UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Anthony Evers
State Superintendent of Public Instruction
Wisconsin Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, Wisconsin 53707

Dear Superintendent Evers:

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

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

The peers noted, and we agree, that Wisconsin's request was particularly strong in planning for all students, including English Learners, students with disabilities, and low-achieving students, to gain access to and learn content aligned with the college- and career-ready standards. Wisconsin has taken a number of steps, including planning for a Center for Standards, Instruction and Assessment, to provide meaningful support and centralize resources for educators, helping to make the new standards accessible to all students. Wisconsin is also the lead state in the WIDA consortium, working to develop an English language proficiency assessment aligned with college- and career-ready standards. The request also has strengths in Principle 3. The guidelines for teacher and principal evaluation and support systems differentiate performance and will measure performance in two areas: educator practice and student achievement, using a value-added model to measure student growth.

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

- The insufficient development of plans for transitioning to college- and career-ready standards and implementing teacher and principal evaluation and support systems;
- Wisconsin's lack of ambitious annual measureable objectives (AMO), for the State and all local educational agencies (LEA), schools, and subgroups as well as using those AMOs to identify other Title I schools that are not making progress in improving student achievement and closing achievement gaps; and
- The lack of specific targets in the criteria provided for schools to exit from priority and focus status.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Wisconsin's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Wisconsin 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 Wisconsin provide information specific to your request, Wisconsin 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 Wisconsin 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 Wisconsin to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Wisconsin 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 Nola Cromer, at 202-205-4158.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING WISCONSIN'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps Wisconsin took to meaningfully engage teachers and their representative or describe how Wisconsin will meaningfully engage teachers and their representatives as it continues to develop and implement ESEA flexibility. *See Consultation Question 1.*
- Please provide more specific information on the steps Wisconsin took to meaningfully engage diverse stakeholders and communities, especially organizations representing English Learners and other culturally and linguistically diverse communities or describe how Wisconsin will meaningfully engage diverse stakeholders and communities as the SEA continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

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

- Please demonstrate that the plan to transition to college- and career-ready standards includes all of the elements of a high-quality plan, including key milestones or activities, a detailed timeline, party or parties responsible, evidence, resources, and significant obstacles. *See 1.B, Part A.*
- Please address the concern that there is a lack of an integrated professional development approach to ensure that all teachers are well equipped to teach content aligned to the college- and career-ready standards to all students as well as use differentiated instructional strategies to assure English Learners and students with disabilities have equitable access to the new standards. *See 1.B, Part B.*
- Please provide more explicit activities related to supporting LEAs and schools to make the college- and career-ready standards accessible to students with disabilities and English Learners. *See 1.B, Part B.*
- Please provide additional information on the following activities related to the transition to college- and career-ready standards or an explanation of why one or more of the activities was not included:
  - Developing and disseminating high-quality instructional materials that are aligned with the new college- and career-ready standards and are designed to support the teaching and learning of all students, including interim assessments and formative tools. *See 1.B, Part A.*
  - Working with the State's institutions of higher education and other teacher and principal preparation programs to better 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 and incoming principals to provide strong, supportive instructional leadership on teaching to the new standards. *See 1.B, Part A.*

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

- Please address concerns regarding Wisconsin's proposed accountability index:
  - Provide more detail on how achievement standards will be set for high schools in the absence of a NAEP reference point and clarify which NAEP cut scores will be used to set achievement standards in grades 3-8. *See 2.A.i.*

- Clarify how students who take an alternate assessment based on grade-level academic achievement standards or an alternate assessment based on alternate academic achievement standards will be included in the proposed accountability index. *See 2.A.i.*
- Clarify when and how the reading and math portions of the closing achievement gaps sub-scale component are combined. *See 2.A.i.*
- Address the concerns that the closing achievement gaps sub-scale component is normative (*i.e.*, not based on an absolute level of achievement) and unlikely to be informative in schools with a homogeneous population. Provide a more detailed description of how efforts to reduce performance gaps will be monitored and how services will be targeted based on that information. *See 2.A.i.b.*
- Clarify how the third grade reading performance component of the on-track to graduation indicator is calculated. *See 2.A.i.*
- Provide the specific weighting for each sub-scale component of the index and the methodology for combining the sub-scale components in order to determine an overall index score. *See 2.A.i.*
- Address concern that schools, educators, and parents may have difficulty understanding the complex accountability system, including steps Wisconsin might take to help educators understand what steps are necessary to move between categories of schools. *See 2.A.i.a.*
- Address the concern that test participation is considered as a red flag separately from the index score and might lead to unintended consequences such as schools not testing certain students. *See 2.A.i.*

- Please address concerns regarding Wisconsin's use of a combined subgroup:
  - Address concerns regarding a lack of accountability for individual ESEA subgroups, particularly that the use of a new combined subgroup could mask the performance of ESEA subgroups, by providing additional safeguards for ESEA subgroups. *See 2.B.*
  - Address the concern that the combined subgroup is only used if two or all three of the high-needs subgroups have less than 20 students. Clarify the rationale for not including the results of the high-need subgroup in the index if only one subgroup has less than 20 students. *See 2.A.i.a.*

- Please describe how Wisconsin's proposed system of differentiated recognition, accountability, and support considers graduation rates for all subgroups. *See 2.A.i.a.*

- Please provide AMOs for the State, LEAs, and schools that are ambitious but achievable, set separately for reading/language arts and mathematics, and applied to each ESEA subgroup. *See 2.B.*

- Please address concerns regarding reward schools:
  - Provide more details on the methodology used to determine reward schools, specifically how schools with large achievement gaps will be determined and excluded from this category. *See 2.C.i.*
  - Demonstrate that Wisconsin has identified the required number of reward schools that meet the definitions of those schools in ESEA flexibility. *See 2.C.ii.*

- Please address concerns regarding priority schools:
  - Provide more detail on how Wisconsin will operationalize the turnaround principles. *See 2.D.iii.a.*
  - Describe the steps that Wisconsin will take to ensure consequences for priority schools that fail to improve after full implementation of interventions. *See 2.D.iii.b.*
  - Describe how Wisconsin will monitor to ensure that LEAs place highly-skilled teachers and

principals in priority schools. *See 2.D.iii.b.*
  - Demonstrate that Wisconsin's proposed exit criteria for priority schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.iv.*

- Please address concerns regarding focus schools:
  - Provide evidence that the methods used to identify focus schools will not dilute or mask the performance of subgroups. *See 2.E.i.b.*
  - Clarify how the proposed interventions in focus schools will be aligned with the demonstrated needs in specific schools and classrooms. *See 2.E.iii.*
  - Demonstrate Wisconsin's ability to ensure that all LEAs with one or more focus schools will implement meaningful interventions in each focus school at the beginning of the 2012–2013 school year. *See 2.E.ii.*
  - Demonstrate that Wisconsin's proposed exit criteria for focus schools are rigorous and will ensure that schools that exit focus status have made significant progress in improving student achievement and narrowing achievement gaps, including for the subgroup(s) of student for which the school was identified. *See 2.E.iv.*
  - Create meaningful consequences for focus schools that do not make progress after full implementation of interventions. *See 2.E.iv.*
  - Demonstrate that Wisconsin has identified the required number of focus schools that meet the definitions of those schools in ESEA flexibility by utilizing the key provided in Table 2.

- Please address concerns regarding the system of supports and incentives for other Title I schools:
  - Demonstrate that Wisconsin'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 by providing greater detail regarding the ongoing and immediate support that will be provided to all Title I schools receiving a flag or missing AMOs that have not been identified as a priority or focus school (*e.g.*, specific interventions that will be implemented, and how DPI will differentiate those supports). *See 2.F.i.*
  - Describe how Wisconsin will incentivize other Title I schools to join the networks and utilize the support services (*i.e.*, Statewide Title I Network; Wisconsin RtI Center; Standards, Instruction, and Assessment Center; etc.) described in Wisconsin's request. *See 2.F.i.*
  - Provide detail regarding the instructional practices that will be employed to address the needs of English Learners and students with disabilities in other Title I schools. *See 2.F.ii.*

- Please address concerns regarding SEA, LEA, and school capacity to improve student learning:
  - Provide greater detail on the process used to identify Districts Identified for Improvement (DIFI), including evidence as to how many districts would be picked up under the current State criteria. Also provide examples of the types of State level interventions these districts would be subject to, how those are determined, and how interventions will scale-up in districts that fail to improve. *See 2.G.*
  - Describe how Wisconsin will monitor LEA and school progress. *See 2.G.*
  - Describe how Wisconsin will build LEA capacity to improve student learning in all schools. *See 2.G.*
  - Please describe whether Wisconsin will leverage funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in other Title I schools identified under Wisconsin's differentiated recognition, accountability, and support system. *See 2.G.ii.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding the likelihood of Wisconsin's guidelines leading to evaluation systems:
  - Provide more details on how evaluators will be trained to ensure inter-rater reliability and selected to have grade-level and subject matter expertise similar to the teachers they are evaluating. *See 3.A.i, Option B.i.*
  - Provide more details on the intervention and appeals process for teachers rated "developing." *See 3.A.i, Option B.i and 3.A.ii.b.*

- Please ensure that continuous feedback is sought directly from teachers and principals as guidelines for local teacher and principal evaluation and support systems are implemented (*e.g.*, through surveys, focus groups, listening sessions, etc.). *See 3.A.i, Option B.iii and 3.B.*

- Please address concerns regarding the guidelines for teacher and principal evaluation and support systems:
  - Address the concern that experienced teachers are only evaluated every three years. *See 3.A.ii.a and 3.A.ii.d.*
  - Clarify how evaluation results will inform targeted and meaningful professional development for teachers and principals in order to encourage continuous improvement. *See 3.A.ii.a.*
  - Explain how three performance levels will meaningfully differentiate teacher and principal performance. *See 3.A.ii.b*
  - Describe Wisconsin's process for validating and using local standardized assessments and student learning objectives in teacher evaluations for grades and subjects in which assessments are not required under ESEA section 111(b)(3). *See 3.A.ii.c(i) and 3.A.ii.c(iii).*
  - Provide more detail regarding how teachers of students with disabilities and English Learners will be included in the evaluation and support system, particularly how student growth data will be attributed to teachers. *See 3.A.ii.c(i).*
  - Clarify the number of observations required annually. *See 3.A.ii.e.*
  - Clarify how the evaluation and support system will be used to inform personnel decisions. *See 3.A.ii.f.*

- Please address concerns regarding Wisconsin's process for ensuring each LEA develops, adopts, pilots, and implements evaluation and support systems consistent with the guidelines:
  - Clarify whether Wisconsin will exercise its authority to create statewide guidelines, monitor district implementation, and require corrective action, or whether any of these elements will be left to district discretion. *See 3.B.*
  - Please describe how Wisconsin 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.*
  - Address the concern that the evaluation and support system is contingent upon funding and explain how there will be sufficient funding to implement the proposed system. *See 3.B.*
  - Please explain how Wisconsin plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*