



Doc H's Blog

Kentucky Education Commissioner
Terry Holliday



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My blog this week is written by Kentucky Department of Education Chief of Staff Tommy Floyd and Executive Director of the Kentucky Board of Education, Mary Ann Miller. Though it was a team effort, Mary Ann was primarily responsible for our waiver application. They share what the waiver means for Kentucky.

*Terry Holliday, Ph.D.
Education Commissioner*

What does the ESEA waiver extension mean for us?

This week, we received some good news – the United States Department of Education (USED) approved Kentucky's Elementary and Secondary Education Act (ESEA) flexibility waiver extension request. The waiver, which was to expire at the end of the current school year, now will run through the end of the 2018-19 school year. Kentucky was one of only a handful of states allowed to apply for a four-year waiver extension because of our demonstrated successes.

Seemingly countless hours were spent preparing the nearly 200 page request and in communication with USED staff on the fine points and clarifications needed in order to receive approval – all with good reason. We didn't want schools and districts to have to take a step back to the prescriptive nature of federal accountability.

In 2001, Congress reauthorized the *Elementary and Secondary Education Act of 1965* (ESEA), as the No Child Left Behind (NCLB) Act. The measure took effect on January 8, 2002 and has been the law of the land ever since, even as the time for congressional reauthorization in 2007 passed. In [last week's blog](#), Commissioner Terry Holliday explained the need for reauthorization of the Elementary and Secondary Education Act.

Until reauthorization occurs, however, the waiver is essential to prevent school districts from facing negative consequences under NCLB.

- Annual performance determinations, known as Adequate Yearly Progress (AYP), would use only proficiency as the indicator.
- All students would have to demonstrate proficiency in reading/language arts and mathematics (a laudable, but unrealistic goal).
- A school would be identified as failing if it missed AYP for even one student group. Schools that are identified as failing would be required to implement a series of interventions that increase in severity over several years, with no differentiation between the lowest performing schools and those needing help in only a few areas.
- Districts would have to reserve up to 30 percent of their Title I, Part A allocation to provide mandatory professional development, supplemental educational services (SES), and public school choice; districts also would face funding limits and mandated SES.
- The hiring of paraprofessionals with Title I, Part A funds would be restricted for LEAs that miss AYP and fail to make progress toward reaching annual objectives for highly-qualified teachers.

- For districts in improvement, the percentage of Title II, Part A funds available to be transferred into Title I, Part A would be restricted to no more than 50 percent; also districts would have to notify the state 30 days prior to making a transfer of funds to a different category of need.
- Spending requirements for Rural and Low-Income School funding would be tied to accountability.

Moreover, Kentucky would have to operate under a dual system of accountability, responding to federal AYP requirements while also moving forward with Kentucky's Unbridled Learning system based on the Kentucky General Assembly's Senate Bill 1 (2009). This would cause undue confusion for parents, students and educators. For example, schools could be labeled as failing under federal benchmarks, but successful under state benchmarks.

Because of the waiver, districts have been freed from these requirements, allowing them to serve more schools with better quality academic services in order to meet the needs of students. The state has implemented regulations and statutes that have allowed us to build a single, aligned system of accountability, using multiple measures and focused on college- and career-readiness for all students. Additionally, all Priority and Focus schools and districts have an improvement plan aligned with Kentucky Board of Education (KBE) strategic goals.

The waiver provides the opportunity to:

- implement the latest revisions to the accountability system approved by the Kentucky Board of Education that aim to make the system more fair, valid and reliable
- use one accountability system (Unbridled Learning), focused on continuous improvement, for state and federal purposes
- implement a new statewide plan that will close achievement gaps by providing additional supports to schools and districts, and reducing the number of students scoring Novice on the state tests
- continue our focus on increasing the college- and career-readiness rate and the graduation rate
- move forward with the aligned, statewide evaluation system for teachers, principals and superintendents that stresses professional growth, effectiveness and continuous improvement
- strengthens the supports for Priority Schools that do not exit this status in three years

Kentucky is currently seen as a national leader in educational improvement. This great work across our Commonwealth is taking place thanks to daily leadership in buildings and districts adhering to a demanding system that is achieving results for students. We know that students, teachers, principals, superintendents, support staff and local board members will benefit from the continuance and enhancement of our current Kentucky Unbridled Learning for ALL accountability model that is provided by our waiver extension.

Until ESEA is reauthorized, the four-year waiver is our "best bet" to continue the progress made in Kentucky districts for the benefit of students.