

March 19, 2012

The Oklahoma State Department of Education (OSDE) is providing this public notice to solicit comments from local educational agencies and the public regarding two specific waiver requests: Waiver of Requirements to Determine Adequate Yearly Progress (AYP) and Waiver of Requirements to Serve and Allocate Funds to Title I Schools in Rank Order of Poverty. The draft of these two waiver requests is provided below. The waiver of the requirements to determine AYP would allow LEAs and schools to focus on the state's new accountability system, and the waiver of requirements to serve and allocate funds to Title I schools in rank order of poverty would allow LEAs to serve Title I-eligible high schools under certain conditions outlined in the waiver request, regardless of rank order. The OSDE believes that these two waivers would be beneficial to LEAs and schools upon approval by the U.S. Department of Education (USDE).

Comments received will be forwarded to the USDE with the requested waivers. OSDE will accept comments between Monday, March 19, 2012, and Thursday, April 5, 2012, via electronic submission or U.S. mail.

Comment Submissions:

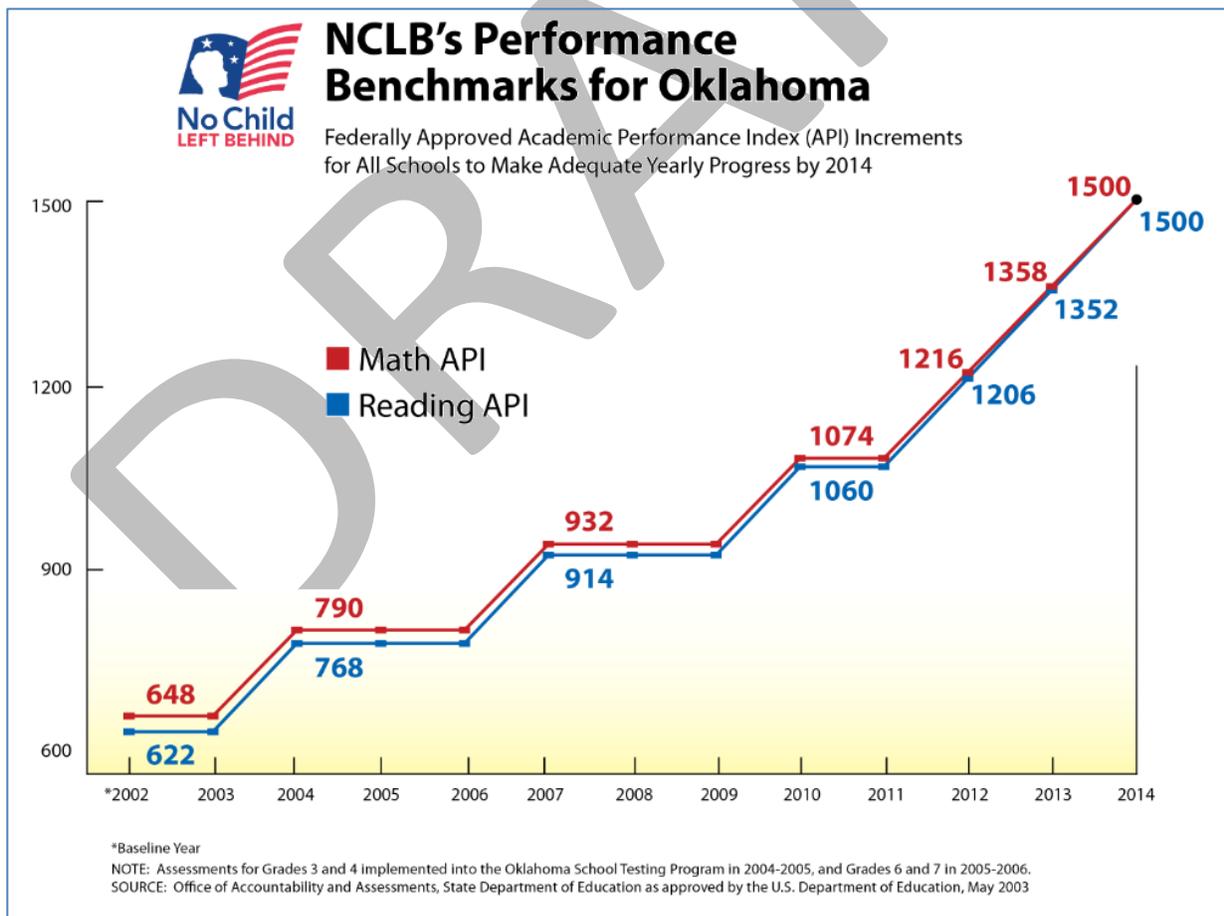
Please submit your comments in writing to Kerri White, Assistant State Superintendent of Educational Support, Oklahoma State Department of Education, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or electronically to Kerri.White@sde.ok.gov.

Dear Acting Assistant Secretary Yudin:

I am writing on behalf of the Oklahoma State Department of Education (OSDE) to request a waiver of the following provisions of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. These waivers will help OSDE and local educational agencies (LEAs) in Oklahoma to implement our recently approved ESEA flexibility request in order to increase the quality of instruction and improve the academic achievement of all students in Oklahoma.

Waiver of Requirements to Determine Adequate Yearly Progress (AYP)

I am requesting a waiver of the requirements of ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) and the corresponding regulatory provisions that require LEAs and OSDE to determine AYP for all schools and LEAs, respectively. OSDE believes that continuing to determine AYP would be inconsistent with the State-developed differentiated recognition, accountability, and support system described in Oklahoma's ESEA flexibility request. In particular, calculating AYP would be inconsistent with Oklahoma's new accountability system because it would establish two different targets for schools and districts rather than one coherent system. The following chart indicates the benchmark trajectory for AYP, which would not only be very difficult for most schools and districts to meet, but is limited in scope and would cause schools to focus on targets that do not match the A-F School Grading System and AMOs approved in Oklahoma's ESEA Flexibility Request.



OSDE is confident that the recognition, accountability, and support system included in its ESEA flexibility request will better differentiate among schools and provide more useful information on LEA and school performance to parents, the public, and educators than AYP does, thereby enabling both OSDE and LEAs in Oklahoma to target more meaningful interventions to the schools and subgroups most in need of improvement.

OSDE assures that it will report on its State report card the following data, which mirror the components of AYP:

For the “all students” group and each subgroup described in ESEA section 1111(b)(2)(C)(v)(II) —

- information on student achievement at each proficiency level;
- data comparing actual achievement levels to the State’s annual measurable objectives (AMOs);
- the percentage of students not tested;
- performance on the other academic indicator for elementary and middle schools; and
- graduation rates for high schools.

OSDE also assures that it will ensure that its Title I LEAs report these data on their local report cards for each school and the LEA as a whole. SEA further assures that it will continue to comply with all other reporting requirements in ESEA section 1111(h)(1)(C) and will ensure that its LEAs continue to comply with all other reporting requirements in ESEA section 1111(h)(2)(B), including the requirement for both the SEA and LEAs to report information on achievement at each proficiency level disaggregated by gender and migrant status.

Waiver of Requirements to Serve and Allocate Funds to Title I Schools in Rank Order of Poverty

I am requesting a waiver of ESEA sections 1113(a)(3)-(4) and 1113(c)(1) and the corresponding regulatory provisions that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. OSDE requests this waiver in order to permit its LEAs to serve with Title I, Part A funds a Title I-eligible high school with a graduation rate below 60 percent that OSDE has identified as a priority school even if that school does not rank sufficiently high to be served in accordance with section 1113(a)(3)-(4). In identifying these high schools as priority schools, OSDE has determined that they are among the lowest-achieving schools in Oklahoma and would benefit greatly from the opportunity to be a Title I-participating school even though their poverty percentage may not be as high as other Title I schools that are eligible to be served. Receiving Title I, Part A funds would enable these high schools to better increase the quality of their instruction and improve the academic achievement of all their students, concurrently increasing their graduation rates.

OSDE assures that it will hold any Title I-eligible high schools that are served under Title I through this waiver accountable for meeting Oklahoma’s new AMOs and will include those schools in its differentiated recognition, accountability, and support system as it does all other Title I schools. OSDE further assures that it will ensure that any LEA that takes advantage of this waiver to serve a Title I-eligible priority high school will implement interventions in the school consistent with the turnaround principles in Oklahoma’s ESEA flexibility request and comply with all other Title I requirements with respect to that school.

Notice

Attached is the notice OSDE has sent to local educational agencies (LEAs) in Oklahoma regarding this waiver request and any comments received in response to that notice. Further, we have attached to this request the notice that was provided to the public through the Oklahoma State Department of Education Website, which is the manner in which OSDE customarily provides such notice and information to the public.

Please feel free to contact me by phone or email at (405) 522-8767 or Chris.Caram@sde.ok.gov if you have any questions regarding this request. Thank you for your consideration.

Chris A. Caram, Ph.D.
Deputy State Superintendent of Academic Affairs
Oklahoma State Department of Education

Enclosures: Notice provided to LEAs, LEA comments received, and notice for public comment