

The Opportunity of ESEA Flexibility

Protecting Students and Supporting Local Education Solutions



Innovation
Progress Growth Challenge
Accountability Perform Data
Flexibility Opportunity Schools
ESEAFLEX
Districts Reform Transparency
Waivers Improvement States Success
Accessibility Students
Collaboration Teachers



Goals
Local

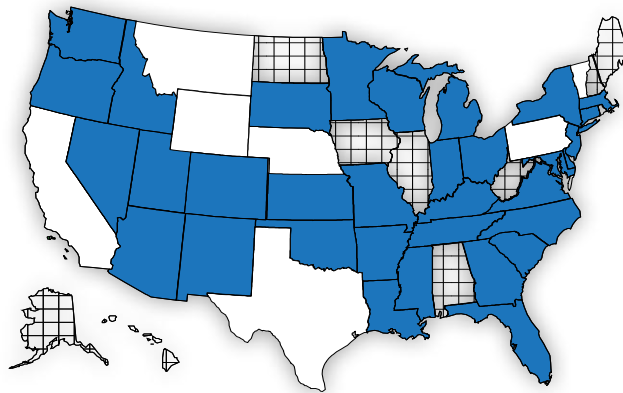
THE PATH TO ESEA FLEXIBILITY

Since 1965, the **Elementary and Secondary Education Act** (ESEA) has provided federal resources and guidance to schools in an effort to ensure equal access to a quality education for all children. ESEA has been reauthorized—revised and renewed by Congress—seven times, most recently through the **No Child Left Behind Act of 2001** (NCLB). NCLB maintained the intent of the original federal law—to provide a level playing field for schools serving disadvantaged students—while its school accountability measures also shined a spotlight on achievement gaps impacting low-income students, English Learners, students with disabilities, and minority students. Through NCLB’s implementation, necessary components of education reform also emerged, such as maintaining high expectations for all students and holding schools accountable for achieving results.

However, NCLB’s requirements applied a “one-size-fits-all” approach to education. The law over-identified

“The waiver lets [us] move away from NCLB requirements that were unproductive or unrealistic. [...] We can evaluate schools in terms of both student growth and proficiency and recognize schools in which students are making good progress toward meeting standards of college and career readiness.”

—New York Commissioner John King,
ESEA Flexibility Granted May 29, 2012



As of January 23, 2013

schools as “failing” even when they demonstrated growth, hindering school reform and innovation. Educators felt demoralized, and parents, students, and the public didn’t know how best to define school quality. Since the current law is six years overdue for reauthorization, the U.S. Department of Education has offered states flexibility from its prescriptive provisions in exchange for state-led reforms that maintain a high bar for achievement and accountability for all students.

OPPORTUNITIES FOR STATES AND SCHOOLS

ESEA flexibility enables states and districts to better advance their work by developing locally tailored solutions to address their most pressing education challenges. As of December 2012, 34 states and the District of Columbia have received approval for ESEA flexibility and several

“It’s just not helpful or realistic to label schools and districts as failing, especially when they are making significant academic gains. [...] This waiver is all about improving achievement for all students while closing persistent achievement gaps.”

—Tennessee Commissioner Kevin Huffman,
ESEA Flexibility Granted February 9, 2012

more are working toward approval. Each approved state has adopted college—and career-ready standards for all students and has committed to implementing additional reforms—such as developing differentiated systems of recognition, accountability, and support for schools, as well as evaluating and supporting teacher and principal effectiveness—in order to ensure that all students have access to a high-quality education.

Under ESEA flexibility, more refined systems of **school and student accountability** that include growth and progress—not just the results of one test on one day—are being used to make performance distinctions among schools and districts. Such distinctions serve as the basis for states in determining the extent to which an individual school’s student population is meeting college- and career-ready standards.

Adhering to a common, rigorous determination of high school **graduation rate** and using this information to drive supports and interventions for schools is a key component of the law upheld by ESEA flexibility.



Source: ESEA Flexibility: Highlights of State Plans, U.S. Department of Education, December 2012.

“We have rejected the one-size-fits-all mandates of past federal requirements and come together to create a home-grown system of accountability and support.”

—Oregon Governor John Kitzhaber,
ESEA Flexibility Granted July 19, 2012

States have the double responsibility of implementing rigorous improvement efforts in schools with persistently low graduation rates while monitoring the performance of all student subgroups toward state-set graduation goals. Several states, because of ESEA flexibility, are not only setting specific targets for student subgroups, they also are stepping up their expectations and requirements for graduation rate goals.

Further, states approved for ESEA flexibility are required to continue **exposing achievement gaps** between student groups and their peers while demanding improved performance for all groups. Instead of requiring one set of improvement strategies regardless of the level and persistence of the problem, as was the requirement under NCLB, states now differentiate among schools depending upon the extent and persistence of the achievement gap issue. In all states, the accountability systems include strategies to ensure action in schools where subgroups continue to fall short of ambitious but achievable performance targets.

ESEA flexibility continues the Department’s focus on **turning around our nation’s lowest-performing schools**, including those that consistently fail to graduate even half of their students. States participating in ESEA flexibility have prioritized their most underperforming schools so that they receive additional assistance. States also must ensure that districts take a leadership role in dramatically improving student performance. Compared to NCLB’s mandates for school turnaround, state flexibility plans better target strategies on the lowest-performing schools and require aggressive action to change a school’s course when necessary.

Finally, under NCLB, states and districts were required to implement federally mandated **education interventions**—such as tutoring and school choice—to counteract school shortcomings. Instead, under ESEA flexibility, states and districts may invest in strategies that they believe will be most effective in improving student achievement, based on local contexts and student needs. Approved states are tailoring their teacher and leader professional development strategies to promote rigorous college- and career-ready standards. Furthermore, states can continue to use tutoring and school choice where those strategies make sense.

FROM OPPORTUNITY TO ACTION

Starting with the 2012-2013 school year, ESEA flexibility plans are being implemented throughout the nation. Congress will be able to use the resources and strategies developed by states and school districts during this period to inform the reauthorization of the **Elementary and Secondary Education Act**. In the absence of ESEA reauthorization, all fully approved flexibility plans will remain in place for two years, at which point states may request an extension.

ESEA flexibility is poised to better meet the needs of states, districts, schools and, most importantly, students, as states courageously implement their chosen reforms. State education chiefs, governors, and local superintendents are hopeful at the prospect of charting their own paths toward reform, while teachers and school leaders can look forward to having a stronger voice in the instructional methods and strategies used to support students. The U.S. Department of Education is committed to offering technical assistance to states and districts, sharing resources as they become available, and providing oversight as states put into action their approved ESEA flexibility plans.

