



UNITED STATES DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

ED-FLEX 2007-08 ANNUAL PERFORMANCE REPORT INSTRUCTIONS

INTRODUCTION

Under the Education Flexibility Partnership Act of 1999 (Ed-Flex) 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

The annual report shall contain two sections: (1) a narrative that discusses waiver activity for new, ongoing, and extension waivers as well as the State's Ed-Flex oversight activities; and (2) a table that displays waiver and performance data on all Ed-Flex waivers. In preparing the report, please follow the format provided below and completely respond to each applicable element. Your responses will be made available to Congress and the public online via the Ed-Flex webpage.

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) 2007-08. A **new waiver** is a waiver that was granted for the first time during SY 2007-08 and had not been in effect prior to SY 2007-08. An **extension waiver** is a previously granted waiver that was active in SY 2007-08 because the effective period was extended beyond the original expiration date. An*

ongoing waiver is a waiver that was granted prior to SY 2007-08, but remained in effect during SY 2007-08.

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

TEA Response:

The following new waivers were approved during the evaluation period.

1) 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.

2) Title I, Part A Roll Forward - P. L. 107-110, Section 1127(b) Four (4) 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.

3) Title I, Part A Schoolwide Waiver - [P.L. 107-110, Section 1114(a)(1)]. Twelve (12) campus waivers were granted to five (5) districts with campus(es) below 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 2006-2007.

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

TEA Response:

N/A. No extension waivers were granted in 2007-2008.

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

TEA Response:

1) Title I, Part A Schoolwide Waiver. Forty-four (44) 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. The flexibility afforded with operating a Schoolwide program, in lieu of a Targeted Assistance program, allowed campus administrators the flexibility to integrate the entire education program on their campus. The success of this waiver can be evidenced by the fact that all but one of the Schoolwide Waiver campuses met AYP.

2) Title I, Part A Campus Allocations – Section 1113(c)(1). Two (2) ongoing waivers allowed districts 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 districts are required to continue to meet the performance evaluation criteria established for the original waiver. By allowing the district flexibility to allocate funds based on identified needs in the District Improvement Plan, a district focus can focus on its highest priorities.

3) 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. These waivers reduce the administrative burden on districts, and allow them to focus on academic achievement through the reduction of administrative requirements.

State Oversight

In this portion of the report narrative, please address the oversight activities the State conducted to implement, manage and oversee the Ed-Flex program.

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

TEA Response:

Individual Programmatic Waivers: The 2007-2008 Ed-Flex application was posted in April to the Texas Education Agency (TEA) Ed-Flex Information website at <http://www.tea.state.tx.us/edflex> and the TEA Correspondence Page at <http://www.tea.state.tx.us/taa>. Applications were accepted in two application periods, prior to June 1, for a start date of July 1, and prior to August 15, for a start date of October 1. Multiple notifications were made through the NCLB Update email list as well as the Ed-Flex Information website.

TEA staff reviews 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. Once the TEA review is complete, a written staff analysis is then 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 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 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:

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

A variety of strategies which include district/charter self-evaluation, agency desk review, and on-site monitoring are used by the PBMAS system to identify areas in need of improvement or correction for a given program. Intervention and sanction measures are implemented based on the result of monitoring activities 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 State efforts to ensure that Ed-Flex schools are meeting annual, measurable goals and explain how they are 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 the 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 or districts not meeting the specific, measurable educational goals established in the Ed-Flex waiver applications, and specify whether any waivers were identified for termination;

TEA Response:

The state had two districts with waivers that were not meeting measurable goals established in their Ed-Flex waiver application in 2007-2008. Both districts are in the second year of a three year waiver. If student achievement does not meet the evaluation criteria at the end of the third year, the districts will not be eligible to reapply for the waiver.

- (e) Discuss any general conclusions regarding the impact of the Ed-Flex waivers, particularly with regard to improving student achievement; and

TEA Response:

Statewide Administrative Waivers play an important role with the state's LEAs. It was anticipated that these waivers would reduce the administrative burden and provide additional time for instruction and planning, resulting in improved student performance and this continues to hold true. The reduced time to process the application for federal funding achieved through the statewide administrative waivers is relied heavily on by Federal program staff. Funds are received more quickly by the LEAs and this allows them to take advantage of the increased budgetary flexibility to provide efficient services that meet the needs of their students.

The most effective and popular Statewide Programmatic waiver continues to be Schoolwide Eligibility. 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 to continue the increase in academic achievement.

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

TEA Response:

The positive impact of the waivers to the districts and campuses affected greatly outweighs the staff time required to review, manage, and monitor the Ed-Flex waiver.

(2) Report Data Table

In the table on the attached spreadsheet, please report waiver status data for all federal waivers in effect during SY 2007-08. 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
 - If schoolwide poverty requirements under section 1114 were waived, please include the lowest poverty percentage for schools participating in the schoolwide program.
3. New waivers granted during SY 2007-08
 - Duration of new waivers granted in SY 2007-08 (i.e., 1,2, or 3 years)
 - Number of schools affected by the new waivers granted in SY 2007-08
4. Waiver extensions in SY 2007-08
 - Duration of extension waivers in SY 2007-08 (i.e., 1, 2, or 3 years)
 - Number of schools affected by the extension waivers in effect during SY 2007-08
5. Ongoing waivers active during the reporting period
 - School year in which ongoing waiver was originally granted
 - Duration of the waiver (i.e., 1, 2, or 3 years)
 - 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, December 1, 2008. Mail the hard copy of your report, via FedEx or UPS, to:

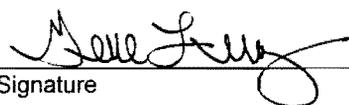
Enid Marshall
OESE/School Support and Technology Programs
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W103
Washington, DC 20202-6400

E-mail the electronic copy of your report to: enid.marshall@ed.gov

If you have any questions or concerns regarding these instructions, or any other aspect of the program, please contact Enid Marshall at (202) 708-9499 or enid.marshall@ed.gov

ASSURANCE OF DATA QUALITY

I assure that the data reported in this document is reliable, complete, and accurate.



Signature

12.02.08
date

DEPUTY ASSOCIATE COMMISSIONER
Title FOR SPECIAL PROGRAMS

NOTE: If there are problems with the reliability, completeness or accuracy of the data contained in this report, please describe those problems and provide a plan for addressing them.

