

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

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<b><u>TAB</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
1	SUPERINTENDENT'S UPDATE	Information Item
2	TEMPORARY CHANGES TO IDAPA 08.02.03.111, ASSESSMENT IN THE PUBLIC SCHOOLS	Motion to Approve
3	BOISE SCHOOL DISTRICT REQUEST FOR A WAIVER TO IMPLEMENT AN ALTERNATIVE DESIGN FOR SCHOOL CHOICE BETWEEN SECONDARY SCHOOLS NOT RECEIVING TITLE I FUNDS	Motion to Approve
4	ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) FLEXIBILITY AND WAIVER GUIDANCE	Information Item
5	SCHOOL DISTRICTS' TRUSTEE BOUNDARY REZONING RESUBMITTALS	Motions to Approve

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**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**SUBJECT**

Superintendent of Public Instruction Update to the State Board of Education

**BACKGROUND/DISCUSSION**

Superintendent of Public Instruction, Tom Luna, will provide an update on the State Department of Education.

- A 5-minute PowerPoint presentation on teen dating violence will be given by the Idaho Coalition Against Sexual and Domestic Violence.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**SUBJECT**

Temporary Changes to IDAPA 08.02.03.111, Assessment in the Public Schools

**REFERENCE**

August 20, 2011

M/S (Luna/Goesling): To approve the proposed removing reference to the Direct Math and Direct Writing Assessment tests in IDAPA 08.02.03.111, subsections 03, 06, 07. *Motion carried unanimously.*

June 17, 2010

M/S (Atchley/Edmunds): To approve the request by the Idaho State Department of Education to waive IDAPA 08.02.03.111.07.b for the 2010-2011 school year which requires the State Department of Education to administer the Direct Math and Direct Writing Assessment. *Motion carried unanimously.*

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-105, Idaho Code, Rules—Executive Department;  
Idaho Administrative Code, IDAPA 08.02.03 Rules Governing Thoroughness;  
Subsection 111, Assessment in the Public Schools; Subsections 03, 06, and 07

**BACKGROUND/DISCUSSION**

In August, 2011, the State Board of Education approved the proposed rule change to IDAPA 08.02.03, Subsection 111 by removing the Direct Writing Assessment and the Direct Math Assessment from administrative rule. The State Department of Education (SDE) is requesting the State Board of Education also approve the rule changes as a Temporary Rule in order to affect the current (2011-12) school year. SDE sought the rule change because the state is moving to the next generation of assessments by using the state's Common Core Standards and associated assessments. In addition, DMA and DWA results were not received in a timely manner and there were also concerns about reliability in scoring the tests as they had to be hand scored. Previous resources used to fund DWA and DMA are now being used to develop end of course assessments.

**ATTACHMENTS**

Attachment 1 – IDAPA 08.02.03.111; Subsections 03, 06, 07

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval of the temporary rule. In August, the Board approved the Proposed Rule change that allows for the removal of all references to the Direct Writing Assessment and Direct Math Assessment for the 2012-13 school year and beyond. This agenda item merely seeks approval of a temporary rule that would allow the removal of all references to the Direct Writing Assessment and Direct Math Assessment for the current 2011-12 school year.

**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**BOARD ACTION**

I move to approve the temporary rule changes to IDAPA 08.02.03.111, Subsections 03, 06, 07, as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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**IDAPA 08  
TITLE 02  
CHAPTER 03**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**111. ASSESSMENT IN THE PUBLIC SCHOOLS.**

**03. Content.** The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), ~~the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA),~~ the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), ~~and the Idaho Alternate Assessment, and a college entrance exam.~~

~~(4-2-08)~~(10-20-11)T

**06. Comprehensive Assessment Program.** The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

**a.** Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**b.** Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**c.** Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**d.** Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**e.** Grade 4 - ~~Direct Math Assessment,~~ National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment.

~~(4-2-08)~~(10-20-11)T

**f.** Grade 5 - ~~Direct Writing Assessment,~~ Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)(10-20-11)T

**g.** Grade 6 - ~~Direct Math Assessment,~~ Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)(10-20-11)T

**h.** Grade 7 - ~~Direct Writing Assessment,~~ Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)(10-20-11)T

**i.** Grade 8 - ~~Direct Math Assessment,~~ National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment.

~~(4-2-08)~~(10-20-11)T

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

---

**j.** Grade 9 - ~~Direct Writing Assessment~~, Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. ~~(4-2-08)~~(10-20-11)T

**k.** Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**l.** Grade 11 - Idaho English Language Assessment, college entrance exam. ~~(4-2-08)~~(10-20-11)T

**m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)

**n.** Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (5-8-09)

**07. Comprehensive Assessment Program Schedule.** (5-3-03)

**a.** The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)

~~**b.** The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)~~

~~**e-b.**~~ **b.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. ~~(3-15-02)~~(10-20-11)T

~~**d-c.**~~ **c.** The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. ~~(5-3-03)~~(10-20-11)T

~~**e-d.**~~ **d.** The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. ~~(4-2-08)~~(10-20-11)T

~~**f-e.**~~ **e.** The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. ~~(4-2-08)~~(10-20-11)T



**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**SUBJECT**

Request from the Boise School District to receive a waiver to implement an alternative design for school choice between secondary schools not receiving Title I funds.

**REFERENCE**

August 11-12, 2010                      M/S (Luna/Soltman): To approve the request by the Boise School District to receive a waiver for Idaho Administrative Code, IDAPA 08.02.03 – Section 112, Accountability for non-Title 1 for school choice between secondary schools for one year. *Motion carried unanimously.*

**APPLICABLE STATUTE, RULE, OR POLICY**

No Child Left Behind (NCLB) Section 1116(b)(1)(E)  
Idaho Administrative Code, IDAPA 08.02.03 – Section 112, Accountability

**BACKGROUND/DISCUSSION**

The Boise School District requested guidance from the State Department of Education related to offering school choice among its secondary schools. Idaho has one accountability plan for all schools regardless of whether or not schools receive additional Title I-A financial support. While in federal statute ‘School Choice’ is only required for Title I-A funded schools, as a result of the statewide accountability model adopted in Idaho, all schools in “improvement status” are required to offer school choice. When a school is funded through Title I-A federal funds, the district is allowed and required to use federal funds set-aside at the district level for choice related transportation costs. However, these federal funds may not be used for non-Title I schools. Thus, the state accountability model requires an additional sanction, but does not identify a funding source for the activity.

Boise has a history of open enrollment throughout the district in an effort to accommodate the needs of its patrons. As a result, it has continuously offered school choice. However, its situation is complicated because as of the 2010-2011 School Year, only one of the four high schools (Boise High) within the district is not identified as being in “improvement status.” All four of the schools have been recently identified by such publications as *Newsweek Magazine* and the *Washington Post* as being among the best in the country (Timberline, Borah, Capitol, and Boise High Schools). To offer choice to students in each of the other three schools would result in significant additional transportation costs for the district out of local funds. Further, the district cannot displace students that live inside the attendance area. Therefore, the intent of NCLB school choice (to provide parents with the choice of a higher performing school) would actually have a more limited impact than what actually occurs under Boise’s open

**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

---

enrollment policy, in that fewer students would be able to transfer and their only choice would be Boise High School. The school would be forced to accommodate local students and students using the school choice option.

Therefore it was suggested by the State Department of Education that the district request a waiver to implement an alternative means that continues to meet the intent of providing parents with choice but which is not limited by the necessity of offering the choice of only one school, and which also does not negatively impact the local budget. Boise School District requests this waiver to be in effect indefinitely until NCLB is reauthorized or until such a time as a new state accountability model is adopted.

The district has and will continue to offer supplemental education services (tutoring) to all eligible students in each of the schools not meeting AYP and that are also identified for improvement in order to provide ample opportunity to achieve high expectations regardless of whether their students' parents choose to take advantage of the open enrollment policy.

**IMPACT**

At a minimum transportation costs to offer choice to all students at Borah, Timberline, and Capitol will exceed \$400,000 annually.

The State Department of Education does not believe that this waiver will set an unintended precedent for other Idaho School Districts. Other districts would first need to adequately show (a) a history of school choice and (b) a recognized top tier performance in its high schools based on external sources of judgment.

**ATTACHMENTS**

Attachment 1 – Letter from the Boise School District

Page 7

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval of the waiver for the following reasons: 1) This requirement will likely go away next year with the Department federal waiver application assumed approval, and 2) The Boise School District has been forthcoming with their intent to comply with this requirement. However, my recommendation doesn't come without some concern. What follows are a few facts, as well as pros, cons, & other considerations.

Assuming that Idaho is granted a Federal waiver of increased flexibility on administering the Elementary & Secondary Education Act (ESEA), also known as No Child Left Behind (NCLB), the "one size fits all" school improvement requirements will likely be recreated in such a way as to alter "School Choice" as we currently know it. The waiver would allow and encourage states to implement an exemption that in essence removes this federal requirement.

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

---

The Boise School District has yet to send out the appropriate Adequate Yearly Progress (AYP) Notification Letters to its district patrons for the 2010-2011 Academic Year. These letters are required to go out to patrons of school districts that do not make AYP 14 days prior to the start of the school year. Even though the Department did not get Federal and Board approval for the current AYP targets until the very end of July, concessions were made and disseminated to all school districts that still allowed for the creation and distribution of these letters to patrons prior to the two week deadline. The district submitted a request to waive this school improvement requirement to the Department on August 10, 2011, less than a week prior to the two week deadline.

The requirement for School Choice in the accountability system is mirrored off of the design for Title I-A funded schools. Idaho expanded the requirement to all schools, regardless of federal funding status. The unintended consequence of this, was that some parts became an unfunded mandate for non-Title I-A funded schools. Under federal requirements, a district is required to set aside funding out of its Title I-A allocation for use with School Choice-related transportation costs in Title I funded schools that are in school improvement status under NCLB. However, these federal funds may not be used for any non-Title I-A funded school. Additional requirements at the state level (i.e., those placed on non-Title I-A funded schools) must be paid for out of local and/or state funds.

If *APPROVED*...

- The intent of the State's School Choice policy would more or less be met. However, low-income families would have a less realistic financial option of sending their kids to another high school in the district since they would have to cover some the transportation costs. The Boise School District has worked to provide access to all students through open enrollment and partnerships with public transportation, but public transportation doesn't provide access from all Boise neighborhoods to all high schools.
- Precedence would unlikely be set for other similar school districts to follow next year, since this requirement will likely go away assuming the SDE federal waiver application will be approved by the Federal Government this winter.
- The State Board would demonstrate its commitment to additional state accountability requirements beyond those established by the federal government. Yet provide waivers only to those school districts that demonstrate a plan to meet the intent of the School Choice policy.

If *NOT APPROVED*...

- Low-income families would have a more realistic financial option of sending their kids to another high school in the district, because the Boise School District

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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would have to pay for entire cost of transporting students exercising their choice of school.

- According to SDE staff, anecdotal evidence suggests that state policies and practices have not ensured that all other school districts are adhering to the School Choice requirements the state created in addition to basic federal NCLB school improvement requirements for schools & districts not making AYP. Idaho has never had a mechanism for monitoring its own unique requirements beyond what is required by the Federal Government. SDE compliance monitoring occurs for accountability and improvement requirements only in relation to federal programs, under Title I. Federal monitoring processes are prohibited by law from monitoring additional state requirements. Therefore, there are a number of districts that may not be implementing the unfunded mandate for School Choice in non-Title I-A schools. In the Boise School District's case, they have at least openly applied for a waiver from the Board, demonstrated commitment to compliance with State policy, and offered a solution that still meets the intent of the School Choice policy. That's more than what other districts that are, or may be, out of compliance have done. Unfortunately, there are no mechanisms in place, nor are there adequate means to monitor compliance of these school improvement requirements. The Department has the practice and authority to withhold Federal funds from those districts that are found to be out of compliance with the federal requirements (i.e., in Title I-A funded schools). However, there is no alternative method available to ensure compliance in relation to the State requirements. In other words, there are likely districts that are out of compliance with this policy, of which the Board is not aware because they have not asked for permission to waive this state requirement. Boise School District is bringing this issue to the Board's attention voluntarily in order to play by the rules. A denial of the request could therefore unintentionally encourage districts to not collaborate with the Board in those areas that are required, but which are unfunded and not monitored.
- The unintended consequence of forcing the school choice option strictly according to the current State policy may in fact cause students and families to have less choice if space at a School Choice eligible school is unavailable to all students who wish to exercise their choice. Choice priority is not given to students based on socio-economic status. It's a "first come, first served" thing.
- If the Boise School District is required to strictly follow the School Choice policy, it has indicated that it would have to actually dis-enroll those students who have used open enrollment and be more prescriptive in terms of which students get which spaces. As a result, some or all of those students who currently come from outside those respective school zones would need to return to their "home" zone schools, unless such schools were eligible for School Choice. In addition to disrupting the school year and academic progress of students, this would require significant time and effort to reschedule schools and classes for these students. It would also likely serve to disenfranchise parents who already send their kids to

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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non-home zone high schools for academic, athletic, and social reasons, and in some regards detract from the intent of the State's school choice policy, which is to ensure parents have the right to send their children to high performing schools.

**BOARD ACTION**

I move to approve the request by the Boise School District to receive a waiver for school choice between secondary schools for the 2011-2012 school year,

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

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## The Independent School District of Boise City

8169 West Victory Road  
Boise, ID 83709

(208) 854-4000  
FAX (208) 854-4003

August 24, 2011

To Whom It May Concern:

The Boise School District would like to ask for an extension of the high school choice waiver granted by the State Board in Fall 2010. We would like to request that this waiver be approved until NCLB is reauthorized or other changes occur that would affect school choice requirements in Idaho's Accountability Workbook.

This waiver is based on the alternative method that is already in place:

- The Boise School District offers choice to all families through open enrollment.
- Supplemental Educational Services (SES) are provided for those high schools that do not meet AYP and are in "improvement" status.

Although Boise High School is still the only traditional high school not in improvement, Spring 2011 ISAT results reveal additional details for consideration. Both Capital and Timberline High Schools met AYP while Boise High School did not. Borah High School did not meet AYP, making it the only high school in "improvement" and not meeting AYP. These data reveal some of the inconsistencies in current law that Mr. Luna has recently highlighted. Additionally, all four of Boise School District's traditional high schools appear in *Washington Post's* (formerly *Newsweek's*) annual listing of America's best high schools for effectively preparing students for college. Boise, Borah, Capital, and Timberline high schools list among the top 7-percent of all public high schools in the U.S.

Thank you for your consideration in this very important matter.

Sincerely,

Dr. Don Coberly  
Superintendent

***"Educating Today For a Better Tomorrow"***

An Equal Opportunity Employer-Educator

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**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**SUBJECT**

Elementary and Secondary Education Act (ESEA) Flexibility and Waiver Guidance

**REFERENCE**

July 29, 2011      M/S (Luna/Westerberg): To adopt the Idaho Consolidated State Application Accountability Workbook, as submitted. Roll call vote taken; motion passed 4-2 (Mr. Soltman and Mr. Edmunds voted nay).

**APPLICABLE STATUTE, RULE, OR POLICY**

Public Law No. 89-10, 79 Statute 27, 20 U.S.C. Ch. 70, Elementary and Secondary Education Act (ESEA)

**BACKGROUND/DISCUSSION**

The federal No Child Left Behind (NCLB) Act passed in 2001. It was scheduled to be reauthorized four years ago, but neither Congress nor the Administration has taken action to reauthorize the law. NCLB still has many strong parts, but many parts must be addressed as states work to improve public education. The good part of NCLB is that it put a standards-based education system in place in every state and then has held states, districts and schools accountable for every student reaching grade level or higher in reading and math. However, the law has become a stumbling block to further progress in Idaho schools and schools across the country. The current federal law only measures the number of students who reach grade-level proficiency at the end of the year. It currently does not accept growth as part of proficiency requirements. The law also does not provide enough flexibility for rural states, like Idaho, to best meet the needs of students. Many of these changes were supposed to be addressed when the law was reauthorized four years ago. Since the law has not been reauthorized, the new federal waiver process gives Idaho the opportunity to increase accountability within the current NCLB law. With Idaho's waiver, the state will move to a higher level of accountability by measuring academic growth as well as proficiency. In this way, the state will measure the progress of all students – those who struggle as well as those who are advanced. The state began moving in this direction by passing the Students Come First education reform laws in 2011. By passing Students Come First, Idaho has automatically met many of the requirements necessary to receive a waiver, including the adoption of higher academic standards, the ability to measure academic growth, a system to reward academic progress in Idaho schools, and tying educator performance evaluations to student achievement. Idaho's accountability plan can now better reflect the goals of the State Board of Education, the State Department of Education, and the Education Alliance.

Superintendent Luna, as a member of the Chief State School Officers (CCSSO) has been working on the next generation of accountability. The US Department used these principles as the basis for their model.

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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The flexibility principles are listed in Attachment 1.

Some of the key flexibility principles include: (1) changing the timeline and procedures for determining annual measureable objectives (AMOs) and Adequate Yearly Progress (AYP); (2) flexibility in identification of school's for improvement status and more focus on the priority (bottom 5%) and focus schools (bottom 10% for gaps); (3) flexibility in the implementation of improvement requirements such as offering choice and supplemental education services; (4) flexibility for the use of certain federal funds; and (5) opportunity to use federal funds to reward schools.

In late September, Superintendent Luna, State Department of Education (SDE) staff and a Board staff member attended a meeting in Washington, DC, sponsored by both CCSSO and the U.S. Department of Education to clarify the waiver process and to discuss the details of the submission.

SDE staff with expertise in federal programs, assessment, school improvement, and teacher evaluation have begun working in concert with Board staff and the Board's Accountability Oversight Committee on characterizing the elements of the Students Come First legislation to develop an Idaho accountability system that more fully meets the needs of the state. Focus groups and broad stakeholder input are planned throughout the process. A plan will be submitted to the State Board of Education for approval.

**IMPACT**

Discussion and development of the waiver plan do not have a financial implication. When the waiver plan is submitted, a financial impact statement will be included.

**ATTACHMENTS**

Attachment 1 – ESEA Flexibility

Page 3

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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# ESEA Flexibility

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September 23, 2011

## FLEXIBILITY TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION

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In order to move forward with State and local reforms designed to improve academic achievement and increase the quality of instruction for all students in a manner that was not originally contemplated by the No Child Left Behind Act of 2001 (NCLB), a State educational agency (SEA) may request flexibility, on its own behalf and on behalf of its LEAs, through waivers of ten provisions of the Elementary and Secondary Education Act of 1965 (ESEA) and their associated regulatory, administrative, and reporting requirements. In order to receive this flexibility, an SEA must meet the principles described in the next section. Terms that are defined in the Definitions section of this document are in bold type the first time they appear.

1. Flexibility Regarding the 2013–2014 Timeline for Determining Adequate Yearly Progress (AYP): An SEA would no longer need to follow the procedures in ESEA section 1111(b)(2)(E) through (H) for setting annual measurable objectives (AMOs) to use in determining AYP. Instead, an SEA would have flexibility to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that will be used to guide support and improvement efforts for the State, local educational agencies (LEAs), schools, and student subgroups.
2. Flexibility in Implementation of School Improvement Requirements: An LEA would no longer be required to comply with the requirements in ESEA section 1116(b) to identify for improvement, corrective action, or restructuring, as appropriate, its Title I schools that fail, for two consecutive years or more, to make AYP, and neither the LEA nor its schools would be required to take currently required improvement actions; however, an SEA may still require or permit an LEA to take such actions. An LEA would also be exempt from all administrative and reporting requirements related to school improvement under current law.
3. Flexibility in Implementation of LEA Improvement Requirements: An SEA would no longer be required to comply with the requirements in ESEA section 1116(c) to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and neither the LEA nor the SEA would be required to take currently required improvement actions. An LEA would also be exempt from all associated administrative and reporting requirements related to LEA improvement under current law.
4. Flexibility for Rural LEAs: An LEA that receives Small, Rural School Achievement Program funds or Rural and Low-Income School Program funds would have flexibility under ESEA sections 6213(b) and 6224(e) to use those funds for any authorized purpose regardless of the LEA's AYP status.
5. Flexibility for Schoolwide Programs: An LEA would have flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold in ESEA section 1114(a)(1) if the SEA has identified the school as a **priority school** or a **focus school**, and the LEA is implementing interventions consistent with the **turnaround principles** or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in the school, as appropriate.

6. Flexibility to Support School Improvement: An SEA would have flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any priority or focus school, if the SEA determines such schools are most in need of additional support.
7. Flexibility for Reward Schools: An SEA would have flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any **reward school**, if the SEA determines such schools are most appropriate for financial rewards.
8. Flexibility Regarding Highly Qualified Teacher (HQT) Improvement Plans: An LEA that does not meet its HQT targets would no longer have to develop an improvement plan under ESEA section 2141 and would have flexibility in how it uses its Title I and Title II funds. An SEA would be exempt from the requirements regarding its role in the implementation of these plans, including the requirement that it enter into agreements with LEAs on the uses of funds and the requirement that it provide technical assistance to LEAs on their plan. This flexibility would allow SEAs and LEAs to focus on developing and implementing more meaningful evaluation and support systems. An SEA would not be exempt from the requirement of ESEA section 1111(b)(8)(C) that it ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers; however, once more meaningful evaluation and support systems are in place in accordance with principle 2 (described below), an SEA may use the results of such systems to meet that requirement.
9. Flexibility to Transfer Certain Funds: An SEA and its LEAs would have flexibility to transfer up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 among those programs and into Title I, Part A. Moreover, to minimize burden at the State and local levels, the SEA would not be required to notify the Department and its participating LEAs would not be required to notify the SEA prior to transferring funds.
10. Flexibility to Use School Improvement Grant (SIG) Funds to Support Priority Schools: An SEA would have flexibility to award SIG funds available under ESEA section 1003(g) to an LEA to implement one of the four SIG models in any priority school.

## OPTIONAL FLEXIBILITY

In addition to its request for waivers of each of the requirements above, an SEA may wish to request flexibility through a waiver related to the following:

Flexibility in the Use of Twenty-First Century Community Learning Centers (21st CCLC) Program Funds: An SEA would have flexibility under ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) to permit community learning centers that receive funds under the 21st CCLC program to use those funds 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 (*i.e.*, before and after school or during summer recess).

## PRINCIPLES FOR IMPROVING STUDENT ACADEMIC ACHIEVEMENT AND INCREASING THE QUALITY OF INSTRUCTION

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To receive flexibility through the waivers outlined above, an SEA must submit a request that addresses each of the following four principles, consistent with the definitions and timelines described later in this document, to increase the quality of instruction for students and improve student academic achievement in the State and its LEAs. In the SEA's request, the SEA must describe how it will ensure that LEAs will fully implement these principles, consistent with the SEA's authority under State law and the SEA's request.

### 1. College- and Career-Ready Expectations for All Students

Over the past few years, Governors and Chief State School Officers have developed and adopted rigorous academic content standards to prepare all students for success in college and careers in the 21st century. States are also coming together to develop the next generation of assessments aligned with these new standards, and to advance essential skills that promote critical thinking, problem solving, and the application of knowledge. To support States in continuing the work of transitioning students, teachers, and schools to a system aligned to college and career ready expectations, this flexibility would remove obstacles that hinder that work.

To receive this flexibility, an SEA must demonstrate that it has college- and career-ready expectations for all students in the State by adopting **college- and career-ready standards** in at least reading/language arts and mathematics, transitioning to and implementing such standards statewide for all students and schools, and developing and administering annual, statewide, aligned, **high-quality assessments**, and corresponding academic achievement standards, that measure **student growth** in at least grades 3-8 and at least once in high school. An SEA must also support English Learners in reaching such standards by committing to adopt English language proficiency (ELP) standards that correspond to its college- and career-ready standards and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, and committing to develop and administer aligned ELP assessments. To ensure that its college- and career-ready standards are truly aligned with postsecondary expectations, and to provide information to parents and students about the college-readiness rates of local schools, an SEA must annually report to the public on college-going and college credit-accumulation rates for all students and student subgroups in each LEA and each high school in the State.

### 2. State-Developed Differentiated Recognition, Accountability, and Support

Fair, flexible, and focused accountability and support systems are critical to continuously improving the academic achievement of all students, closing persistent achievement gaps, and improving equity. Based on the principles for accountability developed by the Council of Chief State School Officers, many States are already moving forward with next-generation systems that recognize student growth and school progress, align accountability determinations with support and capacity-building efforts, and provide for systemic, context-specific interventions that focus on the lowest-performing schools and schools with the largest achievement gaps. This flexibility would give SEAs and LEAs relief from the school and LEA improvement requirements of NCLB so they can implement these new systems.

To receive this flexibility, an SEA must develop and implement a system of differentiated recognition, accountability, and support for all LEAs in the State and for all Title I schools in these LEAs. Those systems must look at student achievement in at least reading/language arts and mathematics for all students and all subgroups of students identified in ESEA section 1111(b)(2)(C)(v)(II); graduation rates for all students and all subgroups; and school performance and progress over time, including the performance and progress of all subgroups. They may also look at student achievement in subjects other than reading/language arts and mathematics, and, once an SEA has adopted high-quality assessments, must take into account student growth. An SEA's system of differentiated recognition, accountability, and support must create incentives and include differentiated interventions and support to improve student achievement and graduation rates and to close achievement gaps for all subgroups, including interventions specifically focused on improving the performance of English Learners and students with disabilities. More specifically, the SEA's system must, at a minimum:

- Set new ambitious but achievable AMOs in at least reading/language arts and mathematics for the State and all LEAs, schools, and subgroups, that provide meaningful goals and are used to guide support and improvement efforts.
- Provide incentives and recognition for success on an annual basis by publicly recognizing and, if possible, rewarding Title I schools making the most progress or having the highest performance as “reward schools.”
- Effect dramatic, systemic change in the lowest-performing schools by publicly identifying “priority schools” and ensuring that each LEA with one or more of these schools implements, for three years, meaningful interventions aligned with the turnaround principles in each of these schools. The SEA must also develop criteria to determine when a school that is making significant progress in improving student achievement exits priority status.
- Work to close achievement gaps by publicly identifying Title I schools with the greatest achievement gaps, or in which subgroups are furthest behind, as “focus schools” and ensuring that each LEA implements interventions, which may include tutoring and public school choice, in each of these schools based on reviews of the specific academic needs of the school and its students. The SEA must also develop criteria to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exits focus status.
- Provide incentives and supports to ensure continuous improvement in other Title I schools that, based on the SEA's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps.
- Build SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps. The SEA must provide timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in priority and focus schools, and must hold LEAs accountable for improving school and student performance, particularly for turning around their priority schools. The SEA and its LEAs must also ensure sufficient support for implementation of interventions in priority schools, focus schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources).



### **3. Supporting Effective Instruction and Leadership**

In recent years, many SEAs and LEAs have begun to develop evaluation systems that go beyond NCLB's minimum HQT standards, provide more meaningful information about the effectiveness of teachers and principals, and can be used to inform professional development and improve practice. High-quality systems, informed by research that affirms that educators have significant and lasting effects on student learning, draw on multiple measures of instructional and leadership practices to evaluate and support teacher and principal effectiveness. This flexibility will give SEAs and LEAs the ability to continue this work designed to increase the quality of instruction for all students by building fair, rigorous evaluation and support systems and developing innovative strategies for using them.

To receive this flexibility, an SEA and each LEA must commit to develop, adopt, pilot, and implement, with the involvement of teachers and principals, teacher and principal evaluation and support systems that: (1) will be used for continual improvement of instruction; (2) meaningfully differentiate performance using at least three performance levels; (3) use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys); (4) evaluate teachers and principals on a regular basis; (5) provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and (6) will be used to inform personnel decisions. An SEA must develop and adopt guidelines for these systems, and LEAs must develop and implement teacher and principal evaluation and support systems that are consistent with the SEA's guidelines. To ensure high-quality implementation, all teachers, principals, and evaluators should be trained on the evaluation system and their responsibilities in the evaluation system. As part of developing and implementing these evaluation and support systems, an SEA must also provide student growth data on current students and the students taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs. Once these evaluation and support systems are in place, an SEA may use data from these systems to meet the requirements of ESEA section 1111(b)(8)(C) that it ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

### **4. Reducing Duplication and Unnecessary Burden**

In order to provide an environment in which schools and LEAs have the flexibility to focus on what's best for students, an SEA should remove duplicative and burdensome reporting requirements that have little or no impact on student outcomes. To receive the flexibility, an SEA must assure that it will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools.

Nothing in these principles shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.



## CONSULTATION

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Each SEA must engage diverse stakeholders and communities in the development of its request. By engaging relevant stakeholders at the outset of the planning and implementation process, an SEA can ensure they have input in shaping the SEA's comprehensive plan, which will help ensure successful implementation of the SEA's plan. Ideally, an SEA will solicit input from stakeholders representing diverse perspectives, experiences, and interests, including those that will be impacted by and implement the policies included in the SEA's plan, and will strengthen its request by revising it based on this input.

Each SEA must provide a description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives. Each SEA must also provide a description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes. Finally, each SEA must provide an assurance that it has consulted with the State's Committee of Practitioners regarding the information set forth in its request.

## EVALUATION

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Implementing this flexibility presents a valuable opportunity for SEAs, LEAs, and the Department to learn more about the effectiveness of various programs, practices, and strategies and to contribute to the evidence base of what works. The Department encourages an SEA that receives approval to implement this flexibility to collaborate with the Department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. For example, an SEA could propose to evaluate an aspect of its plan for transitioning to college- and career-ready standards; the interventions the SEA and its LEAs are implementing in priority or focus schools; or its teacher and principal evaluation and support systems. Interested SEAs will need to, upon receipt of approval of this flexibility, nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principle 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if it is determined to be feasible and appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

## DEFINITIONS

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1. **College- and Career-Ready Standards:** “College- and career-ready standards” are content standards for kindergarten through 12<sup>th</sup> grade that build towards college and career readiness by the time of high school graduation. A State’s college- and career-ready standards must be either (1) **standards that are common to a significant number of States**; or (2) standards that are approved by a **State network of institutions of higher education**, which must certify that students who meet the standards will not need remedial course work at the postsecondary level.
2. **Focus School:** A “focus school” is a Title I school in the State that, based on the most recent data available, is contributing to the achievement gap in the State. The total number of focus schools in a State must equal at least 10 percent of the Title I schools in the State. A focus school is—
  - a school that has the largest within-school gaps between the highest-achieving subgroup or subgroups and the lowest-achieving subgroup or subgroups or, at the high school level, has the largest within-school gaps in graduation rates; or
  - a school that has a subgroup or subgroups with low achievement or, at the high school level, low graduation rates.

An SEA must also identify as a focus school a Title I high school with a graduation rate less than 60 percent over a number of years that is not identified as a priority school.

These determinations must be based on the achievement and lack of progress over a number of years of one or more subgroups of students identified under ESEA section 1111(b)(2)(C)(v)(II) in terms of proficiency on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, combined, or, at the high school level, graduation rates for one or more subgroups.

3. **High-Quality Assessment:** A “high-quality assessment” is an assessment or a system of assessments that is valid, reliable, and fair for its intended purposes; and measures student knowledge and skills against college- and career-ready standards in a way that—
  - covers the full range of those standards, including standards against which student achievement has traditionally been difficult to measure;
  - as appropriate, elicits complex student demonstrations or applications of knowledge and skills;
  - provides an accurate measure of student achievement across the full performance continuum, including for high- and low-achieving students;
  - provides an accurate measure of student growth over a full academic year or course;
  - produces student achievement data and student growth data that can be used to determine whether individual students are college and career ready or on track to being college and career ready;
  - assesses all students, including English Learners and students with disabilities;
  - provides for alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and

- produces data, including student achievement data and student growth data, that can be used to inform: determinations of school effectiveness for purposes of accountability under Title I; determinations of individual principal and teacher effectiveness for purposes of evaluation; determinations of principal and teacher professional development and support needs; and teaching, learning, and program improvement.
4. **Priority School:** A “priority school” is a school that, based on the most recent data available, has been identified as among the lowest-performing schools in the State. The total number of priority schools in a State must be at least five percent of the Title I schools in the State. A priority school is—
- a school among the lowest five percent of Title I schools in the State based on the achievement of the “all students” group in terms of proficiency on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, combined, and has demonstrated a lack of progress on those assessments over a number of years in the “all students” group;
  - a Title I-participating or Title I-eligible high school with a graduation rate less than 60 percent over a number of years; or
  - a Tier I or Tier II school under the SIG program that is using SIG funds to implement a school intervention model.
5. **Reward School:** A “reward school” is a Title I school that, based on the most recent data available, is—
- a “**highest-performing school**,” which is a Title I school among the Title I schools in the State that have the highest absolute performance over a number of years for the “all students” group and for all subgroups, on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, combined, and, at the high school level, is also among the Title I schools with the highest graduation rates. A highest-performing school must be making AYP for the “all students” group and all of its subgroups. A school may not be classified as a “highest-performing school” if there are significant achievement gaps across subgroups that are not closing in the school; or
  - a “**high-progress school**,” which is a Title I school among the ten percent of Title I schools in the State that are making the most progress in improving the performance of the “all students” group over a number of years on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system, and, at the high school level, is also among the Title I schools in the State that are making the most progress in increasing graduation rates. A school may not be classified as a “high-progress school” if there are significant achievement gaps across subgroups that are not closing in the school.
6. **Standards that are Common to a Significant Number of States:** “Standards that are common to a significant number of States” means standards that are substantially identical across all States in a consortium that includes a significant number of States. A State may supplement such standards with additional standards, provided that the additional standards do not exceed 15 percent of the State’s total standards for a content area.

7. **State Network of Institutions of Higher Education (IHEs):** A “State network of institutions of higher education” means a system of four-year public IHEs that, collectively, enroll at least 50 percent of the students in the State who attend the State’s four-year public IHEs.
8. **Student Growth:** “Student growth” is the change in student achievement for an individual student between two or more points in time. For the purpose of this definition, student achievement means—
- For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) a student’s score on such assessments and may include (2) other measures of student learning, such as those described in the second bullet, provided they are rigorous and comparable across schools within an LEA.
  - For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): alternative measures of student learning and performance such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.
9. **Turnaround Principles:** Meaningful interventions designed to improve the academic achievement of students in priority schools must be aligned with all of the following “turnaround principles” and selected with family and community input:
- providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;
  - ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs;
  - redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
  - strengthening the school’s instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards;
  - using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;
  - establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students’ social, emotional, and health needs; and
  - providing ongoing mechanisms for family and community engagement.

A priority school that implements one of the four SIG models is implementing an intervention that satisfies the turnaround principles. An SEA may also implement interventions aligned with the turnaround principles as part of a statewide school turnaround strategy that allows for State takeover of schools or for transferring operational control of the school to another entity such as a recovery school district or other management organization.

## TIMELINES

The dates identified in the chart as deadlines (bolded in the chart) for complying with a principle are the latest by which an SEA or LEA must meet a particular principle. The dates identified as when an SEA or LEA may begin to implement a waiver represent the earliest the SEA or LEA may take advantage of the specified waiver.

The “At Submission” column describes generally the information an SEA must supply in order to receive the flexibility. See the document titled *ESEA Flexibility Request* for more detail on the specific evidence that States must submit to meet the principles. The initial waiver period will be through the 2013–2014 school year; however, an SEA that wishes to receive the flexibility must develop a plan that covers all four years identified in the chart. The “SY 2014–2015” column identifies the additional actions that an SEA must take if it receives an extension of the flexibility.

### TIMELINE FOR IMPLEMENTATION OF ESEA FLEXIBILITY

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
Adopt college- and career-ready standards	<b>Request includes evidence that the State has formally adopted college- and career-ready standards</b>				
Implement college- and career-ready standards	Request includes plan for transitioning to and implementing college- and career-ready standards	SEA and LEAs prepare to implement college- and career-ready standards		<b>SEA and LEAs implement college- and career-ready standards</b>	
Develop and administer high-quality assessments aligned with college- and career-	Request includes plan for developing and administering high-quality assessments aligned with college- and career-ready	SEA develops statewide high-quality assessments aligned with college- and career-ready standards		<b>SEA administers pilot high-quality assessments aligned with college- and</b>	<b>SEA administers high-quality assessments aligned with</b>

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
ready standards	standards, and assurance that SEA will develop and administer alternate assessments consistent with 34 C.F.R. § 200.6(a)(2)			career-ready standards	college- and career-ready standards
Adopt ELP standards that correspond to college- and career-ready standards	Request includes assurance that SEA will adopt ELP standards			SEA adopts ELP standards that correspond to State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2)	
Develop and administer ELP assessments	Request includes assurance that SEA will develop and administer ELP assessments				SEA develops and administers ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii)

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
Annually report college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State	Request includes assurance that SEA will annually report to the public the required data				SEA annually reports to the public college-going and college credit-accumulation rates, as defined under State Fiscal Stabilization Fund Indicators (c)(11) and (c)(12)
Waiver to set new ambitious but achievable AMOs	Request includes proposed new AMOs and justification that they are ambitious but achievable	SEA may apply new AMOs to AYP determinations beginning with SY 2011-2012 assessment results			Continue applying new AMOs
Waiver of requirements to identify schools and LEAs for improvement status		Beginning with release of AYP determinations based on SY 2011–2012 assessments, SEA and LEAs need not identify LEAs or schools, respectively, for improvement			Continue waiver
Waiver of requirements for schools and LEAs in improvement status to take certain specified actions			Beginning in SY 2012-2013, LEAs and schools need not take required actions under ESEA section 1116(b) or (c) (per the waiver discussed in the preceding row, LEAs and schools will no longer be in improvement status)		Continue waiver



STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
Develop and implement a State-based system of differentiated recognition, accountability, and support	Request includes a description of the SEA’s differentiated recognition, accountability, and support system and the SEA’s plan for implementation		SEA implements its system of differentiated recognition, accountability, and support		Continue implementing differentiated recognition, accountability, and support system
Annually identify and recognize or reward highest-performing and high-progress Title I schools	Request includes SEA’s methodology for identifying schools and list of schools based on SY 2010-2011 assessment results	SEA annually publicly identifies and recognizes or rewards highest-performing and high-progress Title I schools			Continue annually publicly identifying reward schools
Implement school interventions consistent with the turnaround principles in priority schools	Request includes SEA’s methodology for identifying schools, list of schools based on SY 2010–2011 assessment results, and a plan to implement interventions consistent with the turnaround principles in such schools over the period of the flexibility	SEA makes public its list of priority schools	LEAs implement interventions consistent with the turnaround principles in each Title I school identified as a priority school and consistent with SEA’s timeline for implementing such interventions in all of those schools over the period of the flexibility		Continue implementing interventions in priority schools
Implement interventions in focus schools	Request includes SEA’s methodology for identifying schools, list of schools based on SY 2010–2011 assessment results, SEA’s process for	SEA makes public its list of focus schools	LEAs implement interventions in each Title I school identified as a focus school		Continue implementing interventions in focus schools

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
	ensuring LEAs implement interventions based on needs, and examples of interventions				
Build capacity to improve student learning	Request includes description of the SEA's process for building SEA, LEA, and school capacity		<b>SEA implements its process for building SEA, LEA, and school capacity through monitoring and technical assistance; holding LEAs accountable for improving school and student performance; and ensuring sufficient support for implementation of interventions in priority schools, focus schools, and other identified schools</b>		
Waiver of poverty threshold for priority and focus schools to operate a schoolwide program			<b>LEAs may operate a schoolwide program in their priority schools to implement interventions consistent with the turnaround principles and in their focus schools to implement interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school</b>		Continue waiver
Waiver providing flexibility for rural LEAs			<b>LEAs that receive Small, Rural School Achievement Program or Rural and Low-Income School Program funds may use those funds for any authorized purpose regardless of their AYP status</b>		Continue waiver
Develop, adopt,	Request includes a plan to	<b>SEA adopts</b>	LEAs develop	<b>LEAs pilot</b>	<b>LEAs fully</b>

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
and implement teacher and principal evaluation and support systems	develop guidelines for evaluation and support systems, process for ensuring LEA implementation, and assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund	<b>guidelines for teacher and principal evaluation and support systems</b>  <b>SEA provides student growth data to teachers</b>	evaluation and support systems consistent with State guidelines	<b>implementation of evaluation and support systems</b> ( <i>e.g.</i> , pilot in a few schools; implement in all schools but do not publicize results) or fully implement evaluation and support systems	<b>implement evaluation and support systems</b>
Waiver of limits on transferability of funds and requirements to report transfers prior to transferring funds		<b>Limits on transferability do not apply to FY 2011 and subsequent funds</b>			<b>Continue waiver</b>
Waiver for flexibility to support school improvement			<b>SEA may allocate ESEA section 1003(a) funds to any LEA in order to serve focus and priority schools identified under the State-developed differentiated recognition, accountability, and support system, if the SEA determines such schools are most in need of additional support</b>		<b>Continue waiver</b>
Waiver for flexibility to reward schools			<b>SEA may use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any</b>		<b>Continue waiver</b>

STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011

ESEA FLEXIBILITY

U.S. DEPARTMENT OF EDUCATION

Principle or waiver	Required during initial waiver period				Required if approved for extension
	At submission	SY 2011–2012	SY 2012–2013	SY 2013–2014	SY 2014–2015
			reward school identified under the State-developed differentiated recognition, accountability, and support system, if the SEA determines such schools are most appropriate for financial rewards		
Waiver regarding Highly Qualified Teacher (HQT) improvement plan		LEAs that do not meet the State’s HQT targets need not develop an improvement plan or restrict their use of Title I and Title II funds; SEA need not implement HQT plans or agreements regarding the use of funds and need not provide technical assistance to LEAs in implementing their plans			Continue waiver
Waiver to use SIG funds to support priority schools		SEA may award SIG funds to an LEA to implement one of the four SIG models in a priority school, even if that school is not otherwise a Tier I or Tier II school			Continue waiver
Review and evaluate State-level administrative and reporting requirements to reduce duplication and unnecessary burden	SEA assures it will review and evaluate State-level administrative requirements and adjust appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.	SEA reviews and evaluates State-level administrative and reporting requirements and adjusts appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.			Continue reviewing, evaluating, and adjusting administrative and reporting requirements

**STATE DEPARTMENT OF EDUCATION**  
**OCTOBER 20, 2011**

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**SUBJECT**

Approval of Resubmitted Idaho School Districts' Trustee Boundary Rezoning as Required by Idaho Statute and the 2010 Census Data

**REFERENCE**

August 11, 2011

The State Board disapproved the following school district rezoning plans: Boundary County, Emmett Independent, Firth, Fremont County Joint, Kellogg Joint, Kootenai, Lakeland, Lapwai, Mullan, North Gem, Ririe Joint, Three Creek Joint Elementary, and St. Maries Joint.

April 21, 2011

M/S (Soltman/Goesling): To approve the requirements for school district trustee zone equalization proposals as submitted. *Motion carried unanimously.*

**APPLICABLE STATUTES, RULE OR POLICY**

Section 33.313, Idaho Code

**BACKGROUND / DISCUSSION**

Section 33-313, Idaho code mandates school districts submit to the State Board of Education for approval a proposal to redefine and change trustee zones which will equalize the population in each zone in the district within one hundred twenty (120) days following the decennial census. The Department has worked in collaboration with the Idaho School Boards Association (ISBA) to inform school districts of the requirements and provide technical assistance. At the April 20-21, 2011 Board meeting, the Board adopted requirements for compliance relative to the equalization of zone population. Those requirements are:

- Defining "equalized" to mean no more than a 10% variance in population between trustee zones within the district.
- Adjusted trustee zone boundaries shall follow census block boundaries or the exterior boundary of the school district, whichever is applicable, except in circumstances in which the census block lines and the school district boundary lines do not match.
- Splitting of census blocks will not be accepted, unless the school district can demonstrate to the Board that any proposed deviation will accurately account for all individuals within that census block.
- Trustee zone boundaries shall follow common identifiable lines, i.e., section lines, subdivision boundaries, road centerlines, waterways, railroad lines, etc.

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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- Proposal shall include a copy of the legal description of each trustee zone, a map of the district showing each zone, the approximate population of each zone.
- School districts shall use the approved legal descriptions for their school districts currently on file with the Idaho Tax Commission.
- Proposals shall be submitted to the Department of Education no later than July 8, 2011

At the August 10-11, 2011 Board meeting, the Board did not approve the original plans submitted by Boundary County, Emmett Independent, Firth, Fremont County Joint, Kellogg Joint, Kootenai, Lakeland, Lapwai, Mullan, North Gem, Ririe Joint, Three Creek Joint Elementary, and St. Maries Joint school districts. Section 33-313, Idaho Code requires school districts that have been disapproved to resubmit proposals within forty-five (45) days of disapproval. These resubmitted school district proposals have been reviewed on the following criteria:

- Each submittal provided a legal description of each trustee zone boundary and the legal description met a professional standard for presenting this type of information.
- A graphic image in electronic format was to be provided that indicates the trustee zone boundaries and corresponding census blocks contained within each zone with the population attributed to each block. Boundary lines were required to not be oddly shaped.
- A summary of population for each trustee zone demonstrating that no one zone varied by more than 10% in population from any other zone.
- Census blocks were not to be split without acceptable explanation so that an accurate determination could be made regarding the location of population relative to the proposed trustee zone lines.
- Submittals were asked to verify that they utilized the Idaho 2010 census data.
- Submittals were asked to verify that they utilized the district boundary consistent with those available at the Idaho State Tax Commission.
- If possible, submissions were asked to include electronic data files (shape files) that describe the zone boundaries so that this information would be available for future use in similar exercises.

Information regarding resubmitted school districts are included in the attachments below, as either 'recommended for approval' or 'exception' based on the review criteria already listed. The Mullan School District, whose plans were not approved at the August 11, 2011 Board meeting, continues to work with the State Department of Education to bring their plan into compliance.

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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Ten (10) of the previously disapproved school district proposals have been resubmitted and are being 'recommended for approval.' They have met and complied with all the review criteria and submittal requests. Many districts had previously requested that census blocks be split as part of their submittal. For those districts, they were required to provide justification that they were still maintaining equalization. Splitting of blocks with no population was acceptable. Splitting of blocks that would not cause an unequal population summary if the block of population were counted on either side of the split was also acceptable. Many of these submittals were initially returned to the district and were subsequently corrected.

Additionally, two (2) previously disapproved school districts are requesting that their resubmitted proposals be accepted with some type of notable deviation from the established requirements. These school districts have included justification for the requested exceptions in their submittals.

**IMPACT**

Approval of the recommended 'for approval' school district rezoning proposals will bring the trustee zones into compliance with section 33-313, Idaho Code.

**ATTACHMENTS**

**Attachment 1 – Ten (10) School Districts' Trustees Boundaries Rezoning Plans "Recommended for Approval"**

BOUNDARY COUNTY DISTRICT  
FIRTH DISTRICT  
FREMONT COUNTY JOINT DISTRICT  
KELLOGG JOINT DISTRICT  
KOOTENAI DISTRICT  
LAKELAND DISTRICT  
LAPWAI DISTRICT  
NORTH GEM DISTRICT  
RIRIE JOINT DISTRICT  
ST. MARIES JOINT DISTRICT

**Attachment 2 – Two (2) School Districts are Requesting Trustees Boundaries Rezoning "Exceptions"**

EMMETT INDEPENDENT DISTRICT  
THREE CREEK JOINT ELEMENTARY DISTRICT

**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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**STAFF COMMENTS AND RECOMMENDATIONS**

Section 33-313, Idaho code requires each proposal include a legal description of each trustee zone, a map of the district showing how each trustee zone would then appear, and the approximate population each zone would then have. Additionally, the requirement that these proposals be submitted following the report of the decennial census clearly indicates that the intent is that school districts use the census data in determining the populations of each zone.

Thirteen (13) school district trustee rezoning plans were not approved at the August 11, 2011 Board meeting. Idaho code requires school districts that have been disapproved to resubmit proposals within forty-five (45) days of disapproval. The plans appearing before the Board on October 20, 2011 are resubmittals.

Using the census data gives the state a uniform reference point in time for determining the populations within each school district. When a school district splits a census block it makes it difficult to determine which portion of the population within that block is located on each side of the split, for census blocks with a large population concentrated in one area this may result in unequalizing the population within the trustee zones. By using the census block boundaries it makes it clear the population within each zone.

Of the two (2) districts requesting exceptions to the proposal submittal requirements, one is a chartered district. Chartered school districts have charters that predate Idaho code and are subject to the terms of their charter. As an example a chartered districts charter may state that the district is treated as one zone and the trustees are elected at-large. These districts' trustee zone boundaries should be approved based on the requirements of their charter.

Staff recommends approval of all of the school districts that met the Board approved requirements. Those school districts that have requested exceptions should be based on the merit of their justification for not meeting the requirements.

**BOARD ACTION**

I move to approve the Idaho school districts' trustee boundary rezoning proposals for those school districts listed under 'Recommended for Approval,' as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_



**STATE DEPARTMENT OF EDUCATION  
OCTOBER 20, 2011**

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I move to approve the EMMETT INDEPENDENT DISTRICT trustee zone proposal, as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

I move to approve the THREE CREEK JOINT ELEMENTARY DISTRICT trustee zone proposal, as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

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**ATTACHMENT 1**

**Ten (10) School Districts’  
Trustees Boundaries Rezoning Resubmittals  
“Recommended for Approval”**

**TABLE OF CONTENTS**  
(rezoning informational content in separate file)

BOUNDARY COUNTY DISTRICT

FIRTH DISTRICT

FREMONT COUNTY JOINT DISTRICT

KELLOGG JOINT DISTRICT

KOOTENAI DISTRICT

LAKELAND DISTRICT

LAPWAI DISTRICT

NORTH GEM DISTRICT

RIRIE JOINT DISTRICT

ST. MARIES JOINT DISTRICT

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**ATTACHMENT 2**

**Two (2) School Districts Requesting  
Trustees Boundaries Rezoning Resubmittal  
Exceptions**

**TABLE OF CONTENTS**  
(rezoning informational content in separate file)

EMMETT INDEPENDENT DISTRICT

THREE CREEK JOINT ELEMENTARY DISTRICT

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