

**FEEDBACK ON WAIVER RENEWAL MATERIALS SUBMITTED BY THE INDIANA DEPARTMENT OF EDUCATION
TO THE U.S. DEPARTMENT OF EDUCATION ON JUNE 30, 2014**

**Prepared by the Center for Education & Career Innovation
July 8, 2014**

In its role as staff to the State Board of Education (“SBOE”), the Center for Education & Career Innovation (“CECI”) respectfully submits the following inputs and questions to the Indiana Department of Education (“IDOE”) regarding the materials the IDOE submitted to the U.S. Department of Education (“USED”) on June 30, 2014, as part of the state’s ESEA flexibility waiver renewal request. It is regrettable that SBOE members and staff were not able to review in full IDOE’s waiver renewal submission until after it was sent to USED and posted on IDOE’s website. Even then, as noted below, a number of attachments are not posted on the website, preventing the SBOE and the public from viewing the submission in its entirety.

Nonetheless, the SBOE has a responsibility under Indiana statute (IC 20-19-2) to establish education policy in Indiana. To not weigh in on the waiver submission which impacts key policy areas under the SBOE’s jurisdiction, including accountability, assessments and teacher evaluations, would be a failure to discharge the statutory responsibilities of the SBOE. Further, as part of the waiver renewal request, IDOE has proposed substantive policy modifications that were not presented to SBOE with clear supporting rationale for the changes nor were they approved by SBOE in advance of the waiver renewal submission. In a number of cases, those policy changes are at odds with existing SBOE regulation and the original waiver submission, which received full approval from USED in February 2012.

Given the enormous negative impact the proposed policy changes and lack of clarity in the waiver renewal submission could have on students, parents, teachers and schools, we share the following input and ask the IDOE for answers to these important questions that impact every student in Indiana.

GENERAL COMMENTS ON WAIVER SUBMISSION MATERIALS

- A number of narrative responses are in the future tense, starting in the “summer” or “fall.” In such instances, limited information is provided regarding how, specifically, IDOE will implement its future plans, e.g., project plan with detailed

timeline, activities and deliverables. The inclusion of planned future activities without substantive details raises concerns about the capacity of the IDOE to implement these activities in a timely manner, and in compliance with state statute, SBOE regulations and ESEA waiver principles. Examples include:

- “There are two additional direct stakeholder engagement forums that are in the formation process. The first new forum will be the creation of a quarterly parent newsletter... The second forum is the creation of a Superintendent’s Student Advisory Group.” Pg. 18
- “Create print and video materials to share with parents at the LEA level regarding ESEA flexibility components (all materials will be translated into Spanish).. Summer and Fall 2014.” Pg. 30
- “IDOE will work to ensure alignment of local curriculum and instruction to the new college-and-career ready Indiana Academic Standards for English/Language Arts and Mathematics (2014).”
- “In the Summer and Fall of 2014 the Office of Special Education will provide the NCSC Parent FAQ and other resources created by NCSC in which to inform parents of the change in assessments and standards.” Pg. 84
- “IDOE’s Office of Early Learning and Migrant Education will create model reader-friendly information guides...[and] will also reach out to diverse stakeholders...”. Pg. 91
- “Beginning in the late summer and extending throughout the fall, IDOE will provide professional development designed to assist teachers in understanding how the new English/Language Arts and Mathematics standards will be assessed on ISTEP+.” Pg. 127
- “In December, IDOE will share sample applied skills items for classroom use.” Pg. 128
- “Indiana will contract with independent evaluators to analyze alignment of ISTEP+ and ECAs with college- and-career ready 2014 Indiana Academic Standards...” Pg. 132
- “... the Office of Early Learning and Intervention and the Office of Grants Management Monitoring and Reporting (GMMR) will incorporate evaluation monitoring into their already occurring monitoring.” Pg. 297
- “...IDOE anticipates 56 LEAs will be monitored annually for evaluation plan compliance...” Pg. 297
- “...technical assistance will be delivered through web video technology and posted to IDOE and association websites during summer and early fall 2014...” Pg. 298
- The breadth and depth of monitoring, oversight and technical assistance duties required of the 13 Outreach Coordinators raises questions regarding the capacity of these individuals to perform such important work in support of all Indiana districts and schools.

SUMMARY COMMENTS BY WAIVER AREA

Consultation Concerns - Summary:

- Limited evidence was provided of engagement by IDOE with stakeholders on the waiver submission.
- How, specifically, was stakeholder input incorporated into the IDOE's waiver submission?
- What evidence is available to demonstrate that educators and schools are aware of ESEA waiver requirements and how these requirements link with state law and SBOE regulations?
- Limited evidence of the robust nature of training for Outreach Coordinators regarding waiver principles was provided. What assurance can IDOE provide that the Outreach Coordinators are providing accurate, reliable information to all stakeholders, including administrators, teachers and parents?
- Do each of the Outreach Coordinators have the relevant background and skillsets, as well as the capacity, to provide the type and level of supports to LEAs as set forth in the waiver?

Principle 1 Concerns - Summary:

- IDOE's plans for providing specific support to teachers and schools regarding the 2014 Academic Standards for E/LA and Math do not appear likely to result in the targeted goals of 100% awareness and 100% support. For example, the letter from IDOE to textbook vendors has resulted in no demonstrable outcomes in support of LEAs (this was confirmed by IDOE senior staff during the June 23, 2014 SBOE meeting). Moreover, the "memo to vendors" approach does not comply with a SBOE resolution adopted in March 2014, which called for proactive, targeted assistance for LEAs to ensure a smooth transition given the accelerated implementation timeline for the new academic standards.
- IDOE's plans for an operational assessment in 2014-2015 and how this will link to an operational assessment in 2015-2016 lack specific details about how the current assessment vendors will work with IDOE to administer field tested items aligned to the 2014 E/LA and Math standards, that meet College and Career Ready testing item type requirements, and that will result in valid and reliable data for purposes of accountability.
- There is no reference to the work of Dr. Derek Briggs, who is providing consulting expertise on assessments and accountability to the SBOE and IDOE.

- The timeline for issuing the RFP has been pushed back further than the timeline approved by the Assessment Committee, to late July/early August, despite the adoption of the resolution on assessments by the Education Roundtable on June 23, 2014. The lack of urgency is a concern given the need to have certainty on future assessments for Indiana students, families, teachers, and schools, and the need to provide time for a new vendor to field test items in 2014-2015.
- In general, the plan for assessments appears to favor the continued selection of CTB as the ISTEP+ vendor, given the requirement to field test items in Spring of 2014-2015 that can then be utilized in Spring of 2015-2016.
- The SBOE learned that IDOE signed a contract with CTB on June 30, 2014, to create two assessments in 2014-2015 – an ISTEP+ test aligned with the former standards, and a CCR transition assessment aligned with the new standards. The ISTEP+ test will not comply with federal requirements and cannot be used for accountability. In addition, developing two tests results in much higher costs for the state and an added administrative burden for students and schools. It is unclear why IDOE would sign a contract for a superfluous test that cannot be used for accountability purposes, when clear guidance was provided by USED prior to June 30th that this approach did not comply with federal requirements.
- The Attorney General’s opinion regarding the compliance of Indiana’s participation in the NCSC Consortium is missing from the submission/ is not posted on the IDOE website. There is also no attachment for the sole source contract.

Principle 2 Concerns – Summary:

- There is no reference to HEA 1427 [2013] and the required changes to the A-F System.
- There is no reference to the A-F Panel or the recommendation developed under the direction of Panel Co-Chairs Superintendent Ritz and Dr. Yager. There is also no reference to how the recommendations comply with ESEA waiver principles.
- There is no timeline for the development of specific recommended A-F model changes, how the changes will address the required federal objective of 100% proficiency for all students by 2019-2020, or a description of how the revised A-F metrics will be implemented in compliance with waiver principles (e.g., ESEA waiver principles require that at least 10% of the state’s Title I Schools are identified as Focus schools).
- There is no reference to Dr. Damian Betebenner’s consulting work on growth or the memo he produced with recommendations for utilizing the equi-percentile concordance approach for calculating growth in 2014-2015 and beyond.

- The 2012 approved waiver language defined a persistently low achieving school in the following manner: “any school that receives a ‘D’ or an ‘F’ for two or more consecutive years.” The 2014 submission from Superintendent Ritz strikes this definition without providing a clear rationale for this change. Further, this policy change was not discussed or approved in advance by the SBOE. This proposed change by Superintendent Ritz will delay interventions and supports for Indiana’s struggling students and schools, and appears likely to result in watered down accountability for low-performing schools.
- IDOE is requesting approval from USED to reset the implementation timeline to 2014-2015 for all non-SIG Priority Schools. The rationale provided is that school principals have been determined by the Outreach Coordinators to have the ability to lead turnarounds. Once again, this policy change was not discussed or approved in advance by the SBOE. Further, SBOE staff have concerns about whether all the individuals in Outreach Division whose analysis will inform the decisions about principal effectiveness have the background and expertise necessary to make determinations that would withstand legal scrutiny. This proposed change by IDOE will delay interventions and supports for Indiana’s struggling students and schools, and raises concerns about potential litigation when principals are dismissed based upon Outreach Coordinator recommendations.
- The qualifications and capacity of the Outreach Coordinators to deliver all the required technical assistance noted in the waiver materials raises concerns about implementation quality and consistency, about capacity, and also potential legal implications for schools in which principals are replaced based upon Outreach Coordinator recommendations.

Principle 3 Concerns – Summary:

- IDOE notes that approximately 40 LEAs are out of compliance with Indiana’s teacher evaluation statute. No information is provided regarding which LEAs are out of compliance, and when they will be bargaining new agreements. When, specifically, will these LEAs become compliant? What evidence can IDOE provide that these LEAs are on track to develop and implement compliant evaluation systems? What technical assistance is IDOE providing, and what assistance will be provided in future?
- IDOE recently completed a review of 2013-2014 Compensation Models, and followed up with some unquantified portion of the 60 LEAs identified as non-compliant with state statute. IDOE reported only vague, high-level assurances from these LEAs with no evidence to support claims of future Compensation Model compliance. This raises questions about the rigor of IDOE’s review, and also raises concerns about IDOE’s planned approach to ensuring LEA compliance with state law.
- The explanation provided by IDOE regarding the issuance in July 2013 of what was referred to as RISE 2.5, which advised schools to decrease the weight of ISTEP+ data, is a misrepresentation of the facts and makes no mention of the fact the SBOE was not consulted in advance of the guidance being issued in 2013. The minimal explanation provided, as well as the lack of

reference to the independent analysis conducted by Dr. Richard Hill from The National Center for the Improvement of Educational Assessment, Inc. noting that there was no statistically significant negative impact on ISTEP+ scores, and that these scores actually increased despite the 2013 ISTEP+ testing interruptions, raises concerns about IDOE's transparency on this matter. It also raises concerns about whether IDOE will remain compliant in future with state statute and SBOE regulations regarding teacher and principal evaluation systems.

- The waiver materials note that IDOE is developing guidance on how to modify Student Learning Objectives (SLOs) in the teacher evaluation system to align with the new WIDA assessment/ELP standards, and also the NCSC Assessment. There is no reference in the waiver materials to SBOE approval of any such new guidance as it relates to the state approved model or to state level guidance when developing local evaluation models. Given the issues with RISE 2.5 in 2013, this raises concerns about whether this new guidance will come before the SBOE in a timely manner, and whether the guidance will comply with state statute and SBOE regulations.
- The waiver materials note that only 56 LEAs out of 292 will be monitored annually to ensure compliance with the teacher evaluation statute and regulations. This translates to a review of each LEA once every four years. This is not an appropriate level of frequency to ensure compliance and raises concerns about IDOE's planned approach to compliance.
- During the June 17, 2014, conference call with USED, Deputy Superintendent Shockey stated that the IDOE was considering using the RISE 2.0 "Group 3" approach for all teachers in 2014-2015, rather than limiting it to teachers who teach no subjects with state assessments. This is identical to the non-compliant guidance that was issued in 2013 with RISE 2.5. Such guidance would not comply with state statute or SBOE regulation, and was not referenced in the waiver submission materials. This raises concerns about IDOE's transparency, commitment to compliance with statute and SBOE regulations in 2014-2015, and what appears to be a watering down of teacher and principal accountability.

DETAILED COMMENTS BY WAIVER AREA

CONSULTATION			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
12-13	Missing attachments	Attachments 3, 11 and 12	<ul style="list-style-type: none"> • These attachments are referenced in the narrative but are not posted on the IDOE website
12	Stakeholder engagement	“...addressing the three principles of the waiver has been ongoing with stakeholders, the State Board of Education, the Indiana Education Round Table, Indiana’s General Assembly legislative leadership, Governor Pence and his Center for Education and Career Innovation...”	<ul style="list-style-type: none"> • Despite repeated requests for substantive updates on the waiver during SBOE meetings, on several occasions in 2013, the Chair did not allow members to place the topic on meeting agendas, and no mention was made of any USED concerns until the special Board meeting called by SBOE members for May 13, 2014. • The Roundtable did not discuss the waiver until the June 23, 2014 Roundtable meeting. • At no time prior to May 1 did the IDOE call a meeting with CECI to discuss the waiver or any concerns prior to the release of the USED report.
14, Att. #17	Advisory Stakeholder Group	“..targeted meeting of the Superintendent’s Advisory Stakeholder Group regarding substantive flexibility waiver amendments.”	<ul style="list-style-type: none"> • Only three individuals – Todd Bess, IASP, Sally Sloan, AFT, and John O’Neal, ISTA – attended this meeting. • No evidence was provided regarding what input was provided to IDOE on the waiver amendments.
18, Att. # 19	Outreach Coordinator monthly meetings	“This was a good visit. The day I visited was the Monday of the last week of school... There were no other days to schedule the visit in our calendars. Many classes were out to visit the Jr. HS for orientation...Lastly the teachers were already taking a part [sic] their rooms as construction was beginning on the school in the evenings. To conduct official classroom observations was	<p>Attachment 19 was provided to demonstrate how IDOE connects schools in need of services and support with one another.</p> <p>The attachment not only does not demonstrate this, it does not inspire confidence in the purpose, rigor, depth or quality of these monthly meetings.</p>

CONSULTATION			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
		almost counterproductive. The principal was very distracted understandably. I did what I could in conducting a complete thorough visit..."	
18	Stakeholder input	"The feedback provided by these comments informed the work of IDOE..."	<ul style="list-style-type: none"> • Only a small number of individuals provided online comments. Of these, only two or three individuals had specific suggestions to provide. • No evidence was provided to demonstrate the kind of feedback provided by the Title I Committee of Practitioners or Advisory Stakeholder Group.
21	Communication to LEAs regarding ESEA Waiver	Three meetings were held in December 2013	These meetings were presumably held after USED notified IDOE that a condition would be placed upon the waiver due to implementation concerns. No evidence was provided that additional formal meetings have occurred.
24	Summits	"Conducted summits that had Flexibility plan alignment."	No evidence was provided to demonstrate what topics were covered at these summits, or when/where these summits were held. No information was provided to SBOE about these summits.
24	Meetings with education stakeholder groups	"1/2013 and ongoing"	References are made to the Superintendent's calendar and IDOE staff calendars. No additional evidence was provided to support that there have been regular meetings with stakeholders to address ESEA waiver principles.
27	Development of Indiana Academic Standards	"Detailed timeline: May 2013-April 2014"	Work did not begin in earnest on standards until January 2014, after the resolution introduced by SBOE member Dr. Brad Oliver was allowed onto the December 20, 2013, agenda by the Chair, following IDOE's review of the resolution's legality with the Attorney General's Office.
32	Outreach	"Provided professional development to	The PowerPoint provided as evidence is light on details.

CONSULTATION			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
	Coordinator training on ESEA waiver	Outreach Coordinators to ensure understanding of ESEA Flex requirements and implications.”	<p>How did IDOE ensure each Outreach Coordinator was equipped to address specific questions regarding waiver principles at each school/district?</p> <p>Why weren’t Coordinators trained on ESEA Waiver principles when the Outreach Office first launched in late August 2013?</p>

PRINCIPLE 1 – STANDARDS AND ASSESSMENTS			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
39	Core 40	URL with link to Core 40 information	<ul style="list-style-type: none"> • Link is dead/ there is an error message
60	Aligning ISTEP as Indiana transitioned to Common Core	“IDOE worked with the state’s test vendor on the remaining item development in the current contract to move... toward more “PARCC-like” items, selecting passages based on the proportion of reading types required by the CCSS and selecting those passages with a deliberate review of the range of text complexity.”	<ul style="list-style-type: none"> • This historical work by IDOE is not referenced later in the section regarding the 2014-15 ISTEP. • This background is important to communicate with schools, students and families, that transitioning to the 2014-2015 ISTEP will not be as big of a transition as has been characterized by the IDOE in recent public communications.
64	100% Awareness Goal	<p>“IDOE is leveraging key summer conferences to reach the 100% awareness goal.”</p> <p>No mention of Parents/ parental awareness</p>	<ul style="list-style-type: none"> • In 2013, “nearly ten percent of Indiana’s educators attended the “Summer of eLearning” regional conferences.” • How will IDOE ensure higher participation to ensure it can come closer to achieving its 100% awareness goal? • The description of efforts to communicate and inform regarding the new standards only mentions “LEAs,

PRINCIPLE 1 – STANDARDS AND ASSESSMENTS			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			schools, administrators, and teachers as they plan for the 2014-15 school year.” What about parents ? Will there be any non-Learning Connection resources? (Learning connection requires log-in and password. Although these are obtainable by requesting it from IDOE, individuals have to request and then wait for IDOE response before they can get information).
66-67	Standards Resource Guides	Quality and accuracy of materials Completion of resource guides	<ul style="list-style-type: none"> Based upon feedback provided by SBOE and Roundtable members in June, the quality and readiness of the resource guide materials is not yet strong. The Roundtable meeting originally scheduled for June 11 was moved to June 23 to allow IDOE additional time to create a Reading List. Additional work is required to strengthen the materials and ensure their readiness for schools that are seeking strong guidance from the IDOE in July, to ensure sufficient preparation time and tools heading into the 2014-2015 school year.
69	Textbook vendors	<p>“In early June 2014, the Superintendent sent a letter to textbook/curricular material vendors... to encourage them to work with LEAs to supply additional aligned resources.”</p> <p>At the June 23, 2014, SBOE meeting, the IDOE noted that no vendors had called the IDOE and it wasn’t clear whether or not this assistance has been provided to LEAs. The Deputy Superintendent stated that IDOE could not locate phone</p>	<ul style="list-style-type: none"> SBOE member Sarah O’Brien introduced a resolution at the March SBOE meeting addressing this very topic. The resolution was adopted unanimously, and called for IDOE to work with vendors on behalf of LEAs to negotiate assistance on curricular materials aligned with the new standards, as has been done in the past by IDOE when there was a transition to new standards. At the May meeting, the SBOE was notified that the IDOE had misunderstood the March resolution and did not intend to work with vendors on behalf of LEAs. The waiver narrative references that IDOE staff will

PRINCIPLE 1 – STANDARDS AND ASSESSMENTS			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
		numbers for all vendors.	make follow up calls to vendors in July. Will phone numbers have been located? Who will make these calls? When? What assistance will be requested?
73-74	Standards Implementation Monitoring	Multi-tiered monitoring plan	<ul style="list-style-type: none"> • While it is true that implementation of curriculum and instruction is left to local control, it is also true that schools and educators need strong technical assistance to ensure full implementation of new standards in 2014-15 (which starts in late July/early August, given the balanced calendar many Indiana districts have adopted) • A more proactive communications approach seems warranted, leveraging partnerships with education stakeholder groups (e.g., Indiana Association of School Principals). What additional steps could IDOE take?
74	Standards Implementation	Grants Management Monitoring and Reporting (GMMR) Specialists will seek evidence of local curriculum and instruction aligned with standards	<ul style="list-style-type: none"> • What are the qualifications of the GMMR Specialists to review curriculum and observe instruction to ensure alignment and compliance? • What specific evidence will be sought? What feedback will be provided to schools that are not in compliance?
78	Standards Implementation	Technical Assistance Resource Centers providing professional development and support to LEA personnel	<ul style="list-style-type: none"> • Apart from one training session, what other training will TA personnel receive to ensure appropriate PD is being provided by these third-party partners? • How will IDOE ensure fidelity of TA to standards guidance?
81	Needs Assessment Survey	The IDOE will launch a survey in late July to ensure educators serving students with disabilities are receiving the support they need from IDOE.	<ul style="list-style-type: none"> • Providing supports to students with disabilities falls under State Board oversight per Indiana statute. • There has been no information provided to SBOE about this survey or the required support for educators serving students with disabilities.

PRINCIPLE 1 – STANDARDS AND ASSESSMENTS			
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			<ul style="list-style-type: none"> • IDOE should provide an update to SBOE at its August meeting and should liaise with SBOE staff to ensure transparency.
82	Resources for parents of students with disabilities	Office of Special Education “will work with IN*Source to develop and distribute resources for parents” of students with disabilities	<ul style="list-style-type: none"> • When will these resources be ready for distribution? • When will the SBOE be apprised of this work, and able to weigh in per statutory duties?
83	Statewide Assessment Resource Guide and Toolkit	“Staff from the Office of Special Education and the Office of Student Assessment reviewed the current guidance in November 2013 to ensure its continued efficacy...”	<ul style="list-style-type: none"> • What review has occurred since the adoption of the new standards in April 2014? • What additional work needs to be completed to ensure this resource maintains its efficacy?
89-90	WIDA ELP standards alignment study	“Similar work in other states puts the approximate cost at \$25,000. The obstacle to this work is the tight timeline.”	<ul style="list-style-type: none"> • Why can’t the alignment analysis be completed by IDOE content specialists? • How long has a third-party alignment study taken in other states? • What is the current status of the contract, and why wasn’t the procurement process started sooner?
90	WIDA implementation	<p>“The Language Minority collection is being designed to potentially include a data field that will indicate the percentage of staff trained...”</p> <p>“Professional learning on WIDA has occurred across multiple offices so that IDOE staff members are able to embed WIDA monitoring in various site visits and through desktop monitoring.”</p>	<ul style="list-style-type: none"> • Shouldn’t the addition of the data field be required? Why “potentially”? • Which offices were trained? Will this fall to the Outreach Coordinators as well? How will IDOE ensure consistent TA is provided to the field?
92	Technical	Newsletter – “The Waiver Corner”	<ul style="list-style-type: none"> • Does IDOE know how many recipients are reading and

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PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
	Assistance for English Learners	“IDOE also conducted [sic] regional workshops... in the fall of 2014 for district leaders. ... The ten regional Professional Development sessions anticipated in August and September...”	<p>correctly evaluating/understanding information provided in The Waiver Corner?</p> <ul style="list-style-type: none"> • Have dates been scheduled and confirmed for the regional sessions?
126	Interoperability requirements	“Items will meet all interoperability requirements.”	<ul style="list-style-type: none"> • Please elaborate on how this will be achieved. • What is the plan for field testing items in 2014-2015 that can be used in a 2015-2016 CCR assessment? Will this plan necessitate the continued use of CTB as Indiana’s testing vendor for summative assessments?
126-127	Field Test Items	<p>“... the Spring 2015 ISTEP+ assessment will follow an operationalized field test design. Other states, such as Maryland and Colorado, have adopted this psychometric method of test design for which CTB has extensive experience.”</p> <p>“The Spring 2015 ISTEP+ test forms will include field test items only.”</p>	<ul style="list-style-type: none"> • What exactly is an “operationalized field test design”? What lessons learned from Maryland and Colorado can be shared? • Were any items in the 2013-2014 ISTEP+ both CCR and used for purposes of a field test? • Will any field tested items from the Core Link item bank be used? If not, why not?
127	PD on new assessments	“Beginning in late summer and extending throughout the fall, IDOE will provide professional development designed to assist teachers in understanding how the new... standards will be assessed on the ISTEP+.”	<ul style="list-style-type: none"> • Who is developing the PD materials? Who will deliver PD? Have specific dates/venues been selected?
132 AND 152	Analysis of Alignment Between New	“Indiana will contract with independent evaluators to analyze the alignment of ISTEP+ and ECAs with college- and career-ready 2014 Indiana Academic	<ul style="list-style-type: none"> • Why will the analysis occur after the administration of the tests? Why not prior to administration? • When will this analysis be presented to the Education Roundtable and State Board of Education?

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	Standards and Assessments	Standards...” Pg. 152 has the timeline and shows a date of Summer 2015 for this analysis	
133	Communicating Results to State and General Public	Communicating Results to Students, Parents and Educators (ISTEP+ and ECAs)	<ul style="list-style-type: none"> • There is no reference to communicating results to the state and general public, as required by USED. • Is this referenced in another portion of the submission?
135	RFP Timing SBOE Approval	Timeline says RFP released in late July/early August. Timeline does not reference SBOE approval of vendors.	<ul style="list-style-type: none"> • Assessment Committee asked for mid-July release of the RFP. Why delay until late July/ early August? Will this allow for sufficient time for selected vendors to develop items for field testing in Spring of 2015? • In general, the timeline raises concerns that the SBOE will be forced to select CTB as the ongoing ISTEP+ vendor. • Timeline should reference SBOE approval of vendors.
139	Attachments 1C-10 and 1C-11	The narrative references the Office of the Attorney General’s opinion on joining the NCSC consortium, as well as a sole source contract.	<ul style="list-style-type: none"> • Both attachments are missing from the submission posted on the IDOE website and should be shared with the SBOE and the general public.

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
170-203	A-F System and Indiana Growth	Description of existing A-F system, including Ambitious But Achievable Annual Measurable Objectives that	<ul style="list-style-type: none"> • There is no reference to HEA 1427 [2013] and the required changes to the A-F System. • There is no reference to the A-F Panel or the

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PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
	Model	result in achieving 100% proficiency by 2019-2020 school year.	<p>recommendation developed under the direction of SPI Ritz and Dr. Yager.</p> <ul style="list-style-type: none"> • There is no timeline for the development of specific recommended changes, how the changes will address the required objective of 100% proficiency by 2019-2020, or a description of how the revised A-F metrics will be implemented.
175	Growth calculations in 2014-2015	Recommendation to use equi-percentile concordance approach from Dr. Damian Betebenner.	<ul style="list-style-type: none"> • There is no reference to Dr. Betebenner's name/expertise. • Suggest attaching the memo prepared by Dr. Betebenner explaining the rationale for his recommendation, along with PowerPoint deck prepared by IDOE for June 16, 2014, meeting called by SPI Ritz.
197	LEA and School Report Cards	The waiver states that the report card (published on the IDOE website) will include letter grades and proficiency results for each subgroup (overall, bottom 25%, top 75%, and ESEA subgroups).	<ul style="list-style-type: none"> • The COMPASS website has been redesigned and no longer provides subgroup information for the bottom 25% or top 75% under "Report Card." In addition, the easy-to-read table with letter grades for the past 5 years has been replaced by an annual view of a pie chart, which makes it harder to easily assess letter grade performance trends over time.
207	Reward Schools Recognition	<p>"Reward schools will be exempt from certain regulations, such as complying with the administrative functions of Indiana's 3rd grade reading plan."</p> <p>"High Progress Schools may be honored at the State Capitol by the Governor or State Superintendent."</p>	<ul style="list-style-type: none"> • Did IDOE ensure Reward Schools were exempt from allowable regulations for 2012-2013? • Were High Progress Schools reported to the public?
207	Persistently	The 2012 approved language defined a	<ul style="list-style-type: none"> • Why is Superintendent Ritz striking this definition?

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
	Low Achieving Schools	<p>persistently low achieving school in the following manner: “any school that receives a ‘D’ or an ‘F’ for two or more consecutive years.”</p> <p>The 2014 submission strikes this definition.</p>	<ul style="list-style-type: none"> • Note that there was no policy discussion in advance with the SBOE regarding this change in approach. • The SBOE previously approved of this definition based upon historical evidence showing significantly higher rates of failure, as measured by state assessments and graduation rates, as well as drop-out rates, in schools with these ‘D’ and ‘F’ ratings. The SBOE also recognized the need to address those schools that oscillate between a D and an F rating, to capture the low D performers and provide targeted interventions to move them to a ‘C’ or higher.
208	Non-SIG Priority Schools Implementation Timeline	<p>The current submission states that “Indiana is requesting to reset the implementation timeline to 2014-2015 for all non-SIG Priority Schools.”</p> <p>“School principals have been determined, based on evaluations aligned to the Turnaround Principles and evidence submitted to IDOE, to have the ability to lead the turnaround effort...”</p>	<ul style="list-style-type: none"> • Why is Superintendent Ritz requesting to reset the timeline? What evidence does IDOE have to establish that delaying the implementation of interventions will benefit students? Is there side-by-side information of the former list of Priority Schools compared to the new list along with the letter grade information since 2012-2013? • Note that there was no policy discussion in advance with the SBOE regarding this change in approach. • The waiver describes IDOE’s Office of Outreach as having significant responsibility in making determinations for whether schools were determined to have “strong leadership.” <ul style="list-style-type: none"> ○ What are the minimum qualifications for individuals involved in making these decisions? ○ How many were determined to not have strong leadership? ○ What were the criteria?

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			<ul style="list-style-type: none"> ○ Are school corporations required to follow IDOE recommendation re: whether the Principal ensures strong leadership? ○ SBOE counsel has concerns that without clearly identified objective criteria that are consistently applied by appropriately qualified individuals, this could lead to litigation by a Principal whose employment is terminated by a school corporation.
208	Interventions for Title I Schools Failing to Make AYP	<p>The 2012 waiver language notes that interventions apply to schools and districts.</p> <p>The current submission strikes the reference to “districts” and replaces this with “LEAs.”</p>	<ul style="list-style-type: none"> ● In Indiana, charter schools are LEAs, but are not considered to be a district. ● Replacing the word “district” with “LEA” indicates that charter schools – for which accountability and oversight rests with the authorizer – will now be subject to interventions proscribed by IDOE. ● Note that there was no policy discussion in advance with the SBOE regarding this change in approach. ● What is the rationale for this change in scope? Were Indiana authorizers consulted on this change? ● Note that Indiana statute has an accelerated accountability timeline for charter schools, and requires intervention following 3 years rated an ‘F’.
215	Data-Driven Intervention(s) Selection	<p>The 2012 waiver language states that the former Office of School Improvement and Turnaround will approve the root cause analysis and data driven intervention(s) selection form.</p> <p>The current submission strikes this language, instead noting that Outreach</p>	<ul style="list-style-type: none"> ● What are the qualifications of the Outreach Coordinators assessing the alignment of the interventions selected with Turnaround Principles, and the quality, depth and rigor of the plans created by LEAs? ● How will IDOE ensure consistent reviews by the 13 Outreach Coordinators? Does Outreach have support

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
		Coordinators review and provide feedback on Student Achievement Plans during on-site monitoring visits.	from the IDOE’s legal staff for its reviews?
216	Leading/Lagging Indicators	The 2012 waiver language referenced a logic model with leading and lagging indicators. The current submission strikes this language. There is a reference to training provided by the MA Rooney Foundation on data-based best practices for use of data.	<ul style="list-style-type: none"> • What data are used in lieu of leading and lagging indicators? • Will MA Rooney training continue? • What experience does MA Rooney have with school turnarounds?
221, and Attachment 2D-19.	Mass Insight Diagnostic Report	Office of Outreach sought a review of its work in turnarounds by Mass Insight, which was completed on May 27, 2014.	<ul style="list-style-type: none"> • The report has not been formally shared with the SBOE. It was submitted with the waiver submission on June 30th and was not specifically called out by IDOE. • Using the following scale: Needs Improvement, Developing and Proficient, Mass Insight rated the Office of Outreach as “Developing” on 6 out of 7 areas rated, and “Proficient” in 1 area. • Of particular note, school and district staff interviewed by Mass Insight “said that they were unsure whether takeovers will continue in the future. • The report cited Indiana for lack of effort to recruit or develop new external partners.
222	Turnaround Exit Strategy	There is no reference to the statutorily defined exit strategy for turnaround schools.	<ul style="list-style-type: none"> • The waiver submission does not reference relevant new legislation enacted during the 2014 session, which provides clarity with respect to SBOE-directed interventions in low-performing schools (see IC 20-31-9-9). Specifically, the statute now allows for the following:

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			<ul style="list-style-type: none"> • “Not later than December 31 of the fifth year of an intervention under this chapter, the state board shall take one (1) of the following actions: <ol style="list-style-type: none"> (1) Return the school to the school corporation for operation. (2) Direct the special management team to apply to a charter school authorizer for charter school status for the school. (3) Implement a new intervention under section 4(b) of this chapter. “
230	Summative Monitoring Evaluation	Outreach Coordinators provide each Focus and Priority Schools with a summative monitoring evaluation	<ul style="list-style-type: none"> • What assurance can IDOE provide regarding the qualifications of all Outreach Coordinators to conduct a quality assessment/evaluation? What skillsets are Coordinators required to have?
236	Priority School Tracking System	“Developed a tracking system internally to ensure Priority School LEAs are concurrently implementing all ESEA flexibility Turnaround Principles for three years.”	<ul style="list-style-type: none"> • How is this tracking system being used? How does IDOE know that ESEA principles are being implemented with quality? What is the process for updating this system and using data from the system to inform staff activities and priorities?
246	Office of English Learning and Migrant Education professional development	<p>The 2012 waiver submission notes the required selection of rigorously implemented interventions tied to Mass Insight’s Readiness Framework, with a focus on accountability.</p> <p>The current submission references an “approved menu of professional development topics.”</p>	<ul style="list-style-type: none"> • How was the professional development menu created? • How did IDOE link this menu of options with Turnaround Principles? • How does IDOE know the options on this menu will be meaningful? How will schools be held accountable for implementing selections from this menu?
250	Intervention Implementation in Focus Schools	“Coordinators will examine evidence of interventions and verify implementation through classroom observations, staff interviews, document review, and	<ul style="list-style-type: none"> • Apart from MA Rooney Foundation led training on use of data, what other training have Outreach Coordinators had to ensure quality and consistent verification activities across all schools and districts?

PRINCIPLE 2 – STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY AND SUPPORT			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
		formative assessment data.”	<ul style="list-style-type: none"> • What are the qualifications of Outreach Coordinators to conduct this work?
252	Year 3, Focus School intervention selections	“Implement interventions... selected based on the performance of its lowest-performing ESEA subgroup(s) as stipulated by IDOE, based on findings from the on-site Outreach Coordinator monitoring.”	<ul style="list-style-type: none"> • Why aren’t the A-F data for the bottom 25% subgroup, as well as other ESEA subgroups, used instead of finding from on-site monitoring?
263	Focus-Targeted Requirements	In 2012-2013 school year, LEAs classified as “Focus-Targeted” were required to send notification to all students’ parents or guardians indicating that the subgroup expectations were not met at the school	<ul style="list-style-type: none"> • Did this required notification occur? • What evidence can IDOE provide that this notification took place? • What plans does IDOE have in place to ensure LEAs are adhering with the notice requirements for the 2013-2014 school year?

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
278 Att. 3A-4 and 3A-5	40 districts out of compliance with teacher evaluation statute	The narrative cites Attachments 3A-4 and 3A-5 in reference to the 40 districts out of compliance, but does not note which districts these are.	<ul style="list-style-type: none"> • Which districts are out of compliance? When do their current contracts end? What guidance have these districts received to ensure they will bargain agreements that are compliant with statute and rule?
Att. 3A-5	Compensation Model Compliance	IDOE’s report notes the following for 60 LEAs whose compensation models were determined by a vendor to be non-compliant:	<ul style="list-style-type: none"> • How did IDOE reach a different conclusion regarding compensation model compliance than the vendor? • The explanation of compliance assessment does not provide numerical data for all 60 districts. How was

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
		<p>“For about 60 districts whose compliance the vendor questioned, DOE staff made direct contact with those districts to gather additional details and clarification in order to complete this report. In a few districts the compensation language is ambiguous, but operationally the salary schedule was compliant as implemented. Those districts have plans to adopt clearly compliant language when they next bargain. One district has agreed its plan is not compliant and has pledged to remedy the deficiencies in the next round of bargaining. Another district’s superintendent has not been available to us to provide clarification that might allow us to move the district’s plan into the “compliant” category. We will continue to seek clarification from that district.”</p>	<p>compliance for all 60 assessed?</p> <ul style="list-style-type: none"> • How did IDOE determine that the district that “pledged to remedy the deficiencies in the next round of bargaining” would follow-through with this pledge? • How did IDOE determine “operational compliance” for the “few” districts with ambiguous compensation language?
280	Determining growth parameters for locally developed teacher evaluation models	Section regarding how Indiana ensures that data from state mandated assessments significantly informs teacher evaluations.	<ul style="list-style-type: none"> • Narrative is missing the reference to the SBOE’s initiation of rulemaking at the June 4, 2014 SBOE Meeting regarding the teacher evaluation system. Rulemaking was initiated to provide additional guidance to districts and schools for locally developed teacher evaluation models, specifically with respect to the definition of “significantly informs.”

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
280	Explanation for 2012-2013 guidance to LEAs regarding lowering weight of ISTEP data.	“For only the 2012-2013 school year, the IDOE release [sic] guidance to LEAs for the unintended consequences that the disruptions of ISTEP+ testing had on evaluation results and associated compensation and personnel decisions.”	<ul style="list-style-type: none"> • This explanation provided by IDOE is a serious misrepresentation of the circumstances regarding the issuance in July 2013 of what was referred to as RISE 2.5. • Not only was this guidance issued without SBOE notification or approval, the guidance was determined by SBOE counsel to be non-compliant with SBOE statute and regulations. • Moreover, the rationale provided during the July 19, 2013 SBOE meeting by Superintendent Ritz was the following: (1) schools need clarity for the start of the 2013-2014 collective bargaining season, which begins August 1 each year; and (2) ISTEP+ testing interruptions would negatively impact testing scores, and thus negatively impact compensation for teachers. • However, the rationale provided by Superintendent Ritz did not make sense, as bargaining agreements for the prior school year may not be re-bargained. In addition, the IDOE hired a third-party evaluator, Dr. Richard Hill, to assess the impact of the testing interruptions. Dr. Hill determined that not only was there no statistically significant impact on testing scores, but that scores actually INCREASED. Therefore, the rationale provided by Superintendent Ritz for issuing RISE 2.5 – which instructed schools to drop the significance of ISTEP+ results – was not based in fact or evidence. • To compound matters, SBOE members tried for four months to place RISE/teacher evaluation systems on the SBOE Board meeting agendas, and were denied this

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			basic right until December 20, 2013, at which time Superintendent Ritz told the SBOE that the IDOE had provided guidance to schools to implement RISE 2.0 (the SBOE approved model attached to Indiana’s approved waiver). However, it was subsequently discovered that this corrective guidance was in fact never provided by IDOE schools. This later resulted in the teacher evaluation results, reported in April 2014, where 88% of teachers were rated effective and highly effective, and 10% of teachers were not evaluated.
281	Use of growth data tied to teacher evaluations	Waiver submission edits state that “Indiana is one of only eight states with a clear approach to measuring student growth at the individual student level and tying that data to teacher evaluations.”	That is incorrect. A recent report from NCTQ indicates that 27 states require “multiple measures of student growth and achievement” and that 20 of those states require that growth be the primary element. Report: http://www.nctq.org/dmsView/State of the States 2013 Using Teacher Evaluations NCTQ Report
281	Growth data for grades 4-8	The original 2012 submission states that growth data is available in E/LA and Math for grades 4 through 8. The revised submission changes the 4 to 3.	This should be changed back to grade 4. Grade 3 serves as the baseline year, so growth can only be calculated for Grades 4 through 8 under the current assessment system.
282	Updates SLO guidance for EL and Special Education Classrooms	The submission document notes that IDOE is developing guidance on how to modify SLOs to align with the new WIDA assessment/ELP standards, and also the NCSC Assessment.	SBOE must be advised of this new guidance in advance and prior to release to the field. The narrative in the waiver submission has omitted this approval step in the dissemination process. What assurances can IDOE provide that the guidance will align with state statute/regulations for locally developed models?

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
283 Att. 3A-17	Survey of 700 educators regarding statewide implementation of teacher evaluation system	The narrative references a survey and provides a reference to Attachment 3A-17. However, the attachment provided is only the survey and is not the actual survey responses.	What were the responses to the survey? When will this information be shared with SBOE?
283 Att. 3A-18	INTASS pilot	INTASS tool for assessing strengths and weaknesses of evaluation systems was piloted in 2014-15 school year. The rubric was provided in Attachment 3A-18, but no results from the pilot were recorded.	What were the pilot results? When will this information be shared with SBOE? Why isn't TNTP, which developed the RISE model and oversaw the pilot implementation, being engaged to advise Indiana on implementation outcomes and recommended improvements?
285	Mid-year and summative reports of RISE pilot from 2011-2012	The narrative references Attachments Z and ZA, but no attachments are provided.	Where are Attachments Z and ZA?

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
288-289	Educator Evaluations	The revised waiver submission deletes the section regarding guidelines for local district modifications to the SBOE-approved RISE model.	Why was the section on guidance to local districts on modified the RISE model deleted? NOTE: the issuance of RISE 2.5 by IDOE in July 2013 did not comply with the original language in this section of the waiver.
290	RISE: How it Works	The reference to this document was deleted. In early 2013, after the change in administrations, the link from the IDOE website to the www.riseindiana.org website was deleted.	Why was the How it Works document deleted? Why did the IDOE delete the link to the riseindiana.org website?
291-292	Text explaining the three RISE categories	The revised waiver submission deletes the explanation of the three RISE categories, as well as the explanation of statutory requirements for teacher evaluations.	Why was this section of the waiver deleted?
295	Applicability of evaluation requirement to principals	The Part B Monitoring report from USED noted that the current IDOE administration informed USED that Indiana statute did not allow for principal personnel decisions to be tied to evaluation results. However, the language that created the teacher evaluation system in 2011 included in the “definitions” section that a teacher included a principal for purposes of that section of Indiana code.	Indiana statute included principals as well as teachers with respect to evaluations starting in 2011. Why did IDOE provide inaccurate information to USED during the August 2013 Part B Monitoring visit? If IDOE thought the statute did not allow for compliance with USED flexibility waiver requirements, why didn’t IDOE address this issue during the 2014 legislative session to bring Indiana back in compliance with the waiver?

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
297, 309	Annual monitoring of evaluation plan compliance	<p>“IDOE anticipates 56 LEAs will be monitored annually for evaluation plan compliance, implementation and improvement...” Pg. 297</p> <p>“Each LEA will be reviewed per onsite monitoring once every four years.” Pg. 309</p>	<p>Why are only 56 LEAs being monitored annually? Why not all 292?</p> <p>Monitoring once every four years seems likely to result in non-compliance being missed for long intervals of time and does not seem consistent with Indiana statute, SBOE regulation or ESEA waiver principles.</p>
298	Guidance and Assistance for feedback from observations	<p>“IDOE is also collaborating with the Indiana Association of School Principals (IASP) and the Indiana Association of Public School Superintendents (IAPSS) to develop guidance and technical assistance to provide meaningful feedback from observations and to create effective improvement plans for teachers and administrators.”</p>	<p>What, specifically, is the nature of this collaboration?</p> <p>What is the timeline, and what are the deliverables?</p> <p>How does this align with the INTASS work?</p>
Call with USED on June 17, 2014	Teacher Evaluations guidance for 2014-2015 school year	<p>During the June 17 conference call with USED, Deputy Superintendent Danielle Shockey stated that the IDOE was considering using the RISE 2.0 “Group 3” approach for <u>all teachers</u> in 2014-2015, rather than limiting it to teachers who teach no subjects with state assessments.</p>	<p>Would this mean not using state assessment data for teachers who teach those subjects in 2014-2015? If yes, this does not comply with SBOE Regulation 511 IAC 10-6-4 (provided below – emphasis added). Such an approach would not receive approval from the SBOE.</p> <p>Sec. 4. (a) Measures to be used shall include the following:</p> <p>(1) Measures provided by the department based on student achievement and/or growth on statewide assessments.</p> <p>(2) Measures based on other assessments developed or procured by a school corporation for the purpose of</p>

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP			
PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			<p>showing student growth and/or achievement. The department will issue guidance to assist corporations in identifying and developing assessments, which may include commercially available or locally developed assessments, performance tasks, portfolios, or other measures of student growth and achievement.</p> <p>(3) Measures closely aligned with content standards, as applicable, to reflect ambitious learning goals and proportional representation of content.</p> <p>(b) Selection and weight of measures. The use and weighting of student measures shall directly relate the assessments that most accurately measure student learning according to the following priority:</p> <p>(1) Where a mandatory state assessment exists, a school corporation must use it as a measure of student learning. If that state assessment provides individual growth model data, the school corporation must use it as that teacher's primary measure of student learning.</p> <p>(2) Where a state assessment does not exist, an assessment developed or procured by a corporation that is used for common grades or subjects shall be used as a measure of student learning.</p> <p>(3) Only when there is no state, corporation, or school assessment shall a school corporation utilize class-specific, teacher created assessments as a measure of student learning for evaluation purposes.</p> <p>(4) Corporations may use multiple student learning measures. If corporations choose to use multiple sources</p>

PRINCIPLE 3 – SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

PAGE #	TOPIC	QUOTE/AREA	COMMENTS/CONCERNS
			<p>of data, the primary measure will carry the most weight in relation to the other student learning measures.</p> <p>(c) Negative impact on student learning shall be defined as follows:</p> <p>(1) For classes measured by statewide assessments with growth model data, the department shall determine and revise at regular intervals the cut levels in growth results that would determine negative impact on growth and achievement. Cut levels shall be published by August 1.</p> <p>(2) For classes that are not measured by statewide assessments, negative impact on student growth shall be defined locally where data show a significant number of students across a teacher's classes fails to demonstrate student learning or mastery of standards established by the state.</p> <p>(d) The department will provide guidance to districts on the best selection of assessments.</p>