

Michigan's Approved ESEA Flexibility Request Summary

The U.S. Department of Education (USED) offered States the opportunity to request flexibility from certain requirements of the Elementary and Secondary Education Act (ESEA), also known as "No Child Left Behind," (NCLB) in exchange for rigorous and comprehensive plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

Throughout 2011-2012, the Michigan Department of Education (MDE) worked with local education stakeholders across the state, as well as with the USED to develop a request that would strengthen accountability and provide schools and districts with the flexibility they need to better support teachers and students. Our flexibility request includes waivers of 11 specific provisions of this federal law, including the NCLB requirement that all schools meet the 100% student proficiency targets by 2014. The waivers of these 11 provisions support Michigan's ongoing work in three main areas: 1) Career- and College-Ready Expectations for All Students; 2) State-Developed Differentiated Recognition, Accountability, and Support; and 3) Supporting Effective Instruction and Leadership.

On July 19 2012, the MDE received notification from USED that Michigan's ESEA Flexibility Request was approved. This is excellent news and provides benefits to schools and districts, keeps the focus on success for all students, and builds upon the significant State and local reform efforts already underway. This flexibility approval will:

- Allow local school districts more freedom in how they use federal dollars to improve student achievement and close achievement gaps.
- Recognize schools that are meeting or exceeding achievement goals.
- Ensure students have effective educators in their schools.
- Create a more robust accountability scorecard that includes science, social studies, and writing in addition to the NCLB-required content areas of math and English language arts.

Michigan requested flexibility in 11 out of 12 ESEA provisions. A summary of our approved requests is provided below:

Waiver

1. Under the NCLB Adequate Yearly Progress (AYP) requirement, all Michigan schools were required to have 100 percent of their students proficient in mathematics and reading by 2014. Michigan now has the flexibility to establish new ambitious **and** achievable Annual Measurable Objectives (AMOs) using the 2011-2012 school year as the baseline and allowing schools another 10 years to achieve 85% proficiency."
2. ESEA section 1116 - The approval of Michigan's request changes the identification method of schools not making AYP and adds a mechanism for recognizing schools that are making significant gains toward and/or meeting rigorous AYP benchmarks. The new identification method for accountability includes:
 - a. Priority Schools: Schools that are in the lowest performing group of schools in the state.
 - b. Focus Schools: Schools that have the largest gaps in achievement between their highest and lowest performing subgroups of students.
 - c. Continuous Improvement Schools: All other Title I schools that are not Priority, Focus, or Reward Schools.
 - d. Reward Schools: Title I schools that have consistently high academic achievement, large growth in achievement or have demonstrated that they are beating the odds.

Schools will no longer be subject to the consequences associated with the NCLB designations of school improvement, corrective action, and restructuring. Consequences and supports for identified schools will now be differentiated to meet the needs of each school in making rapid improvement.

3. ESEA section 1116 - To develop and implement a system of differentiated accountability and support that focuses resources on the lowest performing districts and schools, the state is no longer required to identify districts for improvement or corrective action based on AYP status.
4. ESEA sections 6213 and 6224 - To provide districts receiving funds to support rural schools greater flexibility in how Title I funds are used when the school does not make AYP, a district may use these funds for any authorized purpose, regardless of the district's AYP status.
5. ESEA section 1114 - The approval of Michigan's flexibility request will allow priority and focus schools to operate a schoolwide Title I program if they meet all other requirements except for the 40% poverty rate to apply to operate a schoolwide Title I program.
6. ESEA section 1003(a) - To support schools not making AYP using the new identification method outlined in number 2 above, the state will be able to distribute certain reserved funds to support Priority and Focus schools.
7. ESEA section 1117 - Michigan's approval allows the State to reserve and use Title I, Part A funds to award to any reward school.
8. ESEA section 2141 - To focus state and district resources on developing and implementing meaningful teacher evaluation and support systems that emphasize "effective" rather than just "qualified" educators, the approval of our request waives the required development and implementation of an improvement plan for schools that do not meet highly qualified teacher benchmarks.
9. ESEA section 6123 – Michigan's approval provides additional flexibility in the amount of funds the State or local school districts may transfer between certain ESEA programs. With this waiver, the State and local school districts may transfer up to 100 percent of the other ESEA funds (Title II-A, Title II-D, or 21st Century program funds) it receives between these programs or into Title I, Part A.
10. ESEA section 1003(g) - Michigan's approval waives the required definition of a Tier I school in the School Improvement Grants (SIG) final requirements. Instead, the waiver allows the State to award SIG funds to local school districts to implement one of the four SIG models in their Priority Schools.
11. Based on stakeholder feedback, Michigan did not request the optional 11th waiver, which would have provided additional flexibility in the use of the Twenty-First Century Community Learning Centers program, allowing these funds to support activities occurring during the regular school day and session.
12. ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) - Michigan's waiver aligns district and school AYP determinations with the State-developed differentiated recognition, accountability, and support system. The SEA and its LEAs must report on their performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools that are not reward schools, priority schools, or focus schools.

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| Waiver | Current Requirement Under No Child Left Behind (2001) | Flexibility Provided Upon Receipt of Waiver | Benefit of Receiving the Waiver |
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| 1 | All schools must have 100% of students proficient on state assessments by 2013-14. | The Michigan Department of Education (MDE) may set new measures by determining new proficiency targets and timelines. | The MDE will establish new ambitious and achievable annual measurable objectives based on current levels of achievement and ambitious goals for growth over the next ten years. |
| 2 | Schools that fail to make adequate yearly progress (AYP) for two or more consecutive years are identified for improvement, corrective action, or restructuring. | Districts will no longer be required to identify schools for improvement, corrective action, and/or restructuring based on AYP status. | The MDE will develop and implement a system of differentiated accountability and support that focuses resources on the lowest performing districts and schools. |
| 3 | Districts that fail to make adequate yearly progress (AYP) for two or more consecutive years are identified for improvement or corrective action. | The MDE will no longer be required to identify districts for improvement or corrective action based on AYP status. | The MDE will develop and implement a system of differentiated accountability and support that focuses resources on the lowest performing districts and schools. |
| 4 | The spending of certain funds for rural schools is dependent on the district's AYP status. | A district receiving funds to support rural schools may use these funds for any authorized purpose, regardless of the district's AYP status. | Rural districts will be able to fund ongoing federal programs without penalty for not making AYP. |
| 5 | A school must have at least 40% of students in poverty in order to operate a schoolwide Title I program. | Any school identified as a Priority School or Focus School may operate a schoolwide Title I program, regardless of the percentage of students in poverty, in order to implement interventions consistent with identified turnaround principles and local needs. | Districts and schools will be able to develop, implement, and fund school turnaround efforts that enhance the entire educational program in the school. |
| 6 | A state must reserve and spend a certain percentage of federal money received under ESEA to support schools identified for improvement, corrective action, or restructuring as a result of not making AYP for two or more consecutive years. This support includes requirements such as school choice and the provision of supplementary educational services. | The MDE may allocate these federal funds to support any school identified as either a Priority School or a Focus School. | Funds will be targeted to the lowest achieving 5% of schools and the schools with the largest achievement gaps. |

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| 7 | Federal funds received by the state for the recognition of schools must be used to reward schools that significantly close achievement gap(s) and/or exceed AYP targets for two or more consecutive years. | These federal funds may be used to provide financial awards to any school identified as a Reward School. | Schools that demonstrate the greatest proficiency, growth, and/or that “beat the odds” will receive deserved recognition. |
| 8 | A district that does not meet its Highly Qualified Teacher (HQT) targets must develop an improvement plan that must be monitored by the MDE. The district must spend certain federal funds to support implementation of the plan. | Districts will no longer have to develop an improvement plan for monitoring by the MDE and will have flexibility in spending funds that would otherwise have to be spent on implementation of the improvement plan. | The MDE and local districts will be able to focus on developing and implementing meaningful evaluation and support systems that focus on ensuring “effective” rather than just “qualified” educators. |
| Waiver | Current Requirement Under No Child Left Behind (2001) | Flexibility Provided Upon Receipt of Waiver | Benefit of Receiving the Waiver |
| 9 | Specific federal program funding must be spent only for the purpose(s) designated by specific sections of ESEA. | Both the MDE and local districts may transfer up to 100% of federal funds allocated by ESEA into Title I, Part A. | Districts and schools will have greater flexibility to use federal education funds to support local needs and priorities. |
| 10 | School Improvement Grant (SIG) funds may only be allocated by the state to districts to support schools not making AYP for two or more consecutive years. | SIG funds may be used to support the implementation of one of four specific school turnaround models in any school identified as a Priority School. | Funds will be targeted to the lowest achieving 5% of schools. |
| 12 | LEAs and schools receive annual Adequate Yearly Progress (AYP) determinations, upon which various consequences are based. | Michigan’s waiver will align district and school AYP determinations with the State-developed differentiated recognition, accountability, and support system. | LEA and school performance is reported as a measure against the AMOs for all subgroups on annual report cards |