

**Oklahoma's Approved ESEA Flexibility Request
(No Child Left Behind Waiver)
Frequently Asked Questions**



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Recently, questions have been raised about Oklahoma's waiver from No Child Left Behind, particularly with respect to Priority Schools identified in the waiver. This information is intended to address as many of these questions as possible. If you have additional questions that are not clarified for you in this document, please email Kerri.White@sde.ok.gov. We will further modify and build on this FAQ document to assist you.

Section A. Overview and Purpose

A-1. What is an ESEA Flexibility Request?

In September 2011, the United States Department of Education (USDE) offered States the opportunity to request particular waivers of the Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind. Oklahoma requested all eleven waivers that were offered by providing a detailed plan of how Oklahoma has met the four Flexibility Principles:

- Principle 1: College and Career Ready Expectations for All Students
- Principle 2: State-Developed Differentiated Recognition, Accountability, and Support Systems
- Principle 3: Supporting Effective Instruction and Leadership
- Principle 4: Reducing Duplication and Unnecessary Burden

The USDE approved Oklahoma's request for these waivers on February 8, 2012.

A-2. What is the purpose of requesting flexibility from ESEA?

The USDE recognized that "States and districts have initiated groundbreaking reforms and innovations to increase the quality of instruction and improve academic achievement for all students." This flexibility will allow Oklahoma to move forward with the educational reforms enacted by the Oklahoma state legislature without burdening districts and schools to work toward two different accountability systems.

A-3. What are the primary components of Oklahoma’s ESEA Flexibility Request?

Oklahoma’s ESEA Flexibility Request follows the required format that is organized around the first three Flexibility Principles listed in A-1. The request addresses how Oklahoma will meet each of the following:

- Principle 1 through the Oklahoma C³ Standards, including Common Core (See Questions B-1 through B-3);
- Principle 2 through implementation of the A-F School Grading System; identification of Priority, Focus, Targeted Intervention, and Reward Schools; implementation of interventions in Priority, Focus, and Targeted Intervention Schools; recognition of Reward Schools; and support of all schools, including those that are not identified as Priority, Focus, Targeted Intervention, or Reward Schools (See Questions C-1 through C-24 and D-1 through D-20); and
- Principle 3 through development and implementation of the Teacher and Leader Effectiveness Evaluation System (See Questions E-1 through E-2).
- Principle 4 is addressed in Oklahoma’s Flexibility Request through the required assurance statement that the State “will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools.”

A-4. Why is the waiver better for school districts and schools than No Child Left Behind?

The Accountability System under No Child Left Behind required schools and school districts to identify subgroups of students that were underperforming and to implement school interventions, such as afterschool tutoring, in schools that did not meet Adequate Yearly Progress Benchmarks in one or more subgroups.

The waiver, on the other hand, allows districts and schools to identify individual children who are struggling to learn and to provide interventions aimed at meeting the needs of those individual children, regardless of their inclusion in one or more subgroups. The waiver will allow schools and districts to focus their attention toward the students who need the most assistance.

Further, the waiver will provide flexibility in the allocation, pooling, and use of some federal funds, and the waiver will allow districts and schools to develop and implement evaluation systems that align with Oklahoma’s Teacher and Leader Effectiveness Evaluation System (TLE) rather than focusing attention on highly qualified status.

A-5. Where can educators and the public find more information about Oklahoma’s ESEA Flexibility Request?

The final approved ESEA Flexibility Request as well as videos and other documents are available at <http://ok.gov/sde/elementary-and-secondary-education-act-esea>

Section B. Principle 1: College and Career Ready Expectations for All Students

B-1. What are Oklahoma's C³ Standards?

Oklahoma's C³ Standards are academic standards for all learners. These standards include the Common Core State Standards in English Language Arts and Mathematics, as well as revised state standards in Science and Social Studies.

B-2. How can schools and teachers assist struggling learners, students with disabilities, and English language learners to reach the expectations of Oklahoma's C³ Standards?

The ESEA Flexibility Request outlines the professional development and other opportunities for schools and teachers to assist struggling learners, students with disabilities, and English language learners to reach the expectations of the Oklahoma C³ Standards.

B-3. How will Oklahoma assess the Oklahoma C³ Standards?

Oklahoma will assess the Oklahoma C³ Standards through state assessments aligned to the standards and through a partnership with other states that have adopted the Common Core State Standards. This partnership, known as PARCC, will develop tests in English Language Arts and Mathematics. The PARCC tests will be administered for the first time during the 2014-2015 school year. Other content areas will continue to be assessed through state assessments.

Section C. Principle 2: State-Developed Differentiated Recognition, Accountability, and Support Systems

A-F School Grading System

C-1. When will districts be able to review the proposed A-F School Grading System rules?

Proposed rules related to implementation of the state law requiring an A-F School Grading System will be available for public review beginning February 20, 2012. Public comments will be accepted and reviewed by the State Board of Education until March 29, 2012. Rules approved by the State Board of Education on March 29, 2012, will be sent to the state legislature and Governor for approval. Approved rules will be used to implement the A-F School Grading System based on data from the 2011-2012 school year.

C-2. Please elaborate on the growth model schools will be accountable for under the terms of the waiver.

Under the A-F Report Card for Schools reform at the state level (which is a part of Oklahoma's waiver application) schools will receive credit for students who make growth within a performance level band as well as those that increase performance levels. Additionally, students who are in the Advanced or Proficient performance level also receive credit for making growth if they maintain Proficient or above status. The A-F

Grading system will be used for accountability beginning with assessments given during the current school year. Please note that the A-F Grading System rules will be posted online for public comment on February 20, 2012. These rules will provide the detail needed to understand the new Oklahoma accountability system. Additionally, the Office of Accountability and Assessment at the State Department of Education will provide a new Accountability Workbook to further elaborate on the components of the new accountability system. State law and state rules on this new system are clear cut, systematic and are not based on the decisions of any one individual. Under state law, the Growth Component of the A-F Grading system also counts the improvement of students in the bottom 25% of achievement twice. The stated reason for including these students twice is to focus attention on the academic needs of struggling students regardless of their inclusion in one or more of the former 10 subgroup populations. This is an improved flexibility over the former requirements of NCLB.

C-3. Now that the waiver has been approved, what will happen regarding the accountability system if the waiver is rescinded?

Because both current state law and reforms are now in the implementation phase (such as the new A-F Report Card for Schools), Oklahoma would continue efficiently transitioning to a new accountability system in a timely manner, even if the waiver were not in effect.

Priority, Targeted Intervention, Focus, and Reward Schools

C-4. What are Priority, Targeted Intervention, Focus, and Reward Schools?

In order to apply for the ESEA Flexibility Waivers, Oklahoma identified Priority, Focus, and Reward Schools as defined by USDE. **Priority Schools** are schools in the bottom 5% of achievement in reading and mathematics, have a graduation rate below 60% for at least three years, or are Tier I School Improvement Grant (SIG) schools. **Targeted Intervention Schools** are schools in the bottom 25% of achievement in reading and mathematics that are not otherwise identified as Priority or Focus Schools. **Focus Schools** are schools with low achievement in reading and mathematics in the State's lowest performing subgroups or schools with low graduation rates in the State's lowest graduating subgroups. **Reward Schools** are schools with high achievement in all state assessments or schools with high progress in reading and mathematics.

Full definitions for each type of school are available in Oklahoma's final approved ESEA Flexibility Request.

C-5. Where is a list of Priority, Targeted Intervention, Focus, and Reward Schools that have been identified under the waiver?

The list of Priority, Targeted Intervention, Focus, and Reward Schools is found beginning on page 309 (Attachment 9) of Oklahoma's ESEA Flexibility Request. It is also available as a separate document on the ESEA Flexibility Request page of the State Department of Education Website. Documentation pertaining to the waiver has been posted online for several months at <http://sde.ok.gov/Programs/ESEA/> and <http://ok.gov/sde/elementary-and-secondary-education-act-esea>

C-6. Why are schools listed in the waiver with letters assigned? Are these “letter grades” for school performance? Are schools listed as A, B, or C Priority Schools exempt?

Unfortunately, some confusion has developed around letter codes assigned to schools in the waiver, as required by the federal government. Please note that these letter codes are **not letter grades**. They do not pertain to the state-level A-F Report Card for Schools reform, which has not yet been implemented. Again, the letter designation given a school within the waiver is not a “Letter Grade;” it is simply the letter code required by the federal government and used to identify the status of schools. The “Key” is on page 325 of the waiver. You will notice four columns – Reward Schools, Priority Schools, Focus Schools, and Targeted Intervention Schools. The key will give full explanation of the criteria.

C-7. Is it possible for a school to *not* be identified as a Priority, Targeted Intervention, Focus, or Reward School?

The majority of schools are not identified as a Priority, Targeted Intervention, Focus, or Reward School.

C-8. How were Priority Schools identified for the list in Attachment 9?

The initial identification of Priority Schools included three methods.

- Method 1 included schools in the bottom 5% of student performance based on reading and mathematics assessments given in the 2008-2009, 2009-2010, and 2010-2011 school years. This identification included the assessment of all students.
- Method 2 included all schools with a graduation rate below 60% for at least three years.
- Method 3 included all Tier 1 School Improvement Grant (SIG) schools.

The full methodology for initial identification of Priority Schools is provided in Oklahoma’s final approved ESEA Flexibility Request in Section 2.D.

C-9. How were Targeted Intervention Schools identified for the list in Attachment 9?

The initial identification of Targeted Intervention Schools included schools in the bottom 25% of student performance based on reading and mathematics assessments given in the 2008-2009, 2009-2010, and 2010-2011 school years. This identification included assessments of all students. Schools already identified as Priority or Focus Schools were *not* identified as Targeted Intervention Schools.

The full methodology for initial identification of Targeted Intervention Schools is provided in Oklahoma’s final approved ESEA Flexibility Request in Section 2.F.

C-10. How were Focus Schools identified for the list in Attachment 9?

In the 2010-2011 school year, the State’s lowest performing subgroups in reading and mathematics were Blacks, Students with Disabilities, and English Language Learners. In the 2009-2010 school year, the State’s lowest graduating subgroups were Hispanics and Blacks. Initial identification of Focus Schools included schools with significant

populations of students in these subgroups that also had low performance or low graduation rates.

The full methodology for initial identification of Focus Schools is provided in Oklahoma's final approved ESEA Flexibility Request in Section 2.E.

C-11. How were Reward Schools identified for the list in Attachment 9?

The initial identification of Reward Schools included two methods.

- Highest Performing Schools included schools in the top 10% of student performance based on all assessments in the 2008-2009, 2009-2010, and 2010-2011 school years. This identification included assessments of all students.
- High Progress Schools included schools in the top 10% of student performance improvement based on reading and mathematics assessments given in the 2008-2009, 2009-2010, and 2010-2011 school years. This identification included assessments of all students.

The full methodology for initial identification of Reward Schools is provided in Oklahoma's final approved ESEA Flexibility Request in Section 2.C.

C-12. How will Priority, Targeted Intervention, Focus, and Reward Schools be identified for the 2012-2013 school year and following school years?

In addition to using the definitions and methodologies described in C-8 through C-11, the A-F School Grading System will be used to identify Priority, Targeted Intervention, Focus, and Reward Schools.

C-13. What will be required of Priority Schools for the 2012-2013 school year?

All Priority Schools are required to implement the Turnaround Principles as defined by the USDE's ESEA Flexibility requirements in the 2012-2013 school year. Schools that are unable to demonstrate the capacity to implement the Turnaround Principles will receive additional support from the Oklahoma State Department of Education through a partnership of shared leadership between the district and the state.

Additional information about the Turnaround Principles and how schools can demonstrate their capacity to implement the Turnaround Principles can be found in Oklahoma's final approved ESEA Flexibility Request in Section 2.D.

Districts that have Priority Schools will be contacted directly with specific information.

C-14. What are the Turnaround Principles as defined by the ESEA Flexibility Request?

Turnaround Principles are meaningful interventions designed to improve the academic achievement of students in priority schools must be aligned with all of the following "turnaround principles" and selected with family and community input:

- Providing strong leadership by: (1) reviewing the performance of the current principal; (2) 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 (3) providing the principal with operational flexibility in the areas of scheduling, staff, curriculum, and budget;

- Ensuring that teachers are effective and able to improve instruction by: (1) reviewing 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; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs;
- Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
- 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;
- Using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;
- 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; and
- Providing ongoing mechanisms for family and community engagement.

A Priority School that implements one of the four SIG models is implementing an intervention that satisfies the turnaround principles.

C-15. Is there additional funding given to the Priority Schools to help implement mandated changes?

Yes. Title I Priority Schools will receive funding under 1003(a) and/or 1003(g) to implement interventions.

C-16. Will SIG (School Improvement Grant) schools be eligible for additional funding?

No. Schools currently receiving SIG funds have adequately budgeted for turnaround principle implementation.

C-17. What happens if a Priority School goes through a major reconfiguration of grade levels?

Federal guidelines require a determination that the reconfiguration of grade levels was not done in order to avoid improvement requirements. Decisions beyond that determination will be made on a case-by-case basis.

C-18. What will be required of Targeted Intervention Schools for the 2012-2013 school year?

Targeted Intervention Schools will complete a comprehensive needs assessment, develop a plan for improvement, select interventions that are likely to improve student achievement of all students, and participate in state-provided professional development as appropriate.

Additional information about the comprehensive needs assessment, optional interventions and professional development, funding of interventions, and other requirements of districts that include Targeted Intervention Schools can be found in Oklahoma's final approved ESEA Flexibility Request in Section 2.F.

Districts that include Targeted Intervention Schools will be contacted directly with specific information.

C-19. What will be required of Focus Schools for the 2012-2013 school year?

Focus Schools will complete a comprehensive needs assessment, develop a plan for improvement, select interventions that are likely to improve student achievement among students in the subgroups for which the school was identified, and participate in state-provided professional development.

Additional information about the comprehensive needs assessment, required interventions and professional development, funding of interventions, and other requirements of districts that include Focus Schools can be found in Oklahoma's final approved ESEA Flexibility Request in Section 2.E.

Districts that include Focus Schools will be contacted directly with specific information.

C-20. Will Priority, Targeted Intervention, and Focus Schools be required to complete or update an existing school improvement plan?

Yes. Schools identified as Priority, Targeted Intervention, and Focus will be required to complete a plan of improvement for the school. Training will be provided.

C-21. Will local education agencies with Priority, Targeted Intervention, and Focus Schools be required to offer Supplemental Educational Services (SES)?

No. The Oklahoma State Department of Education will not be approving SES providers. If a local education agency chooses to contract with a vendor, it is the local education agency's responsibility.

C-22. What will the State Department of Education do to recognize Reward Schools in the 2012-2013 school year?

The State Department of Education will reward and recognize Reward Schools during the 2012-2013 school year through a variety of opportunities. Rewards and recognitions include, but are not limited to, recognition at the State Board of Education meeting, in the press, and at the legislature; participation in advisory groups; invitations to present at state and local conferences; and special grant opportunities as funds are available.

C-23. How are the lists of Priority, Targeted Intervention, and Focus Schools different from the former School Improvement List of schools that have not made AYP for at least two consecutive years?

There are three primary differences between the Priority, Targeted Intervention, and Focus Schools Lists and the former School Improvement Lists.

1. Priority and Targeted Intervention Schools are identified based on performance of all students. The former Adequate Yearly Progress (AYP) benchmarks required schools to be identified based on each subgroup of students. The new process allows schools to focus on improvement of individual children regardless of the multiple subgroups in which the students are members.
2. Priority, Targeted Intervention, and Focus Schools may come off of their respective lists by meeting performance expectations for students in any given year. The former process required schools to make AYP for two consecutive years prior to being removed from the School Improvement List.
3. Priority, Targeted Intervention, and Focus Schools will have significantly more flexibility in selecting interventions that will meet the needs of individual students in the school; those Priority, Targeted Intervention, and Focus Schools that receive Title I funds will have more flexibility in using their Title I funds to implement those chosen interventions. Under the former system, consequences for identification on the School Improvement List included uniform interventions and strict requirements on uses of Title I funds.

C-24. If a school is on the 2011 School Improvement List but is not listed in the waiver as a Priority, Targeted Intervention, and Focus School, will the school be on the School Improvement List for the 2012-2013 school year?

There will be no School Improvement List for the 2012-2013 school year. If a school is on the 2011 School Improvement List but is not identified as a Priority, Targeted Intervention, or Focus School, the school will not be required to implement school interventions unless the school is identified as a Priority, Targeted Intervention, or Focus School for 2012-2013 based on assessments given in the 2011-2012 school year. In addition to using the definitions and methodologies described in C-8 through C-11, the A-F School Grading System will be used to identify Priority, Targeted Intervention, Focus, and Reward Schools.

***District Improvement
Effective FY2013***

C-25. Will there be a District Improvement List for the 2012-2013 school year?

No. There will not be a District Improvement List for the 2012-2013 school year.

C-26. Will local education agencies be identified for improvement in a different way beginning in the 2012-2013 school year?

No. Local education agencies will no longer be identified for improvement.

***School Choice for Priority and Focus Schools
Effective FY2013***

C-27. Are all local education agencies required to send a formal letter to parents about the school's identification in ESEA?

Local education agencies with Priority and Focus Schools are required to send a formal letter to parents before school begins. The letter must address the reason for

identification, the score in reading and mathematics, graduation rate, and the school's plan to improve student achievement. The letter must address the School Choice option to transfer to another school in the district or out of the district. Also, this letter must be available on the school and district Website and available at the school to any parent requesting this information.

C-28. Will all Priority and Focus Schools (Title I and Non-Title I) be required to offer School Choice to parents?

Yes. All parents must have the option of School Choice to a higher performing school.

C-29. How long do parents have to select the School Choice option?

After notification, parents have 14 days to notify the school/district of their request to transfer their child to a higher performing school.

C-30. Must local education agencies offer School Choice to students moving into the district after school begins?

Yes.

C-31. How will transportation for School Choice be funded?

Local education agencies that have a Title I Priority or Focus School must reserve 5% of the district's Title I, A allocation for School Choice transportation to schools within the district or out of district.

C-32. How will students be prioritized for School Choice?

All students must be offered the School Choice option; however, if more students request to transfer than the local education agency can fund, then the lowest performing, low income students must be prioritized.

C-33. What if all schools in the LEA are designated as a Priority or Focus School? Must an LEA offer School Choice within the LEA?

No, however, local education agencies should, to the extent practicable, establish a cooperative agreement with other local education agencies in the area that are willing to accept their transfers.

C-34. Are neighboring local education agencies required to accept requests to transfer students?

No.

Section D. Details Related to Priority Schools and Turnaround Models

D-1. What is the full definition of Priority Schools?

As defined by USDE, Priority Schools are those schools that fall into the lowest 5 percent for performance among all Title I schools statewide. In its waiver application, the SDE identified the lowest 5 percent of all schools regardless of Title I status. In addition, high schools with a graduation rate below 60% for at least three years and

School Improvement Grant (SIG) schools are Priority Schools. Seventy-seven Priority Schools (40 total districts) have been identified in Oklahoma's waiver application to the federal government.

D-2. What does current state law say about the State Board of Education intervening in failing schools?

Current state law (Title 70, Chapter 22, Section 1210.544) requires the State Board of Education to intervene in failing schools identified for school improvement for four consecutive years. This has been a matter of state law for years under No Child Left Behind and ESEA. *The State should have been abiding by the requirements of this state law some time ago, and it should be acting under these requirements regardless of the waiver process. If the waiver had not been granted, Oklahoma would still need to move forward with the requirements of this law. This is an important point, not to be overlooked: State law is clear and unambiguous on this matter.* There are no "new powers" granted to the State Department of Education, the State Board or the State Superintendent under the waiver application to USDE. In fact, schools and school districts will have *greater flexibility* and will be able to more easily account for growth and progress with subgroups, rather than be penalized under the "one size fits all" criteria of NCLB. Other portions of the waiver are also clearly required in state law. For example, Oklahoma law requires implementation of a rigorous A-F Report Card for School Performance system and a Teacher and Leader Effectiveness System, among other reforms detailed in the waiver.

D-3. What is meant by "Partnership" for Priority Schools if the district is unable to demonstrate capacity to implement the Turnaround Principles?

Based on each Priority School's District Capacity Determination (DCD) and peer-reviewed District Recommendation Report, the State Board of Education will collaborate with school districts to determine the level of partnership that is needed between the school site, the district, and the State Department of Education in order to implement the Turnaround Principles. The partnership will include School Support Teams, intensive professional development institutes, curriculum development, assistance in completing federal programs applications and school improvement plans, and one-on-one technical assistance in any area of school leadership that is needed. The partnership with some schools may be more involved, allowing the State Department of Education to support the teachers and administrators in the school through on-site coaching, shared leadership of data reviews, shared instructional responsibilities, and assistance in selection of classroom resources and instructional strategies. Very few Priority Schools, if any, will enter into a shared leadership partnership with the State Department of Education that will shift the responsibility of academic outcomes to the State Department of Education. The Priority Schools that do shift into a shared leadership partnership with the State will be known as the C³ Schools. Districts that have a C³ School will work closely with the State Department of Education to make determinations about the needs of children in the school while district personnel are increasing their own capacity to resume full responsibility for the academic performance of students.

D-4. Please provide additional information about the team of experienced educators who will review the District Capacity Documents and make recommendations.

As stated in the waiver, review teams will include State Department of Education staff, the school improvement team, community stakeholders, higher education representatives, representatives from CareerTech, administrators, superintendents and teachers. *(Please refer to the document provided on process and timeline for additional detail).*

D-5. How will the District Superintendent of a Priority School participate in the District Capacity Determination process?

The District Superintendent will participate by ensuring the District Capacity Determination documents have been completed. The State Department of Education has been communicating with superintendents regarding the DCD since the beginning of December –answering questions, conducting Webinars, sending detailed documentation, and guiding them through the DCD process.

D-6. How are school districts and district superintendents participating in this process beyond filling out the required District Capacity Determination document? In what other ways has SDE engaged school leaders in the process?

School leaders will help review the District Capacity Determination documents and make recommendations for helping the schools improve student achievement. In addition, the SDE is inviting district leadership to collaborate on the details of partnerships that will evolve out of this review process.

D-7. Will Charter Schools be considered their own LEA (Local Education Agency) under this process?

Charter schools are considered an LEA under this process; they receive Federal funds and will be held to the same accountability as other school districts would. Indeed, six such LEA's are identified within the Priority School list under the waiver.

D-8. How many schools can be selected by the State Board as a minimum and still meet the requirements of the waiver?

Seventy-six schools have qualified for Priority School status. Those schools that the review committee believes to be the districts with the least capacity and lowest school performance will be those that would be presented to the Board for recommendation to have specific interventions and to be placed into the C³ Schools category. The State Department of Education expects that a very minimal number will be selected. Many will simply make several recommended changes and update their progress.

D-9. Is there anything that requires the Board to select schools from a particular community?

No, there is no requirement to select schools from a particular community.

D-10. How will the State Board of Education be presented the information to make a decision? Will the affected schools be represented? How are they able to make a case?

SDE will review the findings of the committee. Those sites that are selected for intervention will be notified in advance that the information is going to be presented to the Board. Additionally, SDE will be in close communication and collaboration with those districts in advance of the open State Board of Education meeting.

D-11. Is there a way for any of the 76 schools to be allowed to volunteer for intervention, understanding the benefit it will bring?

Yes, a school may volunteer for partnership with the State. School districts may proactively recognize that certain schools are experiencing chronic difficulty and could utilize innovative models for improvement.

D-12. What is an Educational Management Organization (EMO)?

An EMO is a for-profit or non-profit organization that provides whole-school operational services to an LEA.

Under both current state law and Oklahoma's waiver application, EMO's (also referred to as private management companies in 1210.544 of state law) are identified as being among potential strategies and models that could be utilized in chronically failing schools that demonstrate they do not have the capacity to improve student achievement. The waiver application also includes EMO's as among various intervention strategies, which mirrors current state law. Any EMO would be required to hire Oklahoma certified teachers. EMO's would also be overseen by the State Board of Education, which represents communities across the state. Additionally, it is important to point out that the Oklahoma State Department of Education has not authorized any educational management organization to contact school districts.

Clarification about a separate program SDE has launched that is not connected to the waiver application and is not an EMO: Apangea is an online math tutoring program now available on a pilot basis to some districts. Apangea has contacted these particular districts about training Webinars to use this free product. Again, Apangea is not a part of the waiver process, but is instead a beneficial and free product for districts.

D-13. Has the SDE endorsed an EMO or a vendor for the C³ Schools process?

No. The SDE has not endorsed any EMOs or vendors. It has come to SDE's attention that some EMO's may be contacting districts on their own, without SDE's knowledge, to solicit districts directly. SDE is making it clear to districts that this activity has not been endorsed by the agency.

D-14. Aside from Educational Management Organizations (organizations that contract to provide management and administration services) as provided for in both current state law (Section 1210.544 as referenced above) and within the waiver, what other intervention strategies and models will be used or considered once C³ Schools are identified for intervention?

All Priority Schools, regardless of inclusion in the C³ Schools, must implement interventions consistent with the Turnaround Principles as defined by the ESEA Flexibility waiver package.

Oklahoma state law references restructuring and intervention options that align with the Turnaround Principles:

- a. reopening the school as a public charter school,
- b. replacing all or most of the school staff assigned to the school, which may include the principal, who are relevant to the failure to make adequate yearly progress and by transferring the replaced staff to another school or by dismissing or not reemploying the replaced staff in accordance with the provisions of the Teacher Due Process Act of 1990 or in accordance with subsection C of this section, if applicable,
- c. entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school,
- d. turning the operation of the school over to the State Board of Education, or
- e. any other major restructuring of the governance arrangement of the school that makes fundamental reforms, such as significant changes in the staffing and governance of the school, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.

In addition, state law references four specific intervention models that meet the requirements of the Turnaround Principles:

1. A Transformation Model, in which a district makes administrative adjustments and takes steps to increase teacher and school leader effectiveness. Second, the district institutes comprehensive instructional reforms. Third, it increases learning time and creates community-oriented schools. Fourth, the district provides operational flexibility and sustained support.
2. A Turnaround Model, in which a district makes administrative adjustments, releases the current school staff and rehires no more than 50% of the schools staff, and grants the principal sufficient operational flexibility to implement fully a comprehensive approach to substantially improve student outcomes.
3. A Restart Model, in which the district converts a school into one operated by a charter school operator, a charter management organization, or an education management organization that has been selected through a rigorous review process.
4. School closure, in which students will be enrolled in another school in their district that is higher- achieving. This is not an option we expect to use. *SDE and the State Board, working in collaboration and cooperation in partnership with school districts, will do everything possible to avoid this option.*

D-15. Are school districts able to make recommendations to SDE and the State board on various intervention strategies district leadership considers appropriate for various schools?

Yes, the SDE team anticipates and welcomes collaborative recommendations, models, and other proposals offered by district leadership as the details of the intervention strategies are finalized.

D-16. Are existing school boards at the local level (elected officials) in some manner recalled, or replaced? Under what authority might they be removed from their responsibilities?

Only under the School Closure model – and only if all schools in the district were closed – would the school board be dissolved. Again, this is not expected to happen.

D-17. What happens to the administration of the Priority School selected for intervention?

It depends on the school improvement model that is chosen/selected for the school. Under certain circumstances an administrator could be replaced, but only if their evaluation is not positive. In many cases, school administration will have a vital role in the partnership that is developed in collaboration with the school district.

D-18. Who makes the decision to replace an administrator? Who renders that evaluation? Using what tool?

The required Turnaround Principles state that the performance of the current principal must be reviewed, and strong leadership must be provided to the school by 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.

For Priority Schools not in the C³ Schools, the LEA shall review the performance of every principal, using established criteria, to determine if the principal has the skills, abilities, and leadership qualities to serve as an instructional leader in the school. Any principal who does not have the skills, abilities, and leadership qualities necessary to lead the turnaround efforts will be replaced.

For Priority Schools in the C³ Schools, this determination will be made by the State Director of C³ Schools or EMO.

D-19. How will SDE work in collaboration and partnership with parents within Priority Schools to ensure they are aware of efforts underway and have an understanding of the process?

The SDE will continue to engage all stakeholders and education partners to ensure that the initiatives included in the *Request* are implemented with fidelity and result in transparent communication, easily interpreted accountability reports, and increased student achievement. The primary responsibilities of the Executive Director of Parent and Community Engagement include connecting community-based resources with local

school districts and identifying the education stakeholders on a state level that can support implementation of the state education reform initiatives.

The State Department of Education will ensure the parent/community Website is updated regularly on all initiatives. SDE will also provide regular updates through the Parent Power E-Newsletter. The SDE will also conduct Webinars and informational meetings with parent and community stakeholders to discuss Priority School status and recommendations for improvement.

All districts with a Priority School will communicate through multiple means to parents and community stakeholders, including through the district and school Websites with direct links to SDE initiatives such as A-F Grading, Literacy, TLE, Common Core, and ESEA. Another way of communicating with parents and community stakeholders will be through an information binder available at the district and all Priority Schools.

D-20. How will the intervention process impact teachers? Could teachers be dismissed from schools?

The required Turnaround Principles state that Priority Schools must ensure that teachers are effective and able to improve instruction by: (1) reviewing 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; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.

Quality professional development will be provided and thorough training in a variety of areas, such as pre-AP and AP, will be provided.

Section E. Principle 3: Supporting Effective Instruction and Leadership

E-1. What is Oklahoma’s Teacher and Leader Effectiveness Evaluation System (TLE)?

State law established Oklahoma’s Teacher and Leader Effectiveness Evaluation System in 2010. The TLE will encourage continuous growth of all teachers, principals, assistant principals, and other administrators responsible for evaluating teachers. The TLE will be comprised of qualitative (observable) measures, quantitative measures of student academic growth, and quantitative measures of other academic factors.

E-2. Where can educators and the public find more information about TLE?

Educators and the public can find additional information about the specifics of the TLE, including timelines of implementation, video presentations, and specific frameworks for teacher and leader evaluations on the State Department of Education Website. In addition, a full set of Frequently Asked Questions specific to TLE is available on the same site: <http://ok.gov/sde/oklahoma-teacher-leader-effectiveness-tle>

Highly Qualified Teacher Requirements
Effective FY2013

E-3. Are Highly Qualified requirements completely waived?

No. Specific provisions of ESEA *section 2141(c)* have been waived. The waiver only addresses penalty agreements between the LEA and SEA. The flexibility provided through the waiver is that LEAs will no longer be required to complete corrective action plans and set aside 5% of Title I, Part A funds if the LEA is less than 100% Highly Qualified.

E-4. Must teachers still be highly qualified to be paid with federal funds?

Yes. None of the basic requirements in ESEA *section 1119* have been waived. Teachers must be highly qualified in the subject matter they are assigned to teach.

E-5. Will local education agencies still be required to monitor the equitable distribution of teachers at each site?

Yes. This requirement has not changed; local education agencies are still required “to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.” ESEA *section 1111(b)(8)(C)*

E-6. Will Highly Qualified be replaced with highly effective?

Yes. The waiver specifically explains that states may use the results of “meaningful evaluation and support systems” once they are in place. Currently, Oklahoma’s *Teacher and Leader Effectiveness System* is under development.

Section F. Federal Funding

School Improvement Grant (SIG)
Effective FY2013

F-1. Will all schools be allowed to apply for School Improvement Grant (SIG) 1003 (g) funds?

No, only Priority Schools will be allowed to apply for SIG funds. Priority Schools may apply from \$50,000 – \$2,000,000 per year, as funds are available. The SIG grants are competitive.

F-2. Must Priority Schools that are awarded SIG funds select one of the four intervention models as described in D-14?

Yes, in order to receive SIG funds, a school must implement with fidelity one of the four intervention models.

Transferability of Funds
Effective FY2013

F-3. How does this flexibility affect the ability of Local Education Agencies to transfer funds from one eligible program to another?

Currently, *ESEA section 6123(b)* authorizes local education agencies to transfer up to 50 percent of the funds it receives in a given fiscal year from certain *ESEA* programs to other *ESEA* programs. The *ESEA* Flexibility Waiver; however, will allow *all* local education agencies to transfer up to 100 percent of the funds it receives in a given fiscal year under the following program:

- *Title II, Part A - Improving Teacher Quality State Grants (ESEA section 2121).*

A local education agency may transfer program funds from Title II, Part A into Title I, Part A. The transferred funds become funds of the program to which they are transferred, and are subject to all the rules and set-aside requirements of the program to which the funds are transferred.

F-4. Does this flexibility permit a local education agency to transfer funds out of Title I, Part A, or out of programs not covered under *ESEA section 6123*?

No. Under this flexibility, the Secretary will not waive *ESEA section 6123(c)*, which prohibits a local education agency from transferring funds out of Title I, Part A of the *ESEA*. Additionally, this flexibility does not permit an LEA to transfer funds out of programs not covered under *ESEA section 6123*, such as funds for specific populations of underserved students.

F-5. When transferring funds, must a local education agency comply with the notice requirements in *ESEA section 6123(d)*?

No. Under *ESEA section 6123(d)*, a local education agency must notify its SEA, not later than 30 days before the effective date of each transfer, of the program from which funds are to be transferred; the amount and Federal fiscal year of the funds to be transferred; the program to which the funds will be transferred; and the effective date for the transfer. With the flexibility waiver, the notice requirements do not apply. However, a local education agency must keep records to document each transfer.

F-6. What are the responsibilities of a local education agency for providing equitable services to private school children and teachers with respect to funds being transferred?

Each program covered by the transferability authority is subject to equitable participation requirements, which **may not be waived** (*ESEA section 9401(c)(5)*). Before a local education agency may transfer funds, it must engage in timely and meaningful consultation with appropriate private school officials *ESEA sections 6123(e)(2) and 9501*. With respect to the transferred funds, the local education agency must provide private school students and teachers equitable services under the program from which the funds are transferred based on the total amount of funds available to each program after the transfer.

Rural Schools
Effective FY2013

F-7. How do the waivers affect Rural schools?

A local education agency that receives Small, Rural School Achievement Program (*SRSA*) funds or Rural and Low-Income School Program (*RLIS*) funds has flexibility under *ESEA sections 6213(b) and 6224(e)* to use those funds for any authorized purpose regardless of the local education agency's adequate yearly performance status.

Schoolwide Schools
Effective FY2013

F-8. Do all schools qualify for the schoolwide planning waiver?

All schools that are identified as **Priority** or **Focus** qualify for the schoolwide planning waiver. Schools that are not identified as Priority or Focus must follow all standing procedures for becoming a schoolwide school.

F-9. Are schools identified as Priority or Focus required to become schoolwide?

No. Current secondary sources of law provide the local education agency with the flexibility of operating a schoolwide program; however, the choice is up to the local education agency to apply for schoolwide status.

F-10. If a school is identified as Priority or Focus, what is the process for becoming schoolwide?

Priority and Focus Schools will use the WISE tool that is available on the State Department of Education's Website when planning for schoolwide activities. The WISE tool contains numerous resources that will assist schools in appropriate planning for schoolwide status. In addition, the waiver specifically permits **Priority** or **Focus** Schools with less than 40 % poverty to operate a schoolwide program; all other *ESEA* statutory provisions still apply.

F-11. If a non-priority or non-focus school is currently in the process of schoolwide planning, does this waiver affect their current process?

No. Implementation for Waiver Request specifically states the 2012-2013 school year, and only applies to **Priority** or **Focus** Schools.

F-12. If a Priority or Focus School is currently in the process of schoolwide planning, does the waiver affect their current process?

No. The waiver request specifically provides the timeline for implementation beginning with the 2012-2013 school year.

Rank Order
Effective FY2013

F-13. How does the waiver affect the rank order of schools required in the Title I, A federal grant application?

Title I generally requires that a local education agency rank all school attendance areas in order of poverty from highest to lowest and serve them in that order. Different ranking rules apply to school attendance areas that exceed the 75% poverty level than to those that do not. After establishing the ranking, the local education agency must then distribute funds to schools in rank order.

F-14. How does the waiver affect supplement not supplant?

The requirement for supplement not supplant still applies to the use of all Title I, A funds. This includes Priority Schools that have never previously participated in receiving federal program funds. [ESEA Section 1114(a)(2)(A)]

F-15. Are local education agencies still required to serve schools in excess of the 75% poverty threshold?

Yes. Although the waiver speaks to the 40% poverty threshold, ESEA section 1114 (a)(i) addressing Title I is still required.

Title I, Part A Set-Asides
Effective FY2013

F-16. What changes will the waiver make to Title I, Part A required set-asides?

The waiver states that set-asides will be calculated based upon current year allocation amounts only. Transfer funds and carryover from the previous year are not included in the set-aside calculations. This means that any amounts transferred to Title I, Part A from other programs are not considered when calculating the 1% set-aside for homeless students, the 1% for parent involvement (as currently required for local education agencies with current year allocations over \$500,000), or the required set-asides for Priority and Focus Schools.

F-17. Under the flexibility waiver, what set-asides will be required of Priority Schools?

The flexibility waiver states that local education agencies with Priority Schools are required to set aside an amount, **not to exceed 20%** of the local education agency's current year Title I, Part A allocation for intervention services. This 20% is determined on a sliding scale as defined by the Office of Educational Support. Inclusive of this set-aside is an amount of **at least 5%** of the local education agency's current year Title I, Part A allocation for School Choice services. The amount for School Choice may be greater based upon demand.

F-18. Under the waiver, what set-asides will be required of C³ Schools?

The waiver states that funding for the C³ Schools will come from state and federal revenues that would have been allocated to the school through the LEA to ensure that funding follows the students being served. The State Board of Education may choose to

reserve a percentage, **not to exceed 20%** of the LEA's Title I, Part A allocation, to allow the SEA to begin or continue implementing the Turnaround Principles in C³ Schools in the LEA. This set-aside is **not in addition to** the Title I, Part A allocation set-asides required of LEAs that have Focus Schools or Priority Schools not in C³S.

F-19. Under the waiver, what set-asides will be required of Targeted Intervention Schools?

The waiver states that local education agencies with Targeted Intervention Schools may choose to set aside a percentage of the local education agency's Title I, Part A allocation, **not to exceed 10%**, to serve these schools directly, *or* the LEA may choose to spend site allocations on targeted interventions. When local education agencies are making this decision, they should take into consideration the number of schools in the agency that are identified as Priority Schools, C³ Schools, and Focus Schools as well as the number of schools in the local education agency required to implement interventions because they are Targeted Intervention Schools.

F-20. Under the waiver, what set-asides will be required of Focus Schools?

The waiver states that local education agencies with Focus Schools are required to set aside an amount, **not to exceed 20%** of the LEA's current year Title I, Part A allocation for intervention services. This 20% is determined on a sliding scale as defined by the Office of Educational Support. Inclusive of this set-aside is an amount of **at least 5%** of the LEA's current year Title I, Part A allocation for School Choice services. This amount for School Choice may be greater based upon demand. This set-aside is **not in addition to** the Title I, Part A allocation set-asides required of LEAs that have Priority Schools.

F-21. Under the waiver, what is the most a local education agency would be required to set aside in order to provide interventions in Priority, C³, Targeted Intervention, and Focus Schools?

The Title I, Part A allocation set-asides required in the waiver are not additive. The most a local education agency would be required to set aside in order to implement the required interventions is 20% of the LEAs Title I, Part A allocation. This 20% includes the following set-asides:

- The set-aside that *may be* reserved by the State Board of Education to begin or continue implementing the Turnaround Principles in C³ Schools,
- The set-aside that local education agencies must use to begin or continue implementing the Turnaround Principles in other Priority Schools,
- The set-aside that local education agencies must use to implement interventions in Focus Schools, and
- The optional set-aside that local education agencies may use to implement interventions in Targeted Intervention Schools.