



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Dr. Chris L. Nicastro  
Commissioner of Education  
Missouri Department of Elementary and Secondary Education  
P.O. Box 480  
Jefferson City, Missouri 65102

Dear Commissioner Nicastro:

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

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

The peers noted, and we agree, that Missouri's request was strong in parts of Principles 1 and 3. In particular, the peers noted that Missouri provided a realistic and high-quality plan under Principle 1 to transition to and implement college- and career-ready standards in English/language arts and mathematics no later than the 2013-2014 school year. The peers also expressed confidence that Missouri's plan for teacher and principal evaluation and support under Principle 3 will ensure that each local educational agency (LEA) develops, adopts, pilots, and implements high quality evaluation and support systems.

At the same time, based on the peer reviewers' comments and our review of the materials Missouri has provided to date, we have identified certain components of your request that need further

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clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

- The lack of detail regarding Missouri's complete system for holding all Title I schools accountable for improving the achievement of all children;
- The lack of ambitious but achievable annual measurable objectives (AMO) for all students and all subgroups based solely on proficiency;
- The lack of adequate protections for subgroup accountability, including the use of a combined subgroup (the "Student Gap Group") that could mask achievement gaps for individual student subgroups;
- The lack of evidence that Missouri will implement rigorous interventions in priority and focus schools targeted to the needs of students in those schools, including low-achieving students, English learners, and students with disabilities; and
- Missouri's lack of incentives and supports for other Title I schools that are not priority or focus schools.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Missouri's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Missouri 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, Missouri has requested the following additional waivers in its ESEA flexibility request that are not among the waivers that comprise ESEA flexibility:

- An additional waiver to permit LEAs and schools, beginning with the 2011-2012 school year, to substitute a middle school student's proficient score on the Algebra I end-of-course assessment in place of his or her grade-level assessment score for accountability determinations; and
- An additional waiver to permit Missouri to include in its cohort graduation rate identified special-needs students who complete high school with a state-approved exit document by age 21, not to exceed 2 percent of the graduating cohort.

Please note that, although these additional waiver requests are not addressed in this letter, we will follow up with your staff in the coming days about the process for consideration of these requests.

Although the Peer Panel Notes for Missouri provide information specific to your request, you and your staff 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 Missouri 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 you and your State to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Missouri 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. However, given the number and level of concerns raised

by the peer reviewers, Missouri may wish to take additional time to revise its request and submit revisions later than this date. 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.

Once again, we appreciate the hard work of you and your team thus far, and we are confident that we will be able to work together to address outstanding concerns regarding Missouri's request for ESEA flexibility. If you have any additional questions or want to request technical assistance, please do not hesitate to contact David Harmon, at 202-205-3554.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Yudin', with a long, sweeping horizontal line extending to the right.

Michael Yudin  
Acting Assistant Secretary

Enclosure

## SUMMARY OF ADDITIONAL INFORMATION REGARDING MISSOURI'S ESEA FLEXIBILITY REQUEST

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### CONSULTATION

- Please provide copies of the comments received from LEAs. *See Assurance 11.*
- Please provide more specific information on the steps Missouri took to meaningfully engage teachers and diverse stakeholders, including representatives of English Learners, or describe how Missouri will meaningfully engage teachers and other diverse communities as it continues to develop and implement ESEA flexibility. *See Consultation Questions 1 and 2.*

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

- Please provide additional details on how Missouri will address the needs of English Learners and students with disabilities in transitioning to and implementing college- and career-ready standards, including the preparation of core content teachers to ensure full access to the Common Core State Standards (CCSS) for these students. *See 1.B Part B and Principle 1 Overall Review.*

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

- Please address concerns regarding Missouri's proposed accountability system:
  - Provide a full description of Missouri's complete system for holding all Title I schools accountable, including elements required for Federal accountability and elements used for State accountability determinations. *See 2.A and Principle 2 Overall Review.*
  - Provide additional details regarding Missouri's proposed use of its Core Score, including specific examples of how the Core Score would be determined for an elementary school and a high school, the distribution of Core Scores for schools in Missouri, and the cut-points used to determine school performance levels. *See 2.A.i, 2.A.i.a, and Principle 2 Overall Review.*
  - Address the concern that Missouri's proposed Core Score rating system could mask low performance of subgroups and by a school in one subject. *See 2.A.i and 2.A.i.a.*
  - Address the concern regarding a potential lack of accountability for individual ESEA subgroups, particularly the use of a Student Gap Group that could mask the performance of ESEA subgroups, by providing additional safeguards for ESEA subgroups. *See 2.A.i and 2.A.i.b.*
  - Address the concern that Missouri's MAP Performance Index (MPI), which gives greater weight to the scores of higher-performing students than to those of lower-performing students, may not contribute to closing achievement gaps and ensuring that all students are college- and career-ready. *See 2.A.i.a.*
  - Explain how the proposed Core Score rating system will create incentives for, and provide data to support, LEA and school efforts to improve the achievement of low-performing subgroups. *See 2.A.i.b.*
- Please provide AMOs for the State, LEAs, and schools that are ambitious but achievable, based solely on proficiency, set separately for reading/language arts and mathematics, applied to each

ESEA subgroup, and require subgroups that are further behind to make greater rates of progress. *See 2.B.*

- Please identify concerns regarding reward, priority, and focus schools:
  - Clarify Missouri’s proposed methodologies for identifying reward, priority, and focus schools, including the role of the Core Score in identifying these schools, and demonstrate that Missouri has identified the required number of reward, priority, and focus schools that meet the respective definitions of those schools in ESEA flexibility. Refer to the document titled *Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions*.
  - Please describe the tangible rewards that Missouri will provide to reward schools, such as bonuses, grants, or increased autonomy. *See 2.C.iii.*
  - Provide additional details covering specific activities, timelines, monitoring, and support that ensure Missouri will implement interventions in its priority schools that are fully aligned with all of the turnaround principles of ESEA flexibility. *See 2.D.iii.a and 2.D.iii.b.*
  - Describe, as part of Missouri’s interventions for priority schools, specific interventions designed to address the needs of English Learners and students with disabilities and to improve graduation rates. *See 2.D.iii.a and 2.D.iii.b.*
  - Provide additional details regarding Missouri’s proposed interventions in focus schools, including a description of specific strategies for improving the achievement of all students and narrowing achievement gaps, particularly for English Learners and students with disabilities, and for raising graduation rates. *See 2.E.iii.*
  - Clarify, under Missouri’s proposed exit criteria for priority and focus schools, how the State will calculate a 25-percent decrease in non-proficient students. *See 2.E.iv.*
  - Provide data supporting the rigor of the proposed graduation rate exit criteria for focus schools. *See 2.E.iv.*
  - Describe the steps Missouri will take to ensure meaningful consequences for any priority or focus schools that do not make progress after full implementation of selected interventions. *See 2.E.iv.*
- Please describe in further detail Missouri’s plan for providing incentives and supports, including supports for English learners and students with disabilities, in other (i.e., non-priority, non-focus) Title I schools that, based on the State’s proposed AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps. *See 2.F.i and 2.F.ii.*
- Please address concerns regarding SEA, LEA, and school capacity:
  - Provide additional detail regarding Missouri’s plan for building SEA, LEA, and school capacity to improve instruction for all students, especially by supporting the full and effective implementation of interventions in the State’s priority, focus, and other Title I schools identified through the SEA’s differentiated recognition, accountability, and support system. *See 2.G.*
  - Describe how Missouri will hold LEAs, not just schools, accountable for improving school and student performance. *See 2.G.ii.*
  - Describe whether the SEA will support interventions in priority, focus, or other Title I schools by leveraging funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in schools identified for improvement, corrective action, or restructuring. *See 2.G.*

### **PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP**

- Please explain how Missouri plans to include as a significant factor data on student growth for all students, consistent with the definition for student growth in ESEA flexibility, in its teacher and principal evaluation and support guidelines. *See 3.A.i, Option A*
- Please describe how Missouri 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, consistent with the definition for student growth in ESEA flexibility. *See 3.B.*
- Please clarify how the Student Growth Pilot Project will be used to inform the student performance measures component of the State's educator evaluation system. *See 3.A.ii.*
- Please provide additional detail on the process and timeline for LEAs that do not adopt Missouri's model evaluation system. *See 3.B.*
- Please provide additional details on how Missouri plans to hold all its LEAs, particularly those using their own evaluation and support systems and those without priority and focus schools, accountable for implementing educator evaluation and support systems that are consistent with the SEA's guidelines and evaluate all teachers, including teachers of special populations. *See 3.A and 3.B.*
- Please provide additional details about the piloting that will occur during the 2012-2013 school year and how the results of the pilot will be used to support effective implementation. *See 3.B.*
- Please clarify the State's expectations for charter schools and private schools with regards to the implementation of educator evaluation systems. *See 3.B.*
- Please explain how Missouri 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.*