

ED-FLEX REPORTING GUIDANCE

INTRODUCTION

Waivers provide flexibility in exchange for accountability for the improved academic performance of all students. As part of this accountability, each State participating in the Education Flexibility Partnership Program (Ed-Flex) 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 new waivers granted during the 2005-2006 school year and data on student achievement for schools affected by waivers during prior years.

REPORT FORMAT AND INSTRUCTIONS

Your report will contain two sections – (1) a narrative that provides a general description of Ed-Flex activities in your State and (2) tables that provide information on (a) Federal waivers that the State has granted, (b) requests that the State has denied or determined to be unnecessary, (c) any applicable waivers of State requirements; and (d) data on the performance of districts and schools operating under waivers.

It is important that the report you submit follows the format provided below. Please respond to each element of the report narrative, providing comprehensive and accurate responses directly below each item. Responses should address the questions completely. If the question is not applicable, please indicate with the symbol “N/A” and explain why the question is not applicable.

(1) Report Narrative

(a) Describe what Ed Flex waivers were granted during the 2005-06 SY and more specifically, provide a description of the activities permitted as a result of the waiver.

Colorado granted six (6) Ed Flex waivers during the 2005-2006 school year. Of these waivers, one (1) was for schoolwide authority and five (5) related to section 1119(l) of the No Child Left Behind Act. This section of the law requires that LEAs receiving Title I funds must set aside a minimum of 5% for the purpose of supporting Title I teachers to become highly qualified. These dollars may also be used for high quality professional development, should the district's need to support Title I teachers to become highly qualified be met.

Historically, Colorado has been granting a waiver of this piece of the statute since 2004. The interest in this Ed Flex waiver grew out of LEAs frustration with the amount of funds having to be set aside for professional development, most especially in cases where the district had made its HQ targets and had been identified for Improvement. In some LEAs, only a handful of AYP targets were missed (few or none in the Title I-supported schools), yet 10% of their allocation had to be used for professional development. Taken with the 5% for highly qualified, this was a significant pool of funds. While districts generally appreciated the additional funds for professional development, in some cases there simply was not enough time in the school year to expend this large pool of money. In addition, some LEAs expressed the need to support more school-level activities.

LEAs seeking to be granted a waiver of section 1119(l) had to have met their highly qualified teacher targets to be considered for the waiver. In addition, justification had to be presented if the LEA currently had schools identified for improvement. The reasoning for this was that LEAs should be using the HQ set aside for high quality professional development for teachers in schools that had been identified for Improvement. The State did grant a waiver to a large LEA that had three of its 25 Title I schools identified for Improvement. However, in this instance, the schools identified for Improvement were also receiving School Improvement Grants from the State of approximately \$150,000 each, most of which had to be targeted to professional development.

As a result of the waivers, LEAs were able to apply these set aside funds back to the school allocations for the purpose of providing direct instruction to students and in support of other research-based activities. In one case, the district chose to also use these funds for high quality professional development, but not to the amount required by law.

(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.

The Ed Flex program in Colorado is assisting the ongoing work of helping LEAs make the best use of their supplemental funds as possible. By taking into consideration the various circumstances of our LEAs, the Ed Flex program permits LEAs to think outside the proverbial box. In the case of waivers related to highly qualified, the State has encouraged districts to explore the feasibility of this because (1) there is a concern that due to the large amounts of set aside requirements for program improvement and other categories, LEAs could be in a position to carry over in excess of 15% of their funds; (2) schools and districts that receive Title I, Part A must meet the ever-increasing AYP targets and need to identify what roadblocks are preventing their students from meeting state standards.

Colorado is a local control state, which means that districts make the decisions regarding many of their programs and functions. Ed Flex provides districts with options, most of which do not exist in other states. This flexibility is a privilege and is treated as such. In some respects, Ed Flex is the carrot for LEAs from which the State can invest in innovative ideas, while at the same time holding high expectations for student achievement. LEAs that are granted waivers have to meet specific, measurable objectives, and these may be above and beyond the AYP requirements.

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

In Englewood School District, the waiver permitted the district to hire consultants to work with teachers and administrators in the Title I targeted assistance middle schools in the area of school improvement planning. The two elementary schools used the flexibility to hire consultants who provided school-based literacy coaching, professional development and visitations to model 'lab' classrooms. Given the research on what makes for successful professional development and ultimately changes teacher instruction, these innovations have a high likelihood of helping students achieve standards.

Poudre School District uses the additional flexibility to fund reading and math specialists to provide intensive research-based instruction to students who are not proficient on state assessments. The district also funds Title I staff to provide parent involvement activities and support for family literacy and math nights. This latter focus on family literacy aligns with the State's encouragement to districts to provide opportunities for parents to become better able to support their students academically through improved coordination of adult education, Even Start, homeless, and preschool programs.

In Mesa 51, a large district on the western slope of Colorado, the district has used its waiver of section 1119(l) to assist their Title I schools in their continued attainment of AYP, despite growing numbers of ELL learners and increased numbers of students from poverty. In spite of using the additional funds in their schools to provide direct services to students, the percentage of highly qualified teachers in the district has gone from 92% to 95% and the percentage of paraprofessionals who are highly qualified has increased from 62% to 100%. The district invests heavily in professional development through district-sponsored programs, and this noteworthy leveraging of funds appears to be working for students.

(d) Indicate whether your State has promoted any particular types of waivers on a statewide basis.

- The State has not promoted any statewide waiver this year. Initially, the State offered a statewide waiver for interested districts that extended the date by which all paraprofessionals paid with Title I funds had to be highly qualified. However, this proved unnecessary, once the USDE extended the January '06 date to the end of the '06 school year.

(e) Discuss the strategies your State has undertaken to improve the implementation of Ed-Flex within your State.

- The State has not made any significant changes to its Ed Flex plan;
- **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.** No relevant changes have been made, other than ensuring that the State has the data needed for reporting to the USDE. Because of the relatively small number of waivers, tracking progress has been straightforward, especially given what the USDE asks for in its performance report.
- **What student performance outcomes the state expects will occur as a result of these changes.** Not applicable.

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

Colorado has hosted workshops and provided information to districts in its Federal Program newsletter and on its website. All consolidated application workshops in the spring of each year provide reminder information about Ed Flex. The State Committee of Practitioners is updated quarterly on the status of Ed Flex, and the State uses this group to help not only communicate with districts about Ed Flex but also to provide input to the State about possible areas of flexibility to investigate. While practitioners appear most concerned about the inability to waive any portion of section 1116, more are beginning to question other areas and think about the possibilities. NCLB wrought some

significant change to LEAs, and it has been only recently that educators have been able to think through other possibilities related to Ed Flex.

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

- **The types of strategies** – One-on-one assistance has been the primary strategy used with districts. This assistance has taken the form of phone calls to districts and site visits.
- **The length of the assistance** – This has been variable, depending on the district's understanding of the process, the annual measurable objectives identified, and the practitioners' understanding of the many requirements of NCLB. Some assistance has been minimal and amounted to merely a few hours worth of time, and other districts have required periodic visits and more intensive support.
- **The effectiveness of the strategies** – Given that districts have generally made their measurable, annual objectives, it would appear that the technical assistance strategies have been effective. However, that is an assumption on the State's part, and it would probably behoove the State to make more inquiries with LEAs regarding other types of assistance and the quality of the current assistance.

(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

With respect to schoolwide waivers, the State annually reviews the academic achievement of students to ascertain whether the schools are making their AYP targets. The State proposes to begin, in 06-07, improved oversight of the schoolwide plan implementation, as this has been an issue identified through site monitoring. The purpose of examining the schoolwide plans would be to ensure that the plans continue to represent the work of the school, continue to focus on all students, and continue to contain all the required components. Again, with the additional flexibility comes additional responsibility.

With respect to the HQ waivers, the State annually reviews the HQ and AYP targets for the applicable LEAs, to ensure that the basic requirements of the waiver are being met. The State further requires that LEAs provide an update on their progress to meet the annual measurable objectives outlined in the waiver requests. These updates are followed up with additional requests for information when warranted. Informal monitoring occurs through regional meetings, phone calls, and electronic communication. This informal process gives the State opportunity to provide constructive feedback to LEAs, while also supporting the LEAs to work towards attainment of their objectives. Since, by and large, the LEAs that are successful in obtaining waivers are those that miss a small percentage of the district AYP targets, the State tends

to find that these districts are very focused in their work, strategic in their use of resources, and willing to collaborate on projects whose focus is improved student achievement.

- (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.**
- **The specific steps the State has taken to help ensure that schools and districts meet the goals established in their waiver applications**

All districts with HQ waivers continue to meet the basic requirements of the waiver with the exception of one district. That is, districts have met or have plans to meet the targets for highly qualified teachers. In all cases, the districts' teachers supported by Title I, Part A, and the paraprofessionals in these schools, meet the definition of highly qualified.

Jefferson County Public Schools has three schools that have been identified for improvement since 2005. These schools all received School Improvement Grants, which contributed resources to high quality professional development for staff. However, the result of this professional development has yet to result in the school attaining its yearly AYP targets. The State will notify the district, once AYP determinations are final, that the waiver will be subject to termination if improved student achievement results are not forthcoming for the three schools. The State will negotiate the new measurable educational goals with the district to reflect the possible termination of the waiver.

- **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:**

No waivers have been identified as yet for termination.

- **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.**

This was discussed above. Since this is the first year that a district did not meet its goals, the process for negotiating next steps will unfold in mid-September. Essentially, the State will identify the measurable educational goals to be met by Jefferson County Public Schools. These goals must be met in 06-07 or the waiver will be terminated.

Currently, it appears that one school that has a schoolwide waiver may not have made its 06 AYP targets. If this remains true following the appeal process, a similar process will be arranged with that school's district to reexamine the schoolwide status and identify measurable educational goals for this schoolwide program. The schoolwide plan will be examined for compliance with the requirements and the degree to which it has been

implemented with fidelity. There will also be the occasion to discuss revisions to this plan, based on the failure of the school to make particular AYP targets.

(j) 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.**

It is difficult to draw a direct correlation between the Ed-Flex waiver authority and instruction and/or student achievement. Such a correlation requires isolation of variables such as changes in staff, adjustment of curriculum, fidelity to program, etc. However, when examining the schools impacted by the Ed Flex waiver related to section 1119(l) and attainment of AYP targets, these schools are making their targets. This is fairly significant, given that most of the districts are impacted by significant numbers of students from poverty and a continuing increase in the number of students requiring English language instruction. It could appear that these districts are taking the requirements for waiver approval and using the flexibility to ensure that more students have access to high quality instruction and opportunity for learning. However, this is a conclusion that would not be based on a scientific design and is therefore not generalizable.

Schools that have been granted schoolwide waivers of the poverty criteria continue to make their AYP targets. However, like the HQ waivers, generalizability is not possible.

Just having the ability to offer flexibility, though, has had an effect on how districts think about their use of funds. Rather than continuing to fund programs as in the past, many districts are considering improved leveraging of these funds, attention to other contributing factors for low achievement by some subgroups, and examination of fidelity to program or process.

- **Whether any type of waiver has been particularly effective or ineffective:**

The State could use some assistance in determining waiver effectiveness. If waiver effectiveness is determined by the USDE through examination of the degree to which LEAs met their measurable educational objectives, then the waivers have been effective. But this is a rather imprecise measure of effectiveness. It would be worthwhile to pursue a methodology that identifies effectiveness in a more scientific or generalizable fashion. Certainly, districts that have to set aside 10% of their Title I, Part A allocation for program improvement but also can demonstrate attainment of AYP and HQ requirements are in a better position to plan for their use of funds. These districts are not as constrained by professional

development requirements as others. Just having the flexibility to think differently about funding needs provides practitioners with opportunity to expand their view of the use of funds.

However, just having the option or possibility of flexibility has been worthwhile for the State. By acknowledging that flexibility exists, LEAs make a conscious choice to continue to work towards their plan goals and know that should they conceive of an idea that has potential but needs a waiver for implementation, it is possibly there.

- **How the State has used what it has learned from evaluating its waivers to adjust its Ed-Flex process.**

The learning associated with evaluating waivers is just one piece of the current use of Ed Flex. Completion of this Ed Flex performance report also provides a particular kind of learning that is associated with the cognitive processes and examination of data required to complete the report.

Asking LEAs to revisit their waiver requirements and demonstrate achievement of measurable education goals provides them with the opportunity to further measure the degree to which students are having opportunity to meet standards. It also gives the State opportunity to identify additional needs of districts, reexamine the State's role in identifying additional flexibility options, and ascertaining the reasons why Ed Flex has been a particularly Title I, Part A function. At this point, it may be worthwhile to examine whether any aspects of Title III should be identified as possible leverages points for waivers. In some cases, it may be possible to exchange additional flexibility for increased student achievement among English language learners. Given that this is a subgroup for which there is a significant achievement gap in many districts, it would appear to be a worthwhile pursuit.

(2) Data Tables

To the extent applicable, Section A of the Ed-Flex report should include the information requested in the following tables on new waivers granted by your State during school year 2005-2006.

Section A- Waivers Reviewed and Granted

Table 1 – Data on Federal Waivers Granted

In Table 1 in the attached spreadsheet, ED is requesting that you report information by the *type of waiver* that you have granted. Please provide data only on waivers granted during the 2005-2006 school year. In Table 1, you are asked to provide –

- The citation for the specific statutory requirement waived;

- A brief description of the specific activities permitted as a result of the waiver (please do not provide a description of the statutory requirement waived);
- The expected duration for this type of waiver;
- Data on the number of districts implementing the waiver; and
- Data on the number of schools implementing the waiver.

Table 2 – Data on Federal Waivers Requests Not Granted

In Table 2 in the attached spreadsheet, ED is requesting that you report information on Federal waiver requests that the State disapproved or did not grant in school year 2005-2006. Please indicate generally why the State disapproved or did not grant the request (e.g., the State determined that a waiver would undermine the purposes of the program, the State determined that a waiver was not needed in order for a district to conduct its proposed activities).

In Table 2, you are asked to provide –

- The citation to the specific statutory requirement for which a district or school requested a waiver;
- A brief description of the activities that the waiver applicant sought to conduct under the waiver; and
- A brief description of why the State disapproved or otherwise failed to grant the waiver.

Table 3 – Data on State Waivers Granted

In Table 3, ED is requesting that you provide information on any waivers of State educational requirements that the State may have granted in school year 2005-2006. Where applicable, you should indicate whether the State simultaneously granted waivers of related Federal and State requirements.

In Table 3 please provide –

- A brief description of State requirements that the State waived and a description of the activities permitted as a result of the waiver;
- Where applicable, a description of the corresponding Federal requirement that was waived;
- Data on the number of districts implementing the State waiver; and
- Data on the number of schools implementing the State waiver.

Section B- Achievement Data

The data provided in this section will be for school year 2004-2005. For Tables 6, 7, and 8 you have the option of providing the requested student achievement data in the spreadsheets attached or providing report cards for schools affected by waivers provided that they include the student achievement data requested

Table 4 – Student Achievement Data for All Waivers Granted

For waivers that were in effect during the 2004-2005 school year, provide student achievement data in Table 4. In Table 4, please provide:

- The citation to the specific statutory requirement waived;
- The name of each LEA receiving the waiver;
- The number of schools within the LEA affected by the waiver (if applicable);
- The number of schools affected by the waiver that made adequate yearly progress;
- Indicate whether the recipient is meeting the specific, measurable educational goals detailed in the recipient’s waiver application; and
- A brief discussion of how the waiver has assisted the district in improving student achievement. The discussion should provide:
 - Relevant student achievement data, including baseline data; and
 - AYP data for the school year prior to the initial implementation of the waiver and for the most recent school year.

Table 5 – Additional Data on Waivers of Schoolwide Threshold Requirements

For schools that had operated a schoolwide program for at least 2 years as a result of the State’s waiver of the minimum poverty threshold, please provide the additional data that is requested in Table 5. (For the 2004-2005 school year, waivers would have to have been in effect during at least the 2003-2004 and 2004-2005 school years.)

In Table 5, please provide:

- The number of schools operating under schoolwide waivers for 2 school years or longer during school year 2004-2005;
- The number of these schools meeting the specific, measurable educational goals detailed in the waiver application during school year 2004-2005;
- The number of these schools meeting AYP during SY 2004-2005; and

- The lowest poverty rate of any school that received a waiver to operate a schoolwide program.

Table 6 – Additional Achievement Data on Waivers of Schoolwide Threshold Requirements

In Table 6, please provide disaggregated student achievement data for all grades tested in a school for schools that had operated a schoolwide program for at least 2 years as a result of the State’s waiver of the minimum poverty threshold during school year 2004-2005. The data should include the percentage of students performing at or above the proficient level (This is the same data as in school report cards.) Please provide the data only for schools that had operated a schoolwide program for at least 2 years as the result of a waiver of the minimum poverty threshold. (For the 2004-2005 school year, waivers would have to have been prior to the 2003-2004 school year.)

Table 7 – Additional Achievement Data on Waivers of Eligible School Attendance Areas (Section 1113) Requirements

Please provide the names of all LEAs implementing a waiver of Section 1113 (which establishes the procedures by which LEAs must allocate funds to schools eligible for assistance under Part A of Title I) and the name of each school affected by the waiver. Schools affected by a waiver of Section 1113 are schools that receive an allocation (or don’t receive an allocation) or receive a larger (or smaller) allocation as a result of the waiver. (Section 1113 of the Elementary and Secondary Education Act.)

In Table 7, please provide additional achievement data for schools receiving waivers of the Title I targeting requirements, whether the school received additional Title I assistance as a result of the waiver, or the schools received a reduced Title I allocation as a result of the decision to fund more schools.

In Table 7, please provide disaggregated student achievement data for all grades tested in each school showing the percent of students performing at or above the proficient level for each school affected by a Sec. 1113 waiver in each district in school year 2004-2005. (This is the same data as in school report cards.)

Note: Schools affected by a Sec. 1113 waiver are those that that received additional Title I assistance as a result of the waiver, as well as the progress of schools whose Title I allocation was reduced as a result of the decision to fund more schools.

Table 8 – Additional Data on Waivers of Highly Qualified Teacher Requirements

In Table 8, please provide additional data for schools receiving waivers of the requirement that all teachers newly hired by an LEA to teach core academic subjects in a Title I program must meet the statutory definition of “highly qualified.” In Table 8, please provide data on the number of teachers newly hired to provide instruction in the core academic subjects in Title I programs in each school affected by a waiver of Sec. 1119(a)(1). Please provide data for each Title I school affected by the waiver on the number of teachers hired to teach core academic subjects that met the definition of highly qualified and the number of teachers hired that did not meet the definition of highly qualified and whether the school met your State’s definition of adequate yearly progress in those years. Please provide this data for the year before the waiver and each year covered by the waiver. In addition, please attach a school report card that includes student achievement data for schools affected by a waiver of the highly qualified teacher requirement. Data should be provided for each year in which the waiver was in effect.

In addition, please attach a description of your State’s implementation of waivers of Sec. 1119(a)(1), which requires that all teachers hired after the start of the 2002-2003 school year to provide instruction in programs supported with Part A funds must be highly qualified. In the narrative please discuss any particular grade levels or subject areas that were targeted under the waivers, or any unique circumstances within the State that necessitated waiving the highly qualified teacher requirement. Also, include a description of the steps being taken by districts and schools affected by the waivers to ensure that teachers hired under the waivers become highly qualified, and a description of the steps taken by districts and schools affected by the waivers to ensure that all teachers providing instruction in the core academic subjects are highly qualified by the end of school year 2005-2006.

Report Due: September 1, 2006

State: Colorado

REPORTING DEADLINE AND SUBMITTAL INSTRUCTIONS

The Ed-Flex State reports are due on September 1, 2006.

Please submit both a hard copy and an electronic copy of your report to ED. 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 lyauta.Moore@ed.gov.

If you have any questions or concerns regarding this Ed-Flex Guidance, or any other aspect of the program, please contact Iyauta Moore on (202) 260-2509 or lyauta.Moore@ed.gov.

Report Period: _____

ASSURANCE OF DATA QUALITY

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

signature

date

name

title

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.