



To: California State Board of Education members and staff  
Fr: Rick Miller, CORE Districts and Scott Palmer, Education Counsel  
Re: Flexibility in ESSA for an innovative zone

#### **California State Board of Education March 2017 Agenda Items #2 and #4**

The purpose of this memo is to seek your support for taking advantage of the flexibility inherent in the Every Student Succeeds Act (ESSA) and to include in the State of California's ESSA consolidated plan a waiver request to permit certain Local Education Agencies (LEAs) to work as an innovation zone.

As you know, ESSA requires that every state establish an accountability system based on multiple measures (including measures of student performance as well as other appropriate measures related to school climate and opportunity to learn); make annual accountability determinations for all public schools; report data annually at the school and district levels (for all subgroups); and identify at least every three years the five-percent lowest-performing schools (and those with lowest-performing subgroups) for significant, evidence-based school improvement efforts. Under ESSA, as compared to the No Child Left Behind Act (NCLB), states have greater authority to design these systems to best advance positive education change in each state's context. In addition, ESSA also includes an amended waiver provision that gives the states authority to pursue innovative ideas beyond the statutory requirements in cases where those efforts are designed to further improve student outcomes and are evaluated and continuously improved over time.

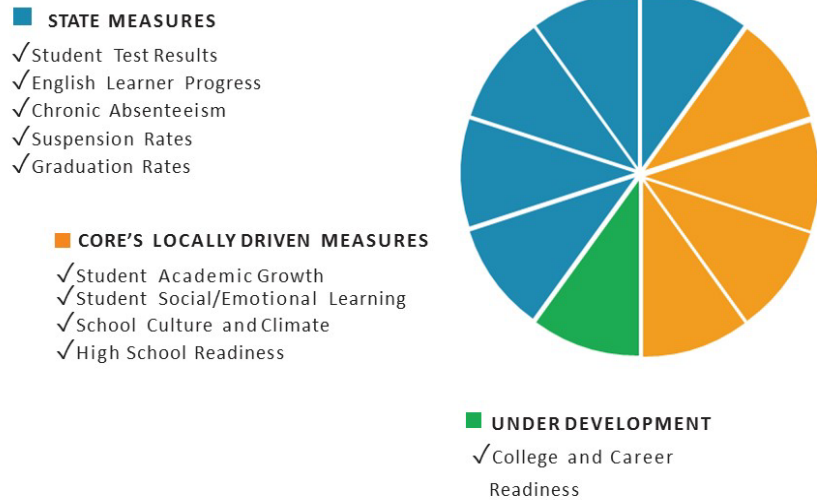
For your consideration, we attached potential waiver language describing how building on the work of the CORE Districts, we can help further the state's leadership around local innovation and continuous learning. Our goal is to work with the State of California to further align local district accountability innovation with the emerging state system. The Appendix language, if appropriate, could be used by the State in the weeks ahead in stakeholder engagement along with the State's draft ESSA plan.

As noted in the Appendix, we seek to identify low performing schools by taking into account the State's accountability measures, plus the CORE Districts' tested metrics on student academic growth, high school readiness, school climate, and student social and emotional learning with consequences. We would also encourage the state to allow any local education agency that has, now or in the future, voluntarily agreed to share its data within the CORE Districts' School Quality Improvement System to be part of this pilot, if they so choose. (Currently there are more than 800,000 non-CORE rural, suburban and urban school students in the School Quality Improvement data system.)

The chart on the next page helps to explain how this might work. All LEAs in the state would collect and report on the state measures (blue). In addition, the pilot LEAs would also collect, report and be held accountable by the state and federal government on locally driven measures including student academic growth, high school readiness, student social emotional learning and school culture climate (Gold).

We believe these locally-developed measures are important determiners in judging the quality of a school. A continuous learning pilot allows the state to learn from their inclusion on a smaller scale in order to better determine if they would be appropriate to eventually be part of the full state accountability system. The pilot, then, becomes a truly ground-up but state-led testing ground for measures educators believe to be important for judging quality.

**The CORE Districts' School Improvement and Accountability System includes:**



The CORE districts are also part of an innovative research/practice partnership with Policy Analysis for California Education (PACE). As a result, PACE would conduct rigorous quantitative and qualitative research on the additional measures included in the pilot to determine if their inclusion has in fact delivered on the policy goal and helped educators increase achievement while narrowing gaps.

It may seem that California's emerging system provides enough flexibility for districts to include their own measures. Our issue is not flexibility, but rather accountability. Simply put, we believe the measures in the pilot must count toward identifying schools in the bottom five percent for the following reasons:

1. When the state and federal government determine accountability measures, LEAs are highly incentivized to respond. One coherent school accountability system that publicly recognizes both state and local measures will ensure that attention and resources are directed to the right schools.
2. Maintaining multiple accountability models is a confusing to all local stakeholders. Our ability at the local level to keep the focus on our highest need schools will be undermined without one coherent system.
3. An innovation zone affords the state time, data and learnings before bringing more accountability measures to scale across all of California's school dashboards statewide.

At its heart, continuous improvement demands innovation. Piloting ideas and programs before bringing them to scale is common practice among the CORE Districts. This proposal emerges from that ethos and positions California to be even more of a national leader in accountability by building true, locally driven, continuous learning into our state accountability system.

Several other states have acted under state law to create these kinds of innovation zones, and several states are considering doing so under ESSA. But no state is better poised than California to take advantage of this opportunity to support local control and accountability. Thank you for your partnership and consideration.

**Appendix to California's ESSA Consolidated State Plan:  
Request for ESSA Waiver to Integrate and Continue the CORE Districts System of Accountability and  
School Improvement as a Zone for Innovation, Evaluation, and Continuous Improvement**

**Introduction**

As part of California's ESSA consolidated state plan, the State hereby seeks a waiver in partnership with and on behalf of the CORE Districts in California, to enable the CORE Districts to continue to use their system of accountability and school improvement, as amended, and to spur further innovation, evaluation, and continuous improvement in accountability and student outcomes.

**ESSA's Waiver Authority**

Under Section 8401 of ESSA, states may propose waivers to ESSA statutory requirements for the goal of supporting innovations that can advance student achievement. The Department may deny those requests only upon a written finding by the Secretary that, in the Secretary's judgment, the state has not presented sufficient information to demonstrate that the waiver request will advance student achievement; the waiver does not have sufficient systems of evaluation and continuous improvement built in; or the given statutory provisions are not waiveable under the law.

**The State of California's CORE District Waiver Request**

Here, we are requesting a waiver only to the requirement that the State have a "single" statewide accountability system such that the CORE Districts remain able to make annual accountability determinations and identify low-performing schools based on measures that include *all* of the State's measures as well as *additional* locally-developed measures of student academic growth, high school readiness, school climate, and student social emotional learning. As described more fully below, other aspects of the CORE Districts' work—including making annual determinations for all schools; producing annual reports that include all State (and additional local) data; identifying for support and improvement at least the five percent lowest-performing schools, high schools with low graduation rates, and those schools with the greatest gaps among subgroups; and implementing significant, evidence-based improvement plans in those schools—will be implemented with fidelity to ESSA and the State of California's ESSA consolidated state plan. This request is consistent with the State's strong belief in local control.

**Background on CORE Districts**

The CORE Districts include the districts of Fresno, Garden Grove, Long Beach, Los Angeles, Oakland, Sacramento, San Francisco, and Santa Ana, which collectively serve more than 1 million students (more students than in 35 states) including 20 percent of California's English Learners, 22 percent of California's low-income students, 27 percent of California's African American students, and 20 percent of California's Hispanic/Latino students. The CORE Districts have been working together since 2010 to develop a shared vision of accountability and school improvement that seeks to deepen understanding of great teaching and learning, advance equity, and improve student outcomes.

At present, this system operates under a waiver from the prior No Child Left Behind Act (NCLB), under the prior Administration's "ESEA Flexibility" initiative and ESSA transition authority. The CORE District locally-developed measures are of growing interest to local educational agencies in California and to the State. The system was recently opened to any interested local education agency, and now more than 50 school districts, three county offices of education, and two charter management organizations share data to improve student outcomes through the CORE Districts' school improvement and accountability system.

The CORE Districts' school improvement and accountability system was developed and is supported by educators and experts working together to offer more and better information about improving student outcomes. Research partners at Stanford's John Gardner Center for Youth and the Center for Education Policy Research at Harvard University are furthering the development of the system. The CORE Districts also rely on an advisory panel that includes representatives of the Association of California School Administrators, California School Boards Association, Ed Trust West, and California PTA to review their work, the data system, and its findings. The data system represents a fundamental shift in school accountability, away from blame, and was designed to help school communities identify strengths to build upon and challenges to address. Supports and interventions in the CORE Districts focus on building the capacity of schools through peer learning and collaborative action. The system is trusted and reliable because hundreds of educators and experts participated in its development. Each of our participating districts has at least one individual with doctoral level training and a wealth of experience in educational measurement, supported by other members of their district teams that continue to collaborate within and across the CORE Districts.

Within the CORE Districts, accountability, support, and assistance across all the LEAs are shared responsibilities. All data for state and locally-developed indicators will be shared across districts and schools so that participating LEAs can hold themselves and each other accountable, and develop cross-LEA collaborative relationships with a culture of excellence, continuous improvement, and collaboration. If data identifies a struggling school, it is teamed with a demographically similar high-performing school to be an ongoing partner for improvement. The front-line consequence for a school district falling short on any measure of success is support and technical assistance by partner school teachers and leaders that are successful, measured by all the accountability metrics in similar demographics. The CORE Districts have a proven track record of effectiveness and they are driven by the collective and individual responsibility to build support educator to educator, school to school, and district to district.

Further, the CORE Districts system includes a rigorous, ongoing process of evaluation and continuous improvement. Through the CORE Districts' partnership with the nonprofit, nonpartisan Policy Analysis for California Education (PACE), qualitative and quantitative data will continue to provide important insights into schools that are excelling and the strategies they are using, as well as help to identify schools in need of additional support. To date, PACE reports have been generated to inform important local, state, and federal policy decisions on chronic absenteeism, student subgroup size, and the use of multiple measures for school accountability purposes.

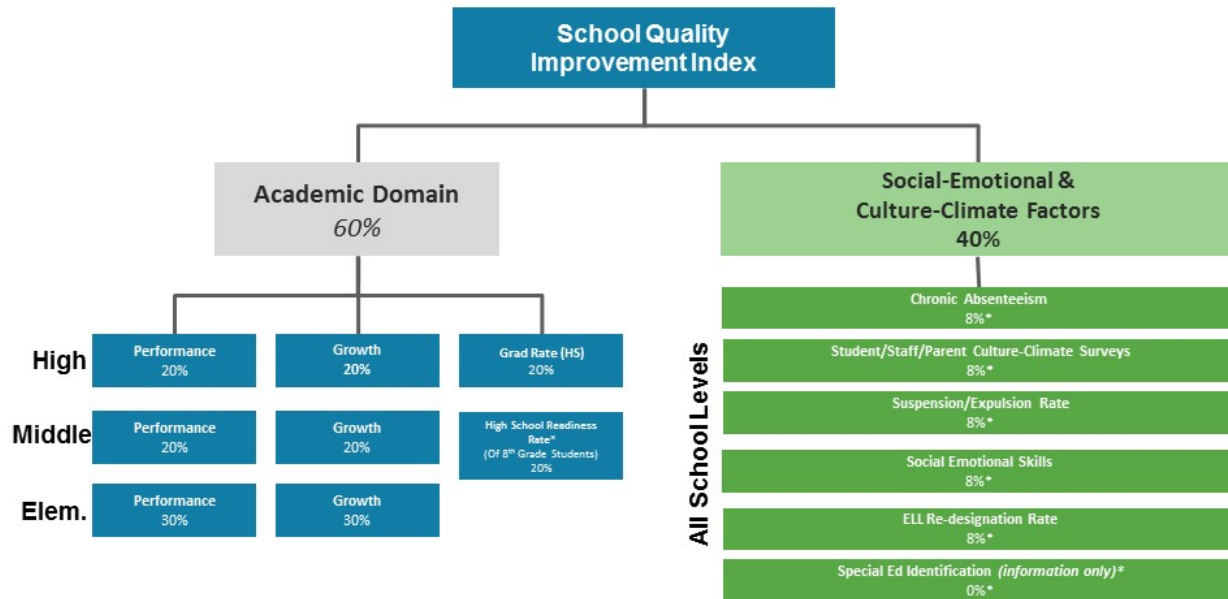
#### **Description of the CORE Districts' System of Accountability and Improvement under the State's ESSA Plan**

With this ESSA waiver in place as part of the State's ESSA consolidated plan, accountability and school improvement in the CORE Districts will function as follows:

The CORE Districts will measure school performance using *all* of California's state adopted indicators, including the academic indicator, graduation rate indicator, English learner progress indicator, suspension rate indicator, and college and career indicator (when available), as well as *additional* locally-developed measures of student academic growth, high school readiness, school climate, and student social emotional learning.

As background, the following graphic shows how the CORE Districts made determinations under the ESEA waiver.

# The CORE Districts' School Improvement and Accountability System



To identify the five percent lowest-performing Title I schools (and those with lowest-performing subgroups) for significant, evidence-based school improvement efforts, the CORE Districts will mirror the methodology adopted by the State, and add specified weight(s) for the locally-developed indicators. While the exact pathways and specific criteria for school level assistance are still under consideration by the State, the CORE Districts support one coherent identification system. Therefore, the State would determine the bottom five percent using the State's accountability measures, and then communicate the absolute number of identified schools for each LEA within the CORE Districts. The CORE Districts then would use the CORE Districts' methodology to identify the same number of schools within the participating LEAs. This approach holds the CORE Districts accountable for supporting and improving their lowest-performing schools like any other district in the State, but it allows the additional accountability indicators to play a role in which schools are identified for improvement.

## Conclusion

In sum, we are proposing to allow the CORE Districts to maintain their locally-driven measures and thus report their outcomes at the school level and identify schools for support and intervention using these measures as part of an innovative pilot in the state. The goal of this waiver request is to build better transparency around innovation, respect local control, improve student outcomes, and provide an opportunity to examine common data about state- and locally-developed accountability measures to better inform school improvement decisions. A waiver would avoid jeopardizing the deep work currently underway in the CORE Districts; confusing both educators and parents in the CORE Districts with two distinct annual accountability determinations; and missing a tremendous opportunity for the State and the nation to learn about the efficacy of the CORE Districts' local measures on student academic growth, high school readiness, student social emotional learning, and school culture climate.

The waiver request is consistent with ESSA's maintenance of a focus on accountability. Indeed, the CORE Districts want to be held accountable based on a full range of state and locally-developed measures that they believe can best advance student outcomes in their context. The theory is that by allowing local innovation to continue in the CORE Districts, intervention will be appropriately focused on schools most in need of comprehensive and targeted support as identified by the full range of state and locally-developed accountability measures.

Accordingly, per Section 8401 of ESSA, the State of California seeks this waiver request to improve student outcomes and inform continuous improvement through innovation and evaluation. This waiver request was shared with stakeholders as part of the State's outreach on its ESSA Consolidated Plan, and that input was considered and reflected in the design of the Core Districts waiver. The State of California is requesting this waiver for a term of four years, as permitted under ESSA, with the right to seek extension and expansion if appropriate based on the impact of these efforts.