



OLR RESEARCH REPORT

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CONNECTICUT AND THE FEDERAL NCLB WAIVER PROCESS

By: John Moran, Principal Analyst

You asked for a summary of the waiver process for the federal No Child Left Behind Act of 2001 (NCLB), a description of Connecticut's waiver application, and where the state stands in the waiver process.

SUMMARY

Last September, the federal government announced it would provide states with the opportunity to seek a waiver from certain NCLB requirements, including the 2014 deadline for bringing all students to proficiency in reading and math. (NCLB is part of a larger federal education law, the Elementary and Secondary Education Act of 1965 (ESEA).)

The federal government is granting the waivers based on an ESEA provision that allows the secretary of education to waive certain ESEA statutory and regulatory requirements for states that receive funds for ESEA authorized programs.

To be granted a waiver, a state must submit a rigorous and comprehensive state-developed plan designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

According to the federal documents, each waiver request must address the following four principles:

1. transitioning to college- and career-ready standards and assessments;
2. developing state systems of differentiated recognition, accountability, and support;
3. evaluating and supporting teacher and principal effectiveness, and
4. reducing duplication and unnecessary burden.

Connecticut is one of 39 states seeking a waiver. Eleven states were granted waivers in the first round of applications that were due in November 2011. Connecticut's application is due February 28, along with the rest of the states in the larger second round of applicants. (Recently the federal Department of Education (DOE) announced a third submission date of September 6, 2012 for a limited one year waiver.)

The applications will be reviewed by external peer reviewers and federal DOE staff. States will have the opportunity, if needed, to clarify their applications for the reviewers. The reviewers then provide comments to DOE. The education secretary makes the final decision regarding ESEA "flexibility."

As of this writing, the State Department of Education (SDE)'s 80-page completed application has been posted on its website for several weeks to allow for public comment. Comments could be submitted through the web page or at any of four public comment sessions held in February.

The application, with comments, is scheduled to be submitted today (February 28). The application will be peer reviewed March 26-30 with the final decision coming in April.

The federal DOE has application and guidance documents on its web page (see link www.ed.gov/esea/flexibility). SDE has posted its completed application on its web page (see link www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=333862).

FEDERAL WAIVER

The federal waiver allows flexibility for states for 10 NCLB requirements. In addition to waiving the requirement that all students be at least proficient at reading and math by 2014 and substituting other measurable, ambitious goals, the waiver:

1. allows states and school districts with flexible use of certain federal funds;
2. specifically allows use of federal funds in focus schools and priority schools, as these terms are described in the application; and
3. allows broader use of certain teacher-related funds to include developing meaningful evaluation and support systems.

For a more detailed list of the specific federal provisions that are waived and the scope of each waiver see attachment A.

To be granted a waiver, a state must submit a rigorous and comprehensive state-developed plan designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

As part of the application process, states must submit evidence of steps already taken and commitments to take future action by certain dates. For each of the required principles that a state has not yet met, the application must include: (1) milestones to be met to achieve the principle, (2) a detailed timeline of events, (3) identification of the parties responsible for ensuring the activities are completed, (4) evidence, when necessary, to demonstrate progress, (5) necessary state and local resources, and (6) significant obstacles that could hinder progress.

Waiver Principles

Each waiver request must address the following four principles:

1. transitioning to college- and career-ready standards and assessments;
2. developing state systems of differentiated recognition, accountability, and support;
3. evaluating and supporting teacher and principal effectiveness, and
4. reducing duplication and unnecessary burden.

The application specifically provides questions and space for answers for principles 1 through 3. The fourth principle appears to be subsumed in the first three as the application does not provide questions for it or a space for answers.

Principle 1. The state must document that it has adopted college and career-ready standards in at least reading and math that are common to a significant number of states, or that has been certified by a state network of institutions of higher education. It must also provide the state plan for transition to and implementation of these standards no later than the 2013-14 school year. The plan must show how it will help lead all students including English learners, students with disabilities, and low-achieving students to get access to and learn content that matches these standards.

The application must either demonstrate that the state currently administers statewide, aligned, high-quality assessments that measure student growth in reading and math in at least grades three through eight and at least once in high school in all of its public schools or has plans to do so by the 2014-15 school year.

Principle 2. The state must describe how it will differentiate between low performing (“priority”) schools and high performing (“reward”) schools. It must include “focus” schools, which are schools with the largest within-school gaps between high achieving and low achieving subgroups (which may be racial minorities, students who are English language learners, or students with disabilities). The state must provide a differentiated plan that shows how each of these types of schools will be addressed regarding accountability and support in the 2012-13 school year.

The plan must set ambitious but achievable goals (“annual measurable objectives”) in at least reading and math for the state and for all public school districts, schools, and subgroups. The plan must choose from one of the following goals: (1) reducing the number of students who are not proficient by half within six years, (2) bringing all students up to at least proficient, by equal annual increments, by the end of the 2019-20 school year, or (3) providing another educationally sound method that results in ambitious but achievable results.

The application requires the state to be specific about actions for:

1. reward schools, which may be recognized and if possible, rewarded for their success (this could include reducing bureaucratic requirements, i.e., principle 4);
2. priority schools, which are the state’s lowest performing schools must be equal to 5% of the state’s Title 1 schools (Connecticut has 558 Title 1 schools as of the 2010-11 school year); and
3. focus schools, which are equal in number to at least 10% of the state’s Title 1 schools.

The application must describe the process and intervention timeline the state will follow to take the needed improvements at priority and focus schools.

The application must also describe the state's process to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps.

Principle 3. The state must show that it is developing or has developed guidelines for local teacher and principal evaluation and support systems. If the state has not yet adopted these guidelines it must show that it will adopt guidelines for teacher and principal evaluation and support systems that improve student achievement and the quality of classroom instruction. The application must further provide a description of the state's process for ensuring that each school district develops, adopts, pilots, and implements high-quality teacher and principal evaluation and support systems consistent with the state's adopted guidelines. This must be done with the involvement of teachers and principals and include mechanisms to revise and improve the evaluation.

Principle 4. The application does not specifically provide a section to address principle 4, it does make reference to it in the list of assurances to which all applying states agree. The assurances include that the applying state will evaluate and, based on the evaluation, revise its own administrative requirements to reduce duplication and unnecessary administrative burdens on school districts and schools.

CONNECTICUT'S APPLICATION

To view Connecticut's complete application go to SDE's waiver website (see link www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=333862). Below we summarize the state's response for each principle.

Principle 1: College- and Career-Ready Standards.

This section focuses on the State Board of Education's (SBE) adoption of new national academic standards, known as the Common Core State Standards (CCSS), in reading and math that establish what Connecticut's public school students should know and be able to demonstrate as they progress through grades K–12 (more than 30 other states have also adopted the CCSS). The state's application dedicates 25 pages and two appendices to this principle.

The section provides numerous details of actions the SDE has taken regarding CCSS. The actions (1) started before the SBE adopted the CCSS on July 7, 2010 and (2) are to continue for several more years after the application is submitted as the state works to implement these standards at the local level. The detailed table for the CCSS implementation shows 31 separate milestones.

Before the SBE adopted the CCSS, the SDE conducted a standards comparison study that determined that approximately 80% of the CCSS match Connecticut's existing reading standards and 92% of the CCSS match Connecticut math standards.

Although Connecticut districts design their own curricula and instructional programs, they must revise their local curricula to reflect the CCSS because the next generation of statewide mastery tests will be based on those standards. (For more on the state's efforts to adopt the CCSS, see OLR Report [2012-R-0092](#).)

This section of the application also addresses questions of how the new standards will relate to specific populations including English language learners and students with disabilities. It also describes the state's efforts to engage stakeholders, including educational leadership, in the process. For current educators, the state has provided separate reading and math trainings at various content-specific council and association events.

Principle 2: Differentiated Recognition, Accountability, and Support Systems.

The state application describes a differentiated plan that shows how reward schools, priority schools, and focus schools will be addressed regarding accountability and support starting in the 2012-13 school year. The application dedicates 31 pages to this principle.

The application states that the recognition, accountability, and support system it describes in the application is more suitable for Connecticut than the NCLB accountability system.

At the center of SDE's proposed accountability system is a School Achievement Matrix that will score each school on a 100-point scale. The matrix will include measures of student achievement, change in achievement, student growth, college- and career-readiness, subgroup performance, and school climate. Rather than focusing exclusively on math and reading, the new system will hold schools accountable for math, reading, writing and science.

As part of this, the application defines reward schools (high performing), priority schools (low-performing), and focus schools (schools with the largest within-school gaps between high achieving and low achieving subgroups) to conform with application requirements. It details the state's approach to each type of school.

The application refers to a new initiative, the commissioner's network, to address priority schools. The network is a system of intervention options and innovative initiatives for these schools. Senate Bill 24, currently under consideration in the Education Committee, contains a number of provisions related to the commissioner's authority to implement network schools.

The application also details how the state will set ambitious but achievable goals, including for subgroup performance, and establish state turnaround and performance offices to build capacity at SDE to improve student achievement.

Principle 3: Evaluating and Supporting Teacher and Principal Effectiveness.

SDE provides its plan to develop and adopt new guidelines for local teacher and principal evaluation and support systems by the end of the 2011-12 school year. This is addressed in 14 pages of the application.

The application narrative acknowledges that teacher and principal evaluation and support systems are a critical part of SDE's overall plan to ensure equal opportunity and excellence in education for all Connecticut students. Over the past year, SDE has engaged the leadership and expertise of a statutorily-created council of educators, policy makers and advocates – the Performance Evaluation Advisory Council (PEAC) - to develop new guidelines for teacher and administrator evaluation in Connecticut.

SDE cites the following steps that have been taken:

1. PEAC adopted a set of principles to guide the districts in the development of their evaluation systems.
2. PEAC members have also agreed on the design approach for how local school districts may choose to develop their evaluation systems. Districts can design their own based on core requirements or adopt a state model if they are unwilling or unable to design their own.

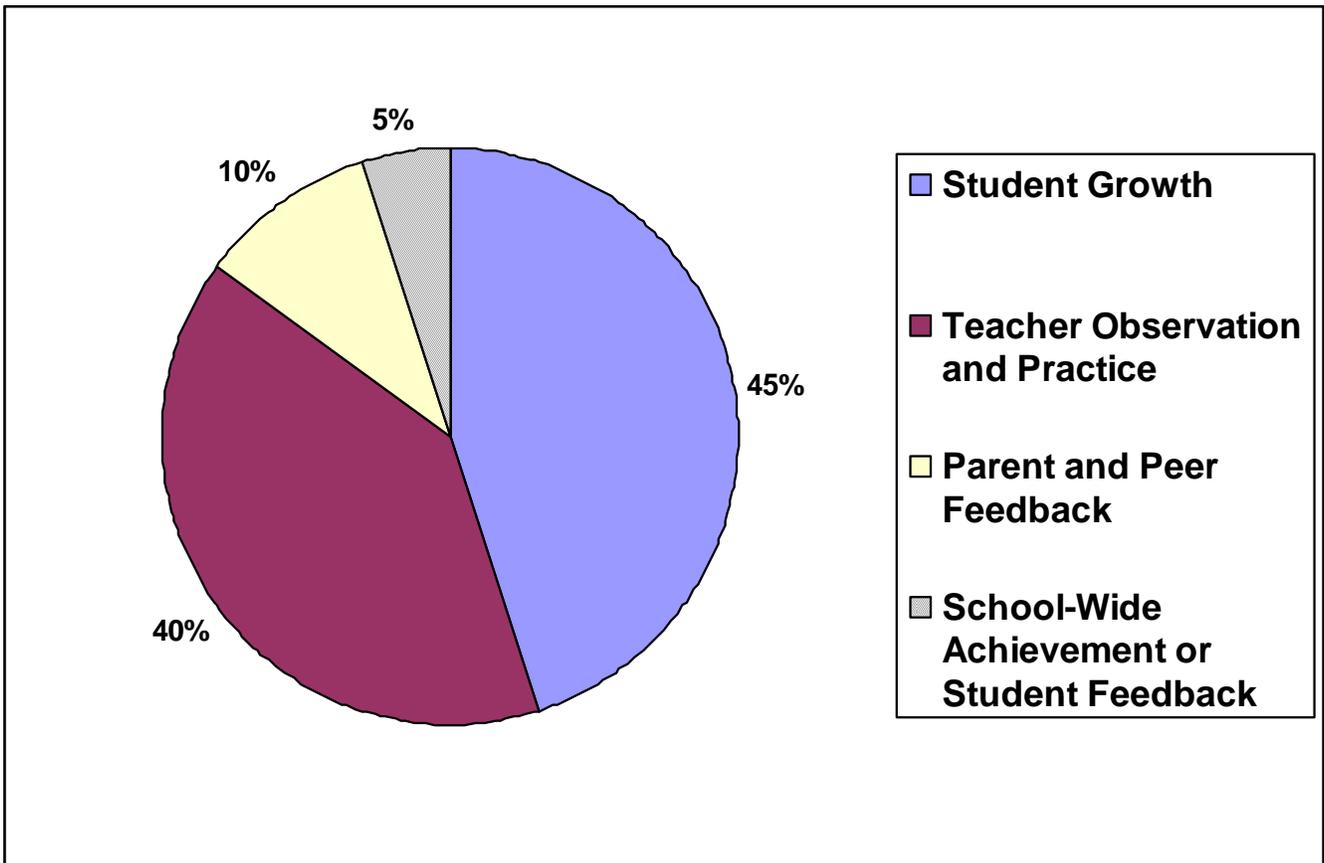
The application also indicates steps SDE will take in the future. It will submit the new guidelines to SBE for approval and to be put in place by July 2012. Then a pilot evaluation implementation is planned for the 2012-2013 school year, followed by a full rollout in the following year, 2013-2014.

The application also addresses principles and components of teacher and administrator evaluation.

On January 25, 2012, PEAC agreed to the following key components of a teacher evaluation model:

1. multiple indicators of student learning growth — 45%, half of which must be the state test for tested grades and subjects or an alternate standardized test,
2. teacher observation and professional practice — 40%,
3. feedback from peers and parents — 10%, and
4. school-wide student learning or student feedback — 5%.

Chart 1: PEAC Teacher Evaluation Components



SDE indicates its next step is to determine the recommended components for administrator evaluation and weights. SDE will also consider other requirements, including those concerning the process districts take to develop evaluation systems and their implementation plan, including issues such as observation rubrics, sources of student learning indicators, training for evaluators and implementation timeline. Once these decisions have been made, SDE and PEAC will convene working groups and finalize the charge for each group so they can start work on their specific areas.

APPLICATION REVIEW PROCESS

The applications will be reviewed by external peer reviewers and federal DOE staff. States will have the opportunity, if needed, to clarify their applications for the reviewers. DOE provides guidance documents for reviewers on its web page. The reviewers then provide comments to DOE. The education secretary makes the final decision regarding the waiver.

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Attachment A

<i>ESEA Section¹</i>	<i>Requirement Description</i>	<i>Waiver Description</i>
State-level Reservation for School Improvement 1003(a)	Requires the state to reserve 4% of its Title I allocation for school improvement activities and to distribute at least 95% to districts for use in Title I schools in improvement, corrective action, and restructuring	Waiver permits the state to allocate these funds to districts to serve any priority and focus schools
School Improvement Grants 1003(g)	Requires the state to award School Improvement Grant (SIG) funds to districts with Title I schools in improvement, corrective action, or restructuring	Waiver permits the state to award SIG funds to a district to implement one of the four SIG models in any priority school
2013-2014 Timeline 1111(b)(2)(E) - (H)	Requires a state to measure adequate yearly progress (AYP) to ensure all students meet or exceed the state's proficient level of achievement for reading and math by the end of the 2013-14 school year	Waiver permits the state to select one of three options for setting annual measurable objectives instead of all students meeting or exceeding reading and math proficient level by 2013-14
School wide Poverty Threshold 1114(a)(1)	Requires 40% poverty threshold to be eligible to operate a schoolwide program	Waiver permits a school district with less than 40% poverty to operate a schoolwide program in a priority school or a focus school that is implementing a schoolwide intervention
School Improvement Requirements 1116(b) (except (b)(13))*	Requires a school district to identify schools for improvement, corrective action, and restructuring with corresponding requirements	No substitute for required action
School District Improvement Requirements 1116(c)(3) and (5) – (11)	Requires the state to identify districts for improvement and corrective action with corresponding requirements	No substitute for required action
Reservation for State Academic Achievement Awards Program 1117(b)(1)(B)	Limits the schools that can receive Title I funds reserved for state awards program	Waiver allows funds reserved for state awards program to go to any reward school

¹ The corresponding regulations that implement these statutory provisions are also waived.

Attachment A (continued)

<i>ESEA Section¹</i>	<i>Requirement Description</i>	<i>Waiver Description</i>
Highly Qualified Teacher Plan Accountability Requirement 2141(c)	Requires the state and local districts to agree on use of Title II, Part A funds for districts that miss AYP for 3 years and fail to make progress toward reaching annual objectives for highly qualified teachers	Waiver includes existing agreements and applies to restrictions on hiring paraprofessionals under Title I, Part A; waiver will allow states and districts to focus on developing meaningful evaluation and support systems
Limitations on Transferability of Funds 6123(a) & (b)(1)	Limits the amount a state or a school district may transfer from a covered program into another covered program or into Title I, Part A	Waiver applies to the percentage limitation, thereby permitting a state and its school districts to transfer up to 100% from a covered program to another
Rural Schools 6213(b) & 6224(e)	The state can only permit and a school district can only use Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) program funds based on whether the district has made AYP.	Permits a school district to use the rural funds (SRSA or RLIS) for any authorized purpose regardless of whether the district makes AYP

*1116(b)(13), which requires a local district to permit a child who has transferred to remain in the choice school through the highest grade in the school, is not waived