Table of Contents

State Board of Education

  Action of the Board........................................................................................................... 3

Delaware Association of School Administrators

  Letter to State Board........................................................................................................... 5

Delaware State Education Association

  Letter to State Board......................................................................................................... 6

Delaware Education Support System Advisory Board

  Notes from 3/11/15 Meeting.............................................................................................. 10

Delaware Parent Teacher Association

  Waiver monitoring points ................................................................................................. 15
  Waiver monitoring commentary....................................................................................... 20

Individual Comments

  Summary of Comments Received via Email...................................................................... 25

Public Notice Requesting Comments

  Public Notice in Wilmington News Journal ...................................................................... 30
Reyna Ryan

From: Johnson Donna R
Sent: Saturday, March 21, 2015 9:40 AM
To: DOE
Subject: Brief Summary of the State Board of Ed Meeting on 3/19

The State Board of Education held its monthly Board meeting on Thursday, March 19th at 1pm.

All materials and presentations from our meeting are accessed from our online meeting platform every month accessed directly from our website (www.destateboarded.k12.de.us) We post a report with news articles and links to articles aligned by the core components of the SBE strategic plan in the Executive Director’s report that you may find useful and informative, as well. Here is a direct link to the March meeting online agenda platform.

The audio recording from the meeting is now posted on the State Board website. An index of the recording with live links by section is copied below.

Presentations from the meeting included this month’s Showcase of Innovation featuring presentations from several Teacher Leadership Programs and the Educators participating from throughout the state; a presentation from the Wilmington Education Advisory Committee on their draft recommendations

Action by the Board included Approval of the ESEA Flexibility Application; and Approval of the State Perkins Plan; Request for DOE to make additional changes to regulation 902 and bring back for action in April; Charter major modifications Approved for Academia Antonio Alonso, Early College High School and Freire Charter School; and Family Foundations Academy was placed on probation for six months with conditions as a result of Formal Review.

MARCH 19, 2015 - DELAWARE STATE BOARD OF EDUCATION AUDIO RECORDINGS

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<th>State Board of Education Meeting Audio - Part 1</th>
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<td>Length: 8:50</td>
<td>Length: 44:09</td>
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<tr>
<td>Opening, Call to Order, Roll Call, Approval of Agenda, Approval of Minutes, Formal Public Comment</td>
<td>ESEA Flexibility Application Approval</td>
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<td>by State Board of Education on 3/20/2015</td>
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<td>Committee Reports from State Board Members, Literacy Campaign Information, Secretary's Report</td>
<td>Approval of State Perkins Plan, Department Regulations</td>
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Note: The text below is from a document that contains a list of audio recordings and a contact notice. The list includes titles of presentations and audio recordings, as well as contact information for Donna Johnson. The notice emphasizes the confidentiality of the information and states that any unauthorized dissemination, copying, or use of the transmission and its contents is unauthorized. The notice also instructs recipients to notify the sender if they receive the transmission in error and to delete or destroy the communication and its attachments.
March 16, 2015

Ms. Donna Johnson
Executive Director
Delaware State Board of Education
401 Federal Street - Suite 2
Dover, DE 19901

Re: Extension Request

Dear Donna:

The Delaware Association of School Administrators (DASA) respectfully supports the Delaware Department of Education’s decision to delay the use of the Smarter Balanced student performance data for all educators until the 2016-17 school year.

In addition, DASA respectfully requests the full inclusion of a poverty value in connection with the growth determination of school accountability in Principle 2.

Thank you for the opportunity to offer comments.

Sincerely,

Kevin E. Carson, Ed.D
Executive Director
March 16, 2015

Ms. Donna Johnson
Executive Director
Delaware State Board of Education
John G Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901

Dear Ms. Johnson,

This letter is submitted by the Delaware State Education Association to the State Board of Education in order to address DOE’s proposed ESEA Waiver Renewal Application that is being submitted for State Board approval at their meeting on March 19, 2015.

Background

On Friday, March 6, 2015 DSEA participated in a conference call with representatives of US Ed regarding Delaware’s ESEA Waiver Renewal application. Also on the call were representatives from the Delaware Department of Education, Delaware School Boards Association, the Delaware Parent/Teacher Association, the Governor’s Advisory Council for Exceptional Citizens, the Delaware Association of School Administrators, and State Representatives Sean Lynn, Kim Williams, Sean Matthews and Senator Bryan Townsend. DOE coordinated the call with US Ed at the request of the stakeholder groups listed for the purpose of determining the state’s ability to make application under Principal 3, Option C for another year before student growth scores from the Smarter Balanced assessment would be attached to teacher and principal evaluations and used for human resources decisions. In two previous meetings with stakeholders on February 20th and 25th and during the call on March 6th the Department made it clear that they did not support this action.

U.S. DOE affirmed that Delaware DOE, in its ESEA Waiver Renewal Application, may propose a delay for an additional year before incorporating student growth scores as part of teacher/principal evaluations delaying such action until school year 2016-17. By proposing such a delay, this would also require Delaware to describe the progress made on teacher/principal evaluation systems, provide a clear description of actions taken so far, describe the change(s) the state is seeking and the rationale for such changes, and provide a clear timeline for future action. DSEA believes that the Delaware DOE can reasonably and assertively make a case for such an extension for the following reasons:

US DOE approval of Delaware’s 2014 Waiver request

U.S. DOE approved Delaware’s January 2014 request for continued flexibility and a one
year extension before student growth attaches to teacher/principal evaluations citing that:

- Flexibility has been effective in enabling Delaware to carry out reforms to improve student achievement; and
- It is in the public interest

DSEA believes that both points still hold true as Delaware contemplates another request for flexibility.

**Rationale for requesting another year before student growth ratings from the Smarter Balanced Test are factored into teacher and principal evaluation ratings and used for human resources decisions**

- Delaware’s evaluation system, even without including Smarter Balanced results, still continues to meet the requirements of Principle 3:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Delaware’s Evaluation System</th>
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<tr>
<td>Inform continual improvement of instruction</td>
<td>Delaware’s remaining multiple measures continue to inform instructional improvement. Group 1 educators (29% of teaching staff) utilize two state approved “B” measures (internally or externally developed assessments). Group 2 and Group 3 educators continue to use the state approved “B” measures and “C” growth goals.</td>
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<td>Meaningfully differentiates performance using at least three performance levels</td>
<td>Delaware’s system for 2014-15 meets this requirement and would not change with the request for an additional year.</td>
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<td>Use multiple valid measures in determining performance levels, including as a significant factor, data on student growth for all students and other measures of professional practice</td>
<td>Delaware’s system for 2014-15 meets this requirement and would not change with the request for an additional year.</td>
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<tr>
<td>Evaluate teachers and principals on a regular basis</td>
<td>Delaware’s system for 2014-15 meets this requirement and would not change with the request for an additional year.</td>
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<td>Provides clear, timely, and useful feedback, including feedback that identifies needs and guides professional development</td>
<td>Delaware’s system for 2014-15 meets this requirement and would not change with the request for an additional year. Delaware DOE will provide Smarter Assessment data to teachers and principals for 2014-15 to inform them of student progress. With a request for an additional year, the data for 2015-16 can also be shared with teachers and principals to inform them of student progress.</td>
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<tr>
<td>Informs personnel decisions</td>
<td>Delaware’s system for 2014-15 meets this requirement and would not change with the request for an additional year. Even though educators are rated based upon “B” and “C” measures, the ratings from these measures significantly factor into the educator/principal summative ratings and factor into personnel decisions.</td>
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• In June of 2012 DOE committed to using two year’s worth of state testing data to set student growth targets. They believed at the time that test data over a two year span would produce reasonable and reliable targets. The Department also believed that with such reliable targets, educators in tested grades and subjects would be fairly assessed. DSEA maintains it is still in the best interest of teachers/principals and the general public to continue using multiple years of data from the same test to determine growth expectations.

• The Smarter Balanced Assessment Consortium indicates that the Smarter Assessment will be statistically normed and validated no sooner than the summer of 2015 and more likely after the second administration of the test in Spring 2015-16.

• Three months into 2015, Delaware has yet to develop a valid classroom level growth model for use with the Smarter Balanced Assessment. The Smarter Balanced Assessment Consortium (SBAC) indicated on its website that the Field Test results cannot be used in setting growth targets since “projections of student results from the field test are only valid for the Consortium as a whole and cannot be interpreted on a state-by-state basis. Publishing individual state projections from the field test would create incorrect conclusions and would constitute an irresponsible use of these data.”

The Department has previously suggested that DCAS results could be included with Smarter Assessment results to generate student growth targets. Though “statistically” possible, it would be hard to convince educators and the general public that the targets were fairly derived given that the Department self-reported in a recent SREB report that DCAS was not fully aligned with the Common Core Standards.

In addition, DOE’s contracted vendor working on Delaware’s Accountability Framework has indicated that using a statistical target growth model for schools would not be valid at the classroom level. DSEA questions the use of “Statistically possible” student growth models and asserts that it is practically and politically prudent and in the best interest of students, teacher, principals, schools, districts, and the general public to have the most reliable and accurate data when making “high stakes” decisions.

• U.S. DOE identified within the Delaware Year One, Year Two, and Year Three Race to the Top reports challenges that Delaware had with Common Core implementation including providing supports for LEA’s to implement the Common Core Standards, a delay in producing needed instructional and curriculum materials, inconsistent Local Education Association implementation compounded by the lack of a clear metric of implementation progress, and a need to further engage parents and key stakeholders in the roll out and implementation of Common Core Standards and Smarter Balanced assessments.

This year the introduction of the new testing system and its supports was problematic. Interim assessments were only available for district use starting in January. Teachers were then required to pass the necessary tests for security, the administration of the
interims, and the hand scoring of extended response items. This training was not available until February 2015 leaving little time for interim assessment use before the Summative testing window opens in March.

- Students need more time to become familiar with the new state assessment. Prior to this school year, only 20% of Delaware’s tested student population experienced one content area of the new state test as part of the Smarter Balanced Field Test last spring. One of the themes from the Smarter Field Test that SBAC noted was “students should have an opportunity to try out the test so that the final results describe students’ knowledge and skill rather than their familiarity with the test format.” As previously mentioned, students in Delaware missed the opportunity to experience the comprehensive interim assessment and interim blocks because of their late release and a delay in teacher training.

- Teachers need more time for the appropriate implementation of the Common Core State Standards. In 2013-14, the Delaware State Education Association conducted a scientifically reliable poll administered by a nationally recognized polling firm to assess support by Math and English language arts teachers for the Common Core Standards, with the poll results indicating that over 77% of Math and English Language Arts teachers felt the standards gave students the critical thinking and problem solving capability to succeed in the 21st century.

The same poll results indicated that Math and Science Teachers did not believe that the DOE initiative, “Common Core Ground for Common Core,” adequately prepared them for the Smarter Balanced Test, and cited a continuing need for high quality professional development and time to create Common Core aligned lesson and materials.

Summary

The Delaware School Boards Association, the Delaware Parent/Teacher Association, the Governor’s Advisory Council for Exceptional Citizens, the Delaware Association of School Administrators and the Delaware State Education Association, have expressed to DOE their lack of confidence in using the scoring and scaling of one year’s Smarter Assessment data with the proposed student growth modeling. For this and the reasons cited above, DSEA asks the members of the State Board of Education to reject the proposed ESEA Waiver Renewal application proposed by DOE and to direct the Department to include within the application under Principal 3, Option C a request for another year before student growth scores from the Smarter Balanced assessment would be attached to the teacher and principal evaluations and used for human resources decisions.

Respectfully,

Frederika Jenner
President
Delaware State Education Association
Members or designees and DOE Staff Present: Nick Buono; TechPrep; Jennifer Burton, Cape Henlopen; Kathie Cherry, GACEC; Merv Daugherty, Red Clay; Jon Cooper, Colonial; Alison Dubinski, University of Delaware/DASL; Kristin Dwyer, Delaware State Education Association; Tracy Hudson, University of Delaware/Southern DE Professional Development Center; Jessica Jackson, Delaware Teacher Center; Donna Johnson, State Board of Education; Jeff Klein, Appoquinimink; Jay Owens, Indian River; Debbie Panchisin, Appoquinimink; Rachael Rudinoff, Smyrna; Debbie Stevens, DSEA; Lea Wainwright, Appoquinimink; Dan Weinles, Christina; Brenda Wynder, Lake Forest; David Blowman, DOE; Rita Fry, DOE; Susan Haberstroh, DOE; Rita Hovermale, DOE; John Hulse, DOE; Carolyn Lazar, DOE; Ryan Reyna, DOE; Christopher Ruszkowski, DOE; Penny Schwinn, DOE

Visitors from Public: Representative Paul Baumbach, General Assembly; Representative Kimberly Williams, General Assembly

Welcome & Introductions – John Hulse, DOE DESS Liaison

Review of December 9, 2014 Meeting Notes – John Hulse

- Donna Johnson moved to accept the notes as submitted. Rachel Rudinoff seconded Donna’s motion. Notes are approved.

ESEA Flexibility Waiver – Ryan Reyna

- Ryan started by referring all specific comments should be submitted in writing to DOEAccountability@state.k12.de.us. The department is receiving comments until Tuesday, March 17. The ESEA Flexibility Waiver proposal will go before the State Board of Education on Thursday, March 19, 2015. The application will be finalized and sent to USED on or before March 31. Information regarding the ESEA Flexibility Waiver are briefly noted:
  
  o NCLB and ESEA Flexibility Comparison: If the three-year extension to the ESEA Flexibility agreements are not approved, all schools would return to NCLB, which states that all schools are proficient in the 2013-14 school year, if not these schools would be recognized as “failing.”

  o Review of Principles 1, 2, and 3:
- **Principle 1 – College and Career Ready expectations for all students**
  The proposal indicates supports for Common Core State Standards implementation including – continue Common Ground for 3rd year, NGSS implementation continues with assessment development, Next Generation teacher leaders, Assessment – 5-year assessment plan *(ongoing engagement with stakeholders)*

- **Principle 2 – Differentiated recognition, accountability and support systems for schools and districts**
  The proposal indicates: multiple level rating system, scoring across performance spectrum, set targets in Fall 2015 after review of Smarter assessment data, multiple measures, Student Gap Group for accountability and maintain AMOs and report performance for all subgroups

- **Principle 3 – Supporting effective instruction and leadership**
  The proposal indicates no changes to the implementation status

  - Community Feedback: There is strong support to move away from AYP and create a stable assessment system for Delaware students/teachers.

  - There were several comments and questions raised by both members and public representation. While these are not all inclusive, the following provides a brief summary:

    - A concern was raised regarding Principle 2 – Accountability using Smarter Assessment Year 1 data and Accountability Framework. The 2014-15 School Year will have no ratings – will this be the same as AYP? It was stated that the chiefs had not been provided an explanation of the multiple measures.

    - Can the 13-14 DCAS data be used instead of Year 1 Smarter assessment data? OR is US Ed requiring us to use Smarter Balance? One first year data of any assessment is not a complete indication of ability. We will see a significant drop in scores; so schools will still be penalized.

    - A question was raised about the newly named Focus schools, how will the population be selected? Previously the Charter Schools were not included. There was a request that all schools, including Charter Schools, be included for consideration. A comment was made about using 2013-14 data for the required new Focus school list instead of 2014-15 Smarter assessments.

    - There was a concern based on the measures that are part of the multiple measure proposed accountability system and that the measures were status in nature. A comment was made on growth or impact of schools. There is no growth measure on low performing (high poverty) schools, and even though
the school is improving – we still only see that the scores are below the standards. We need to identify schools moving on a year-to-year basis.

- A comment was made regarding the language on the summary document, page 4 – “Multiple Pre-Tests.” It was clarified by DOE that the pre-tests this page is referring to is actually previous assessments, not another test that will be given. DOE agreed to change the wording, so there is no confusion.

- A question was raised regarding the “Action List Schools.” It was explained that this is not new, this is our set of the “Other Title I” Schools that do not receive funding and required to be addressed in last year’s submission. A list of these schools was requested.

- A question was raised about the reference to review tools. It was clarified these are provided by DOE.

- A suggestion was made to talk about the stakeholder meetings that have already taken place and the feedback DOE has received from the House Education Committee and a meeting on March 6 with USED and other representative groups that are also on DESS, including legislators, DSEA, DASA, and DOE. This was specifically in relation to Principle 3 and the opportunity for an additional year delay before incorporating the Smarter assessment into educator evaluation.

- It was noted that the parent and teacher representative on the Academic Framework Working Group (AFWG) were not added until late in the process. There were several members of DESS that serve on AFWG that identified themselves

- A comment was made advocating that the ESEA waiver be voted on by the SBE or other entity, and also a concern with cross membership with the AFWG. The SBE will be voting on the ESEA waiver on March 19th.

- A question was raised as to when the DOE will update both Delaware Code and Delaware Administrative Code (regulation). It was stated that DOE plans to make changes to both and bring the legislation before the General Assembly this year.

- Discussion took place as to some frustration the advisory council feels, as a large portion of the members feel their voices are not being heard/responded to and comments and concerns are not being reflected in revisions to the ESEA Flexibility Renewal Proposal specifically in the area of Principle 3 and the use of the Smarter assessments for teacher, administrator and district office purposes in the 2015-16 school year.
A question was asked about the department’s philosophical opposition to asking for an additional year delay in light of the current Delaware educator evaluation system meeting the requirements in ESEA guidance.

It was stated that there were previous commitments made by DOE when DPAS II was going in to effect that student assessment data would only be used when there was two years of data. It was stated that 2 years of Smarter assessment data (2014-15 and 2015-16) would be sufficient and be used as baseline for 2016-17 evaluation.

Members strongly articulated that this is not the time to use results from a new test and to not rank schools based on these data for several reasons. It was stated that no true data will appear this year due to the lack of familiarity of the assessment. People felt that students should have an opportunity to take a practice test (in addition to the field test), to help them get familiar with the assessment. Others believed that targets need to be identified by using two years of data from the same test and field test results should not be used. Smarter assessment has not been normed yet, it was stated, so a growth model will be hard to properly use.

Some discussion was based around Common Core implementation. It was commented that there was a delay in receiving the materials, lack of statewide support, measures released in January, Security Training was delayed until February, and not all used interim assessments.

A question was raised to describe the Student Gap Group, it was explained that other states have moved towards this gap group and that some of these students were not accounted for before and by grouping these students together, we will eliminate the students getting counted duplicate times in several categories. It was also asked if and how these subgroups will be weighted.

A comment was made that DOE should have a deep discussion before grouping students together, one problem might be resolved, but another problem might be created.

A question was raised regarding Smarter Balance’s interim tests being hand scored. DOE answered that the interim tests are optional at the district level and that some are to be hand scored.

A concern was made regarding the band-width issue during the 2 month testing window.

One last comment reflected that the LEAs are not only on “testing overkill” but also on “survey overkill”. It was stated that DOE will take that into consideration.
o A motion was made to include a second year delay (in ESEA Renewal) in the use of Smarter assessment data for teacher, principals, assistant principals, and district office staff evaluation. 13 voting members voted in favor of the motion, none against, with one abstention (State Board of Education representative). (Motion by Deb Panchisin, seconded by Brenda Wynder.)

o There was a question regarding whether information about this vote by the DESS Advisory Council would be included in the ESEA Flexibility Renewal Application if the application did not request another year for the use of Smarter assessment data for educator evaluation. It was stated that this would be included in upcoming presentations and in the state’s application if this were the case.

o It was stated that it was important that any member that had comments submit in writing to the email or to DOE because DOE will be submitting all written comments, including these meeting notes, in the submission of the ESEA Flexibility waiver.

Smarter Balance Update – Carolyn Lazar

o Carolyn started her presentation by stating that over the next five years, the goal of the DOE is to reduce the total testing time and ensure that students are given assessments that are of quality and provide the feedback needed for teachers and educators to improve student outcomes.

o A draft 5-year testing calendar was distributed and discussed. Comments were welcomed. Comments at the meeting included ensuring the document include all assessments and show assessments such as the “measure B” testing items, as well as AP, IB, dual-enrollment courses, etc. A comment was made that the state should pay for any tests, such as AP and IB, if these tests will be used for school ranking.

o Because of time constraints of the meeting, Carolyn Lazar summarized an article activity and asked for feedback from members of DESS verbally and then asked for any written comments.

Meeting Adjourned at 3:25 PM by Merv Daugherty
Below are monitoring points for Delaware’s ESEA waiver covering 2012-2015. These primarily include areas which were submitted by Delaware PTA, Delaware Parent Advisory Council (see note 1) and the Governors Advisory Council for Exceptional Citizens (Delaware’s IDEA Advisory Council). Please see the companion commentary for the status of each item.

1. (Page 19-20) Delaware intends to expand the usefulness of this data, by collaborating with stakeholders to extend the breadth and depth of the analysis of student data, and to encourage additional input from stakeholders based on this data to define potential areas of concern and identify solutions and areas best practices.

2. (Page 20-21) DDOE will continue to collaborate with all interested stakeholders representatives to ensure that the evaluation system provides not only the greatest incentive to develop and retain highly qualified educators, but also to eliminate any disincentives that exist in regard to an educator’s decision in choosing to work with children with disabilities and other challenging subgroups, and to develop effective measures for non academic student growth areas

3. (Page 25-26) Delaware PTA, primarily with volunteer efforts, supported by a grant from the Bill and Melinda Gates Foundation is currently providing parent and community training on CCSS throughout Delaware. DDOE supported the application for this grant and through an informal agreement is providing technical support to this initiative. Upon the expiration of this grant in 10/2012 DDOE will continue to work with the Delaware PTA to meet the intent of the opportunity given that we believe the expansion and improvements to the parent engagement structure in Delaware will play a critical role in providing the broadest practical dissemination of CCSS information and to support the CCSS information's practical impact that this parental knowledge has for improving the outcomes for students. The DDOE articulated the explicit commitment to partnering with the Delaware PTA with the CCSS work based on feedback during the development of this application.

4. (Page 26). Phase II provides a more in-depth workshop on use of the GBEs for instruction targeting academics and embedding life skills, vocational training and other access skills as needed by individual students. Phase III professional development utilizes the coaching model to provide individualized support to teachers and school staff to meaningfully apply the GBEs in lessons and create adapted materials to provide access to the general education curriculum. Delaware is committed to providing the supports necessary for all school staff to successfully implement the CCSS including the GBEs.

5. (Page 26-27) Literacy Concept Organizers and Math Learning Progressions were developed in a hybrid format using the Understanding by Design and Learning Focused frameworks. The K-12 Literacy Concept Organizers were focused on Literature and Informational Text to include the Standard(s), Essential Question, Assessment Prompts, and Academic Vocabulary. These K-12 Literacy Concept Organizers were the frameworks for the development of exemplar model lessons. These lessons were
differentiated to address students various learning styles and abilities. The exemplar lessons have been developed, piloted, and edited prior to posting on the DDOE website. The K-12 Math Learning Progressions have also been completed and will be used as frameworks for the development of exemplar model lessons for districts to use to create their own based upon their adopted core math program. By the end of Spring 2012, these model differentiated lessons in Mathematics will be posted on the DDOE website. Through the Reading Cadre and Math Cadre Specialists, Delaware has built capacity around the Literacy Concept Organizers and Math Learning Progressions to support professional development within their districts and charter schools.

Teams of general and special educators across the state who are collaborating to develop and pilot these model lessons support our efforts in increasing the number of highly qualified and certified EL and SWD staff; a goal within Delaware’s federally supported (OSEP) five-year State Personnel Development Grant. During the last two years since accepting the Common Core State Standards, work through the University of Delaware’s Center for Teacher Education and DDOE staff to develop and pilot these lessons has helped build the capacity of staff to support the lowest achieving students, specifically students with disabilities and the English Learners, to ensure access to the general education content and environment in differentiated and accessible, specialized formats. The scope of this year’s English Language Arts reading/writing project is attached. The DDOE articulated the explicit commitment to partner with key stakeholders to ensure students with disabilities and other special needs receive the supports they require during the development of this application.

6. (Page 27) Delaware is committed to and is working towards providing students with disabilities, English Learners, and members of other low achieving subgroups who have different learning styles and needs, differentiated instruction programs within the classroom. This is provided through professional development and curricular materials to support these differentiated needs. This effort will be a standard integral part of all curriculum development within DDOE and DDOE will encourage and supported strongly this initiative throughout Delaware’s LEAs and schools.

7. (Page 27) DDOE in collaboration with DSEA, GACEC, State parent organizations and other interested stakeholders will analyze the learning factors needed to ensure student with disabilities and other special needs, have the opportunity to achieve to the college- and career-ready standards and as indicated support students in accessing the standards on the same schedule as all students.

8. (Page 44) DDOE in collaboration with DSEA, GACEC, State parent organizations and other interested stakeholders will work to ensure that "pockets of need" are not missed for students with disabilities and English Learners.

9. (Page 44) DDOE in collaboration with DSEA, GACEC, State parent organizations and other interested stakeholders will analyze DCAS data, for subsets of subgroups, such as children with disabilities and English Learners, who are in various settings or programs, to better identify specific areas of need and to be able to develop meaningful and obtainable objectives for these subsets and to support interventions specifically focused on these subsets. Additionally use this
analysis, to identify from these subsets, programs or settings which indicate exceptional success in closing achievement gaps for the purpose of identifying best practices within Delaware.

10. (Page 58) The DDOE proposes to require LEAs that have an identified Focus school(s) to provide a plan that addresses the needs of the students that resulted in the identification as a Focus school. The funding for schools will not be formula driven as was the case in the past. Instead, the LEA will be required to select one or more interventions from a menu of state provided options as outlined below, or from other interventions that are demonstrated as educationally sound for the population of students the plan addresses, and identify the funding (within a DDOE determined range) to implement the plan. An LEA must outline how the intervention(s) it selects are either new to the school or are a significant expansion to the current practice(s) and that address the targeted identified subgroups. The LEA will be required to demonstrate teacher and parent community engagement in determining specific root causes related to identification and strategies for improvement. Additionally, DDOE intends to require local school boards to participate in the planning process and approve the final plan. Most critical is that plans are data informed and address the needs of the particular Focus school. The DDOE will be looking specifically for strategies that target the underperforming subgroups such as EL, SWD, or low income that led to its identification.

11. (Page 58-59) The DDOE is providing the following as a menu of options a Focus School must select (one or more) that appropriately align to the school’s needs as identified through a comprehensive needs assessment:

- Extended time (day, week, year) for students with designated intervention strategies
- Partnerships with community – 21st Century Community Learning Center-like (academic + enrichment)
- Strategies to address social, emotional and health needs
- Job-embedded Professional Development
- Assignment of Leadership Coach to support administrator evaluation/improvement
- Assignment of Development Coach to support educator evaluation/improvement
  - Targeted and refocused use of Data Coaches in LEA and school leadership Professional Learning Communities (PLC)
- Develop and initiate a comprehensive parent engagement plan; (This item was added as a result of stakeholder input during the application process)
- Use of external provider(s) matched to identified school needs
- Changes to LEA policy, practices, and/or procedures
- Staffing selection and assignment
Locally developed option(s) that are research based and supported by needs assessment data

12. (Page 104-105) Universal Design for Learning

Universal Design for Learning is a scientifically valid framework for guiding education practice to eliminate barriers and make the curriculum accessible for all students, including students with disabilities and the English Learners, by providing: flexibility in acquiring information, alternatives in demonstrating what they have learned, and strategies for engaging diverse learners and motivating them to learn by providing challenges and supports. The Center for Applied Special Technology states that “UDL provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone—not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs.” It is the design of multiple, flexible instructional and assessment materials and curricular activities that allows learning goals to be achievable by individuals of wide variability, inclusive of cultural and linguistic backgrounds, differing abilities, and preferred learning tools and methods. These differentiated options or alternatives with multiple means of representation, action, expression and engagement are built into curricular planning and delivery through the instructional design of a lesson and unit for efficiency and minimize potential barriers of the learners. It is strategic in nature and often employs wide use of media for communication, accessible technology for customizing the display, providing alternatives for auditory or visual information, and guiding information processing, as well as managing systems for resources and monitoring progress. As we face rapid, global movements through digital learning, UDL offers insight on learning and new applications of technology that provide access to the general curriculum for ALL students and equal opportunities for them to demonstrate successful outcomes. In Delaware, we have partnered with the Delaware Assistive Technology Initiative (DATI) from the University of Delaware to offer professional development for curriculum leaders, teachers and technology personnel in regards to UDL practices. Our model lesson/unit template is consistent across curricular content subjects as directed in RTTT, Section B, and encourages the principles of universal design for learning and differentiating instruction. Those who are building model lessons and units have had professional development in UDL and will continue to receive technical assistance when needed.

s. (Page 105) Accessible Instructional Materials to Close the Achievement Gaps

Students cannot learn if they cannot access the curriculum. Because current educational approaches are heavily dependent on textbooks and other print materials, students who cannot efficiently and effectively use such materials are at a striking disadvantage. IDEA 2004 mandates that students with print disabilities must have alternative ways to access the information contained in textbooks and other core curricular materials (Title 14 DE Administration Code 924.10.2). Educators need to consider students who struggle with print because of physical disabilities, learning disabilities, English Learners, language disorders, attention difficulties, and visual processing disorders. In some cases this means bypassing print completely—using Braille or audio formats, for example—and in other cases it means supporting the student’s uptake and use of print through various means such as large print, customized page layouts, or supported reading software that highlights print while the text is read aloud by the computer. The use of accessible instructional materials (AIM) enables educators to provide
grade level content to students who would otherwise be unable to access the curriculum due to print disabilities. To ensure that all students who qualify for accessible instructional materials can get them in a timely manner, the Delaware Department of Education has created a centralized service for the creation and distribution of such materials. The Delaware AIM Center manages the materials acquisition and distribution process for the entire state, alleviating the burden on individual schools and districts to find, procure and, in some cases, produce accessible materials. A Digital Rights Manager was designated by each district superintendent/charter director to request, receive, and track usage of copyrighted accessible instructional materials for students with print disabilities. Professional development and technical assistance is on-going.

Note 1: Delaware State Parent Advisory Council (DSPAC) was state level council umbrella organization for school and district Title 1 Advisory council. The Delaware Department of education eliminated all resources, funding for and contact with DPSPAC and this has caused DSPAC to no longer be a functional parent engagement and advocacy structure.
2012-2015 ESEA Compliance Commentary for Delaware

This commentary is created based on indication from Federal DOE of the importance that stakeholder organizations monitor and report out on non compliance concerns with the ESEA waiver.

The detailed areas of monitoring are included in the companion ESEA monitoring and compliance points for 2012-2015 document which should be used for reference in reviewing this commentary.

Overview:

The specific monitoring points being addressed were primarily identified by state level stakeholder groups and were proposed as important elements to enhance the effectiveness or progress and compliance with the intent of the 2012 ESEA waiver. Many were specifically directed to address impediments and inadequacies in the original proposed waiver for progress for students with significant risk factors. Once these were formally added and committed to in the ESEA waiver, the stakeholder groups had hope that the benefits would be forthcoming quickly.

Unfortunately in many cases little or no effort was expended to comply with this these commitments and as such progress for at risk subgroups has been significantly diminished and the impact of failing to address these issues with fidelity has in many cases had a cascade effect of impeding other areas of progress under the waiver. Most notably is the imprecision of the acquisition and use of student data and the potential that this problem would create discrimination against students with disabilities and other at risk students. This has been most strikingly impacted both teacher and parent confidence in DPAS-II, Delaware's teacher and administrator evaluation system, district and school rating, and the value and acceptance of state student assessment. It is believed that these failures have also impeded LRE compliance under IDEA.

It should be noted that there has been significant progress in developing deeper conversations between Delaware DOE and stakeholders, with Delaware PTA being an strong example, but full effective collaboration is only at the beginning stages. It is notable that Delaware's exceptional children workgroup, has by far made the most progress in moving to a collaborative model with stakeholders again with DPTA as a strong example, though significant work remains.
Recommendations:

Recommendations are in the form of a markup of proposed changes to the current ESEA waiver as a part of the ESEA waiver renewal process for 2015-2018. These proposed changes include more specificity and stronger timelines and commitments to the previous monitoring points. These recommendation include additional recommendations intended to enhance the effectiveness of the waivers reform/system enhancements, with focus on stemming the potential collapse of the student assessment system, removing potentially discrimination against students from all waiver elements, providing an affective pathway where district fails to make appropriate progress in schools which have been identified as failing their students, working toward adequate funding for element directly impacting student success in our most needy schools, moving forward with developing and implementing a "needs based" funding system to efficiently target and align resources with students needs, and dramatically improving the data system with a goal of virtual model based on enhance education risk factor usable to both though the district, school and classroom level and which provides enhanced direct benefit to individual students.

These recommendation go beyond what would be typical for limited renewal, but given the limited progress in many areas and measures during the first waiver period are essential for the level of progress that is expected by stakeholders.

Monitoring points:

1. Expanding the usefulness of state data by collaborating with stakeholders.

   Despite the inadequacy and lack of precision of Delaware's data system being repeatedly identified by stakeholders as a core issue with the ability to make progress towards the goal of the waiver and to support stakeholder confidence in its elements, DDOE has substantively failed to move forwarded with the commitment in this area. (see #7 for additional details)

2. Disincentive for educators to work with students with disabilities and other subgroups and development of effective measures of non academic growth areas:

   Delaware is the first state to develop statewide standards and implementation and support structure for non academic curricular areas, specially focusing on around social emotional elements. Unfortunately the current effort only addressed the early childhood range and has stalled. Delaware Department of Education (DDOE) has failed
to develop effective measures for all other age ranges. This lack of measure is a primary contributing factor for the failure to address the functional curriculum in the general education environment, which is a prerequisite for many at risk children's ability to make academic progress and to be life, career or college ready.

Despite the inadequacy and lack of precision of Delaware's data system being repeatedly identified as a core cause of potential discrimination against children with disabilities and other at risk students and proposals of specific paths to cure this failure, DDOE have refused to collaborative and substantially address this commitment.

3. Parent/stakeholder engagement and education for CCSS

While Delaware PTA has continued to educate parents about CCSS within limited internal resources, DDOE's assistance has been limited to informational guidance. With the conclusion of the Gates foundation grant supporting this effort, the ability to provide this important information has been greatly diminished. DDOE has failed to fill this gap and has not provided resources for DPTA to continue its CCSS work. DDOE has substantially failed to the commitment to adequately educate stakeholders about CCSS. The result is a sharp decline in overall acceptance and support for CCSS in significant part due to stakeholders confusion of the relationship between CCSS and the state assessment.

4. GBE/differentiated instruction for SWD

Delaware continues to make significant progress on GBE implementation. There are still some school staff in the general education environment who have little or no knowledge of GBE, and many who are not yet adequately trained in the inclusion of these elements in IEPs and their effective usage. Outside the grouping of students for which GBE are appropriate only very limited progress has been made (see #5 & #6)

5. Math lesson differentiation/differentiated instruction for SWD

While significant progress has been made on these areas, translation to the general education environment has been limited, and in most cases has failed in the general education environment to effectively address the more dramatically different executive function processes and social perceptual limitations and variances. This along with the issue on #4 has significantly impeded progress in supporting students at the general education classroom level. As mentioned previously the Exception Children's workgroup collaboration with stakeholder has improved significantly, however on this item as with many others it has been limited by DDOE not increasing the capacity of the workgroup to address all issues within the waiver in a timely and effective manner.
6. Differentiated instruction and materials

For SWDs only very limited progress has been made in addressing modified curricular material for students who perform above the GBE components, but still need significantly differentiated curriculums, differentiated curricular material for the standard curriculum. This is almost non-existent in the general education environment and even differentiated delivery methods are not well understood by many educators in the general education environment when material are available. Work to improve these elements for ELL has improved significantly though is seriously hampered by a shortage of fully qualified ELL instructors in the general education environment. RTI continues to proved some support for other at risk groups, however very little support is available above the elementary school level, beyond that program progress with this commitment has been very limited and sporadic.

7. Analyze learning factors in collaboration with stakeholders.

There has been little or no collaboration with stakeholder under this commitment, and only very limited work in general. Again this appears to primarily stem from DDOE failing to provide adequate capacity within the Exceptional children’s workgroup.

8 & 9. Pockets of need and analysis of sub sets of subgroups.

DDOE has substantially failed to address these commitments despite this failure being repeatedly expressed to various levels of the state education system. The negative impact of this failure is widespread and was reinforced in the indicator 17 development process. Again this appears to primarily stem from DDOE failing to provide adequate capacity within the Exceptional children's workgroup, and lack of expertise in these areas within the DOE internal data group.

9 & 10. Parent engagement

While there are high quality effective pockets of highly successful practices of parent engagement, they are sill the exception and on whole the mandates for parent engagement have not moved past paper compliance and as such had substantially failed and are still a major impediment to improving the outcomes for children at risk. DDOE continues to fail to play the necessary supporting role for creating the condition for effective parent engagement. Once this support is in place LEAs and schools need to utilize these supports and best practice information to adapt to their local conditions and needs.

11 & 12. Differentiated instruction, universal design and accessible and appropriate materials.

As indicated in #4, 5 & 6 significant progress has been made in this area for students with the most significant challenges who are not primarily in the general education classrooms though GBE efforts. While the understanding the general concept of universal design has improved,
knowledge, practices, polices and materials to effectively implement this concept in the general educating environment are only at the most basic levels of they exist all and as such are a major impediment to progress for most of our at risk students. It was understandable that due to DDOE’s failure to appropriately structure this effort a and provide adequate capacity to implement, that this students with the most critical needs would come first. Adequate capacity and a coordinated appropriate structure to support all at risk students must be developed and Implemented.
**Emailed Comments on DE ESEA Flexibility Renewal Proposal**

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<tr>
<th>Date</th>
<th>Name</th>
<th>Comment</th>
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<tr>
<td>3/16/15</td>
<td>Deborah Stevens, DSEA</td>
<td>For the record, I would also like to have it reflected that DSEA fully supports the position of the superintendents on AFWG as outlined by Dr. Conway.</td>
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<tr>
<td>3/15/15</td>
<td>Dr. Jason Conway, Superintendent Lake Forest School District</td>
<td>At the beginning of our last meeting, I made a statement at the beginning of the meeting on behalf the superintendents participating on the AFWG and I would like it reflected in the minutes. First, we appreciate the opportunity to participate in the school accountability discussion. However, we will not formally support any final recommendation until the proposed accountability system has been thoroughly beta tested with actual assessment results and it is ensured that the accountability rating system will not simply reflect the socio-economic status of the students attending a particular school. Therefore, when publicly presenting DOE’s recommendation to the state board or to the committees of the General Assembly, we want the aforementioned caveat included.</td>
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| 3/4/15  | Dan Weinles, Christina School District        | After reviewing the ESEA Flexibility Waiver draft document’s accountability framework section, I find that, while it is better than last year’s Academic Framework proposal, it is still way too heavily weighted towards status rather than growth/change over time. For example, the 95% attendance rate criterion sounds fine superficially, but this sort of measure pretty well ensures that schools serving more socio-economically advantaged student populations will continue to get a “pass” while schools serving more disadvantaged student populations will continue to be disproportionately labeled and targeted for NCLB-style “reform.” What we need to be measuring (and basing the assignment of rewards or reform status upon) is the change in these types of measures over time rather than a fixed 95% target. For example, if a school is currently at 89% attendance, we should be looking for incremental increases across a number of years—i.e., targets specific to schools and districts. Many of the other measures listed in the ESEA Flexibility Waiver document are status measures as well. As long as fixed targets are applied universally to schools and districts across the state, the same schools and districts are likely to be targeted by the State DOE for disruptive interventions, which may not be based on an accurate assessment of progress. For example, if a school is currently at 93% attendance, they would not meet the criteria under the current proposed rules (at least as I read them—let me know if I’m reading them wrong). But let’s say that school was at 89% two years ago and has made incremental progress, first to 91% and now to 93%. Do we really want to punish schools that do not make this arbitrary mark but have shown steady progress across the last few years towards that mark. We already are increasingly seeing a re-segregation of our public schools across social class based on these types of status measures. Middle class, educated parents are more likely to get their kids into select charter schools, some of which have questionable enrollment criteria and/or strategies which would appear (statistically) to discriminate based on socio-economic status. Schools that load up on advantaged students...
should not also be at an unfair advantage in our accountability system. In the end, if our accountability system simply reflects socio-economic advantages of a school or district’s student enrollment, the accountability system will continue to contribute and exacerbate current re-segregation patterns across our schools and districts. Let’s please move to a comprehensive growth system which recognizes change over time rather than rewarding status, largely related to SES.

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<td>1/24/15</td>
<td>Yael Haislip</td>
<td>As an educational research mentor at the University of Delaware, I have found that student engagement is a major factor in student achievement (high and low), dropping out, teacher effectiveness, and administrative effectiveness. I would like to propose that the DDOE design measures to assess student engagement (classroom, community, and school), examining potential correlations to the aforementioned areas of accountability. In my own research within the discourse and issues of literacy specifically that include but are not limited to equity and accountability, I have found oftentimes that the metrics we implement perpetuate the very achievement gaps we are trying to close. I am longing to see the emergence of an accountability system that takes into account the qualitative phenomena of learning outcomes, and triangulating/mixing such data with quantitative results. As an educational researcher, I have grappled with the validity and reliability of all quantitative measures of student aptitude and ability. Yet, I do understand the necessity to assess for success. My hope for Delaware is that we would develop assessments that meet students where they are AND THEN take them to where they need to go. Too often we forget that just because students are &quot;low-performing&quot; DOES NOT mean we can label them with monikers like &quot;illiterate&quot;, &quot;underachieving&quot;, &quot;at risk&quot;, and &quot;below proficient&quot;.</td>
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<td>12/23/14</td>
<td>Ellen Fanjoy</td>
<td>As long as the Legislature insists on allowing Gov. Markell and his unqualified Secretary of Education to make decisions focused on their futures, not the future of our children, we will be stuck with ludicrous standards that reward effort, not achievement. Wake up and stop wasting everyone's time with Common Core and its outgrowths that are not serving our children. Accountability, with meaningless standards, is useless. Those making judgements should be prohibited from working in any area that will line their pockets for an agreed upon period of time.</td>
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<td>12/23/14</td>
<td>Philip Palmer</td>
<td>I answered the questions, but they are meaningless unless the grades mean something. It is the rigor of the curriculum that is important. High graduation rates mean nothing if based on social promotion. I have no confidence whatsoever that Common Core is the solution. From what I have seen so far, the core is inscrutable b.s. akin to the nonsense of the old new math. I am strongly opposed to the Common Core as it is just one more way for the Federal Government to impose its bureaucratic idea of what is important, particularly where social sciences and history</td>
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are concerned. This can be and will be rife with distorted concepts and information that is politically motivated.

The states should be fully responsible for standard setting.

| Date  | Name          | Message                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
There is additional information on the Delaware Department of Education’s website that was not discussed at the town hall meeting and the information is not included on the materials handed out that night. That is information about the secondary component of the accountability system, or Part B measures. I am all for these measures being included, that is not the problem. They are critical to include in the overall score a school district receives. What is offensive about this is that the plan for accountability is placing a ‘school’s progress in closing the achievement gap’ in a separate category. Again, this highlights the secondary and unequal opportunity available for every student in Delaware. It also diminishes the value of community/parent input to these plans. All means all; Part B needs to be included or have equal weighting as the Part A measures that district representatives provided. Labeling the measures and Part A and Part B is a bad idea. I propose eliminating the Part A and Part B categories and just calling it an accountability system.

How well LEAs and schools are executing research based inclusion plans with fidelity for students on an IEPs should be included. For example, even though districts advertise that the models of inclusion are implemented, students with disability continue to be grouped in the same classrooms with classes still existing that include NO students with disability. That is not integration or inclusion.

Currently, Delaware has no “statewide strategy to support and monitor district implementation of a system to ensure all students—no matter their zip code—are being served well and that districts are held accountable for their success.” The majority of school districts in Delaware merely serve children and families with disability with a few having adequate and appropriate programs to support students, families and teachers.

Delaware needs a resource center for training, technical assistance, resources, and consultation to build program capacity and individual learning and growth for LEAs, teachers and parents. There is a developing plan in Delaware that has been in process since 2012 to create such a center. The plan addresses the multi-systemic issue of student achievement. It is a plan that has gone beyond meetings for parent/community involvement and surveying people. Parents engaged over the course of 2 years to collaborate on the plan. There is more information available at the University of Delaware Center for Disability Studies. You should totally check that out.

There are definitely more teachers out there that exceed expectation, go over, above and beyond trying to reach every student. And there are those that need help and restructuring in their thinking to be more successful with all students.

Most of these surveys are not a true reflection of our current educational system.
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<td>11/3/14</td>
<td>Eve Wright-Sanchez</td>
<td>I just took the survey related to developing a school accountability system. How will you get parents and students to take this survey?</td>
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<td>When considering a school accountability system, it is important to note that there are many elements that teachers and administrators do not have control over. Those elements such as parental support at home, available technology at home, student motivation, access to time and space to complete homework, individual family cultural as it connects to the value of education, and many more outside components for student success were not included in your survey. Please find a way to include these essential elements that impact students' performance, which is reflected in a school accountability system.</td>
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<tr>
<td>10/31/14</td>
<td>Ron Pierce, Colonial School Board member</td>
<td>I think any school accountability system needs to make allowances for high schools that have programs requiring more than four years to complete.</td>
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PUBLIC NOTICE

Department of Education
Elementary and Secondary
Education Act (ESEA)
Flexibility Renewal
Waiver Proposal

The Department of Education, with the consent of the State Board of Education, will be amending the ESEA Flexibility Renewal waiver. The amendments can be viewed in the ESEA Proposal document as well as the ESEA Flexibility Renewal document that can be found at the following address http://www.deoe.k12.de.us/Page/1942 on the Delaware Department of Education website. A copy will be provided upon request.

Persons wishing to present their views regarding this matter may do so in writing by the close of business to Ryan Reyna, Department of Education, Director, at 401 Federal Street, Suite 2, Dover, Delaware 19901 or may be shared electronically at DOEAccountability@doe.k12.de.us on or before March 17, 2015.

Public Notices

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3/4-NJ