



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Mitchell D. Chester, Ed.D.
Commissioner of Elementary and Secondary Education
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, Massachusetts 02148

Dear Commissioner Chester:

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

As you know, Massachusetts's request was reviewed by a panel of seven peer reviewers during the week of December 5-9, 2011. During the review, the expert peers considered each component of Massachusetts's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve Massachusetts's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Massachusetts's request and areas that would benefit from further development. Department staff also reviewed Massachusetts's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Massachusetts's request was particularly strong in Principles 1 and 3. Massachusetts has a strong plan to transition to college- and career-ready standards and has gone above and beyond by adopting aligned pre-kindergarten standards, reviewing and aligning professional standards for teacher licensure, and collaborating with other States to develop model curriculum units. Massachusetts should also be commended for its hard work on teacher and leader evaluation and support systems. While there is still work to be done, the State has already adopted guidelines, approved State regulations, and developed a strong plan for rolling out and monitoring effective implementation of the evaluation system. Finally, Massachusetts took some bold steps in Principle 2 – such as setting ambitious goals for students, classifying LEAs at the level of their lowest performing school, and providing comprehensive diagnostic tools.

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

- The lack of safeguards in Massachusetts's differentiated recognition, accountability, and support system to ensure that there is appropriate attention and action in schools when an individual subgroup is struggling over a number of years; and
- Insufficient incentives to improve achievement for all groups of students and narrow achievement gaps between subgroups in Title I schools not identified as priority or focus schools.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of Massachusetts's request. We encourage Massachusetts to consider the peers' comments and technical assistance suggestions in making revisions to its request.

Please keep in mind that while the peers identified weaknesses in all of the requests submitted by States during this first round of review, this result should be viewed in the context of the difficult, trailblazing work that Massachusetts and others are doing in the context of ESEA flexibility. 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 and provide Massachusetts with the requested flexibility.

At the same time, it is our responsibility to ensure that as we permit States to depart from the requirements of current law, they do so in a manner that continues to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English Learners, and students with disabilities.

While the Peer Panel Notes for Massachusetts provide information specific to your request, your State also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple States' requests. For this reason, we will soon send you a document that summarizes some of these technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Massachusetts to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Massachusetts as quickly as possible and 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. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Nola Cromer, at 202-205-4152.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING MASSACHUSETTS'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps Massachusetts took to meaningfully engage diverse stakeholders and communities, especially racial and ethnic minorities, and organizations representing students with disabilities, English Learners, and other underserved groups, or describe how Massachusetts will meaningfully engage diverse stakeholders and communities as it continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

Principle 2: state-developed differentiated recognition, accountability, and support

- Please address concern that schools, educators, and parents may have difficulty understanding the complex accountability system, including actions Massachusetts might take to help educators understand what steps are necessary to move between categories of schools. *See 2.A.i.*
- Please address concerns identified by peers regarding subgroup accountability, including:
 - Without sufficient safeguards to ensure attention and action when an individual subgroup is struggling over a number of years, the use of the “high needs” combined subgroup could lead to individual subgroups not meeting their goals even when the “high needs” combined subgroup is moving forward, and therefore undermine the goal of improved achievement for all students. *See 2.A.i, 2.A.i.b.*
 - Massachusetts’s current n-size for subgroups is too high and should be reduced. *See 2.A.i.* (Please note: The Department will be asking all States to reconsider their n-sizes in the context of new accountability systems approved under ESEA flexibility when they submit accountability workbook amendments.)
 - Schools with high English Learner populations may not be receiving appropriate, targeted interventions. *See 2.G.i.*
- Please address concerns regarding reward, priority, and focus schools, including:
 - By providing a demonstration that the schools Massachusetts provided on its list of reward schools align with the definition of these schools provided in the document titled *ESEA Flexibility*, including that a school may not be classified as a reward school if there are significant achievement gaps across subgroups that are not closing in the school. *See 2.C.i.*
 - By providing a demonstration that the schools Massachusetts provided on its list of priority schools align with the definition of these schools provided in the document titled *ESEA Flexibility*. *See 2.D.i.*
 - By responding to concern that exit criteria for focus schools do not require meeting targets for the group or groups whose performance lead to the school being identified as a focus school. *See 2.E.iv.*
- Please address concern that without differentiating schools within Level 2, there are insufficient incentives to improve achievement for all groups of students. In particular, please address the concern that annual measureable objectives (AMOs) are not used along with other measures to provide incentives and supports to other Title I schools that are not making progress in improving student achievement and narrowing achievement gaps. *See 2.F.*
- Please clarify Massachusetts’s monitoring structure for ensuring successful implementation of interventions in Level 3-5 schools and LEAs. *See 2.G.i.*

Principle 3: Supporting effective instruction and leadership

- Please address concerns regarding English Learners and students with disabilities, including:
 - By clarifying how educators will be held accountable for improving the achievement of English Learners and students with disabilities, including how full-time classroom teachers who provide instructional services to English Learners and students with disabilities and teachers of students taking the alternate assessment will be included in the evaluation and support system. *See 3.A.i, 3.A.ii.c, 3.B.*
 - By clarifying how growth will be measured for students with severe cognitive disabilities. *See 3.A.ii.b, 3.B.*
 - Standards of practice are vague, particularly regarding the specific needs of English Learners and students with disabilities. *See 3.A.ii.b.*
- Please provide a plan to ensure high-quality and consistent implementation of Massachusetts's teacher and principal evaluation and support systems, including plans to monitor for fidelity and rigor of implementation and plans to train evaluators and ensure inter-rater reliability. *See 3.A.i, 3.A.ii.c, 3B.*
- Please provide additional information on the evaluation and support system for principals. *See 3.A.ii.b.*
- Please clarify how Massachusetts will ensure that feedback from the evaluation and support system will guide professional development supports for teachers and principals. *See 3.A.ii.e.*
- Please provide additional information on how Massachusetts plans to work through the collective bargaining process to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*

ADDITIONAL CONCERNS

- Please note that Massachusetts is prohibited from making Title I and Title II-A funds contingent on an LEA match as currently described in its request. *See page 75 of Massachusetts's request.*