

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

Update on Response to the ESEA Part B Monitoring Report and the ESEA Waiver Extension Submission

Applicable Statute or Regulation:

Section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA)

History/Background:

Existing Policy. In September 2011, U.S. Secretary of Education Arne Duncan invited states to apply for flexibility from requirements of the No Child Left Behind Act under the authority of Section 9401 of the Elementary and Secondary Education Act (ESEA). Kentucky's initial application for the flexibility waiver was approved on February 9, 2012 with approval of subsequent amendments to the waiver application on September 28, 2012. Additionally, Kentucky Department of Education staff has participated in Parts A and B of the United States Department of Education's (USED) monitoring process on the waiver.

ESEA Flexibility Monitoring. Part A of the USED wavier flexibility monitoring process examined each state education agency's goals and approaches to implementing ESEA flexibility and ensured that each state education agency had the critical elements of ESEA flexibility in place to begin implementation of its plan in the 2012–13 school year. Kentucky's exit conference with USED on the Part A monitoring report occurred on December 10, 2012 and no findings were issued on which follow-up had to occur. The Part A report can be found at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> near the bottom of the page.

Part B of the monitoring process looked at the state education agency's implementation of ESEA flexibility across several key areas of the waiver: State-level Systems and Processes, Principle 1, Principle 2, and Principle 3. Kentucky's exit conference on Part B occurred on November 13, 2013; however, the actual monitoring report was just recently received from USED and can be found at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> near the bottom of the page. Out of 18 indicators, Kentucky was found to be "meeting expectations" on 13 indicators and "not meeting expectations" on five.

Parts A and B of the ESEA waiver monitoring process are incorporated into the customary monitoring cycle of USED and provide each state with feedback on its progress relative to the design and implementation of the waiver as well as clarity on what USED expects. The findings in Part B do not put Kentucky's waiver in jeopardy but instead let the Kentucky Department of Education know where it needs to concentrate in order to improve the assistance provided to schools and districts as well as how to meet the expected federal criteria. For example, through the Part B report, KDE has now received clear guidance on what is expected of Focus Schools in order to close achievement gaps.

ESEA Waiver Extension. On November 13, 2013, Secretary of Education Arne Duncan notified state education agencies approved to implement ESEA flexibility through the end of the 2013-14 school year

of the opportunity to seek a one-year extension of their ESEA flexibility through a streamlined process. The waiver extension request is due by February 28, 2014 or 60 days from receipt of a state's Part B monitoring report, whichever is later. Since Kentucky just recently received its report, the one-year extension request is not due until May 5, 2014.

KDE staff are working on the extension request that must consist of a red-lined version of Kentucky's ESEA waiver application reflecting all proposed changes that are being made; a completed amendment template reflecting the necessary consultation of stakeholders and describing any substantive amendments being made to the approved request, including those required to address any Part B monitoring report "next steps;" and any evidence required to support the extension request.

Once the waiver extension request is completed and prior to its submission to USED, the request will be sent out for review and feedback to the Kentucky Board of Education, a broad range of education constituent groups, and the public as well as superintendents, principals and teachers. Any input received will help to finalize the content of the request and will be reported to USED as part of the submission no later than May 5.

To provide the board with a preview of the amendments being made to Kentucky's ESEA waiver, **attached** is a handout titled "Highlights of Changes Being Made to Kentucky's ESEA Waiver Application as Part of the Waiver Extension Process." This handout provides a summary of the major changes being considered for purposes of the waiver extension.

While the ESEA waiver process is helping schools and districts in Kentucky, it is not a long-term solution. Kentucky will continue to encourage Congress to pass reauthorization of the Elementary and Secondary Education Act, which is currently seven years past due. Until ESEA is reauthorized, states will lack clarity as to the long-term vision of Congress for student success of our most disadvantaged students.

Impact on Getting to Proficiency:

The ESEA flexibility waiver enables Kentucky educators to be free of many of the unfair and restrictive rules of the No Child Left Behind Act and implement the Unbridled Learning system that is focused on college and career readiness.

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Commissioner of Education

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