



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Thomas Luna  
State Superintendent of Public Education  
Idaho State Department of Education  
P.O. Box 83720  
Boise, Idaho 83720

Dear Superintendent Luna:

Thank you for submitting Idaho's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Idaho and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Idaho's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of Idaho's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Idaho's request and areas that would benefit from further development. Department staff also have carefully reviewed Idaho's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Idaho's request was particularly strong in providing professional development opportunities for teachers and administrators, including targeted professional development for educator growth. In addition, peers felt that Idaho has the foundation for a robust accountability system that has the potential to provide appropriate and effective interventions.

At the same time, based on the peer reviewers' comments and our review of the materials Idaho has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

- The compensatory nature of Idaho's proposed accountability model raises questions in regard to potential masking of student achievement and/or growth;
- The rationale for the weighting and cut points for the various measures in Idaho's proposed accountability system;

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- The lack of annual measurable objectives (AMO) set separately for reading/language arts and mathematics, and applied to each ESEA subgroup; and
- The extent of subgroup accountability in Idaho's accountability system.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Idaho's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Idaho to consider all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Furthermore, as described in the document titled ESEA Flexibility Frequently Asked Questions, in deciding whether to approve a State educational agency's (SEA) request for flexibility, the Department may take into account instances of substantial or recurring non-compliance with statutory and regulatory requirements applicable to Department programs under which the SEA receives funds.


Additionally, Idaho has requested the following additional waiver in its ESEA flexibility request that is not among the waivers that comprise ESEA flexibility: exempting English Learners in their first three years of being new to a U.S. school from the reading/language arts and mathematics achievement calculations. Please note that, although this additional waiver request is not addressed in this letter, we will follow up with your staff in the coming days about the process for consideration of this request.

Although the Peer Panel Notes for Idaho provide information specific to your request, Idaho also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple SEAs' requests. For this reason, Department staff will reach out to Idaho to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Idaho to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Idaho as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Sharon Hall, at 202-260-0998.

Sincerely,



Michael Yudin  
Acting Assistant Secretary

Enclosure

## SUMMARY OF ADDITIONAL INFORMATION REGARDING IDAHO'S ESEA FLEXIBILITY REQUEST

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### CONSULTATION

- Please provide more specification information on the steps Idaho took to meaningfully engage diverse stakeholders and communities, or describe how Idaho will meaningfully engage such stakeholders and communities as it continues to develop and implement ESEA flexibility. *See Consultation Questions 1 and 2.*

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

- Please provide additional information on the following activities related to the transition to college- and career-ready standards including:
  - Analyzing the linguistic demands of the college- and career-ready (CCR) standards to inform the development of ELP standards. *See 1.B*
  - Analyzing the learning and accommodation factors necessary to ensure that students with disabilities will be able to access the CCR standards; specifically, clarify how the results of gap analyses conducted in Spring 2012 will be used to support students with disabilities in achieving CCR standards. *See 1.B*
  - Developing and disseminating (beyond simply vetting) high-quality instructional materials aligned with the new standards and the extent to which the instructional materials will be designed to support the teaching of all students, including English Learners, students with disabilities, and low-achieving students. *See 1.B*
  - Providing professional development and other supports to prepare teachers to teach to the new standards; specifically, provide evidence of professional development offerings for English/Language Arts. *See 1.B.*

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

- Please address concerns regarding Idaho's proposed accountability system:
  - Address concerns that Idaho's compensatory model could result in the masking of low-performing subgroups (*e.g.*, higher-performing subgroups will mask the underperformance of other subgroups) and similarly, could result in the masking of low performance in one component by exceptionally high performance in another component. *See 2.A.i.a and 2.A.i.b.*
  - Address the concern that test participation is considered separately from the index score and might lead to unintended consequences such as schools not testing certain students. Specifically, please clarify whether a school or district can achieve a favorable rating (as high as 4-Star) under Idaho's accountability system while failing to meet a 95% participation rate for testing. *See 2.A.i.a.*
  - Provide additional information regarding how Idaho will assess whether individual performance measures contribute to overall scores or star-ratings in a way that is transparent for parents and educators and improves student outcomes. *See 2.A.i.a.*
  - Address concerns regarding the over-reliance on student growth in the overall accountability system (*e.g.*, growth to achievement and growth to achievement subgroup measures combine for 50% of the overall score for high schools and 75% of the overall score for middle and elementary schools). *See 2.A.i.a.*

- Please explain Idaho's rationale for the Student Growth Percentile (SGP) ranges used in the Adequate Growth Flowchart and address the concern that schools that did not meet Adequate Growth Percentile (AGP) are still able to achieve the maximum score with a minimally greater SGP than schools that meet the AGP. Also, demonstrate or explain any safeguards in place to ensure that a school cannot score well on the growth index while not helping students make sufficient progress toward proficiency. *See 2.A.i.a.*
- Please explain or define what "nearing" expectations for student academic growth means in relation to incentives for schools as compared to those that meet or exceed expectations. *See 2.A.i.b.*
- Please address concerns regarding Idaho's use of a combined subgroup:
  - Provide additional safeguards for accountability for individual ESEA subgroups, particularly in light of concerns regarding the potential that use of a new combined subgroup (all minority students) could mask the performance of individual ESEA subgroups. *See 2.A.i.a.*
  - Address concerns regarding the use of a combined -subgroup (all ESEA subgroups) for local educational agencies (LEA)/schools that do not meet the n-size for one or more subgroups. *See 2.A.i.a.*
- Please address concerns regarding graduation rate:
  - Address the concern that graduation rate does not constitute a significant factor (10 percent) in the accountability system for all secondary schools. *See 2.A.i.a.*
  - Describe how Idaho's proposed system of differentiated recognition, accountability, and support considers graduation rates for all student subgroups. *See 2.A.i.a. and 2.B.*
- Please provide AMOs for the State, LEAs, and schools that are ambitious but achievable, set separately for reading/language arts and mathematics, and applied to each ESEA subgroup. *See 2.B.*
- Please demonstrate that Idaho has identified the required number of focus schools that meet the definition in ESEA flexibility, including providing a list of schools. Refer to the document titled *Demonstrating that an SEA's list of Reward, Priority, and Focus Schools Meet ESEA Flexibility Definitions.*
- Please address concerns regarding whether or not Idaho has clearly identified some "high-progress schools" as reward schools. *See 2.C.i.*
- Please address concerns regarding priority schools:
  - Describe how Idaho will ensure alignment between the elements of its intervention plan and all of the turnaround principles required in priority schools, specifically:
    - Provide additional information regarding the criteria for deciding whether to retain the current principal (e.g., is it based on her/his track record of improving achievement and having the ability to lead the turnaround effort?). *See 2.D.iii.a.i.*
    - Provide additional information on Idaho's plan to provide principals with operational flexibility in the areas of scheduling, staff, curriculum, and budget. *See 2.D.iii.a.i.*
    - Provide additional information on Idaho's plan to redesign the school day, week, or year to include additional time for student learning and teacher collaboration. *See 2.D.iii.a.iii.*
    - Provide additional information regarding the extent to which strengthening the school's instructional program is based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic

- content standards. *See 2.D.iii.a.iv.*
  - Provide additional information regarding Idaho's plan to address school safety and discipline concerns. *See 2.D.iii.a.vi.*
  - Provide additional information regarding Idaho's plan to provide an ongoing mechanism for family and community engagement, specifically, substantive mechanisms that go beyond simply maintaining a file of communication. *See 2.D.iii.a.vii.*
- Demonstrate that Idaho's proposed exit criteria for priority schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.v.*
- Clarify that interventions will be implemented for three years regardless of exit status. *See 2.D.iii.c and 2.D.v.*
- Please provide a plan that Idaho will implement if priority schools do not show improvement. *See 2.D.*
- Please address concerns regarding focus schools:
  - Demonstrate that Idaho's identified interventions are effective at increasing student achievement in the schools identified as focus schools and provide additional information on the substance and appropriateness of the intervention. *See 2.E.iii.*
  - Demonstrate that Idaho's proposed exit criteria for focus schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps for the subgroup(s) of students for which the school was identified. *See 2.E.iv.*
  - Please provide a plan that Idaho will implement if focus schools do not show improvement. *See 2.E.*
- Please address concerns regarding supports and incentives for other Title I schools:
  - Demonstrate that Idaho's new AMOs, along with other measures, will be used to identify other Title I schools that are not making progress in improving student achievement and closing achievement gaps, and to provide incentives and supports for those schools. *See 2.F.i.*
- Provide additional information regarding specific interventions for other Title I schools. *See 2.F.ii.*
- Please address concerns regarding Idaho's requirement for supplemental educational services (SES) in priority and focus schools:
  - Provide Idaho's rationale for continuing to require SES for One Star and Two Star schools and LEAs and explain how that requirement is responsive to the needs of students in those schools. *See 2.G.*
  - Describe how Idaho's process for approving SES providers takes into account the performance of the providers, including both their quality and prices, and how the process ensures that parents have access to high-quality options, including for English Learners and students with disabilities. *See 2.G.*
  - Clarify that LEAs, non-profit entities, and private entities are eligible to be included on the State list of approved SES providers and that all providers are held to the same standards. *See 2.G.*
  - Describe how Idaho will provide access to transparent information on the quality of approved SES providers to LEAs, parents, and community members. *See 2.G.*

- Please address concerns regarding SEA, LEA, and school capacity:
  - Describe how Idaho will monitor LEA and school progress. *See 2.G.*
  - Address concerns that the State, LEAs, schools and external partners may not have the capacity to implement the proposed plans. *See 2.G.*
  - Address concerns that Idaho's lack of AMOs limits the ability to hold LEAs accountable for improving school and student performance. *See 2.G.and 2.B.*

### **PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP**

- Please address concerns regarding the plan for developing and adopting guidelines for evaluation and support systems:
  - Address the concern that the adoption of principal evaluation and support systems might not occur by the end of the 2011-12 school year and that involvement of principals might be limited due to the short timeline. *See 3.A.i.*
  - Address the concern that growth measures in non-tested grades and subjects will need additional input from a wide range of educators and clarify the extent to which educator involvement will be solicited beyond the Capacity Taskforce. *See 3.A.i.*
- Please address concerns regarding Idaho's process for ensuring each LEA develops, adopts, pilots, and implements evaluation and support systems consistent with the guidelines:
  - Provide additional information regarding Idaho's process for ensuring that teachers working with English Learners and students with disabilities are included in an LEA teacher and principal evaluation and support systems. *See 3.B.*
  - Provide more information regarding how ISDE's growth measures will be ready and training will be sufficient to be able to successfully implement the new evaluation systems according to the proposed timeline in 2012-13. *See 3.B.*
  - Address the concern that implementation relies heavily on ISDE staff and whether Idaho has sufficient resources and capacity. *See 3.B.*
  - Please provide additional information concerning Idaho's contingency plan for key elements related to the implementation of teacher and principal evaluation and supports that rely upon State Board of Education approval or legislative approval. *See 3.B.*
- Please explain how Idaho plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*

### **ADDITIONAL CONCERNS:**

- In submitting an updated flexibility request, please use the Window 2 request form and check all appropriate assurances and waivers.