



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

OCT 09 2014

The Honorable Mitchell D. Chester
Commissioner of Elementary and Secondary Education
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Commissioner Chester:

This letter is a response to Massachusetts' July 23, 2014 request for a one-year extension of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Massachusetts may continue to implement ESEA Flexibility through the end of the 2014-2015 school year.

Our team has reviewed Massachusetts' request and, pursuant to section 9401(d)(2) of the ESEA, I am pleased to grant Massachusetts' request to extend ESEA flexibility through the end of the 2014-2015 school year. My decision to extend Massachusetts' ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Massachusetts to carry out important reforms to improve student achievement and that this extension is in the public interest.

Through this letter, I am approving Massachusetts' amended guidelines for its teacher and principal evaluation and support systems. Since the systems will not be fully implemented until the 2015-2016 school year, this approval is subject to Massachusetts' commitment to continue working with the U.S. Department of Education (ED) on Massachusetts' teacher and principal evaluation and support systems, which may require additional flexibility. Massachusetts' continued work with ED on its implementation timeline will inform ED's decision regarding renewal of Massachusetts' ESEA flexibility after the 2014-2015 school year.

In addition, this letter provides my official approval to extend Massachusetts' AYP waiver. I have also determined that Massachusetts' monitoring next steps have been adequately addressed at this time.

This letter also provides my approval of the amendments that Massachusetts proposed that align with ESEA flexibility and the ESEA, as summarized in the enclosure to this letter. Massachusetts' amended request will be posted on ED's website. Please note, however, that included in Massachusetts' proposed amendments is a State Board of Education-approved plan that allows school districts the choice, for the 2014-2015 school year, to administer in grades 3 through 8 either the Massachusetts Comprehensive Assessment System assessments or the Partnership for Assessment of Readiness for College and Careers assessments. This is a

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violation of section 1111(b)(3)(C)(i) of the ESEA, which requires States to administer the same assessments to all students to ensure that the learning progress of all students is being measured against the same expectations, regardless of a student's race, ethnicity, socioeconomic status, or neighborhood. Accordingly, I am not approving this amendment or any of the amendments that depend on or support the State allowing more than one assessment option to be administered to students at any grade level. Massachusetts will need to come into compliance with section 1111(b)(3)(C)(i) of the ESEA by the 2015–2016 school year through the administration of one Statewide assessment, and will need to provide ED with a detailed plan and timeline on how the State plans to do so. ED staff will be in touch with your ESEA flexibility team leader to discuss this plan and determine the timeframe in which it must be submitted.

Massachusetts continues to have an affirmative responsibility to ensure that it and its districts 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 Massachusetts will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need additional assistance in implementing your ESEA flexibility request, please do not hesitate to contact Britt Jung of my staff at: britt.jung@ed.gov.

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

Sincerely,



Deborah S. Delisle
Assistant Secretary

Enclosure

Approved Amendments to Massachusetts' ESEA Flexibility Request

The following is a summary of approved amendments to Massachusetts' ESEA flexibility request. The U.S. Department of Education (ED) approves these amendments because they are aligned with the principles of ESEA flexibility. Please refer to ED's website (www.ed.gov/esea/flexibility) for Massachusetts' complete ESEA flexibility request.

State-Developed Differentiated Recognition, Accountability, and Support (Principle 2.A)

Revision: Massachusetts amended its request to include a new element in the State's Progress and Performance Index (PPI), providing credit to high schools for re-engaging students who have dropped out of school, beginning with accountability determinations for 2014–2015. Due to the small number of re-engaged dropouts Statewide, credit for this indicator will only be assigned at the "all students" level and for the combined high-needs subgroup for a school. A re-engaged student is defined as a previous dropout that re-enrolls in school for two consecutive Student Information Management System collection periods, graduates, or obtains a certificate of high school completion. Twenty-five points will be awarded to high schools for re-engaging two or more dropouts.

Revision: Massachusetts amended its request to add accountability consequences for low test participation rates, beginning with accountability reporting based on the 2014–2015 school year. A school with a participation rate for any student group that is below 90 percent can only be classified in levels 3 and lower. Massachusetts also added that the participation requirement will be upheld for the science MCAS. In addition, any district that (at the district level) has a student group with a participation rate below 95 percent cannot be classified in level 1. Any district with a student group that has a participation rate below 90 percent cannot be classified in level 1 or 2.

Reward Schools (Principle 2.C)

Revision: Massachusetts amended its request to describe additions to the general Commendation/Reward school criteria and a revision to the methodology used to identify schools commended for narrowing proficiency gaps. Schools must meet the cumulative PPI target of 75 in the most recent year for all student groups in order to be recognized for "high achievement" or "high progress," in addition to the other requirements. To be recognized for narrowing achievement gaps, schools must meet the aforementioned target as well as achieve certain rankings and have a substantial percentage of students in the high-needs subgroup.

Focus Schools (Principle 2.E)

Revision: Massachusetts amended its request to increase the threshold for high schools considered to have "persistently low graduation rates" and classify into level 3 any non-priority school with a graduation rate less than 67 percent for the most recent four-year graduation rate and less than 70 percent for each of the three prior five-year rates for any

subgroup. Massachusetts also amended its request in order to reduce a district's set-aside requirement for providing support to focus schools.

Build SEA, LEA, and School Capacity to Improve Student Learning (Principle 2.G)

Revision: Massachusetts amended its request to provide additional specificity regarding how it addresses the needs of low-performing level 2 schools, level 3/focus schools, and level 4/5/priority schools. The plan also describes Massachusetts' change in its monitoring and support for level 3/focus schools. Massachusetts' plan includes improved data collection and enhanced support and monitoring. This change addresses a finding from Part B monitoring.