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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: June 6, 2014

ACTION: Elementary and Secondary Education Act (ESEA) Flexibility Waiver Extension and UCAS Accountability System

Background:

- ESEA Flexibility Waiver Extension:** The U.S. Congress reauthorized the Elementary and Secondary Education Act (ESEA) in 2001 as No Child Left Behind (NCLB). States were required to develop, assess, and determine performance levels as they related to state academic and achievement standards. The ESEA was to be reauthorized in 2007 and is still pending. The U.S. Department of Education has allowed states to request a waiver to certain requirements under the law.
- UCAS Accountability:** The UCAS Accountability System was developed to comply with SB 59 *School Grading System*, (2011 Legislative Session). It was also approved by the Department of Education as the Utah Accountability System for the ESEA Flexibility Waiver. UCAS replaced Adequate Yearly Progress (AYP) for NCLB.

Key Points:

- ESEA Flexibility Waiver Extension:** Utah requested and was granted a waiver for SY11-12 and SY12-13. Beyond SY12-13, states are required to submit an extension request. Utah has up to 60 days from the receipt of the Title I Part B Monitoring report to submit the request for the extension. The Part B Monitoring meeting occurred in December 2013. Utah has not received the final report. The ESEA Flexibility Waiver has allowed Utah to replace the federally-determined accountability system with a state-determined accountability system. This has produced more accurate determinations of the lowest performing Title I schools in need of additional support and allowed Title I monies to be more appropriately expended to improve schools.

2. **UCAS Accountability:** The UCAS Accountability System can continue as the federal accountability system if Utah requests an extension to the ESEA Flexibility Waiver.

Anticipated Action: It is anticipated that the Board will determine the following:

1. Will the ESEA Flexibility Waiver extension request be submitted.
2. Will the UCAS Accountability System continue for the SY 2013/14.
3. Will the Governor's Report Card be implemented as the first page of UCAS.

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Assessment and Accountability Comparison

	Required by Utah Code	Required by NCLB	Required with Waiver	Notes from Other States
Assessment	<p>Computer Adaptive Testing for ELA, Math, Science grades 3 – 11</p> <p>Reading Assessment Grades 1 – 3</p> <p>Direct Writing Assessment Grades 5 & 8</p> <p>ACT for 11th grade</p> <p>National Assessment of Educational Progress (NAEP) reading and mathematics tests</p>	<p>Assessments in reading and math in grades 3 – 8 and once in high school; science once during grades 3-5; grades 6-9; and grades 10-12.</p> <p>WIDA (English Learner Assessment)</p> <p>UAA (SWD 1%)</p> <p>National Assessment of Educational Progress (NAEP) reading and mathematics tests</p>	<p>Each state determines testing requirements that minimally meet that required by NCLB. Utah chose for their waiver: Computer Adaptive Testing for ELA, Math, Science grades 3 – 11</p> <p>Direct Writing Assessment Grades 5 & 8</p> <p>WIDA (English Learner Assessment)</p> <p>UAA (SWD 1%)</p> <p>National Assessment of Educational Progress (NAEP) reading and mathematics tests</p>	<p>Smarter Balanced Consortium – 17 states</p> <p>PARCC Consortium – 9 states</p> <p>ACT ASPIRE only - Alabama</p> <p>State developed assessment – 9 states (Utah, Nebraska, Kansas, Texas, Minnesota, Florida, Tennessee, Virginia, North Carolina)</p> <p>State Combinations – 7 states (Different assessments for different grades which includes a combination of state developed, consortium or ACT)</p> <p>Undetermined – 7 states</p>

Assessment and Accountability Comparison

	Required by Utah Code	Required by NCLB	Required with Waiver	Notes from Other States
Accountability	53A-1-1103 School Grading System	<p>ESEA Section 1111 State Plans: Standards, Assessments, and Accountability</p> <p>ESEA Section 1116 Assessment and Improvement</p> <p>Adequate Yearly Progress school and district reports. 100% Proficiency by 2014. 40 groups (if 1 group fails, the school fails). Failing schools and districts have consequences of program improvement, 30% funding set aside, school choice, school choice with transportation, adoption of turn-around model and eventual state takeover.</p>	<p>UCAS Accountability System</p> <p>Identifies reward, priority, and focus schools</p> <p>Identified schools receive additional Title I funding to support school improvement efforts.</p> <p>There are no consequences for schools or districts.</p>	<p><u>Washington:</u></p> <ul style="list-style-type: none"> • Had ESEA Flexibility, but lost it because no state law to include student achievement in teacher evaluation. • Must now reinstitute all NCLB accountability requirements. <p><u>Nebraska:</u></p> <ul style="list-style-type: none"> • Considering ESEA Flexibility Waiver application if the U.S. Department of Education would work with the state. • Had not applied because there were too many things not in place. See Nebraska website for more information: http://www.education.ne.gov/federalprograms/ESEA%20Flexibility.html.

Assessment and Accountability Comparison

	Required by Utah Code	Required by NCLB	Required with Waiver	Notes from Other States
Teacher Evaluations	Board create a statewide framework for educator evaluation that includes instructional effectiveness, student growth, and stakeholder input. Requires districts to ensure evaluation systems are in place according to stated timelines and educators are evaluated yearly and given a yearly rating.	Teachers must be highly qualified based on expertise in content. States must show how they are determining HQ status and have it approved by UDOE. Title IIA funds are to be used to help teachers become HQ. Equitable distribution of teachers is also addressed. Title IIA requires reporting of LEA percentages of evaluation ratings in three categories.	Educator evaluation systems that include yearly evaluation of all educators and student growth used as a significant factor in the overall educator rating. Regulations include SEA monitoring and timelines for all districts to be compliant.	Title IIA has driven much of the early evaluation work based on categories of ineffective, effective, and highly effective. The Widget Effect white paper also prompted action. Waiver process tying hands to significant percentages based on student growth. States receiving any kind of federal funds attached to teacher quality have to comply with Fed. Requirements.
Standards	State code gives authority to State Board to set standards for schools. HB342 added parent review committees to process.	NCLB does not address academic standards.	Calls for adoption of college and career standards. States receiving waivers include those who have not adopted Common Core and those who have. The reporting includes showing how SEAs are providing technical assistance, monitoring implementation, and gauging progress.	Every state has adopted a new form of student performance standards that reflect readiness for college and careers.