



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**AUG 06 2015**

The Honorable Diane Douglas  
Superintendent of Education  
Office of Superintendent of Public Instruction  
1535 W. Jefferson Street, Bin No. 2  
Phoenix, AZ 85007

Dear Superintendent Douglas:

I am writing in response to Arizona's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Arizona may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Arizona's request dated July 31, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Arizona's ESEA flexibility request, through the end of the 2015–2016 school year.

My decision to renew approval of Arizona's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Arizona to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Arizona will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Arizona's approved request will be posted on ED's website.

In light of continuing civil rights concerns related to Arizona's identification of and provision of services to English Learners as outlined in the August 31, 2012 resolution agreement between Arizona, ED and the U.S. Department of Justice, I am approving Arizona's ESEA flexibility renewal request for a period of one year. I am hopeful that Arizona will demonstrate during the course of the 2015–2016 school year that it has taken further, sufficient action to address these civil rights concerns. At that time, if Arizona makes no additional changes to its ESEA flexibility request and is otherwise continuing to fulfill the commitments in its ESEA flexibility renewal request I will consider Arizona's request for renewal of ESEA flexibility for additional years.

Arizona's ESEA flexibility extension request was approved subject to the condition that the State sufficiently demonstrate that its guidelines for teacher and principal evaluation and support systems meet the requirements for Principle 3 of ESEA flexibility articulated in ED's June 7, 2012 document titled *ESEA Flexibility*. Arizona addressed this condition by submitting guidelines for teacher and principal evaluation and support systems that meet those requirements. Accordingly, I have determined

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that Arizona has satisfactorily resolved its condition. With resolution of this condition, Arizona's guidelines for teacher and principal evaluation and support systems are approved.

This letter also provides my approval of Arizona's proposed amendments to its ESEA flexibility request. A summary of Arizona significant approved amendments is enclosed with this letter.

This renewal is subject to Arizona's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that the State's differentiated system of recognition, accountability, and support identifies Priority and Focus schools in a manner that is consistent with the definitions in the document titled *ESEA Flexibility* beginning with the 2016–2017 school year and each year thereafter.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility, that Focus and Priority schools that exit status based on one year of student achievement data continue to make progress in improving the performance of all students and closing achievement gaps.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Arizona is implementing the plan as set forth in the State's renewal request to ensure that Reward schools do not have significant achievement or graduation rate gaps that are not closing in the school, beginning with the 2016–2017 school year and each year thereafter.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Arizona is implementing the plan set forth in its ESEA flexibility request, including the timeline and milestones, that will lead to: (1) inclusion of student growth in the teacher and principal evaluation and support systems based on State assessments administered in the 2015–2016 school year and each year thereafter; and (2) the use of summative ratings, based on 2016–2017 school year data and data from each year thereafter, to inform personnel decisions.
- Clarify, through an amended request no later than October 31, 2016, the Statewide approach that will be used for the calculation of student growth, based on State assessments administered in the 2015–2016 school year and each year thereafter, in teacher and principal evaluation and support systems. Arizona committed to the development and implementation of a Statewide approach for the calculation of student growth based on State assessments in teacher and principal evaluation and support systems in its ESEA flexibility renewal request.

In addition to requesting approval of Waiver 14 for mathematics, Arizona requested the same waivers so that it does not have to assess, on the grade-level Statewide assessments, a middle school student who takes advanced, high school-level English language arts (ELA) coursework and the corresponding assessment prior to entering high school. I am granting waivers of: (1) ESEA section 1111(b)(1)(B) and the corresponding regulatory provisions that require each State to apply the same academic content and academic achievement standards to all public schools and public school children in the State; and (2) ESEA section 1111(b)(3)(C)(i) and the corresponding regulatory provisions that require each State's assessment to be the same academic assessment used to measure the achievement of all public school

children. With this waiver, Arizona will assess its middle school students who take advanced, high school-level coursework in ELA on the corresponding assessment alone, instead of on both the grade-level Statewide assessment and the advanced, high school-level assessment. For Federal accountability purposes in section 1111(b)(2) of the ESEA, Arizona must use the results of the assessment in the year in which it is administered. Arizona must also administer one or more additional advanced, high school-level ELA assessments to such students in high school, consistent with the State's academic content standards in ELA. The students' results on the additional advanced, high school-level ELA assessments administered during high school must be included in Federal accountability determinations for the students' high school.

Arizona continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Arizona will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Monika Kincheloe or Diane Bragdon at: [OSS.Arizona@ed.gov](mailto:OSS.Arizona@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of Arizona's students.

Sincerely,



Ann Whalen

Delegated the authority to perform the functions and duties of Assistant Secretary for Elementary and Secondary Education

Enclosure

cc: Cecilia Johnson, Associate Superintendent of Highly Effective Teachers and Leaders  
Nancy Konitzer, Deputy Associate Superintendent for Highly Effective Schools Division

## Approved Amendments to Arizona's ESEA Flexibility Request

The following is a summary of significant amendments Arizona included as part of its request for renewal of ESEA Flexibility. ED approves these amendments because Arizona's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website, (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html>), for Arizona's complete ESEA flexibility request.

- **College- and Career-Ready Expectations for All Students (Principle 1)**

Revision: Arizona amended its request to reflect adoption and administration of new alternate assessments, the National Center and State Collaborative assessments, in English language arts and mathematics beginning in the 2014–2015 school year,.

- **State-Developed Recognition, Accountability, and Support (Principle 2)**

Revision: Arizona amended its State system of differentiated recognition, accountability, and support such that it is using Federal definitions for Reward, Focus, and Priority schools. Pursuant to State law, Arizona will not assign schools A-F letter grade ratings. Instead, Arizona amended the criteria described in the renewal request to identify Reward, Focus, and Priority schools that align with Federal definitions based on assessments administered in the 2015–2016 and 2016–2017 school years, subject to the demonstration described in the attached letter.

Revision: Arizona amended its methodology for setting Annual Measurable Objectives (AMOs) beginning in the 2014–2015 school year. The State will set AMOs by reducing in half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years (2014 to 2020).

Revision: Arizona amended its accountability system for alternative schools to weigh the college- and career-ready index at 15 percent based on an extended-year graduation cohort rate for these schools.

Revision: Arizona amended its request to include its State-developed recognition, accountability, and support model for small schools, called Measure of Academic Progress.

Revision: Arizona amended its timing and methodology for exiting schools from Focus school status based on assessments administered in the 2014–2015, 2015–2016, and 2016–2017 school years such that a school must not meet the identification criteria and must demonstrate improvement greater than the State average for graduation rate; or a school must not meet the identification criteria and must decrease the percentage of students in the bottom quartile.

Revision: Arizona amended its timing and methodology for exiting schools from Priority school status based on assessments administered in the 2014–2015, 2015–2016, and 2016–2017 school years such that a school must not meet the identification criteria and must demonstrate improvement greater than the State average.

Revision: Arizona amended its request to include interventions aligned to the turnaround principles for online schools that are identified as Priority schools.