



## MEMORANDUM

**To:** U.S. Department of Education  
**From:** Alliance for Excellent Education  
**Date:** August 15, 2013  
**Re:** Recommendations for ESEA Flexibility Renewals and Extensions

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The Alliance for Excellent Education (the Alliance) appreciates the opportunity to offer comments and recommendations on the U.S. Department of Education's (ED's) process for providing states with renewals and extensions of their waivers under ED's Elementary and Secondary Education Act (ESEA) flexibility policy. Under this policy, states have an important opportunity to design their own systems geared toward college and career readiness for all students. The Alliance understands that states are in various stages of waiver implementation and that major policy changes are unlikely at this time. However, as ED develops its policy and process regarding renewals and extensions, it is critical that ED address identified shortcomings while encouraging and supporting states to implement innovative reform. In doing so, the flexibility policy will help to all students graduate from high school college- and career-ready with the ability to apply knowledge to solve problems, think critically, communicate effectively, and be self-directed learners. Below are the Alliance's recommendations to achieve these objectives.

### (1) Implementation of College- and Career-Ready Standards

- (a) **Recommendation:** Provide direct support to students to ensure successful implementation of college- and career-ready standards, with a focus on students who are the furthest behind.

**Rationale:** Approved waiver plans require states to describe broad strategies for the implementation of college- and career-ready standards. In response, many states outlined their plans for educating teachers and the community regarding the new standards as well as their processes for providing professional development to align instruction with the new standards. During the waiver renewal process, the Alliance recommends that states be required to describe their plans for providing direct support to students on the implementation of college- and career-ready standards, with a focus on students who are the furthest behind. Because states are already required to have comprehensive improvement strategies for priority and focus schools, this recommendation is of particular importance to students attending schools that have not been identified as priority or focus. The Alliance recommends that ED encourage states and districts to use strategies such as:

- Implement strategies for personalization as described in ED’s Race to the Top–District competition (e.g., implement personalized sequences of instructional content and skill development; provide educators with actionable data that allows educators to respond to individual academic needs and interests; provide educators with professional development regarding instructional strategies for personalization, etc.).
- Implement early warning indicator and intervention systems.
- Provide comprehensive wraparound services to address students’ holistic needs through collaboration with community partners. Such services may also be provided through the use of funds that are no longer being reserved to provide supplemental educational services and public school choice.

**(b) Recommendation:** Track postsecondary outcomes based on the type of diploma awarded and ensure all students have equitable access to a rigorous diploma pathway (see Tables 1–4).

**Rationale:** The Alliance appreciates the provision within ED’s flexibility policy requiring states, local educational agencies (LEAs), and high schools to report data on college enrollment and course completion. The Alliance recommends that ED expand this policy by requiring states to

- disaggregate the data by subgroup and the type of diploma awarded or the pathway taken by a student toward a diploma; and
- use the data to ensure that all students have equitable access to the most rigorous college- and career-ready diploma.

Several states offer multiple pathways toward a diploma and/or multiple diplomas (e.g., Indiana’s “waiver” diploma, Massachusetts’s diploma awarded with an educational proficiency plan). As the implementation of college- and career-ready standards unfolds, it appears additional states may choose to provide multiple diploma pathways and/or multiple diplomas. While there may be advantages to offering multiple pathways to a diploma, this approach can lead to tracking low-performing students toward a less rigorous academic path, especially since higher standards are being implemented in these states. By disaggregating postsecondary outcomes by diploma type, students and parents will have important information that may inform their decisions regarding what pathway/diploma should be sought.

The Alliance also recommends that ED require states, LEAs, and schools to review this data to ensure that all students are provided equitable access to a rigorous diploma pathway that leads to postsecondary success. For example, if a school finds that students of color are receiving one diploma type at much higher rates than white students, the LEA/state should implement a policy to address the inequity.

## (2) Graduation Rate Accountability

The Alliance appreciates the time and attention ED has given to the concerns raised by the Alliance and others regarding graduation rate accountability among states with waivers. In particular, the Alliance applauds the revised guidance issued by ED on March 5, 2013 pertaining to subgroup graduation rate accountability (question C-48b). Building on this guidance, the Alliance offers the following recommendations:

**(a) Recommendation:** Fully implement subgroup graduation rate accountability as articulated in ED’s revised guidance. The Alliance urges ED to fully incorporate the aforementioned guidance into the requirements for waiver renewals and extensions. This entails a requiring states to include descriptions for (1) how subgroup graduation rates trigger interventions, (2) the interventions that will be implemented, and (3) how LEAs and the state will provide support to high schools in need of intervention.

**Rationale:** Full implementation of ED’s revised guidance on subgroup graduation rate accountability is critical for the success of student subgroups. This is particularly important because thirteen states with either weak or no subgroup graduation rate accountability received waivers. Alaska, Arizona, Kentucky, New Jersey, New Mexico, North Carolina, and Rhode Island lack any subgroup graduation rate accountability. Michigan, Minnesota, Nevada, New Hampshire, Oklahoma, and South Carolina have weak subgroup graduation rate accountability such that a low subgroup graduation rate fails to trigger intervention.<sup>1</sup>

**(b) Recommendation:** Implement extended-year graduation rates as intended under the 2008 graduation rate regulations.

**Rationale:** ED’s guidance accompanying the 2008 regulations clearly articulates the expectation that the use of an extended-year graduation rate would be accompanied by more rigorous annual targets for the extended-year graduation rate than for the four-year graduation rate.<sup>2</sup> The Alliance urges ED to fully implement this policy by requiring states using an extended-year adjusted cohort graduation rate to set higher annual measurable objectives (AMOs) for the extended-year rate than for the four-year adjusted cohort rate. Kansas, Michigan, and Virginia use an extended-year rate without setting higher graduation rate AMOs for the extended-year rate.<sup>3</sup>

States using an extended-year rate should also indicate whether, for purposes of the 60 percent trigger for priority/focus school identification, the four-year adjusted cohort rate is used for determination. If an extended-year rate is used, the state should raise the 60 percent trigger accordingly. This is important because using an extended-year graduation rate affects the number of high schools identified for district intervention. The use of an extended-year rate without raising the 60 percent trigger may not identify high schools with four-year graduation rates below 60 percent, potentially preventing them from receiving needed support. Colorado, Massachusetts, Minnesota, Missouri, Oregon, Rhode Island, and Washington use an extended-year rate but have not raised the 60 percent trigger for identification of focus and priority schools.<sup>4</sup>

### (3) Equitable Distribution of Effective Teachers

**Recommendation:** States should ensure that districts serving schools with high concentrations of ineffective teachers, inexperienced teachers, or teachers teaching outside of their certification area use Title II and other resources to increase the placement, rate, and retention of effective (or highly rated), fully licensed, and properly assigned teachers in schools with these high concentrations.

**Rationale:** Disparities in the distribution of effective teachers placed in high-need high schools persist despite provisions to ensure teacher equity in the last reauthorization of ESEA. Schools serving urban and low-income students are more likely to employ teachers who are on emergency waivers and who are not certified in the subject they teach.<sup>5</sup> These students have only a 50 percent likelihood of being taught math and science by teachers who hold a degree and/or license in their field.<sup>6</sup> In addition, based on the most recent Office for Civil Rights Data Collection, schools with the highest enrollments of African American and Latino students are nearly twice as likely as schools with the lowest enrollments to employ teachers with only one to two years of experience. Because research indicates that at least two and ideally three years of data is needed to reliably rate a teacher, there may be a significant number of new teachers who are not yet rated within the state's evaluation and improvement system.

In their waiver renewal/extension plans, states should commit to using Title II and other resources to increase equitable access to teachers who have been rated highly, as well as teachers assigned within their certification area. States should also ensure that low-income students and students of color are not disproportionately taught by teachers with two or fewer years of experience and who may not have received an effectiveness rating.

In addition, state plans should include strategies for increasing teacher retention. The consequences of high teacher turnover are particularly serious for the nation's low-performing, high-poverty schools. These schools are continuously rebuilding their staff and replacing beginning teachers, resulting in schools that are frequently staffed with inequitable concentrations of under-prepared teachers who are left to labor on their own to meet the needs of their students. Such strategies may include increased supports for early career teachers, leadership opportunities, career ladders, etc.

#### **(4) Data Transparency**

**Recommendation:** Each state should complete the attached “Table 5: High School Information” upon submitting a request for renewal of its waiver.

**Rationale:** As states implement new accountability and improvement systems, it is important to ensure that the right schools are receiving the right level of support to improve. States and stakeholders will be able to use the information outlined in Table 5 to refine policies, target resources, and offer additional support to struggling schools. For example, this information will identify high schools with large graduation rate gaps between subgroups that are not classified as priority or focus schools. Alternatively, if this data shows that all such schools are receiving support, then the chart will confirm that the state’s approach to accountability is on target to strengthen support for the state’s students.

Collecting this information in an easily accessible format is important considering the complexity of state accountability systems and, in particular, the variation in state approaches to graduation rate accountability. For example, twelve states (Arizona, Colorado, Florida, Kentucky, Maryland, Massachusetts, Michigan, New Mexico, Rhode Island, South Dakota, Tennessee, and Wisconsin) with approved ESEA flexibility requests allocate less than 25 percent of the accountability index to the adjusted cohort graduation rate. Therefore, there is a strong possibility that a high school with a low graduation rate might not be identified for intervention or may receive a high or inaccurate rating within a state’s index despite a low graduation rate. In order to maximize transparency and ensure for parents and the community that a state’s rating system (e.g., an A–F system, a star rating, etc.) is accurately describing the performance of each school, each state requesting a renewal should provide the information requested in Table 5 for each high school in the state. The information provided is already collected by the state and therefore should not be burdensome to provide in terms of time or effort.

**Table 1: Transition to College with a Standard Diploma**

Subgroup	Percentage receiving a standard diploma	Percentage college going*	Percentage college credit accumulating**	Probability of postsecondary success***
American Indian	10%	5%	3%	30%
Black/African American	25%	20%	15%	60%
Hispanic/Latino	25%	20%	15%	60%
White	35%	25%	20%	57%
Children with disabilities	30%	20%	10%	33%

**Table 2: Transition to College with an Honors Diploma**

Subgroup	Percentage receiving an honors diploma	Percentage college going*	Percentage college credit accumulating**	Probability of postsecondary success***
American Indian	5%	5%	4%	80%
Black/African American	5%	5%	4%	80%
Hispanic/Latino	5%	5%	4%	80%
White	30%	25%	20%	67%
Children with disabilities	5%	3%	3%	60%

**Table 3: Transition to College with a Career and Technical Education (CTE) Diploma**

Subgroup	Percentage receiving a CTE diploma	Percentage college going*	Percentage college credit accumulating**	Probability of postsecondary success***
American Indian	30%	20%	15%	50%
Black/African American	30%	20%	15%	50%
Hispanic/Latino	40%	25%	20%	50%
White	10%	5%	3%	30%
Children with disabilities	5%	0%	0%	0%

**Table 4: Transition to College with a Certificate of High School Completion**

Subgroup	Percentage receiving a certificate of completion	Percentage college going*	Percentage college credit accumulating**	Probability of postsecondary success***
American Indian	5%	0%	0%	0%
Black/African American	5%	0%	0%	0%
Hispanic/Latino	0%	0%	0%	0%
White	5%	0%	0%	0%
Children with disabilities	20%	0%	0%	0%

\* College going: Of the students who graduate in four years with a regular high school diploma consistent with 34 C.F.R. § 200.19(b)(1)(i), the number and percentage who enroll in an institution of higher education (IHE) (as defined in section 101(a) of the Higher Education Act of 1965, as amended (HEA)) within sixteen months of receiving a regular high school diploma.

\*\* College credit accumulating: Of the students who graduate in four years with a regular high school diploma consistent with 34 C.F.R. § 200.19(b)(1)(i) who enroll in a public IHE (as defined in section 101(a) of the HEA) in the state within sixteen months of receiving a regular high school diploma, the number and percentage who complete at least one year’s worth of college credit (applicable to a degree) within two years of enrollment in the IHE.

\*\*\* The probability of postsecondary success is calculated as the percentage of students receiving a specific diploma type that completes one year’s worth of college credit within two years of enrolment in the IHE.

**Table 5: High School Information**

LEA name	High school†	School NCES ID	Title I eligible, receiving, or neither	Four-year adjusted cohort graduation rate		Large graduation gap††	Student achievement (percentage proficient)			Large achievement gap†††	Priority, focus, or neither	Overall rating
				Subgroup			Subgroup	Math	ELA			
Spring	Oak High School	11111110	Eligible	Subgroup		<ul style="list-style-type: none"> <li>American Indian</li> <li>Black/African American</li> <li>Children with disabilities</li> <li>Hispanic/Latino</li> </ul>	Subgroup	Math	ELA	<ul style="list-style-type: none"> <li>American Indian</li> <li>Black/African American</li> <li>Hispanic/Latino</li> <li>Children with disabilities</li> </ul>	Neither	3 stars (Ex.: 3 stars, B+, Green, etc.)
				All	65%		All	37%	23%			
				American Indian	50%		American Indian	18%	12%			
				Black/African American	65%		Black/African American	34%	22%			
				Hispanic/Latino	70%		Hispanic/Latino	43%	22%			
				White	80%		White	70%	47%			
				Children with disabilities	60%		Children with disabilities	18%	12%			

† “High school” means a secondary school that grants a diploma, as defined by the state and includes twelfth grade.

†† A large graduation gap represents a four-year adjusted cohort graduation rate gap of at least 15 percentage points between a subgroup and the highest-performing subgroup in the school.

††† A large achievement gap represents a gap among students proficient in math or reading of at least 15 percentage points between a subgroup and the highest-performing subgroup in the school.

## Endnotes

<sup>1</sup> Additional information is available in P. Lovell, J. Cardichon, and F. Jones, *The Effect of ESEA Waiver Plans on Graduation on High School Graduation Rate Accountability* (Washington, DC: Alliance for Excellent Education, 2013), p. 11–12.

<sup>2</sup> See question D-4 in U.S. Department of Education, “High School Graduation Rate Non-Regulatory Guidance” (Washington, DC: Author, December 22, 2008).

<sup>3</sup> Additional information is available in Lovell et al., page 14.

<sup>4</sup> Ibid.

<sup>5</sup> Alliance for Excellent Education, “Improving the Distribution of Teachers in Low-Performing High Schools” (Washington, DC: Author, 2008).

<sup>6</sup> J. Oakes, *Multiplying Inequalities: The Effects of Race, Social Class, and Tracking on Opportunities to Learn Mathematics and Science* (Santa Monica, CA: The RAND Corporation, 1990).