



## REVIEW OF SOUTH CAROLINA DEPARTMENT OF EDUCATION DRAFT FLEXIBILITY REQUEST ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

### POSITION

The South Carolina Department of Education's intention to seek flexibility is to be applauded; however, the draft waiver proposal as presented raises serious questions and concerns. We request these areas of concern and questions be adequately addressed prior to submitting the proposal to the U.S. Department of Education (USDE).

### BACKGROUND

On September 23, 2011, the USDE announced that states, in exchange for meeting certain conditions, could seek flexibility from certain federal requirements under the No Child Left Behind Act (NCLB) including:

- waiver from the 2014 deadline that all students be proficient in math and language arts
- freedom to set "ambitious but achievable student achievement goals (Annual Measureable Objectives or AMOs) for every school and student subgroups
- freedom to design intervention programs for low performing schools
  - required to implement aggressive interventions in the lowest 5 percent of schools and identify another 10 percent of schools that struggle with particularly low graduation rates, low performance for specific subgroups of students (such as those with disabilities), or high achievement gaps.

On December 16, 2011, the South Carolina Department of Education (SCDE) released its draft proposal requesting flexibility and began seeking public input on its website and through community meetings.

### OBSERVATIONS

The lure of attaining flexibility in an "all or nothing" federal system is too appealing for most states, especially South Carolina, to pass up. However, the draft waiver proposal developed by the SCDE may be asking schools to jump from the frying pan into the fire. Instead of freeing schools from some of the most unrealistic and demanding aspects of NCLB, the SCDE proposal seems to maintain many of the law's components and in some cases, increases requirements for schools. Instead of applying the state's existing accountability system as a basis for meeting most of the NCLB waiver requirements to reduce confusion and decrease top-down mandates, the SCDE proposal creates yet another version of NCLB and does not address how it will work with our state system.

There are many components of the SCDE proposal that are technical in nature, especially in the section describing the method to calculate grades for schools and districts, that generate numerous questions for educators in the field. The following chart highlights the main areas of concern (not inclusive of all concerns) in the SCDE proposal. The chart lists what the USDE is offering or the requirements for flexibility, compares them to what we interpret the SCDE proposal to state and outlines our concerns and/or questions. It is segmented by the four principle areas outlined in the USDE flexibility application beginning with the largest, principle #2.

	<b>USDE FLEXIBILITY AND REQUIREMENTS</b>	<b>SCDE DRAFT PROPOSAL</b>	<b>CONCERNS AND QUESTIONS</b>
Principle 2: State-Developed Differentiated Recognition, Accountability, and Support	Adequate Yearly Progress reported on annual report cards using new AMOs but need not identify schools other than Reward, Focus, and Priority Schools (see below).	Assigns schools and districts letter grades A, B, C, D or F based on a formula that is calculated by weighting student test scores and the school's progress toward meeting a target percent passing the test (AMOs).	Formula for calculating grades was determined before conducting a simulation to determine if it is valid and reliable. <i>What happens if a school receives an Average for its Growth Rating under the state system but receive a D or F under the SCDE system?</i>
	States set ambitious but achievable Annual Measurable Objectives (AMOs) for English/language arts and mathematics and for all students and for subgroups of students in schools and districts using the following options: <ul style="list-style-type: none"> <li>• Setting annual equal increments toward a goal of reducing by half the percentage of students in the "all students" group and in each subgroup not scoring proficient by 2019-20.</li> <li>• Setting annual equal increments to reach 100 percent of students scoring proficient by 2019-20.</li> <li>• Using another method that is educationally sound.</li> </ul>	Maintains the current NCLB targets in English language arts and mathematics. For high schools and districts, AMOs are at or near 90% beginning this year through 2019-20. For elementary schools, the AMO is 79% until 2013-14 when it increases to 90% and remains until 2019-2020.	<ul style="list-style-type: none"> <li>• Maintains testing requirements and testing costs across multiple grades and subjects rather than reducing testing and maintains labeling students and schools as "failing" based upon a single objective.</li> <li>• Maintains a disparate impact in schools with larger populations of students at-risk and disabled.</li> <li>• Currently, only two grades (Grade 3 ELA and Grade 4 Mathematics) meet the current ELA (79.4) and Math (71.3) targets, which creates an enormous challenge for schools to make the 90% target. None of the high schools or districts is likely to meet their target this year.</li> <li>• Continues to test and hold schools accountable for non-English speaking students' scores.</li> <li>• No information was provided on the methodology used to set these targets and more importantly, no simulation was done to determine its validity or viability.</li> <li>• No incentive or provision for incorporating student problem-solving, critical thinking, ingenuity/innovativeness, project-based, and experiential learning across subject areas.</li> </ul> <p><i>What evidence is there that these targets, which meet the standard of "ambitious", are achievable?</i></p> <p><i>In light of the funding shortages in recent years, why was the option of reducing in half the percent of students not scoring "met" not chosen by SCDE?</i></p>

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	States have option of setting different AMOs for individual schools based on their current performance by using same options above.	Same AMOs for all schools and districts.	<i>Given the varied resources of S.C. schools and districts and the demographics of students they serve, did the SCDE consider using this option?</i>
	States determine their own student subgroups (ethnicity, wealth, race, etc) to include AMOs.	Maintains most of the existing NCLB subgroups. Deletes the migrant group. Adds males and females subgroups. To measure growth, the formula seems to use comparisons of different cohorts of students--for example, comparing the performance of this year's fourth grade Hispanic students to last year's fourth grade Hispanic students.	<ul style="list-style-type: none"> <li>• Comparing different cohorts of students is likely to result in volatile fluctuations from year to year with scores and percent of students tested and does not accurately measure real changes in student-level performance.</li> <li>• Even for whole schools, grade level scores often go up and down from year to year. The effect will be even more pronounced for subgroups, particularly those with counts close to the minimum of 40, and for schools with rapidly changing populations due to transience or growth.</li> <li>• Also, schools with few subgroups will see the percentages used to calculate their grades change rapidly if they miss or make a single subgroup, since each of a small number of subgroups represents a larger percentage of the whole. This may result in extreme fluctuations from year to year. <i>What is the reason for the male, female and given the large mobility of S.C. students, why was the migrant group eliminated?</i></li> </ul>
	(No requirement to add additional subjects and AMOs).	Adds social studies and science and sets AMOs for each that eventually reach to 90% by 2019-2020.	<ul style="list-style-type: none"> <li>• Not all students currently take science and social studies. All students in grades 4 and 7 take both the science and social studies tests. Students in grades 3, 5, 6, and 8 take either the science or the social studies test. <i>Is there a plan to address the statistical sample or a plan for law change?</i></li> <li>• Under the state's accountability system, social studies and science test results are included in calculating school ratings, which are calculated with a different formula meaning schools will now</li> </ul>

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			<p>be evaluated by two separate rating systems (state and federal), which will maintain the current issue of confusion among parents and stakeholders.</p> <ul style="list-style-type: none"> <li>• Even the SCDE application notes that the total number of possible objectives that will be used to determine AYP for high schools will increase to 77 and school districts and up to 66 objectives for elementary schools.</li> </ul>
	<p>(No requirement to add additional subjects and AMOs. Note: graduation rate is mentioned several times but not for grading schools.)</p>	<p>Adds high school end-of-course exams (EOCEP) in biology and U.S. history and sets AMOs for each that eventually reach to 90% by 2019-20. ALSO adds graduation rate.</p>	<ul style="list-style-type: none"> <li>• Same principle concerns above.</li> <li>• Graduation rate fails to recognize additional paths to graduation and school completion (e.g., GED and Occupational Diploma). <i>What is the current “standard for proficiency” for the EOCEP assessments? Is it passing (D or above)?</i> <i>Graduation rate will be weighed heavily (25%) in calculating the grade for high schools, what is the standard for “meeting” graduation rate and how is improvement calculated?</i></li> </ul>
	<p>States must report annually to the public on college-going and college credit accumulation rates for all students and subgroups of students in each district and each public high school in the state.</p>	<p>Application only checks a box stating it will comply.</p>	<p>Nothing in the SCDE application explains how this requirement will be accomplished. <i>Will local districts/schools be responsible for the additional cost and burden of collecting and reporting this information or will the SCDE bear the administrative and financial costs of collecting and reporting from the national clearinghouse?</i></p>

	<b>USDE FLEXIBILITY AND REQUIREMENTS</b>	<b>SCDE DRAFT PROPOSAL</b>	<b>CONCERNS AND QUESTIONS</b>
	<p>States implement college- and career-ready standards and assessments for all students.</p>	<p>Full implementation of Common Core State Standards (CCSS) in ELA and mathematics beginning in 2013-14. Students will be tested in 2013-2014 and 2014-2015 on standards shared by both the current state standards and CCSS, known as “bridge years.”</p>	<ul style="list-style-type: none"> <li>• There is a very short turnaround time between introducing and fully implementing new CCSS. The training to be offered to teachers in the proposal for teachers leaves much of the training for local districts, which can be viewed as both a positive in districts with much resources to negative is districts with less resources.</li> <li>• The state is to provide teaching modules for CCSS but the training is and training materials are to be determined and purchased locally.</li> <li>• It is unclear if the state is to provide teachers with a list of the “shared” standards to focus on during the two bridge years. <i>Will the same formula as proposed for calculating school and district grades be applied to results of a new test still to be determined?</i></li> </ul>
	<p>States must develop method using AMOs to annually identify Reward Schools - a Title One school that is highest performing or among the 10% most improving schools that do not have a significant achievement gap among student subgroups.</p>	<p>Reward Schools uses “tweaked version” of existing Distinguished Title One schools program based on student test performance in ELA and math for two consecutive years. 6 semifinalists awarded \$5,000 grant and top 3 awarded additional \$10,000 grant. Retains state’s Palmetto Gold and Silver rewards programs.</p>	<ul style="list-style-type: none"> <li>• Unfair to grade/label schools based on student test performance in four subject areas but only use performance in two subject areas to determine eligibility for a reward.</li> <li>• Reward schools must have at least 40 students in both White and African American subgroups for ELA and math. This may eliminate schools with high percentages of students in one subgroup .</li> <li>• Fails to recognize growth from F to D in any year. <i>The state accountability system is supposed to provide monetary recognition to Palmetto Gold and Silver schools but has not done so due to budgetary constraints. So how does the SCDE propose to fund this reward?</i></li> </ul>
	<p>States must develop method to identify Priority Schools – At least 5% of Title One schools with the lowest percentage of students making AMOs in ELA and math. All high schools that have less than 60% graduation rate. No longer</p>	<p>Creates two tiers – one for 5% of lowest performing/improving Title One schools and second for non- Title One (but eligible) schools. Percentage is determined by percentage of all students scoring Met in ELA and math on state</p>	<ul style="list-style-type: none"> <li>• It is unfair to grade/label schools based on student test performance in four subject areas but only use performance in two subject areas to determine whether it will receive assistance.</li> <li>• Identifies the bottom 5% for penalties but only rewards six schools across the state (3 for</li> </ul>

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	<p>required to take punitive actions for schools not meeting annual targets and may remove mandated transfer options and providing supplemental educational services (SES).</p>	<p>standardized test and averaged over a three-year period. Maintains current NCLB sanctions including offering Supplementary Education Services (SES) and public school choice options to parents.</p>	<p>achievement and 3 for high progress)  <i>Is there evidence that transfer and SES have been working to improve achievement?</i>  <i>Currently, low performing schools get technical assistance funding from the state under the state system which uses a different formula. Does this mean there will be two systems to determine low performing/improving schools for assistance?</i>  <i>Will all Title One Priority and Focus Schools have ratings of “D” or “F”?</i>  <i>Has time and cost for technical assistance and capacity of the department been determined?</i>  <i>What assurances are in place that technical assistance will be provided to schools labeled as and D or F school when state technical assistance funds have been cut in half during economically challenging times?</i></p>
	<p>States must develop method to identify Focus Schools (lowest performing/improving consistently for a number of years). No longer required to take punitive actions for schools not meeting annual targets and may remove mandated transfer options and providing supplemental educational services (SES). Can use that funding for other support services at the school level.</p>	<p>Allows state superintendent to unilaterally direct one or more of the following intervention options:</p> <ol style="list-style-type: none"> <li>1. Assign school a state management team of external “experts” that manages the overall school or district operations.</li> <li>2. Convert and manage school to become a state charter school to include appointing board of directors.</li> <li>3. Assign an educational management organization of public and private “experts” to assume total management.</li> <li>4. Specify certain instructional and program-targeted advice and technical assistance.</li> </ol>	<ul style="list-style-type: none"> <li>• None of the required four transformation models is research-based or have been proven to transform schools (experiments rather than interventions).</li> <li>• State statute (EAA) requires State Board of Education approval for any takeover actions and does not allow the SCDE or state superintendent to act unilaterally.  <i>How will the state mandate the takeover of a school or district operations or convert to charter school?</i></li> <li>• The state charter school law requires conversion charter schools must meet certain requirements including local board approval, voting requirements of faculty and parents, application approval by the state Charter School Advisory Committee, etc. This seems to represent a considerable expansion of state agency authority over, and micromanagement of, local school districts.</li> </ul>

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Principle 1: College and Career Ready Expectations for All Students	States implement college- and career-ready standards and assessments for all students.	Full implementation of Common Core State Standards (CCSS) in ELA and mathematics beginning in 2013-14. Students will be tested in 2013-2014 and 2014-2015 on standards shared by both the current state standards and CCSS, known as “bridge years.”	<ul style="list-style-type: none"> <li>• There is a very short turnaround time between introducing and fully implementing new CCSS. The training to be offered to teachers in the proposal for teachers leaves much of the training for local districts, which can be viewed as both a positive in districts with much resources to negative in districts with less resources.</li> <li>• The state is to provide teaching modules for CCSS but the training is and training materials are to be determined and purchased locally.</li> <li>• It is unclear if the state is to provide teachers with a list of the “shared” standards to focus on during the two bridge years. <i>Will the same formula as proposed for calculating school and district grades be applied to results of a new test still to be determined?</i></li> </ul>
	States must report annually to the public on college-going and college credit accumulation rates for all students and subgroups of students in each district and each public high school in the state.	Application only checks a box stating it will comply.	Nothing in the SCDE application explains how this requirement will be accomplished. <i>Will local districts/schools be responsible for the additional cost and burden of collecting and reporting this information or will the SCDE bear the administrative and financial costs of collecting and reporting from the national clearinghouse?</i>
Principle 3: Supporting effective instruction and leadership with student growth as significant factor	Develop and adopt guidelines for local teacher and principal evaluation and support systems. Pay for performance or merit pay is not part of the requirements.	Incorporate/modify existing evaluation model ADEPT and a goals-based model. An educator evaluation steering committee is being formed to make recommendation on model. A stand-alone student achievement/growth standard being established using the following: <ul style="list-style-type: none"> <li>• TAP Value Added</li> <li>• Unit Work Sample</li> </ul>	<ul style="list-style-type: none"> <li>• Unknown evaluation system and unknown weighting for student performance and value-added. While a value-added assessment for evaluations are mentioned, nothing is outlined regarding teacher merit/performance pay. <i>What about teachers that don't have standardized test scores?</i> <i>What is the added work load to support the evaluation system—training, observations, record-keeping, etc?</i></li> </ul>

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		(Renaissance Partnership) <ul style="list-style-type: none"> <li>• Committee will decide proportion of each</li> </ul>	<i>Is this a first step toward performance-based pay?            If test scores are the most significant factor in teacher and principal evaluations, is that the right driver for improving education? Does the ability to give short answers on such tests promote complex problem solving, creativity, communication and other 21<sup>st</sup> century skills that our students need?</i>
Principle 4: Reduce duplication and unnecessary burden		SCDE application does not list or provide description for this principle.	<ul style="list-style-type: none"> <li>• This proposal increases the burden and reporting requirements on districts and schools.</li> </ul>
Other	State can choose a waiver from current ESEA restrictions on use of 21 <sup>st</sup> Century Community Learning Centers funding to activities provided only during non-school hours or periods when school is not in session ( <i>i.e.</i> , before and after school or during summer recess). The funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.	SCDE did not seek this waiver.	Some districts, including Beaufort County, would like to have this option to free up dollars for programs that are making a difference in achievement.