

ED-FLEX REPORTING GUIDANCE

(1) Report Narrative

Your Ed-Flex report should contain a narrative that discusses your State's implementation of its Ed-Flex program during the 2005-06 SY. In this narrative, please:

- (a) Describe what Ed Flex waivers were granted and more specifically, provide a description of the activities permitted as a result of the waiver;

Three types of waivers were available to LEAs: Statewide Administrative Waivers, Statewide Programmatic Waivers, and Individual Programmatic Waivers.

The following statewide administrative waivers addressed the regulations governing the application for funds and various recordkeeping provisions. These administrative waivers were automatically granted to all LEAs, as applicable. These waivers reduced the administrative burden and provided 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 eliminated 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 eliminated the need for an amendment to transfer funds budgeted for training costs that were direct payments to trainees as long as the program description in the application remained 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 eliminated 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 was allowable as long as the employee's job description clearly states that the employee was assigned 100 percent to the program or single cost objective.

The following statewide programmatic waivers address the design and delivery of federal programs covered under Ed-Flex. The statewide programmatic waivers were applied for through the LEA's original NCLB Consolidated Application for Federal Funding (SAS-NCLB-AA). These waivers allowed 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 allowed 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.

Although there will be 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 campuses have low-income percentages 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 received a significant increase in Maximum Entitlement utilized this Ed-Flex waiver if the LEA already has utilized a Title I Part A statutory roll forward waiver within the last 3 years.

3. Highly Qualified Teachers and Paraprofessionals Hired Under the Hurricane Katrina Emergency Certificate [P.L. 107-110, Section 1119(a) and (c)]

This waiver allowed any teacher or paraprofessional hired from out-of-state due to increased student enrollments caused by Hurricane Katrina to be considered Highly Qualified for the 2005-06 school year.

To be considered as highly qualified in the 2005-06 school year, the teacher was required to: hold a valid out-of-state teacher certificate or credential; be issued the Hurricane Katrina Emergency Certificate from the Texas State Board for Educator Certification (SBEC); and be hired by a sponsoring LEA for the purpose of meeting unanticipated staffing requirements caused by the arrival of new students displaced by Hurricane Katrina. Due to the teachers being considered highly qualified, the LEA was not required to notify parents that the teacher may not have met NCLB statutory highly qualified requirements as implemented in Texas.

This waiver was only valid for the 2005-06 school year and will not be renewed.

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

No new Individual programmatic waivers were granted during 2005-2006.

- (b) Discuss how the Ed-Flex program is assisting your State in implementing State reform efforts and how your State has used the Ed-Flex program to encourage educational innovation;

In recent years, Texas lawmakers have taken steps to reduce the number and scope of regulations governing education in Texas. They have given local school districts and campuses unprecedented latitude in tailoring education programs to meet the specific needs of students. Increased local control, accompanied by accountability for results, is the hallmark of state efforts to enable all students to achieve exemplary levels of performance.

Based on this legislative direction, the Texas Education Agency (TEA) has undertaken efforts to deregulate public education in the state. Actions include approval and support of open-enrollment charters and removal of barriers to improved student performance by waiving provisions of federal and state laws. These efforts support the four state academic goals and the strategic plan goal of local excellence and achievement. They do so by fostering local innovation and supporting local authorities in their efforts to ensure that each student demonstrates exemplary academic performance.

The key strategies used to reduce regulations while ensuring results-based accountability are summarized below.

Comprehensive Campus and District Planning

The Texas Legislature requires that each LEA and campus prepare a comprehensive improvement plan. The campus and LEA site-based decision-making committees, which are composed of teachers, administrators, parents, and community members, must develop the plans. The plans must include comprehensive needs assessments based upon student performance on the state assessments and other indicators, and must analyze performance for each student group. The plans must contain measurable performance objectives and strategies for improving performance and must indicate the resources needed, staff responsible for implementing strategies, timelines for monitoring implementation of each strategy, and criteria for evaluating progress. The LEA board of trustees must approve each plan, as well as annual revisions. A district rated as academically unacceptable or a campus rated as low-performing must revise the plan and submit it to the LEA for review and to the state under the intervention and sanction procedures used in the state accountability system. The TEA peer review team makes specific recommendations for improving student performance based upon this revised plan.

Essential Knowledge and Skills

Texas has adopted and implemented state standards that identify the essential knowledge and skills that every student must know and be able to do in the foundation curriculum. Essential knowledge and skills also are identified for other areas of the required curriculum, and are used as guidelines by LEAs to improve teaching and learning.

Student Assessment

The statewide assessment program currently includes the Texas Assessment of Knowledge and Skills (TAKS™), the State-Developed Alternative Assessment II (SDAA II), the Texas English Language Proficiency Assessment System (TELPAS), and the Texas Assessment of Academic Skills (TAAS™).

The Texas Assessment of Knowledge and Skills (TAKS™) was administered beginning in the 2002-2003 school year. The TAKS™ measures the statewide curriculum in reading at Grades 3-9; in writing at Grades 4 and 7; in English Language Arts at Grades 10 and 11; in mathematics at Grades 3-11; in science at Grades 5, 10, and 11; and social studies at Grades 8, 10, and 11. The Spanish TAKS™ is administered at Grades 3 through 6. Satisfactory performance on the TAKS™ at Grade 11 is prerequisite to a high school diploma.

The Texas English Language Proficiency Assessment System (TELPAS) was first administered in spring 2003. This system has two components: the Reading Proficiency Tests in English (RPTE)

and the Texas Observation Protocols (TOP). Both components are designed to assess the progress that limited English proficient (LEP) students make in learning the English language. Under NCLB, states' English language proficiency assessments must assess students annually in kindergarten through twelfth grade in four language domains: listening, speaking, reading, and writing. TOP assesses the following language domains: Grades K–2 listening, speaking, reading, and writing; Grades 3–12 listening, speaking, and writing. The domain of reading in Grades 3–12 is assessed through RPTE. Together, RPTE and TOP provide TELPAS performance data used to fulfill state and federal reporting requirements. LEP students must receive a rating of Advanced High to reach attainment of English language proficiency under TELPAS.

SDAA II, the new TAKS-aligned SDAA program, was first field tested in spring 2004 and will be implemented in spring 2005. SDAA II assesses special education students in Grades 3-10 who are receiving instruction in the Texas Essential Knowledge and Skills (TEKS) but for whom TAKS is an inappropriate measure of their academic progress. This test assesses the areas of reading, writing, and mathematics. Students will be assessed at their appropriate instructional levels (K-10), as determined by their admission, review, and dismissal (ARD) committees.

The TAAS™ measures the statewide curriculum in reading, mathematics and writing at the exit level. TAAS™ will remain the graduation requirement for students who were enrolled in Grade 9 or higher on January 1, 2001.

State Academic Excellence Indicator System

The state uses the Academic Excellence Indicator System (AEIS) to evaluate the overall performance of Texas schools. The base indicators of the AEIS include performance on each assessment, dropout rates, and attendance. The state reports performance on the base indicators for all students, and for specific student groups. These student groups include students who are African American, Hispanic, white, economically disadvantaged, and other groups. Annually, the state publishes campus and LEA performance on each indicator in written form and on the Texas Education Agency web site.

Accountability Ratings

Each year, campuses and LEAs are rated based on selected indicators in the AEIS. For the base indicators, performance is evaluated for "all students" and the following student groups: African American, Hispanic, white, and economically disadvantaged. The ratings used are exemplary, recognized, academically acceptable, and academically unacceptable. An alternative assessment for Special Education students measures growth results for these students. A series of progressive sanctions are in place to address issues of low performance, up to and including appointment of a board of managers to replace the local board of trustees and annexation of the LEA to one or more adjoining LEAs. Similar sanctions may be imposed on campuses.

Campus Report Card

Annually, parents receive a campus report card. The report card shows student performance on the academic excellence indicators, student-teacher ratios, administrative costs per student, and instructional costs per student.

Performance-Based Monitoring

Beginning in 2004-05, the state implemented a program of monitoring and intervention in the areas of special education, No Child Left Behind (federal Title programs), career and technology education, and bilingual education/English as a second language called Performance-Based Monitoring (PBM). Some underlying strategies of the PBM system include a shift away from process to results (i.e. program effectiveness and student performance), a strong emphasis on data integrity, a focus on a coordinated approach to agency monitoring, and a more creative application of sanctions and interventions.

PBM monitors programs using 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.

State Waivers

LEAs may request waivers of state law and regulation if they find that a requirement presents a barrier to improved student performance. The waiver request must specify the objective(s) in the campus or LEA improvement plan that the waiver addresses. The campus or LEA site-based decision-making committee must review each waiver request. The comments of the committee and the signature of the committee chairperson must be submitted as part of the waiver application. Waivers may be requested for a maximum of three years and are evaluated locally each year.

Ed-Flex Waivers

Ed-Flex waivers provide local educators with similar flexibility regarding waivers of provisions of covered federal programs. As campus and LEA site-based decision-making committees develop and revise improvement plans, committee members may identify provisions of federal law or regulation that pose barriers to improved student performance. Ed-Flex waiver requests are reviewed by the campus or LEA site-based decision-making committee and approved by the local board of trustees. The State Ed-Flex committee then evaluates waiver requests, where a recommendation is made to the commissioner of education or her designee for final approval. If approved, specific performance targets marking progress toward the state's academic educational goals of exemplary performance are identified.

- (c) Highlight how some of the waivers that your State has granted are assisting waiver recipients in advancing local educational reform strategies;

Schoolwide Eligibility: In 2005-2006, 115 Title I Part A campuses in 71 LEAs were able to provide Title I services to all of the students on their campuses, instead of the approximately 35% or less that would have been eligible. In addition to providing services, these campuses also had a reduced administrative burden, allowing campus administration to focus on student achievement.

Campus Eligibility: This waiver allowed the Eanes ISD the flexibility to allocate funds based on campus needs and the cost of various research-based programs instead of implementing programs simply on the number of low-income students. Eanes ISD was rated Recognized in the

State's 2005 Accountability System, and all of the district's campuses were either Recognized or Exemplary.

(d) Indicate whether your State has promoted any particular types of waivers on a statewide basis. With each such waiver, discuss:

- The type(s) of waiver promoted;
- The State's rationale for promoting the waiver(s) on a statewide basis; and
- The educational achievement goals that the State expects districts or schools implementing the waiver to meet.

The state has not promoted any particular waivers on a statewide basis. Information on all Ed-Flex waiver opportunities is included in the state's weekly NCLB Listserv prior to the application deadline, in an annual email notification to LEAs, through postings on the agency's website, and in presentations to the Association for Compensatory Educators of Texas.

LEAs that had requested Hurricane Katrina Emergency Certificate information packets from SBEC were sent an application packet for the Highly Qualified Teachers and Paraprofessionals Hired Under the Hurricane Katrina Emergency Certificate Statewide Programmatic Waiver.

(e) Discuss the strategies your State has undertaken to improve the implementation of Ed-Flex within your State. In particular, please describe:

- Any significant changes that the State has made to its Ed-Flex plan, since the plan was approved by the U.S. Department of Education;
- Any relevant changes your State has made in the following areas: the Ed-Flex application review process; how the State captures Ed-Flex data; how the State monitors Ed-Flex districts and schools, etc.; and
- What student performance outcomes the state expects will occur as a result of these changes.

The application for a Schoolwide Eligibility waiver has been incorporated into the Application for Federal Funding, thereby streamlining the process and centralizing critical Title I related information. This has eliminated many unnecessary waivers because Title I program staff has been able to advise LEAs when other avenues may be used. The State submitted a new Ed-Flex Plan, which was approved in January 2001. No significant changes to that plan have been made.

The state has developed a Performance-Based Monitoring (PBM) System designed to be data-driven and results-based, include targeted interventions, and be coordinated and aligned with other TEA evaluation systems. A major objective of the PBM System is to integrate several evaluation systems that used to identify campuses and/or school districts annually for intervention. Included in this system are the Texas Accountability Rating System, AYP, and a Performance-Based Monitoring Analysis System that includes NCLB programs. PBM is not specific to Ed-Flex districts, but it does give TEA a much clearer picture of district performance and puts in place a system for interventions.

The state expects to see increases or consistently high performance in math and reading scores for all students on the TAKS exam. Campuses should maintain or make progress to reach 90 passing levels as a result of flexibility offered through the Ed-Flex program.

- (f) Discuss strategies your State has implemented to inform districts and schools about Ed-Flex;

Creation of Public Awareness: The following venues announced and disseminated information on the Ed-Flex authority under Ed-Flex II.

- Statewide Application for Federal Funding Training, including a separate training for the twenty regional education services centers, is conducted annually before the processing season.
- The Application for Federal Funding Instruction Packet includes a discussion of the Ed-Flex program and any changes in the new Ed-Flex law.

Posting on the Agency Web Site: The Individual Programmatic Waiver Application is posted on the web, including information on Ed-Flex, every year in March for the May and August due dates. The Application for Federal Funding is posted on the web every April for the July processing.

Dissemination of Applications: The Individual Programmatic Waiver Application is posted to the Texas Education Agency Website. Email notification is sent through both the NCLB and TEA Official Correspondence email groups, notifying LEAs of the flexibility available under the Ed-Flex program.

- (g) Describe what types of technical assistance your State has provided to LEAs implementing ED-Flex waivers; please discuss:

- The types of strategies, the length of the assistance, and the effectiveness of the strategies;

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.

An agency consultant is assigned to each LEA to provide technical assistance during the processing of the NCLB Consolidated Application. This technical assistance to LEAs includes support and an initial evaluation of the need and use of Statewide Programmatic waivers. This assistance has eliminated the number of unneeded district applications for these waivers.

- (h) Describe the steps your State has undertaken to regularly monitor districts and schools receiving waivers, and how that oversight provides constructive feedback to those districts and schools on their waiver implementation activities;

As mentioned earlier, the state has implemented a Performance-Based Monitoring (PBM) system in the areas of special education, No Child Left Behind (federal Title 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 a more creative application of sanctions and interventions. This system annually monitors all Texas schools, not just those that receive waivers.

The PBM 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.

- (i) Identify the schools and districts that are not meeting the specific, measurable educational goals established in their Ed-Flex waiver applications and identify what steps were taken to address this issue. In particular, provide information on:

- The specific steps the State has taken to help ensure that schools and districts meet the goals established in their waiver applications;
- The number waivers (with the accompanying names of districts/schools) that were terminated or identified for termination as a result of not meeting the specified goals; and
- The specific actions taken if waivers were not identified for termination, but schools and districts did not meet the goals established in their waiver applications, please describe what steps were taken to address this issue.

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 will not be 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 authority under Ed Flex II. The evaluation requirements do not apply to campuses and LEAs that are Recognized or Exemplary 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 Ed-Flex Committee who will recommend to the Commissioner that the waiver either be terminated or continued will review the justification.

The following districts and campuses had waivers terminated for the 2005-2006 school year:

Schoolwide Eligibility Waiver (6 Districts – 10 Campuses)

Tomball ISD	Decker PrairiePrairie Elementary, Tomball Elementary, Tomball Intermediate
Mildred ISD	Mildred High School, Little Cypress Mauriceville CISD, Mauriceville Middle, Robinson ISD, Robinson High School
Burleson ISD	Norwood Elementary, Mound Elementary, Frazier Elementary
Salado ISD	Salado High School

Campus Allocations Waiver

Paris ISD

All schools and districts that did not meet established goals had their waivers terminated.

Discuss generally your State's conclusions regarding the impact of Ed-Flex, particularly with regard to improving student achievement, addressing in particular:

- The effect that the Ed-Flex waiver authority has had on instruction and student achievement in your State;
- Whether any type of waiver has been particularly effective or ineffective; and
- How the State has used what it has learned from evaluating its waivers to adjust its Ed-Flex process.

When the state's waiver authority expired during the 2005-2006 school year, it became evident how important the Statewide Administrative Waivers were to the state's LEAs. LEA staff relies on reducing the time necessary to process the application for federal funding. LEAs receive funds more quickly and take advantage of the increased budgetary flexibility to provide efficient services that meet the needs of their students.

The Schoolwide Eligibility waiver 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. As a result, the state continues to rely on the individual LEA or campus experiences and results in its 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 into the consolidated application, and is looking for other ways to improve its Ed-Flex process.