



## Elementary and Secondary Education Act and the Arkansas Flexibility Plan

### What is ESEA?

Originally passed in 1965, the **Elementary and Secondary Education Act (ESEA)** is the federal law that holds states accountable for schools' and students' performance in order to receive federal funding. The **No Child Left Behind Act (NCLB)** is the name of the ESEA authorization that was passed in 2001, which required states to develop rigorous standards in language arts, math, and science (Pub. L. 107-110, 115 Stat. 1425).

NCLB also required states to test students in reading, writing, and math in grades 3-8 and in high school, beginning in 2005-06, and in science, beginning in 2007-08. Students' test scores placed them in one of four categories of subject and skills mastery: below basic, basic, proficient, or advanced. The law required schools to increase the percentage of students testing in the proficient or advanced categories each year. It established a series of increasing targets that schools must meet to make **Adequate Yearly Progress (AYP)**. For example, all elementary schools were required to have at least 70% of students proficient in math in 2010 and 77.5% in 2011. The target percentages were established with the goal of having 100% of students testing proficient by the 2013-14 school year. Schools that did not meet AYP for two consecutive years were placed in school improvement and faced increasing sanctions each year. Almost 15 years after NCLB's passage, no state has reached its 100% proficiency target.

### ESEA Flexibility

Although Congress was supposed to reauthorize NCLB in 2007, it could not agree on a new version of the law, and negotiations continue to this day. In the meantime, the U.S. Department of Education (DOE) announced in 2011 that states could apply for ESEA flexibility (or "waivers" from some of the law's provisions), provided that a state meets three main principles:

1. Adopts college- and career-ready [CCR] expectations for all students (such as the Common Core State Standards) and "high-quality assessments", such as the Partnership for Assessment of Readiness for College and Careers (PARCC);
2. Develops a system to evaluate and assist schools based on their growth in English and math test scores and graduation rates, including incentives and interventions to close achievement gaps between student subgroups, e.g., race and socioeconomic status; Arkansas's system is known as **Differentiated Accountability, Recognition and Tiered Support System (DARTSS)**; and
3. Develops teacher and principal evaluation and support systems, such as the **Teacher Excellence and Support System (TESS)**.

Since then, the DOE has approved flexibility plans for 43 states and the District of Columbia. Once Congress reauthorizes ESEA, states' flexibility plans will no longer be valid. So far two states, Oklahoma and Washington, have lost their ESEA waivers due to noncompliance with federal accountability and teacher evaluation requirements, putting their millions of dollars in federal funding at risk.

### Arkansas's 2012 ESEA Flexibility Plan

Arkansas's flexibility plan was first approved in 2012. Individual schools are no longer required to hit the same student performance targets. Instead, each school must cut in half the percentage of students who are not proficient in six years; within this time frame, high schools must also cut in half the percentage of students who do not graduate. For example, a school with 76% proficiency would be required to reduce its students not meeting proficiency by 12 percentage points by 2017, or two percentage points annually.

Under Arkansas's 2012 flexibility plan, schools are now designated as "Achieving" or "Needs Improvement", depending on whether they meet their established performance targets and graduation rates, known as **Annual Measurable Objectives (AMOs)**. The plan also calls for more oversight and support for the schools with the lowest student achievement and the highest achievement gaps between student subgroups.

In 2012, the Arkansas Department of Education (ADE) identified the lowest performing 5% of schools in the state, and designated those 48 schools as "Needs Improvement Priority Schools." Under the flexibility plan, Priority Schools received more oversight from ADE and were required to develop an intensive three-year improvement plan and hire an outside school improvement consultant. ADE identified another 109 schools as "Needs Improvement Focus Schools," which have the largest achievement gaps between Targeted Achievement Gap Group (TAGG) students (i.e., economically disadvantaged, English language learners, and/or students with a disability) and non-TAGG students. Focus Schools received more oversight from ADE, were required to develop a one-year targeted improvement plan, and were allowed to hire an outside consultant. Focus Schools that failed to make progress after one year were required to contract with an outside consultant. ADE also identified 15 exemplary schools as those with high achievement, significant gains without large achievement gaps, or particularly high student performance or significant gains among TAGG students.

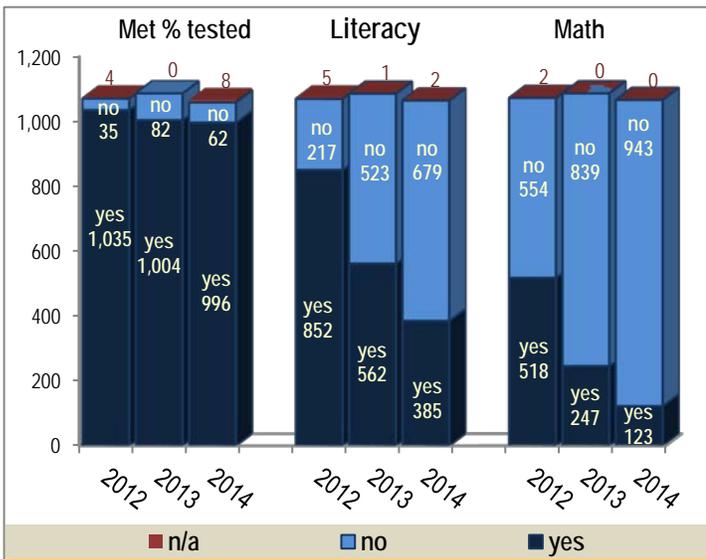
The following chart summarizes the achievement categories of Arkansas schools since the state's ESEA flexibility plan was approved. While the number of schools achieving in graduation rates has increased each year since 2012, there have been sharp declines in the numbers of schools achieving in literacy and math. According to ADE, many of these schools continue to show improvement; however, they did not meet their AMO for the 2013-14 school year. A Priority or Focus School may be removed from the Priority or Focus list by meeting the requirements to be Achieving for two consecutive years. In 2014, one school moved from the Needs Improvement Priority list to the Achieving list, and one Focus School moved from the Needs Improvement Focus list to the Achieving list.

Schools by Achievement Status

Schools by Overall Status	2012	2013	2014	2015
Exemplary	15	9	1	TBA*
Achieving	336	137	67	TBA*
Needs Improvement	581	793	877	TBA*
Needs Improvement Focus	109	90	85	109
Needs Improvement Priority	48	42	37	46

\*The final list of Achieving, Needs Improvement, and Exemplary schools for 2015 will be released in November 2015.

Schools by Achieving Targets



Achieving in Graduation Rate



Revisions to Arkansas's Flexibility Plan

Before Arkansas's 2012 flexibility plan expired at the end of the 2013-14 school year, ADE applied for a one-year extension. The DOE approved Arkansas's proposed amendments to Principles 1 and 2 of its flexibility request. As part of the extension, DOE approved ADE's removal of the requirement for districts with Priority and Focus Schools to hire outside consultants, instead allowing these schools to work with local school improvement specialists. However, the DOE's letter to ADE stated, "Arkansas's continued work with ED [DOE] on its requested changes to Principle 3 will inform ED's decision regarding renewal of Arkansas's ESEA flexibility after the 2014-2015 school year."

ADE submitted its latest ESEA flexibility application in March 2015, followed by an updated version submitted in July 2015, per the U.S. DOE's request. DOE approved the request on August 6, 2015. According to ADE's waiver application: "This ESEA Renewal opportunity presents itself at a critical time in this transition. Student level assessment results from 2015 will reflect students' readiness on CCR constructs rather than constructs assessed in previous assessments—Arkansas's Benchmark and End of Course Exams. These differences in the constructs assessed limit the comparability of students' prior state assessment scores to their performance on the next-generation assessments (PARCC in 2014-15). Thus, results from 2015 assessments will function as a baseline for LEAs [local education agencies] and the ADE to evaluate the transition from Arkansas's state standards to more broadly comparable CCR standards" (p. 19).

Highlights of Arkansas's ESEA Flexibility Plan:

- Eight NCLB student subgroups have been streamlined into three main TAGG groups.
- Arkansas is no longer required to ensure that 100% of students are proficient in math and reading by 2014.
- Districts with schools in school improvement are no longer required to offer supplemental educational services (tutoring through an outside company) or school choice to students who wish to transfer to other schools in the district that are not in need of improvement.

Resources

Arkansas Department of Education (ADE): ESEA Flexibility plans: <http://www.arkansased.gov/esea-flexibility> Individual school & district ESEA reports: <https://adedata.arkansas.gov/arc>

U.S. Department of Education (DOE): ADE's waiver applications and DOE's approval letters: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html>

Center on Education Policy: Comparisons of states' ESEA waivers: <http://www.cep-dc.org/index.cfm?DocumentSubTopicID=48>

Southern Regional Education Board (SREB): "Updated: SREB States Transform School Accountability with NCLB Waivers" (2014): [http://publications.sreb.org/2014/14E02\\_StateAccBriefProfiles.pdf](http://publications.sreb.org/2014/14E02_StateAccBriefProfiles.pdf)