



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 14 2013

Dr. Nancy Golden
Interim Chief Education Officer
Oregon Department of Education
255 Capitol Street NE
Salem, OR 97310

Dear Dr. Golden:

I am writing in response to Oregon's August 13, 2013 request to extend approval of its ESEA flexibility request through the end of the 2013–2014 school year. Currently, Oregon's ESEA flexibility request is approved through the end of the 2012–2013 school year, subject to the conditions that Oregon submit to the U.S. Department of Education (ED) for review and approval an amended request incorporating: (1) the final version of the new report card, including by attaching to the amended request any technical documentation, administrative rules, and other relevant information; and (2) final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including the use of student growth, as defined in *ESEA Flexibility*, as a significant factor in determining a teacher's or principal's summative evaluation rating.

On June 13, 2013, Oregon submitted an amended request intended to support extension of its approval for ESEA flexibility through the 2013–2014 school year. This request included evidence supporting approval of Oregon's new report card rating system, which reflects the State's final system of differentiated recognition, accountability, and support. As a result of this submission, I am pleased to lift that particular condition on the approval of Oregon's ESEA flexibility request.

However, Oregon's amended request also indicated that the State educational agency (SEA) has not yet determined how it will include student growth, as defined in *ESEA Flexibility*, as a significant factor in determining a teacher's or principal's summative evaluation rating, and therefore is unable to submit final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility. Instead, Oregon proposes to continue its piloting and analyses of various methods of including student growth as a significant factor in educator evaluations during the 2013–2014 school year.

As a result of these findings, I have determined that Oregon has failed to meet the second condition that was placed on the approval of its ESEA flexibility request. However, in light of Oregon's on-going efforts to meet the condition and the ESEA flexibility requirements relevant to that condition, I am granting Oregon's request to extend approval of its ESEA flexibility request through the end of the 2013–2014 school year, subject to the condition that Oregon complete the actions listed below. In addition, pursuant to the authority in 34 C.F.R. § 80.12, I am placing Oregon on high-risk status.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

In order to have the condition on the approval of its ESEA flexibility request lifted and its high-risk designation removed, Oregon must:

- Submit to ED, no later than 30 calendar days from the date of this letter, a high-quality plan¹ that includes the following:
 - A description of Oregon’s plan for continued piloting of student growth, including the different weights at which the SEA will pilot the inclusion of student growth based on Statewide assessments for principals and teachers of tested grades and subjects, as well as the process and timeline for selecting a method to include student growth as a significant factor and updating the State’s guidelines to include that method.
 - A description of the data that Oregon will use and provide to ED to demonstrate that Oregon’s final guidelines include student growth, as defined in *ESEA Flexibility*, as a significant factor, which includes demonstrating that growth is included with sufficient weighting to ensure that performance levels will differentiate among teachers and principals who have made significantly different contributions to student growth. At a minimum, this data must include, for the various weightings and methods of student growth that are piloted to include: 1) comparisons between summative performance ratings and the different components (*i.e.*, professional practice, professional responsibilities, and student learning and growth) and any subcomponents of the system 2) comparisons between the overall student growth and learning rating and the individual subcomponents of student growth and learning; and 3) the distribution of ratings for each component of the system.
 - The SEA’s plan for ensuring that LEAs will include Oregon’s final method for including student growth as a significant factor in time for LEAs to fully implement evaluation and support systems consistent with ESEA flexibility requirements in the 2014–2015 school year.
- Following ED’s Part B monitoring, which is scheduled for October 2013, provide updates to ED on a monthly basis on its progress in carrying out its high-quality plan to address the outstanding conditions on the approval of its ESEA flexibility request and ensure its teacher and principal evaluation and support system meet the principles of ESEA flexibility.
- By May 1, 2014, submit to ED an amended request that incorporates final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including the use of student growth, as defined in *ESEA Flexibility*, as a significant factor in determining a teacher’s or principal’s summative evaluation rating. Along with the amended request, Oregon must provide ED the data described above and outlined in its high quality plan.

Please note, in addition, that should Oregon request renewal of ESEA flexibility beyond the 2013–2014 school year, ED would not be able to grant that renewal until the issues that resulted in Oregon’s continued condition and high risk status are resolved. If those issues cannot be resolved prior to the start of the 2014–2015 school year, Oregon may not be able to continue with its implementation of ESEA flexibility beyond the 2013–2014 school year.

Oregon may request reconsideration of its high-risk designation by submitting to me in writing, no later than 10 business days following date of this letter, a detailed discussion setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If Oregon

¹ As outlined in the document titled *ESEA Flexibility Request*, a high-quality plan includes the following elements: key milestones and activities, detailed timeline, party or parties responsible, evidence, resources, and significant obstacles.

chooses to request such reconsideration, that request must be submitted via email to me, with a copy to Christina Imholt, as well as by certified U.S. mail or commercial delivery. If I do not receive a request for reconsideration within 10 business days following the date of this letter, Oregon's high-risk status will be considered final and will be lifted only upon completing the actions set forth above.

Oregon continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility, as well as their implementation of all other Federal education programs. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

In the coming days, ED will post the amended version of Oregon's ESEA flexibility request that reflects the changes that were made to meet the condition related to Oregon's final system of differentiated recognition, accountability, and support. If you have any questions regarding this letter or the implementation of Oregon's ESEA flexibility request, please do not hesitate to contact Christina Imholt of my staff at: christina.imholt@ed.gov or 202-401-3584. Thank you for your continued focus on enhancing education for all of Oregon's children.

Sincerely,



Deborah S. Delisle
Assistant Secretary

cc: Rob Saxton, Deputy Superintendent of Public Instruction
Tryna Luton, Director of School Improvement and Accountability