

SCOMM

125:4

Overview

2001 Reauthorization of the Elementary and Secondary Education Act (ESEA)

This overview provides a summary of the major provisions of ESEA and was based on the best available information. It is not meant to be an authoritative representation of this lengthy and complex legislation.

Title I: Grants to Local Educational Agencies (LEAs)

Title I provides extra resources to help improve instruction in high-poverty schools. This section of law continues the requirement that States develop standards and assessments in reading and math. It adds a requirement for standards and assessments in science for the 2007-2008 school year. Implementation of new assessments may be deferred if Congress does not appropriate specified levels of funding (triggers). Requires reading assessments written in English for any student who has attended school in the U.S. for 3 or more years. States must also annually assess English proficiency for all Limited English Proficiency (LEP) students beginning next year. Requires biennial State participation in the National Assessment of Educational Progress (NAEP) tests for 4th & 8th graders to check that state assessments are of rigorous quality so long as the U.S. Dept. of Education pays the cost of administering those assessments. Title I funds are to be used only for effective, research-based educational practices. School districts and schools not receiving Title I funds are not subject to the requirements of 1116(c). States must develop annual Adequate Yearly Progress (AYP) objectives disaggregated by student groups that will bring all students to full proficiency in reading and math within 12 years. Requires school improvement plans for failing schools and contains assistance to and increasingly tough corrective actions for persistently failing schools. Authorizes recognition for successful schools and teachers. Requires Report Cards to the Public and state reports to the Secretary. Adds "parents Right to Know" provision that requires annual notification of the professional qualifications of child's teachers and whether their school is in need of improvement. Requires that all teachers and paraprofessionals (teacher aides) be "highly qualified" and provides for professional development. Makes changes to four funding formulas: Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants

Title II: Improving Teacher Quality State Grants

Authorizes a new State formula grant program that combines the Eisenhower Professional Development State Grants and Class-Size Reduction programs into one program focusing on preparing, training, and recruiting high quality teachers. Provides for increased flexibility to allocate funds among professional development, class-size reduction, and other teacher quality activities. States may use funds to reform certification & licensing requirements, provide alternative routes to certification, address recruitment and retention, reform tenure, teacher testing and merit pay systems. School districts may use funds for recruitment and retention, signing bonuses and other financial incentives, mentoring, etc. Authorizes the creation of a national teacher recruitment campaign. Other programs authorized include "Mathematics and Science Partnerships," "Troops to Teachers", "Transition to Teaching," and the National Writing Project."

Title III Language Instruction for Limited English Proficient and Immigrant Students

Consolidates the 13 current bilingual and immigrant education programs into a State formula program and significantly increases flexibility and accountability. There is a funding trigger (\$650 million) for the consolidation within this section of the legislation. Maintains current focus on assisting districts to teach English and helping LEP students to meet the standards. Requires States to submit plans establishing standards and benchmarks for LEP students aligned with state standards. States must establish annual achievement objectives and assure that districts will assess students who have been in US schools for 3 years in English. Includes competitive grants to universities for professional development in this area. All states guaranteed \$500,000. Includes a set-aside of 1/2% or \$5 million for schools operated predominantly for Native American students.

Title IV: Safe and Drug Free Schools and Communities

Retains, with some changes, State formula grants and national discretionary activities for drug and violence prevention. Requires, in Title IX, that states allow students who attend a persistently dangerous school or who become a victim of crime at school to transfer to a safe school. Requires states to report on school safety and requires districts to implement drug and violence prevention programs of demonstrated effectiveness. Authorizes formula grants to States to carry out programs under which suspended or expelled students must perform community service. Authorizes a new "School Security Technology and Resource Center" to provide resources to districts on school security issues. Authorizes a new "National Center for School and Youth Safety" to provide emergency assistance, toll-free anonymous student hotline, public consultation, and information and outreach regarding best prevention practices. Authorizes competitive "Grants to Reduce Alcohol Abuse" to develop and implement innovated and effective programs to reduce alcohol abuse in high schools. Authorizes mentoring programs for students at risk of educational failure, criminal activity or from dysfunctional home lives. Requires local programs to meet principles of effectiveness, including basing applications for funding on assessments of objective data on youth risk behavior. Establishes new "Uniform Management Information and Reporting System" under which states will report to the public on school truancy, violence, drug activity, and the types of programs to prevent and address these problems.

Title V: Innovative Education State Grants Program

Retains, with few changes, the previous Title VI programs that provide flexible funding to states and LEAs for innovative educational programs. Allows states to use program funds for urgent school renovation and activities authorized under IDEA '97; to support charter schools, education reform, school improvement programs, technical assistance, student assessments, implementation of standards, independent analyses of student achievement; and certain school safety programs. Districts may use funds for many activities such as: professional development, class-size reduction, charter schools, community service programs, programs to hire school nurses, alternative education programs, academic intervention programs, service-learning activities, school safety programs, dropout prevention, gifted and talented education, etc. Requires biennial submission of data on the use of funds for what services and students with summary of how programs are improving student achievement. Retains, with few changes, the Charter School grants program to support the planning, design, and initial implementation of charter schools. Authorizes new program of competitive grants to States with established per-pupil aid programs to assist charter schools with their school facility costs. Requires the State to review and evaluate charter schools at least every five years to determine if the school is meeting terms of charter and goals for student achievement. Authorizes grants for innovative credit enhancement initiatives to help charter schools with the cost of acquiring, constructing, and renovating facilities. Authorizes competitive awards to establish or expand programs that provide students with greater public school choice with requirements for eligibility, transportation, and accountability. Retains the current Magnet Schools Assistance program for court-mandated desegregation plans.

Title VI: Grants for State Assessments and Related Activities

Authorizes \$490 million for formula grants to State to develop assessments and competitive grants to States to support collaborative efforts with universities and/or research institutions to improve quality of assessments. Funding triggers. States may use formula funds to develop additional standards and assessments required by ESEA 2001. If a State has already developed assessments, funds may be used to administer assessments, or for school accountability activities such as: developing standards and aligned assessments for other subject areas, developing or improving English Language Proficiency assessments, ensuring assessment validity and reliability, refining assessments, strengthening schools' ability to improve student achievement, expand accommodations available to LEP and disabled students and improving

dissemination of information on student achievement and school performance. States may use competitive grant funding to improve assessments, use multiple measures of achievement, chart student progress, and develop assessment instruments.

Flexibility Provisions in Title VI:

Several flexibility mechanisms allow states and districts to transfer or consolidate funds. Provides additional flexibility for small, rural districts.

State and Local Transferability: Allows a State to transfer up to 50% of the funds from Teacher Quality State Grants, Educational Technology, Innovated Programs, Safe and Drug Free Schools and the 21st Century Community Learning Center to supplement state funds among any of those programs. Allows districts not identifies as being in need of improvement to do the same and to supplement its Title I allocation. Districts in need of improvement may transfer up to 30% of its allocation for the programs listed above only if the funds go to school improvement or to Title I. A district in need of corrective action may not transfer any funds.

State Flexibility Demonstration Program: US Dept. of Education may provide up to 7 States with authority to consolidate their funding for various grant programs and may stipulate how districts may use their Innovative Programs funds. Within those 7 states, at least 4 and up to 10 districts may also receive authority to consolidate their formula allocations. At least half of the districts must have child poverty rates of at least 20%. The Secretary will select the states competitively through a peer review process. A state may use the funds for any educational purpose authorized under ESEA.

Local Flexibility Demonstration: Authorizes the Secretary to enter into performance agreements (no earlier than 4 months after legislation effective) with up to 80 districts so they may consolidate formula funds. Selected competitively with equal distribution of urban and rural districts, no more than 3 per state. A district participating in the State-Flex Demonstration program is not eligible for Local-Flex.

Title VII: Indian Education

Retains, with a few changes, current programs to address the educational needs of Native American children, including formula grants to districts, discretionary grants, and national activities for research, evaluation, and data collection. Authorizes districts to consolidate funds, expands current requirements to give preference to Indian Tribes, Tribal Organizations, and institutions of higher learning for grants under the Special Programs and national Activities authorities. Includes separate authority for discretionary and competitive grants to provide professional development programs to teachers in schools with substantial numbers of Indian children. Under Part C, "Alaska Native Education," consolidates Alaska Native Educational Planning, Curriculum Development, Teacher Training and Recruitment program, the AK Native Home Based Education for Preschool Children program and the AK Native Student Enrichment program. Authorizes construction of vocational schools in rural areas. Requires annual grants for cultural education programs through the AK Native Heritage Center and a cultural exchange program by the AK Humanities Forum. Earmarks \$1 million for parenting education and \$2 million for dropout prevention. Requires an Alaska Initiative for Community Engagement. Funded through competitive grants and contracts to eligible applicants.

Title VIII: Impact Aid

Reauthorized Basic Support Payments, Payments for Children with Disabilities, Facilities Maintenance, Payments for Federal Property, and Construction. Only changes priority order for awarding competitive grants for Impact Aid Construction program. First priority for emergency grants for "heavily impacted" districts with little or no bonding capacity, second for emergency grants for districts that have at least 40%

federally connected students on Indian lands or military students and are at 75% of bond indebtedness and have below average assessed value of property and for schools that are not part of districts that meet the above criteria. Third, modernization for districts that receive Impact Aid and are either "heavily impacted" or have limited bonding capacity and have school facility needs resulting from the presence of the Federal government. Earmarks for Annette Island to be eligible for Basic Support Payments for Heavily Impacted district based on unique characteristics and requires the Secretary to accept late grant applications for specified districts. With exception of Facilities Maintenance and the competitive portion of Construction, all grants are formula based on the number and type of federally connected students in the district. No competitive construction grant to a particular district may exceed \$4 million during any 4-year period.

Title IX: General Provisions

Definitions:

Adds new definitions, such as "Core Academic Subjects, Highly Qualified, Limited English Proficient, etc.

School Prayer:

Requires the Secretary to publish periodic guidance on school prayer in schools. States must certify that they do not prevent constitutionally protected prayer.

Boy Scouts Equal Access:

States, districts and schools that permit outside youth or community groups to meet on school premises must provide access to the Boy Scouts regardless of their membership criteria or oath.

Armed Forces Recruiting:

Districts must provide access to, on request of a military recruiter or institute of higher education, the names, addresses, and phone listings for high school students. However, parents may request that such information not be released without prior written consent. This gives recruiters the same access as is given to colleges and prospective employers.

Unsafe School Choice Option:

Each State must implement a statewide policy that offers parents whose children attend a "persistently dangerous" public school (as determined by the State) or who becomes a victim of a violent criminal offense (as determined by State law) while on school grounds, the option to attend a safe public school within the same district.

Regulations:

Directs the Secretary to issue regulations only to the extent that they ensure compliance with ESEA. This is not intended to prohibit the Secretary from issuing regulations that are reasonably necessary to ensure timely and orderly grant-making.

Title X: Other

This title moves the statutory authority for several programs from one federal statute to another. These programs offer technical assistance to states and districts, provide grants to assist homeless youth, assist teachers to learn technology to improve student learning, and protect pupil rights to privacy. Additions are made to the Protection of Pupil Rights to protect student privacy, parental access to information, and the administration of surveys and physical exams to students who are minors through requirements for notifications and "opt-out" provisions.

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The No Child Left Behind Act of 2001 Preliminary Overview of Programs and Changes

Note: This document provides a preliminary overview of programs and changes included in the No Child Left Behind Act of 2001, signed by the President on January 8, 2002. It is provided as a convenience to readers, is not binding on the Department or others, and may be revised from time to time. Authoritative statements of the Department's interpretation of the Act, and of the amendments it makes to the Elementary and Secondary Education Act of 1965 and other statutes, will be set out in regulations, guidance, and other appropriate documents.

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TITLE III - Language Instruction for LEP and Immigrant Students

TITLE IV

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This page last modified—January 24, 2002 (dtm).

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Alaska State Legislature

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MEMORANDUM

DATE: February 11, 2002
TO: All Legislators
FROM: Representative Con Bunde, Chair *C Bunde*
RE: Briefing on Federal "No Child Left Behind Act"

The House Special Committee on Education will host a briefing about the 2002 reauthorization of the federal Elementary and Secondary Education Act, also known as the "No Child Left Behind Act." The briefing will begin at 8:00 a.m. on February 27th in the House Finance Committee Room. Dr. Susan Sclafani, Counselor to the U.S. Secretary of Education, and Commissioner Holloway, AK Department of Education and Early Development, will present information about how this important legislation will affect Alaska and answer questions.

All are welcome to attend.

The following websites will provide more information about this legislation:

General Information from U.S. Department of Education:

<http://www.ed.gov/offices/OESE/esea/index.html>

How ESEA relates to Alaska:

<http://www.ed.gov/offices/OESE/esea/alaska.html>

U.S. House Committee Website on ESEA:

<http://edworkforce.house.gov/issues/107th/education/nclb/nclb.htm>

Joint Explanations on Sections of the Conference Committee Report:

<http://edworkforce.house.gov/issues/107th/education/nclb/conference/stateofman/index.htm>

The final conference committee bill:

<http://labor.senate.gov/ESEA-Conf.pdf>



United States Department of Education

Susan Sclafani
Counselor to the
U.S. Secretary of Education



[Click here to print photo](#)

Susan Sclafani is Counselor to the U.S. Secretary of Education. In that role, she advises the Secretary on educational issues and initiatives.

Previously Dr. Sclafani was Chief of Staff for Educational Services in the Houston Independent School District. In that position, she represented the Superintendent on educational issues and coordinated activities of the departments directly involved in the education of children, including school administration, educational programs, legal services, community and public relations, reading, and the superintendent's office. Prior to that, she was Associate Superintendent for District Administration, where she coordinated districtwide initiatives and collaborative programs with the state education department, universities and individual schools, and monitored progress on initiatives in key departments for the Superintendent of Schools.

As Assistant Superintendent in Construction Management, Dr. Sclafani was responsible for the development of educational facilities programming for Project Renewal, a \$627 million renovation and construction program. She previously served as Executive Director of Curriculum Development, where she planned the districtwide K-12 Character Education program, directed Project ACCESS (A Collaborative Curriculum To Enhance Student Success) and directed the development and implementation of plans to restore the accreditation status of the school district.

Dr. Sclafani received her A.B. degree from Vassar College, her M.A. in Germanic Languages and Literature from the University of Chicago, and her M.Ed. and Ph.D. in Educational Administration from the University of Texas at Austin. Dr. Sclafani participated in the Cooperative Superintendency Program at the University of Texas while completing her doctoral work. She is also a charter member of *Superintendents Prepared*, an initiative to identify and train the next generation of urban superintendents.

Our Commissioner



SHIRLEY HOLLOWAY RETURNS AS EDUCATION COMMISSIONER *Former Commissioner to Again Head Dept. of Education and Early Development*

Praising her record of educational excellence in Alaska, Gov. Tony Knowles today accepted the recommendation of the State Board of Education and Early Development and named former education commissioner Shirley Holloway as the new commissioner of the department, effective January 8.

Holloway, 60, served as Knowles' first commissioner of Education from March of 1995 until April of last year, when she stepped down for health reasons. Holloway has since had surgery which returned her to good health. She succeeds Rick Cross who announced earlier this month that he is returning to a small school district in his home state of Michigan.

"Nothing is more important for our families, and for jobs in Alaska, than education and I am pleased to welcome Shirley Holloway back to my cabinet," Knowles said. "Shirley did an outstanding job as

commissioner during my first term and her talents and commitment to education are needed as we tackle the challenge of providing a quality education for all Alaska children and meeting the education needs of our growing state."

Holloway began her career in education in 1963 as a speech and hearing clinician in Oregon, and went on to work as a teacher, principal, school superintendent, and university professor. She worked with the North Slope Borough schools for 16 years, serving as superintendent from 1987 to 1990. Later, she served as a professor at the University of Alaska Anchorage, superintendent of a school district in Washington, and president of the Arctic Sivunmum Ilisagvik College in Barrow. She earned her Ph.D. in educational leadership in 1985.

"Gov. Knowles is right when he says education is the key to the continued growth and prosperity of Alaska and I am pleased to return to state government to work toward providing quality education for all Alaska children," Holloway said.

The Department of Education and Early Development is responsible for 53 public school districts in Alaska. With 465 full-time employees, the department also operates three schools, including Mt. Edgecumbe High School in Sitka, Seward Vocational-Technical Center, and Alyeska Central School. The department is also responsible for early childhood development programs as well as Alaska's museums, libraries, and archives.

An **Education Funding Task Force** appointed by Gov. Tony Knowles has developed a five-year funding plan to advance the goals of the Alaska Quality Schools Initiative.

DEPARTMENT OF EDUCATION
Funds for State Formula-Allocated and Selected Student Aid Programs for
Alaska

	2000 Appropriation	2001 Appropriation	2002 Appropriation	Change from 2001 Appro.
ESEA Title I—Grants to Local Educational Agencies	19,420,558	23,678,445	29,752,037	6,073,592
ESEA Title I—Capital Expenses for Private School Children	62	91	0	-91
ESEA Title I—Even Start	697,500	1,122,500	1,127,500	5,000
ESEA Title I—Reading First State Grants	0	0	2,158,750	2,158,750
ESEA Title I—Migrant	6,627,741	7,124,121	7,431,808	307,687
ESEA Title I—Neglected and Delinquent	170,407	216,154	227,489	11,335
ESEA Title I—Comprehensive School Reform	406,507	502,990	622,029	119,039
Subtotal, Education for the Disadvantaged	27,322,775	32,644,301	41,319,413	8,675,112
Impact Aid—Basic Support Payments	83,529,496	93,460,271	95,144,355	1,684,084
Impact Aid—Payments for Children with Disabilities	2,579,551	3,118,207	2,838,989	-279,218
Impact Aid—Construction	887,554	2,923,959	2,429,685	-494,274
Subtotal, Impact Aid	86,996,601	99,502,437	100,413,029	910,592
State Grants for Improving Teacher Quality	0	0	13,637,700	13,637,700
Class Size Reduction	6,094,043	7,605,780	0	-7,605,780
Eisenhower Professional Development State Grants	1,656,518	2,173,869	0	-2,173,869
School Renovation Grants	0	5,483,750	0	-5,483,750
Safe and Drug-Free Schools State Grants	2,142,933	2,142,933	2,308,163	165,230
Community Service State Grants	0	0	250,000	250,000
21st Century Community Learning Centers	0	0	1,522,706	1,522,706
Educational Technology State Grants	2,125,000	2,250,000	3,075,897	825,897
Innovative Education Program Strategies State Grants	1,815,949	1,911,525	1,911,525	0
Fund for the Improvement of Education—Comprehensive School Reform	138,347	138,347	207,520	69,173
State Assessments	0	0	3,593,762	3,593,762
Education for Homeless Children and Youth	100,000	100,000	150,000	50,000
Rural and Low-Income Schools Program	0	0	251,886	251,886
Indian Education—Grants to Local Educational Agencies	6,772,363	9,669,977	10,160,737	490,760
Goals 2000—State and Local Education Systemic Improvement	1,869,918	0	0	0
Language Acquisition State Grants	0	0	526,895	526,895
Immigrant Education	0	0	0	0
Special Education—Grants to States	14,360,167	18,460,830	22,199,605	3,738,775
Special Education—Preschool Grants	1,294,380	1,294,380	1,294,380	0
Special Education—Grants for Infants and Families	1,836,562	1,878,520	2,043,288	164,768
Subtotal, Special Education	17,491,109	21,633,730	25,537,273	3,903,543
Vocational Rehabilitation State Grants	7,692,381	7,941,315	8,184,617	243,302
Client Assistance State Grants	111,025	118,241	120,724	2,483
Protection and Advocacy of Individual Rights	127,186	138,633	147,782	9,149
Supported Employment State Grants	300,000	300,000	300,000	0
Independent Living State Grants	297,581	297,581	297,581	0
Services for Older Blind Individuals	225,000	225,000	225,000	0
Protection and Advocacy for Assistive Technology	50,000	50,000	50,000	0
Subtotal, Rehabilitation Services and Disability Research	8,803,173	9,070,770	9,325,704	254,934
Vocational Education State Grants	4,214,921	4,214,921	4,214,921	0
Vocational Education—Tech-Prep Education	373,408	336,753	343,107	6,354
Adult Education State Grants	704,085	753,679	792,567	38,888
English Literacy and Civics Education State Grants	0	91,448	91,448	0
State Grants for Incarcerated Youth Offenders	0	47,865	47,865	0
Subtotal, Vocational and Adult Education	5,292,394	5,444,666	5,489,908	15,242
Federal Pell Grants	8,200,000	9,500,000	10,200,000	700,000
Federal Supplemental Educational Opportunity Grants	737,372	820,490	860,861	10,371
Federal Work-Study	847,661	917,543	917,543	0
Federal Perkins Loans—Capital Contributions	67,424	67,424	67,424	0
Leveraging Educational Assistance Partnership	0	87,316	106,367	9,051
Byrd Honors Scholarships	108,000	114,000	108,000	8,000
Total	178,581,580	211,278,858	231,942,313	20,663,455

1/ The Title II State Grants for Improving Teacher Quality program replaces the Class Size Reduction program and the Eisenhower Professional Development State Grants program in the new Elementary and Secondary Act reauthorization.

2/ Not authorized for Fiscal Year 2002 funding.

3/ The Language Acquisition State Grants program replaces the Bilingual Education project grants program and the Immigrant Education program in the new Elementary and Secondary Education Act reauthorization.

Prepared by Budget Service on January 2, 2002

Funds for State Formula-Allocated and Selected
Student Aid Programs for Alaska

Subject: Minutes for HEDU Hearing on Feb. 27

Date: Mon, 25 Feb 2002 11:29:48 -0900

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Kristopher Knauss <Kristopher_Knauss@legis.state.ak.us>

Kris --

As we discussed, I think it would be extremely beneficial to both the Legislature and the public if minutes were transcribed for the House Special Committee on Education's February 27 meeting to hear from Dr. Susan Sclafani of the U.S. Department of Education and Commissioner Holloway on how the recently passed federal Elementary and Secondary Education Act will affect Alaska. This federal legislation will affect our current school and student accountability, teacher qualification, and school designations statutes, and school funding to name only a few of the applications to Alaska. There are also many bills currently moving through the House and Senate on topics covered by ESEA.

I would appreciate it if you would forward our request to House Records with a recommendations that minutes be done for this meeting.

Thank you!

Karen McCarthy

Committee Aide

House Special Committee on Education

Rep. Con Bunde, Chair

Subject: questions for Sclafani

Date: Thu, 21 Feb 2002 09:51:22 -0900

From: "Terri Campbell" <Terri_Campbell@eed.state.ak.us>

To: "Conley R Bunde" <Representative_Con_Bunde@legis.state.ak.us>

Karen:

We think that the issues for Alaska with the reauthorization of ESEA will be apparent, with more understanding coming from Dr. Sclafani's presentation.

If she doesn't cover these, here are a few questions legislators may want to throw out:

1. Will Alaska receive more federal funding under the new ESEA? If so, how much and in what areas?
2. What are the assessment requirements of the new ESEA?
3. Does the ESEA require a high stakes high school examination be passed in order to graduate?
4. How can Alaska, with so many small schools and small districts in rural and remote areas, meet the teacher and paraprofessional qualifications required in this new law?

Thanks again for working with us to provide this opportunity!

No new news on Mrs. Nordlund - other than she is not here and is at home frustrated!

Terri

Does ESEA apply to home schooled children?
Are we in compliance with ESEA '94?
Are our standards sufficiently challenging?
Are we in compliance re: Limited English Proficient?
Will there be any flexibility in using the NEAP if our test is already highly correlated?

Does AK include all the required info in our Report Card?

Are there any concerns relative to the allocation of funds requirements for assisting low performing schools?

How can AK provide school Choice to rural students?

What statutory changes must AK make to provide for ESEA compliance?

Does DEED intend to participate in Reading First and/or Early Rdg First? If so, what concerns?

Will there be any flexibility in AK's requirements re: teacher quality?

Will our current Praxis I requirements be sufficient?

What % of teachers & para professionals are "highly qualified"?

Is AK eligible for the State & Local Transferability Act. If so, can we use money to give funds to small Title I schools that don't currently receive their funding?



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

State Capitol
Juneau, AK 99801-1182
(800) 892-4843 (907) 465-4843 (phone)
(907) 465-3871 (fax)
Representative_Con_Bunde@legis.state.ak.us

Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Gretchen Guess

The House Special Committee on Education will meet at from 8:00 until 10:00 a.m. on Wednesday, February 27, 2002 in the House Finance Committee Room.

AGENDA

Briefing by Dr. Sclafani of the U.S. Department of Education and Alaska Department of Education and Early Development Commissioner Shirley Holloway on the "No Child Left Behind Act" and its impact on Alaska.

Teleconferenced as "Listen Only"

If you have any questions, please call my office at 465-4843.

Department of Education & Early Development

Office of the Commissioner

*Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax*

January 25, 2002

Beth Ann Bryan, Senior Advisor to Secretary Paige
United States Department of Education
Federal Building Number 6
400 Marilyn Avenue, SW, Room 4181
Washington, DC 20202

Dear Ms. Bryan:

I would like to request that Secretary Paige consider appointing an Alaskan to the negotiated rulemaking committee for the reauthorization of ESEA. My nomination is Dr. PJ Ford Slack, Director of Teaching and Learning Support, Alaska Department of Education & Early Development.

Alaska has 135 schools with less than 50 students. These small schools present policymakers building Alaska's school accountability system with some difficult issues as we review student achievement and prepare to designate each of Alaska's 500 schools as distinguished, successful, deficient, or in crisis.

With such small school populations we are having difficulty building a psychometrically sound accountability system, and will need flexibility to build a system that works. In fact, Alaska now has only 11 schools (located in 7 school districts) that qualify as school improvement sites under Title I. There are 57 schools that would otherwise qualify as school improvement sites due to poverty and low student achievement, but do not only because they have fewer than 11 students taking tests at a given grade level. Without this designation these schools do not qualify for the Reading Excellence Act Funds or the Title I School Accountability Funds. We see this as an unintended consequence of Title I, and we hope to work with USDOE to help smooth out anomalies that crop up in small enrollment states like ours.

Alaska has many indigenous and bilingual peoples, many remote villages, and large urban school districts facing the same issues you see around the country. As diverse as our population is, we know it is our responsibility to provide each child in Alaska with a quality education. We are well on the road to an assessment and accountability system that leaves no child behind. We ask for reasonable flexibility to accomplish this goal. I submit to you that having Dr. PJ Ford Slack on the negotiated rulemaking committee for the reauthorization of ESEA will enhance your ability to craft a true

Letter, Ms. Bryan
January 25, 2002
Page 2 of 2

accountability system for the nation – one that leaves no child behind, and one that is flexible enough to work in all corners of our country.

Thank you for your leadership in education reform. I look forward to hearing from you about this request.

Sincerely,

Shirley J. Holloway, Ph.D.
Commissioner

Cc: The Honorable Ted Stevens
The Honorable Frank Murkowski
The Honorable Don Young
The Honorable Tony Knowles

DEPARTMENT OF EDUCATION
Funds for State Formula-Allocated and Selected Student Aid Programs for Alaska

Con - This is federal money for Alaska. @ K.

	2000 Appropriation	2001 Appropriation	2002 Appropriation	Change from 2001 Appro.
ESEA Title I--Grants to Local Educational Agencies	19,420,558	23,678,445	29,752,037	6,073,592
ESEA Title I--Capital Expenses for Private School Children	62	91	0	-91
ESEA Title I--Even Start	697,500	1,122,500	1,127,500	5,000
ESEA Title I--Reading First State Grants	0	0	2,158,750	2,158,750
ESEA Title I--Migrant	6,827,741	7,124,121	7,431,608	307,487
ESEA Title I--Neglected and Delinquent	170,407	216,154	227,489	11,335
ESEA Title I--Comprehensive School Reform	406,507	502,990	622,029	119,039
Subtotal, Education for the Disadvantaged	27,322,775	32,644,301	41,319,413	8,675,112
Impact Aid--Basic Support Payments	83,529,496	93,460,271	95,144,355	1,684,084
Impact Aid--Payments for Children with Disabilities	2,579,551	3,118,207	2,838,989	-279,218
Impact Aid--Construction	887,554	2,923,959	2,429,685	-494,274
Subtotal, Impact Aid	86,996,601	99,502,437	100,413,029	910,592
State Grants for Improving Teacher Quality	0	0	13,637,700	13,637,700
Class Size Reduction	6,094,043	7,605,780	0	-7,605,780
Eisenhower Professional Development State Grants	1,656,518	2,173,869	0	-2,173,869
School Renovation Grants	0	5,483,750	0	-5,483,750
Safe and Drug-Free Schools State Grants	2,142,933	2,142,933	2,308,163	165,230
Community Service State Grants	0	0	250,000	250,000
21st Century Community Learning Centers	0	0	1,522,706	1,522,706
Educational Technology State Grants	2,125,000	2,250,000	3,075,897	825,897
Innovative Education Program Strategies State Grants	1,815,949	1,911,525	1,911,525	0
Fund for the Improvement of Education--Comprehensive School Reform	138,347	138,347	207,520	69,173
State Assessments	0	0	3,593,762	3,593,762
Education for Homeless Children and Youth	100,000	100,000	150,000	50,000
Rural and Low-Income Schools Program	0	0	251,886	251,886
Indian Education--Grants to Local Educational Agencies	6,772,363	9,669,977	10,160,737	490,760
Goals 2000--State and Local Education Systemic Improvement	1,869,918	0	0	0
Language Acquisition State Grants	0	0	526,895	526,895
Immigrant Education	0	0	0	0
Special Education--Grants to States	14,360,167	18,460,830	22,199,605	3,738,775
Special Education--Preschool Grants	1,294,380	1,294,380	1,294,380	0
Special Education--Grants for Infants and Families	1,836,562	1,878,520	2,043,288	164,768
Subtotal, Special Education	17,491,109	21,633,730	25,537,273	3,903,543
Vocational Rehabilitation State Grants	7,692,381	7,941,315	8,184,617	243,302
Client Assistance State Grants	111,025	118,241	120,724	2,483
Protection and Advocacy of Individual Rights	127,186	138,633	147,782	9,149
Supported Employment State Grants	300,000	300,000	300,000	0
Independent Living State Grants	297,581	297,581	297,581	0
Services for Older Blind Individuals	225,000	225,000	225,000	0
Protection and Advocacy for Assistive Technology	50,000	50,000	50,000	0
Subtotal, Rehabilitation Services and Disability Research	8,803,173	9,070,770	9,325,704	254,934
Vocational Education State Grants	4,214,921	4,214,921	4,214,921	0
Vocational Education--Tech-Prep Education	373,408	336,753	343,107	6,354
Adult Education State Grants	704,065	753,679	792,567	38,888
English Literacy and Civics Education State Grants	0	91,448	91,448	0
State Grants for Incarcerated Youth Offenders	0	47,865	47,865	0
Subtotal, Vocational and Adult Education	5,292,394	5,444,666	5,489,908	45,242
Federal Pell Grants	8,200,000	9,500,000	10,200,000	700,000
Federal Supplemental Educational Opportunity Grants	737,372	820,490	860,861	40,371
Federal Work-Study	847,661	917,543	917,543	0
Federal Perkins Loans--Capital Contributions	67,424	67,424	67,424	0
Leveraging Educational Assistance Partnership	0	87,316	106,367	19,051
Byrd Honors Scholarships	108,000	114,000	108,000	-6,000
Total	178,581,580	211,278,858	231,942,313	20,663,455

1/ The Title II State Grants for Improving Teacher Quality program replaces the Class Size Reduction program and the Eisenhower Professional Development State Grants program in the new Elementary and Secondary Act reauthorization.

2/ Not authorized for Fiscal Year 2002 funding.

3/ The Language Acquisition State Grants program replaces the Bilingual Education project grants program and the Immigrant Education program in the new Elementary and Secondary Education Act reauthorization.

Woody Wilson:

Will the cost of transportation of students from low performing schools to the parents choice of a higher performing school be paid ~~\$~~ by the federal dollars?

what qualifies a school as a
title I school? And how many do we
have in Alaska?

(from Rep Joule's aide)

FROM DEED STAFF:

CAN YOU SPEAK TO THE ACCOUNTABILITY REQUIREMENT
FOR SCHOOL DISTRICTS?

From a school district perspective
we are in the budget process now for
next year. Teacher contracts will be
offered within the next two months.
Is there any way we can estimate
the amount of federal funds under
ES EA for the coming year?

Woody Wilson
Supt. Wrangell

Could you expand upon parental options
in a situation where schools are
found deficient two or more consecutive
years?

(Doug Letch - aide to ~~Sen.~~ Rep Stevens)

FROM DEED
STAFF:

are the
feds asking
the state to match funds to
provide appropriate
services/

Questions for the Briefing on ESEA
February 27, 2002

where our allocation of fed
funds
will not
allow us
to comply
w/ requirements?

1. What statutory and funding changes must Alaska make to be in compliance with ESEA?
2. Alaska's funding allocations are substantially based on population. As we have a small population, we will be getting small amounts of funding. However, we have very large distances between towns, between school districts and often between schools in the same district. Will Alaska receive any consideration of those unique and challenging problems? Will we receive more time to implement the requirements of this legislation?
3. I understand that Alaska has waivers from the requirements of the 1994 version of ESEA in the areas of Native Language Assessment, Limited English Proficient students, and technical issues related to our state standards and assessments. Will this new legislation affect any of those arrangements?
4. Are Alaska's performance standards sufficiently challenging and will our current assessment structure satisfy the requirements of ESEA?
5. Will Alaska receive any flexibility in using the National Assessment of Educational Progress (NEAP) if our state tests are already highly correlated?
6. Does Alaska currently include all the required information in our Report Card to the Public?
7. How can Alaska provide school choice to rural students?
8. Will there be any flexibility for Alaska in ESEA's requirements under teacher quality?
9. Will our current Praxis I test requirements be sufficient to demonstrate that teachers are "highly qualified?"
10. What percentage of teachers and paraprofessionals are currently "highly qualified" under the definitions in this legislation?
11. Does ESEA apply to home school students?
12. Does DEED intend to participate in the Reading First and/or the Early Reading First programs? If so, what concerns does DEED have about these programs' requirements?
13. Does DEED have any concerns relative to the allocation of funds for assisting low performing schools?

14. NOTE: DEED has expressed concerns and offered suggestions regarding the ESEA (included in committee packets).
QUESTION: Will the US Dept. of Education commit to work with DEED in a constructive manner in order to provide reasonable flexibility to accommodate the legislation's requirements with the unique characteristics of Alaska?

Subject: Members of Rulemaking Committee

Date: Tue, 26 Feb 2002 11:50:57 -0900

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Terri F Campbell <terri_campbell@eed.state.ak.us>

CC: Pj Ford <pj_ford@eed.state.ak.us>

Terri --

I talked to Kay Reardon, US DoE's Legislative Liaison. Here are the members of the Rulemaking Committee. She said there were 22. These are the ones she gave me. I expressed why Alaska would have made a good partner (military, transient, Native students, etc.) and DEED's concern that we'll have trouble meeting the requirements due to our large size and travel challenges. She said she'd pass all that on to the Assistant Secretary, with a copy of our letter to Sec'y. Paige that she'll get out of the files.

Karen

Wyoming

Florida (2 seats for state and local)

Washington

Louisiana

N. Carolina

California

Los Angeles

Massachusetts

Texas

Kansas

Pennsylvania

Georgia

D.C.

Arkansas

Oregon

Oklahoma

Michigan

Wisconsin

A Wisconsin parent

Implications of HR1: The No Child Left Behind Act of 2001 For State Education Agencies in the Northwest

This analysis was conducted by the Northwest Regional Educational Laboratory based upon the best available information in January 2002, including the Full Conference Report to Accompany HR 1, Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind Act of 2001, dated December 13, 2001. While due care was taken in preparing this analysis, it does not necessarily reflect the actual regulatory requirements of the programs as they are promulgated by the United States Department of Education in the coming months. Therefore, NWREL makes no warranties as to the accuracy or completeness of this information.

The purpose of the policy analysis was to draw implications for state education agencies in the northwest as to the manner in which ESEA may impact their roles, responsibilities, and resources in the immediate future. Therefore, it is intended as a planning tool and space has been provided for SEA personnel to begin to sketch out the actions that they may need to take in the implementation of the new ESEA. Further, the U. S. Department of Education is currently requesting advice and recommendations on regulatory issues related to ESEA, for which this analysis may prompt comment.

The implications of the new ESEA are profound for state education agencies. For example, while SEAs will continue to submit consolidated plans, there are several new programs for which applications will need to be made, including Reading First and 21st Century Community Learning Centers. A good deal of the grant programs continue, but many policies, formula and requirements have changed, which will require revisions and clarifications to printed guidelines the department provides to LEAs and others. An emphasis on scientifically based research, principles of effectiveness, and evidence-based programs will require states to add clarity and definition to their program standards and expectations. Benchmarks are to be set by SEAs in several areas, including adequate yearly progress, teacher quality and homeless programs. Some new subgrant programs will need to be conducted by the SEA, such as the 21st Century Community Learning Centers. New assessments and standards are required, as well as expanded requirements for state and local report cards. Flexibility and waivers have been added that will change monitoring and reporting guidelines. Finally, resources have been added to support states in their development of the standards and assessment systems, individually or in consortium, which provides new opportunities for regional development. It is hoped that these materials will assist state education agencies in more quickly and efficiently aligning their efforts with the new ESEA.

Steve Nelson, Administrator
Office of Planning and Program Development
Northwest Regional Educational Laboratory
January 2002

**Implications of HR1: The No Child Left Behind Act of 2001
For State Education Agencies in the Northwest**

Title	Requirement	Implications for SEA	SEA Plans
I-A	Annual assessments in reading and math in grades 3-8: • States must have assessments aligned to their standards in place by 2005-6 school year, designed of their choosing • \$490 million available to develop/administer these statewide assessments • Administration may be deferred a year if appropriation do not meet prescribed "trigger", but must continue effort (under current law) in at least one grade per 3-5, 6-9 and 10-12 span • Students who have attended US schools for at least 3 consecutive years must be tested in English in the areas of reading and language (case-by-case waivers) • Science standards added by 2005-6 and assessed once in each grade span by 2007-8 (including grade 10-12 span) • Clarifies and changes standards and assessment terminology	• SEA must submit consolidated plan, application, and reports to ED • Assessment development and implementation efforts will be required in reading, English proficiency, mathematics and science. • Standards development and implementation efforts will be required in science. • Assessment guidelines will need to be revised to reflect changes in ELL assessment requirements and changes in standards and assessment terminology.	

Note that several acronyms are used throughout the document, including ESEA (Elementary and Secondary Education Act of 1965, as amended), SEA (State Education Agency), LEA (Local Education Agency), IHE (Institution of Higher Education), AYP (Adequate Yearly Progress), ELL (English Language Learner), ED (The Secretary of The United States Department of Education), N&D (Neglected and Delinquent), AP (Advanced Placement), FIE (Fund for the Improvement of Education), LEP (Limited English Proficient), GEPA (General Education Provisions Act), and CSR (Comprehensive School Reform).

Title	Requirement	Implications for SEA	SEA Plans
I-A	Determining adequate yearly progress (AYP) of disadvantaged students: • AYP definition will apply to both disadvantaged (Title I) and overall student populations • Timetable must provide for all students to reach proficiency standards in 12 years in reading and math • Initial threshold may be set on basis of lowest performing demographic subgroup or school in the state, whichever is higher. This initial threshold must be raised in two years and the subsequent "bars" raised every three years • Subgroup reductions of ten percent of those who are not proficient is considered as adequate yearly progress • Definition must include reading, mathematics proficiency, plus at least one additional academic indicator, but only reading and math performance can result in corrective action	• Adequate yearly progress definitions and determinations may need to be redefined, revised and implemented. • Define additional academic indicators at elementary level and add graduation rate at secondary level	

Title	Requirement	Implications for SEA	SEA Plans
I-A	Increased set-aside of state allocation to 2% in 2002-3, & 4% in 2004-7 as resources for turning around low performing schools; Provides additional funding authority for technical assistance and local improvement efforts: - Increases state resources for technical assistance and support to schools - Restricts technical assistance to those based on scientific research	- Develop and implement technical assistance tools and strategies that are scientifically-based - Increase capacity to deliver local technical assistance	

Title	Requirement	Implications for SEA	SEA Plans
I-A	Added requirements for school improvement: • Technical assistance provided and funding eligibility to schools that don't reach AYP for two years • Public school choice to be offered, including added 5% of I-A funding for transportation & allows 10% of extant I-A funding for improvement & transportation. Students may continue in choice option until grade span completed or school reaches AYP for two consecutive years • Three years without AYP adds choice of supplemental services to disadvantaged students paid by I-A & V-A • Four years without AYP requires certain administrative corrective actions • Five years without AYP requires a restructuring plan (alternative governance, state takeover, private management, charter school conversion, etc) • Schools exit corrective action after reaching AYP two consecutive years • SEAs responsible for overseeing LEAs and their improvement efforts as a whole • Timetable immediately applies to schools currently not meeting AYP • Allows 5% set aside of I-A funds for use by state to reward schools (and teachers) for substantially closing achievement gap over two consecutive years • Allows additional 5% set aside of I-A funds, as well as II funds, to reward successful teachers in improvement schools	• Revise procedures and increase focus on monitoring schools/LEAs not achieving AYP • Develop guidelines for the range and timetable of corrective actions based upon state policy • Revise and implement grant administration policies to allow for added choice options • Develop restructuring plan guidelines and options immediately • Develop guidelines and mechanisms for establishing reward system for successfully improving schools (and teachers)	

Title	Requirement	Implications for SEA	SEA Plans
I-A	School-wide program flexibility: • Lowers poverty threshold to 40% to consolidate funding into a schoolwide program • Excuses schoolwide programs from maintaining separate fiscal accounting records for federal, state & local funds	• Revise and implement guidelines for LEAS for planning and administering schoolwide programs	
	State report cards required in 2002-3: • Requires states to publicly report aggregate public school information on student achievement (by subgroup), proficiency rates, graduation rates, names of schools identified for improvement, actual academic achievement against AYP objectives, teacher qualifications, and percent of students not tested. • Existing report cards must be modified to meet these requirements	• Revise and implement state annual report card reporting system immediately	
	Adds state reporting requirements: • By 2002-3, LEAs and in turn SEAs report annual progress in meeting measurable objectives, which can be related to the report cards. The (US) Secretary will publicly report these findings in 2002-3.	• Establish and implement guidelines for setting, measuring, and reporting annual objectives attainment at state and LEA level immediately	
	School district report cards required by 2002-3: • Same as state report card with state, district and individual school comparisons	• Revise and implement guidelines for annual LEA report card system immediately	

Title	Requirement	Implications for SEA	SEA Plans
I-A	Added parental rights: • Parental notification required of LEAs of student placement in LEP program. Parents have right to withdraw and/or choose from programs offered, and are explicitly encouraged to participate in child's education	• Revise and distribute guidelines (FERPA) for parental notification and rights to LEAs	
	Adds educational requirements for paraprofessionals serving as teacher aides by 2005: • All teacher aides must have two year's of college, an Associate degree or greater, or meet rigorous quality standards, including assessment of instructional skills in math, reading and writing.	• Revise LEA reporting and assurance requirements immediately • Develop model standards and/or preparation programs for preparing and assessing paraeducators	
	Changes participation of private schools: • Strengthens requirements of LEAs to have timely and meaningful consultation with private schools in designing I-A program for private school children • Phases out capital expense account for private schools to offset costs for neutral space.	• Revise LEA reporting and assurance guidelines for private school participation	
	Caps one percent set aside for state administration of I-A, C, & D: • No more than 50% of Title I administrative funds can be used for SEA operating expenses & federal share of costs can not exceed state's share of costs for operations	• Determine state administrative costs and develop plan for restricting expenses to the federal guidelines	

Title	Requirement	Implications for SEA	SEA Plans
I-A	Requires assurance of Title I teacher quality: SEA must ensure all teachers are highly qualified by 2005-6, based upon established annual measurable objectives for each LEA and school, including increases in qualified teachers and recipients of quality professional development.	Establish annual objectives and reporting procedure for LEA annual reporting of teacher quality	
	Restricts Title I programs and instructional strategies: Local Title I programs, whether schoolwide or targeted, and their associated instructional strategies, must be of high quality, based upon sound scientific research.	Develop and provide guidance to LEAs concerning research-based programs and instructional strategies	

Title	Requirement	Implications for SEA	SEA Plans
I-A	Only minor changes made to I-A formulas	SEAs should carefully analyze their allocations to determine the effect of these changes.	
I-B-1	Provides financial assistance to states and LEAs to establish Reading First scientific research-based reading programs for all children (K-3) through professional development and other supports to enable teachers to identify students and provide effective early intervention: • State allocations based on poverty formula • Up to 20% can be set aside for SEA-sponsored professional development for K-3 teachers • Funds also available for providing technical assistance to LEAs • Funds also available to support alternative providers of reading instruction • SEA planning, administration and reporting may also be supported with these funds • 80% of funds must be devoted to competitive funding of LEAs, with priority given to high poverty (15+% or 6500+ students in poverty) schools having high percentages of K-3 students reading below grade level and/or not achieving AYP. • LEAs awarded subgrants at a minimum in the same proportion as they are awarded Title I grants	• SEA must submit plan, application, and reports to ED • Develop and implement a grant award competition for eligible LEAs • Develop and implement a professional development program for K-3 teachers in reading diagnosis and early intervention • Develop and implement technical assistance to LEAs • Develop and implement guidelines for identifying and supporting alternative providers of reading instruction • Develop and implement a grant administration, monitoring and reporting capability	

Title	Requirement	Implications for SEA	SEA Plans
I-B-1	LEA Reading First activities include: - Scientifically-based reading identification and instruction programs in K-3 - Professional development in essential reading components for reading instruction, screening, diagnosis, and classroom assessment - Expanded access to engaging reading materials	Identify and provide guidelines to LEAs for scientifically-based reading programs and instructional strategies	
	National Reading First activities include an external evaluation, technical assistance to SEAs and LEAs, and dissemination of effective programs	- Cooperate with ED in carrying out the national evaluation - Coordinate with ED in carrying out technical assistance and dissemination activities	
I-B-2	Implement early childhood Early Reading First program for 3-5 year old children in high poverty areas to support the development of verbal skills, phonemic awareness, prereading development, and professional development of teachers in evidence-based instructional strategies	Coordinate with ED program and grantees	
I-B-3	Even Start program requirements expanded to include: - Instructional programs based on scientific based research in reading - Establishing qualifications for program instructors - Tying program objectives to state indicators of program quality - Strengthening evaluation of local programs - Becomes "Early Reading First" in section I-B-2 above	- SEA must submit plan, application, and reports to ED - Establish a review panel to approve subgrant applications - Develop and implement guidelines for scientific research-based instructional programs - Establish and monitor qualifications for program instructors - Establish and provide guidance on state indicators for program quality - Cooperate with the evaluation of local programs	

Title	Requirement	Implications for SEA	SEA Plans
I-B-4	Improving Literacy through School Libraries program increases student access to current school library materials in well equipped school libraries with well trained, certified media specialists by: • Acquiring media resources • Acquiring and using advanced technology • Facilitating internet links and resource networks • Providing professional development for media specialists • Providing students with access to school libraries during nonschool hours	• SEA must submit plan, application, and reports to ED • Administer the formula grant portion of the program • Cooperate with the competitive grant program recipients in the state	

Title	Requirement	Implications for SEA	SEA Plans
I-C	Provides for supplemental educational programs and services for children of migrant workers: - Assists states with methods for electronic transfer of student records and the determination of eligible children - Modifies the funding formula - Requires SEAs to link their electronic records system - Requires LEA grantees to provide student records at no cost to other LEAs	- SEA must submit plan, application, and reports to ED - Develop and implement electronic records system - Revise and implement guidelines for LEAs	
I-D	Provides formula grants for states to serve neglected and delinquent youth: - Increases set aside to facilitate transition of children from state-operated institutions to LEAs - Focuses services on youth returning to schools and communities from correctional facilities - Expands allowable programs to include youth entrepreneurship, peer mediation, mentoring and mental health services	- SEA must submit plan, application, and reports to ED - Determine how to sustain educational programs for institutionalized youth - Develop and implement guidelines for LEA- and community-based reintegration programs - Develop and implement guidelines for expanded N&D programs	

Title	Requirement	Implications for SEA	SEA Plans
I-E	Provides for an evaluation of Title I programs and activities, including implementation of standards, assessments, accountability, public school choice, and a longitudinal study of Title I schools: • Directed by an independent review panel of researchers and practitioners • Identification of innovative projects	• Cooperate with ED in carrying out the national evaluation activities	
I-F	Established Comprehensive School Reform Demonstration Program as a categorical grant program: • Reserves 3% of funds to implement "research-based" comprehensive reforms • Requires SEAs to ensure that LEAs are selecting CSR providers that are financially stable and have capacity for high quality technical assistance over the three-year grant period • Requires LEAS to assure that schools implement models grounded in scientifically-based research and effective practices, including a strong evidentiary basis for significantly improving academic achievement	• SEA must submit plan, application, and reports to ED • Establish and implement guidelines for determining the financial stability, sustained capacity, and evidentiary research base of comprehensive reform model • Modify the existing competitive grant program to incorporate these modifications	

Title	Requirement	Implications for SEA	SEA Plans
I-G	Shifts advanced placement program from higher education act to ESEA to support efforts of states and LEAs increase access to and participation in advanced placement tests and programs: • Provides for AP test fees for low-income students • If funds are available, provides for grants to SEAs and LEAs to expand and improve AP programs serving low income students	• SEA must submit plan, application, and reports to ED • Continue to administer the program, giving priority to programs serving low-income students	
I-H-1	Establishes a coordinated national strategy for identifying effective dropout prevention and reentry programs	• Cooperate with ED in national recognition program	
I-H-2	Continues the school dropout prevention program	• SEA must submit plan, application, and reports to ED • Assure the implementation of scientifically-based, sustainable, widely replicated strategies for dropout prevention and reentry • Continue to administer the grant program	
I-I	Continues general Title I provisions for state committees of practitioners, adds representatives of educational paraprofessionals to the defined set of ED advisers, and authorizes a study of LEA administrative expenses.	• Continue to administer the programs, with modification where necessary to facilitate school-level systemic reform	

Title	Requirement	Implications for SEA	SEA Plans
II-A-1	Continues grants to SEAs by combining the former Eisenhower Professional Development and Class Size Reduction programs into a single formula: • 65% based on poverty & 35% based on student population • 95% of funds reserved for LEA subgrants • 2.5 % for state activities • 2.5% for subgrants to IHE partnerships • Limitation of 1% for administrative costs • Adds principals as eligible recipients of quality training and recruitment • Allows for a wide range of activities to support or reform certification, recruitment, retention, accountability, professional development, evaluation, and technical assistance. • Applications must be based upon scientifically-based research	• SEA must submit plan, application, and reports to ED • Refine subgrant program plan to reflect changes in allowable activities. • Determine if administrative costs are within allowable limits • Determine scientific research basis for application	
II-A-2	Provides for subgrants to local educational agencies continue to be allocated by formula (80% by poverty and 20% by population) to carry out programs and activities noted above	• Revise and implement subgrant application materials and monitoring procedures to reflect changes in II-A-2	

Title	Requirement	Implications for SEA	SEA Plans
II-A-3	Provides for subgrants to eligible partnerships between higher education institution teacher education program, IHE school of arts/sciences and a low performing LEA to prepare teachers, paraeducators and/or principals.	• Revise and implement subgrant application materials and monitoring procedures to reflect changes in II-A-3	
II-A-4	Adds accountability requirement to Section 1119 of Title I Part A, qualifications of teachers and paraeducators, by requiring the SEA to provide technical assistance to LEAs that fail to make measurable progress toward their improvement plan	• Provide guidance to LEAs in creating improvement plans • Develop professional development strategies and activities based on scientifically based research to help LEAs meet their improvement objectives • Revise and implement monitoring procedures to reflect requirements of II-A-4	
II-A-5	Authorizes a national teacher recruitment campaign	• Cooperate in identifying and coordinating activities with very high need LEAs in recruiting and training teachers	
	Authorizes a national principal recruitment program	• Cooperate in identifying and coordinating activities with very high need LEAs in recruiting and training principals	
	Authorizes advanced credentialling and/or certification programs, early childhood educator professional development and other national activities	• Cooperate in the implementation of these programs • Submit applications for funding of special initiatives where deemed appropriate	

Title	Requirement	Implications for SEA	SEA Plans
II-B	Authorizes Mathematics and Science Partnerships by encouraging the creation of partnerships among SEAs, teacher education institutions, engineering, mathematics or science departments of an IHE, and high need LEAs to improve the teaching of mathematics and science	• SEA must submit plan, application, and reports to ED • Revise and implement application materials and monitoring procedures to reflect changes in II-B	
II-C-1	Authorizes Troops-to-Teachers program	• Cooperate in identifying and coordinating activities with very high need LEAs • Apply as individual SEA or consortia of SEAs to operate recruitment offices	
II-C-2	Authorizes Transition to Teaching Program through competitive grants to SEAs and other eligible entities to recruit and retain mid-career professionals as teachers and/or develop alternative routes to certification	• Determine appropriateness of program and resources to address needs of state	
II-C-3	Promotes the expansion of National Writing Project network of sites.	• Cooperate as appropriate	
II-C-4	Supports the Center for Civic Education and the National Council on Economic Education	• Cooperate as appropriate	
II-C-5	Authorizes Teaching of Traditional American History Program through competitive grants to LEAs	• Cooperate as appropriate	
II-C-6	Establishes Teacher Liability Protection program for teachers, principals, and other school professionals through policy	• Add new policy to LEA guidance	

Title	Requirement	Implications for SEA	SEA Plans
II-D	Consolidates several technology education programs into the Enhancing Education Through Technology Program administered by states: • 95% for state and local activities, with 5% for national activities • National activities to include technical assistance, longitudinal study of effectiveness, and update of the national long-range education technology plan • SEA formula based upon Title I-A allocation • LEA allocation from SEA to be 50% formula based upon Title I-A and 50% competitive • At least 25% of LEA allocation to be devoted to intensive, quality, sustained professional development • Requires recipients of E-rate or ESEA funds to have in place internet filters • Moves Preparing Tomorrow's Teachers to Use Technology to Higher Education Act and Star Schools, Ready to Teach and Community Technology Centers to Title V-D (FIE).	• SEA must submit plan, application, and reports to ED • Revise and implement application materials and monitoring procedures to reflect changes in II-D • Establish standards for intensive, high quality, sustained professional development • Establish priorities to guide the competitive portion of the LEA subgrant program	

Title	Requirement	Implications for SEA	SEA Plans
III-A	Consolidates the Bilingual Education Act and Emergency Immigrant Education Program into the English Language Acquisition, Language Enhancement, and Academic Achievement Act: - Funds provided to SEAs by formula, with 80% based on numbers of LEP children in state and 20% on number of immigrant children and youth in the state - Requires LEAs to provide parental notification of child's placement and parental right of refusal or choice of program, as well as establish effective parental outreach - Eliminates requirement that 75% of funds support native language instruction 95% of funds must be devoted to local instruction of LEP children, while 5% may be reserved for state-level activities - SEAs required to develop annual measurable objectives to monitor progress in LEP students acquiring English proficiency - Subgrantees must notify parents if they fail to attain objectives in two years - SEA must require program modifications if subgrantees do not attain objectives in four years, including potential denial of funding and personnel changes - Subgrantees must conduct annual evaluation of student performance against academic achievement standards and English - Subgrantees must certify all teachers in program are fluent in English and any other language used by the program, both	- SEA must submit plan, application, and reports to ED - Revise and implement subgrant allocation formula and process - Revise and implement program planning and monitoring guidelines for grantees (e.g., parental notification, program evaluation requirements, testing requirements, assurance of qualified personnel, etc.) - Develop annual measurable objectives as benchmark for monitoring and evaluating progress of program - Develop monitoring and technical assistance capability for ensuring improvement of low-performing programs	

Title	Requirement	Implications for SEA	SEA Plans
	oral and written		
III-B	Establishes Improving Language Instruction Educational Programs competitive support to SEAs, LEAs, IHEs and community-based organizations for language program development and enhancement	• Determine appropriateness of program and resources to address needs of state • Cooperate as appropriate	
III-C	Defines other general provisions	• Incorporate definitions of community-based organizations and family education program, as well as parental notification requirements into guidelines	

Title	Requirement	Implications for SEA	SEA Plans
IV-A	Reauthorizes Safe and Drug-Free Schools and Communities program through formula grants to states: • State-level formula based upon 50% Title I concentration grant (held harmless at 2001 levels) and 50% based on school age population • Governors may reserve up to 20% for competitive subgrants to LEAs, community organizations and other public or private organizations. Priority given to school-based mental health services and traditionally underserved • SEAs then distribute at least 93% of remaining funds to LEAs by formula, where 60% based on Title I allocation and 40% student enrollment • Any program or activity funded must meet the "Principles of Effectiveness"—objectively assessed community needs, LEA performance measures, scientifically-based research activities, periodic evaluation for improvement, analysis of risk factors and protective factors, and parental consultation. • LEAs must establish standards for student conduct • LEAs must make reasonable effort to inform parents of program content (other than classroom instruction) and must withdraw student from activity at parent written request • LEAs encouraged to involve community-based organizations and other public or private organizations in the development of the applications • Retains and authorizes other national programs and policies, including hate crimes law, gun free schools act, and centers (School Choice for Safety is transferred to FIE: V-D-1)	• SEA must submit plan, application, and reports to ED • Revise and implement subgrant allocation formula and process • Revise and implement program planning and monitoring guidelines for grantees (e.g., parental notification, program priorities, Principles of Effectiveness, community involvement, etc.)	

Title	Requirement	Implications for SEA	SEA Plans
IV-B	Authorizes the 21st Century Community Learning Centers Program as a formula to states: • Distributes funds to SEAs based upon Title I-A(2) allocations • SEAs distribute funds to eligible local entities through competitive subgrants (LEAs, community-based organizations, other public or private organizations, and consortia thereof) • Focuses local programs on academic enrichment to help children meet state standards and participation of the parents to receive literacy services • Requires program to meet "Principles of Excellence" (<i>See IV-A on previous page</i>)	• SEA must submit plan, application, and reports to ED • SEA must establish procedure and guidelines for administering a new competitive subgrant program • Determine eligible subgrantees and funding guidelines • Create and implement program planning and monitoring guidelines for grantees (e.g., allowable activities, program priorities, Principles of Effectiveness, community involvement, reporting requirements, etc.)	
IV-C	Establishes Environmental Tobacco Smoke policy, also known as Pro-Children Act of 2001, requiring no smoking permitted in any indoor facility used for kindergarten, elementary, secondary education or library services	• Revise and implement monitoring guidelines	

Title	Requirement	Implications for SEA	SEA Plans
V-A	Continues innovative program formula grants to SEAs to support local education reform, state and local innovation based on scientific research, support for library services and media, and improve education programs for all schools, students, and/or teachers: • Funds allocated to SEAs on children 5-17 • At least 85% of funds must be distributed to LEAs • Up to 15% reserved for SEAs to provide technical assistance, direct grants to LEA, and state-wide education reform, including charter schools • State-wide reform may include design and implementation of student assessments, standards, reporting of school achievement, and, where persistently dangerous schools exist, for students to attend a safe public school • Federal allocations above FY2002 levels must be allocated to LEAs, unless state is receiving only the minimum allocation • LEA subgrant allocations based on public and participating private nonprofit school enrollment, but allows SEA to adjust formula to increase allocations to LEAs with high concentrations of low income families • Dramatically expands the allowable use of funds	• SEA must submit plan, application, and reports to ED • Determine priorities and nature of state-level program • Revise and implement program formula, planning and monitoring guidelines for administering the subgrant program	

Title	Requirement	Implications for SEA	SEA Plans
V-B	Authorizes support to charter schools or charter planning groups available in those states that have charter school statutes. - Prohibits LEAs from deducting administrative fees from the grants, unless agreed upon by charter entity - Provides facility financing by restoring the Charter Schools Facility Financing Demonstration Project competitively available to SEAs and localities - Provides funds for transportation costs to support voluntary public school choice	- Cooperate in the implementation of these programs - Submit applications for funding of special initiatives where deemed appropriate	

Title	Requirement	Implications for SEA	SEA Plans
V-C	Continues support of LEAs to operate magnet schools as part of an approved desegregation plan that is designed to bring students from different social, economic, and racial backgrounds together.	• Cooperate in the implementation of these programs, where applicable	
V-D	Continues support of the Fund for the Improvement of Education to carry out nationally significant programs to improve the quality of elementary and secondary education at the state and local levels directly or through grants or contracts with state or local agencies, such as: • School counseling programs • Partnerships in character education • Smaller learning communities • Reading is fundamental (RIF) • Javits gifted and talented students • Star schools program • Ready to teach • Foreign language assistance • Physical education • Community technology centers • Alaska native and native Hawaiian Education through cultural and historical organizations • Excellence in economic education • Grants to improve the mental health of children • Arts in education • Parental assistance and local family information centers • Combating domestic violence • Healthy, high-performance schools • Grants for capital expenses of providing equitable services for private school students • Women's educational equity	• Cooperate in the implementation of these programs • Submit applications for funding of special initiatives where deemed appropriate	

Title	Requirement	Implications for SEA	SEA Plans
VI-A-1	Provides grants for state assessments and related activities for improving academic achievement: • Pay costs of developing additional state assessments and standards required in I-A • Support the administration of the assessments, reporting of their findings and related activities • Available to SEAs or consortium of SEAs on a competitive basis	• Submit applications for funding of special initiatives where and in the manner deemed appropriate • Establish improvement priorities as part of Title I A consolidated plan	
VI-A-2	Establishes policy to enable flexibility and accountability to SEAs and LEAs to shift federal dollars to other federal education programs that more effectively address their needs and priorities: • SEAs may transfer up to 50% of SEA activity funds between formula grant programs, including- II-A, II-D, IV-A, IV-B, and V-A • LEAs may transfer up to 50% of funds to another federal program without SEA approval, including II-A, II-D, IV-A, V-A • SEAs and LEAs may transfer funds from above programs into (but not out of) Title I • LEAs identified for school improvement (AYP) may transfer up to 30% of their funds from eligible programs into school improvement activities. But, LEAs in corrective action may NOT transfer any funds • Allows for 150 school districts to enter into performance agreements with ED as a local flexibility demonstration program to carry out the reform goals of the LEA • Allows 7 states to enter into performance agreements with ED as a state flexibility demonstration program to carry out the reform goals of the state	• Revise and implement planning and monitoring guidelines for administering the subgrant programs • Determine the implications, impact and priorities for SEA-level activities • Submit applications for participation in special initiatives where and in the manner deemed appropriate	

Title	Requirement	Implications for SEA	SEA Plans
VI-A-2	Provides for the federal government to pay for the state administration of the National Assessment of Educational Progress	Cooperate in the implementation of this program	
	Provides for ED to provide oversight and technical assistance to SEAs to achieve adequate yearly progress under Titles I and III: - Federal peer review of Title I and III plans after two years of implementation - Provide valid, reliable and constructive technical assistance if AYP not made by SEA in two consecutive years - Beginning 2005-6 school year, ED submits annual report to congress listing each state not making AYP in Title I and Title III	- Cooperate in the implementation of these programs - Submit necessary plans and reports to document progress in achieving Title I and Title III objectives	
VI-B-1	Establishes the small, rural school achievement program, whereby: - Specifically defined small and rural schools served by an LEA are able to combine funds from various <u>existing</u> formula grants to address the achievement of academic standards - Funds and applications may be combined for Title I-A, Title II-A or D, Title III, Title IV A or B, and Title V-A - Continuing eligibility dependent upon achieving adequate yearly progress	- Implement school/LEA eligibility criteria - Establish a consolidated application process for these formula grants - Establish an accountability and reporting process for determining adequate yearly progress	

Title	Requirement	Implications for SEA	SEA Plans
VI-B-2	Establishes a rural and low-income school program, whereby: • LEAs not eligible under subpart 1 above, would be eligible for this subpart if at least 20% of school-age population is from low income families and all of the schools in the LEA have a Locale Code of 6, 7 or 8 • An <u>additional</u> appropriation is made available to SEAs based upon the ADA of all eligible LEAs/schools in the state • SEA distributes funds on a formula based upon ADA or other formulas serving high concentrations of children from low-income families • Funds to be used by LEAs to improve the academic achievement of elementary and secondary students, and the quality of instruction • Same standards apply for continuing eligibility based upon AYP as subsection 1 above	• SEA must submit plan, application, and reports to ED • Determine and communicate eligibility of LEAs and schools • Revise and implement program formula, planning and monitoring guidelines for administering the subgrant program	
VII-A	Continues Indian Education Act formula grant programs to LEAs and other eligible applicants to: • Improve or enrich elementary and secondary education programs serving Native American students • Maintains currently funded grantees • Adds flexibility provision to allow the combining of federal funds into a single, more efficient program for improving Indian student achievement • Limits administrative costs to 5%	• Cooperate in the implementation of this program	

Title	Requirement	Implications for SEA	SEA Plans
VII-B	Consolidates Native Hawaiian Education Act grant programs into a single program, adding family literacy services as a allowable activity	Primarily reserved for activities planned and conducted in and for Hawaii' • Cooperate in the implementation of this program (Hawaii' Department of Education)	
VII-C	Consolidates the Alaska Native Educational Equity, Support, and Assistance Act programs into a single program to develop supplemental educational programs to benefit Alaska Natives and provide direction to federal, state and local agencies in addressing the educational needs of Alaska Natives: • Restricts administrative fees to 5%	Primarily reserved for activities planned and conducted in and for Alaska • Cooperate in the implementation of this program (Alaska Department of Education and Early Development)	
VIII	Amends provisions of Impact Aid by: • Modifying the formula to further ensure equitable distribution of funds • Other modifications in language	• Cooperate in the implementation of this program	

Title	Requirement	Implications for SEA	SEA Plans
IX-A	Adds general provisions that affect all programs under ESEA, including: • Freedom of SEAs and LEAs to consolidate administrative funds to undertake various administrative activities designed to enhance the effectiveness and coordination of programs • SEA use Title I administrative funds to develop challenging content standards and academic assessments • Continues the use of SEA consolidated plans, in consultation with the Governor, to cover I-B-3, I-D, and others ED may designate • Continues the use of LEA consolidated plans • Withdraws all references to Goals 2000 • Streamlines reporting into a single annual consolidated report • Continues authority of ED to grant waivers from burdensome regulation • Continues to allow private school students to receive services from ESEA programs, adding Reading First, Even Start, Safe and Drug Free Schools, 21st Century Learning Centers, Math/Science Partnerships, migrant, professional development, technology and bilingual special services • Requires LEAs to provide services to private schools in a timely manner and that private schools are consulted in planning such programs • Prohibits ED officials from requiring, recommending or certifying curriculum, programs, or standards • Prohibits use of funds for mandatory teacher or paraeducator national testing	• Revise and implement policy, planning and monitoring guidelines	

Title	Requirement	Implications for SEA	SEA Plans
IX-A	- Prohibits federally sponsored national testing, except international comparisons and other assessments explicitly provided by law - Prohibits use of funds for condom or other contraceptive distribution, obscene materials, promotion of sexual activities, or sex education in schools that is not age appropriate and emphasizes abstinence - Precludes the formation of a national database of personally identifiable information - Prohibits federal control of home schooling and ensures that home schools are not subject to ESEA or ESEA assessments - Denies ESEA funds to any LEA that prevents or denies participation, or has a policy to that effect, in constitutionally protected school prayer - Requires LEAs receiving ESEA funds to provide Armed Forces recruiters the same access to high school students as college and job recruiters - Denies funds to any LEA that discriminates against or denies equal access to Boy Scouts of America - Requires SEAs to establish and implement a policy to allow students attending persistently dangerous public schools or who becomes as victim of a violent crime while at school, to be allowed to attend a safe public school within the LEA - Reasserts the Civil Rights Act as it applies to public schools, including those activities carried out under the 21st Century Schools program		

Title	Requirement	Implications for SEA	SEA Plans
X-B	Amends the Homeless Education program by: • Including innovative practices proven to be effective for homeless children and youth to enroll, attend and succeed in school • Help ensure that all children and youth impacted by the loss of fixed, regular and adequate housing receive a quality education • Prohibits SEAs from segregating students in separate schools or programs under this subpart (except in four counties outside the Northwest)	• SEA must submit plan, application, and reports to ED • SEA must have established Office of Coordinator of Homeless Children and Youths to gather valid, reliable and comprehensive information on nature and extent of problems and improve provision of innovative practices • Determine and communicate eligibility of LEAs and schools • Revise and implement program policy, planning and monitoring guidelines for administering the subgrant program	

Title	Requirement	Implications for SEA	SEA Plans
X-D	Relating to Bureau of Indian Affairs educational programs: - Requires Bureau Schools to be accredited within two years against Bureau, Tribal, Regional or SEA accreditation standards - Supports tribal departments of education to coordinate their efforts with, among others, SEAs	Cooperate in the implementation of this program	
X-E	Moves the Preparing Tomorrow's Teachers to Use Technology Program to Title II of the Higher Education Act, whereby: Grants are provided to consortium of IHEs, at least one SEA or LEA and one or more of either a professional association, college of arts and sciences or college of education from another IHE to develop or redesign teacher education to enable prospective teachers to use advanced technology effectively	Cooperate in the implementation of this program	
X-F	Expands General Education Provisions Act (GEPA) to clarify and further restrict that no student shall be required to submit to a survey, analysis, or evaluation that reveals certain types of personal information and reaffirms parental rights to disclosure, notification and information Requires LEAs to establish certain policies regarding physical examinations and parental notification to align with state law. Also expands list of people required to undergo criminal background checks	- Revise and implement GEPA policy, planning and monitoring guidelines - Provide guidance to LEAs regarding applicable GEPA requirements	

Dear Chief State School Officer:

I know that you share the excitement that I feel about President Bush's January 8, 2002 signing of the *No Child Left Behind Act of 2001*. This historic piece of legislation, which was enacted with strong bipartisan support, will help ensure that all children receive a high-quality education and reach challenging academic achievement standards. The legislation provides increased flexibility and local control for States and school districts, emphasizes strong accountability for results, offers expanded options for parents of disadvantaged children, and supports teaching methods that have a solid scientific research foundation.

The purposes of this letter are the following:

- *To provide you with a brief summary of the principal flexibility opportunities that are now available to States, districts, and schools.* Included as Attachment A to this letter are summaries of the flexibility opportunities under "State-Flex," "Local-Flex," transferability, the Rural Education Initiatives, "Ed-Flex," the Secretary's general waiver authority, consolidated administrative funds authority, consolidated State and local plan authority, and schoolwide programs. More detailed information concerning these flexibility provisions will be provided to you soon.
- *To provide you with a copy of the statutory provisions relevant to each of the principal flexibility opportunities.* Included as Attachment B are excerpts from the new legislation relevant to the major flexibility initiatives.
- *To inform you of a significant date applicable to the State-Flex and Local-Flex programs.* The legislation offers States priority to seek State-Flex authority before districts may apply for Local-Flex. If the Secretary of Education grants State-Flex authority to a State, the State enters into performance agreements with four to ten school districts (at least half of which must be high-poverty districts), giving them the authority to consolidate certain Federal funds. In those States that do not have State-Flex authority, the Secretary may enter into Local-Flex agreements directly with up to eighty districts (with no more than three per State). Accordingly, if you notify the Secretary, by May 8, 2002, that your State intends to seek State-Flex authority, school districts in your State will be precluded from seeking Local-Flex agreements with the Secretary until a final determination is made concerning your State-Flex application.

The Secretary intends to coordinate the State-Flex and Local-Flex competitions to provide States and districts with maximum opportunities to compete for the new flexibility authority. Please be aware that the May 8, 2002 date is *not* the deadline for applying for State-Flex. Rather, it is the final date by which a State must notify the Secretary of its intent to seek State-Flex authority if it desires to preclude its districts from seeking Local-Flex agreements prior to a decision being made on the State-Flex application. *You may apply for State-Flex authority even if you do not notify us by May 8, 2002 that you intend to do so.*

- *To inform you of the March 1, 2002 deadline for submission of average daily attendance data under the Small, Rural School Grant Program.* As the summary guidance on the Rural Education Initiatives indicates, the Secretary will award grant funds, on a formula basis, to eligible local educational agencies under the Small, Rural School Grant Program. (The eligibility requirements are stated in the guidance.) In order that we can make timely grant awards to districts, the statute provides that the average daily attendance data (as described in section 6231) for these districts be submitted *no later than March 1, 2002.*
- *To inform you of the March 1, 2002 deadline for the submission of average daily attendance data under the Rural and Low-Income School Program.* As the summary guidance on the Rural Education Initiatives indicates, the Secretary will award grant funds, on a formula basis, to State educational agencies under the Rural and Low-Income School Program. States, in turn, will award subgrants to eligible local educational agencies either competitively or on a formula basis. (Districts eligible to receive funds under the Small, Rural School Grant Program are not eligible to receive funds under the Rural and Low-Income School Program.) The amount of funds that each State is eligible to receive is proportionate to the number of students in average daily attendance served by eligible local educational agencies in the State compared to the number of all such students served by eligible local educational agencies in all States. In order that we can make timely grant awards to States, the statute requires that the average daily attendance data (as described in section 6231) for eligible districts be submitted *no later than March 1, 2002.*

If your agency chooses not to participate in the Rural and Low-Income School Program, the Secretary will use your State's allotment to award grants to eligible districts in your State either competitively or on a formula basis. Thus, even if your agency chooses not to participate, we will need the relevant average daily attendance data no later than March 1, 2002 in order that we can determine the amount of each State's allotment.

- *To request that you submit to us information on State contacts for the flexibility programs.* In order to facilitate the implementation of the new flexibility provisions, we are requesting that you provide us, as soon as possible, with the

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names, telephone numbers, and e-mail addresses of the State officials who will be responsible for these initiatives.

The information requested in this letter should be submitted to:

Mr. Charles Lovett
Group Leader
Office of School Support and
Technology Programs
U.S. Department of Education
400 Maryland Avenue, S.W.
Room 3E241
Washington, D.C. 20202

If you have any questions concerning the new flexibility provisions or the matters discussed in this letter, please contact Mr. Lovett by e-mail at charles.lovett@ed.gov or by telephone at (202) 401-0039.

We look forward to working in partnership with you in implementing the flexibility provisions and other programs in the new legislation.

Sincerely yours,

Susan B. Neuman, Ed.D.
Assistant Secretary for
Elementary and Secondary Education

Attachments

ATTACHMENT A

SUMMARY OF PRINCIPAL FLEXIBILITY PROVISIONS IN THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

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SUMMARY OF THE PRINCIPAL FLEXIBILITY PROVISIONS IN THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

I. STATE FLEXIBILITY AUTHORITY ("STATE-FLEX")

(ESEA Sections 6141 through 6144)

What is the State Flexibility Authority program?

The State Flexibility Authority program (State-Flex) is a new program that authorizes the Secretary to grant flexibility authority to up to seven eligible State educational agencies (SEAs). With this authority, an SEA may (1) consolidate and use certain Federal funds reserved for State administration and State-level activities for any educational purpose authorized under the ESEA; (2) specify how local educational agencies (LEAs) in the State use Innovative Program funds under Part A of Title V; and (3) enter into performance agreements with four to ten LEAs in the State, permitting those LEAs to consolidate certain Federal funds and to use those funds for any ESEA purpose consistent with the SEA's State-Flex plan.

"State-Flex" is different than "Ed-Flex," which is a separate program that authorizes the Secretary to delegate waiver authority to eligible SEAs.

How will the Secretary determine which States will be awarded State-Flex authority?

The Secretary will grant State-Flex authority to eligible SEAs on a competitive basis using a peer review process. The Department will announce the proposed selection process and criteria in the near future.

What conditions must an SEA meet in order to be eligible for State-Flex?

To be considered for State-Flex, an SEA must submit an application that, among other things –

- Includes a five-year plan describing how the SEA would consolidate and use funds from programs included in the scope of the grant of authority in order to

make adequate yearly progress and advance the educational priorities of the State and the LEAs with which the SEA enters into performance agreements;

- Demonstrates that the authority offers substantial promise of assisting the SEA in making adequate yearly progress, and of aligning State and local reforms and assisting LEAs with which the SEA enters into performance agreements in making adequate yearly progress;
- Includes the proposed performance agreements that the SEA would enter into with between four and ten LEAs (at least half of which are "high-poverty LEAs"). Each proposed LEA performance agreement would contain plans for the LEAs to consolidate and use Federal funds for activities that are aligned with the SEA's plan in order to assist the LEAs in making adequate yearly progress, improving student achievement, and narrowing achievement gaps;
- Assures that the SEA, and the LEAs with which it enters into performance agreements, will meet the requirements of all applicable civil rights laws.
- Assures that the SEA, and the LEAs with which it enters into performance agreements, will provide for the equitable participation of students and staff in private schools.
- Demonstrates that the SEA has consulted with and involved parents, teachers, LEA representatives, and other educators in the development of the terms of the grant of authority.

What funds may an SEA consolidate under State-Flex?

An SEA that receives State-Flex authority may consolidate funds for State-level activities and State administration under the following provisions, and use those funds for any authorized ESEA purpose:

- Section 1004 (Improving the Academic Achievement of Disadvantaged Children)
- Paragraphs (4) and (5) of section 1202(d) (Reading First)
- Section 2113(a)(3) (Teacher and Principal Training and Recruitment)
- Section 2412(a)(1) (Enhancing Education through Technology)
- Subsection (a) of section 4112 (Safe and Drug-Free Schools and Communities Governor's funds, with agreement of the Governor)
- Subsection (b)(2) and (c)(1) of section 4112 (Safe and Drug-Free Schools and Communities SEA funds)
- Paragraphs (2) and (3) of section 4202(c) (21st Century Community Learning Centers)
- Section 5112(b) (Innovative Programs)

What funds may LEAs consolidate under State-Flex?

The four to ten LEAs that enter into performance agreements with their SEA in a State-Flex State may consolidate and use funds awarded to them *on a formula basis* under any of the following programs for any ESEA purpose:

- Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruiting)
- Subpart 1 of Part D of Title II (Enhancing Education through Technology)
- Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Subpart 1 of Part A of Title V (Innovative Programs)

(NOTE: These funds are *not* limited to administrative funds, but apply to *all* funds awarded to the applicable LEAs on a formula basis under the listed programs.)

What control does a State-Flex State have with respect to funds awarded under Part A of Title V?

A State-Flex State may specify how all LEAs in the State (not just those with performance agreements) will use funds allocated under Part A of Title V (Innovative Programs), but must comply with the normal requirements in Part A of Title V for allocating those funds.

How do the LEA performance agreements under State-Flex compare to the Local-Flex agreements available to LEAs in non-State-Flex States?

The LEA performance agreements in State-Flex States are between the SEA and the LEA, not between the Secretary and the LEA. Ten LEAs may enter into performance agreements in each State-Flex State (for a total of not more than 70 performance agreements in the seven State-Flex States). This contrasts with the agreements authorized under the Local Flexibility Demonstration Program ("Local-Flex") under chapter B of subpart 3 of Part A of Title VI. As explained in Section II, Local-Flex agreements are between the Secretary and the LEA. Under the Local-Flex program, the Secretary is authorized to enter into a total of 80 Local-Flex agreements with LEAs in States that do not have State-Flex authority. The same set of requirements governs the LEA performance agreements between SEAs and LEAs and the Local-Flex agreements between the Secretary and LEAs.

II. LOCAL FLEXIBILITY DEMONSTRATION PROGRAM ("LOCAL-FLEX")

(ESEA Sections 6151 through 6156)

What is the Local Flexibility Demonstration Program?

The Local Flexibility Demonstration Program (Local-Flex) is a new flexibility program that authorizes the Secretary to enter into local flexibility demonstration agreements with a total of up to 80 local educational agencies (LEAs) in States that do not have State-Flex authority. Consistent with the purposes of the program, Local-Flex LEAs may consolidate and use certain Federal funds for any educational purpose authorized under the ESEA. Unlike the LEA performance agreements under State-Flex (which are between SEAs and LEAs), the flexibility agreements under Local-Flex are directly between the Secretary and LEAs.

How will the Secretary determine which LEAs will be given the opportunity to enter into Local-Flex agreements?

The Secretary will enter into Local-Flex agreements with LEAs on a competitive basis using a peer review process. The Department will announce the proposed selection criteria and process in the near future. The Secretary will coordinate the Local-Flex competition with the State-Flex competition.

What conditions must an LEA meet in order to be considered for Local-Flex?

To be considered for Local-Flex, an LEA must, among other things –

- Submit a proposed Local-Flex agreement that includes a five-year plan describing how the LEA would consolidate and use funds from programs included in the scope of the agreement to meet the State's definition of adequate yearly progress, to advance the educational priorities of the LEA, to meet the general purposes of the included programs, to improve student achievement, and to narrow achievement gaps.
- Demonstrate that it has consulted with and involved parents and other educators in the development of the proposed Local-Flex agreement.
- Assure that it will meet the requirements of all applicable civil rights laws.
- Assure that it will provide for the equitable participation of students and professional staff in private schools.
- Be located in a State for which the Secretary has not granted State-Flex status.

What requirements govern the number of Local-Flex agreements that the Secretary may ratify?

As noted previously, the Secretary may enter into up to 80 Local-Flex agreements, all of which must be with LEAs in non-State-Flex States. There may be no more than three Local-Flex agreements per State, and the Secretary will ensure equitable distribution among urban and rural LEAs.

What funds may an LEA consolidate under Local-Flex?

Like LEAs that have entered into performance agreements in State-Flex States, Local-Flex LEAs may consolidate and use funds received *on a formula basis* under any of the following programs and, consistent with the purposes of the Local-Flex program, use those funds for any educational purpose permitted under the ESEA:

- Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruiting)
- Subpart 1 of Part D of Title II (Enhancing Education through Technology)
- Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Subpart 1 of Part A of Title V (Innovative Programs)

(NOTE: These funds are *not* limited to administrative funds, but apply to *all* funds awarded on a formula basis to Local-Flex LEAs under the listed programs.)

III. TRANSFERABILITY

(ESEA Sections 6121 through 6123)

What is transferability?

Transferability is a new ESEA flexibility authority that allows States and local educational agencies (LEAs) to transfer a portion of the funds that they receive under certain Federal programs to other programs that most effectively address their unique needs and to allocations for certain activities under Title I.

What funds may a State transfer?

A State may transfer up to 50 percent of the non-administrative funds allotted to it to carry out State-level activities under each of the following provisions to one or more of its allotments under any of the other provisions listed below:

- Section 2113(a)(3) (Teacher and Principal Training and Recruitment)
- Section 2412(a)(1) (Enhancing Education Through Technology)
- Section 4112(a)(1) (Safe and Drug-Free Schools and Communities Governor's funds, with the agreement of the Governor)
- Section 4112(c)(1) (Safe and Drug-Free Schools and Communities SEA funds)
- Section 4202(c)(3) (21st Century Community Learning Centers)
- Section 5112(b) (Innovative Programs)

Subject to the 50% limitation, a State may also transfer funds allotted to it under the provisions listed above to its allotment under Part A of Title I to carry out State-level activities under Part A of Title I. A State may not transfer funds allocated under Part A of Title I to any other program.

What funds may an LEA transfer?

There are separate transferability provisions applicable to LEAs generally, to LEAs identified for improvement, and to LEAs identified for corrective action.

(a) LEA Transfers

An LEA (except an LEA identified for improvement under 1116(c) or subject to corrective action under section 1116(c)(9)) may transfer up to 50 percent of the funds allocated to it *by formula* under each of the following provisions to its allocation under any of the other provisions:

- Section 2121 (Teacher and Principal Training and Recruitment)
- Section 2412(a)(2)(A) (Enhancing Education Through Technology)
- Section 4112(b)(1) (Safe and Drug-Free Schools and Communities)
- Section 5112(a) (Innovative Programs)

With the exception noted above, and subject to the 50 percent limitation, an LEA may also transfer funds allocated by formula under the provisions noted above to its allocation under Part A of Title I. An LEA may not transfer funds allocated under Part A of Title I to any other program.

(b) Transfers by LEAs identified for improvement

An LEA identified for improvement under section 1116(c) may transfer not more than 30 percent of the funds allocated to it by formula under any of the provisions listed in paragraph (a) above to its allocation for school improvement under section 1003 or to any other allocation listed above if the transferred funds are used only for LEA improvement activities consistent with section 1116(c). The LEA may not transfer funds allocated under Part A of Title I to any other program.

(c) No transfers by LEAs identified for corrective action

An LEA identified for corrective action is prohibited from transferring funds under the transferability authority.

What requirements govern any funds that are transferred?

The transferred funds are subject to the requirements of the programs to which they are transferred.

What steps must a State take in transferring funds?

A State that makes a transfer of funds must modify its State plan or application to account for the transfer, notify the Secretary of the transfer at least 30 days before the effective date of the transfer, and submit a copy of the modification to the Secretary within 30 days of the transfer. If the transfer involves funds from a program that provides for equitable participation of students and staff in private schools, the State educational agency must conduct consultations as required by section 9501 of the ESEA.

What steps must an LEA take in transferring funds?

An LEA that makes a transfer of funds must modify its local plan or application to account for the transfer, notify its SEA of the transfer at least 30 days before the effective date of the transfer, and submit a copy of the modification to the SEA within 30 days of

the transfer. If the transfer involves funds from a program that provides for equitable participation of students and staff in private schools, the LEA must conduct consultations as required by section 9501 of the ESEA.

IV. RURAL EDUCATION INITIATIVES

(ESEA Sections 6201 through 6234)

What are the Rural Education Initiatives?

Part B of Title VI of the reauthorized ESEA contains three separate Rural Education Achievement Program (REAP) initiatives that are designed to help rural districts that lack the personnel and resources to compete effectively for Federal competitive grants and that receive grant allocations in amounts that are too small to be effective in meeting their intended purposes. The three initiatives – the Alternative Uses of Funds Authority; the Small, Rural School Grant Program; and the Rural and Low-Income School Program – are summarized separately below.

(1) ALTERNATIVE USES OF FUNDS AUTHORITY -- Section 6211

What is the REAP Alternative Uses of Funds Authority?

The REAP Alternative Uses of Funds Authority is a flexibility provision that allows eligible local educational agencies (LEAs) to combine “applicable funding” (which is defined as funding provided under subpart 2 and section 2412(a)(2)(A) of Title II, section 4114, and Part A of Title V) and use the applicable funding to carry out local activities under one or more of the following Federal programs:

- Part A of Title I (Improving the Academic Achievement of Disadvantaged Children)
- Part A of Title II (Teacher and Principal Training and Recruiting)
- Part D of Title II (Enhancing Education Through Technology)
- Title III (Language Instruction for Limited English Proficient and Immigrant Students)
- Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Part B of Title IV (21st Century Community Learning Centers)
- Part A of Title V (Innovative Programs)

Under the section 6211 Alternative Uses of Funds Authority, for example, an eligible LEA could use funds under the Safe and Drug-Free Schools and Communities program for activities authorized under the Title II technology program. Section 6211 does not provide LEAs with additional funding; rather, it gives them greater flexibility in using applicable funding.

What LEAs are eligible to take advantage of the flexibility offered under the REAP Alternative Uses of Funds Authority?

LEAs that meet the following conditions are eligible to take advantage of the flexibility offered under the REAP Alternative Uses of Funds Authority:

- The total number of students in average daily attendance in the schools served by the LEA is fewer than 600, or each county in which a school served by the LEA is located has a population density of fewer than 10 persons per square mile; and
- All schools served by the LEA have a school locale code of 7 or 8, unless the LEA's request for a waiver of the locale code requirement is granted. The Secretary may grant the waiver if the LEA demonstrates, with the concurrence of the SEA, that the LEA is located in an area defined as rural by a governmental agency of the State. (The locale codes of schools are listed on the website of the Department's National Center for Education Statistics (NCES) at <http://www.nces.ed.gov>.)

What steps must an eligible LEA take to use the REAP Alternative Uses of Funds flexibility?

An eligible LEA simply notifies its SEA, by a date established by the SEA, of its intention to use the "applicable funding" in accordance with the Alternative Uses of Funds Authority.

What accountability requirements apply to participating LEAs?

Participating LEAs must administer an assessment that is consistent with section 1111(b)(3) of Title I. After the third year that an LEA participates in the program, and on the basis on the results of the assessments, the State must determine whether the LEA has made adequate yearly progress. Only those LEAs that have made adequate yearly progress may continue to participate. Those LEAs that failed to make adequate yearly progress may continue to participate only if they use the applicable funding to carry out the requirements of section 1116 (Title I school improvement provisions).

2. SMALL, RURAL SCHOOL GRANT PROGRAM – Section 6212

What is the Small, Rural School Grant Program?

The Small, Rural School Grant Program is a program that authorizes the Secretary to award formula grants directly to eligible LEAs (i.e., those LEAs eligible under the alternative uses of funds program described above) to carry out activities authorized under one or more of the following federal programs:

- Part A of Title I (Improving the Academic Achievement of Disadvantaged Children)
- Part A of Title II (Teacher and Principal Training and Recruiting)
- Part D of Title II (Enhancing Education Through Technology)
- Title III (Language Instruction for Limited English Proficient and Immigrant Students)
- Part A of Title IV (Safe and Drug-Free Schools)
- Part B of Title IV (21st Century Community Learning Centers)
- Part A of Title V (Innovative Programs)

(NOTE: This is the same list of programs as the list under Alternative Uses of Funds Authority.)

How much funding will an eligible LEA receive?

The Secretary will determine an eligible LEA's grant amount pursuant to the formula in section 6212(b). The amount will range from \$20,000 to \$60,000, less the amount of "applicable funding" (which is defined as funding provided under subpart 2 and section 2412(a)(2)(A) of Title II, section 4114, and Part A of Title V) that the LEA received during the preceding year. The Secretary will ratably reduce LEA awards if insufficient funds are available to pay the full amounts LEAs are eligible to receive.

What steps must an LEA take in order to receive its grant award?

The legislation requires LEAs seeking funding to submit to the Secretary, not later than March 1 of each year, their average daily attendance (ADA) calculations (as determined under section 6231). The Secretary is requesting that LEAs submit the ADA data first to their SEA, and that SEAs submit the ADA data to the Department, not later than March 1, on behalf of all eligible LEAs in the State.

What accountability requirements apply to LEAs participating in the Small, Rural School Grant Program?

The accountability requirements described above with respect to the Alternative Uses of Funds Authority -- in which participating LEAs must administer assessments consistent with section 1113(b)(3) of Title I and States must determine whether LEAs have made adequate yearly progress -- also apply to the Small, Rural School Grant Program.

3. RURAL AND LOW-INCOME SCHOOL PROGRAM – Sections 6221 through Section 6224

What is the Rural and Low-Income School Program?

Designed to address the needs of rural, low-income schools, this program is one in which the Secretary awards formula grants to SEAs, which in turn award subgrants to eligible LEAs either competitively or on a formula basis. (There are special rules, described below, that apply if an SEA chooses not to participate in the program.)

How much funding will be allotted to each SEA?

An SEA's allotment will be determined on the basis of the number of students in average daily attendance served by eligible LEAs in the State compared to the number of all such students served by eligible LEAs in all States.

Does the Secretary reserve funds for the Bureau of Indian Affairs (BIA) and the outlying areas?

Yes. One-half of one percent of the funds appropriated for this program will be reserved to make awards to elementary or secondary schools operated or supported by BIA; one-half of one percent will be used to make awards to the outlying areas.

What LEAs are eligible to participate in the Rural and Low-Income School Program?

An LEA is eligible to receive a grant under this program if –

- 20 percent or more of the children ages 5 through 17 served by the LEA are from families with incomes below the poverty line;
- All of the schools served by the LEA have a school locale code of 6, 7, or 8 (The locale codes of schools are listed on the website of the Department's National Center for Education Statistics (NCES) at <http://www.nces.ed.gov>); and
- The LEA is not eligible to receive a Small, Rural School Grant under section 6212.

How does an SEA award funds to eligible LEAs?

An SEA awards funds to eligible LEAs either competitively or by formula. The formula requirements are set forth in section 6221(b)(2).

For what purposes may the grant funds be used?

Funds under this program may be used for –

- Teacher recruitment and retention
- Teacher professional development
- Educational technology as described in Part D of Title II
- Parental involvement activities
- Activities authorized under Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Activities authorized under Part A of Title I (Improving the Academic Achievement of Disadvantaged Children)
- Activities authorized under Title III (Language Instruction for Limited English Proficient and Immigrant Students)

What if an SEA chooses not to participate in the program?

If an SEA chooses not to participate in the program, the Secretary may use the SEA's allotment to award grants directly to eligible LEAs in that State either competitively or by formula for the purposes defined above. (Eligible LEAs in non-participating States are referred to as "specially qualified agencies" in the legislation.)

When must ADA data for eligible LEAs be submitted to the Department?

In order that the Secretary can calculate the amount of each State's allotment on a timely basis, the legislation requires that ADA data for eligible LEAs be submitted to the Department not later than March 1 of each year. The Secretary is requesting that SEAs submit the ADA data to the Department, not later than March 1, on behalf of eligible LEAs in the State.

What accountability requirements apply to districts participating in the Rural and Low-Income School Program?

The accountability requirements in section 6224(d) and (e) apply to districts participating in this program. These requirements -- in which participating LEAs must administer assessments consistent with section 1113(b)(3) of Title I and States (or the Secretary, in the case of specially qualified agencies) must determine whether LEAs have made adequate yearly progress -- are similar to those applicable to districts participating in the Alternative Uses of Funds Authority and the Small, Rural School Grant Program.

V. EDUCATION FLEXIBILITY PARTERSHIP ACT ("ED-FLEX")

What is Ed-Flex?

Ed-Flex is a program that authorizes the Secretary to delegate to State educational agencies (SEAs) with strong accountability safeguards the authority to waive requirements of certain State-administered formula grant programs. Once delegated Ed-Flex authority, an SEA may waive requirements that, in particular instances, may impede the ability of local educational agencies (LEAs) or schools in carrying out educational reforms and in raising the achievement levels of all students.

Ed-Flex was first enacted as a demonstration program in 1994, and initially authorized the Secretary to give Ed-Flex authority to six States. In 1996, revisions to the Ed-Flex legislation authorized the Secretary to delegate Ed-Flex status to six additional States. The Education Flexibility Partnership Act of 1999, which remains in effect, provides any State that meets the Ed-Flex eligibility requirements an opportunity to participate in Ed-Flex. Currently, ten States have Ed-Flex waiver authority under the 1999 Ed-Flex legislation (CO, DE, KS, MA, MD, NC, OR, PA, TX, and VT).

What changes did the No Child Left Behind Act of 2001 make to the Ed-Flex legislation?

Section 1073 of the No Child Left Behind Act updated the list of programs that are subject to Ed-Flex waiver authority. As revised, the Ed-Flex legislation permits Ed-Flex states to waive requirements of the following State-administered formula grant programs:

- Part A of Title I (other than sections 1111 and 1116) (Improving the Academic Achievement of Disadvantaged Children)
- Subpart 3 of Part B of Title I (Even Start Family Literacy Programs) (NOTE: Ed-Flex states may *not* waive requirements of the new Reading First or Early Reading First Programs (subparts 1 and 2 of Part B of Title I))
- Part C of Title I (Education of Migratory Children)
- Part D of Title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Part F of Title I (Comprehensive School Reform)
- Subparts 2 and 3 of Part A of Title II (Teacher and Principal Training and Recruiting)
- Subpart 1 of Part D of Title II (Enhancing Education through Technology)
- Subpart 4 of Part B of Title III (Emergency Immigrant Education, if this program is funded)
- Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Part A of Title V (Innovative Programs)
- The Carl D. Perkins Vocational and Technical Education Act

What are the basic conditions that a State must meet to be eligible to participate in the Ed-Flex program?

To be eligible to participate in Ed-Flex, a State must –

- Have developed and implemented the standards and assessments required under Title I;
- Hold districts and schools accountable for meeting the educational goals described in their local waiver applications and for engaging in technical assistance and corrective actions consistent with Title I for districts and schools that do not make adequate yearly progress; and
- Waive State statutory or regulatory requirements relating to education while holding districts and schools that are affected by the waivers accountable for the performance of students.

The No Child Left Behind Act did not change the Ed-Flex eligibility provisions, which link Ed-Flex eligibility to compliance with Title I assessment and accountability requirements. However, substantial changes have been made to the Title I requirements. The Department is preparing supplemental Ed-Flex guidance that will address the impact of the new Title I requirements on an SEA's eligibility for Ed-Flex.

VI. ESEA SECRETARIAL WAIVERS

(ESEA Section 9401)

Does the ESEA authorize the Secretary to grant waivers of ESEA requirements?

Yes. Section 9401 of the ESEA authorizes the Secretary to waive ESEA requirements applicable to State educational agencies (SEAs), local educational agencies (LEAs), Indian tribes, or schools, subject to the limitations and criteria in the legislation. The waiver provisions are very similar to the provisions in Section 14401 of the predecessor ESEA.

What programs are covered by the Secretary's section 9401 waiver authority?

The waiver authority applies to any ESEA program that provides funds to SEAs, LEAs, Indian tribes, or schools, except Impact Aid programs under Title VIII.

What information must be included in a waiver request?

Each request for a waiver must –

- Identify the Federal programs affected by the waiver;
- Describe which Federal requirements are to be waived and how the waiver will increase the quality of instruction for students and improve the academic achievement of students;
- Describe, for each year, specific, measurable educational goals, in accordance with section 1111(b), for the SEA (if applicable) and each LEA, Indian tribe, or school that would be affected by the waiver and the methods to be used to measure annually progress for meeting those goals and outcomes;
- Explain how the waiver will assist the SEA (if applicable) and each affected LEA, Indian tribe, or school in reaching those goals; and
- Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

Is a waiver applicant required to provide interested parties with notice of its waiver request?

Yes. Waiver applicants must meet the relevant notice requirements in section 9401(b)(3) of the legislation.

Are there certain requirements that the Secretary may not waive?

Yes. The waiver limitations (in section 9401(c)) are the same as those in the predecessor waiver legislation, with the addition of a new restriction (similar to that applicable to Ed-Flex States) that precludes the Secretary from waiving requirements relating to the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of Title I, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in that school attendance area or school is within 10 percentage points of the percentage of children from low-income families in the lowest eligible Title I school attendance area or school.

For what period of time may a waiver be granted?

The Secretary is authorized to grant a waiver for a period of up to 4 years. The period may be extended if the Secretary determines that the waiver has been effective in enabling the recipient to carry out the activities for which the waiver was requested, the waiver has contributed to improved student achievement, and the extension is in the public interest.

Are there reporting requirements applicable to waiver recipients?

Yes. Waiver recipients must submit reports as required under section 9401(e).

VII. CONSOLIDATION OF STATE AND LOCAL ADMINISTRATIVE FUNDS

(ESEA Sections 9201 and 9203)

1. SEA CONSOLIDATION

What flexibility does the ESEA provide to a State educational agency (SEA) regarding consolidating administrative funds?

An SEA may consolidate funds specifically made available to it for state administration under any ESEA program, as well as other programs that the Secretary may designate. An SEA may consolidate State administrative funds only if it can demonstrate that the majority of its resources are derived from non-Federal sources. (NOTE: Under the predecessor ESEA statute, an SEA could consolidate only those State administrative funds made available under Title I, Goals 2000, and "covered programs" as defined in the predecessor ESEA.)

For what purposes may an SEA use consolidated State administrative funds?

An SEA may use consolidated State administrative funds to administer the programs included in the consolidation, and for administrative activities designed to enhance the effective and coordinated use of funds under those programs. In addition, an SEA may use the funds to develop the standards and assessments required under Title I.

What if an SEA does not use all of the funds made available for administration?

If an SEA does not use all of the funds made available for administration, the SEA may use those funds during the applicable period of fund availability as funds available under one or more of the programs included in the consolidation.

2. LEA CONSOLIDATION

What flexibility does the ESEA provide to a local educational agency (LEA) regarding consolidating administrative funds?

In accordance with any regulations issued by the Secretary and with approval of its SEA, an LEA may consolidate and use for the administration of one or more programs under the ESEA (as well as other programs that the Secretary may designate) not more than the percentage, established in each program, of the total available for the LEA for administration under those programs. (NOTE: Under the predecessor ESEA statute, an

LEA could consolidate only those administrative funds made available under "covered programs" as defined in the predecessor ESEA.)

Within a year of enactment of the No Child Left Behind Act and in collaboration with LEAs in the State, each SEA must establish procedures for responding to LEA requests to consolidate administrative funds and for establishing limitations on the amount of funds under those programs that can be used for administration on a consolidated basis.

For what purposes may an LEA use consolidated administrative funds?

An LEA may use consolidated administrative funds to administer the programs included in the consolidation and for uses, at the district and school levels, designed to enhance the effective and coordinated use of funds under those programs.

What limitations apply to LEAs that consolidate administrative funds?

An LEA that consolidates administrative funds for any fiscal year may not use any other funds under the programs included in the consolidation for administration for that fiscal year.

VIII. CONSOLIDATED APPLICATIONS

(ESEA Sections 9301 through 9306)

May States seek funding under ESEA formula grant programs through submission of a consolidated application?

Yes. Sections 9301 and 9302 offer states the option of seeking funding under most ESEA formula grant programs through consolidated applications or plans instead of through individual program plans or applications that the law otherwise would require.

Do local educational agencies (LEAs) have the option of seeking funding through submission of consolidated local applications or plans?

Yes. Section 9305 extends similar flexibility to LEAs. Furthermore, a State educational agency (SEA) that has an approved consolidated State application or plan may require LEAs in the State to submit consolidated local applications or plans under those programs included in the consolidated State application or plan. An SEA may not require LEAs to submit individual program applications or plans if they wish to submit consolidated applications.

What programs may be included in a consolidated application or plan?

"Covered programs" as defined in section 9101(13) may be included in a consolidated application or plan. They are programs under –

- Part A of Title I (Improving the Academic Achievement of Disadvantaged Children)
- Subpart 3 of Part B of Title I (Even Start Family Literacy)
- Part C of Title I (Education of Migrant Children)
- Part D of Title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- Part F of Title I (Comprehensive School Reform)
- Part A of Title II (Teacher and Principal Training and Recruiting)
- Part D of Title II (Enhancing Education Through Technology)
- Part A of Title III (English Language Acquisition, Language Enhancement and Academic Achievement)
- Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Part B of Title IV (21st Century Community Learning Centers)
- Part A of Title V (Innovative Programs)
- Subpart 2 of Part B of Title VI (Rural and Low-Income School Program)

The Secretary is also authorized to designate other programs that may be included in a consolidated application or plan.

What are the Department's plans for implementing the consolidated State application provisions?

On January 4, 2002, the Department published in the *Federal Register* a notice requesting public comment on its initial plans for implementing the consolidated State application provisions (as well as the consolidated annual reporting provision). See 67 Fed. Reg. 571-574. The Department expects to publish in February, for public review and comment, a separate notice in the *Federal Register* proposing criteria and procedures to govern the consolidated application and annual State report.

IX. SCHOOLWIDE PROGRAMS

(ESEA Section 1114)

What is the purpose of schoolwide programs?

The purpose of schoolwide programs is to allow a school to use resources effectively and efficiently to undertake comprehensive reform of the entire educational program in the school to assist all children, particularly the lowest achieving children, to meet the high state academic achievement standards.

What is the minimum poverty threshold required for implementing schoolwide programs under the reauthorized ESEA?

The minimum poverty threshold required for implementing schoolwide programs under the reauthorized ESEA is *40 percent*. Section 1114 permits an LEA to consolidate and use funds under Part A of Title I, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from low-income families.

What are the general requirements governing schoolwide plans?

In consultation with its local educational agency (LEA) and its school support team or other technical assistance provider under section 1117, an eligible school that desires to operate a schoolwide program must develop (or amend, as applicable) a comprehensive plan for reforming the total instructional program in the school that –

- Describes how the school will implement the components of a schoolwide program as described in section 1114(b)(1);
- Describes how the school will use resources under Part A of Title I and from other sources to implement those components;
- Includes a list of state educational agency and LEA programs and other applicable Federal programs that will be consolidated in the schoolwide program; and
- Describes how the school will provide individual student academic results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required under section 1111(b)(3) of Title I.

Must a school account separately for funds from different Federal programs that are consolidated in a schoolwide program?

No. A school that consolidates and uses funds from different Federal programs to support a schoolwide program is not required to maintain separate fiscal accounting records, by program, that identify how those funds were spent, as long as the school can demonstrate that the schoolwide program as a whole addresses the intent and purposes of each program whose funds were consolidated.

Attachment B

Related Flexibility Provisions

- State Flexibility Authority ("State-Flex") - ESEA Sections 6141 through 6144
- Local Flexibility Demonstration Program ("Local-Flex") - ESEA Sections 6151 through 6156
- Transferability - ESEA Sections 6121 through 6123
- Rural Education Initiatives - ESEA Sections 6201 through 6234
- Education Flexibility Partnership Act ("Ed-Flex") - Education Flexibility Partnership Act of 1999
- ESEA Secretarial Waivers - ESEA Section 9401
- Consolidation Of State And Local Administrative Funds - ESEA Sections 9201 and 9203
- Consolidated Applications - ESEA Sections 9301 through 9306
- Schoolwide Programs - ESEA Section 1114

September 6, 2001

Honorable Shirley J. Holloway
Commissioner of Education
Alaska Department of Education
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894

Dear Commissioner Holloway:

I am writing in regard to Alaska's plan and timeline for meeting the final assessment requirements of Title I as described in the July 2, 2001 letter to the Department from your Deputy Commissioner Dr. Ed McLain. He requested Alaska receive a two-year timeline waiver to enable your State to complete its final assessment system.

Accompanying Dr. McLain's letter were copies of reports and guidelines that were not available when Alaska initially submitted final assessment system evidence. We will include the additional evidence in upcoming peer review activities and will provide you with a response and comment regarding the additional information.

We understand that it will take about two years for Alaska to study and implement either a Native Language assessment or linguistically appropriate accommodations for limited English proficient students (LEP), and that it will take about a year to change and implement the policy to include LEP students in Alaska's standards based assessments after one year of enrollment in Alaskan schools. Collection of accurate participation rate information for Alaska students taking your standards based assessments, and compilation of evidence that all high school students are being included in administrations of Alaska's high school graduation assessments, will take approximately one year. Disaggregation and reporting of student performance at the local, district and State levels will take about one year, as will the preparation of information on the alignment and technical quality of Alaska's benchmark, alternate and accommodated assessment instruments. Other issues such as evidence that performance standards are aligned with content standards, the determination of performance cut scores, and decisions regarding the weight and definition of adequate yearly progress, will take less than a year to complete.

In light of the information you have provided on how Alaska intends to meet the above requirements, I agree to grant a two-year waiver of the timeline for completion of Alaska's final assessment system. After completion of the required actions and a successful peer review, the Alaska assessment system can be approved.

I ask that Alaska provide quarterly updates regarding your progress in completing the remaining requirements. Please provide evidence of completion of all the requirements to ED's Title I office by February 28, 2003. The evidence should include such items as policy guidance to local districts, sample reports, or other documents that demonstrate the changes that have been made.

I am confident that Alaska will continue to advance State and local education improvement efforts, to improve student achievement, and to maintain strong accountability for results. We wish you well in your efforts to improve school and student performance in your state.

Sincerely,

Susan B. Neuman, Ed. D.

Letters from U.S. Department of Education
Alaska's Assessment System

Assistant Secretary



[Return to state-by-state listing](#)

This page last modified October 31, 2001 ([edg](#))

April 18, 2001

Honorable Shirley J. Holloway
Commissioner of Education
Alaska Department of Education
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894

Dear Commissioner Holloway:

It was a pleasure speaking with you about the outcome of the Department's review of Alaska's final assessment system under the Title I requirements of the Elementary and Secondary Education Act. We appreciate the effort Alaska made to prepare for the review and hope that the process provides useful feedback that will support your State's efforts to monitor student progress toward challenging standards.

Alaska has made significant progress in moving towards a standards-based assessment system. We were pleased to learn that your standards-based assessments and high school graduation qualifying examinations are being administered in reading, mathematics, and writing on an annual basis. Alaska meets the requirements of the Title I statute on one of the five final assessment review criteria, the establishment of a full assessment system.

However, the evaluation conducted by external peer reviewers and U.S. Department of Education (ED) staff found that, in order to fully meet the requirements of Title I, Alaska must:

1. Submit evidence that performance standards have been developed and implemented and are aligned with Alaska content standards and the State's standards-based assessment program. Cut scores associated with performance levels are also needed.
2. Develop native language assessments and/or linguistically appropriate assessment accommodations that allow for the most valid and reliable measures of student performance, to the extent practicable. Alaska provides some instruction to Yup'ik and Inupiaq students at third grade in their native Alaskan languages but does not assess students in their language or in a manner that is likely to yield the most valid and reliable results on the standards-based assessments for those students.
3. Change the policy that permits limited English proficient (LEP) students to be excluded from the Alaska final assessment system for two years to a policy that allows for a maximum one year-exclusion. Documentation should be provided of the revised policy showing when it was approved and by whom.

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4. Provide ED with accurate participation rate data for all students including the rates for students with disabilities (SWD) and LEP students. For each of the grades 3, 6, 8, and 10, the data must include the number of students enrolled in each of the aforementioned categories, the number who took the standard version of the tests in each grade, the number who took the standard test with accommodations, the number who took the alternate assessment, and the number who did not take

the tests. The primary reasons that students did not take the tests should be described, and the number of students falling under each explanation provided.

5. Provide evidence that all Title I high school students are being included in administrations of their high school qualifying exams and that the results for those students are being reported and used for school, local educational agency (LEA), and State accountability.
6. Provide to ED evidence of the alignment of Alaska standards with the State's benchmark assessments. Test specifications for the benchmark tests, which show the match between test items and Alaska standards, need to be provided. An external alignment study can help to establish the alignment of Alaska standards with the State's assessment system.
7. Provide additional information on the reliability of the benchmark assessments at the school and district levels and on the construct, consequential, and predictive validity of the benchmark assessments. Alaska's alternate assessments and accommodations used with SWD also need to be examined in terms of their technical quality.
8. Disaggregate and report student performance data in the categories required by the Title I statute (gender, race/ethnicity, English proficiency status, economic status, migrant status, and disability status). Alaska should submit to ED its plan to report disaggregated student performance to the public.
9. Indicate how Alaska will evaluate the accountability of small schools.
10. Provide to ED information on the weight that their final assessment system will contribute to the determination of "adequate yearly progress."

We understand that Alaska will need additional time to meet the remaining Title I requirements. Therefore, you may request, within 45 days, a waiver of the timeline for completion of Alaska's final assessment system to ensure the State's continued eligibility for receiving Title I funds. In your request, please include an action plan that includes quarterly milestones. For example, you will need to specify in the plan such things as the steps or timeframes for developing procedures to ensure that elementary-level native Alaskans have the opportunity to take the standards-based assessments in a form that is most likely to yield the most valid and reliable results. The timeline should also include

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such details as timeframes for ED review, on a periodic basis, of specific steps taken by Alaska to meet the requirements of the Title I statute. Projected dates for Board action on the LEP exemption policy revision should also be included.

The Department's Title I staff will monitor progress against the timeline. Failure of the State to complete activities or products as scheduled may make it necessary for this office to consider the other courses of action available to the Department. Potential actions include requiring Alaska to enter into a compliance agreement in order to remain eligible to receive Title I funds or initiating proceedings to withhold Title I funds from the State.

We will confer full approval of Alaska's assessment system upon completion of the actions described in your plan. Enclosed with this letter are detailed comments from the peer review team that evaluated the Alaska assessment documents. I hope you will find the reviewers' comments and suggestions helpful. Our Title I staff will be pleased to work with you and your staff to achieve consistency between the Title I requirements and the Alaska assessment system. We wish you well in your efforts to improve school and student performance in your State.

Sincerely,

Thomas M. Corwin
Acting Deputy Assistant Secretary

Enclosure



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This page last modified April 27, 2001 (sbw)