



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 06 2015

The Honorable Virginia Barry  
Commissioner of Education  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, NH 03301

Dear Commissioner Barry:

I am writing in response to New Hampshire's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that New Hampshire may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed New Hampshire's request dated July 28, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of New Hampshire's ESEA flexibility request through the end of the 2015–2016 school year, subject to the below conditions.

My decision to renew approval of New Hampshire's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling New Hampshire to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, New Hampshire will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. New Hampshire's approved request will be posted on ED's website.

This letter also provides my approval of New Hampshire's amendments to its ESEA flexibility request. A summary of New Hampshire's significant approved amendments is enclosed with this letter.

I have also determined that New Hampshire's guidelines for teacher and principal evaluation and support systems meet the requirements for Principle 3 as articulated in ED's June 7, 2012 document titled *ESEA Flexibility*.

To receive approval to implement ESEA flexibility beyond the 2015–2016 school year, New Hampshire must meet the following conditions:

- Submit to ED, no later than October 7, 2015, a high-quality plan that details the steps the State is taking to ensure that the high school assessment it will administer in the 2015–2016 school year and each year thereafter is a "high-quality assessment," as defined in the document titled *ESEA Flexibility*, aligned to the State's academic content standards.
- Submit to ED, no later than June 1, 2016, a summary of assurances from all local educational agencies (LEAs) in New Hampshire that each LEA is on track to and will implement a teacher and principal evaluation and support system that meets all of the requirements of Principle 3.

If New Hampshire resolves these conditions and makes no additional changes to its ESEA flexibility request at this time, and is otherwise continuing to fulfill the commitments in its ESEA flexibility request, I will consider New Hampshire's request for renewal of ESEA flexibility for additional years.

In addition to the conditions discussed above, this renewal is subject to New Hampshire's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that New Hampshire has meaningfully collaborated with stakeholders on the implementation of New Hampshire's ESEA flexibility request, including with students, community-based organizations, civil rights organizations, organizations representing English learners, and institutions of higher education.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that New Hampshire is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in teacher and principal evaluation and support systems based on State assessments administered no later than the 2016–2017 school year and each year thereafter.

New Hampshire continues to have an affirmative responsibility to ensure that it and its LEAs are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that New Hampshire will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold LEAs and schools accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Matthew Stern or Collette Roney of my staff at: [OSS.NewHampshire@ed.gov](mailto:OSS.NewHampshire@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of New Hampshire's students.

Sincerely,

(b)(6)

Ann Whalen  
Delegated the authority to perform the functions  
and duties of Assistant Secretary for Elementary  
and Secondary Education

Enclosure

cc: Heather Gage, Chief of Staff and Director of Educational Improvement  
New Hampshire Department of Education

## Approved Amendments to New Hampshire's ESEA Flexibility Request

The following is a summary of significant approved amendments that New Hampshire included as part of its request for renewal of ESEA flexibility. ED approves these amendments because New Hampshire's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nh.html>) for New Hampshire's complete ESEA flexibility request.

- **State-Developed Differentiated Recognition, Accountability and Support (Principle 2)**

Revision: New Hampshire will not assign new school ratings under the State system of differentiated recognition, accountability, and support based on assessments administered in the 2014–2015 school year. New Hampshire will resume assigning ratings based on assessments administered in the 2015–2016 school year.

Revision: New Hampshire amended its supports and interventions provided to Priority and Focus Schools under Principle 2 by replacing its previous strategy, which provided targeted support and management through a school turnaround office and required schools to use federal funds for specific improvement strategies, with a “networked” approach that provides an integrated management model of both federal funds and technical assistance dedicated to managing intensive support in the State's most struggling schools.

Revision: New Hampshire revised its approach to identifying other Title I schools for supports and interventions by replacing its previous strategy, which utilized a “risk corridor,” with an approach that defines four tiers of schools based on performance and corresponding supports and interventions for the lowest two tiers.