



OLR RESEARCH REPORT

March 23, 2012

2012-R-0137

COMPARE THE STATE'S NCLB WAIVER APPLICATION AND SB 24

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You asked for a comparison of Connecticut's federal No Child Left Behind Act of 2001 (NCLB) waiver application and S.B. 24, An Act Concerning Educational Competitiveness.

SUMMARY

The waiver application consists of three parts. First, it sets forth the statutory and regulatory requirements that would be waived in order to provide flexibility. Second, it lays out the principles to which state and its school districts must adhere in order to receive that flexibility. Finally, it defines key terms and specifies timelines for implementation of the waivers and key principles. Connecticut's completed application is organized based on the three required principles: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; and (3) supporting effective instruction and leadership. A fourth principle, reducing duplication and unnecessary administrative burden, receives less emphasis in the application process and is addressed within the sections on the three main principles.

Generally, the bill makes numerous changes to the education accountability law regarding actions the education commissioner and the SBE can take to improve low-achieving schools, including establishing commissioner's network schools which give the commissioner broad authority over schools in the network. More specifically, the bill deletes references to NCLB, but continues to require the state plan for districts

in need of improvement and low-performing schools to be consistent with federal law and regulations.

Due to the level of detail in the application and time, this report primarily addresses the second and third of the three principles: (1) state-developed differentiated recognition, accountability, and support and (2) supporting effective instruction and leadership. The other significant principle regarding SB 24, evaluating and supporting teacher and principal effectiveness, will be addressed in a separate OLR report.

It is worth noting that an application to the federal government is fundamentally a different document than a bill intended to become part of the state's statutes. The application provides much more context and rationale for the initiative or program. Typically, a bill provides only the statutory necessities, which usually does not include a rationale for a new program.

In some instances, the application makes direct reference to items in SB 24, such as the creation of the commissioner's network of schools. These low-achieving schools will be subject to intensive interventions aimed at improving student achievement. In other instances (1) the connection between the bill and the application is less specific, and (2) the application provides some details that could present a more complete picture of some aspects of the bill.

Also, the application occasionally makes reference to pending legislation other than SB 24. It refers to additional state money, which may be authorized by the governor's budget bill, HB 5014, as requested or after modifications by the legislature. And there is reference to bill regarding personalized learning, HB 5352 (federal application, pg. 76).

To see the full 330-page application go to this link:
http://www.sde.ct.gov/sde/lib/sde/pdf/nclb/waiver/connecticut_flexibility_request_022812.pdf.

BACKGROUND

The federal government is currently reviewing Connecticut's application for a waiver from certain NCLB requirements. Connecticut is one of 39 states seeking a waiver provided under the Elementary and Secondary Education Act of 1965 (ESEA), the larger federal education law that contains NCLB (for more on the application process and the state's application see [OLR Report 2012-R-0091](#)). SDE filed the application with the federal government on February 28. If approved, the waiver takes affect starting with the 2012-13 school year.

To be granted a waiver, a state must submit a 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 State Department of Education (SDE), federal approval of the application will give Connecticut the flexibility to design a new and improved system of accountability, support, and intervention in schools and districts and the ability to target funds to better meet student needs.

RECOGNITION, ACCOUNTABILITY, AND SUPPORT SYSTEMS

The application requires the state to identify schools of all achievement levels, require accountability of them, and intervene in those that are the lowest achieving.

To do this the state must show how it will differentiate among all schools including: low performing (“turnaround”) schools, high performing (“excelling”) schools, and “focus” schools, those with the largest within-school gaps between high achieving and low achieving subgroups. The application must show how the state will significantly intervene in turnaround schools, recognize and encourage excelling schools, provide appropriate assistance to other schools, and help subgroups at focus schools raise their achievement. The state must provide a differentiated plan that shows how each type of school will be addressed regarding accountability and support in the 2012-13 school year.

It is necessary to describe the application’s method of measuring performance before comparing it to the text of the bill.

Measuring Performance

The primary metric in the accountability system described in the application is the School Performance Index (SPI), which measures the status of student achievement in a school. The SPI is calculated by assigning a weight to the five categories of performance on Connecticut’s standardized assessments.

For each subject tested on the Connecticut Mastery Test (CMT) and Connecticut Academic Performance Test (CAPT) (mathematics, reading, writing, and science) the state performance for five achievement levels is used: below basic (BB), basic (B), proficient (P), goal (G), and advanced (A).

Student scores for schools, subgroups, or districts are weighted in the following way:

- score below basic (BB) = 0.0 points;
- score basic (B) = 0.25 points;
- score proficient (P) = 0.5 points;
- score goal (G) = 0.75 points; and
- score advanced (A) = 1.0 point.

The SPI is calculated for each subject tested, and then the subject-specific SPIs for a school are averaged in order to produce a school SPI. It is calculated for each school and subgroup based on all tested students. The result is an index score ranging from 0 to 100, where a 0 indicates that all students scored at the below basic level and 100 indicates that all students scored at the advanced level. The primary goal stated in the application is for all students to achieve an SPI of 75, indicating that, on average, students are achieving at goal on the state standardized tests.

Under the application, turnaround schools are those with among the 5% lowest SPIs in the state. From the group of turnaround schools the commissioner will select the commissioner's network schools, which under both the application and the bill will undergo more intensive state interventions.

The bill and the application also both describe a district performance index (DPI), which is calculated the same way as the SPI but calculated for all the students in the district.

Table 1 compares the application to the bill regarding school classification and commissioner's network schools.

Table 1: School Classification System

Activity	As Stated in Application	As Stated in SB 24
Classification/ Ranking	Five groups, well defined (excelling, progressing, transition, review, and turnaround) as based on the school performance index (SPI) and other measures. The “review” group includes focus schools. (pgs. 91-96*)	Five groups, only category 4 and 5 are defined as low achieving. No specifics about categories 1 through 3.
District Performance Index (DPI)	<p><i>Same for the application and the bill:</i></p> <p>A district performance index is its students’ weighted performance on the statewide mastery tests as required for the appropriate grades. The index is calculated by:</p> <ol style="list-style-type: none"> 1. weighting the scores in each subject as follows: 0% for below basic (the lowest score), 25% for basic, 50% for proficient, and 100% for advanced; 2. adding the weighted results; and 3. dividing the total by the number of subjects. <p>The weightings produce the lowest indexes for districts with lowest test scores. (lines 353 to 358 of SB 24 and pg. 100*)</p>	
School Performance Index (SPI)	Same formula as the DPI above except for the individual school rather than the district (pgs. 66, 74, 79-81*)	Not included in bill.
*Refers to page number of CT SDE waiver application.		

In the application, SDE indicates the SPI will be used as an important measure of student achievement and, over time, growth at an individual school.

Commissioner's Network Schools

Table 2 shows a number of aspects of the commissioner's network schools as they are described in the waiver application and in SB 24.

Table 2: Interventions at Low Performing Schools (Commissioner's Network)

Activity	As Stated in Application	As Stated in SB 24 (Sec. 18)
Creating Commissioner's Network Schools	Will transform up to 25 schools over two years (pgs. 105-106*)	Undefined number of schools
Method of Selection	Schools will be chosen for the network from among the turnaround schools (those among the 5% lowest SPIs in the state or a high school graduation rate below 60%). Selection will be based on low-student achievement and lack of progress in achievement; (pgs. 91, 105-106*)	Commissioner selects low-achieving schools, method not clear
Additional Funding for Network Schools	\$24.8 million if SB 24 enacted; (funding is in HB 5014, governor's budget bill)	Not included; SB 24, which is not an appropriations bill.
Schools receiving federal School Improvement Grants (SIG)	The 19 SIG schools in Connecticut, which are counted among the turnaround schools, will not be subject to any additional intervention. The existing SIG process is the intervention (pg. 108*).	Unclear—does not address
Principal	Will be replaced if necessary after evaluation by SDE turnaround office	Unclear—does not address
Possible State,	Local board, SDE, State	Possible nonpublic

Table 2. (cont.)

Activity	As Stated in Application	As Stated in SB 24 (Sec. 18)
Local School Board or Private Management of School	Education Resource Center (part of SDE), RESCs, nonprofit organizations, charter management organizations, CommPact schools, or others with proven track record of success. (pg. 107*)	management entities undefined
Exit Criteria for Network Schools	Demonstrate sustained improvement, including making SPI, individual growth, and graduation rate targets for three consecutive years (pg. 114*)	After three years and annual commissioner evaluations, a school may exit the network if acceptable progress in raising student achievement to acceptable levels and commissioner determines that the local board has the capacity to maintain or improve the performance (lines 1988 to 2014).
*Refers to page number of CT SDE waiver application.		

Teachers and Administrators at Network Schools

A key part of the commissioner’s network in both the application and the bill are changes in teacher selection and compensation that will take place in the network schools. These changes largely need legislative approval to give the commissioner the authority to carry them out.

The application describes “transformative talent policies” that will include increased pay for teachers who consent to teach at a network school and are selected by SDE, the local district, or other entity the state chooses to run the school.

In this area the application and the bill have a number of similarities including:

1. Teachers and administrators already working at the network school, or from other schools, may apply to be selected at the school.
2. Those who do not seek to stay at the network school can request a new assignment in the school district.
3. Those chosen for the network school will be eligible for financial and other incentives that SDE offers.
4. Those working at the network schools will also be eligible for enhanced career ladder and enhancement opportunities based on the new performance evaluation system described in the application and the bill.

But there are aspects of the network school teacher and administrator conditions that are included in the bill but not in the application. These include:

1. limits on collective bargaining for all network school teachers and administrators,
2. selection of teachers and administrators at network schools administered by entities other than the state or the local board of education will be made with the approval of the entity, and
3. authority to supersede a number of state laws and the authority of the local board of education.

These provisions are described much more broadly in the application as SDE exercising the authority to serve as temporary trustee of a network school and directly administering the turnaround strategy. It also states the governing body of the network school, whether it is the local board of education or SDE (and if SDE chooses another entity), will control the school budget, including all federal, state, and local funds.

On the other hand, the application provides more specifics about how entities other than SDE or the local board of education will be chosen to operate network schools. SDE will conduct a rigorous review process to select “external providers” with proven records of success and establish a list of approved providers that will be available to school districts to potentially select a provider to work with in turnaround efforts. The approved list will be updated, reviewed, and expanded over time to help provide districts with an ongoing resource for school improvement.

Other Initiatives in the Application

While there are a number of initiatives or items in the application that are reflected in the bill, there are a number of others in the application that are not. Following is a list of some of these initiatives included in the recognition, accountability, and support section of the application that are not in SB 24.

1. **Improved Community School Services.** Network schools will employ community partnership coordinators who are responsible for identifying service needs and gaps within the schools and developing plans for meeting the health, social services, and other needs. The coordinators must work with community partners to collect and analyze data and leverage community involvement to provide students with a wide range of supports and opportunities (pg. 112). This does not necessarily require legislative approval.
2. **School Governance Councils.** Network schools will continue to incorporate the knowledge gleaned from School Governance Councils and School-Parent Compacts (application, pg. 112). Since SB 24 (1) deletes the statutory language that designates what schools must have governance councils and (2) gives the commissioner the authority to supersede local boards of education authority, it is unclear if governance councils will have any authority under the bill.
3. **Reorganization of SDE.** SDE is currently in the midst of a State Board of Education-approved reorganization designed to shift the organization from monitoring for compliance and accountability in education to performance and continuous improvement. This includes establishing turnaround, talent, and performance offices (pg. 130). A reorganization such as this does not require legislative approval.

4. **Turnaround Office.** By June 2012, SDE commits to establishing a School Turnaround Office led by a chief turnaround officer. This office will lead the effort in all network schools (pg. 108).

TRANSITIONING TO COLLEGE- AND CAREER-READY STANDARDS AND ASSESSMENTS

The part of Connecticut's application that deals with college- and career-ready standards primarily focuses on the state's ongoing effort to implement what is known as the Common Core State Standards (CUSS). This effort is not addressed in SB 24 and does not need to be.

School districts have already begun revising their curricula to match the CUSS, which the SEE adopted on July 7, 2010. Although Connecticut districts design their own curricula and instructional programs, they must revise their local curricula to reflect the CUSS because the next generation of statewide mastery tests will be based on those standards. SDE is providing technical assistance and training for school district personnel. The governor's proposed budget revisions include \$500,000 in FY 13 for revising curriculum to align with the CUSS and international standards.

For more information see the following links:

- Link to OLR Report: www.cga.ct.gov/2012/rpt/2012-R-0092.htm
- Side's Common Core State Standards website: www.sde.ct.gov/sde/cwp/view.asp?a=2618&q=322592.

REDUCING DUPLICATION AND UNNECESSARY ADMINISTRATIVE BURDEN

The application does not dedicate a separate section to this principle. Instead, this principle gets addressed in sections of the application that are primarily dedicated to other principles.

In the application and contained in SB 24, are a number of changes that "streamline" certain SDE processes and remove administrative barriers. This is included in the section on developing state systems of differentiated recognition, accountability, and support.

These include creating:

1. a more simplified teacher certification system by reducing the number of types of certification;
2. removing master's degree and continuing education requirements from the professional level certificate;
3. establishing a new "master" certificate for the most accomplished teachers; and
4. increasing districts discretion to hire teachers from other states by removing barriers to reciprocity.

The application also includes several items in this category that are not in the bill (and do not necessarily need to be) including:

1. consolidating forms to request data from districts,
2. convening periodic meetings with superintendents and district business administrators for an ongoing discussion of streamlining data practices, and
3. convening a red tape review task force to seek more comprehensive solutions.

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