

Comparison of Current Provisions and Impact of Waivers

Waiver Area	Statutory Provisions	Intended Impact
1. Title I School Improvement Funds at LEA Level	<i>Section 1003(a) requiring TEA to reserve 4% of its Title I, Part A allocation for school improvement activities and to distribute 95% to LEAs for use in Title I school in improvement, corrective action, and restructuring</i>	Allows TEA to distribute 95% of the 4% reservations (set-aside) to Title I schools identified as “priority, focus, or support schools” and for systemic improvement at the LEA level to support the identified schools. Currently, Title I School Improvement Program funds are not allowed to be spent at the LEA level.
2. Accountability System	<i>Section 1111(b)(2)(E-H) defines the calculation of Adequate Yearly Progress (AYP), establishes annual measurable objectives (performance targets) for AYP, 100% proficiency by the end of 2013-14, and implementation of the of requirements specified in Section 1116(a)(1)(A)-(B) requiring LEAs to make AYP determinations for schools</i>	Allows TEA to replace the current AYP calculations and performance targets with the state’s robust accountability rating system. The TEA system meets the intent and purposes of the ESEA statute. Flexibility allows the state’s existing systems of reform and interventions to guide the support and improvement of teaching and learning.
3. Support Intervention	<i>Section 1116(b), excepting Section 1116(b)(13,) requires LEA to identify schools for improvement, corrective action and restructuring with corresponding implementation requirements</i>	Allows TEA to identify schools for graduated levels of support and intervention based on the state accountability system rather than using the current AYP regulations.
4. Implementation of a Single Intervention System	<i>Section 111(b)(1)(E) and (e) requires the LEA to offer in a federally prescriptive manner, school choice for schools for improvement, corrective action, and restructuring with corresponding requirements, and federally prescriptive implementation of supplemental education services under Section 1116(b) (5, 7, and 8).</i>	Allows TEA to use improvement activities better aligned to the state’s accountability and intervention systems
5. State Accountability System	<i>With exception of Section 111©(1)(B), Section 11169(c) requires TEA to make determinations of AYP for LEAs and identify LEAs for improvement and corrective action with corresponding requirements for implementation</i>	Allows TEA to identify LEAs based upon school performance using the state accountability system rather than current AYP regulations
6. Small, Rural and Low-Income Schools	<i>Sections 6213(b) and 6224(e) requires TEA to limit participation in and limit funding under Small, Rural School Achievement and Rural and Low-Income School Programs based on LEA has made AYP</i>	Allows an LEA that receives SRSA or RLIS funds to use those funds for any authorized purpose regardless of whether the LEA meets state accountability standards.
7. Intervention	<i>Section 1114(a)(1) requires a school to have a poverty</i>	Allows an LEA to implement schoolwide interventions in any of its

Regardless of Poverty Percentage	<i>percentage of 40% or more to operate a schoolwide program</i>	“support, focus, or Priority schools, even if those schools do not have a poverty percentage of 40% or more.
8. Reward Schools	<i>Section 1117 (c)(2)(A) allowing TEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups</i>	TEA may use funds reserved under this section for any school that the state determines to be a reward school
9. Funding Transferability	<i>Section 6123 limits amount of funds SEA/LEA may transfer from certain ESEA programs to other ESEA programs</i>	Allow TEA and LEAs to transfer up to 100% of authorized program funds between those funds and into Title I, Part A.
10. School Improvement Grant	<i>Section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grant final requirements</i>	Allow TEA to award Texas Title I Priority Schools SIG funds to an LEA to implement one of the four SIG models in any of the schools that the state determines are priority schools.
11. 21 st Century Community Learning Centers	<i>Sections 4201 (b) (1) (A) and 4204(b)(2)(A) restrict activities provided by 21st Century Community Learning Centers grant to activities provided only during non-school hours.</i>	21 st CCLC funds to be used to support extended learning time during and after the school day
12. Rank Ordering of Priority Schools	<i>Section 1113 (a)(3-4) and (c)(1) requires LEAs to rank order eligible Title I, Part A schools of poverty and to allocate Title I funds based on that rank order.</i>	Waiver specifically asks that LEAs be allowed to serve Title I eligible high schools with a graduation rate below 60% that has been TEA identified to be priority school even if school does not otherwise rank sufficiently high to be served.
13. Highly Qualified Teachers	<i>ESEA section 2141 (l), (b), and (c) require SEA and LEAs to comply with certain requirements relevant to defining highly qualified teachers and improvement plans for those that are not.</i>	Waiver would allow SEA and LEAs to focus on developing and implementing more meaningful evaluation and support systems for teachers