

Kansas State Department of Education
ED-FLEX WAIVER GUIDANCE AND APPLICATION
Title I Part A Waiver Request
Exceeding Title I Carryover Limitation of Once in 3 Years
(2018-2019 Title I Part A Funds)

Purpose

The purpose of the Education Flexibility Partnership Act (Ed-Flex) is to help districts and schools carry out educational reforms and raise the achievement levels of all children by providing increased flexibility in the implementation of federal education programs in exchange for enhanced accountability for the performance of students. Kansas's authority to provide Ed-Flex waivers was renewed under the Education Flexibility Partnership Act of 1999. The Ed-Flex program was reauthorized and extended in 2006 (Pub. L. No. 109-211). Under the extension authority, the Secretary was authorized to carry out the Ed-Flex program for any State that was an Ed-Flex state on September 30, 2004, until the date of enactment of an Act that reauthorized programs under part A of title I of the Elementary and Secondary Education Act of 1965 (ESEA).

Programs Included in Ed-Flex Waiver Authority

The No Child Left Behind amends the Education Flexibility Partnership Act of 1999 and applies the Ed-Flex waiver authority to the following formula programs of the Elementary and Secondary Education Act of 1965:

1. Title I Part A, Improving Academic Achievement of the Disadvantaged, Basic Programs (other than section 1111 and 1116);
2. Title I Part C Migrant Education;
3. Title I Part D Neglected and Delinquent;
4. Title II Part A Subpart 2 and Subpart 3 Teacher Quality.

Length of Waiver

Waivers relating to Title I carryover limitations will be granted for one school year. The Kansas State Department of Education (KSDE) may terminate the waiver(s) granted to the district at any time if it is determined, after notice and opportunity for hearing, that the district's performance has been inadequate to justify the continuation of the waiver(s).

No Waivers Will Be Granted

No waivers will be approved which undermine the underlying purpose of the statutory requirements of the program for which a waiver is sought. The *underlying purpose* refers to the fundamental reasons for which a program was established. In addition, KSDE will not waive any requirements relating to any of the following:

1. Maintenance of effort;
2. Use of federal funds to supplement, not supplant, non-federal funds;
3. Equitable participation of students and professional staff in private schools;
4. Parental participation and involvement;

5. The distribution of funds to local education agencies
6. Serving eligible school attendance areas in rank order under section 1113(a)(3) of Title I Part A;
7. The selection of a school attendance area or school under sections 1113(a) and (b) of Title I Part A; however, KSDE may grant a waiver to allow a school attendance area or school to participate in Title I, Part A if the percentage of children from low-income families in the school attendance area or school is within 10 percentage points of the lowest Title I eligible school or attendance area;
8. Applicable civil rights requirements
9. Requirements of the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Act (PPRA) may not be waived.

Procedures for Granting Waivers

- Any district seeking an Ed-Flex waiver must complete and submit an *Ed-Flex Waiver Application* to Kansas State Department of Education, Early Childhood, Special Education, and Title Services, 900 SW Jackson St., Suite 620, Topeka, KS 66612. KSDE will accept applications from the district and not from individual buildings.
- *Ed-Flex Waiver Applications* may be submitted at any time. Districts, however seeking a waiver of the Title I Part A carryover limitation of once in 3 years should submit their Ed-Flex waiver application in June in order have it approved when the district completes its Local Consolidated Plan (LCP) Revision and Carryover.
- KSDE staff screen the *Ed-Flex Waiver Applications* for completeness and appropriateness. It is then submitted to the Kansas State Board of Education for approval. Districts will be notified of the granting or denial of their waiver requests after the meeting.
- Applications passing the initial screening are submitted to the Ed-Flex Waiver Committee for review and recommendation. The Waiver Committee, which meets as necessary, will consider the following criteria:
 1. Is the underlying purpose of the specific program for which the waiver is requested being met?
 2. Is the waiver requested needed to implement State and local reform initiatives?
 3. Does the request contribute to helping all students reach high standards and include the needs of high-risk populations?
 4. To what extent does the waiver enhance the school's ability to implement activities directed toward its school improvement plan as developed through Quality Performance Accreditation?
 5. To what extent does the waiver assist in improving student achievement?
 6. Are the educational goals measurable and specific for the schools and for the students affected by the waiver? Does the waiver requested assist in meeting those educational goals?
 7. Does the applicant sufficiently address each of the Ed-Flex application requirements?

Notice and Public Comment

Each district seeking a waiver shall give the public, parents and educators adequate and sufficient notice of the proposed waiver by providing a description of the district's application in a widely read medium, i.e. district's website. The description should include the expected improvement for student performance as a result of having the waiver.

Evaluation and Accountability

Any district receiving an Ed-Flex waiver will be reviewed annually to evaluate the performance of students in the Title I schools and districts affected by the waivers. Districts with Ed-Flex waivers will be evaluated using the same criteria established in the Kansas ESEA Flexibility Waiver Annual Measurable Objectives (AMOs). Districts may, in addition to the AMOs based on State assessments, use locally-determined indicators for evaluation.

Submission

Applications should be sent to Pat Bone pbone@ksde.org and Doug Boline dboline@ksde.org , SETS, Kansas State Department of Education, 900 SW Jackson Street, Suite 620, Topeka, KS, 66612.

*The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 SW Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201**

**Kansas State Department of Education
Ed-Flex Carryover Waiver Application
2018-2019**

USD #: 270 USD Name: Plainville Date: 10.16.2019

Contact Person: Lisa Gehring Phone: 785.434.4678

Address: 203 SE Cardinal Ave.

City: Plainville Zip: 67663 Email: lgehring@plainville270.net

Superintendent's Signature: 

Send completed Ed-Flex waiver application to Pat Bone pbone@ksde.org and Doug Boline dboline@ksde.org, SETS, Kansas State Department of Education, 900 SW Jackson Street, Suite 620, Topeka, KS, 66612.

To be completed by KSDE:	
Date Received: _____	Date of Action: _____
Screening:	Kansas State Board of Education Action:
Approve _____	Approve _____
Disapprove _____	Disapprove _____
Date Waiver in Effect: _____	Date Waiver Expires: _____

Part I. Provide an overview of the Ed-Flex waiver requested:

Within the last 3 years, USD 270 received permission from the Kansas State Department of Education to carry over more than 15% of its Title I allocation. The district is requesting a waiver of the "once every 3 years" limitation in Title I in order to carryover more than 15% of the 2017-2018 Title I allocation into the 2018-2019 school year.

Part II Directions: Answer the following questions as they apply to the waiver being requested.

1. Identify each **federal** program and the specific federal statute(s) and/or regulation(s) for which a waiver is being requested. Include the specific statute number or regulation number.

Public Law 107-110, Title I, Part A, Section 1127 (b) Waiver—A State educational agency may, once every 3 years, waive the carryover percentage limitation

2. Identify the specific **state** regulation(s) or statute(s) for which a waiver is being requested.

Not Applicable

3. Describe the reason for requesting the waiver including a description of the current education services or activities affected by the waiver(s) request and a description of the changes to be made if the waiver(s) is granted.

Within the last 3 years, the district received permission from the Kansas State Department of Education to carry over more than 15% of its Title I allocation. The district did not spend all of the 2018-2019 regular Title I allocation. The district is requesting an Ed-Flex waiver of the Title I carryover limitation of "once every 3 years" in order to carryover more than 15% of its 2018-2019 Title I allocation into 2019-2020.

4. Which students and/or staff will be affected by this waiver?

Students and staff in Title I buildings will be affected by the waiver.

5. How will the requested waiver contribute to helping all students reach high standards and address the needs of high-risk populations?

The purpose of Title I is to help disadvantaged students reach challenging State standards. Title I provides supplemental services primarily in reading and mathematics. These services are designed to address the needs of high-risk populations.

6. Explain how the district/school will continue to meet the underlying purpose of the program for which the waiver is being requested.

The district will utilize the Title I carryover funds in the Title I program; therefore, the purpose of the program will be met.

7. Explain how granting the waiver will enhance the school's ability to implement activities directed toward their school improvement plans as developed through Quality Performance Accreditation (QPA).

Not Applicable

8. For each school year in which the waiver will be in effect, describe the specific, measurable educational **goals** for each school and for the students served by the district/school who will be affected by the proposed waiver.

Since the focus of Title I is to help students meet state challenging standards, the goal is for each Title I school and the district to meet the annual measurable objectives in reading and mathematics in 2019-2020.

9. Describe the specific **evaluation criteria** that the district/school(s) will use to determine the effectiveness of the waiver and the extent to which the educational goals described in question #6 are met. If the school(s) has grades in which State assessments are administered, these should be included in the criteria.

The evaluation criteria will be the components of the accountability system using state reading and mathematics assessment results, participation rate data on those assessments and either attendance rate or graduation rate. In addition, the Final Carryover-Expenditure Report for the Title I funds carried over will indicate that all funds were expended in an appropriate manner and time.

10. Provide documentation that demonstrates that parents, educators, community groups, and other members of the general public were provided an opportunity to comment on the proposed waiver.

The district shares budget information with all stakeholders at a budget hearing. The district's application is available on the district's website.