

Options for Waiving the Requirement to Adopt High-Quality Curriculum Materials from RI's Approved List

A Guidance Document

Division of Teaching and Learning

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RI Curriculum Legislation (2019)

Having access to high-quality curriculum materials is an important component of increasing equitable access to a rigorous education that prepares every student for college and careers. Through this national movement to increase access through high-quality materials, in 2019, [RIGL§ 16.22.30-33](#) was passed which requires the Commissioner of Elementary and Secondary Education, and RIDE, to accomplish the following:

- Develop statewide academic standards and curriculum frameworks;
- Identify at least five (5) examples of high-quality curriculum and materials for each of the core subject areas (English Language Arts, Mathematics, & Science);
- Support LEAs in the selection and implementation of curriculum materials.

This legislation requires that all RI LEAs adopt high quality curriculum materials in K-12 schools that are (1) aligned with academic standards, (2) aligned with the forthcoming curriculum frameworks, and (3) aligned with the statewide standardized test(s) (i.e. RICAS, PSAT/SAT), where applicable. Furthermore, this selection must be completed by June 2023 for mathematics and English Language Arts (ELA) and June 2025 for science. Respective to each content area, implementation should be in place by September following a June selection.

In June 2020, [RIDE published RI's list of approved curricula for ELA and mathematics which can be reviewed here.](#)

RI Curriculum Selection & Adoption Waiver Options

Because the process for selecting, adopting, and implementing new curriculum materials requires operational shifts in the LEA, the legislation outlines the following waiver options for LEAs to pursue based on local circumstances:

1. **Financial Hardship Waiver** (p. 4): LEAs that want to use an approved curriculum from RIDE's list but cannot meet the legislative implementation timelines because of financial hardship can apply for a waiver to extend the local timeline by one year to fully implement the approved curriculum.
2. **Third-Party Curriculum Review Waiver** (p. 5): LEAs who use a curriculum that is not on RIDE's approved list, but who wish to have it reviewed for alignment to the standards, quality, and usability, can apply for a waiver consultation with RIDE to discuss the process of a third-party review of local curriculum or a curriculum that has not yet been reviewed for alignment to the approved criteria.
3. **Student Achievement Waiver** (p. 6): LEAs/schools who have demonstrated two years of student achievement data designated as "4 Achievement Points" through the [RI](#)



[Accountability System via RIDE's Report Card](#) can apply for this waiver. Additionally, the LEA must have no subgroups identified for targeted assistance. LEAs who meet these criteria can apply for a two-year waiver based on the aforementioned assessment data as reported through RI's Accountability System.

What if my LEA wants to use a curriculum from RIDE's list, but cannot meet the legislation timeline due to financial hardship?

RIDE recognizes that the curriculum selection and adoption timeline may pose constraints on the LEA including, but not limited to, budgeting for core materials, consumables, and professional learning supports. For LEAs who are working to meet the legislative timelines, but have extenuating, local financial circumstances (e.g. city/town budget cuts, implications from changes to funding formula, local shift in demographic/population) which prohibit meeting these timelines, the superintendent (or designee) must provide evidence of the following:

- Financial hardship
- Continued efforts to complete the implementation of approved curriculum

In the waiver application to extend the adoption timeline for ELA, Math, and/or Science curriculum materials from RIDE's approved list (see Appendix A), LEAs must include the following:

- **Financial Hardship Context:** An explanation of the context of the short- and long-term budget constraints, and the implications for purchasing curriculum materials and/or funding FTEs related to this work (i.e. instructional coaches, teachers).
- **Implementation plan:** An implementation plan, including purchase timeline, for the chosen curriculum and include the short- and long-term plan for selection & implementation.
- **MOU from governing body:** A memorandum of understanding (MOU) from the School Committee, or Board of Directors, acknowledging the implications of the decision to delay the purchase of curriculum materials.

LEAs who wish to submit an application for a waiver of the required timelines (i.e. an extension) must complete Appendix A (p. 10) and email to Phyllis Lynch, Director of Instruction, Assessment, and Curriculum, at curriculum@ride.ri.gov. The evaluating person(s) may request additional information after submission to RIDE before a final decision is sent to the LEA.

What if my LEA wants to use a curriculum that is not on RIDE's list?

The legislation accounts for instances where LEAs want to continue to use a curriculum that is not on RIDE's approved list. At this time, reasons for a curriculum not being found on RIDE's list might include the use of a curriculum that is locally developed and not yet reviewed, or is published, but has not yet been rated for quality.

In such cases where the LEA wants to continue using a local curriculum instead of using curriculum from RIDE's approved list, it is required that the LEA fund and complete a third-party review process to determine alignment to the legislation, and overall quality of the materials. This review process should implement either the [Instructional Materials Evaluation Tool \(IMET\) for ELA & mathematics](#), or the [Educators Evaluating the Quality of Instructional Products \(EQuIP\) Resources for ELA, mathematics, & science](#).

RIDE recognizes the time and financial cost for conducting a third-party review of local curriculum materials. Therefore, *before* LEAs engage with a third-party to conduct a review of local curriculum, LEAs must submit an application to consult with RIDE to waive the use of a curriculum from RIDE's approved list. The consultation with RIDE will include information found in the application including, but not limited to:

- Rationale for the use of a local curriculum
- Discussion of student achievement data
- Budgeting time and funds for third-party review process

Based on this approved third-party review process, a report will need to be developed by the vendor to reflect the process and to explain whether or not the local curriculum meets the standard of high quality through a review of the following:

- Rationale for the use of this curriculum over one on RIDE's published list
- Presentation of relevant student achievement data that demonstrates the curriculum meets the academic needs of all students
- LEA goals and plan for curriculum implementation
- Alignment to standards, review of content-specific instructional shifts, and usability of teacher and student materials based on the IMET or EQuIP review tools (see above)
- Review for multilingual learners (MLLs), culturally responsive sustaining education (CRSE), and foundational literacy skills using RIDE's guidance and tools

LEAs should complete Appendix B (p. 11) email to Phyllis Lynch, Director of Instruction, Assessment, and Curriculum, at curriculum@ride.ri.gov. The evaluator(s) may request additional information after submission to RIDE before a consultation is confirmed and scheduled with the superintendent and/or designee.

How can student achievement results from statewide standardized assessments allow LEAs to keep using a local curriculum that is not on RIDE's approved list?

The legislation accounts for instances where LEAs can apply for a waiver to continue using local ELA or mathematics curriculum in a specific school based on student performance on standardized assessment results. This information is found in the 'Achievement' sections of the RI Accountability System via RIDE's school-level Report Cards. At this time, ELA and mathematics are the only curriculum addressed in the Accountability System, so therefore, they are the only content areas currently eligible for this waiver option. Science achievement data is expected to be added to the Accountability System in the fall of 2022, upon which time, this guidance will be updated to reflect the inclusion of science assessment data. While RIDE recognizes that curriculum materials are not the single factor in determining student performance, it is an indicator that there are systems in place to ensure that students are meeting and or have exceeded grade-level content standards.

Local Education Agencies will have the option to apply for this waiver beginning in in the 2021-22 school year which will reflect the achievement data for the 2020-21 school year. This will be a year in advance of the 2023 selection and adoption deadline for math and ELA curricula.

What should LEAs consider before pursuing this waiver option?

Because the legislation provides the option for an LEA to apply at the district- or school-levels, it raises another important consideration for LEAs regarding the vertical articulation of curriculum, and equity, where one school in the district would be using a curriculum different from neighboring schools (i.e. one elementary uses local curriculum, whereas the other(s) use a curriculum from RIDE's list) upon approval. While it would be unlikely that one elementary school would be using a different curriculum than others in the same district, a similar scenario with middle and/or high schools could also be presented. Therefore, RIDE discourages LEAs from applying for a waiver through a similar scenario as this might impact the design of a cohesive K-12 system. It is more likely that a high school, who meets the assessment criteria for this waiver, applies to waive the requirement to adopt a high-quality curriculum from RIDE's list because of its performance results, over time, in a particular content area. To determine whether or not an LEA or school meets the criteria for this waiver, the analysis should start with information provided by the RIDE Report Card.

How long will the waiver be approved for, and does the LEA need to reapply?

An important consideration with this waiver process is the dynamic nature of students' performance on standardized assessment results from year-to-year. As a result, a waiver will not be granted in perpetuity. Once a waiver is granted, it will be approved for two years. This will require that the LEA/school resubmit the waiver to prove the criteria are still being met for all students using the most recent student achievement data. In the case that a subsequent review of a granted waiver results in a change to student achievement data, LEAs will be provided a three-year window in which they must then adhere to selecting and adopting a high-quality curriculum from RIDE's list in the respective content area.

How can I determine whether or not my school's student achievement data qualifies for this waiver?

Using the data from [RI's Accountability System via the Report Card](#), LEAs/schools who have achieved 4 Achievement Points in ELA or Math at the school/district level (i.e. students are proficient/meeting expectations) will have met the required minimum of 75% of students at the LEA/school level. This can be found on the "Achievement- ELA" and "Achievement- Math" sub-tabs on the Report Card's "Accountability" tab seen here:

The screenshot shows the RIDE Accountability System interface. At the top, there are navigation tabs: Overview, Accountability (highlighted with a red box), Assessments, Civil Rights Data, Educator Data, Finance, and NAEP. Below the tabs, there is a paragraph of text explaining the accountability data. Further down, there is a link to a technical manual. At the bottom, there are four buttons: Compare With Other Schools, Export Chart to PDF, Export Chart to Image File, and Download Data File. Below these buttons, there is a row of sub-tabs: Overview, Achievement - ELA (highlighted with a red box), Achievement - Math (highlighted with a red box), Growth - ELA, Growth - Math, English Language Proficiency, and Graduation. The sub-tabs are separated by vertical lines and have small arrows at the ends.

Once you have chosen either the ‘Achievement – ELA’ or ‘Achievement – Math’ tab, you’ll see the “Achievement Points/Proficiency Index table” below. To qualify for this waiver, the school must show the following:

ELA Achievement Points: 4 out of 4

School points are based on All Students performance shown in chart on right.

Four points matches RI’s long-term goal of 75% proficiency.

Achievement Points	Academic Proficiency Index
 4 Points	$\geq 75\%$ Proficient (no index)
3 Points	≥ 68 (index)
2 Points	≥ 40 AND < 68 (index)
1 Point	< 40 (index)

How is the proficiency index calculated?
Hover here for information.

Results by Subgroup

- All Students
- American Indian or Alaska..
- Asian
- Black or African American
- Hispanic
- Native Hawaiian or Other ..
- Two or More Races
- White
- Economically Disadvanta..
- English Learners
- Students with Disabilities

In addition to having earned 4 Achievement Points, LEAs/schools must also have *no* subgroups identified for targeted assistance in achievement. This information will be shown in bar graphs to the right of the “Results by Subgroup” image seen above. Subgroups include, but are not limited to, Economically Disadvantaged, English Learners, and Students with Disabilities.

What if a subgroup is not reported because the n-size is below the reportable threshold?

In cases where LEAs/schools meet the “4 Achievement Points” and no subgroups are identified for targeted support, it might still be necessary for the applicant(s) to provide additional information about non-reportable subgroups due to a small n-size. The application will ask LEAs/schools for additional data, and information, related to the structures and supports for *all* students so that there is a clear understanding of how the LEA/school continues to ensure all students meet and exceed proficiency on standardized assessments. The evaluator(s) will also review federally reported data (i.e. Title III, MLL Performance Report, significant disproportionality data, IDEA indicators) to triangulate in areas where data is not publicly



reportable due to a small n-size. This thorough review process will help to provide a comprehensive picture of the work of the LEA.

LEAs who wish to submit an application to waive the use of a curriculum from RIDE's approved list based on student achievement results must complete Appendix C (p. 12) and email to Phyllis Lynch, Director of Instruction, Assessment, and Curriculum, at curriculum@ride.ri.gov. The evaluator(s) may request additional information and/or approval after submission to RIDE before a final decision is sent to the LEA.

Appendix A – Application for Timeline Extension Due to Financial Hardship Waiver

LEA	
Grade Level(s) & Content Area	
Superintendent or Designee	
<p>Financial Hardship Context: In this section of the table, provide a narrative explanation for the context of the short- and long-term budget constraints, and the implications for purchasing curriculum materials, professional learning, and/or funding FTEs related to this work.</p>	
<p>Implementation Plan: In this section of the table (or in an attached document), provide your LEA’s curriculum implementation plan, including purchase timeline, for the chosen curriculum materials and include the short- and long-term plan to meet the approved timeline.</p>	
<p>MOU from School Committee/Board of Directors: LEA applications must have an attached memorandum of understanding (MOU) from the school committee/board of directors acknowledging the implications of the decision to delay the purchase of curriculum materials. The MOU should affirm the context and implementation plan outlined above, and a signature(s) from members of the governing body. This ensures transparency of the plan, and an increased local awareness of the implications of financial hardships on teaching and learning.</p>	



Appendix B – Application for Third-party Review Consultation to Waive the Requirement to Adopt from RIDE’s List

LEA	
Grade level(s) & Content Area	
Superintendent or Designee	
<p>Rationale: In this section of the table, provide a rationale for the use of this curriculum over one on RIDE’s published list.</p>	
<p>Student Achievement Data: In this section of the table (or in an attached document), provide your LEA’s student achievement data related to the specific grade(s) impacted by your chosen curriculum. Note: RIDE recognizes that curriculum materials are not the single factor in determining student performance, it is an indicator that there are systems in place to ensure that students are meeting and exceeded grade-level standards.</p>	
<p>Budget + Planning: In this section, provide your local plan to budget time, resources, and funding to conduct a third-party review of your chosen curriculum. Note: Reviews of this kind can be upwards of \$9,000 per grade level, per content area.</p>	

Appendix C – Application for Student Achievement Waiver

LEA	
Grade Level(s) & Content Area	
Superintendent or Designee	
<p>Part A: Using the data from RI's Accountability System via the Report Card, has your LEA or school achieved the required 4 Achievement Points in ELA, Math, or Science (i.e. students are proficient/meeting expectations)? Mark one: ___ Yes ___ No (If 'no,' do not continue)</p>	
<p>Part B: Using the data from RI's Accountability System via the Report Card, does your LEA or school have any subgroups identified for targeted assistance? Mark any with an "X" on the line.</p> <p>___ American Indian or Alaska Native ___ Asian ___ Black or African American ___ Hispanic ___ Native Hawaiian or Other Pacific Islander ___ Two or More Races ___ White ___ Economically Disadvantaged ___ English Learners ___ Students with Disabilities</p>	
<p>Part C: Using the data from RI's Accountability System via the Report Card, does your LEA or school have any of the following subgroups that are not identified because the n-size is below the reportable threshold? Mark any with an "X" on the line.</p> <p>___ Economically Disadvantaged ___ English Learners ___ Students with Disabilities</p> <p>Provide any additional data here (or attach) that explain how these students are being supported at the LEA/school and meeting proficiency in the content area(s).</p>	

