

**ESEA FLEXIBILITY
Amendment Submission**

Dear Assistant Secretary:

I am writing on behalf of the Wisconsin Department of Public Instruction to request approval to amend the State’s approved ESEA flexibility request. The relevant information, outlined in the *ESEA Flexibility Amendment Submission Process* document, is provided in the table below.

Flexibility Element(s) Affected by the Amendment	Brief Description of Element as Originally Approved	Brief Description of Requested Amendment	Rationale	Process for Consulting with Stakeholders, Summary of Comments, and Changes Made as a Result
1. A. College- and Career- Expectations for All Students	ACT Assessments: Plan, Explore, and ACT used at High School level	Clarification on the college and career readiness assessments that Wisconsin will implement in 2014-15.	On July 1, 2013, the Wisconsin state budget was implemented with statutory language directing the department to use the ACT products in grades 9-11. On January 30, 2014, a sole source agreement was signed between the Wisconsin Department of Public Instruction (DPI) and the ACT Corporation. In this sole source the exact list of assessments and the schedule for implementation was determined.	The possibility of using ACT products was in our original waiver, though the commitment for support and funding was not approved by the state legislature. Until approval was granted and a sole source agreement was signed, the Department of Public Instruction (DPI) was unable to give more specifics about this issue. We will now be giving the ACT Aspire Early High School assessments in grade 9 in both fall and spring and in spring of 10th grade. The ACT Plus Writing and the ACT WorkKeys assessments will be given to all 11 th graders.
2.A.i—State- Developed Recognition,	See pages 60-61. Originally, DPI proposed to	We propose to calculate proficiency-based	DPI is committed to an ongoing review process of the still somewhat new	DPI collected extensive input and guidance on the design of the School Report Cards. This included two

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0581.

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Accountability, and Support System	calculate all assessment-based components of the Accountability Index based on results for FAY enrolled students. This differs from public reporting practice and previous (NCLB) proficiency calculations.	calculations based on FAY tested students. Test participation calculations remain based upon all enrolled.	accountability system. Following implementation of the new School Report Cards for 2011-12 (released in fall 2012), DPI continued to receive feedback from school and district staff that including all FAY enrolled students in proficiency-based calculations was not only unfair; it didn't capture the full intent of the accountability system, to accurately measure and report on school and district performance. In order to include non-tested students in achievement-based calculations, those students effectively earn zero points, which is the equivalent of Minimal Performance. It is not valid to assign students a performance level when we do not know how they would have performed on the assessment. Instead, DPI maintains that all students should be tested and test participation calculations	surveys that were posted for public participation, collecting hundreds of responses; consultation with our Technical Advisory Committee; consultation with leaders of education organizations representing teachers, school and district administrators, school boards, regional education service agencies, special education services, and higher education, among others; and ongoing collaboration with the office of the Governor and the chairs of the Senate and Assembly education committees. Additionally, DPI staff read every article and known blog post about the School Report Cards upon release. This extensive process informed changes to the system. The specific proposal for proficiency-based calculations to be based on FAY tested students was additionally reviewed by an internal, cross-agency work group as well as the agency's Cabinet. Some reviewers were concerned that reverting the calculation back to FAY tested would inadvertently incentivize

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			<p>do factor in all enrolled students, including parent opt outs and any other non-tested students. Schools not meeting the 95% test participation goal receive a 5-point deduction from their overall score. Schools with test participation below 85% receive a 10-point deduction. These deductions could drop a school by at least one overall rating category. This change represents a return to the federally approved AMO methodology Wisconsin used prior to receiving ESEA flexibility. Because we had federal approval previously we felt it would remain appropriate to count all enrolled students in test participation calculations but to remove non-tested students from achievement-based calculations.</p>	<p>schools to selectively test students. Others pointed out that the test participation calculation remains based upon FAY enrolled and the five- or ten-point deduction associated with missing the test participation target of 95% for all students and each ESEA subgroup is sufficient to deter selective testing. Additionally, proponents of the change emphasized the importance of reporting proficiency results as accurately as possible. By including non-tested students in the denominator of calculations, we effectively count those students as non-proficient when, in reality, the knowledge and skills of those students is unknown because we have no assessment results reflecting their performance.</p>
2.A.i—State-Developed Recognition,	See pages 67-69. Our ESEA Flexibility	We propose to calculate Closing Gaps based on	The Closing Gaps Priority Area is designed to provide schools and district	The same feedback process as discussed above included the collection of input and reactions to the

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Accountability, and Support System	Request includes a Priority (sub-scale) Area of the Accountability Index to measure Closing Gaps. We originally proposed that this measure look at within-school gap closure, essentially comparing growth of target subgroups to the comparison group within the school. This approach inadvertently limited the number of schools for which scores could be calculated by requiring that both target and comparison groups meet	comparing target subgroups within a school to the comparison group at the state level. This ensures that all target subgroups within schools that meet minimum cell size requirements can produce a score.	information about their progress in contributing to statewide closure of achievement gaps. The proposed methodology better suits this design by providing as many schools as possible with information about their progress in working with target subgroups.	Closing Gaps Priority Area. Specifically, schools with majority-minority populations were frustrated that the original design of the Accountability Index did not allow them the opportunity to demonstrate their progress in working with target subgroup populations. They specifically requested that DPI find a way to measure gap closure that would provide them with scores. This proposal has been well received by school leaders.

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	<p>minimum cell size requirements. As such, a school with a majority-minority population may not have enough students in a comparison group to calculate a score.</p>			
2.D.iii	<p>See page 82. This is related to the requirement of effective leadership in Priority schools.</p>	<p>Districts with Priority schools are currently evaluating leaders to ensure they have the ability to lead turnaround efforts. This amendment will ensure that the Wisconsin Department of Public Instruction (DPI) is included in that decision making process.</p>	<p>This amendment will strengthen leadership requirements in Priority schools. This amendment was required as part of the Part B monitoring report.</p>	<p>All stakeholders were consulted as part of the original waiver process. The amendment clarifies the communication between Milwaukee Public Schools (MPS) and DPI. DPI has consulted with MPS regarding this amendment.</p>
3.A.i	<p>See page 123: Originally, DPI</p>	<p>This amendment clarifies that the</p>	<p>State law mandates evaluation of principals and teachers.</p>	<p>This change was made based on state law. The work to define “principals”</p>

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	indicated it would include staff that have “out of classroom assignments for part or all of their duties,” which would include educators other than principals and teachers (e.g., counselors, nurses).	Wisconsin DPI Educator Effectiveness (EE) system has been designed only for “teachers” and “principals.”	DPI’s definition of “teacher” does not include those staff with non-classroom duties. The system, as designed, is not appropriate or informative for all roles. This is determined locally, depending on local contexts. See Appendix 18 for Flow Chart.	and “teachers” was collaborative, including pilot participants, work group members, educational organizations, and regional stakeholders. This change has received positive feedback from pilot participants and educators in the field, as measured by comments, questions, and concerns collected during networking opportunities, presentations, emails, and phone calls, due to its illustration of the system’s emphasis on meaningful, informative, and appropriate feedback.
3.A.ii	See pages 123 – 126: The original design of the framework included “district assessments” as a measure “when available.”	Wisconsin has removed district assessments as a separate measure of the framework and, instead, has communicated which assessments are appropriate for use as evidence towards student/school learning objectives (SLOs).	The original language, “when available,” indicated that not all districts would have a district assessment measure. This would then require DPI to monitor which districts did have district assessments and if they were, in fact, using them as an EE measure as required. This measure could result in districts inappropriately using already-purchased assessments, or to stop using informative assessments all	DPI convened a measurement workgroup. This workgroup reviewed the rationale for removing district assessment as a separate measure. Their recommendation was taken to the Coordinating Council for approval. Upon approval, all documentation and pilot processes were revised. This change has received positive feedback due to the focus on appropriate use of assessments and removing an option for additional assessments which may not be appropriate.

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			together.	
3.A.iii	See pages 126 – 129; 132, 139: DPI originally indicated educators in their first three years in the profession, as well as those identified within a certain rating category, must receive annual evaluations using the new EE system.	The new language indicates that all educators must receive an evaluation with the EE system in “the first year of district employment— regardless of years in the profession— and every third year thereafter.” DPI maintains the original language recommending more frequent evaluations for certain populations of educators.	WI Act 166 did not change the frequency of evaluations—first year of district employment and every third year thereafter—nor the requirements of evaluators— active Wisconsin administrator licenses. Only the process used statewide to conduct the evaluations was changed. The frequency and evaluator requirements were established previously within PI 8. DPI has/will share recommendations regarding best practice, while only requiring the minimum set within PI 8.	DPI updated all stakeholders of the requirements in WI Act 166 through communications online, pilot resources, and presentations. The modification was received positively by educators.
3.A.iv	See pages 129 – 130: The original language in the waiver discusses a timeline for developing a value-added (VA)	The amendment deletes any mention of the SSIS. This initiative was de-funded, and a process is being established to gather district data,	DPI has the ability to measure and include value-added (VA) at the principal level, but will not have the ability to make the necessary student/teacher linkages for teacher VA in 2014-15. The system is being built in 2013-14. Value-added	DPI convened a measurement workgroup that developed implementation timelines and plans for the value-added (VA) component. When the statewide school information system (SSIS) was de-funded, it caused a delay in the availability of the data. The group’s

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	<p>model, including developing a statewide student information system (SSIS).</p>	<p>from local student information systems. It also updates the value-added (VA) implementation timeline:</p> <ul style="list-style-type: none"> • DPI will develop a principal VA measure that controls for variables which impact school performance but which a principal cannot control. This measure will be developed and implemented beginning in 2014-15. • The teacher VA component will be incorporated into a teacher's EE score 	<p>scores will be provided annually beginning in 2014-15. Once three years of data are available, value-added data will be used as part of a teacher's EE score in 2017-18.</p>	<p>recommendation was taken to the EE Coordinating Council for approval. Upon approval, all documentation and communications were revised. This change has received positive feedback due to the illustration of DPI's commitment to fairness and reliability.</p>

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		beginning in 2017-18.		
3.A.v	See pages 123 – 124; 130 – 131: Based on Design Team recommendations, DPI included a pie chart indicating measure weights and how these measures contribute to one final score, categorized into one of three ratings.	DPI has modified its framework to result in two final scores: one for practice and one for outcomes, which are displayed graphically within a final “Score Summary.” The amendment not only illustrates the change in the final Score Summary, but also the weights of measures, relative to two final scores (e.g., SLOs are no longer 45% of an overall score, but 90% of an outcome score).	DPI created a system that is meaningful, appropriate, and informative to the individual educator and their administrator. After feedback and stakeholder consultation, that overall rating label has little positive or informative power. Research can define a “3” on the Danielson framework, but cannot define an overall 3 that combines Danielson, student/school learning objectives (SLOs), value-added (VA), graduation rates, or district choice, all of which have been transformed to a four-point scale. That “3” becomes meaningless to educators and cannot inform improvement of practice or student outcomes.	DPI convened a measurement workgroup that reviewed the rationale for changing the original rating recommendations, and that made a recommendation to switch from EE rating labels to numbers. This recommendation was approved by the Coordinating Council. Additional considerations were discussed. As a result, the measurement group developed a Score Summary graph. Upon approval, all documentation and communications were revised. This change has received positive feedback and demonstrates DPI’s commitment to a system which is meaningful and informative.
3.A.vi	See 131; 134: The original waiver language required specific	This amendment removes any language requiring a specific	As a local control state, personnel decisions, including implementation of improvement plans,	Without regulatory authority written into state statute, DPI cannot require specific interventions. DPI updated all stakeholders through various

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	interventions, including more frequent/annual evaluations, as mentioned in 3.A.iii, associated with an educator receiving a specific rating category.	intervention to take place.	termination, and more frequent evaluations, are local decisions. DPI cannot require local school boards to take a specific action unless it is codified in state law. Instead, DPI has provided guidance and considerations for local use of system data.	communication methods. This modification was positively received by educators, as it demonstrates DPI's commitment to a system which is meaningful and informative.

Attached to this letter is a redlined version of our approved ESEA flexibility request that would be impacted with strikeouts and additions to demonstrate how the request would change with approval of the proposed amendment[s]. DPI's amendments only change language originally stated that is no longer accurate. These amendments do not update language documenting proposed work which has since been developed and implemented. Please contact Lynette Russell at lynette.russell@dpi.wi.gov or by phone at 608-266-5450 if you have any questions regarding these proposed amendments.

The Wisconsin Department of Public Instruction acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.