

Seeking a Waiver From NCLB



As I've shared in this space previously, President Barack Obama has announced his intent to allow states to seek waivers from a number of provisions in the No Child Left Behind (NCLB) legislation, provided those states demonstrate implementation or movement toward a number of education reforms. In September, we learned the specifics of what states would be asked to do in exchange for the accountability waivers and last month our State Board of Education voted to pursue a waiver request for Kansas.

Since then, we've learned that Congress has begun to move forward with the reauthorization of the NCLB legislation, something that is more than a year overdue. A draft bill has been submitted in the U.S. Senate. An initial review indicates that the provisions in the draft bill closely resemble the criteria for the NCLB waiver. That means the work we undertake to apply for an NCLB waiver won't necessarily be in vain should Congress get NCLB reauthorized in the near future.

The criteria for the waiver request identifies three key areas for reform:

- Transitioning to college- and career-ready standards and assessments;
- Developing systems of differentiated recognition, accountability and support for all schools;
- Evaluating teacher and principal effectiveness and supporting improvement.

Based on these criteria, I believe Kansas is well positioned to seek, and secure, a waiver of the specified NCLB provisions. Here's a quick look at where we stand on each key area.

Transitioning to college- and career-ready standards and assessments

Last October, our State Board of Education adopted the Common Core State Standards in

English language arts and mathematics. That action puts us in compliance with the requirement for college- and career-ready standards. In addition, Kansas is a governing state in the SMARTER Balanced Assessment Consortium. The consortium is a group of 29 states working to develop the next generation of assessments aligned to the Common Core Standards. As a governing state in the consortium, Kansas has an increased ability to guide the direction these new assessments will take. With our involvement in the SMARTER Balanced Assessment Consortium, our state has met the second criteria in this area of reform.

Developing systems of differentiated recognition, accountability and support for all schools

This is the area that I believe offers our state the most opportunity, and is also the area in which we will have our greatest work. Under the waiver, we would no longer be held to having 100 percent of Kansas students achieving at the "meets standards" level or above on state reading and math assessments by 2014. We'll still need to set and meet annual goals for all students, and for student groups identified by poverty, ethnicity and English language proficiency, but we'll have an opportunity to determine how those accountability measures are set. Guidance provided by the U.S. Department of Education establishes three options for setting annual goals for schools:

- reducing by half the percentage of students in the "all student" group and in each subgroup who perform below standards within six years;
- increase in annual performance targets toward a goal of having 100 percent of students at "meets standards" or above by the end of the 2019-2020 school year;
- another method that is educationally sound and results in ambitious but achievable annual, measurable goals for all schools and subgroups.

Our work as we develop our waiver application will be to decide what type of accountability plan we want to adopt as a state. The third option set out by the U.S. Department of Education would allow us to pursue a growth model for accountability, something the State Board has been discussing for some time. Under a growth model, schools and districts would receive credit for demonstrating growth in student performance over time, rather than looking solely at whether prescribed targets have been met.

Over the next few months, we'll be exploring all of the options available to us and sharing information with educators and administrators around the state to determine which options will work best in Kansas.

Evaluating teacher and principal effectiveness and supporting improvement

Our state is ahead of the curve on this criteria as we are currently piloting a new educator evaluation system - the Kansas Educator Evaluation Protocol, or KEEP, in about 18 school districts. While KEEP includes many of the ideas enumerated in the federal criteria related to waiver requests, it does not yet include a key component required in order to qualify for a waiver. That is a requirement that the evaluation system include a tie to student growth.

As we work to complete our waiver request, we'll be working with our partners in the education community to determine how best to incorporate this requirement into the KEEP model.

Fortunately, we're not required to have all of these elements implemented at the time we submit our waiver request in February, but we do have to have a plan in place that leads to implementation by the 2014-15 school year. I'm confident we can meet those requirements and be successful in our waiver request.

I am encouraged by this opportunity to rethink how we hold schools and districts accountable for student performance, and I'm looking forward to working with educators, education organizations and others as we develop all the pieces of our waiver application.



A handwritten signature in black ink that reads "Diane".

Dr. Diane DeBacker
Kansas Commissioner of Education