



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Susan Castillo  
State Superintendent  
Oregon Department of Education  
225 Capitol Street NE  
Salem, Oregon 97310

Dear Superintendent Castillo:

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

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

The peers noted, and we agree, that Oregon's request was particularly strong in describing your State's work with the American Diploma Project and the Stewardship Team to create a foundation for the transition to college- and career-ready standards. Also notable are Oregon's activities for aligning to college- and career-ready standards from PK-20.

At the same time, based on the peer reviewers' comments and our review of the materials Oregon 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.*

- Incomplete information on Oregon's plan for transitioning from its current accountability system to its proposed system of differentiated recognition, accountability, and support;
- Lack of differentiation among interventions for priority and focus schools;
- Lack of annual measurable objectives (AMO) that meet the requirements of ESEA flexibility; and
- Insufficient detail regarding State oversight for full and effective local educational agency (LEA) implementation of the State's differentiated recognition, accountability, and support system.


The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Oregon's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Oregon 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 Oregon provide information specific to your request, Oregon 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 Oregon to provide relevant technical assistance suggestions and other considerations that may be useful as you revise your request.

We remain committed to working with Oregon to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Oregon 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. However, given the number and level of concerns raised by the peer reviewers, Oregon 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.

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 Millie Bentley-Memon, at 202-401-1427.

Sincerely,



Michael Yudin  
Acting Assistant Secretary

Enclosure



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

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### CONSULTATION

- Please provide more specific information on the steps Oregon took to meaningfully engage diverse stakeholders and communities, particularly evidence of significant outreach to civil rights organizations, representatives of English Learners (especially those who are non-Spanish speaking), representatives of students with disabilities, and representatives of migrant students, or describe how Oregon will meaningfully engage diverse stakeholders and communities, including the stakeholders noted above, 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:
  - Describe any instructional methodologies that will complement the accommodations for students with disabilities to ensure that they will have the opportunity to access college- and career-ready standards, or how the SEA will support its LEAs in developing these methodologies. *See 1.B*
  - Provide a plan to prepare all LEAs to support English Learners in the transition, given the rapid growth of English Learners throughout the State. *See 1.B*
  - Address the concerns regarding professional development and training, specifically the lack of an integrated professional development approach to ensure that all content teachers are well equipped to teach content and to use differentiated instructional strategies to ensure that English Learners and students with disabilities have equitable access to college- and career-ready standards. *See 1.B*
  - Address how Oregon intends to work with the State's Institutions of Higher Education and other teacher and principal preparation programs to prepare incoming teachers to teach all students—including English Learners, students with disabilities, and low achieving students—to the new college- and career-ready standards. *See 1.B.*
  - Please explain how Oregon will support all LEAs, particularly small, rural LEAs, in transitioning to college- and career-ready standards. *See 1.B, Part B and Principle 1 Overall.*

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

Oregon's request indicates that the State's differentiated recognition, accountability, and support system that will be implemented the 2013–2014 school year will include a yet-to-be developed "New Oregon Report Card" and performance targets set by its LEAs through "Achievement Compacts." For the 2012–2013 school year, Oregon has proposed an interim system. The concerns for each system are indicated below.

Note: If Oregon plans to implement the interim system described in its request, that system will need to meet the principles of ESEA flexibility. In that case, Oregon will not need to address the concerns related to the system based on assessments administered in the 2012–2013 school year prior to approval. However, Oregon will need to address these concerns and receive approval before it implements the new system.



**Interim Accountability System for Implementation in the 2012–2013 School Year (Based on 2011–2012 Assessments)**

- Please address concerns regarding Oregon’s use of the modified Current Oregon Report Card:
  - Describe each component in the modified Current Oregon Report Card, including a definition of each component, an explanation of the cut scores set for achievement and growth, and the weighting of all the components of the report card used to produce a school’s overall rating. *See 2.A.*
  - Please describe any pending changes to the proposed cut scores used to rate schools, such as changes in math and reading cut scores and “the year of high school accountability,” the rationale for these changes, and their impact on school rating categories. *See 2.A.*
- Please address concerns regarding AMOs:
  - Explain Oregon’s rationale for setting a graduation rate AMO for 2011-2012 that is 2 percent higher than the 2010-2011 graduation rate AMO. *See 2.A.*
  - Establish AMOs for the State, LEAs, and schools that are comparable, ambitious but achievable, set separately for reading/language arts and mathematics, applied to each ESEA subgroup in grades 3-8 and once in high school for all students and subgroups, and reflect a predefined pattern of academic progress; or provide a process for the SEA to review and approve LEA-established AMOs that meet these requirements of ESEA flexibility. *See 2.B.*
  - Clarify that the SEA will annually report on its State report card, and will ensure that its LEAs annually report on their local report cards, for all students and for each ESEA subgroup described in ESEA section 1111(b)(2)(C)(v)(II), information on student achievement at each proficiency level; data comparing actual achievement levels to the State’s AMOs; the percentage of students not tested; performance on the other academic indicators for elementary and middle schools; and graduation rates for high schools. *See 2.B.*
- Please address concerns regarding reward, priority, and focus schools:
  - Demonstrate that Oregon has identified the required number of priority, focus, and reward (model) schools that meet the respective definitions of those schools in ESEA flexibility and provide a list of the SEA’s reward, priority, and focus schools that is consistent with the methodology provided and includes all the information required in Table 2 of the *ESEA Flexibility Request*. Refer to the document titled *Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions, 2.C.ii, 2.D.ii, and 2.E.ii.*
  - Demonstrate that some schools identified as priority schools will begin full implementation of interventions aligned with all of the turnaround principles in the 2012-2013 school year and clarify that all priority schools will implement meaningful interventions aligned with all of the turnaround principles for at least three full years. *See 2.D.iii.a.*
  - Provide additional detail on the interventions aligned with all of the turnaround principles that priority schools will implement to ensure that these interventions are likely to increase the quality of instruction, improve the effectiveness of the leadership and the teacher in these schools, and improve achievement and graduation rates for all students, including English Learners, students with disabilities, and the lowest-achieving students. *See 2.D.iii.b.*
  - Provide specific criteria for determining when a school that is making significant progress in improving student achievement exits priority status and a justification for the criteria selected. *See 2.D.v and Principle 2 Overall*
  - Clarify how Oregon will differentiate interventions in focus and priority schools, including how interventions are targeted to school needs and address the weaknesses that led to



- identification, such as low subgroup achievement and low graduation rates for English Learners and students with disabilities. *See 2.D, 2.E, 2.E.iii, and Principle 2 Overall.*
- Demonstrate that all LEAs with one or more focus schools will implement interventions that meet the needs of the school and its students and impact instruction, beyond just conducting a self-assessment, during the first semester of the 2012-2013 school year. *See 2.E.iii*
  - Provide additional detail on the focus school exit criteria to demonstrate that the exit criteria are rigorous, require a school to make significant progress in improving student achievement and narrowing achievement gaps, and are connected to the reason for which the school was identified as a focus school. *See 2.E.iv and Principle 2 Overall.*
  - Describe the steps Oregon will take to ensure meaningful consequences for priority and focus schools that do not make progress after the full implementation of interventions. *See 2.D.iii.b and 2.E.iv.*
- Please address concerns that Oregon’s LEAs with priority and focus schools could be required to provide supplemental educational services (SES) in priority and focus schools:
    - Provide Oregon’s rationale for continuing to require SES for LEAs with priority and focus schools and explain how that requirement is responsive to the needs of students in those schools. *See 2.G.*
    - Describe how Oregon’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 Oregon 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 other Title I schools:
    - Please demonstrate that Oregon’s new AMOs, along with its modified Current Report Card ratings and other measures, are used to provide incentives and supports to other Title I schools that are not making progress in improving student achievement and closing achievement gaps. *See 2.F.ii and Principle 3 Overall.*
  - Please address concerns regarding SEA, LEA, and school capacity:
    - Please describe whether Oregon 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 Oregon’s differentiated recognition, accountability, and support system. *See 2.G.*
    - Provide additional detail on the roles of participants in the Continuous Improvement Network and the supports that will be provided through the Continuous Improvement Network to build the capacity of LEAs and priority schools to implement interventions aligned with all of the turnaround principles. *See 2.D.iii.a and 2.D.iii.b.*
    - Please describe in greater detail how Oregon will monitor and hold LEAs, not just schools, accountable for improving school and student performance. *See 2.G.*
    - Please provide additional details regarding the proposed “relief from unnecessary regulatory burdens” before the Achievement Compacts and the accountability system measurements are in place. *See 2.G.*

### Accountability System for Implementation Beginning in the 2013–2014 School Year (Based on 2012–2013 Assessments)

As Oregon finalizes its system of differentiated recognition, accountability, and support for use beginning in the 2013–2014 school year, Oregon needs to meet the same requirements listed above for its interim system. In addition, Oregon's must address the concerns listed below:

- Please address concerns regarding Oregon's use of the New Oregon Report Card:
  - Clarify the alignment of Oregon's 40-40-20 graduation goal, the New Oregon Report Card, and the Achievement Compacts, and how these will be used improve achievement and increase the quality of instruction for all students. *See Principle 2 Overall.*
  - Describe in detail the finalized version of the "New Oregon Report Card," including defining any components that will be included in the report card, explaining the application of n-size, and providing any weights given to the various components. *See 2.A.i.a and 2.A.i.b.*
  - If Oregon elects to include a growth model as one of the components, provide additional detail on the growth model the SEA will use, and consider addressing the concerns relating to the growth model described in the Peer Panel Notes. *See 2.A.i, 2.A.i.a, and 2.A.i.b.*
  - Provide data on the impact of the different n-sizes that Oregon proposes for achievement, growth, and graduation rate, as well as the proposed use of a combined subgroup, on subgroup accountability compared to current law. *See 2.A.i, 2.A.i.a.*
  - Please address concerns regarding a lack of accountability for individual ESEA subgroups, particularly the use of a combined subgroup that could mask the performance of ESEA subgroups, by providing additional safeguards for ESEA subgroups. *See 2.A.*

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

- Please provide a high quality plan for developing and adopting guidelines for local teacher and principal evaluation and support systems that is likely to result in successful adoption of those guidelines by the end of the 2011-2012 school year. *See 3.A.i.*
- Please explain how Oregon's teacher and principal evaluation and support guidelines will 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. and See 3.A.i.*
- Please address how Oregon will ensure that local evaluation systems are valid, reliable, and are consistent with the SEA guidelines, and that they will evaluate and support all teachers who work with special populations of students, such as students with disabilities and English Learners. *See 3.B.*
- Please provide additional details regarding how the SEA will ensure that LEAs meet the State's timeline for implementing local evaluation systems. *See 3.B.*
- Please explain how Oregon 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.*
- Please describe how Oregon 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.*