
ESEA Flexibility

Renewal Process: Frequently Asked Questions

December 15, 2014

INTRODUCTION

In September 2011, the U.S. Department of Education (Department) offered each State educational agency (SEA) the opportunity to request flexibility on behalf of itself and its local educational agencies (LEAs) and schools to help them move forward with State and local reforms designed to improve student learning and increase the quality of instruction for all students. This voluntary opportunity provides educators and State and local leaders with flexibility regarding specific requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction (ESEA flexibility). States have utilized this flexibility to put in place innovative, locally tailored strategies to address their most pressing education challenges. The Department is now offering to renew this flexibility for all SEAs that have approved ESEA flexibility requests and are continuing to implement their plans and are committed to continuously reviewing and improving their work.

The Department is inviting all SEAs with ESEA flexibility requests that will expire at the end of the 2014–2015 school year to request renewal of ESEA flexibility. On November 13, 2014, the Department announced the process by which an SEA can seek renewal of ESEA flexibility and released two documents: *ESEA Flexibility Guidance for Renewal Process* (Renewal Guidance) and the *ESEA Flexibility Renewal Form* (Renewal Form), which are available at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/index.html>.

To support an SEA in developing a request for renewal of ESEA flexibility and in implementing an approved request, the Department has prepared these Frequently Asked Questions (FAQs). The Department encourages an SEA interested in requesting renewal of ESEA flexibility to consider these FAQs as it develops its request. As these FAQs presume familiarity with the Renewal Guidance and Renewal Form, the Department encourages SEA staff to review those documents carefully, and to have them available when reading through these FAQs. Please note that, although an SEA must make certain commitments or carry out certain activities to receive renewal as indicated in this guidance, no SEA is obligated to request renewal of ESEA flexibility.

If you are interested in commenting on these FAQs, please email us your comments at ESEAFlexibility@ed.gov using the subject line “Flexibility Renewal FAQs” or write to us at the following address:

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A. RENEWAL PROCESS

A-1. Does this guidance supersede the existing ESEA Flexibility FAQs?

No. The ESEA Flexibility FAQs and each addendum to those FAQs remain in effect and continue to apply to an SEA's implementation of ESEA flexibility. These FAQs provide additional guidance to aid an SEA in submitting its request for renewal of ESEA flexibility. The Department will continue updating the ESEA Flexibility FAQs to address issues related to implementation of ESEA flexibility as they arise.

A-2. What is the deadline for submitting an ESEA flexibility renewal request?

All renewal requests must be received no later than March 31, 2015.

An SEA that is eligible and chooses to participate in the expedited review process (see question A-3) must submit its renewal request by January 30, 2015. However, an SEA that is eligible to participate in the expedited review process is not required to do so in order to receive renewal of its ESEA flexibility request; it may, instead, submit its renewal request prior to the March 31, 2015, deadline and participate in the standard review process that will take place in the spring of 2015.

A-3. Which SEAs are eligible to participate in the expedited review process that will take place in February and March 2015?

A Window 1 or Window 2 SEA (*i.e.*, an SEA that was approved for implementation of ESEA flexibility beginning in the 2012–2013 school year) that is fully meeting its commitments to the timelines and principles of ESEA flexibility is eligible to participate in the expedited review process.

A-4. What must an SEA submit in order to request renewal of its ESEA flexibility request?

To request renewal of ESEA flexibility beyond the 2014–2015 school year, an SEA must submit an updated ESEA flexibility request describing how the SEA will continue to meet the ESEA flexibility principles so that the Secretary can determine, consistent with ESEA section 9401(d), that the waivers have been effective in enabling the SEA to carry out the activities for which the waivers were requested, the waivers have contributed to improved student achievement, and extension of the waivers is in the public interest. More specifically, an SEA must submit two documents when it requests renewal:

- (1) A completed Renewal Form (available at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex->

[renewal/flexrenewalform2014.doc](#)), indicating where text in the SEA’s redlined ESEA flexibility request responds to renewal requirements; and

- (2) An updated, redlined ESEA flexibility request that includes:
 - a. Updated cover sheet, waivers, and assurances, taken from Section I of the Renewal Form (see question A-5); and
 - b. Redlined changes to the SEA’s currently approved ESEA flexibility request that include all required narrative responses to the items described in the Consultation Section and Section II (Continued Commitment to ESEA Flexibility Principles) of the Renewal Guidance.

Note that any changes made in response to Section II of the Renewal Guidance (and indicated in Section II of the Renewal Form) need not be included as a separate amendment under Section III of the Renewal Form.

A-5. Must an SEA replace its currently approved cover sheet, waiver requests, and assurances with an updated cover sheet and updated waiver requests and assurances as part of its redlined ESEA flexibility request?

Yes. To request renewal, an SEA must remove the cover sheet, waivers, and assurances pages in its currently approved ESEA flexibility request, and replace them with the completed cover sheet, waivers, and assurances pages from the Renewal Form. By replacing these pages with updated versions, the SEA: provides the Department with up-to-date contact information; renews its request for the ESEA flexibility waivers; and provides the necessary corresponding assurances. Note that an SEA may request any one or more of the optional waivers listed on the waivers page of the Renewal Form, even if the SEA did not previously request such waiver(s).

If an SEA would like to renew any approved waivers currently being implemented as part of its ESEA flexibility request that are not listed on the waivers page in the Renewal Form (*e.g.*, waiver to use a growth model in determining if a subgroup of students has met its annual measurable objectives (AMOs)), the SEA should include its request to renew those waivers in Section III of the Renewal Form.

A-6. What are the differences between the cover sheet, waiver requests, and assurances that were included in an SEA’s previously approved ESEA flexibility request and the cover page, waiver requests, and assurances pages that an SEA will submit as part of its renewal request?

The cover sheet an SEA will submit as part of its redlined ESEA flexibility request, along with its request for renewal, includes the same information as the cover sheet that an SEA submitted with its previously approved ESEA flexibility request; however, the SEA must ensure the information provided on the updated

cover sheet is current (*e.g.*, State contact for ESEA flexibility request, chief State school officer).

- Waivers 1 through 9 in the Waivers section of the Renewal Form are the same waivers an SEA requested in its previously approved ESEA flexibility request.
- Optional waivers 10, 11, and 12 are the same as the optional waivers that were previously offered to SEAs through ESEA flexibility.
- The Waivers section of the Renewal Form also includes two new optional waivers:
 - Waiver 13 permits an SEA to request a waiver of the requirements in ESEA section 1003(a) that an SEA distribute Title I, Part A funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring so that the SEA, after ensuring that all priority and focus schools have sufficient funds to carry out appropriate interventions, may allocate section 1003(a) funds to its LEAs to provide interventions and supports for low-achieving students in other Title I schools when one or more subgroups miss either AMOs or graduation rate targets, or both, over a number of years. This waiver would be in addition to waiver #6, which permits an SEA to distribute Title I, Part A funds reserved under section 1003(a) to priority and focus schools (see question A-7).
 - Waiver 14 permits an SEA to request a waiver of the requirements in ESEA sections 1111(b)(10)(B) and 1111(b)(3)(C)(i) that, respectively, require the SEA to apply the same academic content and academic achievement standards to all public schools and public school children in the State and to administer the same academic assessments to measure the achievement of all students. This waiver would enable an SEA to not double test a student who is not yet enrolled in high school but who takes advanced, high school level, mathematics coursework. The SEA would assess such a student with the corresponding advanced, high school level assessment in place of the mathematics assessment the SEA would otherwise administer to the student for the grade in which the student is enrolled. For Federal accountability purposes, the SEA would use the results of the advanced, high school level, mathematics assessment in the year in which the assessment is administered and would administer one or more additional advanced, high school level, mathematics assessments to the students in high school, consistent with the State’s mathematics content standards, and use the results in high school accountability determinations (see question A-8).

- Finally, one waiver (waiver 10 in the Waivers section of the original ESEA flexibility request, which made all priority schools eligible to receive SIG funds) has been removed because it is no longer necessary.

The majority of the assurances in the Assurances section of the Renewal Form are the same assurances an SEA provided in its previously approved ESEA flexibility request. However, as described below, a few assurances have been modified:

- Assurance 3: This assurance previously provided that an SEA would develop and administer, no later than 2014–2015, alternate assessments that are aligned with the State’s college- and career-ready standards. Given that renewal requests will be submitted in the middle of the 2014–2015 school year, by which time such assessments should have already been developed, in the Renewal Form, we have removed the language regarding “developing” alternate assessments.
- Assurance 4: This assurance previously provided that an SEA would develop and administer English language proficiency (ELP) assessments aligned with the State’s ELP standards, which must correspond to the State’s college- and career-ready standards. In the Renewal Form, this assurance provides that the aligned ELP assessments will be administered no later than the 2015–2016 school year.
- Assurance 7: This assurance previously provided that an SEA would report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA was approved to implement ESEA flexibility and, annually thereafter, it would publicly recognize its reward schools and make public its lists of priority and focus schools if it chose to update those lists. In the Renewal Form, this assurance provides that an SEA will annually make public its lists of reward schools, priority schools, and focus schools, and publicly recognize its reward schools, prior to the start of each school year. This assurance also provides that an SEA will update its lists of priority schools and focus schools at least every three years.
- Assurance 8: An SEA may submit with its renewal request its updated lists of priority and focus schools based on the most recent available data at the time of submission for implementation beginning in the 2015–2016 school year. This new assurance provides that if the SEA instead decides to wait to update its lists of priority and focus schools based on 2014–2015 data for implementation beginning in the 2016–2017 school year, it will provide the updated lists of schools to the Department no later than January 31, 2016.

The original Assurance 8 in the Assurances section of an SEA’s original ESEA flexibility request regarding providing student growth data to certain teachers as required under the State Fiscal Stabilization Fund is not included in the Renewal Form as the relevant deadline has passed.

- Assurance 13: This assurance previously provided that an SEA would provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout its ESEA flexibility request. In the Renewal Form, we have added to this assurance that an SEA will ensure that all such reports, data, and evidence are accurate, reliable, and complete; or, if the SEA is aware of issues related to the accuracy, reliability, or completeness of its reports, data, or evidence, the SEA will disclose those issues.
- Assurance 14: This assurance relates to an SEA’s obligation to include certain information about student subgroup performance on its State report card, and to ensure that certain information about student subgroup performance is included on LEA report cards. In the Renewal Form, we have added that, in addition to the information on individual student subgroups, an SEA will also include on its report card, and will ensure that its LEAs include on their report cards, certain information for any combined student subgroup (as applicable), and will ensure that all reporting is consistent with the Department’s February 2013 Report Card Guidance (available at: http://www2.ed.gov/programs/titleiparta/state_local_report_card_guidance_2-08-2013.pdf).
- Assurance 15: Assurance 15 previously provided that an SEA that had not yet submitted to the Department for peer review and approval the guidelines for its teacher and principal evaluation and support systems would do so. All SEAs that have approved ESEA flexibility requests have already submitted their guidelines for peer review. In the Renewal Form, an SEA will select Option A, Option B, or Option C for its Principle 3 assurances and will check all appropriate boxes, depending on the option selected. See section E of these FAQs for additional information about Principle 3 in renewal.

A-7. What must an SEA submit in its renewal request in order to receive the waiver of ESEA section 1003(a) that permits the SEA to allocate section 1003(a) funds to its LEAs to provide interventions and supports for low-achieving students in other Title I schools?

To receive the optional additional waiver of ESEA section 1003(a), an SEA must demonstrate that it has a process to ensure, on an annual basis, that all of its priority and focus schools will have sufficient funding to implement their required interventions. For example, an SEA might be able to demonstrate that it has a process to ensure that all of its priority and focus schools will have sufficient funds for their interventions if the SEA awards funds available under the School Improvement Grants (SIG) program to its priority schools and requires its LEAs to reserve a sufficient portion of their Title I funds to fully support interventions in focus schools and priority schools that do not receive SIG funds.

A-8. What must an SEA submit in its renewal request in order to receive the waiver that permits an SEA to assess a student who is not yet enrolled in high school but who takes advanced, high-school level mathematics coursework on a corresponding assessment instead of the mathematics assessment for the grade in which he or she is enrolled?

To receive this optional waiver, an SEA must describe how it will ensure that:

- Only a student who is not yet enrolled in high school but who takes advanced, high-school level mathematics coursework will be assessed on an assessment other than the one the SEA would otherwise administer to the student for the grade in which he or she is enrolled;
- The assessment administered to such a student is aligned to the advanced, high-school level mathematics coursework he or she takes;
- A student’s results on the assessment aligned to the advanced, high-school level mathematics assessment will be included in Federal accountability determinations for the school in which the student is enrolled;
- Students who receive the benefit of this waiver will take additional, advanced, high-school level mathematics coursework when the students are enrolled in high school;
- When such students are enrolled in high school, the students will be assessed on one or more additional advanced, high-school level mathematics assessments, consistent with the State’s mathematics content; and
- The students’ results on the additional advanced, high-school level mathematics assessment(s) administered during high school will be included in Federal accountability determinations for the students’ high school.

For example, an SEA might describe how it will ensure that eighth-grade students who take Algebra I will be assessed using an assessment other than the Statewide eighth-grade mathematics assessment; that such students will be assessed on the State’s Algebra I assessment that is normally administered to high-school students; and that the students’ results on the Algebra I assessment will be included in accountability determinations for the students’ middle school. The SEA would further have to demonstrate that such students will take, and be assessed on, additional advanced mathematics coursework when they are enrolled in high school; and that results on the additional advanced mathematics assessment(s) will be included in accountability determinations for the students’ high school.

In addition, the SEA must demonstrate how it will ensure that every student in the State has an equal opportunity to be prepared for and take courses at an advanced level prior to high school.

A-9. For an SEA that requests the waiver discussed in question A-8, how might the SEA demonstrate that it will ensure that every student has an equal opportunity to be prepared for and take advanced-level courses prior to high school?

An SEA that requests the waiver discussed in question A-8 might demonstrate that it will ensure that every student has an equal opportunity to be prepared for and take advanced-level courses prior to high school by describing a State policy that all students have access to rigorous coursework or a State policy that any LEA in the State is authorized to offer high school-level courses to middle school students. An SEA might also describe the steps it has taken to encourage all LEAs to offer advanced coursework to students prior to high school, as well as the steps it has taken to ensure that parents and students are aware of this opportunity.

A-10. Will renewal requests go through a formal peer review process?

No. Department staff will be responsible for reviewing each SEA's renewal request. This review will be led by the Office of Elementary and Secondary Education and will be conducted in collaboration with staff from other Department offices, such as the Office for Civil Rights; the Office of Special Education and Rehabilitative Services; the Office of English Language Acquisition; the Office of Planning, Evaluation and Policy Development; and the Office of the General Counsel. In addition, the Department may consult with external experts as needed to get their input on an SEA's renewal request; however, this consultation will not constitute a formal peer review.

A-11. What factors will the Department take into account in deciding whether or not to grant an SEA's request for renewal?

In deciding whether or not to grant an SEA's request for renewal of ESEA flexibility, the Department will determine

- if the SEA has provided a completed Renewal Form and, in its redlined ESEA flexibility request, all information required by the Renewal Guidance.
- if an SEA has sufficiently addressed any outstanding State-specific issues, such as an outstanding finding of non-compliance, a condition on the SEA's current ESEA flexibility approval, unresolved next steps identified in ESEA flexibility and related program monitoring reports, high-quality plans developed in response to monitoring next steps or a letter regarding a State's change of standards or assessments, or any other area of concern that the Department has raised with an SEA.

Consistent with the initial approval process (see question D-5, *ESEA Flexibility FAQs*), in deciding whether or not to approve an SEA's request for renewal of ESEA flexibility, the Department reserves the right to take into account instances of substantial or recurring non-compliance with statutory and regulatory requirements applicable to any Department program under which the SEA receives

funds. As part of its review, the Department will consider an SEA's compliance with applicable civil rights laws, including, but not limited to: 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, and the Age Discrimination Act of 1975. To determine compliance with civil rights laws, the Department will consider if an SEA is the subject of any pending Federal civil rights allegation, investigation, monitoring, court order, or consent decree. Additionally, SEAs are responsible for ensuring the equitable distribution of educational resources to all students, regardless of race, ethnicity, or socioeconomic status, both within and across school district lines. For Department guidance on these responsibilities, see the Dear Colleague letter issued October 1, 2014 (available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>). Based on its consideration of these issues, the Department may attach additional conditions to the SEA's receipt of renewal or deny approval of the SEA's request for renewal until the SEA demonstrates full compliance with other Department programmatic or legal requirements.

A-12. What will the duration of the waivers that are extended through renewal of ESEA flexibility be?

Through the renewal process, the Secretary intends to extend the period of the waivers that were granted under ESEA flexibility for three additional years, through the 2017–2018 school year. However, an SEA that was approved in Window 1 or Window 2 and is fully meeting its commitments to the timelines and principles of ESEA flexibility may request and be considered for a four-year renewal through the 2018–2019 school year. Note that an SEA that is fully meeting its commitments to the timelines and principles of ESEA flexibility does not need to participate in the expedited review process in order to request and receive a four-year renewal.

In accordance with the discretion granted under ESEA section 9401, the Secretary may determine that renewal for a period of less than three years is warranted or that an SEA will not receive renewal. In addition, in the event that Congress reauthorizes the ESEA prior to the end of the renewal period, the Department will provide guidance on the transition to the new law.

A-13. What happens if an SEA's ESEA flexibility is not renewed?

If an SEA's ESEA flexibility is not renewed, the SEA and its LEAs will be required to resume complying with all ESEA requirements by the beginning of the 2015–2016 school year, including: making adequate yearly progress determinations; identifying schools and LEAs for improvement; and taking all required improvement actions, including offering and paying for supplemental educational services and transportation for public school choice, as required by Title I of the ESEA.

For additional information, see the Department’s document titled *Transitioning from ESEA Flexibility to the ESEA* (available at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/cssoenclosure.doc>).

A-14. What is personally identifiable information (PII), and should an SEA ensure that its request for ESEA flexibility renewal does not include PII?

PII is information that, alone or in combination, is linked or linkable to a specific individual and would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the individual with reasonable certainty. PII includes, but is not limited to, an individual’s name, telephone number, address, a personal identifier, such as a Social Security number, names of the individual’s family members, or other indirect identifier, such as the individual’s date of birth, place of birth, or mother’s maiden name.

Because an SEA’s request for renewal of ESEA flexibility is a public document, the SEA must ensure that the request does not contain PII of a private citizen. For example, prior to submitting its request, an SEA should redact the name, telephone number, and any other PII related to private citizens who attended meetings or town halls related to any aspect of the SEA’s implementation of ESEA flexibility or request for renewal.

A-15. How might an SEA develop its request for renewal of ESEA flexibility in conjunction with its State Plan to Ensure Equitable Access to Excellent Educators (State Plan)? May it submit both documents to the Department for review and approval simultaneously?

Access to excellent educators is an integral part of helping ensure that students are college and career ready, particularly for students in priority and focus schools. Because equity gaps, including disparities in access to effective educators, can contribute to student achievement gaps, the identification and analysis of equity gaps can support an SEA and its LEAs in targeting appropriate interventions and supports that are designed both to close equity gaps and improve achievement in priority, focus, and other Title I schools. For example, if students in low-achieving, high-poverty, or high-minority schools lack equitable access to excellent educators, strategies to recruit and retain excellent educators into these schools might be effective in helping to close both equity and achievement gaps, thereby addressing the ultimate goals of both a State Plan and a State’s ESEA flexibility system of differentiated recognition, accountability, and support.

Given the relationship between ESEA flexibility requests and State Plans, an SEA may want to develop key portions of its ESEA flexibility renewal request at the same time it develops related portions of its State Plan. For example, the SEA may want to obtain stakeholder input on the State Plan and the ESEA flexibility renewal request through a single process that simultaneously addresses both documents. Similarly, an SEA may want to develop strategies that will most effectively address both equity gaps and achievement gaps in high-minority or

high-poverty priority, focus, or other Title I schools and, therefore, can be incorporated into both the State Plan and the ESEA flexibility renewal request.

An SEA that chooses to develop these documents together is welcome to submit them to the Department simultaneously, so long as the SEA's request for renewal of ESEA flexibility is submitted by the deadline (see questions A-2 and A-3), and an SEA's State Plan is submitted by the deadline applicable to that Plan (June 1, 2015), which is later than the deadline for renewal requests. Please note, however, that because the guidance on the State Plans was initially released in draft form while open for comment on the estimated burden to respond to the information collection requirements under the Paperwork Reduction Act, the Department will not review any State Plans until that guidance has been released in its final form in spring 2015. In addition, if the Department modifies that guidance based on comments received, an SEA that submits its State Plan before the guidance is final may have to amend its State Plan to reflect the final guidance.

B. EVALUATION

B-1. What is the purpose of providing funding for evaluations of different State approaches and strategies under ESEA flexibility?

Because SEAs and LEAs are implementing many different strategies within ESEA flexibility, there is a unique opportunity to learn about how different approaches affect educational outcomes and equity for students. As in its 2011 announcement of flexibility within ESEA, the Department is creating a similar opportunity for learning about education policy through evaluation of State approaches and strategies under ESEA flexibility. An SEA — voluntarily — may submit a proposal to evaluate the effects of policies pursued under one or more aspects of its ESEA flexibility request. Rigorous evaluations could increase understanding of the effects of different accountability systems, school-level interventions, professional development, and approaches to educator evaluation, among other topics. The findings could inform future policies and practices at the national, state, and local levels and lead to enhanced instructional practices and improved outcomes for students and families.

B-2. What is the process for an SEA to propose and receive funding for an evaluation, as described on page 5 of the Renewal Guidance?

An SEA interested in receiving funding for an evaluation of one or more aspects of its ESEA flexibility request is encouraged to submit an evaluation proposal with its ESEA flexibility renewal request so that it can implement any needed policy adjustments and begin the evaluation promptly. SEAs must partner with external research entities on the design and implementation of funded evaluations to ensure the evaluations will meet What Works Clearinghouse (WWC) standards. An SEA can request and receive approval of its ESEA flexibility renewal requests through the 2018–2019 school year if a funded evaluation would benefit from an additional year of implementation.

Based on the quality of proposed evaluations, the Department expects to provide funding for up to five high-quality evaluation proposals from SEAs. Subject to the availability of funds, an application submitted after an SEA’s ESEA flexibility renewal request is submitted will also be considered.

B-3. What are the requirements for a high-quality evaluation proposal?

In order to be considered for evaluation funding, an SEA evaluation plan must address:

- a. The question(s) that the evaluation would seek to answer. The Department’s primary interest is to determine the effects of different policy approaches on ultimate outcomes such as student achievement (including growth) and attainment for all students and student subgroups. An SEA may wish to identify interim measures such as teacher and principal retention and student engagement in addition to final measures of impacts. Research questions should be tailored with an eye toward feasibility in terms of (1) the likelihood of producing meaningful and actionable results; (2) the potential impact, if any, on implementation of the strategies to be studied, and (3) available funding.
- b. The implications of findings from the study. The plan should describe how study results could be used to improve student and educator outcomes and to inform State and local policies and practices.
- c. The capabilities and experience of the research partner or partners with whom the SEA intends to work to carry out the study. Partners might include a university or non-profit organization with expertise in evaluation. Prior to receiving funding, an SEA must demonstrate a research partnership.
- d. The study design, including the type of study, sample size, outcomes of interest, as well as the methods that will be used to examine outcomes. Where such evaluations are feasible, the Department will give priority to funding evaluations with randomized control trials and regression discontinuity designs that, if well-implemented, would meet WWC standards without reservations. Where such evaluations are not practical, the Department will also consider funding quasi-experimental designs with strong baseline comparability in the comparison group that would meet WWC standards with reservations.¹
- e. The types of data that would be used for the study, including the data source(s) (*e.g.*, Statewide Longitudinal Data System) as well as information to demonstrate that the SEA can gain access to needed data.

¹ For additional information, please see the WWC Procedures and Standards Handbook (available at: http://ies.ed.gov/ncee/wwc/pdf/reference_resources/wwc_procedures_v3_0_standards_handbook.pdf).

- f. A brief operational plan for the evaluation, including a proposed implementation timeline for each phase of the study, including key design requirements (*e.g.*, randomization or staggered implementation of a policy), data collection and measurement, and publication of interim and final reports.
- g. The length of time and estimated funding needed for the proposal, including any matching funds. The Department will provide up to \$1 million per year for up to four years. Requests should specify if the waiver approval request is for three or four years.

An SEA interested in applying for funds to conduct an evaluation is encouraged to contact the Department's State leads, who will be able to connect the SEA with technical assistance on the requirements described above. As noted above (see question B-2), SEAs are encouraged to submit evaluation proposals with their ESEA flexibility renewal requests. When contacting the Department's State leads regarding its interest in applying for funds, an SEA should indicate when it anticipates submitting its application.

C. CONSULTATION

C-1. In its request for renewal, an SEA must provide a description of how it meaningfully solicited input on the implementation of ESEA flexibility, and the changes that it made to its currently approved flexibility request in order to seek renewal. When should an SEA begin the stakeholder consultation process regarding its plans for renewal of ESEA flexibility?

Consultation with stakeholders about ESEA flexibility implementation should be an ongoing process, and consultation regarding renewal is an extension of that ongoing process. If it has not already done so, an SEA should begin consulting with stakeholders specifically on its plans for renewal of ESEA flexibility as soon as possible. Each SEA must ensure that this consultation includes meaningful exchanges with diverse stakeholders, as discussed in question C-2.

C-2. What information regarding its consultation process must an SEA provide in its request for renewal of ESEA flexibility?

In its redlined ESEA flexibility request that will accompany an SEA's completed Renewal Form, an SEA must provide a description of how it meaningfully solicited input, across LEAs throughout the State, from LEAs, teachers, their representatives, administrators, students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, institutions of higher education, and Indian tribes about the implementation of ESEA flexibility and the proposed

changes that the SEA made to its currently approved ESEA flexibility request in order to seek renewal.

In addition, consistent with Assurances 11 and 12, an SEA must also attach to its renewal request a copy of the notice it provided to its LEAs and the public as well as copies of any comments it received from its LEAs.

C-3. What does it mean to meaningfully solicit input on the implementation of ESEA flexibility and on an SEA’s renewal request?

Each SEA seeking renewal of its ESEA flexibility request must have a robust process in place for soliciting feedback on the renewal request and for incorporating the feedback it receives. Meaningfully soliciting input on ESEA flexibility implementation and on an SEA’s renewal request means ensuring that all LEAs and stakeholders within those LEAs have an opportunity to provide input and feedback.

In order to ensure that stakeholders have a meaningful opportunity to participate, the SEA should present and disseminate relevant information regarding its ESEA flexibility implementation and renewal request in a manner that is as clear and comprehensible as possible, and should consider using a variety of formats to present and disseminate this information. An SEA should not limit its engagement and solicitation of input to just one or two large LEAs or stakeholder groups. Instead, an SEA should ensure that it is meaningfully soliciting input from individuals and groups that are representative of all stakeholders and, most significantly, representative of the students attending schools across the State. Furthermore, an SEA should make several attempts to engage stakeholders to ensure sufficient consultation.

An SEA is not, however, required to conduct the exact same type of consultation with all LEAs and stakeholder groups across the State. Rather, an SEA might choose to meet face to face with individual or multiple stakeholder groups in some LEAs, conduct telephone conferences with others, and, to reach all LEAs, publish information in the State register or post webinars and other information regarding ESEA flexibility on its Web site on a page that is accessible to all LEAs and stakeholder groups.

An SEA might also consider partnering with its LEAs as it conducts its engagement and solicits input because many LEAs are closely connected with individual or multiple stakeholder groups that may provide useful perspectives on an SEA’s ESEA flexibility renewal request. Any information published in the State register or posted on an SEA’s Web site should be published or posted along with information on how an LEA or stakeholder can provide comments on the information posted, and the SEA should ensure that it gives due consideration to the comments it receives and, where appropriate, provides meaningful responses. The nature of an SEA’s consultation across LEAs throughout the State will necessarily depend on the size of the State and the number of its LEAs; however,

an SEA should ensure that its solicitation of input involves a diversity of LEAs and stakeholders.

In disseminating information, an SEA must ensure that information is made available in an understandable format including, to the extent practicable, in language(s) that families and other stakeholders can understand. (For further information, see question A-9 in the Department’s Non-Regulatory Guidance, Parental Involvement: Title I, Part A (2004) (available at: <http://www2.ed.gov/programs/titleiparta/parentinvguid.doc>).

An SEA must also ensure that communications with individuals with disabilities are as effective as communications with others, including by providing auxiliary aids and services, such as accessible technology or sign language interpreters, for individuals with hearing, vision, or speech disabilities (Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*; see also www.ada.gov/effective-comm.htm; <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf>).

D. PRINCIPLE 1 IN RENEWAL

D-1. In its request for renewal, an SEA must describe how it will continue to ensure that all students graduate from high school ready for college and careers, through implementation of State-developed college- and career-ready standards and high-quality, aligned assessments. What information must an SEA include?

In its prior approved request for ESEA flexibility, an SEA described how it would support all students, including students with disabilities and English Learners, as well as teachers of those students, in the transition to State-developed college- and career-ready standards and assessments. By the time an SEA requests ESEA flexibility renewal, it should be fully implementing college- and career-ready standards and preparing to administer high-quality aligned assessments. Therefore, in its request for renewal of ESEA flexibility, an SEA must describe how it will continue to ensure that all students graduate from high school ready for college or careers, through implementation of State-developed college- and career-ready standards and high-quality aligned assessments.

An SEA might describe, for example —

- Educator and stakeholder engagement activities an SEA has undertaken to ensure that its LEAs are fully implementing the State’s college- and career-ready standards;
- Evidence or examples of how the SEA has increased or built the capacity of administrators and teachers to transition to and implement State-developed college- and career-ready standards, including through rules, guidance, technical assistance, instructional resources, and regional meetings;

- Dissemination of resources and tools designed to help support students and teachers in the transition to college- and career-ready standards and assessments; and
- The SEA’s monitoring schedule, school quality reviews, audits of school capacity, or other tools for oversight.

In addition, an SEA must describe how it will continue to support all students, including English Learners, students with disabilities, low-achieving students, and economically disadvantaged students, and teachers of those students in meeting the State-developed college- and career-ready standards.

An SEA might describe, for example —

- Additional supports its LEAs might provide for students transitioning from an alternate assessment based on modified academic achievement standards and for teachers of those students;
- The progress it is making toward implementation of ELP assessments by 2015–2016 that are aligned with ELP standards that correspond to the State’s college- and career-ready standards; and
- How it and its LEAs will use data to identify opportunity gaps, determine the underlying problems causing those gaps, and drive resources and supports based on need.

D-2. What must an SEA include in its renewal request regarding its high-quality, aligned assessments?

In describing how an SEA will continue to administer high-quality, aligned assessments, an SEA must ensure that section 1.C of its ESEA flexibility request accurately reflects the SEA’s plan to administer annual, Statewide, aligned, high-quality assessments that measure student growth throughout the period of renewal.

E. PRINCIPLE 2 IN RENEWAL

E-1. What should an SEA consider as it amends its ESEA flexibility request to reflect continuous improvement of its systems and processes supporting implementation of its system of differentiated recognition, accountability, and support?

In providing narrative responses in its redlined ESEA flexibility request to each of the items in the Renewal Guidance regarding Principle 2, an SEA must describe its process for continuous improvement of its systems and processes supporting implementation of its system of differentiated recognition, accountability, and support. In describing its process for continuous improvement, an SEA should

consider how it will use systematic strategies to analyze data and revise approaches to address implementation challenges in order to ensure that it and its LEAs are meeting the needs of all students. For example, an SEA might consider the following:

- How the SEA and its LEAs analyze student achievement, student growth, graduation rate, achievement gaps, opportunity gaps, and other relevant data, including disaggregated data, to determine if the right schools, and students within those schools, are being identified for interventions and supports, and to determine the efficacy of such interventions and supports;
- What processes the SEA and its LEAs use to monitor implementation of interventions and to determine when changes to interventions are needed;
- How the SEA and its LEAs will use data and research to identify the most promising interventions, particularly those with the strongest evidence base, including those that have been proven to help improve student achievement for priority, focus, and other Title I schools; and
- How the SEA and its LEAs will ensure that priority, focus, and other Title I schools receive sufficient financial support to implement interventions.

E-2. How might an SEA consider opportunity gaps as part of its process of continuous improvement under Principle 2?

The request for renewal of ESEA flexibility provides an opportunity for an SEA to strengthen its approved ESEA flexibility request as part of a continuous improvement process to ensure the SEA is closing gaps, including opportunity gaps, improving student achievement, and increasing the quality of instruction. To determine if which opportunity gaps exist within a State, an SEA should consider if students have equitable access to resources such as college- and career-preparatory courses and opportunities, including: the full range of mathematics and science courses, Advanced Placement courses, International Baccalaureate programs, programs for gifted and talented students, and dual enrollment programs; full-day preschool and kindergarten; excellent teachers and leaders; student supports and wraparound services; adequate facilities; and instructional technology. An SEA should also consider if some students in LEAs disproportionately experience barriers to these experiences in the form of bullying, harassment, violence, and discriminatory discipline practices.

Because opportunity gaps could be contributing to achievement gaps, the identification and analysis of opportunity gaps can support an SEA and its LEAs in targeting appropriate interventions and supports that are designed both to close opportunity gaps and improve achievement in priority, focus, and other Title I schools. For example, if students in low-achieving schools lack equitable access to the full range of mathematics and science courses, strategies to add courses, increase distance learning opportunities, and ensure equitable assignment of

students to these courses might be effective in helping to close identified opportunity and achievement gaps.

E-3. Through its renewal request, may an SEA that annually assigns schools a rating or grade as part of its system of differentiated recognition, accountability, and support amend its ESEA flexibility request to indicate that it will not assign a new school rating or grade for the 2015–2016 school year, following the administration of new college- and career-ready aligned assessments in 2014–2015?

Yes. A number of SEAs that are preparing to implement new assessments aligned to college- and career-ready standards in 2014–2015 have asked the Department about the possibility of “pausing” the implementation of their school rating or grading systems following the administration of those new assessments. An SEA that is interested in such a pause may, through its renewal request, amend its ESEA flexibility request to indicate that it will not assign schools new ratings or grades based on assessments administered in 2014–2015. The SEA would indicate that, instead, schools will retain their 2014–2015 grade or rating in 2015–2016 and will continue to implement appropriate interventions based on the continued grade or rating.

The SEA should also clarify that it will resume annually assigning schools a rating or grade based on the 2015–2016 assessments. In addition, the SEA will need to demonstrate that, even if it pauses its own State grading or rating system, it will meet the ESEA flexibility renewal requirements regarding the identification of priority and focus schools (see question E-6), the ESEA flexibility requirement to annually recognize reward schools, and the ESEA and ESEA flexibility requirements to report performance for all students and all student subgroups against AMOs.

E-4. Must an SEA include in its renewal request the AMOs it will use in accountability determinations following the first full administration of new assessments aligned to college- and career-ready standards in the 2014–2015 school year?

No. The Department understands that an SEA might want to revise its AMOs after the SEA begins implementing new assessments aligned to college- and career-ready standards in the 2014–2015 school year. Because an SEA will be submitting its renewal request prior to administering the new assessments and receiving its results, the SEA might not know at the time it submits its renewal request if it will seek to revise its AMOs, or what those revised AMOs should be. Accordingly, an SEA need not provide in its renewal request its revised AMOs or a description of the process it would use to establish those revised AMOs. Rather, an SEA will have until January 31, 2016 to submit an amendment request to revise its AMOs following the full administration of the new assessments. The Department intends to issue separate guidance on an SEA’s options for revising its AMOs.

E-5. What must an SEA provide in its request for renewal of ESEA flexibility related to schools that receive the highest rating in the SEA’s differentiated recognition, accountability, and support system?

In its renewal request, an SEA must demonstrate that a school may not receive the highest rating in the SEA’s differentiated recognition, accountability, and support system if there are significant achievement or graduation rate gaps across subgroups that are not closing in the school. An SEA can make this demonstration by:

- Demonstrating that under its system for rating schools, or by SEA policy, a school may not receive the highest rating if there are significant achievement or graduation rate gaps that are not closing, or that a school that has significant achievement or graduation rate gaps that are not closing will receive a rating or grade that is one category lower than the rating or grade it otherwise would have received;
- Providing data that demonstrate that, in fact, schools that receive the highest rating do not have significant achievement or graduation rate gaps that are not closing; or
- Applying the ESEA flexibility definition for a reward school to identify its highest-rated schools.

Note that, for purposes of making this demonstration, “subgroups” include individual ESEA subgroups as well as any combined subgroups an SEA may include in its system of differentiated recognition, accountability, and support.

E-6. What must an SEA provide in its request for renewal of ESEA flexibility related to identification of priority and focus schools and lists of those schools?

An SEA must provide either its updated lists of priority and focus schools, identified, based on the most recent available data, for implementation beginning in the 2015–2016 school year; or an assurance that it will provide, no later than January 31, 2016, updated lists of priority and focus schools, identified based on 2014–2015 data, for implementation beginning in the 2016–2017 school year.

E-7. Which schools comprise an SEA’s second cohort of priority schools?

A school must be identified as part of an SEA’s second cohort of priority schools if it was previously identified as a priority school but has not yet met the SEA’s exit criteria. In addition to those previously identified priority schools, an SEA may, in order to reach the requisite number of priority schools (see question E-14), identify among its second cohort any school that meets the definition of a priority school, as set forth in the document titled *ESEA Flexibility*.

The total number of schools identified for the second cohort of priority schools must equal at least five percent of all Title I schools in the State.

Note that a previously identified priority school that has not yet completed its three years of interventions aligned with the turnaround principles (for example, because the school is implementing its interventions during the 2014–2015, 2015–2016, and 2016–2017 school years) would count toward the number of schools an SEA must identify for its second cohort of priority schools.

E-8. Over how many years must a priority school identified in an SEA’s second cohort of priority schools implement interventions aligned with the turnaround principles?

It depends if the school is newly identified as a priority school, or if the school is a previously identified priority school that has not yet met the SEA’s exit criteria. Each school that is identified as a priority school for the first time in the second cohort of priority schools must implement interventions aligned with the turnaround principles for three years (but may count toward those three years any number of years it has already implemented a SIG intervention model if it is currently a SIG subgrantee under the SIG program, if applicable). A school that was previously identified as a priority school but has not yet met the SEA’s exit criteria must continue to implement interventions aligned with the turnaround principles until it meets the SEA’s exit criteria.

Note that a school that has already completed three years of implementing interventions aligned with the turnaround principles but has not yet met the SEA’s exit criteria may not simply continue to implement the same interventions for additional years. Rather, the school must modify and increase the rigor of its interventions (see question E-10).

E-9. Which schools comprise an SEA’s second cohort of focus schools?

A school must be identified as part of an SEA’s second cohort of focus schools if it was previously identified as a focus school but has not yet met the SEA’s exit criteria. In addition to those previously identified focus schools, an SEA may, in order to reach the requisite number of focus schools (see question E-13), identify among its second cohort any school that meets the definition of a focus school, as set forth in the document titled *ESEA Flexibility*, at the time the SEA identifies its second cohort of focus schools. The total number of schools identified for the second cohort of focus schools must equal at least ten percent of all Title I schools in the State.

Note that a school that was previously identified as a focus school but has not yet met the SEA’s exit criteria may not simply continue to implement the same interventions. Rather, the school must modify and increase the rigor of its interventions (see question E-10).

E-10. What must an SEA provide in its renewal request with respect to the interventions and supports in a priority or focus school that was identified in an SEA’s first cohort of priority or focus schools but has not yet met the SEA’s exit criteria?

In its request for renewal of ESEA flexibility, an SEA must describe its process for identifying any schools that, after implementing interventions (for at least three years for priority schools), have not made sufficient progress to exit priority or focus status, as applicable. In addition, the SEA must describe how it will ensure increased rigor of interventions and supports in these schools so that the schools can meet the SEA’s exit criteria.

For example, if a priority school has already implemented for three years interventions aligned with the turnaround principles or a SIG model but has not yet met the SEA’s exit criteria, it would not be sufficient for that school to simply implement three additional years of the same interventions or the same SIG model. To ensure that the school modifies and increases the rigor of its interventions, an SEA may want to consider, for example, escalating oversight or monitoring, requiring the school to partner with a third-party entity with a proven record of success in school turnaround, requiring the school to implement specific evidence-based strategies that have been demonstrated to have a positive effect on student learning, or school takeover by the LEA or SEA.

To help ensure the modifications that a priority or focus school makes to its interventions are made in accordance with the SEA’s process for continuous improvement and are based on data analysis that will help ensure that the more rigorous interventions will meet the needs of all students in the school, an SEA might, for example, devise a strategy to better track school implementation progress and identify areas to be improved. Additionally, an SEA could provide more support for LEAs with priority and focus schools that have not met the SEA’s exit criteria by helping the LEAs strengthen their planning efforts, providing increased oversight and technical assistance from cross-functional teams, increasing the availability of resources, and exercising closer supervision of implementation of interventions. An SEA could also make available to its LEAs information about school turnaround strategies that have been demonstrated to help improve student achievement, such as strategies that have been evaluated by the What Works Clearinghouse (WWC) (<http://ies.ed.gov/ncee/wwc/>), or strategies that have consistently contributed to improved academic achievement within the State.

E-11. When must a school that was previously identified as a priority or focus school but has not yet met the SEA’s exit criteria begin implementing more rigorous interventions and supports?

A school that was previously identified as a priority or focus school but has not yet met the SEA’s exit criteria must begin implementing more rigorous interventions and supports by the start of the 2015–2016 school year. Accordingly, even if an SEA waits to submit its new lists of priority and focus

schools until January 31, 2016, it must determine, prior to the start of the 2015–2016 school year, which priority and focus schools will remain on the lists because they have not yet met the SEA’s exit criteria.

E-12. What must an SEA provide in its renewal request with respect to its timeline for implementing interventions aligned with all of the turnaround principles in all priority schools?

In its renewal request, an SEA must provide a timeline that demonstrates that all newly identified priority schools in a State’s second cohort of priority schools will begin fully implementing interventions aligned with all of the turnaround principles within two years of being identified. That is, if an SEA submits its new list of priority schools with its renewal request, it must submit a timeline that demonstrates that all newly identified priority schools on that list will begin fully implementing interventions aligned with all of the turnaround principles no later than the start of the 2016–2017 school year. On the other hand, if an SEA provides an assurance that it will submit its new list of priority schools by the January 31, 2016 deadline, it must submit a timeline that demonstrates that all newly identified priority schools on the forthcoming list will begin fully implementing interventions aligned with all of the turnaround principles no later than the start of the 2017–2018 school year.

Note that the timeline need not specify precisely when each individual school will begin implementing interventions, but should demonstrate, generally, when all priority schools will be fully implementing interventions aligned with the turnaround principles.

As discussed in question E-10, the timeline must also demonstrate that any priority school that is on the State’s new list of priority schools because it was previously identified but has not yet met the SEA’s exit criteria will begin implementing more rigorous interventions in the school year immediately following its identification as a school that has not yet met the SEA’s exit criteria.

E-13. What must an SEA provide in its renewal request with respect to its process and timeline for ensuring implementation of interventions targeted to the reason for identification in all focus schools?

In its renewal request, an SEA must provide a process, including a timeline, for ensuring that its LEAs implement interventions targeted to a focus school’s reason for its identification as a focus school. An SEA has discretion to determine what process it will use to ensure that such implementation is taking place, and the process might include, for example, monitoring LEAs with focus schools, requiring LEAs with focus schools to submit plans regarding their implementation, or providing dedicated staff from the SEA or third-party support to assist with and oversee implementation. In addition, the Department encourages an SEA to make use of the Department-funded national and regional comprehensive centers to provide LEAs with focus schools information about interventions or strategies that have been proven to help improve achievement in schools with similar needs.

With respect to the timeline for focus school interventions, an LEA with a newly identified focus school (*i.e.*, not a focus school that was previously identified but has not yet met the SEA’s exit criteria) may use the year immediately following identification for planning, pre-implementation, or piloting of interventions and still be considered to be meeting the required the required timeline for implementing interventions. For example, if an SEA submits its new list of focus schools with its renewal request, its timeline may indicate that an LEA with a newly identified focus school will use the 2015–2016 school year to plan for its interventions or to pilot interventions in one or more classrooms. The timeline must indicate that each newly identified focus school would begin fully implementing interventions by the start of the 2016–2017 school year. As discussed in question E-9, the timeline must also demonstrate that any focus school that is on the SEA’s new list of focus schools because it was previously identified but has not yet met the SEA’s exit criteria will begin implementing more rigorous interventions in the school year immediately following its identification as a school that has not yet met the SEA’s exit criteria.

E-14. How must an SEA determine the number of schools it must identify for its second cohort of priority and focus schools?

The number of schools that an SEA must identify for its second cohort of priority schools equals at least five percent of all Title I schools in the State, based on the number of schools participating in Title I in the year in which the second cohort is identified — the 2014–2015 school year for an SEA that submits its new priority schools list in its renewal request, or the 2015–2016 school year for an SEA that submits its list by the January 31, 2016 deadline. The number of schools that an SEA must identify for its second cohort of focus schools equals at least ten percent of all Title I schools in the State, also based on the number of schools participating in Title I in the year in which the second cohort is identified.

Note that, in identifying schools for the second cohort, previously identified priority or focus schools that have not yet met the SEA’s exit criteria will count toward the number of schools an SEA must identify. For example, if an SEA that submits its new lists with its renewal request has 100 Title I schools in 2014–2015, it must identify five priority schools and ten focus schools. If two of its previously identified priority schools and three of its previously identified focus schools have not yet met the SEA’s exit criteria, those schools would remain identified and the SEA would need to identify three additional priority schools and seven additional focus schools.

E-15. What must an SEA provide in its request for renewal of ESEA flexibility with respect to other Title I schools?

In its renewal request, an SEA must update its plan for providing incentives and supports to other Title I schools to include a clear and rigorous process for ensuring that LEAs provide interventions and supports to low-achieving students when one or more individual ESEA subgroups or any combined subgroups miss AMOs or graduation rate targets or both over a number of years. The Department

encourages an SEA to ensure that the process for providing interventions and supports to low-achieving students includes a process for providing clear, timely, and reliable subgroup performance data to other Title I schools on an annual basis and a process that clearly differentiates among schools based on the pervasiveness or persistence of achievement gaps or low performance or graduation rates by subgroups.

The Department encourages an SEA, as part of its process of continuous improvement of its system of differentiated recognition, accountability, and support, to include in its updated plan a description of how LEAs and schools will use data and research to identify the most promising interventions, particularly interventions with a strong evidence base, as well as examples of what interventions will be implemented and how those interventions can be modified over time to ensure they continue to meet students' needs.

An SEA might also include a discussion of how it will increase financial support, and help LEAs determine ways to increase their own financial support, for other Title I schools that have persistent subgroup performance issues in ways that will help address identified needs, as well as how it will help LEAs and other Title I schools ensure a closer alignment between the reason the schools missed AMOs or graduation rate targets and the interventions and supports that are implemented.

Within this description, an SEA is encouraged to specify how funds that were once reserved to implement public school choice and supplemental educational services, as well as other available and appropriate Federal, State, and local funds, will now be leveraged to identify, target, and implement effective interventions. An SEA should also describe how it and its LEAs will regularly monitor and evaluate the implementation of interventions to ensure they are implemented effectively and any necessary modifications are made.

E-16. How might an SEA differentiate the interventions, incentives, and supports to be provided to other Title I schools?

An SEA must have a clear and rigorous process for ensuring that LEAs provide interventions and supports to low-achieving students in other Title I schools when one or more individual or combined subgroups miss AMOs or graduation rate targets or both. The SEA is not required, however, to ensure that LEAs provide the same interventions to every school that misses one or more performance or graduation rate targets. An LEA or school may choose to conduct an analysis of the needs and capacity of the school in order to inform the interventions that will be implemented in the school.

An SEA might differentiate the interventions, incentives, and supports to be provided based on, for example, the number of targets missed, the number of subgroups missing targets, the margin by which subgroups missed their targets, the number of years over which targets have been missed, or the prior history of performance by the school (*e.g.*, whether the school was formerly a priority or focus school and has since exited this status but requires supports to continue and

sustain progress). This differentiation, therefore, applies not only to identification, but to the type of interventions provided as a result of that identification, including improvement plans addressing missed targets, locally determined interventions, early warning indicator and intervention systems, and additional staff or third-party support to assist with and oversee implementation.

E-17. How should an SEA demonstrate that it has a process to hold LEAs accountable for improving school and student performance?

In addition to required sub-recipient monitoring, an SEA must have a process in place to evaluate the performance of each LEA, determine if the LEA is performing adequately, and, if the LEA is not performing adequately, to hold the LEA accountable for continuously improving its performance. An SEA has flexibility to determine precisely how it will meet these requirements. For example, an SEA might use performance against AMOs, annual measurable achievement objectives (AMAOs), and graduation rate targets to drive LEA-level interventions; identify low-performing LEAs as such by assigning them a particular status (*e.g.*, priority or focus LEAs) and reporting that status to the public; have a prescribed set of consequences or actions that identified LEAs must undertake to improve student academic achievement; or intervene directly when an LEA is not able to demonstrate improvement.

F. PRINCIPLE 3 IN RENEWAL

F-1. What does it mean to fully implement teacher and principal evaluation and support systems according to the timelines required in ESEA flexibility for SEAs in Windows 1, 2, 3, and 4?

An SEA that requested ESEA flexibility in Windows 1 or 2 was required to begin piloting its teacher and principal evaluation and support systems in the 2013–2014 school year; and is required to fully implement these systems in the 2014–2015 school year, including incorporating student growth data based on statewide assessments administered in the 2014–2015 school year, for teachers of subjects and grades that are covered by such assessments, as well as student growth on other measures for teachers of subjects and grades that are not covered by statewide assessments. The table below provides an example of a teacher and principal evaluation and support systems implementation schedule that reflects full implementation in 2014–2015 and use of the 2015–2016 results to inform personnel decisions (in 2016–2017). The Department recognizes, however, that LEAs may vary in the precise timing of the referenced personnel actions; the table merely provides an example to demonstrate the school years in which these actions must take place for an SEA to fully implement its systems in the 2014–2015 school year.

Fall 2014–Spring 2015	School year (SY) 2014–2015 observations
Spring 2015	SY 2014–2015 State assessments
Spring– Fall 2015	Teachers receive ratings based on SY 2014–2015 performance,

	including, as a significant factor for all teachers, data on student growth for all students and other measures of professional practice
Fall 2015	Teachers develop improvement plans based on SY 2014–2015 ratings
Fall 2015–Spring 2016	Teachers receive professional development based on SY 2014–2015 improvement plans; SY 2015–2016 observations
Spring 2016	SY 2015–2016 State assessments
Spring– Fall 2016	Teachers receive ratings based on SY 2015–2016 performance, including, as a significant factor for all teachers, data on student growth for all students and other measures of professional practice
Fall 2016	Teachers develop improvement plans based on SY 2015–2016 ratings
Fall 2016–Spring 2017	Teachers receive professional development based on SY 2015–2016 ratings
Winter–Spring 2017	Personnel decisions, including advancement, termination, salaries, and bonuses, informed by SY 2015–2016 ratings
Spring 2017	Hiring informed by SY 2015–2016 ratings (where applicable – <i>e.g.</i> , if applicants have ratings from 2015–2016)

If an SEA approved for ESEA flexibility in Windows 1 or 2 received additional flexibility offered by the Secretary on June 18, 2013, allowing the SEA to first use the results of new teacher and principal evaluation and support systems from 2016–2017 to inform personnel decisions, its Principle 3 plan should reflect the timeline above except with respect to the personnel decisions in the last two lines, which would be delayed by one year and would, therefore be based on 2016–2017 ratings. An SEA that received this flexibility can find a chart detailing its timeline in question 2 in the Frequently Asked Questions document pertaining to the teacher and principal evaluation and support systems flexibility offered in June 2013, and available at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/college-career-ready/index.html>.

SEAs that requested ESEA flexibility in Windows 3 or 4 are on a different timeline. These SEAs are required to begin piloting teacher and principal evaluation and support systems in the 2014–2015 school year and must fully implement their systems in the 2015–2016 school year, including incorporating student growth data based on statewide assessments administered in the 2015–2016 school year.

F-2. Which Principle 3 assurance should an SEA select on the Renewal Form? For each of the three options under the Principle 3 assurances, what information must an SEA include in its renewal request?

An SEA that is on track to fully implementing Principle 3 (*i.e.*, any SEA that is meeting the agreed upon timeline described above in question F-1), should check Assurance 15.a under Option A of the Principle 3 assurances. These SEAs do not

need to provide any updates to their ESEA flexibility requests for Principle 3. These SEAs are welcome to submit, along with the standard documentation, any amendments to their Principle 3 requests that are consistent with the six requirements for teacher and principal evaluation and support systems under ESEA flexibility. For example, an SEA that is on track to fully implementing but would like to change its minimum number of performance levels from 3 to 4 could still check Assurance 15.a and submit the amendment in its redlined request and indicate the change in Section III of the Renewal Form. However, if an amendment would result in a different timeline for full implementation than the timeline described in question F-1, then the SEA should not check assurance 15.a.

An SEA that is administering new State assessments during the 2014–2015 school year and would like one additional year before incorporating growth on these assessments into educator ratings should check Assurances 15.b.i² and 15.b.ii³ under Option B of the Principle 3 assurances on the Renewal Form. An SEA should select Option B if it is requesting to delay only the inclusion of student growth data based on the statewide assessment for one year, such that student growth on State assessments will be incorporated in an educator’s rating based on school year 2015–2016 data instead of school year 2014–2015 data. An SEA selecting Option B must mark both assurances 15.b.i and 15.b.ii, and must also include in its redlined request any updates to Principle 3 reflecting the timeline delay request. These SEAs are also welcome to submit, along with the standard documentation, other amendments to their Principle 3 requests that are consistent with the six requirements for teacher and principal evaluation and support systems under ESEA flexibility. For example, an SEA that would like one additional year before incorporating growth on State assessments into educator ratings and would also like to change its minimum number of performance levels from 3 to 4 could still check Assurance 15.b.i and 15.b.ii and submit the amendment in its redlined request and indicate the change in Section III of the Renewal Form.

An SEA that is requesting additional flexibility beyond what is described in Option B should check Assurance 15.c under Option C of the Principle 3 assurances. These SEAs are required to address the three elements in the Renewal Guidance under Principle 3. These elements are described in detail in questions F-3, F-4, and F-5, below.

F-3. In its request for renewal, an SEA selecting Option C under the Principle 3 assurances must describe the progress it has made to date in ensuring that each LEA is on track to implement a high-quality teacher and principal evaluation and support system designed to

² Assuring that the SEA will continue to ensure that its LEAs implement teacher and principal evaluation and support systems using multiple measures, and that the SEA or its LEAs will calculate student growth data based on State assessments administered during the 2014–2015 school year for all teachers of tested grades and subjects and principals.

³ Assuring that the SEA will ensure that each teacher of a tested grade and subject and all principals will receive their student growth data based on State assessments administered during the 2014–2015 school year.

improve instruction. What information might the SEA include in this description?

In its request for renewal of ESEA flexibility, an SEA must describe where it and its LEAs are in the process of fully implementing teacher and principal evaluation and support systems that meet all of the requirements of Principle 3 (for a list of the requirements see question F-4). This should include a clear description of the actions taken to date, and a timeline for future actions.

An SEA might include, for example:

- A description of system pilots, including which elements of the evaluation and support systems were included in the pilots, the numbers of LEAs and schools that participated in the pilots, and a summary of what was learned from the pilots;
- A description of training and professional development provided (or planned) to prepare teachers and principals to implement evaluation and support systems;
- A description of training provided to (or planned for) evaluators to prepare and ensure inter-rater reliability;
- A description of how educator ratings are used (or will be used) to inform improvement plans and professional development;
- A plan for calculating and sharing student growth information with teachers and principals even if it is not yet incorporated fully into educator ratings;
- A timeline of when all teachers and principals were (or will be) fully included in the systems;
- A timeline of when data from the systems were (or will be) collected, publicly reported, and incorporated into ratings;
- A timeline of when growth measures for all teachers and principals were (or will be) fully included in the systems;
- A timeline of when educator ratings and feedback has been (or will be) provided to all teachers and principals;
- A timeline of when educator ratings started to be (or will be) used to guide professional development; and
- A timeline of when educator ratings started to be (or will be) used to make personnel decisions.

F-4. In its request for renewal, an SEA selecting Option C under the Principle 3 assurances must describe any proposed changes to its ESEA flexibility request and the SEA’s rationale for the changes. What information must the SEA include in this description?

In its request for renewal of ESEA flexibility, an SEA with approved Principle 3 guidelines must describe how any changes proposed through amendments to its approved request will lead to successful implementation of high-quality teacher and principal evaluation and support systems that still meet the six required

components of high-quality teacher and principal evaluation and support systems under Principle 3. These requirements remain unchanged; all systems must:

1. Inform continual improvement of instruction;
2. Meaningfully differentiate performance using at least three performance levels;
3. Use multiple valid measures in determining performance levels, including, as a significant factor, data on student growth (as defined in the document titled *ESEA Flexibility*) for all students (including English Learners and students with disabilities) and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys);
4. Evaluate teachers and principals on a regular basis;
5. Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and
6. Inform personnel decisions.

An SEA with Principle 3 guidelines that have not been approved must describe how its proposed updates to the SEA's Principle 3 plan in its request for renewal of ESEA flexibility address the issues that have thus far precluded approval. The SEA should describe how the updated proposal will lead to successful implementation of high-quality teacher and principal evaluation and support systems that meet the six requirements of Principle 3 as identified above.

Examples:

- An SEA that is proposing a delay incorporating a particular student growth measure for two years should describe why this delay is needed (*e.g.*, due to system requirements for multiple years of growth scores for each teacher) and how the SEA and/or its LEAs are preparing to incorporate this growth measure. This description could include information about if the growth measures are being calculated in interim years, whether they will be shared with educators, and how else they are being used (*i.e.*, to inform professional development, to validate other measures of teacher and principal performance, or as a part of the overall program evaluation for improving the alignment of the system with improved student performance). The SEA should also describe how, working with LEAs, it is preparing teachers and principals for the time when the measures will become part of educator ratings.
- An SEA that is proposing a delay in the incorporation of any non-growth measures into an educator rating should describe how the SEA and/or its

LEAs plan to use or prepare to use the measures. The SEA should describe how it, working with its LEAs, is preparing teachers and principals for the time when the measures will become part of the educator ratings.

- An SEA that is proposing to change the weight or method of incorporating student growth on State assessments should describe how the change will ensure that such growth is included as a significant factor (see question F-6).

F-5. In its request for renewal, an SEA selecting Option C under the Principle 3 assurances must describe the steps it will take to ensure continuous improvement of evaluation and support systems that result in instructional improvement and increased student learning. What information might an SEA include in this description?

As described in question E-2, ESEA flexibility renewal provides an opportunity for an SEA to strengthen its approved request as part of its continuous improvement process. In order to describe how the SEA will ensure continuous improvement of its teacher and principal evaluation and support systems, an SEA may describe and/or provide documents that demonstrate, for example --

- How the SEA and its LEAs determine or will determine if the implementation of teacher and principal evaluation and support systems is of high quality and if the systems address the six required components of Principle 3;
- What data analysis and processes the SEA and its LEAs use or will use to determine when and what changes are needed;
- What authority and mechanisms the SEA has or will have to ensure that any of its LEAs' systems that do not meet the requirements of Principle 3 are improved;
- How the SEA and its LEAs monitor or will monitor the implementation of the teacher and principal evaluation and support systems;
- How the SEA and its LEAs use or will use teacher and principal evaluation and support systems proactively to improve processes for recruiting, supporting, and retaining teachers and principals to meet the needs of all students; or
- How the SEA and its LEAs will provide equitable resources to high needs schools to support implementation of high-quality evaluation and support systems.

F-6. What does it mean to include student growth as a significant factor in evaluation and support systems? What options may an SEA use to demonstrate this?

Each SEA approved for ESEA flexibility committed to implementing teacher and principal evaluation and support systems that use multiple measures of performance, including student growth as a significant factor. While it should never be the only measure, incorporating student growth is important because one critical component of educating students is ensuring that they grow academically and ultimately graduate from high school ready for college and careers. Educators who make the greatest contribution to student growth should be recognized for that achievement.

SEAs have included student growth in their evaluation and support system guidelines in one of three ways. First, some use a mathematical model to evaluate performance, in which student growth is given a specified, significant percentage “weight” along with other components. Second, some SEAs choose to use a “matrix” model that puts student growth on one axis and other measures on the other axis. Such systems are designed so that teachers and principals with the highest student growth do not receive the lowest summative rating, and teachers and principals with the lowest student growth do not receive the highest rating. Finally, some SEAs have chosen to simply create overarching rules that link student growth results to a specific action, such as prohibiting educators with the highest growth results from receiving the lowest summative rating – regardless of their results in other measures.

Alternatively, an SEA may choose to demonstrate that its systems include student growth as a significant factor by submitting an analysis of either: (a) actual teacher and leader performance data; or (b) simulations of teacher and leader performance data. Actual or simulated data analysis must demonstrate that teachers or principals who make significantly different contributions to student growth receive different summative performance ratings, all other things being equal (*e.g.*, teachers who receive similar observation ratings and professional practice ratings but significantly different growth scores receive different summative performance ratings).

F-7. Under ESEA flexibility, an SEA’s teacher and principal evaluation and support systems must use multiple valid measures in determining performance levels. What are examples of such measures?

Evaluation and support systems should never give teachers or principals a rating based on a single measure of performance. SEAs and LEAs are using a wide array of measures of teacher performance, including, for example:

Classroom Practice

- Formal and informal principal and peer observations;
- Student feedback surveys;

- Artifacts demonstrating planning and preparation (such as lesson plans and descriptions of instructional strategies used for students with diverse needs);

Student Learning

- Statistical measures of student growth based on State assessments;
- Student learning objectives using other assessments;
- Portfolios of student work;

Other

- Measures of family engagement;
- Evidence of commitment to school community; or
- Professional growth activities (such as leading workshops, conducting peer coaching, or taking university coursework).

F-8. What resources are available to SEAs and LEAs to help them develop, adopt, and implement teacher and principal evaluation and support systems that meet Principle 3 of ESEA flexibility?

Numerous resources regarding teacher and principal evaluation and support systems are available to SEAs and LEAs. In particular, SEAs and their LEAs may wish to consult the following:

- **Professional Learning Modules prepared by the Center for Great Teachers and Leaders:**
 - Preparing Educators for Evaluation and Feedback: Planning for Professional Learning (<http://www.gtlcenter.org/technical-assistance/professional-learning-modules/preparing-educators-evaluation-and-feedback-planning-professional-learning-PLM>)
 - Introduction to Student Learning Objectives (SLOs) (<http://www.gtlcenter.org/technical-assistance/professional-learning-modules/introduction-student-learning-objectives>)
 - Social and Emotional Learning in the Daily Life of Classrooms (<http://www.gtlcenter.org/technical-assistance/professional-learning-modules/social-and-emotional-learning-daily-life-classrooms>)
 - Creating Coherence: Connecting Teacher Evaluation and Support Systems to the Common Core (<http://www.gtlcenter.org/technical-assistance/professional-learning-modules/creating-coherence-connecting-teacher-evaluation-and-support-systems-common-core>)
- **Publications prepared by the Center for Great Teachers and Leaders:**

- Evaluating Early Childhood Educators: Prekindergarten Through Third Grade, a Supplement to the Practical Guide to Designing Comprehensive Educator Evaluation Systems (<http://www.gtlcenter.org/products-resources/evaluating-early-childhood-educators-prekindergarten-through-third-grade>)
- Inclusive Design: Building Evaluation Systems That Support Students With Disabilities (<http://www.gtlcenter.org/products-resources/inclusive-design-building-evaluation-systems-support-students-disabilities-may>)
- Evaluating Specialized Instructional Support Personnel: Supplement to the Practical Guide to Designing Comprehensive Teacher Evaluation Systems (<http://www.gtlcenter.org/products-resources/evaluating-specialized-instructional-support-personnel-supplement-practical-guide>)
- **Tools prepared by the Center for Great Teachers and Leaders:**
 - SLO Resource Library (<http://www.gtlcenter.org/learning-hub/student-learning-objectives>)
 - State Teacher Evaluation Policy and State Principal Evaluation Policy Databases (<http://resource.tqsource.org/stateevaldb/>)
 - Teacher Evaluation Practical Guide (<http://www.gtlcenter.org/tools-publications/online-tools/teacher-evaluation>)
 - Principal Evaluation Practical Guide (<http://www.gtlcenter.org/tools-publications/online-tools/principal-evaluation>)
- **A Practical Guide to Designing Comprehensive Teacher Evaluation Systems** (National Comprehensive Center for Teacher Quality, available at: <http://www.tqsource.org/publications/practicalGuideEvalSystems.pdf>);
- **Measuring Student Growth for Teachers in Non-Tested Grades and Subjects: A Primer** (Reform Support Network, available at: http://www.swcompcenter.org/educator_effectiveness2/NTS_PRIMER_FINAL.pdf);
- **Great Teachers and Leaders: State Considerations on Building Systems of Educator Effectiveness** (Reform Support Network, available at: <http://www2.ed.gov/programs/racetothetop/great-teachers.doc>);
- **Alternative Measures of Teacher Performance** (National Comprehensive Center for Teacher Quality, available at: http://www.tqsource.org/pdfs/TQ_Policy-to-PracticeBriefAlternativeMeasures.pdf);
- **Guide to Teacher Evaluation Products** (National Comprehensive Center for Teacher Quality, available at: <http://www3.learningpt.org/tqsource/GEP/>);

- **Measuring Teachers Contributions to Student Learning Growth for Non-tested Grades and Subjects** (National Comprehensive Center for Teacher Quality, available at: <http://www.tqsource.org/publications/MeasuringTeachersContributions.pdf>);
- **State Policies and Examples of Best Practices in Principal Evaluation** (National Comprehensive Center for Teacher Quality, available at: http://www.tqsource.org/webcasts/201106Workshop/Presentations/ConcurrentSession1_StatePoliciesInPrincipalEval.pdf);
- **Getting It Right: A Comprehensive Guide to Developing and Sustaining Teacher Evaluation and Support Systems** (National Board for Professional Teaching Standards, available at: http://www.nbpts.org/userfiles/file/NBPTS_Getting-It-Right.pdf); and
- **Labor-Management Collaboration Conference Toolkit** (U.S. Department of Education, available at: <http://www.ed.gov/sites/default/files/lmc-conference-toolkit.pdf>).

Although some of these resources are designed specifically for Race to the Top grantees, the Department believes the information they contain may be useful to SEAs and LEAs that implement this flexibility.⁴

⁴This information is provided for the reader's convenience. The Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of outside information. Further, the inclusion of information or addresses, or Web sites for particular items, does not reflect their importance, nor is it intended to endorse any views expressed, or products or services offered.