

# Maintaining a Focus on Subgroups in an Era of Elementary and Secondary Education Act Waivers



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The Campaign for High School Equity (CHSE), a diverse coalition of national civil rights and education advocacy organizations, is publishing a series of papers analyzing state applications for flexibility waivers under the Elementary and Secondary Education Act (ESEA) of 1965 to engage communities of color on important issues affecting their children's education. These documents will highlight and explore specific topics within the ESEA waiver framework that CHSE believes are critical to ensuring that all students receive the education they need to succeed.

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# I. Introduction

We, as a nation, hold public schools accountable for the academic achievement of underserved students. Since the most recent version of the Elementary and Secondary Education Act (ESEA) was passed in 2001, specific subgroups<sup>1</sup> of students, including students of color, Native, English Language Learners (ELLs), and low-income students, have been disaggregated to deliberately mark their progress. This attention to at-risk subgroups has been a hallmark of federal education policy and a critical tool for giving parents, communities, and other stakeholders the information they need to help improve schools in every community.

While this version of ESEA, titled No Child Left Behind (NCLB), was a step forward, it has not been enough. We still face significant challenges. Every school year, more than one million students fail to graduate from our nation's high schools, amounting to approximately 6,000 students lost each day of the year or one student every 29 seconds.<sup>2</sup> While the most recent data show that, over the past decade, graduation rates have risen slightly for Latino and African American students, there remains a persistent and troubling gap in graduation rate between the highest- and lowest-achieving subgroups.<sup>3</sup> Moreover, data from the U.S. Department of Education show that students living in low-income families are far more likely to drop out of high school than their wealthier peers.<sup>4</sup>

The Campaign for High School Equity (CHSE) is a diverse coalition of national civil rights and education organizations representing communities of color. CHSE's mission is to ensure that high schools prepare every student for graduation, college, work, and life. CHSE advocates in behalf of students of color, Native, ELL and low-income students, united under the mission of raising every U.S. high school to the high level of excellence that all of the country's youth deserve and upon which the nation's future depends. We support a new and focused ESEA that ties federal funding to clear expectations for high achievement, the closing of achievement gaps, and continued progress in high school graduation rates among underserved students.

It is once again time to update and improve ESEA in order to accelerate progress for students and address the inequities plaguing our schools. Congress has not been able to come to agreement on how to update the law, and in the absence of congressional action, the Obama administration created a new and controversial policy that allows states to request a waiver, which discontinues key provisions of ESEA if states implement certain education reforms in their place. This policy raises serious concerns about whether traditional subgroups of students will continue to receive the attention and support they need in order to graduate high school ready for college and career.

While the intent of the policy is to support state leadership and innovation in the design of their accountability systems, the great risk for these students is that the complexity and individual variation of the state waiver plans greatly diminishes the clarity and transparency of the accountability system under NCLB. This makes it very

- 1 The term "subgroups" is used to describe student groups such as African American, Hispanic, etc. through this report because it is a term adopted by the Obama administration and widely used in the literature on NCLB.
- 2 Christopher B. Swanson, "Graduation Rates Rises, Strong Gains Among Latinos," Special issue of *Education Week* 31, issue 34, *Diplomas Count 2012: Trailing Behind, Moving Forward—Latino Students in U.S. Schools*, Editorial Projects in Education Research Center, <http://www.edweek.org/ew/articles/2012/06/07/34analysis.h31.html> (accessed July 7, 2013). 27, 29.
- 3 This is a supplement to the magazine article above. Editorial Projects in Education Research Center, "Graduation rates in the United States," Special issue of *Education Week* 31, issue 34, *Diplomas Count 2012: Trailing Behind, Moving Forward—Latino Students in U.S. School*, <http://www.edweek.org/media/ew/dc/2012/Graduation-in-the-US-table.pdf> (accessed July 5, 2013).
- 4 Chris Chapman, Jennifer Laird, and Angelina Kewal Ramani, "Trends in High School Dropout and Completion Rates in the United States: 1972-2008 Compendium Report (NCES 2011-02)," Institute of Educational Sciences, National Center for Education Statistics, U.S. Department of Education, last modified December 2010, <http://nces.ed.gov/pubsub/2011/2011012.pdf> (accessed July 6, 2013).

difficult for policymakers, educators, parents and the public to understand and monitor how accountability is serving to identify the needs of these students and to trigger necessary interventions for them. CHSE strongly believes the hallmark of an effective accountability system is this clear and certain connection between identifying needs and triggering interventions. We define triggering intervention as requiring intervention, rather than “driving” intervention, which is open to interpretation.

As of August, 2013, 41 states and the District of Columbia have been approved for ESEA waivers. This paper analyzes the 35 waiver applications (34 states and the District of Columbia) that were approved as of April, 2013.<sup>5</sup>

CHSE has monitored these state ESEA waiver plans for trends in how the needs of subgroups of students, including students of color, are being addressed. CHSE’s examination of states’ ESEA waiver plans shows that many states have failed to address clearly and fully the needs of our most vulnerable students. Some states, with the approval of the U.S. Department of Education, abandon a primary focus on subgroup accountability—a central tenet of NCLB—and weaken efforts to close achievement gaps and improve education for all students. Significant progress has been made under NCLB to ensure that the needs of all students—including underserved students—mattered; a school could not be deemed successful, regardless of overall performance, if a subgroup of students was struggling. Provisions of NCLB have ensured that the achievement of all students by subgroup was counted; school progress regarding improving achievement of subgroups of students was publicly reported, and when a school did not adequately improve student achievement for subgroups of students, an intervention was triggered to better support student success. While NCLB has many provisions that need revision, subgroup accountability provisions have shone a bright light on the achievement of all students and have ensured that the children who need it most get help. Yet, our analysis shows that several of the Administration’s approved ESEA waivers undermine subgroup accountability, instead of making it the central focus of statewide accountability systems.

Under NCLB, the low academic achievement of a single subgroup triggered an intervention. In other words, if a single subgroup missed a performance target for two or more consecutive years, the school was required by federal law to implement an intervention. Under waivers, the Administration is allowing several states to use subgroup data to “drive” interventions in schools. The term “drive” is undefined, though it appears to mean “inform.” The difference between subgroup accountability under NCLB and under waivers is that, under NCLB, subgroup performance triggers an intervention. Under waivers in several states, it appears subgroup data will inform intervention, but may not trigger it.

## Questions to guide your reading

This report analyzes state ESEA waiver plans and how they affect subgroup accountability. We identify trends across states in their treatment of student subgroups and highlight examples of state plans where the apparent lack of subgroup accountability is of particular concern. The brief broadly addresses the following questions:

- Will schools and districts be held accountable for continued improvement on traditional ESEA student subgroup data?
- Will low performance by or a gap in the performance of student subgroups trigger supports or interventions in order to improve achievement?

It is also important to understand that as of June 2013, information available to the public on the state ESEA waiver plans is both complex and vague at varying points. In addition, certain aspects of several state plans are not finalized and could be subject to change.<sup>6</sup> Therefore, not all aspects of state plans are clear or understandable to

5 U.S. Department of Education, “Obama Administration Approves NCLB Flexibility Request for New Hampshire 39 States and DC Now Approved for Waivers,” *Ed.gov*, last modified June 26, 2013, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-request-new-hampshire-39-states-a> (accessed July 5, 2013).

6 A state may have received conditional approval from the U.S. Department of Education because certain elements of its plan required state legislative approval. These plans are thus not yet final. Other states that were fully approved may request to change their plans. Virginia is one such state that has amended its ESEA flexibility request and has since been approved [see Deborah S. Delisle, letter to Superintendent Patricia I. Wright, “ESEA Flexibility Amended Determination Letter,” *Ed.gov*, March 5, 2013, <http://www2.ed.gov/policy/eseaflex/secretary-letters/va1.html> (accessed July 5, 2013)].

the public. Our analysis only used this publicly available information. In order to support public and stakeholder engagement and inclusion, CHSE encourages the clarification of these waivers as they are implemented.

## A. Background

Prior to the passage of NCLB, there was not a clear requirement for states to set specific achievement targets or goals for particular subgroups of students. Nor did previous versions of ESEA include a requirement to publicly report overall graduation rates, let alone by racial and ethnic subgroups.<sup>7</sup> In fact, prior to the issuance of 2008 graduation rate regulations, graduation rate data were collected under a range of standards and reported inconsistently across states, resulting in largely unreliable information.

NCLB requires schools to track and respond to lagging performance by students of color and members of other at-risk subgroups. It holds states, school districts, and schools accountable for the academic success of all students and for the following subgroups of students specifically: racial and ethnic minority students, students with limited English proficiency,<sup>8</sup> students from low-income families, and students with disabilities.

### 1. Subgroups Included in NCLB State Accountability Systems

Under NCLB, the academic achievement of the following subgroups: “economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency” is to be included in states’ accountability systems.<sup>9</sup> However, for **reporting** purposes NCLB requires data to be disaggregated by the same subgroups as above *plus* gender and migrant status.<sup>10</sup>

The accountability requirements of NCLB as enacted<sup>11</sup> are based on schools’ and local educational agencies (LEAs)’ adequate yearly progress (AYP), as determined by each state, towards the goal of 100 percent proficiency of all students and all subgroups in reading or language arts<sup>12</sup> and math by 2014. Under NCLB, schools are not only required to track and set performance targets or annual measurable objectives (AMOs)<sup>13</sup> for all students and for the subgroups described above, but schools are also required to set aside funds for tutoring and public school choice and implement specific interventions if a school repeatedly does not meet its academic benchmarks. NCLB gives parents, educators, and policy and community leaders data and tools to better understand and address the educational needs of all students in their schools. It also ensures that no school is deemed successful in state accountability systems if it does not address the needs of all students and specified student subgroups.

7 Eric Richmond, “Every Student Counts: The Role of Federal Policy in Improving Graduation Rate Accountability,” *Alliance for Excellent Education*, last modified March 16, 2009, [http://www.all4ed.org/files/ESC\\_FedPolicyGRA.pdf](http://www.all4ed.org/files/ESC_FedPolicyGRA.pdf) (accessed July 6, 2013).

8 Note: There is variability in how states and districts reference this subgroup of students. Terms include limited English Proficient (LEP), English language learner (ELLs), and English learner (EL). This publication uses ELL in most cases unless statute or state applications use a different term.

9 No Child Left Behind Act of 2001, P.L. 107-110, ESEA section 1111(b)(2)(C)(v), 107th Cong., January 8, 2002, *Ed.gov*, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1111> (accessed June 7, 2013).

10 No Child Left Behind Act of 2001, P.L. 107-110, ESEA section 1111(h)(1)(C)(i), 107th Cong., January 8, 2002, *Ed.gov*, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1111> (accessed June 7, 2013).

11 Note that NCLB is still law today and that the phrase “as enacted” is used in several instances throughout the paper because the statutory requirements may no longer apply to states that have received waivers.

12 Note: There is variability of how states and districts reference this subject area. Terms include, but are not limited to: English language arts (ELA), reading, language arts, reading and writing, or a combination of these phrases. For the purposes of this paper, we will use “reading or language arts” as it is the language of the statute. However, when a state example is used, its terminology is utilized.

13 Under NCLB, Annual Measurable Objectives (AMOs) are a measurement (usually a target percentage of students to achieve proficiency that increases over time) used to determine if a school or district is making adequate yearly progress (AYP) toward the goal of having all students proficient in reading or language arts and mathematics by 2013-2014. Now, under ESEA flexibility waivers, states’ AMOs vary and are not required to lead to 100 percent proficiency by a given year.

## 2. What are ESEA Waivers?

No Child Left Behind—the federal education law that governs funding for schools through programs like Title I, II, and III—is now more than 10 years old, and most educators, parents, and other stakeholders agree that it needs to be updated and improved. With the delay in Congressional action to reauthorize the law, President Obama announced on September 16, 2011, that the U.S. Department of Education would permit states to waive key provisions of NCLB. This ESEA waiver policy would supersede many requirements enacted through NCLB. Some example of current law provisions that can be waived include:

- Existing proficiency targets requiring states to reach 100 percent proficiency for all students by the 2013-2014 school year.
- School improvement requirements, including the required expenditures for public school choice and supplemental education services (see Appendix A for full list).

In exchange for the flexibility to waive certain provisions under current law, the U.S. Department of Education requires that states adopt a wholesale package of reforms that are focused largely on the following:

1. Implementing college- and career-ready standards, which may include the Common Core State Standards (CCSS);
2. Establishing an accountability system that includes a way to identify schools in three categories: Priority Schools (the lowest-performing 5 percent of schools); Focus Schools (the 10 percent of schools that have the largest gaps in performance among subgroups); and rewards schools (the highest-performing schools); and
3. Evaluating and supporting teacher and principal effectiveness.

To date, 47 states (plus the District of Columbia, the Department of the Interior/Bureau of Indian Education, and Puerto Rico) have applied for ESEA waivers of which 39 states and the District of Columbia have been approved.<sup>14</sup> Four states have not requested a waiver.<sup>15</sup>

14 This information is current as of June 26, 2013. U.S. Department of Education, "Obama Administration Approves NCLB Flexibility Request for New Hampshire 39 States and DC Now Approved for Waivers," *Ed.gov*, last modified June 26, 2013, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-request-new-hampshire-39-states-a> (accessed July 2, 2013).

15 Montana and Nebraska have not applied. North Dakota and Vermont applied but then withdrew their requests. U.S. Department of Education, "Obama Administration Approves NCLB Flexibility Request for New Hampshire 39 States and DC Now Approved for Waivers," *Ed.gov*, last modified June 26, 2013, <http://www.ed.gov/news/press-releases/obama-administration-approves-nclb-flexibility-request-new-hampshire-39-states-a> (accessed July 2, 2013).

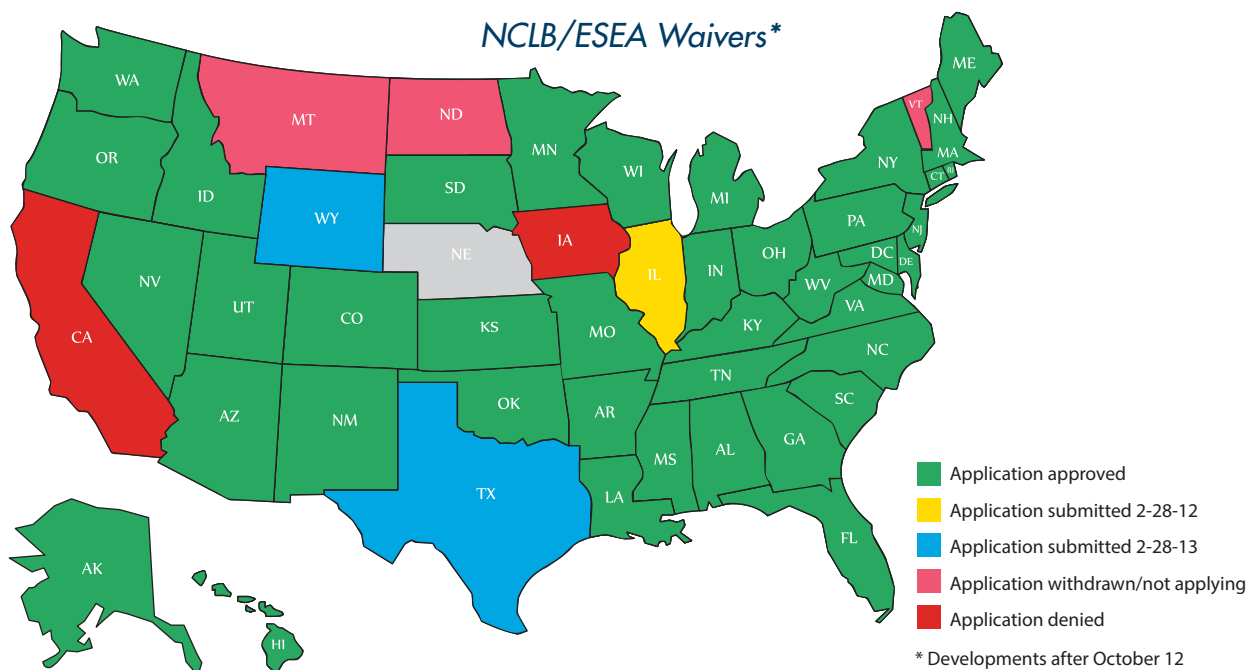
# II. States' ESEA Waiver Plans for Subgroups in Their New Accountability Systems

## A. Accountability Systems

Under the Administration's ESEA waiver plan, each state is to develop its own accountability system that puts all children on a trajectory to college and career readiness, but the treatment of subgroups of students varies substantially. While NCLB required a uniform accountability system (albeit with considerable flexibility for implementation at the school and district levels), many states chose to run two parallel accountability systems, one that met federal requirements and an additional state system. Many of the states seeking ESEA waivers proposed to replace the NCLB accountability system with a variation of their existing state accountability system. CHSE is tracking all approved states for trends to see how the needs of students of color and high school students are being addressed in states' ESEA waiver plans.

One thing is clear: there is no consistency in how states treat subgroups in their accountability systems. This means that the achievement of underserved students will matter less in some states than in others.

The following map from the Center on Education Policy's website<sup>16</sup> reflects states' current waiver status as of August 12, 2013:<sup>17</sup>



<sup>16</sup> <http://www.cep-dc.org>

<sup>17</sup> Center for Education Progress, "Tracking Requests for State Waivers after October 12, 2011," *Federal Education Programs: NCLB, ESEA Waivers*, <http://www.cep-dc.org/index.cfm?DocumentSubTopicID=48> (accessed August 20, 2013). Note that the map on CEP's website is dynamic and automatically updates as changes in state waiver status occurs. Note: Iowa's waiver request was originally denied, but is now under review by the Department.



## What is a state accountability system?

Under NCLB, a state must demonstrate that it has a single statewide accountability system that is based on the state academic standards and assessments and that includes a definition of Adequate Yearly Progress (AYP) that enables all students in the state to meet 100 percent proficiency by 2014.

- AYP is measured for students in the aggregate and by disaggregated subgroups—economically disadvantaged students, major racial and ethnic groups, students with disabilities, and English language learners.
- States must establish a timeline with annual measurable objectives, with the end goal of 100 percent student proficiency by 2013-2014.
- To make AYP, schools must reach the state annual measurable objective in a given year both for students in the aggregate and for each subgroup.
- Title I schools that do not meet AYP for two consecutive years are identified as in need of improvement and are then subject to specific supports and interventions that escalate after each year of missing AYP.

Under ESEA waivers, state accountability systems vary substantially across states.

- Adequate Yearly Progress no longer exists. States must still develop annual measurable objectives (AMOs); however, in many of these states, interventions are not required by these AMOs.
- In many cases, AMOs will vary by student subgroup, school, and in some cases by district, rather than being uniform statewide as under the NCLB statute.
- In addition, AMOs do not necessarily classify a school as in need of intervention or support. The lowest-performing Title I schools as defined by the state, as opposed to all Title I schools not meeting AYP, are subject to specific supports and interventions.
- While state accountability systems must still be based on the state academic standards and assessments, they may include other measures as well (e.g., measures of student academic growth and achievement gaps).

## B. Subgroups in State Accountability Systems

Under ESEA waivers, the Department has approved state plans to implement accountability systems that treat student subgroups significantly different from current law, which ensures the same level of accountability for all student subgroups; waivers do not. Appendix A lists the Department's waivable ESEA provisions. Appendix B shows the subgroups that states use for school identification, triggering supports and interventions. Troublesome trends in the treatment of these subgroups under ESEA waiver plans will be explored further in the following sections of the report (See Appendix B for state-specific information).

# III: Trends in State Accountability Systems under ESEA Waivers

There are a variety of approaches used for subgroup accountability by the states with approved ESEA waiver plans. Although there is some ambiguity in state ESEA waiver plans, CHSE detects some overarching trends in how states realigned student subgroups, developed proficiency targets (AMOs) and systems of school identification, and determined what supports or interventions would be implemented once low-performing schools were identified. All of these accountability elements will affect how students will be served by public schools in ESEA waiver states.

## A. Super Subgroups

One of the most significant changes made in accountability systems in ESEA waiver states is in redefining student subgroups. Several approved waiver states created a new, so-called “super subgroup” of students as some part of a new accountability system, including in some cases as a way to identify schools in need of improvement. To date, there are three main ways in which ESEA waiver states have formed a super subgroup. They have: (1) combined multiple ESEA subgroups or traditionally underserved students to form one group;<sup>18</sup> (2) created a subgroup determined by achievement level regardless of ethnic/racial or economic status; or (3) used a combination of those two methods. Some examples of these three approaches to super subgroups include:

### 1. Combining multiple ESEA subgroups into one:

- a. Some states combine multiple student subgroups. For example, South Dakota combines Native students, Hispanic, economically disadvantaged, students with disabilities, and ELLs into one single group to create a “Gap Group.”<sup>19</sup>
- b. Others, such as Rhode Island, combine ELLs and students with disabilities into a group when there are too few ELLs to meet the threshold for accountability purposes.<sup>20</sup>

### 2. Based on achievement level:

- a. Louisiana<sup>21</sup> and Utah<sup>22</sup> create a “non-proficient” or “below proficient” subgroup.
- b. Similarly, some states, like Indiana and Florida, create a “bottom 25 percent” subgroup; others, like Kansas<sup>23</sup> and Michigan,<sup>24</sup> create a “lowest-performing 30 percent of students” subgroup.

18 Some states who decided to combine student subgroups indicated that they did it to address the fact that at times individual subgroups were too small to be counted.

19 South Dakota Department of Education, “ESEA Flexibility Request (Amended June 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sd.html> (accessed June 7, 2013), 34-35.

20 Rhode Island Department of Education, “ESEA Flexibility Request (Amended May 23, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 50.

21 Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 62.

22 Utah State Office of Education, “ESEA Flexibility Request (Amended May 25, 2012),” *Ed.gov*, U.S. Department of Education, (accessed June 7, 2013), <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ut.html> (accessed June 7, 2013), 36.

23 Lowest-performing 30 percent of students is discussed in terms of “Gap Reduction Measures” component of state’s accountability system. Kansas State Department of Education, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 71.

24 Michigan Department of Education, “ESEA Flexibility Request (Amended December 17, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html> (accessed June 7, 2013), 55.

### 3. Combination of the two groups above:

- a. Colorado creates “minority” and “students needing to catch up” subgroups under its growth gap<sup>25</sup> performance indicator.
- b. Virginia creates different “proficiency gap” subgroups that combine traditional ESEA subgroups in three ways:<sup>26</sup> (1) students with disabilities, ELLs, and economically disadvantaged students get joined; (2) African American students, not of Hispanic origin, including students with disabilities, ELLs, and economically disadvantaged students become another group; and (3) Hispanic students, of one or more races, including students with disabilities, ELLs, and economically disadvantaged students make up another group.

The Campaign for High School Equity is troubled by the use of super subgroups in most of these states. In these states, the U.S. Department of Education approved accountability systems which do not trigger intervention based on individual ESEA subgroup performance. For example, a school in a state which uses exclusively the “bottom quartile” super subgroup is only required to show continued improvement in the bottom quartile, not the individual subgroups. If the bottom quartile has 20 percent of subgroup A and 5 percent of subgroup B, then so long as subgroup A continues to increase, the school is under no requirement to tend to the individual educational needs of subgroup B. Under waivers, states can return to an era of less accountability, where the performance of underserved students does not trigger intervention. The Campaign for High School Equity cannot endorse this. This eliminates one of the most important civil rights victories in education law, and returns us to a time where states may not be responsive to the needs of underserved students.

The U.S. Department of Education has commented that the number of students within the traditional ESEA subgroups that are captured within state accountability systems is much greater under waiver states than under current law. “Capturing” more students, however, is not the goal. Simply because a student is “captured” within the accountability system does not mean that such a student will receive support—only students that attend Priority or Focus Schools are guaranteed to receive intervention. The question that must be answered is, do waivers include greater or fewer students from subgroups in schools that are implementing required interventions?

It is too early in the waiver process to provide a concrete answer to this question; however, the wide use of super subgroups suggest that in some states, fewer students from subgroups will receive the support they need to improve. Our analysis shows that fewer schools are identified as Priority and Focus schools under waivers than were identified for improvement under ESEA<sup>27</sup> (see “Identifying Schools in Need of Improvement” and Appendix D).

The chart in Appendix C provides a summary showing which states have created super subgroups, which subgroups are combined, and their plans for the use of the super subgroup, including whether it is used as part of a state’s accountability system.

25 Colorado defines “growth gap” as “Academic Growth to Standard by disaggregated group.” See Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 58.

26 Virginia Department of Education, “ESEA Flexibility Request (Amended January 11, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 41.

27 For example, in 2012 in the District of Columbia, 98 fewer schools were identified for intervention under the approved ESEA state waiver plan than were identified under current NCLB law. In New Mexico, approximately 317 fewer schools were identified.

## B. Annual Measureable Objectives

Under NCLB, AMOs<sup>28</sup> (usually a target percentage of students to achieve proficiency, which increases over time) are used to determine if a school or district has made AYP toward the goal of having all students proficient in reading or language arts and in mathematics by 2013-2014. Thus, AMOs were used for identifying schools in need of improvement and determining interventions for schools that did not make AYP for every student subgroup based on the requirements of the accountability system.

### AMOs Are Largely Not Included In State's Accountability Systems

Overall, the role and importance of AMOs for subgroups is diminishing.

While ESEA waiver states maintain AMOs in some form, AMOs will now be used primarily for reporting purposes only, and in many ESEA waiver states, will not factor into the accountability systems used to identify schools for improvement or trigger interventions.

Current law dictates that AMOs be directly tied to the state's accountability system; under ESEA waivers, this is no longer necessarily the case. Under NCLB, if a school or district did not meet its AMOs for a single subgroup, then it did not make AYP, and that failure would then trigger specific actions after continuous years of missing performance targets. Now, with the ESEA waivers, states in many instances will identify failing schools using a process outside the rest of their accountability system—meaning a state that grades schools A-F may use other measures to identify Priority or Focus Schools. Despite the disconnect between AMOs and accountability systems during the review and approval process,<sup>29</sup> the U.S. Department of Education approved waiver applications with this decoupled approach. Some examples of this approach include the following. Massachusetts provides AMOs for traditional ESEA subgroups, but uses a separate Progress and Performance Index to identify schools for interventions. Arizona and Mississippi set specific subgroup AMOs but it is not clear whether they trigger intervention based on subgroup performance against the AMOs.

## C. N-size

Under NCLB, in order for test results for subgroups to be used in school-level accountability decisions, a certain state-established threshold for the number of students in a group at a school must have been met. States opting for smaller N-sizes allowed more student subgroups to be included in a school accountability system, which then allowed for more specific data and transparency for parents and communities. The impact of N-sizes on accountability, however, was often influenced by state decisions on “confidence intervals” and other elements of their accountability systems. States vary substantially on this N-size number, which ranges from 5 to 200, with the national average around 30 students. Under the ESEA waiver process, several states plan to reduce their minimum group size policies,<sup>30</sup> with some states cutting their N-size in half.

28 Note that many ESEA waiver states replaced the term “AMOs” with a new word or phrase, such as “performance targets” in Georgia and New Jersey, “school growth targets” in New Mexico, and “accountability performance targets” or simply “accountability targets” in Connecticut.

29 See McNeil, Michele, “NCLB Waiver Plans Offer Hodgepodge of Grading Systems,” *Education Week*, issue from December 2, 2011, [http://www.edweek.org/ew/articles/2011/12/02/13waivers\\_ep.h31.html](http://www.edweek.org/ew/articles/2011/12/02/13waivers_ep.h31.html) (accessed July 8, 2013). Specifically, the reporter noted that “Under the waivers, states must still set AMOs by subgroup; however, most of the 11 states wouldn’t give AMOs a prominent role in their accountability systems. And they don’t have to. While those AMOs are supposed to ‘guide support and improvement efforts,’ according to the Education Department, they won’t determine which schools are turnaround or Focus Schools—the 15 percent of a state’s schools that get the most intervention—nor will they drive when schools can get out from under those labels. The new AMOs also don’t have to be fully integrated into each state’s grading system. Florida, for example, would set annual targets for subgroups, but hitting or missing them wouldn’t affect a school’s grade. And it’s the grade that’s the main catalyst for support and intervention in Florida’s accountability system.”

Massachusetts also acknowledges the backseat AMOs take in its application, saying those targets are meant to provide “transparent reporting” about schools’ progress toward college and career readiness. Meanwhile, a school’s separate index score, which is at the heart of Massachusetts’ accountability system, would be used to identify schools most in need of help.”

30 For states like New Jersey and South Dakota, who did not indicate what their current N-size was in their ESEA Flexibility Request, information was collected from <http://www.eddataexpress.ed.gov/state-tables-report.cfm> (accessed June 7, 2013) by selecting “minimum N-size” under accountability components, then statistical components, then group sizes.

CHSE has repeatedly called for the lowering of N-sizes and is happy to see that waivers in general have had a lowering effect on state N-sizes. However, CHSE warns that lowering N-size alone is not sufficient to meet the needs of minority students. For example, some states with the most common “bottom 25 percent” super subgroups lowered N-size, but because the states removed individual subgroup accountability, this was an empty gesture. “Bottom 25 percent” super subgroups, which do not require an N-size, do not keep individual accountability for subgroups.<sup>31</sup>

## D. Identifying Schools in Need of Improvement

Under NCLB, poor performance in one subgroup could trigger identification as well as action to improve a Title I school. ESEA waivers have allowed for changes to the identification of schools in need of improvement, which has permitted states to identify fewer schools for supports and interventions. Now, all approved waiver states have established various levels of school identification following the model proposed by the U.S. Department of Education—with Priority Schools as the bottom 5 percent and Focus Schools as the 10 percent of schools within a state that are not Priority Schools and that have the biggest achievement gaps between subgroups. In some cases, states will use their own designations for Priority or Focus Schools. These are the narrow category of schools to which states will be providing targeted supports and interventions as part of new state plans. Some states created additional categories of schools that they plan to support.<sup>32</sup> Thus, providing only 15 percent of schools within a state with supports and interventions leaves 85 percent of schools receiving little help to ensure all children succeed.

The potential negative impact of this approach to accountability is demonstrated in Appendix D. Far fewer schools are being specifically identified as Priority or Focus Schools under waivers than were identified for improvement under current law. Specifically, 22 states identified fewer Title I schools and/or fewer schools overall, with some states like Missouri and Ohio identifying more than 400 fewer schools. Additional examples include New Mexico, where approximately 317 fewer schools were identified; and the District of Columbia, 98 fewer schools were identified. In 11 states with waivers, the number of schools identified for intervention has dropped by more than 100 schools. While some reasonably argue that current law over-identifies low performing schools, the vast discrepancy between the number of schools identified in some states through waivers in comparison to under current law is cause for concern that new accountability systems under waivers may overlook a substantial number of students in low-performing schools.

### Identifying Schools with Persistent Achievement Gaps

Various ESEA waiver states did not provide in-depth analyses of how schools with persistent achievement gaps or persistent low performance by certain subgroups will be identified and held accountable if those schools are not classified as Priority or Focus under the state’s new accountability determinations.<sup>33</sup> Under NCLB requirements, if a school was not making adequate yearly progress for one student subgroup for consecutive years it would be deemed “in need of improvement.” Now, under ESEA waiver plans, it is possible that a school or district would have persistently failing subgroups that receive little additional support to improve achievement.

31 Oklahoma, which uses an n-size of 30 for its A-F grading system, lowered its N-size from 30 to 25, but also used a “lowest[-]performing 25% of students” subgroup and removed individual subgroup accountability. See OK ESEA application attachment 18, “Oklahoma’s Support of Minority and Poverty Students in Schools not Identified as Focus or Priority Schools,” 363; OK ESEA Flexibility Request (Amended July 27, 2012), 51.

32 For example, Georgia’s accountability system also includes “Alert Schools” to capture Title I and non-Title I schools based on three different criteria: low graduation rates, low subgroup performance, and low subject performance. See Georgia State Department of Education, “ESEA Flexibility Request (Amended February 6, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ga.html> (accessed June 7, 2013), 17. New Mexico’s “Strategic Schools” have a performance gap that is among the top 25 percent within the state and an overall grade of a “C” or lower as defined by New Mexico’s A-F School Grading Act. See New Mexico Public Education Department, “ESEA Flexibility Request (Amended February 15, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 98.

33 Kerri L. Briggs, “Advancing Accountability in Light of Approved ESEA Waivers,” *George W. Bush Institute*, last modified February 21, 2012, <http://www.bushcenter.org/blog/2012/09/13/advancing-accountability-light-approved-esea-waivers> (accessed July 5, 2013).

## E. Supports and Interventions

ESEA waivers also give states broad new flexibility to determine the supports and interventions that schools and districts will be required to implement in identified schools. NCLB describes a series of supports and interventions to be implemented after each consecutive year of missing AYP. Under the ESEA waivers, states are altering their support and intervention systems.

Under ESEA waivers, Priority Schools must implement a collection of comprehensive reforms and Focus Schools must implement similar interventions but with less direction from the state/district. The U.S. Department of Education has provided very little guidance to states on what supports or interventions should be implemented in schools that perform above the 15 percent of schools identified within a state but that need to improve nonetheless. The improvement requirements for Priority Schools are stronger under waivers than under NCLB. Although this is a promising development we support, CHSE is concerned that the strength of those requirements applies to such few schools and underserved students.



## IV. Conclusion

States that apply for and are granted added flexibility under the Administration's ESEA waivers are making significant changes to their education accountability systems, which pose for too many students, especially those historically underserved, a retreat from the progress made under NCLB. CHSE remains concerned that the proposed and approved accountability systems under ESEA waivers will result in less focus on the achievement of subgroups and fewer supports and resources being driven to help low-achieving subgroups of students succeed. CHSE continues to believe Congress should act to reauthorize ESEA to ensure that multiple stakeholders have the ability to shape an improved system of accountability and supports for our lowest-achieving students.

# V. Recommendations

## A. To the U.S. Department of Education

A majority of states with approved ESEA waivers are now set to implement their own accountability systems. Thus, it is imperative that the U.S. Department of Education oversee and require modifications to state accountability policies if states are inadequately addressing the performance of subgroups. Specifically, we recommend that the U.S. Department of Education:

### Drive Improved Subgroup Achievement

- Ensure that the performance of African American, Asian Pacific Islander, English Language Learners, students with disabilities, Native, Latino, and economically disadvantaged students are used for accountability purposes as individual subgroups in 100 percent of schools.
- Ensure that low achievement and graduation rates trigger reform action in schools—irrespective of Priority or Focus School status and irrespective of super subgroup labeling.
- Monitor whether or not a state has a large number of schools with low-performing subgroups that are not classified as Priority or Focus Schools.
- Monitor the implementation of state supports and interventions to ensure that such plans are making a positive impact on students' academic performance.
- Ensure that states that use super subgroups are making gains for all students, especially underserved students.

### Ensure Transparency

- Ensure that state report cards are transparent in showing academic proficiency, not just growth, of student subgroups.
- Ensure that report cards and other information about accountability systems, AMOs, and related interventions are easy to find and easy to understand.
- Collect and report data regularly about the progress states are making in improving the achievement of all subgroups of students under ESEA waivers.

### Monitor States' Annual Measureable Objectives

- Monitor states' progress toward their AMO goals and provide technical assistance to states that have major gaps in reaching their AMOs.
- Require that states structure AMOs that track progress for each subgroup and are integrated into the state accountability system that drives interventions and supports.

## Engage Diverse Stakeholders

- Ensure that states and districts are engaging a variety of stakeholders, including tribal governments, in ESEA waiver planning and implementation to ensure all students have access to an equitable education that includes languages and cultural traditions.

## Lower N-Size

- Require that states continue to lower the N-size to a level that ensures subgroups are not overlooked, particularly in rural areas where students are primarily served by small schools.
- If super subgroups are to be used, they should only be used when there are too few students to meet the threshold of accountability.<sup>34</sup>

If the U.S. Department of Education finds that states are not adequately fulfilling the needs of all student subgroups throughout the implementation process, the U.S. Department of Education should withhold renewing or granting any additional ESEA waivers. Should one student subgroup not be meeting a state's academic goals, it should be a concern and the U.S. Department of Education should require the school or district to take action.

## B. To the States

To ensure the best results for students of color, CHSE recommends that states adhere to the following core principles as they implement ESEA waiver plans:

### Data disaggregation.

The disaggregation of student data should be for *accountability determinations*, and not just reporting purposes, to help identify and address significant achievement gaps and ensure that the needs of particular subgroups are not masked by aggregate student achievement. Additionally, data should be kept in a format that allows for cross-tabulation. Cross-tabulation of disaggregated data offers additional critical insight for parents, educators, and policymakers as to whether educational systems are adequately serving more refined subgroups of students and how the educational outcomes for these students might be improved.

### Accountability systems with a primary focus on student academic achievement.

In order to ensure that all students are being adequately prepared, state accountability systems should be based predominantly on student achievement and graduation rates. As seen in a variety of state applications, student and/or subgroup growth is weighted heavily. Growth in student achievement should not be the predominant factor in a school or district's accountability determination. Growth is important but actual achievement to proficiency is critical. Subgroup achievement and graduation rates (not just students overall) should also be a predominant factor within an accountability system.

34 Rhode Island Department of Education, "ESEA Flexibility Request (Amended May 23, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 50.



## Report cards that are clear, concise, and understandable.

To improve teaching and learning, and to support policy improvements at all levels, data related to student, school, and district performance should be reported in a timely, actionable, and accessible manner. This includes making the data accessible via state report cards to parents and other stakeholders. Additionally, the state must clearly articulate how school data are used to classify low-performing schools and direct school improvement actions.

## Engagement of communities of color.

As states determine their individual accountability systems under the waiver process, they must seek consultation from the varying communities their education system will serve. This meaningful engagement must include tribal leaders and Native education partners, as the federal government has a trust responsibility to provide equitable access to education for Native students. It is crucial to include input of all communities of color to ensure states meet the needs of all students.

## Plans to build school and district capacity.

With each state identifying a varying number of schools and districts for improvement, each state should focus on building district and school capacity in order to significantly increase student achievement. This will require general systems of supports and interventions relevant to all schools and a continued focus on state capacity as well.

## Support for low-performing schools and subgroups.

State interventions should be focused on raising the lowest-performing schools, while also supporting some higher-performing schools that may have low-performing subgroups. States should be encouraged to engage community-based organizations with demonstrated experience working with students in low-performing subgroups through in-school and out-of-school partnerships. State policies and processes should ensure that a school's overall performance does not mask the low performance of particular subgroups.

## VI. Additional Information

Below are additional information and resources that CHSE and partner organizations have distributed or created to help advocates understand the ESEA waiver application.

- ***Op-Ed: No Permission Slips to Fail.*** NCLR and NUL presidents and CEOs call attention to the needs of underserved students, particularly students of color, Native Americans, and those from low-income communities, in the wake of dialogue around recent flexibility and waiver proposals.
- ***CHSE Waiver Toolkit.*** This informational packet includes the following: a background document describing the waiver process; a summary on the waiver guidelines; talking points that may be used to engage other stakeholders, policymakers, and media about this issue; important questions to ask policymakers and other stakeholders about the waiver application and implementation processes; and a summary of the Obama administration's ESEA waiver package.
- ***CHSE Waiver Assessment Checklist.*** This includes an overview of the ESEA waiver package as well as a checklist for reviewing a state's waiver proposal. This checklist outlines key elements important to a state's waiver application to adequately support the needs of students and communities of color.
- ***Waiving Away High School Graduation Accountability?*** This Alliance for Excellent Education publication analyzes high school graduation rate accountability in the first round of states that applied for ESEA waivers.
- ***The Effect of ESEA Waiver Plans on High School Graduation Rate Accountability.*** This February 2013 Alliance for Excellent Education report evaluates the approved ESEA waiver plans of 34 states and the District of Columbia for high school graduation rate accountability.
- ***ESEA Policy: Changing Accountability, Changing Education.*** This one page document from the National Urban League Policy Institute provides an overview of ESEA and waiver information, including a tool for each state's waiver status, a glossary of relevant terms, what provisions states waive with ESEA flexibility, and pertinent questions to consider in your state's waiver.

# VII. Appendix A: Waivable ESEA Provisions

Under the Administration's ESEA waiver plan, states are permitted to choose which of the 10 ESEA provisions it would like to waive. States also had "optional" flexibilities. For the first round of applications there was only one optional flexibility waiver (for 21<sup>st</sup> Century Community Learning Center), in the subsequent application, there were three optional flexibilities bringing the total to 13 waivable ESEA provisions. The waivable ESEA provisions are:<sup>35</sup>

- 1. Flexibility Regarding the 2013–2014 Timeline for Determining Adequate Yearly Progress (AYP):** An SEA would no longer need to follow the procedures in ESEA section 1111(b)(2)(E) through (H) for setting annual measurable objectives (AMOs) to use in determining AYP. Instead, an SEA would have flexibility to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that will be used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. Flexibility in Implementation of School Improvement Requirements:** An LEA would no longer be required to comply with the requirements in ESEA section 1116(b) to identify for improvement, corrective action, or restructuring, as appropriate, its Title I schools that fail, for two consecutive years or more, to make AYP, and neither the LEA nor its schools would be required to take currently required improvement actions; however, an SEA may still require or permit an LEA to take such actions. An LEA would also be exempt from all administrative and reporting requirements related to school improvement under current law.
- 3. Flexibility in Implementation of LEA Improvement Requirements:** An SEA would no longer be required to comply with the requirements in ESEA section 1116(c) to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and neither the LEA nor the SEA would be required to take currently required improvement actions. An LEA would also be exempt from all associated administrative and reporting requirements related to LEA improvement under current law.
- 4. Flexibility for Rural LEAs:** An LEA that receives Small, Rural School Achievement Program funds or Rural and Low-Income School Program funds would have flexibility under ESEA sections 6213(b) and 6224(e) to use those funds for any authorized purpose regardless of the LEA's AYP status.
- 5. Flexibility for Schoolwide Programs:** An LEA would have flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold in ESEA section 1114(a)(1) if the SEA has identified the school as a **priority school** or a **focus school**, and the LEA is implementing interventions consistent with the **turnaround principles** or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in the school, as appropriate.
- 6. Flexibility to Support School Improvement:** An SEA would have flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any priority or focus school, if the SEA determines such schools are most in need of additional support.
- 7. Flexibility for Reward Schools:** An SEA would have flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any reward school, if the SEA determines such schools are most appropriate for financial rewards.

35 U.S. Department of Education, "ESEA Flexibility," <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html> (accessed August 20 2013). <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-request.doc> (accessed June 7, 2013).

8. **Flexibility Regarding Highly Qualified Teacher (HQT) Improvement Plans:** An LEA that does not meet its HQT targets would no longer have to develop an improvement plan under ESEA section 2141 and would have flexibility in how it uses its Title I and Title II funds. An SEA would be exempt from the requirements regarding its role in the implementation of these plans, including the requirement that it enter into agreements with LEAs on the uses of funds and the requirement that it provide technical assistance to LEAs on their plan. This flexibility would allow SEAs and LEAs to focus on developing and implementing more meaningful evaluation and support systems. An SEA would not be exempt from the requirement of ESEA section 1111(b)(8)(C) that it ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers; however, once more meaningful evaluation and support systems are in place in accordance with principle 3 (described below), an SEA may use the results of such systems to meet that requirement.
9. **Flexibility to Transfer Certain Funds:** An SEA and its LEAs would have flexibility to transfer up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 among those programs and into Title I, Part A. Moreover, to minimize burden at the State and local levels, the SEA would not be required to notify the Department and its participating LEAs would not be required to notify the SEA prior to transferring funds.
10. **Flexibility to Use School Improvement Grant (SIG) Funds to Support Priority Schools:** An SEA would have flexibility to award SIG funds available under ESEA section 1003(g) to an LEA to implement one of the four SIG models in any priority school.

## OPTIONAL FLEXIBILITY

In addition to its request for waivers of each of the requirements above, an SEA may wish to request flexibility through waivers related to the following:

11. **Flexibility in the Use of Twenty-First Century Community Learning Centers (21st CCLC) Program Funds:** An SEA would have flexibility under ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) to permit community learning centers that receive funds under the 21st CCLC program to use those funds to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session (i.e., before and after school or during summer recess).
12. **Flexibility Regarding Making AYP Determinations:** An SEA and its LEAs would no longer be required to comply with the requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) to make AYP determinations for LEAs and schools, respectively. Instead, an SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools.
13. **Flexibility Regarding Within-District Title I Allocations:** An LEA would have flexibility under ESEA section 1113(a)(3)-(4) and (c)(1) so that it may serve with Title I funds a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served based solely on the school's poverty rate.

# VIII. Appendix B: Subgroups in State Accountability Systems<sup>36</sup>

The following chart provides the relevant subgroup information for each state accountability system as found in its current ESEA waiver plan approved by the U.S. Department of Education. Our intent is to bring greater clarity and transparency to these plans to aid public understanding of individual plans and how they compare across states. However, while we have exercised due diligence in examining publicly available information, this is only a “snapshot” at a specific point in time and based on limited information. Given the complexity and dynamic nature of this new policy area, it is also a work-in-progress.

We believe this chart is illustrative of the complexity and the difficulty local stakeholders and advocates are experiencing in understanding their state’s waivers. As such, we recommend that readers consider this chart a starting point on the path to the clarity and accuracy needed for an effective and transparent accountability system.

The chart was developed using information from each state’s waiver plan and is current as of April 2013. Several additional states and California’s CORE districts have been approved since the chart was produced.

The chart is organized into three broad columns defined below:

**ESEA Subgroups:** This column is divided into seven individual subgroups. The symbol chart at the bottom of this page indicates how each of these subgroups are treated under the state’s accountability system established under waivers.

**Other Subgroups:** Under waivers, some states have lumped together subgroups for accountability purposes and these changes are outlined under the “Super Subgroup” column. The “Other” column indicates additional subgroups that are captured in a state’s accountability system.

**Uses for Subgroup Performance:** This column is designed to show how subgroup performance is utilized in a state’s accountability system under waivers. The first of these columns indicates whether subgroup performance is utilized for “Focus and/or Priority School Identification.” The second column shows whether the performance of subgroups triggers intervention and utilizes the symbols defined in the box below. Note that a blue diamond symbol is of particular significance because as part of our analysis it is unclear whether subgroup performance triggers intervention.

36 All information gathered for this chart is taken from each state’s ESEA Flexibility Request. However, details in state waiver plans vary and state implementation may differ. The analysis was conducted before the approval of waiver plans from Alabama, Alaska, Hawaii, and West Virginia.

#### Chart Key:

**Native**=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); **Asian**=Inclusive of Pacific Islander; **ED**=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); **SWD**=Students With Disabilities; **ELLs**=English Language Learners

- X Indicates group as a whole is utilized for accountability
- Indicates group is explicitly used in combination with other groups to create Super Subgroup
- ▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools
- Indicates an anomaly—further description is provided within chart or footnote
- ◆ Unclear whether subgroup performance triggers the intervention

State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Arizona								X— “bottom 25%” <sup>38</sup>		Bottom 25% used to identify Focus Schools <sup>39</sup>	◆
Arkansas <sup>40</sup>	▲	▲			● ▲	● ▲	● ▲	X— “Targeted Achievement Gap Group” (TAGG) <sup>41</sup>		“TAGG, in addition to the All Students group, will be used to identify Focus Schools” <sup>42</sup>	“The All Students group, the TAGG and the ESEA subgroups will trigger the Statewide System of Support (SSOS) and interventions.” <sup>43</sup>
Colorado <sup>44</sup>	●	●	●	●	X	X	X	X— “students needing to catch up” <sup>45</sup> and “Minority” <sup>46</sup>		Subgroups with low achievement or low graduation rates are used to identify Focus Schools. <sup>47</sup>	◆

37 Note: Under NCLB, the academic achievement of “economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency” is to be included in states’ accountability systems (ESEA section 1111(b)(2)(C)(v). However, for reporting purposes NCLB requires data to be disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged (section 1111(h)(1)(C)(i)). U.S. Department of Education, “Part A—Improving Basic Programs Operated by Local Educational Agencies,” No Child Left Behind Act of 2001, <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1111> (accessed June 7, 2013).

38 Arizona Department of Education, “ESEA Flexibility Request,” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html> (accessed June 7, 2013), 44-45.

39 Arizona Department of Education, “ESEA Flexibility Request (Amended July 13, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html> (accessed June 7, 2013), 89.

40 Figures 2.4 & 2.5 show three-year literacy and math trends by ESEA groups. The ESEA groups disaggregated in Arkansas are African American, Hispanic, White, Economically Disadvantaged, English Learners, Students with Disabilities—they are noted on the chart. Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 47-48.

41 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 45.

42 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 50, 96.

43 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 50.

44 Figure 5 shows which ESEA subgroups (White, Hispanic, Black, Asian, American Indian or Alaska Native) are used for reporting purposes. Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 76.

45 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 47.

46 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 51. Colorado notes that instead of using race/ethnicity categories they use “minority.”

47 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 99.

<p>Chart Key:</p> <p><b>Native</b>=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); <b>Asian</b>=Inclusive of Pacific Islander; <b>ED</b>=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); <b>SWD</b>=Students With Disabilities; <b>ELLs</b>=English Language Learners</p>	<p>X Indicates group as a whole is utilized for accountability</p> <p>● Indicates group is explicitly used in combination with other groups to create Super Subgroup</p> <p>▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools</p> <p>■ Indicates an anomaly—further description is provided within chart or footnote</p> <p>◆ Unclear whether subgroup performance triggers the intervention</p>
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State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Connecticut	■ ▲	■ ▲			● ▲	● ▲	● ▲	X— “High Needs” Group <sup>48</sup>		A “High Needs” subgroup that includes ELLs, students with disabilities, and low-income students is used to identify Focus Schools. Focus Schools can also be identified with low-performing subgroups of Hispanics and Black students. <sup>49</sup>	School classification system outlines “each category of schools will receive a different level of intervention and support.” <sup>50</sup>
Delaware	X	X	■ <sup>51</sup>	■	X	X	X	X— “at-risk” <sup>52</sup>		Focus Schools are identified by gap and subgroup performance for black, Hispanic, ELLs, students with disabilities, and low-income students. <sup>53</sup>	AYP is “one factor that is taken into consideration when assigning levels of support for LEAs.” <sup>54</sup>
District of Columbia <sup>55</sup>	X	X	X	X	X	X	X			Subgroup index scores will be used to classify schools as Focus Schools based on achievement gaps. Schools with less than 95% participation of the same subgroup on the DC-CAS for 2 consecutive years will also be identified as Focus Schools. <sup>56</sup>	Priority or Focus Schools identification triggers differentiated interventions for subgroups in addition to other supports. <sup>57</sup>

48 Connecticut State Department of Education, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ct.html> (accessed June 7, 2013), 33 and 75.

49 “To ensure that this race-neutral High Needs subgroup does not mask racial and ethnic achievement gaps, CSDE will examine all schools in the state to determine whether Hispanic or African-American subgroups perform as low as the identified High Needs subgroup. Any schools with equally low-performing Hispanic or African-American students will also be identified as Focus Schools.” Connecticut State Department of Education, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ct.html> (accessed June 7, 2013), 33 and 75.

50 Connecticut State Department of Education, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ct.html> (accessed June 7, 2013), 97.

51 “Table F: Graduation Rate Targets” outlines the subgroups with proficiency targets which includes Asian and American Indian, two subgroups not used to identify Focus Schools because they did not meet minimum n-size. Delaware Department of Education, “ESEA Flexibility Request (Amended September 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 77.

52 Delaware defines “at-risk students” as being in one or more of the following subgroups: Free/Reduced Lunch, African American, Hispanic, English Learner, and Students with Disabilities. Delaware Department of Education, “ESEA Flexibility Request (Amended September 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 75.

53 Delaware Department of Education, “ESEA Flexibility Request (Amended September 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 88.

54 Delaware Department of Education, “ESEA Flexibility Request (Amended September 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 54.

55 See “Table 2. B.i. State-Level Targets for Proficiency in Reading and Math,” which shows ESEA subgroups (Asian, Black, Hispanic, American Indian or Alaska Native, White, Disabled, LEP, Economically Disadvantaged) have proficiency targets. District of Columbia, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/dc.html> (accessed June 7, 2013), 64.

56 District of Columbia, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/dc.html> (accessed June 7, 2013), 66-67.

57 District of Columbia, “ESEA Flexibility Request,” ESEA Flexibility, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/dc.html> (accessed June 7, 2013), 69.

<p>Chart Key:</p> <p><b>Native</b>=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); <b>Asian</b>=Inclusive of Pacific Islander; <b>ED</b>=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); <b>SWD</b>=Students With Disabilities; <b>ELLs</b>=English Language Learners</p>	<p>X Indicates group as a whole is utilized for accountability</p> <p>● Indicates group is explicitly used in combination with other groups to create Super Subgroup</p> <p>▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools</p> <p>■ Indicates an anomaly—further description is provided within chart or footnote</p> <p>◆ Unclear whether subgroup performance triggers the intervention</p>
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State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Florida <sup>58</sup>	X	X				■ <sup>59</sup>	■	X – lowest-performing 25% <sup>60</sup>	“at-risk” <sup>61</sup> students	School grades are used to identify schools. <sup>62</sup>	AMO 2- performance in math and reading targets triggers interventions “If a school or district does not reach its targets for any ESEA subgroup for two consecutive years.” <sup>63</sup>
Georgia <sup>64</sup>	X	X	X	X	X	X	X			Subgroups used to identify Focus Schools. <sup>65</sup> Also identifies “Alert” schools. <sup>66</sup>	

58 Charts show that White, Hispanic, and African American are the subgroups that are tracked for subgroup performance. Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 62-65.

59 FL was provisionally approved because it had not yet included ELLs and Students with Disabilities in its grading system: see Arne Duncan letter to Commissioner Robinson, “Secretary’s Approval Letter (Florida),” U.S. Department of Education, February 9, 2012, <http://www2.ed.gov/policy/eseaflex/secretary-letters/fl.html> (accessed June 7, 2013). However, “Florida has made changes to its school grading system to include English Language Learners (ELLs) who have been in school in the country for more than one year and students with disabilities.” Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 53, 66.

60 Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 17.

61 “At-risk” students are those who entered high school below grade level in reading and mathematics (based on Grade 8 FCAT results). Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 52.

62 Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 126.

63 Florida Department of Education, “ESEA Flexibility Request (Amended June 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 95.

64 High School, Elementary and Middle School Performance Targets charts outline the subgroups that have performance targets. See Georgia State Department of Education, “ESEA Flexibility Request (Amended February 6, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ga.html> (accessed June 7, 2013), 52-56.

65 Georgia State Department of Education, “ESEA Flexibility Request (Amended February 6, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ga.html> (accessed June 7, 2013), 37.

66 “Alert” schools “are schools with significant deficits in subgroup graduation rates, or subgroup performance on state assessments, or subject area concerns.” See Georgia State Department of Education, “ESEA Flexibility Request,” *Ed.gov*, U.S. Department of Education (Amended February 6, 2012), <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ga.html> (accessed June 7, 2013), 17.

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State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Idaho	●	●	●	●	X ●	X ●	X ●	X — ‘at-risk’ <sup>67</sup> and minority <sup>68</sup> (note only racial/ethnic minorities are the groups combined to create the “minority” subgroup)		“The One, Two, and Three Star categories will be used to identify schools and districts for differentiated levels of accountability and support.” Academic growth to the standard for “equity groups” will inform the star rating. <sup>69</sup>	“One- and two-star categories will determine school and district accountability requirements.” <sup>70</sup>
Indiana	X	X	X	X	X	X	X	X — lowest-performing 25% of students <sup>71</sup>		Title I schools with low proficiency rates, achievement gaps, and graduation rates under 60% are identified for improvement. Title I schools with a grade of “D” are Focus Schools, those with an “F” grade are Priority Schools. <sup>72</sup>	“IN will require schools and LEAs to provide targeted interventions for any ESEA subgroup that is not meeting the AMO and closing the achievement gap on each metric.” <sup>73</sup>
Kansas <sup>74</sup>								X — lowest-performing 30% of students <sup>75</sup>		Lowest performing 30% of students is used to identify Focus Schools. <sup>76</sup>	

67 “Idaho will calculate the Growth to Achievement Subgroups by each of the four listed subgroups (LEP, Students with Disabilities, Free and Reduced Lunch eligible students, Minority Students) into one ‘AtRisk Subgroup’ for each school.” Idaho State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 79.

68 Idaho notes that “Idaho is not a very racially or ethnically diverse State; approximately 85% of the population is white... minority students are classified into one ethnic equity group... Minority students are defined as all students who are coded in one of the following race categories: American Indian/Alaskan Native, Asian, Black/African American, Hawaiian/Other Pacific Islander, Hispanic or Latino, and two or more races.” Idaho State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 78-79.

69 Idaho State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 69.

70 Idaho State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 92, 93.

71 Indiana State Department of Education, “ESEA Flexibility Request (Amended February 7, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 53, 59.

72 See Priority and Focus Schools sections. Indiana State Department of Education, “ESEA Flexibility Request (Amended February 7, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 85 and 102.

73 Indiana State Department of Education, “ESEA Flexibility Request (Amended February 7, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 54.

74 Kansas will continue to report on ESEA subgroups, but only the lowest 30% subgroup will be used for the new accountability system. See Kansas State Department of Education, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 72.

75 Kansas State Department of Education, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 71.

76 Kansas State Department of Education, “ESEA Flexibility Request (Amended July 11, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 161.

**Chart Key:**

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State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Kentucky	●	●	●		●	●	●	X – ‘Student Gap Group’ <sup>77</sup>		Student Gap group is used to identify Focus Schools. <sup>78</sup>	◆
Louisiana	▲ <sup>79</sup>				▲	▲	▲	X –non-proficient students <sup>80</sup>		School identification is based on the school grade and low graduation rates. <sup>81</sup> Non-proficient students used to identify Reward schools. <sup>82</sup>	Three AMOs will inform targeted supports – “1) Growth Among Non-Proficient Students; 2) Overall School Performance Improvement; and 3) Overall Proficiency by 2014.” <sup>83</sup>
Maryland <sup>84</sup>	X	X	X	X	X	X	X			Subgroup performance identifies Focus Schools, but not Priority Schools. <sup>85</sup>	Identification as Priority or Focus Schools or failure to meet AMOs for any subgroup. <sup>86</sup>

- 77 Student groups combined include ethnicity/race (African-American, Hispanic, Native American), Special Education, Poverty (free/reduced-price lunch) and Limited English Proficiency. It is a “Non-Duplicated Gap” group—which means “no individual student counts more than one time, and all students belonging to included groups are counted once.” Kentucky State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> (accessed June 7, 2013), 38.
- 78 Kentucky State Department of Education, “ESEA Flexibility Request (Amended September 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> (accessed June 7, 2013), 54 and 76.
- 79 Louisiana does not lay out which ESEA subgroups will have AMOs for Math and ELA where AMOs are discussed on page 71. The noted subgroups are taken from the “Louisiana’s Achievement Gaps” graph on page 61 which graphs the performance of White, All students, FRL, African American/Black, Special Education, and ELLs. Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013).
- 80 Super subgroup is comprised of all non-proficient students, regardless of race, language, poverty, or students with disabilities status. Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 62.
- 81 Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 75, 86. See Priority and Focus Schools descriptions.
- 82 “The super subgroup will focus on the one-third of below proficient students and achievement of the AMO relates directly to receipt of Reward School status, including bonus SPS points, public recognition, and possible monetary rewards.” Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 62.
- 83 Louisiana Department of Education, “ESEA Flexibility Request (Amended April 5, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 67.
- 84 The subgroups here are defined as the seven racial categories along with special education, limited English proficiency, and free and reduced meal status. Maryland State Department of Education, “ESEA Flexibility Request (Amended January 9, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/md.html> (accessed June 7, 2013), 90.
- “Annual tracking of a school’s aggregated and subgroup performance will continue as reported via [www.MDReportCard.org](http://www.MDReportCard.org) at the school, school system, and state level.” Maryland State Department of Education, “ESEA Flexibility Request (Amended February 28, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/md.html> (accessed June 7, 2013), 67.
- 85 Maryland State Department of Education, “ESEA Flexibility Request (Amended February 28, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/md.html> (accessed June 7, 2013), 134.
- 86 “Every school, whether high or low-performing, must address the needs of any subgroup of students that fails to make the AMOs.” Maryland State Department of Education, “ESEA Flexibility Request (Amended February 28, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/md.html> (accessed June 7, 2013), 91.

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State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Massachusetts <sup>87</sup>	X	X	X	X	X ●	X ●	X ●	X – “High Needs” combines ED, SWD, and ELL subgroups into one super subgroup. <sup>88</sup>		Progress and Performance Index (PPI) is used in identifying schools. <sup>89</sup>	◆
Michigan	X	X	X	X	X	X	X	X – “Bottom 30%” <sup>90</sup>		Bottom 30% used to identify Focus Schools. <sup>91</sup>	“MDE proposes to continue to hold schools accountable on the performance of all nine ESEA subgroups, as well as the performance of the new subgroup, the bottom 30% subgroup.” <sup>92</sup>
Minnesota <sup>93</sup>	X	X	X	X	X	X	X			Subgroup performance identifies Focus Schools. <sup>94</sup>	Interventions will focus on the subgroups for which the school was identified. <sup>95</sup>
Mississippi								X – lowest-performing 25% of students and highest 25% achieving group <sup>96</sup>			◆

87 Massachusetts outlines the AMO for closing proficiency gaps on the last page of its ESEA Flexibility Request; the chart indicates which groups have such AMOs. Massachusetts State Department of Elementary and Secondary Education, “ESEA Flexibility Request (Amended January 18, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 175.

88 The “high needs” subgroup is “composed of students who are low-income, have a disability, or are English language learners or former English language learners.” Massachusetts State Department of Elementary and Secondary Education, “ESEA Flexibility Request (Amended January 18, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 25.

89 Progress and Performance Index is used “to classify schools and districts in levels under the framework for accountability and assistance, while AMOs will serve as transparent reporting measures that inform the public and other stakeholders of the progress schools and districts are making toward college and career readiness for all students.” Massachusetts State Department of Elementary and Secondary Education, “ESEA Flexibility Request (Amended January 18, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 26, 31.

90 Michigan Department of Education, “ESEA Flexibility Request (Amended December 17, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html> (accessed June 7, 2013), 55.

91 Michigan Department of Education, “ESEA Flexibility Request (Amended December 17, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html> (accessed June 7, 2013), 55, 79.

92 Michigan Department of Education, “ESEA Flexibility Request (Amended December 17, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 112.

93 Minnesota identifies the following subgroups: Black, Hispanic, Asian, American Indian, English learners, Free/Reduced Price lunch, and Special Education to be measured for growth and proficiency. Minnesota Department of Education, “ESEA Flexibility Request,” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mn.html> (accessed June 7, 2013), 119.

94 Focus Schools will be “identified once every three years using a modified version of the MMR called the Focus Rating centered exclusively on lowerperforming subgroups. The rating will measure growth and proficiency.” Minnesota Department of Education, “ESEA Flexibility Request,” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mn.html> (accessed June 7, 2013), 119.

95 Minnesota Department of Education, “ESEA Flexibility Request (Amended February 7, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mn.html> (accessed June 7, 2013), 124.

96 Minnesota Department of Education, “ESEA Flexibility Request (Amended February 7, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mn.html> (accessed June 7, 2013), 57.

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	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Missouri	● ▲	● ▲			● ▲	● ▲	● ▲	X – “Student Gap Group” <sup>97</sup>		Student Gap Group used for Focus School identification. <sup>98</sup>	◆
Nevada					X ●	X ●	X ●	X-“Supergroup” <sup>99</sup>		“Focus schools will be identified on the basis of IEP, LEP, and FRL gap analysis.” <sup>100</sup>	
New Jersey <sup>101</sup>	X	X	X	X	X	X	X			Subgroup gaps and low-performance are used to determine Focus Schools. <sup>102</sup>	◆
New Mexico								X – lowest-performing 25% of students/ “Q1” <sup>103</sup>		“Q1” performance gap identifies Focus Schools. <sup>104</sup>	The state will use subgroup performance in identifying interventions for Priority, Focus and Strategic Schools. <sup>105</sup>
New York	X	X	X	X	X	X	X			See “state grading system” section.	◆

97 “The Student Gap Group is the unduplicated group of students that are any combination of Black, Hispanic, Free and Reduced Lunch, IEP Students, and/or LEP/ELL Students.” Missouri Department of Elementary and Secondary Education, “ESEA Flexibility Request,” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html> (accessed June 7, 2013), 82.

98 Missouri Department of Elementary and Secondary Education, “ESEA Flexibility Request (Amended June 27, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html> (accessed June 7, 2013), 82.

99 In the event that a school does not have at least 10 students within each of these three subgroup categories, a Nevada School Performance Framework (NSPF) analysis is made under a “supergroup” calculation. The supergroup consists of an unduplicated count of students who are associated with one or more of the English Language Learners, low-income students, and students with disabilities. Nevada Department of Education, “ESEA Flexibility Request (Amended February 10, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nv.html> (accessed June 7, 2013), 54.

100 Nevada Department of Education, “ESEA Flexibility Request (Amended February 10, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nv.html> (accessed June 7, 2013), 55. Also see section “NSPF Index Tables” on page 79.

101 “State Level Performance Targets” table outlines the subgroups with specific performance targets (Students with Disabilities, Economically Disadvantaged, White, African American, Asian/Pacific Islander, Native American, Limited English Proficiency). New Jersey State Department of Education, “ESEA Flexibility Request (Amended January 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nj.html> (accessed June 7, 2013), 45.

102 New Jersey State Department of Education, “ESEA Flexibility Request (Amended January 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nj.html> (accessed June 7, 2013), 40.

103 New Mexico Public Education Department, “ESEA Flexibility Request (Amended February 15, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 43.

104 New Mexico Public Education Department, “ESEA Flexibility Request (Amended February 15, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 88.

105 New Mexico Public Education Department, “ESEA Flexibility Request (Amended February 15, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 54.

**Chart Key:**

**Native**=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); **Asian**=Inclusive of Pacific Islander; **ED**=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/R/L]); **SWD**=Students With Disabilities; **ELLs**=English Language Learners

- X Indicates group as a whole is utilized for accountability
- Indicates group is explicitly used in combination with other groups to create Super Subgroup
- ▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools
- Indicates an anomaly—further description is provided within chart or footnote
- ◆ Unclear whether subgroup performance triggers the intervention

State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
North Carolina <sup>106</sup>	X	X	X	X	X	X	X		X – ‘academically gifted’ <sup>107</sup>	Subgroup performance used for Focus School identification. <sup>108</sup>	◆
Ohio <sup>109</sup>	X	X	X	X	X	X	X			Subgroups used for Focus School identification. <sup>110</sup>	◆
Oklahoma	X	X	X	X	X	X	X	X – lowest-performing 25% of students <sup>111</sup>		Lowest achieving subgroups used for Focus School identification. <sup>112</sup>	◆
Oregon	●	●	●	●	X	X	X	X – ‘Historically Underperforming Races and Ethnicities’ <sup>113</sup>		Subgroup gaps used to determine Focus Schools. <sup>114</sup>	◆

106 North Carolina “accountability data will emphasize the performance of all students at the aggregate level and the following subgroups: white, black, Asian, native American, Hispanic, two or more races, students with disabilities, English language learners, and economically disadvantaged students, and academically or intelligently gifted.” North Carolina Department of Public Instruction, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nc.html> (accessed June 7, 2013), 48.

107 North Carolina Department of Public Instruction, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nc.html> (accessed June 7, 2013), 52.

108 North Carolina Department of Public Instruction, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nc.html> (accessed June 7, 2013), 80.

109 “Table 15: Gap Closure Component Example” includes American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Multiracial, White, Economically Disadvantaged, Students with Disabilities, and Limited English Proficiency. Ohio Department of Education, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/oh.html> (accessed June 7, 2013), 74.

110 Ohio Department of Education, “ESEA Flexibility Request (Amended May 24, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/oh.html> (accessed June 7, 2013), 94.

111 Oklahoma State Department of Education, “ESEA Flexibility Request (Amended July 27, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ok.html> (accessed June 7, 2013), 51-52.

112 Oklahoma State Department of Education, “ESEA Flexibility Request (Amended July 27, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ok.html> (accessed June 7, 2013), 78.

113 The super subgroup is created by combining American Indian/Alaskan Native, Black/African-American, Hispanic, and Pacific Islander students. Oregon Department of Education, “ESEA Flexibility Request (Amended July 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/or.html> (accessed June 7, 2013), 65.

114 Oregon Department of Education, “ESEA Flexibility Request (Amended July 19, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/or.html> (accessed June 7, 2013), 123.

**Chart Key:**

**Native**=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); **Asian**=Inclusive of Pacific Islander; **ED**=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); **SWD**=Students With Disabilities; **ELLs**=English Language Learners

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- Indicates group is explicitly used in combination with other groups to create Super Subgroup
- ▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools
- Indicates an anomaly—further description is provided within chart or footnote
- ◆ Unclear whether subgroup performance triggers the intervention

State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Rhode Island	X	X	X	X	X	X	X	X – combinations of existing subgroups that vary for each measurement  The state will combine ELLs and SWD into a group when there are not enough ELLs to meet the threshold for accountability purposes. <sup>115</sup>		Schools that persistently fail to obtain AMOs will be placed into one of RIDE’s three lowest accountability levels (Warning, Priority, or Focus). <sup>116</sup>	◆
South Carolina	X	X	X	X	X	X	X		X – male / female <sup>117</sup>	Subgroup performance gaps identify Focus Schools. <sup>118</sup>	◆
South Dakota		●	●		●	●	●	X – “Gap Group” <sup>119</sup>			◆
Tennessee	X	X	X	X	X	X	X			Subgroup gaps identify Focus Schools. <sup>120</sup>	“If any individual subgroup is not making progress in a majority of areas at the LEA level, the LEA will miss its gap closure goals and be subject to the highest order of intervention.” <sup>121</sup>

115 Rhode Island Department of Education, “ESEA Flexibility Request (Amended May 23, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 50.

116 Rhode Island Department of Education, “ESEA Flexibility Request (Amended May 23, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 48.

117 South Carolina State Department of Education, “ESEA Flexibility Request (Amended February 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sc.html> (accessed June 7, 2013), 58.

118 South Carolina State Department of Education, “ESEA Flexibility Request (Amended February 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sc.html> (accessed June 7, 2013), 118.

119 “Gap Group” combines Native American, Hispanic, Economically Disadvantaged, students with disabilities, and ELL students. South Dakota Department of Education, “ESEA Flexibility Request (Amended June 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sd.html> (accessed June 7, 2013), 34.

120 Tennessee State Department of Education, “ESEA Flexibility Request (Amended July 27, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/tn.html> (accessed June 7, 2013), 65-66.

121 Tennessee State Department of Education, “ESEA Flexibility Request (Amended July 27, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/tn.html> (accessed June 7, 2013), 38.

**Chart Key:**

**Native**=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); **Asian**=Inclusive of Pacific Islander; **ED**=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); **SWD**=Students With Disabilities; **ELLs**=English Language Learners

- X Indicates group as a whole is utilized for accountability
- Indicates group is explicitly used in combination with other groups to create Super Subgroup
- ▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools
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- ◆ Unclear whether subgroup performance triggers the intervention

State	ESEA Subgroups <sup>37</sup>							Other Subgroups		Uses for Subgroup Performance	
	Black	Latino	Native	Asian	ED	SWD	ELLs	Super Subgroup	Other	Priority and/or Focus School Identification	Trigger Intervention
Utah	▲	▲	▲	▲	▲	▲	▲	X – all non-proficient students <sup>122</sup>		Subgroup achievement will identify Focus Schools. <sup>123</sup>	◆
Virginia	● ▲	● ▲	▲	▲	● ▲	● ▲	● ▲	X – three Gap Groups <sup>124</sup>		“Title I schools with one or more proficiency gap groups not meeting performance expectations in reading and mathematics . . . will be considered for inclusion in the Focus School category.” <sup>125</sup>	◆
Washington	X	X	X	X	X	X	X			Subgroup performance will identify Focus Schools. <sup>126</sup>	◆
Wisconsin	X	X	X	X	X ●	X ●	X ●	X – four “High Need super-groups” that vary based on number of students in subgroups (when there are fewer than 20 students in a subgroup, subgroups combine). <sup>127</sup>		Subgroup gaps identify Focus Schools. <sup>128</sup>	◆

122 Utah State Office of Education, “ESEA Flexibility Request (Amended May 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ut.html> (accessed 7 June 2103), 36.

123 Utah State Office of Education, “ESEA Flexibility Request (Amended May 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ut.html> (accessed 7 June 2103), 52.

124 “Gap Group 1: English language learners, students with disabilities, and economically disadvantaged students (unduplicated). Gap Group 2: Black students, not of Hispanic origin, including students with disabilities, English language learners, and economically disadvantaged students. Gap Group 3: Hispanic students, of one or more races, including students with disabilities, English language learners, and economically disadvantaged students.” Virginia Department of Education, “ESEA Flexibility Request (Amended January 11, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 41.

125 Virginia Department of Education, “ESEA Flexibility Request (Amended January 11, 2013),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 74.

126 Washington Department of Public Instruction, “ESEA Flexibility Request (Amended July 5, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/wa.html> (accessed June 7, 2013), 148.

127 When there are fewer than 20 students in a subgroup, subgroups are combined as follows: Super subgroup 1- students with disabilities (SWD) and/or economically disadvantaged and/or English language learner (ELL); Super subgroup 2 – SWD and/or economically disadvantaged; Super subgroup 3 – SWD and/or ELL; Super subgroup 4 – economically disadvantaged and/or ELL. Washington Department of Public Instruction, “ESEA Flexibility Request (Amended July 5, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 65.

128 Wisconsin Department of Public Instruction, “ESEA Flexibility Request (Amended July 3, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/wi.html> (accessed June 7, 2013), 88.

<p><b>Chart Key:</b></p> <p><b>Native</b>=Inclusive of American Indian, Alaska Native (and Pacific Islanders if designated as such by state); <b>Asian</b>=Inclusive of Pacific Islander; <b>ED</b>=Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch [F/RL]); <b>SWD</b>=Students With Disabilities; <b>ELLs</b>=English Language Learners</p>	<p>X Indicates group as a whole is utilized for accountability</p> <p>● Indicates group is explicitly used in combination with other groups to create Super Subgroup</p> <p>▲ Indicates ESEA subgroup has specific AMO but the subgroup may not be used to identify low performing schools</p> <p>■ Indicates an anomaly—further description is provided within chart or footnote</p> <p>◆ Unclear whether subgroup performance triggers the intervention</p>
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# IX. Appendix C: Overview of “Super Subgroups” in State Waiver Plans<sup>129</sup>

State	Creates a “Super Subgroup”	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Arizona	Yes	Subgroup is the lowest-achieving 25% of students based on prior year reading and math scores on Arizona’s Instrument to Measure Standards (AIMS). <sup>130</sup>					X – lowest 25%		X <sup>131</sup>	Growth of All students and the Bottom 25% for each school is used in state’s A-F letter grade system. <sup>132</sup>	
Arkansas	Yes	Arkansas has created a “targeted achievement gap group” (TAGG) made up of English Language Learners, low-income students, and students with disabilities. <sup>133</sup>	X	X		X			X <sup>134</sup>	TAGG will be used to “inform accountability labels for all schools and districts in the P-12 system.” <sup>135</sup>	
Colorado	Yes	Creates a “students needing to catch up” group under their growth gaps performance indicator. Also combines major racial/ethnic students into a “minority” subgroup. <sup>136</sup>			X-minority		X – “students needing to catch up” <sup>137</sup>			“Minority” and “students needing to catch up” groups are part of state’s performance index (state’s accountability system). <sup>138</sup>	

129 All information gathered for this chart is taken from each state’s ESEA Flexibility Request. The analysis was conducted before the approval of waiver plans from Alabama, Alaska, Hawaii, and West Virginia.

130 Arizona Department of Education, “ESEA Flexibility Request (Amended July 13, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html> (accessed June 7, 2013), 44-45.

131 Arizona Department of Education, “ESEA Flexibility Request (Amended July 13, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html> (accessed June 7, 2013), 89.

132 Arizona Department of Education, “ESEA Flexibility Request (Amended July 13, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/az.html> (accessed June 7, 2013), 40.

133 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 45.

134 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 50.

135 Arkansas Department of Education, “ESEA Flexibility Request (Amended Oct. 25, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html> (accessed June 7, 2013), 50.

136 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 56.

137 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 47.

138 Colorado State Department of Education, “ESEA Flexibility Request (Amended November 28, 2012),” *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/co.html> (accessed June 7, 2013), 56.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background



State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Connecticut	Yes	Connecticut creates a "High Needs" subgroup that includes ELLs, students with disabilities, and students eligible for free or reduced price lunch. <sup>139</sup>	X	X		X			X <sup>140</sup>		
Delaware	Yes	Uses an "at-risk" <sup>141</sup> vs. not at-risk for school recognition purposes.	X	X	X	X					For recognition schools <sup>142</sup>
District of Columbia	No										
Florida	Yes	Florida has created a "lowest-performing 25%" subgroup. <sup>143</sup>					X – lowest 25%			Lowest 25% used to determine school grades. <sup>144</sup>	
Georgia	No										
Idaho	Yes	Idaho will create, for each school, an "At-Risk" subgroup comprised of unduplicated counts of students eligible for free/reduced-price lunch; minority students; students with disabilities; and limited English proficient students. <sup>145</sup>	X	X	X	X					The "At-Risk" group is used as part of the calculation of "Growth to achievement" category. <sup>146</sup>

139 Connecticut State Department of Education, "ESEA Flexibility Request (Amended May 24, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ct.html> (accessed June 7, 2013), 33.

140 Connecticut State Department of Education, "ESEA Flexibility Request (Amended May 24, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ct.html> (accessed June 7, 2013), 33.

141 The atrisk students will be defined as being in one or more of the following subgroups: English Language Learners, low-income students, and students with disabilities. Delaware Department of Education, "ESEA Flexibility Request (Amended September 19, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 75.

142 Delaware Department of Education, "ESEA Flexibility Request (Amended September 19, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/de.html> (accessed June 7, 2013), 75.

143 Florida Department of Education, "ESEA Flexibility Request (Amended June 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 17.

144 Schools who do not meet AMO 3 "are assigned a final school grade that is one letter grade lower than the school would have received based on the school grade points earned." Florida Department of Education, "ESEA Flexibility Request (Amended June 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 96.

145 Idaho State Department of Education, "ESEA Flexibility Request (Amended September 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 79.

146 Idaho State Department of Education, "ESEA Flexibility Request (Amended September 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/id.html> (accessed June 7, 2013), 78-80.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Indiana	Yes	Indiana creates a "lowest-performing 25%" subgroup. <sup>147</sup>					X – lowest 25%			"IN proposes a model that provides grades and targets for: overall, bottom 25%, top 75% and ESEA groups." <sup>148</sup> The performance of the lowest 25% subgroup has more impact on the overall school grade than the other subgroups. <sup>149</sup>	
Kansas	Yes	Kansas has created a "lowest-performing 30% of students" subgroup. <sup>150</sup>					X – lowest 30%		X <sup>151</sup>	Lowest-performing 30% of students is used for the Gap reduction component of the states' accountability system. <sup>152</sup>	
Kentucky	Yes	"Student Gap Group" - Student groups combined include English Language Learners, low-income students, and students with disabilities. <sup>153</sup>	X	X	X	X			X <sup>154</sup>	The Student Gap Group is used in the gap category within the Next Generation Learners system (state accountability system). <sup>155</sup>	

- 147 Indiana State Department of Education, "ESEA Flexibility Request (Amended February 7, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 53 and 59.
- 148 Indiana State Department of Education, "ESEA Flexibility Request (Amended February 7, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 63.
- 149 Indiana State Department of Education, "ESEA Flexibility Request (Amended February 7, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/in.html> (accessed June 7, 2013), 56.
- 150 Lowest-performing 30% of students is discussed in terms of "Gap Reduction Measures" component of state's accountability system. Kansas State Department of Education, "ESEA Flexibility Request (Amended July 11, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 71.
- 151 Kansas State Department of Education, "ESEA Flexibility Request (Amended July 11, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 161.
- 152 Lowest-performing 30% of students is discussed in terms of "Gap Reduction Measures" component of state's accountability system. See Kansas State Department of Education, "ESEA Flexibility Request (Amended July 11, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ks.html> (accessed June 7, 2013), 71.
- 153 Kentucky State Department of Education, "ESEA Flexibility Request (Amended September 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> (accessed June 7, 2013), 38.
- 154 Kentucky State Department of Education, "ESEA Flexibility Request (Amended September 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> (accessed June 7, 2013), 54 and 76.
- 155 Kentucky State Department of Education, "ESEA Flexibility Request (Amended September 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ky.html> (accessed June 7, 2013), 38.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Louisiana	Yes	Super Subgroup is comprised of all non-proficient students, regardless of race, language, poverty or students with disabilities status. <sup>156</sup>					X – non-proficient students			AMO1 is based on growth of non-proficient students.	Non-proficient students are used to identify Reward Schools. <sup>157</sup>
Maryland	No										
Massachusetts	Yes	Creates "High-Needs" includes English Language Learners, low-income students, and students with disabilities. <sup>158</sup>	X	X		X			X <sup>159</sup>	X <sup>160</sup>	
Michigan	Yes	Michigan creates a "bottom 30%" subgroup. <sup>161</sup>					X – lowest 30%		X <sup>162</sup>		
Minnesota	No										
Mississippi	Yes	Mississippi has created a lowest 25% of students subgroup (QDI-Low). <sup>163</sup>					X – lowest 25%		X <sup>164</sup>	Quality of Distribution index (QDI) includes four QDI values, one of which is "QDI Low" – achievement of the lowest-performing 25% of students. <sup>165</sup>	

<sup>156</sup> Louisiana Department of Education, "ESEA Flexibility Request (Amended April 5, 2013)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 62.

<sup>157</sup> "The super subgroup will focus on the one-third of below proficient students and achievement of the AMO relates directly to receipt of Reward School status, including bonus SPS points, public recognition, and possible monetary rewards." Louisiana Department of Education, "ESEA Flexibility Request (Amended April 5, 2013)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/la.html> (accessed June 7, 2013), 62.

<sup>158</sup> Massachusetts State Department of Elementary and Secondary Education, "ESEA Flexibility Request," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 25.

<sup>159</sup> Massachusetts will identify Focus Schools "based on the performance of any individual subgroup (i.e., the high needs group, low-income students, English language learners, students with disabilities, or any of the state's major racial and ethnic subgroups)" Massachusetts State Department of Elementary and Secondary Education, "ESEA Flexibility Request (Amended January 18, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 52-53.

<sup>160</sup> Each LEA, school, and subgroup will be given full or partial credit on each indicator within the Progress and Performance Index. Massachusetts State Department of Elementary and Secondary Education, "ESEA Flexibility Request (Amended January 18, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ma.html> (accessed June 7, 2013), 32-37.

<sup>161</sup> Michigan Department of Education, "ESEA Flexibility Request (Amended December 17, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html> (accessed June 7, 2013), 55.

<sup>162</sup> Michigan Department of Education, "ESEA Flexibility Request (Amended December 17, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html> (accessed June 7, 2013), 55 and 79.

<sup>163</sup> Mississippi Department of Education, "ESEA Flexibility Request (Amended July 17, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ms.html> (accessed June 7, 2013), 57.

<sup>164</sup> Focus Schools are identified as "The QDI-Gap for each of three years is in the highest 20% of the QDI Gaps for all the schools in the State; OR 2. The QDI-Low for each of three years is in the lowest 20% of the QDI-Low for all the schools in the State." Mississippi Department of Education, "ESEA Flexibility Request (July 17, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ms.html> (accessed June 7, 2013), 85.

<sup>165</sup> Mississippi Department of Education, "ESEA Flexibility Request (Amended July 17, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ms.html> (accessed June 7, 2013), 57 and Attachment 8A.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Missouri	Yes	Missouri creates a combined subgroup, the "Student Gap Group," that includes English Language Learners, low-income students, and students with disabilities. <sup>166</sup>	X	X	X	X			X <sup>167</sup>	Student Gap Group status, progress, and growth scores in reading and math are included in the Missouri School Improvement Program. <sup>168</sup>	
Nevada	Yes	Nevada creates a "supergroup" but only when existing subgroups are less than 10. <sup>169</sup>	X	X		X				Only IEP, LEP, and FRL are factored into the Nevada's School Performance Framework. <sup>170</sup>	
New Jersey	No										
New Mexico	Yes	Creates a "lowest-performing 25%" subgroup. <sup>171</sup>					X – lowest 25%		X <sup>172</sup>		Used to identify Strategic Schools. <sup>173</sup>
New York	No										
North Carolina	No										
Ohio	No										

166 Missouri Department of Elementary and Secondary Education, "ESEA Flexibility Request (Amended June 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html> (accessed June 7, 2013), 82.

167 Missouri Department of Elementary and Secondary Education, "ESEA Flexibility Request (Amended June 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html> (accessed June 7, 2013), 82.

168 Missouri Department of Elementary and Secondary Education, "ESEA Flexibility Request (Amended June 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html> (accessed June 7, 2013), 42.

169 In the event that a school does not have at least 10 students within each of these three subgroup categories, an NSPF analysis is made under a "supergroup" calculation. The supergroup consists of an unduplicated count of students who are associated with one or more of the English Language Learners, low-income students, and students with disabilities subgroups. Nevada Department of Education, "ESEA Flexibility Request (Amended February 10, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nv.html> (accessed June 7, 2013), 54.

170 "Nevada stakeholders thoughtfully considered and deliberately opted not to utilize race/ethnicity performance measures in the proposed school performance framework." Nevada Department of Education, "ESEA Flexibility Request (Amended February 10, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nv.html> (accessed June 7, 2013), 55.

171 New Mexico Public Education Department, "ESEA Flexibility Request (Amended February 15, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 43.

172 New Mexico Public Education Department, "ESEA Flexibility Request (Amended February 15, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 88.

173 New Mexico Public Education Department, "ESEA Flexibility Request (Amended February 15, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nm.html> (accessed June 7, 2013), 98.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Oklahoma	Yes	Creates a group based on the lowest 25 percentile. <sup>174</sup>					X – lowest 25%		Lowest achieving subgroups used for Focus School identification. <sup>175</sup>		School grades will only be based on assessment results of the "all students" group and the "Super Subgroup." <sup>176</sup>
Oregon	Yes	Oregon has created a "Historically Underperforming Races and Ethnicities" combined group that includes English Language Learners, low-income students, and students with disabilities. <sup>177</sup>	X	X	X	X		X	X <sup>178</sup>		
Rhode Island	Yes	The state will use several consolidated subgroups, e.g. state will combine ELLs and SWD into a group when there are too few ELLs to meet the threshold for accountability purposes. <sup>179</sup>	X	X		X		X	X	Subgroup performance is included and weighted in the metrics used to determine the school's level in the state's accountability system. School level determines "differentiated recognition, accountability, and supports." <sup>180</sup>	

174 Oklahoma State Department of Education, "ESEA Flexibility Request (Amended July 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ok.html> (accessed June 7, 2013), 51.

175 Oklahoma State Department of Education, "ESEA Flexibility Request (Amended July 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ok.html> (accessed June 7, 2013), 78.

176 Oklahoma State Department of Education, "ESEA Flexibility Request (Amended July 27, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ok.html> (accessed June 7, 2013), 38.

177 Oregon Department of Education, "ESEA Flexibility Request (Amended July 19, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/or.html> (accessed June 7, 2013), 65.

178 Oregon Department of Education, "ESEA Flexibility Request (Amended July 19, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/or.html> (accessed June 7, 2013), 123.

179 Rhode Island Department of Education, "ESEA Flexibility Request (Amended May 23, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 50.

180 Rhode Island Department of Education, "ESEA Flexibility Request (Amended May 23, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ri.html> (accessed June 7, 2013), 49.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
South Carolina	No										
South Dakota	Yes	Creates new "GAP group" which is an aggregate count of student groups in South Dakota that have historically experienced achievement gaps (includes English Language Learners, low-income students, and students with disabilities). <sup>181</sup>	X	X	X	X					GAP group scores are reflected in the School Performance Index. <sup>182</sup>
Tennessee	No										
Utah	Yes	Utah will use a combined subgroup: the "non-proficient group." <sup>183</sup>					X – "non-proficient group"		X		Also used to identify "Reward" schools <sup>184</sup>
Virginia	Yes	Virginia has created three "proficiency gap groups": (1) SWD, ELLs, and economically disadvantaged students, (2) African American students not of Hispanic origin, including SWD, ELLs, and economically disadvantaged students, and (3) Hispanic students, of one or more races, including SWD, ELLs, and economically disadvantaged students. <sup>185</sup>	X	X	X	X			X		
Washington	No										

181 South Dakota Department of Education, "ESEA Flexibility Request (Amended June 25, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sd.html> (accessed June 7, 2013), 35.

182 South Dakota Department of Education, "ESEA Flexibility Request (Amended June 25, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/sd.html> (accessed June 7, 2013), 34.

183 Utah State Office of Education, "ESEA Flexibility Request (Amended May 29, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ut.html> (accessed 7 June 2103), 36 and 42.

184 Utah State Office of Education, "ESEA Flexibility Request (Amended May 29, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ut.html> (accessed 7 June 2103), 49.

185 "Gap Group 1: English language learners, students with disabilities, and economically disadvantaged students (unduplicated). Gap Group 2: Black students, not of Hispanic origin, including students with disabilities, English language learners, and economically disadvantaged students. Gap Group 3: Hispanic students, of one or more races, including students with disabilities, English language learners, and economically disadvantaged students." Virginia Department of Education, "ESEA Flexibility Request (Amended January 11, 2013)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 41.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

State	Creates a "Super Subgroup"	Description	Super Subgroup Consists of*					Purpose of Super Subgroup			
			ELL	SWD	Race/ Ethnicity	ED	Academic	Identify Priority Schools	Identify Focus Schools	Included in State Accountability System	Other
Wisconsin	Yes	Four "High Need supergroups" that vary based on number of students in subgroups (when there are fewer than 20 students in a subgroup, subgroups combine) <sup>186</sup>	X	X		X			X – Subgroup gaps identify Focus Schools. <sup>187</sup>	Subgroups are primarily included in the accountability index component "closing gaps." <sup>188</sup>	Subgroups are also used for "Red Flags." Index scores may be reduced because of Red Flags signifying poor performance. <sup>189</sup>

186 When there are fewer than 20 students in a subgroup, subgroups are combined as follows: Super subgroup 1- students with disabilities (SWD) and/or economically disadvantaged and/or English language learner (ELL); Super subgroup 2 – SWD and/or economically disadvantaged; Super subgroup 3 – SWD and/or ELL; Super subgroup 4 – economically disadvantaged and/or ELL. Washington Department of Public Instruction, "ESEA Flexibility Request (Amended July 5, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html> (accessed June 7, 2013), 65.

187 Wisconsin Department of Public Instruction, "ESEA Flexibility Request (July 3, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/wi.html> (accessed June 7, 2013), 88.

188 Wisconsin Department of Public Instruction, "ESEA Flexibility Request (July 3, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/wi.html> (accessed June 7, 2013), 65.

189 Wisconsin Department of Public Instruction, "ESEA Flexibility Request (Amended July 3, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/wi.html> (accessed June 7, 2013), 59.

Chart Key: **SWD**= Students with Disabilities; **Race**= Any of the major ESEA racial/ethnic groups; **ED**= Economically Disadvantaged (Low-income students/students eligible for free or reduced price lunch); **Academic** = Subgroup based on academic performance regardless of language or disability status or racial/ethnic or economic background

# X. Appendix D: Estimate of Number of Title I Schools Identified Under New and Previous State Accountability Systems<sup>190</sup>

State	No. of Title I Schools in School Improvement in 2010-2011 <sup>191</sup>	Total No. of Schools (Title I and Others) Identified for Supports and Interventions under ESEA Waiver**	No. of Title I Schools Identified under New ESEA Waiver Plan as Priority/Focus**	Increase/ Decrease of No. of Title I (and Overall—if Different) Schools Identified under New Identification System**
Arizona	298	207	207 (P 69/F 138)	-91
Arkansas*	304	158	124 (P 41/F 83)	-180 (-146 overall)
Colorado*	201	103	103 (P 33/F 70)	(-98 overall)
Connecticut	227	80, including Title I eligible schools	80 (P 27/F 53)	(-147 overall)
Delaware	14	21	21 (P 8/F 13)	+7
District of Columbia*	144	47	46 (P 29/F 17)	-98
Florida* <sup>192</sup>	1159	1188	376 (P 106/F 270)	-783
Georgia	210	285, including "Alert" schools that includes all schools	234 — estimates for "Alert" Title I schools were not given	+24 (+75 overall)
Idaho*	130	68	68 (P 21/F 47)	-62
Indiana	200	308	308 (P 154/F 154)	+108

<sup>190</sup> Numbers presented in this chart are based on estimates given by states in their ESEA Flexibility Requests. In some cases the numbers were estimated based on the percentage of schools said to be identified. The analysis was conducted before the approval of waiver plans from Alabama, Alaska, Hawaii, and West Virginia. Also, it should be noted that some states may have created an additional category beyond "Focus" or "Priority" to receive support but may have not estimated the number of schools to be identified — in the cases where numbers were given, those estimates are included, and if not given, it is noted in the chart.

<sup>191</sup> U.S. Department of Education, "Total Number of Schools in Need of Improvement: 2011-12," ED Data Express: Data about elementary & secondary schools in the U.S., <http://www.eddataexpress.ed.gov/data-element-explorer.cfm/tab/data/deid/13> (accessed June 7, 2013). Data from 2010-2011 is the most recent data available for the identification of schools in school improvement.

<sup>192</sup> Florida Department of Education, "ESEA Flexibility Request (Amended June 28, 2012)," *Ed.gov*, U.S. Department of Education, <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/fl.html> (accessed June 7, 2013), 126.

**Chart Key:** \* Indicates that state chose to include all schools under new accountability system. Conversely, those without an asterisk only identify Title I schools in need of school improvement, thus the number of total schools identified is the same as number of Title I schools identified.

\*\* Estimate is based on number of Priority and Focus Schools — as well as any other category of school identified for interventions — provided by states in their ESEA waiver plans. Note the numbers provided are the number of schools identified as Priority or Focus, not the total number of schools that are now included in a state's identification process.



State	No. of Title I Schools in School Improvement in 2010-2011 <sup>191</sup>	Total No. of Schools (Title I and Others) Identified for Supports and Interventions under ESEA Waiver**	No. of Title I Schools Identified under New ESEA Waiver Plan as Priority/Focus**	Increase/ Decrease of No. of Title I (and Overall—if Different) Schools Identified under New Identification System**
Kansas	37	99	99 (P 33/F 66)	+62
Kentucky*	142	533	278— Title I estimates only given for Focus Schools	+136 (+391 overall)
Louisiana*	30	210	210 (P 68/F 142)	(+170 overall)
Maryland	86	62	62 (P 21/F 41)	-24
Massachusetts*	668	284	State did not provide an estimate in ESEA waiver application.	(-384 overall)
Michigan	164	525	347 (P 141/F 206)	+183 (+361 overall)
Minnesota	342	126 (State did not estimate No. of continuous improvement schools.)	126 (P 42/F 84)	-216
Mississippi	117	116	116 (P 36/F 80)	-1
Missouri	588	172— only Title I schools were identified	172 (P 57/F 115)	-416
Nevada	141	33	33 (P 9/F 24)	-108
New Jersey*	493	253	216 (P 72/F 144)	-277 (-240 overall)
New Mexico	410	96— only Title I schools were identified.	96 (P 31/F 62)	-317
New York	479	693, includes Title I eligible and charter schools	State did not provide full estimate in ESEA waiver application; notes that at least 175 Title I schools will be Priority.	(+214 overall)
North Carolina	332	207	207 (P 77/F 130)	-125
Ohio*	856	445	445 (P 162/F 283)	(-411 overall)
Oklahoma*	75	232— only Title I schools were identified.	232 (P 76/F 156)	+157
Oregon	65	122-127	State did not estimate in ESEA waiver application.	+57-62

Chart Key: \* Indicates that state chose to include all schools under new accountability system. Conversely, those without an asterisk only identify Title I schools in need of school improvement, thus the number of total schools identified is the same as number of Title I schools identified.

\*\* Estimate is based on number of Priority and Focus Schools — as well as any other category of school identified for interventions — provided by states in their ESEA waiver plans. Note the numbers provided are the number of schools identified as Priority or Focus, not the total number of schools that are now included in a state's identification process.

State	No. of Title I Schools in School Improvement in 2010-2011 <sup>191</sup>	Total No. of Schools (Title I and Others) Identified for Supports and Interventions under ESEA Waiver**	No. of Title I Schools Identified under New ESEA Waiver Plan as Priority/Focus**	Increase/ Decrease of No. of Title I (and Overall—if Different) Schools Identified under New Identification System**
Rhode Island*	41	30	30 (P 18/F 12)	(-11 overall)
South Carolina*	184	78	78 (P 26/F 52)	(-106 overall)
South Dakota	62	54	54 (P 20/F 34)	-8
Tennessee*	81	254	State did not estimate in ESEA waiver application.	(+173 overall)
Utah	8	43 — only Title I schools were identified.	43 (P 20/F 34)	+35
Virginia	135	108 — only Title I schools were identified.	108 (P 36/F 72)	-27
Washington*	517	138	138 (P 46/F 92)	(-379 overall)
Wisconsin	71	167 — only Title I schools were identified.	167 (P 59/F 108)	+96

Chart Key: \* Indicates that state chose to include all schools under new accountability system. Conversely, those without an asterisk only identify Title I schools in need of school improvement, thus the number of total schools identified is the same as number of Title I schools identified.

\*\* Estimate is based on number of Priority and Focus Schools — as well as any other category of school identified for interventions — provided by states in their ESEA waiver plans. Note the numbers provided are the number of schools identified as Priority or Focus, not the total number of schools that are now included in a state's identification process.



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