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MEMORANDUM NO. 2014-062

TO: School District Superintendents
School Principals
Curriculum Directors
Education Board Members

FROM: Travis Hoff, Public Information Officer
Administration

DATE: May 12, 2014

SUBJECT: ESEA Flexibility Waiver

WYOMING ESEA WAIVER FURTHER DELAYED

CHEYENNE - The US Department of Education (USDE) says it will continue to consider and evaluate Wyoming's application for a waiver of the requirements of the Elementary and Secondary Education Act (ESEA). This means Wyoming will not be granted a waiver at least through school year 2014-15.

Seven other states are proceeding without a waiver: California, Montana, Nebraska, North Dakota, Iowa, Vermont, and Washington. Washington requested and initially received an ESEA waiver but the waiver has since been rescinded because the state failed to meet the requirements placed on its waiver by the United States Department of Education (USDE).

Several challenges prevent Wyoming's waiver approval. One is the state's inability to develop a method to calculate graduation rates consistent with the Wyoming Accountability in Education Act but also conforming to federal requirements. According to the Governor's education policy advisor: "[A]bsolutely no change to the Wyoming accountability model may be undertaken in order to satisfy the feds in exchange for a (sic) NCLB waiver."

Another significant challenge is that state statutes do not allow for the administration of a uniform assessment tool such as those being developed by SBAC and PARCC as those tools include various item forms and writing assessment items in contravention of specific statutes.

Some of the challenges outlined by USDE include:

Transition to College- and Career-Ready Standards

- The state has yet to develop a high-quality plan (1) to provide near-term and ongoing professional development to teachers and principals on the transition to or implementation of college- and career-ready standards, and (2) to address the needs of teachers of English Learners and students with disabilities.
- The state has yet to develop an adequate high quality model for curricular or instructional materials.
- The state has yet to develop a formal relationship or clear plans to initiate conversations with the state institution of higher education with respect to integrating the new college- and career-ready standards into teacher and principal preparation programs.

Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support.

- The state has not yet developed intervention activities and a high-quality implementation plan for priority and focus schools that coherently integrate requirements of ESEA flexibility.
- The state lacks clarity around interventions in focus and priority schools, particularly integrating the requirements of ESEA flexibility with the system of support Wyoming proposes.
- There is an absence of interventions based on missed proficiency or graduation rate targets in “other Title I schools” (non-priority and non-focus schools).

Develop, Pilot, and Implement Teacher and Principal Evaluation and Support Systems.

- Plan to finalize guidelines indicates the spring of 2015 before guidelines will be finalized - two full years beyond that which is required under ESEA flexibility.
- The legislation that gives Wyoming the authority to require its districts to implement new evaluation systems (1) calls for implementation in 2016-17 (one year beyond that which is required under ESEA flexibility), (2) does not explicitly require professional development driven by evaluation results, and (3) does not define the student growth nor how much it will contribute to evaluation ratings.
- The state lacks structures, systems, and processes for (1) reviewing and approving LEA-developed systems consistent with ESEA flexibility requirements and (2) training and professional development on the state system should districts opt to implement it.

The ESEA waiver would have exempted Wyoming schools from the requirements of the 2002 reauthorization of ESEA, more commonly known as “No Child Left Behind” (NCLB), including the goal of 100% proficiency for all students. Without the waiver, federal Adequate Yearly Progress (AYP) calculations will continue to be reported. In addition, districts will still be required to comply with the Wyoming Accountability in Education Act (WAEA).

The WDE anticipates that complying with two different accountability models may cause confu-

sion surrounding the performance of a school. For example, a school may be labeled as “failing” to have made Adequate Yearly Progress, while at the same time being rated as “exceeding expectations” according to the WAEA model.

For more information regarding the ESEA waiver, please contact Travis Hoff at travis.hoff@wyo.gov or 307-777-2053.