



# Obama ESEA Flexibility Policy: Highlights for High Schools

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## **Background**

The most recent authorization of the Elementary and Secondary Education Act (ESEA), known as the No Child Left Behind Act, expired in 2007. Since then, the U.S. Congress has been working to renew the law; however, it has not yet done so. In the absence of a full reauthorization, the Obama administration has offered states flexibility from specific provisions of the law in exchange for state-led reform activities in the areas of standards, accountability and school improvement, and teacher evaluation. States will be able to submit requests for flexibility in November 2011, February 2012, and following the conclusion of the 2011–12 school year. States awarded waivers will be able to implement them over a two-year period, which may be extended based on performance.

## **Which Policies Will the U.S. Department of Education Waive?**

States may request a waiver from ten specific ESEA policies, including

- the requirement that all students be proficient in math and reading by 2014;
- school improvement requirements, including the required expenditures for public school choice and supplemental educational services; and
- the requirement of improvement plans for school districts that do not meet their targets for highly qualified teachers.

## **What Do States Need to Do to Receive a Waiver?**

In order to receive a waiver, states must implement reform that addresses each of the following four key principles:

- college- and career-ready expectations for all students;
- state-developed systems of differentiated recognition, accountability, and support;
- effective instruction and leadership; and
- reduction of duplicative and burdensome reporting requirements.

## **What Does the Flexibility Policy Mean for High Schools?**

The flexibility policy contains several elements that could benefit high schools, including the following:

- The flexibility policy reinforces the work underway in states to implement college- and career-ready standards and aligned assessments. The policy will facilitate deeper learning for all students by specifically calling for higher-quality assessments that include the application of knowledge and skills.
- According to the policy, a state's lowest-performing 5 percent of schools will be classified as "priority schools," and the next 10 percent of low-performing schools will be classified as "focus schools." High schools with graduation rates below 60 percent must be categorized as either priority schools and implement whole-school reform activities within specified categories, or they will be classified as focus schools and implement state-determined improvement activities.
- The flexibility policy states that high schools with graduation rates below 60 percent that receive Title I and high schools that are eligible for Title I are to be classified as priority or focus schools. This is important because current law only impacts the relatively few high schools that receive Title I. This new policy will have a more significant impact on high schools because it reaches the thousands of high schools that are eligible for Title I funding but do not receive it.
- According to the policy, the improvement activities required of priority schools are comprehensive, but they are also flexible and consistent with research on effective high school reform. The categories of whole-school reform activities that are required include strengthening school leadership and instruction, improving the school's use of time, strengthening the instructional program, using data to inform instruction, and addressing nonacademic factors that impact student achievement.
- The flexibility policy maintains the accurate graduation rate calculation and rigorous goals and annual targets required by the 2008 graduation rate regulations.

## **What Are the Concerns for High Schools That Arise Within the Flexibility Policy?**

- States have wide latitude in designating high schools with graduation rates below 60 percent as either priority or focus schools. It is important to classify these high schools as priority schools to ensure that they implement rigorous reform.
- States have the ability to develop their own improvement systems for the vast majority of low-performing schools. It is critical that the U.S. Department of Education grant waivers only to states proposing accountability and improvement systems that call for rigorous reform of all low-performing schools based on their unique needs.