

## What Every Parent Needs to Know About ESEA/NCLB Flexibility Waivers

### What is ESEA/NCLB Flexibility?

In September of 2011, the United States Department of Education (USED) invited states to submit plans to waive certain sections of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). This flexibility was offered to states because some requirements of federal law as it existed under NCLB created problems for school districts, such as narrowing the curriculum (i.e. teaching only what is on the state-mandated test), unfairly identifying too many schools as failing.

Flexibility provides a way to fix those problems and improve ESEA/NCLB by giving states and school districts the opportunity to:

- Set their own goals for closing achievement gaps and ensuring students are proficient in reading and math.
- Innovate and develop locally-tailored solutions to improve their lowest-performing schools.
- Focus on school accountability by using multiple measures to determine school performance in the areas of assessment, graduation, college and career-readiness and school environment
- Improve teacher and principal effectiveness by developing new evaluation and support systems that provide information for improving instruction and student performance.

### How are high and low-performing schools identified?

States with approved ESEA/NCLB flexibility plans are no longer required to identify Title I schools for improvement, corrective action, or restructuring. However, states must identify schools as *Reward*, *Priority* or *Focus Schools* according to definitions based on the most recent statewide assessment data available. States may add additional categories, but they must include the following:

#### *Reward Schools:*

- A “highest performing school” is a Title I school with the highest performance over a number of years for all students and for all student subgroups on statewide assessments.
- A “high progress school” is a Title I school among the top ten percent of Title I schools in the state make the most progress in improving the performance of all students over a number of years or a high school making the most progress in increasing graduation rates.

#### *Priority Schools:*

- Among the lowest five percent of Title I schools in the state based on the achievement and lack of progress on statewide assessment of all students;
- A Title I eligible high school with a graduation rate of less than 60% over a number of years; or
- A school identified as Tier I or Tier II as defined under the School Improvement Grant (SIG).

### *Focus Schools:*

- Among the lowest ten percent of Title I schools (not identified as a Priority School) with the largest gaps between the highest and lowest achieving student subgroups (e.g. English language learners, students with disabilities);
- A Title I school that has a student subgroup with low achievement;
- A Title I high school with a student subgroup with a low graduation rate; or
- A Title I high school with a graduation rate less than 60% over a number of years that is not a Priority School.

### **What actions must a Priority or Focus School take to improve student performance?**

Priority and Focus Schools must develop comprehensive plans for improvement with parent and community input designed to improve the academic achievement of all students. State, regional, or other professionals from education agencies may provide guidance and monitoring of the plan's implementation. Priority Schools must align their locally developed plan with "turnaround principles" provided by USED. Focus Schools' improvement plans are not required to be aligned with USED "turnaround principles", but must be appropriate to the school's needs and the needs of its students.

### **Are schools still required to offer Supplemental Educational Services (SES) and public school choice to parents?**

ESEA/NCLB flexibility does not require Title I schools to offer SES or public school choice. However, students at-risk of failing may still need free tutoring or other additional help. Priority School plans must include additional learning time for students. According to a state's flexibility plan, Focus Schools may or may not be required to offer extended learning programs and services. Flexibility, however, allows extended learning programs to be locally developed rather than federally imposed.

ESEA/NCLB flexibility does not require schools to allow parents to transfer their student from a low-performing to a higher-performing school known as public school choice.

### **Will AYP still be calculated and reported?**

Adequate Yearly Progress (AYP) is no longer required as a state's accountability measure. However, some components of AYP, such as attendance and graduation rates, may still be reported to the public as part of new statewide accountability systems.

States will continue to require schools to raise the bar for performance of all students and hold schools accountable for the academic growth and gain of all students. When schools fall short, parents can be assured that school leaders will adopt strategies focused on school needs and targeted towards the students most at risk. States with approved flexibility have adopted a variety of ways to clearly communicate a complete look at a school's performance.

### **Is parental involvement still required under ESEA/NCLB Flexibility?**

Yes. Title I schools are still required to engage parents and families in their child's educational process. In addition, Priority Schools and Focus Schools are required to notify parents of their school's designation, share data and information with parents used to support program decisions, provide opportunities for parent engagement and participation in the school planning process and turnaround or improvement activities.

### **What should I do if my child's school is named as a Priority or Focus School?**

Parents, families, and community members are crucial to the school improvement process. If your child's school is named as a Priority or Focus School, take advantage of the opportunities the school offers to become more informed about what the school needs from you to help increase student achievement and success. If you have not heard of opportunities to become involved, contact your school's parent organization, parent involvement coordinator, or principal to share your interest in helping with this important process. Most importantly, know that your help, regardless of how much or how little time you have either at home or at school is critical to your child's success in school. When families, students, schools, and communities all work together toward a common goal, over time, these designated schools will see improvement in student achievement.