the training, how or how often they would train, or what quality controls or accountability measures would be put in place.



Maryland, North Carolina, and Ohio would only identify priority schools every three years, while **Wisconsin** would identify them every four years. **North Carolina** and **Ohio** would only identify focus schools every three years. Waiting three or four years to identify new underperforming schools, in our view, means those schools will fly under the radar for too long.

Holding districts accountable

No Child Left Behind did not require a comprehensive approach to district-level accountability, but many states would use their waiver to move in this direction. Twenty states would use waivers to set goals for districts and 15 would require action in low-performing districts.²⁶ Many states would take action by administering diagnostic assessments and then crafting a district-level improvement plan—a strategy used in priority and focus schools. Most plans lacked detail, but some states would require or encourage specific interventions.



Connecticut would rate districts using the same achievement index it uses for schools, it would include all districts (not just low-income ones) in the system, and it would place low-performing districts into a statewide achievement zone where districts lose autonomy but could regain it by improving their performance.



Illinois outlined strategies it would take in struggling districts, including a review of the superintendent's performance and possible removal.



New York would first identify focus districts and then identify focus schools within those districts. Districts with priority schools would automatically become focus districts. Low-performing schools outside such districts would still be supported and held accountable as “Local Assistance Plan Schools.” Focus districts must spend between 5 percent and 15 percent of Title I, Title II-A, and Title III (if the district has low-performing English learners) allocations to identify and act on the underperformance of subgroups.



Oregon would negotiate “compacts” with districts to set annual goals that would vary across districts but put districts on the path to the state-wide “40/40/20 Goal” by 2025. (By 2025 Oregon wants 40 percent of students to earn at least a four-year degree, 40 percent to earn a two-year degree or professional certificate, and the remaining 20 percent to at least graduate high school.) The new chief state school officer will review each compact and can require districts to resubmit goals that he deems too low. Districts making progress may receive increased flexibility or freedom from reporting requirements. For districts that fail to meet goals, the state chief “will engage the district and its board in a discussion of the supports, partnerships, professional development, investments, and structural changes necessary to ensure the needs of students, and the state, are being met.” The variety of goals is not troubling, but the state seems to have little enforcement authority and will rely on the soft power of the chief to influence change. Time will tell how this arrangement works in promoting reform, but it is a significant change from No Child Left Behind to place great focus on district-level goals and accountability.

Supporting effective instruction and leadership

States are building on and altering their teacher and leader systems of support in line with the conditions required under the flexibility package. Many states are working from their federal Race to the Top work or their Teacher Incentive Fund grants to develop, reward, and support effective educators. Others are using lessons from the efforts started under other initiatives such as TAP: The System for Teacher and Student Advancement for creating meaningful teacher evaluations.²⁷ Still others are intensifying reforms that have been spurred by forward-thinking state leaders. Even for those states with little recent movement in this area, the waiver process has occasioned changes.

Because many of the proposed changes are new or evolving, it is difficult to assess their full impact at this time. Of note is the fact that many states are implementing these new evaluation systems simultaneously with the conversion to new student-assessment systems tied to Common Core State Standards. A thorough discussion of these changes goes beyond the scope of this report but it will be important to closely monitor and review these new systems of teacher and school leader effectiveness as they are planned, implemented, and evolved. Within the requirements provided by the Department of Education, states have provided a rich range of proposals.

Instruction and leadership under No Child Left Behind

Under No Child Left Behind all public school teachers of core academic subjects must be “highly qualified” teachers. That is, they must hold a bachelor’s degree; have obtained full state certification; and must have demonstrated subject-matter expertise in each core academic subject taught. States are required to report to the Department of Education on progress toward the 100 percent highly qualified teacher goal. Elementary and Secondary Education Act Title II-A funds may be used to help districts meet these requirements through professional development or partnerships with higher education institutions. States must also ensure that poor and minority students will not be taught at a higher rate by inexperienced or unqualified teachers.

Instruction and leadership under flexibility

If granted a waiver, state education agencies will no longer be required to provide highly qualified teachers improvement plans.²⁸ In fact, many consider this requirement a moot issue as they approach the 100 percent goal for their high-poverty schools or these requirements are already embedded in state law. Instead, states must agree to develop and adopt guidelines for local teacher and principal evaluation and support systems. Additionally, they must continue to ensure equitable distribution of effective teachers and principals. State education agencies must also ensure that local education agencies develop, adopt, pilot, and implement these evaluation and support systems that meet or exceed state education agency guidelines.²⁹

FIGURE 6

Waiver requirements for teacher- and principal-evaluation systems

The Department of Education specifically requires that teacher and principal evaluation and support systems be designed to:

1	Support continual improvement of instruction
2	Use at least three performance levels to meaningfully differentiate performance
3	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
4	Evaluate teachers and principals on a regular basis
5	Provide clear, timely, and useful feedback that also identifies needs and guides professional development
6	Inform personnel decisions

This change in focus, from inputs of teacher quality under No Child Left Behind to evaluation systems designed to support continual improvements in instruction, differentiate educator performance levels, assess effectiveness and professional practice using use multiple measures, provide useful feedback to educators, and inform personnel decisions—all with the express goal of improving student achievement—represents a sea change in federal policy.

A review of the second-round waiver applications shows the various ways the states have set upon this task. Following is a discussion of recurring themes in many of the states' waiver applications. The themes provide insights into the critical decisions at play in the states as they grapple with numerous elements of reform, in almost real time.

Multiple ways to evaluate teachers and principals

For the waiver flexibility, the U.S. Department of Education requires valid measures of student growth and other measures to define educator performance levels. This means that the measures must be clearly related to increasing student academic achievement and school performance and implemented in a consistently high-quality manner across schools within an LEA (local education agency). Each performance level should take into account multiple valid measures, including student growth as a significant factor for all students (including English Learners and students with disabilities), as well

as other measures of professional practice. Measures of professional practice may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys. SEAs (state education agencies) have discretion in determining how student growth is included as a “significant factor” and the other measures an LEA (local education agency) must use in defining its performance levels.

Source: U.S. Department of Education, ESEA Flexibility, October 3, 2011, pp. 31-32.

For states to receive flexibility from No Child Left Behind requirements, they must use multiple, valid measures in determining educator performance levels, including student growth as a significant factor, and “other measures” of professional or instructional practice or performance. States may determine the relative weights of these various measures.

What constitutes student growth as a “significant factor” is not a constant across the states. Further, it must be stressed that measures of student growth are typically based on more than one measure. In many cases states are working to ensure that multiple data elements are used to calculate the portion of each teacher’s evaluation that is dedicated to student achievement (including state assessment tests, where available and appropriate, but also performance assessments of students with disabilities and English language learners; use of student learning objectives/targets; SAT, ACT, Advanced Placement, International Baccalaureate exams; and district developed/adapted assessments, to name a few).

Additionally, “other qualitative measures of instructional practice” may include principal observations, peer observations, self-assessments, alternative student-learning measures (such as portfolios and research papers), student and parent surveys, measures of teacher inputs (such as lesson plans), school-level performance measures (such as graduation rates), and school environment measures, to name a few. Following are examples of how states are recommending and using this range of options in different combinations and weights.



Arizona's Framework for Measuring Educator Effectiveness consists of three required components of which: Thirty-three percent to 50 percent is tied to student quantitative achievement data; an optional 17 percent is tied to school-level and/or system-level achievement data; and 50 percent to 67 percent is aligned to teacher or instructional leader performance. **Delaware** requires five components of teacher effectiveness. The fifth component—student growth, tied to student scores on the state standardized test—can only be weighted as least as high as the other components. **Louisiana** bases 50 percent of the evaluation on student growth and 50 percent on other measures of effectiveness. **Illinois** places indicators of student growth as a “significant factor” at 25 percent of the overall evaluation rating for the first two years of implementation and at least 30 percent of the overall evaluation thereafter.



Connecticut presents a broad combination of components and percentages in their model teacher-evaluation framework. It includes: Forty-five percent based on student-learning indicators, but only half of this percentage can be derived from state assessment data (for teachers in tested grades and subjects) or another standardized assessment (for teachers of nontested grades and subjects). The remaining half is based on other indicators of student learning such as teacher-developed assessments, portfolios of student work, and student learning objectives. Teacher observation and professional practice account for another 40 percent of the total, with feedback from peers and parents, including surveys at 10 percent, and schoolwide student learning indicators or student feedback count for 5 percent.

As states use these packages of measures, learn from their pilot work, acquire multiple years of student growth data, and improve their data analysis and reporting capacity, it is likely that they will adjust various measures up or down depending on their impact on student learning and confidence in the indicators used.

Evaluating teachers in non-tested grades and subjects

All states—though some are just in the beginning stages—are devising approaches for determining or developing assessments applicable to teachers of grades and subjects that are not part of statewide standardized assessments for the purpose of determining student growth and informing local education agencies of valid measures. Typically this involves expanding the portfolio of state assessments to provide

growth data in all grades and subjects, or expanding the portfolio of approved national or locally approved assessment tools that can be validly used.



New York plans to extend its growth/value-added model to its high school Regents exams and expects to add exams for additional subjects such as middle school science and social studies, as well as high school English, so that the growth model impacts at least 50 percent of teachers.



Ohio is designing resource and guidance for measuring growth in nontested grades and subjects, and for principals, so that all educators have data available and are accountable for student growth.



Delaware is identifying external (for example, the state assessment test) and internal (developed by teachers, aligned with specific standards, and correlated with classroom instruction) measures that are comparable and rigorous across schools, local education agencies, and the state. These assessments are designed to provide performance data for teachers as well as growth goals for employees in nongraded and nonsubject areas (such as counselors, librarians, psychologists, visiting teachers, nurses, and preschool teachers, to name a few).

Using technology to improve professional development and teacher performance

The new educator-evaluation systems require building a supportive infrastructure. This means developing the right systems as well as communication strategies. Discussed in the following section is one aspect of this infrastructure—how states are using technology to support teacher professional development and performance as part of the new evaluation systems. A few states are increasing the accessibility of basic information on teachers and principals by providing enhanced access to demographic data.



Arizona has created an Effective Teachers and Leaders Unit that develops “Fast Fact” sheets with 95 data points, including teacher demographic information—for example, qualifications, absences, years of experience, and years at their school—and student demographic and achievement information. These were designed to provide quick and current snapshots of district progress.

Several states plan to improve access to professional-development opportunities by creating management systems that allow teachers to track their progress toward learning goals and plan next steps. Other states expect to leverage technology to help them evaluate teachers and principals.



North Carolina recently developed an online module that guides teachers through the evaluation process step by step with descriptions of each indicator and has almost completed a similar module designed for school administrators. The state also allows teachers to access online professional-development sessions from a Professional Development Repository. State officials anticipate that they will enhance the features of the system so that it will soon be able to suggest customized professional-development opportunities, both live and online, based on a teacher’s observation and evaluation results. In addition principals will be able to track the professional development progress of their teachers.



Delaware has a new Evaluation Reporting System database that allows districts to enter, track, and monitor the status of evaluations that are taking place. Demographic data on educators and licensure is pre-entered into the database. Teacher and principal evaluators enter data for each person evaluated and can record dates of formative or summative observations and conferences, improvement-plan progress and completion, challenges to formative feedback, and final summative ratings and descriptive information. The system also generates reports on the status of an evaluation as it moves from the evaluator to the district office and can automatically aggregate district data into statewide summary reports for federal and state reporting.



Although No Child Left Behind said very little about the importance of principal effectiveness, it appears that the recent movement toward teacher and leader quality has spurred states to think seriously about principal evaluation. **South Carolina** supports two online data systems—one for teachers and one for principals. Though the systems have been in use for several years, the state will use the system to develop principal evaluation ratings for each performance standard for the first time, and will release annual reports on principal performance.

Ensuring students have access to effective teachers

Research underscores the lack of equitable distribution of high-quality teachers within states, districts, and schools. It is not enough to define teacher effectiveness and build better systems to determine teacher effectiveness. The next step is to use this information to ensure that students have access to effective teachers. Evaluation systems that fairly and accurately determine educator effectiveness are important tools but they must have actionable components. One such component is assessing the equitable distribution of educator talent and ensuring that all students, particularly those that need them the most, have access to effective and highly effective teachers. In this regard, many of the state waiver applications are silent. Of those that speak, states provide guidance to their districts, tools for assessing the extent of the problem, and imply stronger measures of accountability and action.



By the 2013-14 school year, local education agencies in **Ohio** with qualifying evaluation systems may use both highly qualified teachers and effectiveness ratings to determine equitable distribution of teachers. By 2014-15, all local education agencies must use effectiveness ratings to determine equitable distribution of teachers as these will replace highly qualified teachers on the Ohio Local Report Card.



Rhode Island will use its data-management system to monitor the distribution of highly effective, effective, developing, and ineffective educators and will use these data to hold local education agencies

accountable for achieving an equitable distribution of teachers and to ensure highly effective educators go to struggling schools. The state has also indicated that every human resource decision³² made in regard to educators in the state—whether by a local education agency or the state education agency—will be based on evidence of the respective teacher’s or principal’s impact on student growth and academic achievement along with other measures of professional practice and responsibility. Rhode Island deserves praise for having stated in their Race to the Top and waiver applications the commitment that no child in the state “will be taught by a teacher who has been rated ineffective for two consecutive years.” This commitment bears watching as do many of the aspirational claims mentioned by other states once the spotlight is removed and other policy priorities take center stage.



Few states outlined plans for ensuring students have access to effective teachers, though the flexibility package requires them to uphold current law in this area. We are concerned that states are not focusing their data systems to inform and monitor local education agency distribution of educators in an equitable fashion or encouraging local education agencies to take actions to remediate imbalances.

Findings and recommendations

Across the applications, both pending and approved, we found a variety of interesting ideas and promising proposals, though few appear to be brand new innovations. The waiver application offers a lens by which to view the state's holistic vision for schools, students, and teachers in the future, and we found many similarities among the applications. The following section lists those findings, after which we propose recommendations for states and the Department of Education.

- 1. Most states have changed or would change their policies and practices significantly from those under No Child Left Behind.** State-level education activity looks very different than it did when No Child Left Behind was enacted. Change has come as a result of various motivations, such as growing economic concerns, national and international comparisons, governors and state legislatures who are increasingly interested in student performance, and federal government-led reforms. The combination has led to some improvements and advances, some of which are captured by the waiver applications and show deliberate shifts in policy.
- 2. The waiver process itself did not appear to stimulate new innovations.** The waiver application became an opportunity to articulate a new, coherent vision for education systems across the areas of standards, assessments, accountability, human capital, and school improvement, and to formally include efforts that were already underway. Most activities described in each waiver application, with the exception of state-developed accountability systems, are already underway. In some cases they are years old. For example, those states that adopted the Common Core State Standards did so in 2010 and are therefore two years into implementation. It is important to remember the reforms addressed by the waiver application are just one slice of the reform action in progress in each state. The waiver application asks states to describe reforms in line with other federal programs, most notably Race to the Top. Even though the majority of reform described in each waiver application is already in progress, the application allows states to articulate a comprehensive plan for improving teaching and learning.

3. **States have proposed interesting, promising ideas in each area.** The waiver application gave each state the opportunity to showcase the amount of reform happening in their state. As detailed throughout this report, states are pushing reform by ensuring all students graduate high school college and career ready, developing their own accountability systems that accurately capture what is happening in each school and in each district, and improving teacher and leader effectiveness.
4. **Very few states focused on reducing duplication and administrative burden for districts and schools, a required principle in the waiver application.** Few states discussed detailed plans for reducing burden and duplication on districts and schools, and we count nine states that said nothing. Many states said that moving to a unified accountability system would reduce burden, but this is hardly a detailed plan or necessarily true if the new system increases requirements compared to the previous ones. The lack of detail is probably due to the fact that the Department of Education did not ask states for detailed information, a missed opportunity as we noted in an analysis of the first round waivers.³³ The goal of the federal flexibility package is to offer needed relief to states. States would benefit from doing the same for their districts and schools.



Some states did go above and beyond and deserve to be noted.

Connecticut already convened a “red tape” focus group, and the governor will convene a “Red Tape Review and Removal Taskforce” in the near future. **North Carolina** contacted every single district to solicit feedback on how they could consolidate or eliminate reporting requirements. **South Carolina** produced a long list of activities it would review to reduce burden, including the textbook and instructional material adoption cycle, the standards development process, web-based data collection applications for teacher and principal evaluations, administrative requirements, and the amount of student testing. The key, of course, is to act on such reviews.

5. **Very few states detailed how they would use their 21st Century Community Learning Center Funding to increase learning time.** Only 14 out of the original 26 second round applicants applied for flexibility to use their existing 21st Century Community Learning Center Funding under Title IV-B for increasing learning time. Without a waiver this funding is restricted to programming dur-

ing nonschool hours, such as voluntary afterschool or summer school activities. That means that just about half the states rejected an opportunity for funding to lengthen the school day, week, or year—a proven turnaround strategy in low-performing schools and required intervention in priority schools.



Unfortunately those states that requested flexibility for their 21st Century Community Learning Center funding did not provide explicit detail on how they would use the funding to increase learning time.

Expanding learning time will only be successful if implemented thoughtfully to incorporate the additional time for academics, enrichment, and teacher collaboration and planning, and states would be wise to utilize all the time they can for planning how to expand learning time.³⁴ Some states—**Delaware, Illinois, Kansas, North Carolina, and Utah**—did little more than check the box at the beginning of the application signifying their request for the flexible use of 21st Century Community Learning Center funds.



New York was the only state to provide detail on how 21st Century Community Learning Center funding will be used to increase learning time. The application states that priority schools, for example, will be able to use 21st Century Community Learning Center funding to expand learning time.

6. States are using various sources of funding to implement waiver reforms.

States were required to develop thoughtful reform plans, but new sources of funding were not part of the award— though districts can repurpose some money previously set aside for school choice and supplemental educational services. Money is a powerful incentive and states demonstrated a tremendous willingness to pursue new reforms without explicit new funding streams. Some waiver reforms are allowable uses of existing funds, such as Title II-A for professional development or using the Title I set-aside for increasing learning time. The states with Race to the Top funds already had a leg up on some of the waiver activities. Yet, other reforms do not have ready-made funding streams. In those instances, states had to repurpose existing funding or seek new funding.

Based on the preceding findings and analysis we make the following recommendations to states and the Department of Education. These recommendations reflect steps each could take in order to enhance and maximize the effectiveness of the new waiver proposals.

- 1. States should be treated as laboratories of reform that set the stage for eventual reauthorization of the Elementary and Secondary Education Act.** States have proposed a variety of changes to their standards, assessments, accountability systems, and workforce policies. These are issues at the heart of No Child Left Behind and thus represent new ways to implement federal law. Both successes and failures should inform how the Elementary and Secondary Education Act is reauthorized.
- 2. The Department of Education should ask for, and states should offer, more detail on aspects of state plans.** We recognize some states are still negotiating with the Department of Education to enhance their applications, but even approved state plans are missing important information. We note those in this report. Thus, we call on states to provide better, clearer information on how they will ensure students have equitable access to effective teachers, how their school rating system is linked to their annual goals, how they will ensure districts and schools engage in comprehensive approaches to school turnaround, and how they will reduce duplication and burden on districts and schools. Further, we call on the Department of Education to require this degree of detail before approving additional applications and in monitoring states whose applications have already been approved.
- 3. The Department of Education should establish a clearinghouse to document and share tools, strategies, and lessons of implementation.** States and districts can learn from the successes realized and the challenges faced and overcome by other states and districts. The Department of Education should also provide guidance on how existing federal funds can support state activities initiated after being awarded a waiver.
- 4. States should learn from other states, either by joining consortia or replicating successful practices.** States are proposing to take on sweeping reforms on an ambitious timeframe. Some states may face steep challenges as they implement new programs and develop new infrastructures under all four of the waiver principles simultaneously. In order to build capacity or address certain reforms faster, states should look to their counterparts for examples of best practice. Additionally states should consider forming partnerships or consortia with other states to build infrastructure as a group, as opposed to approaching an entire reform alone.
- 5. The Department of Education should increase its staffing and capacity to oversee and enforce implementation of waiver plans.** States have come up

with some promising ideas for innovation and have made big promises that deserve to be kept. But the sheer variety and complexity of their plans, at least compared to No Child Left Behind, means the Department of Education will need to build capacity to ensure states turn their plans into reality. While monitoring and compliance were cornerstones of the relationship between the federal government and states under No Child Left Behind, waivers represent an opportunity to redefine that relationship as a partnership based on promoting innovative reform rather than rote compliance.

- 6. States should implement their plans as part of a coherent strategy—with clear goals, midcourse corrections, and consequences for failure to make progress.** Any of the innovations noted in this report will fade quickly if they are not implemented with fidelity and persistence as part of a coherent approach to improving the K–12 education system. They must, therefore, include high expectations for districts and schools about how much progress is required, opportunities for ongoing review and adjustments, and clearly defined actions that will be taken if progress is not made.

Moreover, we hold no illusions that some educators and advocates who oppose these changes will wait for a new administration or the end of the waiver period to dismantle or undermine reforms. States and the Department of Education must ramp up their capacity for oversight. Additionally, states and the Department of Education must move from a compliance-driven approach to a performance-management approach, so that they enhance execution rather than simply monitor for compliance.

Conclusion

States have submitted waiver applications in the second round that show both promising ideas and ideas that raise questions or concerns. Our analysis is a modest and brief snapshot of the proposals—both approved and those awaiting approval—which does more in the way of raising the profile of new reforms than it does in providing definitive answers about the merits of each application. Certainly, we commend these states for re-envisioning their education systems in a transparent way and for engaging in a dialogue with the Department of Education to enhance their plans. But much work lies ahead.

It is abundantly clear that some states need to refine their applications. Others that are already approved must implement their plans with fidelity. We know from past experience that the inertia of the status quo can hinder even the best-laid plans. So we urge the Department of Education to set the bar high as they continue to work with states to strengthen their applications, approve applications, and oversee state implementation. Further, we call on states to provide needed detail and to press ahead on innovations they have begun.

Given the lack of immediate congressional action to reauthorize No Child Left Behind, these state waiver plans will form a foundation for education reform over the next few years. The pressure is on, rightfully so, to ensure such innovations serve the best interest of children and lead to improved student achievement. We will be closely watching to see just how much progress is made.

Appendix A

Flexibility from No Child Left Behind requirements³⁵

1	Flexibility regarding the 2013-14 timeline for determining adequate yearly progress. Current law requires states to ensure 100 percent of students are reading and doing math at grade level by the 2013-14 school year. Each year states set achievement targets that lead to that goal. A waiver would allow states to push the deadline back and to set new yearly goals that are more practical.
2	Flexibility in school improvement requirements. Current law requires schools that repeatedly miss their yearly targets to take federally defined actions to improve with actions becoming increasingly severe each year schools miss their targets. Such actions have not proven effective on a large scale. A waiver would allow states to develop their own schedule and actions.
3	Flexibility in district improvement requirements. Current law requires school districts, like schools, to take federally specified actions when they miss their yearly targets. A waiver would allow states to create their own improvement system for districts.
4	Flexibility for rural districts. Current law allows rural districts some leeway in the use of federal funds. A waiver would increase that leeway.
5	Flexibility for schoolwide programs. Current law allows districts with enrollments of at least 40 percent low-income students to use federal funds for whole school programs. A waiver would allow districts to expand that option to any school that is a priority or focus school (see Appendix B for a definition).
6	Flexibility to support school improvement. Current law sets aside funds targeted to low-performing schools but restricts their use to Title I schools. A waiver would allow districts to more broadly use those funds, but within low-performing schools.
7	Flexibility for rewarding schools. Current law outlines how states and districts can reward schools making progress. A waiver would increase their ability to do so.
8	Flexibility regarding highly qualified teachers. Current law requires that teachers in core subjects have certain credentials to be deemed highly qualified. Districts that cannot or do not meet the requirement must set aside a percent of federal funds in order to improve teacher qualifications. A waiver would allow states and districts to forego these requirements and instead focus on improving how effective teachers are in improving student learning in the classroom. A state would not be exempt, however, from ensuring poor and minority children are not taught at higher rates by inexperienced, unqualified, or out-of-field teachers, a key civil rights protection for disadvantaged students.
9	Flexibility to transfer funds. Current law allows states and districts to transfer funds between various federal programs. A waiver would increase their ability to do so.
10	Flexibility to use School Improvement Grant funds. Current law sets aside funds for improving chronically low-performing schools but only schools eligible for Title I funds. A waiver would allow states more leeway to use that money in priority-schools (see Appendix B for a definition).

Optional flexibility

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| 11 | Flexibility for increasing learning time. Current law provides approximately \$1 billion for improving learning outside of the regular school day, such as afterschool and summer school programs, through the 21st Century Community Learning Centers program. Research and good practice have shown that expanding the school day or year to increase learning time can improve student outcomes. A waiver would allow states to use federal money to increase learning time in addition to providing programming outside the regular school day and year. |
| 12 | Flexibility for making accountability determinations. States and districts would no longer have to decide if both districts and schools made adequate yearly progress. Instead, they would set yearly goals, or annual measurable objectives, for each. Then they would support continuous improvement in those Title I schools and in districts that do not perform well on those goals. |
| 13 | Flexibility for providing funds to high schools. Districts could provide federal resources to low-performing Title I-eligible high schools with graduation rates lower than 60 percent, even if that school did not rank high enough to receive federal funds based solely on its poverty rate. |
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Appendix B

Reforms required to receive flexibility³⁶

<p>College- and career-ready expectations for all students</p>	<p>The Department of Education requires states to:</p> <ul style="list-style-type: none"> • Adopt college- and career-ready standards in at least reading and math • Implement the new standards by the 2013-14 school year • Adopt and administer assessments that measure student growth in grades three through eight and once in high school • Adopt English language proficiency standards • Report annually the college-going and college-credit-accumulation rates for all students and subgroups of students
<p>State-developed accountability systems that recognize success and support schools that struggle</p>	<p>The Department of Education requires states to:</p> <ul style="list-style-type: none"> • Develop new accountability systems based on reading and math, graduation rates, and student growth over time <ul style="list-style-type: none"> • Option A: include only reading and math scores • Option B: include subjects other than reading and math • Set ambitious but achievable annual goals in at least reading and math <ul style="list-style-type: none"> • Option A: reduce by half the percentage of students who are not at grade level (i.e., proficient) within six years • Option B: ensure 100 percent of students are on grade level by 2020 • Option C: use another sound method that results in ambitious but achievable goals for all students • Recognizing “reward schools” that make progress on those goals • Identify the bottom 5 percent of low-performing schools as “priority schools” and effect systemic change by following federal turnaround parameters • Identify an extra 10 percent of schools that have the greatest achievement gaps between student groups as “focus schools” and work to close the gaps • Provide incentives and supports to ensure improvement in all schools not making their yearly goals • Build state, district, and school capacity to improve student learning

<p>Supporting effective instruction and leadership</p>	<p>The Department of Education requires teacher- and principal-evaluation systems that:</p> <ul style="list-style-type: none"> • Are used for improving instruction and meaningfully differentiating educator performance • Use multiple factors to rate educators with student growth being a significant factor • Evaluate educators regularly and provide usefully, timely feedback • Use evaluation ratings to inform professional development and personnel decisions
<p>Reducing duplication and unnecessary burden</p>	<p>The Department of Education requires states to assure that they will evaluate and revise administrative requirements to reduce duplication and unnecessary burden on districts and schools.</p>

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Endnotes

- 1 Aaron Smith, "Smartphone Usage and Adoption," Pew Internet, June 11, 2011, available at <http://pewinternet.org/Reports/2011/Smartphones/Section-2.aspx>
- 2 The Department of Education approved the following waiver application in February 2012: Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, New Mexico, Oklahoma, and Tennessee.
- 3 The District of Columbia is not a state, but it receives federal funding and oversees school districts within its jurisdiction in the same manner as other states. Therefore, this report refers to the District of Columbia as a state. Vermont originally submitted an application but then withdrew it (see endnote 5) so we did not review its application. Thus, we reviewed 25 applications in total.
- 4 Iowa's application was denied on June 21, 2012, but the state is allowed to reapply if it so desires. See Alyson Klein, "Iowa Turned Down for ESEA Waiver," Politics K-12, June 21, 2012, available at http://blogs.edweek.org/edweek/campaign-k-12/2012/06/iowa_turned_down_for_esea_waiv.html.
- 5 On June 3, press reported that Vermont withdrew its application, so we did not include it in our review. We still refer, however, to 27 states in our report. Lisa Rathke, "Vermont Opts Out of No Child Left Behind waiver," Boston.com, June 3, 2012, available at http://www.boston.com/news/education/articles/2012/06/03/vermont_opts_out_of_no_child_left_behind_waiver/?rss_id=Boston.com++Education+news.
- 6 The fourth principle, reducing duplication and burden, did not receive much attention in states' applications. This was probably because the Department of Education did not ask states for detailed information. There was too little information to merit a separate section, but we do discuss some state efforts in the Findings section. Overall, we believe this to be a missed opportunity for states to offer their districts and schools well thought out relief, in the same way they are seeking relief from the federal government.
- 7 Jeremy Ayers and Cynthia Brown, "A Way Forward: A Progressive Vision for Reauthorizing the Elementary and Secondary Education Act" (Washington: Center for American Progress, 2011).
- 8 Although not administered to every student, NAEP is a nationally representative sample.
- 9 Jennifer F. Samson and Brian A. Collins, "Preparing All Teachers to Meet the Needs of English Language Learners: Applying Research to Policy and Practice for Teacher Effectiveness" (Washington: Center for American Progress, 2012).
- 10 National Center for English Language Acquisition, "The Growing Number of Limited English Proficient Students 1998-96/2008-09" (2011), available at: http://www.ncela.gwu.edu/files/uploads/9/growingLEP_0809.pdf.
- 11 Cynthia G. Brown, and others, "State Education Agencies as Agents of Change: What It Will Take for the States to Step Up On Education Reform" (Washington: Center for American Progress, 2011).
- 12 States were required to develop science standards and to begin assessing students on those standards at least once in elementary, middle, and high school, no later than the 2007-2008 school year.
- 13 See Wayne Riddle, "Major Accountability Themes of Second-Round State Applications for NCLB Waivers" (Washington: Center on Education Policy, 2012).
- 14 Ibid. Riddle identifies nine states that picked the gap-cutting measure, but that number includes Vermont, which we exclude from our report.
- 15 Natasha Ushomirsky, Daria Hall, and Katie Haycock, "Getting It Right: Crafting Federal Accountability for Higher Student Performance and a Stronger America" (Washington: The Education Trust, 2011).
- 16 Riddle, "Major Accountability Themes of Second-Round State Applications for NCLB Waivers."
- 17 Jeremy Ayers, "No Child Left Behind Waivers: Are They Ambitious and Achievable?" (Washington: Center for American Progress, 2011).
- 18 We found it very difficult to understand what Nevada's proposed goals are, but they do not appear to be closely linked to their proposed school rating system.
- 19 Riddle, "Major Accountability Themes of Second-Round State Applications for NCLB Waivers."
- 20 Louisiana Department of Education, "Louisiana's ESEA Flexibility Request," (2012), available at <http://www2.ed.gov/policy/eseaflex/approved-requests/la.pdf>.
- 21 Riddle, "Major Accountability Themes of Second-Round State Applications for NCLB Waivers." Student subgroups are those groups of students identified as historically disadvantaged and enumerated under NCLB, including low-income students, students with disabilities, English learners, and students from major racial and ethnic groups.
- 22 Education Trust, "No Child Left Behind Waivers: A First Look" (2012), available at <http://www.edtrust.org/node/2974>.
- 23 See Center on Education Policy, "Policy Implications of Trends for Asian American Students" (Washington: Author, 2010).
- 24 Ibid.
- 25 Jeremy Ayers and Melissa Lazarin, "Incentivizing School Turnaround" (Washington: Center for American Progress, 2011).
- 26 Riddle, "Major Accountability Themes of Second-Round State Applications for NCLB Waivers."
- 27 TAP: The System for Teacher and Student Advancement is a comprehensive school reform system that provides powerful opportunities for career advancement, professional growth, instructionally focused accountability and competitive compensation for educators. It does this through the implementation of four interrelated key elements: multiple career paths; ongoing applied professional growth; instructionally focused accountability; and performance-based compensation.
- 28 U.S. Department of Education, "ESEA Flexibility Request," February 10, 2012, available at <http://www.ed.gov/esea/flexibility>.
- 29 U.S. Department of Education, "ESEA Flexibility: Frequently Asked Questions," October 3, 2011.

- 30 Ibid. The Department of Education recommends, but does not require, including (i) a level reflecting effective performance (to set a clear expectation of effective practice and to inform professional development); (ii) a level above such performance (to recognize, learn from, and retain outstanding educators); and (iii) a level below such performance (to identify those in need of additional support or other interventions).
- 31 Ibid.
- 32 Rhode Island's application states this is inclusive of certification, selection, tenure, professional development, support for individual and groups of educators, placement, promotion, compensation, and retention.
- 33 Ayers, "No Child Left Behind Waiver Applications."
- 34 See Center for American Progress, "Transforming Schools to Meet the Needs of Students: Improving School Quality and Increasing Learning Time in ESEA" (2010); Isabel Owen, "Breaking the Mold: Combining Community Schools with Expanded Learning Time to Help Educationally Disadvantaged Students" (Washington: Center for American Progress, 2010); National Center on Time & Learning, "Time Well Spent: Eight Powerful Practice of Successful, Expanded-Time Schools" (2011).
- 35 U.S. Department of Education "ESEA Flexibility," available at <http://www.ed.gov/esea/flexibility>.
- 36 Ibid; U.S. Department of Education, "ESEA Flexibility Request."

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