

Linda McMahon
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: Indiana's ESSA Waiver Request

Secretary McMahon:

The undersigned education and civil right organizations write to share our concerns about Indiana's pending waiver request from accountability requirements under the Every Student Succeeds Act (ESSA).

The Indiana Department of Education (IDOE) is asking the U.S. Department of Education (ED) for a waiver to let this new system replace its federally compliant system. While ED has the authority to do so, **we strongly urge you to deny this request.** Indiana's new system not only fails to meet important guardrails, but in doing so allows schools to hold students accountable to vastly different standards and limits transparency. This means it will be harder for parents, communities, and policymakers to understand how schools are meeting all students' needs—**effectively limiting the state's ability to advance student achievement, a prerequisite for all ESSA waivers.**

Indiana's Future Accountability Model Violates Federal Accountability Requirements

Indiana's new school accountability system purports to be student-centered by creating a unique score for each student, based on a variety of measures. However, a closer look reveals this new system instead allows schools to hold students accountable to vastly different standards and limits transparency. In doing so it fails to meet a number of federal accountability requirements, which we outline below.

Sec. 1111(B)(iv): Include a measure of progress towards English language proficiency (ELP) for all English learners

ESSA requires that the ELP of all English learners be included in school ratings. However, with Indiana's "menu" approach to "Additional Knowledge, Skills, & Experiences" indicators, students earn full credit by meeting criteria for just three items on the menu of seven (with the exception of 3rd grade). ELP is included as a part of this menu. Therefore, *English learners that fail to meet their language proficiency goal can still earn full points by meeting three other indicators, including attendance.* Conversely, for students who meet their ELP goal but also meet three or more other indicators, schools would effectively not have that student's ELP increase their schools' score, as it would if each indicator were calculated individually for all students. For these students,

their school's rating would not incorporate their ELP at all, a clear violation of this provision.

Sec. 1111(C)(i): Differentiate schools based on all indicators for all students

As noted above, schools earn full credit for students' "Additional Knowledge, Skills, & Experiences" when any individual student meets the criteria for three indicators on this menu. Using this method, any indicators beyond these three that a student both meets or fails to meet do not contribute, positively or negatively, towards a school's rating. This means that **for indicators on the list, schools ratings will only reflect the performance of some students, not all, as required by this provision.** Moreover, this portion of students could differ for every indicator and every school.

In high school, all 12th grade students' academic achievement will be based on performance on SAT and graduation rate, each of which count for approximately five percent of a high school's overall rating. However, for all other 12th grade indicators, school ratings are based solely on the performance of graduates. This means **all non-graduate 12th grade students are not counted at all in about 40% of high schools' total score, another clear violation of this provision.**

There are some states that, rather than developing an overall rating for each school, use a series of business rules to identify schools for improvement. While it could be argued that Indiana's new model uses a similar (and therefore federally compliant) method. However, states using business rules consider the performance of *all students* in a school at each "gate." In contrast, Indiana's menu approach means that the performance of only *some students* in each school is considered for each Additional Knowledge, Skills, & Experiences indicator.

Sec. 1111(C)(ii)(I): Academic indicators (achievement, growth, graduation rates, and ELP), *each* have "substantial weight"

In the latest version of Indiana's new accountability system, IDOE updated its high school indicators to include the four-year adjusted cohort graduation rate for all 12th grade students as required by Section 1111(B)(iii)(I). Graduation rates account for 10% of high schools' *12th grade cohort* scores. However, high schools are also separately rated for their 10th grade cohort. When combined this means that **graduation rates only account for approximately 5% of a high school's overall rating—a weight that we would not deem "substantial," violating this provision.**

Similarly, student academic achievement in English language arts (ELA) and math combined accounts for ten percent of high schools' 12th grade cohort scores, 5% for each reading and math proficiency. As with graduation rate, this is combined with 10th grade cohort scores, meaning that **reading and math proficiency each count for – at**

most – just 2.5% of high schools’ overall ratings, hardly a “substantial” weight, again violating this provision.

Sec. 1111(C)(ii)(II): Combined, academic indicators have “much greater weight” than school quality and student success (SQSS) indicators

Building off the high school examples above, IDOE states clearly that 80% of the 12th grade cohort score is based on Additional Knowledge, Skills, & Experiences indicators, all of which fall within the ESSA definition for SQSS indicators. When combined with 10th grade cohort scores, which are entirely based off of SQSS indicators, **high school ratings effectively weight ESSA’s combined academic indicators at just 10%, as compared to 90% for SQSS measures—thus dramatically violating this ESSA provision.**

Elementary and middle schools also fail to consistently meet the “much greater weight” threshold. For example, a third grade student who is at the “approaching proficiency” level on the 3rd grade math assessment could earn 85 out of 100 points for its school rating by passing the state’s *literacy* screener. This jumps to 95 points for students who consistently attend school. **For those students, academic achievement indicators account for just 5% of a students’ overall score for that school.**

Given that an overall school rating of 85 is an A and 86.5% of third graders in public schools passed the state literacy assessment, this means that schools’ third grade math performance would be considered “A” level even if not a single student was at grade level. Certainly this is **not giving much greater weight to academic achievement than other indicators, again violating federal law.**

This weighting dynamic also plays out, though to a lesser degree, for grades 4-8. The menu of Additional Knowledge, Skills, & Experiences menu for these grades contains both academic (academic growth and ELP) and SQSS (attendance, science and social studies proficiency, graduation planning, and advanced coursework) indicators. Students in grades 4-6 can meet all three necessary menu items using only SQSS indicators—this accounts for *all 75 points* a school would earn for a student at the “below proficiency” level on the state ELA or math assessment.

Indiana’s Accountability Waiver Does Not Meet ESSA Waiver Requirements

Assistant Secretary Baesler recently [stated](#) that, consistent with Section 8401(b)(1)(C), -any ESSA waiver “has to improve academic achievement.” We believe that Indiana’s accountability waiver fails to meet this standard.

In Indiana’s new system, schools earn points for each student based on completely different skills, including growth in ELA and math, proficiency in science and social studies, attendance,

completing a graduation plan, or CTE and advanced coursework. **This means it's nearly impossible to understand which outcomes are driving a school's final score.**

The state's menu approach also gives schools the same amount of credit for attendance as it does for above average academic growth, setting a lower bar for some students that doesn't require additional learning. Ultimately, **this system encourages schools to focus on the easiest, least rigorous outcomes needed to reach maximum points for each student.**

As noted above, academic achievement and other ESSA-required academic indicators receive dramatically lower weight than other measures. **This system allows other outcomes to mask low outcomes in reading and math, rather than counting them separately, effectively hiding – rather than highlighting – academic outcomes as federal law requires.**

Considered together, these concerns will limit the ability of Indiana families, educators, and policymakers from working together to advance academic achievement. Indiana's new system and related waiver also have national implications—if this system were to go into effect in lieu of an ESSA-aligned system—other states could follow Indiana's lead by adopting similar systems that will limit transparency and weaken accountability across the country. **Therefore, we urge you to say NO to Indiana's waiver request.**

Sincerely,
Barry Tyler Jr., 3rd District Hammond City Council
Center for Strong Public Schools
EdTrust
National Center for Learning Disabilities
National Parents Union
UnidosUS