



Office of the Commissioner

785-296-2302
785-291-3791 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • 785-296-6338 (TTY) • www.ksde.org

April 26, 2012

Michael Yudin
Acting Assistant Secretary for Elementary and Secondary Education
Department of Education Building, Room 3W315
400 Maryland Ave., SW
Washington, DC 20202

Subject: One-Year AMO Waiver Request

Dear Assistant Secretary Yudin:

I am writing on behalf of the Kansas State Department of Education (KSDE) to request a waiver of section 1111(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to permit Kansas to use the same annual measurable objectives (AMOs) that Kansas used for Adequate Yearly Progress (AYP) determinations based on assessments administered in the 2010–2011 school year to make such determinations for the 2011–2012 school year. KSDE believes that allowing Kansas to use the same AMOs for AYP determinations based on assessments administered in the 2011–2012 school year as it used for the 2010–2011 school year will help increase the quality of instruction for students and improve the academic achievement of students by removing the pressure of meeting escalating AMOs so that KSDE and other stakeholders within the State can devote necessary time and resources to planning for the implementation of ESEA flexibility, which Kansas needs additional time to do.

Set forth below in Table 1 Reading/Language Arts and Table 2 Mathematics are Kansas's current AMOs in reading/language arts and mathematics and the AMOs that Kansas will use if approved for the One-Year AMO Flexibility.

Table 1 Kansas AMOs for Reading/Language Arts

School Year	Reading/Language Arts (K-8 Schools)		Reading/Language Arts (9-12 Schools & Districts)	
	<i>AMOs in Accountability Workbook</i>	<i>AMOs under One-Year AMO Flexibility</i>	<i>AMOs in Accountability Workbook</i>	<i>AMOs under One-Year AMO Flexibility</i>
2010 – 2011	87.8%		86.0%	
2011 – 2012	91.9%	87.8%	90.7%	86.0%
2012 – 2013	95.9%	95.9%	95.3%	95.3%
2013 – 2014	100.0%	100.0%	100.0%	100.0%

NOTE: AMOs under the One-Year AMO Flexibility for the 2012–2013 and for the 2013–2014 school year will be the same as in an SEA's approved Accountability Workbook

Table 2 Kansas AMOs for Mathematics

School Year	Mathematics (K-8 Schools)		Mathematics (9-12 Schools & Districts)	
	<i>AMOs in Accountability Workbook</i>	<i>AMOs under One-Year AMO Flexibility</i>	<i>AMOs in Accountability Workbook</i>	<i>AMOs under One-Year AMO Flexibility</i>
2010 – 2011	86.7%		82.3%	
2011 – 2012	91.1%	86.7%	88.2%	82.3%
2012 – 2013	95.6%	95.6%	94.1%	94.1%
2013 – 2014	100.0%	100.0%	100.0%	100.0%

Prior to submitting this request, the Kansas State Board of Education adopted college- and career-ready content standards in reading/language arts and mathematics that meet the definition of “college- and career-ready standards” in the document titled *ESEA Flexibility*, as Kansas has adopted content standards that are common to a significant number of States. Supporting documentation which shows that Kansas has formally adopted those standards consistent with the State’s standards adoption process was provided in the Kansas ESEA Flexibility Request submitted to the US Department of Education in February 2012.

The Kansas State Department of Education in partnership with the Center for Educational Testing and Evaluation (CETE) at the University of Kansas hereby assures that it will provide student growth data on current students and students taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instruction, consistent with the timelines and definitions required under State Fiscal Stabilization Fund (SFSF) Indicator (b)(2).

Further, the Kansas State Department of Education has identified persistent achievement and graduation rate gaps within the State that need to be closed. As evidence of this identification, attached to this letter is a table that sets forth statewide achievement data, including proficiency rates and achievement gaps, for the “all students” group and identified student subgroups based on the most recent three years of data. The Kansas State Department of Education hereby assures that it will report these data publicly by posting the data, in a format that is easily understandable, on its website on a page that is easily accessible by the public.

The Kansas State Department of Education further assures that it will take all steps necessary to plan for the implementation of ESEA flexibility. KSDE submitted a request for ESEA flexibility in February 2012. KSDE understands that, if its request is not approved prior to the time it must make AYP determinations based on assessments administered in the 2012–2013 school year, Kansas will revert to using its currently approved AMOs for the 2012–2013 and the 2013–2014 school years, meaning that all schools and local educational agencies (LEAs) in the State will be held accountable for reaching 100 percent proficiency by 2014.

KSDE originally included the request to use the 2011 AYP targets for the 2012 AYP determinations in the Kansas ESEA Flexibility Request. Notice for the ESEA Flexibility was sent to all LEA’s via the superintendents, principals, curriculum leaders, ESOL coordinators and Local Consolidated Plan

(LCP) contacts listservs. There were two comment periods. Attached is a copy of the listserv notice. No written comments were received.

Notice was also posted on the KSDE website to inform the public. Media announcements were also sent to news organizations. No written comments were received by the specified deadline.

Following is the link to the notice posted on the KSDE website:

<http://www.ksde.org/Default.aspx?tabid=5075>

Please feel free to contact me by phone at 785-296-3202 or e-mail at ddebacker@ksde.org or Judi Miller at 785-296-5081 or judim@ksde.org if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Diane M. DeBacker".

Diane M. DeBacker
Commissioner of Education

Attachments: Kansas Achievement Gaps and Graduation Rate Gaps
Listserv Notice (notice provided to LEAs) and
Notice for Public Comment ESEA Flexibility

Cc: Victoria Hammer, US Department of Education
Judi Miller, KSDE