

From: [John Bailey <john.bailey@dutkograyling.com>](mailto:john.bailey@dutkograyling.com)
To: [Bennett, Tony <tb@doe.in.gov>](mailto:tb@doe.in.gov)
[Skandera, Hanna <hanna.skandera@state.nm.us>](mailto:hanna.skandera@state.nm.us)
[Smith, Eric <drericjsmith@gmail.com>](mailto:drericjsmith@gmail.com)
[Barresi, Janet <jcb@sde.ok.gov>](mailto:jcb@sde.ok.gov)
[Bowen, Stephen <stephen.bowen@maine.gov>](mailto:stephen.bowen@maine.gov)
[Pastorek, Paul <pastorekpg@gmail.com>](mailto:pastorekpg@gmail.com)
[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)
[Cerf, Chris <cdcerf@gmail.com>](mailto:cdcerf@gmail.com)
gtr924@aol.com
CC: [Christy Hovanetz <christyh@excelined.org>](mailto:christyh@excelined.org)
[Deirdre Finn <dfinn@excelined.org>](mailto:dfinn@excelined.org)
[Erin Price <Erin@excelined.org>](mailto:Erin@excelined.org)
[Jaryn Emhof <jaryn@excelined.org>](mailto:jaryn@excelined.org)
mandy@excelined.org
MaryLaura@excelined.org
Matthew@Excelined.org
[Patricia Levesque <patricia@excelined.org>](mailto:patricia@excelined.org)
Date: Mon, 1/9/2012 4:56:50 PM
Subject: Transparency Watch: How 'Public' is NCLB Waiver Judging?

Transparency Watch: How 'Public' is NCLB Waiver Judging?

by Michele McNeil

Within the last couple of weeks, the U.S. Department of Education has issued significant feedback as part of the [peer-review process](#) to the 11 states seeking waivers from the core components of the No Child Left Behind Act.

This feedback, in the form of a formal letter plus notes from the [outside judges](#) to each state, could in many cases force significant alterations in states' waiver proposals and shape how states plan to hold their schools accountable in an era of greater flexibility. The letters give feedback on all areas of states' proposals, including how they will implement common core standards and teacher-evaluation systems based in part on student growth. (**UPDATE 12:52 p.m.:** It seems not all states may have gotten their official letters yet).

The Education Department is refusing to make details of the letters available, at least for now. Officials have indicated they will make the letters public once some sort of decision has been reached on the waivers.

Spokesman Justin Hamilton said: "We're still working with states as they finalize their applications and plan to make our feedback public after states have had time to process and consider it."

This comes after U.S. Secretary of Education Arne Duncan [pledged](#) from the get-go that the peer review process would be a "public" one with a "lots of give and take". These letters seem to be a key part of this give-and-take process, and yet they remain closed to the public despite promises of transparency.

Minnesota Public Radio got hold of its state's [letter](#), and did [a story](#) seeking to illuminate what changes the state will have to make. For instance, the feds are concerned about Minnesota's reliance on "normative growth," rather than student growth needed to achieve proficiency; a possible lack of capacity to implement the sweeping plan; and a lack of incentives to improve achievement and narrow gaps among and between all groups of students.

Pretty major stuff.

Politics K-12 can offer many good arguments for why the Education Department should make all of these letters public now. First and foremost, Duncan pledged this would be a "public" *process*. That says to me that while judging is ongoing, the department would make its best effort to keep the public in the loop. At issue here are not recordings of conversations among senior staff, or peer reviewers, or raw notes or emails, but official feedback letters to states that will shape their accountability plans.

Second, the Education Department has signaled that it values public input in the waiver process by requiring states to [collaborate with stakeholders](#) in drafting the plan. Why, then, would the department devalue public input at a critical stage of the process—when states are reshaping, tweaking, or overhauling parts of their proposals? Certainly, states should and could make their own letters public. Minnesota obviously did, and more states should follow—if they haven't already. However, that doesn't absolve the Education Department of its duty as well.

Third, unlike Race to the Top, this is not a competition. The Education Department has said it wants all states eventually to clear a high bar and win flexibility under NCLB. If the department is going to make the letters public eventually, why not now?

What do you think?

- Michele McNeil