



# INDIANA STATE BOARD OF EDUCATION

July 9, 2014

## Resolution Regarding ESEA Waiver Compliance

WHEREAS, Indiana received full approval from the U.S. Department of Education for its Elementary and Secondary Education Act (“ESEA”) flexibility waiver application in February 2012, with an expiration date of June 30, 2014;

WHEREAS, the Indiana Department of Education (“IDOE”) received notification in December 2013 from the U.S. Department of Education (“USED”) that Indiana’s ESEA waiver would have a condition placed upon it due to implementation concerns, that Indiana was out of compliance with nine (9) out of eighteen (18) areas of the approved waiver, and that Indiana was the only state with such a condition arising from implementation concerns;

WHEREAS, the State Board of Education (“SBOE”) was notified by IDOE that a condition had been placed on the ESEA waiver in April 2014, four months after notification had been provided to the IDOE by USED;

WHEREAS, the Superintendent of Public Instruction called a special Board meeting for June 23, 2014, to discuss the waiver submission, but the IDOE did not provide the complete waiver submission (narrative plus all attachments) to the SBOE in advance of the special meeting;

WHEREAS, the waiver response documents posted by the IDOE for public comment from June 17-24, 2014, did not include attachments, which did not allow members of the public to conduct a substantive review of the waiver renewal materials prior to submission to USED;

WHEREAS, IDOE did not provide the complete waiver renewal submission (narrative plus all attachments) to the SBOE until the afternoon of June 30, 2014, the due date for final submission to USED;

WHEREAS, due to the IDOE’s completion of waiver materials on the afternoon of the submission deadline, the SBOE could not, in good faith, complete a thorough review or make substantive recommendations regarding the waiver submission prior to the deadline;

WHEREAS, the SBOE may take action on policy matters covered in IDOE’s waiver renewal submission prior to USED’s final response to Indiana’s waiver renewal request;

WHEREAS, Indiana statute and regulation require the use of both student achievement *and* growth for purposes of teacher evaluation;

WHEREAS, Indiana statute and regulation require the use of student growth for school district and school accountability;

WHEREAS, USED notified IDOE that Indiana's June 30, 2014, waiver renewal submission must include information about how Indiana will calculate growth and use growth calculations for teacher evaluations and accountability during the 2014-2015 school year;

WHEREAS, the IDOE received ESEA waiver approval from USED in February 2012, and in the waiver application the IDOE committed to an operational college and career ready ("CCR") assessment in 2014-2015;

WHEREAS, HEA 1427 requires the use of ISTEP+ during the 2014-2015 school year, and this was known as of the date the law was enacted in May 2013;

WHEREAS, the federal requirement for Indiana to implement an operational ISTEP+ assessment in 2014-2015 that is aligned with the new academic standards and has rigorous CCR testing items has been known for more than a year, and IDOE's plan to develop a compliant assessment was presented by the IDOE to the Indiana General Assembly Interim Study Committee regarding the Common Core State Standards on September 10, 2013, and to the SBOE at the October 2 and December 20, 2013 Board meetings;

WHEREAS, CTB/McGraw-Hill has indicated that the testing items that will be utilized in the 2014-2015 ISTEP+ will be aligned with the 2014 Indiana CCR Academic Standards, will include the new technology enhanced item types, and that the items will meet field testing requirements;

WHEREAS, CTB/McGraw-Hill and IDOE have each indicated that the 2014-2015 assessment will be both valid and reliable; and

WHEREAS, Dr. Damian Betebenner, an associate at The National Center for the Improvement of Educational Assessment in Dover, New Hampshire, who advised Indiana on the creation of the Indiana Growth Model, and who is under contract with the SBOE to advise on modifications to the state's A-F school accountability system, has found that growth may be calculated utilizing data from the 2014-2015 ISTEP+ assessment using an equi-percentile concordance analysis that will be both valid and reliable.

NOW, THEREFORE, BE IT RESOLVED THAT the SBOE stipulates the following:

- Indiana's complete waiver renewal submission shall comply with Indiana statute and SBOE regulations;
- Any substantive waiver amendment requests to USED, apart from the requested amendments to reflect the new Indiana Academic Standards (2014) and an aligned state assessment that is not developed through a national testing consortium, shall be approved in advance by the SBOE;
- Per SBOE regulation, 511 IAC 6.2-6 shall be followed for the A-F School Accountability System for federal and state accountability purposes;
- Teacher and principal evaluations shall continue to be governed by IC 20-28-11.5 and 511 IAC 10-6, and any proposals to modify the model state plan, RISE 2.0, or to modify state guidance to

school corporations or schools that have adopted a locally developed model, must receive advance approval by the SBOE;

- Information currently posted on the IDOE website regarding guidance to diminish the weight of ISTEP+ and growth calculations (i.e., the RISE 2.5 memo) must be removed immediately, as this guidance was never approved by the SBOE, was expressly prohibited by the SBOE in fall of 2013, does not comply with state statute or regulation, and does not comply with Indiana's ESEA waiver principles;
- Given the incorrect guidance on RISE provided by IDOE to schools in 2013, as well as the confusion that has resulted from the RISE 2.5 memo being posted on the IDOE website for almost one year, IDOE shall send repeated communications to Indiana educators through the DOE Dialogue for the months of July and August regarding the need to utilize RISE 2.0, or a locally adopted model that complies in full with IC 20-28-11.5 and 511 IAC 10-6, in order to comply with federal and state requirements.
- Indiana shall administer a fixed-form, summative assessment with field tested items for the 2014-2015 operational assessment;
- Growth in 2014-15 shall be calculated according to the methodology recommended by Dr. Damian Betebenner and approved by the SBOE; and
- Assuming Indiana's waiver is renewed for one year, the IDOE shall provide monthly written and oral updates to the SBOE at regular business meetings regarding specific areas of waiver implementation, and SBOE staff shall participate in any formal waiver monitoring meetings or formal waiver monitoring phone calls with USED regarding Indiana's waiver implementation performance and compliance.

ADOPTED ON:

July 9, 2014