



ESEA Waivers and Teacher-Evaluation Plans

State Oversight of District-Designed Teacher-Evaluation Systems

By Kaitlin Pennington

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Introduction and summary

In 2011, President Barack Obama and Secretary of Education Arne Duncan provided states with an opportunity for flexibility from certain requirements under the Elementary and Secondary Education Act, or ESEA, currently known as the No Child Left Behind, or NCLB, Act. A total of 43 states; Washington, D.C.; Puerto Rico; and eight districts in California that are part of the California Office to Reform Education, or CORE—have since received waivers from the U.S. Department of Education.¹

The flexibility process requires states to develop and implement new educator-evaluation systems to help identify effective teachers, as well as those who can benefit from additional supports to improve their instructional practice.² While some states required districts to adopt state-designed evaluation systems, other states gave school districts discretion in designing their own teacher-evaluation systems. Inevitably, one of the challenges those states that offered discretion now face is tracking and monitoring the variety of district teacher-evaluation plans. The capacity for a state department of education to effectively monitor these systems depends largely on the size of the state and the number of districts within that state. The task of monitoring the 545 school districts overseen by the Michigan Department of Education,³ for example, is going to be very different than the monitoring effort undertaken by the Maine Department of Education, which has slightly more than 200 districts, or the Maryland State Department of Education, which is responsible for 24 school districts.⁴

Similarly, states that have large districts may face additional challenges in monitoring the implementation of new evaluation systems. Consider Maryland—as noted above, it only has 24 school districts, but one of those districts, Montgomery County, is one of the largest school districts in the nation, with 202 schools.⁵ Naturally, the challenges of implementing a teacher-evaluation system in Montgomery County will look and be a great deal different than those for a system designed by districts with fewer than 10 schools.⁶

Under the ESEA waiver-granting process, states agreed to certain reforms, such as developing or adopting college- and career-ready standards and teacher-accountability plans that include student-achievement data as a condition of being let out of certain requirements of NCLB. The waiver plans submitted by states seeking flexibility under ESEA are comprehensive and detailed, and implementation of those plans is well underway in the states that received waivers.

As the reforms begin to take hold, it is worth tracking just how states are implementing or adapting their waiver plans. For the purposes of this report, the Center for American Progress reviewed state ESEA waiver plans as they relate to the implementation and monitoring of evaluation and support systems for teachers and principals.

When it comes to teacher-evaluation governance, state departments of education currently offer one of the following three options to school districts:

- A single, statewide teacher-evaluation system
- An opt-out system that presumes that school districts will use the state evaluation model unless otherwise requested by the school district
- A system in which the state provides criteria or outlines requirements for school districts that they must meet when creating their own teacher-evaluation systems

Of the 43 states that have ESEA waivers, 11 school districts plus the District of Columbia Public Schools require a single, statewide teacher-evaluation system.⁷ The remaining 32 waiver states, along with the California CORE districts, leave some discretion to the school districts to design their own systems.

For the states that allow school districts' discretion in the design and implementation of teacher-evaluation systems, there are several approaches that state departments of education are taking in order to hold districts accountable for their evaluation plans in accordance with Principle 3 of the ESEA waivers, which calls for "supporting effective instruction and leadership."⁸ This report identifies several trends in the ESEA waiver plans that further the goal of Principle 3, including the following:

- **Creating new departments within state departments of education or forming partnerships to support teacher evaluation.** Many state departments of education are moving from being mere compliance monitors to taking a more active role in district reform implementation. Because of this, particularly in

the educator-evaluation process, many state departments of education have created new offices or units to increase their capacity to take on the new work. Other state departments of education have formed partnerships with outside vendors to help aid them in this work.

- **Creating state-designed teacher-evaluation cheat sheets for districts.** Many states have created documents for school districts to use when developing teacher-evaluation systems to ensure that locally designed systems align with state evaluation models.
- **Designing and implementing systems to manage district plans that do not align with state requirements.** In some states, if districts do not align with the state model for teacher evaluation, the state will respond to the district with corrections that the district is expected to make prior to resubmitting its proposal. In other states, if districts refuse to report teacher-evaluation alignment and implementation plans, the state will withhold funds to the district.
- **Developing and implementing electronic data systems for approving and/or monitoring district teacher-evaluation systems.** District teacher-evaluation data collection can be a major challenge for state departments of education, particularly states with hundreds of districts to track. For this reason, several states have developed electronic data-collection systems, and many states have partnered with outside organizations in the creation of these systems.
- **Instituting backend accountability for school districts.** In some states, school districts are given the opportunity to develop parts or all of their teacher-evaluation systems without the initial input of the state department of education. However, if at the end of the school year districts are not complying with state law or have failed to meet state expectations around teacher-evaluation implementation by, for example, having a too-narrow range of teacher-evaluation results, the state department of education has the right to take away school district autonomy and begin monitoring those districts more closely.
- **Encouraging peer review of teacher-evaluation proposals between districts.** In some states, the state department of education will help facilitate a peer-review process of locally developed teacher-evaluation systems. This process allows districts throughout the state to know what others are doing in terms of teacher evaluation and provides opportunities for assistance and feedback between districts.

This report also uses detailed case studies to look closely at four states—Indiana, Maryland, Missouri, and Ohio—and the unique structures each has put in place to keep track of locally developed teacher-evaluation systems.

Finally, based on the specifics set out by states in their waiver plans and an examination of how the rollout of teacher-evaluation systems is proceeding in early-adopter states, this report identifies key takeaways—or best practices—for state departments of education and school districts to consider as they head into full implementation of their teacher-evaluation systems.

Methodology

The following analysis of trends in teacher-evaluation systems uses qualitative data collected through a thorough review of the 33 ESEA waiver applications that provide some level of discretion to school districts to design and implement teacher-evaluation systems. The various waiver applications can be found by clicking on each state at the following source: U.S. Department of Education, “Elementary & Secondary Education: ESEA Flexibility,” available at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html> (last accessed April 2014).

Also included in this analysis are several interviews with leaders in state departments of education and in the U.S. Department of Education.