



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Mick Zais
State Superintendent of Education
South Carolina Department of Education
1429 Senate Street
Suite 1006
Columbia, South Carolina 29201

Dear Superintendent Zais:

Thank you for submitting South Carolina's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that South Carolina and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, South Carolina's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of South Carolina's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of South Carolina's request and areas that would benefit from further development. Department staff also have carefully reviewed South Carolina's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that South Carolina's request describes a particularly strong plan to transition to and implement college- and career-ready standards as well as a plan to implement teacher evaluation and support systems that incorporate multiple measures of teacher performance to provide more detailed feedback to teachers on how to improve. Peers also noted a strong focus on subgroup performance and achievement gaps in South Carolina's accountability system.

At the same time, based on the peer reviewers' comments and our review of the materials South Carolina has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- The lack of local educational agency (LEA) support for South Carolina's proposed accountability system, which raises concerns regarding whether South Carolina will be able to ensure effective implementation of the request;
- The lack of clarity regarding the rigor of the method used to measure growth in South Carolina's proposed accountability system; and
- Annual measurable objectives (AMOs) for elementary and middle schools that may not be sufficiently ambitious to provide incentives for significant improvement.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of South Carolina's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage South Carolina to consider all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Additionally, South Carolina has requested an additional waiver in its ESEA flexibility request that is not among the waivers that comprise ESEA flexibility that would allow it to allocate Section 1003(a) funds to schools that are not priority or focus schools (*page 89 of request*). Please note that, although that additional waiver request is not addressed in this letter, we will follow up with your staff in the coming days about the process for consideration of this request.

Although the Peer Panel Notes for South Carolina provide information specific to your request, South Carolina also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple State educational agencies' (SEA) requests. For this reason, Department staff will reach out to South Carolina to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with South Carolina to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with South Carolina as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Pat Johnson, at 202-260-7813.

Sincerely,



Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING SOUTH CAROLINA'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps South Carolina took to meaningfully engage teachers and their representatives or describe how South Carolina will meaningfully engage teachers and their representatives as it continues to develop and implement ESEA flexibility, including teacher and principal evaluation and support systems. *See Consultation Questions 1 and 2, Principle 1 Overview, and 3.A.i.*
- Address concern that the lack of LEA support for South Carolina's proposed accountability system could hinder successful implementation. *See Consultation Questions 1 and 2*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding South Carolina's school composite index:
 - Demonstrate that the method used to measure growth in South Carolina's proposed accountability system is rigorous and accurately reflects substantial progress toward proficiency. *See 2.A.i.a. and 2.A.i.b.*
 - Clarify whether participation is incorporated in the achievement measures of the school composite index in addition to its inclusion as a separate measure. *See 2.A.i.*
 - Address concern that the weighting of test participation in South Carolina's school composite index is too high and consider increasing the percentage weights for academic achievement and graduation rate. *See 2.A.i.a and 2.A.i.b.*
 - Provide information on the process for assigning students to the science and social studies assessments, including information on how that assignment is randomized. *See 2.A.ii.*
 - Address concerns that South Carolina's minimum n-size of 40 is too high and could mask the performance of small subgroups of students. *See 2.A.i.b.*
- Please address concerns regarding AMOs:
 - Strengthen the AMOs for elementary and middle school assessments and science and social studies end-of-course examinations and provide data to justify the targets. *See 2.A.i and 2.B.*
 - Clarify that South Carolina will continue to report by SEA, LEA, and school the percent of students who are proficient as well as the percent below and above proficiency for the "all students" group and for each ESEA subgroup. *See 2.B.*
- Please address concerns regarding reward schools:
 - Demonstrate that South Carolina has identified reward schools that meet the definitions of highest-performing and high-progress schools and clarify steps for identification of high-progress schools. Refer to the document titled *Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions and see 2.C.i.*
 - Explain how the schools that receive monetary rewards will be determined. *See 2.C.i.*
- Please address concerns regarding priority schools:
 - Demonstrate that South Carolina has identified the required number of priority schools that meet the definition in ESEA flexibility. Refer to the document titled *Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions.*
 - Provide additional detail on the "Challenge to Achieve" plan. *See 2.D.iii.*

- Provide additional information on the strategies for instructional improvement, including for English Learners and students with disabilities, in priority schools. *See 2.D.iii.b.*
- Address concern that LEAs may not have the capacity to implement interventions aligned with all the turnaround principles in all priority schools in the 2012–2013 school year. *See 2.D.iv.*
- Demonstrate that South Carolina’s proposed exit criteria for priority schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.v.*
- Consider decreasing the length of time before meaningful consequences occur for priority schools that do not make progress after full implementation of interventions from five years to three years. *See 2.D.iii.*
- Please address concerns regarding focus schools:
 - Provide an example that demonstrates the methodology for identifying focus schools. *See 2.E.i.*
 - Provide information on how focus schools will identify the causes of underperformance and use data, including a needs analysis, to target interventions. *See 2.E.iii.*
 - Provide additional detail on strategies focus schools and LEAs will use to improve the performance of English Learners. *See 2.E.iii.*
 - Describe the steps South Carolina will take to ensure meaningful consequences for focus schools that do not make progress after full implementation of interventions. *See 2.E.iv.*
- Please address concerns regarding South Carolina’s requirement for supplemental educational services (SES) in priority and focus schools:
 - Provide South Carolina’s rationale for continuing to require SES for LEAs with priority and focus schools and explain how that requirement is responsive to the needs of students in those schools. *See 2.G.*
 - Describe how South Carolina’s process for approving SES providers takes into account the performance of the providers, including both their quality and prices, and how the process ensures that parents have access to high-quality options, including for English Learners and students with disabilities. *See 2.G.*
 - Clarify that LEAs, non-profit entities, and private entities are eligible to be included on the State list of approved SES providers and that all providers are held to the same standards. *See 2.G.*
 - Describe how South Carolina will provide access to transparent information on the quality of approved SES providers to LEAs, parents, and community members. *See 2.G.*
- Please provide information on how South Carolina will support the instruction of English Learners in other Title I schools not identified as focus or priority schools. *See 2.F.i and 2.F.ii.*
- Please address concerns regarding SEA, IEA, and school capacity:
 - Provide information on South Carolina’s mechanisms to train, build the capacity of, and monitor the effectiveness of the Transformative Learning Communities. *See 2.D.iii.b.*
 - Describe how South Carolina will hold LEAs, not just schools, accountable for improving school and student performance. *See 2.G.*
 - Provide additional information on South Carolina’s process for the rigorous review and approval of external providers, including mechanisms to evaluate the success of external partners. *See 2.F.i and 2.G.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please describe how South Carolina will ensure that LEAs create teacher and principal evaluation and support systems that include as a significant factor data on student growth for all students in determining performance levels, consistent with the definition for student growth in ESEA flexibility. *See 3.B.*