MEMORANDUM

TO: OEIB Members

FROM: Ben Cannon, Governor's Senior Education Policy Advisor

Susan Castillo, Superintendent of Public Instruction

DATE: January 3, 2012

RE: Update on ESEA/NCLB Waiver

The purpose of this memo is to provide the executive summary to Oregon's Elementary and Secondary Act (ESEA) flexibility application draft. The draft application was published on December 20, 2011 and has been made available for public comment on the Oregon Department of Education's (ODE) website.

Executive Summary

Under the leadership of Governor John Kitzhaber and Superintendent of Public Instruction Susan Castillo, Oregon has indicated its intent to apply to the U.S. Department of Education seeking waivers from certain provisions of the Elementary and Secondary Education Act (ESEA) (commonly referred to as No Child Left Behind). The December 20, 2011 draft of Oregon's ESEA Flexibility application will form the basis for a public comment period that will remain open through January 10, 2012. The published draft is not intended to be final, but to provide an opportunity for the public to review significant details of the application prior to submission. Following the public comment period, Oregon Department of Education (ODE) and Governor's Office staff will revise the application before submitting it in mid- to late January, ahead of the US Department of Education's February 21, 2012 deadline.

The draft application proposes a framework for school accountability that is consistent with broader efforts, led by the Governor and the Oregon Education Investment Board (OEIB), to establish a seamless, outcomes-focused system of public education. Many of the details and recommendations advanced in the application were developed by four ESEA workgroups, which were convened by ODE and the Governor's Office during the months of October and November. The participants in this process, which included nearly 100 Oregon educators (superintendents, district administrators, teachers, representatives of various stakeholder organizations, ODE and Governor's office staff), contributed hundreds of hours engaging in research, discussion and debate around the four waiver principles. In addition, the application has been informed by the more than 6,000 responses received to an online survey conducted by ODE and the Governor's office from mid-November to mid-December.

The draft application proposes a major shift in school accountability in Oregon. It represents a clear departure from the punitive, one-size-fits-all dimensions of No Child Left Behind (NCLB),

while maintaining NCLB's focus on the performance of groups of students that have historically been underserved. Core elements of the draft application are listed here and described in detail below:

1. Detailed plans for implementing college and career-ready standards

2. A proposal for a new Oregon Report Card, with measures that go beyond standardized testing to indicate whether schools are placing students on track to success in college and career

3. A proposal for Achievement Compacts – "partnership agreements" between the state and its 197 school districts – that will express the contributions each school district should make towards statewide goals for educational outcomes, as well as the resources, supports, and flexibility that the state commits to provide in return

4. Identification of higher and lower-performing schools and focus on continuous improvement for all schools

5. An emphasis on measuring student growth to determine whether schools are succeeding

6. Focusing on closing the achievement gap between all students and those historically underserved

7. Replacing NCLB's one-size-fits-all approach to school improvement with a customized system of supports and interventions

8. A statewide system of teacher and principal evaluations to promote and reward greater effectiveness

1. College and Career-Ready Standards (Section 1)

In 2010, the State Board of Education adopted the Common Core State Standards (CCSS) in reading/language arts and math. The application lays out detailed plans for communicating with stakeholders about CCSS implementation, ensuring instructional materials are aligned to the standards, aligning the CCSS with early learning objectives and post-secondary standards, and supporting teachers and educators in implementing CCSS. The application focuses specifically on plans for ensuring the needs of students receiving special education services and English Language Learners are adequately represented throughout Oregon's implementation efforts.

2. A New Oregon Report Card (Section 2.A)

Oregon proposes to use the existing Oregon Report Card to rate schools and districts in 2011-12. The report card would be largely unchanged from last year's report except for the notable absence of the Federal Adequate Yearly Progress (AYP) determinations.

Recognizing the need for a report card that conveys a more robust picture of how schools are doing at ensuring students achieve college and career readiness, Oregon proposes that a stakeholder workgroup process continue, with the end result being a new Report Card announced by June 2012. The new Report Card will serve a few important purposes: (1) creating a single system of accountability for the state that is both understandable to the public and aligned with state outcomes and the Governor's achievement compact proposal; (2) more accurately reflecting growth to (and beyond) standard as a desirable outcome for Oregon's students; and (3) looking beyond standardized test scores to measures that reflect complex thinking skills and characteristics critical to success in college and workplace. Some measures being considered are evidence-based

assessments of proficiency, college readiness tests such as PSAT/SAT or Plan/ACT, college credits earned (through AP/IB/dual credit), and college, career training and military enrollment rates.

The new report card would be in effect in the 2013-14 school year.

3. Achievement Compacts (Overview, Section 2.B)

The Governor and the OEIB are proposing a new, district-level accountability tool to begin in 2012: the achievement compact. As described in the application, beginning with the 2012-13 school year, all 197 Oregon school districts will enter into an achievement compact with the OEIB in exchange for receipt of state funds, based on then current state appropriations. Achievement compacts will define the outcomes that each district commits to achieve in categories established by the OEIB in the areas of completion (e.g., awarding of diplomas and degrees), validation of knowledge and skills (e.g., demonstration of proficiency on standardized tests), and connections to the workforce and civic society (e.g., post-secondary enrollment or career pathways).

Through achievement compacts, the state and districts will agree upon the ambitious and achievable annual outcomes necessary to reach the state's education objectives. Achievement compacts will create a mechanism for intentionality in budget development at the local level and provide a basis for comparisons of outcomes and progress within districts and between districts with comparable student populations. With achievement compacts in place, Oregon will be better able to spotlight the "islands of excellence" and best practices that prove most effective, and to better diagnose and intervene to overcome obstacles that are impeding progress in others.

4. Focus on Continuous Improvement for All Schools (Sections 2.C.i, 2.C.ii, 2.C.iii, 2.F, 2.G)

Oregon is committed to substantially improving student success rates and performance at all levels. Achieving these high levels of improvement requires a complete system transformation, with the emphasis shifting from labeling students and schools as failures to spotlighting student and institutional success. Developing a system that recognizes, rewards, and learns from high-performing schools and districts and targets supports and interventions to low-performing schools and districts is essential to Oregon's philosophy of a system of accountability that results in continuous improvement for all schools.

To qualify for a waiver, a state must identify at least five percent of its highest-performing or highest-progress Title I schools as "Reward" schools, and 15 percent of its lowest-performing or lowest-progress Title I schools as "Priority" and "Focus" schools. To support its focus on continuous improvement for all schools, Oregon's application labels Reward schools as "Model Schools" and describes statewide Continuous Improvement Networks through which Model Schools will be networked with both higher and lower performing schools. To address challenges at Priority and Focus schools, the application proposes a system of tiered supports and interventions described below in #7. This system of continuous improvement will provide opportunities for teachers to learn from teachers, principals from principals, and district leaders from district leaders.

5. Incorporating Student Growth (Sections 2.A, 2.D.i)

Oregon's students, parents and educators have a pressing need to understand student performance not only in terms of cut scores and standards, but also in terms of individual growth, year by year. Under NCLB, schools have been rated according to the percentage of students within them who met or exceeded on the OAKS test, or whether they have met target cohort graduation rates. In showing school "progress," the scores of this year's fifth-graders have only been compared with last year's fifth graders. Oregon's draft application shifts the emphasis to whether schools are helping individual students <u>improve</u> performance from one year to the next, and whether each

student is on a trajectory towards eventual college and career readiness.

The ESEA Flexibility guidelines require states to identify at least 15 percent of their lowest-performing Title I (or Title I eligible) schools as "Focus" and "Priority" schools. The methodology recommended for Oregon, especially for elementary and middle schools, assigns significant weight to overall student growth as expressed by year-over-year improvement on OAKS. The result is that some schools that have good overall performance but low growth will receive a lower ranking, while schools where overall performance is low but students are growing quickly will receive a higher ranking. At the high school level, the model shifts more emphasis on 4- and 5-year cohort graduation rates.

6. Focus on Closing the Achievement Gap (Sections 2.A, 2.D.i, 2.D.iii, 2.E.i, 2.E.ii)

One of the achievements of NCLB was its focus on all students, and Governor Kitzhaber and Superintendent Castillo share a strong commitment to focusing on and improving achievement for historically underserved subgroups. Currently, Oregon is one of only two states with an achievement gap between white and African-American students that is consistently widening. Oregon has a 4-year cohort graduation rate for African American students of less than 50 percent. For Hispanic students and English Language Learners, the 4-year cohort graduation rate is only about 42 percent. To achieve educational outcomes in a way that is equitable and represents the citizenry of our state, Oregon must make improving subgroup performance the top priority.

To sharpen this focus, Oregon's draft application proposes continuing the practice of reporting on the performance of all previously-reported subgroups, as well as including the performance of mobile and migrant students, and comparisons by gender and economically disadvantaged status.. Further, in the model for identifying its Focus and Priority schools, Oregon used a significant additional weighting on the growth (for middle and elementary schools) and graduation rate (for high schools) of students classified as belonging to a subgroup with historically lower performance (economically disadvantaged, students with disabilities, limited English proficiency, American Indian/Alaska Native, Black, Hispanic, and Pacific Islander).

7. Customized System of Supports and Interventions (Sections 2.D.iii, 2.D.iv, 2.D.v, 2.F)

Oregon is committed to moving away from the "one size fits all" sanctions required under NCLB and toward a differentiated system that supports districts of all kinds in better meeting the individual needs of students. Oregon firmly believes that real and sustained school and district improvement will only occur through the redesign of school and district systems and supports, including (1) strong school leadership, (2) effective instruction and supports for educators, and (3) authentic and culturally appropriate family and community partnerships. Oregon will insist that districts engage in a rapid diagnosis of student needs, support districts in developing systems of instruction tailored to the needs of each student, and advance a statewide culture of high expectations for students, parents, and families.

Oregon will also shift the culture at the state level. ODE has spent much of the last decade ensuring that districts understand and comply with the complex and high stakes provisions of NCLB. Over time, ODE has been increasingly taxed with its role as a regulatory agency and less able to provide services and supports. In the survey sent out by ODE and the Governor's office to gauge public support for this application, 91 percent of the 6,072 respondents (teachers, principals, school board, parents & community members) indicated it was "Very Important" to shift the state role from a focus on compliance to a focus on support and improvement. The plan described in this application proposes a different role for ODE, one in which the primary focus of the agency is to promote the achievement of outcomes for Oregon students by implementing a statewide system of support and accountability for districts.

For Priority and Focus schools, Oregon's application proposes a cycle of improvement that

contains the following elements:

- Annual self-evaluation to identify areas of challenge
- Within challenge areas, an externally-guided "deeper diagnosis" to determine the primary causes of these challenges and to identify potential interventions
- Based on the persistence of poor performance and the results of the deeper diagnosis, an annual determination of the level of outside direction necessary to result in substantial improvement
- A Comprehensive Achievement Plan, developed with educator and community input and approved by ODE, to drive interventions and set improvement goals. A partial list of potential options for Achievement Plans includes: redesigning instructional materials and/or methods, redesigning the school day to create professional learning communities, extending the school day or week to create additional learning time for students, improving student/family/teacher communication to promote family and community engagement, shifting resources to provide additional counseling to students, leadership changes at the building and/or district level, making leadership changes at the school and/or district level, providing transfer options to students, and making tutoring or other individual services available to students.
- Title IA set-asides to support the implementation and monitoring of Comprehensive Achievement Plans

8. A Statewide System for Teacher and Leader Effectiveness (Section 3)

For over a year, ODE has been working collaboratively with key stakeholders and organizations to create a supportive state policy infrastructure focused on educator effectiveness from pre-service through in-service that leads to improved student learning. The draft application advances a detailed plan for creating, by June 2012, guidelines for implementing the requirements of legislation passed in 2011, including adopting core teacher and administrator standards to improve teaching and learning, guide professional development, and assist school districts in determining effectiveness of teachers and administrators.