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June 18, 2012

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Kevin Force

**RE: STAFF REPORT: WAIVER OF CERTAIN PROVISIONS OF THE *NO CHILD LEFT BEHIND ACT***

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**INTRODUCTION**

In September of 2011, US Secretary of Education Arne Duncan published an open letter to all State Chief School Officers, inviting them to request flexibility from the requirements of the *No Child Left Behind Act* (NCLB). These potential “waivers” would apply to school years 2011-2012 through 2013-2014, after which states would have the option to apply for a one-year extension of the flexibility for school year 2014-2015.

In response to this invitation, New Mexico Secretary-designate of Public Education Hanna Skandera submitted such a request to the US Department of Education (USDE) in November of 2011.<sup>1</sup>

This staff report will outline:

- chronology and background;
- New Mexico’s *Elementary and Secondary Education Act* (ESEA) flexibility request;
- authority of the USDE Secretary to grant waivers from requirements of NCLB;

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<sup>1</sup> While USDE granted New Mexico flexibility from certain requirements of ESEA, some of those requirements still exist in state law. For example, see the *Assessment and Accountability Act* (Chapter 22, Article 2C, NMSA 1978), one of the explicit purposes of which is to comply with federal accountability requirements, including AYP.

- authority of the USDE Secretary to grant waivers in exchange for meeting certain requirements;
- States' response to Secretary Duncan's invitation to apply for flexibility from certain requirements of NCLB; and
- district-level waivers.

Finally, several attachments are appended to this report, including:

- Attachment 1, *Table of USDE Principles of ESEA Flexibility and Required PED Action*, which outlines:
  - Descriptions of the USDE Principle;
  - USDE Requirements;
  - PED Action to Satisfy Requirements; and
  - USDE Required Timelines;
- Attachment 2, *News Release: Nominations Open for New Mexico Teacher Evaluation Advisory Council*;
- Attachment 3, *List of Reward Schools*;
- Attachment 4, *List of Priority Schools*;
- Attachment 5, *List of Focus Schools*; and
- Attachment 6, *NM TEACH Teacher Evaluation Advisory Council*.

## CHRONOLOGY AND BACKGROUND

- On **September 23, 2011**, Secretary Duncan published a letter to Chief State School Officers offering the opportunity to request flexibility from some of the requirements of ESEA.
- On **November 14, 2011**, Secretary-designate Skandera submitted a formal request for ESEA flexibility on behalf of New Mexico.
- In **December 2011** and **February 2012**, a seven-member peer panel reviewed New Mexico's flexibility request and drafted notes detailing what they considered to be deficiencies in New Mexico's request.
- On **December 20, 2011**, Acting Assistant Secretary of Education Michael Yudin responded to New Mexico's request with a letter that rejected the initial flexibility request, noting a number of concerns expressed in the Peer Panel Review Notes regarding issues that required further development, including:
  - concern that plans for transitioning to college- and career-ready standards were not sufficiently developed for full review;
  - concern that plans for developing and implementing teacher and principal evaluation and support systems were also insufficiently developed;
  - the lack of consultation with "diverse stakeholders and communities";
  - New Mexico's use of conditional performance standards that adjust school grades based on student demographics; and
  - concern that student subgroups were not identified or used in the proposed accountability and support system.

- On **February 15, 2012**, New Mexico’s amended and improved flexibility request was submitted which was then approved, and a list of key improvements made by New Mexico to its initial request was published by USDE.
- On **February 22, 2012**, USDE released a letter confirming approval of New Mexico’s request and providing additional information regarding how to implement the request and meet the related obligations.
- **April 23, 2012**, USDE offered states the opportunity to apply for two additional waivers regarding Adequate Yearly Progress (AYP) reporting and Title I Part A “rank and serve” funding.
- On **April 27, 2012**, the Public Education Department (PED) released a public notice stating its intention to apply for these additional waivers.

## **NEW MEXICO’S ESEA FLEXIBILITY REQUEST**

NCLB requirements for which PED requested flexibility include provisions that:

1. Prescribe how PED must establish annual measurable objectives (AMOs) for determining AYP to ensure all students meet or exceed proficiency in reading/language arts and mathematics by no later than the end of school year 2013-2014. Instead, PED may develop new ambitious but achievable AMOs to provide meaningful goals to districts, schools and student subgroups.

PED has chosen to set AMOs (or, in New Mexico, School Growth Targets [SGTs]) based on “educationally sound rationale.” Under this waiver, PED will set each school’s SGT based on its grade under the A-F School Grading System, with the long-term goal that each school reach the 90<sup>th</sup> percentile of current performance. (*See Attachment 1, Principle 2.B, “Set Ambitious but Achievable Measurable Objectives (AMOs) Option C, p. 9.*)

2. Require school districts and charter schools to identify for improvement, corrective action or restructuring a Title I school that fails to achieve AYP for two consecutive years, and then make certain improvements.

Under this waiver, although districts and schools would still be required to focus their efforts on low-performing schools, the required consequences of low performance would be focused on two sub-categories of schools: **priority** and **focus** schools, rather than on all schools that failed to achieve AYP:

- A “**priority school**” is a school that has been identified as being among the lowest-performing schools in the state. The number of schools identified as priority schools in the state must be equal to at least 5.0 percent of the Title I schools in the state. A priority school must be:
  - among the lowest 5.0 percent of Title I-A schools, based on the performance of the all-students group on state assessments over a number of years;
  - a Title I-participating or Title I-eligible high school with a graduation rate of less than 60 percent over a number of years; or

- a Tier I or Tier II school under the School Improvement Grant (SIG) program that is receiving SIG funds to implement a school intervention model.
- A “**focus school**” is a Title I school in the state that is “contributing to the achievement gap.” The number of schools identified as focus schools must equal at least 10 percent of the Title I schools in the state. A focus school is either a school that:
  - has the largest within-school gaps between the highest- and lowest-achieving subgroups or, at the high school level, has the largest within-school gaps in graduation rates; or
  - is a school that has at least one subgroup with low achievement or, at the high school level, low graduation rates. (Title I high schools that have had a graduation rate of less than 60 percent over a number of years that have not been identified as priority schools may be identified as focus schools.)

*(See Attachment 1, Principle 2.D, “Priority Schools,” pp. 11-16, and 2.E “Focus Schools,” pp. 16-19.)*

3. Direct PED to identify for improvement or corrective action Local Education Agency (LEAs) that fail to make AYP for two consecutive years, and then make certain improvements.

Just as districts and charters would no longer be required to identify schools for improvement, neither would PED be required to identify those districts for improvement or corrective action.

4. Limit participation, and the use of funds, in the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs, based on whether a school district or charter school has achieved AYP. PED requests this waiver so that a district that receives SRSA or RLSA funds may use them for any authorized purpose, whether or not the district achieves AYP.
5. Require a Title I school have a poverty percentage of 40 percent or more in order to operate a school-wide program. PED requests this waiver to allow districts to implement turnaround-consistent interventions, or interventions based on the needs of students and designed to enhance the entire program, in any of their priority or focus schools. *(See Attachment 1, Principle 2.D.iii, “Meaningful interventions aligned with turnaround principles,” pp.12-15.)*
6. Require PED to distribute funds under only to districts with schools identified for improvement, corrective action or restructuring. Rather, PED would be permitted to allocate those funds to districts to serve any of the state’s priority or focus schools.

The emphasis on priority and focus schools would maintain current legal requirements that funds be allocated to districts serving lowest-performing schools, but the waiver provisions may change the specific schools that benefit from these funds.

7. Allow PED to reserve Title I Part A funds to reward a Title I school that has either significantly closed the achievement gap between subgroups or exceeded AYP for two or more consecutive years. Instead, PED would be able to use those funds for *any* of the State’s reward schools (ESEA § 1117(c)(2)(A)).

Under current NCLB provisions, PED is required to make academic achievement awards to Title I schools that have:

- significantly narrowed academic achievement gaps between student subgroups; or
- exceeded AYP for two or more consecutive years.

PED may also make such awards to LEAs that have exceeded their AYP requirements for two or more consecutive years.

Under the waiver provisions, PED may provide financial awards to any reward school, regardless of whether it meets these criteria. “Reward schools” are defined in the waiver provisions as **highest-performing schools** or **high progress schools**:

- A “**highest-performing school**” is “a Title I school among those schools in the State that have the highest absolute performance over a number of years for the ‘all students’ group and for all subgroups, on the statewide assessments that are part of the State Education Agency’s (SEA) differentiated recognition, accountability, and support system, combined. At the high school level, it is also among the Title I schools with the highest graduation rates. A highest-performing school must be making AYP for the ‘all students’ group and all of its subgroups. A school may not be classified as a ‘highest-performing school’ if there are significant achievement gaps across subgroups that are not closing in the school.”
- A “**high progress school**” is a “Title I school among the ten percent of Title I schools in the State that are making the most progress in improving the performance of the ‘all students’ group over a number of years on the statewide assessments that are part of the SEA’s differentiated recognition, accountability, and support system. At the high school level, it is also among the Title I schools in the State that are making the most progress in increasing graduation rates. A school may not be classified as a ‘high-progress school’ if there are significant achievement gaps across the subgroups that are not closing in the school.”

*(See Attachment 1, Principle 2.C, “Reward Schools,” pp. 10-11)*

8. Require PED and district compliance with requirements for improvement plans regarding highly qualified teachers. With this waiver, PED and districts would be able to focus on developing and implementing more meaningful evaluation and support systems.

Under current NCLB provisions, PED is required to ensure that all public school teachers of core academic subjects are “highly qualified.” A highly qualified teacher (HQT) must have full state certification, a baccalaureate degree, and demonstrated expertise in the pertinent subject matter. PED must develop a plan establishing AMOs for each district, including an annual increase in the percentage of HQTs at each district.

A district that fails to meet these objectives for two consecutive years must develop and implement an improvement plan, with the assistance of PED.

Under the waiver provisions, such an improvement plan is not required, allowing PED and LEAs greater flexibility to develop more meaningful evaluation and support systems. While PED would still be required to ensure the equitable distribution of HQTs, the implementation of a teacher and principal evaluation and support system may be used to meet that requirement. (*See Attachment 1, Principle 3, "Supporting Effective Instruction and Leadership," p. 24.*)

9. Limit the amount of funds that PED or districts may transfer from certain ESEA programs to others, so that PED and districts may, instead, transfer 100 percent of the funds it receives under those authorized programs among those programs, and into Title I Part A.

Under current NCLB provisions, PED and districts may only transfer up to 50 percent of Title I-A funds for specific purposes. The waiver provisions permit the transfer of 100 percent of funds for specific purposes into Title I-A, allowing for greater flexibility in the employment of those funds.

10. Limit the allocation of SIG funds to lowest-performing schools, so that PED may award SIG funds to districts to implement one of the four SIG models in any priority school.

Under current NCLB provisions, "lowest-performing schools" are divided into two tiers, and SIG funds must be allocated to these schools in order to implement one of four school improvement models ("turnaround," "restart," "school closure," or "transformation" model). The waiver provisions would allow PED to award funds for school improvement to any priority school, which would then be required to implement one of the four models, regardless of whether it would have been identified as a "lowest-performing school" under ESEA.

It is important to note that, while priority schools that receive SIG funds are required to implement one of the four improvement models, priority schools that do not receive these funds are not. These schools are, however, required to adhere to the seven "turnaround principles" included in the flexibility requirements. (*See Attachment 1, Principle 2.D.iii, "Meaningful interventions aligned with turnaround principles," pp. 12-15.*)

11. Limit community learning centers use of 21<sup>st</sup> Century Community Learning Center (CCLL) funds to activities outside of normal school hours. Under this waiver, 21<sup>st</sup> CCLL funds may also be used to support activities and extended learning time during the school day. (Optional)
12. Require PED and districts to make AYP determinations, in favor of using the A-F School Grading System that is included in the waiver application. (Optional)
13. Require that districts allocate Title I funds to schools according to their rank in poverty, and instead serve a Title I-eligible high school with a graduation rate lower than 60 percent without regard to relative poverty rank. ("rank and serve") (Optional)

## **Four Principles**

(For a more detailed explication of the programmatic requirements of these four principles, including any prospective action required of school districts and charters, as well as pertinent timelines, please refer to Attachment 1.)

In order to be granted these waivers, PED must meet the requirements of four principles articulated by USDE:

- **Principle 1: College- and Career-Ready Expectations of All Students:** PED invokes the adoption and implementation of the Common Core State Standards to fulfill the requirements of this principle.
- **Principle 2: State-Developed Differentiated Recognition, Accountability and Support:** PED points to the passage of the *A-F School Grading Act*, as well as the completion of the corresponding regulations as the vehicles by which the requirements of Principle 2 will be fulfilled.
- **Principle 3: Supporting Effective Instruction and Leadership:** In the amended submittal, which was approved by USDE, PED stated that New Mexico was in the process of finalizing legislation, based on the recommendations of the Effective Teaching Task Force, that would create a redesigned teacher and school leader evaluation system, and that this system would align with the requirements of the flexibility principles. Ultimately, this legislation failed to pass in the 2012 legislative session.

Since then, PED has announced that it would pursue implementation of this evaluation system administratively and, on May 1, 2012, opened nominations for the New Mexico Teacher Evaluation Advisory Council. In that announcement, PED noted that the council would play a pivotal role in maintaining the NCLB waiver, and in developing a new teacher and school leader evaluation system based on student achievement. (See Attachment 2, New Mexico Teacher Evaluation Advisory Council Nominations Announcement.)

Materials posted to PED's website, and used in training webinars focusing on Principle 3, indicate that while PED intends to undertake the necessary action administratively rather than legislatively, the projected process and goals remain largely the same, although a few elements of the originally submitted timeline have been changed slightly, such as:

- Initiate technical assistance to LEAs on evaluation requirements has been expanded from June 2012 to the entire 2012-2013 school year;
- Preliminary data runs to establish baselines and statistical formula has been pushed back from June through August 2012, to August through December 2012;
- Begin *phased* implementation of new teacher and school leader evaluation systems, originally to occur in school year 2013-2014, apparently has been separated into two elements:
  - Pilot key elements of the system, in school year 2012-2013, and
  - Implementation of evaluation system, in school year 2013-2014.

- **Principle 4: Reducing Duplication and Unnecessary Burden:** Aside from the assurance that PED will evaluate and revise its own administrative requirements to reduce duplication and unnecessary burden on districts and schools, this principle has no further requirements and is unaddressed in the waiver application.

### Assurances and Additional Procedural Requirements

At the time of submittal of the waiver application, PED was required by USDE to undertake certain assurances, most of them related to one of the four principles. These include:

- For Principle 1, College- and Career-Ready Expectations of All Students:
  - Assurance 2: the adoption of English language proficiency (ELP) standards that correspond to New Mexico’s college- and career-ready standards, consistent with ESEA, that reflect the academic language skills necessary to meet the new standards, no later than school year 2013-2014;
  - Assurance 3: the development and administration of alternate assessments based on either grade-level or alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with federal regulations, and which are aligned with the state’s college- and career-ready standards, no later than school year 2014-2015;
  - Assurance 4: the development and administration of ELP assessments aligned with state ELP standards and consistent with ESEA requirements; and
  - Assurance 5: PED’s commitment to report annually to the public on college-going and college credit-accumulation rates for all students and subgroups in each district and public high school.
- For Principle 2, State-Developed Differentiated Recognition, Accountability and Support:
  - Assurance 6: that PED has technical documentation, which can be made available to USDE, demonstrating that assessments used in administering the A-F School Grading System:
    - are administered statewide;
    - include all students, with appropriate accommodations made for English language learners and students with disabilities, and include alternate assessments based on grade-level or alternate academic standards for students with the most significant cognitive disabilities, consistent with federal regulations; and
    - are valid and reliable for use in the A-F School Grading System; and
  - Assurance 7: the commitment to report to the public its lists of reward, priority, and focus schools at the time PED is approved to implement flexibility, and annually thereafter to publicly recognize its reward schools.

- For Principle 3, Supporting Effective Instruction and Leadership:
  - Assurance 8: prior to submitting the waiver application, PED submitted student growth data on their current students and students from the previous year to at least teachers of reading/language arts and math in the grades in which the assessments of those subjects are administered, in a timely manner that informs instructional programs. Failing that, assurances that PED will do so no later than the deadline required under the State Fiscal Stabilization Fund; and
  - Assurance 14: because PED has not yet developed and adopted all guidelines for teacher and principal evaluation, its commitment that it will submit a copy of the guidelines to USDE for peer review and approval by the end of school year 2011-2012.
  
- As noted above, for Principle Four, Reducing Duplication and Unnecessary Burden:
  - Assurance 9: the commitment that PED will evaluate and revise its own administrative requirements to reduce duplication and unnecessary burden on districts and schools.
  
- Other assurances undertaken with the submittal of the waiver application include:
  - Assurance 1: the waiver request is based on agreement to meet the four principles of the flexibility;
  - Assurance 10: PED has consulted with its Committee of Practitioners regarding the information submitted in the waiver request;
  - Assurance 11: prior to submitting the request, PED provided notice and information about the waiver request to the public;
  - Assurance 12: prior to submitting the request, PED provided all school districts and charters with notice and reasonable opportunity to comment on the request; and
  - Assurance 13: PED will, in a timely manner, provide the USDE all required reports, data and evidence regarding the progress of the implementation of the plans submitted in the request.
  
- Additionally, USDE required that PED engage diverse stakeholders and communities in the development of its request. Ideally, according to USDE, applicants for flexibility will have solicited input from stakeholders representing diverse perspectives, experiences, and interests, including those impacted by, and those who will implement, the policies in the state plan. Accordingly, like all SEA applicants, PED, was required to demonstrate this stakeholder involvement by providing:
  - a description of how PED meaningfully engaged and solicited input on its request from teachers and their representatives; and
  - a description of how PED meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English learners, business organizations, and Indian tribes.

- Finally, USDE encouraged all approved applicants to collaborate with the Department of Education to evaluate at least one program, practice or strategy implemented under one of the three primary principles. In its flexibility application, PED indicated its willingness to collaborate with USDE in this matter.

## **GENERAL AUTHORITY OF USDE SECRETARY TO GRANT WAIVERS FROM REQUIREMENTS OF NCLB**

Certain members of Congress have expressed concern over the use of Secretary Duncan’s waiver authority to grant ESEA flexibility to states, with some even suggesting that the Secretary may be overstepping his bounds and encroaching upon Congressional authority. Notably, Representative John Kline (R-MN), Chairman of the House Education and Workforce Committee, stated in a September 22, 2011 editorial that Congressional efforts to legislatively expand quality educational opportunities might be “derailed by Education Secretary Arne Duncan’s plan to grant waivers in exchange for education reforms advocated by President Obama.”<sup>2</sup> Further, Representative Kline suggests that the waiver program raises legal issues as, while the Secretary of Education has the authority to issue waivers of any statutory or regulatory requirements to states and districts, there is little precedent for tying these waivers to reforms not authorized by Congress.

A June, 2011 report by the Congressional Research Service (CRS) examined the Secretary’s waiver authority under current law, as well as these potential legal issues raised by linking waivers to agency-mandated reforms.<sup>3</sup> Under NCLB, the USDE Secretary has authority to grant waivers from nearly any statutory or regulatory requirement of the ESEA to state education agencies, local education agencies, Indian tribes or schools (through their local education agency) that receive funds under a program authorized by ESEA and request a waiver. These waivers may not exceed four years, unless the Secretary chooses to extend them after a determination they improved student achievement and are in the public interest. The Secretary is explicitly prohibited from granting waivers for:

- the allocation of funds under the ESEA;
- maintenance of effort requirements for states and districts to maintain their level of spending for certain educational services;
- comparability of services;
- the use of federal funds to supplement, rather than supplant, non-federal funds;
- equitable services to private school students and teachers;
- parental participation and involvement;
- applicable civil rights requirements;
- requirements relating to charter schools under the Public Charter Schools Program;
- prohibitions regarding state aid;
- prohibitions against using funds for religious purposes;
- certain prohibitions against using funds for sex education; and

<sup>2</sup> See, “Schools Need More Freedom Less Federal Control, Rep. John Kline, September 22, 2011, *Washington Examiner*, at <http://washingtonexaminer.com/opinion/op-eds/2011/09/schools-need-more-freedom-less-federal-control/41013>.

<sup>3</sup> Congressional Research Service, “Memorandum on Secretary of Education’s Waiver Authority with Respect to Title I-A Provisions Included in the Elementary and Secondary Education Act,” citing *State of Connecticut v. Spellings*, 453 F. Supp. 2d 459, 496 (D. Conn. 2006), *aff’d on other grounds*, *Connecticut v. Duncan*, 612 F.3d 107 (2d Cir. 2010), *cert. denied* 131 S. Ct. 1471 (2011).

- the selection of school attendance areas unless the percentage of low income students is less than 10 percentage points below that of the lowest eligible school.

The USDE annually publishes a report accounting for all waivers granted under this section, the most recent of which was published in 2010, covering waivers granted in calendar year 2009. Of the 351 waivers granted that year, most dealt with the disposition of funds granted to districts and schools under the federal *American Recovery and Reinvestment Act of 2009* for supplemental education services. Most of the other waivers granted in 2009 dealt with issues specific to ESEA, such as the implementation of growth models, substitute assessments, and the delayed release of assessment results.

The language in NCLB, “the Secretary *may* waive any statutory or regulatory requirement . . .” (emphasis added) indicates that this authority is discretionary in nature, and nothing compels the Secretary to grant any waiver request. As noted by CRS, a federal district court upheld the denial of a waiver in a 2006 case, citing the Secretary’s broad discretion to deny states’ waiver requests. However, when examining the secretary’s authority to grant, rather than deny, waivers, CRS notes, that there is very little jurisprudence regarding this specific aspect of USDE’s waiver authority. However, the plain language of the pertinent provisions of NCLB indicates broad discretion to grant such waivers, which interpretation is strengthened by Congress’ recent and explicit enactment of this waiver provision as part of NCLB.

Although there is little precedent dealing with the Secretary of Education exercising waiver authority, there is some case law that deals with the exercise of similar waiver authority by other secretaries. CRS reviewed several of these cases, and concluded that the courts will generally uphold an agency’s authority, so long as the waiver granted is consistent with statutory purpose and procedure, and the agency develops an adequate record regarding its decision to grant the waiver. If a decision to grant a waiver is inconsistent with these two elements, it *may* be struck down as “arbitrary and capricious.”

#### **AUTHORITY OF THE USDE SECRETARY TO GRANT WAIVERS IN EXCHANGE FOR MEETING CERTAIN REQUIREMENTS**

CRS also briefly reviewed whether the Secretary of Education, as a condition of granting a waiver, could require an applicant to take some action not currently required by law. Noting that this is a novel question that has not been adjudicated by the courts as yet, CRS opines that:

- Under NCLB, the USDE Secretary may only grant waivers in response to a request, and cannot unilaterally impose new requirements on a potential waiver grantee.

- USDE may, in theory, invite applications for waivers and explicitly or implicitly condition their approval on the fulfillment of new conditions, because the potential grantee's compliance would be entirely voluntary and the conditions would not be "requirements," per se.<sup>4</sup>
- If, however, USDE required a potential grantee to take another action not currently required under ESEA without sufficiently justifying its rationale for imposing these requirements, the likelihood of successful legal challenge might increase, as a court might find the conditional waiver to be arbitrary and capricious, exceeding the agency's authority.
- Further, if USDE for some reason were to summarily grant waivers to all 50 states, imposing conditions, a court might review whether USDE carefully considered each waiver application, and whether such waivers were consistent with the stated statutory purpose.
- While it is not uncommon for other agencies to impose conditions when they grant waivers, which have indeed been upheld by courts, the proposed USDE waivers and corresponding conditions are significantly broader in scope than any that have been addressed by the courts to date.
- Based on a review of the *Federal Register* documents announcing ESEA waivers, only five waivers, of over 600 granted between 2002 and 2009, specified any conditions to be met in order to receive the waiver. However, in each of these cases, the conditions were statutory requirements that had to have been met, whether a waiver was granted or not. Therefore, out of all the waivers granted in that period, none imposed obligations or requirements on recipients that were not already in effect.<sup>5</sup>

It appears to the Legislative Education Study Committee (LESC) staff that few, if any, waivers outside of the current package scheme are going to be granted to states, questions of authority aside. In a recent meeting with state chief school officers, when asked by Pennsylvania Education Secretary Ron Tomalis whether there were any other options for flexibility besides the formal waiver route the department has set out, one of the secretary's top aides indicated to Mr. Tomalis that it would be very unlikely. Apparently without regard for the actual statutory provision, which, as mentioned, gives the Secretary of Education broad discretion and authority in the granting of waivers, the aide indicated that just handing out waivers and expecting nothing in return would put the department in "uncertain waters."<sup>6</sup> She went on to state that the secretary has a "legal obligation" to offer waivers closely aligned with the original principles of the law that improve student achievement.<sup>7</sup>

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<sup>4</sup> See, September 23, 2011 letter from Secretary Duncan to Chief State School Officers, which states:

- "For these reasons, I am writing to *offer you the opportunity to request flexibility* on behalf of your State..."
- "This *voluntary opportunity* will provide educators and State and local leaders with flexibility regarding specific requirements of NCLB *in exchange for rigorous and comprehensive State-developed plans . . .*"
- "I *invite* each interested SEA to request this flexibility *pursuant to the authority in section 9401* of the Elementary and Secondary Education Act of 1965 (ESEA), which allows me to waive, with certain exceptions, any statutory or regulatory requirement of the ESEA for an SEA that receives funds under a program authorized by the ESEA and requests a waiver." (Emphasis added.) (<http://www2.ed.gov/policy/gen/guid/secletter/110923.html>)

<sup>5</sup> Congressional Research Service, "Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act," Skinner & Feder, February 10, 2012.

<sup>6</sup> "State Chiefs to Duncan: Don't 'Undermine Us with District Waivers,'" McNeil, *Education Week*, March 26, 2012 ([http://blogs.edweek.org/edweek/campaign-k-12/2012/03/state\\_chiefs\\_to\\_arnold\\_duncan.html?r=1632385450](http://blogs.edweek.org/edweek/campaign-k-12/2012/03/state_chiefs_to_arnold_duncan.html?r=1632385450)).

<sup>7</sup> Id.

## STATES' RESPONSE TO SECRETARY DUNCAN'S INVITATION TO APPLY FOR FLEXIBILITY FROM CERTAIN REQUIREMENTS OF NCLB

In response to Secretary Duncan's invitation, 11 states, including New Mexico, applied for and were granted flexibility waivers after meeting the initial November 14, 2011 window.<sup>8</sup> An additional 26 states, and the District of Columbia, applied for flexibility for the February 28, 2012 window. Of those 26 states, eight of them have been granted ESEA flexibility;<sup>9</sup> one, Vermont, withdrew its request when it became apparent that the Secretary would not consider allowing the state to develop its own "measurements for progress and teacher qualifications."<sup>10</sup> The next window for submittal of applications for flexibility will be September 6, 2012.<sup>11</sup>

According to the Center for Education Policy<sup>12</sup>, of the remaining 13 states:

- Four states, Hawaii, Maine, New Hampshire, and North Dakota, have all stated their intention to apply for flexibility by one of the two previous windows, but have thus far failed to do so.
- Montana stated that it would not raise AMOs this year. Since Montana's AMOS had been flat for three years, USDE warned them that they were in danger of losing Title I funding if they failed to comply with NCLB. However, in August of 2011, Secretary Duncan announced that the state would be allowed to "redraw its schedule of raising testing targets," an opportunity they had bypassed when revising academic standards in 2005, and one expected to greatly reduce the number of schools failing to meet AYP this year.
- Six states, Alabama, Nebraska, Pennsylvania, Texas, West Virginia, and Wyoming, have not yet declared whether they intend to apply for flexibility under the current scheme. (Debbie Ratcliffe, a spokeswoman for the Texas Education Agency, however, has stated that they are "concerned about strings attached" to the waiver package, and that they "prefer state control."<sup>13</sup>)
- Alaska has indicated that it is interested in the waiver package, but intends to wait to evaluate the waivers when all the requirements are known.
- California has requested that it be allowed to "freeze sanctions and mandatory identification required under NCLB at the 2010-2011 level," and expressed dissatisfaction at the conditional nature of the waivers, indicating that California may not apply for the waiver package, due to the cost of the required reforms. Indeed, according to *Education Week*, California is preparing a waiver request that includes many of USDE's required principles, but not teacher evaluation, as the expense of

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<sup>8</sup> New Mexico's request was denied initially, but after improvements to the submittal USDE granted New Mexico's request.

<sup>9</sup> Connecticut, Delaware, Louisiana, Maryland, New York, North Carolina, Ohio, and Rhode Island.

<sup>10</sup> "Vermont's Leaders Are Smarter Than Ours," Jonathan Krantowitz, CTNews, May 30, 2012, (<http://blog.ctnews.com/kantowitz/2012/05/30/vermonts-leaders-are-smarter-than-ours/>).

<sup>11</sup> To assist those states applying for flexibility by the September 6, 2012 window to develop a comprehensive application, USDE is offering a temporary waiver that would allow an SEA to use the same AMOs for determining AYP based on assessments administered in school year 2011-2012 that it used for the previous year. In order to qualify for this temporary waiver, the SEA must:

- adopt college- and career-ready standards;
- provide student growth data to teachers; and
- identify achievement and graduation rate gaps.

<sup>12</sup> See, Center for Education Policy, at: <http://www.cep-dc.org/page.cfm?FloatingPageID=22>.

<sup>13</sup> "No Child Left Behind Waivers: Some States Stay with Education Law, Cite Politics, Begos, *Huffington Post*, February 19, 2012 ([http://www.huffingtonpost.com/2012/02/10/some-states-stay-with-edu\\_0\\_n\\_1267859.html](http://www.huffingtonpost.com/2012/02/10/some-states-stay-with-edu_0_n_1267859.html)).

implementing that requirement would be too great for the state.<sup>14</sup> In its draft request, California notes the rigorous nature of its own accountability system and accompanying sanctions as being sufficient to hold districts and schools responsible for improved student learning. Effectively, it would seem that California is eschewing Secretary Duncan's invitation to apply for the waiver package, and is instead applying for unconditional waivers of certain ESEA requirements under the Secretary's § 9401 broad waiver authority, despite clear indications from USDE that such waivers are unlikely to be granted.

## DISTRICT-LEVEL WAIVERS

As noted, most states have either already submitted applications for Secretary Duncan's waiver package, or have indicated their intentions to do so by the upcoming September window. However, several, have not, including California and Texas, which together comprise nearly 2,000 school districts. Of particular concern to them, therefore, is the possibility of USDE inviting individual districts from states that have chosen not to participate in the waiver program to submit applications on their own behalf.

According to *Education Week*, Acting Assistant Secretary of Elementary and Secondary Education Michael Yudin indicated that Secretary Duncan was "'sympathetic' to the plight of districts in states that . . . don't seem to be interested in a department waiver." He went on to state that the Department is working through the issue of district-level waivers, what such waivers might entail, and how to manage the process required for administration of a district-level program.<sup>15</sup> However, Secretary Duncan recently indicated that the possibility of district-level waivers would not be examined until after the third round of state-level waiver applications, in September.

Some state education chiefs are not pleased by the possibility of district-level waivers. For example, Virginia's state chief Patricia Wright said such a move would "undermine states," and Colorado's Robert Hammond said it would "bypass" state authority and result in "unintended consequences."<sup>16</sup> Further, Secretary Tomalis of Pennsylvania stated that, "to allow districts to go directly to the feds to get waivers . . . would [make it] difficult to see who is exactly responsible for accountability and reforms in their states," because "districts are creatures of state government."<sup>17</sup> Nevertheless, even in the face of discouragement from state education agencies, if USDE offers them, some districts are certain to apply for whatever waiver USDE may be willing to grant districts. As Houston's superintendent, Terry Grier, said, "If Secretary Duncan makes an offer to districts, we're applying. We quite frankly believe that our board of education is in the best position to make those kinds of decisions, and with all due respect to the Texas Education Agency, we don't think we should be shackled by state departments of public instruction."<sup>18</sup> It would appear, then, that a patchwork of requirements and waivers across large states such as California, Texas or Pennsylvania remains a distinct possibility.

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<sup>14</sup>"California Readies Its Own Waiver Request," Klein, *Education Week*, May 4, 2012

([http://blogs.edweek.org/edweek/campaign-k-12/2012/05/california\\_readies\\_own\\_waiver\\_.html](http://blogs.edweek.org/edweek/campaign-k-12/2012/05/california_readies_own_waiver_.html)).

<sup>15</sup>"Education Department Pursues NCLB Waivers for Districts," McNeil, *Education Week*, March 19, 2012

([http://blogs.edweek.org/edweek/campaign-k-12/2012/03/education\\_department\\_pursues\\_n.html](http://blogs.edweek.org/edweek/campaign-k-12/2012/03/education_department_pursues_n.html)).

<sup>16</sup>"State Chiefs to Duncan: Don't 'Undermine Us with District Waivers,'" McNeil, *Education Week*, March 26, 2012

([http://blogs.edweek.org/edweek/campaign-k-12/2012/03/state\\_chiefs\\_to\\_arnold\\_duncan.html?r=1632385450](http://blogs.edweek.org/edweek/campaign-k-12/2012/03/state_chiefs_to_arnold_duncan.html?r=1632385450)).

<sup>17</sup>"NCLB Waivers for Districts No Easy Sell with States," McNeil, *Education Week*, April 2, 2012

(<http://www.edweek.org/ew/articles/2012/04/04/27waiver.h31.html?r=939625722>).

<sup>18</sup>Id.

## CONCLUSION

It appears to LESC staff that Secretary Duncan's ESEA flexibility package, comprising the many waivers, assurances, principles and sub-principles, amounts to, as CRS characterized it, "a fundamental redesign . . . of the accountability and teacher-related requirements included in current law."<sup>19</sup> Most states have either indicated their intention to apply for flexibility, or have already done so. As of the completion of this report, 37 states and the District of Columbia had submitted requests and 19 states have, thus far, been granted flexibility. This flexibility package is applicable to successful applicant-states at least until the end of school year 2013-2014, with the possibility of extension until the end of school year 2014-2015.

In the meantime, Congress continues to work toward formal reauthorization of ESEA, which may be realized at any time between now and the end of the flexibility package's effective period. In October 2011, the Senate Health, Education, Labor and Pensions Committee offered a bill that would include some of the changes that have been incorporated into the flexibility package. The Chairman of the House Education and Workforce Committee has released two draft bills that collectively would reauthorize ESEA. Whether these bills, or other potential ESEA-related bills, will ultimately succeed, and how a reauthorized version of ESEA would ultimately affect the flexibility program is unknown. As more states' flexibility requests are approved, the likelihood that eventual reauthorization of ESEA will be complicated increases. If Congress reauthorizes ESEA without provision for the flexibility package, many states, districts and schools may have to shift their focus and efforts on education accountability to a new set of requirements yet again. A patchwork of different requirements for different states may also be a consequence of reauthorization in the face of wide spread utilization of the flexibility package.

Because PED successfully applied for flexibility, New Mexico may be one of the states forced to confront changing or conflicting legal prescriptions. Further complicating the issue for PED is the inclusion in state law of some of the requirements of NCLB, such as AYP in the *Assessment and Accountability Act*, which may give rise to a situation requiring PED to adhere to the federal flexibility program, while still obliged to conform to those requirements, at the state level, for which it sought waivers to begin with.

Notwithstanding, the eventual reauthorization of ESEA and the resulting consequences for PED and New Mexico, PED is still obliged, under the terms of the waiver, to undertake teacher and school leader effectiveness reforms for compliance with Principle 3, reforms which must be accomplished in short order if PED is to retain its ESEA flexibility. Guidelines for these reforms, in the form of administrative rules, must be submitted to USDE by the end of school year 2011-2012; according to PED's own materials, those rules are to be proposed and submitted by the end of June, and finalized by the end of August, if they are to comply with USDE's requisite implementation timelines. Presumably, since ESEA flexibility is an all-or-nothing package, if it happens that PED is unable to keep to these timelines, the waiver may be in jeopardy and the state would have to comply with the full provisions of NCLB.

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<sup>19</sup> CRS, Skinner & Feder, February 10, 2012.

## PRINCIPLE 1: COLLEGE- & CAREER-READY EXPECTATIONS for ALL STUDENTS

<b>Principle 1.A: Adopt College- and Career-ready Standards</b>				
Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
Adopt college- and career-ready standards.	SEA formally adopts college- and career-ready standards.	<p>New Mexico adopted Common Core State Standards (CCSS) in 2010 to:</p> <ul style="list-style-type: none"> <li>• increase academic rigor;</li> <li>• align New Mexico standards to college and work expectations; and</li> <li>• provide a consistent understanding of what students are expected to know and be able to do.</li> </ul>	None (LEA implements standards).	<ul style="list-style-type: none"> <li>• <b>At the time of submission:</b> request includes evidence that the State has formally adopted college- and career-ready standards.</li> </ul>
Adopt English Language Proficiency (ELP) standards that correspond to and reflect the academic language skills necessary to access and meet the new college- and career-ready standards	SEA adopts ELP standards corresponding to the academic language skills necessary to access and meet the college- and career-ready standards.	<ul style="list-style-type: none"> <li>• PED requires all districts, by spring 2012, to incorporate instructional material initiatives from the CCSS Implementation Plan, such as “Capacities of the Literate Individual” and “Shifts in English Language Arts (ELA)/Literacy Instruction,” into instruction and learning.</li> <li>• PED, cooperating universities, and independent consultants provided professional development in spring of 2012 specifically addressing the shifts between current standards and CCSS, text complexity, how the CCSS relates to Response to Intervention (RtI) framework</li> </ul>	None (LEA implements standards).	<ul style="list-style-type: none"> <li>• <b>At the time of submission:</b> Request includes assurance that SEA will adopt ELP standards. (<u>See Assurance 2</u>)</li> <li>• <b>SY 13-14:</b> SEA adopts ELP standards that correspond to the State’s college and career-ready standards, consistent with the requirements of ESEA.</li> </ul>

## Principle 1.A: Adopt College- and Career-ready Standards

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<p>planning, what the new standards mean for ELL, implications for students with special needs, including reading language disabilities and dyslexia.</p> <ul style="list-style-type: none"> <li>• Professional development for educators of ELLs, along with other special populations, will require districts to expand teacher knowledge of differentiated instruction and will include:               <ul style="list-style-type: none"> <li>➤ New Mexico’s RtI framework;</li> <li>➤ Sheltered Instruction Observation Protocol (SIOP);</li> <li>➤ Guided Language Acquisition Design (GLAD);</li> <li>➤ J. Cummins’ Basic Interpersonal Communication Skills (BICS)/Cognitive Academic Language Proficiency (CALP) and Task Difficult Quadrants.</li> </ul> </li> <li>• Spring of 2012, all districts will be asked to begin the study of the standards to ensure that teachers become familiar with the structure, content, concepts, practices, and terminology of CCSS for ELA/Literacy in History/Social Studies, Science, and Technical Subjects.</li> </ul>		

## Principle 1.B: Transition to College- and Career-ready Standards

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>Implement college- and career-ready standards</p>	<p>SEA carries out transition activities such as conducting a “gap analysis” between old and new standards, publicizing results of analysis, publicizing new standards, and developing instructional resources based on new standards.</p>	<ul style="list-style-type: none"> <li>• WestEd performed an alignment study between CCSS and current New Mexico standards, which was used to inform curriculum mapping and to determine what professional development (PD) and technical support is required.</li> <li>• PED developed and administered a Transition to CCSS Planning Survey to all districts and state-chartered charter schools, the results of which will help prepare teachers for the transition.</li> <li>• New Mexico utilized a grant from the W.K. Kellogg Foundation in order to develop an implementation plan for CCSS transition.</li> <li>• PED created a statewide Planning Committee to create recommendations for the implementation plan, as well as a smaller Framework Development Team to draft the implementation plan using recommendations from the Planning Committee.</li> <li>• The CCSS Implementation Plan addresses specific areas of concern, including:               <ul style="list-style-type: none"> <li>➤ the Implementation Development Process, where PED gathered information to assess readiness and need</li> </ul> </li> </ul>	<p>LEA carries out specific transition activities outlined in the SEA’s transition plan, such as developing or adopting instructional materials aligned with standards, conducting professional development on new standards, and taking other necessary steps to implement standards.</p>	<ul style="list-style-type: none"> <li>• <b>At the time of submission:</b> Request includes plan for transitioning to and implementing college- and career-ready standards.</li> <li>• <b>SY 11-12 to SY 12-13:</b> SEA and LEAs prepare to implement college- and career-ready standards</li> <li>• <b>SY 2013-2014:</b> SEA and LEA implement college- and career-ready standards.</li> </ul>

## Principle 1.B: Transition to College- and Career-ready Standards

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<p>and, with stakeholders, make recommendations for implementation;</p> <ul style="list-style-type: none"> <li>➤ the Communication Plan, which utilized multimedia outlets and other forums to provide parents, students, teachers, administrators, school boards and business and community leaders with information they needed to respond to the initiative;</li> <li>➤ the Assessment Plan, to transition over the next 3 years to new assessments aligned with CCSS to be introduced in SY 14-15;</li> <li>➤ the Curriculum and Instructional Materials Plan, which will move to full implementation of CCSS in ELA/literacy and math by emphasizing new CCSS-aligned materials and teaching practices;</li> <li>➤ the Professional Development Plan, which aims to support full transition to CCSS to increase student achievement by making ongoing professional learning and strategic leadership an integral component of the CCSS Implementation Plan; and</li> <li>➤ the Internal Leadership Plan, which will set system-wide routines to track progress, identify actions needed to stay on track or get back on track, uncover</li> </ul>		

### Principle 1.B: Transition to College- and Career-ready Standards

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		key issues and prioritize them for resolution, and sustain a consistent focus in order to successfully implement the State's transition plan, thus ensuring instructional leadership development and succession.		

### Principle 1.C: Develop and Administer Annual, Statewide, Aligned, High-quality Assessments That Measure Student Growth

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
New Mexico selected Option A (of 3): SEA is participating in one of the two state consortia that received a grant under the Race to the Top Assessment competition.	Attach the State's Memorandum of Understanding (MOU) under the competition.	PED included a copy of the MOU to the flexibility request, at Attachment 6, as mandated.	None.	<b>At submission:</b> Request includes copy of Race to the Top MOU.
Develop and administer high-quality assessments, including alternate assessments for students with disabilities, aligned with college- and career-ready standards. (See <a href="#">Assurance 3.</a> )	SEA develops statewide high-quality assessments, including alternate assessments for students with disabilities, aligned with college- and career-ready standards.	<ul style="list-style-type: none"> <li>• The Assessment and Accountability Bureau at PED currently administers statewide assessments are:               <ul style="list-style-type: none"> <li>➤ The Standards-Based Assessment (SBA); and</li> <li>➤ New Mexico Alternate Performance Assessment (NMAPA), an optional alternate to the SBA for students with</li> </ul> </li> </ul>	LEA administers high-quality assessments, including alternate assessments for students with disabilities, aligned with college- and career-ready standards.	<ul style="list-style-type: none"> <li>• <b>At submission:</b> request includes plan for developing and administering high-quality assessments aligned with college- and career-ready standards, and assurance that the SEA will develop</li> </ul>

## Principle 1.C: Develop and Administer Annual, Statewide, Aligned, High-quality Assessments That Measure Student Growth

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<p>significant cognitive disabilities and adaptive behavior deficits who require extensive support across multiple settings.</p> <ul style="list-style-type: none"> <li>• Section 3 of the CCSS, <i>Student Assessment Plan</i>, outlines the transition from the SBA to the CCSS, with plans to transition to the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment.</li> <li>• New Mexico joined the PARCC Consortium as a governing state in 2011.</li> <li>• By SY 14-15, all students in New Mexico will receive instruction and assessments that will ensure students demonstrate they can read, write, speak, solve problems and use technology.</li> <li>• New Mexico signed an agreement in November of 2011 with Delaware that shares the CCSS aligned NMAPA items in exchange for newly developed CCSS alternate assessment items. PED plans to design a fully CCSS-aligned NMAPA by 2014, and administer the test by March/April of 2015</li> </ul>		<p>and administer alternate assessments consistent with federal regulations.</p> <ul style="list-style-type: none"> <li>• <b>SY 11-12 to SY 12-13:</b> SEA develops statewide high-quality assessments aligned with the college- and career-ready standards.</li> <li>• <b>SY 2013-2014:</b> SEA administers pilot high-quality assessment aligned with college- and career-ready standards.</li> <li>• <b>For extension to SY14-15:</b> SEA administers the CCSS-aligned assessments, universally.</li> </ul>

## Principle 1.C: Develop and Administer Annual, Statewide, Aligned, High-quality Assessments That Measure Student Growth

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>Develop and administer high-quality ELP assessments aligned with CCSS standards. (See Assurance 4)</p>	<p>SEA develops statewide high-quality ELP aligned with college- and career-ready standards.</p>	<ul style="list-style-type: none"> <li>• The ACCESS for ELLs English Language Proficiency Assessment, provided by the World-Class Instructional Design &amp; Assessment (WIDA) consortium, will be redesigned to align with CCSS.</li> <li>• WIDA currently has an alternate ELP assessment for English learners with disabilities. New Mexico will begin to administer the Alternate ACCESS assessment in spring of 2012. Student scores from the alternate assessment will be used to guide student instruction and for Title III accountability reports, beginning in 2012.</li> <li>• Requests for proposals for English language proficiency assessments will go out in fall/winter of 2012, as the contract with WIDA expires in June 2013.<sup>1</sup></li> </ul>	<p>LEA administers high-quality ELP assessments aligned with ELP standards.</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Request includes assurance that SEA will develop and administer ELP assessments.</li> <li>• <b>For extension to SY 14-15:</b> SEA develops and administers ELP assessments aligned with the State’s ELP standards, consistent with the requirements in ESEA.</li> </ul>

<sup>1</sup> Common Core State Standards Transition Plan, p.6.

## PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY & SUPPORT

<b>Principle 2.A: Develop and Implement a State-based System of Differentiated Recognition, Accountability, and Support</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements</b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
<p><b>2.A.i:</b> Provide a description of the SEAs differentiated recognition, accountability, and support system that includes:</p> <ul style="list-style-type: none"> <li>• all the components listed in Principle 2,</li> <li>• the SEAs plan for implementation of the differentiated recognition, accountability, and support system no later than SY 13, and</li> <li>• an explanation of how the SEAs differentiated system is designed to improve student achievement and performance, close achievement gaps, and increase the quality of instruction.</li> </ul>	<p>SEA develops and implements a State-developed differentiated recognition, accountability, and support system for all LEAs and all Title I schools that provides differentiated recognition, accountability, and support based on the schools' performance and how such performance has changed over time.</p>	<p>Implementation of the A-F school grading system via legislation in the 2011 regular session (Article 21 NMSA 1978, <i>A-F Schools Rating Act</i>), and promulgation of department rule (6.19.8 NMAC), which includes as components:</p> <ul style="list-style-type: none"> <li>• Current Standing (Student performance, including NMSBA)</li> <li>• Growth (Student growth, student growth in lowest quartile, school growth), and</li> <li>• Other Indicators (Attendance, Opportunity to Learn, Graduation, Career- and College-Readiness)</li> </ul> <p>PED's flexibility application included a detailed statistical explanation of the A-F system and its components.</p>	<p>LEA implements any interventions required by the SEA's differentiated recognition, accountability, and support system</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Request includes a description of the SEAs differentiated recognition, accountability, and support system and the SEAs plan for implementation.</li> <li>• <b>SY 13 – 14:</b> PED implements its system of differentiated recognition, accountability, and support.</li> <li>• <b>For extension to SY 14-15:</b> Continue implementing differentiated recognition, accountability, and support system.</li> </ul>
<p><b>2.A.ii</b> (Option A, of two) The SEA only includes student achievement on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system</p>	<p>n/a</p>	<p>PED selected Option A, and only includes student achievement on reading/language arts and mathematics assessments in its A-F Schools Grading system, in order to identify reward, priority and focus schools.</p>	<p>None</p>	<p>None</p>

and to identify reward, priority, and focus schools.				
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<b>Principle 2.B: Set Ambitious but Achievable Measurable Objectives (AMOs)</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements</b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
SEA must select the method used to set AMOs in at least reading/language arts and mathematics for the state and all LEAs, schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts. If the SEA sets AMOs that differ by LEA, school, or subgroup, the AMOs for LEAs, schools, or subgroups that are further behind must require greater rates of annual progress.	<p>(Option C) Using a method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups, provide:</p> <ul style="list-style-type: none"> <li>• the new AMOs and an explanation of the method used to set these AMOs;</li> <li>• an educationally sound rationale for the pattern of academic progress reflected in the new AMOs; and</li> <li>• a link to the state’s report card or attach a copy of the average statewide proficiency based on assessments administered in the 2010-2011 school year in reading/language arts and mathematics for the “all students: group and all subgroups.</li> </ul>	<p>Using the A-F Grading System as a basis, PED:</p> <ul style="list-style-type: none"> <li>• bases each school’s School Growth Targets (SGTs, or (NM’s version of AMOs) on its grade;</li> <li>• will target the recommended 90<sup>th</sup> percentile of current performance;</li> <li>• will set SGTs equally for all subgroups, that do <i>not</i> impact school grades, but <i>do</i> drive intervention;</li> <li>• SGTs for Quartile 1 are set at approximately 4 points so that Q1 can close achievement gap in 3 years, as opposed to 9 years at the current rate of improvement.</li> </ul> <p>Attachment 8 of the application is a copy of the average statewide proficiency based on assessments administered in the 2010–2011 school year in reading/language arts and mathematics for the “all students” group and all subgroups, if applicable.</p>	Districts implement any interventions required by the A-F Grading system	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Request includes proposed new AMO/SGTs and justification that they are ambitious but achievable.</li> <li>• <b>SY 12 – SY 14:</b> PED implements its A-F Grading System.</li> <li>• <b>For extension to SY 14-15:</b> Continued implementation.</li> </ul>

## Principle 2.C: Reward Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p><b>2.C.i:</b> Describe the SEAs methodology for identifying highest-performing and high-progress schools as reward schools.</p> <p>(See Attachment 2, <i>List of Reward Schools</i>)</p>	<p>SEAs identify highest-performing and high-progress Title I schools as “reward schools..”</p>	<p>PED will use the A-F grading system as the mechanism to identify reward schools, which are chosen by overall grades, and above average growth;</p> <p>There are 5 categories of reward schools:</p> <ol style="list-style-type: none"> <li>1. <u>Highest Performers w/ good progress:</u> Overall “A” grade w/Q1 growth greater than “B” and Q3 growth at least a “C”;<sup>2</sup></li> <li>2. <u>Highest Performers w/ high progress:</u> Overall “A” w/Q3 growth greater than “B” and Q1 growth at least “C”;</li> <li>3. <u>Highest Performers w/high graduation rates:</u> Overall “A” and graduation rate of greater than 85 percent;</li> <li>4. <u>High Graduation Rate Growth:</u> Overall “C” or better and graduation rate growth of 10 percent annually; and</li> <li>5. <u>Highest Progress:</u> Overall “C” and Q1 and Q3 growth both “A”.</li> </ol>	<p>None</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Request includes SEAs methodology for identifying schools and list of schools based on SY 10-11 assessment results</li> <li>• <b>SY 11-12 to 13-14:</b> SEA annually publicly identifies and recognizes highest-performing and high-progress Title I schools</li> <li>• <b>For extension to SY 14-15:</b> Continue annually publicly identifying reward schools.</li> </ul>
<p><b>2.c.ii:</b> SEA must provide list of reward schools. (See Assurance 7)</p>	<p>SEA provides list of reward schools in Table 2 of flexibility request.</p>	<p>PED included its list of reward schools, as mandated. (See Attachment 2, <i>List of Reward Schools</i>)</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Include list of reward schools.</li> </ul>

<sup>2</sup> Q1 = Bottom Quartile, Q3 = highest performing 3 quartiles

### Principle 2.C: Reward Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p><b>2.C.iii:</b> SEA must describe how reward schools will be publicly recognized and, if possible, rewarded.</p>	<p>SEA recognizes and rewards those schools designated as “reward schools.”</p>	<ul style="list-style-type: none"> <li>• PED will annually release publicly list of reward schools;</li> <li>• Letter of Recognition;</li> <li>• Used as models of reform;</li> <li>• Leaders from reward schools will be asked to mentor leaders in lower performing schools;</li> <li>• Leaders will receive recognition and stipends, paid by private funding, initially; and</li> <li>• Reward schools may receive additional autonomy and flexibility to continue reform.</li> </ul>	None	<ul style="list-style-type: none"> <li>• <b>SY 11-12 to SY 13-14:</b> Recognize and reward schools designated “reward schools.”</li> <li>• <b>For extension to SY 14-15:</b> Continue annually identifying and, where possible, rewarding highest performing and high progress schools.</li> </ul>

### Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p><b>2.D.i:</b> Describe the SEAs methodology for identifying a number of lowest-performing schools equal to at least five percent of the State Title I schools as priority schools.</p> <p><i>(See Attachment 3, List of Priority Schools)</i></p>	<p>Explain methodology and identify priority schools numbering at least five percent of Title I schools.</p>	<p>PED will use the A-F grading system to identify priority schools, using criteria aligned with flexibility requirements. There are currently 624 Title I schools in NM, of which 5 percent, or 31, must be designated “priority.” There are 3 categories of priority schools:</p> <ol style="list-style-type: none"> <li>1. Currently served Tier 1 School Improvement Grant (SIG) schools (14);</li> <li>2. All poorest performing schools (rated ‘F’)</li> </ol>	None	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Request includes SEAs methodology for identifying schools, list of schools based on SY 11 assessment results, and a plan to implement interventions consistent with the turnaround principles in such schools over the period of the flexibility</li> </ul>

## Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		with graduation rates of 60 percent or less (10); and 3. All poorest performing schools (rated ‘F’) not classified in one of the other two categories (7).  TOTAL = 31		<ul style="list-style-type: none"> <li>● <b>SY 12</b> : SEA makes public its list of priority schools</li> </ul>
<b>2.D.ii:</b> SEA must provide list of priority schools. (See Assurance 7)	SEA provides list of priority schools in Table 2 of flexibility request.	PED included its list of priority schools, as mandated. (See Attachment 3, <i>List of Priority Schools</i> )	None	<ul style="list-style-type: none"> <li>● <b>At submission:</b> Include list of priority schools.</li> <li>● <b>SY 12</b> : SEA makes public its list of priority schools</li> </ul>
<b>2.D.iii:</b> Describe meaningful interventions aligned with the turnaround principles that an LEA with priority schools will implement.	SEA identifies priority schools, plans, in conjunction with LEAs, interventions consistent with 7 turnaround principles.	<ul style="list-style-type: none"> <li>● PED included its list of priority schools.</li> <li>● A-F Grading Act specifies aligning funds towards proven programs linked to student achievement.</li> <li>● PED will work with districts and charters during budget review to support alignment with proven strategies.</li> <li>● PED will collaborate with districts and charters to develop interventions focused on turnaround principles.</li> <li>● Interventions will be based on data, and encourage systematic measurable change.</li> </ul>	LEAs must implement school improvement interventions consistent with the 7 Turnaround Principles: <ol style="list-style-type: none"> <li>1. Provide strong leadership by:                             <ol style="list-style-type: none"> <li>a. reviewing the performance of the current principal; and</li> <li>b. either replacing the principal if</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>● <b>SY 12-14:</b> LEAs implement interventions consistent with the turnaround principles in each Title I school identified as a priority school and consistent with SEAs timeline for implementing such interventions in all of those schools over the period of the flexibility.</li> <li>● <b>For extension to SY 14-15:</b> continue</li> </ul>

## Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<ul style="list-style-type: none"> <li>• Priority schools must complete Reading &amp; Numeracy Review Checklists designed for K-8.</li> <li>• High schools must have both math and language arts reviews for 9-12.</li> <li>• PED will evaluate for “implementation fidelity.”</li> <li>• Schools will train on reading and math best practices and complete instructional audit and CSA mapping.</li> <li>• Priority schools will have opportunity for training on the 7 principles.</li> <li>• If student achievement is not increasing, priority schools must realign use of funds towards proven programs and strategies (consistent w/ <i>A-F School Grading Act</i>).</li> <li>• Priority schools must follow cycle of improvement:               <ul style="list-style-type: none"> <li>➤ Identify as priority school;</li> <li>➤ Selection of subgroup-based interventions;</li> <li>➤ Fidelity of implementation;</li> <li>➤ Measure impact on student achievement;</li> <li>➤ Increased student achievement.</li> </ul> </li> </ul>	<p>necessary, or demonstrating to PED principal has record of improving achievement.</p> <p>2. Ensure effective teachers able to improve instruction, by:</p> <ul style="list-style-type: none"> <li>a. reviewing staff and retaining only staff determined to be effective and succeed in turnaround;</li> <li>b. preventing ineffective teachers from transferring to these schools; and</li> <li>c. providing job-embedded, ongoing prof. development informed by teacher evaluation system and tied to teacher and</li> </ul>	<p>implementation of interventions in priority schools.</p>

## Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
			<p>student needs.</p> <ol style="list-style-type: none"> <li>3. Redesign the school day, week or year to include additional time for student learning and teacher collaboration.</li> <li>4. Strengthen the school's instructional program based on student needs and ensure program is research-based, rigorous, aligned with state standards.</li> <li>5. Use data to inform instruction including providing time for collaboration on data use.</li> <li>6. Establish a school environment that improves safety and address other non-academic factors like students' social, emotional and health needs.</li> </ol>	

## Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
			7. Engage families/ communities.	
<p><b>2.D.iv:</b> Provide timeline SEA will use to ensure LEAs with priority schools will implement meaningful intervention, aligned w/ turnaround principles by SY 14-15, and justify.</p>		<ul style="list-style-type: none"> <li>• Under current AYP, all schools in need of improvement must submit a Web EPPS.</li> <li>• PED annually reviews and approves district budgets.</li> <li>• Beginning <b>Spring 2012</b>, review will examine in detail programs and interventions at priority schools.</li> <li>• <b>SY 12-13</b>, PED will ensure interventions are aligned w/ Web EPPS and turnaround principles.</li> </ul>	LEAs must have begun implementing interventions consistent with turnaround principles by SY 14-15.	<ul style="list-style-type: none"> <li>• <b>At submission:</b> SEA provides timeline of interventions.</li> <li>• <b>By SY 14-15:</b> SEA and LEAs will have implemented interventions aligned with turnaround principles.</li> </ul>
<p><b>2.D.v.:</b> Provide criteria SEA will use to determine when a priority school, which has been making significant progress in improving student achievement, may exit priority status, and justify.</p>		<p>According to PED, to exit priority status:</p> <ul style="list-style-type: none"> <li>• Current Tier1 SIG schools must score “C” or better for 2 consecutive years<sup>3</sup>;</li> <li>• Schools with low graduation rates must score “C” or better for 2 consecutive years and demonstrate graduation rate growth (based on 3 years’ data) of at least 5 percent; and</li> <li>• Non-SIG priority schools must score “C” or better for 2 consecutive years.</li> </ul> <p>Note that even after exiting priority status,</p>	None	<ul style="list-style-type: none"> <li>• <b>At submission:</b> SEA provides priority status exit criteria and explanation.</li> </ul>

<sup>3</sup> PED web materials indicate that SIG schools and low-performing non-SIG schools must score an overall grade of “C” or better for two consecutive years, *and* achieve a Q1 growth rate of “B” or higher for two consecutive years, while the flexibility application indicates that the Q1 growth rate score is merely a component of the overall grade of “C” or better.

### Principle 2.D: Priority Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<p>such schools must continue to implement full interventions for a full third year, and interventions focusing on 4 of the 7 principles for a fourth year.</p> <p>PED notes that these requirements align with <i>A-F School Grading Act</i>.</p>		

### Principle 2.E: Focus Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required L EA Action	USDE Required Timelines
<p><b>2.E.i:</b> Describe the SEAs methodology for identifying a number of low-performing schools equal to at least 10 percent of the state’s Title I schools as “focus schools”</p> <p>(See Attachment 4, <i>List of Focus Schools</i>)</p>	<p>Explain methodology and identify priority schools numbering at least 10 percent of Title I schools.</p>	<p>PED will use the A-F grading system to identify focus schools, using criteria aligned with flexibility requirements. There are currently 624 Title I schools in NM, of which 10 percent, or 62, must be designated “focus.” There are 3 categories of focus schools:</p> <ol style="list-style-type: none"> <li>1. Non-priority schools with a grade of “D” and graduation rate of less than 60 percent (12);</li> <li>2. Schools with graduation rates of less than 60%, not already identified as “priority” or “focus” (7); and</li> </ol>	<p>None.</p>	<ul style="list-style-type: none"> <li>• <b>At Submission:</b> Request includes SEA’s methodology for identifying schools, list of schools based on SY 11 assessment results, SEAs process for ensuring LEAs implement interventions based on needs, and examples of interventions.</li> <li>• <b>SY 12 :</b> SEA makes public its list of focus schools</li> <li>• <b>SY 13 – 14:</b> LEAs</li> </ul>

## Principle 2.E: Focus Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required L EA Action	USDE Required Timelines
		<p>3.Schools with Q1 to Q3 state gap in the lowest quartile of all Q1 to Q3 state gap, and Q1 growth rate of “D” or “F” (43).</p> <p>TOTAL = 62</p>		<p>implement interventions in each Title I school identified as a focus school</p> <ul style="list-style-type: none"> <li>• <b>For extension to SY 14-15:</b> Continue implementing interventions in focus schools</li> </ul>
<p><b>2.E.ii:</b>SEA must provide list of focus schools. (See Assurance 7)</p>	<p>SEA provides list of focus schools in Table 2 of flexibility request.</p>	<p>PED included its list of focus schools, as mandated. (See Attachment 4, <i>List of Focus Schools</i>)</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> Include list of focus schools.</li> <li>• <b>SY 12 :</b> SEA makes public its list of focus schools</li> </ul>
<p><b>2.E.iii:</b> Describe the process and timeline SEA will use to ensure LEAs that have focus schools will identify the specific needs of the focus schools and students and provide examples and justification for the interventions focus schools will be required to implement to improve performance of students who are furthest behind.</p>	<p>SEA must describe how it will ensure that LEAs undertake the appropriate interventions for focus schools and students.</p>	<p>PED will require::</p> <ul style="list-style-type: none"> <li>• each focus school to select 4 of the 7 turnaround principles that address the subgroups that are not progressing;</li> <li>• districts to approve the selected principles based on applicable subgroups;</li> <li>• districts to assure PED that selected principles are aligned with reasons why schools were designated “focus ;”</li> <li>• all focus schools to “using data to inform instruction” (Principle 5).</li> </ul>	<p>Approve school-selected interventions based on 4 of the 7 turnaround principles, and assure SEAs that the selected principles are aligned with reason why school was so designated.</p>	<ul style="list-style-type: none"> <li>• <b>At submission:</b> SEA includes in flexibility request the process and timeline for improvement of focus schools and target subgroups.</li> <li>• <b>SY 12–13 to SY 13-14:</b> LEAs implement interventions in focus schools.</li> <li>• <b>For extension to SY 14-15:</b> Continue implementation of</li> </ul>

## Principle 2.E: Focus Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required L EA Action	USDE Required Timelines
		<p>Projected Timeline:</p> <ul style="list-style-type: none"> <li>• Baseline grades assigned in January 2012;</li> <li>• PED will begin to offer technical assistance to focus schools February 2012;</li> <li>• Designation as “focus” in summer 2012;</li> <li>• Implementation of interventions thereafter.</li> </ul> <p>PED will not approve a focus school budget unless it sets asides funds that target subgroups not progressing.</p> <p>WebEPPS will also be used to support alignment of interventions in focus schools.</p> <p>Focus schools must follow same cycle of improvement as priority schools:</p> <ul style="list-style-type: none"> <li>• Identify as priority school;</li> <li>• Selection of subgroup-based interventions;</li> <li>• Fidelity of implementation;</li> <li>• Measure impact on student achievement;</li> <li>• Increased student achievement.</li> </ul>		<p>interventions.</p>
<p><b>2.E.iv:</b> Describe criteria SEA will use to determine when a school making significant progress in student achievement and narrowing achievement gaps exits focus status,</p>		<p>To exit focus status, PED will require:</p> <ul style="list-style-type: none"> <li>• Focus schools with overall “Ds” and graduation rates of less than 60 percent to: <ul style="list-style-type: none"> <li>➤ raise their overall grades to “C” for 2</li> </ul> </li> </ul>	<p>None</p>	<p><b>At submission:</b> SEA provides priority status exit criteria and explanation.</p>

### Principle 2.E: Focus Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required L EA Action	USDE Required Timelines
and justify.		consecutive years; ➤ demonstrate graduation rates of at least 60 percent; and ➤ demonstrate growth rates in graduation of 3 percent per year; • Focus schools with overall grades better than “D” but with poor graduation rates to: ➤ maintain overall grades; ➤ demonstrate graduation rates of at least 60 percent; and ➤ demonstrate growth rates in graduation of 3 percent per year; and • Focus schools with large Q1 to Q3 gaps and Q1 growth rates of “D” or “F” to: ➤ raise Q1 growth rates to “B” or higher; and ➤ reduce their Q1 to Q3 gap by 6 scale score points.		

### Principle 2.F: Provide Incentives and Support for Other Title I Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
Describe how the SEA’s differentiated recognition and support system will provide incentives and supports to ensure		• PED will also identify “strategic schools:” ➤ Overall grade of “C” or lower; ➤ Q1 to Q3 gap among the 25 percent largest in the state;	None	<b>At Submission:</b> SEAs will include requested information on provision for Title I schools not progressing and

## Principle 2.F: Provide Incentives and Support for Other Title I Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>continuous improvement in other Title I schools that, based on the SEA's new AMOs and other measures are not progressing in improving student achievement and narrowing gaps. Explain how these incentives and supports are likely to improve student achievement and school performance, close achievement gaps, and improve instruction quality.</p>		<ul style="list-style-type: none"> <li>➤ currently, this is 53 total schools, representing 10.6 percent of Title I schools not already identified as “reward,” “priority” or “focus.”</li> <li>• Using the A-F Grading System as a basis, PED:               <ul style="list-style-type: none"> <li>➤ bases each school’s School Growth Targets (SGTs, or (NM’s version of AMOs) on its grade;</li> <li>➤ will target the recommended 90<sup>th</sup> percentile of current performance;</li> <li>➤ will set SGTs equally for all subgroups, that do <i>not</i> impact school grades, but <i>do</i> drive intervention;</li> <li>➤ SGTs for Q1 are set at approximately 4 points so that Q1 can close achievement gap in 3 years, as opposed to 9 years at the current rate of improvement.</li> </ul> </li> <li>• LEAs will be required to:               <ul style="list-style-type: none"> <li>➤ support strategic schools in WebEPPS submission and alignment to interventions;</li> <li>➤ set specific measurable goals for low-achieving subgroups.</li> </ul> </li> <li>• PED will monitor fidelity of implementation of interventions.</li> <li>• PED will support strategic schools’ alignment of funds to proven strategies during the annual budget approval process.</li> </ul>		<p>not categorized as “focus,” or “priority.”</p>

## Principle 2.F: Provide Incentives and Support for Other Title I Schools

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<ul style="list-style-type: none"> <li>• Strategic schools may choose to implement turnaround principles, but are expected to follow a cycle of continuous improvement, like focus and priority schools.</li> </ul>		

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

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>Describe the SEA's process for building SEA, LEA and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, including through:</p> <ol style="list-style-type: none"> <li>i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of intervention in priority and focus schools;</li> <li>ii. holding LEAs accountable for improving school and student performance, particularly for turning around priority schools; and</li> <li>iii. ensuring sufficient support for</li> </ol>		<ul style="list-style-type: none"> <li>• PED will build district and school capacity with:               <ul style="list-style-type: none"> <li>➤ technical assistance onsite visits;</li> <li>➤ professional development training;</li> <li>➤ accountability and progress monitoring.</li> </ul> </li> <li>• districts and schools will participate in:               <ul style="list-style-type: none"> <li>➤ exemplary leadership training;</li> <li>➤ data dialogue training; and</li> <li>➤ Fixsen Implementation School Indicators, a type of school self-assessment tool.</li> </ul> </li> <li>• PED will offer specific professional development on using subgroup achievements on the SGTs to drive interventions and support.</li> <li>• PED Priority School Bureau will:               <ul style="list-style-type: none"> <li>➤ provide progress monitoring during onsite visits;</li> </ul> </li> </ul>		

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

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>implementation of interventions in priority schools, focus schools, and other Title I schools identified under the SEA's differentiated recognition, accountability and support system (including through leveraging funds the LEA was previously required to reserve under the ESEA section 116(b)(10), SIG funds and other Federal funds, as permitted along with state and local authority.</p> <p>Explain how this process is likely to succeed in improving SEA, LEA, and other school capacity.</p>		<ul style="list-style-type: none"> <li>➤ collaborate with district and school leadership teams on observation and data review and analysis;</li> <li>➤ train leadership teams in intervention strategies that align with the seven turnaround principles.</li> <li>• Districts and charters will be accountable for improving performance through the Curriculum Audit Handbook.</li> <li>• Priority and focus schools will undergo instructional audit and will utilize their improvement plans, based on the 7 principles;</li> <li>• Districts will include 20 percent set-aside under Title I for research-based interventions to support students in priority and focus schools.</li> <li>• Districts will be required to analyze subgroup performance at other Title I schools to determine need and direct resources to those needs.</li> <li>• PED will monitor:               <ul style="list-style-type: none"> <li>➤ subgroup performance across districts and focus on closing Q1 to Q3 gaps; and</li> <li>➤ other ESEA subgroups according to SGTs.</li> </ul> </li> <li>• PED will use annual budget review to determine if subgroups are meeting SGTs</li> </ul>		

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

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<p>and better address problems.</p> <ul style="list-style-type: none"> <li>• PED will focus on college-and career readiness by monitoring district-level graduation and matriculation rates by subgroup.</li> <li>• PED will focus on:               <ul style="list-style-type: none"> <li>➤ early reading intervention;</li> <li>➤ a “Clearinghouse,” developed with grant funds, to help districts select programs for interventions; and</li> <li>➤ targeting achievement gaps with resources via the budget review process.</li> </ul> </li> </ul>		

## PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

<b>Principle 3.A: Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems</b>				
Description of Principle	USDE Requirements	PED Action to Satisfy Requirements <sup>4</sup>	USDE Required LEA Action	USDE Required Timelines
<p>Option A (of three): If the SEA has not already developed any guidelines consistent with Principle 3, provide:</p> <p>i. the SEA’s plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by the end of the 2011-2012 school year; and</p> <p>ii. a description of the process the SEA will use to involve teachers and principals in the development of the guidelines.</p>	<p>SEA develops and adopts guidelines for teacher and principal evaluation and support systems, provides student growth data to teachers, and develops a plan to ensure equitable distribution of effective teachers and principals.</p>	<p>In the approved flexibility request, PED included a detailed description of the proposed teacher and principal evaluation system that addressed the requirements of both item (i) and (ii) of the selected Option A:</p> <ul style="list-style-type: none"> <li>• April 15, 2011 – Governor Martinez established, by Executive Order, the Effective Teaching Task Force (ETTF).<sup>5</sup></li> <li>• August 26, 2011, ETTF submitted 38 recommendations to overhaul the current NM system of teacher and school leader evaluation system.<sup>6</sup></li> <li>• ETTF recommendations were foundation of HB 249 (2011), which passed the House but did not move out of Senate Judiciary Committee.</li> </ul>	<p>LEA develops, adopts, pilots, and implements teacher and principal evaluation and support systems that meet or exceed SEA guidelines.</p>	<ul style="list-style-type: none"> <li>• <b>At submission, include:</b> <ul style="list-style-type: none"> <li>➤ a plan to develop guidelines for evaluation and support systems;</li> <li>➤ process for ensuring LEA implementation;</li> <li>➤ assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund (see Assurance 8).</li> </ul> </li> <li>• <b>SY11-12, SEA:</b> <ul style="list-style-type: none"> <li>➤ adopts guidelines for teacher and principal evaluation and support systems; and</li> </ul> </li> </ul>

<sup>4</sup> It should be noted that the PED actions listed in this table are derived from New Mexico’s flexibility request that was approved by the US Department of Education (February 15, 2012). This section of the request, the information dealing with Principle 3, was predicated on the assumption that legislation establishing a teacher and principal evaluation system was to have been passed by the Legislature in the 2012 Regular Session. Since this legislation was not passed, PED has turned its focus for completion of Principle 3 requirements to administrative rulemaking, which remains unexecuted. According to PED and USDE timelines, PED must submit the teacher and principal guidelines that it intends to adopt by the end of SY 11-12, or June 2012.

<sup>5</sup> See Executive Order 2011-024, “Formation of New Mexico Effective Teaching Task Force.” The ETTF included Secretary-Designate Skandera, the Executive Directors of the LESC and LFC, principals, superintendents, administrators of the National Education Association and Teach for America, a teacher, and a parent representative.

<sup>6</sup> See New Mexico Effective Teaching Task Force, “Final Report and Recommendations,” August 26, 2011.

<b>Principle 3.A: Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements<sup>4</sup></b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
		<ul style="list-style-type: none"> <li>• Therefore, PED must still submit guidelines to USDE by end of SY 11-12.</li> <li>• Evaluations are required to:               <ul style="list-style-type: none"> <li>➤ include student achievement data as evidence of effectiveness;</li> <li>➤ be used for continuous improvement;</li> <li>➤ differentiate among at least 3 levels of effectiveness;</li> <li>➤ use multiple measures to determine performance levels, including student growth for all students;</li> <li>➤ regularly evaluate teachers and principals;</li> <li>➤ provide feedback to guide professional development; and</li> <li>➤ be used to inform personnel decisions.</li> </ul> </li> <li>• Proposed teacher evaluation system assigned scores, across 5 levels of performance.</li> <li>• For scores for teachers of tested grades and subjects, 50 % was to be based on Value Added Model (VAM) of student achievement, 25 % on observation, and 25% on locally adopted, PED-approved multiple measures.</li> <li>• For teachers in non-tested subjects, 25 % of the score was to be based on school's A-f</li> </ul>		<ul style="list-style-type: none"> <li>➤ SEA provides student growth data to teachers.</li> <li>• <b>SY 12-13:</b> LEAs develop evaluation and support systems consistent with State guidelines.</li> <li>• <b>SY 13-14:</b> LEAs pilot implementation of evaluation and support systems (<i>e.g.</i>, pilot in a few schools; implement in all schools but do not publicize results) <i>or</i> fully implement evaluation and support systems.</li> <li>• <b>For extension to SY 14-15:</b> LEAs fully implement evaluation and support systems.</li> </ul>

<b>Principle 3.A: Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements<sup>4</sup></b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
		<p>grade, 25 % on observations and 50 % on locally adopted, PED-approved measures.<sup>7</sup></p> <ul style="list-style-type: none"> <li>• Teacher advancement would be based on teaching quality, not years of service, with potential acceleration of compensation according to effectiveness.</li> <li>• Proposed principal evaluation system assigned scores of which 50 % were to be based on the school's A-F grade, 25 % on locally adopted, PED approved measures, and 25 % on fidelity of teacher observation.</li> <li>• PED's implementation process was to have required the establishment of: <ul style="list-style-type: none"> <li>➤ working groups within the state; and</li> <li>➤ a Technical Advisory Council with a national perspective.</li> </ul> </li> <li>• These groups were to include diverse stakeholders, including: <ul style="list-style-type: none"> <li>➤ teachers,</li> <li>➤ administrators,</li> <li>➤ union representatives,</li> <li>➤ local school board members,</li> <li>➤ parents, and</li> <li>➤ business community representatives.</li> </ul> </li> </ul>		

<sup>7</sup> New Mexico's approved flexibility request, dated February 15, 2012, indicates that 25 % of the score of a teacher of a non-tested subject is to be based on the school's A-F grade (with 25 % observation, and 50 % locally adopted, PED-approved multiple measures). PED's webinar materials on Principle 3, however, indicate that the score of a teacher of a non-tested subject will be determined with 25 % based on observation, rather than the school's grade.

<b>Principle 3.A: Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements<sup>4</sup></b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
		<ul style="list-style-type: none"> <li>• The state working groups were to have:               <ul style="list-style-type: none"> <li>➤ advised on the development of regulations related to the new evaluation system;</li> <li>➤ provide feedback from around the state;</li> <li>➤ provide technical assistance to districts and charters in preparation for implementation.</li> </ul> </li> <li>• In the flexibility request, PED included a projected timeline for the development of the evaluation system, culminating in the phased implementation of the system at the district level in SY 13-14 through SY 14-15, and the alignment of the evaluation system with compensation in SY 15-16.</li> </ul>		
<p>Option A (of three):</p> <p>iii. If the SEA has not already developed any guidelines consistent with Principle 3, provide an assurance that the SEA will submit to the Department a copy of the guidelines that it will adopt by the end of the 2011-2012 school year. (See <u>Assurance 14</u>).</p>	<p>Include Assurance 14 in flexibility request.</p>	<p>PED did include Assurance 14, that it will submit to USDE a copy of the guidelines that it will adopt by the end of SY 11-12, in its flexibility request.</p>	<p>None.</p>	<p><b>At submission:</b> Include Assurance 14 in flexibility request.</p>

### Principle 3.B: Ensure LEAs Implement Teacher and Principal Evaluation and Support System

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
<p>Provide the SEA’s process for ensuring that each LEA develops, adopts, pilots, and implements, with the involvement of teachers and principals, including mechanisms to review, revise and improve high-quality teacher and principal evaluation and support systems consistent with the SEA’s adopted guidelines.</p>		<p>In its flexibility request, PED included a section detailing the implementation of the evaluation system, (based on the successful passage of the 2011 legislation creating a new teacher and principal evaluation system):</p> <ul style="list-style-type: none"> <li>● PED proposed a one year planning period for guided implementation of the statute and the rulemaking process, allowing continued engagement with stakeholders.</li> <li>▪ During this period, upon collaboration with superintendents, teachers, unions and advisory groups, PED was to have proposed an advisory committee to address such issues as: <ul style="list-style-type: none"> <li>➤ appeals of evaluation;</li> <li>➤ teacher evaluation non-tested grades and subjects;</li> <li>➤ statistical models to measure the impact of teachers on student achievement;</li> <li>➤ observation protocols;</li> <li>➤ intervention requirements; and</li> <li>➤ evaluation methodologies.</li> </ul> </li> </ul>	<p>LEA develops, adopts, pilots, and implements teacher and principal evaluation and support systems that meet or exceed SEA guidelines.</p>	<ul style="list-style-type: none"> <li>● <b>At submission, include:</b> <ul style="list-style-type: none"> <li>➤ a plan to develop guidelines for evaluation and support systems;</li> <li>➤ process for ensuring LEA implementation;</li> <li>➤ assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund (see Assurance 8).</li> </ul> </li> <li>● <b>SY11-12, SEA:</b> <ul style="list-style-type: none"> <li>➤ adopts guidelines for teacher and principal evaluation and support systems; and</li> <li>➤ SEA provides student growth data to teachers.</li> </ul> </li> <li>● <b>SY 12-13:</b> LEAs develop evaluation and support systems consistent with State guidelines.</li> </ul>

### Principle 3.B: Ensure LEAs Implement Teacher and Principal Evaluation and Support System

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<ul style="list-style-type: none"> <li>• The proposed one-year timeline would also include the implementation of a Technical Advisory Council (TAC) to help NM in:               <ul style="list-style-type: none"> <li>➤ establishing the overall evaluation model; and</li> <li>➤ a professional development strategy to support implementation of the model, protocol and timeline.</li> </ul> </li> <li>• Particular import was to have been placed upon input of the Hispanic and Indian Education Advisory Committees, especially concerning strategies for closing the achievement gap.</li> <li>• PED will create a technical assistance manual for districts and charters, including criteria for internal audits, and develop and audit structure for compliance review.</li> <li>• PED had planned to convene, in spring of 2012, an implementation advisory council<sup>8</sup> for assistance in implementation and for recommendations on evidence-based protocols to have been developed in July 2012, and used as a component of evaluation. (See Attachment 5, <i>NM TEACH Welcome Letter</i>.)</li> </ul>		<ul style="list-style-type: none"> <li>• <b>SY 13-14:</b> LEAs pilot implementation of evaluation and support systems (<i>e.g.</i>, pilot in a few schools; implement in all schools but do not publicize results) <i>or</i> fully implement evaluation and support systems.</li> </ul> <p><b>For extension to SY 14-15:</b> LEAs fully implement evaluation and support systems.</p>

<sup>8</sup> Membership in this council was to have included representatives from the National Education Association, American Federation of Teachers, NM Coalition of School Administrators, NM School Board Association, NM institutions of higher learning, Hispanic Advisory Education Advisory Council, Indian Education Advisory Council, State Bilingual Advisory Council, NM Parent Teacher Organization, NM Business Roundtable, and other stakeholders.

### Principle 3.B: Ensure LEAs Implement Teacher and Principal Evaluation and Support System

Description of Principle	USDE Requirements	PED Action to Satisfy Requirements	USDE Required LEA Action	USDE Required Timelines
		<ul style="list-style-type: none"> <li>• This protocol was to have been piloted in seven districts participating in the NM Transition to Teaching program, and High Schools that Work framework of school improvement.</li> <li>• Other districts that wished to pilot the protocol may do so during SY 12-13, with statewide implementation in SY 13-14.</li> <li>• The TAC was to have developed multiple measures tailored to the needs of specific communities, and a rubric to provide expectations of initiatives for improving student performance.</li> <li>• PED planned to consult with New Mexico’s Superintendents Association, the Coalition of School Administrators and the NEA and AFT to develop a training plan for LEAs, with ongoing regional training beginning in fall 2012.</li> <li>• Implementation by districts:               <ul style="list-style-type: none"> <li>➤ will incorporate data reporting and audits;</li> <li>➤ require districts and charters to report annually on outcomes of evaluations through an online system ; and</li> <li>➤ require collection of data on teachers regarding student achievement outcome from schools and districts.</li> </ul> </li> </ul>		



## PRINCIPLE 4: REDUCING DUPLICATION & UNNECESSARY BURDEN

<b>Principle 4: Reducing Duplication and Unnecessary Burden</b>				
<b>Description of Principle</b>	<b>USDE Requirements</b>	<b>PED Action to Satisfy Requirements</b>	<b>USDE Required LEA Action</b>	<b>USDE Required Timelines</b>
Review and evaluate State-level administrative requirements to reduce duplication and unnecessary burden	SEA reviews and evaluates State-level administrative requirements and adjusts appropriately in order to reduce duplication and unnecessary burden on LEAs and schools by removing duplicative requirements and those not linked to critical priorities that improve student outcomes	PED included Assurance 9, that it will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools.	None	<p><b>At submission:</b> Include assurance 9 in flexibility request.</p> <p><b>SY 11-12, and thereafter:</b> SEA reviews and evaluates State-level administrative and reporting requirements and adjusts them appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.</p>



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# NEWS RELEASE

For Immediate Release: May 1, 2012

## Nominations Open for New Mexico Teacher Evaluation Advisory Council

**SANTA FE** – Nominations are now open for 18 seats on the New Mexico Teacher Evaluation Advisory Council (NMTEACH.) This council will play a pivotal role in enabling New Mexico to maintain the waiver from the No Child Left Behind Act. Council members will meet on a regular basis to work in coordination with the state to identify excellent teachers and work towards better practices and training. The council will play a key role in developing a new teacher and school leader evaluation system based on student achievement.

The council will be composed of teachers, principals, superintendents, higher education representatives, representatives from the business communities, education administrators with technical knowledge, and representatives from the Hispanic Education and Indian Education Advisory Councils. All nominees will originate from one of the following stakeholder groups:

- 3—New Mexico teachers nominated from teaching organizations
- 3—New Mexico teachers to be selected by the Public Education Department (PED)
- 3—New Mexico principals:
  - 1 nominated by a principal organization
  - 1 from a New Mexico charter school
  - 1 "at large" selected by PED
- 1—Member from the Hispanic Education Advisory Council
- 1—Member from the Indian Education Advisory Council
- 1—Member from the New Mexico business community
- 2 —National technical experts

1—Member from a New Mexico institute of higher education

3—District administrator representatives

Nomination forms can found on the “Public Notices” page at the Public Education Department website:  
<http://ped.state.nm.us/ped/PublicNotices.html>

Completed forms should be submitted via e-mail to: [teacher.evaluation@ped.state.nm.us](mailto:teacher.evaluation@ped.state.nm.us).

Nomination forms are due no later than **5 p.m. on Tuesday, May 8<sup>th</sup>**.

Council members are selected by the Secretary-Designate of the Public Education Department and will serve a two-year term.

The first NMTEACH meeting will be held Wednesday, May 23<sup>rd</sup>, 2012.

###

LIST of REWARD SCHOOLS

Reward Schools			
Sch. #	School Name	Reward Category	Overall Grade
1244	Dolores Gonzales Elementary	1	A
4135	Roswell High	1	A
16052	Fort Sumner High	1	A
24059	Hurley Elementary	1	A
43155	Thoreau Middle	1	A
43162	Thoreau Elementary	1	A
46028	Buena Vista Elementary	1	A
71141	Amy Biehl Community School at Rancho Viejo	1	A
76005	Taos Municipal Charter	1	A
76165	Taos High	1	A
82107	Mountainair High	1	A
86028	Bosque Farms Elementary	1	A
17014	Monte Vista Elementary	2	A
49164	Tucumcari High	2	A
67038	Kirtland Elementary	2	A
67174	Grace B Wilson Elementary	2	A
72123	Pablo Roybal Elementary	2	A
81003	Edgewood Middle	2	A
81110	Edgewood Elementary	2	A
86160	Sundance Elementary	2	A
88915	Bluewater Elementary	2	A
13162	Texico High	3	A
78119	Mesa Vista High	4	C
5056	Hagerman Middle	5	B
7075	Lake Arthur High	5	B
18050	Hatch Valley Middle	5	B
39060	Hondo High	5	B
43062	Indian Hills Elementary	5	B
43088	Crownpoint Middle	5	C
55050	Espanola Valley High	5	C
501001	Media Arts Collaborative Charter	5	B
510001	Taos Academy Charter	5	B

Number	Reward Category
1	Highest Performers with Good Progress (Q1* growth > B, Q3 = C)
2	Highest Performers with Good Progress (Q3 growth > B, Q1 = C)
3	Highest Performers and High Graduation Rates
4	High Graduation Rate Growth
5	Highest Progress

\*Q1 = Lowest Quartile, Q3 = Highest Performing Three Quartiles

## LIST of PRIORITY SCHOOLS

Priority Schools			
Sch. #	School Name	Priority Category	Overall Grade
1069	El Camino Real Academy Charter	1	F
1450	Ernie Pyle Middle	1	D
1520	Highland High	1	C
1540	Rio Grande High	1	C
1570	West Mesa High	1	C
42024	Bell Elementary	1	D
43039	Crownpoint High	1	C
56087	Lybrook Elementary	1	C
67114	Naschitti Elementary	1	C
67130	Newcomb High	1	D
70150	Pecos Middle	1	D
71023	Ramirez Thomas Elementary	1	F
74155	R Sarracino Middle	1	C
88057	Laguna Acoma High	1	D
1017	Los Puentes Charter	2	F
1051	Robert F Kennedy Charter	2	F
1090	School for Integrated Academics and Technologie	2	F
1597	School On Wheels	2	F
17012	San Andres High	2	F
42006	Deming Cesar Chavez Charter	2	F
68003	West Las Vegas Family Partnership High	2	F
86009	Century Alternative High	2	F
87001	Belen Infinity High	2	F
523001	Academy Of Trades And Technology Charter	2	F
1255	Emerson Elementary	3	F
1363	Tomasita Elementary	3	F
1405	John Adams Middle	3	F
20124	Pate Elementary	3	F
57028	Brown Early Childhood Center	3	F
89025	Ashiwi Elementary	3	F
505001	School Of Dreams Academy Charter	3	F

Number	Priority Category
1	Currently Served Tier 1 SIG School
2	A-F Rating-Poorest Performers (F Grade) w/ grad rates < 60%
3	A-F Rating-Poorest Performers (F Grade) not Category 1 or 2

SOURCE: Public Education Department

LIST of FOCUS SCHOOLS

ATTACHMENT 5

Focus Schools			
Sch. #	School Name	Focus Category	Overall Grade
1016	ABQ T.D. Charter	1	D
1039	Nuestros Valores High Charter	1	D
1061	La Academia De Esperanza Charter	1	D
1594	Sierra Alternative	1	D
4132	University High	1	D
17013	Las Montanas Charter	1	D
43016	Gallup Central Alternative	1	D
67025	Career Preparatory Alternative	1	D
76010	Chrysalis Alternative	1	D
76011	Taos Cyber Magnet	1	D
89192	Twin Buttes High	1	D
512001	Cesar Chavez Community Charter	1	D
1549	New Futures School	2	C
1590	Albuquerque High	2	A
43073	Miyamura High	2	C
43089	Tse Yi Gai High	2	B
54045	Dulce High	2	B
76012	Vista Grande High Charter	2	B
514001	Gilbert L Sena High Charter	2	C
1004	Ralph J Bunche Academy Charter	3	D
1237	Cochiti Elementary	3	C
1240	Collet Park Elementary	3	B
1288	Lavaland Elementary	3	F
1407	Cleveland Middle	3	C
1413	Grant Middle	3	C
1416	Hayes Middle	3	D
1465	Washington Middle	3	D
1470	Wilson Middle	3	D
12084	Lockwood Elementary	3	D
18001	Rio Grande Elementary	3	D
19016	Anthony Elementary	3	B
19032	Chaparral Middle	3	D
32049	Caton Middle	3	D
33164	Taylor Elementary	3	F
35090	Tatum Junior High	3	B
36130	Ruidoso Middle	3	C
42007	Red Mountain Middle	3	D
42025	Deming Middle	3	D
42036	Columbus Elementary	3	D

SOURCE: Public Education Department

## LIST of FOCUS SCHOOLS

43030	Chee Dodge Elementary	3	C
Focus Schools			
Sch. #	School Name	Focus Category	Overall Grade
43038	Crownpoint Elementary	3	D
43075	Navajo Pine High	3	D
43120	Tohatchi Middle	3	D
43134	Red Rock Elementary	3	B
43152	Stagecoach Elementary	3	D
43160	David Skeet Elementary	3	F
55018	Carinos De Los Ninos Charter	3	D
55039	Chimayo Elementary	3	C
56038	Coronado High	3	C
57032	James Elementary	3	D
61020	Cochiti Elementary	3	D
61028	Santo Domingo Middle	3	C
62037	Cuba Elementary	3	C
62075	Cuba Middle	3	A
66025	Blanco Elementary	3	D
67152	Nizhoni Elementary	3	D
74144	San Antonio Elementary	3	D
75100	Magdalena Middle	3	D
75133	Magdalena Elementary	3	D
82106	Mountainair Junior High	3	F
88099	Mesa View Elementary	3	D
89195	Zuni Middle	3	D

Number	Focus Category
1	Non-Priority Schools with Grade D and Graduation Rate < 60%
2	Schools with Grad Rate < 60% not already Priority or Focus Category 1
3	Schools with Q1* to Q3 State Gap in Bottom of All State Gap & Q1 Growth of F or D

\*Q1 = Bottom Quartile, Q3 = Highest Performing Three Quartiles

2012

# NMTEACH

## Teacher Evaluation

### Advisory Council

Advisory Council on the Implementation of  
the Teacher and Principal Effectiveness



## 1. Welcome

Congratulations on your nomination to the New Mexico Teacher Evaluation Advisory Council (NMTEACH). You are part of the state's taskforce charged with providing guidance to the Governor and the Secretary of Education on the implementation of the teacher and principal effectiveness model. On April 11, 2012, Governor Susana Martinez tasked the New Mexico Public Education Department (PED) with the authority to formulate a new teacher and principal evaluation system that would ensure that student learning and academic growth are key factors in how teachers and principals will be evaluated.

In accordance with complying with the waiver from the federal No Child Left Behind Act, the U.S. Department of Education has required the state to develop the framework for a new evaluation system. The New Mexico Public Education Department and NMTEACH will focus on the development and implementation of this framework by August 2012, to ensure an initial roll-out and pilot will be accomplished by the beginning of the 2012 – 2013 school year.

## 2. Mission

The mission of NMTEACH is to develop the state's framework that prioritizes student learning by effectively and fairly evaluating teachers and principals.

## 3. Areas of Implementation

NMTEACH will develop guidance in regards to the three-tier licensure system (dossier process, licensure renewal, etc.), interventions for principals and teachers, formulating guidelines for multiple measures, professional development, training and certification, and teacher and principal rewards and dismissal.

## 4. Important Dates

A majority of the advisory council meetings will take place from June to August with locations throughout the state. Below are the meetings for the month of June and a timeline of key implementation dates.

Meeting Dates	Locations	Digital Directions
June 4	<b>UNM Science and Technology Park North (Rotunda)</b> 801 University Blvd. SE Albuquerque, New Mexico 87106	<a href="#">Click Here</a>
June 13	<b>New Mexico Public Education Department (Jerry Apodaca)</b> 300 Don Gaspar Avenue Santa Fe, New Mexico 87501	<a href="#">Click Here</a>
June 28	<b>Location TBD</b>	
Please note that future NMTEACH meetings will be announced on a month-to-month basis.		
Key Implementation Dates	Implementation Event	
May 25	Appointment to NMTEACH announced	
June 14	Draft regulation published	
July 18	Public hearing on draft regulation	
August 30	Teacher and Principal Effectiveness Regulation in effect	
June 2012 – 2013	NMTEACH meetings provide guidance on implementation steps	
2012 – 2013	Pilot of key implementation steps	
2013 – 2014	Teacher and Principal Effectiveness Evaluation System fully implemented	