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Arkansas' ESEA Waiver Approval Update

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Summary Points

- Arkansas' ESEA waiver request was recently approved by the US Department of Education.
- Two major provisions were changed:
 - 1) The subgroups will be replaced by TAGG, a super subgroup that includes English learners, economically-disadvantaged students, and students with disabilities.
 - 2) It is no longer required that 100% of students be proficient by 2014.
- There are 5 accountability levels determined by proficiency, growth, graduation rates, and achievement gaps:
 - 1) Achieving-3-year AC-SIP (Arkansas Comprehensive School Improvement Plan)
 - 2) Achieving-1-year AC-SIP
 - 3) Needs Improvement
 - 4) Needs Improvement-Focus
 - 5) Needs Improvement-Priority
- The new system also identifies Exemplary schools.
- 48 Priority schools and 110 Focus schools will begin implementing improvement plans in 2012-2013 school year.

ESEA Waiver Approval Update

On June 29th, 2012, the US Department of Education announced that it had approved Arkansas's ESEA waiver request. On July 4th, the Arkansas Department of Education (ADE) announced it had identified 48 Priority and 110 Focus schools. Priority and Focus schools are the new names for the two lowest-rated school performance categories; schools and districts in these categories are subject to ADE intervention. This policy brief explains the major differences between the accountability system under No Child Left Behind (NCLB) and the new revised system.

Introduction

On June 29th, 2012, Arkansas joined the ranks of the now 33 states that have been granted waivers from certain provisions of the Elementary and Secondary Education Act (ESEA), more commonly known as No Child Left Behind (NCLB). As detailed in OEP's previous policy briefs on [NCLB Waivers](#) and [the ESEA Waiver Request](#), the Obama administration announced in October 2011 that it would grant waivers from key provisions of NCLB. In exchange, states had to submit plans that would create strong accountability systems that would address the following three principles:

- **College- and Career-Ready Expectations for all Students**
- **Supporting Effective Instruction and Leadership**
- **State-Developed Differentiated Recognition, Accountability, and Support**

The College- and Career-Ready Expectations for All Students principle is fulfilled by Arkansas' adoption of the Common Core State Standards and the accompanying assessments created by the Partner-

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ship for Assessment of Readiness for College and Careers (PARCC).

The Supporting Effective Instruction and Leadership principle is fulfilled by the Teacher Excellence and Support System (TESS) established in the 2011 Legislative session by Act 1209. TESS is Arkansas' new statewide teacher evaluation system that is under development. It will assign teachers one of four ratings: 1) Distinguished, 2) Proficient, 3) Basic, and 4) Unsatisfactory. Ratings will be based on principal observations and some form of evidence of student learning. Ratings will be used to make decisions about professional development, frequency of evaluations, and continued employment.

The State-Developed Differentiated Recognition, Accountability, and Support principle is fulfilled by the adoption of the Differentiated Accountability, Recognition and Tiered-Support Systems (DARTSS). Because neither PARCC assessments nor TESS goes into effect until the 2014-2015 school year, this policy brief focuses only on DARTSS, which will be implemented immediately for the 2012-2013 school year. The revised accountability system contains two major deviations from the original NCLB accountability system:

- (1) Accountability designations are made based on a single Targeted Achievement Gap Group (TAGG) rather than multiple NCLB subgroups
- (2) The goal of meeting Adequate Yearly Progress (AYP) by attaining 100% proficiency in 2014 is replaced by the goal of meeting Annual Measurable Objectives (AMOs) of improvements in student proficiency, student growth, and graduation rate gaps by 2017.

From NCLB Subgroups to Targeted Achievement Gap Group (TAGG)

One of the hallmarks of NCLB is its requirement that achievement data be disaggregated to show and hold schools accountable for the performance of various subgroups. Subgroups under NCLB include Black/African American, Hispanic/Latino, American Indian, Asian & Pacific Islander, White, Free/Reduced Lunch, Learning Disabled, and Limited English Proficiency (LEP) students. While the focus on subgroups has been lauded by many, the NCLB “trip wire” method may not be the best way to identify schools that fail to serve at-risk groups. On the one hand, it can be too quick to identify schools as not serving at-risk students. Under NCLB, low performance by one subgroup in an otherwise high-performing school triggers the same sanctions as earned by a low-performing school with several low-performing subgroups. Additionally, students who belong to more than one subgroup are counted in each subgroup, meaning that one low-performing student can count against a school multiple times. On the other hand, schools with fewer than 40 students in each at-risk subgroup (or 5% of Average Daily Membership in schools larger than 800 students) are not held accountable at all for their subgroup performance.

The Targeted Achievement Gap Group (TAGG) attempts to remedy these problems by creating a super subgroup of English Learners (EL), Economically-Disadvantaged students (ED), and Students with Disabilities (SWD). Additionally, the minimum N for a subgroup’s performance to count has been lowered from 40 to 25. According to data reported by the ADE, the combination of using TAGG and lowering the required minimum number of students constituting a subgroup from 40 to 25 greatly increases the number of schools in Arkansas held accountable for subgroup performance. Data on the individual NCLB subgroups will continue to be collected, reported, and used to plan interventions and support.

From Adequate Yearly Progress (AYP) to Annual Measurable Objectives (AMOs)

NCLB’s requirement that schools reach 100% proficiency by 2014 has been widely criticized as unrealistic and unfair to schools that have lower achievement but are making significant growth. Under the waivers, the goal of 100% proficiency by 2014 was replaced with the goal of making marked improvement in student proficiency, student growth, and graduation rates. Specifically, schools are expected to reduce gaps in half between current performance and 100% proficiency, growth, and graduation rates by 2017. These gaps must be reduced for the overall student population and for the TAGG student subgroup. Annual Measurable Objectives (AMOs) specify the levels schools should be reaching each year in order to achieve the goal of a 50% reduction of gaps by 2017. Under NCLB, schools were only held accountable for overall graduation rates. The

use of TAGG graduation rate as a primary accountability measure could result in holding more high schools accountable for the graduation of subgroup students.

Table 1: Sample Proficiency Gap and AMO Calculations¹

All Students’ Proficiency AMOs
76% Proficient= 24% Proficiency Gap
12%= Proficiency Gap (24) ÷ 2
2 Percentage Points = Annual Increase (12% ÷ 6)
2012 AMO = 76 + 2 = 78% Proficient
2013 AMO = 78 + 2 = 80% Proficient
2014 AMO = 80 + 2 = 82% Proficient
2015 AMO = 82 + 2 = 84% Proficient
2016 AMO = 84 + 2 = 86% Proficient
2017 AMO = 86 + 2 = 88% Proficient
TAGG’s Proficiency AMOs
52% Proficient= 48% Proficiency Gap
24%= Proficiency Gap (48) ÷ 2
4 Percentage Points = Annual Increase (24% ÷ 6)
2012 AMO = 52 + 4 = 56% Proficient
2013 AMO = 56 + 4 = 60% Proficient
2014 AMO = 60 + 4 = 64% Proficient
2015 AMO = 64 + 4 = 68% Proficient
2016 AMO = 68 + 4 = 72% Proficient
2017 AMO = 72 + 4 = 76% Proficient

For the current accountability ratings, performance and growth AMOs were calculated based on 2011 test results, and graduation rate AMOs were calculated using 2010 four-year adjusted cohort graduation rates. The Arkansas Benchmark and End-of-Course exams will continue to be used for accountability purposes in 2013 and 2014, until the PARCC assessments based on Common Core standards are implemented in the 2014-2015 school year. AMOs will be reset in 2015 after the first full administration of the PARCC assessments. Unlike NCLB, which required the same interventions for every school that missed its targets, the ESEA Flexibility will allow Arkansas to tailor interventions for schools and districts with the same accountability status to their particular needs.

¹ Growth and Graduation Rate Gaps and AMOs are calculated in the same way. http://arkansased.org/programs/pdf/AR_20Fiscal2016.18.12%20Revised%20.pdf, p. 75

Figure 1. Criteria for Accountability Labels

Schools Serving Grades	Achieving		Needs Improvement		
	Achieving-3-Year ACSIP	Achieving-1-Year ACSIP	Needs Improvement	Needs Improvement-Focus	Needs Improvement-Priority
K-8 <i>Performance and growth based on Benchmark exams for grades 3-8</i>	Meet performance AMOs for math and literacy for TAGG and All Students -AND- Meet growth AMOs for math and literacy for TAGG and All Students	Meet performance AMOs for math and/or literacy for TAGG and All Students -OR- Meet growth AMOs for math and/or literacy for TAGG and All Students Must meet AMOs for both subjects	Do not meet performance or growth AMOs for math and literacy -OR- Do not meet AMOs for TAGG and All Students	10% of Title I schools with largest achievement gaps between TAGG and non-TAGG students -AND- Non-Title I schools with achievement gaps of the same size	5% of Title I schools with the lowest overall achievement -AND- Non-Title I schools with the same level of performance -AND- Tier I and Tier II SIG schools implementing a school intervention model
9-12 <i>Performance based on Algebra and Geometry EOCs and Grade 11 Literacy exam</i>	Meet performance AMOs in math and literacy for TAGG and All Students -AND- Meet graduation rate AMOs for TAGG and All Students	Meet performance AMOs in math and literacy for TAGG and All Students -AND- Meet graduation rate AMOs for TAGG and All Students	Do not meet performance AMOs for math and literacy or graduation rate AMOs -OR- Do not meet graduation rate AMOs for TAGG and All Students	<i>Does not include schools identified as Priority schools</i>	-AND- Title I or Title I-eligible schools with graduation rates less than 60% over several years

Accountability Labels

Under DARTSS, there are five accountability levels divided into two broad categories: **Achieving** and **Needs Improvement**. Achieving includes Achieving with a 3-year ACSIP (Arkansas Comprehensive School Improvement Plan), Achieving with a 1-year ACSIP, and Needs Improvement includes Needs Improvement, Needs Improvement-Focus, and Needs Improvement-Priority. The new system also identifies Exemplary schools, the state's highest performing schools.

Achieving-3-Year ACSIP schools must meet performance and growth AMOs for math and literacy for TAGG and All Students. High schools must meet performance AMOs for both subjects and graduation rate AMOs for TAGG and All Students.

Consequences: Schools only have to submit an ACSIP every three years. If the school includes any ESEA subgroups with

25 or more students that do not meet their AMOs, the ACSIP must include interventions targeted to these subgroups. The ACSIP must demonstrate how resources will be allocated in order to support these interventions. Districts will enjoy high autonomy.

Achieving-1-Year ACSIP schools must meet performance or growth AMOs for math and literacy for All Students and TAGG students. Achieving-1-year ACSIP schools can meet performance AMOs for both subjects, growth AMOs for both subjects, or performance AMOs for one subject and growth AMOs for the other subject. A key requirement is that AMOs must be met *for both* TAGG and All Students within a subject.

High schools must meet performance AMOs for both subjects for TAGG and All Students and graduation rate AMOs for TAGG and All Students. Because there are currently no growth measures available at the high school level, the re-

quirements for high schools for Achieving-3-year ACSIP and Achieving-1-year ACSIP are currently the same. We do not yet know if the ADE will assign all high schools to the Achieving-3-year or Achieving-1-year ACSIP level or if high school accountability levels will be differentiated based on other factors.

Consequences: Achieving-1-year ACSIP schools have to submit an ACSIP annually. The ACSIP must include plans that address the needs identified through analysis of the All Students, TAGG, and ESEA Subgroup Performance and Growth. Districts will have greater autonomy.

Needs Improvement schools do not meet performance or growth AMOs for math and literacy for TAGG and All Students. There are two broad ways to be labeled as a “Needs Improvement” school. One is not meeting performance or growth AMOs for both subjects. For example, a school would be labeled “Needs Improvement” if it met performance AMOs for math but neither performance nor growth AMOs for literacy. The other is not meeting performance or growth AMOs for TAGG and All Students. For example, a school would be labeled “Needs Improvement” if it met performance AMOs for math and literacy for All Students but not for TAGG students. High schools in this classification do not meet performance AMOs for both subjects and graduation rate AMOs for TAGG and All Students.

While the Achieving and Needs Improvement levels are based on AMOs, the Needs Improvement-Focus and Needs Improvement-Priority levels identify schools at the bottom of the distribution for achievement gaps between TAGG and Non-TAGG students and performance, respectively.

Consequences: Needs Improvement schools will also have to submit an ACSIP annually. For Needs Improvement schools, the ADE will also report the specific area for which the school failed to meet AMOs. Schools will experience low to moderate intervention from the ADE depending on a school’s needs. The degree of ADE engagement will depend on how much progress the schools are making towards improving their achievement or graduation rates or closing their achievement gaps. Schools that are not making progress will be subject to higher levels of intervention from the ADE. Similarly, districts with Needs Improvement schools will enjoy only moderate district autonomy, with the amount of district intervention differentiated based on the progress made and the persistence of gaps.

The **Needs Improvement-Focus** label identifies schools with the largest achievement gaps between their TAGG and non-TAGG students over three years. Schools are then sorted from highest to lowest based on the size of the TAGG/Non-TAGG gap. Focus schools are the 10 percent of the Title I schools in Arkansas with the largest gaps, not including Priority schools. Focus schools also include any non-Title I schools with achievement gaps of the same size.

Consequences: Districts with Needs Improvement-Focus schools have very little autonomy. The first year as a Needs Improvement-Focus school requires diagnosis of the elements that are not serving TAGG students. The district must then assign site-based school improvement leaders to oversee the implementation of the ACSIP. The school will be required to establish a Targeted Improvement Plan (TIP) aligned to the needs identified in the diagnosis and that includes interim measurable objectives for implementation. The district will be required to allocate sufficient funds to support the implementation of the interventions. If progress is not made within a year, an external provider will be assigned. Persistent lack of progress will result in the application of any or all turnaround principles at the school level, including replacing school leadership or teachers. Schools will exit Focus status after meeting AMOs for proficiency or growth for All Students and TAGG for two consecutive years and meeting the interim measurable objectives specified in their Targeted Improvement Plan (TIP).

The **Needs Improvement-Priority** label identifies schools of all levels with the lowest overall achievement and Tier I or Tier II School Improvement Grant (SIG) schools implementing a school intervention model. Priority schools are identified using an added rank methodology. The 2011 Overall Academic Achievement is formed by first sorting schools from highest to lowest for percentage of students proficient in mathematics for each year and then assigning a rank value, with the rank of “1” representing the highest ranked performance. The same is done for Literacy, and the two ranks are summed together to get the Overall Academic Achievement rank. The Progress Rank is the sum of the Overall ranks for 2009, 2010, and 2011. The final ranking is the weighted sum of the Overall (weighted 0.8) and Progress (weighted 1.0). The bottom 5% of Title I schools are labeled Priority schools. These schools include non-Title I schools with

On the Record: Differing Views

“Let’s offer schools a deal. Give them the resources to keep good teachers on the job, and reward the best ones. And in return, grant schools flexibility: to teach with creativity and passion; to stop teaching to the test; and to replace teachers who just aren’t helping kids learn. That’s a bargain worth making.”

-Barack Obama, State of the Union

“Upon closer inspection, observers will notice that the amount of flexibility granted on accountability is tiny. Approved plans will amount to minor changes away from the AYP system we’ve got today.”

-Michael Petrilli, Fordham Institute

similarly low levels of performance. An additional criterion that can be used in the future but was not used in the current year's accountability level designations is Title I or Title I-eligible high schools with graduation rates less than 60% over several years. Since there are only two years of four-year adjusted cohort graduation rates available, the ADE did not use this criterion this year to identify Priority schools.

Consequences: Districts with Needs Improvement-Priority schools have very low autonomy. During the first year of Needs Improvement-Priority status, Priority school leadership, district officials, and the ADE will participate in a Scholastic Audit that will lead to the drafting of a 3-year Priority Intervention Plan (PIP) that involves collaboration with an external School Improvement provider. School leadership must have the flexibility to retain effective teachers and provide development for or dismiss ineffective teachers. A continued lack of progress can lead to district academic distress (pending a change of the definition of "academic distress" by the Board of Education.) Districts that remain in "academic distress" for two years are subject to state takeovers. Even once schools have exited from Priority Status, they will be required to continue interventions under ADE SIS monitoring for three years.

The **Exemplary** designation is given to four types of schools:

- Schools with high performance
- Schools with high TAGG populations with high performance
- Schools with high progress, or
- Schools with high TAGG populations with high progress

Schools are considered to have high TAGG populations when two-thirds or more of the students tested are members of the TAGG. Performance is the three-year weighted average percentage of students proficient for math and literacy combined for 2009 through 2011. Progress is the difference between the three-year weighted average percentage of students proficient for math and literacy combined for 2009 through 2011 and the three-year weighted average for 2008-2010. For the Progress measure, schools are judged only against other schools with the same grade ranges (K-5, 6-8, 9-12). Schools were only included for consideration as Exemplary schools if their performance or progress scores were at or above the 99th percentile (K-5) or the 95th percentile (6-8 and 9-12). Schools can be disqualified from Exemplary status if they exhibit large achievement gaps for TAGG or ESEA subgroups; the TAGG or largest ESEA subgroup achievement gap must be in the bottom quartile of the gap size distribution in order for the school to remain in consideration for the Exemplary designation. For high schools, the graduation rate must be above the median

(83.78%), and the graduation rate gap must be in the bottom half of the graduation rate gap distribution.

Exemplary schools can be identified from schools in any of the accountability labels. While it is most likely that Exemplary schools will be drawn from Achieving schools, the ESEA Flexibility Request implies that Needs Improvement-Focus or Needs Improvement-Priority schools that make substantial progress in achievement or reducing achievement gaps could qualify as Exemplary schools. It is also possible that the ADE will restrict Exemplary schools to only schools with the Achieving label.

Consequences: Exemplary schools will only have to submit an ACSIP every three years rather than annually. In addition, they will serve as model schools for other schools in the state. Financial rewards may also be given in the future, depending on if the governor and other stakeholders can adapt the Arkansas School Recognition Program to include Exemplary schools. To maintain Exemplary status and 3-year ACSIP cycle, schools must continue to earn an Achieving rating and meet AMOs for all subgroups.

Strengths and Weaknesses

The new accountability system under the ESEA waivers appears to be, in many ways, an improvement over NCLB. The replacement of NCLB subgroups with TAGG and the shift from a goal of 100% proficiency to meeting AMOs seem that they will provide a more accurate picture of which schools require the most intensive interventions. It is also based on the common sense acknowledgements that we cannot focus intensely on improving all schools and that it would be best to focus on the schools that are struggling the most.

Nevertheless, **we still have a number of reservations about the new system.** A key concern about the new accountability system is that the Focus and Priority schools are identified by different measures than are the Exemplary, Achieving, and Needs Improvement schools. **First**, we believe it would be better to have uniform measures for all achievement categories to increase transparency and reduce confusion among stakeholders. **Second**, the measures used in the top three achievement levels, Proficiency AMOs, Growth AMOs, and Graduation Rate AMOs for both TAGG and All Students, may be better measures of school performance than are the single measures upon which Focus and Priority school designations are currently based. For example, the "Progress Rank" used for the Needs Improvement-Priority designation, is essentially a proficiency measure that only measures growth implicitly by weighting the current year's performance the most. An argument could be made that there is a place for putting most weight on absolute performance levels, and the lowest 5% of schools for achievement levels, even if making growth, should be given

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extra assistance in improving scores. To be fair, the Arkansas Department of Education was fairly constrained since requirements for Focus and Priority school determinations were prescribed specifically by the US Department of Education.

Another concern about the changes in the accountability system is the uncertainty about how long they will be in place. The ESEA waivers expire in 2014. If ESEA has not been reauthorized by that time, Arkansas can apply for an extension, which would maintain the new accountability system. Any reauthorization of ESEA, however, will supersede the waiver agreements. Even if the system remains in place, AMOs will have to be changed in 2015 when the PARCC assessments are implemented. The uncertainty about how long the new accountability system will be in place may undermine how seriously schools and districts take it. It may not seem worthwhile to work towards goals that are subject to change in only a few years.

Another important point to note is that not all elements of the new accountability system can be put into place without first making other changes. Granting monetary rewards to Exemplary schools requires adapting the Arkansas School Recognition Program. In regard to the Priority schools, the Board of Education must revise the definition of “academic distress” to include districts with one or more Priority schools. The current definition of academic distress is a district with 75% or more of its students scoring Below Basic. If a school does not show improvement after two years of academic distress, the ADE has the authority to take over the district.

Our final reservation is that the ADE may not have sufficient capacity to intervene in all of the districts with Priority schools that may be under “academic distress,” particularly if those schools do not make progress in two years and are then subject to state takeovers.

Conclusion

The most positive changes in the new accountability system under the ESEA waivers are the adoption of a better way to identify at-risk subgroups and the replacement of 100% proficiency with the more attainable goal of a 50% reduction of gaps in proficiency, growth, and graduation rates. Under the new system, more schools will be held accountable for the performance of at-risk students. Additionally, schools will now be accountable for meeting goals based on their starting points rather than a one-size-fits-all moving target. Unfortunately, some of the provisions under the revised accountability system, particularly how the lowest achievement levels are calculated, could be improved to be more transparent and to measure what they aim to measure more precisely. We also have some concerns about the implementation process of the changes, particularly the uncertain future of the new accountability system, the need for stakeholder cooperation for the full impact of the changes to be put into place, and the potentially limited capacity of the ADE to intervene in districts and schools.

Nevertheless, these changes look to be moving the Arkansas accountability system in the right direction in helping Arkansas policymakers identify which schools are doing the best job at moving students forward.

