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MEMORANDUM

TO: Members, Utah State Board of Education

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

DATE: August 8, 2014

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

Background: 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 UCAS Accountability System was originally 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.

The ESEA was to be reauthorized in 2007 and is still pending. The U.S. Department of Education allowed states to request a waiver to certain requirements under the law. Utah's original waiver request can be found at <http://www.schools.utah.gov/data/Educational-Data/Accountability-School-Performance/Utah-ESEA-Flexibility-Request.aspx>. Utah's waiver ends in 2014. The Department is allowing states to request a one-year extension to the waiver. This would be effective for school year 2014-15.

Key Points: Utah requested and was granted a waiver for SY11-12, SY12-13, and SY13-14. Beyond SY13-14, states may submit a one-year 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 final report was sent July 1. The extension request must be received by the Department no later than August 28.

The ESEA Flexibility Waiver has allowed Utah to replace the federally-determined accountability system with a state-determined accountability system, UCAS. The waiver has added flexibility and allowed Title I monies to be more appropriately expended on Focus and Priority schools.

Anticipated Action: It is anticipated that the Board will determine if Utah will submit a letter to the Department of Education requesting a one-year extension to the ESEA Flexibility Waiver.

Contact: Judy Park, 801-538-7550
Karl Wilson, 801-538-7509

ESEA Waiver Legal Analysis

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



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Chief Civil Deputy

August 1, 2014

Dear State School Board Members;

At the July 17, 2014 Board meeting, a number of members had legal questions about Utah's decision as to whether pursue an ESEA waiver. During the public session and the robust board debate, I wrote down a number of legal questions that you voiced at the meeting. Following the meeting, I was given by the Superintendent a list of five additional questions developed by the Board Executive Committee.

This handout that I am providing you is the Attorney General's Office legal review for issues pertaining to the Board's consideration as to whether it should pursue an ESEA waiver. The handout being provided to you has three sections which are as follows:

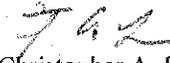
- 1) A 12 page legal analysis of the questions that the Board provided which sets forth the factual background as well as the law and reasoning of the answers to each of your questions.
- 2) A series of 12 attachments of key statutory provisions and documents which are discussed in the legal analysis. Please note that with the statutes, I have provided excerpts of statute and not the whole statute in its entirety. Also, I have highlighted key wording which was persuasive to me in my analysis of the law. Hopefully, this highlighting will help you focus on key statutory language.
- 3) A 1-1/2 page outline identifying key dates and events in the ESEA waiver process as well as answers to some of the key questions.

One board member provided several additional questions. Those questions have not been addressed in this analysis; however the questions are part of Attachment 10. Answers have not been provided to those questions due to time constraints. Working with Office of State Education staff, we will try to provide answers to those questions in the near future.

Lastly, this legal analysis has been reviewed and discussed with management in the Attorney General's Office as well as in the Office of State Education.

I trust you will find this legal analysis helpful in your deliberations on this important matter.

Sincerely,


Christopher A. Lacombe
Assistant Attorney General

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August 1, 2014 Final Draft

Background and Legal Analysis of ESEA Waiver

I. Introduction

On August 31, 2014, Utah's Elementary and Secondary Education Act (ESEA) Waiver issued under the No Child Left Behind Law of 2001 (NCLB) will expire. At the Utah School Board meeting on August 8, 2014, the Board will vote on whether to seek a one year extension to this ESEA waiver. This matter was considered at the July 2014 meeting and was tabled by the Board. At the July 17th meeting, spirited public comments supporting and opposing the ESEA waiver were voiced. In addition, a robust discussion among board members occurred. At about the same time, Governor Herbert publicly stated that he wanted Utah's Attorney General to evaluate whether the use of Common Core standards interfered with the issue of state and local control over curriculum.

In this memorandum, the background and relationship of NCLB, ESEA and Common Core standards will be discussed. In addition, this memorandum addresses 11 legal questions raised by the Utah School Board members during their July 17th meeting. However, given the length of this memorandum, a summary of whether the ESEA waiver is authorized by federal and Utah statutory law will be first addressed.

II. Questions Concerning whether Federal and Utah law authorize Utah to request the ESEA Waiver.

A. Does the No Child Left Behind Act, which reauthorized ESEA, give the authority to the U.S. Department of Education to issue an ESEA waiver to Utah?

Yes. PL107-110 §9401 (a) and (d) authorizes the Secretary of Education to issue a waiver, for up to 4 years and longer if the state receives: 1) Department of Education funds; and (2) requests a waiver. Since Utah receives Department of Education funds, the Secretary of Education can issue the ESEA waiver if Utah requests it. (See Attachment #1)(See No Child Left Behind Act of 2001- 20 USC §7861.)

B. Does Utah law authorize the State Board of Education to request the ESEA waiver from the U.S. Department of Education?

Yes. In fact, Utah Code §53A-1-904 appears to require the Board of Education to seek a waiver. Under Utah's "Implementing Federal Programs Act" ("the Act") enacted in 2005, "school officials" (which are defined to include the State Board of Education) are clearly directed to: 1) request reasonable time to comply with the provisions of the No Child Left Behind Act; and 2) lobby federal education officials for relief from the provisions of the No Child Left Behind Act, including waivers from federal requirements, regulations and administrative burdens. Additionally, the Act at Utah Code Ann. §53A-1-904(1)(b) states that "[s]chool officials shall request a waiver under Section 9401 of the No Child Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527. Copies of the pertinent statutes are set forth in **Attachments #1 and #2.** Given this statutory framework preference towards waivers, it appears that the Board of Education has an express statutory duty to seek this waiver.

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C. Does Utah law authorize the Board of Education to forfeit or exit the ESEA waiver after it has been granted the waiver?

Perhaps yes. Utah Code Ann. § 53A-1-402.6(7) authorizes the state to exit “any agreement, contract, memorandum of understanding or consortium that cedes control of Utah’s core curriculum standards to any other entity, including a federal agency or consortium, for any reason . . .” In order to successfully use this statutory authority, (1) the ESEA waiver application and approval must be an “agreement, contract, memorandum of understanding, or consortium”; and if so, (2) the Board will need to determine that the ESEA waiver and application cedes control of Utah’s core curriculum standards to another entity. **(See attachment #3)**

Separately, Utah Code Ann. §53A-1-905, allows the governor to void a federal education agreement, such as this waiver, that may cost education entities more than \$500,000 annually from state and local money to implement. Likewise, if the federal education agreement costs more than \$1,000,000 annually, Utah’s legislature can void the waiver. If that occurs the number of Utah Title I and non-Title I schools will be classified as “in need of improvement” will increase dramatically requiring 30% of Title I money (approximately \$23 million) to be set aside for transportation, special services and teacher training.

While these statutes authorize exiting or voiding agreements, contracts, memorandum of understanding, or consortium, as well as federal education agreements, the Board must also carefully consider the statutory framework and text of Utah Code Ann. §53A-1-901 et. seq. which clearly favors seeking waivers to NCLB requirements. **(See attachments #2 and #3)**

Lastly, representations have been made by Department of Education staff that Utah can forfeit or exit its waiver, but it will be required to comply with NCLB.

D. If Utah repeals Common Core Standards, as Indiana, Oklahoma, South Carolina and Missouri have, will Utah’s ESEA waiver be rescinded by the U.S. Department of Education?

Probably no. If Utah were to repeal its adherence to Common Core standards, it is unlikely that its ESEA waiver would be rescinded. However, Utah would likely be required, like Indiana and Oklahoma, to: “adopt college- and career- ready standards that are approved by a State network of institutions of higher education [Utah’s Universities and Colleges], which must certify that students, who meet the standards, will not need remedial course work on the post-secondary level.” In addition, Utah will need to amend its waiver application to reflect this change. **(See attachment #4-the Indiana letter.)**

III. Background of No Child Left Behind, ESEA and Common Core Standards

A. The 2001 Reauthorization of Elementary and Secondary Education Act by the No Child Left Behind Act.

In 2001, Congress passed the “No Child Left Behind Act of 2001” (NCLB). This statute, which was enacted in 2002, reauthorized the “Elementary and Secondary Education Act” (ESEA). The ESEA, which was originally adopted in 1965, created the Title I program. This program distributed federal funding to school districts with a high percentage of low-income families, at-risk youth and higher dropout rates. Under the ESEA, federal appropriations last for five fiscal years until reauthorized. Since 1965, the ESEA has been reauthorized at least seven

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times. NCLB was the most recently reauthorization of the ESEA. In 2007, ESEA was supposed to be reauthorized, but this has not occurred.

As part of the NCLB statute, all states were required to achieve “Adequate Yearly Progress” (AYP). NCLB required each state to develop AYP objectives. Meanwhile, AYP, for each school, was calculated by evaluating the school’s standardized test scores. Under the AYP provision, a graduated 5 year process was developed seeking to improve schools which did not achieve sufficient AYP results. A school which repeatedly fails to meet AYP objectives could be reorganized and have both its administrative and teaching staff replaced.

Nationwide, a significant percentage of schools have had difficulty meeting NCLB’s AYP requirements. As a result, considerable debate, as part of the reauthorization process, to improve or replace NCLB has occurred, however no consensus has been established and ESEA has not been reauthorized.

Given AYP compliance problems and the failure to reauthorize, in 2011, President Obama authorized “waivers” to NCLB. These waivers were specifically authorized under the Section 9401 of the statute. Since authorizing the issuance of these waivers, 42 of 50 states currently have been granted waivers. California, Montana, North Dakota, Nebraska and Vermont do not have waivers. Meanwhile, waiver applications are pending for Wyoming and Iowa. Lastly, Washington’s waiver was not extended.

On February 28, 2012, Utah requested an NCLB waiver. On June 29, 2012, the Secretary of Education granted Utah a waiver “through the end of the 2013–2014 school year. At that time, Utah may request an extension of these waivers.” The 189-page waiver which includes attachments, contained waivers of 13 provisions of the NCLB statute. In addition, the waiver granted to Utah contained 15 Assurances that Utah would agree to receive the waiver. Utah’s current waiver is set to expire on August 31, 2014. (See attachment #6)

B. Utah’s Legislative Actions in Response to “No Child Left Behind Act”.

In 2005, Utah enacted the “Implementing Federal Programs Act”. Utah Code Ann. § 53A-1-901 et. seq. Under this title which was amended in 2009, Utah Code Ann. § 53A-904 addresses state implementation of “No Child Left Behind” Specifically, Utah Code Ann. §53A-1-904 (1)(b), states: “School officials shall request a waiver under Section 9401 of the No Child Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527. Likewise, Section 904 (2) (1) (a) states: “school officials shall [] request reasonable time to comply with the provisions of the No Child Left Behind Act.” Lastly, Section 904(2) (1) (c) also requires state officials to lobby federal education officials for relief from the provisions of the No Child Left Behind Act, including waivers from federal requirements, regulations, and administrative burdens. Given this language, this statute’s framework and text favor seeking an ESEA waiver. (See attachment #2)

C. The Evolution of Common Core and Its Role in the ESEA Waiver Process

In late Spring 2010, the National Governors Association and the Council of Chief State School Officers released the Common Core standards. These standards are academic benchmarks intended to define the knowledge and skills that high school graduates will need in order to be

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successful in college and careers. These standards establish grade-level expectation in math and English language arts for K-12 students. At the current time, 41 states have adopted the Common Core standards and agreed to implement them in their public school. (Alaska, Texas, Nebraska, Indiana and Virginia have not adopted the Common Core standards. Minnesota has adopted only the English language arts portion of the standards. Indiana, Oklahoma, South Carolina and Missouri, which originally adopted Common Core standards, have repealed the standards by the enactment of a statute.)

These Common Core standards were developed with the educational expertise of a number of nonprofit educational organizations such as, ACT, Inc., the College Board, the National Association of State Boards of Education and the State Higher Education Executive Officers Association. Major funding for the standards development came from not for profit organizations, including the Bill & Melinda Gates Foundation. No federal funds were used the development of these Common Core standards.

Utah, which has had core educational standards since 1984, adopted the Common Core ELA and Math standards in August 2010. **(See attachment #7)**

D. Integration of State Originated Common Core Standards into Federal Programs Such As “Race to the Top” and ESEA Waivers.

In 2009, President Obama enacted the “Race to the Top” program (RTT) as part of the American Recovery and Reinvestment Act of 2009. As part of RTT, a \$4.35 billion contest was created to spur educational innovation and reforms in state and local school district K-12 programs. As part of this contest, states, among the many different score criteria, were awarded points for “developing and adopting common standards”, however the scoring criteria did not specify Common Core standards.

In 2014, the Oklahoma, Indiana, South Carolina and Missouri repealed their states previously adopted Common Core standards. In response to the repeal of these standards, the Secretary of Education recently sent letters to Oklahoma and Indiana. In Indiana’s letter, the Secretary of Education states: “I understand that the Indiana legislature recently enacted legislation which impacts IDOE’s implementation of its ESEA flexibility request” The Secretary went on to state that given its repeal of common standards, that Indiana has one of two options which were that Indiana “could either: (1) adopt college- and career- ready standards that are common to a significant number of States [implicitly Common Core Standards?] or (2) adopt college- and career-ready standards that are approved by a State network of institutions of higher education (IHEs), which must certify that students who meet the standards will not need remedial course work at the postsecondary level.

As a result, Indiana, like Virginia, which never adopted Common Core standards, must develop their own standards in compliance with option 2. Furthermore, Oklahoma, which received a similar letter, must amend its ESEA waiver request. **(See attachment #4)**

It does not appear that any Department of Education documents expressly mandate Common Core standards. Rather the terms “common standards” and “college- and career-standards” are used. Perhaps the Department of Education’s restraint is due to NCLB Section

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9527 which is entitled "Prohibition on Federal Government and Use of Federal Funds" This statutory provision prohibits federal government: 1) education mandates of funds; 2) endorsement of curriculum; 3) approval or certification of standards; and 4) approval of building construction standards. (See attachments #1, #4 and #7)

E. Governor Herbert's Request for Legal Review of Common Core

In July 2014, Governor Herbert requested the Utah Attorney General to review the issue of state and local control over curriculum. Herbert went on to state that "[f]or those who are concerned that (Common Core) has become some kind of a mandate, I want to re-assert that, in Utah, parents and teachers, principals and local school board members, in cooperation with the (the State School Board), are, and always will be, the primary decision makers," Herbert said. "I state unequivocally today that we will not cede that responsibility to anyone else."

Other state-wide elected officials have also expressed concerns with Common Core standards. In February 2014, Utah Senator Mike Lee co-sponsored a seven page Senate Resolution denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal Grants and flexibility waivers. (See attachment #9)

In a press release, multiple co-sponsors, including Senator Lee, of this Senate Resolution stated:

"While Common Core started out as a state-led initiative, the federal government unfortunately decided to use carrots and sticks to coerce states into adopting national standards and assessments. That is simply the wrong choice for our kids. [] Common Core is another example of Washington trying to control all aspects of Americans' lives, including the education of our children.[] We should not allow the federal government to dictate what our children learn; rather, parents, through their teachers, local schools and state systems, should be able to direct the education of their children. Common Core has become polluted with Federal guidelines and mandates that interfere with the ability of parents, teachers and principals to deliver the education our children deserve. [] Rather than increasing coercion, we should be demanding that further interference by the U.S. Department of Education with respect to state decisions on academic content standards be eliminated."

Likewise the Utah state legislature enacted a 2014 Amendment to Utah Code §53A-1-402.6 (7), a statute addressing Utah's core curriculum standards, authorizing the state to "exit any agreement, contract, memorandum of understanding, or consortium that cedes control of Utah's core curriculum standards to any other entity, including a federal agency or consortium, for any reason. . ." This statute then specifies seven reasons why the State can exit the agreement. (See attachment #3)

F. The Impact of Utah Not Requesting an ESEA Waiver

Under NCLB, schools receiving Title I funds are required to measure and achieve "Adequate Yearly Process" (AYP) in English language arts and mathematics. NCLB requires that all students be proficient in these two disciplines by the 2013/2014 school year.

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In the event that a Title I school does not achieve AYP for two consecutive years, it is classified, under NCLB, as “in need of improvement”. If it is classified as “in need of improvement”, the following actions can be taken:

Consequence	In need of improvement (year)				
	1	2	3	4	5
School transfer options (parents can transfer child out of school.)	X	X	X	X	X
Supplemental services (extra tutoring and special academic services)		X	X	X	X
Corrective action (replace staff, new curriculum, decrease administration authority, etc.)			X	X	X
Restructuring (planning) prepare plan to replace most of staff, charter s school or contract with third party to run school				X	X
Restructuring (implementation) Implementing plan above.					X

At the end of the 2012-2013 academic year, 134 Utah Title I schools were not achieving AYP. In addition, another 261 non-Title I schools were not achieving AYP at the end of the 2012-2013 school year. Thus, currently 395 Utah schools in 63 school districts are not achieving AYP. This includes 35 charter schools. While test results from the 2013-2014 academic year have not been scored and evaluated, the USOE anticipates, that if an ESEA waiver is not obtained, that all Utah Title I schools, (more than 300) will not meet AYP. At least 134 of these Title I schools will be classified as “in need of improvement” activating the above listed chart. If these 134 schools are classified as “in need of improvement” 20% of Utah’s Title I money, or \$15.6 million will be required to be used for both “Transportation for Choice and Supplemental Educational Services”. In addition, another 10% of the funds, or \$7.6 million will be required for Professional Development. This will likely cause additional strain on already financially strapped, low-income school districts. **(See attachment #8)**

In addition, a considerable amount of Title I money has been allocated to Utah’s 30 lowest achieving Title I schools. These additional amounts have aided these high needs schools to improve test scores, however these low income schools have not yet achieved AYP. If the ESEA waiver is not granted, these funds will need to be distributed to at least 134 Title I schools not achieving AYP, thereby considerably reducing allocations to these low achieving schools.

IV. Questions Posed by State School Board Members

At the July 17 Board meeting, many members of the public attended. Many spoke in support and in opposition of the ESEA waiver. During the meeting, a video conference was held with the Superintendent of the North Dakota Department of Public Instruction. The Superintendent discussed North Dakota’s decision not to seek the one year ESEA waiver and discussed that the state obtained two “mini-waivers” from the U.S. Department of Education.

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Following the video conference, Board members held a robust discussion on whether to seek the ESEA waiver. While the board members elected to table the ESEA waiver issue until the Board's August 8th meeting, many members posed questions and expressed their desire for a legal opinion on a number of questions. Those questions were as follows:

A. Questions Posed At Board Meeting:

1. Does the Elementary and Secondary Education Act ("No Child Left Behind") statute authorize the waiver?
2. Is the Elementary and Secondary Education Act ("No Child Left Behind") statute in effect?
3. Is the waiver, if issued by U.S. Dept. of Education, compliant with the United States Constitution?
4. Is the waiver, if issued by U.S. Dept. of Education, compliant with Utah's constitution and statute?
5. Can Utah, if it is approve for the ESEA waiver, unilaterally forfeit or exit the waiver?
6. Can the U.S. Dept. of Education, if it grants Utah the waiver, impose additional requirements on Utah as a condition of the waiver?

B. Written Questions Provided by the Executive Committee to the State Superintendent:

7. What actions by the State Board or the State Office of Education could or would cause Utah to lose a waiver if it seeks to choose a waiver. A list of items would be most helpful.
8. The Governor has requested the Attorney General to conduct a legal review and how will this review impact a State Board decision to seek or not seek an extension to the existing waiver?
9. In the 2012 General Legislative Session, Senator Dayton sponsored SB 287 that passed the Legislature. Does the legislation have any impact or bearing on the current State Board decision concerning extending the ESEA Waiver or does it have implications for past State Board decisions concerning the ESEA waiver process?
10. If the Utah State Board seeks an extension of the ESEA Waiver is there any reason the State Board cannot exit the extended Waiver at any time during the year for which the waiver is sought?
11. No Child Left Behind (NCLB) has provisions for identifying school that make Annual Yearly Progress (AYP) These school improvement provisions are progressive as the schools fail to meet AYP in subsequent years. During the past two years, as a result of the Waiver granted, AYP has not been calculated for Utah Schools.
 - a. If a Utah school was on year 2 and not meeting AYP for the 2011-2012 school years, and if the AYP were now calculated for these 2012-2013 and 2013-2014 school and this school did not meet the AYP in either of these years, what year of school improvement would this school now be on?
 - b. If we do not seek an extension of the Waiver, will USOE be required to now calculate AYP for the two years of the Waiver?

Besides these questions, one board member provided 10 additional questions regarding legal and programmatic ESEA waiver issues. These questions are attached and will be answered, however, the

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above 11 questions have been prioritized given the short time before the upcoming August 8th meeting. (See attachment #10)

V. Responses to Board of Education Questions

1. Does the Elementary and Secondary Education Act (“No Child Left Behind”) statute authorize the waiver?

Yes. PL107-110 §9401 (a) and (d) authorizes the Secretary of Education to issue a waiver, for up to 4 years and longer if the state receives: 1) Department of Education funds; and (2) requests a waiver. Utah received a waiver in June 2012. This waiver is set to expire on August 31, 2012. Given the NCLB’s, the Department of Education is authorized by statute to grant this waiver if requested by Utah. At the current time, California, Montana, Nebraska, North Dakota and Vermont are the only states that do not have ESEA waivers. Waiver applications are pending in Iowa and Wyoming. Lastly, Washington’s ESEA waiver extension request has not been granted. (See attachment #1) (See No Child Left Behind Act of 2001- 20 USC §7861.)

2. Is the Elementary and Secondary Education Act (“No Child Left Behind”) statute in effect?

Yes, however, it has not been reauthorized. ESEA, which was first enacted in 1965, requires reauthorization and during its history it has been reauthorized seven times. The last time it was reauthorized was in 2002 with the passage of the NCLB statute. In its current form, the law required reauthorization in August 2007; however, this reauthorization has not occurred. Reauthorization is a mechanism to establish a funding plan for the statute every five years. Since ESEA reauthorization has not occurred, 20 USC §1226 (a), entitled the “General Education Provisions Act”, is applicable. Under this statute, appropriations for ESEA (Title I) “shall be automatically extended for one additional fiscal year unless Congress . . . has passed legislation that becomes law and extends or repeals the authorization or duration of such program.” Due to Congress’ inability to address NCLB and related education issues, ESEA funding has been automatically extended under 20 USC §1226(a). ESEA is still in effect.

3. Is the waiver, if issued by U.S. Department of Education, compliant with the United States Constitution?

There is no court decision invalidating the ESEA waiver under NCLB. The primary constitutional challenge to NCLB would be that the statute violates the reserved powers clause embodied in the 10th Amendment. Since there is no specific delegation of authority in the Constitution for the federal government to regulate education, it would seem that this authority would be reserved to the states.

In its enactment of NCLB, Congress, in addressing this concern, enacted Section 9527 which prohibited the Federal Government’s ability to “mandate, direct, or control a State . . . to spend any funds over incur any costs not paid for under this Act.” Likewise, Congress also prohibited the Federal Government to “endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.” Lastly, NCLB prohibited Federal Government “approval or certification of academic content or student academic achievement standards, as a precondition to received assistance under this Act. See Sections 9527 (a), (b) and (c). (Attachment #1)

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There has been some case law on the constitutionality of the NCLB, but not on the waiver provision. In School Dist. of City of Pontiac v. Secretary of U.S. Dept. of Educ., 584 F.3d 253, 249 Ed. Law Rep. 654, 74 Fed. R. Serv. 3d 1295 (6th Cir. 2009), cert. denied, 2010 WL 182939 (U.S. 2010), the school district challenged this law on the grounds that it did not comply with the Constitution's spending clause because the law did not provide federal funds for all of its requirements, thus it was an unfunded mandate. However, the Sixth Circuit dismissed these claims.

4. Is the waiver, if issued by U.S. Dept. of Education, compliant with Utah's constitution and statutes?

A. Constitution

There does not appear to be a Utah Constitutional provision which directly or indirectly addresses this particular issue. It is clear under the state's constitution that: 1) "the Legislature shall provide for the establishment and maintenance of the state's education systems"; and; 2) "the general control and supervision of the public education system shall be vested in a State Board of Education." See Utah State Constitution Article X, §§1 and 3. In addressing the concerns about federal intrusion into state sovereignty of education under the "No Child Left Behind" statute, which reauthorized ESEA in 2002, the Utah Legislature enacted the Implementing Federal Programs Act. Utah Code Ann. §53A-1-901. This statute is directly applicable to this waiver issue. (See **attachment #2**)

B. Statute

Yes. In fact, Utah Code §53A-1-904 appears to require the Board of Education to seek a waiver. Under Utah's "Implementing Federal Programs Act" ("the Act") enacted in 2005, "school officials" (which are defined to include the State Board of Education) are clearly directed to: 1) request reasonable time to comply with the provisions of the No Child Left Behind Act; and 2) lobby federal education officials for relief from the provisions of the No Child Left Behind Act, including waivers from federal requirements, regulations and administrative burdens. Additionally, the Act at Utah Code Ann. §53A-1-904(1)(b) states that "[s]chool officials shall request a waiver under Section 9401 of the No Child Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527. Copies of the pertinent statutes are set forth in **Attachments #1 and #2**. Given this statutory framework preference towards waiver, it appears that the Board of Education has an express statutory duty to seek this waiver.

In addition, Utah's current waiver, a 189-page document, contains 15 Assurances by Utah of programs that will be implemented as a condition of the waiver. These 15 Assurances are conditions required by the Department of Education in return for the waiver of 13 ESEA requirements. These 15 Assurances are embodied in the four principles of the ESEA. Given the bargained for nature of the ESEA waiver, it may constitute an "educational agreement" under Utah's "Implementing Federal Programs Act". UCA§53-1-902(3). If this ESEA waiver will cost Utah or local districts more than \$500,000 to implement, gubernatorial approval is required under Utah Code Ann. §53A-1-906. If this ESEA waiver will cost Utah or local districts more than \$1,000,000 to implement, legislative approval is required. UCA §53A-1-907.

5. Can Utah, if it is approved for the ESEA waiver, unilaterally forfeit or exit the waiver?

Perhaps yes. Utah Code Ann. § 53A-1-402.6(7) authorizes the state to exit "any agreement, contract, memorandum of understanding or consortium that cedes control of Utah's core curriculum standards to any other entity, including a federal agency or consortium, for any

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reason . . .” In order to successfully use this statutory authority, (1) the ESEA waiver application and approval must be an “agreement, contract, memorandum of understanding, or consortium”; and if so, (2) the Board will need to determine that the ESEA waiver and application cedes control of Utah’s core curriculum standards to another entity. (See **attachment #3**)

Separately, Utah Code Ann. §53A-1-905, allows the governor to void a federal education agreement, such as this waiver, that may cost education entities more than \$500,000 annually from state and local money to implement. Likewise, if the education agreement cost more than \$1,000,000 annually, Utah’s legislature can void the waiver. (See **attachment #2**)

However, while this statute authorize exiting or voiding agreements, contracts, memorandum of understanding, or consortium, as well as federal education agreements, the Board must also consider the statutory framework and text of Utah Code Ann. §53A-1-901 et. seq. which clearly favors seeking waivers to NCLB requirements. (See **attachment #2 and #3**)

If Utah either exits or voids this ESEA waiver after it has been granted, the number of Utah Title I schools will be classified as “in need of improvement” will increase dramatically resulting in 30% of Title I money, approximately \$23 million, to be set aside for transportation, special services and teacher training. (See **attachment #8**)

6. Can the U.S. Dept. of Education, if it grants Utah the waiver, impose additional requirements on Utah as a condition of the waiver?

No additional requirements will be imposed on Utah as a condition of its waiver. Utah is bound only by what is included in their ESEA waiver application. When Utah was granted the waiver, it has made 15 Assurances to the Department of Education. Those Assurance terms are standard for each of the states which have been granted waivers, however, the substance of the Assurance is contained in Utah’s 189-page waiver application request. Utah’s waiver application, if granted the waiver extension, will be judged on whether it satisfactorily complied with four principles which are plans that create : 1) College- and Career- Ready Expectations for All Students; 2) State Developed Differentiated Recognition, Accountability and Support; 3) Supporting Effective Instruction and Leadership; and 4) Reducing Duplication and Unnecessary Burden.

In June 2012, when Utah was granted its ESEA waiver, the Secretary of Education advised Utah that approval of its waiver request was based on these four principles. In closing, no additional waiver conditions should be imposed on Utah if it receives an ESEA waiver extension because Utah is committed only to comply with what it has represented it will do.

If Utah were to repeal its current Common Core standards, it arguably appears that Utah would be required by the U.S. Department of Education to “adopt college- and career-ready standards . . . that have been approved and certified by a State network of institutions of higher education . . .” While some have opined that this higher education certification would infringe up the Board’s constitutional and statutory authority regarding general control and supervision of the public education system, the way in which such an approval and certification would be accomplished would be with the approval of Standards Review Committee. See Utah Constitution Article X, Section 3, Utah Code Ann. §53A-1-301 (2) (a) and Utah Code Ann. §53A-1-402 (1).

In order to accomplish this, a higher education committee, comprised of faculty from Utah’s colleges and universities, would need to be formed as a subcommittee to the Standards

Attorney Work Product

Review Committee. Once this higher education committee approves and certifies educational standards, this approval would have to be approved by the Standards Review Committee which is required under Utah Code Ann. §53A-1-402.8. Once these higher education approved and certified standards are accepted by the Standards Review Committee, the Board, as Utah's education standards approval authority, must consider the adoption of these standards, as required by Utah Code Ann. §53A-1-402. (See **attachment #12**)

7. What actions by the State Board or the State Office of Education could or would cause Utah to lose a waiver if it seeks to choose a waiver. A list of items would be most helpful.

On April 24, 2014, the Department of Education did not extend Washington's ESEA waiver. Under a previous waiver, Washington had committed to provide plans or guidance for teacher and principal evaluation and support systems by a specified date. Since Washington failed to comply with this obligation, its waiver was not extended.

In reviewing the Secretary of Education's letter, Utah may lose its waiver if it failed to comply with any of the 15 Assurances that are conditions of its waiver. However, before Utah would lose its waiver, it would probably be given a one year extension to meet the deadline. In Washington's case, in 2013-2014, it was placed on a "high risk" list due to its lack of teacher and principal evaluation guidance. From a review of the other states, Arizona, Oregon, and Kansas appear to be currently on this "high risk" list. In each case, it is because of the lack of teacher and principal evaluation guidance. In response to the Board's request for a list of possible reasons why Utah's waiver might be rescinded a list has been provided as **attachment # 11**.

8. The Governor has requested the Attorney General to conduct a legal review and how will this review impact a State Board decision to seek or not seek an extension to the existing waiver?

The Governor's request for legal review by the Attorney General can be relied upon by the Board, but is separate from the Board's decision to seek an extension to the existing ESEA waiver. The Governor's request to the Attorney General sought a legal review on whether Common Core standards are infringing upon state and local control of education standards and curriculum. The Governor did not make a request to the Attorney General regarding the advisability of an ESEA waiver

9. In the 2012 General Legislative Session, Senator Dayton sponsored SB 287 that passed the Legislature. Does the legislation have any impact or bearing on the current State Board decision concerning extending the ESEA Waiver or does it have implications for past State Board decisions concerning the ESEA waiver process?

It will probably have little impact on the decision to extend the ESEA waiver. Senator Dayton's bill was enacted by the legislature as an amendment to Utah Code Ann. § 53A-1-402.6. Under subdivision (7), the amended statute provides that the "state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of Utah's core curriculum to any other entity [including a federal agency or consortium] for any reason. . ." Furthermore, since the amendment was enacted in 2014, after Utah's 2012 ESEA, it will not have an impact on the previous waiver. (See **attachment #3**)

While it may not impact the Board's decision to extend the ESEA waiver, it does provide the Board the authority to "exit" the ESEA waiver if the Board determines that the waiver "cedes control of Utah's core curriculum to [an] other entity including a federal agency. . ." While Utah Code Ann. § 53A-1-402.6(7) was enacted in a Title entitled "Core curriculum standards", its text

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is clearly broad enough to incorporate the ESEA waiver as an “agreement, contract, memorandum of understanding or consortium”. However, while this statute authorizes exiting this waiver, the Board must also consider the statutory framework and text of Utah Code Ann. §53A-1-901 et. seq. which clearly favors seeking waivers to NCLB requirements. (See attachment #2)

10. If the Utah State Board seeks an extension of the ESEA Waiver is there any reason the State Board cannot exit the extended Waiver at any time during the year for which the waiver is sought?

Probably yes. There may be reasons why the Board cannot exit the ESEA waiver. Under Utah Code Ann. § 53A-1-402.6(7), in order to “exit” this waiver the Board must determine that the waiver “cedes control of Utah’s core curriculum to [an] other entity including a federal agency. Once again, Utah Code Ann. § 53A-1-402.6(7) text is broad enough to include the ESEA waiver and there is a rational basis to believe that the ESEA waiver has some impact on Utah’s core curriculum. Thus, a rational interpretation can be made that this statute authorizes the Board to exit a waiver agreement as long as the Board make the “ceding control” determination.

However, a more significant restraint to this “exit” approach is the statutory framework and text of Utah Code Ann. §53A-1-904. This statute creates a duty for the Board and other school officials to seek NCLB waivers, request more time to comply with NCLB requirements and lobby for NCLB waivers. Given that this statutory obligation directly pertains to the ESEA waiver at hand, this law is controlling. “[W]hen two statutory provisions appear to conflict, the more specific provision will govern over the more general provision.” *Grynberg v. Questar Pipeline Co*, 2003 UT 8, 70 P.3d 1 (Utah 2003). Consequently, when two statutory provisions conflict in their operation, the provision more specific in application governs over the more general provision. *Millett v. Clark Clinic Corp.*, 609 P.2d 934, 936 (Utah 1980). *Hall v. Utah State Dep’t of Corr.*, 2001 UT 34, 24 P. 3d. 958 (Utah 2001).

Finally, Utah Code Ann. § 53A-1-402.6(7) use of the word “may” specifies that the decision to “exit” an agreement is discretionary. Meanwhile, Utah Code Ann. §53A-1-904 use of the word “shall” is mandatory and not discretionary. (See attachments #2 and #3)

11. No Child Left Behind (NCLB) has provisions for identifying school that make Annual Yearly Progress (AYP) These school improvement provisions are progressive as the schools fail to meet AYP in subsequent years. During the past two years, as a result of the Waiver granted, AYP has not been calculated for Utah Schools.

a. If a Utah school was on year 2 and not meeting AYP for the 2011-2012 school years, and if the AYP were now calculated for these 2012-2013 and 2013-2014 school and this school did not meet the AYP in either of these years, what year of school improvement would this school now be on?

• The 2014-2015 year will be year 5 for some schools. Other schools will be in years 2, 3 and 4. These AYP calculations have been completed.

b. If we do not seek an extension of the Waiver, will USOE be required to now calculate AYP for the two years of the Waiver?

Yes. These AYP calculations have been completed.

Supporting Documentation and Attachments

1. No Child Left Behind Act of 2001 Public Law 107-110

Section 9401-Authorizes Secretary of Education to Issue ESEA Waivers

Section 9527-Prohibits Federal Government from Requiring Approval or Certification of Standards

2. Utah Code Ann. § 53A-1-901 et. seq. "Implementing Federal Programs Act"

Section 904(1) (b)-Requires school officials to request waiver under Section 9401 of the No Child Left Behind Act.

Section 905-Makes educational agreements which exceed \$500,000 voidable by Governor.

3. Utah Code Ann. §53A-1-402.6(7)

Authorizes State of Utah to exit agreement with Department of Education pertaining to Common Core.

4. Dept. of Education May 1, 2014 ESEA Waiver Letter to Indiana after Legislature Repealed Common Core Standard.

Requires Indiana to adopt college and career ready standards that approved by a State network of institutions of higher education which must certify that students who meet standards will not need remedial course work at post-secondary level. Indiana's ESEA waiver application must be amended.

5. Department of Education April 24, 2014 ESEA Waiver Revocation Letter to Washington after it state failed to develop adequate teacher and principal evaluation plan.

6. Excerpts of Utah's Current ESEA Waiver and Assurances

7. Utah's 2012 ESEA Waiver Election of Common Core Standards and Board's November 4, 2011 Meeting which Approved Common Core Standards.

8. Title I Fiscal Impacts if ESEA Waiver Not Obtained

9. February 2014 Senate Resolution Co-sponsored by Utah Senator Mike Lee

10. Written Questions Provided by Board Members.

11. List of Possible Actions Resulting in Loss of ESEA waiver.

12. Excerpts of Utah Laws Pertaining to Board's Responsibility to Establish Standards and the Role of the Standards Review Committee.

**Excerpts of No Child Left Behind Act Authorizing Waiver
and Prohibit Federal Approval or Certification of Standards**

SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

- (a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —
- (1) receives funds under a program authorized by this Act; and
 - (2) requests a waiver under subsection (b).
- (d) DURATION AND EXTENSION OF WAIVER-
- (1) IN GENERAL- Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 4 years.
 - (2) EXTENSION- The Secretary may extend the period described in paragraph (1) if the Secretary determines that —
 - (A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and
 - (B) the extension is in the public interest.

SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

- (a) GENERAL PROHIBITION- Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.
- (b) PROHIBITION ON ENDORSEMENT OF CURRICULUM- Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.
- (c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS-
- (1) IN GENERAL- Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.
 - (2) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to affect requirements under title I or part A of title VI.
- (d) RULE OF CONSTRUCTION ON BUILDING STANDARDS- Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

**Relevant Utah Code Sections Under
"Implementing Federal Programs Act"**

53A-1-901. Title.

This part is known as the "Implementing Federal Programs Act."

53A-1-902. Definitions.

As used in this part:

- (1) (a) "Cost" means an estimation of state and local money required to implement a federal education agreement.
- (b) "Cost" does not include capital costs associated with implementing a federal education agreement .
- (2) "Education entities" means the entities that may bear the state and local costs of implementing a federal program, including:
 - (a) the State Board of Education;
 - (b) the state superintendent and the State Office of Education;
 - (c) a local school board;
 - (d) a school district and its schools;
 - (e) a charter school governing board; and
 - (f) a charter school.
- (3) "Federal education agreement" means a legally binding document or representation that requires a school official to implement a federal program that originates from the U.S. Department of Education and that has, as a primary focus, an impact on the educational services at a district or charter school.
- (4) "Federal programs" include:
 - (a) the No Child Left Behind Act;
 - (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and subsequent amendments; and
 - (c) other federal educational programs.
- (5) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.
- (6) "School official" includes:
 - (a) the State Board of Education;
 - (b) the state superintendent;
 - (c) employees of the State Board of Education and the state superintendent;
 - (d) local school boards;
 - (e) school district superintendents and employees; and
 - (f) charter school board members, administrators, and employees.

Amended by Chapter 112, 2009 General Session

53A-1-904. No Child Left Behind -- State implementation.

- (1) (a) In accordance with the No Child Left Behind Act, including Section 9527, school officials shall determine, as applied to their responsibilities, if the No Child Left Behind Act:
 - (i) requires the state to spend state or local resources in order to comply with the No Child Left Behind Act; or
 - (ii) causes the state, local education agencies, or schools to change curriculum in order to comply.
- (b) School officials shall request a waiver under Section 9401 of the No Child Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527.

- (2) In addition to the duties described under Subsection (1), school officials shall:
- (a) request reasonable time to comply with the provisions of the No Child Left Behind Act;
 - (b) lobby Congress for needed changes to the No Child Left Behind Act; and
 - (c) lobby federal education officials for relief from the provisions of the No Child Left Behind Act, including waivers from federal requirements, regulations, and administrative burdens.
- (3) School officials shall lobby Congress and federal education officials for needed resolution and clarification for conflicts between the No Child Left Behind Act and the Individuals with Disabilities Education Act.
- (4) In the case of conflicts between the No Child Left Behind Act and the Individuals with Disabilities Education Act, the parents, in conjunction with school officials, shall determine which program best meets the educational needs of the student.

Enacted by Chapter 2, 2005 Special Session 1

53A-1-905. Notice of voidableness of federal education agreements.

A federal education agreement that may cost education entities more than \$500,000 annually from state and local money to implement, that is executed by a school official in violation of this part, is voidable by the governor or the Legislature as provided in this part.

**Excerpt of Utah Law Allowing State to Exit Agreement,
Contract, Memorandum of Understanding Which Cedes
Control of Utah's Core Curriculum.**

53A-1-402.6. Core curriculum standards.

(1) In establishing minimum standards related to curriculum and instruction requirements under Section 53A-1-402, the State Board of Education shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core curriculum standards . .

(7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of Utah's core curriculum standards to any other entity, including a federal agency or consortium, for any reason, including:

- (a) the cost of developing or implementing core curriculum standards;
- (b) the proposed core curriculum standards are inconsistent with community values; or
- (c) the agreement, contract, memorandum of understanding, or consortium:
 - (i) was entered into in violation of Part 9, Implementing Federal Programs Act, or Title 63J, Chapter 5, Federal Funds Procedures Act;
 - (ii) conflicts with Utah law;
 - (iii) requires Utah student data to be included in a national or multi-state database;
 - (iv) requires records of teacher performance to be included in a national or multi-state database; or
 - (v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.

Amended by Chapter 352, 2014 General Session

Indiana Principle 1 and Condition Letter

May 1, 2014

The Honorable Glenda Ritz
Indiana Superintendent of Public Instruction
Indiana Department of Education
PNC Building, South Tower, Suite 600
115 West Washington Street
Indianapolis, IN 46204

Dear Superintendent Ritz:

Thank you for your efforts over the past two years in implementing local and State-led reforms to support improved teaching and learning for all students, particularly historically disadvantaged student subgroups. As you know, the U.S. Department of Education (ED) offered flexibility from specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

I am writing with respect to two very important matters concerning the Indiana Department of Education's (IDOE) implementation of its flexibility request under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility). First, I am placing a condition on IDOE's ESEA flexibility request due to the number of significant issues from our Part B monitoring of IDOE's implementation of ESEA flexibility. Second, IDOE must submit a high-quality plan for how it will implement college- and career-ready content standards and aligned assessments consistent with the principles of ESEA flexibility during the 2014–2015 school year. Each of these matters is discussed more fully below.

Condition with respect to ESEA flexibility Part B monitoring

As you know, during early fall, my office monitored IDOE's implementation of ESEA flexibility and determined that IDOE had not demonstrated that its implementation of ESEA flexibility was consistent with its approved ESEA flexibility request and the principles and timelines outlined in the document titled ESEA Flexibility. The report concludes, for example, that IDOE:

- did not ensure that focus schools were implementing interventions to close achievement gaps for their lowest-achieving subgroups;
- did not ensure that all priority schools were implementing all turnaround principles concurrently; and
- did not have adequate processes to monitor implementation of college- and career-ready standards or teacher and principal evaluation and support systems in its local educational agencies (LEAs).

For these and other areas under review, the monitoring report identifies a number of "next steps" that IDOE must take, or demonstrate that it has taken, to meet the principles of ESEA flexibility and implement reforms to improve student achievement and increase the quality of instruction. I am enclosing a copy of the Part B monitoring report for your information, planning, and action.

Based on the number of significant "next steps" in the monitoring report, I am placing a condition on the approval of IDOE's ESEA flexibility request. In order to have this condition removed, IDOE must address all "next steps" in the monitoring report and submit evidence that it has done so as part of its extension request. If IDOE is not able to resolve these issues and meet its commitments under ESEA flexibility, ED may take additional enforcement action, including declining to approve an extension of ESEA flexibility for Indiana. The Department stands ready to assist Indiana to sufficiently address the issues detailed below.

Adoption and implementation of college- and career-ready standards and assessments

I understand that the Indiana legislature recently enacted legislation that impacts IDOE's implementation of its ESEA flexibility request. Specifically, this legislation requires that (1) "before July 1, 2014, the state board shall adopt Indiana college- and career-readiness educational standards, voiding the previously adopted set of standards" and that (2) LEAs administer the Indiana Statewide Testing for Educational Progress Plus (ISTEP+) assessments through the 2014–2015 school year.

To meet the standards requirements of ESEA flexibility, a State educational agency (SEA) must have adopted college- and career-ready standards in at least reading/language arts and mathematics for kindergarten through grade 12 at the time of its request, and must have implemented those standards no later than the 2013-2014 school year. ED provided an SEA with two options for meeting this requirement. An SEA could either (1) adopt college- and career-ready standards that are common to a significant number of States or (2) adopt college- and career-ready standards that are approved by a State network of institutions of higher education (IHEs), which must certify that students who meet the standards will not need remedial course work at the postsecondary level. IDOE met these requirements in its approved ESEA flexibility request through the 2013–2014 school year by adopting and implementing standards common to a significant number of States. Because the IDOE will no longer implement those standards, IDOE must amend its ESEA flexibility request and provide evidence that its new standards are certified by a State network of IHEs that students who meet the standards will not need remedial coursework at the postsecondary level.

To meet the assessment requirements of ESEA flexibility, an SEA must develop annual Statewide, high-quality assessments, and corresponding academic achievement standards, in reading/language arts and mathematics in grades 3 through 8 and once in high school, and fully implement those assessments no later than the 2014–2015 school year. Among other characteristics, a high-quality assessment must be valid, reliable, and fair for its intended purposes, aligned with a State's college- and career-ready content standards, and provide an accurate measure of student growth over a full academic year or course.

ED provided an SEA with three options to address how it would meet these requirement: (1) participate in one of the two State assessment consortia — i.e., Partnership for Assessment of Readiness for College and Careers (PARCC) or the Smarter Balanced Assessment Consortium (SBAC); (2) if the SEA is not in a consortium and has not yet developed high-quality assessments, provide the SEA's plan to develop and administer those assessments no later than the 2014–2015 school year; or (3) if the SEA is not in a consortium but has developed high-quality assessments, provide evidence that the SEA submitted those assessments to ED for peer review or provide a timeline of when the SEA will submit them for peer review. In its approved ESEA flexibility request, IDOE met these requirements through its participation in PARCC.

Because IDOE no longer plans to administer the PARCC assessments in 2014–2015, IDOE must amend its approved request for ESEA flexibility to reflect its new plan to administer high-quality assessments aligned to IDOE's college- and career-ready standards in the 2014-2015 school year. The amendment must include a high-quality plan that details the steps IDOE will take to administer in the 2014–2015 school year high-quality assessments, as defined in the document titled ESEA Flexibility (available at: <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc>), in reading/language arts and mathematics that are aligned with IDOE's new college- and career-ready standards. As described in the ESEA Flexibility Review Guidance (available at: <http://www.ed.gov/esea/flexibility/documents/review-guidance.doc>), such a plan must include, at a minimum, for each key component of the plan, the following elements: (1) key milestones and activities, (2) a detailed timeline, (3) the party or parties responsible, (4) evidence, (5) resources, and (6) significant obstacles. Generally, an SEA's plan to develop and administer high-quality assessments should, at a minimum, address the following key components:

- the process and timeline for development of test blueprints and item specifications;
- the review and selection of items for inclusion in the assessments (including through piloting);
- scaling and scoring procedures to be used;
- test administration procedures, including selection and use of appropriate accommodations;
- data analyses proposed to document validity and reliability of the assessments; an independent evaluation of alignment of the assessments with the State's college- and career-ready standards;

- the process and timeline for setting college- and career-ready achievement standards and the method and timeline to validate those achievement standards; and meaningful report formats to communicate results to students, parents, and educators.

In its ESEA flexibility request, IDOE also assured that it would develop and administer, no later than the 2014–2015 school year, 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 that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State’s college- and career-ready standards. Because IDOE will have new college- and career-ready content standards, IDOE’s plan must also address how it will ensure that it will administer an alternate assessment aligned with those standards in the 2014–2015 school year. It is important to note that the IDOE must submit its new assessments for peer review as soon as that process is reinstated by ED.

To amend its approved request for ESEA flexibility, IDOE must submit both the amendment request template (available at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.htm>), and a redlined version of its currently approved request reflecting its changed approach to adopting and implementing college- and career-ready standards and developing and administering high-quality assessments. (The high-quality plan regarding development of new assessments described above may either be inserted into the redlined request or submitted as an attachment to the redlined request.) IDOE must submit this amendment request no later than 60 calendar days from the date of this letter and may submit it as part of an extension request.

In the coming days, a member of my staff will contact Jeff Coyne, your ESEA flexibility lead, to check in regarding your amendment request. In the meantime, please refer to the document titled ESEA Flexibility Amendment Submission Process (available at: <http://www2.ed.gov/policy/eseaflex/amendment-submission-process.doc>), which describes the steps that are necessary as part of requesting an amendment. Please do not hesitate to contact at dave.english@ed.gov or at matthew.stern@ed.gov if you have any questions.

I appreciate your continued focus on enhancing education for all of Indiana’s students.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary

[Enclosure](#)

Washington Extension Determination Letter

April 24, 2014

Honorable Randy Dorn
Superintendent of Public Instruction
State Department of Public Instruction
P.O. Box 47200
Olympia, WA 98504

Dear Superintendent Dorn:

This letter responds to your letter of March 27, 2014, in which you formally requested a one-year extension of the flexibility I granted to Washington under the Elementary and Secondary Education Act of 1965 (ESEA). I appreciate your continuing interest in ESEA flexibility and was pleased to hear that, as a State leader, you believe it has enabled school improvement efforts in Washington to significantly increase student achievement.

As you know, Washington's request for ESEA flexibility was approved based on Washington's commitments to carry out certain actions in support of key education reforms. In return for those commitments, we granted your State and your local school districts significant flexibility. However, Washington has not been able to keep all of its commitments. Thus, although Washington has benefitted from ESEA flexibility, I regret that Washington's flexibility will end with the 2013–2014 school year.

One of the commitments that Washington — and every State that received ESEA flexibility — made was to put in place teacher and principal evaluation and support systems that take into account information on student learning growth based on high-quality college- and career-ready (CCR) State assessments as a significant factor in determining teacher and principal performance levels, along with other measures of professional practice such as classroom observations. These systems also require that all teachers and principals receive robust, timely, and meaningful feedback on their performance and support in order to inform and improve instruction so that all students meet the expectations of new CCR standards. Including student learning growth as a significant factor among the multiple measures used to determine performance levels is important as an objective measure to differentiate among teachers and principals who have made significantly different contributions to student learning growth and closing achievement gaps.

Because Washington first made that commitment in its waiver application of February 27, 2012, and Washington was unable to take the steps necessary to fulfill that commitment even after having been given an additional school year (2012–2013) to do so, it was placed on high-risk status on August 14, 2013. Washington's high-risk designation specified that the State must submit, by May 1, 2014, final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including requiring local educational agencies (LEAs) to use student achievement on CCR State assessments to measure student learning growth in those systems for teachers of tested grades and subjects. Your March 27, 2014, letter indicates that the State will be unable to provide such guidelines. I recognize that requiring the use of statewide assessments to measure student learning growth requires a legislative change, and that Governor Inslee and your office worked diligently to obtain that change. I thank you for your leadership and courage in those efforts.

However, because those efforts were unsuccessful, and your legislature is not scheduled to reconvene until January 2015, I cannot extend Washington's authority to implement ESEA flexibility, and Washington and its LEAs must resume implementing the requirements of Title I of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), as well as all other ESEA requirements that were waived under ESEA flexibility, for the 2014–2015 school year. This means that, among other actions that the State and LEAs will have to resume, LEAs in Washington must once again set aside 20 percent of their Title I funds for public school choice and supplemental educational services rather than having the flexibility to use those funds for other activities to improve student achievement in low-achieving schools. Should Washington obtain the requisite authority to resolve its condition, I would be pleased to reconsider Washington's request to implement ESEA flexibility at any time.

I appreciate that transitioning back to NCLB is not desirable, and will not be simple. Attached for your reference is a list of NCLB requirements with which the State and its LEAs must resume complying starting with the 2014–2015 school year. Assistant Secretary for Elementary and Secondary Education Deborah Delisle will follow up with you to discuss the transition and help you think about ways to preserve the gains Washington has made under ESEA flexibility. Thank you again for your leadership and your efforts to keep the commitments Washington made in its ESEA flexibility request. Thank you, as well, for your continued focus on enhancing education for all of Washington's children.

Sincerely,
/s/
Arne Duncan

Enclosure

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Attachment 6
Utah's Current Waiver
and Assurance, Part of
189 page document.

UTAH

ESEA Flexibility Request

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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

<p>Legal Name of Requester: Utah State Board of Education</p>	<p>Requester's Mailing Address: 250 East 500 South PO Box 144200 Salt Lake City, UT 84114-4200</p>
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State Contact for the ESEA Flexibility Request

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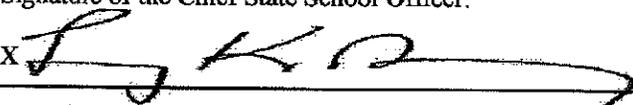
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<p>Signature of the Chief State School Officer: X </p>	<p>Date: 5/29/12</p>
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The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.

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 school-wide 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, 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.
- 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.

- 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.

Optional Flexibility:

An SEA should check the box below only if it chooses to request a waiver of the following requirements:

- 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.

ASSURANCES

By submitting this 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.
2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
3. It will develop and administer no later than the 2014–2015 school year 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 that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
4. It will develop and administer 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). (Principle 1)
5. It will report annually to the public on 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. (Principle 1)
6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as 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 are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools. (Principle 2)
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, 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 the deadline required under the State Fiscal Stabilization Fund. (Principle 3)
9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)

- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper, by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the "all students" group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II) ~~information on student achievement at each proficiency level; data comparing actual achievement levels to the State's annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools.~~ It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State's Committee of Practitioners regarding the information set forth in the request and provide the following:

1. *A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.*

Teachers are well represented in all of the Utah Stakeholder groups as described throughout the proposal by the participation of the Utah Education Association (UEA). Utah prefers to use the UEA to represent teachers and provide teacher perspectives to reduce removing teachers from their classrooms to participate on state committees. The UEA well represents teachers and teacher perspectives. Their participation will continue to play an important role as Utah continues to refine, implement and evaluate their systems. As the waiver process moves forward, Utah will present training and seek feedback in locations across the state. Teachers will be invited to these meetings.

2. *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*

ESEA Flexibility Waiver

1. The state of Utah was approved to use its own state-mandated Utah Comprehensive Accountability System (UCAS) for federal accountability purposes.
 - a. The UCAS accountability system incorporates and values measures of student achievement and growth. This provides incentive and recognition to schools for ensuring that there is a focus on the progress of all students. For years, the Utah State Office of Education had unsuccessfully requested that Utah be allowed to incorporate student growth into accountability calculations.
 - b. Utah is now able to use the UCAS accountability system to more accurately identify the lowest-performing Title I schools and focus resources in order to more effectively implement school improvement efforts.
2. Utah was able to eliminate the AYP accountability system under NCLB.
 - a. The NCLB statewide annual measurable objective of 100% proficiency by the end of 2013-14 was eliminated.
 - b. The potential over-identification of Title I schools and districts identified as in need of improvement based on AYP determinations was eliminated.
 - c. The NCLB-mandated sanctions for Title I schools and districts in improvement that were burdensome have been eliminated (mandatory uses of up to 30% of Title I funds).
 - d. The AYP accountability under NCLB only gave credit to schools for students that had achieved proficiency on assessments. Schools were not rewarded for students who started well below grade level and made strong learning gains (but not yet proficient). Neither was there any recognition for schools that helped students who barely met proficiency one year and made significant gains to exceptional levels the following year.
 - e. The NCLB accountability system did not differentiate between schools not achieving AYP for one factor and those not achieving AYP for multiple factors.
 - f. With the forty factors that were part of the AYP calculation, it was not uncommon for higher-performing schools to be identified as in need of improvement under AYP accountability. This questioned the credibility of the NCLB method in determining which schools were required to participate in the Title I school improvement process.
3. Utah has been allowed to use the funds previously restricted to Title I schools and districts identified in need of improvement under AYP determinations to support Utah's lowest-performing Title I

Priority and Focus schools. The state is seeing significant improvement in school achievement in these Title I schools that are implementing the Title I System of Support with fidelity.

4. Utah has been able to align major state education initiatives with federal requirements. Here are a few examples:

State Education Initiative	Meets Federal Requirements
Utah State Core Standards	Rigorous College and Career-ready Standards
Utah SAGE Assessment	State Assessments Aligned to State Standards
Utah Educator Evaluation System	Educator Evaluations that Incorporate Student Achievement

Potential impacts of not continuing with the ESEA Flexibility Waiver

1. Utah would not be allowed to use the UCAS accountability system, but would have to return to the NCLB-mandated AYP accountability system.
 - a. Utah would not be able to use student growth in accountability calculations for federal purposes.
 - b. The USOE would have to plan for the time and cost of converting the state technology systems back to conduct AYP determinations. The USOE would need to run AYP calculations for Utah's districts and schools for the period during which Utah was under the ESEA Flexibility Waiver in order to determine which schools and districts would be identified for improvement.
 - c. It is very probable that the majority of Title I schools and districts (if not all) would be identified as not achieving AYP. This would either communicate to the public that Utah has many "failing" schools or that the accountability system is irrelevant.
 - d. If Utah is required to return to the NCLB AYP accountability system and large numbers of schools and districts were identified in need of improvement under Title I requirements (as anticipated), the USOE would not have adequate human or financial resources to provide adequate support for the Title I Systems of Support.
 - e. Amid the numerous major education initiatives in Utah, educators and parents would have to deal with the uncertainty that would accompany another major change in education accountability.

Background

State Standards and Assessments

When Congress reauthorized the Elementary and Secondary Education Act (ESEA) in 2001 as the No Child Left Behind Act (NCLB), states were required to adopt state academic and achievement standards, assess all students to determine performance related to those standards, and to publicly report achievement results at the school, local education agency (LEA), and state levels. At that point in time, Utah was ahead of many states and had already adopted statewide Core Curriculum Standards and developed End-of-Level and End-of-Course criterion-referenced tests (CRTs) that satisfied the new federal requirements

Under NCLB, states were to set annual measurable objectives (AMOs) for schools and districts from the baseline year of 2002 to the final goal of 100% student proficiency by the end of the 2013-14 school year. Utah established its AMOs so that every two years, schools and LEAs would be expected to make consistent improvement in student achievement (see Chart #1).

Chart #1 - Utah's Approved Annual Measurable Objectives

Subject/Grade Span	Start 2002	Goal 1 2005	Goal 2 2007	Goal 3 2009	Goal 4 2012	Goal 5 2013	Final 2014
Language Arts (3-8)	65%	71%	77%	83%	89%	95%	100%
Mathematics (3-8)	57%	64%	71%	45%	63%	81%	100%
Language HS (10)	64%	70%	76%	82%	88%	94%	100%
Mathematics (10-12)	35%	47%	59%	40%	60%	80%	100%

Accountability – Adequate Yearly Progress

Each year, the state education agency (SEA) would determine whether schools and districts made adequate yearly progress (AYP) toward the annual measurable objectives. The AYP system of accountability included 40 factors by which schools and LEAs were measured. Whether a school or LEA failed to meet one or multiple factors, the determination was the same: "did not achieve AYP." Title I schools and districts that did not achieve AYP for two consecutive years were identified as "in need of improvement" and required to participate in the Title I school or district improvement process. The Title I school and district improvement requirements included provisions that limited local school district options in the use of Title I funds (required set asides for transportation associated with public school choice, supplemental educational services, and professional development).

The Title I Section of the Utah State Office of Education found that the AYP system of accountability frequently did not identify the lowest-performing schools for the Title I improvement process. The valuable, but limited, resources were not always allocated to help the schools that needed them most. As states approached the end of the 2013-14 school year, intense concern was expressed about the number of schools in districts that would be identified as in need of improvement as they did not achieve the goal of 100% proficiency. The USOE projected the number of schools and districts to increase dramatically (see Chart #2).

Chart #2 - Utah's Title I Schools & Districts in Improvement

	2008-2009	2009-2010	2011-2012	2012-2013
Title I Schools: # in Improvement	12	8	17	99*
Title I Districts: # in Improvement	3	2	2	8*

*Estimated count for 2012-13 are based on the number of Title I schools/districts on alert (not achieving AYP one year). Because of Utah's approved ESEA Flexibility Waiver, no estimates were made for 2013-14.

ESEA Flexibility Waiver

After years of debate, Congress has still not reauthorized the ESEA (scheduled for 2007). The accountability provisions of NCLB did much to ensure that schools and districts address the academic achievement of all students and, in particular, students who historically were under-served or under-performing. Many critics of the NCLB have expressed that the NCLB accountability measures, if not modified, would identify virtually all schools and districts as not achieving AYP when the timeline approached the 100% proficiency goal of 2013-14. This potential "over-identification" of what would be interpreted as "failing" schools and districts has been a major focus of criticism of NCLB.

Recognizing that many states had or were developing innovative and rigorous accountability systems, the U.S. Department of Education (ED) announced to states the option to request a waiver of certain ESEA requirements if they met certain eligibility requirements. The requirements that would be waived are listed in Appendix A - Waivers. The requirements that applying states must meet are listed in Appendix B - Assurances.

The Utah State Office of Education applied for the ESEA Flexibility Waiver and after clarification of specific issues with the U.S. Department of Education was approved in June 2012. The approved waiver applied to school years 2011-12, 2012-13, and 2013-14. States desiring to continue with the ESEA Flexibility Waiver beyond the 2013-14 school year will need to submit an extension request.

Appendix A

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 school-wide 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, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.

- 2
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.
 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.
 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.

Optional Flexibility:

An SEA should check the box below only if it chooses to request a waiver of the following requirements:

- 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.

Appendix B

ASSURANCES

By submitting this application, the SEA assures that:

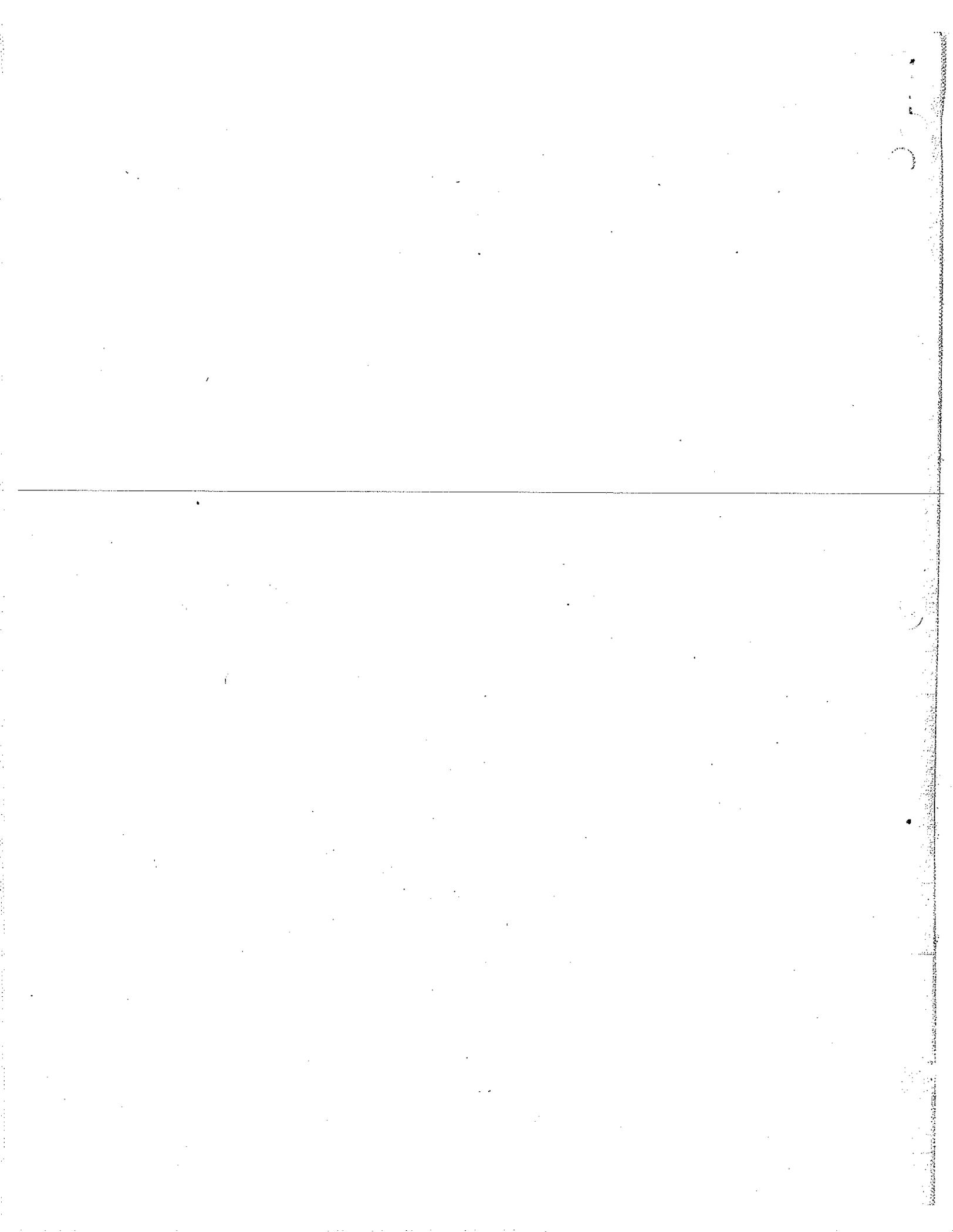
1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
3. It will develop and administer no later than the 2014–2015 school year 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 that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
4. It will develop and administer 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). (Principle 1)
5. It will report annually to the public on 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. (Principle 1)
6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as 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 are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools. (Principle 2)
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, 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 the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the "all students" group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State's annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)



PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

1.A ADOPT COLLEGE- AND CAREER-READY STANDARDS

1.A Select the option that pertains to the SEA and provide evidence corresponding to the option selected.

<p>Option A 1</p> <p><input checked="" type="checkbox"/> The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States, consistent with part (1) of the definition of college- and career-ready standards.</p> <p>i. Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)</p>	<p>Option B 2</p> <p><input type="checkbox"/> The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that have been approved and certified by a State network of institutions of higher education (IHEs), consistent with part (2) of the definition of college- and career-ready standards.</p> <p>i. Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)</p> <p>ii. Attach a copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet these standards will not need remedial coursework at the postsecondary level. (Attachment 5)</p>
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In June of 2010, the USBE adopted the English language arts and mathematics CCSS as the Utah Core Curricular Standards.

Adoption of the college and career ready standards included numerous opportunities and strategies for public input before full consideration by the USBE. The process began in 2006 with the implementation of the K-16 Alliance <http://science.uvu.edu/k16alliance/>. This committee, jointly hosted by the USBE and the Utah Board of Regents, is committed to preparing all students to be college and career ready. The Superintendent of Schools and the Commissioner of Higher Education co-chair this committee. Membership is made up of a variety of education stakeholders and community activists who have a vested interest in ensuring that Utah public schools prepare ALL students for success. This alliance frames the conversation and action around ensuring that all students are prepared and supported in achieving success in post-secondary education.

A primary topic of conversation during the past few years has been the amount of remediation occurring in mathematics and English language arts courses during the freshman year of college. A 2010 study by Utah Valley University indicated that almost half of the entering freshmen needed to enroll in remedial mathematics or English language arts courses. While most of these struggling students profiled in the data did not attend college right out of high school, the percentage of all students needing remediation was worth noting. A major strategy to combat this issue included adopting student performance standards based on 21st century skills and providing all students with high quality instruction every day in every classroom by all educators. The collaborative work of the USBE and the Utah Board of Regents resulted in the documented commitment to encourage all students to prepare for college and careers through a rigorous course of study and through a focus that includes:

- (1) Build an Academic Foundation
- (2) Develop Intellectual and Career Capacity
- (3) Evaluate Progress for College
- (4) Explore Postsecondary Options.

Graduation standards and student performance measures have also been a recent target of the USBE reform initiatives. In 2007, the USBE increased graduation requirements from two years of mathematics and science to three, (including Algebra 2), for the graduating class of 2011 while acknowledging that this was merely a starting point for standards reform. Subsequently, states were coming together, under the leadership of the NGA and the CCSSO, to produce standards for student performance that will help all students be better prepared for success in college and careers. Governor Gary Herbert and Superintendent Larry K. Shumway agreed that participation in the development of these standards would serve Utah students well. Staff members of both the Governor's office and the USOE were involved in the development, providing input, direction and feedback. Members of our Institutions of Higher Education (IHE) partners also served on design committees. These standards then informed the work of Utah's development and implementation of the Utah Core Standards for mathematics and English language arts.

In a letter to Secretary Duncan dated March 5, 2012 (Attachment 21), Utah Superintendent Larry Shumway stated, "On behalf of the Board, I assert its right to complete control of Utah's learning standards in all areas of our public education curriculum."

A letter from Secretary Duncan dated March 16, 2012 (Attachment 22), agrees that Utah is in control of Utah's standards.

1.B TRANSITION TO COLLEGE- AND CAREER-READY STANDARDS

Provide the SEA's plan to transition to and implement no later than the 2013–2014 school year college- and career-ready standards statewide in at least reading/language arts and mathematics for all students and schools and include an explanation of how this transition plan is likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with such standards. The Department encourages an SEA to include in its plan activities related to each of the italicized questions in the corresponding section of the document titled ESEA Flexibility Review Guidance, or to explain why one or more of those activities is not necessary to its plan.

Implementation Timeline:

The USBE adopted the CCSS in June 2010 along with a statewide implementation timeline. Letters were sent to school district superintendents and charter directors regarding the adoption and timeline; making it clear that all LEAs would be expected to adopt the standards within the given timeline. The timeline represents the USBE's ability to support statewide implementation efforts while being based on a backwards design aligned with the timeline for accompanying assessment development. Full implementation of both English language arts and mathematics standards for all students will occur in the 2013-14 school year with accompanying assessments used for accountability measures in 2014-15. Many LEAs have chosen to implement at a faster rate and several LEAs elected to wait until 2012-13 to begin implementation. However, all LEAs have been involved in early professional development, curriculum alignment, and in the use of CCSS lessons. Non-scored pilot assessment questions will be included in the existing end of level tests and results will be disaggregated for further analysis. The timeline has not been adjusted for various groups of students. Rather, the USBE believes that the standards are for all students including students with disabilities and English language learners and that the quality of instruction

ATTACHMENT 4

MINUTES

August 6, 2010

Minutes of the meeting of the State Board of Education held August 6, 2010, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 8:05 a.m. At the request of Chair Debra G. Roberts Vice Chair Dixie L. Allen presided.

Members present were:

Chairman Debra G. Roberts
Vice Chairman Dixie L. Allen
Member Laurel O. Brown
Member Kim R. Burningham
Member Janet A. Cannon
Member Leslie B. Castle
Member Craig E. Coleman
Member David Crandall
Member Rosanita Cespedes
Member Robert R. DePoe
Member Greg W. Haws
Member Meghan Holbrook
Member Douglas J. Holmes
Member Michael Jensen
Member Tamara Lowe
Member Denis R. Morrill
Member Carol A. Murphy
Member C. Mark Openshaw
Member Tami Pyfer
Member David L. Thomas

Also present were:

Superintendent Larry K. Shumway
Deputy Superintendent Martell Menlove
Associate Superintendent Brenda Hales
Associate Superintendent Todd Hauber
Associate Superintendent Judy Park
Public Affairs Director, Mark Peterson
Don Uchida, Executive Director, USOR
Board Secretary Twila B. Affleck

Members of the Press:

Eric Peterson, Daily Herald
Lisa Schenker, Salt Lake Tribune
Elizabeth Stuart, Deseret Morning News
Nadine Wimmer, KSL Television
Elizabeth Ziegler, KCPW
Holly Langton, Utahns for Public Schools
Sue Carey, Utah PTA
Steve Noyce, Superintendent, Utah Schools for the Deaf and the Blind

August 6, 2010

Vice Chair Dixie L. Allen called the meeting to order.

Welcome

Board Chair Debra G. Roberts led the Board in the Pledge of Allegiance.

Board Member Craig E. Coleman welcomed everyone to the meeting and commented that as he has contemplated his first eight months on the Board and thought about what motivates him and interests him and excites him about education, so much that he is a teacher himself, and finds great joy in being able to interact with young people and help them learn and grow and find their way through life. He thought of his own life, family and faith which drives a lot of what he does and keeps his interest alive in education. When he was asked by several people to apply to be on the State Board of Education he often wondered why he said yes, but has no regrets because it has been an extremely enjoyable experience. What drives his interest and excitement in education is his faith in God and his belief that there is a responsibility that we have as individuals to pass knowledge on to our children. The Bible is rich in its instruction from God to his prophets to educate future generations. One of his favorite scriptures is in Deuteronomy, Moses' final instructions to the Children of Israel. He has given them the law, the promised land and one of the things he tells them at the beginning is to never forget the things that have happened to them in their escape from Egypt and their journeys into the wilderness. In Deuteronomy Chapter 4:9 he says: "Only take heed to thy self and keep thy soul diligently, lest thou forget the things which thine eyes have seen, lest they depart from thy heart all the days of thy life: but teach them thy sons and thy sons' sons;" Moses uses the word "heart" instead of mind. His own philosophy of teaching is not necessarily feeding information to people but rather helping them to change their lives. It changes lives because it affects people's hearts as much as it affects their minds. He then offered a prayer.

Swearing in of Tim Beagley

Chair Debra Roberts issued the Oath of Office to Tim Beagley, new Board Member representing the State Charter School Board.

Public Participation/Comment

The Board received comments from John Kesler encouraging the Board to support a state wide initiative to designate 2011 as the year of civility and community in Utah. (For complete details, see General Exhibit No. 11249.)

August 6, 2010

Member Janet Cannon requested that leadership review the request and place in on a future agenda for Board discussion and possible action.

The Board recessed into Committee Meetings.

The Board reconvened at 10:50 a.m.

Achievement Spotlight

The Board recognized Nadine Wimmer in her role as the Chairperson and champion for the Read Today literacy program. In April of this year, KSL and the Deseret Media Companies announced their plan to help the children of Utah improve their reading skills. The program encourages families to read together at least 20 minutes per day. Families have the ability to track their progress through a dynamic and interactive website that links the students with their schools, and provides a running total of how many summer reading minutes students are achieving.

The Read Today literacy program was initially started to help students keep their reading skills sharp over the school break, but it has been such a success that the program is going to expand beyond the summer months into a year-round program.

Ms. Wimmer, is a co-anchor on KSL's new programs. But, she also has a deep interest in education, and has chosen to use her public position within the community as a tool to influence lasting positive change in the reading abilities of Utah's students. Ms. Wimmer wanted to let everyone know that the success of Read Today is the result of a group effort. So we also commend all the hard work done by so many people.

The Board presented Nadine Wimmer an acrylic flame plaque recognizing her outstanding contributions to public education.

Ms. Wimmer expressed appreciation to the Board and to her company for their support of this important endeavor.

Adoption of Common Core of State Standards, Final Version

Member, Laurel O. Brown, Chairman of the Student Achievement and School Success Committee reported on the recommendation from the Committee relative to the Adoption of Common Core State Standards.

Governors and state commissioners of education from 48 states, two territories and the District of Columbia committed to developing a common core of state standards in English-language arts and Mathematics for grades K-12. An advisory group including experts from

August 6, 2010

Achieve, Inc., ACT, the College Board, the National Association of State Boards of Education and the State Higher Education Executive Officers oversaw the production of the standards. The Utah State Office of Education provided input during the production phase. At the June 4, 2010 State Board Meeting, the State Board voted to adopt the standards on first reading. The State Board also reviewed the standards at its June 24, 2010 Board study session. To adopt the Common Core Standards, a state agrees to accept all of the standards as they are written. Each participating state is to use the Common Core Standards as a framework for their own Reading/Language Arts and Mathematics core curriculum. A state may add up to 15% more standards.

The Student Achievement and School Success Committee, following review and consideration, adopted the common core of state standards on second reading.

Motion from the Committee that the State Board of Education adopt the common core of state standards on third and final reading.

Member Dave Thomas commented that a number of Board Members have received e-mails concerning the adoption of the Core Standards, in particular the math core standards. It is important that people know that the Common Core Standards were developed by state entities, not by the federal government, we were a part of that, and we have looked at the core standards along with many experts and compared them to our current Utah standards and determined: these standards are much more rigorous with regard to English-Language Arts than we have had and they are fundamentally equivalent to what we have now in Mathematics. We are not taking a step back, but taking a step forward. Following on to this, during the next year we need to come up with curriculum to implement those standards and then a testing structure. We are already moving toward computer adaptive testing with a goal to have a complete change over by 2014-15 and hopefully the ACT will be a part of that testing structure. We are positioned in the ideal spot to be able to lead the way nationally on these assessments and computer adaptive testing. The Common Core Standards are only a part of the overall reform effort.

Chair Debra Roberts commented that in the almost eight years she has served on the Board there are a few votes she has felt extremely important to have an impact directly on the education of our youth and she believed this is one of them. This is the first step, the second step being the assessment system. Both will combine to improve the quality of instruction which is taking place in our schools. She encouraged support from the Board.

August 6, 2010

Member Janet Cannon noted that states can add up to 15% more standards and she felt this would allow us to increase our rigor and would not conflict with us adopting the core standards for mathematics.

Superintendent Shumway noted that one of the concerns that has been expressed widely in the public is the degree to which adoption of these standards would be some loss of control over our state curriculum. It is important to understand that these are voluntary standards, the Board's vote to adopt the Standards will not ever result in the State Board losing control of our curriculum. These are not standards that were developed by the U.S. Department of Education; they are standards that were developed by coalitions of states and other entities that work together independent of the federal Department of Education. A vote to adopt these standards is not somehow irrevocable. The Board's position continues to be a state decision that can always be changed or revised. There will be additional kinds of consequences as we get involved in the consortium of assessments, but we think there are tremendous advantages to this move that will continue to allow us to retain the states freedom of action we have had. He assured the Board, from his personal perspective, that if this did lead into some federalization of curriculum, he would be at the front resisting such a move. He emphasized that this is not a federalization of state rights regarding curriculum.

Member Craig Coleman commented that he is one that is concerned about the issue of governance, control and supervision of education in the State of Utah which belongs with the State Board of Education. It makes him nervous whenever the federal government gets involved in educational issues. He felt they did this when they tied Race to the Top funding to adoption of these standards. The irony becomes, for him personally, that the failure of the State of Utah to not end up on the list of finalists for Race to the Top funding makes it easier to vote for the standards than it would have otherwise. He hoped we could keep it this way and keep control of the curriculum which is important to the people of Utah in keeping our control of public education.

Member Mark Openshaw called for a question on the motion. Motion carried unanimously.

Motion to approve the Common Core State Standards carried unanimously.

The Board took a small break for a press conference relative to the adoption of the Common Core Standards.

UTAH STATE BOARD OF EDUCATION
MEETING MINUTES
November 4, 2011

Grading Schools Recommendations

Utah Code 53A-1-111 through 1113 (S.B. 59 *School Grading System*, 2011 Legislative Session), requires the State Board of Education to develop a system to grade schools. A committee of stakeholders has met monthly to develop this system. Associate Superintendent Judy Park reviewed the committee's final recommendations for implementing a grading schools system. Members Allen and Brown have been on the committee.

Motion was made by Member Laurel Brown and seconded by Member Carol Murphy that the Board, recognizing this is the best model that can be created under the present assessment system, accept the Grading School Committee's recommendations, with an admonition that the grading schools system should be used to recognize those schools that need further help, not for punishment. The recommendations will be forwarded to the legislative Interim Education Committee for further input. Senator Niederhauser will then consider the input and may draft new language for legislation.

Member Joel Coleman spoke against including the admonition in the motion, as he felt it is an opinion and doesn't show good faith in carrying out the law. Member Castle expressed that the admonition is giving further direction on the use of the tool. Vice Chair Allen also mentioned that the Grading Schools Committee always worked on the premise of wanting this model to help struggling schools. To state it in the motion defines the model.

Member Murphy called the question. Motion carried with Members Cannon and Thomas opposed.

Motion to accept the recommendations carried with Members Allen, Brown, Buswell, opposed. Motion to accept the recommendations carried with Members Allen, Brown, Buswell, Burningham, Cannon, Castle, Jensen, Murphy, Pyfer, Thomas and Roberts in favor, and Members C. Coleman, J. Coleman, Craudall, and Openshaw opposed. [For complete details, see General Exhibit No. 11700.]

5/25/14

ESEA Flexibility Waiver Extension – Response to Title I Questions from Utah State Board of Education

The Title I Section has worked with the Accountability Section to provide data and responses to specific questions from the Utah State Board of Education regarding the potential impact of returning to the No Child Left Behind (NCLB) Adequate Yearly Progress (AYP) accountability system that would result if the State of Utah does not request or is not granted an extension of the ESEA Flexibility Waiver.

# of Schools Not Achieving Adequate Yearly Progress (AYP) in 2012-13 All Schools: 395 Title I Schools: 134	# of Local Education Agencies with Title I Schools Not Achieving Adequate Yearly Progress (AYP) in 2012-13 31 districts 26 charters Total: 57	Amount of Title I Set-aside (20%) required for Transportation for Choice and/or Supplemental Educational Services (SES) \$15,605,779	# of Local Education Agencies Not Achieving Adequate Yearly Progress (AYP) in 2012-13 32 districts 9 charters Total: 41	Amount of Title I Set-aside (10%) required for LEA Professional Development \$7,616,218

USBE Question	Clarification of Issue	USOE Title I Response
1. We know that failure of AYP for two years kicks in two significant requirements: (a) providing optional transportation to a non-failing Title I school children, and (b) a 20% set aside of Title I monies (approximately, \$20 million) for supplemental educational services (before/after school programs).	The 20% set-aside of Title I funds is to cover the transportation for Choice and/or Supplemental Educational Services (SES). This set-aside requirement is an LEA level requirement of up to 20% of the LEA Title I allocation.	<ul style="list-style-type: none"> Title I set-aside for transportation for Choice and/or SES (20%): \$15,605,779 (57 LEAs have Title I schools that could be identified for Title I improvement with the 2014 SAGE assessment results) Title I set-aside for professional development (10%): \$7,616,218 Total Title I set-aside: \$23,221,997
1.a.1. How many of our Title I schools (300+) will have failed AYP as of June 2014? Is it all 300+ Title I schools?	The potential number of Title I schools not achieving AYP as of June 2014 will be determined by the SAGE results that still need to be scored and have the standard-setting and proficiency levels determined. This data is expected sometime in the fall of 2014. The potential number of Title I schools not achieving AYP is all Title I schools. The number of Title I schools potentially identified in need of improvement (not achieving AYP two consecutive years) will be the number not achieving AYP in	<ul style="list-style-type: none"> Schools: The number of Title I schools potentially identified in need of improvement based on not achieving AYP in 2012-13: 134 (57 LEAs have Title I schools that could be identified for Title I improvement with the 2014 SAGE

113TH CONGRESS 2D SESSION

S. RES.

Strongly supporting the restoration and protection of State authority and flexibility in establishing and defining challenging student academic standards and assessments, and strongly denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal grants and flexibility waivers.

IN THE SENATE OF THE UNITED STATES

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on

RESOLUTION

Strongly supporting the restoration and protection of State authority and flexibility in establishing and defining challenging student academic standards and assessments, and strongly denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal grants and flexibility waivers.

Whereas education belongs in the hands of our parents, local officials, local educational agencies, and States; Whereas the development of the common education standards known as the Common Core State Standards was originally led by national organizations, but has transformed into an incentives-based mandate from the Federal Government; Whereas, in 2009, the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO), both of which are private trade associations, began developing common education standards for kindergarten through grade 12 (re-ferred to in this preamble as the "Common Core State Standards"); Whereas, sections 9527, 9529, 9530, and 9531 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7907, 7909, 7910, and 7911) prohibit the establishment of a national curriculum, national testing, man-datory national teacher certification, and a national student database; Whereas Federal law makes clear that the Department of Education may not be involved in setting specific content standards or determining the content of State assessments in elementary and secondary education; Whereas President Barack Obama and Secretary of Education Arne Duncan announced competitive grants through the Race to the Top program under sections 14005 and 14006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 282) (referred to in this preamble as the "Race to the Top program") in July 2009; Whereas, on July 24, 2009, Secretary Duncan stated, "The \$4,350,000,000 Race to the Top program that we are unveiling today is a once-in-a-lifetime opportunity for the Federal Government to create incentives for far-reaching improvement in our Nation's schools.";

Whereas, on July 24, 2009, Secretary Duncan also stated, "But I want to be clear that Race to the Top is also a reform competition, one where States can increase or decrease their odds of winning Federal support."; Whereas, under the Race to the Top program guidelines, States seeking funds were pressed to implement 4 core, interconnected reforms, and the first of these reforms was to adopt "internationally benchmarked standards and assessments that prepare students for success in college and the workplace"; Whereas, on July 24, 2009, President Obama outlined the connection between common education standards and Race to the Top program funds, stating, "I am issuing a challenge to our [N]ation's governors and school boards, principals and teachers, businesses and non-profits, parents and students: if you set and enforce rigorous and challenging standards and assessments; if you put outstanding teachers at the front of the classroom; if you turn around failing schools—your State can win a Race to the Top grant that will not only help students outcompete workers around the world, but let

them fulfill their God-given potential.”; Whereas the selection criteria designed by the Department of Education for the Race to the Top program provided that for a State to have any chance to compete for funding, it must commit to adopting a “common set of K–12 standards”; Whereas Common Core State Standards establish a single set of education standards for kindergarten through grade 12 in English language arts and mathematics that States adopt;

Whereas, Common Core State Standards were, during the initial application period for the Race to the Top program, and remain, as of the date of the adoption of this resolution, the only common set of kindergarten through grade 12 standards in the United States; Whereas, on July 24, 2009, Secretary Duncan stated, “To speed this process, the Race to the Top program is going to set aside \$350,000,000 to competitively fund the development of rigorous, common State assessments.”; Whereas, since the Race to the Top program’s inception, States have been incentivized by Federal money to adopt common education standards; Whereas States began adopting Common Core State Standards in 2010; Whereas States that adopted Common Core State Standards before August 2, 2010, were awarded 40 additional points out of 500 points for their Race to the Top program applications; Whereas 45 States have adopted Common Core State Standards; Whereas 31 States, of the 45 total, adopted Common Core State Standards before August 2, 2010; Whereas States that have adopted Common Core State Standards are given preference in the application process for the waivers issued under the authority of section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861) that provide flexibility with respect to certain requirements of such Act; Whereas States that have adopted Common Core State Standards are currently collaborating to develop common assessments that will be aligned to the Common Core State Standards and replace existing end-of-the-year State assessments; Whereas these assessments will be available in the 2014–2015 school year; Whereas 2 consortia of States are developing common assessments: the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC); Whereas national standards lead to national assessments and national assessments lead to a national curriculum; Whereas education standards help teachers ensure their students have the skills and knowledge they need to be successful by providing clear goals for student learning; Whereas challenging academic standards are vital to ensuring students are college and career ready; Whereas blanket education standards should not be a pre-requisite for Federal funding; Whereas States are incentivized to adopt Common Core State Standards by the explicit correlation between the adoption of the Common Core State Standards by the State and the preference provided to such States through the Race to the Top program and the flexibility waivers issued under the authority of section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861); Whereas the Secretary of Education has created a system of grants and waivers that influence, incentivize, and coerce State educational agencies, commissions, and boards into implementing common elementary and secondary school standards and assessments endorsed by the Secretary;

Whereas, when Federal funds are linked to the adoption of common education standards, the end result is increased Federal control over education and a decreased ability of schools to meet the individual needs of the students in their schools; Whereas the implementation of Common Core State Standards will eventually impact home school and private school students when institutions of higher education are pressured to align their admission and readiness standards with curricula based on the Common Core State Standards; Whereas the 10th amendment of the Constitution of the United States reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and Whereas, throughout the course of United States history, States have maintained the responsibility of education based on the 10th amendment because the explicit power of educating children was not delegated to the United States by the Constitution: Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) States and local educational agencies should maintain the right and responsibility of determining educational curricula, programs of instruction, and assessments for elementary and secondary education;

2) the Federal Government should not incentivize the adoption of common education standards or the creation of a national assessment to align with such standards; and

(3) no application process for any Federal grant funds, or for waivers issued by the Secretary under the authority of section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), that occurs after the date of adoption of this resolution should award any additional points, or provide any preference, for the adoption of the Common9Core State Standards or any other national common education standards.



Mike Lee, United States Senator for Utah

Press Releases

Feb 05 2014

Senators Introduce Resolution Denouncing Obama Administration's Coercion of States with Common Core

WASHINGTON – U.S. Senator Lindsey Graham (R-South Carolina) will introduce a resolution strongly denouncing the Obama Administration's coercion of states into adopting Common Core State Standards by conferring preferences in federal grants and flexibility waivers.

The resolution is co-sponsored by Senators Tim Scott (R-South Carolina), Chuck Grassley (R-Iowa), Mike Lee (R-Utah), Ted Cruz (R-Texas), James Inhofe (R-Oklahoma), Thad Cochran (R-Mississippi), Roger Wicker (R-Mississippi), and Mike Enzi (R-Wyoming).

"The Obama Administration has effectively bribed and coerced states into adopting Common Core," said Graham. "Blanket education standards should not be a prerequisite for federal funding. In order to have a competitive application for some federal grants and flexibility waivers, states have to adopt Common Core. This is simply not the way the Obama Administration should be handling education policy. Our resolution affirms that education belongs in the hands of our parents, local officials and states."

"It is crucial that the money being spent on education in Oklahoma be controlled by Oklahomans who are familiar with the needs of our schools and students," said Inhofe. "This is why I am proud to join Senator Graham in introducing a resolution that enforces vital education practices of leaving the decisions of children's educational needs to the state and the parents."

"Educational decisions are best made by parents and teachers – not bureaucrats in Washington," said Scott. "While Common Core started out as a state-led initiative, the federal government unfortunately decided to use carrots and sticks to coerce states into adopting national standards and assessments. That is simply the wrong choice for our kids."

“Common Core is another example of Washington trying to control all aspects of Americans’ lives, including the education of our children,” said Cruz. “We should not allow the federal government to dictate what our children learn; rather, parents, through their teachers, local schools and state systems, should be able to direct the education of their children.”

“Common Core has become polluted with Federal guidelines and mandates that interfere with the ability of parents, teachers and principals to deliver the education our children deserve,” said Lee. “Rather than increasing coercion, we should be demanding that further interference by the U.S. Department of Education with respect to state decisions on academic content standards be eliminated.”

“Decisions about what content students should be taught have enormous consequences for children and so should be made as close as possible to the affected parents and students,” said Grassley. “Federal interference in this area disrupts the direct line of accountability between parents and those making decisions about their children’s education. It also takes away needed flexibility from state education leaders to make changes as they learn more about what works and what does not.”

“This Administration favors a national school board approach to education and likes to ignore individual states’ decisions,” said Enzi. “It uses ‘free’ money as the carrot to dangle in front of the states. In effect it is trying to force states into accepting a one-size-fits-all approach. This coercion with Common Core is another example of the federal government trampling on states’ rights and is the wrong approach to fixing our education system in this country.”

The major provisions of the resolution affirm:

Education belongs in the hands of parents, local education officials, and states.

The federal government should not coerce states into adopting common education standards.

No future application process for any federal grant funds or waivers should award additional points, or provide any preference, for the adoption of Common Core.

FACT SHEET

Purpose of the Resolution:

Strongly denounces President Obama’s coercion of states into adopting Common Core by conferring preferences in federal grants and flexibility waivers.

Strongly supports the restoration and protection of state authority and flexibility in establishing and defining challenging student academic standards and assessments.

What the Resolution States:

Education belongs in the hands of parents, local education officials, and states.

The federal government should not coerce states into adopting common education standards.

No application process for any federal grant funds or waivers should award additional points, or provide any preference, for the adoption of Common Core.

The link between adoption of common education standards and federal funds will result in increased federal control over education.

The resolution does not retract any federal funds or waivers already issued to states.

The resolution does not evaluate the content of the Common Core standards already developed and adopted by states.

[Resolution Denouncing the President's Coercion of States into Adopting Common Core State Standards](#)

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113TH CONGRESS 2D SESSION **S RFC**

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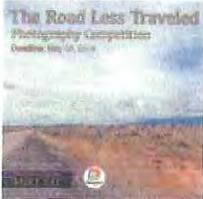
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#RoadLessTraveledUtah Photo Contest

Utah has over 43,000 miles of public roads. These roads connect communities, pass through some of the most beautiful landscapes in the country, and they enable Utahns to enjoy an enviable standard of living. Senator Mike Lee would like to showcase an outstanding collection of Utah's roads in his Washington DC office. You are invited by Senator Mike Lee and Utahgram to submit your photographs of Utah's roads to this Instagram photo contest.

**Legal Questions of State Board of Education Members on Elementary
and Secondary Education Act Waiver**

1. Does the Elementary and Secondary Education Act (“No Child Left Behind”) statute authorize the waiver?
 - a. If so, what are the conditions to be granted the waiver?
(Several board members wanted a general legal analysis- **Moss, Warner, Openshaw and Johnson**)
2. Is the waiver, if issued by U.S. Dept. of Education, compliant with the United States Constitution?
(**Moss** wants to know if waiver constitutional)
3. Is the waiver, if issued by U.S. Dept. of Education, compliant with Utah’s constitution and statute?

(**Thomas statement after meeting ended**)paraphrasing Governor’s concerns in private conversation at end of meeting)
4. Can Utah, if it is approved for the ESEA waiver, unilaterally forfeit or exit the waiver?

(**Birmingham** believes that this can be done. **Openshaw** wants to make sure this is correct)
5. Can the U.S. Dept. of Education, if it grants Utah the waiver, impose additional requirements on Utah as a condition of the waiver? (**Roberts**)

ESEA Waiver – Legal Questions

1. What actions by the State Board or the State Office of Education could or would cause Utah to lose a waiver if it chooses to seek a waiver? A list of items would be most helpful.
2. The Governor has requested the AG to conduct a legal review of several items including the ESEA Waiver question. What do we know about this review and how will this review impact a State Board decision to seek or not seek an extension of the existing waiver?
3. In the 2012 General Legislative Session Sen. Dayton sponsored SB 287 that passed the Legislature. Does this legislation have any impact or bearing on the current State Board decision concerning extending the ESEA Waiver or does it have implications for past State Board decisions concerning the ESEA Waiver process or procedures.
4. If the Utah State Board seek an extension of the ESEA Waiver, is there any reason the State Board cannot exit the extended Waiver at any time during the year for which the Waiver is sought?
5. No Child Left Behind (NCLB) has provisions for identifying schools that fail to make Annual Yearly Progress (AYP). These school improvement provisions are progressive as a school fails to meet AYP in subsequent years. During the past two years, as a result of the Waiver granted, AYP has not been calculated for Utah schools. If a Utah school was on year 2 of not meeting AYP for the 2011-2012 school year, and if AYP were now calculated for the 2012-2013 and 2013-2014 school years and this school did not meet AYP in either of these years, what year of school improvement would this school now be on? If we do not seek an extension of the Waiver, will USOE be required to now calculate AYP for the two years of the Waiver?



Chris Lacombe <clacombe@utah.gov>

Fwd: Some questions on NCLB and the waiver

David Jones <djones@utah.gov>

Mon, Jul 21, 2014 at 5:23 PM

To: Chris Lacombe <clacombe@utah.gov>

Cc: Parker Douglas <pdouglas@utah.gov>

Chris - Here are some of the questions which Jennifer Johnson is raising. DCJ

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----- Forwarded message -----

From: Jennifer Johnson <jj@jenniferajohnson.com>

Date: Mon, Jul 21, 2014 at 3:14 PM

Subject: Re: Some questions on NCLB and the waiver

To: Dave Crandall <crandall@xmission.com>

Cc: Jeff Moss <jeffersonmoss@gmail.com>, djones <djones@utah.gov>, Dave Thomas <dthomas@summitcounty.org>

I forgot one more question:

As part of the requirements for a school in improvement, at a certain point a school must be restructured, and here are the options:

1. reopen the school as a public charter school;
2. replace all or most of the school staff, including the principal;
3. enter into a contract to have an outside entity operate the school;
4. arrange for the state to take over operation of the school;
5. or any other major restructuring of the school's governance arrangement

Options 1, 3, 4 would definitely force a change in the allocation of **state resources**, and one could argue the same for 2 & 5. So are the restructuring options technically out of line with the section 9527 of the NCLB statute and therefore invalid?

SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION- Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to **mandate, direct, or control** a State, local educational agency, or school's curriculum, program of instruction, or **allocation of State or local resources**, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

Jennifer

On Mon, Jul 21, 2014 at 3:02 PM, Jennifer Johnson <jj@jenniferajohnson.com> wrote:

Dear Dave Crandall,

My understanding is that you are the person to send our legal questions so that you can direct which questions should receive attention. I also have copied David Jones here so he can easily get direction from you on which of these questions to address. I do not have Chris' email. I know that Dave and Chris are working to put together a list of questions that were generated by our discussion on Thursday.

Here are a few questions I have about the waiver and NCLB:

(1) What does it mean to be "a school served under this title" (Title I)? (All schools as they might qualify for Title I funding or just those who actually receive Title I funds?)

(2) Are the requirements for other programs (besides Title I) affected by the waiver that Utah has?

(3) Under NCLB, must we calculate all the adequate yearly progress figures in each category if we can show that one category fails (such as 100% students being 100% proficient?)?

(4) Are any of the action-options in the different phases of NCLB in the following categories contradicted by state law or dependent upon legislative appropriations of state money (not just legislative appropriations of federal money):

- School improvements (transport for school choice, supplemental academic aid, professional development)

- Corrective actions (replace school staff; implement new curriculum; decrease the authority of school-level administration; appoint outside experts to advise the school; extend the school year or school day; and/or restructure the internal organization of the school.)

- Restructuring (reopen the school as a public charter school; replace all or most of the school staff, including the principal; enter into a contract to have an outside entity operate the school; arrange for the state to take over operation of the school; or any other major restructuring of the school's governance arrangement)

(5) As used in the part on corrective actions, what does "curriculum" mean? Standards or teaching materials?

(6) What "in need of improvement" year would Utah schools be in under in NCLB without the waiver? Can a reasonable argument be made for different years?

(7) What are the major obligations under the last application for a waiver from NCLB? Are all of them congruent with state law? Are there parts of the application that ought to be different this time, especially if the intent were to try to achieve a waiver that is more in line with the interests of the State of Utah (more

control and flexibility for state and local policy)?

(8) Are there conditions of NCLB that are particularly onerous, and what are they?

(9) For the school improvement requirements in NCLB, especially transportation for choice, does the money roll forward into the next year if not used in the previous year?

(10) From Thursday's conversation with the Superintendent of North Dakota, it seems quite obvious that the ability to negotiate for particular elements of a waiver request depends upon the ability to not be held hostage in the negotiations by fear of NCLB generally and upon claims for equal treatment through the knowledge of the "mini-waivers" held by other states. What are the elements of the mini-waivers had by North Dakota and Illinois? Are there other states who have mini-waivers?

Thanks,

Jennifer

**List of Possible Actions by the State Board or State Office
of Education that could or would cause Utah to lose a waiver
if it seeks to choose a waiver. Question #7**

1. Failure to adopt college and career ready standards.
2. Failure to administer assessments aligned to the chosen standards (grades 3 – 8 and high school) for language arts, math and science.
3. Failure to adopt English Language Proficiency standards that correspond to the chosen college and career ready standards.
4. Failure to administer an English Language Proficiency assessment aligned to the English Language Proficiency standards.
5. Failure to administer alternate assessments for Students with Disabilities with severe cognitive disabilities.
6. Failure to report Annual Measurable Objectives.
7. Failure to implement an accountability system (current approval is for UCAS).
8. Failure to designate schools as Focus schools.
9. Failure to designate schools as Priority schools.
10. Failure to designate schools as Reward schools.
11. Failure to implement Teacher Evaluations.
12. Failure to implement Teacher Evaluations that include student achievement data.

**Excerpts of Utah Constitution and Statute Pertaining to
Board's Responsibility to Establish Rules and Minimum
Standard and the Role of a Standards Review Committee.**

Article X, Section 3. [State Board of Education.]

The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.

53A-1-301. Appointment -- Qualifications -- Duties.

(2) The State Board shall with the appointed superintendent develop a statewide education strategy focusing on core academics, including the development of:

- (a) core curriculum and graduation requirements;
- (b) a process to select instructional materials that best correlate to the core curriculum and graduation requirements that are supported by generally accepted scientific standards of evidence;
- (c) professional development programs for teachers, superintendents, and principals; . . .

53A-1-402. Board to establish minimum standards for public schools.

(1) The State Board of Education shall establish rules and minimum standards for the public schools that are consistent with this title, including rules and minimum standards governing the following:

- (a) (i) the qualification and certification of educators and ancillary personnel who provide direct student services
- (ii) required school administrative and supervisory services; and
- (iii) the evaluation of instructional personnel; . . .

53A-1-402.8. Standards review committee.

(2) Subject to Subsection (5), the State Board of Education shall establish:

- (a) a time line for the review by a standards review committee of core curriculum standards for:
 - (i) English language arts;
 - (ii) mathematics; . . .
- (b) a separate standards review committee for each subject area specified in Subsection (2)(a) to review, and recommend to the board revisions to, core curriculum standards.

(3) At least one year before the board takes formal action to adopt new core curriculum standards, the board shall establish a standards review committee as required by Subsection (2)(b).

(10) A standards review committee shall submit, to the board, comments and recommendations for revision of core curriculum standards.

(11) The board shall take into consideration the comments and recommendations of a standards review committee in adopting core curriculum standards.

(12) (a) Nothing in this section prohibits the board from amending or adding individual core curriculum standards as the need arises in the board's ongoing responsibilities.

**ESEA and Common Core Background and Issues
Outline Pertaining to ESEA Waiver**

I. Introduction

- A. Utah's ESEA Waiver is scheduled to expire **August 31, 2014**.
 - 1. If Utah's Waiver expires, all of Utah's Title I schools (300+) will not meet AYP. Many will be classified as "in need of improvement".
 - 2. About 30% of Utah's Title I fund (\$23 million) will need to be redirected towards transportation, supplemental services and teacher training.
- B. **August 8**-Utah School Board considers whether it will seek ESEA waiver. Board wants legal opinion.

II. Background for No Child Left Behind-ESEA Waiver

- A. **2001-2002**-NCLB law is enacted. **PL 107-110**
 - 1. NCLB reauthorized **Elementary and Secondary Education Act (ESEA)**, a 1965 statute which started Title I program for low income school districts.
 - 2. NCLB requires that school achieve "**Adequate Yearly Process**" (AYP) on ELA and Math tests.
- B. **2005** Utah enacts "**Implementing Federal Programs Act**" in response to NCLB. **Utah Code §53A-1-901 et. seq. Utah Code Ann. §53A-1-904.**
- C. **2007** NCLB is supposed to be reauthorized. This has not occurred. Funding automatically extended under **General Education Provisions Act**.
- D. **2010** In response to schools not achieving AYP, **Dept. of Education allows ESEA waivers**.
 - 1. **NCLB §9401** authorizes waivers.
- E. **August 2010**-Utah adopts Common Core Standards.
 - 1. 2014 Amendment allows Utah to exit any agreement with Dept. of Education.
- F. **2012**- Utah gets ESEA waiver from Dept. of Education for 2011 through 2014.
- G. **August 31, 2014**-Utah's ESEA waiver is set to expire.

III. ESEA Waiver Issues

- A. **Can U.S. Dept. of Education issue an ESEA waiver?**
 - 1. **Yes**-Section 9401(a) and (d) of NCLB expressly authorizes waiver.
- B. **Does Utah law authorize Utah Board of Education to seek ESEA waiver?**
 - 1. **Yes**-Utah Code Ann. §53A-1-904 et. requires Utah board to request reasonable time comply with NCLB, to lobby for NCLB waivers and seek NCLB waivers.
- C. **Does Utah law authorize the Board of Education to forfeit or exit the ESEA waiver after it has been granted the waiver?**
 - 1. **Perhaps yes**- Utah Code Ann. § 53A-1-402.6(7) authorizes the state to exit "any agreement, contract, memorandum of understanding or consortium that cedes control of Utah's core curriculum standards to any other entity, including a federal agency or consortium, for any reason . . ." However, while this statute authorizes state of exit agreements, contracts,

memorandum of understanding, or consortium, the Board must also carefully consider the statutory framework and text of Utah Code Ann. §53A-1-904 which clearly favors seeking waivers to NCLB requirements.

IV. The Relationship of Common Core to the ESEA Waiver

A. Background

1. **2001-2002** NCLB law is passed and enacted. PL 107-110
 - a. Section 9527 prohibits federal government to approve or certify standards.
2. **April 2008-** Common Core standards process started by the states.
3. **May 2009-** State Board of Education begins process of adopting Common Core standards.
4. **Summer 2009-** Dept. of Education enacts competitive “**Race to the Top**” grant program to improve schools.
5. **Spring 2010-** National Governors Association and Counsel of Chief State School Officers releases Common Core Standards
6. **2010-2011** Race to the Top scoring system requires states “developing and adopting common standards.” (Does not specify Common Core Standards.) (3 rounds of grants)
7. **2010** Dept. of Education announces it will grant ESEA waivers. To get a waiver states must-
 - a. **Option 1/A-**adopt college and career ready standards that are common to a significant number of States (**implicitly Common Core Standards?**); or
 - b. **Option 2/B-**adopt college and career ready standards that approved by a State network of institutions of higher education which must certify that students who meet standards will not need remedial course work at post-secondary level.
8. **August 2010-**Utah adopts Common Core Standards.
9. **2014-**Indiana, Oklahoma, South Carolina and Missouri repeal Common Core standards.

V. ESEA Waiver Status if Utah Repeals Common Core Standards

A. If Utah repeals Common Core, will ESEA waiver be revoked by Dept. of Education?

1. **Probably not.** Utah should be treated in a manner similar to **Indiana and Oklahoma** by requiring it to develop and implement standards under Option 2 and amending waiver request.
2. **Note-Washington’s** waiver was not extended because it failed to develop teacher and principal evaluation process. Several states have had problems with this evaluation process; however, Washington’s problem was the most severe.

ESEA Flexibility Waiver Extension – Response to Title I Questions from Utah State Board of Education

The Title I Section has worked with the Accountability Section to provide data and responses to specific questions from the Utah State Board of Education regarding the potential impact of returning to the No Child Left Behind (NCLB) Adequate Yearly Progress (AYP) accountability system that would result if the State of Utah does not request or is not granted an extension of the ESEA Flexibility Waiver.

# of Schools Not Achieving Adequate Yearly Progress (AYP) in 2012-13	# of Local Education Agencies with Title I Schools Not Achieving Adequate Yearly Progress (AYP) in 2012-13	Amount of Title I Set-aside (20%) required for Transportation for Choice and/or Supplemental Educational Services (SES)	# of Local Education Agencies Not Achieving Adequate Yearly Progress (AYP) in 2012-13	Amount of Title I Set-aside (10%) required for LEA Professional Development
All Schools: 395	31 districts	\$15,605,779	32 districts	\$7,616,218
Title I Schools: 134	26 charters		9 charters	
Total:	57		Total: 41	

USBE Question	Clarification of Issue	USOE Title I Response
1. We know that failure of AYP for two years kicks in two significant requirements: (a) providing optional transportation to a non-failing Title I school children, and (b) a 20% set aside of Title I monies (approximately, \$20 million) for supplemental educational services (before/after school programs).	The 20% set-aside of Title I funds is to cover the transportation for Choice and/or Supplemental Educational Services (SES). This set-aside requirement is an LEA level requirement of up to 20% of the LEA Title I allocation.	<ul style="list-style-type: none"> Title I set-aside for transportation for Choice and/or SES (20%): \$15,605,779 (57 LEAs have Title I schools that could be identified for Title I improvement with the 2014 SAGE assessment results) Title I set-aside for professional development (10%): \$7,616,218 Total Title I set-aside: \$23,221,997
1.a.1. How many of our Title I schools (300+) will have failed AYP as of June 2014? Is it all 300+ Title I schools?	The potential number of Title I schools not achieving AYP as of June 2014 will be determined by the SAGE results that still need to be scored and have the standard-setting and proficiency levels determined. This data is expected sometime in the fall of 2014. The potential number of Title I schools not achieving AYP is <u>all</u> Title I schools. The number of Title I schools potentially identified in need of improvement (not achieving AYP two consecutive years) will be the number not achieving AYP in	<ul style="list-style-type: none"> <u>Schools</u>: The number of Title I schools potentially identified in need of improvement based on not achieving AYP in 2012-13: 134 (57 LEAs have Title I schools that could be identified for Title I improvement with the 2014 SAGE

	2012-13.	assessment results) <ul style="list-style-type: none"> LEAs: The number of Title I LEAs potentially identified in need of improvement based on not achieving AYP in 2012-13: 41
1.a.2. How many of these failing Title I schools are currently providing supplemental educational services to their students?	None. Although many Title I schools offer before and after school programs, the definition of Supplemental Educational Services (SES) does not cover typical Title I extended learning opportunities. Schools identified in need of improvement under Title I must make available to economically disadvantaged students the option to receive SES from a third party contractor.	None
1.a.3. Are we currently using our federal Title I monies to fund these programs?	No. Under the ESEA Flexibility Waiver, Utah eliminated mandatory SES as a consequence previously tied to the AYP accountability system. If Utah were to return to the AYP accountability system, the USOE would have to conduct a new SES application and approval process to determine eligible SES providers.	No. Under the ESEA Flexibility Waiver, Utah has not required LEAs to set-aside funding or provide transportation for Choice or SES.
1.a.4. What I want to know is how much of the \$20 million set aside are we already using or could use to supplant existing monies for these types of supplemental educational service programs?	The funds that would be required as a set-aside for SES are currently being used by Title I schools to provide instructional supports to students who are struggling to meet Utah's academic standards. To shift funds to provide SES would require schools to reduce or eliminate services currently provided with Title I funds.	None of the \$23,221,997 required set-aside is currently being used to provide transportation for Choice and/or SES, or district-wide professional development. To meet this requirement, 57 LEAs would have to alter the services and funding to eligible Title I schools.
1.b. If our Title I schools are failing, is the transportation requirement null and void?	No. LEAs are required to offer the public school choice option to schools that have not been identified in need of improvement under Title I. LEAs may be required to transport students to non-Title I schools if all Title I schools are in improvement. Because non-Title I schools are not subject to Title I school improvement requirements (and designation), it is possible that LEAs would have to offer public school Choice to non-Title I schools that are actually lower-performing than Title I schools identified in need of improvement.	No. The transportation requirement is not null and void.

<p>1.c. Will this apply to those schools that could be Title I schools, but for whatever reason have not applied?</p>	<p>No. The Title I school improvement consequences are only imposed on schools that receive Title I funds.</p>	<p>No. Only schools that receive Title I funds have any consequences imposed on the school.</p>
<p>1.d. In sum, how much will Title I schools be shorted for “during” school activities? For example, if School A uses \$50,000 for an after school program that is not paid for using Title I monies and the set aside pertaining to that School A is \$100,000, then School A is out of pocket only \$50,000 – as it can use \$50,000 of the set aside to supplant the after school program monies, thus freeing up those funds and reducing the impact of the set aside.</p>	<p>The Title I set-aside requirements related to school and district improvement are that an amount equal to the mandated set-aside be used to meet the transportation for Choice and SES requirements. LEAs could choose to find a separate funding source to pay for those services; none historically have chosen to use funds other than Title I. Unless an LEA is approved as an SES provider, none of the funds that provide for extended learning time could count in meeting the 20% set-aside requirement. Even if an LEA were approved as an SES provider, it would still have to offer SES services from a third party that had been approved and offered competitive services.</p>	<p>None of the \$23,221,997 required set-aside is currently being used to provide transportation for Choice and/or SES, or district-wide professional development. To meet this requirement, 57 LEAs would have to alter the services and funding to eligible Title I schools.</p>
<p>We know that in the next year (2015 - 16) “turn around models” will be mandated. If we were to pick the least expensive of those models, I would surmise it would be to have consultants to all Title I schools. We could issue a series of RFPs and have a stable of consultants working for the State Board that were assigned to a certain number of Title I schools. I guesstimated such to be around \$25 million, but it could be considerably less.</p>	<p>To clarify the consequences for Title I school improvement, the chart at the bottom of this report may be helpful.</p> <ul style="list-style-type: none"> • Considering the high priority that LEAs in Utah place on local authority and decision-making, it would be inappropriate for the state to determine a corrective action for all Utah Title I schools that continued to not achieve AYP after being identified for Title I school improvement. The most appropriate strategy for low-performing Title I schools is dependent upon unique factors in the school. One school may need to undergo specific curriculum adoption and alignment where another school may need a more intense focus on instructional practices or changes in personnel. • Utah currently has just over 100 school support team (SST) consultants trained to provide assistance to schools identified in need of improvement under Utah’s Systems of Support; of that number, the majority are not interested in providing consulting outside of their own district. 	<p>See <u>Title I Improvement Flowchart at the bottom of this report</u></p> <p>The USOE Title I Section is hesitant to attach an estimated cost to this option because of the complex issues outlined in the clarification.</p>

	<ul style="list-style-type: none"> • A recent review of SST contracts shows a wide range of consulting fees to LEAs (\$5,000 to \$50,000 for a two-year consulting contract) Much of the variation in fees is attributed to the expertise, years of experience, and whether it is an individual contract or with an organization • Historically, all contracts for SST have been established between the LEA and the consultant; the USOE has not contracted directly in the SST process for Title I schools 	
2.a. How much money would such consultant contracts cost on an annualized basis?	A recent review of SST contracts shows a wide range of consulting fees to LEAs (\$5,000 to \$50,000 for a two-year consulting contract) Much of the variation in fees is attributed to the expertise, years of experience, and whether it is an individual contract or with an organization	The USOE Title I Section is hesitant to attach an estimated cost to this option because of the complex issues outlined in the clarification.
2.b. How long does the USDOE require such consultants to work?	As long as the school is in need of improvement under Title I, they will need to maintain an SST.	School support teams are to work with Title I schools in need of improvement for a minimum of two years or until the school successfully exits Title I school improvement status. LEAs identified for improvement have similar requirements in Utah.
2.c. Is it just one year, two years, or more? Since no one can ever be a non-failing school (since no one will have 100% proficiency), will consultants be mandated until the law is changed?	<p>Yes.</p> <p>Under the AYP model, all Title I schools in improvement, Corrective Action, or Restructuring would have to contract with an SST until the school demonstrates significant improvement and successfully exits improvement status.</p> <p>Under the ESEA Flexibility Waiver model, Utah requires the lowest-performing Title I schools to contract with an SST until the school demonstrates significant improvement and successfully exits the lowest-performing Title I school determination.</p>	Yes, schools and LEAs under Title I improvement are required to contract with distinguished educators (for Utah, School Support Team – SST or District Support Team – DST). Under the ESEA Flexibility Waiver, states have been allowed to identify the lowest-performing Title I schools (not all Title I schools failing to meet AYP) and design, as a state, the improvement processes. NCLB requirements cannot be changed by states.
2.d. Can we utilize the safe harbor provisions to reduce these costs?	The safe harbor provisions under the AYP accountability system is used to identify which schools are or are not achieving AYP. The Safe Harbor provisions do not affect the overall cost to schools identified in need of improvement.	No. Safe Harbor provisions are used to determine whether or not schools and LEAs achieve AYP.

<p>3. Ultimately, in year 2018 – 2019, if the law has not changed, we may be forced to take over all of the Title I schools in the State, turn them into charter schools, or fire the principal and all the teachers. Monetarily, what would these scenarios look like?</p>	<ul style="list-style-type: none"> • Currently there is no evidence that State take-over of Title I failing schools as a Restructuring option leads to significant, enduring improvement in the school performance • Although Title I Restructuring guidelines would allow the state to close and reopen schools as charter schools, the process of establishing a charter school does not necessarily result in improved student achievement. If the state were to utilize this option as a major strategy for Restructuring, Utah law may need to be amended to accommodate large increases in charter school numbers and enrollment. • The Title I Restructuring model that includes replacement of all or most of the staff may not have large costs monetarily, but may be impractical in that the availability of high- quality teachers and leaders may be very limited (especially in rural communities where it is difficult to recruit and retain educators). 	<p>The USOE Title I Section is hesitant to attach an estimated cost to this option because of the complex issues outlined in the clarification.</p>
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Title I School Improvement Flowchart

Number of Years Not Making AYP	Title I Improvement Status	Utah-Specific Sanction/Consequence (AYP determination from previous school year for either Reading/Language Arts or Mathematics)
	None	No sanctions. Data from this current year will determine status for the next school year
1	Alert Year	If the school makes AYP, the school does not move into improvement If the school does not make AYP in the same subject areas as in year 1, the school moves into Year 1 of School Improvement
2	School Improvement Year 1	<ol style="list-style-type: none"> 1. Determine members of School Leadership Team 2. Parent notification 3. Hire a School Support Team (SST) 4. Begin appraisal process and plan revision 5. Offer Public School Choice 6. LEA is to set aside an amount equal to 20 percent of Title I allocation to provide transportation for choice

3	School Improvement Year 2	<ol style="list-style-type: none"> 1. Determine members of School Leadership Team 2. Parent notification 3. Hire a School Support Team (SST) 4. Continue the implementation plan from previous year with appropriate changes 5. Offer Public School Choice 6. Offer Supplemental Educational Services (SES) 7. LEA is to set aside an amount equal to 20 percent of Title I allocation to provide transportation for choice or SES
4	Corrective Action	<ol style="list-style-type: none"> 1. Determine members of School Leadership Team (State) 2. Parent notification (Federal) 3. Hire a School Support Team (SST). (State) 4. Begin a new appraisal process and include the following: (State) <ol style="list-style-type: none"> a. Conduct instructional audits b. Hire an instructional coach c. All SST members with school leadership teams attend Leadership Institutes 5. Continue Public School Choice, SES, and set aside (Federal) 6. The LEA is to implement at least one of the following Corrective Actions: (Federal) <ul style="list-style-type: none"> • Replace school staff relevant to the failure • Institute and implement a new curriculum • Significantly decrease management authority in the school • Appoint outside experts to advise the school • Extend school year or school day • Restructure internal organization of the school
5	Corrective Action- Planning for Restructuring	<ol style="list-style-type: none"> 1. Determine members of School Leadership Team. (State) 2. Parent notification (Federal) 3. Hire a School Support Team (SST) (State) 4. Continue Public School Choice, SES, and set-aside (Federal) 5. The LEA must develop a plan and make arrangements for Restructuring (Federal)
6	Restructuring	<ol style="list-style-type: none"> 1. Parent notification. 2. Implement LEA Restructuring action. (Federal): <ul style="list-style-type: none"> • Reopening the school as a public charter school • Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress • Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school • Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State • Any other major restructuring of the school's governance arrangement that makes fundamental reforms...

		<p><i>*Once a school has completed the Restructuring process, the school receives a "fresh start" in the AYP process.</i></p>
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ESEA Flexibility Waiver

What are benefits to Utah of the ESEA Flexibility Waiver?

1. The state of Utah was approved to use its own state-mandated Utah Comprehensive Accountability System (UCAS) for federal accountability purposes.
 - a. The UCAS accountability system incorporates and values measures of student achievement and growth. This provides incentive and recognition to schools for ensuring that there is a focus on the progress of all students. For years, the Utah State Office of Education had unsuccessfully requested that Utah be allowed to incorporate student growth into accountability calculations.
 - b. Utah is now able to use the UCAS accountability system to more accurately identify the lowest-performing Title I schools and focus resources in order to more effectively implement school improvement efforts.
2. Utah was able to eliminate the AYP accountability system under NCLB.
 - a. The NCLB statewide annual measurable objective of 100% proficiency by the end of 2013-14 was eliminated.
 - b. The potential over-identification of Title I schools and districts identified as in need of improvement based on AYP determinations was eliminated.
 - c. The NCLB-mandated sanctions for Title I schools and districts in improvement that were burdensome have been eliminated (mandatory uses of up to 30% of Title I funds).
 - d. The AYP accountability under NCLB only gave credit to schools for students that had achieved proficiency on assessments. Schools were not rewarded for students who started well below grade level and made strong learning gains (but not yet proficient). Neither was there any recognition for schools that helped students who barely met proficiency one year and made significant gains to exceptional levels the following year.
 - e. The NCLB accountability system did not differentiate between schools not achieving AYP for one factor and those not achieving AYP for multiple factors.
 - f. With the forty factors that were part of the AYP calculation, it was not uncommon for higher-performing schools to be identified as in need of improvement under AYP accountability. This questioned the credibility of the NCLB method in determining which schools were required to participate in the Title I school improvement process.
3. Utah has been allowed to use the funds previously restricted to Title I schools and districts identified in need of improvement under AYP determinations to support Utah's lowest-performing Title I

Priority and Focus schools. The state is seeing significant improvement in school achievement in these Title I schools that are implementing the Title I System of Support with fidelity.

4. Utah has been able to align major state education initiatives with and federal requirements. Here are a few examples:

State Education Initiative	Meets Federal Requirements
Utah State Core Standards	Rigorous College and Career-ready Standards
Utah SAGE Assessment	State Assessments Aligned to State Standards
Utah Educator Evaluation System	Educator Evaluations that Incorporate Student Achievement

What would be the impact of not continuing with the ESEA Flexibility Waiver?

1. Utah would not be allowed to use the UCAS accountability system, but would have to return to the NCLB-mandated AYP accountability system.
 - a. Utah would not be able to use student growth in accountability calculations for federal purposes.
 - b. The USOE would have to plan for the time and cost of converting the state technology systems back to conduct AYP determinations. The USOE would need to run AYP calculations for Utah's districts and schools for the period during which Utah was under the ESEA Flexibility Waiver in order to determine which schools and districts would be identified for improvement.
 - c. It is very probable that the majority of Title I schools and districts (if not all) would be identified as not achieving AYP. This would either communicate to the public that Utah has many "failing" schools or that the accountability system is irrelevant.
 - d. If Utah is required to return to the NCLB AYP accountability system and large numbers of schools and districts were identified in need of improvement under Title I requirements (as anticipated), the USOE would not have adequate human or financial resources to provide adequate support for the Title I Systems of Support.
 - e. Amid the numerous major education initiatives in Utah, educators and parents would have to deal with the uncertainty that would accompany another major change in education accountability.

Background

State Standards and Assessments

When Congress reauthorized the Elementary and Secondary Education Act (ESEA) in 2001 as the No Child Left Behind Act (NCLB), states were required to adopt state academic and achievement standards, assess all students to determine performance related to those standards, and to publicly report achievement results at the school, local education agency (LEA), and state levels. At that point in time, Utah was ahead of many states and had already adopted statewide Core Curriculum Standards and developed End-of-Level and End-of-Course criterion-referenced tests (CRTs) that satisfied the new federal requirements

Under NCLB, states were to set annual measurable objectives (AMOs) for schools and districts from the baseline year of 2002 to the final goal of 100% student proficiency by the end of the 2013-14 school year. Utah established its AMOs so that every two years, schools and LEAs would be expected to make consistent improvement in student achievement (see Chart #1).

Chart #1 - Utah's Approved Annual Measurable Objectives

Subject/Grade Span	Start 2002	Goal 1 2005	Goal 2 2007	Goal 3 2009	Goal 4 2012	Goal 5 2013	Final 2014
Language Arts (3-8)	65%	71%	77%	83%	89%	95%	100%
Mathematics (3-8)	57%	64%	71%	45%	63%	81%	100%
Language HS (10)	64%	70%	76%	82%	88%	94%	100%
Mathematics (10-12)	35%	47%	59%	40%	60%	80%	100%

Accountability – Adequate Yearly Progress

Each year, the state education agency (SEA) would determine whether schools and districts made adequate yearly progress (AYP) toward the annual measurable objectives. The AYP system of accountability included 40 factors by which schools and LEAs were measured. Whether a school or LEA failed to meet one or multiple factors, the determination was the same: "did not achieve AYP." Title I schools and districts that did not achieve AYP for two consecutive years were identified as "in need of improvement" and required to participate in the Title I school or district improvement process. The Title I school and district improvement requirements included provisions that limited local school district options in the use of Title I funds (required set asides for transportation associated with public school choice, supplemental educational services, and professional development).

The Title I Section of the Utah State Office of Education found that the AYP system of accountability frequently did not identify the lowest-performing schools for the Title I improvement process. The valuable, but limited, resources were not always allocated to help the schools that needed them most. As states approached the end of the 2013-14 school year, intense concern was expressed about the number of schools in districts that would be identified as in need of improvement as they did not achieve the goal of 100% proficiency. The USOE projected the number of schools and districts to increase dramatically (see Chart #2).

Chart #2 - Utah's Title I Schools & Districts in Improvement

	2008-2009	2009-2010	2011-2012	2012-2013
Title I Schools: # in Improvement	12	8	17	99*
Title I Districts: # in Improvement	3	2	2	8*

*Estimated count for 2012-13 are based on the number of Title I schools/districts on alert (not achieving AYP one year). Because of Utah's approved ESEA Flexibility Waiver, no estimates were made for 2013-14.

ESEA Flexibility Waiver

After years of debate, Congress has still not reauthorized the ESEA (scheduled for 2007). The accountability provisions of NCLB did much to ensure that schools and districts address the academic achievement of all students and, in particular, students who historically were under-served or under-performing. Many critics of the NCLB have expressed that the NCLB accountability measures, if not modified, would identify virtually all schools and districts as not achieving AYP when the timeline approached the 100% proficiency goal of 2013-14. This potential "over-identification" of what would be interpreted as "failing" schools and districts has been a major focus of criticism of NCLB.

Recognizing that many states had or were developing innovative and rigorous accountability systems, the U.S. Department of Education (ED) announced to states the option to request a waiver of certain ESEA requirements if they met certain eligibility requirements. The requirements that would be waived are listed in Appendix A - Waivers. The requirements that applying states must meet are listed in Appendix B - Assurances.

The Utah State Office of Education applied for the ESEA Flexibility Waiver and after clarification of specific issues with the U.S. Department of Education was approved in June 2012. The approved waiver applied to school years 2011-12, 2012-13, and 2013-14. States desiring to continue with the ESEA Flexibility Waiver beyond the 2013-14 school year will need to submit an extension request.

Appendix A

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 school-wide 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, 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.
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.
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.

Optional Flexibility:

An SEA should check the box below only if it chooses to request a waiver of the following requirements:

- 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.

Appendix B

ASSURANCES

By submitting this 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.
2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
3. It will develop and administer no later than the 2014–2015 school year 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 that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
4. It will develop and administer 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). (Principle 1)
5. It will report annually to the public on 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. (Principle 1)
6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as 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 are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools. (Principle 2)
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, 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 the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the "all students" group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State's annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)

FY 2015 Title I Allocations to LEAs Title I Set-asides AYP Impact

					Actual	Actual
					Title I LEA	Total
	Title I, Part A	Title I, Part A	Title I, Part A	Title I LEA Prof	Trans for School	Title I LEA Set-aside for
	College & Career Ready	Improve LEA	Improve School	Develop Set-aside (10%) LEA Improve	Choice & SES Set-aside (up to 20%)	Improvement Requirements
	LEA Allocation					
Alpine	\$8,410,577	1	1	\$841,058	\$1,682,115.36	\$2,523,173
Beaver	\$151,970	1	0	\$15,197	\$0.00	\$15,197
Box Elder	\$951,383	1	1	\$95,138	\$190,276.64	\$285,415
Cache	\$1,244,840	0	1	\$0	\$248,968.07	\$248,968
Canyons	\$3,727,555	1	1	\$372,755	\$745,510.91	\$1,118,266
Carbon	\$521,234	1	1	\$52,123	\$104,246.74	\$156,370
Daggett	\$12,900	1	0	\$1,290	\$0.00	\$1,290
Davis	\$6,605,202	1	1	\$660,520	\$1,321,040.42	\$1,981,561
Duchesne	\$415,081	1	1	\$41,508	\$83,016.13	\$124,524
Emery	\$290,193	1	1	\$29,019	\$58,038.69	\$87,058
Garfield	\$119,782	0	0	\$0	\$0.00	\$0
Grand	\$265,261	1	0	\$26,526	\$0.00	\$26,526
Granite	\$16,011,558	1	1	\$1,601,156	\$3,202,311.58	\$4,803,467
Iron	\$1,857,200	1	1	\$185,720	\$371,440.03	\$557,160
Jordan	\$4,374,673	1	1	\$437,467	\$874,934.58	\$1,312,402
Juab	\$299,456	1	0	\$29,946	\$0.00	\$29,946
Kane	\$158,548	1	1	\$15,855	\$31,709.60	\$47,564
Logan	\$1,398,246	1	1	\$139,825	\$279,649.25	\$419,474
Millard	\$395,865	0	1	\$0	\$79,173.04	\$79,173
Morgan	\$107,497	0	1	\$0	\$21,499.49	\$21,499
Murray	\$710,679	0	0	\$0	\$0.00	\$0
Nebo	\$2,843,289	1	1	\$284,329	\$568,657.70	\$852,987
North Sanpete	\$316,761	0	1	\$0	\$63,352.26	\$63,352
North Summit	\$135,671	1	1	\$13,567	\$27,134.16	\$40,701
Ogden	\$3,645,644	1	1	\$364,564	\$729,128.76	\$1,093,693
Park City	\$197,549	1	0	\$19,755	\$0.00	\$19,755
Piute	\$87,159	0	0	\$0	\$0.00	\$0
Provo	\$3,104,598	1	1	\$310,460	\$620,919.62	\$931,379
Rich	\$46,688	1	0	\$4,669	\$0.00	\$4,669
Salt Lake	\$6,249,903	1	1	\$624,990	\$1,249,980.54	\$1,874,971
San Juan	\$852,622	1	1	\$85,262	\$170,524.48	\$255,787
Sevier	\$692,296	1	1	\$69,230	\$138,459.28	\$207,689
South Sanpete	\$561,166	1	1	\$56,117	\$112,233.16	\$168,350
South Summit	\$150,732	0	1	\$0	\$30,146.40	\$30,146
Tintic	\$42,239	1	1	\$4,224	\$8,447.72	\$12,672
Tooele	\$1,091,607	1	1	\$109,161	\$218,321.31	\$327,482
Uintah	\$766,926	1	1	\$76,693	\$153,385.20	\$230,078
Wasatch	\$409,105	1	1	\$40,910	\$81,820.91	\$122,731
Washington	\$5,816,495	1	1	\$581,649	\$1,163,298.92	\$1,744,948
Wayne	\$110,060	0	0	\$0	\$0.00	\$0
Weber	\$2,564,309	1	1	\$256,431	\$512,861.75	\$769,293
SCHOOL DISTRICTS	\$77,714,519					
CHARTERS	\$6,437,402					
TOTAL	\$84,151,921					

FY 2015 Title I Allocations to LEAs

Title I Set-asides AYP Impact

					Actual	Actual
					Title I LEA	Total
	Title I, Part A	Title I, Part A	Title I, Part A	Title I LEA Prof	Trans for School	Title I LEA
	College & Career Ready	Improve	Improve	Develop	Choice & SES	Set-aside for
	LEA Allocation			Set-aside (10% LEA Improve)	Set-aside (up to 20%)	Improvement Requirements
Ogden Preparatory Academy	\$269,090	0		\$0	\$0.00	\$0
American Preparatory Academ	\$616,846	1	0	\$61,685	\$0.00	\$61,685
Walden School Of Liberal Arts	\$69,862	0	0	\$0	\$0.00	\$0
Freedom Academy	\$151,320	0	0	\$0	\$0.00	\$0
Academy For Math Engineerin	\$82,041	0	0	\$0	\$0.00	\$0
Pinnacle Canyon Academy	\$130,151	1	1	\$13,015	\$26,030.24	\$39,045
City Academy	\$37,392	1	1	\$3,739	\$7,478.32	\$11,217
Soldier Hollow Charter School	\$28,781	0	1	\$0	\$5,756.13	\$5,756
Tuacahn High School For The	\$22,354	0	0	\$0	\$0.00	\$0
Uintah River High	\$19,537	0	1	\$0	\$3,907.43	\$3,907
John Hancock Charter School	\$11,563	0	0	\$0	\$0.00	\$0
Thomas Edison (North + South	\$50,849	0	0	\$0	\$0.00	\$0
Timpanogos Academy	\$0	0	0	\$0	\$0.00	\$0
Salt Lake Arts Academy	\$22,354	0	1	\$0	\$4,470.85	\$4,471
Fast Forward High	\$69,500	0	1	\$0	\$13,899.97	\$13,900
No Ut Acad For Math Engineer	\$22,354	0	0	\$0	\$0.00	\$0
Ranches Academy	\$19,103	0	0	\$0	\$0.00	\$0
Davinci Academy	\$103,292	0	0	\$0	\$0.00	\$0
Summit Academy	\$18,070	0	0	\$0	\$0.00	\$0
Itineris Early College High	\$15,417	0	0	\$0	\$0.00	\$0
North Davis Preparatory Acade	\$95,584	0	0	\$0	\$0.00	\$0
Moab Community School	\$10,792	0	0	\$0	\$0.00	\$0
East Hollywood High	\$48,485	0	1	\$0	\$9,696.95	\$9,697
Success Academy	\$37,771	0	0	\$0	\$0.00	\$0
Utah County Academy Of Scie	\$20,813	0	0	\$0	\$0.00	\$0
Lincoln Academy	\$38,542	0	0	\$0	\$0.00	\$0
Beehive Science & Technology	\$29,292	0	0	\$0	\$0.00	\$0
Wasatch Peak Academy	\$25,438	0	0	\$0	\$0.00	\$0
North Star Academy	\$18,379	0	0	\$0	\$0.00	\$0
Reagan Academy	\$75,813	0	1	\$0	\$15,162.68	\$15,163
American Leadership Academ	\$182,688	1	1	\$18,269	\$36,537.60	\$54,806
Navigator Pointe Academy	\$39,313	0	0	\$0	\$0.00	\$0
Odyssey Charter School	\$32,470	0	0	\$0	\$0.00	\$0
Intech Collegiate High School	\$16,958	0	0	\$0	\$0.00	\$0
Entheos Academy	\$181,604	0	1	\$0	\$36,320.73	\$36,321
Lakeview Academy	\$46,250	0	0	\$0	\$0.00	\$0
Legacy Preparatory Academy	\$58,583	0	0	\$0	\$0.00	\$0
Liberty Academy	\$57,291	0	0	\$0	\$0.00	\$0
Monticello Academy	\$68,604	0	0	\$0	\$0.00	\$0
Mountainville Academy	\$11,145	0	1	\$0	\$2,228.98	\$2,229
Paradigm High School	\$47,792	0	1	\$0	\$9,558.36	\$9,558
Renaissance Academy	\$24,505	0	0	\$0	\$0.00	\$0
Channing Hall	\$32,375	0	0	\$0	\$0.00	\$0
Spectrum Academy	\$41,625	1	0	\$4,163	\$0.00	\$4,163
Syracuse Arts Academy	\$75,542	0	0	\$0	\$0.00	\$0
George Washington Academy	\$95,584	0	0	\$0	\$0.00	\$0
Noah Webster Academy	\$50,875	0	1	\$0	\$10,175.03	\$10,175
Salt Lake School For The Perf	\$15,417	0	1	\$0	\$3,083.34	\$3,083
Open Classroom	\$41,400	0	0	\$0	\$0.00	\$0
Canyon Rim Academy	\$27,750	0	0	\$0	\$0.00	\$0
Guadalupe School	\$64,509	0	0	\$0	\$0.00	\$0
Karl G Maeser Preparatory Ac	\$8,681	0	0	\$0	\$0.00	\$0
Cs Lewis Academy	\$43,167	0	0	\$0	\$0.00	\$0

Title I Set-asides AYP Impact

					Actual	Actual
					Title I LEA	Total
	Title I, Part A	Title I, Part A	Title I, Part A	Title I LEA Prof	Trans for School	Title I LEA
	College & Career Ready	LEA Improve	School Improve	Develop Set-aside (10%)	Choice & SES Set-aside	Set-aside for LEA & School
	LEA Allocation			LEA Improve	(up to 20%)	Improvement Requirements
Dual Immersion Academy	\$157,582	0	1	\$0	\$31,516.49	\$31,516
Edith Bowen Laboratory School	\$30,833	0	0	\$0	\$0.00	\$0
Gateway Preparatory Academy	\$170,625	0	1	\$0	\$34,125.04	\$34,125
Merit College Preparatory Academy	\$50,332	1	1	\$5,033	\$10,066.32	\$15,099
Providence Hall	\$70,917	0	1	\$0	\$14,183.37	\$14,183
Quest Academy	\$61,264	0	1	\$0	\$12,252.71	\$12,253
Rockwell Charter High School	\$49,333	1	1	\$4,933	\$9,866.69	\$14,800
Venture Academy	\$70,917	0	0	\$0	\$0.00	\$0
Salt Lake Center For Science	\$78,051	0	0	\$0	\$0.00	\$0
Utah Virtual Academy	\$463,064	1	1	\$46,306	\$92,612.84	\$138,919
Early Light Academy	\$23,893	0	0	\$0	\$0.00	\$0
Excelsior Academy	\$70,917	0	0	\$0	\$0.00	\$0
Hawthorn Academy	\$61,264	0	1	\$0	\$12,252.71	\$12,253
Mountain Heights Academy	\$16,188	0	0	\$0	\$0.00	\$0
Jefferson (Oquirrh Mountain)	\$38,542	0	1	\$0	\$7,708.35	\$7,708
Vista at Entrada	\$124,844	0	1	\$0	\$24,968.89	\$24,969
Bear River	\$5,789	0	0	\$0	\$0.00	\$0
Maria Montessori	\$28,521	0	0	\$0	\$0.00	\$0
Canyon Grove	\$75,205	0		\$0	\$0.00	\$0
Weilenmann School of Discovery	\$21,998	0	0	\$0	\$0.00	\$0
Summit Academy High School	\$26,979	0	1	\$0	\$5,395.85	\$5,396
Good Foundation Academy	\$26,979	0	0	\$0	\$0.00	\$0
Alianza Academy	\$100,523	0	0	\$0	\$0.00	\$0
Utah Connections Academy	\$119,604	1	1	\$11,960	\$23,920.74	\$35,881
Endeavor Hall	\$75,836	0	0	\$0	\$0.00	\$0
Aristotle Academy	\$46,743	0	0	\$0	\$0.00	\$0
HighMark Charter School	\$27,750	0	0	\$0	\$0.00	\$0
Promontory School For Expedition	\$44,708	0	0	\$0	\$0.00	\$0
Pacific Heritage Academy	\$78,519	0	0	\$0	\$0.00	\$0
Valley Academy	\$116,608	0	0	\$0	\$0.00	\$0
Pioneer High School for the Performing Arts	\$0	0	0	\$0	\$0.00	\$0
Utah International School	\$42,459			\$0	\$0.00	\$0
Esperanza Elementary School	\$37,000			\$0	\$0.00	\$0
Leadership Learning Academy	\$40,854			\$0	\$0.00	\$0
Mana Academy	\$139,284			\$0	\$0.00	\$0
Voyage Academy	\$46,250			\$0	\$0.00	\$0
Wasatch Institute of Technology	\$26,979			\$0	\$0.00	\$0
Weber State University Charter	\$0			\$0	\$0.00	\$0
Winter Sports	\$8,479			\$0	\$0.00	\$0
Utah Career Path High School	\$15,417			\$0	\$0.00	\$0
American International School	\$85,563			\$0	\$0.00	\$0
Ascent Academies	\$103,292			\$0	\$0.00	\$0
Dixie Montessori Academy	\$34,688			\$0	\$0.00	\$0
Kairos Academy	\$16,958			\$0	\$0.00	\$0
Mountain West Montessori	\$40,854			\$0	\$0.00	\$0
Scholar Academy	\$40,083			\$0	\$0.00	\$0
TOTALS	\$84,151,921	41	57	\$7,616,218	\$15,605,779	\$23,221,997

School AYP Determinations - 2013

	All Schools	Title I Schools
# Schools AYP Yes	70	23
# Schools AYP No	395	134
# Schools AYP Yes (Confidence Interval)	407	132

Alpine School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	9	2
# Schools AYP No	24	4
# Schools AYP Yes (Conf Interval)	47	5

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ALPINE ONLINE SCHOOL	Conf Interval		
ALPINE SCHOOL	Conf Interval		
AMERICAN FORK HIGH	Conf Interval		
AMERICAN FORK JR HIGH	Conf Interval		
ASPEN SCHOOL	Conf Interval		
BARRATT SCHOOL	Conf Interval		
BONNEVILLE SCHOOL	No		
CANYON VIEW JR HIGH	No		
CASCADE SCHOOL	Conf Interval		
CEDAR RIDGE SCHOOL	Conf Interval		
CEDAR VALLEY SCHOOL	Conf Interval		
CENTRAL SCHOOL	No	Conf Interval	Alert
CHERRY HILL GT PROGRAM	Yes		
CHERRY HILL SCHOOL	Conf Interval	Conf Interval	None
DAN W. PETERSON	Yes		
DEERFIELD SCHOOL	Conf Interval		
EAGLE VALLEY SCHOOL	Conf Interval		
EAGLECREST SCHOOL	No		
EAST SHORE ELECTRONIC HIGH	Yes		
FOOTHILL SCHOOL	No		
FORBES SCHOOL	No		
FOX HOLLOW SCHOOL	Conf Interval		
FREEDOM SCHOOL	Conf Interval		
GENEVA SCHOOL	Yes	Conf Interval	None
GREENWOOD SCHOOL	Conf Interval	Conf Interval	None
GROVECREST SCHOOL	Conf Interval		
HARVEST SCHOOL	Conf Interval		
HIDDEN HOLLOW SCHOOL	No		
HIGHLAND SCHOOL	Conf Interval		
HILLCREST SCHOOL	Yes	Conf Interval	None
HORIZON SCHOOL	Yes		
LAKERIDGE JR HIGH	No		
LEGACY SCHOOL	Conf Interval		
LEHI HIGH	Conf Interval		
LEHI JR HIGH	Conf Interval		
LEHI SCHOOL	Conf Interval		
LINDON SCHOOL	Conf Interval		
LONE PEAK HIGH	No		
MANILA SCHOOL	Conf Interval		

MEADOW SCHOOL	No		
MOUNT MAHOGANY SCHOOL	No		
MOUNTAIN RIDGE JR HIGH	Conf Interval		
MOUNTAIN TRAILS SCHOOL	Conf Interval		
MOUNTAIN VIEW HIGH	Conf Interval		
NORTH POINT SCHOOL	Conf Interval		
NORTHRIDGE SCHOOL	Conf Interval		
OAK CANYON JR HIGH	Conf Interval		
ORCHARD SCHOOL	Conf Interval		
OREM HIGH	Conf Interval		
OREM JR HIGH	Conf Interval	Conf Interval	None
OREM SCHOOL	Conf Interval		
PLEASANT GROVE HIGH	No		
PLEASANT GROVE JR HIGH	No		
POLARIS HIGH SCHOOL	Yes		
PONY EXPRESS SCHOOL	Conf Interval		
RIDGELINE SCHOOL	No		
RIVERVIEW SCHOOL	Conf Interval		
ROCKY MOUNTAIN SCHOOL	Conf Interval		
SAGE HILLS SCHOOL	No		
SARATOGA SHORES SCHOOL	Conf Interval		
SCERA PARK SCHOOL	Conf Interval		
SEGO LILY SCHOOL	No		
SERV BY APPT	Yes		
SHARON SCHOOL	Conf Interval	Conf Interval	None
SHELLEY SCHOOL	Conf Interval		
SNOW SPRINGS SCHOOL	Conf Interval		
SUMMIT HIGH	Yes		
SUNCREST SCHOOL	No	No	Title I School Improvement Year 1
THUNDER RIDGE SCHOOL	Conf Interval		
TIMBERLINE MIDDLE	Conf Interval		
TIMPANOGOS HIGH	No		
TRAVERSE MOUNTAIN SCHOOL	No		
VALLEY VIEW SCHOOL	No		
VINEYARD SCHOOL	No	Conf Interval	Alert
VISTA HEIGHTS MIDDLE	No		
WESTFIELD SCHOOL	No		
WESTLAKE HIGH	Conf Interval		
WESTMORE SCHOOL	Conf Interval	No	None
WILLOWCREEK MIDDLE	Conf Interval		
WINDSOR SCHOOL	No	Conf Interval	Alert

Beaver School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	0
# Schools AYP No	1	0
# Schools AYP Yes (Conf Interval)	4	3

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BEAVER HIGH	Conf Interval		
BELKNAP SCHOOL	Conf Interval	Conf Interval	None
MILFORD HIGH	No		
MILFORD SCHOOL	Conf Interval	No	None
MINERSVILLE SCHOOL	Conf Interval	Conf Interval	None
MINERSVILLE SCHOOL	Yes		

Box Elder School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	4	0
# Schools AYP No	11	0
# Schools AYP Yes (Conf Interval)	7	4

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ADELE C. YOUNG INTERMEDIATE	No		
ALICE C. HARRIS INTERMEDIATE	No		
BEAR RIVER HIGH	No		
BEAR RIVER MIDDLE	No		
BOX ELDER HIGH	Conf Interval		
BOX ELDER MIDDLE	No		
BUNDERSON SCHOOL			
CENTURY SCHOOL	Conf Interval		
DALE YOUNG COMMUNITY HIGH	Yes		
DISCOVERY SCHOOL	Conf Interval		
FIELDING SCHOOL	No		
FOOTHILL SCHOOL	No		
GARLAND SCHOOL	No	Conf Interval	Alert
GROUSE CREEK SCHOOL	Yes		
HOWELL SCHOOL	Yes		
LAKE VIEW SCHOOL	Conf Interval	Conf Interval	None
LINCOLN CENTER			
MCKINLEY SCHOOL	Conf Interval	Conf Interval	None
MOUNTAIN VIEW SCHOOL	No	Conf Interval	Alert
NORTH PARK SCHOOL	No		
PARK VALLEY SCHOOL	Conf Interval		
PARK VALLEY SCHOOL	Yes		
SNOWVILLE SCHOOL	Conf Interval		
WILLARD SCHOOL	No		

Cache School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	1	0
# Schools AYP No	8	2
# Schools AYP Yes (Conf Interval)	16	7

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BIRCH CREEK SCHOOL	Conf Interval	Conf Interval	None
CACHE ALTERNATIVE HIGH	Yes		
CANYON SCHOOL	Conf Interval	No	None
CEDAR RIDGE MIDDLE	Conf Interval		
GREENVILLE SCHOOL	Conf Interval		
HERITAGE SCHOOL	No	Conf Interval	Alert
LEWISTON SCHOOL	Conf Interval	No	
LINCOLN SCHOOL	Conf Interval	Conf Interval	None
MILLVILLE SCHOOL	Conf Interval	Conf Interval	None
MOUNTAIN CREST HIGH	Conf Interval		
MOUNTAINSIDE SCHOOL	Conf Interval		
NIBLEY SCHOOL	Conf Interval	Conf Interval	None
NORTH CACHE CENTER	Conf Interval		
NORTH PARK SCHOOL	No		
PARK SCHOOL	No	Yes	Alert
PROVIDENCE SCHOOL	No		
RIVER HEIGHTS SCHOOL	Conf Interval		
SKY VIEW HIGH	Conf Interval		
SOUTH CACHE CENTER	No		
SPRING CREEK MIDDLE	No		
SUMMIT SCHOOL	Conf Interval	Yes	None
SUNRISE SCHOOL	Conf Interval		
WELLSVILLE SCHOOL	No		
WHITE PINE MIDDLE	No		
WILLOW VALLEY MIDDLE	Conf Interval		

Canyons School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	0
# Schools AYP No	8	2
# Schools AYP Yes (Conf Interval)	16	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ALBION MIDDLE	Conf Interval		
ALTA HIGH	No		
ALTA VIEW SCHOOL	Conf Interval		
ALTARA SCHOOL	Conf Interval		
BELL VIEW SCHOOL	Conf Interval		
BELLA VISTA SCHOOL	No		
BRIGHTON HIGH	No		
BROOKWOOD SCHOOL	Conf Interval		
BUTLER MIDDLE	Conf Interval		
BUTLER SCHOOL	Conf Interval		
CANYON VIEW SCHOOL	No		
CANYONS TRANSITION ACADEMY	Yes		
COPPERVIEW SCHOOL	No	No	Title I Corrective Action
CRESCENT SCHOOL	No		
DRAPER PARK MIDDLE	Conf Interval		
DRAPER SCHOOL	Conf Interval		
EAST MIDVALE SCHOOL	Conf Interval	Conf Interval	None
EAST SANDY SCHOOL	No		
EASTMONT MIDDLE	No		
EDGEMONT SCHOOL	Conf Interval		
GOLDMINER'S DAUGHTER	Yes		
GRANITE SCHOOL	Conf Interval		
HILLCREST HIGH	No		
INDIAN HILLS MIDDLE	No		
JORDAN HIGH	Conf Interval		
JORDAN VALLEY SCHOOL	Yes		
LONE PEAK SCHOOL	Conf Interval		
MIDVALE MIDDLE	No		
MIDVALE SCHOOL	No	Conf Interval	Alert
MIDVALLEY SCHOOL	Conf Interval		
MOUNT JORDAN MIDDLE	Conf Interval		
OAK HOLLOW SCHOOL	Conf Interval		
OAKDALE SCHOOL	No		
PARK LANE SCHOOL	Conf Interval		
PERUVIAN PARK SCHOOL	Conf Interval		
QUAIL HOLLOW SCHOOL	Conf Interval		
RIDGECREST SCHOOL	Conf Interval		
SANDY SCHOOL	Conf Interval	Conf Interval	None
SILVER MESA SCHOOL	No		

SOUTH PARK ACADEMY	Yes
SPRUCEWOOD SCHOOL	Conf Interval
SUNRISE SCHOOL	Conf Interval
UNION MIDDLE	No
WILLOW CANYON SCHOOL	Conf Interval
WILLOW SPRINGS SCHOOL	Conf Interval

Carbon School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	0
# Schools AYP No	7	4
# Schools AYP Yes (Conf Interval)	2	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BRUIN POINT SCHOOL	No	Yes	Alert
CARBON HIGH	No		
CASTLE HEIGHTS SCHOOL	No	Conf Interval	Alert
CASTLE VALLEY CENTER	Yes		
CREEKVIEW SCHOOL	No	Conf Interval	Alert
HELPER JR HIGH	No		
LIGHTHOUSE HIGH	No	Yes	Alert
MONT HARMON JR HIGH	No		
SALLY MAURO SCHOOL	Conf Interval	No	None
WELLINGTON SCHOOL	Conf Interval	Conf Interval	None

Daggett School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	0
# Schools AYP No	1	0
# Schools AYP Yes (Conf Interval)	0	0

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
FLAMING GORGE SCHOOL	Yes		
MANILA HIGH	No		
MANILA SCHOOL	Yes		

Davis School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	0
# Schools AYP No	35	9
# Schools AYP Yes (Conf Interval)	49	8

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ADAMS SCHOOL	No		
ADELAIDE SCHOOL	No	No	Title I School Improvement Year 1
ANTELOPE SCHOOL	No	Conf Interval	Alert
BLUFF RIDGE SCHOOL	Conf Interval		
BOULTON SCHOOL	Conf Interval		
BOUNTIFUL HIGH	Conf Interval		
BOUNTIFUL JR HIGH	Conf Interval		
BOUNTIFUL SCHOOL	No		
BUFFALO POINT SCHOOL	Conf Interval		
CANYON HEIGHTS			
CENTENNIAL JR HIGH	Conf Interval		
CENTENNIAL JR HIGH	No		
CENTERVILLE JR HIGH	No		
CENTERVILLE SCHOOL	Conf Interval		
CENTRAL DAVIS JR HIGH	No		
CLEARFIELD HIGH	No		
CLINTON SCHOOL	No		
COLUMBIA SCHOOL	Conf Interval		
COOK SCHOOL	Conf Interval		
CREEKSIDE SCHOOL	Conf Interval		
CRESTVIEW SCHOOL	Conf Interval	Conf Interval	None
DAVIS HIGH	No		
DOXEY SCHOOL	Conf Interval	Conf Interval	None
EAST LAYTON SCHOOL	Conf Interval		
ELLISON PARK SCHOOL	Conf Interval		
ENDEAVOUR SCHOOL	Conf Interval		
FAIRFIELD JR HIGH	Conf Interval		
FARMINGTON JR HIGH	Conf Interval		
FARMINGTON SCHOOL	Conf Interval		
FOXBORO SCHOOL	Conf Interval		
FREMONT SCHOOL	Conf Interval	Conf Interval	None
H C BURTON SCHOOL	Conf Interval		
HERITAGE SCHOOL	No		
HILL FIELD SCHOOL	Conf Interval		
HOLBROOK SCHOOL	No		
HOLT SCHOOL	No	No	Title I School Improvement Year 1
KAYSVILLE JR HIGH	Conf Interval		
KAYSVILLE SCHOOL	Conf Interval		
KING SCHOOL	No	No	Title I School Improvement Year 1

KNOWLTON SCHOOL	Conf Interval		
LAKESIDE SCHOOL	Conf Interval		
LAYTON HIGH	No		
LAYTON SCHOOL	No	Conf Interval	Alert
LEGACY JR HIGH	No		
LINCOLN SCHOOL	Conf Interval	No	None
MEADOWBROOK SCHOOL	No	No	Title I School Improvement Year 1
MILLCREEK JR HIGH	No		
MORGAN SCHOOL	Conf Interval		
MOUNTAIN HIGH	Yes		
MOUNTAIN VIEW SCHOOL	Conf Interval		
MUELLER PARK JR HIGH	Conf Interval		
MUIR SCHOOL	Conf Interval		
NORTH DAVIS JR HIGH	Conf Interval	No	None
NORTH LAYTON JR HIGH	No		
NORTHRIDGE HIGH	No		
OAK HILLS SCHOOL	Conf Interval		
ONLINE SCHOOL	Yes		
ORCHARD SCHOOL	No		
PARKSIDE SCHOOL	No		
READING SCHOOL	Conf Interval		
RENAISSANCE ACADEMY	No		
SAND SPRINGS SCHOOL	No		
SNOW HORSE SCHOOL	Conf Interval		
SOUTH CLEARFIELD SCHOOL	Conf Interval	Conf Interval	None
SOUTH DAVIS JR HIGH	Conf Interval		
SOUTH WEBER SCHOOL	No		
STEWART SCHOOL	No		
SUNSET JR HIGH	No		
SUNSET SCHOOL	Conf Interval	Conf Interval	None
SYRACUSE HIGH	No		
SYRACUSE JR HIGH	No		
SYRACUSE SCHOOL	Conf Interval		
TAYLOR SCHOOL	Conf Interval		
TOLMAN SCHOOL	Conf Interval		
VAE VIEW SCHOOL	Conf Interval	Conf Interval	None
VALLEY VIEW SCHOOL	Conf Interval		
VIEWMONT HIGH	Conf Interval		
WASATCH SCHOOL	No	Conf Interval	Alert
WASHINGTON SCHOOL	No	Conf Interval	Alert
WEST BOUNTIFUL SCHOOL	Conf Interval		
WEST CLINTON SCHOOL	Conf Interval		
WEST POINT JR HIGH	No		
WEST POINT SCHOOL	Conf Interval		
WHITESIDES SCHOOL	No	Conf Interval	Alert
WINDRIDGE SCHOOL	Conf Interval		
WOODS CROSS HIGH	No		

WOODS CROSS SCHOOL

Conf Interval

Duchesne School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	3	0
# Schools AYP No	4	1
# Schools AYP Yes (Conf Interval)	6	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ALTAMONT HIGH	Conf Interval		
ALTAMONT SCHOOL	Conf Interval		
CON AMORE SCHOOL	Yes		
DUCHESNE HIGH	Conf Interval		
DUCHESNE SCHOOL	Conf Interval	Conf Interval	None
EAST SCHOOL	No AYP	No AYP	
KINGS PEAK SCHOOL	No		
MYTON SCHOOL	No	Conf Interval	Alert
NEOLA SCHOOL	Conf Interval	Conf Interval	None
ROOSEVELT JR HIGH	No		
TABIONA HIGH	Yes		
TABIONA SCHOOL	Conf Interval		
THOMPSEN HIGH	Yes		
UNION HIGH	No		

Emery School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	1
# Schools AYP No	7	2
# Schools AYP Yes (Conf Interval)	2	0

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BOOK CLIFF SCHOOL	No	Conf Interval	Alert
CANYON VIEW JR HIGH	No		
CASTLE DALE SCHOOL	Conf Interval		
CLEVELAND SCHOOL	No		
COTTONWOOD SCHOOL	Conf Interval		
EMERY HIGH	No		
FERRON SCHOOL	Yes	Yes	None
GREEN RIVER HIGH	No		
HUNTINGTON SCHOOL	No	Conf Interval	Alert
SAN RAFAEL JR HIGH	No		

Garfield School District AYP Determinations - 2013

District AYP	Yes	
		Title I
# Schools AYP Yes	3	2
# Schools AYP No	1	0
# Schools AYP Yes (Conf Interval)	5	3

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ANTIMONY SCHOOL	Yes	Yes	None
BOULDER SCHOOL	Yes	Yes	None
BRYCE VALLEY HIGH	Conf Interval		
BRYCE VALLEY SCHOOL	Conf Interval	Conf Interval	None
ESCALANTE HIGH	Yes		
ESCALANTE SCHOOL	Conf Interval	Conf Interval	None
PANGUITCH HIGH	No		
PANGUITCH MIDDLE	Conf Interval		
PANGUITCH SCHOOL	Conf Interval	No	None

Grand School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	1	0
# Schools AYP Yes (Conf Interval)	2	1

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
GRAND COUNTY HIGH	No	Conf Interval	
GRAND COUNTY MIDDLE	Conf Interval	Conf Interval	
HELEN M. KNIGHT SCHOOL	Conf Interval	Conf Interval	None

Granite School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	0
# Schools AYP No	56	13
# Schools AYP Yes (Conf Interval)	31	5

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ACADEMY PARK SCHOOL	No		
ARCADIA SCHOOL	Conf Interval		
BEEHIVE SCHOOL	No		
BENNION JR HIGH	No		
BENNION SCHOOL	Conf Interval		
BONNEVILLE JR HIGH	Conf Interval		
BROCKBANK JR HIGH	Conf Interval		
CALVIN S. SMITH SCHOOL	No		
CARL SANDBURG SCHOOL	No		
CHURCHILL JR HIGH	No		
COPPER HILLS SCHOOL	No		
COTTONWOOD HIGH	No		
COTTONWOOD SCHOOL	Conf Interval		
CRESTVIEW SCHOOL	Conf Interval		
CYPRUS HIGH	No		
DAVID GOURLEY SCHOOL	Conf Interval	Conf Interval	None
DIAMOND RIDGE SCHOOL	Conf Interval		
DOUGLAS T. ORCHARD SCHOOL	Conf Interval		
EASTWOOD SCHOOL	No		
EISENHOWER JR HIGH	No		
ELK RUN ELEMENTARY	Conf Interval		
EVERGREEN JR HIGH	Conf Interval		
FOX HILLS MAGNET SCHOOL	No AYP		
FOX HILLS SCHOOL	Conf Interval		
GEARLD WRIGHT SCHOOL	Conf Interval		
GRANGER HIGH	No	No	Title I School Improvement Year 1
GRANGER SCHOOL	No	Conf Interval	Alert
GRANITE CONNECTION HIGH	Yes		
GRANITE HIGH	No AYP		
GRANITE PARK JR HIGH	No	No	Title I School Improvement Year 1
HARRY S. TRUMAN SCHOOL	Conf Interval		
HARTVIGSEN SCHOOL	No		
HILLSDALE SCHOOL	No	Conf Interval	Alert
HILLSIDE SCHOOL	No		
HOWARD R DRIGGS SCHOOL	No		
HUNTER HIGH	No		
HUNTER JR HIGH	Conf Interval		
HUNTER SCHOOL	No		
JACKLING SCHOOL	No		

JAMES E MOSS SCHOOL	No	Conf Interval	Title I School Improvement Year 2
JIM BRIDGER SCHOOL	Conf Interval		
JOHN C FREMONT SCHOOL	No		
JOHN F. KENNEDY JR HIGH	No		
KEARNS HIGH	No		
KEARNS JR HIGH	No		
LAKE RIDGE SCHOOL	No		
LINCOLN SCHOOL	Conf Interval	No	None
MAGNA SCHOOL	No		
MILL CREEK SCHOOL	Conf Interval		
MONROE SCHOOL	No	No	Title I Corrective Action
MORNINGSIDE MAGNET SCHOOL	No AYP		
MORNINGSIDE SCHOOL	Conf Interval		
OAKRIDGE SCHOOL	No		
OAKWOOD SCHOOL	No		
OLYMPUS HIGH	Conf Interval		
OLYMPUS JR HIGH	Conf Interval		
OQUIRRH HILLS SCHOOL	Conf Interval	Conf Interval	None
PHILO T. FARNSWORTH SCHOOL	No		
PIONEER SCHOOL	No	Conf Interval	Title I School Improvement Year 2
PLEASANT GREEN SCHOOL	Conf Interval		
PLYMOUTH SCHOOL	No		
REDWOOD SCHOOL	No	Conf Interval	Alert
ROBERT FROST SCHOOL	No		
ROLLING MEADOWS SCHOOL	No	Conf Interval	Alert
ROOSEVELT SCHOOL	No		
ROSECREST SCHOOL	No		
SCOTT M MATHESON JR HIGH	No		
SILVER HILLS SCHOOL	No		
SKYLINE HIGH	Conf Interval		
SOUTH KEARNS SCHOOL	No	Conf Interval	Alert
SPRING LANE SCHOOL	No		
STANSBURY SCHOOL	Conf Interval	No	None
TAYLORSVILLE HIGH	No		
TAYLORSVILLE SCHOOL	No		
THOMAS JEFFERSON JR HIGH	No		
THOMAS W BACCHUS SCHOOL	No		
TWIN PEAKS SCHOOL	No		
UPLAND TERRACE SCHOOL	Conf Interval		
VALLEY CREST SCHOOL	No		
VALLEY JR HIGH	No		
VISTA SCHOOL	No		
WASATCH JR HIGH	Conf Interval		
WEST KEARNS SCHOOL	No	Conf Interval	Alert
WEST LAKE JR HIGH	No	No	Title I Corrective Action
WEST VALLEY SCHOOL	No		
WESTBROOK SCHOOL	Conf Interval		

WESTERN HILLS SCHOOL	Conf Interval	Conf Interval	None
WHITTIER SCHOOL	No		
WILLIAM PENN SCHOOL	Conf Interval		
WOODROW WILSON SCHOOL	No	Conf Interval	Alert
WOODSTOCK SCHOOL	Conf Interval		

Jordan School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	0
# Schools AYP No	30	6
# Schools AYP Yes (Conf Interval)	18	0

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BINGHAM HIGH	No		
BLUFFDALE SCHOOL	Conf Interval		
BUTTERFIELD CANYON SCHOOL	No		
COLUMBIA SCHOOL	No	No	Title I School Improvement Year 1
COPPER CANYON SCHOOL	No		
COPPER HILLS HIGH	No		
DAYBREAK SCHOOL	Conf Interval		
EASTLAKE SCHOOL	Conf Interval		
ELK MEADOWS SCHOOL	Conf Interval		
ELK RIDGE MIDDLE	No		
FALCON RIDGE SCHOOL	No		
FOOTHILLS SCHOOL	Conf Interval		
FORT HERRIMAN MIDDLE	Conf Interval		
FOX HOLLOW SCHOOL	No		
HAYDEN PEAK SCHOOL	No		
HEARTLAND SCHOOL	No	Conf Interval	Alert
HERRIMAN HIGH	No		
HERRIMAN SCHOOL	Conf Interval		
JOEL P JENSEN MIDDLE	No		
JORDAN HILLS SCHOOL	No		
JORDAN RIDGE SCHOOL	Conf Interval		
KAURI SUE HAMILTON	Conf Interval		
MAJESTIC SCHOOL	No	No	Title I School Improvement Year 1
MIDAS CREEK SCHOOL	Conf Interval		
MONTE VISTA SCHOOL	Conf Interval		
MOUNTAIN SHADOWS SCHOOL	No		
OAKCREST SCHOOL	No		
OQUIRRH HILLS MIDDLE	No		
OQUIRRH SCHOOL	No	Conf Interval	Alert
RIVERS EDGE SCHOOL	Yes		
RIVERSIDE SCHOOL	No	Conf Interval	Alert
RIVERTON HIGH	No		
RIVERTON SCHOOL	No		
ROSAMOND SCHOOL	Conf Interval		
ROSE CREEK SCHOOL	Conf Interval		
SILVER CREST SCHOOL	Conf Interval		
SOUTH HILLS MIDDLE	Conf Interval		
SOUTH JORDAN MIDDLE	No		
SOUTH JORDAN SCHOOL	No		

SOUTHLAND SCHOOL	Conf Interval		
SUNSET RIDGE MIDDLE	No		
TERRA LINDA SCHOOL	Conf Interval		
VALLEY HIGH SCHOOL	Yes		
WELBY SCHOOL	Conf Interval		
WEST HILLS MIDDLE	No		
WEST JORDAN HIGH	No		
WEST JORDAN MIDDLE	No		
WEST JORDAN SCHOOL	No		
WESTLAND SCHOOL	No		
WESTVALE SCHOOL	No	Conf Interval	Alert

Juab School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	3	0
# Schools AYP Yes (Conf Interval)	2	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
JUAB HIGH	No		
JUAB JR HIGH	No		
MONA SCHOOL	Conf Interval	Conf Interval	None
NEBO VIEW SCHOOL	No		
RED CLIFF SCHOOL	Conf Interval	Conf Interval	None

Kane School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	3	1
# Schools AYP No	4	1
# Schools AYP Yes (Conf Interval)	2	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BIG WATER SCHOOL	Conf Interval	Yes	None
BIG WATER SCHOOL	Yes		
KANAB HIGH	No		
KANAB MIDDLE	No		
KANAB SCHOOL	No	Conf Interval	Alert
LAKE POWELL HIGH SCHOOL	Yes	Yes	None
LAKE POWELL HIGH SCHOOL	Yes		
VALLEY HIGH	No		
VALLEY SCHOOL	Conf Interval	Conf Interval	None

Logan School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	4	2
# Schools AYP Yes (Conf Interval)	4	4

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ADAMS SCHOOL	Conf Interval	No	None
BRIDGER SCHOOL	No	No	Title I School Improvement Year 1
ELLIS SCHOOL	Conf Interval	Conf Interval	None
HILLCREST SCHOOL	No	Conf Interval	Alert
LOGAN HIGH	No		
LOGAN SOUTH CAMPUS	No AYP		
MOUNT LOGAN MIDDLE	No		
WILSON SCHOOL	Conf Interval	Conf Interval	None
WOODRUFF SCHOOL	Conf Interval	Conf Interval	None

Millard School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	3	0
# Schools AYP No	3	1
# Schools AYP Yes (Conf Interval)	3	1

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
DELTA HIGH	Conf Interval		
DELTA MIDDLE	No		
DELTA SCHOOL	Conf Interval	Conf Interval	
ESKDALE HIGH	Yes		
FILLMORE MIDDLE	No		
FILLMORE SCHOOL	No	Conf Interval	Alert
GARRISON 7 & 8TH	Yes		
GARRISON SCHOOL	Yes		
MILLARD HIGH	Conf Interval		

Morgan School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	0	0
# Schools AYP No	2	1
# Schools AYP Yes (Conf Interval)	2	0

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
MORGAN HIGH	Conf Interval		
MORGAN MIDDLE	Conf Interval		
MORGAN SCHOOL	No	No	Title I School Improvement Year 1
MOUNTAIN GREEN SCHOOL	No		

Murray School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	0	0
# Schools AYP No	2	0
# Schools AYP Yes (Conf Interval)	8	4

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
GRANT SCHOOL	Conf Interval		
HILLCREST JR HIGH	No		
HORIZON SCHOOL	Conf Interval	Conf Interval	None
LIBERTY SCHOOL	Conf Interval	Conf Interval	None
LONGVIEW SCHOOL	Conf Interval		
MCMILLAN SCHOOL	Conf Interval	Conf Interval	None
MURRAY HIGH	Conf Interval		
PARKSIDE SCHOOL	Conf Interval	Conf Interval	None
RIVERVIEW JR HIGH	No		
VIEWMONT SCHOOL	Conf Interval		

Nebo School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	3	0
# Schools AYP No	17	4
# Schools AYP Yes (Conf Interval)	21	4

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ART CITY SCHOOL	Conf Interval		
BARNETT SCHOOL	No	Not Title I	Alert
BROCKBANK SCHOOL	Conf Interval		
BROOKSIDE SCHOOL	No		
CANYON SCHOOL	Conf Interval		
CHERRY CREEK SCHOOL	Conf Interval	No	None
DIAMOND FORK JUNIOR HIGH	Conf Interval		
EAST MEADOWS SCHOOL	Conf Interval		
FOOTHILLS SCHOOL	No		
GOSHEN SCHOOL	No	Conf Interval	Alert
HOBBLE CREEK SCHOOL	No		
LANDMARK HIGH	Yes		
	No		
LEGACY HIGH			
MAPLE MOUNTAIN HIGH	Conf Interval		
MAPLETON JUNIOR HIGH	Conf Interval		
MAPLETON SCHOOL	No		
MT LOAFER SCHOOL	Conf Interval		
MT. NEBO JUNIOR HIGH	No		
OAKRIDGE SCHOOL	Yes		
ORCHARD HILLS SCHOOL	Conf Interval		
PARK SCHOOL	No	No	Title I School Improvement Year 1
PARK VIEW SCHOOL	Conf Interval		
PAYSON HIGH	No		
PAYSON JR HIGH	Conf Interval		
REES SCHOOL	Conf Interval	No	None
RIVERVIEW SCHOOL	Conf Interval		
SAGE CREEK SCHOOL	Conf Interval		
SALEM HILLS HIGH	No		
SALEM JUNIOR HIGH	Yes		
SALEM SCHOOL	No		
SANTAQUIN SCHOOL	Conf Interval	Conf Interval	None
SIERRA BONITA ELEMENTARY	Conf Interval		
SPANISH FORK HIGH	No		
SPANISH FORK JR HIGH	Conf Interval		
SPANISH OAKS SCHOOL	Conf Interval		
SPRING LAKE SCHOOL	No		
SPRINGVILLE HIGH	No		
SPRINGVILLE JR HIGH	Conf Interval		

TAYLOR SCHOOL	Conf Interval	Conf Interval	None
WESTSIDE SCHOOL	No		
WILSON SCHOOL	No	No	Title I School Improvement Year 1

North Sanpete School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	1	0
# Schools AYP No	3	3
# Schools AYP Yes (Conf Interval)	4	2

	2013 AYP	2012 AYP	Title I School Improvement Sta
FAIRVIEW SCHOOL	No	Conf Interval	Alert
FOUNTAIN GREEN SCHOOL	Conf Interval	No	None
MORONI SCHOOL	Conf Interval	Conf Interval	None
MT PLEASANT SCHOOL	No	Conf Interval	Alert
NORTH SANPETE HIGH	Conf Interval		
NORTH SANPETE MIDDLE	Conf Interval		
PLEASANT CREEK HIGH SCHOOL	Yes		
SPRING CITY SCHOOL	No	Conf Interval	Alert

North Summit School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	3	1
# Schools AYP Yes (Conf Interval)	0	0

	2013 AYP	2012 AYP	Title I School Improvement Sta
NORTH SUMMIT HIGH	No		
NORTH SUMMIT MIDDLE	No		
NORTH SUMMIT SCHOOL	No	Conf Interval	Alert

Ogden School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	13	10
# Schools AYP Yes (Conf Interval)	7	4

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BEN LOMOND HIGH	No	No	Title I School Improvement Year 1
BONNEVILLE SCHOOL	Conf Interval	Conf Interval	None
DEE SCHOOL	Conf Interval	Conf Interval	None
GEORGE WASHINGTON HIGH	No	No	Title I School Improvement Year 1
GRAMERCY SCHOOL	Conf Interval	No	None
HERITAGE SCHOOL	No	Conf Interval	Alert
HIGHLAND JUNIOR HIGH	No	No	Title I School Improvement Year 1
HILLCREST SCHOOL	No	Conf Interval	Alert
HORACE MANN SCHOOL	No	Conf Interval	Alert
JAMES MADISON SCHOOL	No	No	Title I School Improvement Year 2
LINCOLN SCHOOL	Conf Interval	No	None
MOUND FORT JUNIOR HIGH	No	No	Title I School Improvement Year 2
MOUNT OGDEN JUNIOR HIGH	No		
ODYSSEY SCHOOL	No	No	Title I School Improvement Year 2
OGDEN HIGH	No		
POLK SCHOOL	Conf Interval		
SHADOW VALLEY SCHOOL	Conf Interval		
TAYLOR CANYON SCHOOL	No		
THOMAS O SMITH SCHOOL	No	Conf Interval	Alert
WASATCH SCHOOL	Conf Interval		

Park City School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	2	0
# Schools AYP Yes (Conf Interval)	5	2

	2013 AYP	2012 AYP	Title I School Improvement St
ECKER HILL MIDDLE	Conf Interval		
JEREMY RANCH SCHOOL	Conf Interval		
MCPOLIN SCHOOL	Conf Interval	No	None
PARK CITY HIGH	No		
PARLEYS PARK SCHOOL	Conf Interval	Conf Interval	None
TRAILSIDE SCHOOL	Conf Interval		
TREASURE MTN JUNIOR HIGH SCHOOL	No		

Piute School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	0	0
# Schools AYP No	0	0
# Schools AYP Yes (Conf Interval)	3	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
CIRCLEVILLE SCHOOL	Conf Interval	No	None
OSCARSON SCHOOL	Conf Interval	Conf Interval	None
PIUTE HIGH	Conf Interval		

Provo School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	9	2
# Schools AYP Yes (Conf Interval)	0	5

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
AMELIA EARHART SCHOOL	No	Conf Interval	Alert
CANYON CREST SCHOOL	Conf Interval		
CENTENNIAL MIDDLE	No		
DIXON MIDDLE	No		
EDGEMONT SCHOOL	Conf Interval		
FRANKLIN SCHOOL	Conf Interval	No	None
INDEPENDENCE HIGH	No		
LAKEVIEW SCHOOL	Conf Interval		
PROVO HIGH	No		
PROVO PEAKS SCHOOL	Conf Interval	Conf Interval	
PROVOST SCHOOL	No	Conf Interval	Alert
ROCK CANYON SCHOOL	No		
SPRING CREEK SCHOOL	Conf Interval	No	None
SUNSET VIEW SCHOOL	Conf Interval	Conf Interval	None
TIMPANOGOS SCHOOL	Conf Interval	Conf Interval	None
TIMPVIEW HIGH	No		
WASATCH SCHOOL	No		
WESTRIDGE SCHOOL	Conf Interval		

Rich School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	1	0
# Schools AYP Yes (Conf Interval)	3	1

	2013 AYP	2012 AYP	Title I School Improvement St:
NORTH RICH SCHOOL	Conf Interval		
RICH HIGH	No		
RICH MIDDLE SCHOOL	Conf Interval		
SOUTH RICH SCHOOL	Conf Interval	Conf Interval	None

Salt Lake School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	17	7
# Schools AYP Yes (Conf Interval)	20	11

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
BACKMAN SCHOOL	Conf Interval	Conf Interval	None
BEACON HEIGHTS SCHOOL	Conf Interval		
BONNEVILLE SCHOOL	Conf Interval		
BRYANT MIDDLE	No	No	Title I School Improvement Year 1
CLAYTON MIDDLE	No		
DILWORTH SCHOOL	No		
EAST HIGH	Conf Interval		
EDISON SCHOOL	Conf Interval	No	None
EMERSON SCHOOL	No		
ENSIGN SCHOOL	Conf Interval		
ESCALANTE SCHOOL	No	No	Title I School Improvement Year 1
FRANKLIN SCHOOL	Conf Interval	Conf Interval	None
GLENDALE MIDDLE	Conf Interval	No	None
HAWTHORNE SCHOOL	No		
HIGHLAND HIGH	No		
HIGHLAND PARK SCHOOL	No		
HILLSIDE MIDDLE	Conf Interval		
HORIZONTE INSTR & TRN CTR	No		
INDIAN HILLS SCHOOL	No		
INNOVATIONS HIGH SCHOOL	Conf Interval		
JACKSON SCHOOL	Conf Interval	No	None
LINCOLN SCHOOL	Conf Interval	No	None
M LYNN BENNION SCHOOL	Conf Interval	Conf Interval	None
MEADOWLARK SCHOOL	No	No	Title I School Improvement Year 2
MOUNTAIN VIEW SCHOOL	Conf Interval	No	
NEWMAN SCHOOL	No	No	Title I School Improvement Year 1
NIBLEY PARK SCHOOL	No		
NORTH STAR SCHOOL	Conf Interval	No	None
NORTHWEST MIDDLE	Conf Interval	No	None
PARKVIEW SCHOOL	No	Conf Interval	Alert
RILEY SCHOOL	No	No	Title I School Improvement Year 2
ROSE PARK SCHOOL	Conf Interval	No	None
UINTAH SCHOOL	Conf Interval		
WASATCH SCHOOL	Conf Interval		
WASHINGTON SCHOOL	No	No	Title I School Improvement Year 1
WEST HIGH	No		
WHITTIER SCHOOL	Conf Interval		

San Juan School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	2
# Schools AYP No	7	7
# Schools AYP Yes (Conf Interval)	3	3

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ALBERT R LYMAN MIDDLE	No	Conf Interval	Alert
BLANDING SCHOOL	Conf Interval	Conf Interval	None
BLUFF SCHOOL	No	Conf Interval	Alert
LA SAL SCHOOL	Yes	Yes	None
MONTEZUMA CREEK SCHOOL	Conf Interval	Conf Interval	None
MONTICELLO HIGH	No	Conf Interval	Alert
MONTICELLO SCHOOL	Conf Interval	Conf Interval	None
MONUMENT VALLEY HIGH	No	No	Title I School Improvement Year 1
NAVAJO MOUNTAIN HIGH	Yes	Conf Interval	None
SAN JUAN HIGH	No	Conf Interval	Alert
TSE'BII'NIDZISGAI SCHOOL	No	Conf Interval	Alert
WHITEHORSE HIGH	No	Conf Interval	Alert

Sevier School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	1
# Schools AYP No	8	3
# Schools AYP Yes (Conf Interval)	2	0

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
ASHMAN SCHOOL	Yes	Yes	None
CEDAR RIDGE HIGH	Yes		
KOOSHAREM SCHOOL	Conf Interval		
MONROE SCHOOL	No	Conf Interval	Alert
NORTH SEVIER HIGH	Conf Interval		
NORTH SEVIER MIDDLE	No		
PAHVANT SCHOOL	No	No	Title I School Improvement Year 1
RED HILLS MIDDLE	No		
RICHFIELD HIGH	No		
SALINA SCHOOL	No	Conf Interval	Alert
SOUTH SEVIER HIGH	No		
SOUTH SEVIER MIDDLE	No		

South Sanpete School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	4	2
# Schools AYP Yes (Conf Interval)	3	1

	2013 AYP	2012 AYP	Title I School Improvement Sta
EPHRAIM MIDDLE	Conf Interval		
EPHRAIM SCHOOL	No	Conf Interval	Alert
GUNNISON VALLEY HIGH	No		
GUNNISON VALLEY MIDDLE	Conf Interval		
GUNNISON VALLEY SCHOOL	No	Conf Interval	Alert
MANTI HIGH	No		
MANTI SCHOOL	Conf Interval	Conf Interval	None

South Summit School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	0	0
# Schools AYP No	1	1
# Schools AYP Yes (Conf Interval)	2	0

	2013 AYP	2012 AYP	Title I School Improvement Sta
SOUTH SUMMIT HIGH	Conf Interval	No	
SOUTH SUMMIT MIDDLE	Conf Interval	No	
SOUTH SUMMIT SCHOOL	No	No	Title I School Improvement Year 1

Tintic School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	0
# Schools AYP No	2	1
# Schools AYP Yes (Conf Interval)	0	0

	2013 AYP	2012 AYP	Title I School Improvement St
CALLAO SCHOOL	No AYP		
EUREKA SCHOOL	No	Conf Interval	Alert
TINTIC HIGH	No		
WEST DESERT SCHOOL	Yes		
WEST DESERT HIGH SCHOOL	Yes		

Tooele School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	1	0
# Schools AYP No	9	3
# Schools AYP Yes (Conf Interval)	15	1

	2013 AYP	2012 AYP	Title I School Improvement St
ANNA SMITH SCHOOL	Conf Interval	No	None
BLUE PEAK HIGH	No		
CLARKE N JOHNSEN JR HIGH	Conf Interval		
COPPER CANYON SCHOOL	Conf Interval		
DUGWAY HIGH	Conf Interval		
DUGWAY SCHOOL	Conf Interval		
EAST SCHOOL	No		
GRANTSVILLE HIGH	No		
GRANTSVILLE JR HIGH	Conf Interval		
GRANTSVILLE SCHOOL	Conf Interval		
HARRIS SCHOOL	No	Conf Interval	Alert
IBAPAH SCHOOL	Yes		
MIDDLE CANYON SCHOOL	Conf Interval		
NORTHLAKE SCHOOL	No	Conf Interval	Alert
OVERLAKE SCHOOL	Conf Interval		
ROSE SPRINGS SCHOOL	No		
SETTLEMENT CANYON SCHOOL	Conf Interval		
STANSBURY HIGH	Conf Interval		
STANSBURY PARK SCHOOL	Conf Interval		
TOOELE HIGH	Conf Interval		
TOOELE JR HIGH	Conf Interval		
VERNON SCHOOL	No		
WENDOVER HIGH	No	Conf Interval	Alert
WEST SCHOOL	No		
WILLOW SCHOOL	Conf Interval		

Uintah School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	7	3
# Schools AYP Yes (Conf Interval)	3	2

	2013 AYP	2012 AYP	Title I School Improvement Status
ASHLEY SCHOOL	No	Conf Interval	Alert
DAVIS SCHOOL	Conf Interval	Conf Interval	
DISCOVERY SCHOOL	No		
EAGLE VIEW SCHOOL	No	No	Title I School Improvement Year 1
LAPPOINT SCHOOL	No	Conf Interval	Alert
MAESER SCHOOL	Conf Interval		
NAPLES SCHOOL	Conf Interval	Conf Interval	None
UINTAH HIGH	No		
VERNAL JR HIGH	No		
VERNAL MIDDLE	No		

Wasatch School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	0	0
# Schools AYP No	4	2
# Schools AYP Yes (Conf Interval)	3	1

	2013 AYP	2012 AYP	Title I School Improvement St
HEBER VALLEY SCHOOL	No	No	Title I School Improvement Year 1
J.R. SMITH SCHOOL	No	Conf Interval	Alert
MIDWAY SCHOOL	Conf Interval	Conf Interval	None
OLD MILL SCHOOL	No		
ROCKY MOUNTAIN MIDDLE	Conf Interval		
TIMPANOGOS INTERMEDIATE	Conf Interval		
WASATCH HIGH	No		

Washington School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	2	0
# Schools AYP No	17	2
# Schools AYP Yes (Conf Interval)	22	10

	2013 AYP	2012 AYP	Title I School Improvement St
ARROWHEAD SCHOOL	Conf Interval		
BLOOMINGTON HILLS SCHOOL	No		
BLOOMINGTON SCHOOL	No		
CORAL CANYON SCHOOL	No	No	Title I School Improvement Year 1
CORAL CLIFFS SCHOOL	Conf Interval	Conf Interval	None
DESERT HILLS HIGH	No		
DESERT HILLS MIDDLE	Conf Interval		
DIAMOND VALLEY SCHOOL	Yes		
DIXIE HIGH	No		
DIXIE MIDDLE	Conf Interval		
DIXIE SUN SCHOOL	Conf Interval	Conf Interval	None
EAST SCHOOL	Conf Interval	No	None
ENTERPRISE HIGH	Conf Interval		
ENTERPRISE SCHOOL	Conf Interval		
FOSSIL RIDGE INTERMEDIATE	No		
HERITAGE SCHOOL	Conf Interval	No	None
HORIZON SCHOOL	Conf Interval		
HURRICANE HIGH	No		
HURRICANE INTERMEDIATE	Conf Interval		
HURRICANE MIDDLE	No		
HURRICANE SCHOOL	Conf Interval	Conf Interval	None
LA VERKIN SCHOOL	No	Conf Interval	Alert
LAVA RIDGE INTERMEDIATE	No		
LITTLE VALLEY SCHOOL	No		
MILLCREEK HIGH	No		
PINE VIEW HIGH	No		
PINE VIEW MIDDLE	Conf Interval		
RED MOUNTAIN SCHOOL	Conf Interval	Conf Interval	None
RIVERSIDE SCHOOL	Conf Interval		
SANDSTONE SCHOOL	Conf Interval	No	None
SNOW CANYON HIGH	Conf Interval		
SNOW CANYON MIDDLE	Conf Interval		
SUNRISE RIDGE INTERMEDIATE	No		
SPRINGDALE SCHOOL	Conf Interval	Yes	None
SUNRISE RIDGE INTERMEDIATE	No		
SUNSET SCHOOL	Conf Interval	Conf Interval	None
THREE FALLS SCHOOL	Conf Interval		
TONAQUINT INTERMEDIATE	No		
WASHINGTON COUNTY ONLINE HIGH SCH	Yes		

WASHINGTON COUNTY ONLINE SCHOOL

No

WASHINGTON SCHOOL

Conf Interval

No

None

Wayne School District AYP Determinations - 2013

District AYP	Yes	Title I
# Schools AYP Yes	0	0
# Schools AYP No	0	0
# Schools AYP Yes (Conf Interval)	4	2

	2013 AYP	2012 AYP	Title I School Improvement Status 2013-14
HANKSVILLE SCHOOL	Conf Interval	Conf Interval	None
LOA SCHOOL	Conf Interval	Conf Interval	None
WAYNE HIGH	Conf Interval		
WAYNE MIDDLE	Conf Interval		

Weber School District AYP Determinations - 2013

District AYP	No	Title I
# Schools AYP Yes	3	0
# Schools AYP No	22	6
# Schools AYP Yes (Conf Interval)	19	1

	2013 AYP	2012 AYP	Title I School Improvement Sta
BATES SCHOOL	Conf Interval		
BONNEVILLE HIGH	No		
CLUB HEIGHTS SCHOOL	No	Conf Interval	Alert
COUNTRY VIEW SCHOOL	Conf Interval		
FARR WEST SCHOOL	No		
FREEDOM SCHOOL	No		
FREMONT HIGH	Conf Interval		
GREEN ACRES SCHOOL	No		
H GUY CHILD SCHOOL	Conf Interval		
HOOPER SCHOOL	Conf Interval		
KANESVILLE SCHOOL	Conf Interval		
LAKEVIEW SCHOOL	No	Conf Interval	Alert
LOMOND VIEW SCHOOL	Conf Interval		
MAJESTIC SCHOOL	No		
MARLON HILLS SCHOOL	Conf Interval		
MIDLAND SCHOOL	Conf Interval		
MUNICIPAL SCHOOL	No		
NORTH OGDEN JR HIGH	Conf Interval		
NORTH OGDEN SCHOOL	Conf Interval		
NORTH PARK SCHOOL	No	Conf Interval	Alert
ORION JR HIGH	Conf Interval		
PIONEER SCHOOL	Conf Interval		
PLAIN CITY SCHOOL	Conf Interval		
RIVERDALE SCHOOL	No		
ROCKY MOUNTAIN JR HIGH	Conf Interval		
ROOSEVELT SCHOOL	Conf Interval	No	None
ROY HIGH	No		
ROY JR HIGH	No		
ROY SCHOOL	No	Conf Interval	Alert
SAND RIDGE JR HIGH	No		
SNOWCREST JR HIGH	Conf Interval		
SOUTH OGDEN JR HIGH	No		
SUMMIT VIEW	Yes		
T H BELL JR HIGH	No		
TWO RIVERS HIGH	Yes		
UINTAH SCHOOL	No		
VALLEY SCHOOL	Conf Interval		
VALLEY VIEW SCHOOL	No	Conf Interval	Alert
WAHLQUIST JR HIGH	Conf Interval		

WASHINGTON TERRACE SCHOOL	No	Conf Interval	Alert
WEBER BASIN JOB CORPS	Yes		
WEBER HIGH	No		
WEST HAVEN SCHOOL	No		
WEST WEBER SCHOOL	No		

Charter Schools AYP Determinations - 2013

District AYP

		Title I
# Schools AYP Yes	16	14
# Schools AYP No	30	25
# Schools AYP Yes (Conf Interval)	35	23

	2013 School AYP	2012 AYP	Title I School Improvement Status 2013-14	LEA AYP
ACADEMY FOR MATH ENGINEERING & SCIENC	Conf Interval	Yes	None	Yes
ALIANZA ACADEMY	Yes	Yes	None	Yes
AMERICAN LEADERSHIP ACADEMY	No	No	Title I School Improvement Year	No
AMERICAN PREPARATORY ACADEMY	Conf Interval	No		No
AMERICAN PREPARATORY ACADEMY--ACCELEI	Conf Interval	Conf Interval	None	
AMERICAN PREPARATORY ACADEMY--THE SCH	Conf Interval	Conf Interval	None	
ARISTOTLE ACADEMY	Yes	Conf Interval	None	Yes
BEAR RIVER CHARTER SCHOOL	Conf Interval	No AYP	None	Yes
BEEHIVE SCIENCE & TECHNOLOGY ACADEMY (I	Yes	Yes		Yes
CHANNING HALL	Conf Interval	Conf Interval	None	Yes
CITY ACADEMY	No	Conf Interval	Alert	No
CS LEWIS ACADEMY	Conf Interval	No	None	Yes
DAVINCI ACADEMY	Conf Interval	Conf Interval	None	Yes
DUAL IMMERSION ACADEMY	No	No	Title I Corrective Action	Yes
EARLY LIGHT ACADEMY AT DAYBREAK	Conf Interval	Conf Interval	None	Yes
EAST HOLLYWOOD HIGH	No	Conf Interval	Alert	Yes
EDITH BOWEN LABORATORY SCHOOL	Yes	Conf Interval	None	Yes
ENDEAVOR HALL	Yes	Yes	None	Yes
ENTHEOS ACADEMY	No	No	Title I School Improvement Year	Yes
ENTHEOS ACADEMY MAGNA	Yes	No AYP	None	
EXCELSIOR ACADEMY	Conf Interval	Conf Interval	None	Yes
FAST FORWARD HIGH	No	Conf Interval	Alert	
FREEDOM ACADEMY	Yes	No	None	Yes
GATEWAY PREPARATORY ACADEMY	No	No	Title I School Improvement Year	Yes
GEORGE WASHINGTON ACADEMY	Conf Interval	Conf Interval		Yes
GOOD FOUNDATIONS ACADEMY	Conf Interval	Conf Interval		Yes
GUADALUPE SCHOOL	Yes	No	None	Yes
HAWTHORN ACADEMY	No	Conf Interval	Alert	Yes
HIGHMARK CHARTER SCHOOL	Conf Interval	No AYP	None	Yes
INTECH COLLEGIATE HIGH SCHOOL	Conf Interval	Yes	None	Yes
ITINERIS EARLY COLLEGE HIGH	Yes	Yes	None	Yes
JEFFERSON ACADEMY	No	Conf Interval	Alert	Yes
JOHN HANCOCK CHARTER SCHOOL	Conf Interval	Conf Interval		Yes
KARL G MAESER PREPARATORY ACADEMY	Conf Interval	Yes		Yes
LAKEVIEW ACADEMY	Conf Interval	Conf Interval	None	Yes
LEGACY PREPARATORY ACADEMY	Conf Interval	Conf Interval	None	Yes
LIBERTY ACADEMY	Yes	Conf Interval	None	Yes
LINCOLN ACADEMY	Conf Interval	Conf Interval	None	Yes

MARIA MONTESSORI ACADEMY	Yes	Conf Interval	None	Yes
MERIT COLLEGE PREPARATORY ACADEMY	No	Conf Interval	Alert	No
MOAB CHARTER SCHOOL	Conf Interval	Conf Interval	None	Yes
MONTICELLO ACADEMY	Conf Interval	No		Yes
MOUNTAIN HEIGHTS ACADEMY	No	Yes		Yes
MOUNTAINVILLE ACADEMY	No	No	Title I School Improvement Year	Yes
NAVIGATOR POINTE ACADEMY	No	Conf Interval		Yes
NO UT ACAD FOR MATH ENGINEERING & SCIEI	Conf Interval	Yes	None	Yes
NOAH WEBSTER ACADEMY	No	Conf Interval	Alert	Yes
NORTH DAVIS PREPARATORY ACADEMY	Conf Interval	Conf Interval	None	Yes
ODYSSEY CHARTER SCHOOL	No	Conf Interval		Yes
PACIFIC HERITAGE ACADEMY	Yes	No AYP	None	Yes
PARADIGM HIGH SCHOOL	No	No	Title I School Improvement Year	Yes
PINNACLE CANYON ACADEMY	No	Conf Interval	Alert	No
PIONEER HIGH SCHOOL FOR THE PERFORMING	Yes	No AYP		Yes
PROMONTORY SCHOOL OF EXPEDITIONARY LE	Yes	No AYP	None	Yes
PROVIDENCE HALL	No	No	Title I School Improvement Year	Yes
QUEST ACADEMY	No	No	Title I School Improvement Year	Yes
RANCHES ACADEMY	Conf Interval	Conf Interval		Yes
REAGAN ACADEMY	No	Conf Interval	Alert	Yes
RENAISSANCE ACADEMY	Conf Interval	Conf Interval		Yes
ROCKWELL CHARTER HIGH SCHOOL	No	Conf Interval	Alert	No
SALT LAKE ARTS ACADEMY	No	Conf Interval	Alert	Yes
SALT LAKE CENTER FOR SCIENCE EDUCATION	Conf Interval	Conf Interval	None	Yes
SOLDIER HOLLOW CHARTER SCHOOL	No	Yes	Alert	Yes
SPECTRUM ACADEMY	Yes	No	None	No
SUCCESS ACADEMY	Yes	Yes	None	Yes
SUMMIT ACADEMY	Conf Interval	Conf Interval	None	Yes
SUMMIT ACADEMY HIGH SCHOOL	No	Conf Interval	Alert	Yes
SYRACUSE ARTS ACADEMY	Conf Interval	Conf Interval	None	Yes
THOMAS EDISON	No	Conf Interval		Yes
THOMAS EDISON - SOUTH	Conf Interval	Conf Interval		Yes
TIMPANOGOS ACADEMY	No	No		Yes
TUACAHN HIGH SCHOOL FOR THE PERFORMIN	Conf Interval	Conf Interval		Yes
UINTAH RIVER HIGH	No	No	Title I School Improvement Year	Yes
UTAH CONNECTIONS ACADEMY	No	Yes	Alert	No
UTAH COUNTY ACADEMY OF SCIENCE (UCAS)	Conf Interval	Yes		Yes
UTAH VIRTUAL ACADEMY	No	No	Title I School Improvement Year	No
VALLEY ACADEMY	Conf Interval	No AYP	None	Yes
VENTURE ACADEMY	Conf Interval	Yes	None	Yes
VISTA AT ENTRADA SCHOOL OF PERFORMING	No	Conf Interval	Alert	Yes
WALDEN SCHOOL OF LIBERAL ARTS	Conf Interval	Yes	None	Yes
WEILENMANN SCHOOL OF DISCOVERY	Conf Interval	No	None	Yes