



Understanding Connecticut's Application for a Waiver from the *No Child Left Behind Act*

Robert Cotto, Jr., M.Ed.

33 Whitney Avenue
New Haven, CT 06510
Phone: 203.498.4240
Fax: 203.498.4242

Website: www.ctvoices.org
E-mail: voices@ctvoices.org

April 2012

Understanding Connecticut's Application for a Waiver from the *No Child Left Behind Act*

April 2012

Introduction

In September 2011, President Obama stated, “experience has taught us that, in its (*sic*) implementation, No Child Left Behind had some serious flaws that are hurting our children instead of helping them.”¹ The Obama administration proceeded to offer to waive certain requirements of the *No Child Left Behind Act of 2001* (NCLB) for states that agreed to adopt certain policies similar to those required by the Race to the Top initiative.

On February 28, the Connecticut State Department of Education submitted a draft of its waiver request after twenty-two days of open comment.² Given the very short timeline for the waiver process, and the complexity of the waiver application, this brief provides policymakers, educators, and parents an overview of the contents of the application, and a detailed analysis of the second section, which explains the test-based management of school districts. The application will be reviewed and a decision is expected in April 2012.³

No Child Left Behind (NCLB): Background

The *No Child Left Behind Act of 2001* intended to get all students to reach the proficient level or above on the state-developed standardized tests in math and reading by 2014.⁴ According to its introduction, NCLB was, “an act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.”⁵

By requiring states to assign standardized testing goals, called Annual Yearly Progress, and increasing sanctions for schools and districts for not meeting those quotas, the federal law intended to eliminate the disparities in test scores between all ethnic and racial groups, economic groups, students with disabilities, as well as students with limited English proficiency.

After a decade of experience with NCLB, both Congress and the Obama administration have sought changes to the law. With action by Congress delayed, the Obama administration decided to utilize a provision of NCLB which gave the executive branch discretion to waive some of NCLB's major components.⁶

Requirements for Waiver Application

The four mandatory areas that a waiver application must address are as follows:

- I. Transitioning to college- and career-ready standards assessments;
- II. Developing state systems of differentiated recognition, accountability, and support;
- III. Evaluating and supporting teacher and principal effectiveness, and
- IV. Reducing duplication and unnecessary burden.⁷

As written, Part I of Connecticut's application explains Connecticut's transition to the Common Core State (national) Standards. Part II concerns accountability and management of school districts by the State Department of Education. Part III explains how standardized test scores, and other indicators, would be used to evaluate teachers and principals. The fourth required area on “reducing duplication and unnecessary burden” appears throughout several areas of the waiver proposal, particularly towards the end of Part II.

In its application, Connecticut requested a waiver from the following components and requirements of the *NCLB Act of 2001*: (1) the Annual Yearly Progress metric, (2) the requirement for districts to identify

schools based on their AYP metric, (3) the requirement for the state to identify and label schools based on their AYP metric, (4) the requirement that limits participation in and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on AYP metrics, (5) the requirement that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide (*sic*) program, (6) the requirement that the state distribute funds under section 1003(a) only to districts with schools identified for improvement, corrective action, or restructuring, (7) the requirements that Title I funds under section 1117(c)(2)(A) can only be used to reward schools that close the achievement gap between subgroups or make AYP for two consecutive years, (8) the requirements for improvement plans regarding highly-qualified teachers, (9) the limits on the amount of funds that states or districts could transfer from one ESEA program to another, (10) the requirements and definition of schools that qualify for School Improvement Grants, (11) requirements that restrict activities provided by a community learning center, (12) the state's determination of AYP targets, (13) the requirement that districts serve schools and allocate Title I, Part A funds based on rank order of poverty.⁸

Part II of Connecticut's Waiver Application Compared to NCLB

This paper focuses on Part II of the waiver proposal, which concerns the state's management of school districts. Our comparison shows that many of the features of NCLB will remain in place even if a waiver is granted by the Obama administration, particularly the use of standardized testing to manage and evaluate schools and districts.

Under the proposal, the “annual yearly progress” metric used over the last ten years to judge schools would be replaced by a new system of evaluating schools called the “School Performance Index” (SPI).⁹ This SPI metric combines and weights the results from the state standardized tests in all subjects at all levels.¹⁰

Instead of meeting the goal of 100% of students at or above the proficient level on state tests proposed in the NCLB Act, the goal for Connecticut schools would be to score 75 points on the SPI. Alternatively, schools could reduce the distance in half between their current SPI rating and the goal of 75 by 2018. (For example, a school with an SPI rating of 50 would be required to reach an SPI of 62.5 – half the distance between 50 and 75 – by 2018.) The SPI would also be used to make a wide range of decisions about issues such as conditional school funding, sanctions, and rewards.¹¹

Based on this SPI metric, each school in the state would be rated and placed into one of five tiers: Excelling, Progressing, Transition, Review, and Turnaround.¹² Schools with the highest SPI ratings, based on state tests, would have few sanctions or consequences; while schools with the lowest SPI ratings would be subject to increasing interventions, similar to those of the NCLB Act and Race to the Top initiative.¹³ For instance, schools in the lowest 5% of SPI ratings would be called “Turnaround” schools and become part of a “Commissioner's Network”. These schools would then be subject to a series of interventions such as state-mandated operation by private or semi-public providers.¹⁴

Additionally, other quantitative indicators apart from the SPI would be used to evaluate schools such as cohort graduation rates (grades 9-12) and a vertical scale score cohort “growth” measure (grades K-8). There would be varying targets for graduation rates and vertical scale scores in addition to the SPI targets. Demographic sub-group reporting would remain; however, only five groups would be used for test-based accountability purposes: African-American, Latino, English Language Learner students, students with disabilities, and low-income students.¹⁵ A separate SPI rating and target would be set for these five subgroups in each school in addition to the school-wide SPI calculation.

In addition to the SPI ratings, graduation rates, vertical scale scores, and subgroup indicators would factor into school ratings. For example, a school with an SPI of 77 and a graduation rate of 90% or above would

be placed in the “Progressing” category. However, according to the waiver plan, a sufficiently low cohort graduation rate, subgroup SPI rating, or vertical scale score rate *could* result in this same school’s placement into the lower “Transition” category.¹⁶ Alternatively, the same school with an SPI of 77 or above could be placed in the “Excelling” category with a graduation rate of 96% and sufficiently high ratings in other areas.¹⁷

Our analysis suggests that if Connecticut’s waiver is granted standardized tests will take on even greater importance in the state than under *No Child Left Behind Act of 2001*. For instance, the results of the science tests would be included in school and district ratings. Previously only math, reading, and writing standardized test data were used for management purposes.

Under this system, the schools and districts with the lowest ratings on the SPI, and at the bottom tiers, could be predicted to be the schools with the largest proportions of low-income, minority, ELL students, and students with disabilities given these students’ historic performance, on average, on the standard CMT when measured in absolute levels.¹⁸ All districts and schools will also face a change in the definition of subgroups that could impact their ratings. The number of schools with subgroup targets would grow because of the change in the definition of a subgroup from currently 40 to only 20 students under the plan.¹⁹

The schools and districts with the lowest ratings on the SPI would continue to develop school improvement plans for improving test scores and graduation rates. Depending on their category ratings, these districts and schools would also be subject to additional interventions ranging from a conditional funding scheme using any **new** Educational Cost Sharing (ECS) grant money to state-mandated operation of schools in the “Commissioner’s Network” by universities, the State Education Resource Center (SERC), Regional Education Service Centers (RESC’s), non-profit organizations, charter management organizations, CommPACT, and “other providers or partners with a track record of success.”²⁰

Districts and schools with higher test scores and SPI ratings could be predicted to be schools with greater proportions of white, native English speakers, and relatively more affluent students given these students’ historic performance, on average, on the standard CMT when measured in absolute levels.²¹ Because of their higher SPI ratings, these schools would have fewer mandates, and they would not be subject to increased test-based accountability measures, school takeover, state-mandated operation by private or semi-public organizations, and/or conditional funding of new, additional ECS grant funds.

While Parts I and II of the waiver request mention that evidence of student learning and well-being apart from standardized tests could be incorporated into the assessment system in the future²², Part II does not include these elements in its design of a new differentiated recognition, accountability, and support model. Like the *NCLB Act of 2001*, the 2012 waiver request also omits certain areas including:

- the use of classroom-based assessment of student learning such as local tests, essays, projects, performances, or presentations,²³ (i.e. based on curriculum frameworks and standards)
- the use of qualitative information observed in schools by experts or participants,²⁴

The following chart comparing *No Child Left Behind* and Part II of the Waiver Request is organized through a list of “Key Areas” that we identified as important to understanding the waiver request.

Understanding Part II of Connecticut’s Waiver Application for the *No Child Left Behind Act of 2001*

Key Areas	No Child Left Behind (NCLB)	Waiver Proposal
<p>What are the goals of the system?</p>	<ul style="list-style-type: none"> All students must reach the proficient level or above on the standard Connecticut Mastery Test (CMT) and/or Connecticut Academic Performance Test (CAPT) in math and reading by 2014.²⁵ 	<ul style="list-style-type: none"> All schools will score 75 points or more (out of 100) on a “School Performance Index” (SPI) and “District Performance Index” (DPI) metric based on all levels of the standard CMT and CAPT math, reading, science and writing (and Modified Assessment System math and reading).²⁶ Alternatively, schools could also reduce the distance in half between their current SPI rating and the goal of 75 by 2018 for all students and subgroups. , i.e. a school with an SPI rating of 50 would be required to reach an SPI of 62.5 – half the distance between 50 and 75 – by 2018.²⁷ All high schools will reach a 94% cohort and 96% extended graduation rate; or cut in half the gap between 94% and 96% and the 2011 graduation rates respectively.²⁸
<p>What is included in evaluations of schools and districts?</p>	<ul style="list-style-type: none"> The state creates an increasing “Annual Yearly Progress” (AYP) target for schools toward the goal of 100% at or above the proficient level on standard CMT/CAPT math and reading.²⁹ Annual Yearly Progress Reports are presented each year based on standard CMT in math, reading, writing, and participation rates. Growth is defined as changes in the percent of students at or above the proficient levels on the standard CMT reading, math, and writing in the same grade over two years with different cohorts.³⁰ 	<ul style="list-style-type: none"> Each year the state establishes performance targets for the School Performance Index, changes in the SPI, vertical scales scores, SPI for the five subgroups, and graduation rates.³¹ Establishes a variable “Annual Measureable Objective” (AMO) for different schools: schools with an SPI above 75 must maintain that SPI, schools with an SPI between 50 and 75 must decrease by half the gap by 2018; schools with an SPI below 50 must increase their rank by 2.0 points each year.³² Growth is defined as the change in the number of students at all standards-based levels on the CMT/CAPT reading, math, writing, and science. (Not a matched cohort of students)³³ Growth is also defined as the proportion of students that meet goals on vertical scales, an indicator of “growth” on the standard CMT math and reading. (Matched cohort of students)³⁴
<p>How are small groups treated?</p>	<ul style="list-style-type: none"> Data disaggregated by “major” racial/ethnic groups, English proficiency status, “economically disadvantaged”, and students with disabilities.³⁵ AYP is established for each group that has more than 40 students and the whole school.³⁶ 	<ul style="list-style-type: none"> Standardized test data and graduation data must be disaggregated only by “African-American”, “Hispanic”, “low-income”, English Language Learners (ELL), and students with disabilities. (5 total groups)³⁷ A variable SPI target for only the five subgroups listed above is established in schools with more than 20 students in the subgroup.³⁸

Key Areas	No Child Left Behind (NCLB)	Waiver Proposal
How are schools and districts categorized and rated?	<ul style="list-style-type: none"> Based on whether schools meet their targets or not for Annual Yearly Progress, schools are placed into categories such as school in need of “improvement”, school in need of “corrective action”, or in need of “restructuring.”³⁹ 	<ul style="list-style-type: none"> Based primarily on their SPI ratings (but in part on their SPI ratings for subgroups, as well as their graduation rates, and whether they have met their vertical scale score targets) schools are classified into 5 categories: Excelling, Progressing, Transition, Review (including Focus Schools-those with the subgroups with the lowest test scores), and Turnaround.⁴⁰ Schools will be classified every three years based on SPI’s and other data.⁴¹
What interventions are planned for schools and districts with low ratings?	<ul style="list-style-type: none"> The consequences for any schools not meeting AYP on test scores include, in increasing intensity, firing/replacing staff, School Improvement Plans, disenrollment of schools through parental choice, privatization, conversion to a charter school, and/or takeover by the state.⁴² 	<ul style="list-style-type: none"> Excelling schools (SPI greater than 75, plus subgroups above 75) would not be required to complete a self-assessment; they would be allowed to improve other non-tested areas of the schooling experience.⁴³ Progressing Schools (SPI greater than 75, but lower scores for subgroups) would be required to complete a self-assessment.⁴⁴ Transition schools (SPI of 50-75) must complete a self-assessment, create a School Improvement Plan, and SIP approval by the Board of Education.⁴⁵ Review schools (SPI below 50) require a district-conducted “school needs assessment”, a School Improvement Plan (SIP), and approval of SIP by the Board of Education and state “Turnaround Team.”⁴⁶ Focus Schools: (SPI lowest 10%) schools would receive more funding in exchange for prescribed changes to staffing, governance, and operations.⁴⁷ “Turnaround” schools (SPI Lowest 5%, Graduation Rates Lower than 60%, or Schools currently receiving School Improvement Grants) would be subject to “aggressive turnaround interventions” and inclusion in a “Commissioner’s Network”; then could face takeover by the State, and/or State-mandated operation of public schools by universities, the State Education Resource Center (SERC), Regional Education Service Centers (RESC’s) non-profit organizations, charter management organizations, CommPACT, or “other providers or partners with a track record of success.”⁴⁸
How are schools and districts rewarded for high, or increasing, ratings?	<ul style="list-style-type: none"> Each state accountability system must include sanctions and rewards, such as bonuses and recognition, which the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that they make adequate yearly progress.⁴⁹ Implementation varied at the state and local level. 	<ul style="list-style-type: none"> Using various SPI metrics and technical methods, three awards will be created for Title I or Title I-eligible “Schools of Distinction”; one for each of the following categories: highest performing subgroups, highest progress, and highest growth on state standardized tests.⁵⁰ Each year, the schools winning the three awards will be recognized in publications and online sources.⁵¹ Schools with prolonged increases on standardized test scores will be eligible for grant rewards ranging in size from \$50,000 to \$250,000.⁵² Each “Reward School” might be able to form partnerships with “Focus” and “Turnaround” Schools with the help of Regional Educational Service Centers.⁵³ One teacher from each “Reward School” could be elected for a sabbatical year to share effective practices at schools in the “Commissioner’s Network.”⁵⁴

¹ Obama, President Barack. “Remarks by the President on No Child Left Behind Flexibility”. 23 Sept. 2011. Web. <<http://www.whitehouse.gov/the-press-office/2011/09/23/remarks-president-no-child-left-behind-flexibility>>.

² The Connecticut State Department of Education released its draft application for a waiver to provisions of NLCB in early February 1 and 6, 2012. The final version was released on February 29, 2012. See Connecticut Department of Education. *Elementary and Secondary Education Act Flexibility Request*. Web. <http://www.sde.ct.gov/sde/lib/sde/pdf/nclb/waiver/connecticut_flexibility_request_022812.pdf>. 7 Feb. 2012. The draft published on Feb. 28 was the final draft available to the public on the State Department of Education website.

³ Moran, John. “Connecticut and the Federal NCLB Waiver Process.” Office of Legislative Research Report; Connecticut General Assembly. 2012-R-0091. 28 Feb. 2012. Web. <<http://www.cga.ct.gov/2012/rpt/2012-R-0091.htm>>. See page 2.

⁴ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111(2)(F). The “Timeline” section states, “Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001-2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3).”

⁵ *No Child Left Behind Act of 2001*. Pub. L. 107-110. 115 Stat. 1425. 8 Jan. 2002. Web. <<http://www2.ed.gov/policy/elsec/leg/esea02/index.html>>. See introduction of NCLB Act of 2011 on page 1. <<http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>> Accessed 16 Apr. 2012.

⁶ See Obama, President Barack. “Remarks by the President on No Child Left Behind Flexibility.” In his speech, President Obama stated, “Despite the good intentions of some - - two of them are sitting right here, Tom and George -- Congress has not been able to fix these flaws so far. I've urged Congress for a while now, let's get a bipartisan effort, let's fix this. Congress hasn't been able to do it. So I will. Our kids only get one shot at a decent education. They cannot afford to wait any longer. So, given that Congress cannot act, I am acting. So starting today, we'll be giving states more flexibility to meet high standards.”

⁷ Moran, John. “Connecticut and the Federal NCLB Waiver Process.” Office of Legislative Research Report; Connecticut General Assembly. 2012-R-0091. 28 Feb. 2012. Web. <<http://www.cga.ct.gov/2012/rpt/2012-R-0091.htm>>.

⁸ Connecticut Department of Education. *Elementary and Secondary Education Act Flexibility Request*. 28 Feb. 2012. Web. <<http://www.sde.ct.gov/sde/cwp/view.asp?a=2683&Q=333862>>. See pages 8-11.

⁹ See “ESEA Flexibility Request” pages 66–67 on “Setting Annual Measurable Objectives (AMO’s)” in Part I. Also see pages 79 -82 on “The SPI: Measuring Student Achievement At All Levels.” Also see The Governor’s Senate Bill 24, LCO 551. “An Act Concerning Educational Competitiveness.” February Session, 2012; 9 Feb. 2012. 12 of 163, Sec. 1(39) explains the Definition of “District Performance Index.” Also see Proposed Substitute Bill 24, LCO 2822. Sec. 3(2)-(6).

¹⁰ See “ESEA Flexibility Request” pages 79-82 on “The SPI: Measuring Student Achievement At All Levels.”

Table 1 (Adapted from Table 2.5: Calculating SPI)

Standards-Based Level	Below Basic	Basic	Proficient	Goal	Advanced
Weight	0	0.25	0.5	.75	1

¹¹ See “ESEA Flexibility Request” page 116 on “District-Led Interventions.” The section states, “As part of the proposed legislative package, the Governor and the CSDE have identified the state’s lowest-performing thirty districts as Alliance Districts, which are eligible for increased funding. All of Connecticut’s Focus Schools are located in these thirty districts. As a condition of receiving their additional funding, the CSDE will require that these districts take appropriate intervention measures to improve student performance in Focus Schools and in the larger category of Review Schools,” and continues, “The proposed legislation includes a condition that Alliance districts must engage in tiering (*sic*) of schools according to need and must implement support and interventions as appropriate.” Also see SB 24, Sec. 1 (40), Definition of “Conditional Funding District.” Also see SB 24, Sec. 18. (d) 1 – 6, explanation of “Commissioner’s Network.”

¹² See “ESEA Flexibility Request” page 91, Table 2.10 CSDE Classification System.

¹³ *Ibid*.

¹⁴ See “ESEA Flexibility Request” pages 105–112 on “Identifying Turnaround Schools.” The waiver lists possible providers as universities, the State Education Resource Center (SERC), Regional Education Service Centers (RESC’s), non-profit organizations, charter management organizations, CommPACT, and “other providers or partners with a track record of success.”

¹⁵ See “ESEA Flexibility Request” page 88 on “Subgroup Performance.”

¹⁶ See “ESEA Flexibility Request” page 91 for “Table 2.10 CSDE School Classification System” for an explanation of each school category. Transition schools would include, “Schools that are approaching the state target for achievement (SPI) but miss one or more of the following targets: change in the SPI, growth (vertical scale), graduation rate, or have significant gaps in performance for the majority of their subgroups.”

¹⁷ See “ESEA Flexibility Request” page 92.

¹⁸ Coleman, George. “2011 CMT Results Show Increases from 2010, Continuing a Positive Trend for the Fourth Generation CMT.” *News*, Connecticut State Department of Education. 13 July 2011. Web. 21 Mar. 2012. See pages 4-7 on “Performance by Student Subgroups.” <http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/2011_cmt_press_release.pdf>. Also see Darling-Hammond, Linda. “Why is Congress Redlining Our Schools?” *The Nation*. 10 Jan. 2012. Web. <<http://www.thenation.com/article/165575/why-congress-redlining-our-schools>>. Darling Hammond makes this prediction in regards to a Congressional plan to intervene in the 5% of school with low test scores and she states, “As we have learned in warm-up exercises offered by the Obama administration’s Race to the Top initiative, these schools will nearly always be the ones serving the poorest students and the greatest numbers of new immigrants.” Also see Connecticut State Department of Education. *Connecticut Education Data and Research (CEDaR) Data Tables*. “CAPT-3rd Generation Reports”, CMT-4th Generation Reports”, and “Student Need.” CT Department of Education, 2012. Web. 1 Apr. 2012. For instance, a correlation for the 10th grade standard CAPT reading data from 2010-2011 revealed that the average (mean) scale scores and the percent of students that were eligible for free or reduced lunch(in aggregate) in a district in 2010-2011 were significantly related, $r = -0.809$, $n=191$, $p < 0.0001$, two tails.

¹⁹ See “ESEA Flexibility Request” page 88 on “Subgroup Performance.” The number of schools needing to report subgroups would grow because of a reduction in the definition of subgroup size from 40 to 20 students. The section states, “The CSDE has elected to reduce the minimum threshold for school-level subgroup size (n size) included in accountability calculations from 40 under the NCLB Act to 20. This standard matches the Family Education Rights and Privacy Act (FERPA) standard and is the smallest threshold allowed in Connecticut; furthermore, it ensures the broadest viable reach of subgroups accountability. More specifically, this change in n size has substantially increased the number of schools that are accountable for subgroups. The number of schools accountable for black subgroups increased from 280 to 414, Hispanic from 356 to 548, students with disabilities from 276 to 683, ELL’s from 97 to 209, and students eligible for free and reduced lunch from 757 to 928.”

²⁰ See “ESEA Flexibility Request” pages 105-107 for an explanation of “The Commissioner’s Network.” Also see “ESEA Flexibility Request” page 116 on “District-Led Interventions.”

²¹ See Coleman 2011 pages 4-7 and Connecticut Education Data and Research (CEDaR) Data Tables for the CMT and CAPT.

²² See eMetric. *Data Interaction for Connecticut Mastery Test, 4th Generation*. “Connecticut Mastery Test Vertical Scales 2009 Interpretive Guide.” 30 Dec. 2011. <<http://solutions1.emetric.net/cmtpublic/UI/Guides/VSIInterpretiveGuide.pdf>>. The guide discusses the interpretation of vertical scale and offers a disclaimer and caution related to the use of these and other Connecticut Mastery test scores. The guide states, “Note: Vertical scale scores (like all other CMT scores) are based on the performance of individual students on the day of testing. When interpreting growth, care should be taken not to base important educational decisions solely on vertical scale results. CMT results can best be used in conjunction with classroom assessments and classroom work to identify potential strengths and needs of students in the content areas assessed. Also see “ESEA Flexibility Request” page 77 for Table 2.3 “Proposed and Future Accountability Measures.”

²³ See “ESEA Flexibility Request” page 77 for Table 2.3 “Proposed and Future Accountability Measures.” The waiver request provides a list of possible **future** “accountability measures” apart from the SPI, graduation rates, and vertical scale scores. The list includes: reliable measures of literacy and numeracy for grades K-3, proficiency or access measures for civics, arts, and fitness, end-of-course exams, EXPLORE< PLAN, and ACT growth, college enrollment and completion, AP and IB: participation and success rates, SAT/ACT: participation and success rates, industry certification and exam pass rates, postsecondary remediation rate in CT, parent, staff, and student surveys, teacher and staff attendance, staff turnover, disciplinary measures, including suspension rates.

²⁴ *Ibid*.

²⁵ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111, 2 (F). “Timeline” section states, “Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001-2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3).”

²⁶ See “ESEA Flexibility Request” page 75. Also see “ESEA Flexibility Request Part II (7 Feb.)” page 9 for Table 2b.4: Calculating SPI and Table 2b.5: Calculating DPI. Also see Senate Bill 24, Sec. 1 (39). Definition of “District Performance Index”. This definition is under consideration by the Connecticut General Assembly as of this writing. The performance target was changed from 80 points in the first version of the Waiver Request (Feb. 7) to 75 points in the second version of the Waiver request (Feb. 29).

Table 2 (Adapted from Table 2.5: Calculating SPI)

	Level	Calculation
Step 1	Subject Specific SPI	$SPI(\text{subject}) = (\% \text{ Below Basic} * 0.0 \text{ points}) + (\% \text{ Basic} * 0.25 \text{ points}) + (\% \text{ Proficient} * 0.5 \text{ points}) + (\% \text{ Goal} * 0.75 \text{ points}) + (\% \text{ Advanced} * 1.0 \text{ points})$
Step 2	Aggregate School Performance Index	<p>High Schools $SPI = (SPI:\text{math} + SPI:\text{reading} + SPI:\text{writing} + SPI:\text{science})/4$</p> <p>Elementary/Middle Schools with grades in which science is tested: $SPI = (SPI:\text{mathematics} * 0.3) + (SPI:\text{reading} * 0.3) + (SPI:\text{writing} * 0.3) + (SPI:\text{science} * 0.1)$</p> <p>Elementary/middle schools with grades in which science is not tested: $SPI = (SPI:\text{mathematics}) + (SPI:\text{reading}) + (SPI:\text{writing})/3$</p>

²⁷ See “ESEA Flexibility Request” page 75 for “School Performance Targets.”

²⁸ *Ibid.*

²⁹ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111(b)(2)(B) and (C). Also see subsection 3 on “Academic Assessments.” In CT, math and reading tests are treated differently from the writing tests.

³⁰ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111(2)(j)(i). “Uniform Averaging Procedure” section states, “For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform procedure for averaging data which includes one or more of the following: (i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.”

³¹ See “ESEA Flexibility Request” pages 75-76 “Accountability Measures Now and in the Future.” Also see “ESEA Flexibility Request (7 Feb.)” for Table 2B.3: School Achievement Matrix and detailed explanation from pages 5–16. In the first version of the waiver request, the State would have created a “School Achievement Matrix” (SAM) Report Card would be published each year based on a weighted formula that combines the School Performance Index, vertical scales, subgroups, graduation, and attendance rates.

³² See “ESEA Flexibility Request” pages 82-83 for the section on “Change in the SPI: Measuring Change in Performance at ALL (*sic*) levels.” There is an explanation of the variable SPI change system. Also see “ESEA Flexibility Request (7 Feb.)” pages 10-11 for the section on “Change in SPI: Measuring Change in Performance at all Levels.”

³³ *Ibid.*

³⁴ See “ESEA Flexibility Request” pages 84-86 for the section on “Vertical Scale Growth: Measuring Individual Student Growth.” Also see “ESEA Flexibility Request (7 Feb.)” on page 12 for the section on “Vertical Scale Growth: Measuring Individual Student Growth.”

³⁵ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111(2)(C)(v)(II)(aa)–(dd). Data must provide statistically reliable information and must not reveal protected private student information. Economically disadvantaged and low-income are not defined in either the NCLB Act of 2001 these terms have been frequently interpreted as students from families that are eligible for free or reduced price meals as part of the National School Lunch Program. The waiver request refers to low-income students on page 116, but

uses “students eligible for free and reduced lunch” or “lunch” status in place of the term “low-income” on pages 68, 75, 79, 85, 87, 88, 102. Similarly, the term “Black” is often used in place of “African-American” in the waiver request.

³⁶See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111, 2 (C), v (II). Subgroup reporting, “shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student”. Also see U.S. Department of Education. “Consolidated State Application Accountability Workbook: Connecticut.” Office of Elementary and Secondary Education; Washington, D.C: 9 Jun. 2003, updated 10 Mar. 2009. Web. Accessed 1 Apr. 2012. <<http://www2.ed.gov/admins/lead/account/stateplans03/ctcsa.pdf>>. On pages 45-48, the workbook provides an explanation that for *reporting* purposes, the minimum number of students in a subgroup will be 20 students, but for *accountability* purposes, the minimum number of students in a subgroup will be 40 students. The state offered these numbers because of concerns about the validity of results on standardized test for groups smaller than 40 students.

³⁷See “Subgroup Performance” on pages 88-90. SPI and graduation rate targets for subgroups would vary. Under the waiver plan, only five subgroups would be required for “accountability” and would the state would not use the Asian, White, Indian, Pacific Islander categories. It is unclear about whether the state would continue to report on these categories in its reports. There is discussion on adjusting the weighting of the CAPI and CMT scores for emerging bilingual, or ELL, and students with disabilities differently in the SPI matrix. See “Subgroup Performance” explanation on pages 14-15 of the Waiver Request Part II. The text states, “Connecticut has chosen to focus on the five subgroups that have historically underperformed in our state as compared to the “all students” group: Black, Hispanic, English Language Learners (*sic*), Low Income (*sic*) students, and Students with Disabilities.” These provisions do not preclude reporting for other subgroups, but additional groups would not have accountability targets. The graduation rate goals for subgroups would vary because of differential starting points towards the goal to cut in half the distance between the 2011 cohort graduation rate and 94% by 2018. In other words, ELL students may have different cohort graduation rates from African American students in any given school, but would need to cut in half the distance between their 2011 cohort graduation rate to the aspirational goal of 94% by 2018.

³⁸ *Ibid.*

³⁹ See Section 1116(a)(1)(A) and (B) of the *No Child Left Behind Act of 2001*. The section states, “(1) IN GENERAL- Each local educational agency receiving funds under this part shall — (A) use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2); (B) at the local educational agency's discretion, use any academic assessments or any other academic indicators described in the local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;”

⁴⁰ See “ESEA Flexibility Request” page 91 for Table 2.10 CSDE Classification System.

⁴¹ See “ESEA Flexibility Request” page 126.

⁴² See *No Child Left Behind Act of 2001*. Pub. L. 107-110. 115 Stat. 1425. 8 Jan. 2002. Web. 20 November 2011. <<http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>>. An explanation of consequences for not meeting AYP targets are in in Title I, Section 1116(a)-(f), “Academic Assessment and Local Education Agency and School Improvement.” Under NCLB, the consequences for schools of not meeting increasing percentages of all students at proficient levels, known as Annual Yearly Progress (AYP), included: required school improvement plans, student transfers to other schools within a district, mandatory use of federal funds for private tutoring, replacing all or most of the school staff, and reopening under private management or as a charter school, and or state takeover. For instance, Section 1116(b)(8)(A)–(C) on “RESTRUCTURING” of Title I states that, “(8) RESTRUCTURING-(A) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS– If, after 1 full school year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress, then the local educational agency shall—(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);(ii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and (iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).(B) ALTERNATIVE GOVERNANCE–Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the following alternative governance arrangements for the school consistent with State law:(i) Reopening the school as a public charter school.(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.(iv) Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State.(v) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic

achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan under section 1111(b)(2). In the case of a rural local educational agency with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.”

⁴³ See “ESEA Flexibility Request” page 91 for Table 2.10: CSDE Classification System.

⁴⁴ *Ibid*

⁴⁵ *Ibid*.

⁴⁶ *Ibid*.

⁴⁷ See “ESEA Flexibility Request” pages 115–125 on “Focus Schools.”

⁴⁸ See “ESEA Flexibility Request” page 91 for Table 2.10: CSDE Classification System. Also see pages 105–112 on “Identifying Turnaround Schools” pages 105-107 for an explanation of “The Commissioner’s Network.”

⁴⁹ See *No Child Left Behind Act of 2001*, Title I, Part A: Sec. 1111, 2 (A), (iii).

⁵⁰ See “ESEA Flexibility Request” on pages 100–104 on “Reward Schools.” There are series of technical considerations, using several metrics that would be used to reward schools.

⁵¹ See “ESEA Flexibility Request” page 103 for section on “Annual Recognition.” Also see “ESEA Flexibility Request (7 Feb.)” page 17 for section on “Annual Recognition.” In the earlier version of the waiver, “reward” schools would have received a visit from the Governor, Commissioner of Education, and press release of recognition.

⁵² See “ESEA Flexibility Request” page 104 for section on “Distinction for Sustained Progress.” Also see “ESEA Flexibility Request (7 Feb.)” page 17 for section on “Distinction for Sustained Progress.” In the earlier version of the waiver request, the rewards would have been as follows: 10 schools with increases on standardized test data, graduation, and attendance rates (SAM) will be eligible for \$250,000 grants, an additional 20 schools will be eligible for \$50,000 grants.

⁵³ *Ibid*.

⁵⁴ *Ibid*.