

**From:** Ginger Difalco  
**Sent time:** Thursday, June 09, 2011 3:10:29 PM  
**To:** Janet Barresi  
**Subject:** Fwd: CHIEFS FOR CHANGE FRIDAY CALL TIME CHANGED TO 11:30AM EST  
**Attachments:** 6-10-11 C4C Call Agenda.doc C4C Waiver Memo final.docx Chiefs for Change - Op Ed for CCSS.doc

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Dr. Barresi: The Chiefs call scheduled for tomorrow at 10 a.m. (Oklahoma Time) has been changed to 10:30 a.m. The Conference Call agenda is attached. Ginger

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

**From:** Patricia Levesque ([patricia@excelined.org](mailto:patricia@excelined.org)) <[patricia@excelined.org](mailto:patricia@excelined.org)>  
**Date:** Thu, Jun 9, 2011 at 1:41 PM  
**Subject:** CHIEFS FOR CHANGE FRIDAY CALL TIME CHANGED TO 11:30AM EST  
**To:** "Barresi, Janet" <[janet.barresi@sde.ok.gov](mailto:janet.barresi@sde.ok.gov)>, "Barresi, Janet Asst Ginger Difalco" <[ginger.difalco@sde.ok.gov](mailto:ginger.difalco@sde.ok.gov)>, "Barresi, Janet Comm Dir Damon Gardenhire" <[damon.gardenhire@sde.ok.gov](mailto:damon.gardenhire@sde.ok.gov)>, "Barresi, Janet COS Jennifer Carter" <[jennifer.carter@sde.ok.gov](mailto:jennifer.carter@sde.ok.gov)>, "Bennett, Tony" <[tb@doe.in.gov](mailto:tb@doe.in.gov)>, "Bennett, Tony Asst Amy Miller" <[amiller@doe.in.gov](mailto:amiller@doe.in.gov)>, "Bennett, Tony Asst Debbie Downing" <[ddowning@doe.in.gov](mailto:ddowning@doe.in.gov)>, "Bennett, Tony COS Heather Neal" <[hneal@doe.in.gov](mailto:hneal@doe.in.gov)>, "Bowen, Stephen" <[stephen.bowen@maine.gov](mailto:stephen.bowen@maine.gov)>, "Bowen, Stephen" <[stephenbowen@myfairpoint.net](mailto:stephenbowen@myfairpoint.net)>, "Cerf, Chris" <[cdcerf@gmail.com](mailto:cdcerf@gmail.com)>, "Cerf, Chris Asst Helene Leona" <[helene.leona@doe.state.nj.us](mailto:helene.leona@doe.state.nj.us)>, "Cerf, Chris Special Asst Andrew Smarick" <[andrew.smarick@doe.state.nj.us](mailto:andrew.smarick@doe.state.nj.us)>, "Gist, Deborah" <[deborah.gist@ride.ri.gov](mailto:deborah.gist@ride.ri.gov)>, "Huffman, Kevin" <[Kevin.S.Huffman@tn.gov](mailto:Kevin.S.Huffman@tn.gov)>, "Pastorek, Paul" <[pastorekpg@gmail.com](mailto:pastorekpg@gmail.com)>, "Pastorek, Paul Asst Christina Rose" <[christina.rose@eads-na.com](mailto:christina.rose@eads-na.com)>, "Robinson, Gerard" <[gerard.robinson@governor.virginia.gov](mailto:gerard.robinson@governor.virginia.gov)>, "Robinson, Gerard Asst Emily Webb" <[emily.webb@governor.virginia.gov](mailto:emily.webb@governor.virginia.gov)>, "Skandera, Hanna" <[hanna.skandera@state.nm.us](mailto:hanna.skandera@state.nm.us)>, "Skandera, Hanna COS Cathie Carothers" <[cathie.carothers@state.nm.us](mailto:cathie.carothers@state.nm.us)>, "Smith, Eric" <[drericjsmith@gmail.com](mailto:drericjsmith@gmail.com)>  
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Chiefs,

We will be delaying the start time of this Friday's call until 11:30am EST, since we will not have a quorum until this time. Due to the short duration of the call, the agenda is limited to two items. Information on both items is attached, along with the agenda. Please let me know if you have any questions or comments.

Thanks,

Patricia

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Ginger DiFalco  
(405) 521-4885





Foundation for  
**Excellence**  
in Education

**Chiefs for Change Conference Call  
Friday, June 10, 2011  
11:30am EST  
Agenda**

**Call-In Info: Number: 850-391-0329/Passcode: 84940**

- I. Hunt Institute op-ed request regarding the Common Core for the Chiefs' consideration – Tony Bennett**
- II. ESEA Waiver Strategy briefing – John Bailey**

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# Chiefs FOR CHANGE

## MEMORANDUM

To: Chiefs  
From: Foundation Staff  
Date: May 1, 2011  
Re: ESEA Waivers

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### ESEA Waiver Authority

Section 9401 of the Elementary and Secondary Education Act (ESEA) authorizes the US Secretary of Education to waive ESEA requirements applicable to State educational agencies (SEAs) and local educational agencies (LEAs), Indian Tribes, or schools, subject to the limitations and criteria in the law. The Secretary's waiver authority applies generally to all statutory and regulatory requirements under ESEA, with certain restrictions. The authority applies generally to all statutory or regulatory requirements under ESEA, with certain restrictions. For example, the Secretary may not waive applicable civil rights requirements, prohibitions against using Federal funds to supplant non-Federal funds, or requirements relating to parental participation and involvement or the equitable participation of private school students and teachers.<sup>1</sup>

The Bush Administration issued relatively few waivers - Secretary Rod Paige (2002-2004) granted only 8 waivers and Secretary Margaret Spelling (2005-2008) granted a total of 105. Most of these waivers provided flexibility around challenges presented by Hurricanes Katrina and Rita as well as waiving the period of time funds needed to be obligated. Waiver authority was also used to establish a series of pilots that would allow districts to offer their own Supplemental Education Services (SES) programs in exchange for adopting SES best practices as well as the use growth models as part of state accountability systems.

### Secretary Duncan Waivers

In July 2009, Secretary Arne Duncan issued Non-Regulatory Guidance on Title I, Part A Waivers intended to provide comprehensive information on how states may request waivers. To date, he has granted 315 waivers:<sup>2</sup>

- 196 waivers were granted to allow LEAs to exempt their Title I allocations under ARRA when calculating their obligation to spend funds for SES and public school choice-related transportation;
- 28 waivers allowed SEAs to approve LEAs in need of improvement to become SES providers;
- 31 waivers allowed LEAs to provide SES services to eligible students attending schools in the first year of improvement; and
- 23 waivers of the 14-day notice requirement for public school choice.

Additional waivers addressed ESEA accountability requirements. Four waivers allowed Colorado, Minnesota, Pennsylvania and Texas to implement accountability systems based on growth models. Three waivers allowed Arkansas, Louisiana and New York to implement differentiated accountability. Maryland received a waiver to use the Advanced Placement (AP) or International Baccalaureate (IB) biology assessments in lieu of the State's high school science end-of-course assessment. The Department noted that the AP and IB assessments were high quality and tied to specific college-level course content.

### McPherson, Kansas, Unified School District Waiver

On April 5, 2011, the US Department of Education granted a one-year waiver to the McPherson, Kansas Unified School District to allow the district to administer the ACT assessment in lieu of the State's assessment and to use the results in accountability determinations.<sup>3</sup>

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<sup>1</sup> ESEA, Part D, Waivers, Section 9401: Waivers of Statutory and Regulatory Requirements: <http://www2.ed.gov/policy/elsec/leg/esea02/pg110.html>

<sup>2</sup> US Department of Education's Report to Congress on Waivers Granted under Section 9401 of the Elementary and Secondary Education Act during Calendar Year 2009, December 2010.

<sup>3</sup> US Department of Education letter to Commissioner Diane DeBacker, Kansas Department of Education, dated April 5, 2011.

C4C Waiver Memo final.docx

In granting the Kansas waiver, the Department noted that Kansas has adopted the Common Core Standards and is a governing State in the SMARTER Balanced Assessment Consortium that received a Race to the Top Assessment grant to develop assessments aligned with the Common Core standards.

The Department also determined that the ACT assessment was more rigorous than the State's own assessment and aligned with college and career-ready standards. Interestingly, the Department did not waive the annual measurable objectives used in AYP determinations nor the 100% proficiency by 2014 requirement. However, critics argued that the ACT was not aligned to the state's standards much less Common Core and thus was inappropriate to be used for assessing student performance.

In February, the Kansas State Board of Education sent a letter to Secretary Duncan asking that Kansas be allowed to hold its targets for performance on reading and math assessments to 2009-10 levels while it worked to transition to new Common Core Standards in mathematics and English/language arts and implement new assessments aligned with those standards. If granted, the waiver would have meant Kansas schools would not have had to demonstrate that 100 percent of Kansas students were proficient on reading and math assessments by 2014. On Kansas announced that the Secretary had denied the waiver request.

### **Guiding Principles for C4C Waiver Requests**

If ESEA is not reauthorized this year, many believe that the Secretary will use his waiver authority to advance specific reforms and provide additional flexibility to states and districts. Many states have already asked for waivers to freeze their student performance targets at the 2009-2010 levels, citing adoption of the common core standards and assessments as the reason for their request.<sup>4</sup> In addition, education groups such as the NEA have asked the Secretary to use the waiver authority to provide additional flexibility to districts that are struggling to meet the law's requirements given the weak economic recovery.

As pressure mounts for the Secretary to issue waivers, the Chiefs may wish to consider individual state waivers and/or a multi-state waiver approach built upon the following principles:

#### **Academic Standards**

1. State should adopt high standards that are challenging, rigorous, and college and career-ready, such as the Common Core standards. (Most C4C states)
2. If State has not adopted common core standards, State should benchmark state standards to the NAEP. (Virginia)

#### **Accountability**

1. State should hold all students and schools to the same high standards. (Current ESEA requirement, with certain exceptions (e.g., 2% SWD))
2. State should be required administer annual assessments aligned to either their standards or the Common Core (Current ESEA requirement)
3. State should measure student gains and proficiency. (Waiver needed: State will use growth and proficiency measures to evaluate schools)
4. State should have clear and differentiated rankings for schools. (Waiver needed: State substitute own ranking system, like A-F grading, for AYP determination.)
5. State should be able to differentiate consequences based on school rankings, such as more rigorous interventions for D and F schools. (Waiver needed: State needs to substitute interventions from current prescribed corrective school actions)
6. State should disaggregate student achievement data. (Current ESEA requirement)

#### **Teachers and Leaders**

1. State should evaluate teachers and leaders based on student achievement results, and have policies that recruit, reward and retain highly effective teachers and leaders. (Waiver needed: State substitutes "highly effective teacher" policies and designations in lieu of ESEA's "highly qualified teacher" requirements.)
2. State should invest in professional development that is closely linked with teacher evaluations and student achievement data. (Waiver needed: State uses a rigorous teacher and leader evaluation and uses evaluation results to target professional development to strengthen educator needs/weaknesses.)

#### **School Recognition**

1. State should identify schools making academic progress, recognize and reward those teachers and leaders. Goals should be achievable, to encourage even greater student achievement. (Waiver: Flexibility with funding and policy to allow state to substitute its school ranking and rewards system.)
2. State should reward schools that meet academic goals with greater flexibility and autonomy (including flexibility with federal funds) to leverage resources toward policies that raise student achievement. (Waiver needed: State provides flexibility with Title I, Title II funding for schools that are higher achieving and have adopted more sophisticated school/principal/teacher evaluation and reward system)

#### **School Turnaround**

1. State should have reform policies that identify ineffective teachers and leaders and replace them with effective educators and leaders. (Waiver needed: State substitutes "highly effective teacher" policies and designations in lieu of ESEA's "highly qualified teacher" requirements potentially given in exchange for states that end last in, first out policies.)

<sup>4</sup> See Kansas Department of Education letter to US Secretary of Education Arne Duncan, April 27, 2011: [http://www.ksde.org/LinkClick.aspx?fileticket=Rug\\_F2FjODs%3d&tabid=4608](http://www.ksde.org/LinkClick.aspx?fileticket=Rug_F2FjODs%3d&tabid=4608)

2. State should ensure that school turnaround managers and school leaders are liberated from the rigid strictures of collective bargaining agreements, so they can implement innovative changes quickly. (Waiver needed: State requests more flexibility regarding ESEA school turnaround requirements to allow greater use of charter schools, CMOS and EMOs, state takeover of persistently failing schools or state authority to approve/deny district school turnaround plan, declare “emergency” and nullify existing collective bargaining agreements (like bankruptcy or waiving Davis Bacon provisions during emergencies).
3. State should guarantee a wide array of options for students in failing schools. (Waiver needed: Broader school choice options would be substituted for ESEA requirements for public school choice and SES tutoring, including online and blended learning models.)
4. State should fund accountability and not continue to subsidize failure. (Waiver needed: State requests funding flexibility to re-allocate or strengthen accountability of Title I funds)
5. State should close schools that fail to show demonstrable improvement. (Current law)

#### **Choice and Options**

1. State should provide greater academic opportunities and choices for all students. (Waiver needed: State requests flexibility to use funds to expand/support more choices, including charter schools, scholarships for low-income students, students with disabilities, students in military families, online and blended learning, etc)
2. State should expand digital learning opportunities and support innovations that customize student learning. (Waiver needed: State requests flexibility in Title I, Title I, and other programs to target statewide digital learning options, virtual schools, blended learning charters, and online professional development for teachers)
3. Students should be the top funding priority, not the system. (Waiver needed: State requests flexibility to create Title I “scholarships” for students in failing schools to attend the school of their choice, public or private, online or traditional.)

**Chiefs for Change**  
**DRAFT OP-ED**

**Word count: 668**

The best interests of our children, their ability to do college-level work after high school and be prepared for the rigors of the 21<sup>st</sup> century workforce must be job number one in education reform.

As state education leaders, we strongly believe that the creation of consistent education goals – or education standards – shared by states provides an unprecedented opportunity for our young people, their parents, and teachers to have a clear understanding about what students need to know in order to be successful after high school, whether they live in Indiana or New Mexico.

Our states have adopted the Common Core State Standards in English and mathematics. These new standards were created by state education leaders, school chiefs, and governors from 48 states. In doing so, states have tapped the expertise of a diverse group of professionals, including teachers, academics, and researchers. Although 44 states and the District of Columbia have adopted the standards—provisionally or whole-cloth—we each own them in ways unique to our states.

We are currently working to bring the best minds and resources together to help our teachers decide how to effectively deliver instruction, ensuring that students master the standards and receive an academically rigorous and globally competitive education.

In Indiana, ‘Essential Maps’ are being created for teachers that align the state’s current English and math curriculum to the new standards—connecting what they are used to teaching as they write lesson units and plans and allowing them to make adjustments while maintaining their flexibility and creativity in the classroom.

In Warwick, Rhode Island, teachers are rebuilding the math curriculum, and they have already determined the new “scope and sequence”—which topics should be studied when. Their next step is to begin writing lesson units and plans, and parts will be implemented in September.

In Hillsborough County, Florida, teachers are bringing the standards into the classroom as part of a pilot program that will also retrain teachers and utilize new assessments. Professional development around the standards is also underway in Utah, where this summer, the state will conduct nearly 40 workshops to prepare teachers to implement the new standards in the fall. And, workshops designed to share effective ideas and lessons learned from past trainings are already happening in Columbus, Ohio.

These examples illustrate that how our new standards will be a powerful tool that defines *what* students need to learn, but do not dictate how teachers should teach. We are all striving to achieve the same goals that the standards demand: excellent teaching, high-quality professional development, rigorous curricula, and authentic assessments.

Parents, policymakers, and advocates should be engaged in a frank and robust discussion about how their states and local educators intend to meet the expectations set by these standards. That discussion must be respectful of different points of view, but it must also be an informed one. Right now, we’re seeing too much misinformation and mischaracterization of the standards by those who, it appears, do not know much about them.

To be clear, these new standards are high, rigorous, and state-led. They do not represent a movement to create a national curriculum controlled by the federal government, and they are not being driven by special interests.

It’s time we all acknowledge this work is the critical next step in the state-led standards movement that began more than two decades ago. Today’s students must be competitive, both nationally and internationally. Too many are not, and our society is suffering as a result.

We, as state education leaders, will not allow this to continue. Our economy demands innovative thinking, a collaborative spirit, and higher expectations for our young people. These new standards, once met, hit the right marks. This is why we are firmly committed to their successful implementation.

These standards are a promise, not a silver bullet. This work is hard, but states have shown they can come together to create consistent, high standards *all* students can master for career and college success - regardless of who they are or where they live.