



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Lillian M. Lowery
Secretary of Education
Delaware Department of Education
John G. Townsend Building
401 Federal Street
Dover, Delaware 19901

Dear Secretary Lowery:

Thank you for submitting the Delaware Department of Education'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 Delaware and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Delaware'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 Delaware'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 Delaware's request and areas that would benefit from further development. Department staff also have carefully reviewed Delaware's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Delaware's request was particularly strong in the areas of involving key stakeholders in the development of the request; developing appropriate annual measurable objectives by subgroup, including the targets for student growth by subgroup; and adopting guidelines for a teacher evaluation system.

At the same time, based on the peer reviewers' comments and our review of the materials Delaware 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 proposed use of combined subgroups to determine whether schools exit focus status and to categorize local educational agencies (LEAs) for levels of support; and
- An insufficient level of detail about the guidelines for the principal evaluation system.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Delaware's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Delaware to consider the 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.

Although the Peer Panel Notes for Delaware provide information specific to your request, Delaware 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 Delaware 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 Delaware to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Delaware 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. 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 Victoria Hammer, at 202-260-1438.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING DELAWARE'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps that the Delaware Department of Education (DDOE) took to meaningfully engage and solicit input from teachers, especially teachers of English Learners and students with disabilities, or describe how DDOE will meaningfully engage stakeholders as it continues to develop its request and implement flexibility. *See Consultation Question 1.*

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

- Please provide additional information on the following activities related to the transition to college- and career-ready standards:
 - Providing professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards. *See 1.B.*
 - Expanding access to college-level courses or their prerequisites, dual enrollment courses, or accelerated learning opportunities. *See 1.B.*
 - Working with the State's institutions of higher education (IHE) and other teacher and principal preparation programs to better prepare teachers and principals. *See 1.B.*
- Please clarify that the Title III accountability changes referred to in the request are not inconsistent with Title III statute or regulations. *See 1.B.*

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

- Please address concerns regarding the DDOE's new differentiated recognition, accountability, and support system:
 - Consider lowering Delaware's current n-size of 40 to ensure the goal of including more subgroups that would otherwise be excluded. *See 2.A.i.b.*
- Please address concerns regarding DDOE's reward schools:
 - Demonstrate that a reasonable number of schools that the DDOE has identified as reward schools using its proposed method meet the definition of reward schools in ESEA Flexibility. *See 2.C.i* and refer to the document titled *Demonstrating that an SEA's list of Reward, Priority, and Focus Schools Meet ESEA Flexibility Definitions.*
- Please address concerns regarding the DDOE's priority schools:
 - Clarify that priority schools will implement a model for three years regardless of whether they exit priority school status. *See 2.D.iii.c.*
 - Clearly explain the two ways that a school can exit priority status:
 - Please clarify what constitutes a "major regression." *See 2.D. v.*
 - Clarify if DDOE will set and apply targets by subgroup for this purpose. *See 2.D.v.*
- Please address concerns regarding the DDOE's focus schools:
 - Clarify the funding that a focus school may apply for and the process the DDOE will use to allocate such funds. *See 2.E.iii.*

- Address concern regarding flexibility for LEAs with focus schools to select and implement interventions other than those identified in the DDOE menu. *See 2.E.iii.*
- Address concerns regarding focus school exit criteria, specifically the potential of a school to exit focus status without improvements in the performance of all subgroups for which the schools was identified as a focus school. *See 2.E.iv.*
 - Clarify that DDOE will set and apply targets by subgroup for the purpose of determining a school’s progress over time and assigning that school a score. *See 2.E.iv.*
 - Clarify how taking into account if a school misses 50 percent or more of its targets or misses adequate yearly progress (AYP) for the English learners or students with disabilities subgroups will ensure that the subgroup(s) for which a school was identified as a focus school meet their performance targets for two consecutive years. *See 2.E.iv.*
- Describe the steps DDOE 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 the DDOE’s other Title I schools:
 - Address concern that, because the performance of a combined subgroup will be the basis of categorizing LEAs for levels of support, schools will not address the needs of individual subgroups nor be held accountable for improving their performance. *See 2.F.i.*
 - Address concern regarding lack of incentives for other Title I schools. *See 2.F.ii.*
 - Address concern regarding lack of graduation rate in categorizing LEAs for levels of support. *See 2.F.ii.*
 - Address concern regarding safeguards against tracking of subgroups to different post-secondary trajectories (college preparation versus career and technical education). *See 2.F.ii.*
- Please address concerns regarding SEA, LEA, and school capacity:
 - Address concern regarding how DDOE plans to hold LEAs accountable for improving teaching and learning, particularly in priority and focus schools. *See 2.E.iii and 2.G.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding DDOE’s plans for developing and adopting guidelines for local teacher and principal evaluation and support systems:
 - Provide more information on the DPAS II for principals, including its alignment with the DPAS II for teachers. *See 3.A.i Option B and 2.A.ii.a.*
 - Provide more information on how evaluation results will be used to provide feedback and help identify areas for professional development. *See 3.A.ii.a and 3.A.ii(e).*
 - Describe the method for obtaining and attributing student growth in differentiating performance using at least three levels. *See 3.A.ii.b.*
 - Clarify that English Learners and students with disabilities are included in the growth component of the teacher and leader evaluation systems. *See 3.A.ii.b and 3.A.ii.c(ii)*
 - Provide more information on how growth will be a significant factor in teacher and leader support and evaluation systems for untested grades and subjects prior to when DDOE has developed new assessments for this purpose. *See 3.A.ii.c(iii).*
- Please address concerns regarding the DDOE’s ensuring that LEAs implement teacher and principal evaluation systems:
 - Please explain how DDOE plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to implement the evaluation and support plans outlined in the request. *See 3.B.*

- Provide more information on how DDOE will monitor and evaluate the effectiveness of the DPAS II for teachers and principals and work to improve it over time. *See 3.A.i Option B and 3.B.*