



UNITED STATES DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

ED-FLEX 2008-09 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) 2008-09. A **new waiver** is a waiver that was granted for the first time during SY 2008-09 and had not been in effect prior to SY 2008-09. An **extension waiver** is a previously granted waiver that was active in SY 2008-09 because the effective period was extended beyond the original expiration date. An*

ongoing waiver is a waiver that was granted prior to SY 2008-09, but remained in effect during SY 2008-09.

- (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 Paraprofessional Requirements – Section 1119(d). One waiver was granted to allow a district the flexibility to retain for one year non-qualified paraprofessionals on two campuses that were served by Title I, Part A for the first time.
- 2) Title I, Part A Roll Forward - P. L. 107-110, Section 1127(b) Eight (8) 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)]. Eleven (11) campus waivers were granted to nine (9) districts with campuses 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 2007-2008.

- (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 2008-2009.

- (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:

The following new waivers were approved during the evaluation period.

- 1) 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 can focus on its highest priorities.

- 2) Title I, Part A Schoolwide Waiver. Forty-five (45) 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 campuses until the 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 83 of the 84 campuses taking advantage of this waiver met AYP.

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 2008-2009 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 one district with a waiver that did not meet measurable goals established in their Ed-Flex waiver application in 2008-2009. Aldine ISD did not meet the evaluation criteria of maintaining an AYP rating of "Meets AYP" due to Mathematics Performance and Graduation Rate in the second of their three year Campus Allocation waiver. The State Ed-Flex Committee reviewed the district's performance, and the Commissioner of Education terminated the waiver prior to the waiver's third year. Aldine ISD appealed the termination decision and the Committee recommended reinstatement of the waiver. The Commissioner of Education agreed and Aldine ISD was allowed to take advantage of the third year of the waiver. If the district again does not meet AYP, the district will not be allowed to apply for a continuation of the waiver beyond 2009-2010.

- (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 2008-09. 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 2008-09
 - Duration of new waivers granted in SY 2008-09 (i.e., 1,2, or 3 years)
 - Number of schools affected by the new waivers granted in SY 2008-09
4. Waiver extensions in SY 2008-09
 - Duration of extension waivers in SY 2008-09 (i.e., 1, 2, or 3 years)
 - Number of schools affected by the extension waivers in effect during SY 2008-09
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, November 16, 2009. 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

Ed-Flex Waivers for Federal Requirements in SY 2008-2009														
Name of LEA	Specific Federal Waiver Provision (Please provide the ESEA section number)	If waiver is for Schoolwide Poverty Requirement Code	New Waivers Granted in SY 2008-2009		Waivers Extended in SY 2008-2009		Ongoing Waivers granted in 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	# Schools Affected					
Salado ISD	Schoolwide - 1114(a)(1)	20.78	*	1										
Coppell ISD	Schoolwide - 1114(a)(1)	8.61	*	1										
Aubrey ISD	Schoolwide - 1114(a)(1)	14.80	*	2										
Canyon ISD	Schoolwide - 1114(a)(1)	26.82	*	1										
Miami ISD	Schoolwide - 1114(a)(1)	30.66	*	1										
Mansfield ISD	Schoolwide - 1114(a)(1)	35.66	*	2										
Round Rock ISD	Schoolwide - 1114(a)(1)	40.00	*	1										
Thrall ISD	Schoolwide - 1114(a)(1)	32.30	*	1										
Celina ISD	Schoolwide - 1114(a)(1)	38.40	*	1										
Mainland Preparatory Academy	Roll Forward - 1127(b)		1 year	1										
Richard Milburn Academy (Houston)	Roll Forward - 1127(b)		1 year	1										
North Forest ISD	Roll Forward - 1127(b)		1 year	10										
Spring ISD	Roll Forward - 1127(b)		1 year	25										
Richard Milburn Academy(Beaumont)	Roll Forward - 1127(b)		1 year	1										
Richard Milburn Alternative High School	Roll Forward - 1127(b)		1 year	1										
University of Texas University Charter	Roll Forward - 1127(b)		1 year	5										
Boyd ISD	Roll Forward - 1127(b)		1 year	3										
Northeast ISD	Paraprofessional Requirements - 1119 (d)		1 year	2										
Aldine ISD	Campus Allocation - 1113 (c)						07-08	3 years	70		10	56 (4 Not Evaluated)	*	
Canutillo ISD	Campus Allocation - 1113 (c)						06-07	3 Years	9		3	4 (2 Not Evaluated)	*	
Dumas ISD							06-07	3 Years	6		1	5		
Aledo ISD	Schoolwide - 1114(a)(1)	10.00					02-03	*	4		0	4	4	
Archer City ISD	Schoolwide - 1114(a)(1)	34.48					02-03	*	1		0	1	1	
Aubrey ISD	Schoolwide - 1114(a)(1)	30.00					02-03, 06-07	*	1		0	1	1	
Barbers Hill ISD	Schoolwide - 1114(a)(1)	21.00					03-04, 04-05	*	2		0	2	2	
Bells ISD	Schoolwide - 1114(a)(1)	28.94					03-04	*	1		0	1	1	
Bushland ISD	Schoolwide - 1114(a)(1)	21.68					02-03	*	1		0	1	1	
Caddo Mills ISD	Schoolwide - 1114(a)(1)	35.11					05-06	*	1		0	1	1	
China Springs ISD	Schoolwide - 1114(a)(1)	34.01					03-04	*	1		0	1	1	
Collinsville ISD	Schoolwide - 1114(a)(1)	32.00					02-03	*	1		0	1	1	
Community ISD	Schoolwide - 1114(a)(1)	32.00					02-03	*	1		0	1	1	
Coppell ISD	Schoolwide - 1114(a)(1)	8.61					04-05, 05-06, 06-07	*	6		0	6	6	
Crawford ISD	Schoolwide - 1114(a)(1)	15.76					02-03	*	3		0	3	3	
Dripping Springs ISD	Schoolwide - 1114(a)(1)	18.09					02-03, 07-08	*	2		0	2	2	
Era ISD	Schoolwide - 1114(a)(1)	23.25					02-03	*	1		0	1	1	
Grapevine Colleyville ISD	Schoolwide - 1114(a)(1)	15.09					04-05, 05-06, 06-07	*	6		0	6	6	
Gunter ISD	Schoolwide - 1114(a)(1)	28.00					03-04	*	1		0	1	1	
Holiday ISD	Schoolwide - 1114(a)(1)	27.70					02-03	*	2		0	2	2	
Honors Academy	Schoolwide - 1114(a)(1)	23.00					06-07	*	1		0	1	1	
Howe ISD	Schoolwide - 1114(a)(1)	37.60					03-04	*	1		0	1	1	
Huffman ISD	Schoolwide - 1114(a)(1)	31.07					02-03	*	2		0	2	2	
Kennedale ISD	Schoolwide - 1114(a)(1)	31.10					06-07	*	1		0	1	1	
Killeen ISD	Schoolwide - 1114(a)(1)	35.00					07-08	*	3		0	3	3	
Krum ISD	Schoolwide - 1114(a)(1)	30.90					05-06	*	1		0	1	1	
Lewisville ISD	Schoolwide - 1114(a)(1)	28.00					06-07, 07-08	*	7		0	7	7	
Little Cypress-Mauriceville ISD	Schoolwide - 1114(a)(1)	34.79					02-03	*	3		0	3	3	
Mansfield ISD	Schoolwide - 1114(a)(1)	35.40					03-04, 06-07, 07-08	*	2		0	2	2	
Melissa ISD	Schoolwide - 1114(a)(1)	28.20					03-04	*	1		0	1	1	
Meyersville ISD	Schoolwide - 1114(a)(1)	31.00					02-03	*	1		0	1	1	
Midway ISD	Schoolwide - 1114(a)(1)	25.69					02-03	*	1		0	1	1	
Midway ISD	Schoolwide - 1114(a)(1)	36.05					02-03	*	1		0	1	1	
Muenster ISD	Schoolwide - 1114(a)(1)	14.00					02-03, 06-07	*	2		0	2	2	
Nazareth ISD	Schoolwide - 1114(a)(1)	22.99					02-03	*	1		0	1	1	
New Diana ISD	Schoolwide - 1114(a)(1)	25.55					05-06	*	1		0	1	1	
Northwest ISD	Schoolwide - 1114(a)(1)	29.81					06-07	*	1		0	1	1	
Nursery ISD	Schoolwide - 1114(a)(1)	37.00					02-03	*	1		0	1	1	
Panhandle ISD	Schoolwide - 1114(a)(1)	32.83					02-03	*	1		0	1	1	
Paradise ISD	Schoolwide - 1114(a)(1)	22.67					05-06	*	1		0	1	1	
Port Aransas ISD	Schoolwide - 1114(a)(1)	25.00					02-03	*	2		0	2	2	
Robinson ISD	Schoolwide - 1114(a)(1)	18.60					02-03	*	5		1	4	5	
Salado ISD	Schoolwide - 1114(a)(1)	19.81					02-03	*	3		0	3	3	
Schertz-Cibolo-Universal City ISD	Schoolwide - 1114(a)(1)	37.91					05-06	*	1		0	1	1	
Tolar ISD	Schoolwide - 1114(a)(1)	34.00					05-06	*	1		0	1	1	
Tom Bean ISD	Schoolwide - 1114(a)(1)	34.21					02-03	*	1		0	1	1	
Tomball ISD	Schoolwide - 1114(a)(1)	34.00					05-06	*	1		0	1	1	
Van Alstyne ISD	Schoolwide - 1114(a)(1)	24.00					02-03	*	2		0	2	2	
Total				60		0			169		15	88	0	84