Minnesota Department of Education

August 16, 2011

The Honorable Arne Duncan, Secretary
U.S. Department of Education
400 Maryland Ave SW
Washington, D.C. 20202

Dear Secretary Duncan:

I am writing on behalf of the State of Minnesota to respectfully request a waiver of provisions of Title I of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act (NCLB). We urgently request this temporary relief until such time as Congress passes ESEA.

We are not asking for relief from accountability. Rather, we are seeking relief from a failed law that does not accurately measure our state's progress toward higher expectations and better academic achievement for all students. Minnesota is known for rigorous academic standards aligned to college and career readiness that set high expectations for every student. Along with our high standards, we have implemented tougher, more rigorous assessments while simultaneously raising our proficiency targets. We did so because it was the right thing to do by our students even though we knew the results we reported might not bode well for Minnesota's standing under NCLB.

Minnesota is not proud of the persistent and unacceptable disparities in achievement between and among students that plague our state, and we are urgently focused on correcting this intolerable reality. This urgency has brought us to the cusp of nation-leading reform. We are already creating new systems that will lead to better teacher and principal effectiveness, improved literacy, and expanded access to quality early learning opportunities for our children. A waiver of certain provisions of NCLB would allow us to continue our innovative efforts to hold schools accountable, while providing greater flexibility in the way we promote student achievement and school accountability. Given scarce resources and capacity, we believe a more focused and strategic approach is needed for faster school improvement and better results for children.

Minnesota is seeking waivers from two problematic provisions of NCLB that have proven to be inconsistent with our efforts at sustained and innovative school reform. First, we request the ability to hold Adequate Yearly Progress (AYP) targets constant for three years to allow us to develop a new assessment and accountability model that fairly and accurately measures school performance and provides meaningful instructional guidance to teachers based on individual student growth. Second, we request a waiver from the financial sanctions imposed on Title 1 schools and districts that have been identified for improvement under current law. If granted the requested waivers, we take full responsibility for, and will work with districts to intervene with our most challenged schools, otherwise known as "turn around" schools. The specifics of our waiver request are included in a separate attachment.

Minnesota continues to believe accountability is necessary to ensure all of our children are prepared to compete in a competitive 21st Century global marketplace. However, we do not believe the current requirements of NCLB are helping our schools toward the academic success students deserve and that the law set out to achieve. We respectfully request expedited action on this waiver request in order to

continue our rigorous efforts to redesign an accountability system that better meets the needs of our Minnesota districts, schools, teachers and most importantly, Minnesota students.

Please feel free to contact me at 651-582-8204 if you have any questions regarding this request. Thank you for your courageous leadership on behalf of our children.

Sincerely,

Brenda Cassellius

Dr. Brenda Cassellius
Commissioner
Minnesota Department of Education

Minnesota Waiver Addendum
8.16.2011

AYP Target Waiver

Minnesota is requesting a waiver to hold AYP targets at current levels for three years. We believe AYP is not an accurate measurement of school and district achievement. Since 2006, Minnesota has seen an increase in proficiency in every measured subgroup. Yet as a result of the 2010 AYP determinations, Minnesota had 1,048 schools and 297 districts labeled "failing."

By holding targets at their 2010 levels, we can continue to measure students and schools without creating undue hardship for otherwise excellent schools that would face sanctions for failing to reach increasingly unrealistic targets. (Please see the attached table to see what reading and high school math targets would be under our proposed plan.)

Minnesota would not ask for this flexibility if we were not prepared to do the hard work of replacing it. Immediately, we will begin a dialogue with key education stakeholders to develop an innovative assessment and accountability model that continues Minnesota's history of holding schools to the highest standards. We will model this system on the principles outlined in the framework recently developed by the Council of Chief State School Officers.

Our new system will focus on measuring student growth, and utilize a broader spectrum and deeper analysis of data. Additionally, we seek to develop a next-generation assessment model that provides teachers with more accurate and usable data from fewer tests. These new assessments will provide teachers with comprehensive and valid information they can use to help them improve student instruction in order to improve student outcomes. Holding AYP targets constant will give us the time to fully develop and implement our new statewide assessment accountability system.

Waiver from NCLB Financial Sanctions

Minnesota is also requesting a waiver from the NCLB-mandated school and district improvement financial sanctions. These sanctions require a significant portion of already scarce resources be used in ways that have not proven to be consistently effective in promoting greater and sustained student achievement. Minnesota currently has 297 schools using resources on school choice, 191 using resources on SES, and 112 using resources on corrective action. Another 157 schools will be required to set aside funds that could be used toward innovative new reforms and demonstrated best practices if they fail to make AYP this year. Furthermore, we have 84 districts in Corrective Action and dozens more that we anticipate will join that list this year if they fail to make AYP.

We do not believe these numbers paint an accurate picture of student performance in Minnesota. We also do not claim that all of our schools are meeting our shared goals for every student. Our state has one of the largest gaps in achievement in the nation between both white and affluent students, and minority students and students who receive free and reduced priced lunch. This alarming disparity must be treated as a state crisis that demands urgent attention. One cause of this achievement gap is that some schools simply lack tools and capacity, or have not been given adequate support to meet the diverse learning needs of increasingly complex and shifting student demography. That's because under the current NCLB intervention model, the state and LEAs are required to direct school improvement resources toward schools already making great strides but labeled as "failing" due to the performance of a small subset of students, rather than directing those resources to the most persistently low-achieving schools. It is the under-achieving schools which require the most intense, focused and research-based interventions tailored

by the state in collaboration with the LEA and the surrounding community. One of the great ironies of this law is that we are in the business of providing additional support to great schools incorrectly labeled as "failures" at the expense of the very schools which need the most support.

Knowing the positive impact a supportive community can have on schools, we will continue to encourage districts to take advantage of opportunities to work collaboratively with their community-based organizations and partners that are currently providing high-quality, effective SES and /or other supports in order to fully maximize and align local resources. This is especially important as schools seek to provide rich, culturally relevant intervention and support to students and families.

The state will continue to identify and support the most persistently low-achieving districts and schools, therefore accomplishing our goal of strategically focusing limited resources where the need is greatest. For LEAs in any stage of improvement, regardless of whether a school receives title funding or not, we propose locally developed interventions tailored by the LEAs. Through the Minnesota Department of Education's Offices Turnaround Schools and School Improvement, we will work with LEAs to ensure our "turnaround" schools are making intense and appropriate changes necessary to ensure all students are succeeding. This greater flexibility would ensure our supportive efforts are not be limited solely to Title I schools, but will allow us to intervene with persistently low-achieving non-Title I schools that are currently overlooked under NCLB.

If we are successful in our waiver request and beginning with the 2011-12 school year, the State will not identify new schools or districts for improvement during the time of the temporary three-year waiver, or until such time as NCLB is reauthorized. Instead, we will continue to hold accountable the schools and districts currently identified for improvement, and continue to offer intensive support as they implement new reforms.

Accountability Reporting

We acknowledge parents and taxpayers should know how schools in their community are performing. We will replace simple "Making AYP" and "Not Making AYP" labels with accurate and user-friendly web-based data tools and reporting.

The Minnesota Department of Education is redesigning its website, scheduled to be released in late fall. The centerpiece of this new website is a data center with specific pages that allow parents to thoroughly and objectively evaluate their school's performance. We believe providing parents and taxpayers with timely access to tools they can use to evaluate their school's performance will provide far more accurate and fair information than often-confusing labels and inaccurate systems based on invalid assessment results.

Attachment 1- Proposed AYP Targets

Math	1	2	3	4	5	6	7	8	9
Grade	**2006**	**2007**	**2008**	**2009**	**2010**	**2011***	**2012**	**2013**	**2014**
3	0.7895	0.7895	0.8196	0.8496	0.8797	?	?	?	N/A
4	0.6964	0.6964	0.7398	0.7831	0.8265	?	?	?	N/A
5	0.5979	0.5979	0.6553	0.7128	0.7702	?	?	?	N/A
6	0.5989	0.5989	0.6562	0.7135	0.7708	?	?	?	N/A
7	0.5880	0.5880	0.6469	0.7057	0.7646	?	?	?	N/A
8	0.5839	0.5839	0.6433	0.7028	0.7622	?	?	?	N/A
11	0.2813	0.2813	0.3840	0.4866	0.5893	0.5893	0.5893	0.5893	N/A

Reading

Grade	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
3	0.7222	0.7222	0.7619	0.8016	0.8413	0.8413	0.8413	0.8413	N/A
4	0.6948	0.6948	0.7384	0.7820	0.8256	0.8256	0.8256	0.8256	N/A
5	0.7193	0.7193	0.7594	0.7995	0.8396	0.8396	0.8396	0.8396	N/A
6	0.7027	0.7027	0.7452	0.7876	0.8301	0.8301	0.8301	0.8301	N/A
7	0.6563	0.6563	0.7054	0.7545	0.8036	0.8036	0.8036	0.8036	N/A
8	0.6404	0.6404	0.6918	0.7431	0.7945	0.7945	0.7945	0.7945	N/A
10	0.6477	0.6477	0.6980	0.7484	0.7987	0.7987	0.7987	0.7987	N/A

* Please note that due to a new math assessment administered in 2011, new AYP math targets for Grade 3-8 have yet to be determined.