A young boy with short dark hair, wearing a light blue polo shirt, is smiling broadly and looking towards the right. He is sitting at a desk in a classroom. In the background, other students are visible but out of focus, including a girl in a red shirt and another boy in a red shirt. The lighting is bright and natural, suggesting a classroom environment.

December 2013

New America | Education Policy Program

It's All Relative

How NCLB Waivers Did — And Did Not —
Transform School Accountability

Anne Hyslop

Acknowledgements

My appreciation to the researchers, policy analysts, and experts who graciously offered their insights and knowledge to me and to those who took the time to review an earlier draft of this report, especially Chad Aldeman and Daria Hall. Thanks also to Kevin Carey for his support in writing and editing and to Kristin Blagg for her invaluable research assistance.

About the Author

Anne Hyslop is a policy analyst with New America's Education Policy Program. She can be reached at hyslop@newamerica.org.

About New America

New America is a nonprofit, nonpartisan public policy institute that invests in new thinkers and new ideas to address the next generation of challenges facing the United States.



© 2013 New America

This report carries a Creative Commons license, which permits non-commercial re-use of New America content when proper attribution is provided. This means you are free to copy, display and distribute New America's work, or include our content in derivative works, under the following conditions:

Attribution. You must clearly attribute the work to New America, and provide a link back to www.newamerica.org.

Noncommercial. You may not use this work for commercial purposes without explicit prior permission from New America.

Share Alike. If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.

For the full legal code of this Creative Commons license, please visit www.creativecommons.org. If you have any questions about citing or re-using New America content, please contact us.

It's All Relative

How NCLB Waivers Did - And Did Not - Transform School Accountability

Contents

Executive Summary	3
Introduction	7
1. The Case for Flexibility	11
NCLB Waivers: New Game, New Rules	13
Illustration: Waiver Nuts and Bolts	14
2. School Accountability 2.0	19
NCLB Schools in Improvement: In or Out	20
Right-Sizing Accountability? The 15 Percent Framework	25
Who are the Fifteen Percent?	27
It's All Relative	36
3. Getting Accountability Right	41
Conclusion	44
Appendix A	46
Notes	50



Executive Summary

Halfway through the 2013–14 school year, the year No Child Left Behind (NCLB) envisioned 100 percent student proficiency, school accountability policy is more tenuous than ever. After years of contesting that NCLB was broken and that it forced them to identify too many schools, or the wrong schools, for improvement, over forty states have been granted waivers from the U.S. Department of Education. These waivers give them the flexibility to design new accountability and improvement schemes rather than abide by federal rules.

Waivers are not without their rules, conditions, and guidelines, but they are less prescriptive than NCLB. Chiefly, waivers encourage school accountability systems based on relative, rather than absolute, measures of performance. Under NCLB

accountability, schools identified for improvement fell short of a pre-determined performance standard — Adequate Yearly Progress (AYP). Under waiver accountability, however, the “standard” is often based on the number of schools that must be identified, rather than their level of performance. States must intervene in at least 15 percent of their Title I schools (those schools serving predominantly low-income students) by naming them as priority or focus schools. But within this 15 percent framework, states can choose how to rank schools, with freedom to design complicated indices and use various performance measures, weighting, and labels.

The Department intended for waivers to focus school accountability efforts on a limited number of schools and improve the interventions occurring there. But because the interventions under waivers are both more focused and more rigorous, the stakes for identifying the right schools are higher than ever. Waivers can not only alter perceptions of which schools are good or bad, but also their chances for getting better. Using school improvement data from over 20,000 schools in 16 states, this report shows how the 15 percent framework, and states’ choices within it, changed the identification of schools for improvement during the transition from NCLB to waivers. As a result, school accountability systems today are dramatically different than they were a few years ago. And they’ll likely stay that way. In the absence of a Congressional overhaul of NCLB, waivers are the new accountability normal.

The 15 Percent Framework

Since states felt that NCLB forced them to name too many schools for improvement, many used new, relative approaches to accountability to identify fewer schools for federal intervention. Across the 16 states, the number of schools identified for improvement decreased by one-third, on average, from NCLB in 2011–12 to waivers in 2012–13. But this obscures significant variation from state to state:

- Eleven states classified fewer priority or focus schools in 2012–13 than the number of schools identified for NCLB improvement in 2011–12 (AZ, DE, FL, MA, MN, MO, NV, NJ, RI, SC, VA).
- This decrease is much larger in some states than in others. Using its waiver, Nevada identified over 85 percent fewer schools for interventions than it did the previous year under NCLB, while Rhode Island identified 12 percent fewer schools from NCLB to waivers.
- In five states, however, the number of schools identified for improvement reached an all-time high under waivers (IN, MS, OK, OR, TN). But these states tended to have relatively smaller school improvement efforts under NCLB. In other words, many of them had to identify more schools under waivers in order to implement interventions in 15 percent of Title I schools in 2012–13.

The degree of change in the number of schools states identify for interventions before and after the transition to waivers may show significant variance, but states are all moving toward the same target: **15 percent of Title I schools**. Under NCLB, it was much easier to make AYP in some states than in others. These distinctions matter less with waivers. Take the case of Mississippi and Massachusetts: in the 2011–12 school year, approximately 12 percent of Mississippi's Title I schools were in some stage of improvement, compared to over 70 percent of Title I schools in Massachusetts. In the transition to waivers, this variation has all but disappeared: every state analyzed has identified 15 percent of Title I schools as priority or focus, give or take a few percentage points.

States' Choices within the Framework

States also felt that NCLB's rigid accountability structure prevented them from naming the "right" schools for improvement. Accordingly, every state used its waiver accountability system to relieve many so-called

"failing" schools under NCLB from federal interventions in the 2012–13 school year.

- Across the 16 states, over 4,400 schools in improvement under NCLB were no longer identified as priority or focus schools under waivers. On average, two-thirds of the schools identified by NCLB were not among the bottom 15 percent of the state's waiver accountability plan.
- Schools identified for federal interventions by NCLB, but not waivers, had been in various stages of improvement. In 10 states, the majority of schools no longer identified had been in the first two years of improvement (DE, IN, MN, MS, MO, NJ, OK, OR, TN, VA). But in five states, at least half of the schools relieved from interventions were previously in corrective action or restructuring (AZ, MA, NV, RI, SC).
- Over half of schools previously in restructuring (those that had missed AYP for six consecutive years) were not identified for a seventh year of improvement in 2012–13. The same is true for over half of schools previously in corrective action (those that had missed AYP for four or five years).

Instead of continuing interventions in all previously identified schools, waivers allowed states to target their efforts on the lowest-performing 15 percent. But some states still chose to identify the same schools that had been in improvement under NCLB, while others named many priority and focus schools that had not been in improvement the year before.

- In seven states, the most common kind of priority and focus school is one that had not been in interventions under NCLB in 2011–12 (AZ, IN, MS, OK, OR, SC, TN). And in five, less than a quarter of priority and focus schools had been in corrective action or restructuring during the prior year (AZ, MS, OK, OR, TN).
- In eight states, the majority of priority and focus schools had been in some form of improvement under NCLB in 2011–12 (DE, MA, MN, MO, NJ, NV, RI, VA). In five, schools previously in restructuring are the most common kind of school identified under waivers (MA, MO, NV, NJ, RI).
- States' accountability design choices may affect the kinds of schools they identify in the bottom 15 percent. For instance, states using super-subgroups based on student achievement (instead of demographic characteristics) to identify low-performing schools tend to name more priority and focus schools that had not been in improvement in 2011–12.

The U.S. Department of Education also included two safeguards to ensure certain kinds of schools were typically priority or focus schools: high schools with low graduation rates and schools receiving School Improvement Grant (SIG) awards to implement comprehensive turnaround efforts. But these safeguards did not necessarily result in a greater emphasis on high school accountability or the consistent identification of SIG schools.

- Eight states increased the proportion of their schools in improvement that were high schools, but many of these changes were relatively small (IN, MA, MN, MS, NV, NJ, OR, TN).
- The increase in high school accountability in these states typically came at the expense of middle schools, rather than elementary schools.
- In twelve states, nearly every SIG school is identified as a priority or focus school under waiver accountability systems, and in three, 100 percent of SIG schools are priority schools (MN, RI, VA). But in three others, 50 percent or more of SIG schools are not identified at all (IN, NV, SC).

Above all, waivers are best understood in context of the shift toward relative rankings for school accountability. Because of the switch to a 15 percent framework, thousands of schools were eased from federal interventions in a single school year. And since states could determine how to measure their relative performance, waivers also tend to increase the variation between states. Some states used their waivers to redouble efforts to improve previously identified schools, while others took the opportunity to change which schools receive scarce school improvement resources and supports.

Moving Forward

There may be agreement that NCLB is broken, but there is not yet agreement that waivers are working. This is in large part because so little is known about waiver implementation and its effect on schools and student learning. The data presented in this paper are some of the first to show the differences in school accountability between NCLB and waivers. But many questions remain. Further research is sorely needed, especially as the U.S. Department of Education begins to review and renew states' waivers during the 2013–14 school year. The renewal process would be a natural opportunity to correct course and improve waiver policy. But not enough data have been gathered to determine what these changes should be. While it is understandable that the Department may need additional time and manpower to gather and analyze waiver data, it must continue these efforts and

make the information available to researchers, analysts, journalists, policymakers, and practitioners. **Given the critical need for better data on NCLB waiver implementation, the Department should reconsider and strengthen, where necessary, how it plans to provide ongoing oversight of waivers, including the renewal process, to ensure it is comprehensive, transparent, and responsive.**

There are three other considerations for the Department and states as they collect data on waiver implementation, conduct research on the effectiveness of states' plans, and revise or renew the waiver requests. These efforts should consider:

1 Improving the alignment between states' school goals, school quality measures, and the process for identifying priority and focus schools.

2 Increasing states' school improvement capacities and altering the methodologies for naming priority and focus schools to ensure certain kinds of schools are always identified, especially if the schools that go unidentified show less improvement over time.

3 Changing states' school performance measures or accountability design choices if there is a link between specific choices and better outcomes for schools or students.

With waivers, states have the opportunity to rethink how they identify and improve their lowest-performing schools. And while waivers are clearly complicated, so was NCLB. The problem with No Child Left Behind wasn't that it was complicated, however. The problem was that the measures and methods it used to identify low-performing schools weren't very effective. Unfortunately, it isn't clear if states and the U.S. Department of Education have learned these lessons and applied them to waiver accountability systems. Identifying low-performing schools is the easy part, compared to actually improving them. As states begin to renew their waivers and make their case anew to the Department, it's not just time for more plans and promises — it's time to finally get school accountability systems right.



Introduction

For as long as there have been public schools in the United States, there have been efforts to make them better. American school reformers have taken on truancy, overcrowding, segregation, and more recently, low academic standards. But through each wave of reform, one thing has remained constant: there have always been bad schools – and minorities, immigrants, and children in poverty or with special needs have been much more likely to attend them.

These schools are no secret. They have gone by many names: slum schools, failing schools, and dropout factories, to name a few. But they became much more conspicuous thanks to the No Child Left Behind Act of 2001 (NCLB). NCLB, the latest iteration of the Elementary and Secondary Education Act (ESEA), sought to close the achievement gap so that all students would be proficient in reading and math by 2014, the current school year. To that end, the law required states to adopt not only academic standards and annual tests for all students, but also performance goals and mandated consequences for schools that failed to make AYP, or Adequate Yearly Progress

(see 'AYP and School Improvement Under NCLB'). More important, test results were broken down by key subgroups of students, and performance targets were applied to these sub-populations within schools.

Thus, NCLB systematically identified low-performing schools and forced states and school districts to do something about them. And for the first time, states began to collect and publish large amounts of student achievement data to track public school performance. Policymakers, school reformers, and parents always knew bad schools existed. Now they had hard evidence to back it up.

Flash forward a decade, however, and this system of school accountability has been quietly dismantled and rebuilt. States, armed with waivers that give them newfound flexibility from the federal government, have designed their own approaches to identify and improve low-performing schools. With NCLB six years overdue for a rewrite and no legislative solution in sight, waivers have become the new normal. While the resurgence of state-driven accountability systems has allowed for policy innovation in the states, it has also promoted policy incoherence nationally, adding complexity and making information on states' choices difficult to come by. Over time, state-driven accountability systems may prove to be more effective than NCLB, but little research has been conducted on their implementation. This paper provides some of the first evidencedence of how schools facing improvement changed between NCLB

and waiver accountability systems, using data from over 20,000 schools in 16 states transitioning from the last year of NCLB (2011–12) to the first year of waivers (2012–13).

One of these schools is in Michigan City, Indiana – a city of 31,000 wedged between Gary and South Bend on the shore of Lake Michigan. Knapp Elementary School was perennially on the list of schools failing to make AYP. Its student body reflects the struggles of the post-industrial city as a whole: it is located just over a mile from the maximum-security Indiana State Prison, and over 85 percent of its students are low-income. On the state's school report card, Knapp was almost always a "C" pupil, although the school had shown signs of improvement. Still, after the 2010–11 school year, Knapp failed to make AYP yet again, and the school began its sixth year of improvement in the fall of 2011. This meant Knapp was placed in some of the most rigorous interventions offered under NCLB.

But just over a year later, Knapp Elementary was no longer "failing." While the school hadn't improved from its "C" grade, it was no longer subject to federal school interventions. Indiana had been given the go-ahead from the U.S. Department of Education to use a new accountability system, based on Indiana's state report cards rather than the standards set by NCLB. The new accountability system aimed to concentrate interventions on the schools that were struggling the most, and Knapp didn't make the cut.

There are likely thousands of schools like Knapp across the country. Over forty other states also have waivers from NCLB, and with them, the flexibility to design new school accountability and improvement schemes rather than abide by federal rules. NCLB's rules, states argued, forced them to identify too many or the wrong schools for improvement.

Waivers laid out a few new rules for states, but as a whole, they were far less prescriptive than NCLB. States wanted systems that were more responsive to their local needs and that better targeted resources to the most critical areas. Importantly, waivers opened the door for school accountability based on *relative*, rather than absolute, school performance. Under NCLB accountability, schools identified for improvement fell short of pre-determined performance standards. Under state-driven waiver accountability, however, the "standard" is often based on the number of schools that must be identified, rather than their performance. States must intervene in at least 15 percent of Title I schools (those serving predominantly low-income students): the bottom 5 percent are named "priority" schools and another 10 percent are identified as "focus" schools, typically because of low subgroup achievement or large achievement gaps. States filled in the remaining details on their own, with latitude to choose the goals, measures, weighting, and school labels they prefer. Indiana used this flexibility

to incorporate bonuses for student growth and give all schools an A-F grade, but other states made different choices. As a result, the existence of priority and focus schools is often the only common element across state accountability systems today – and it's the only one that always carries meaningful stakes for schools.

But the stakes for states to identify the right schools are also higher, since the interventions under waivers are more rigorous and more focused on a limited number of schools. Waivers can not only alter perceptions of which schools are good or bad, but also their chances for getting better. With waivers, schools that appeared to be just fine under NCLB may become priority or focus schools, while some of NCLB's chronically low-performing schools go unidentified. Newly identified schools will face additional public scrutiny and requirements, altering the responsibilities and expectations placed on educators there. This is especially true for priority schools, which must enter a comprehensive three-year turnaround program with stricter requirements than NCLB (see "Turnaround Principles for Priority Schools"). Meanwhile, schools identified under NCLB, but not waivers, may discontinue some interventions after losing the supplemental resources they received based on NCLB identification. But there is little evidence of whether this occurred, because little is known about whether the schools identified for interventions have changed and how.

This analysis demonstrates that school accountability systems are changing under NCLB waivers, but the effect of the new federal rules and states' choices within them varies tremendously from one state to another. Most states identify fewer schools for improvement under waivers, but a few do not. Some continue to focus their school improvement efforts on the same schools that were considered low-performing under NCLB, while other states have intervened in schools that were not identified the year before. And it's not always clear how the various choices states made work together to determine which schools are identified and which are not.

But one thing is clear: Across the board, without exception, some of the worst schools according to NCLB are no longer identified for improvement under NCLB waivers. The untold story of waivers is that with little warning, hundreds of so-called "failing" schools suddenly weren't "failing" anymore. Why? These schools may have been misidentified by NCLB, but the more likely reason is the new federal approach for identifying the worst schools: the 15 percent framework. A relative accountability strategy creates a finite number of school improvement slots within states. At the same time, states were given flexibility to measure school performance differently, changing perceptions of their relative success. While it may be too soon to tell if 15 percent is the "right" number or if states have chosen the "right" performance measures, landing in the bottom 15 percent of schools in a state matters for teachers, students, and families, and it matters now.

AYP & School Improvement Under NCLB

Years Missing AYP	NCLB-Prescribed Intervention for Schools In Need of Improvement
1	None
2	School Improvement Year 1: District must offer students option to transfer to a higher-performing district school.
3	School Improvement Year 2: District must also offer supplemental education services (SES) to students.
4	Corrective Action Year 1: In addition to the transfer option and SES, schools must take larger steps to improve the school, such as changes in staff or leadership, curriculum reforms, increasing or shifting instructional time, or working with external providers to improve.
5	Corrective Action Year 2: School continues transfer option, SES, and corrective actions and creates a restructuring plan.
6	Restructuring: School implements restructuring plan, which could involve: replacing principal and some staff, state takeover, conversion to a charter school, contracting with another organization to manage the school, or other changes in leadership and governance. Most schools chose the 'other' model, the most flexible and permissive option. ¹

¹See, for example, Sara Mead, "Easy Way Out: "Restructured" usually means little has changed," Education Next, Winter 2007, http://educationnext.org/files/ednext_20071_52.pdf, and Robert Manwaring, "Restructuring 'Restructuring'", Education Sector, 2010, <http://www.educationsector.org/sites/default/files/publications/Restructuring.pdf>.

Turnaround Principles for Priority Schools

All priority schools – the bottom 5 percent of Title I schools in the state – must implement a three-year turnaround strategy to improve academic achievement.

This strategy must align with key turnaround principles identified by the U.S. Department of Education. The four turnaround models adopted by schools in the School Improvement Grants program meet all of these principles.

States may also use a statewide approach that meets the principles, including transferring control of school operations to the state, to a recovery school district, or to another management organization.

All priority schools must adopt interventions that meet key principles. These are:

- 1 Providing strong leadership by: (i) re-viewing the performance of the current principal; (ii) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (iii) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget.
- 2 Ensuring that teachers are effective and able to improve instruction by: (i) re-viewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (ii) preventing ineffective teachers from transferring to these schools; and (iii) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.
- 3 Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration.
- 4 Strengthening the school's instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards.
- 5 Using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data.
- 6 Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs.
- 7 Providing ongoing mechanisms for family and community engagement.

Source: ESEA Flexibility Policy Document, U.S. Department of Education, June 7, 2012 (<http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc> accessed June 22, 2013).

1



The Case for Flexibility

For schools like Knapp, there is a huge difference between being labeled a “C” school on the state’s report card and being identified as a priority or focus school. Public reporting of school performance data is well and good for transparency’s sake, but the purpose of school report cards is to detect, rather than fix, the problems in low-performing schools. Unlike “report card” forms of accountability, however, identification as a priority or focus school goes further. The stakes are high, particularly for priority schools, because of the sanctions, interventions, or significant changes in governance that are supposed to accompany the label. In priority schools, families may be able to send their children to other schools, educators could lose their jobs, and schools could gain supports and resources, be

placed under new leadership, reopen as a charter, or even close. Without significant changes in leadership and governance, low-performing schools will likely remain that way.

NCLB is no longer considered the best vehicle to produce those changes (see “NCLB: Failing to Identify and Improve ‘Failing’ Schools”). Over a decade into its implementation, achievement gaps persist, dropout factories continue to operate, and students routinely graduate high school unprepared for postsecondary training and work. Research has found that NCLB’s accountability system has led to some gains in school math performance, particularly in elementary grades, but found no effect on reading performance.¹ This mirrors trends in student performance on the National Assessment of Educational Progress (NAEP). In the last decade, math scores have improved somewhat, while reading scores have mostly remained steady.² These lackluster results, far from NCLB’s universal proficiency goal, and the problems with NCLB’s accountability and improvement strategies have fueled discontent with the law.

No Child Left Behind is now six years behind schedule for reauthorization. And as state reforms butt against the outdated federal system, many feel NCLB constrains states from fully embracing new

NCLB: Failing to Identify and Improve “Failing” Schools

No Child Left Behind identifies the worst schools based on simple and static measures, like proficiency rates on standardized reading and math tests, which can be easily manipulated by states. States determine what cut scores are necessary for students to be deemed proficient, the precision with which proficiency rates are measured, and what kinds of credentials count as completing high school.ⁱ

These arbitrary decisions within the accountability criteria create perverse incentives. Seemingly minor tweaks, like reducing the number of students required in a subgroup for accountability purposes from 20 to 15, could make the difference between a school making AYP or not. Further, NCLB's end-of-the-year snapshot does not recognize schools whose students demonstrate impressive growth from year to year, regardless of their proficiency.ⁱⁱ It also fails to acknowledge other measures of school success, including highly effective teaching and whether students are adequately prepared for college and careers.

NCLB's problems extend beyond how it identifies low-performing schools. The law's methods for improving them are also flawed. It requires a standardized series of school interventions, based on the number of years a school failed to meet its performance targets rather than why it failed to meet them. A school that is identified because its special education students are overwhelmingly below grade level in reading is treated exactly the same as a school where almost all of its students are low-performing readers. And as NCLB's performance targets inched toward universal proficiency, more and more schools fell into improvement each year, stretching thin state and local capacity to improve them. Kentucky Commissioner of Education Terry Holliday echoes these criticisms: “Our trouble is we identify too many schools for intervention. Our most difficult challenge is to differentiate the level of support the state provides to districts and schools.”ⁱⁱⁱ

In the worst cases, states eased the targets or standards rather than engage in NCLB's regimen of improvement activities for more and more schools.^{iv}

The standardized interventions also didn't produce the dramatic kind of improvement NCLB proponents envisioned. One evaluation found that only one percent of eligible students took advantage of NCLB's choice option.^v A greater share of students participated in tutoring programs, but their effects on student achievement were limited and inconsistent, and the quality and business practices of many tutoring companies were dubious.^{vi}

The U.S. Department of Education's Inspector General has had to respond to an increase in fraud and corruption cases against tutoring providers, and even former Department of Education officials, like Michael Petrilli of the Thomas B. Fordham Institute, admit the program was “an unmitigated disaster.”^{vii} And the worst schools – those in corrective action or restructuring – rarely made dramatic changes. In 2007-08, over three-quarters of schools in restructuring took advantage of wide latitude to design “other,” and often less intensive, strategies.^{viii}

These criticisms underpin many states' decisions to apply for waivers. The opening lines of Massachusetts' approved waiver accountability system are typical:

The Commonwealth's schools and districts are currently assessed based on both the state's five-level Framework for District and School Accountability and the requirements of the No Child Left Behind Act (NCLB). Operating these dual systems at one time provided a wealth of valuable feedback, but the requirements under NCLB have declined into an administrative and fiscal burden that is no longer useful. The rising targets have resulted in far too many schools and districts being identified as in need of improvement to allow the state to best identify those most needing assistance or intervention.

ⁱ See, for example, Kevin Carey, “The Pangloss Index” Education Sector, 2006. <http://www.educationsector.org/sites/default/files/publications/The%20Pangloss%20Index.pdf>, and Lyndsey Pinkus, “Who's Counted? Who's Counting?” Alliance for Excellent Education, 2006 <http://www.all4ed.org/wp-content/uploads/WhosCounting.pdf>.

ⁱⁱ NCLB includes a “safe harbor” provision which allows a school to make AYP via improvement in proficiency rates without meeting state performance targets. Specifically, a school could make AYP by reducing the proportion of non-proficient students in a subgroup by 10 percent from one year to next, even if that subgroup missed its AMO. For more, see Erin Dillon and Andrew J. Rotherham, “States' Evidence: What It Means to Make ‘Adequate Yearly Progress’ Under NCLB,” Education Sector, 2007 <http://www.educationsector.org/sites/default/files/publications/EXPAYP.pdf>.

ⁱⁱⁱ Michele McNeil, “NCLB Waiver-Renewal Process Turns Up Heat on States,” Education Week, September, 10, 2013 http://www.edweek.org/ew/articles/2013/09/11/03waiver_ep.h33.html (accessed October 24, 2013).

^{iv} Bandeira de Mello, V. (2011), Mapping State Proficiency Standards Onto the NAEP Scales: Variation and Change in State Standards for Reading and Mathematics, 2005–2009 (NCES 2011-458). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, DC: Government Printing Office.

^v Gill, Brian, Jennifer Sloan McCombs, Scott Naftel, Karen E. Ross, Mengli Song, Jennifer Harmon, Georges Vernez, Beatrice Birman, Michael Garett and Jennifer O'Day. State and Local Implementation of the No Child Left Behind Act: Volume IV -- Title I School Choice and Supplemental Educational Services: Interim Report. Santa Monica, CA: RAND Corporation, 2008. <http://www.rand.org/pubs/reprints/RP1332>.

^{vi} Carolyn J. Heinrich and Patricia Burch, “The Implementation and Effectiveness of Supplemental Educational Services,” American Enterprise Institute and Center for American Progress, March 2012 http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf (accessed November 29, 2013).

^{vii} See, William D. Hamel, “Final Management Information Report Fraud in Title I-Funded Tutoring Programs,” Office of Inspector General, U.S. Department of Education, October 31, 2013 <http://www2.ed.gov/about/offices/list/oig/auditreports/fy2013/x42n0001.pdf> (accessed November 19, 2013), and Morgan Smith, “After Misuse, a Push to Continue Tutoring Mandate,” The Texas Tribune, October 20, 2013 <http://www.texastribune.org/2013/10/20/after-misuse-push-continue-tutoring-mandate/> (access October 24, 2013).

^{viii} Robert Manwaring, “Restructuring ‘Restructuring,’” Education Sector, 2010, <http://www.educationsector.org/sites/default/files/publications/Restructuring.pdf>.

approaches to better identify, support, and improve low-performing schools. In testimony before Congress, New York Commissioner of Education John King explained, "New York was finding it increasingly difficult to keep its ESEA accountability system well aligned with the bold agenda for educational reform that the Board of Regents established."³ And it is telling that even in today's hyper-partisan political environment, nearly everyone agrees NCLB no longer works. As Denver schools' superintendent-turned U.S. Senator Michael Bennet put it, "if you had a rally tomorrow on the Capitol to keep No Child Left Behind the same, there's not a single person that would show up for that rally."⁴

The U.S. Department of Education has tried to respond to states' needs. During the second half of the Bush administration, the Department offered two pilot programs, one to experiment with measures of student growth and another to develop "differentiated accountability" systems.⁵ Bipartisan state advocacy groups, including the Council of Chief State School Officers, National Governor's Association, and National Association of State Boards of Education, embraced both strategies as part of NCLB reauthorization.⁶ So did the Obama administration in its reauthorization proposal, *A Blueprint for Reform*.⁷ But NCLB waivers represent the strongest, and largest, endorsement for new approaches to identify and improve America's worst schools to date.

NCLB Waivers: New Game, New Rules

By using frustration with NCLB and building on pre-existing state efforts, the U.S. Department of Education was able to entice all but four states – Montana, Nebraska, North Dakota, and Vermont – to apply for flexibility from NCLB on the condition that they would implement reform in four key areas (see "Waiver Nuts and Bolts").⁸ Within a year of the first application due date, 34 states and Washington, D.C. had won flexibility from the Department of Education. Now, 42 states, Washington D.C., Puerto Rico, and a consortium of eight California school districts have been awarded waivers. Most of these waivers expire at the end of the 2013-14 school year, but states will be able to renew them for an additional year. And if NCLB reauthorization continues to languish in Congress, further renewals are likely.

States frequently criticized NCLB's rigid accountability structure for conflicting with state-level reforms and for forcing them to identify too many or the "wrong" schools for improvement. In response, the Department's waiver guidelines only require federal interventions in 15 percent of Title I schools, allowing states to more narrowly focus and strengthen improvement efforts. The Department had already bet on this tactic when it revamped the School Improvement Grant

Program in 2009, infusing unprecedented levels of funding (\$3 billion) into the program and upping the intensity of interventions in hundreds of the nation's chronically low-performing schools. The Department defined these schools similarly to priority schools: the bottom 5 percent of schools based on student proficiency and progress. SIG schools choose from four improvement strategies, each of which requires more specific reforms than NCLB.

No Child Left Behind may not have been rewritten, but thanks to waivers, most of the law's accountability provisions are obsolete. As Oklahoma Superintendent of Education Janet Barresi put it, flexibility "is a game changer. ... We now have added urgency to press ahead with the implementation of reforms and a chance to help schools in our state improve."⁹ For the foreseeable future, the majority of states will be using their own accountability and school improvement mechanisms rather than those prescribed in federal law.

For educators, local administrators, and parents, waivers could mean that their school will no longer be in improvement: it will be a "C" school, or a focus school, or not labeled at all. Families will receive new school report cards too, with different information about the performance of their local school. Given these changes, teachers, families, policymakers, and other stakeholders desperately need information to understand what waivers mean. But information is hard to come by. After ten years, NCLB, AYP, and its school improvement steps are familiar. Waivers introduce a whole new accountability language (see "Comparing NCLB and Waiver Accountability Systems"). And it does not help that states' waivers tend to be hundreds of pages, full of jargon and technical details, and based on interlocking, complicated reforms. Further, when parents, educators, and advocates do successfully navigate their state's waiver request, they often become upset at the changes envisioned for school accountability systems, arguing that they set different expectations for minority students, or unfairly treat certain kinds of schools.¹⁰ These concerns are shared by many national education and civil rights advocacy organizations, including the Education Trust, Center for American American Progress, Alliance for Excellent Education, and Campaign for High School Equity.¹¹

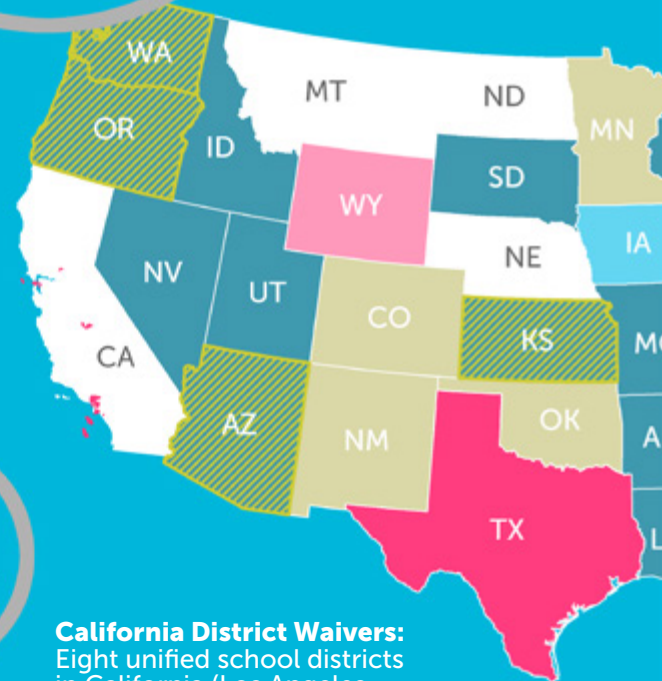
Waivers have changed the school accountability game, but does anyone know the rules? Without clear and accurate information about the impact of states' new waiver accountability systems, it is practically impossible for the public to judge the merits of states' efforts. How have the components of states' accountability systems changed, including the measures and labels used to describe school performance? And more important, how do these changes affect the group of schools feeling the consequences of the new accountability systems — those placed in improvement as priority and focus schools?

Waiver Nuts and Bolts

In September 2011, President Obama and Secretary Duncan unveiled a plan to offer all states flexibility from No Child Left Behind, if they met certain conditions. With Department approval, states could receive two-year waivers to change their performance targets and school accountability systems in exchange for reforms in four areas: college- and career-ready expectations, differentiated accountability systems, effective instruction and leadership, and reduction of unnecessary reporting and administrative requirements.¹ The first states were awarded waivers in February 2012, followed by two additional rounds of requests. States from the first two application rounds that received waivers for the 2012-13 and 2013-14 school years are now in the process of renewing these requests for an additional year.

NCLB Waivers in the States

-  **No Waiver** (CA state, MT, NE, ND, VT)
-  **Round 1** (CO, FL, GA, IN, KY, MA, MN, NJ, NM, OK, TN)
-  **Waiting for Approval for Round 2** (IA, IL)
-  **Round 2** (AZ, AR, CT, DC, DE, ID, KS, LA, MD, MI, MS, MO, NV, NY, NC, OH, OR, RI, SC, SD, UT, VA, WA, WI)
-  **Waiting for Approval for Round 3** (BIE, WY)
-  **Round 3** (AL, AK, HI, ME, NH, PA, PR, TX, WV, 8 CA Districts - see insert)
-  **High Risk States** (AZ, OR, KS, WA)



California District Waivers: Eight unified school districts in California (Los Angeles, Long Beach, San Francisco, Oakland, Santa Ana, Sanger, Sacramento City and Fresno) received district waivers under the No Child Left Behind Act in August 2013.

Principles of ESEA Flexibility

1 College- and Career-Ready Expectations for All Students. States must:

- adopt college- and career-ready standards in English language arts and mathematics; and
- administer high-quality, aligned assessments that measure student growth in grades 3-8 and at least once in high school. States must also adopt English Language proficiency standards and related assessments, as well as assessments for students with disabilities.

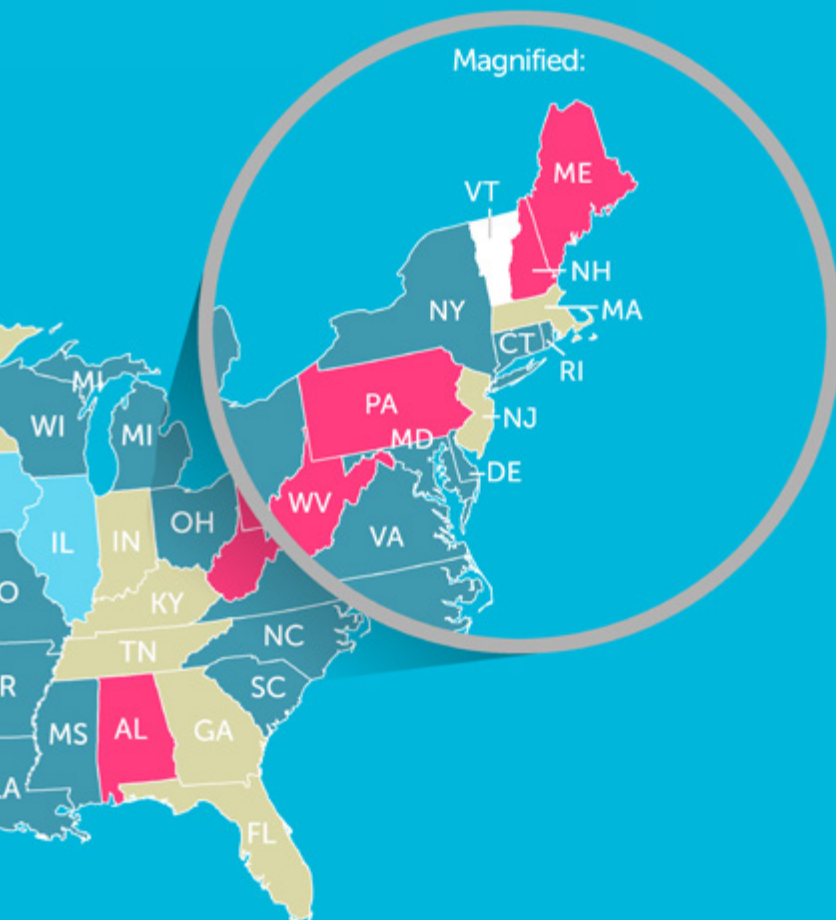
2 State-Developed Differentiated Recognition, Accountability, and Support. States must:

- develop differentiated accountability systems that use both achievement and progress data to measure school performance, and establish annual goals for student performance;
- identify Title I schools with high progress and/or achievement as “reward schools” and offer them public recognition or other incentives;
- identify at least 5% of Title I schools with the lowest performance as “priority schools” to undergo comprehensive three-year turnaround efforts; and
- identify at least 10% of Title I schools with large achievement gaps and/or low subgroup performance as “focus schools” and support them through a targeted school improvement process.

3 Supporting Effective Instruction and Leadership. States must:

- develop, pilot, and implement new teacher and principal evaluation systems that include a student growth component, differentiate teachers into multiple categories of effectiveness, provide feedback for professional development, and inform personnel decisions.

4 Reducing Duplication and Unnecessary Burden. States must: evaluate their administrative requirements and reduce duplicative reporting and unnecessary burden on school districts and schools, eliminating regulations that have little impact on student performance.



¹ For further information and related documentation, see U.S. Department of Education's ESEA Flexibility page: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.



Comparing NCLB and Waiver Accountability Systems

Accountability Component	NCLB Accountability	Waiver Accountability
<p>Student Performance Goals</p>	<p>State sets annual measurable objectives (AMOs) that ensure all students and student subgroups achieve 100% proficiency by 2014.</p>	<p>State sets annual measurable objectives (AMOs) for all students and student subgroups, but choose the end goal: 100% proficiency, decreasing achievement gaps by 50%, or another outcome.</p>
<p>Relationship between Goals and School Identification</p>	<p>AMOs are used to determine if schools make Adequate Yearly Progress (AYP) for all students and student subgroups.</p>	<p>AMOs for all students and student subgroups are used in states' differentiated accountability systems and may be used to identify priority and focus schools.</p>
<p>School Identification</p>	<p>Title I schools failing to make AYP for any subgroup for two consecutive years are identified as schools in need of improvement.</p>	<p>At least 5% of the lowest-performing Title I schools are identified as priority schools; at least 10% of Title I schools with large achievement gaps and/or low subgroup performance are identified as focus schools. States choose how to use AMOs, student subgroups, and other performance measures to make these determinations.</p>
<p>School Improvement</p>	<p>Title I schools in need of improvement implement interventions based on the number of years they have missed AYP. To exit improvement, states must make AYP for two consecutive years.</p>	<p>Priority schools implement three-year interventions that reflect key turnaround principles; focus schools implement sanctions targeted to their focus area. States determine criteria for exiting improvement.</p>

2



School Accountability 2.0

To examine how school accountability systems shifted from NCLB to waivers, this report analyzes 2011–12 and 2012–13 school improvement data and waiver requests from 16 states: Arizona, Delaware, Florida, Indiana, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New Jersey, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, and Virginia.

We selected these states to be as representative as possible of the 35 implementing flexibility during the 2012–13 school year.¹² In each state, data were collected on the schools identified for improvement under No Child Left Behind in 2011–12 as well as schools identified as priority or focus schools in 2012–13. The data include whether the school was identified for improvement, the label assigned (e.g., corrective action, priority), and other characteristics including the school's grade level, whether it was a charter or traditional public school, and whether it was eligible for or received School Improvement Grant funding. Data were collected from state education agency websites, and when possible, include not only schools identified for improvement in a given year, but also the entire population of schools in the state.¹³ In sum, over 20,300 schools are represented in the dataset across the

16 states.

Some states chose to create additional categories of schools to “watch” beyond priority and focus schools, although it was not required by the U.S. Department of Education. States are also monitoring the performance of all Title I schools against performance goals, regardless of the school's priority or focus status. But the interventions in these schools are not nearly as meaningful or ambitious as those in priority and focus schools. They may be placed under additional district or state oversight, but it is not equivalent to the resources, support, and attention priority and focus schools receive from their districts, states, and the federal government. Thus, only priority and focus schools are considered to be facing federal improvement interventions under waiver accountability in this analysis.

Just as it is difficult to compare the effects of NCLB across states because each used different academic standards, assessments, proficiency cut scores, and annual performance targets, it is also difficult to compare the effect of waivers across states. Within the guidance provided by the Department, states had autonomy to choose how to measure school performance; how to weight each measure within an overall index, grade, or school label; and how to identify schools to receive interventions. Because of these additional choices, waivers have tended to increase the variation between the design of states' accountability systems, and often, the results they produce (see Appendix A:

Summary of Waiver Accountability Design Choices). This analysis focuses on changes within states between NCLB and waiver accountability. While some overarching lessons can be learned from the data, the amount of flexibility waivers offered to states limits the number of general conclusions that can be drawn about these changes nationally.

NCLB Schools in Improvement: In or Out?

Waivers gave states significant latitude in how they identify schools for improvement, and states took advantage of it. In the 16 states here, the group of schools targeted for interventions under waivers is often radically different from NCLB. As Table 1 demonstrates, in nine states, over two-thirds of all Title I schools identified for improvement under NCLB were no longer identified in waiver accountability systems — the Knapp Elementary Schools of the world. And in all but two states, Indiana and Rhode Island, over half of schools receiving interventions under NCLB were not labeled as priority or focus schools.

That is not to imply that NCLB's method for identifying "failing" schools was perfect. In fact, many states added new metrics to their waiver accountability plans to improve school identification, including student growth and college- and career-ready indicators. But despite the ability to try new accountability approaches with waivers, proficiency rates continue to play a significant role, even a starring one, in states' identification of priority and focus schools.¹⁴ Thus, certain schools would be expected to be removed from federally required interventions more often than others under waivers: schools that had barely missed AYP and schools in the least severe stages of improvement. A school that was implementing restructuring (NCLB's intervention for chronically underperforming schools) should have a higher likelihood of also being identified with waiver accountability systems in force.¹⁵ These schools had failed to meet their performance targets not once, not twice, but six consecutive times.

As Figure 1a shows, these expectations are confirmed in most states: when schools in NCLB improvement are not named as priority and focus schools, they tend to come from the least serious NCLB intervention phases.¹⁶ In 10 states, at least six of every 10 schools removed from federal interventions through waiver accountability had been in the first two years of school improvement under NCLB. And in all but two, fewer than one of every 10 schools removed from interventions had been in improvement for over six years.

But there are also states where a larger proportion of schools eased from federal interventions in the tran-

sition to waivers come from the later, more serious phases of NCLB improvement (Figure 1b). In Arizona, Massachusetts, Nevada, Rhode Island, and South Carolina at least half of all schools removed from federal improvement had been in corrective action or restructuring under NCLB. And in South Carolina, half of schools let off the hook had been in restructuring.

There is an important caveat to these data. The distribution of schools removed from federal accountability under waivers must be considered in light of how interventions were distributed in these states under NCLB. As Table 2 shows, the three states where schools in restructuring represent only a fraction of the schools eased from improvement (Delaware, Mississippi, and Oklahoma) are also the three states with the smallest share of schools in restructuring to begin with. And each of the five states where schools in restructuring make up a large share of those removed from federal interventions under waivers (Arizona, Massachusetts, Nevada, Rhode Island, and South Carolina) had a higher-than-average share of schools in restructuring than other states sampled.

It is also clear, however, that some states used their waiver accountability systems to refocus efforts to improve schools in restructuring, while others were more likely to exclude them from their priority and focus schools. Massachusetts, Missouri, and New Jersey took the former approach.

While many of their schools in restructuring are no longer identified, the proportion of schools in improvement that are or were in the restructuring phase increases significantly from NCLB to waiver accountability. Nearly half of Massachusetts' schools in improvement in 2011–12 were in restructuring, but in 2012–13 over 80 percent of schools in improvement were in restructuring the previous year. In other words, few of their priority and focus school slots went to schools previously unidentified or in the earliest stages of NCLB improvement. On the other hand, Arizona, Oregon, and South Carolina designed accountability systems that lowered the proportion of schools identified from restructuring between 2011–12 and 2012–13.

While it is possible that some of these schools could have just barely missed their targets six consecutive times, in many of them, low proficiency rates in math and reading — either in the aggregate, or for key student subgroups — were a persistent problem. NCLB may not have adequately recognized any progress these schools were making, but chronically low proficiency rates should not be ignored either. Non-proficient students are likely to struggle to complete high school, let alone the postsecondary education and training that are necessary to get a well-paying job and support a family.

Table 1

Of Title I schools in improvement under NCLB accountability, how many were no longer identified as priority or focus schools under waiver accountability?

State	Percentage No Longer Identified, 2012-13	Schools from NCLB Improvement No Longer Identified, 2012-13	Schools Identified for NCLB Improvement, 2011-12
Nevada	88.00%	198	225
Florida	81.62%	1,377	1,687
South Carolina	79.33%	142	179
Missouri	77.44%	515	665
Massachusetts	73.82%	530	718
Oregon	73.81%	62	84
New Jersey	73.31%	651	888
Arizona	72.14%	233	323
Virginia	67.16%	137	204
Average	65.53%		
Minnesota	63.55%	190	299
Tennessee	60.43%	142	235
Mississippi	58.42%	59	101
Delaware	56.76%	21	37
Oklahoma	54.14%	85	157
Indiana	32.20%	104	223
Rhode Island	36.36%	12	33
Total		4,458	6,058

Source: State Departments of Education.

Note: 2011-12 figures do not include non-Title I schools that were also identified for improvement under NCLB. Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers.

How to read Table 1: Oklahoma identified 157 schools for improvement in 2011-12 under its NCLB accountability system. 85 of them, or 54.14%, were not named priority or focus schools in 2012-13 under its new waiver accountability system.

Figure 1
 Schools Identified for NCLB Improvement But Not Identified as Priority or Focus Schools

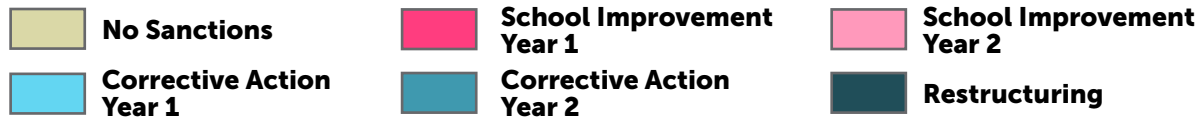
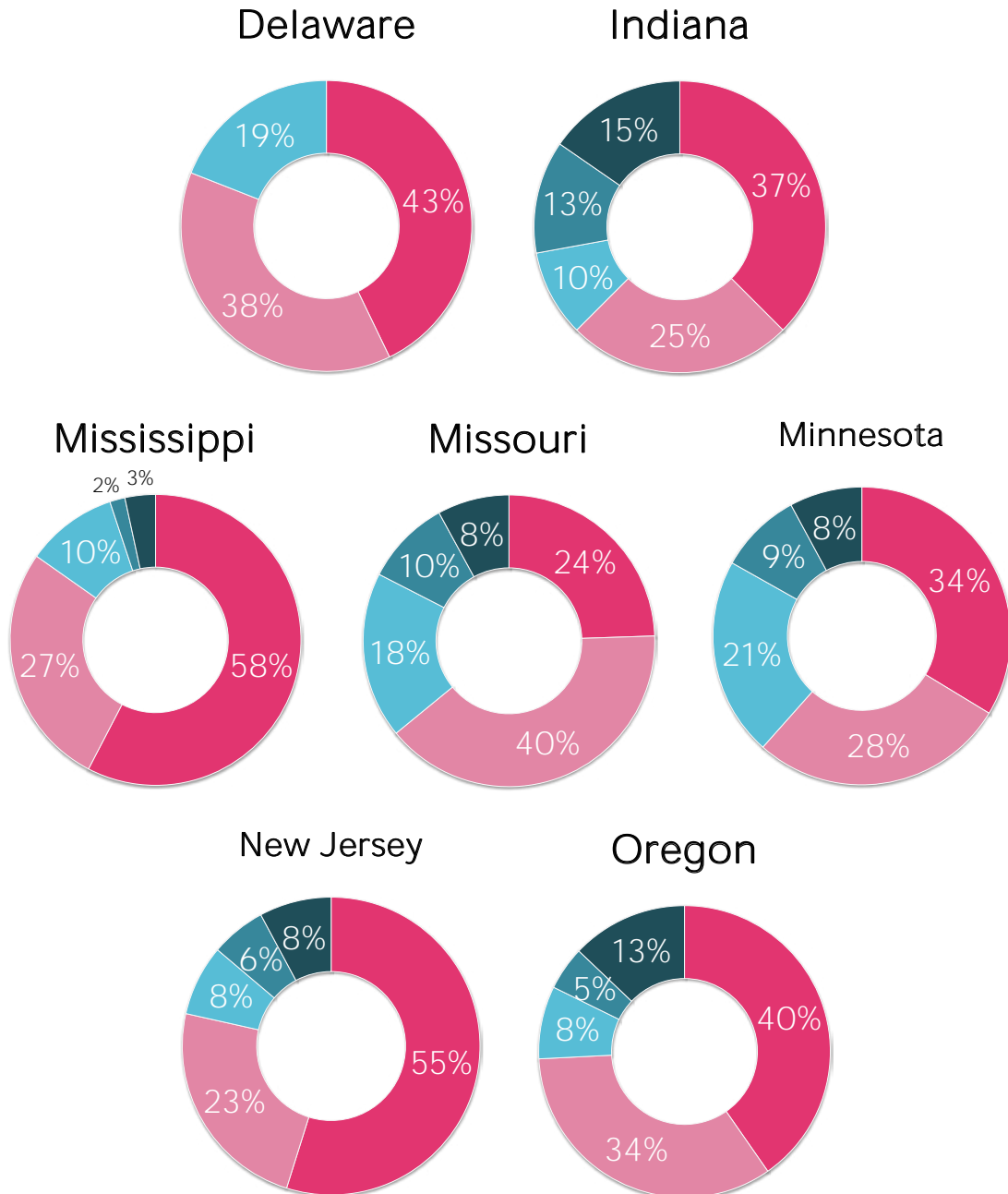


Figure 1a. In 10 of 15 states, the majority of schools removed from federal interventions by their state's waiver had been in the earliest improvement stages under NCLB accountability. In eight, fewer than 10 percent of these schools had been in restructuring.



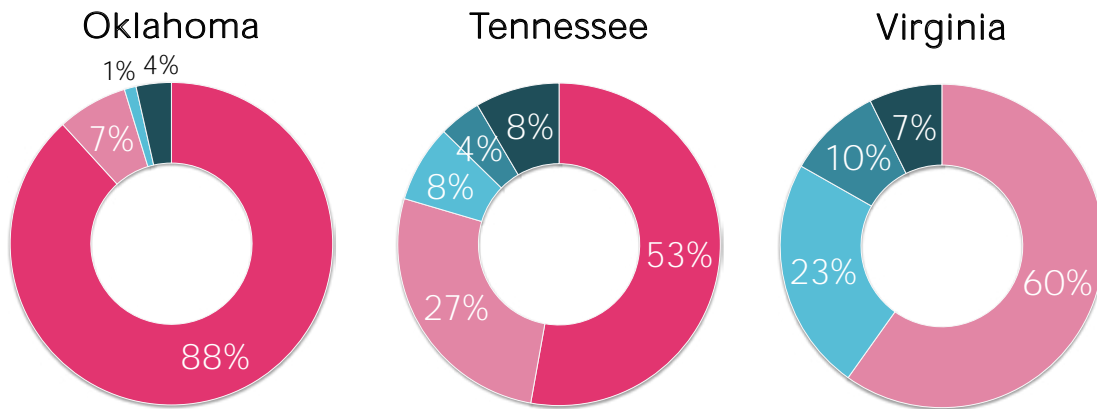
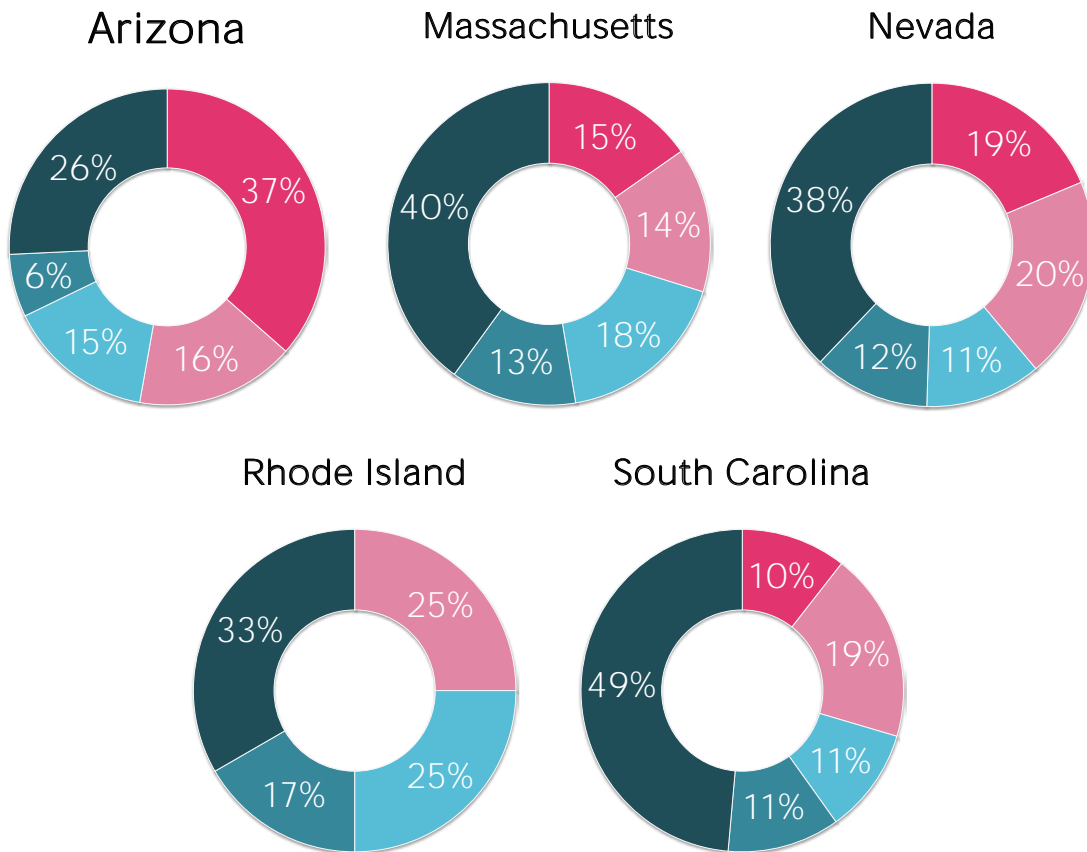


Figure 1b. In five of 15 states, nearly 50 percent or more of schools removed from federal interventions by their state's waiver had been in the later stages of improvement under NCLB accountability.



How to interpret Figure 1: These charts show schools that had been in NCLB interventions in 2011–12, but were not identified as priority or focus schools in 2012–13. For instance, among schools in South Carolina identified for improvement under NCLB but not waivers, 49 percent had been in restructuring, 22 percent in corrective action (both years), and 29 percent in school improvement (both years).

Table 2

Comparing the Percentage of Schools in Restructuring between Schools in NCLB Improvement 2011-12, Schools in Waiver Improvement 2012-13, and Schools No Longer Identified for Improvement 2012-13

State	Of Schools In NCLB Improvement (2011-12), Percentage in Restructuring	Of Priority & Focus Schools (2012-13), Percentage Previously in Restructuring	Of Schools No Longer Identified (2012-13), Percentage Previously in Restructuring
South Carolina	49%	23%	49%
Massachusetts	47%	81%	40%
Rhode Island	45%	38%	33%
Nevada	38%	33%	38%
Arizona	26%	14%	26%
Indiana	22%	12%	15%
New Jersey	16%	39%	8%
Missouri	16%	41%	8%
Virginia	13%	22%	7%
Oregon	13%	3%	13%
Minnesota	11%	15%	8%
Tennessee	7%	2%	8%
Delaware	5%	9%	0%
Oklahoma	3%	1%	4%
Mississippi	3%	1%	3%
Average	21%	22%	17%

Source: State Departments of Education.

Note: Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers. Schools in restructuring have failed to make AYP for at least six years.

How to read Table 2: In 2011–12, 16 percent of New Jersey’s schools in improvement were in restructuring. Under the state’s waiver in 2012–13, some of these schools become priority and focus schools, while others do not. Among New Jersey’s priority and focus schools, schools from restructuring make up 39 percent of them (greater than their 16 percent share the year before). Among the schools the state identified under NCLB but not waivers, schools from restructuring make up only 8 percent (less than 16 percent). In other words, New Jersey used its limited number of priority and focus slots to increase representation from schools in restructuring.

The Department made a strategic, deliberate choice to focus accountability efforts more narrowly on 15 percent of Title I schools and to improve the interventions occurring within them. While districts, and sometimes states, provide support to other Title I schools not meeting their waiver performance targets, it is not nearly as intensive as the activities within priority and focus schools. This is a trade-off with the relative approach, and it is worth considering what is happening in all of the schools previously facing NCLB interventions, especially those in restructuring and corrective action. Across 15 states, eight did not identify 60 percent or more of their schools in restructuring as priority or focus schools (Table 3). In three, Nevada, South Carolina, and Tennessee, at least three of every four schools previously in restructuring were not identified as priority or focus schools. The data tell a similar story for schools in corrective action, those schools that had missed their performance targets for four or five years consecutively. In eight states, more than half of these schools were eased from federal accountability efforts. And with the exception of Oklahoma, at least 40 percent are no longer identified as priority or focus schools.

To better understand how hundreds of schools identified by NCLB for improvement could go unidentified in waiver accountability systems, the specific choices made by the federal government and states must be dissected further. Chief among them is the notion that relative, rather than absolute, measures of school performance should be the deciding factor between school intervention and inaction.

Right-Sizing Accountability? The Fifteen Percent Framework

Given criticism that NCLB forced states to place too many schools in interventions and the Department's willingness for states to experiment with relative school accountability, the number of schools identified for federal intervention in each state would be expected to drop between NCLB and waivers.

In most states that is exactly what happened (Figure 2a). The number of schools in improvement decreased significantly in the last year as states transitioned to waiver-approved accountability systems — sometimes to levels well below those from the earliest years of NCLB. Five states (Florida, Massachusetts, Nevada, New Jersey, and South Carolina) have identified fewer schools for interventions in 2012-13 than they did in the 2005-06 school year, reducing the scope of federal school improvement efforts in these states. While not as extreme, Arizona, Delaware, Minnesota, Missouri, and Virginia all designed waiver accountability systems that cut the size of their federal school improvement efforts by at least one-third from the

previous year.

But this pattern does not repeat in every state. Five states saw the number of schools identified for improvement *increase* after the state received a waiver. Indiana, Mississippi, Oklahoma, Oregon, and Tennessee created waiver accountability systems that classify more schools in 2012-13 as priority or focus schools than were in improvement in 2011-12 under NCLB (Figure 2b). In fact, the number of schools facing interventions reached an all-time high in each state. Over-identification of schools for improvement was obviously a larger problem in some states than in others. This is not surprising, given that states used assessments, cut scores, and performance targets of varying rigor under NCLB.

Waiver accountability systems are incredibly complex on the whole. But the complexities of states' waivers rarely determine how many schools are identified for improvement. What mattered most were states' prior choices under NCLB and the decision by the federal government and states to use relative rankings to classify priority and focus schools: the 15 percent framework. Many waiver accountability systems seem to be designed for that express purpose, beginning and ending with an exact number of schools that must be identified. For example, to classify priority schools, Missouri first identifies the number of schools equal to 5 percent of Title I schools. Then, SIG schools and Title I-eligible high schools with average graduation rates below 60 percent for three years are added to the category. Next, remaining Title I schools are ranked separately by the percentage of all students proficient in math and reading. Numerical ranks are added for each school, and the process is repeated to include data from the past two assessment years, for three years of total data. Schools are then placed on the priority school list in rank-order until the state reaches a number equal to 5 percent of Title I schools. The performance level of the next school on the list doesn't matter, *even if it is indistinguishable from the last school included in the priority category.*

Because of the 15 percent framework, changes in the number of schools in improvement under states' waivers largely depend on what happened in that state under NCLB. NCLB's interventions kicked in when a Title I school missed its targets for two consecutive years. Comparing the number of Title I schools in NCLB improvement to the number of Title I schools statewide provides a better sense of the scope of each state's improvement system prior to waivers. Unfortunately, data on the number of Title I schools are not available for the 2011-12 or 2012-13 school years. But using 2010-11 data as a rough estimate for the number of Title I schools in 2011-12, approximately 32 percent of Title I schools faced interventions in 2011-12 across the 16 states — well above the 15 percent framework used in states' waivers.

Table 3

Of schools in restructuring or in corrective action under NCLB accountability, how many are no longer in improvement under waiver accountability?

State	Schools in Year 6 NCLB Improvement, 2011-12	Schools from Year 6 NCLB Improvement No Longer Identified, 2012-13	Percentage from Year 6 NCLB Improvement No Longer Identified, 2012-13	State	Schools in Year 4-5 NCLB Improvement, 2011-12	Schools from Years 4-5 NCLB Improvement No Longer Identified, 2012-13	Percentage from Years 4-5 NCLB Improvement No Longer Identified, 2012-13
Nevada	86	75	87.2%	Mass.	184	160	87.0%
S. Carolina	88	69	78.4%	Nevada	54	46	85.2%
Tennessee	16	12	75.0%	S. Carolina	42	31	73.8%
Oregon	11	8	72.7%	Missouri	200	144	72.0%
Arizona	84	60	71.4%	Arizona	74	50	67.6%
Mississippi	3	2	66.7%	Oregon	12	8	66.7%
Mass.	341	212	62.2%	N. Jersey	139	89	64.0%
Oklahoma	5	3	60.0%	Virginia	72	45	62.5%
Average			52.3%	Average			57.5%
Minnesota	34	15	44.1%	Minnesota	117	58	49.6%
Missouri	107	41	38.3%	Tennessee	36	17	47.2%
Virginia	27	10	37.0%	Mississippi	15	7	46.7%
New Jersey	143	51	35.7%	R. Island	11	5	45.5%
Indiana	48	16	33.3%	Indiana	57	23	40.4%
R. Island	15	4	26.7%	Delaware	10	4	40.0%
Delaware	2	0	0.0%	Oklahoma	7	1	14.3%
Total	1,010	578		Total	1,030	688	

Source: State Departments of Education.

Note: Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers. Schools in restructuring have failed to make AYP for at least six years. Schools in corrective action have failed to make AYP for four or five years.

How to read Table 3: How to read Table 3: In 2011–12, 11 Oregon schools were in year six of improvement. Of the 11, 8 (or 72.7 percent) were not identified as priority or focus schools in 2012–13. And of the 12 schools in years four or five of improvement in 2011–12, eight (or 66.7 percent) were not identified as priority or focus schools in 2012–13.

But there is wide variation. Some states identified fewer than 15 percent of their Title I schools prior to waivers, while others identified far more. As Table 4 demonstrates, the states where approximately 15 percent or fewer Title I schools were in improvement under NCLB are, unsurprisingly, the same ones that increased the scope of school improvement under waivers when they were required to intervene in 15 percent of schools. And those states where the proportion of Title I schools in improvement was well above 15 percent are those that saw the biggest decreases, including Massachusetts, Nevada, New Jersey, Missouri, and Florida.

The degree of change in the number of schools states identify for interventions before and after the transition to waivers may show significant variance, but states are all moving toward the same target. As Figure 3 makes clear, the scope of school improvement is noticeably converging around 15 percent of Title I schools. Regardless of a state's prior or current choices in accountability design, the 15 percent target is the one that counts.

But 15 percent is an arbitrary number. Perhaps 15 percent is a reasonable expectation based on the capacity of state education agencies, charged with leading school improvement efforts. Perhaps it's too low, or too high, or should depend somewhat on the state's or school's absolute level of performance. Indeed, the Department of Education included two safeguards to try to ensure certain schools are typically priority or focus schools: Title I-receiving high schools with graduation rates below 60 percent and SIG schools.¹⁷ Perhaps there should be additional safeguards.

These are difficult questions, with no definitive answers. But instead of asking if states are "right-sizing" accountability efforts, a better question would be: are states identifying the right schools, regardless of whether they're doing more or less? Because many states are intervening in fewer schools, the stakes of identifying the right ones have gotten even higher. States clearly excluded many schools in restructuring and corrective action from their pool of priority and focus schools (Table 3). If they didn't make the 15 percent cut, what kinds of schools did?

Who are the Fifteen Percent?

Within the bottom 15 percent, states could make their new identification processes as simple or as complicated as they liked (see Appendix A: Summary of Waiver Accountability Design Choices). They designed a variety of goals for schools, and sometimes — but not always — performance against these goals determines whether a school is classified as priority or focus. They

created elaborate indices and school grading systems, which are often — but not always — used to identify priority and focus schools. These new ranking systems include a variety of measures, and each state chose how to weight the various components. Student growth is typically among them, and it is used often — but not always — to name priority schools. The growth measures chosen are also of varying levels of sophistication, reliability, and validity. And unlike NCLB, states occasionally — but not always — consider individual subgroup performance to name priority and focus schools. If not, they often lump these groups together into "super-subgroups" or pick a few subgroups on which to focus.

While these choices had little impact on the number of schools identified, they do affect which kinds of schools are placed in improvement. Knapp Elementary was not the only school in Michigan City caught in limbo between NCLB and waivers. Nearby Pine Elementary School, a school that had received two straight "As" for exemplary progress, was not as fortunate in the new system. Pine's grade plummeted to a "D," and the school was named a focus school. Another Michigan City elementary school, Edgewood, fared even worse. After earning a string of average grades previously (like Knapp), Edgewood received an "F" and became a priority school, when it had not been in improvement under NCLB the year before.

At a glance, student performance at the three schools does not provide many clues as to why Edgewood and Pine are called out for interventions under waivers but not NCLB, while the reverse is true for Knapp (Figure 4). All perform below state averages. And all three had seen both progress and declines in student proficiency rates over time.

But proficiency rates are not the only way, or perhaps even the best way, to judge school performance. So Indiana looked to other measures to determine each school's rating. The state added performance-based student subgroups and individual student growth measures to the mix. These changes made the difference for Knapp, Edgewood, and Pine. Based on proficiency rates alone, each school earned a "D" and would have been a focus school. But as Figure 5 shows, Edgewood's grade was pulled down to an "F" after too many of its students demonstrated low growth in both reading and math. Knapp's grade was lifted due to particularly large numbers of students demonstrating high growth within a newly added super-subgroup: students in the three highest-performing quartiles. Pine didn't receive any growth bonus or penalty points, so its "D" grade held. Indiana chose to place significant weight on student growth in its waiver, and this addition changed perceptions of quality at the three schools.

Figure 2 Comparing the Number of Title I Schools in Improvement by State, 2005-2013

Figure 2a. 11 of 16 states identify fewer schools in 2012-13 than in the previous year, with many states intervening in fewer schools than in 2005-06.

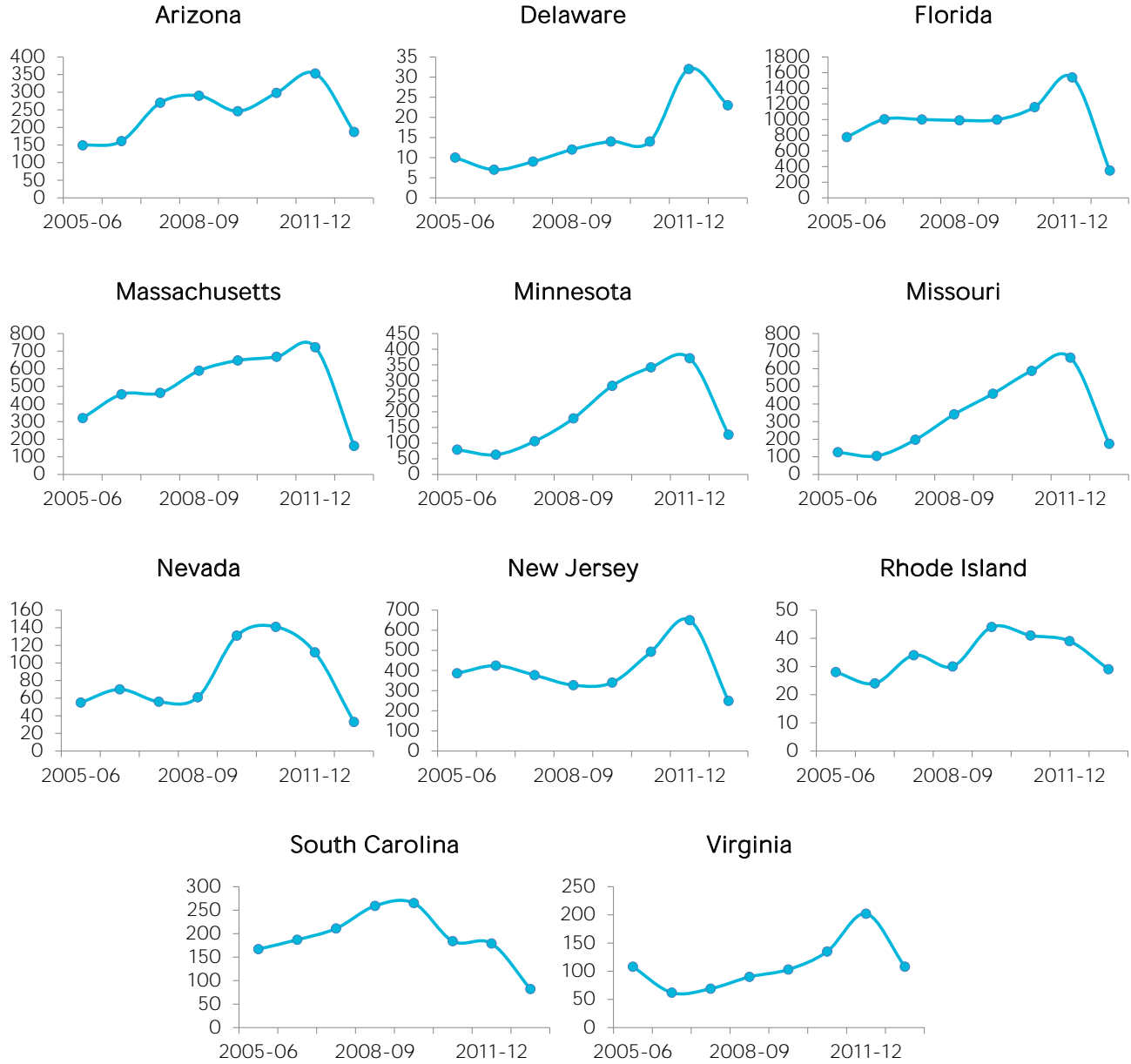


Figure 2b. Using their waivers, five of 16 states identified more schools for improvement in 2012-13 than under any previous year of NCLB.

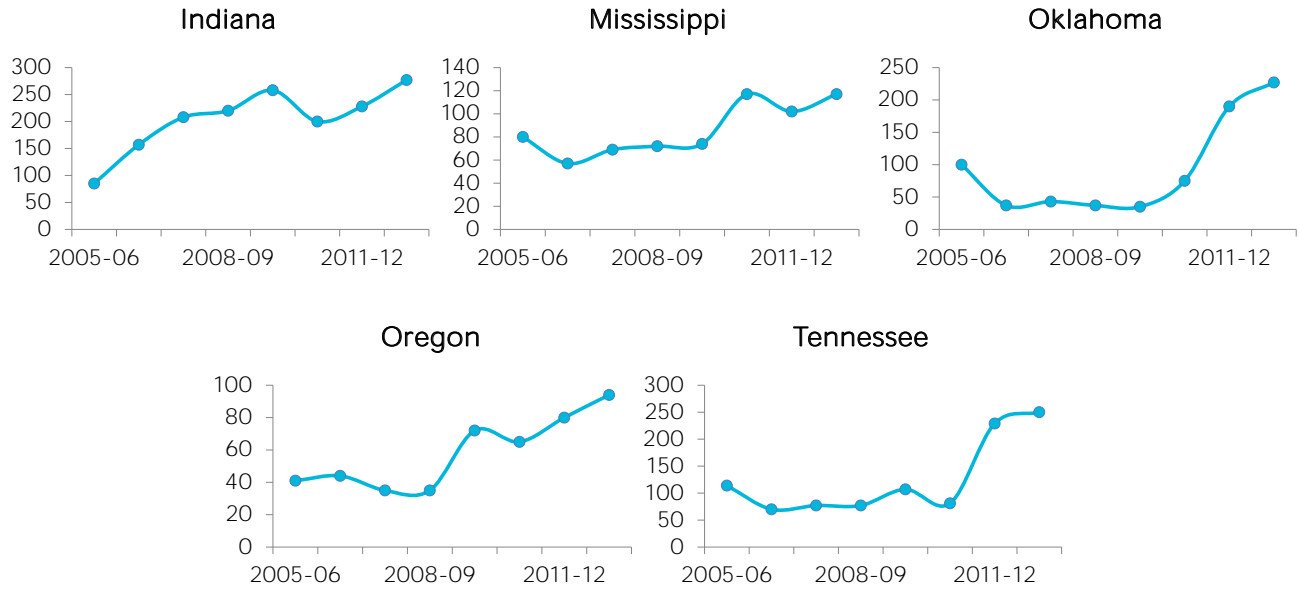
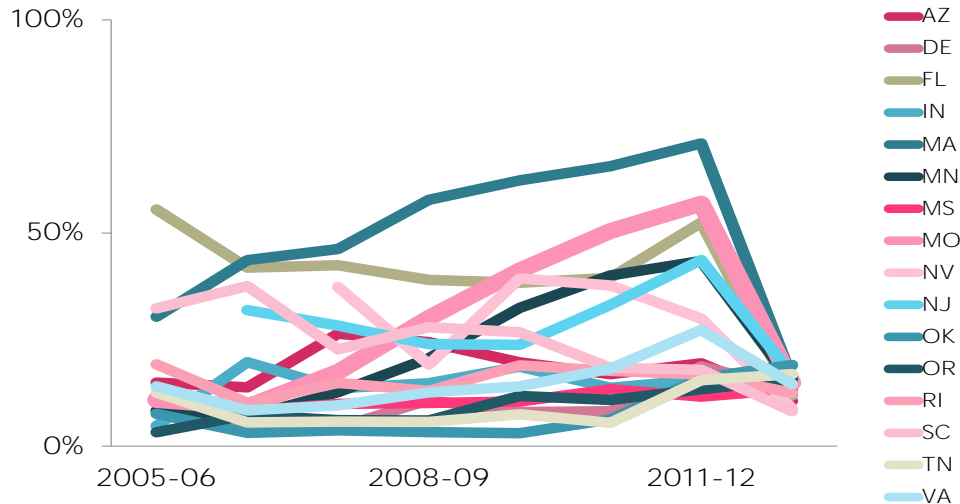


Figure 3

Convergence to 15%: Absolute vs. Relative School Accountability



Source: U.S. Department of Education (Title I and 2005–06 to 2010–11 school improvement data) and state Departments of Education (2011–12 and 2012–13 school improvement data).

Note: Because 2011–12 and 2012–13 Title I data are not available, the percentage of Title I schools in improvement for those years are estimated using 2010–11 Title I data. If more recent data were available, it is likely that no state would be identifying fewer than 15 percent of Title I schools in 2012–13. Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers.

How to interpret Figure 3: This chart shows the percentage of Title I schools identified for improvement under NCLB and waivers from 2005–06 to 2012–13. In 2011–12, Massachusetts is one of many outliers. Approximately 70 percent of its Title I schools were placed in interventions based on NCLB accountability. But with waivers in 2012–13, there are no more outliers: all states are identifying close to 15 percent of Title I schools for federal intervention.

New growth measures made the difference in Michigan City, but every state had significant autonomy to design a new accountability system within the 15 percent framework. Thus, no two waiver states are exactly alike. Some created systems that are more similar to NCLB than others. And arguably, those states should see less variation between the schools that are identified under NCLB and those that are identified by waivers.

As Figure 6a shows, seven states (Arizona, Indiana, Mississippi, Oklahoma, Oregon, South Carolina, and Tennessee) used their waivers to design accountability systems where nearly 50 percent or more of priority and focus schools had not been identified in the prior year.¹⁸ In other words, these states seem to agree that NCLB accountability often missed many low-performing schools and designed their waivers to identify a very different group. The most common kind of priority and focus school in each is one that was not receiving any interventions the year before – schools like Pine and Edgewood Elementary in Michigan City. Further, priority and focus schools that had also been identified previously were often those facing the least serious NCLB improvement strategies. In most of these states, a small share of priority and focus schools had been in improvement for multiple years.

On the other hand, some states used their waivers to redouble efforts in previously identified low-performing schools (Figure 6b). Eight states' new accountability systems mostly identify the same schools for improvement. These states may have felt that NCLB forced them to identify too many schools, but if their waiver accountability systems are any indication, they are less convinced that NCLB identified the wrong ones. Virtually all of New Jersey's priority and focus schools had also been in need of improvement under NCLB, and 60 percent of them were in corrective action or restructuring. In Massachusetts, over eighty percent of priority and focus schools had been in restructuring, while only four percent had been in the first two years of school improvement. Priority and focus schools are distributed more evenly amongst NCLB's improvement categories in other states, but in all of them, a majority of priority and focus schools faced interventions in 2011-12. Of course, every state also used the waiver opportunity to discontinue interventions in hundreds of schools, including those in corrective action and restructuring (Table 3). But in some states, newly identified schools are less frequent. In other words, misidentification of schools, like over-identification, may not have been as pervasive under NCLB as assumed.

The shift to relative forms of school accountability continues to explain the school improvement picture. It's no surprise that the states identifying more schools for improvement under waivers (Figure 2b) also identify a majority of their priority and focus schools from

those that had not previously been in improvement (Figure 6a). To name 15 percent of Title I schools in the priority and focus categories, these states had no choice but to identify new schools. While each also removed schools, including those missing AYP for over five years, from interventions, these shifts are masked somewhat within the overall increase in their improvement activities.

Other accountability design choices provide additional insight into which schools are included in school improvement efforts under waivers. Every state, like Indiana, that examines subgroup performance using the lowest-performing quartile of students as a super-subgroup is represented in Figure 6a, the states where the most common kind of priority and focus school is one that was not identified the year before. Under NCLB, subgroups were defined by students' demographic and socio-economic characteristics, not their academic performance. A performance-based subgroup, therefore, has the potential to significantly alter which schools are identified.

One reason is that there can be much less variance between a school's overall performance and the performance of its lowest-performing quartile (averaged across all ethnic, racial, and at-risk subgroups) than between its overall performance and the performance of its lowest-performing subgroup. If a school's only low-performing subgroup for accountability is special education students, and they represent ten percent of school enrollment, when added to the new super-subgroup, the performance of special education students would be obscured by non-special education students that perform better. In other words, the difference between the "all students" group and the "low-performing quartile" group is smaller than the difference between the "all students" group and the "special education students" group alone. Schools that would have been identified for low-performing subgroups under NCLB may, therefore, be let off the hook under waivers. This effect does not appear to occur with other super-subgroups or in states that chose to focus on a limited number of subgroups. The decision to create a super-subgroup based on performance, rather than demographics, appears to be the distinguishing factor.

Likewise, states that heavily emphasize student growth over proficiency rates for identifying priority and focus schools might be expected to name more new schools for improvement under waivers, as this is a significant departure from how NCLB identified low-performing schools. Schools previously identified for low proficiency rates would be removed from improvement if their students demonstrate better levels of growth. This was the case with Knapp Elementary School, where growth measures increased the school's overall grade from a 'D' to a 'C'. But across all states, the patterns are not as clear. Massachusetts, Minnesota,

Table 4
Degree of Change in the Size of States' School Improvement
Activities Between NCLB and Waivers

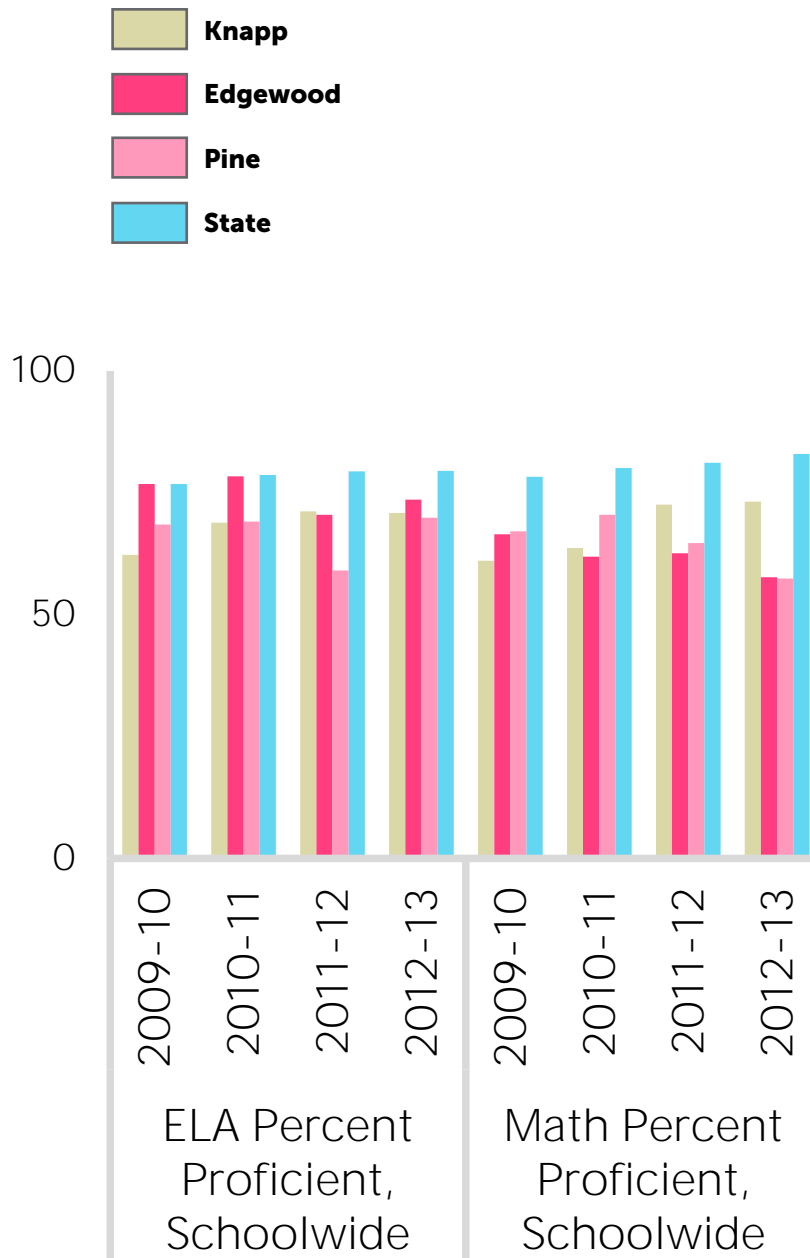
State	Percentage Title I Schools in NCLB Im- provement 2010-11	Percentage Title I Schools in NCLB Improvement 2011-12	Number of Title I Schools in NCLB Improvement 2011-12	Number of Schools in Waiver Im- provement 2012-13	Percent Change in Improvement Efforts, NCLB to Waivers
Mass.	66%	71%	718	162	-77.4%
Nevada	38%	60%	225	33	-85.3%
New Jersey	33%	60%	888	249	-72.0%
Missouri	50%	57%	665	174	-73.8%
Florida	39%	52%	1,687	349	-79.3%
Minnesota	40%	35%	299	127	-57.5%
Virginia	18%	28%	204	108	-47.0%
Delaware	8%	22%	37	23	-37.8%
Arizona	17%	18%	323	187	-42.1%
S. Carolina	18%	18%	179	82	-54.2%
Indiana	14%	16%	223	277	24.2%
Tennessee	5%	16%	235	250	6.4%
Oregon	11%	14%	84	94	11.9%
R. Island	18%	14%	33	29	-12.1%
Oklahoma	6%	13%	157	227	44.6%
Mississippi	13%	12%	101	117	15.8%
Average					-33.5%

Source: U.S. Department of Education (Title I and 2010-11 school improvement data) and state Departments of Education (2011-12 and 2012-13 school improvement data).

Note: Italics indicate state identified less than 15 percent of its Title I schools for improvement. Red indicates negative percent change. 2011-12 Title I data are not available. Data on the percentage of Title I schools in improvement in 2011-12 are estimated using 2010-11 Title I data. Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers.

How to read Table 4: In 2010-11, 18% of Virginia's Title I schools were in improvement based on NCLB accountability. This increases to approximately 28% of Title I schools in 2011-12 – more than the 15 percent required to be identified under waivers. Virginia's waiver identifies 108 priority and focus schools in 2012-13, 47 percent fewer schools in improvement than the 204 identified in 2011-12.

Figure 4
 Comparing Student Performance at
 Three Michigan City Elementary Schools



Source: Indiana Department of Education

Figure 5
Comparing School Report Cards for Three Michigan City Elementary Schools

English Language Arts

School	All Students Proficiency		High Growth Bonus				Low Growth Penalty (All Students)		Final Points incl. Bonus/ Penalty
	Rate	Points	Lowest-Performing Quartile (Q1)		Other Quartiles (Q2-Q4)		Rate	Penalty	
Knapp	69.50%	1.50	32.00%		44.20%	1.00	30.40%		2.50
Edgewood	69.10%	1.50	20.00%		30.00%		51.30%	-1.00	0.50
Pine	63.90%	1.00	22.70%		33.80%		32.20%		1.00

Math

School	All Students Proficiency		High Growth Bonus				Low Growth Penalty (All Students)		Final Points incl. Bonus/ Penalty
	Rate	Points	Lowest-Performing Quartile (Q1)		Other Quartiles (Q2-Q4)		Rate	Penalty	
Knapp	74.40%	2.00	44.40%		57.00%	1.00	16.00%		3.00
Edgewood	64.20%	1.00	20.00%		18.30%		46.30%	-1.00	0.00
Pine	67.40%	1.50	30.40%		29.40%		37.40%		1.50

Overall

School	School Improvement Status	School Final Grade	School Final Points (Ave. ELA & Math)
Knapp	n/a	C	2.75
Edgewood	Priority	F	0.25
Pine	Focus	D	1.25

Source: Indiana Department of Education

Figure 6
 Schools Identified for NCLB Improvement But Not Identified as Priority or Focus Schools

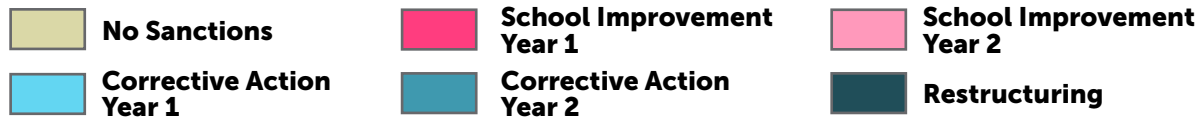


Figure 6a. In seven of 15 states, nearly 50 percent or more of priority and focus schools were not in improvement the prior year under NCLB accountability. And in five, less than a quarter of priority and focus schools were previously implementing corrective actions or restructuring.

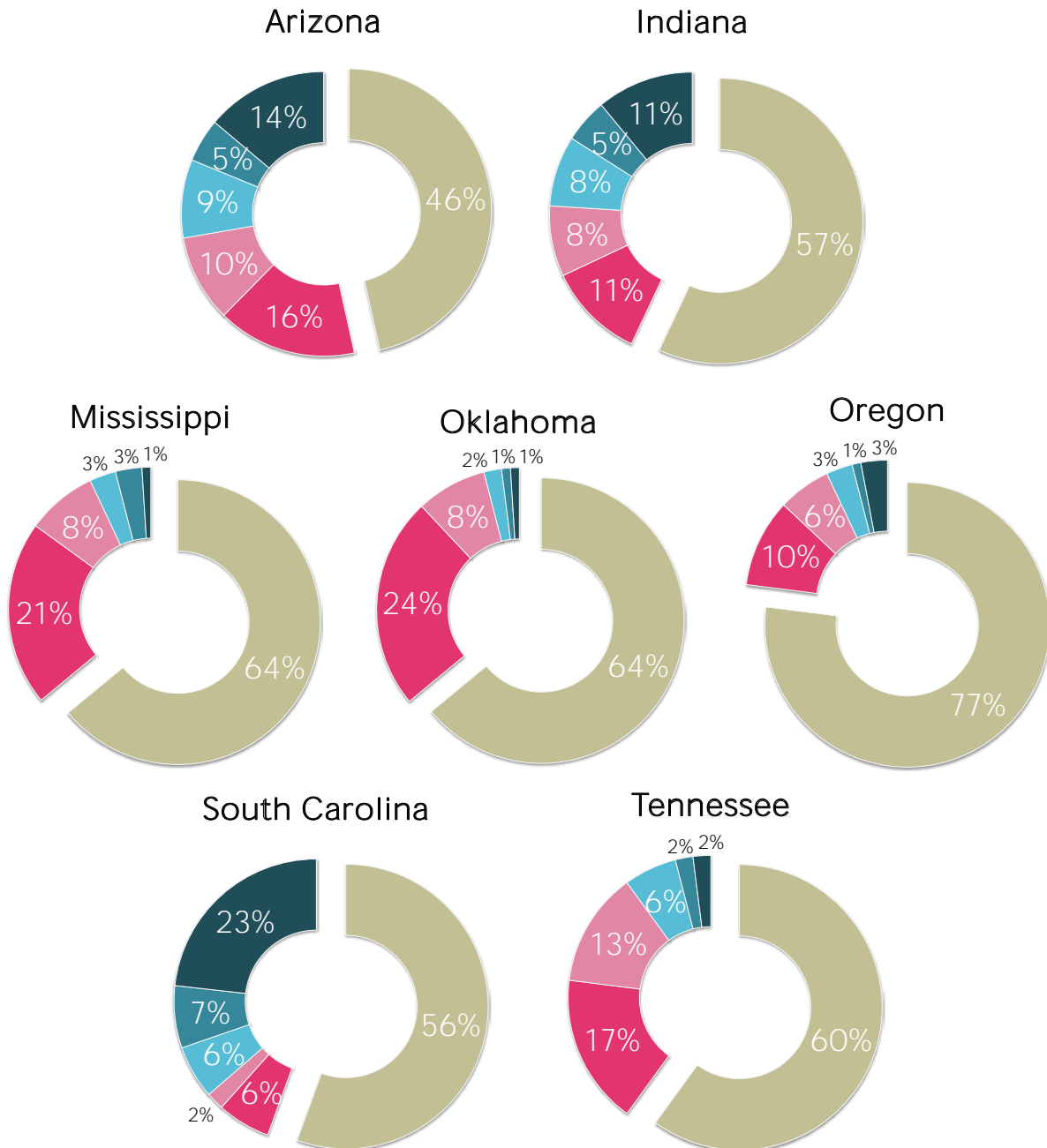
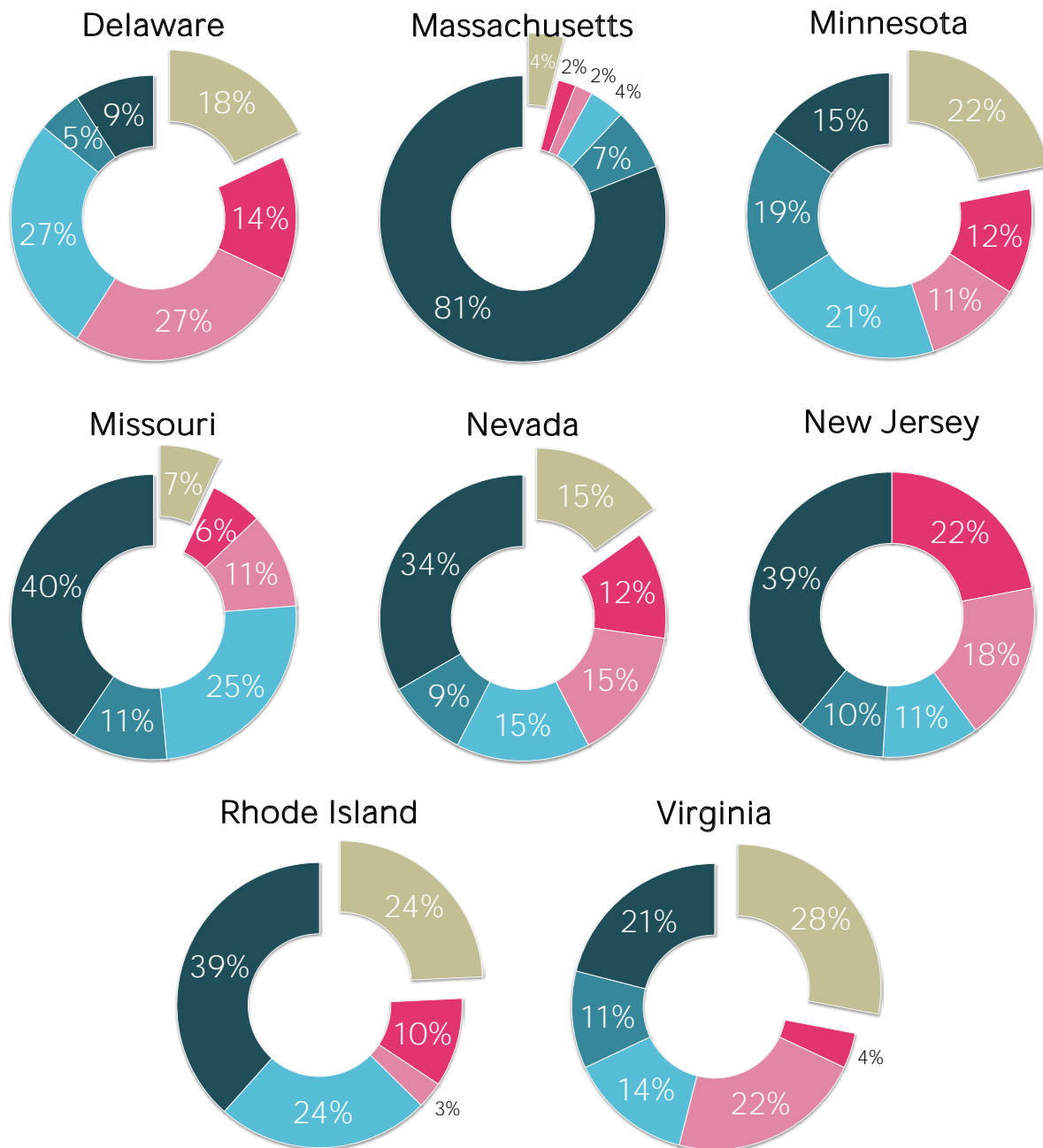


Figure 6b. In eight of 15 states, the majority of priority and focus schools were in improvement under NCLB the year before. In six, the majority of priority and focus schools were in corrective action or restructuring. And in five, the restructuring category is the most frequent previous distinction for priority and focus schools.



How to interpret Figure 6: These charts show schools that are identified as priority and focus schools in 2012–13, broken out by their improvement status under NCLB. For instance, among schools in Rhode Island, 24 percent of priority and focus schools were not in improvement the year before; 13 percent were in the first two years of school improvement, 24 percent were in corrective action, and 39 percent were in restructuring.

Nevada, New Jersey, and Rhode Island all focus their waiver improvement efforts on schools previously identified under NCLB despite the fact that they incorporated individual student growth measures into their accountability systems and use growth to designate both priority and focus schools. But Virginia and Missouri, which do not consider individual student growth at all, are also among those identifying mostly the same schools as NCLB.

Identification of High Schools with Low Graduation Rates

Unlike measuring subgroup performance and individual growth, states had less discretion when it came to using graduation rates to identify priority and focus schools. Under NCLB, secondary schools were less likely to receive Title I funding, and were therefore, less likely to be labeled in need of improvement, compared to elementary schools, and graduation rate accountability was weak.¹⁹ If over-identification and misidentification of schools for improvement under NCLB was an issue, it is more likely to have been an issue for elementary schools, since fewer high schools or middle schools were eligible for identification in the first place.

Waiver policy specifically seeks to address high school accountability by requiring states to use a uniform measure of graduation rates and allowing states to identify both Title-I receiving and Title I-eligible high schools with low graduation rates as priority or focus schools.²⁰ How has this policy affected the distribution of schools in improvement? Even though the number of schools identified has fallen in most states with the shift to relative accountability, Table 5 demonstrates that within the shrinking population of identified schools, there is greater representation from high schools under waiver accountability in only half of the states analyzed.

The increase in high school accountability in these states almost always comes at the expense of middle schools, rather than elementary schools. Like high schools, middle schools have tended to lose out to elementary schools for Title I funding and

thus, mandated improvement resources under NCLB. According to the Department of Education, elementary schools received 76 percent of Title I funding, compared to 14 percent for middle schools and 10 percent for high schools.²¹ Massachusetts, Nevada, Oregon, Mississippi, Minnesota, New Jersey, and Tennessee may be focusing a greater share of their improvement efforts on high schools, but they have also scaled back their relative focus on middle schools. Despite the emphasis on high school accountability in waivers, changes in the distribution of schools in improvement are often much more dramatic for elementary and middle schools.

Identification of School Improvement Grantees

By definition, SIG schools would be expected to fall in the bottom 5 percent of all Title I schools in a state and be named priority schools: they have the lowest student proficiency, progress, and graduation rates. There have been three cohorts of SIG recipients (2010–11, 2011–12, and 2012–13), with each school receiving a three-year award to implement a particular turnaround strategy. While the Department did not require all SIG schools to be named priority schools, as some could have already improved out of the bottom 5 percent or changed their status as a Title I school, it did feature SIG schools as an example of priority schools, and the two categories are closely aligned.²² Thus, most SIG schools in these states would be expected to be priority schools.

This is the case in most states, for most SIG schools. As Table 6 shows, five states analyzed identify 100 percent of SIG schools as priority or focus schools under waiver accountability, but only three (Minnesota, Rhode Island, and Virginia) name every SIG school as a priority one. While several more states exclude only one or two SIG schools from the priority and focus lists, three states failed to label half or more of them (Indiana, Nevada, and South Carolina.)

It is unclear why some SIG schools were not identified as priority or focus schools under waivers. Maybe states thought it was redundant to name priority schools that were already implementing comprehensive school reforms, like those in the SIG program. Perhaps these schools were no longer receiving Title I funding. That said, states could identify *more than five percent* of their Title I schools as priority schools, just as they could identify non-Title I schools. And why define the lowest-performing schools differently between the SIG program and the state's accountability system? How well are waivers differentiating between levels of school performance if SIG schools are not identified? States may be able to argue that these SIG schools were excluded from the priority and focus school lists for a reason, but they should have to make their case.

It's All Relative

In sum, the consequences of states' new waiver accountability system do not always follow conventional wisdom. Did NCLB force states to over-identify schools for improvement? Maybe, but some have used their waivers to identify more schools for improvement than they ever did before, because they were not intervening in 15 percent of schools under NCLB. Did NCLB make states identify the wrong schools for improvement and ignore some that needed support

more urgently? Perhaps. The addition of growth measures or super-subgroups made a difference for some schools, but many states' priority and focus schools are the same ones they have been working to improve for years. And did NCLB encourage states to ignore middle and high schools and focus on improving elementary schools instead? Waiver accountability sometimes eased the way for a greater emphasis on improving high schools, but the change often occurred within a shrinking pool of identified schools, and many states elected to continue prioritizing elementary schools within their waivers.

Above all, waivers are best understood in context of the shift toward relative rankings for school accountability. Because of the switch to a 15 percent framework within states instead of one based on an absolute standard (AYP), thousands of formerly "failing" schools disappeared from federal improvement in a single school year. These schools are not identified by their state's accountability systems, or if they are, they receive fewer specific interventions, resources, and supports. With growing evidence of what states' waivers did—and not just a description of what they *would* do—the trade-offs between NCLB and waiver accountability approaches are becoming clearer. What remains to be seen is whether states stay the course through the renewal of their waivers, or if states or the U.S. Department of Education use these data to change accountability and school improvement strategies moving forward.

Table 5
Changes in the Distribution of Secondary and Elementary Schools in Improvement from NCLB to Waiver Accountability

Change in Distribution (Percentage Points)

State	High Schools	Middle Schools	Elementary Schools	Other Schools
Massachusetts	10.70	-4.04	-6.31	-0.36
Nevada	8.72	-15.34	7.52	-0.90
Oregon	8.57	-21.56	8.86	4.13
Mississippi	4.49	-18.41	14.74	-0.81
Minnesota	3.05	-0.35	0.16	-2.85
New Jersey	2.98	-1.26	-6.07	4.35
Tennessee	0.36	-17.99	16.02	1.61
Indiana	0.31	2.61	-1.34	-1.58
Florida	-1.29	2.75	-0.40	-1.05
Arizona	-2.50	-1.90	5.70	-1.30
Virginia	-4.07	-26.55	30.54	0.09
Missouri	-4.15	-14.40	20.17	-1.63
South Carolina	-4.31	-0.15	8.16	-3.71
Oklahoma	-5.42	-11.19	15.81	0.79
Rhode Island	-8.62	10.69	-2.07	0.00
Delaware	-11.40	-13.11	26.4	-1.91
Average	-0.16	-8.14	8.62	-0.32

Source: State Departments of Education.

Note: Red indicates a decrease in the distribution of schools in improvement from that level (e.g. -2.0 means high schools in that state represented 20% of schools in improvement under NCLB, but only 18% of priority and focus schools under waivers). Other schools include K-8 schools, alternative schools, and other non-traditional grade configurations. Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers.

How to read Table 5: The percentage of priority and focus schools that are high schools in Minnesota's waiver is just over three points more than the percentage of schools in NCLB improvement that were high schools the year before.

Table 6
The Treatment of SIG Schools under Waiver Accountability

State	Total SIG schools (excluding closure)	SIG schools identified in waiver accountability	% SIG schools identified as priority/focus	% SIG schools identified as priority	% SIG schools identified as focus	% SIG schools unidentified
Minnesota	27	27	100.0%	100.0%	0.0%	0.0%
R. Island	10	10	100.0%	100.0%	0.0%	0.0%
Virginia	25	25	100.0%	100.0%	0.0%	0.0%
N. Jersey	20	20	100.0%	95.0%	5.0%	0.0%
Mississippi	18	18	100.0%	94.4%	5.6%	0.0%
Florida	102	101	99.0%	98.0%	1.0%	1.0%
Missouri	42	41	97.6%	97.6%	0.0%	2.4%
Mass.	38	37	97.4%	94.7%	2.6%	2.6%
Arizona	31	30	96.8%	96.8	0.0%	3.2%
Delaware	13	11	84.6%	76.9%	7.7%	15.4%
Oregon	19	16	84.2%	84.2%	0.0%	15.8%
Tennessee	31	25	80.6%	71.0%	9.7%	19.4%
Oklahoma	16	11	68.8%	68.8%	0.0%	31.3%
Indiana	18	9	50.0%	33.3%	16.7%	50.0%
Nevada	15	4	26.7%	26.7%	0.0%	73.3%
S. Carolina	25	4	16.0%	16.0%	0.0%	84.0%

Source: U.S. Department of Education (SIG data) and state Departments of Education.

Note: Improvement is defined as School Improvement, Corrective Action, or Restructuring under NCLB, or priority and focus status under waivers.

How to read Table 6: Of Florida's 102 SIG schools, 101 of them (or 99%) are named priority or focus schools. More specifically, 98% of Florida's SIG schools are priority schools, 1% are focus schools, and 1% are neither.

3



Getting Accountability Right

Halfway through the 2013–14 school year, the year NCLB envisioned universal student proficiency, school accountability is more tenuous than ever. These systems have never been more complicated, and they have never been more dramatically different from one state to another. And these differences manifest not only in the substance of states' waiver requests, but also in their effects on schools, educators, and students: namely, who receives the attention, support, and resources to improve as priority and focus schools, and who does not.

And while there may be agreement that NCLB is broken, there is no agreement that waivers are working. This is in large part because the policy is new and so little is known about its implementation and its effect on schools and student learning.

The data presented in this paper are

some of the first to show the differences in school accountability between NCLB and waivers. Waivers allowed states to experiment in many ways with their accountability systems, but the choices states made produced few coherent patterns. In other words, the data raise more questions than they can answer.

Still, with no reauthorization of NCLB in sight, waivers are here to stay, at least for the foreseeable future. In August 2013 the U.S. Department of Education released its initial guidance for states seeking to renew their waivers at the end of the 2013–14 school year.²³ The renewal process would be a natural opportunity for states and the Department to correct course and fix some elements of the waiver policy that have been most concerning and troublesome. But given updated renewal guidance released in November, it seems doubtful that the Department will use waiver renewals to drive significant changes in states' plans, because not enough data have been gathered to determine what these changes should be. For instance, the initial renewal guidelines included 13 guided questions, plus state-specific questions based on the Department's ongoing analysis of waiver implementation. This process was streamlined in the updated guidance: states will submit a letter describing the highlights of their waivers and addressing any non-compliance issues identified during past monitoring checks. The state-specific

implementation analysis will not be a factor at this time. A few states will have more specific items to note, since they have been identified as “high-risk” states. But otherwise, the renewal process is limited to concerns identified during the Department’s already-completed Part B monitoring.

The Department’s decision to use a much more streamlined renewal process reflects the lack of information currently available about state implementation of NCLB waivers. But the only way to determine if states’ waivers are improving school, educator, and student performance is to gather evidence, carefully and systematically, on what is happening and why, and correct course if needed. The U.S. Department of Education is both responsible and ideally suited for this task. While it is understandable that the Department may need additional time and manpower to gather and analyze the data, it must continue these efforts and make the information accessible to researchers, analysts, journalists, policymakers, and practitioners.

Given the critical need for better data on NCLB waiver implementation, the Department should reconsider and strengthen, where necessary, how it plans to provide ongoing oversight of waivers, including the renewal process, to ensure it is comprehensive, transparent, and responsive.

Based on this analysis of both states’ waiver requests and their school improvement data, there are three additional considerations for the Department as it works with states to monitor their NCLB waiver plans and for states as they revise and re-submit their waiver-approved accountability systems.

1. Consequential Accountability Matters More than Report Card Accountability.

Many states’ waiver requests go to inordinate lengths to describe their new complicated grading systems or performance indices. But these systems are often entirely removed from a school’s performance goals, sending a signal to educators, parents, and students that the goals are not very realistic or important. Even worse, doing poorly on these report cards or ranking systems, or failing to meet the performance goals, can carry few consequences for schools. For most Title I schools — the 85 percent not landing on the priority or focus school lists like Knapp Elementary — waiver accountability lacks teeth. What’s the point of having performance goals or a complicated school rating system if it’s mostly for show?

States should consider improving the alignment between their school goals, school quality measures, and process for identifying priority and focus schools. The system, as a whole, should make sense to parents, teachers, administrators, and policymakers. And the Department should pay more attention to how schools are identified as priority and focus

schools. While report card accountability is important, it’s much more important if those report cards are used to identify priority and focus schools. States should justify the measures they choose to name these schools and which groups of students they apply to, especially if the methodology is different from how all schools are graded or ranked for report card accountability. And data should be collected and published for all states to demonstrate how the population of schools selected for improvement has shifted between NCLB and NCLB waivers, including both the level of intervention applied and student achievement data, like proficiency rates and graduation rates.

2. Enforce the Rules – and Consider Adding More

Under waiver accountability, two kinds of schools were typically meant to be identified as priority and focus schools: SIG schools and high schools with graduation rates below 60 percent. Yet the data show some states are failing to identify many of their SIG schools, despite the similarity between the definitions of SIG and priority schools. And states are not necessarily increasing their relative focus on high schools within the 15 percent of schools they identify. Moving forward, the Department should ensure SIG schools are appropriately identified in waiver accountability systems, even in states that only identify their priority schools every two or three years. At a minimum, if a state excludes a SIG school from the priority and focus school lists, it should provide justification for doing so. The Department should also conduct a similar check annually to monitor whether high schools with low graduation rates are consistently identified as focus and priority schools.

The Department can make and enforce these kinds of rules only because there are clear definitions of Tier I and Tier II SIG schools and graduation rates. The 60 percent graduation rate threshold is meaningful only because all states use the same methodology and have comparable data. This comparability does not apply to measures like proficiency rates or even test scores, because each state sets its own definition of proficiency and uses their own test. The Department could hardly specify what level of performance is acceptable when each state has a different way of measuring it. This level of specificity, however, is not required when relative measures are used to identify priority and focus schools.

But a shift to relative measures can also create perverse incentives for states. The 15 percent framework may have cut the number of schools identified for federal interventions in half, but it is an arbitrary cut. And arbitrary cuts should be made carefully. Just look at NCLB, where states consistently tinkered with proficiency cut scores, the precision with which proficiency was measured, and the minimum number of students required in a subgroup to “count.” Waivers may correct some of these issues, but they also create new ones. The Title I

school at the 16th percentile could need assistance just as much as the school at the 15th percentile. It is worrisome when states' methodology for identifying priority and focus schools begins with the number that must be identified first and foremost, rather than a consideration of what level of student achievement, or growth, warrants state intervention. And it's also worrisome when many schools that were consistently failing to make AYP and implementing restructuring plans are no longer identified under waiver accountability systems.

It is no secret that states have limited resources for school improvement, and that NCLB was becoming a larger strain on them each year. But in the rush to relieve state education agencies, did some low-performing schools fall through the cracks? The data on schools no longer identified, including those from restructuring and corrective action, show that the answer is probably yes. Are states so worried about false positives, identifying good schools for interventions, that they have increased the number of false negative results, failing to identify low-performing schools that need the help?

NCLB waivers do not prohibit states from considering absolute measures of performance for accountability, and some chose to do so. But regardless of the emphasis on relative or absolute measures, as waiver accountability systems mature, states should examine which schools are being identified, and which schools just miss the cut. The Department should also use its data collection, monitoring, and research capacity to conduct and publish these kinds of analyses. **If the schools that go unidentified show less improvement over time, states should consider increasing their improvement capacities and altering their methodologies for naming priority and focus schools to ensure certain kinds of schools are always identified.** The good news is that as states begin to implement common standards and assessments, it may become easier for them to identify a particular level of student achievement—like graduation rates below 60 percent—that is so low as to always trigger identification as a priority or focus school.

3. Think Carefully About the 15 Percent

Within the 15 percent framework, states changed or added a variety of measures to their accountability systems in order to better identify schools. For instance, the Department's waiver guidance asked all states to use progress as one component of their new accountability systems, particularly for the identification of priority schools. But states measure progress in a variety of ways, some more sophisticated than others. Some states used individual growth measures, while others look at school-level progress, even comparing proficiency rates between two different student cohorts. The effect of adding different sorts of growth measures to accountability systems on the kinds of schools iden-

tified for improvement is unclear from this analysis, likely due to the lack of student achievement data. Further research on the issue should be conducted to determine whether certain kinds of growth models tend to better identify low-performing schools than others. If so, states should be encouraged to build their data infrastructure and discontinue the use of the less valid progress indicators.

The treatment of student subgroups for accountability within waivers is also erratic, both between states and compared to NCLB. Only three of the 16 states analyzed here maintained subgroup accountability for all of the same subgroups required by NCLB to name focus schools. Instead, the vast majority created super-subgroups or selected a handful of subgroups for special attention, which likely helped some formerly "failing" schools escape the focus school label. This preliminary analysis shows that states using a low-performing super-subgroup, in particular, tend to identify more schools in their waivers that were not identified the year before, but more research is needed. Because these super-subgroups are new, the precise effects of using them to select schools for interventions are largely unknown. For instance, if the performance of a super-subgroup improves, does individual subgroup performance tend to improve as well? And how would states' focus lists change if all of NCLB's subgroups were considered?

The Department should publish additional analyses to determine if states are failing to identify schools with significant achievement gaps or low subgroup achievement because they are using super-subgroups or selecting to examine only two or three subgroups. The Department should also analyze whether the kind of subgroup accountability used in waivers affects a school's progress in closing achievement gaps or improving subgroup performance. Because the guidance for selecting focus schools was more open-ended than for priority schools, this work could help tighten the definition of a focus school for future waivers or ESEA reauthorization.

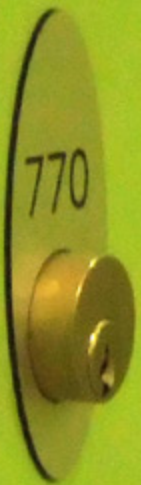
In short, if there is a link between accountability design choices and better outcomes for schools or students, those choices should be given preference in the waiver process. Given the near-universal criticism that NCLB failed to take into account students' progress and failed to identify the right schools, states should be encouraged to select the best measures possible, including the assistance and resources needed to build their data and technical capacities. In the meantime, states should consider increasing the intensity and rigor of interventions in Title I schools that fail to meet their performance goals, but are not labeled as priority or focus schools. Since many of these schools likely have low-performing subgroups, this would be one way to ensure struggling schools are not overlooked in waiver accountability.

Conclusion

NCLB waivers have allowed over 40 states to dramatically experiment with how school accountability and improvement is structured and managed. While NCLB waivers are clearly complicated, so was NCLB. The problem with No Child Left Behind wasn't that it was complicated, however. The problem was that the measures and methods for identifying low-performing schools weren't very good ones. And the interventions to improve "failing" schools weren't very effective.

Unfortunately, it isn't clear if states and the U.S. Department of Education have learned these lessons and applied them to waiver accountability systems. The systems not only complicate school accountability nationally, but also make it incoherent thanks to a hodgepodge of goals, ratings, and labels. States are still relying on proficiency rates and placing less emphasis on individual student growth data, college and career readiness data, or early warning indicator data, even when the information could be gathered. And while state education agencies may be able to better manage the number of schools in improvement, are they the right ones? Hundreds of new schools have been identified for intervention, but thousands of other schools have been largely let off the hook. Students in the 15 percent of Title I schools that are identified may be better off, but what about the other 35 percent of Title I schools that are also below average?

Waivers are complicated, but more, and better, research and analysis are needed to explain not just what states promised to do, but also what is happening within school accountability systems. As the Department plans to scale back its process for renewing NCLB waivers, this need is greater than ever. Are states' choices within the 15 percent framework producing better school outcomes? Naming fewer schools will not necessarily solve the problem of "failing" schools; it may just underestimate it. Moreover, identifying low-performing schools is the easy part, compared to actually improving them. As states begin to renew their waivers and make their case anew to the Department of Education, it's not just time for more data and more plans—it's time for states to finally get school accountability right.



Appendix A

Summary – Waiver Accountability Design Choices for AMOs, School Ratings, and Priority and Focus Schools.

By seeking waivers from the U.S. Department of Education, states wanted accountability systems that took into account multiple measures of success, made more accurate distinctions between schools, and allowed for more nuance in identifying and improving the worst schools. States' waivers change each of the fundamental components of school accountability—how they set school goals, measure school quality, and identify schools for interventions. Across the sixteen waiver states in this report, the incorporation of relative measures, student growth, and super-subgroups made for particularly dramatic changes to the way schools are identified for interventions, with each state choosing its own process.²³

State	Annual Measurable Objectives (AMOs)		School Ratings			SIG schools automatically included?	Some high schools with low grad. rates auto included?
	Kind of AMOs	Priority of focus schools identified using AMOs?	Kind of school rating system	Used to identify priority schools?	Used to identify focus schools?		
Arizona	Universal proficiency		A-F school grades	Yes		Yes	Yes
Delaware	Reduce proficiency gaps by 50%	Yes	No index			Yes	Yes
Florida	Reduce proficiency gaps by 50%		A-F school grades	Yes	Yes		
Indiana	Other: Improvement in A-F school grades by 2020 including proficiency targets and gap closing measures		A-F school grades	Yes	Yes	Yes	
Mass.	Other: Improvement on Composite Performance Index including gap closing	Yes	Composite index	Yes	Modified		
Minnesota	Reduce proficiency gaps by 50%		Composite index	Yes	Modified	Yes	No
Mississippi	Reduce proficiency gaps by 50%		Composite index	Yes	Modified	Yes	Yes
Missouri	Universal proficiency		Composite index			Yes	Yes
Nevada	Other: In five years, all schools reach 90th percentile in proficiency (as measured in 2010-11)		Composite index	Modified	Modified		Yes

Priority Schools			Focus Schools			
Priority schools identified with relative measures?	Priority schools identified using individual student growth measures?	Priority schools identified based on subgroup performance?	Non-priority high schools with low grad. rates auto included?	Focus schools identified with relative measures?	Focus schools identified using individual student growth measures?	Focus schools identified based on subgroup performance?
Yes	Student Growth Percentiles	Super-subgroup: Low-performing quartile	Yes	Yes	Student Growth Percentiles	Super-subgroup: Low-performing quartile
Yes	Change in Individual Proficiency Status			Yes		Selected subgroup: low-income
	Change in Individual Proficiency Status	Super-subgroup: Low-performing quartile			Change in Individual Proficiency Status	Super-subgroup: Low-performing quartile
	Student Growth Percentiles (bonus or penalty)	Super-subgroup: Low-performing quartile	Yes		Student Growth Percentiles (bonus or penalty)	Super-subgroup: Low-performing quartile
Yes	Student Growth Percentiles		Yes	Yes	Student Growth Percentiles	All subgroups
Yes	Growth to target model, individual growth to proficiency in 4 years	All subgroups	Yes	Yes	Growth to target model, individual growth to proficiency in 4 years	All subgroups
Yes				Yes		Super-subgroup: Low-performing quartile
Yes				Yes		Super-subgroup: all subgroups
Yes	Student Growth Percentiles	Selected subgroups: low-income, ELL, & special education	Yes	Yes	Student Growth Percentiles	Selected subgroups: low-income, ELL, & special education

N. Jersey	Reduce proficiency gaps by 50%	Yes	No index			Yes	Yes
Oklahoma	Other: Yearly improvement in AMO index, including proficiency rates, changes in proficiency, and graduation		A-F school grades	Yes	Yes	Yes	Yes
Oregon	Other: In five years, all schools earn 'exceeds' rating, or the 90th percentile of performance		Composite index	Yes	Yes		
R. Island	Reduce proficiency gaps by 50%		Composite index	Yes	Yes	Yes	
S. Carolina	Other: Annual 3-6 point increases in mean scale scores on assessments	Yes	A-F school grades	Yes		Yes	Yes
Tennessee	Other: Increase proficiency by 20 percent in 5 years and reduce proficiency gaps by 50 percent over 8 years		Composite index				
Virginia	Other: Annual proficiency or gap closing target, and graduation rate target	Yes	No index			Yes	Yes
State	Kind of AMOs	Priority of focus schools identified using AMOs?	Kind of school rating system	Used to identify priority schools?	Used to identify focus schools?	SIG schools automatically included?	Some high schools with low grad. rates auto included?
	Annual Measurable Objectives (AMOs)		School Ratings				

Yes	Student Growth Percentiles (safeguard)		Yes	Yes	Student Growth Percentiles (safeguard)	Selected subgroups: 2 lowest-performing subgroups in school
Yes	Change in Individual Proficiency Status	Super-subgroup: Low-performing quartile	Yes	Yes		Selected subgroups: black, low-income, & ELL
	Growth to target model, individual growth to proficiency in 3 years	Super-subgroups minority, Selected subgroups: low-income, ELL, & special education			Growth to target model, individual growth to proficiency in 3 years	Selected subgroups: low-income, ELL, & special education; super-subgroup: minority
Yes	Student Growth Percentiles	Super-subgroups: minority & low-income, ELL & special education	Yes	Yes	Student Growth Percentiles	Super-subgroups: minority & low-income, ELL & special education
Yes		All subgroups	Yes	Yes		All subgroups
Yes	Value-Added Model (safeguard)		Yes		Value-Added Model (safeguard)	Super-subgroup: minority
Yes				Yes		Selected subgroups: black & Hispanic; super-subgroup: non-minority low-income, ELL, or special education
Priority schools identified with relative measures?	Priority schools identified using individual student growth measures?	Priority schools identified based on subgroup performance?	Non-priority high schools with low grad. rates auto included?	Focus schools identified with relative measures?	Focus schools identified using individual student growth measures?	Focus schools identified based on subgroup performance?
Priority Schools			Focus Schools			

Notes

1 **Thomas Dee and Brian Jacob**, "The Impact of No Child Left Behind on Student Achievement," Bureau of Economic Research Working Paper #15531, 2009.

2 See, for example, **Anne Hyslop**, "2013 NAEP Results Aren't Dramatically Different – and That's Okay" EdCentral, New America Foundation, November 7, 2013 <http://www.edcentral.org/2013-naep-results-arent-dramatically-different-and-thats-okay/> (accessed November 20, 2013), and **Paul E. Peterson**, "What Do the Latest NAEP Scores Tell Us about NCLB?" Education Next, November 7, 2011 <http://educationnext.org/what-do-the-latest-naep-scores-tell-us-about-nclb/> (accessed September 20, 2013).

3 No Child Left Behind: Early Lessons from State Flexibility Waivers: Hearing Before the Committee on Health, Education, Labor, and Pensions, United States Senate, 113th Cong. (2013) (statement of **John King**, New York Commissioner of Education, Senate Health, Education, Labor, and Pensions Committee, Washington, D.C.). <http://www.help.senate.gov/imo/media/doc/King6.pdf> (accessed November 19, 2013).

4 **Joy Resmovits**, "Sen. Michael Bennet: No Child Left Behind Overhaul Stalled By Politics," Huffington Post, July 25, 2011 http://www.huffingtonpost.com/2011/07/25/education-law-overhaul-co_n_909186.html (accessed August 30, 2013).

5 For background on the pilots' effectiveness, see **Kevin Carey and Robert Manwaring**, "Growth Models and Accountability: A Recipe for Remaking ESEA?" Education Sector, 2011 http://www.educationsector.org/sites/default/files/publications/GrowthModelsAndAccountability_Release%20.pdf, and **Caitlin Scott**, "Mining the Opportunities in Differentiated Accountability: Lessons Learned from the No Child Left Behind Pilots in Four States," Center on Education Policy, 2009 <http://www.cep-dc.org/displayDocument.cfm?DocumentID=235>.

6 See, for example, **Council of Chief State School Officers**, "Roadmap for Next-Generation State Accountability Systems," 2011 <http://www.ccsso.org/documents/Roadmap.pdf>, and **National Governor's Association, Council of Chief State School Officers, and National Association of State Boards of Education**, "Joint Statement on Reauthorization of the No Child Left Behind Act (NCLB)," 2007 <http://www.nga.org/files/live/sites/NGA/files/pdf/0704NCLBSTATEMENT.PDF>.

7 **U.S. Department of Education**, Office of Planning, Evaluation and Policy Development, ESEA Blueprint for Reform, Washington, D.C., 2010.

8 The state of California submitted an unsuccessful

waiver request under NCLB Section 9401, but it did not technically apply for ESEA flexibility from the U.S. Department of Education. Its request did not address all of the required flexibility principles, including principle 3, or request a waiver from all of the required provisions of NCLB. California's request is at <http://www.cde.ca.gov/be/pn/pn/eseawaiverrequest20120515s.asp> (accessed September 20, 2013). Similarly, the eight school districts in California that were granted a waiver in August 2013 did not apply for ESEA flexibility, but submitted a Title I waiver under Section 9401. Their waiver can be viewed here: <http://www2.ed.gov/nclb/freedom/local/flexibility/waiver-letters2009/index.html#ca> (accessed September 20, 2013).

9 **U.S. Department of Education**, "Turning Around the Lowest Performing Schools," 2013 <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/resources/turn-around.pdf> (accessed July 11, 2013).

10 See, for example, **Motoko Rich**, "Loopholes Seen at Schools in Obama Get-Tough Policy," New York Times, October 5, 2012 <http://www.nytimes.com/2012/10/06/education/obama-education-policy-draws-some-skeptics.html?pagewanted=all> (accessed June 29, 2013), **Leslie Postal**, "Florida's race-based goals for students spark debate," Orlando Sentinel, October 19, 2012 http://articles.orlandosentinel.com/2012-10-19/news/os-florida-race-student-goals-20121019_1_white-students-black-students-new-goals (accessed June 29, 2013), **Anthony Cody**, "Powerful Coalition Opposes NCLB Waivers in New Jersey," Education Week, October 30, 2012 http://blogs.edweek.org/teachers/living-in-dialogue/2012/10/powerful_coalition_opposes_ncl.html (accessed June 29, 2013), and **Samreen Hooda**, "Virginia New Achievement Standards Based On Race And Background," Huffington Post, August 24, 2012 http://www.huffingtonpost.com/2012/08/23/virginia-new-achievement-based-on-race_n_1826624.html (accessed June 29, 2013).

11 See, for example, **Jeremy Ayers and Isabel Owen**, "No Child Left Behind: Promising Ideas from Second Round Applications," Center for America Progress, July 2012 <http://www.americanprogress.org/wp-content/uploads/issues/2012/07/pdf/nochildwaivers.pdf> (accessed August 30, 2013), **Daria Hall**, "A Step Forward or a Step Back? State Accountability in the Waiver Era," The Education Trust, February 2013 http://www.edtrust.org/sites/edtrust.org/files/A_Step_Forward_Or_A_Step_Back.pdf (accessed August 31, 2013), "The Effect of ESEA Waiver Plans on High School Graduation Rate Accountability," The Alliance for Excellent Education, February 2013 <http://all4ed.org/wp-content/uploads/2013/06/ESEAWaivers.pdf>

(accessed November 12, 2013), and **Rufina A. Hernandez**, "Maintaining a Focus on Subgroups in an Era of Elementary and Secondary Education Act Waivers," Campaign for High School Equity, August 2013 http://www.highschoolequity.org/images/WaiversReport_R8.pdf (accessed August 31, 2013).

12 Selection factors included: geographical location, size, date of flexibility request and Race to the Top funding (as a proxy for status of state education reforms), party control of state legislatures / governorships, and availability of data.

13 All schools in each state are included in the sample data with the exception of Florida, New Jersey, Oregon, South Carolina, and Tennessee. In these states, only schools identified for interventions (e.g. corrective action, restructuring, priority, focus) in either school year are present in the data.

14 **Polikoff, Morgan S., Andrew McEachin, Stephani L. Wrabel, and Matthew Duque**. "The Waive of the Future? School Accountability in the Waiver Era," In press at Education Researcher, November 2013 <http://www-bcf.usc.edu/~polikoff/Waivers.pdf> (accessed November 17, 2013).

15 Restructuring here is defined as narrowly as possible: Schools that are planning for restructuring in year five of improvement, but have not yet put those plans in action, are considered to be in the second year of corrective action.

16 Florida could not be included in this analysis because its previously approved differentiated accountability model (as a U.S. Department of Education differentiated accountability pilot state) used radically different labels for schools in improvement. As such, NCLB's interventions of school improvement, corrective action, and restructuring cannot be applied to Florida schools in the 2011-12 school year.

17 The definition of a Tier I and Tier II school under the School Improvement Grants program can be found in the U.S. Department of Education's guidance document, available online here: <http://www2.ed.gov/programs/sif/sigguidance02232011.pdf> (accessed June 22, 2013). The guidance for priority and focus schools can be found in the U.S. Department of Education's ESEA Flexibility policy document, available online here: <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc> (accessed June 22, 2013).

18 Florida could not be included in this analysis because its previously approved differentiated accountability model (as a U.S. Department of Education differentiated accountability pilot state) used radically

different labels for schools in improvement. As such, NCLB's interventions of school improvement, corrective action, and restructuring cannot be applied to Florida schools in the 2011-12 school year.

19 See, for example, **Alliance for Excellent Education**, "Overlooked and Underpaid: How Title I Shortchanges High Schools, and What ESEA Can Do About It," June 2011 <http://all4ed.org/wp-content/uploads/2013/06/OverlookedUnderpaidTitleI.pdf> (accessed September 11, 2013), and **Lyndsey Pinkus**, "Who's Counted? Who's Counting? Understanding High School Graduation Rates," Alliance for Excellent Education, 2006 <http://www.all4ed.org/wp-content/uploads/WhosCounting.pdf>.

20 The guidance for graduation rate accountability can be found in the U.S. Department of Education's ESEA Flexibility policy document: <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc> (accessed June 22, 2013).

21 **Jay G. Chambers** et al., "State and Local Implementation of the No Child Left Behind Act, Volume VI—Targeting and Uses of Federal Education Funds," U.S. Department of Education, 2009.

22 The definition of a Tier I and Tier II school under the School Improvement Grants program can be found in the U.S. Department of Education's guidance document, available online here: <http://www2.ed.gov/programs/sif/sigguidance02232011.pdf> (accessed June 22, 2013). The guidance for priority and focus schools can be found in the U.S. Department of Education's ESEA Flexibility policy document, available online here: <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc> (accessed June 22, 2013).

23 All state flexibility requests can be accessed at the U.S. Department of Education's ESEA Flexibility webpage: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

New America Education Policy Program

1899 L Street, NW

Suite 400

Washington DC 20036

Phone 202 986 2700

Fax 202 986 3696

www.newamerica.org

www.edcentral.org