

Supporting Documentation Used by Commissioner Holliday at the January 23-24 Teacher Effectiveness Steering Committee Meeting

In 2009, Senate Bill 1 gave us a new vision for education in Kentucky, a vision that was grounded in college and career readiness for all students. About the same time, the Obama administration was moving us toward a new vision for American public education, a vision grounded in improving America's competitiveness in the global marketplace by improving American education. With the announcement of Race to the Top grants and eventually the NCLB waiver process, the President and Secretary of Education provided the components of the vision. In response to these initiatives, Kentucky assembled a stakeholder group that articulated our state vision and strategies aligned to the national focus. This has become our strategic plan in Kentucky and is guiding the work of KDE, districts, schools, and classrooms. What I consider to be the most important strategy in this work is teacher effectiveness. As Commissioner of Education, I appointed this task force to develop recommendations for the Kentucky Board of Education to incorporate into proposed legislation and subsequent regulation with the charge to Kentucky Department of Education to implement these through the Professional Growth and Effectiveness System.

Many other states have done this work **TO** teachers. My intent was to do this work **WITH** teachers. While other states have moved quickly to develop models, Kentucky chose to be deliberate and involve the voice of the teacher and other stakeholders in the development of the professional growth system. There were several goals of a growth system that were considered.

- 1) According to the "Widget Effect", 99% of teachers in states were rated as satisfactory or above while there were significant differences in student achievement between the states. Therefore, a goal could have been to improve the distribution of teacher evaluation ratings so they would be seen as more valid and reliable.
- 2) According to most national reports, the impact of the teacher on student growth and achievement is the most significant school-based factor. Therefore, a goal could have been to improve student growth and achievement.
- 3) My charge to this task force was to develop a system of growth and support for teachers. By improving the observation tool, feedback to teachers for instructional growth, and providing the support for a professional learning system, then Kentucky would certainly achieve the first two goals.

This group (Teacher Effectiveness Steering Committee) has done unbelievable work over the last 18-24 months. We arrive now at a point where we must complete our recommendations for the Kentucky Board of Education and move from recommendations to implementation, monitoring and improving the growth system that we developed. I thought it would be helpful to start our meeting with a reminder of the charge to the group and our state/federal requirements that must be met. Following are documents that detail those requirements.

Waivers Kentucky Requested from the United States Department of Education

WAIVERS

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled *ESEA Flexibility Frequently Asked Questions* enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- ☐ 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State's proficient level of academic achievement on the State's assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- ☐ 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- ☐ 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- ☐ 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- ☐ 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement 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 a school in any of its priority and focus schools that meet the definitions of "priority schools" and "focus schools," respectively, set forth in

the document titled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.

- ☐ 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State's priority and focus schools that meet the definitions of "priority schools" and "focus schools," respectively, set forth in the document titled *ESEA Flexibility*.
- ☐ 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State's reward schools that meet the definition of "reward schools" set forth in the document titled *ESEA Flexibility*.
- ☐ 8. **The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.**
- ☐ 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- ☐ 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State's priority schools that meet the definition of "priority schools" set forth in the document titled *ESEA Flexibility*.

Optional Flexibilities:

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

- ☐ 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC 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.

- ☐ 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA's State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools that are not reward schools, priority schools, or focus schools.
- ☐ 13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served.

ESEA Flexibility Requirements regarding Principle 3 – Teacher/Principal Evaluation Systems to Improve Student Achievement

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.

Federal Definition

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.

Timeline for Evaluation Systems as Specified by the ESEA Waiver

	Due at submission	2011-12	2012-13	2013-14	2014-15 Required under extension
Develop, adopt, and implement teacher and principal evaluation and support systems	Request includes a plan to 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	<p>SEA adopts guidelines for teacher and principal evaluation and support systems</p> <p>SEA provides student growth data to teachers</p>	LEAs develop evaluation and support systems consistent with State guidelines	LEAs pilot implementation of evaluation and support systems (e.g., pilot in a few schools; implement in all schools but do not publicize results) or fully implement evaluation and support systems	LEAs fully implement evaluation and support systems

By submitting the ESEA waiver application, the SEA assures that:

1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all 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, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

Text of Kentucky's Approval letter from U.S. Secretary of Education Arne Duncan

Our decision to approve Kentucky's request for ESEA flexibility is based on our determination that the request meets the four principles articulated in the Department's September 23, 2011, document titled *ESEA Flexibility*. In particular, Kentucky has:

- (1) demonstrated that it has college- and career-ready expectations for all students;
- (2) developed, and has a high-quality plan to implement, a system of differentiated recognition, accountability, and support for all Title I districts and schools in the State;
- (3) committed to developing, adopting, piloting, and implementing teacher and principal evaluation and support systems that support student achievement; and
- (4) provided an assurance that it will evaluate and, based on that evaluation, revise its administrative requirements to reduce duplication and unnecessary burden on districts and schools.

Our decision is also based on Kentucky's assurance that it will meet these four principles by implementing the high-quality plans and other elements of its request as described in its request and in accordance with the required timelines. In approving Kentucky's request, we have taken into consideration the feedback we received from the panel of peer experts and Department staff who reviewed Kentucky's request, as well as Kentucky's revisions to its request in response to that feedback.

Race to the Top Requirements

- ***The participating school district shall use Race to the Top funds to assist in providing the support necessary to implement the use of the Educator Development Suite (EDS) of the Continuous Instructional Improvement Technology System (CIITS). This includes the professional development sections of the EDS. Support may include, but is not limited to professional development, technical assistance and other costs associated with the effective implementation of the module.***

As you can see by the section in **BOLD**, the first thing that requires the participating district's connection to the teacher effectiveness system is that they have agreed to use EDS, which is the reporting mechanism for the teacher effectiveness system.

In addition to these assurances, the participating school district agrees to develop an action plan including budget and sustainability plans for complying with the **performance measures** outlined below. This action plan will specifically describe the strategies the participating school district will use to

ensure each performance measure is met and how Race to the Top funds will be used to support the action plan. The action plan will be reviewed to ensure it is aligned with the goals of Race to the Top.

There are three performance measures that specifically reference the “statewide evaluation system”. In other words, participating districts agreed to these performance measures that require them to rate teachers based on the statewide evaluation system.

(D)(5) Performance Measures	Actual Data: Baseline (Current school year or most recent)	End of SY 2012-2013	End of SY 2013-2014	End of SY 2014-2015
Percentage of teachers in participating LEAs who were evaluated as exemplary under the common statewide evaluation system.	N/A	<1%	10%	20%
Percentage of teachers in participating LEAs who were evaluated as accomplished or developing under the common statewide evaluation system.	N/A	<1%	75%	70%
Percentage of teachers in participating LEAs who were evaluated as ineffective under the common statewide evaluation system.	N/A	<1%	15%	10%

Critical Questions to Keep in Mind

What happens if the state does not implement the plans and other elements described in the ESEA waiver application?

- We lose Race to the Top funds and must repay dollars already allocated.
- We lose the 13 waivers and flexibility of the NCLB waiver (let me review each one and mention impact).

What happens if the LEA does not implement plans and other elements described in the waiver application?

- The district will lose Race to the Top funds and must repay dollars already allocated.

- The district will have Title I and II funds withheld until the district meets requirements.
- The district could have SEEK funds withheld until the district meets requirements.

What is our final strategy for legislation and regulatory change relative to the Professional Growth and Effectiveness System?

We see 3 possible scenarios.

Scenario 1 – This is the preferred scenario. The General Assembly passes legislation that honors the work of this steering committee and the Kentucky Board of Education (KBE) implements regulatory language based on the work of this steering committee. This scenario provides us with the most time to implement your recommendations. We would be able to go to districts in February and say we have unanimous support of all stakeholders on the teacher effectiveness steering committee for the legislation and the committee recommendations will be implemented through KBE regulation with the regulation approval process happening after we review results from the field test. The KBE would receive the regulation for first reading in December of 2013, second reading in February of 2014, and the legislative review process would happen in the spring of 2014 with full implementation beginning July 2014 per federal requirements. Districts would implement the state field test as planned; however, any LEA planning on submitting a plan that does not adhere to the state plan would have to document how the LEA plan meets the waiver requirements and validity/reliability requirements.

Scenario 2 – This scenario assumes this group is not unanimous in support of legislation and we are unable to move legislation through the General Assembly this session. This would mean that we do not have a state system and LEAs must submit a plan for approval by KDE that meets the waiver requirements and existing statute on teacher evaluation. Should this happen, we would then move quickly to start the regulatory review process defining requirements for LEAs based on the 6 requirements of Principle 3 of the NCLB waiver. We would begin to inform districts at the February regional meetings that we do not have legislative support so local plans must be developed within the guidelines of the proposed regulation. Certainly, the recommendations of the Teacher Effectiveness Steering Committee could be utilized by KDE in forming the content of the regulation and helping districts choose what components of an evaluation plan must be submitted in order to gain KDE approval. The timeline for this scenario would be submission of local plans by December 2013; however, all districts would follow the field test protocol since we have the regulatory language. Any LEA planning on submitting a plan that does not adhere to the state plan would have to document how the LEA plan meets the waiver requirements and validity/reliability requirements.

Scenario 3 – While this is a scenario that we would NOT like to see, we must prepare for this possibility. Should we not get legislation, we doubt that we would be able to get any changes in the regulation. Therefore, we would move quickly to describe to districts in the February regional meetings that the state field test would have to serve as the local field test of their local evaluation plan. Again, districts would certainly be informed by the recommendations from this group; however, without legislation and changes to regulation, KDE only has to meet the requirement that all LEAs are held to the requirements

of Principle 3 of the NCLB waiver. The timeline for this scenario would be submission of local plans by December 2013; however, districts would NOT be required to follow the state field test protocol and would develop local plans for processes, weighting of measures, and summative rating. This would result in significant variation among districts and possibly between schools since there would be no state requirements for observer certification and all decisions would be left to districts with eventual review for waiver compliance by KDE.

So.... as you can see, it is essential that we have two outcomes from this two-day meeting. We must have a pledge of support for legislation that supports your work and we must have recommendations for the drafting of regulatory language for KBE to review at the February meeting with the final reading at the April meeting. This group would have significant time to review the proposed regulation if scenario 1 happens; however, this group would not have time to review the regulation if scenario 2 or 3 happens.

Again, thank you for your dedication to this work. Should we be successful in our efforts to work WITH teachers to develop a professional growth and effectiveness system, I truly believe that Kentucky would once again serve as a national model on what can happen when we honor and respect teachers. However, should we not be successful in our work as evidenced by failure to pass legislation and subsequent regulatory language, then we send a signal to the rest of the nation that this work is not possible in a collaborative setting, at least in Kentucky. I will be in and out of this meeting and have time scheduled with you during the lunch hour tomorrow to discuss and check on your progress.