



Kansas ESEA Flexibility Waiver Fact Sheet

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General Information

In late 2011, states were offered the opportunity to seek waivers from some of the requirements of the federal Elementary and Secondary Education Act (ESEA), more commonly known as No Child Left Behind (NCLB). Because Congress was five years past due on reauthorizing ESEA, the waivers were intended as a means to improve academic achievement and increase the quality of instruction for all students through state and local reforms.

Kansas sought a waiver in order to move away from the narrowly defined accountability system in NCLB that gave a limited and often misleading view of the success of schools in improving student achievement.

Kansas' waiver application was approved by the U.S. Department of Education in July 2012. The waiver does not eliminate school accountability, but it does provide for a more meaningful measure of the success and progress of Kansas students, schools and districts.

Key Elements of the Waiver

In applying for an ESEA flexibility waiver, states had to address four principles:

- College and career ready expectations for all students
- State developed differentiated recognition, accountability and support
- Supporting effective instruction and leadership
- Reducing duplication and unnecessary burden

College and Career Ready Expectations

The requirements under this principle of the waiver included adopting college and career ready standards in reading and math. The Kansas College and Career Ready Standards for English language arts and math, which had been in place since October 2010, met this requirement of the waiver.

An additional requirement was the provision of high quality assessments aligned to the state's college and career ready standards. Kansas' position as a governing state in the SMARTER Balanced Assessment Consortium, which is working to develop an assessment that would align with the Common Core Standards for English language arts and mathematics, helped the state qualify for a waiver under this requirement.

Also under this principle, states had to demonstrate that they had adopted or were working to adopt English language proficiency (ELP) standards as well as an ELP

assessment. Kansas has adopted ELP standards and is working toward implementing a new ELP assessment in the 2014-15 school year.

Recognition, Accountability and Support

This principle requires that the state set new Annual Measurable Objectives (AMOs) for schools in English language arts and math that are ambitious but achievable. Kansas wanted to move away from the Adequate Yearly Progress (AYP) accountability system of No Child Left Behind which set a single, arbitrary target for performance for all schools and required that 100 percent of students be proficient in reading and math by 2014.

Through the waiver, the performance portion of the state's accountability system will still rely on state assessment results, however assessment results will be reviewed in four different areas to determine performance. The performance AMOs in the accountability system outlined in Kansas' waiver are related to:

- Improving student achievement
- Increasing student growth
- Decreasing the achievement gap
- Reducing the percent of non-proficient students.

While schools will receive performance reports on all four of the AMOs, most schools will have to achieve just one of the performance AMOs to be considered making progress. In addition, schools must meet AMOs related to participation on state assessments and graduation rate.

This principle of the waiver also requires mechanisms for recognizing Reward Schools, which are defined as those Title I schools that are the highest performing or making the most progress academically. Identification of Priority Schools (the lowest 5 percent of Title I schools based on academic achievement and progress) and Focus Schools (the lowest 10 percent of Title I schools based on the achievement gap) are also required under this principle.

Effective Instruction and Leadership

This third principle of the waiver deals primarily with teacher and principal evaluation systems. The waiver criteria is for the development and implementation of a

teacher and principal evaluation and support system that:

- Is used for continual improvement of instruction
- Provides meaningful differentiation of performance using at least three performance levels
- Uses multiple valid measures in determining performance levels, including data on student growth for all students
- Evaluates teachers and principals on a regular basis
- Provides clear, timely and useful feedback
- Is used to inform personnel decisions.

At the time the ESEA waivers became available, Kansas was already piloting a teacher/leader evaluation system known as the Kansas Educator Evaluation Protocol (KEEP). KEEP met all of the waiver criteria except one - the system did not include a tie to student growth. In its waiver application, Kansas agreed to develop that criteria in the KEEP system, to pilot the revised system during the 2013-14 school year and to fully implement the new system in the 2014-15 school year.

The state's waiver does not require school districts to adopt the KEEP evaluation system, however districts must adopt an evaluation system that meets all of the requirements of the waiver criteria. School districts that choose to use an evaluation system other than KEEP will need to submit the system to the Kansas State Department of Education (KSDE) for review so that a determination can be made as to whether the criteria requirements of the waiver are met within the system.

Reducing Duplication and Unnecessary Burden

This principle of the waiver directs that state education agencies should remove duplicative and burdensome reporting requirements that have little or no impact on student outcomes. The KSDE has been working for a number of years to reduce or eliminate duplicative data requests and to ensure there is a regulatory or statutory reason for all of the information being requested from Kansas schools. No additional efforts were required from the state to meet the waiver criteria in this principle.

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