



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Tom W. Kimbrell
Commissioner of Education
Arkansas Department of Education
4 Capitol Mall
Little Rock, Arkansas 72201

Dear Commissioner Kimbrell:

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

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

The peers noted, and we agree, that Arkansas's request included a particularly strong plan for transitioning to and implementing college- and career-ready standards, including significant supports for local educational agencies (LEAs) and impressive professional development activities. The peers recognized that Arkansas's plan to set targets for both proficiency and growth to standard for all students and all subgroups will help hold schools accountable for students above and below the proficiency bar. Arkansas also demonstrated meaningful involvement of teachers and principals in the development of guidelines for local teacher and principal evaluation.

At the same time, based on the peer reviewers' comments and our review of the materials Arkansas 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:

- Arkansas's use of a combined subgroup that may mask the performance of the ESEA subgroups;
- The lack of rigor and specificity of Arkansas's proposed interventions for priority and focus schools; and
- How Arkansas's accountability system will differentiate among other Title I schools and provide incentives and supports to these schools to improve the performance of all subgroups and close achievement gaps.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Arkansas's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Arkansas 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 Arkansas provide information specific to your request, Arkansas 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 Arkansas 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 Arkansas to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Arkansas 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 Grace A. Ross, at 202-260-0967.

Sincerely,



Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING ARKANSAS'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps Arkansas took to meaningfully engage diverse stakeholders and communities or describe how Arkansas will meaningfully engage diverse stakeholders and communities as it continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

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:
 - The support that Arkansas will provide to LEAs in realigning instructional materials with college- and career-ready standards. *See 1.B.*
 - How Arkansas will assist all teachers of English Learners and students with disabilities, including general education teachers, in transitioning to college- and career-ready standards, including professional development for these teachers. *See 1.B.*
 - The steps Arkansas will take to work with the State's teacher and principal preparation programs to better prepare incoming teachers and principals to provide instruction and leadership aligned to the new standards. *See 1.B.*
 - How Arkansas will increase the rigor of its current assessments to prepare students and teachers for the new assessments (*e.g.*, raising achievement standards, augmenting or revising current assessments, using the "advanced" performance level instead of "proficient"). *See 1.B.*

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

- Please address concerns regarding Arkansas's proposed accountability system:
 - Address the concern that schools can be identified as "achieving" if they have high proficiency, even if they have low growth, and vice versa. *See 2.A.i and 2.A.i.b.*
 - Address the concern that schools can be "achieving" in mathematics and therefore be classified "achieving" schools even if they do not meet annual measurable objectives (AMO) for proficiency or growth for literacy. *See 2.A.i and 2.A.i.b.*
 - Address the concern that Arkansas' minimum n-size of 40 (or 5 percent in schools with more than 800 students) is too high and could mask the performance of small subgroups of students. *See 2.A.i.a, 2.A.i.b.*
- Please address concerns regarding Arkansas's use of a combined subgroup:
 - Provide additional safeguards to ensure that the performance of ESEA subgroups is not masked, particularly given the high percentage of economically disadvantaged students in the combined subgroup. *See 2.A.i.a and 2.A.i.b.*
 - Provide an educationally sound explanation for constructing a combined subgroup that includes some, but not all, of the State's historically low-performing ESEA subgroups. *See 2.A.i.b.*

- Please address concerns regarding graduation rate:
 - Describe how Arkansas will ensure accountability for the graduation rates of ESEA subgroups. *See 2.A.i.a.*
- Please address concerns regarding Arkansas’s requirement for supplemental educational services (SES):
 - Provide Arkansas’s rationale for continuing to require SES and explain how that requirement is responsive to the needs of students. *See 2.G.*
 - Describe how Arkansas’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 Arkansas will provide access to transparent information on the quality of approved SES providers to LEAs, parents, and community members. *See 2.G.*
- Please address concerns regarding AMOs:
 - Clarify that Arkansas will report the performance of all ESEA subgroups against AMOs for the State and all LEAs, in addition to schools. *See 2.B.*
- Please address concerns regarding reward schools:
 - Provide additional information on how significant gaps or low graduation rates are calculated to exclude schools from the reward category. *See 2.C.i.*
 - Address the concern that extension of flexibility in planning requirements to all “achieving” schools (not just reward schools) may mean rewards are not meaningful, particularly given the likelihood of large numbers of schools in the “achieving” category. *See 2.C.iii.*
- Please address concerns regarding priority schools:
 - Provide additional information regarding specific interventions for priority schools that fully align with the turnaround principles, including:
 - Describe a mechanism for how leadership change will occur and how the new leader will have the operational flexibility to lead the turnaround effort. *See 2.D.iii.a and 2.D.iii.b.*
 - Describe a mechanism for how ineffective teachers will be removed from priority schools. *See 2.D.iii.a and 2.D.iii.b.*
 - Describe how the interventions will address the needs of low-achieving students, English Learners, and students with disabilities. *See 2.D.iii.a and 2.D.iii.b.*
 - Describe the steps Arkansas will take to ensure meaningful consequences for priority schools that do not make progress after full implementation of interventions. *See 2.D.iii.a and 2.D.iii.b.*
 - Clarify that priority schools must implement interventions aligned with the turnaround principles for at least three years, even if the school exits priority status. *See 2.D.v.*
- Please address concerns regarding focus schools:
 - Describe how Arkansas will ensure that schools with the greatest subgroup needs are identified as focus schools, given that Arkansas is only identifying focus schools based on the within-school gaps between the combined subgroup and other students and that the vast

majority of students in Arkansas's combined subgroup are in the economically disadvantaged subgroup. *See 2.E.i.b.*

- Provide specific examples of and justifications for interventions that focus schools will implement. *See 2.E.iii.*
- Describe the steps Arkansas will take to ensure meaningful consequences for focus schools that do not make progress after full implementation of interventions. *See 2.E.iii.*
- Please address the concerns regarding supports and incentives for other Title I schools:
 - Describe how Arkansas's accountability system will differentiate among schools in the "achieving" and "needs improvement" categories and provide support and incentives to these schools, particularly given the likelihood of large numbers of schools in the "achieving" category. *See 2.F.i.*
 - Describe how Arkansas's new AMOs, along with other measures, are used to identify other Title I schools that are not making progress in improving student achievement and closing achievement gaps, and to provide incentives and supports for those schools. *See 2.F.i.*
 - Describe how the steps Arkansas will take to assist LEAs and schools in improving the performance of English Learners and students with disabilities. *See 2.F.ii.*
 - Consider revising the school improvement planning process to ensure that it is meaningful for schools. *See 2.F.i and 2.F.ii.*
- Please address concerns regarding SEA, IEA, and school capacity:
 - Provide additional information on how Arkansas will build LEA capacity to improve student learning in all schools. *See 2.G.i.*
 - Describe how Arkansas will hold LEAs, not just schools, accountable for improving school and student performance, such as through a system of differentiation similar to that used for schools. *See 2.F.i, 2.F.ii, 2.G.iii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding the plan for developing and adopting guidelines for evaluation and support systems:
 - Provide a high-quality plan for developing and adopting guidelines by the end of the 2011–2012 school year that includes the following elements: key milestones and activities, detailed timeline, party or parties responsible, evidence, resources, and significant obstacles. *See 3.A.i.*
- Please address concerns regarding Arkansas's process for ensuring each LEA develops, adopts, pilots, and implements evaluation and support systems consistent with the guidelines:
 - Provide additional information about the "interim teacher appraisal process" and address the concern that summative evaluations every three years for non-intensive support status teachers may not be frequent enough to provide meaningful feedback. *See 3.B.*
 - Provide additional information on how Arkansas will include teachers of English Learners and students with disabilities in the development, adoption, piloting, and implementation of evaluation systems. *See 3.B.*
 - Explain how Arkansas 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.*

- Describe how Arkansas 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.*