

ED-Flex State Performance Report  
For  
School Year 2006-2007  
Signature Sheet

Name of State Educational Agency (SEA) Submitting This Report:

Texas Education Agency

Address:

Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701

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Name: Scott Lewis


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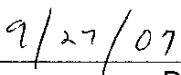
Fax: 512-305-9447

e-mail: scott.lewis@tea.state.tx.us

Name of Authorizing State Official: (Print or Type):

Dr. Susan Barnes

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date



## UNITED STATES DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

# ED-FLEX 2007 ANNUAL PERFORMANCE REPORT INSTRUCTIONS

## INTRODUCTION

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Under the Education Flexibility Partnership Act of 1999 (Ed-Flex), as part of the accountability, each participating State must monitor the activities of school districts and schools receiving waivers and submit to the Secretary an annual report based on its monitoring activities. (See Section 4(a)(5) of the Education Flexibility Partnership Act of 1999.) The reports will assist both the Department of Education (ED) and States in evaluating the effectiveness of the Ed-Flex program in improving teaching and learning for all students. In this report, you will provide information on three categories of waivers: new, ongoing and extension waivers as defined below.

## REPORT FORMAT AND INSTRUCTIONS

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Your report will contain two sections – (1) a narrative that discusses waiver activity for new, ongoing and extension waivers and your State's Ed-Flex oversight activities, in addition to (2) a table that displays waiver and performance data on all Ed-Flex waivers granted. In preparing your annual report, please follow the format provided below and completely respond to each applicable element.

If a narrative question is not applicable, please indicate with the symbol "N/A" and supply a brief explanation as to why the question is not applicable. Responses should address the questions completely and provide detailed information. For each item, you are encouraged to provide specific examples of districts' Ed-Flex efforts and strategies. Lastly, feel free to include supplemental information or materials that provide additional Ed-Flex program information.

### (1) Report Narrative

#### **Waivers Granted**

*In this portion of the report narrative, provide waiver information for new, extension and ongoing Ed-Flex waivers active during School Year (SY) 2006-2007. A **new waiver** is a waiver that was granted for the first time during SY 2006-2007 and had not been in effect prior to SY 2006-2007. An **extension waiver** is a waiver in which the State has extended, during SY 2007-2007, the effective period of a previously granted waiver, beyond the original expiration date. An **ongoing waiver** is a waiver that was*

*granted prior to SY 2006-2007 and that remains in effect during school year 2006-2007.*

(a) Describe what new Ed Flex waivers were granted and provide a description of the activities permitted as a result of the waivers;

**TEA Response:**

The following new waivers were approved during the evaluation period.

1) Title I Paraprofessional Qualifications. One waiver was granted to allow a first time Title I, Part A served campus one year for non-HQ paraprofessionals that were employed by the campus in the previous year. The campus had never been served with Title I, Part A funds prior to this school year, therefore, the paraprofessional requirement was a new requirement for the campus.

2) Title I, Part A Campus Allocations – Section 1113(c)(1). One waiver was granted to allow a district the flexibility to allocate Title I, Part A funds to campuses based on need rather than on the percentage of students from low income families.

3) Title I, Part A Roll Forward - P. L. 107-110, Section 1127(b) Seven (7) LEAs that received a significant increase in Maximum Entitlement in February were allowed the flexibility to carryover above the statutory allowable 15% because they had already used their Title I Part A statutory roll forward waiver within the last 3 years.

4) Title I, Part A Schoolwide Waiver - [P.L. 107-110, Section 1114(a)(1)]. Twenty-two (22) waivers were granted to districts with campus(es) of the 40 percent campus poverty threshold requirement for Title I, Part A Schoolwide eligibility. This waiver was only available because the campus had completed its required planning process and the campus did not participate in a Schoolwide program in 2005-2006.

(b) Describe what extension Ed Flex waivers were granted and provide a brief description of the activities permitted as a result of the waivers and what results you expect to achieve;

**TEA Response:**

1) Title I, Part A Campus Allocations – Section 1113(c)(1). One waiver continued to allow a district the flexibility to allocate Title I, Part A funds to campuses based on need rather than the percentage of students from low income families. The district is required to continue to meet the performance evaluation criteria established for the original waiver.

(c) Describe what ongoing Ed Flex waivers were in effect and provide a brief description of the activities permitted as a result of the waivers and what results you expect to achieve;

**TEA Response:**

1) Title I, Part A Schoolwide Waiver. Fifty-one (51) districts with one or more campuses that originally became a Schoolwide Campus through an Ed-Flex waiver continue to be listed as Ed-Flex Waiver districts until their campus poverty threshold reaches 40% or the campus is no longer eligible for Title I, Part A.

2) Statewide Administrative Waivers. These administrative waivers have been automatically granted to all LEAs, as applicable, for the duration of the state's waiver authority under Ed-Flex, contingent on the state's meeting the evaluation criteria stated below. It is anticipated that these waivers will reduce the administrative burden and provide additional time for instruction and planning, resulting in improved student performance:

A. Submission of a Request for Specific Approval of Certain Items [34 CFR 74.25(c)(6) and 74.27, or 80.22 and 80.30(b), as applicable; OMB Circulars A-87, A-21, or A-122, as applicable] This waiver eliminates the need to request specific approval in the application for items budgeted in class/object codes 6200, 6300, and 6400.

B. Submission of an Amendment to Transfer Funds for Training Costs [34 CFR 74.25(c)(7) or 80.30(c)(1)(iii), as applicable] This waiver eliminates the need for an amendment to transfer funds budgeted for training costs that are direct payments to trainees as long as the program description in the application remains unchanged.

C. Certification that an Employee is Funded from a Single Fund Source or Cost Objective [OMB Circular A-87, Attachment B, Number 11(h)(3)] This waiver eliminates the requirement that charges for salaries and wages be supported by a semi-annual certification that the employee worked solely on that program for the period covered by the certification. This waiver is allowable as long as the employee's job description clearly states that the employee is assigned 100 percent to the program or single cost objective.

The Statewide Administrative Waivers are evaluated based on student performance on TAKS™ Reading and Math for "All Students" statewide. If student performance fails to improve statewide for two consecutive years, the waivers will be reviewed by the State Ed-Flex Committee to determine if changes should be recommended to the Commissioner.

## State Oversight

*In this portion of the report narrative, you are to address the oversight activities that your State has conducted to implement, manage and oversee the Ed-Flex program.*

(a) Describe the Ed-Flex waiver application, review and approval process in detail, specifying timelines and other relevant information (**optional: attach Ed Flex applications, guidance, etc.**);

### TEA Response:

Individual Programmatic Waivers: The Texas Education Agency (TEA) has maintained an Ed-Flex Information website at <http://www.tea.state.tx.us/edflex>. In April, an Ed-Flex application was posted to the site, and multiple notifications were made through the *NCLB Update* email list. Applications are accepted twice annually, prior to June 1, for a start date of July 1, and prior to August 15, for a start date of October 1.

TEA staff review each application to verify approval by the local board of trustees, the signature by the superintendent, inclusion of comments of the appropriate site-based decision-making committee, and identification of a technical assistance provider that will be used if the required annual gains in student performance are not met. A written staff analysis is forwarded with the waiver to the State Title I Committee of Practitioners/Ed-Flex Committee for consideration.

The committee reviews the application and makes a recommendation to the Commissioner of Education for final action. The commissioner makes the final decision, and a letter transmitting the commissioner's decision, and if granted the waiver's performance evaluation criteria, to the applicant.

Schoolwide Waivers: This waiver request is initiated through an LEA's original Consolidated Application for Federal Funding. A supplemental form is provided to the LEA during application negotiation and is submitted by the LEA with additional information and required signatures. The waiver is only available to a campus that has completed the required one-year Schoolwide planning process, and the campus did not participate in a Schoolwide program in the previous year.

The application, transmittal letter, and brief guidance document are attached.

- (b) Describe how the State monitors districts and schools receiving these waivers, and how that oversight is used to provide feedback to districts and schools on their waiver activities; reference specific documents that the State uses to conduct these monitoring activities;

**TEA Response:**

The state has implemented a Performance-Based Monitoring Analysis System (PBMAS) in the areas of special education, No Child Left Behind formula programs, career and technology education, and bilingual education/English as a second language. This monitoring and intervention system places a strong emphasis on data integrity, a focus on a coordinated approach to agency monitoring, and an application of sanctions and interventions. This system annually monitors all Texas schools, not just those that receive waivers.

The PBMAS system uses a variety of strategies, including district/charter self-evaluation, agency desk review, and on-site monitoring to identify areas in need of improvement or correction for a given program. Based on the result of monitoring activities, intervention and sanction measures are implemented to address findings related to performance concerns and noncompliance with federal and state requirements. The extent and duration of performance concerns are considered in the determination of interventions and sanctions.

- (c) Describe what steps the State has taken to ensure that Ed-Flex schools are meeting annual, measurable goals and explain how this is determined;

**TEA Response:**

TEA staff reviews LEA and/or campus student performance results on TAKS™ annually. The LEA/campus must receive technical assistance from either the regional Education Service Center or other technical assistance provider designated in the waiver acceptance letter if the required annual progress is not made at the end of the year. An LEA/campus that fails to meet the evaluation requirements established by the Ed-Flex waiver for two consecutive years is notified that the waiver will be terminated at the end of third year. At the end of the waiver period, an LEA/campus that fails to meet the evaluation requirements established by the Ed-Flex waiver is not approved for renewal. The LEA/campus has the opportunity to provide documentation demonstrating that the evaluation requirements stated in the Ed-Flex waiver have been met.

However, if the documentation does not demonstrate that the evaluation requirements were met as stated in the Ed-Flex waiver, the LEA/campus application to renew the waiver is denied and the LEA/campus may not reapply for the same waiver for the duration of the state's current waiver authority under Ed-Flex. The evaluation requirements do not apply to campuses and LEAs that maintain a Recognized or Exemplary rating under the State Accountability System. Academically unacceptable campuses and LEAs will be required to submit annual written justification to TEA in order to continue an Ed-Flex waiver. The State Title I Committee of Practitioners/Ed-Flex Committee will review the justification and recommend to the Commissioner that the waiver either be terminated or continued.

- (d) Indicate what actions were taken to address any Ed-Flex schools and districts that are not meeting the specific, measurable educational goals established in their Ed-Flex waiver applications, and specifically whether any waivers have been identified for termination;

**TEA Response:**

Texas did not have any schools that did not meet the goals established in their waiver application during the 2006-2007, and no waivers were identified for termination.

- (e) Discuss the SEA's general conclusions regarding the impact of these Ed-Flex waivers, particularly with regard to improving student achievement;

**TEA Response:**

Prior to the state's Ed-Flex authority being extended during the 2005-2006 school year, it became evident how important Statewide Administrative Waivers are to the state's LEAs. Federal program staff relies heavily on the reduced time necessary to process the application for federal funding achieved through the statewide administrative waivers. LEAs receive funds more quickly and take advantage of the increased budgetary flexibility to provide efficient services that meet the needs of their students.

Schoolwide Eligibility has been the most popular Statewide Programmatic waiver and the most effective. The state has learned that the effectiveness of a given programmatic waiver can vary significantly from one LEA or campus to another. The state continues to report on the AYP status of districts and campuses and continues to rely on LEA and campus experiences and results in the evaluation process.

The state has adjusted its evaluation process for Schoolwide Eligibility waivers to reflect the recent Department of Education policy change that allows a campus to continue to operate as a Schoolwide campus in subsequent years without further evaluation. The Agency will continue to report the student achievement of campuses until/if they reach the economically disadvantaged threshold. The state has included the Schoolwide Eligibility Waiver in the consolidated application, and is looking for other ways to improve its Ed-Flex process.

- (f) Provide any general comments or observations related to reviewing, managing and/or monitoring Ed-Flex waivers or any other information or aspects of the program that might not have been addressed previously.

The staff time required to provide oversight of the Ed-Flex waiver authority is off-set by the positive impact of the waivers to the districts and campuses affected.

**(2) Report Data Table**

*In the table on the attached spreadsheet, please report waiver status data for all federal waivers in effect during SY 2006-2007. You are asked to report information for all of the following data elements:*

1. The name of the LEA
2. The Specific Federal Statutory Provision Waived
3. New Waivers Granted during SY 2006-07
  - o Duration of New Waivers Granted in SY 2006-07 (i.e., 1,2, or 3 years)
  - o Number of Schools Affected by the New Waivers Granted in SY 2006-2007
4. Waiver Extensions in SY2006-07
  - o Duration of Extension Waivers in SY 2006-07 (i.e., 1, 2, or 3 years)
  - o Number of Schools Affected by the Extension Waivers in Effect during SY 2006-07
5. Ongoing Waivers Active during the Reporting Period
  - o School Year in Which Ongoing Waiver Was Originally Granted
  - o Duration of the Waiver (i.e., 1, 2, or 3 years)
  - o Number of Schools Affected by the Ongoing Waiver
6. Number of Affected Schools with Extension and Ongoing Waivers Not Meeting Adequate Yearly Progress (AYP)
7. Number of Affected Schools with Extensions and Ongoing Waivers Meeting AYP
8. Number of Affected Schools with Extension and Ongoing Waivers Not Meeting Waiver Goals
9. Number of Affected Schools with Extension and Ongoing Waivers Meeting Waiver Goals

**REPORTING DEADLINE AND SUBMITTAL INSTRUCTIONS**

Please submit both a hard copy and an electronic copy of your report to ED by Monday, October 1, 2007. Mail the hard copy of your report, via FedEx or UPS, to:

Iyauta Moore  
OESE/School Support and Technology Programs  
U.S. Department of Education  
400 Maryland Avenue, SW, Room 3E219  
Washington, DC 20202-6400

E-mail the electronic copy of your report to [Iyauta.Moore@ed.gov](mailto:Iyauta.Moore@ed.gov).

If you have any questions or concerns regarding these instructions, or any other aspect of the program, please contact Iyauta Moore on (202) 260-2509 or [Iyauta.Moore@ed.gov](mailto:Iyauta.Moore@ed.gov).

**ASSURANCE OF DATA QUALITY**





**Ed Flex Waivers of Federal Requirements in SY 2006-2007**

Name of LEA	Specific Federal Waiver Provision	New Waivers Granted in SY 2006-2007		Waivers Extended in SY 2006-2007		Ongoing Waivers-granted in a prior School Year		# of Affected Schools w/ extension & ongoing Waivers Not Meeting AYP	# of Affected Schools w/ extension & ongoing Waivers Meeting AYP	# of Affected Schools w/ extension & ongoing Waivers Not Meeting Waiver Goals	# of Affected Schools w/ extension & ongoing Waivers Meeting Waiver Goals
		Duration of Waiver	# Schools Affected*	Duration of Waiver	# Schools Affected	SY Waiver Granted	Duration of Waiver				
Canutillo ISD	Campus Allocations P.L. 107-110, Section 1113(C)(1)			3 Years	6			2	4	**	**
North East ISD	Title I Paraprofessional Qualifications	1 year	1								
Dumas ISD	Campus Allocations P.L. 107-110, Section 1113(C)(1)	3 years	6								
Academy of Dallas	Title I, Part A Roll Forward P. L. 107-110, Section 1127(b)]	1 year	1								
Garland ISD		1 year	31								
Hamilton ISD		1 year	3								
Pasadena ISD		1 year	46								
Spring ISD		1 year	16								
Azle ISD		1 year	7								
Van ISD		1 year	2								
ALEDO ISD	Schoolwide	*	1								
ARCHER CITY ISD	Schoolwide	*	1								
BARBERS HILL ISD	Schoolwide	*	1								
BURLESON ISD	Schoolwide	*	1								
CHINA SPRING ISD	Schoolwide	*	1								
COLLINSVILLE ISD	Schoolwide	*	1								
COPPELL ISD	Schoolwide	*	1								
CRAWFORD ISD	Schoolwide	*	2								
CRAWFORD ISD	Schoolwide	*	1								
GEORGETOWN ISD	Schoolwide	*	1								
GRAPEVINE-COLLEYVILLE ISD	Schoolwide	*	1								
LEWISVILLE ISD	Schoolwide	*	1								
LITTLE CYPRESS-MAURICEVILLE CISD	Schoolwide	*	2								
MANSFIELD ISD	Schoolwide	*	4								
MEYERSVILLE ISD	Schoolwide	*	1								
NORTHWEST ISD	Schoolwide	*	1								
NORTHWEST ISD	Schoolwide	*	1								
PASADENA ISD	Schoolwide	*	1								
PONDER ISD	Schoolwide	*	1								
ROBINSON ISD	Schoolwide	*	1								
ROCKWALL ISD	Schoolwide	*	1								
SALADO ISD	Schoolwide	*	3								
ALEDO ISD	Schoolwide						*	3	3		3
ANNA ISD	Schoolwide						*	1	1		1
AUBREY ISD	Schoolwide						*	2	2		2
BARBERS HILL ISD	Schoolwide						*	1	Not Evaluated		1
BELLS ISD	Schoolwide						*	1	1		1
BURLESON ISD	Schoolwide						*	3	3		3
BUSHLAND ISD	Schoolwide						*	1	1		1
CADDO MILLS ISD	Schoolwide						*	1	1		1





Extended Waiver	waiver granted during a previous school year that remains in effect during the current reporting period.
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*\*For Section 1113 Targeted Assistance Waivers: the number of schools affected is the number of schools whose Title I allocation was reduced as a result of the decision to fund more schools.*

May 15, 2006

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Individual Ed-Flex Programmatic Waiver Application for the 2006-2007 School Year

The Texas Education Agency is authorized under the Education Flexibility Partnership Act of 1999, as amended, to offer local education agencies (LEAs) the opportunity to request waivers of certain federal laws and regulations governing the following No Child Left Behind Act programs in exchange for increased accountability:

- Title I, Part A (other than sections 1111 and 1116) (Improving the Academic Achievement of Disadvantaged Children)
- Title I, Part B, Subpart 3 (Even Start Family Literacy Programs)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Title I, Part F (Comprehensive School Reform)
- Title II, Part A, Subparts 2 and 3 (Teacher and Principal Training and Recruiting)
- Title II, Part D, Subpart 1 (Enhancing Education through Technology)
- Title III, Part B, Subpart 4 (Emergency Immigrant Education, if this program is funded)
- Title IV, Part A, Subpart 1 (Safe and Drug-Free Schools and Communities)
- Title V, Part A (Innovative Programs)
- The Carl D. Perkins Vocational and Technical Education Act

Attached is a copy of the Application for Individual Ed-Flex Programmatic Waiver for use in requesting an Individual Programmatic Waiver. The deadlines for requesting this waiver are as follows:

June 1, 2006, for a July 1, 2006, start date	August 15, 2006, for an October 1, 2006, start date
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Applications will not be accepted at any other time for school year 2006-2007.

A separate process for applying for Title I, Part A Schoolwide Eligibility and excessive roll forward waivers is initiated through the **original** Consolidated Application for Federal Funding in eGrants (SAS-NCLBAA07). A separate form (available at <http://www.tea.state.tx.us/edflex>) will be submitted during the negotiation of the SAS-NCLBAA07 to complete the Schoolwide Eligibility Waiver request. The roll forward waiver is requested in the original submission of the application by completing the Title I, Part A Roll Forward Waiver Schedule.

If you have questions concerning the Ed-Flex Program, contact the Division of NCLB Program Coordination via electronic mail at [nclb@tea.state.tx.us](mailto:nclb@tea.state.tx.us).

Sincerely,

Susan Barnes  
Associate Commissioner for Standards and Programs

Attachment

SB:cg

## Appendix 12

### Education Flexibility Partnership Act (Ed-Flex)

#### Ed-Flex Authority

Texas received approval from the U.S. Department of Education to continue its Ed-Flex waiver authority under the Education Flexibility Partnership Act of 1999, as amended, on April 13, 2006, effective until such time as Title I, Part A of NCLB is reauthorized.

#### Covered Programs

As an Ed-Flex state, Texas has the authority to waive provisions of the following federal programs in order to assist school districts in designing and implementing the programs in ways that best meet the needs of their students and communities.

No Child Left Behind Act of 2001

- Title I, Part A (except sections 1111 and 1116)
- Title I, Part B, Subpart 3
- Title I, Parts C, D, and F
- Title II, Part A, Subparts 2 and 3
- Title II, Part D, Subpart 1
- Title III, Part B, Subpart 4
- Title IV, Part A, Subpart 1
- Title V, Part A

Carl D. Perkins Vocational and Technical Education Act of 1998.

#### Provisions That Cannot Be Waived

Under the Education Flexibility Partnership Act of 1999 (P. L. 106-25) as amended, the following statutory or regulatory requirements may not be waived:

- ◆ maintenance of effort;
- ◆ comparability of services;
- ◆ equitable participation of students and professional staff in private schools;
- ◆ parental participation and involvement;
- ◆ distribution of funds to States or to local educational agencies;
- ◆ applicable civil rights requirements;
- ◆ serving eligible school attendance areas in rank order under P.L. 103-382, Section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;
- ◆ selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local education agency that meets the requirements of such subsections (a) and (b);
- ◆ use of Federal funds to supplement, not supplant, non-Federal funds; and
- ◆ unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

Appendix 12—continued

Types of Waivers Available

Three types of waivers are available to LEAs: Statewide Administrative Waivers, Statewide Programmatic Waivers, and Individual Programmatic Waivers. Each type of waiver has a different application and evaluation procedure.

1. Statewide Administrative Waivers

The following statewide **administrative waivers** address the regulations governing the application for funds and various recordkeeping provisions. These administrative waivers have been automatically granted to all LEAs, as applicable, for the duration of the state's waiver authority under Ed-Flex, contingent on the state's meeting the evaluation criteria stated below. It is anticipated that these waivers will reduce the administrative burden and provide additional time for instruction and planning, resulting in improved student performance:

1. **Submission of a Request for Specific Approval of Certain Items** [34 CFR 74.25(c)(6) and 74.27, or 80.22 and 80.30(b), as applicable; OMB Circulars A-87, A-21, or A-122, as applicable]

This waiver eliminates the need to request specific approval in the application for items budgeted in class/object codes 6200, 6300, and 6400.

2. **Submission of an Amendment to Transfer Funds for Training Costs** [34 CFR 74.25(c)(7) or 80.30(c)(1)(iii), as applicable]

This waiver eliminates the need for an amendment to transfer funds budgeted for training costs that are direct payments to trainees as long as the program description in the application remains unchanged.

3. **Certification that an Employee is Funded from a Single Fund Source or Cost Objective** [OMB Circular A-87, Attachment B, Number 11(h)(3)]

This waiver eliminates the requirement that charges for salaries and wages be supported by a semi-annual certification that the employee worked solely on that program for the period covered by the certification. This waiver is allowable as long as the employee's job description clearly states that the employee is assigned 100 percent to the program or single cost objective.

**Note:** OMB Circulars A-21 and A-122 do not offer the certification option in lieu of keeping time and effort. Therefore, no waiver comparable to this administrative waiver is possible for applicants following OMB Circular A-122 or A-21. Refer to **Appendix 2—Documentation Required for Charges to Payroll** for clarification of the time and effort requirements as they relate to OMB Circulars A-21 and A-122.

Evaluation Criteria for Statewide Administrative Waivers

The Statewide Administrative Waivers are evaluated based on student performance on TAKS Reading and TAKS Math for "All Students" statewide. If student performance fails to improve statewide for two consecutive years, the waivers will be reviewed by the Ed-Flex Committee to determine if changes should be recommended to the Commissioner.



2. Statewide Programmatic Waivers

The following statewide **programmatic waivers** address the design and delivery of federal programs covered under Ed-Flex. The statewide programmatic waivers must be applied for through the LEA's **original** Consolidated NCLB Application for Federal Funding (SAS-NCLB-AA). These waivers allow educators the flexibility to use federal program funds in ways that may result in significant gains in student performance.

1. **Threshold for Eligibility to Implement Title I, Part A Schoolwide Programs**  
[P.L. 107-110, Section 1114(a)(1)]

This waiver allows any campus otherwise eligible to receive Title I, Part A funds to implement a Title I, Part A schoolwide program regardless of the percentage of students from low-income families.

If approved, this Statewide Programmatic Waiver of Schoolwide Eligibility will be valid for one year. After the one-year waiver is implemented, the campus may continue to implement a schoolwide program for as long as the campus remains an eligible Title I, Part A attendance area.

After the one-year implementation of this waiver, the campus will continue to identify that it was an Ed-Flex waiver schoolwide campus in the SC5000 schedule of the consolidated NCLB application until such school year that the campus has a low income percentage of 40.00% or greater. At that point, the campus no longer selects "Ed-Flex" on the SC5000.

Although there is no evaluation of this Statewide Programmatic Waiver of Schoolwide Eligibility beyond the one-year waiver period, TEA will track and report to USDE the performance of all campuses granted this waiver until the point the campus has a low-income percentage of 40.00% or greater.

2. **Waiver of Title I, Part A 15% Roll Forward Limitation**  
[P. L. 107-110, Section 1127(b)]

LEAs that receive a significant increase in Maximum Entitlement may apply for/utilize this Ed-Flex waiver if the LEA has already utilized a Title I Part A statutory roll forward waiver within the last 3 years.

This waiver is valid for one year and may be renewed each year the statutory waiver is not available that the LEA receives a significant increase at Maximum Entitlement. An LEA must include the Roll Forward Waiver Schedule in the original submission of the Consolidated NCLB Application for Funding to apply for this waiver.

Appendix 12—continued

3. Individual Programmatic Waivers

**Individual programmatic waivers** provide LEAs and campuses the flexibility in the use of federal program funds based on the barriers preventing student achievement.

**Application Process**

To request an individual programmatic waiver, LEAs must submit a separate Ed-Flex waiver application. A copy of the Ed-Flex waiver application is available on the Ed-Flex web site at: <http://www.tea.state.tx.us/edflex/>

**Application Deadline**

The deadlines for submitting an application for an individual programmatic waiver for 2006-2007 are as follows:

**June 1, 2006**, for a start date of July 1, 2006, if approved by the Ed-Flex Committee and Commissioner.

**August 17, 2006**, for a start date of October 1, 2006, if approved by the Ed-Flex Committee and Commissioner.

No Ed-Flex Waiver applications received after the August 17 deadline will be considered for the 2006-2007 school year.

**Application Review and Approval**

TEA staff will review each waiver application to ensure that it was approved by the local board of trustees, signed by the superintendent, includes comments of the appropriate site-based decision-making committee, and identifies a technical assistance provider that will be used if the required annual gains in student performance are not met.

A written staff analysis will be forwarded with the waiver to the Texas Ed-Flex Committee for consideration. The committee's recommendation regarding the approval of the waiver, as well as the evaluation criteria that must be met, will be forwarded to the Commissioner of Education for final action. A letter transmitting the commissioner's decision will be sent to the LEA.

**Duration of Waiver**

If approved, these Individual Programmatic waivers will be granted for a maximum of three years effective school year 2006-2007 and ending 2008-2009. If the evaluation criteria established by the Ed-Flex Committee are met, the LEA may reapply for the waiver. However, if the evaluation criteria have not been met at the end of the waiver period, the waiver is terminated. **If the waiver is terminated, the campus is ineligible to reapply for this waiver until school year 2009-2010.**

**Evaluation Criteria for Individual Programmatic Waivers**

Evaluation criteria for each individual programmatic waiver will be established by the Ed-Flex Committee.

Texas Education Agency  
Division of NCLB Program Coordination  
Application for Individual Ed-Flex Programmatic Waiver  
School Year 2006-2007

Co-Dist No. \_\_\_\_\_

Page 1 of 5

<hr/> <b>Waiver Number</b> (Assigned by TEA)
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**Application Deadlines:**      **June 1, 2006**, for a July 1, 2006, start date  
   **August 15, 2006**, for an October 1, 2006, start date  
Applications will NOT be accepted at any other time for school year 2006-2007.

**Instructions:**      This application is for Individual Programmatic Waivers only. Complete a **separate application** for each Individual Programmatic Waiver requested. The applicant will be notified of their waiver status (approval, approval with changes, denial) within 45 days of the application deadline. Do NOT use this application form to request a Title I, Part A Schoolwide Eligibility Waiver.

Application for Title I, Part A Schoolwide Eligibility waivers is a separate process initiated through the **original** Consolidated Application for Federal Funding in eGrants (SAS-NCLBAA07). A separate form (available at <http://www.tea.state.tx.us/edflex>) will be submitted during the negotiation of the SAS-NCLBAA07 to complete the Schoolwide Eligibility Waiver request.

**Authority for Data Collection:** P.L. 106-25, as amended by P.L. 107-110; TEC 7.056(g)

**Planned Use of Data:** To grant waivers of federal law or regulation and associated state law or rule.

**Submission:** Submit one completed application per waiver request to:

Division of NCLB Program Coordination  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Telephone: 512-463-9374  
Facsimile: 512-305-9447  
<http://www.tea.state.tx.us/edflex>  
e-mail: [nclb@tea.state.tx.us](mailto:nclb@tea.state.tx.us)

**Part 1: General Information**

Applications received by June 1, 2006, will be considered by the Texas Ed-Flex Committee on June 6, 2006. Applications received by August 15, 2006, will be considered by the Committee on September 13, 2006. The person listed below as the LEA's Ed-Flex Contact must be available for telephone consultation on the date the Committee is scheduled to consider this waiver in case the Committee has questions.

LEA Ed-Flex Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

LEA Name \_\_\_\_\_

Typed Name of Superintendent:  Dr.  Mr.  Ms. \_\_\_\_\_

**Part 2: Type of Individual Programmatic Waiver Requested**

1. A. Districtwide waiver:

- Title I, Part A Campus Allocations [P.L.107-110, Section 1113(c)(1)]
- Title I, Part A 125% Special Allocation Rule [P.L. 107-110, Section 1113(c)(2)]
- Other: Specify the provision to be waived: P.L. \_\_\_\_\_, Section \_\_\_\_\_

OR

B. Campus-specific waiver: If the waiver is Campus-specific, indicate the campus name and number.

Campus Name \_\_\_\_\_ Campus Number \_\_\_\_\_

- Title I, Part A Campus Eligibility [P.L. 107-110, Section 1113(a)(2)(B)]
- Other: Specify the provision to be waived: P.L. \_\_\_\_\_, Section \_\_\_\_\_

2. Indicate the program(s) affected by the waiver requested in this application:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Title I, Part A            | <input type="checkbox"/> Title II, Part A, Subpart 2  | <input type="checkbox"/> Title V, Part A  |
| <input type="checkbox"/> Title I, Part B, Subpart 3 | <input type="checkbox"/> Title II, Part A, Subpart 3  | <input type="checkbox"/> Carl D. Perkins Vocational and Technical Education Act of 1998 |
| <input type="checkbox"/> Title I, Part C            | <input type="checkbox"/> Title II, Part D, Subpart 1  |   |
| <input type="checkbox"/> Title I, Part D            | <input type="checkbox"/> Title III, Part B, Subpart 4 |   |
| <input type="checkbox"/> Title I, Part F            | <input type="checkbox"/> Title IV, Part A, Subpart 1  |   |

**Part 3: Public Comment**

How did the LEA publicize the request for this waiver and receive comments?

- Newspaper
- LEA/Campus Newsletters
- School Board Meeting
- Press Release
- LEA/Campus Website
- Other (Specify) \_\_\_\_\_

**Part 4: Waiver Description**

1. Describe the provision to be waived: \_\_\_\_\_  
\_\_\_\_\_

2. Is there a specific State Law or Rule that needs to be waived in conjunction with the Ed-Flex Waiver?  
 Yes    No   If yes, specify: \_\_\_\_\_

3. Number of years for which waiver is requested: Check one.    1 year    2 years    3 years

4. If this waiver is granted, what will be done that is **different** from what is currently required under law or regulation?

5. What are the LEA's (or campus's) measurable, educational goals for improving student performance in each of the years the waiver would be in effect?

6. How will this waiver assist the LEA in reaching these educational goals?

**Part 5: Evaluation Requirements**

Ed-Flex offers the opportunity for additional flexibility in exchange for additional accountability. Each Ed-Flex waiver that is granted must be evaluated based on strict evaluation criteria. The Texas Ed-Flex Committee will establish the evaluation criteria appropriate to each type of Individual Programmatic Waiver requested. The criteria will be detailed in the waiver approval letter. At the end of the waiver period, the effectiveness of the waiver will be evaluated based on these criteria. If the LEA wishes to reapply for the same waiver at the end of the waiver period, the application will be considered only if the evaluation criteria for the previous waiver were met.

**Part 6: Assessment of Previous Waiver**

If an LEA is applying to renew a waiver that expires at the end of the 2005-2006 school year, the LEA **MUST** provide data to demonstrate that the evaluation criteria as described in the LEA's waiver approval letter have been met. Attach additional pages as necessary. This part is NOT APPLICABLE to those LEAs that did not have a waiver in the previous year.

**Part 7: Certification**

The effectiveness of the waiver will be evaluated based on criteria to be determined by the Texas Ed-Flex Committee.

The signatures below indicate the LEA's understanding that if the evaluation criteria established by the Ed-Flex Committee are not met at the end of the period for which the waiver is approved, the LEA/campus is not eligible to reapply for this same waiver under the state's current Ed-Flex waiver authority.

\*Signature of Teacher on SBDM Committee \_\_\_\_\_ Date Signed \_\_\_\_\_

\*Signature of Parent on SBDM Committee \_\_\_\_\_ Date Signed \_\_\_\_\_

\*Signature of Chairperson of SBDM Committee \_\_\_\_\_ Date Signed \_\_\_\_\_

\*\*Signature of Campus Principal \_\_\_\_\_ Date Signed \_\_\_\_\_

Signature of Superintendent \_\_\_\_\_ Date Signed \_\_\_\_\_

Date of Approval by LEA Board of Trustees \_\_\_\_\_

\*For districtwide waivers, this refers to the LEA's Site-Based Decision Making Committee; for campus-specific waivers, this refers to the campus' Site-Based Decision Making Committee.

\*\*The campus principal's signature is only required for campus-specific waivers.