

# EDUCATION DAILY

The education community's independent daily news service

## ESEA FLEXIBILITY

### Reps. express concerns about waiver extensions

By Frank Wolfe

Rep. George Miller, D-Calif., the ranking member of the House Education and the Workforce Committee and other House Democrats are concerned that states are taking advantage of the ESEA waiver process to lower accountability and want Education Secretary Arne Duncan to hold a "high bar" for states requesting one-year waiver extensions.

"As the Department of Education reviews applications for extension, you must ensure that states focus squarely on the interests and needs of students," according to a Feb. 12 letter to Duncan from Miller; Reps. Marcia Fudge, D-Ohio, chairman of the Congressional Black Caucus; Judy Chu, D-Calif., chairman of the Congressional Asian Pacific American Caucus; Rubén Hinojosa, D-Texas, chairman of the Congressional Hispanic Caucus; Chaka Fattah, D-Pa.; Danny Davis, D-Ill., Raúl Grijalva, D-Ariz., and Del. Gregorio Kilili Camacho Sablan, D-Northern Mariana Islands.

"The federal role in education is historically a civil rights role, serving to protect and promote equity. However, we are concerned that some state policies or practices, approved under the initial round of waivers, have not lived up to this mission," according to the letter. "Moreover, some states may seek changes during the extension process that could further weaken equity provisions. Therefore, we call on you to hold a high bar during the renewal process and to require states to make mid-course corrections."

The legislators said that they are particularly worried by state waiver policies in six areas:

1. The creation of student "super subgroups" that can mask low academic performance by subgroups.
2. A weakening of graduation rate policies, including five- and six-year graduation allowances and minimal subgroup accountability.
3. A decrease in accountability for students with disabilities, including the development of new assessments.

(See **CONCERNS** on page 2)

**Today's Highlights**

Vol. 47, No. 31 · Wednesday, February 19, 2014

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**COMMON CORE**  
States continue adjustments after assessment pushback ..... **Page 3**

## COMPETITIVENESS

### AYPF discusses promise of dual enrollment

Programs can offer students vision of future college success, experts say

By Jean Gossman

Advocates of dual enrollment have noted that it fosters students' interest in higher education while academically pushing them and earning them college credits.

Although some observers have criticized dual enrollment as targeting and cherry-picking the highest-achieving high school students, a recent American Youth Policy Forum webinar featured discussion of dual enrollment's potential as a self-actualizing college success tool for all high school students, as well as state policies that can facilitate the programs.

One example is Vermont, which according to John Fischer, deputy commissioner of the Vermont Agency of Education, has "a history of educational innovation and creativity." To increase college-going to produce an educated workforce, the state undertook policy changes that included dual-enrollment expansion.

Act 77 of 2013, Vermont's Flexible Pathways Initiative, allows for expanding dual enrollment program, virtual/blended learning, and personalized learning plans, among other provisions. State officials also decided that K-12 funding "was a permissible use" for financing early college programs, Fischer said. Starting in SY

(See **ENROLLMENT** on page 4)

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**CONCERNS** (continued from page 1)

4. A lack of detailed plans and accountability for ELLs.

5. Questionable enforcement of teacher equity provisions for disadvantaged students.

6. A lack of transparency thus far regarding student and school data in waiver states.

“ESEA flexibility does require schools to take action when any subgroup fails to make progress,” according to the letter. “But many states did not describe significant or detailed steps they would take to ensure that schools take necessary action. These policies mean that students may slip through the cracks of averages and ambiguities. During the extension process, we expect you to insist states close any loopholes and invest in significant improvement efforts to ensure struggling students get the support they need and deserve.”

**Equity concerns**

When asked by *Education Daily*® how the Education Department planned to address the legislators’ concerns, an ED spokesperson did not respond directly.

“We have received the letter on Elementary and Secondary Education Act flexibility and look forward to responding,” according to an email from spokesperson Dorie Nolt. “The department shares the same commitment to protecting and promoting equity for students. The purpose of flexibility is to provide educators with freedom from specific requirements of the No Child Left Behind Act in exchange for rigorous and comprehensive plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction in the classroom.”

Last year, the Education Department, in its initial waiver guidance, said that schools could request two-year waiver renewals and said that states should implement interventions in schools in which subgroups had missed annual measurable objectives and graduation rate targets for two or more years. But in November, ED replaced that process with one-year renewals that rely on states identifying and resolving

issues identified through the Part B monitoring process.

“From what we can tell, the monitoring process is much less specific and direct on these concerns than the original guidance,” Phillip Lovell, the vice president of federal advocacy at the Alliance For Excellent Education, told *Education Daily*®.

SEAs may request a waiver extension by Feb. 28, or 60 days from receipt of the state’s Part B monitoring report, whichever is later.

So far, ED has produced Part B monitoring reports on 11 states: Arkansas, Colorado, Connecticut, Delaware, Idaho, Minnesota, Mississippi, Nevada, New York, Oregon, and South Carolina. At the end of SY 2013-14, waivers expire in 34 states and the District of Columbia.

A recent report from the New America Foundation, *It’s All Relative: How NCLB Waivers Did — and Did Not — Transform Accountability*, examined schools in 16 waiver states and found that about two-thirds of schools in improvement under NCLB are no longer identified as “focus” or “priority” schools under the waiver system’s 15 percent threshold.

In 13 states, the number of schools identified for intervention under the waiver process dropped by more than 100 schools: Arkansas, Connecticut, Florida, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, South Carolina, and Washington, according to a report last August from the Campaign for High School Equity, *Maintaining a Focus on Subgroups in an Era of Elementary and Secondary Education Act Waivers*.

Some states have shown an increase in the number of schools identified for improvement under the waiver process, including Kansas, Kentucky, Louisiana, Michigan, New York, Oklahoma, Utah, and Wisconsin, according to the report.

“Indeed, I wouldn’t say that less accountability is taking place in all states, and education improvement and accountability are certainly more complex than whether states are identifying more or fewer schools as a result of waivers,” Lovell said. “But in a number of states the data we have is concerning.”



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# States continue adjustments after assessment pushback

By Adam Dolge

The recent recommendations from a New York Board of Regents work group to make changes to the state's implementation of Common Core State Standards may show there is more pushback on the Common Core-aligned new high-stakes assessments than the standards themselves.

"I think assessments have become the lightning rod in all this," said Diane Stark Rentner, deputy director of the Center on Education Policy.

The Regents work group tasked with reviewing the development and implementation of Common Core offered the full board recommendations in response to concerns and feedback from stakeholders in the state and through a series of public forums. New York joined Kentucky last year as the first states to use Common Core-aligned assessments and some experts believe the results from those tests had an impact on public perception.

"Kentucky also had its own assessment and there was far less controversy because leadership in Kentucky knew there would be issues and started at the grass roots level saying 'we have more rigorous standards and new tests and the results won't be good initially,'" Rentner said. "I'm not sure New York did that."

"In Kentucky, the public was prepared for the change and prepared for the fact that the results may not look as good, and there wasn't this outcry," like in New York, said Robert Rothman, a senior fellow at the Alliance for Excellent Education. "I think it takes some education of public and educators to become aware of the next expectations."

## Field tests

Other states may see similar pushback after results are released from field tests later this year from the Partnership for Assessment of Readiness for College and Careers and the Smarter Balanced Assessment Consortium, Rentner said.

"A lot of other states may be waking up to the fact they are not scoring as well as they were," she said. "If you are a Common Core supporter, you need to get out ahead of this and talk about the assessment results and how it's different."

"The closer we get to full implementation, the trickier this will be," said Anne Hyslop, policy analyst for the New America Foundation's Education Policy Program. "The consortia haven't even given full tests; states haven't even agreed to use the same ones yet. It's very unclear and murky. These kinds of debates will only continue and amplify over the year."

## Assessment delay

The class of 2022 will be the first in New York required to score high marks, what the state considers college- and career-ready marks, on Common Core assessments in order to graduate, based on the Regents group recommendations. Until that date, students will still take Common Core assessments but the passing requirements will be lower.

Hyslop said using the Common Core assessments as exit requirements is a decision left up to individual states as that is not a requirement in federal law, or even under ESEA Flexibility waivers.

Several states do use assessments as exit requirements and some may switch like New York to college and career-ready assessments for graduation requirements in the future. But New York is not alone in rethinking its implementation of Common Core. Several states, including Indiana, are looking again at CCSS and some states have pulled out of participating in the assessment consortia.

"Even in Massachusetts, which we think of as a strong Common Core supporting state, their commissioner put in place a new transition plan that extends the timeline to adopt new assessments," Hyslop said. Massachusetts now has a two-year transition plan for its Common Core assessments and several other states, including Louisiana and Florida, have similar delays in assessments.

"So, given the facts, the standards, while controversial, are a whole lot less controversial than the assessments."

## Test fatigue

A minority of people may be against the Common Core standards, but "the assessments are a lot trickier," Hyslop said.

"Many parents are already concerned about standardized testing and didn't like the emphasis on testing in schools," Hyslop said. "Now teachers are evaluated on these tests and there's pushback from them. So there is a lot of fear as well on what the tests will show and if we do find students aren't doing as well as we thought, which is what New York saw last spring when proficiency rates went down, then how does that have a ripple effect on things like student promotion or graduation?"

Rentner said it is good New York is trying to figure out a way to keep the high standards, work to achieve them, and give them a little space and time to adjust and catch up.

"It seems like it's not a scrap of Common Core, but instead they are saying, 'let's find a way to make it fair,'" Rentner said.

## ECS releases state model policies on dual enrollment

Differences across states in program statutes and nomenclature related to dual enrollment programs are “one of the most complicated issues I’ve dealt with,” Jennifer Dounay Zinth, a senior policy analyst with the Education Commission of the States, said during a recent American Youth Policy Forum webinar. This is an important consideration given that students often cross state lines to continue their postsecondary education after high school and related dual-enrollment courses.

Zinth, who is the author of *Increasing Student Access and Success in Dual Enrollment Programs: 13 Model State-Level Policy Components*, released last week by ECS, offered the “wide spectrum” of policies on program quality as one example, with some states having “extremely explicit” policies. And although states generally seek to increase participation, just 20 states require all students to be notified of the availability of dual-enrollment programs.

“Research and state experience suggest that 13 policy components related to access, finance, ensuring course quality and transferability of credit may increase the likelihood that a more diverse group of students successfully participates in high-quality dual-enrollment courses and receives credit that will be transferable to other public postsecondary institutions in the same state,” the report said.

The report presents the 13 components developed by ECS for dual enrollment, covering notification, access, program quality, finance, and course credit transferability, as well as state examples. The

components are:

1. Program access for all eligible students.
2. Student eligibility requirements based on college-level course-taking ability.
3. Reasonable caps on number of courses students may take that are not cost-driven.
4. Credit earned for both secondary and postsecondary level.
5. Annual program information provision to all students and parents.
6. Available student and parent counseling before and during program participation.
7. No tuition costs to parents.
8. Full funding or reimbursement to LEAs and postsecondary institutions for participating students.
9. Course rigor equaling course taught at the partner postsecondary institution.
10. Instructor expectations equaling those for traditional postsecondary instructors.
11. Public reports on participation and outcome reports issued by LEAs and postsecondary institutions.
12. Program evaluation incorporating available data.
13. Dual-enrollment credit accepted as transfer credit.

Complementing the report is the ECS state-by-state dual-enrollment database, created in 2008 and updated in 2013.

*The report is available at [www.ecs.org/clearinghouse/01/10/91/11091.pdf](http://www.ecs.org/clearinghouse/01/10/91/11091.pdf).*

## ENROLLMENT (continued from page 1)

2015-16, LEAs will cover 50 percent of funding, with the rest funded by the State General Fund. Courses may be taken at a college campus or at a participating high school.

While Vermont has one of the highest high school graduation rates in the U.S., it also has one of the lowest college-going rates in the nation, Fischer said, adding that the state’s students also have high remediation needs during the transition to college.

Vermont also has a declining school-age population to form its future workforce, with about 80,000 public education students, Fischer said. About 60 percent of Vermont high school students enroll in college within 16 months of high school graduation. However, Fischer added that the rate is “not high enough for our goals. We would like to move that to approximately 80 percent.”

According to Joyce Judy, president of the Community College of Vermont, a college partner for Vermont dual-enrollment programs and Vermont’s only community college, dual enrollment offers a particular demographic benefit to the state. Many

Vermont students enter college about 10 years after their high school graduation, often “after being in low-paying jobs,” Judy said. Dual enrollment can help shrink what Judy referred to as an “age gap” in Vermont college-going.

“We see dual enrollment as playing a significant role in addressing both economic and some demographic issues that we face in Vermont,” Judy said. This is especially true given that the fastest-growing jobs in the nation require education beyond high school, and Vermont associate degree holders earn 36 percent more than Vermonters with only a high school diploma, according to Judy.

In light of the disparity in Vermont’s rates of high school graduation and college-going, Judy said, “There’s some disconnect between high school and college.” Dual-enrollment courses “help the middle majority of students have a successful college experience while they’re still in high school, so that they could imagine that they might be successful in college,” Judy said.

She added that if students can start college earlier through dual enrollment, it could be thought of as “a gift to them and a gift to the Vermont economy.”