

ESEA Flexibility Waivers Summary

The Michigan Department of Education is applying for certain waivers for flexibility related to the current requirements of the Elementary and Secondary Education Act (ESEA). A summary of these proposed draft waiver requests is provided below:

1. Michigan is requesting to move from the current Annual Objective Measures (AMOs) for achievement in mathematics and reading as a means to determine Adequate Yearly Progress (AYP). Instead, Michigan will use the recently adopted career- and college-ready standards to measure achievement in reading/writing, mathematics, science, and social studies.
2. Michigan is requesting to waive certain requirements in ESEA section 1116 for Title I schools that have not made AYP to be consequently identified for improvement, corrective action, or restructuring. Instead, the new identification scheme for schools that do not meet AYP will be:
 - a. Priority Schools: Title I schools that are in the lowest performing 5% of schools statewide.
 - b. Focus Schools: The next 10% of Title I schools that have the biggest achievement gap between the highest and lowest performing subgroups of students.
 - c. Continuous Improvement Schools: All other Title I schools that are not Priority, Focus, or Reward Schools.
 - d. Reward Schools: Title I schools that have consistently high academic achievement, large growth in achievement or have demonstrated that they are beating the odds.
 - e. The schools would no longer face the consequences associated with school improvement, corrective action or restructuring designations nor be **required** to set aside 20% for SES and Choice transportation or 10% for professional development
3. Michigan is requesting to waive certain requirements in ESEA section 1116 that LEAs be designated as improvement, corrective action, or restructuring and not be required to engage in required activities associated with these designations.
4. Michigan is requesting to waive certain requirements in ESEA sections 6213 and 6224 that define how Title I funds are utilized in Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs when the school does not make AYP. This waiver will allow identified SRSA and RLIS schools more flexibility in how they spend Title I funds.
5. Michigan is requesting a waiver of the requirement in ESEA section 1114 that a school must have a poverty percentage of 40 percent or more in order to operate a schoolwide Title I program. Priority and focus schools that meet all other requirements except for the 40% poverty rate may apply to operate a schoolwide Title I program.
6. Michigan is requesting a waiver of the requirement in ESEA section 1003(a) for States to only distribute certain reserved funds to schools identified for improvement, corrective action, or restructuring. Instead, the waiver will allow these funds to be distributed to Priority and Focus schools.
7. Michigan is requesting a waiver of the provision in ESEA section 1117 that allows the State to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. Instead, the waiver will allow the State to award these funds to any reward school.
8. Michigan is requesting a waiver of ESEA section 2141 that requires improvement plans if a school does not have 10% highly qualified teachers. Instead, the waiver requires the State to develop and implement new evaluation and support systems for teachers outside the realm of the “highly qualified” requirements.

9. Michigan is requesting a waiver of ESEA section 6123 that limits the amount of funds the State or local school districts may transfer from certain ESEA programs to other ESEA programs. With this waiver, the State and local school districts may transfer up to 100 percent of the other ESEA funds (Title II-A, Title II-D, or 21st Century program funds) it receives between these programs or into Title I, Part A.
10. Michigan is requesting a waiver of the requirements in ESEA section 1003(g) and the definition of a Tier I school in the School Improvement Grants (SIG) final requirements. Instead, the waiver will allow the State to award SIG funds to local school districts to implement one of the four SIG models in their Priority Schools.

Below is a chart that explains, for each of the waivers described above, how the receipt of the waiver would provide flexibility and benefit the districts, schools, and students of Michigan.

Elementary and Secondary Education Act (ESEA) Flexibility Waivers Summary

Waiver	Current Requirement Under No Child Left Behind (2001)	Flexibility Provided Upon Receipt of Waiver	Benefit of Receiving the Waiver
1	All schools must have 100% of students proficient on state assessments by 2013-14.	The Michigan Department of Education (MDE) may set new measures by determining new proficiency targets and timelines.	The MDE will establish new ambitious and achievable annual measurable objectives based on current levels of achievement and ambitious goals for growth over the next ten years.
2	Schools that fail to make adequate yearly progress (AYP) for two or more consecutive years are identified for improvement, corrective action, or restructuring.	Districts will no longer be required to identify schools for improvement, corrective action, and/or restructuring based on AYP status.	The MDE will develop and implement a system of differentiated accountability and support that focuses resources on the lowest performing districts and schools.
3	Districts that fail to make adequate yearly progress (AYP) for two or more consecutive years are identified for improvement or corrective action.	The MDE will no longer be required to identify districts for improvement or corrective action based on AYP status.	The MDE will develop and implement a system of differentiated accountability and support that focuses resources on the lowest performing districts and schools.
4	The spending of certain funds for rural schools is dependent on the district's AYP status.	A district receiving funds to support rural schools may use these funds for any authorized purpose, regardless of the district's AYP status.	Rural districts will be able to fund ongoing federal programs without penalty for not making AYP.
5	A school must have at least 40% of students in poverty in order to operate a schoolwide Title I program.	Any school identified as a Priority School or Focus School may operate a schoolwide Title I program, regardless of the percentage of students in poverty, in order to implement interventions consistent with identified turnaround principles and local needs.	Districts and schools will be able to develop, implement, and fund school turnaround efforts that enhance the entire educational program in the school.
6	A state must reserve and spend a certain percentage of federal money received under ESEA to support schools identified for improvement, corrective action, or restructuring as a result of not making AYP for two or more consecutive years. This support includes requirements such as school choice and the provision of supplementary educational services.	The MDE may allocate these federal funds to support any school identified as either a Priority School or a Focus School.	Funds will be targeted to the lowest achieving 5% of schools and the schools with the largest achievement gaps.
7	Federal funds received by the state for the recognition of schools must be used to reward schools that significantly close achievement gap(s) and/or exceed AYP targets for two or more consecutive years.	These federal funds may be used to provide financial awards to any school identified as a Reward School.	Schools that demonstrate the greatest proficiency, growth, and/or that "beat the odds" will receive deserved recognition.
8	A district that does not meet its Highly Qualified Teacher (HQT) targets must develop an improvement plan that must be monitored by the MDE. The district must spend certain federal funds to support implementation of the plan.	Districts will no longer have to develop an improvement plan for monitoring by the MDE and will have flexibility in spending funds that would otherwise have to be spent on implementation of the improvement plan.	The MDE and local districts will be able to focus on developing and implementing meaningful evaluation and support systems that focus on ensuring "effective" rather than just "qualified" educators.

Waiver	Current Requirement Under No Child Left Behind (2001)	Flexibility Provided Upon Receipt of Waiver	Benefit of Receiving the Waiver
9	Specific federal program funding must be spent only for the purpose(s) designated by specific sections of ESEA.	Both the MDE and local districts may transfer up to 100% of federal funds allocated by ESEA into Title I, Part A.	Districts and schools will have greater flexibility to use federal education funds to support local needs and priorities.
10	School Improvement Grant (SIG) funds may only be allocated by the state to districts to support schools not making AYP for two or more consecutive years.	SIG funds may be used to support the implementation of one of four specific school turnaround models in any school identified as a Priority School.	Funds will be targeted to the lowest achieving 5% of schools.