

**FRIDAY, SEPTEMBER 30, 2011**  
**10:00 a.m. PT - 1:00 p.m. ET**



# WHAT YOU NEED TO KNOW ABOUT ESEA WAIVERS

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*While you are waiting for us to begin, please type your answers in the “Chat Text Box”:*

- **Name of your school/organization & location**
- **Your role at that site**
- **What brings you to this discussion today**

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# WHAT YOU NEED TO KNOW ABOUT ESEA WAIVERS

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September 30, 2011



## What is a waiver?

- ESEA, like almost all federal laws, allows states to forego, or waive, certain requirements of the law as long as they receive permission from the federal government—in this case the Department of Education

**Section 9401 of the Elementary and Secondary Education Act (ESEA) gives the Secretary of Education authority to waive any statutory or regulatory requirement for:**

- A State educational agency (SEA)
- A school district
- An Indian tribe, or
- A school (a school submits its requests for waivers through its school district)

## Under the ESEA

- An SEA may apply to the Secretary for a waiver on its own behalf
- An SEA may submit waiver requests to the Secretary on behalf of school districts or schools
- A school district may apply directly to the Secretary for a waiver on its own behalf or on behalf of a school, after the district or school request has been reviewed by the SEA

## The following provisions in ESEA cannot be waived:

- The allocation or distribution of funds to SEAs, LEAs, or other recipients of ESEA funds
- Comparability of services
- Supplement, not supplant
- Equitable participation of private school students and teachers
- Parental participation and involvement
- Applicable civil rights requirements
- Use of funds for religious worship or instruction

**Generally, States submit applications for waivers, along with input from their school districts, to the Secretary for consideration. In a waiver request, States must identify:**

- What parts of the law they wish to have waived,
- Why they are seeking such a waiver, and
- What actions they will take to ensure students continue to make academic progress.

*The secretary has full discretion to decide which requests are granted but must publish who receives a waiver in the Federal Register.*

## Waiver requests for charter school districts or charter schools

- Consistent with a school district's or school's charter, the Secretary may waive ESEA statutory and regulatory requirements for a charter school district or charter school on the same basis as other school districts or schools using the same procedures

## **SEA: Prior to submitting its request, the SEA must:**

- Provide all interested school districts in the State with notice and a reasonable opportunity to comment on the request
- Submit all comments it receives from those school districts to the Secretary along with its waiver request
- Provide notice and information regarding the waiver request to the public in the manner in which the SEA customarily provides such notice and information to the public such as through a public website

## **School District: The school district's waiver request must:**

- Be reviewed by the SEA and be accompanied by the comments, if any, of the SEA
- Provide notice and information regarding the waiver request to the public in a manner in which the school district customarily provides similar notice and information to the public

## In the past, the Department has approved requests to waive:

- 14-day notice of public school choice. This provision requires a school district to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year
- The provision prohibiting identified school districts and schools as SES providers. This provision prohibits an SEA from approving as a provider of SES a school identified for improvement, corrective action, or restructuring or an LEA identified for improvement or corrective action

## In the past, the Department has approved requests to waive:

- Approval of a school with a poverty rate below 40 percent to operate a Title I schoolwide program. This provision required schools to have 40 percent poverty or above in order to implement Title I schoolwide programs

## In the past, the Department has approved requests to waive:

- Maintenance of Effort. This provision requires that, in order to receive ESEA funds, a school district must maintain effort in terms of the expenditures of the school district and the State with respect to the provision of free public education by the school district
- Tydings. This waiver allows an SEA to extend the period for obligating State-administered ESEA funds made available under the regular appropriation and the American Recovery and Reinvestment Act (ARRA)

## Reporting Requirements

- School District: A school district that receives a waiver must submit a report to the SEA that:
  - Describes the uses of the waiver by the school district or by its schools
  - Describes how schools continued to provide assistance to the same populations served by the program(s) for which the waiver was granted
  - Evaluates the progress of the school district and of schools in improving the quality of instruction or the academic achievement of students

## Reporting Requirements

- SEA: An SEA that receives LEA reports must annually submit a report to the Secretary that is based on those reports and contains such information as the Secretary may require. In addition, an SEA that receives a waiver must submit a report that contains such information as the Secretary may require

# ESEA FLEXIBILITY

“We’re going to let states, schools and teachers come up with innovative ways to give our children the skills they need to compete for the jobs of the future.”

– President Obama  
September 23, 2011

# **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

1. 2013–2014 Timeline for Adequate Yearly Progress (AYP)
  - Flexibility to develop new ambitious but achievable Annual Measurable Objectives in reading/language arts and mathematics
2. Implementation of School Improvement Requirements
  - Flexibility from requirement for LEAs to identify or take improvement actions for schools identified for improvement, corrective action, or restructuring
3. Implementation of LEA Improvement Requirements
  - Flexibility from requirement for SEAs to identify or take improvement actions for LEAs identified for improvement or corrective action

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 4. Rural LEAs

- Flexibility to use Rural and Low-Income School Program funds or Small, Rural School Achievement Program for any authorized purpose regardless of AYP status

### 5. Schoolwide Programs

- Flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold if the SEA has identified the school as a priority school or a focus school, and the LEA is implementing interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in the school

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 6. Support School Improvement

- Flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any focus or priority school

### 7. Reward Schools

- Flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any reward school

### 8. Highly Qualified Teacher (HQT) Improvement Plans

- Flexibility from the requirements regarding HQT improvement plans

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 9. Transfer of Certain Funds

- Flexibility to transfer up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 among those programs and into Title I, Part A

### 10. Use of School Improvement Grant (SIG) Funds to Support Priority Schools

- Flexibility to award SIG funds available under ESEA section 1003(g) to an LEA to implement one of the four SIG models in any priority school

## **PRINCIPLES FOR IMPROVING STUDENT ACHIEVEMENT AND INCREASING THE QUALITY OF INSTRUCTION**

1. College- and Career-Ready Expectations for All Students
2. State-Developed Differentiated Recognition, Accountability, and Support
3. Supporting Effective Instruction and Leadership
4. Reducing Duplication and Unnecessary Burden

# PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

TO SUPPORT STATES IN CONTINUING THE WORK OF TRANSITIONING STUDENTS, TEACHERS, AND SCHOOLS TO HIGHER STANDARDS

- Adopt college- and career-ready (CCR) standards in at least reading/language arts and mathematics
- Transition to and implement CCR standards
- Develop and administer Statewide, aligned, high-quality assessments that measure student growth
- Adopt ELP standards corresponding to the State's new CCR standards and develop aligned assessments

## **PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT**

### **TO SUPPORT STATES' EFFORTS TO MOVE FORWARD WITH NEXT-GENERATION ACCOUNTABILITY SYSTEMS**

- Set ambitious but achievable AMOs
- Reward schools: Provide incentives and recognition for high-progress and highest-performing Title I schools
- Priority schools: Identify lowest-performing schools and implement interventions aligned with the turnaround principles
- Focus schools: Close achievement gaps by identifying and implementing interventions in schools with the greatest achievement gaps or low graduation rates
- Provide incentives and supports for other Title I schools
- Build SEA, LEA, and school capacity to improve student learning in all schools

## **PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP**

**TO SUPPORT SEA AND LEA DEVELOPMENT OF EVALUATION SYSTEMS THAT GO BEYOND NCLB'S MINIMUM HQT STANDARDS**

- Develop and adopt SEA guidelines for local teacher and principal evaluation and support systems
- Ensure LEAs implement teacher and principal evaluation and support systems that are consistent with SEA guidelines

## **PRINCIPLE 4: REDUCING DUPLICATION AND UNNECESSARY BURDEN**

**TO PROVIDE AN ENVIRONMENT IN WHICH SCHOOLS AND DISTRICTS HAVE THE FLEXIBILITY TO FOCUS ON WHAT IS BEST FOR STUDENTS**

- Remove duplicative and burdensome reporting requirements that have little or no impact on student outcomes
- Evaluate and revise SEA administrative requirements to reduce duplication and unnecessary burden on LEAs and schools

## CONSULTATION

- Each SEA must engage diverse stakeholders and communities in the development of its request
- Consult with Committee of Practitioners
- Provide notice and information regarding the request to the public
- Provide LEAs with notice and opportunity to comment on the request

# TIMELINE FOR SUBMISSION

**IN ORDER TO PROVIDE FLEXIBILITY TO STATES BY THE END OF THE 2011-2012 SCHOOL YEAR, WE WILL PROVIDE TWO SUBMISSION WINDOWS**

- Submit request by **November 14, 2011** for December peer review
- Submit request by **mid-February, 2012** for a Spring 2012 review

# THANK YOU

Questions on ESEA Waivers or ESEA Flexibility?



Thank you for participating in today's collabinar. Please fill out the survey you will receive from RAPSA to help us plan for future webinars.

LET'S CONTINUE TO TALK ABOUT THIS AT THE RAPSA BLOG  
[HTTP://RAPSAPD.NING.COM](http://rapsapd.ning.com)

FOR MORE RAPSA RESOURCES, VISIT [WWW.RAPSA.ORG](http://www.rapsa.org)



*Questions about RAPSA?*

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