



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Hosanna Mahaley
State Superintendent of Education
Office of the State Superintendent of Education
District of Columbia Public Schools
810 First Street, N.E., 9th Floor
Washington, DC 20002

Dear Superintendent Mahaley:

Thank you for submitting the District of Columbia's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that the District of Columbia's Office of the State Superintendent of Education (OSSE) and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, OSSE's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of OSSE's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of OSSE's request and areas that would benefit from further development. Department staff also reviewed OSSE's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that OSSE's request was strong in the process of consultation with stakeholders and that OSSE has made important progress in preparing local educational agencies (LEAs) for the transition to college- and career-ready standards.

At the same time, based on the peer reviewers' comments and our review of the materials OSSE has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

- Lack of a clear description of the proposed accountability index calculations and the use of the results to identify schools for, and exit them from, priority or focus school status;

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- A lack of clarity regarding interventions and supports for priority schools, focus schools, and other Title I schools;
- Insufficient information regarding how OSSE will hold LEAs accountable; and
- The lack of clear, coherent plans to provide timely support and ensure implementation of teacher and principal evaluation systems in all LEAs.

The enclosed list provides details regarding these concerns as well as other issues raised in the review of OSSE's request that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage OSSE to consider all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Furthermore, as described in the document titled *ESEA Flexibility Frequently Asked Questions*, in deciding whether to approve a State educational agency's (SEA) request for flexibility, the Department may take into account instances of substantial or recurring non-compliance with statutory and regulatory requirements applicable to Department programs under which the SEA receives funds. The Department is concerned about OSSE's status as a high-risk grantee, its significant and sustained non-compliance with the Individuals with Disabilities Education Act, and its continued inability to document participation in high school science assessments. We will discuss these concerns with you more fully as we continue to review OSSE's request for ESEA flexibility.

Although the Peer Panel Notes for OSSE provide information specific to your request, OSSE also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple SEAs' requests. For this reason, Department staff will reach out to OSSE to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with OSSE to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with OSSE as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. However, given the number and level of concerns raised by the peer reviewers, OSSE may wish to take additional time to revise its request and submit revisions later than this date. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Sue Rigney, at 202-260-0931.

Sincerely,



Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING THE DISTRICT OF COLUMBIA'S ESEA FLEXIBILITY REQUEST

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please address concerns regarding the completeness of the high-quality plan to transition to and implement college- and career-ready standards, particularly for teachers of students with disabilities, English Learners, and low-achieving students. *See 1.B.*
- Please provide additional information within the transition plan on the steps OSSE will take to ensure English Learners and students with disabilities have access to college- and career-ready standards and aligned instructional materials, including addressing the needs of students with disabilities who are enrolled in the general curriculum and take the general assessment. *See 1.B.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please provide additional information and clarification in response to concerns regarding the school accountability system, particularly the use of the values table, including:
 - The business rules for using data from the values table to assign points to schools and to differentiate the categories of schools (*e.g.*, how the results for subgroups of students are incorporated into the overall school score, how schools are identified based on the scores and graduation rates). *See 2.A.i.*
 - How graduation rate targets will be used within the accountability system. *See 2.A.i.*
 - How the system accounts for student subgroups and measures subgroup progress over time.
 - Clarify the “*n*-size” that will be used for accountability. *See 2.A.i.*
 - Clarify the timeline, methodology and impact on the accountability system of including new assessments in the system with the rationale for weighting them at half the value of the reading/language arts and mathematics assessments. *See 2.A.i.*
- Please indicate how test participation will be included in the accountability system to maintain strong accountability for assessing all students. *See 2.A.i.*
- Please address concerns regarding the calculation and reporting of separate reading/language arts and mathematics annual measurable objectives (AMOs), including how the AMOs will be set at the State, district and school levels, and how they will be incorporated into the accountability system. *See 2.B.*
- Please demonstrate that OSSE’s list of reward, priority, and focus schools meets the definitions in ESEA flexibility. Refer to the document titled *Demonstrating that an SEA’s Lists of Schools Meet ESEA Flexibility Definitions*. *See 2.C.i., 2.D.i, 2.E.i.*
- Please confirm that Title I funds will not be used in any non-Title I schools identified as reward schools. *See 2.C.i.*
- Please demonstrate that the exit criteria for priority schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.v.*
- Please address concerns related to the proposed intervention and support strategies, including by:
 - Clarifying that OSSE will ensure all LEAs with one or more priority schools will implement meaningful interventions aligned with all of the turnaround principles simultaneously in each priority school, for at least three years. *See 2.D.iv.*

- Describing how the State will ensure that the focus school interventions will address the needs of the subgroup or subgroups for which the school was identified as a focus school. *See 2.E.iii.*
- Addressing the concerns that the accountability system does not include interventions specifically focused on students with disabilities or English Learners. *See 2.D.iii.b, 2.E.iii.*
- Please demonstrate that a school may not exit focus status without making significant progress in improving student achievement and narrowing achievement gaps for the subgroup(s) of students for which the school was identified. *See 2.E.iv.*
- Describe the steps OSSE will take to ensure meaningful consequences for priority and focus schools that do not make progress after full implementation of interventions. *See 2.D.iii.b, 2.E.iv.*
- Please demonstrate that OSSE's proposed accountability system provides incentives and supports for other Title I schools that are based on its AMOs in reading/language arts and mathematics and other measures. *See 2.F.*
- Please address concerns regarding insufficient plans to build and monitor LEA capacity to support effective implementation of interventions in priority schools, focus schools, and other Title I schools. *See 2.G.i.*
- Please describe whether OSSE will leverage funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in priority schools, focus schools, and other Title I schools identified under OSSE's differentiated recognition, accountability, and support system. *See 2.G.ii.*
- Please describe how OSSE will hold LEAs, not just schools, accountable for improving school and student performance. *See 2.G.iii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please provide more clarity on the process for developing and adopting guidelines that is likely to result in successful adoption of those guidelines by the end of the 2011–2012 school year. *See 3.A.ii.*
- Please provide a plan to ensure high-quality and consistent implementation of OSSE's teacher and principal evaluation and support systems, including the specific process for implementation, and how that implementation will occur across all LEAs. *See 3.B.*
- Please explain how OSSE plans to work with teachers and administrators or, as appropriate, their designated representatives, in order to implement the evaluation and support plans outlined in the request. *See 3.B.*
- Please describe how OSSE will ensure that LEAs create teacher and principal evaluation and support systems that include as a significant factor data on student growth for all students, consistent with the definition for student growth in ESEA flexibility. *See 3.B.*

ADDITIONAL CONCERNS:

- In submitting an updated flexibility request, please use the Window 2 request form and check all appropriate assurances and waivers.