

## ESEA Waiver Renewal

### Background:

Washington secured a flexibility waiver to substitute a state accountability plan for NCLB requirements in July of 2012 (for 2012–13) that was re-approved in August 2013 for 2013–14.

In granting the waiver for 2013–14, the U.S. Department of Education (USED) placed WA on high risk status because of a disconnect with the WA law for using state test scores in teacher evaluations with the USED waiver guidelines. Those guidelines require, for tested grades and subjects, that state test scores form a significant portion of the evaluation scoring. The WA law (ESSB 5895—passed in the 2012 legislative session) says that student growth must be a substantial part of teacher evaluation and must be based on multiple measures that "can" include classroom, school, district or state-based tools. Because of the "can" statement, it would be possible for districts and their unions to remove state scores from the eval calculations, which violates the USED waiver rules for state test scores and connections to teacher evals.

OSPI agreed with the USED position on this issue and will introduce legislation to change the "can" to "must" in the 2014 legislative session. The USED will rule on the WA request to extend the waiver to 2014–15 in May 2014.

In addition OSPI will include in the legislative request a statement that will delay the implementation date of the use of state test scores in teacher evals until the 2016–17 school year. This is consistent with the USED's recent announcement that will allow states with waivers to delay state test score/teacher eval connections until 2016–17—all in recognition that the Common Core implementation will take time, significant professional development, and the purchase of aligned curriculum materials to be done properly.

### **If WA doesn't get the waiver extended to the 2014–15 school year, the following will occur:**

WA will be back on the NCLB system in 2014–15, which is the year that all schools, all grade levels and all sub groups must achieve 100% proficiency to pass AYP (see page 2). Simply put, this will not happen. The upshot is all schools in the state (except really small schools with N sizes under 30) will fail AYP and will have to send out letters indicating that fact to parents—letters that include an offer to transport students to other schools of the parent's choice. Of course, the "other" schools also will be failing schools, which really defeats the purpose of the "choice" regulations but nevertheless is an option that will be available to parents.

In addition, districts will have to set aside 20% of Title I monies for Supplemental Educational Service (SES) providers and/or for school choice transportation. The SES providers, once placed on an approved list by OSPI, must be offered entry into the district—mostly in after school or summer tutoring services. Short of evidence of fraud or illegal activity, districts have little control over SES providers.

During 2011–12, the 20% set asides totaled \$38M statewide, of which \$18M was used to cover SES or choice costs.

In addition to no-waiver issues that will affect all schools in the state, seven South King County school districts and regional community colleges are in the midst of a \$40M Race to the Top district grant that requires the use of state test scores in teacher evals. Presumably, if the waiver goes away in 2014–15, each district would need to negotiate with its teachers union a "state test scores must be a significant part of teacher evals" clause to continue receiving grant funds.



# STATE Uniform Bar GOALS

## Under Old NCLB Requirements

HIGH SCHOOL STATE UNIFORM BAR GOALS  
 BASELINE BASED ON 3-YEAR AVERAGE 20<sup>TH</sup> PERCENTILE (2000-2002)

