



CALIFORNIA DEPARTMENT OF EDUCATION
TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800



CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827

December 21, 2012

Dear County and District Superintendents and Charter School Administrators:

**UPDATE ON REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES UNDER THE
ELEMENTARY AND SECONDARY EDUCATION ACT**

The purpose of this letter is to provide an update on our progress to reduce the burdens of the No Child Left Behind (NCLB) authorization of the Elementary and Secondary Education Act (ESEA) on California school districts.

The California Department of Education (CDE) and the California State Board of Education (SBE) have become increasingly concerned about the unrealistic goals, labeling, and programmatic burdens put on districts and schools by the current authorization of the ESEA. The escalating proficiency targets and associated sanctions have become less and less useful for identifying which schools and local educational agencies (LEAs) need improvement or for intervening appropriately in these schools and LEAs.

The appropriate solution is for Congress to reauthorize the ESEA, replace its inflexible requirements with provisions that accommodate the differences in state policy approaches, and give districts adequate flexibility to improve student achievement. However, until that occurs, California is obligated to follow current laws and regulations to ensure continued access to Title I funding.

California Filed for an ESEA Waiver in June 2012

The U.S. Department of Education (ED) offered a waiver option in September 2011 that required states to meet additional obligations beyond the scope of ESEA. (See the ED ESEA Flexibility Web page at <http://www.ed.gov/esea/flexibility>.) Following an extensive analysis of the current law and potential costs, benefits, and consequences of seeking such a waiver, we determined that California could not meet the waiver conditions within the required timeline or in the current California fiscal and policy environment.

Despite these concerns, SBE President Mike Kirst and I urged our staffs to continue to pursue options to provide California LEAs with relief from the unrealistic expectations of NCLB. In May 2012, the SBE authorized submission of a request to waive specific accountability provisions of the ESEA, pursuant to Section 9401(b)(1)(C). This waiver request, submitted to ED on June 15, 2012, seeks ESEA relief for LEAs under a timeline that we can commit to meeting, while still pursuing the principles upon which the ESEA waiver package is conditioned. (See the waiver request on the CDE Request for Waiver of Provisions Web page at <http://www.cde.ca.gov/nr/el/le/yr12ltr0615.asp>.) At this time, there has been no formal response to California's ESEA waiver request. However, recent conversations with ED staff indicate ED is prepared to deny our request.

Creating a Meaningful System of School Accountability

California began implementing the Academic Performance Index (API) in 1999. It is a strong accountability model, and since its initial implementation, has remained a meaningful indicator of school improvement and accountability at both the school and community level. For these reasons, the API was used as the primary basis for assignment of technical assistance to LEAs entering Program Improvement Corrective Action in 2011 and 2012. Senate Bill 1458 (Steinberg), which takes effect in January 2013, requires the SBE to consider revisions to the API by the 2015–16 school year. The revised API will include indicators in addition to assessments results. As part of this work, the CDE and the SBE will be reexamining California's system of public school accountability, the goals for its public schools, and the most appropriate methods to measure progress towards those goals.

As you know, California adopted the Common Core State Standards (CCSS) and is on course to implement them on a timeline consistent with state law and the state budget. We are also a governing state in the Smarter Balanced Assessment Consortium (SBAC) and anticipate a transition to the Smarter Balanced online assessments in spring of 2015. We are beginning to implement teacher and administrator initiatives, described in *Greatness by Design, Supporting Outstanding Teaching to Sustain a Golden State*. These recommendations are grounded in research about effective practices for teacher and administrator preparation, induction, professional development, supervision, and evaluation. This document is on the CDE Educator Excellence Task Force Web page at <http://www.cde.ca.gov/eo/in/ee.asp>.

Finally, California has begun the process of updating the tools used to guide schools in assessing their effectiveness. The Essential Program Components (EPCs) that were the basis for current accountability tools will be represented, but the elements will be expanded into a Quality Schooling Framework that describes a richer array of factors that both practitioners and the research community acknowledge contribute to school success. The Framework will provide a foundation for an expanded set of school improvement tools that will better accommodate local differences as California again affirms its commitment to high-quality schooling for each child.

Taken together, these initiatives will provide California the opportunity to redesign the system of school accountability to ensure that it is more meaningful and more inclusive than the current federal accountability system. While we await direction from ED on new requirements for federal accountability, California will continue to use the API as the key indicator in determining whether a school or LEA has made adequate academic progress.

Sincerely,



Tom Torlakson
State Superintendent of Public Instruction
California Department of Education



Michael W. Kirst
President
California State Board of Education

TT/MK:lw