



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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**TO** LEA Superintendents  
Charter School Directors

**FROM** Rebecca B. Garland, Chief Academic Officer *RBG*  
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Academic Services and Instructional Support

**DATE** June 13, 2012

## ESEA WAIVER IMPLICATIONS

On May 31, 2012, the United States Department of Education (USED) approved North Carolina's flexibility waiver request from some of the requirements of No Child Left Behind as specified in the Elementary and Secondary Education Act (ESEA). In lieu of the reauthorization of ESEA by Congress, the waiver will remain in effect for the 2012-13 and 2013-14 school years. If ESEA is not reauthorized by 2014-15, the USED will re-evaluate the flexibility waiver.

This memo addresses the immediate changes to federal accountability reporting that will be effective with the 2011-12 and the 2012-13 school years. With respect to 2011-12, please note:

1. The NCDPI will no longer designate each school as having met or not met Adequate Yearly Progress (AYP). For each school, the NCDPI will report the number of Annual Measureable Objectives (AMOs) and the number of those targets met as well as the percentage of targets met. To meet the criteria for an Honor School of Excellence per the ABCs of Public Education, a school will have to meet all of its designated targets.
2. The ESEA waiver specified AMO targets will be used for reporting. These targets are (1) based on 2010-11 data and (2) identified for each federally reported subgroup. Per the flexibility waiver, the AMO targets were set with the goal of reducing the percentage of non-proficient students by one-half within six years. The attached charts provide the targets for English language arts and for mathematics.
3. The NCDPI will not require local education agencies (LEAs) to implement sanctions previously related to not having met AYP. LEAs may elect to implement school choice or supplemental educational services, but NCDPI will not direct these actions. However, the NCDPI will continue to generate an approved list of supplemental educational services providers to LEAs as a resource for LEAs.
4. In addition, as part of the ESEA flexibility waiver, Priority, Focus, and Reward Schools, based on 2010-11 data, have been identified. The Priority and Focus lists will remain for three years (beginning in 2012-13 and ending in 2014-15). The NCDPI Title I office will follow-up with LEAs regarding any Priority or Focus Schools in their districts with more information on assistance and resources.

## DIVISION OF ACCOUNTABILITY SERVICES

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

In 2012-13, the ESEA flexibility waiver will be fully implemented, and the following changes to federal accountability will be effective as well as the changes implemented in 2011-12:

1. The minimum size of a subgroup for AMO reporting will be 30. This is different from the current minimum size of 40, which will be used for 2011-12 reporting.
2. The minimum participation rate requirement will remain at 95%; however, beginning in 2012-13 the consequences for not meeting the 95% participation rate rule will be as follows:
  - a. **Year 1 Not Meeting Participation Rate Requirements for Any Subgroup:** Within 30 days after the accountability results are approved by the State Board of Education (SBE), the school must send a letter (text provided by NCDPI) to all parents informing them of the participation rate. The letter must include a plan of action for ensuring full participation for all subgroups specifically targeting those that did not have adequate participation.
  - b. **Year 2 Not Meeting Participation Rate Requirements for Any Subgroup:** The school will be labeled as a “consistently low-participating school” and will be required to create and implement an intensive intervention plan aligned with ensuring the participation rate for all subgroups reaches 95%. At the state level, within the Statewide System of Support, these schools will receive the most intensive support around the issue of participation rates.
  - c. **Year 3 Not Meeting Participation Rate Requirements for Any Subgroup:** NCDPI will count non-participating students as not proficient. The number of additional students who will be counted as not proficient will be equal to the number of students that would be needed to achieve a 95% participation rate in any subgroup. An additional letter to parents (text provided by NCDPI) must be sent by the school indicating a third year of inadequate participation and providing a plan to ensure full participation for all subgroups.

The following chart delineates this information by accountability year:

	<b>2011-12 Accountability</b>	<b>2012-13 Accountability</b>
Adequate Yearly Progress (AYP) Status	Not reported or sanctioned	Not reported or sanctioned
Annual Measureable Objectives (AMOs)	Set on 2010-11 performance data and reported by different subgroup targets	Set on 2010-11 performance data and reported by different subgroup targets
Minimum Subgroup Size	Minimum N = 40 (No change)	Minimum N = 30
Participation Rate	Included as component of AMO reporting with no specific consequences (No change)	Included as component of AMO reporting with specific consequences over three years

For more information, the ESEA flexibility waiver is at <http://dpi.state.nc.us/docs/program-monitoring/esea/esea-flexibility-request.pdf> .

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In closing, thank you for your patience as the NCDPI has worked through this process over the past several months. We are very pleased to have met the requirements of the ESEA flexibility waiver in ways that remove some of the restrictions of NCLB and allow schools to continually demonstrate high student achievement. As always, we appreciate your work and your commitment to North Carolina students.

RBG:AHQ:tlh

c: June St. Clair Atkinson, State Superintendent  
Tammy Howard, Director, Accountability Services  
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Donna Brown, Director, Federal Program Monitoring and Support Division  
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Lynne Johnson, Director, Educator Recruitment and Development  
Maria Pitre-Martin, Director, K-12 Curriculum and Instruction  
Regional Accountability Coordinators

Attachment

**NEW ANNUAL MEASURABLE OBJECTIVES (AMO) TARGETS**  
**Based on Assessments Administered in the 2010-11 School Year**

Subgroup	2010-2011 Baseline Reading		2011-2012 Targets Reading		2012-2013 Targets Reading		2013-2014 Targets Reading		2014-2015 Targets Reading		2015-2016 Targets Reading		2016-2017 Targets Reading	
	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS
Total (All students)	70.5	86.0	73.0	87.2	75.4	88.3	77.9	89.5	80.3	90.7	82.8	91.8	85.2	93.0
Native American	58.3	73.3	61.8	75.5	65.2	77.8	68.7	80.0	72.2	82.2	75.7	84.4	79.2	86.7
Asian	79.1	87.3	80.8	88.4	82.6	89.4	84.3	90.5	86.1	91.5	87.8	92.6	89.5	93.7
Black	54.0	75.8	57.8	77.8	61.7	79.8	65.5	81.8	69.3	83.9	73.2	85.9	77.0	87.9
Hispanic	57.6	78.4	61.1	80.2	64.7	82.0	68.2	83.8	71.7	85.6	75.3	87.4	78.8	89.2
Two or More Races	73.3	88.6	75.5	89.5	77.8	90.5	80.0	91.4	82.2	92.4	84.4	93.3	86.7	94.3
White	81.7	92.4	83.2	93.0	84.8	93.7	86.3	94.3	87.8	94.9	89.3	95.6	90.8	96.2
Economically Disadvantaged	57.9	77.0	61.4	78.9	64.9	80.8	68.4	82.8	71.9	84.7	75.4	86.6	79.0	88.5
Limited English Proficient	37.2	36.7	42.4	42.0	47.7	47.2	52.9	52.5	58.1	57.8	63.4	63.1	68.6	68.3
Students With Disabilities	39.5	46.4	44.5	50.9	49.6	55.3	54.6	59.8	59.7	64.3	64.7	68.7	69.8	73.2

Subgroup	2010-2011 Baseline Math		2011-2012 Targets Math		2012-2013 Targets Math		2013-2014 Targets Math		2014-2015 Targets Math		2015-2016 Targets Math		2016-2017 Targets Math	
	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS	3-8	HS
Total (All students)	82.2	82.5	83.7	84.0	85.2	85.4	86.7	86.9	88.1	88.3	89.6	89.8	91.1	91.2
Native American	75.4	73.7	77.5	75.9	79.5	78.1	81.6	80.3	83.6	82.5	85.7	84.7	87.7	86.8
Asian	91.7	91.5	92.4	92.2	93.1	92.9	93.8	93.6	94.5	94.3	95.2	95.0	95.8	95.8
Black	68.8	69.5	71.4	72.0	74.0	74.6	76.6	77.1	79.2	79.7	81.8	82.2	84.4	84.8
Hispanic	78.4	79.1	80.2	80.8	82.0	82.6	83.8	84.3	85.6	86.1	87.4	87.8	89.2	89.5
Two or More Races	83.5	83.3	84.9	84.7	86.2	86.1	87.6	87.5	89.0	88.9	90.4	90.3	91.8	91.7
White	89.5	89.2	90.4	90.1	91.2	91.0	92.1	91.9	93.0	92.8	93.9	93.7	94.8	94.6
Economically Disadvantaged	74.0	73.5	76.2	75.7	78.3	77.9	80.5	80.1	82.7	82.3	84.8	84.5	87.0	86.8
Limited English Proficient	68.5	52.2	71.1	56.2	73.8	60.2	76.4	64.2	79.0	68.1	81.6	72.1	84.2	76.1
Students With Disabilities	56.3	46.6	59.9	51.1	63.6	55.5	67.2	60.0	70.9	64.4	74.5	68.8	78.2	73.3