



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable June St. Clair Atkinson
Superintendent of Public Instruction
North Carolina Department of Public Instruction
Education Building
301 North Wilmot Street
Raleigh, North Carolina 27601

Dear Superintendent Atkinson:

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

As you know, North 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 North 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 North Carolina's request and areas that would benefit from further development. Department staff also have carefully reviewed North 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 North Carolina's request was particularly strong with respect to North Carolina's extensive, multi-faceted approach to helping educators learn how to increase the post-secondary readiness of their students; the State's set of procedures for identifying schools in need of support, with a focus on individual subgroups; and the creation and initial implementation of an educator evaluation system with emphasis on teacher self-assessment and professional development.

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

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further clarification, additional development, or revision. In particular, we have significant concerns with respect to the following:

- The need for greater clarity regarding the relation between the accountability requirements of ESEA flexibility and the additional measures employed by North Carolina to identify school needs; and
- The exit criteria for priority schools and focus schools.

The enclosed list provides details regarding this concern as well as other key issues raised in the review of North Carolina's request that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage North 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.

Although the Peer Panel Notes for North Carolina provide information specific to your request, North 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 North 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 North Carolina to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with North 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 Sue Rigney, at 202-260-0931.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

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

CONSULTATION

- Please provide more specific information on the steps North Carolina took to meaningfully engage teachers and other stakeholders to obtain their feedback on all aspects of the request or describe how North Carolina will meaningfully engage teachers and other diverse stakeholders 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 information regarding North Carolina's plans to transition those students with disabilities currently taking the alternate assessment based on modified academic achievement standards to the general assessment in 2014-2015. *See 1.B.*
- Please clarify how North Carolina will ensure that English Learners, students with disabilities, and students enrolled in the Occupational Course of Study gain access to the Common Core State Standards (CCSS). *See 1.B.*

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

- Please provide additional information and clarity regarding North Carolina's school accountability system with respect to the following:
 - The distinction between the components of the accountability model used to identify schools and the additional information that North Carolina plans to include in public reporting—*e.g.*, the subgroups and assessments included under each part of the system. *See 2.A.i.a.*
 - How test participation will be included in the accountability system to maintain strong accountability for assessing all students. *See 2.A.i.*
- Please clarify North Carolina's process to identify reward schools with respect to:
 - The use of adequate yearly progress (AYP) for years following 2010-11; and
 - Ensuring that the process prevents the inclusion of a school that has significant achievement gaps across subgroups that are not closing. *See 2.C.i.*
- Please clarify the process the LEAs will employ to use data to drive meaningful interventions in priority schools and inform professional development linked to those interventions at the school level. *See 2.D.iii.a.*
- Please strengthen North Carolina's exit criteria for priority schools so that it is clear that a school that exits priority school status has made significant progress in improving student achievement. *See 2.D.v.*
- Please provide greater detail on the process North Carolina will use to ensure that the interventions its focus schools will implement are related to the needs of students that resulted in its being identified as a focus school, including students with disabilities and English Learners. *See 2.E.iii.*

- Please describe how North Carolina will monitor the effective implementation of interventions in priority and focus schools. *See 2.D.iii, 2.E.iii.*
- Please describe the steps North Carolina will take to ensure meaningful consequences for priority and focus schools that do not make progress after full implementation of interventions. *See 2.D.iii.b, 2.E.iv.*
- Please demonstrate that a school may not exit focus status without making significant progress in improving student achievement and narrowing achievement gaps for the subgroup(s) of students for which the school was identified. *See 2.E.iv.*
- Please describe how North Carolina will ensure that incentives and supports in other Title I schools are based on AMOs and other measures, and are likely to improve student achievement, close achievement gaps, and increase the quality of instruction for all students. *See 2.F.i, 2.F.ii.*
- Please describe how North Carolina will provide assistance to LEAs identified by the State as lacking capacity to support focus and priority schools. *See 2.G.*
- Please describe whether North Carolina will leverage funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in priority schools, focus schools, and other Title I schools identified under North Carolina's differentiated recognition, accountability, and support system. *See 2.G.ii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding indicators that will be used for evaluation of teachers and principals who teach non-tested grades and subjects. *See 3.A.ii.c(iii).*
- Please explain how North Carolina 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.*