



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP - 4 2015

The Honorable Pedro A. Rivera
Secretary of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126

Dear Secretary Rivera:

I am writing in response to Pennsylvania's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Pennsylvania may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Pennsylvania's request dated September 1, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Pennsylvania's ESEA flexibility request through the end of the 2015–2016 school year, subject to the below conditions.

My decision to renew approval of Pennsylvania's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Pennsylvania to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Pennsylvania will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Pennsylvania's approved request will be posted on ED's website.

This letter also provides my approval of Pennsylvania's proposed amendments to its ESEA flexibility request. A summary of Pennsylvania's significant approved amendments is enclosed with this letter.

Pennsylvania's original ESEA flexibility request and extension were approved subject to the conditions that Pennsylvania demonstrate that it includes growth in student learning, as defined in ED's June 7, 2012 document titled *ESEA Flexibility*, as a significant factor in both its teacher and principal evaluation and support systems. Pennsylvania has continued to work with ED on Principle 3, but has yet to submit approvable guidelines that clearly demonstrate that its teacher and principal evaluation and support systems include growth in student learning as a significant factor. As such, I am continuing these conditions on Pennsylvania's request to renew ESEA flexibility.

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<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

To receive approval to implement ESEA flexibility beyond the 2015–2016 school year, Pennsylvania must resolve its conditions through the following:

- Submit to ED, by December 7, 2015, Pennsylvania’s data analysis plan to demonstrate that Pennsylvania’s teacher and principal evaluation systems differentiate among teachers and principals who make significantly different contributions to growth in student learning, including the template Pennsylvania will populate with the appropriate data when available.
- Submit to ED a completed data analysis template by October 30, 2016, after its first full year of implementation of its teacher and principal evaluation and support systems that demonstrates that growth in student learning is included as a significant factor in both its teacher and principal evaluation and support systems, such that teachers and principals who make significantly different contributions to growth in student learning receive different summative performance ratings.

If Pennsylvania submits its data analysis plan, demonstrates that it is on track to submit a completed data analysis template, makes no additional changes to its ESEA flexibility request, and is otherwise continuing to fulfill the commitments in its ESEA flexibility request, I will consider Pennsylvania’s request for renewal of ESEA flexibility for additional years.

Additionally, this renewal is subject to Pennsylvania’s commitment to:

- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that all local educational agencies (LEAs) in which teachers of non-tested grades and subjects select achievement measures as part of their evaluation rating implement systems that: (1) consider prior student performance by classroom in setting targets; and (2) include safeguards to ensure that teachers are not disadvantaged based on students’ prior academic performance.

Pennsylvania continues to have an affirmative responsibility to ensure that it and its LEAs 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 Pennsylvania will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Kimberly Light or Julie Glasier of my staff at: OSS.Pennsylvania@ed.gov.

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

Sincerely,

/s/

Ann Whalen
Delegated the authority to perform the functions
and duties of Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Matt Stem, Deputy Secretary for Elementary and Secondary Education
Don McCrone, Regional Coordinator

Approved Amendments to Pennsylvania's ESEA Flexibility Request

The following is a summary of significant approved amendments to Pennsylvania's ESEA flexibility request. ED approves these amendments because Pennsylvania's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/pa.html>) for Pennsylvania's complete ESEA flexibility request.

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

Revision: Pennsylvania amended its exit criteria for Priority and Focus schools. The State will require Priority and Focus schools to meet all annual measurable objectives in years 2 and 3 of implementation in order to exit status.

Revision: Pennsylvania amended its n-size for both reporting and accountability purposes. The State previously used an n-size of 11 but will now use an n-size of 30.

Revision: Pennsylvania provided additional detail regarding its supports for Priority schools by indicating that its regionally assigned Academic Recovery Liaisons (ARLs) will work with all charter schools, including cyber charter schools, with Priority status. The ARLs will share updates with the associated charter authorizing entity to ensure their awareness of each school's progress.

- **Supporting Effective Instruction and Leadership (Principle 3)**

Revision: Pennsylvania amended its timeline for fully implementing its principal evaluation and support system. Pennsylvania initially planned to fully implement its principal evaluation and support system in the 2014–2015 school year. However, the State provided LEAs the option to delay implementation of the elective data/student learning objective (SLO) component by one year to allow additional time for LEAs to build capacity in this area. Pennsylvania now requires all LEAs to fully implement its principal evaluation and support system, including the elective data/SLO component, by the 2015–2016 school year.

Revision: Pennsylvania revised its timeline for incorporating the School Performance Profile (SPP), a building-level academic score, into teachers' summative ratings in the State's teacher evaluation and support system. For the 2014–2015 school year, the State will utilize measures of classroom observation/practice in place of the SPP for teachers in schools with grade configurations inclusive of grades 3-8. The State will incorporate the SPP into summative ratings for these teachers and fully implement its system in the 2015–2016 school year.