



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP 17 2012

THE ASSISTANT SECRETARY

Edward Moreno Alonso, Ed.D.
Secretary of Education
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919-0759

Dear Secretary Moreno:

On August 12, 2011, State educational agencies (SEAs) were invited to request a waiver to permit them to allow, in accordance with criteria they develop, a local educational agency (District) that is implementing a transformation model with School Improvement Grant (SIG) funds to have additional time to meet the teacher and principal evaluation requirement in Section I.A.2(d)(1)(i)(B) of the SIG final requirements. Through a letter sent on May 29, 2012, the Puerto Rico Department of Education has requested such a waiver.

After reviewing the materials that the Puerto Rico Department of Education provided in support of its request, I am pleased to grant the requested waiver. I am granting this waiver because I believe that the Puerto Rico Department of Education has provided sufficient assurances, through its request, that the waiver will enable qualifying Districts in Puerto Rico to meet the SIG final requirements while encouraging the development and implementation of high-quality teacher and principal evaluation systems that will increase the quality of instruction to students and improve the academic achievement of students.

As you know, this waiver would apply to evaluation systems for cohort 1 and cohort 2 SIG schools as follows:

- A school that began implementing the transformation model during the 2011-2012 school year (cohort 1) and was not able to complete the development and implementation of its evaluation systems during that year must at a minimum, pilot them for all teachers and principals no later than the 2012-2013 school year. The piloted systems should produce valid and reliable data that may be used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013-2014 school year; and
- A school that begins implementing the transformation model in the 2012-2013 school year (cohort 2) must pilot its evaluation system for all teachers and principals during the 2012-2013 school year. The piloted systems should produce valid and reliable data that may be used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013-2014 school year.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

I am granting this waiver on the condition that the Puerto Rico Department of Education will satisfy the conditions set forth below. In particular, in exchange for this waiver of the implementation timeline for the evaluation systems requirements of the transformation model, the Puerto Rico Department of Education must:

- Develop criteria that:
 - The Puerto Rico Department of Education will use to evaluate District requests for timeline extensions, including by evaluating whether a District has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for cohort 1 and 2 schools to justify the receipt of a timeline extension and whether, if an extension is granted, the District will be able to meet the timelines set forth by the Puerto Rico Department of Education for implementing the evaluation system; and
 - Enable the Puerto Rico Department of Education to distinguish among those Districts that have met the requirements, those that are making sufficient progress toward meeting the requirements, and those that have not made a good-faith effort to meet the requirements.
- Approve a District request to implement the waiver only if the Puerto Rico Department of Education determines, based on its criteria, that the District warrants an extension of the evaluation systems timeline.
- Develop a technical assistance and support plan that outlines how the Puerto Rico Department of Education will differentiate support to Districts based on their current level of implementation and will provide Districts with the assistance they need to meet the evaluation system requirements (*e.g.*, by assisting Districts in selecting observational rubrics, developing student growth metrics, disseminating guidance for developing student learning outcomes, and training raters).
- Develop a monitoring plan specifically for Districts that receive timeline extensions, that will help ensure that the Districts are on track to pilot the required evaluation systems no later than the 2012-2013 school year (cohorts 1 and 2) and fully implement the evaluation systems no later than the 2013-2014 school year (cohort 1 and 2) as required.
- Determine what actions it will take with respect to Districts that have not made a good-faith effort to meet the evaluation system requirements.
- Within 30 days of receiving the waiver from the U.S. Department of Education (the Department), post on its public website the criteria, process, and timeline for reviewing a District's extension request.
- Within 30 days of the Puerto Rico Department of Education approving District extension requests, post on its public website and submit to the Department (via email to school.improvement.grants@ed.gov) the names of the District (including their NCEA District Identification Number) for which it has approved a timeline extension and the schools (including their NCES School Identification Number) within those Districts that will benefit from the extension, including an indication of the cohort to which each school belongs.

If the Puerto Rico Department of Education does not comply substantially with the conditions of this waiver, the Secretary may terminate the waiver after providing notice and an opportunity for a hearing, in accordance with ESEA Section 940(f). If, as a result of the termination of the waiver, the Puerto Rico Department of Education or its Districts are unable to comply substantially with the SIG final requirements, the Department will take appropriate enforcement action, which may include initiating withholding proceedings.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Michael Wells at Michael.Wells@ed.gov or (202) 453-6689.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah S. Delisle". The signature is fluid and cursive, with a prominent initial "D".

Deborah S. Delisle
Assistant Secretary