

The No Child Left Behind Act (NCLB), the most recent authorization of the Elementary and Secondary Education Act (ESEA), is the principal federal law affecting education from kindergarten through high school. The main goal of NCLB is to help all students reach proficiency in English language arts/reading and mathematics by the year 2014.

At one time NCLB provided useful feedback on district and school performance – particularly through its focus on disaggregating data for student groups. However the rising number of districts and schools judged inadequate under NCLB, both in Massachusetts and across the nation, led the U.S. Department of Education (ED) in September 2011 to invite states to seek flexibility from specific requirements of NCLB. In exchange for this flexibility, states must propose rigorous and comprehensive state-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

On November 14, 2011, the Massachusetts Department of Elementary and Secondary Education (ESE) submitted a flexibility waiver request to ED. On January 18, 2012, ESE submitted a revised request based on feedback it received from a panel of peer reviewers and ED staff. Both submissions are available at www.doe.mass.edu/apa/title1/. ED approved Massachusetts' request for flexibility on February 9, 2012.

This document presents an overview of Massachusetts' waiver request, with an emphasis on what will be the same and what will be different under this flexibility.

Why seek flexibility?

- ★ Opportunity for a unified accountability & assistance system
 - ★ Federal: 81% of schools, 90% of districts not making AYP
 - ★ State: Better differentiation
- ★ Opportunity to focus more deliberately on proficiency gaps

Objectives of our waiver proposal

- ★ Unify accountability & assistance system
 - ★ Bring together state & federal requirements
- ★ Maintain Massachusetts' track record in setting high standards & expectations
 - ★ Establish goals that are ambitious & attainable
- ★ Incentivize improved student achievement in all schools
- ★ Identify schools that need the most assistance in the aggregate & for student subgroups, & recognize high achieving & improving schools
- ★ Incorporate growth in accountability determinations

#	Element	Pre-NCLB waiver	Post-NCLB waiver plan
1	Curriculum standards	- Transition to Common Core State Standards	- Same
2	Educator evaluation	- Transition to new educator evaluation & support system	- Same
3	Assessments – future	- Transition to PARCC assessments	- Same
4	Assessments – current	- MCAS	- Same
4.a	MCAS participation requirements	- All students: ELA & math grades 3-8, 10; science grades 5, 8, HS - MCAS Alternate Assessment - MEPA (2011-12) → WIDA (2012-13)	- Same
4.b	MCAS reporting	- Performance levels, composite performance index, growth	- Same
5	Fiscal flexibility		
5.a	Transfer of federal funds	- Districts may transfer certain amounts of Title IIA, Title IID, & 21st Century Community Learning Center funds into Title I, depending on district NCLB accountability status	- Transfer of up to 100% of Title IIA funds into Title I possible
5.b	21 st Century Community Learning Center programs	- Grants support expanded learning time outside regular school day	- Grants may support expanded learning time both within & outside regular school day
6	Reducing burden		
6.a	Improvement planning	- Requirements under state law: Three-year district improvement plan with annual action plans; annual school improvement plans - Requirements under NCLB: District & school improvement plans with specific required elements; highly qualified teacher improvement plans	Requirements under state law: Three-year district improvement plan with annual action plans; annual school improvement plans - No additional district or school improvement plans - No highly qualified teacher improvement plans
6.b	School & district report cards	- Annual district & school report cards disseminated to families of all district students	- Details to be determined. Possibility of leveraging MCAS parent/guardian reports.

#	Element	Pre-NCLB waiver	Post-NCLB waiver plan
7	School & district recognition, accountability, & support	- Dual systems – federal & state	- Unified system
7.a	Goal	- 100% proficiency by 2013-14	- Halving proficiency gaps by 2016-17
7.b	Annual progress determinations	- Adequate yearly progress (AYP) in ELA & math based on MCAS participation and: - achievement (Composite performance Index (CPI)) or improvement (CPI); & - attendance (K-8) or graduation rate (HS)	- Annual measurable objectives (AMOs) based on MCAS participation and new Progress & Performance Index indicators: - closing proficiency gaps (CPI) in ELA, math, & science; - % warning/failing; - % advanced; - growth (student growth percentiles); & - dropout & graduation rates (HS only)
7.c	Subgroup determinations	- 9 subgroups: low income, special education, English learners/former English learners, major racial/ethnic groups - Minimum group size = 40	- Same 9 groups plus multi-race non-Hispanic, Pacific Isl., and “High Needs” super subgroup comprising low income, special education, English learner/former English learner students - Minimum group size = 30
7.d	Labels	- NCLB accountability status & state accountability & assistance levels	- Accountability & assistance levels (1-5)
7.e	Classification of districts	- Federal: improvement or corrective action based on AYP - State: based on lowest performing school, or district accountability review findings (Levels 4 & 5)	- Based on lowest performing school, or district accountability review findings (Levels 4 & 5)
7.f	Classification of schools	- Federal: improvement, corrective action, or restructuring based on AYP - State: Level 1 & 2 based on NCLB accountability status; Level 3 & 4 lowest performing 20% of schools based on relative ranking - Charter schools not assigned to a Level	- Level 1 & 2: based on new Progress & Performance Index for aggregate & high needs subgroups only - Level 3: schools with lowest performing subgroups & lowest performing 20% of schools based on relative ranking - Level 4: same as pre-waiver - Charter schools assigned to a Level
7.g	Reservation of Title I funds	- 20% of district Title I grant for supplemental educational services (SES) & school choice based on school NCLB accountability status - 10% of district or school allocation for professional development based on NCLB accountability status	- Up to 25% of district Title I grant for districts in Level 2—5, used to support district/student needs as assessed in relation to Conditions for School Effectiveness - No additional district or school reservation for professional development required
7.h	School recognition	- Commendation schools (exiting NCLB accountability status, high growth, narrowing proficiency gaps)	- Commendation schools (high achievement, high progress, narrowing proficiency gaps)
7.i	District & school support	- Level 4 districts: ESE liaisons - Level 3 & 4 districts: District & School Assistance Centers (DSACs)	- Same structure - DSACs more directly involved in Level 3 district needs assessment

Reduce the proficiency gap by half by 2016–17

Notes:

- ★ The *proficiency gap* is the gap between a group’s current achievement and proficiency for all students (Composite Performance Index (CPI) of 100).
- ★ Our goal over six years is for all groups to increase their CPI by half the amount required to reach a CPI of 100, thus halving proficiency gaps.
- ★ In the example below, the distance between the starting CPI for all students and proficiency for all students (CPI of 100) is 20.1 CPI points (100 – 79.9 = 20.1). Half that amount is 10 points. If the group achieves a CPI of 90 by 2017, it will have reduced its proficiency gap by half.

Example: Math CPI – All Students, Low Income

