



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Cosimo Tangorra, Jr. 

**SUBJECT:** 2015 Elementary and Secondary Education Act (ESEA)  
Waiver Renewal Application

**DATE:** February 9, 2015

**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Decision

Should Department staff issue for public comment a draft ESEA Waiver Renewal application and the related amendments, based on materials provided to the Board of Regents at its December 2014 and February 2015 meetings?

### Proposed Handling

This item will come before the Full Board for action at its February 2015 meeting.

### Background Information

In September 2011, President Obama announced an ESEA regulatory flexibility initiative, based upon the Secretary of Education's authority to issue waivers. In October 2011, the Board of Regents directed the Commissioner to submit an ESEA Flexibility Request to the United States Department of Education (USDE). On May 29, 2012, the USDE approved New York State's ESEA Flexibility Waiver Request. In September 2013, the USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew those waivers for the 2014-15 school year. At its February 2014 meeting, the Board of Regents directed the Department to submit its ESEA Renewal Application. On July 31, 2014, USDE approved New York State's ESEA Waiver Renewal Request for the 2014-15 school year. Since the initial approval of the Waiver in May 2012, offices within the Department have provided frequent updates on core Waiver activities such as the implementation of teacher and principal evaluation systems, implementation of the

Common Core Learning Standards, creation of Common Core aligned assessments, and implementation of the Diagnostic Tool for School and District Effectiveness (DTSDE). On November 13, 2014, the USDE issued new guidance for states with approved ESEA Flexibility Waivers describing how states could apply for a three or four year renewal of their approved Flexibility Waivers. States such as New York that were identified by the USDE as having fully implemented the USDE's Flexibility Waiver requirements regarding teacher and principal evaluations were notified that they had the option of applying for a four year renewal, covering the 2015-16, 2016-17, 2017-18, and 2018-19 school years.

In December 2014, the Department provided the Board of Regents with a summary of the requirements for ESEA Renewal for 2015-16 through 2017-18, as well as a preview of revisions to the ESEA Renewal Waiver Request that the Department would be recommending for Board approval in February 2015.

This month, Department staff seeks approval to issue a draft of New York's ESEA Waiver Flexibility Renewal request and its related amendments, so that a period of formal public comment may be opened from approximately February 12 through February 23, 2015. At the March 16-17, 2015 meeting of the Board, Department staff will provide a summary of the public comments received during this period and any suggested revisions to the application based on those comments.

The Department will also present the proposed final draft of the ESEA Waiver Flexibility Request for Board of Regents approval prior to submission to the USDE. In addition to a formal solicitation of public comment, Department staff will continue to meet with key stakeholder groups and with the ESEA Waiver Renewal Think Tank.

### **Recommendation**

The Board of Regents directs the Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Renewal request, with related amendments, based upon the materials provided to the Board of Regents at its December 2014 meeting and the Powerpoint presentation given at the February 2015 meeting.

### **Timetable for Implementation**

With the approval of the Regents, staff will release the February 2015 draft renewal request for public comment from approximately February 12 – February 23, 2015, engage in additional stakeholder consultation as described in this item and submit a final draft waiver renewal request with related amendments for action by the Regents in March 2015.