

---

# ESEA Flexibility

## Request from Pennsylvania

---



333 Market Street  
Harrisburg PA 17126-0333

Submitted to the US Department of Education  
February 28, 2013

Revised Submission (DRAFT) – May 24, 2013  
Revised Submission (DRAFT) – June 17, 2013  
Revised Submission (DRAFT) – June 27, 2013  
Revised Submission (DRAFT) – July 14, 2013  
Revised Submission (DRAFT) – July 19, 2013  
Revised Submission (DRAFT) – June 1, 2015  
Revised Submission (DRAFT) – August 17, 2015  
Revised Submission (DRAFT) – August 26, 2015  
Revised Submission (DRAFT) – August 28, 2015  
Revised Submission (FINAL) – September 1, 2015

Sent electronically to [OSS.Pennsylvania@ed.gov](mailto:OSS.Pennsylvania@ed.gov) to the attention of:

Kimberly Light  
Office of State Support/OESE  
U.S. Department of Education  
400 Maryland Avenue, SW, Room 3W248  
Washington, DC 20202-6132

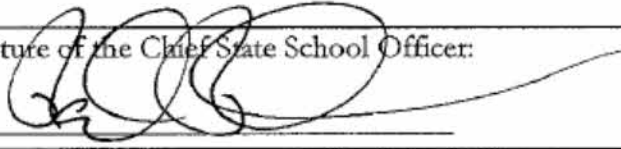
## TABLE OF CONTENTS

CONTENTS		PAGE
Cover Sheet for ESEA Flexibility Request for Window 3		iv
Waivers		v
Assurances		viii
Consultation		xi
Evaluation		xviii
Overview of SEA's Request for the ESEA Flexibility		1
<b>Principle 1: College- and Career-Ready Expectations for All Students</b>		6
1.A	Adopt college- and career-ready standards	6
1.B	Transition to college- and career-ready standards	8
1.C	Develop and administer annual, statewide, aligned, high-quality assessments that measure student growth	27
<b>Principle 2: State-Developed Differentiated Recognition, Accountability, and Support</b>		32
2.A	Develop and implement a State-based system of differentiated recognition, accountability, and support	32
2.B	Set ambitious but achievable annual measurable objectives	63
2.C	Reward schools	75
2.D	Priority schools	77
2.E	Focus schools	87
2.F	Provide incentives and supports for other Title I schools	96
2.G	Build SEA, LEA, and school capacity to improve student learning	100
<b>Principle 3: Supporting Effective Instruction and Leadership</b>		103
3.A	Develop and adopt guidelines for local teacher and principal evaluation and support systems	103
3.B	Ensure LEAs implement teacher and principal evaluation and support systems	121

<b>LABEL</b>	<b>LIST OF ATTACHMENTS</b>	<b>PAGE</b>
1	Notice to LEAs	Att1.
2	Comments on request received from LEAs (if applicable)	Att2
3	Notice and information provided to the public regarding the request	Att3
4	Evidence that the State has formally adopted college- and career-ready content standards consistent with the State’s standards adoption process	Att4
5	Memorandum of understanding or letter from a State network of institutions of higher education (IHEs) certifying that meeting the State’s standards corresponds to being college- and career-ready without the need for remedial coursework at the postsecondary level (if applicable)	NA
6	State’s Race to the Top Assessment Memorandum of Understanding (MOU) (if applicable)	NA
7	Evidence that the SEA has submitted high-quality assessments and academic achievement standards to the Department for peer review, or a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review (if applicable)	Att7
8	A copy of the average statewide proficiency based on assessments administered in the 2011-12 school year in reading/language arts and mathematics for the “all students” group and all subgroups (if applicable)	NA
9	Table 2: Reward, Priority, and Focus Schools	Att9.
10	A copy of the guidelines that the SEA has developed and adopted for local teacher and principal evaluation and support systems (if applicable)	Att10
11	Evidence that the SEA has adopted all of the guidelines for local teacher and principal evaluation and support systems	Att11

<b>APPENDIX</b>	<b>TITLE OF DOCUMENT</b>	<b>PAGE</b>
P1-A	PA Leadership Standards	App P1A
P2-A	Alignment of Meaningful Interventions	App P2A
P3-A	Act 82	App P3A
P3-B	Consultation Workbook	App P3B
P3-C	Teacher-Principal Evaluation Pilot Final Report	App P3C
P3-D	Value-Added Estimates for Phase I of the PA Teacher and Principal Evaluation Pilot	App P3D
P3-E	Act 82 Stakeholder Group	App P3E
P3-F	Pie Charts with Implementation Dates	App P3F
P3-G	PVAAS Teacher Specific Reporting	App P3G
P3-H	Student Learning Objective Template	App P3H
P3-I	PDE 82 Rating Tool	App P3I
P3-J	Supervision Manual 2/15/13	App P3J
P3-K	Alternative Approval Process Draft	App P3K
P3-L	Old Dominion Study	App P3L
P3-M	Principal Tool Effectiveness Framework for Leadership	App P3M
P3-N	Principal Stakeholder Group	App P3N

**COVER SHEET FOR ESEA FLEXIBILITY REQUEST**

Legal Name of Requester: Pedro A. Rivera Secretary of Education	Requester's Mailing Address: PA Department of Education 333 Market Street Harrisburg, PA 17126-0333
State Contact for the ESEA Flexibility Request  Name: David Volkman  Position and Office: Executive Deputy Secretary  Contact's Mailing Address: PA Department of Education 333 Market Street Harrisburg, PA 17126-0333  Telephone: 717.787.1489  Fax: 717.214.2786  Email address: dvolkman@pa.gov	
Chief State School Officer (Printed Name): Pedro A. Rivera, Secretary of Education	Telephone: 717-783-9780
Signature of the Chief State School Officer:  X _____	Date: 9/1/15
The State, through its authorized representative, agrees to meet all principles of ESEA flexibility.	

## WAIVERS

By submitting this updated ESEA flexibility request, the SEA renews its request for flexibility through waivers of the nine ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements, as well as any optional waivers the SEA has chosen to request under ESEA flexibility, by checking each of the boxes below. The provisions below represent the general areas of flexibility requested.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State’s proficient level of academic achievement on the State’s assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a school-wide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority and focus schools that meet the definitions of “priority schools” and “focus schools,” respectively, set forth in the document titled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that

