

ATTACHMENT 2

September 18, 2012 Agenda for the
Committee of Practitioners

and

Comments on Request Received from
LEAs and Other Stakeholders Regarding
the Notice of Intent to Apply for Waivers in
Accordance with Section 9401, P.L. 107-
110, No Child Left Behind Act of 2001

Title I Committee of Practitioners

SEDL First Floor Conference Room
4700 Mueller Blvd
Austin, Texas

AGENDA

September 18, 2012

Call to Order

- Welcome and Recognition
- Minutes of Previous Meeting

Committee Discussion Items:

- Adequate Yearly Progress
 - Update
 - Review of 2012 AYP Appeal Guidelines [Action Item: Recommendation requested.]
- McKinney-Vento Homeless Education Update
- Highly Qualified Teacher Update
- Division of School Improvement
- Grants Administration Update
- Other

Committee Action Items:

- Waiver Requests under Section 9401
- Review of Ed-Flex Individual Programmatic Waiver

Adjourn

Next Meeting

- November 27, 2012

All meetings begin at 9:00 AM. Agenda items will dictate ending times.

- | |
|---|
| <ul style="list-style-type: none">◆ Visitors are welcome to observe proceedings; however, discussion is limited to official members only.◆ Ex-officio members may participate in discussion; however, voting is limited to official members only.◆ Members who are absent may send a representative to participate in discussion; the representative may only vote in the member's place if the member gives a written proxy. |
|---|

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:06 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: TEA Waiver

Anita

From: PAMELA DETTWILER [<mailto:pdettwil@springisd.org>]
Sent: Thursday, September 06, 2012 2:30 PM
To: NCLB
Subject: TEA Waiver

To whom it may concern-

I am in total agreement with the state in seeking a waiver. I believe this outdated system of accountability needs to be changed. Holding Texas schools to the AYP standards with a new state assessment is unfair. We lose the good faith of our community when we are required to send a letter stating that we did not make AYP even though the state assessment standards have not yet been established. This makes no sense.

--

"Use what talents you possess; the woods would be very silent if no birds sang there except those that sang best. "

Henry Van Dyke

Pamela Dettwiler, Principal
McNabb Elementary School
pdettwil@springisd.org
281-891-8692

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:05 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Extremely low state average scores compromise meaningfulness of results

Anita

From: Christy Phillips [mailto:christy.phillips@wpisd.com]
Sent: Friday, September 07, 2012 10:41 AM
To: commissioner@tea.state.tx.us; NCLB
Subject: Fwd: Extremely low state average scores compromise meaningfulness of results

I believe this should have been sent to you initially, and you were inadvertently left off.

----- Forwarded message -----

From: Christy Phillips <christy.phillips@wpisd.com>
Date: Mon, Aug 27, 2012 at 2:18 PM
Subject: Extremely low state average scores compromise meaningfulness of results
To: sboesupport@tea.state.tx.us, research@tea.state.tx.us, commissioner@tea.state.tx.us, GeneralInquiry@tea.state.tx.us, curriculum@tea.state.tx.us, teainfo@tea.state.tx.us, escsupport@tea.state.tx.us, eip@tea.state.tx.us, sped@tea.state.tx.us, nclb@tea.state.tx.us, performance.reporting@tea.state.tx.us, pmidivision@tea.state.tx.us, pir@tea.state.tx.us
Cc: thomas@thomasratliff.com, gmcjhs@aol.com, Charlie@charliegarza.com

Texas is spending more time and money on state testing than most any state in the nation. So what are we getting in return? While I have for many years been in favor of state testing as a means of improving education for children, I believe that the current testing system is not providing adequate and valid usefulness to drive educational decisions nor evaluate students, schools, or our state education system. The reason for this I believe is mainly that, in our quest to increase rigor, we have created tests that have state averages, and sometimes passing levels, at around 50%. After watching this trend, I find it difficult to reconcile my general mathematical/statistical knowledge and basic common sense with the current prevailing view that our state testing system is extremely valuable in promoting better educational outcomes in Texas. As a secondary science teacher, I was taught that my students' classroom test scores should average at least 75% in order to confirm that I had adequately taught the material. If the average score was too high, then I did not make the test rigorous enough to make distinctions between those students who learned the most and those who learned the least. Likewise, if the average score was too low, then I could not make appropriate distinctions between these groups either. Low averages also reflected poor mastery of what I had expected students to learn, while high averages reflected that I probably didn't have high enough expectations. So the most useful test results were those which were well-designed and produced averages along a fairly bell-shaped distribution curve in the 75-85 range. There should be few As and few Fs. While it appears that Pearson does an adequate job on test design and matching the testing material to our curriculum, there remains a problem. Might it be that our curriculum is possibly moving faster than the average students can learn? We are congratulating ourself on increasing rigor, but at the expense of mastery. This might be why students seem to know a little about a lot, while sacrificing true mastery of the huge majority of the material. Granted, we can't go back to just teaching a few basics, but we need to have some balance between rigor and mastery, as the current trend is weighted heavily in favor of rigor, even though we claim that students have demonstrated mastery on a multiple-choice test with only 52% mastery on the curriculum-based measure. Furthermore, the average percentag scores on the STAAR Math test for special education students have been averaging near 30%, therefore making their their test data rather meaningless, since students could obtain a score of approximately 25% if they merely guessed at each question. Will TEA provide our schools and the

public with appropriate interpretation guidance about these results, or will they allow the current pattern of misinterpretation of results to continue to flourish because it is politically easier to do so? I, as well as many of my colleagues, would hope that you do not choose the latter cowardly option, as our children and our state deserve better.

Christy Phillips, Educational Diagnostician (and concerned tax payer)

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:05 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver Comment

Anita

From: David Velky [<mailto:david.velky@rockspringsisd.net>]
Sent: Friday, September 07, 2012 11:08 AM
To: NCLB
Cc: Laura Strube (laura.strube@netxv.net); JOYCE SPROTT (joyce.sprott@netxv.net); robin.harmon@netxv.net
Subject: Waiver Comment

Dear Mr. Williams:

I strongly support your application for a waiver from the requirements of No child Left Behind. The burdensome requirements of AYP are an example of unnecessary federal duplication of state accountability processes.

In Texas, we have a thorough and effective accountability system that is rigorous and curriculum-based. In addition, our state system has had a 30-plus-year tradition of *incremental* increases in standards. This gradual approach to raising standards has, in general, served our state and local education agencies well as we seek to improve student achievement and college readiness.

The AYP system, however, is now increasing accountability requirements at a rate that is unwise. In one year, we have gone from having few campuses miss AYP to having a large majority of districts facing AYP issues. This seems to be an indication that the federal system is out-of-touch with our local and state issues.

Thank you for supporting a waiver from selected provisions of the No Child Left Behind Act.

David Velky, Superintendent
Rocksprings Independent School District

"Rocksprings ISD envisions our students becoming productive, successful, self-reliant, life-long learners."---Mission Statement, RISD

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:04 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: wavier request

Anita

From: Grubbs, Betty [<mailto:betty.grubbs@birdvilleschools.net>]
Sent: Friday, September 07, 2012 11:09 AM
To: NCLB
Subject: wavier request

As a Title I administrator, I strongly support the waiver request for Texas. Our district serves over 15 Title I campuses and receives over \$4,000,000 in Title I funds. Most of our Title I campuses are either Recognized or Exemplary under the current rating system. That being said, three of our campuses entered Title I school improvement this year—even though their scores would have been sufficient for each campus to be rated Recognized.

The requirement to pull Title I funds to pay for transportation has ultimately resulted in our students receiving less services. The purpose of Title I is to provide a quality instruction for students living in poverty. Transporting student to another campus does not ultimately lead to improvement, yet we are required to hold back up to 20% of our entitlement for this purpose.

The NCLB requirements have become untenable and are a detriment to the intent and purposes of Title I.

I strongly support the waiver request.

Betty Grubbs, PhD
Director of Special Services
Birdville ISD
817-547-5740



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Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:04 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Please Keep funding after school and Summer Programs

Anita

From: Quick Draw Photo Booth [<mailto:info@quickdrawphotobooth.com>]
Sent: Friday, September 07, 2012 2:52 PM
To: NCLB
Subject: Please Keep funding after school and Summer Programs

Hello,

My name is Aron Taylor. For four years I have been teaching after school programming as a teaching artist with Creative Action (formerly called Theatre Action Project). I would like to share the great success that my students have accomplished as a result of the programming offered with funding to 21st CCLC.

My job with Creative Action is to activate the emotional, academic, and social development of young people. I have taken many steps to ensure the success of my job. For one, I have always sought out the email contacts of my students' daytime teachers, so that we can be in communication about the expectations and development of their students. Each of my lessons provide my students opportunities to be critical thinkers, creative artists, courageous allies, and confident leaders. We do all of this using art! Plenty of art. This keeps the kids well engaged in what they are doing. We really capture their imagination and make learning fun.

While our programming does promote higher scores on standardized testing, we are not spending our time reviewing and cramming for such exams, thus allowing the atmosphere of our classes to be a bit more loose - and focused more upon the importance of personal responsibility and choice.

I appreciate TEA's support of after school and summer learning through funding, training, and technical assistance for ACE 21st CCLC and I would very much like to see this support continue on for many years to come.

Thank you for your time,

Aron Taylor

Visual/Performance Artist

Quick Draw Photo Booth

512.731.7124

Like us on Facebook!

 Facebook

Find us on Yelp!

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:04 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: 21st Century Community Learning Centers

Anita

From: Rita De Young [<mailto:rdeyoung@campfirelonestar.org>]
Sent: Friday, September 07, 2012 7:02 PM
To: NCLB
Cc: Hoff, Susan; Tanya McDonald; Janet Mockovciak
Subject: 21st Century Community Learning Centers

NCLB Administrators:

I appreciate TEA's support of afterschool and summer learning through funding, training, and technical assistance for Texas Afterschool Centers on Education (ACE) 21st Century Community Learning Centers (21st CCLC).

- Texas ACE 21st CCLC has created a rich system of high-quality learning afterschool and summer experiences that support and complement what is offered during the school day.
- Research conducted by Dr. Deborah Vandell at the University of California Irvine and others shows that afterschool and summer programs reduce summer learning loss and improve school attendance and engagement. Studies of programs in Texas document increases in standardized test scores and grade promotion.
- Afterschool programs can provide a different kind of learning that is engaging and experiential and helps students, including those for whom traditional classroom learning is ineffective.

Eliminating afterschool programs will immediately put hundreds of people in DISD programs out of work. We encourage TEA to seek funding in other ways that won't further damage disadvantaged children who need help the most.

Sincerely,
RITA DE YOUNG
Chief Executive Officer



Camp Fire Lone Star
Direct [214] 824 1122
Fax [214] 824 1148
Find us on Facebook: [facebook.com/campfirelonestar](https://www.facebook.com/campfirelonestar)
Find us on the Web: www.campfireusadallas.org

Light the fire within

Lenz, Gene

From: NCLB
Sent: Tuesday, September 11, 2012 7:38 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Message from a Web Site Viewer - AYP

Anita

From: Performance Reporting
Sent: Monday, September 10, 2012 4:18 PM
To: NCLB
Subject: Re: Message from a Web Site Viewer - AYP

For your response, please.

Thank you
Performance Reporting

From: Rick Teran [<mailto:RTeran@childressisd.net>]
Sent: Friday, September 07, 2012 11:05 AM
To: Performance Reporting
Subject: Message from a Web Site Viewer - AYP

The state is applying for a waiver of portions of the AYP process. However it is not clear as to what the waiver means to a local district. I have had some conversations with fellow superintendents since this news has come out. They asked me if I would contact your office and try to get a better understanding of what the waiver means to a individual district.

Thank you for your help.

Rick Teran
Superintendent
Childress ISD

Joshua 24:15
"As for me and my house we will serve the Lord"

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:03 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: waivers

Anita

From: Bender, Karen [<mailto:benderk@chapelhillisd.org>]
Sent: Monday, September 10, 2012 8:15 AM
To: NCLB
Subject: waivers

Mr. Lenz,

I just wanted to thank you for your interest in getting the Federal system "fixed" so it benefits all the students of Texas. I have been in the classroom for 20 years (and now as an administrator) and I have seen many things come and go. We need a strong voice in Texas who understands the hardships our teachers and students face due to the implementation of some phases of NCLB. Thank you for your efforts on our behalf.

Karen Bender

Karen Bender
Assistant Principal
Chapel Hill High School
13172 Hwy. 64 East
Tyler, Tx. 75707
903-566-2311 ext. 1415

Lenz, Gene

From: NCLB
Sent: Monday, September 10, 2012 1:03 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: input on No Child Left Behind Waivers

Anita

From: Natalie Goodnow [<mailto:nataliemgoodnow@gmail.com>]
Sent: Monday, September 10, 2012 9:07 AM
To: NCLB
Subject: input on No Child Left Behind Waivers

To whom it may concern:

I appreciate TEA's support of afterschool and summer learning through funding, training, and technical assistance for Texas Afterschool Centers on Education (ACE) 21st Century Community Learning Centers (21st CCLC). Texas ACE 21st CCLC has created a rich system of high-quality learning afterschool and summer experiences that support and complement what is offered during the school day. Research conducted by Dr. Deborah Vandell at the University of California Irvine and others shows that afterschool and summer programs reduce summer learning loss and improve school attendance and engagement. Studies of programs in Texas document increases in standardized test scores and grade promotion. What's more, afterschool programs can provide a different kind of learning that is engaging and experiential and helps students, including those for whom traditional classroom learning is ineffective.

As a an afterschool teacher and as an administrator who has worked to mentor and train other afterschool teachers, I have seen countless examples of the positive impact that afterschool programs have in central Texas. One of my favorites was a student at Creedmoor Elementary who, at a ceremony at the end of the school year, thanked the afterschool program coordinator for all her work because "ACE Afterschool was the most fun thing I ever did in my life!" And I know it wasn't just fun; I saw those students learn an awful lot about their community, themselves, healthy living, respecting the environment, and they also received help with homework and in developing study skills, too. Please help us keep afterschool programs thriving.

Natalie Goodnow

Lenz, Gene

From: NCLB
Sent: Tuesday, September 11, 2012 7:37 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver

Anita

From: GAIL MACARI [<mailto:gailm@springisd.org>]
Sent: Monday, September 10, 2012 7:17 PM
To: NCLB
Subject: Waiver

I am strongly in support of waiver.

Lenz, Gene

From: NCLB
Sent: Tuesday, September 11, 2012 7:35 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: NCLB Waiver Questions

Anita

From: Michelle Bonton [<mailto:mlbonton@yahoo.com>]
Sent: Monday, September 10, 2012 9:47 PM
To: NCLB
Subject: NCLB Waiver Questions

How will the HQT waiver affect charter school relative to HQT. Federal law only requires teachers to have a bachelor's degree. The state only requires charter school teachers to have a high school diploma. How will the waiver impact this? Will charter school teachers go back to only needing a bachelor's degree. Will there be another way for charter school teachers to demonstrate competency outside of the certification exams?

Additionally, will the AYP portion of the waiver impact AYP ratings received as a result of 2011-12 state mandated assessments? If so, how?

TKS!

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:19 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: USDA Waiver

Anita

-----Original Message-----

From: Stephanie Schilling [<mailto:stephanie.schilling@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 12:02 PM
To: NCLB
Subject: USDA Waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining. If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Thank you,
Stephanie Schilling

--
Stephanie Schilling
Hillcrest Elementary Principal
514 Pear Ave.
Dumas, Tx 79029
806-935-5629 school
806-934-1439 fax

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:20 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver Comment
Attachments: Waiver Comment.docx; carla_tafoya.vcf

Anita

-----Original Message-----

From: Carla Tafoya [<mailto:carla.tafoya@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 10:21 AM
To: NCLB
Subject: Waiver Comment

Please consider the attached comment on the NCLB waiver.
Thank you,
Carla L. Tafoya

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:21 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver

Anita

From: Stan Stroebel [<mailto:stan.stroebel@dumas-k12.net>]
Sent: Thursday, September 13, 2012 10:03 AM
To: NCLB
Subject: Comment regarding USDE Waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

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Stan Stroebel, Principal
Morningside Elementary
(806) 935-4153

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:21 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Support of AYP Waiver
Attachments: Waiver Comment-1.docx

Anita

-----Original Message-----

From: Mark Stroebel [<mailto:mark.stroebel@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 10:00 AM
To: NCLB
Subject: Support of AYP Waiver

Please find enclosed my support of the AYP Waiver.

To whom it may concern,

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Sincerely,
Mark Stroebel
Superintendent
Dumas ISD

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:21 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver

Anita

From: Majhaunta Edgmon [<mailto:majhaunta.edgmon@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 9:58 AM
To: NCLB
Subject: Comment regarding USDE Waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Majhaunta Edgmon
Dumas ISD
Special Services Director

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:22 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: "Comment regarding USDE Waiver"

Anita

-----Original Message-----

From: Andrea Cox [<mailto:andrea.cox@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 9:33 AM
To: NCLB
Subject: "Comment regarding USDE Waiver"

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

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Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:22 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE waiver

Anita

-----Original Message-----

From: terri.davis [<mailto:terri.davis@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 9:31 AM
To: NCLB
Subject: Comment regarding USDE waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

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Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:23 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding NCLB Waiver

Anita

From: Kelly Legg [<mailto:kelly.legg@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 9:20 AM
To: NCLB
Subject: Comment regarding NCLB Waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

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Thank you,
Kelly Legg
Assistant Superintendent for Instruction
Dumas ISD

--
Kelly Legg
Assistant Superintendent for Instruction
Dumas ISD
806-935-6461

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:27 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: USDE Texas Waiver

Anita

From: Pamela Zoda [<mailto:pamelazoda@gmail.com>]
Sent: Wednesday, September 12, 2012 3:00 PM
To: NCLB
Subject: USDE Texas Waiver

Dear Hard Working State Official,

I am writing in support of the USDE Waiver for Texas regarding the current dualing and opposed accountability systems in place. While the intent of both the Federal and State standards are to focus schools and hold everyone involved accountable, the intent is lost in the message. It is difficult to explain how your child's campus/district can be exemplary or recongized and at the same time the same campus/district missed adequately yearly progress. Our district is one of the largest in the state. We are growing by about 1,500 students each year for the past 7 years. We were one of the largest school district in the state of Texas to earn Recognized for 2011 (Exemplary in 2010) but in 2012 our district missed AYP in 2 indicators while AEIS ratings were unavailable.

AYP seems to penalize districts that are large and diverse because larger school districts will certainly have enough students to make a group. I can guarantee you that our district has moved mountains this past school year (and will continue to do so no matter what accountability system is in place). While we will continue to work on our identified areas of need, I believe Texas needs to join the team! We need one accountability system that communicates a clear and consistent message to schools, school leaders, school boards, and the community. Our targets must be realistic and high while using some sense of logic. I am sure a 100% passing standard sounded good in a sound bite but we are talking about public school. We are educating all kids to the highest of their potential (not just the governor's son whom I am sure is in private school)--all kids, in all academic areas with the goal of creating college ready and productive citizens. Help us save Texas by creating a system that is well thought out, targeted, and makes sense.

Regards,

Pam Zoda
Parent, Public School Administrator (17 years in education), Tax Payer

Lenz, Gene

From: NCLB
Sent: Thursday, September 13, 2012 2:28 PM
To: Lenz, Gene; Green, Cory
Subject: FW: Comment regarding USDE Waiver
Attachments: sharla_wilson.vcf

Anita

From: Sharla Wilson [<mailto:sharla.wilson@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 2:27 PM
To: NCLB
Subject: Comment regarding USDE Waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers, and students, especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress, and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Thank you,
Sharla Wilson

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:51 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver

Anita

-----Original Message-----

From: Sally Heaton [<mailto:sally.heaton@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 2:59 PM
To: NCLB
Subject: Comment regarding USDE Waiver

TEA Personnel:

I support TEA's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers, and students, especially given the unattainable 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state standards and assessment. The state system is better equipped to measure the growth, progress, and college readiness of our Texas students. The new state accountability system, currently being developed, will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Thank you,
Sally Heaton

--

Sally Heaton
Secondary Curriculum Director
Testing Coordinator
Dumas ISD
sally.heaton@dumas-k12.net
806.935.6461

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:51 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver
Attachments: Waiver Comment

Anita

-----Original Message-----

From: Frances Whitson [<mailto:frances.whitson@mail.dumas-k12.net>]
Sent: Thursday, September 13, 2012 6:58 PM
To: NCLB
Subject: Comment regarding USDE Waiver

--

Frances Whitson
Elementary Curriculum Director
Dumas ISD
Dumas, TX 79029

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:43 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: comment regarding USDE waiver
Attachments: kellysullivan_carrell.vcf

Anita

-----Original Message-----

From: Kelly D. Carrell [<mailto:kellysullivan.carrell@mail.dumas-k12.net>]
Sent: Friday, September 14, 2012 10:42 AM
To: NCLB
Subject: comment regarding USDE waiver

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining. If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:42 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment Regarding USDE Waiver
Attachments: philip_rhodes.vcf

Anita

-----Original Message-----

From: Philip Rhodes [<mailto:philip.rhodes@mail.dumas-k12.net>]
Sent: Friday, September 14, 2012 11:05 AM
To: NCLB
Subject: Comment Regarding USDE Waiver

As a middle school principal, I am in complete support of the Texas Education Agency's recent decision to submit a waiver for NCLB. Our state accountability system is stringent enough without the extra burden of a completely unattainable federal accountability system also. It is my hope that as our state system of accountability continues to be developed it will continue to measure individual student growth as well as college readiness. The new state system will hopefully provide districts and campuses a more diagnostic analysis of student progress and not such a school wide punitive system like the one currently in place under NCLB.

If Texas educators were allowed to focus on one system of accountability that takes into account individual student improvement, language acquisition, special needs learners, and college readiness, I believe we could have a beneficial diagnostic tool. I am completely in favor of an accountability system in Texas; however, the one currently in place under No Child Left Behind is extraordinarily flawed and only serves to punish schools for not meeting unrealistic goals. This punitive approach only adds undue anxiety for the entire school community. I appreciate the Texas Education Agency taking a stand and applying for a waiver for No Child Left Behind.

Sincerely,
Philip Rhodes
Dumas Intermediate School
Dumas, TX 79029

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:41 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver

Anita

From: Cody Strickland [<mailto:cody.strickland@mail.dumas-k12.net>]
Sent: Friday, September 14, 2012 3:03 PM
To: NCLB
Subject: Comment regarding USDE Waiver

To Whom it May Concern:

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers, and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress, and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will, in turn, increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Cody Strickland
Assistant Principal
Dumas Intermediate School

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:38 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver Comments

Anita

-----Original Message-----

From: Deann Lee [<mailto:dlee@ParisISD.net>]
Sent: Monday, September 17, 2012 9:20 AM
To: NCLB
Cc: Deann Lee
Subject: Waiver Comments

I commend Governor Perry, Commissioner Williams, and TEA for realizing the detrimental effects of the present NCLB/ESEA law on the students of Texas and submitting these waivers.

The summary available in the To the Administrator Addressed letter is excellent. However, the points could be interpreted various ways. Therefore, my comments are based solely on the information available in the TAA and my understanding could be incorrect.

Bullet 1- I believe this is addressing the fact that the present formula favors large, urban districts due to sheer numbers rather than on eligibility and need. I applaud the recognition of this and the desire to provide a more equitable formula.

2- This year's change to more systemic improvement instead of campus-based only was extremely intuitive. Funds to support those efforts are needed, so this change would be welcomed.

3- My understanding is that the waiver wouldn't be submitted until after the new state accountability system is approved by the Commissioner. Is that correct? Otherwise, my concern would be whether USDE would approve a waiver based on an accountability system still under development. I am on the APAC and realize the great efforts being taken to marry state and federal accountability as much as possible and appreciate all the efforts to do so.

4- Excellent

5- Without seeing the details of this point, the concern is that some might use this opportunity to expand school choice to private entities. If that is the intent of the waiver for Section 1116(b)(1)(E) and (e), I cannot support it. With historic funding cuts to education, we cannot agree to what would be further cuts. As for SES, it cannot be worse. The money is given to private entities many of which do not have the students' best interests at heart. This year's efforts toward improvement, though, have been tremendous. The bottom line is that SES is unnecessary and the funds required for it could be utilized in much more effective ways.

6- good

7- Right now the SIRC (changed to TCDSS this year)/ TEA division is very confusing. I believe this waiver would allow TEA to take care of requirements without having to have the separate entity. The funds now diverted to TCDSS would be needed in order for TEA to handle the additional responsibilities.

8- As one who deals with HQ on a daily basis, thank you.

9- great

10- This would be WONDERFUL. The coordination of funding this would allow would help students in tremendous ways. The only catch is that it could possibly stretch funds even further.

11- fine

12- fine

13- Great. Definition of Tier 1 is limiting at present

14- Wonderful! But it was my understanding that this grant was no longer funded except for those in current cycles. ? I likely have this confused with another grant.

15- good

Thank you for your time,
Deann Lee
State/Federal Programs
Paris Independent School District
903-737-7500, ext. 2824

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 7:35 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comment regarding USDE Waiver (attached)
Attachments: USDE Waiver.doc; james_bussard.vcf

Anita

-----Original Message-----

From: James Bussard [<mailto:james.bussard@mail.dumas-k12.net>]
Sent: Tuesday, September 18, 2012 9:52 AM
To: NCLB
Subject: Comment regarding USDE Waiver (attached)

see attachment

Dumas Junior High School

P. O. Box 697
Dumas, Texas 79029
(806) 935-4155

James Bussard
Assistant Principal

September 18, 2012

To Whom It May Concern:

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable - 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

Sincerely,

James Bussard
Assistant Principal

-Expect Success-

Lenz, Gene

From: NCLB
Sent: Wednesday, September 19, 2012 3:38 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: "Comment regarding USDE Waiver"

Anita

From: Kurt Baxter [<mailto:kurt.baxter@mail.dumas-k12.net>]
Sent: Wednesday, September 19, 2012 1:34 PM
To: NCLB
Subject: "Comment regarding USDE Waiver"

I support the Texas Education Agency's submission of the NCLB waiver. The burden of operating under two different accountability systems has put undue stress on schools, teachers and students especially given the unattainable – 100% standard that is approaching with NCLB. The state has operated an accountability system for many years that has progressed and evolved along with our state testing. The state system is better equipped to measure the growth, progress and college readiness of our Texas students. The new state accountability system currently being developed will give campuses and districts a clearer picture of where their students are in their learning and the progress/growth the students are attaining.

If Texas educators are able to focus on one target, districts and campuses will begin to see more focused intervention and planning. This will in turn increase the academic performance of our students and decrease the level of anxiety and discontent we are beginning to see in our teachers. We need accountability in our education system, but we need only one system and we need that system to be realistic.

--

Kurt Baxter
Principal
Dumas Junior High School
806.935.4155
YOU...Make It Matter!!

Lenz, Gene

From: NCLB
Sent: Friday, September 21, 2012 3:38 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: waiver

Anita

From: Sandy Villarreal [<mailto:villarreal@rungeisd.org>]
Sent: Friday, September 21, 2012 2:21 PM
To: NCLB
Subject: waiver

TEA,

As an educator for the past 31 years, I have seen numerous tests come and go, however, this is the first time that I have seen a new test have such an impact on schools across the state of Texas. I do believe that we are all accountable for the students in our school districts and that we do ALL that we can to make them productive future citizens. However, I feel that the fact that the state and the federal government are not on the "same page" is a giant obstacle to success. The proposed waiver would give the state of Texas the authority to determine the success and failure of schools rather than the federal government, which is how it should be. Who knows better about the school's performance than their own state education agency. To me, it's like a "slap in the face" when the federal government comes along and says, "OK, Texas, you changed the test to the STAAR, and you are going to give the schools a year to adjust in the areas they need to before labeling the district, but, we (federal govt) aren't going to change anything we do!" Seems like TEA is not the ones really in charge any longer!

I would hope that the majority of educators feel as I do and that the waiver request will be approved.

Sandy Villarreal
Runge Elementary Principal

*** This Email was sent by a staff member in Runge Independent School District.

Lenz, Gene

From: NCLB
Sent: Tuesday, September 25, 2012 8:59 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: TEA NCLB Waiver

Anita

-----Original Message-----

From: Jennifer Pinkerton [<mailto:jpinkerton@pi-isd.net>]
Sent: Monday, September 24, 2012 9:47 AM
To: NCLB
Subject: TEA NCLB Waiver

Point Isabel ISD supports the waiver TEA is requesting from USDE regarding NCLB with the following exceptions:

- Title I funds should continue to be allocated directly to local school districts based on need of economically disadvantaged students
- TEA should not control Title I funds and allocate based on student performance or any other method outside the Weighted Average Daily Attendance (WADA) formulas

Jennifer Pinkerton
Point Isabel ISD
Board President
jpinkerton@pi-isd.net
sent from my iPhone

Lenz, Gene

From: NCLB
Sent: Tuesday, September 25, 2012 8:59 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver

Anita

From: Karen Harper [<mailto:kharper@pi-isd.net>]
Sent: Monday, September 24, 2012 9:49 AM
To: NCLB
Subject: Waiver

Point Isabel ISD supports the waiver TEA is requesting from USDE regarding NCLB with the following exceptions:

- Title I funds should continue to be allocated directly to local school districts based on need of economically disadvantaged students
- TEA should not control Title I funds and allocate based on student performance or any other method outside the Weighted Average Daily Attendance (WADA) formulas

Karen Camp Harper
Principal
Garriga Elementary

"Beginning with the End in Mind"

Lenz, Gene

From: NCLB
Sent: Tuesday, September 25, 2012 8:58 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: TEA Waiver

Anita

From: Nancy Gonzalez [mailto:ngonzalez@pi-isd.net]
Sent: Monday, September 24, 2012 10:08 AM
To: NCLB
Subject: TEA Waiver

Point Isabel ISD supports the waiver TEA is requesting from USDE regarding NCLB with the following exceptions:

- Title I funds should continue to be allocated directly to local school districts based on need of economically disadvantaged students
- TEA should not control Title I funds and allocate based on student performance or any other method outside the Weighted Average Daily Attendance (WADA) formulas

Nancy S. Gonzalez
Port Isabel Junior High Principal
Point Isabel I.S.D.



TARPONS

(956) 943-0060 office

(956) 943-0055 fax

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Lenz, Gene

From: NCLB
Sent: Tuesday, September 25, 2012 8:57 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: comment on TX Waiver

Anita

From: Lyndaplmr@aol.com [<mailto:Lyndaplmr@aol.com>]
Sent: Monday, September 24, 2012 2:33 PM
To: NCLB
Subject: comment on TX Waiver

This email is to comment on the Waiver to USDE applied for by Texas Education Agency. I object to the proposal to waive Sec 1119 requiring LEAs to determine highly qualified teacher determination and reporting, and Section 2141 (a,b, and c) requiring improvement planning and intervention requirements.

It appears that TEA intends to use teacher certification rather than the federal standards for determining highly qualified status. The federal system is much preferred by charter schools because it means we can hire qualified individuals who are not certified, but instead show competency by taking the certification tests or through HOUSE. Allowing this waiver to the federal rules will impose a hardship on charter schools by restricting the hiring of qualified individuals. It will impede the entry of qualified individuals into the teaching field by requiring they earn certification, rather than just take the required certification test to prove competency.

Thank you.

Lynda Plummer, Administrator
Bright Ideas Charter School
2507 Central Freeway E.
Wichita Falls, TX 76302
940.767.1561 X13

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Lenz, Gene

From: NCLB
Sent: Tuesday, September 25, 2012 8:47 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiver Application to USDE

Anita

From: Sewell, Catherine [<mailto:csewell@eisd.org>]
Sent: Tuesday, September 25, 2012 8:17 AM
To: NCLB
Cc: Pfeifer, Jerilyn
Subject: Waiver Application to USDE

To Whom it May Concern:

I am in full support of the commissioner's intent to apply for waivers on the provisions listed in the publication dated September 6, 2012.

Of particular note, Section 1111 has distinct merit for waiving federal requirements for AYP accountability in order to make one state accountability system that is robust in meeting federal requirements aligned with stringent state requirements.

All waivers described are appropriate and I pledge my support for this endeavor.

Sincerely, Cathy Sewell

Cathy Sewell, M.Ed.
Assistant Superintendent
Curriculum and Instruction
Everman ISD, 608 Townley Drive
Everman, TX 76140
817-568-3500 (w)
817-568-3508 (fax)

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Lenz, Gene

From: NCLB
Sent: Wednesday, September 26, 2012 8:03 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: waiver
Attachments: New Rabbit Black.jpg

Anita

-----Original Message-----

From: Chris Wade (Ralls ISD) [<mailto:chriswade@esc17.net>]
Sent: Wednesday, September 26, 2012 7:58 AM
To: NCLB
Subject: waiver

I ask that you please complete the waiver process. Basing a rating on the proposed levels is by no means fair. Even our brightest students will struggle to meet the criteria.

Chris Wade
Superintendent

Ralls Independent School District
806-253-2509 O
806-253-2508 F

810 Ave I
Ralls, Texas 79357

[cid:232A0649-4A2E-4B20-A148-33009D232102@dist.ralls.k12.tx.us]

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Lenz, Gene

From: NCLB
Sent: Wednesday, September 26, 2012 2:37 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: USDE Waiver Comment

Anita

From: Brokovich, Jeffrey [<mailto:jeffrey.brokovich@abileneisd.org>]
Sent: Wednesday, September 26, 2012 2:33 PM
To: NCLB
Subject: USDE Waiver Comment

To Whom it May Concern,

According to TEA, this waiver would "allow TEA to allocate Title I, Part A funds to eligible LEAs based on the identified need of economically disadvantaged, educationally disadvantaged, and English Language Learner students based on state-defined eligibility, distribution formula, and carryover limitations rather than the current federal regulations." This idea is concerning to us as our Federal Funding has already been reduced by nearly \$850,000 over the last two years in spite of the fact that our Economically Disadvantaged and English Language Learner numbers have been increasing. With the state funding cuts and TEA's staffing cuts, one can't help but question the capacity and ability for TEA to fairly determine funding amounts to districts. Already, the state funding systems are allegedly inadequate and inequitable as indicated by several pending lawsuits. Systems need to be in place to ensure that the maximum amount of Title 1 funding streams to the districts in a fair and equitable manner.

Respectfully,

Jeffrey M. Brokovich, M.Ed.

Executive Director of Federal Programs
One AISD Center / Office of Federal Programs
P.O. Box 981
Abilene Texas, 79604-0981
(325) 677-1444, ext. 7407
(325) 794-1326 fax
Email: jeffrey.brokovich@abileneisd.org



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Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 9:42 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Citizen Schools: recommendations for Texas ESEA waiver application
Attachments: Citizen Schools_ESEA waivers memo.pdf

Anita

From: Callie Kozlak [<mailto:calliekozlak@citizenschools.org>]
Sent: Wednesday, September 26, 2012 3:07 PM
To: NCLB
Subject: Citizen Schools: recommendations for Texas ESEA waiver application

To Whom It May Concern:

Enclosed please find Citizen Schools public comments and recommendations for the State of Texas ESEA waiver application to the US Department of Education. Citizen Schools is an education non-profit that partners with low-performing public middle schools to expand the learning day. Citizen Schools has a regional office in Houston, Texas.

Thank you,
Callie Kozlak

--
Callie Kozlak | Deputy Director of Growth & Policy | [Citizen Schools](#)
(202) 550-8285 (cell) | (617) 695-2300, ext. 1526
Partnering to Expand the Learning Day

Recommendations for State ESEA Flexibility: Leveraging Title I, Part A Funding and Title IV, Part D, 21st Century Community Learning Centers, Funding to Improve Student Outcomes in High Need Schools

Introduction

The US Department of Education's Elementary and Secondary Education Act (ESEA) flexibility package provides states and districts with a unique opportunity to repurpose federal funding to support innovative partnerships with nonprofit and community-based organizations with a demonstrated record of promoting student achievement. These organizations are poised to:

- 1) provide the additional capacity needed to implement the reforms required by the *State-Developed Differentiated Recognition, Accountability and Support* section of the ESEA flexibility package (Principle 2); and
- 2) support districts' and schools' efforts to implement the turnaround principles outlined in ESEA flexibility package.

Redeploying Supplemental Educational Services (SES) dollars along with 21st Century Community Learning Center (21st CCLC) funds and School Improvement Grants (SIG) funds will not only support states, districts, and schools in meeting the ESEA flexibility requirements, but will also ensure that the highest-need schools are able to partner with proven nonprofit and community-based organizations to deliver the evidence-based supports required to ensure that students graduate college-and career-ready.

The paragraphs that follow describe how repurposing funds previously set aside for SES, 21st CCLC, and SIG to support school partnerships with nonprofit and community-based organizations will help state education agencies (SEAs), local education agencies (LEAs), and schools to implement the reforms required by the ESEA flexibility package to increase the quality of instruction for students and improve student achievement.

ESEA flexibility can be leveraged to add necessary capacity to schools and districts.

Currently, nonprofit and community-based organizations throughout the country are utilizing evidence-based practices to partner with schools and districts to improve student outcomes. These organizations are delivering vital educational supports, such as, targeted and school-wide research-based interventions in literacy, math, attendance and behavior shown to increase student achievement and are providing thousands of hours of additional learning time to millions of students.¹ However, these high-quality organizations are only able to reach a fraction of the students whose lives would be transformed by the targeted attention and support nonprofit and community-based partners are able to provide. In high-needs schools, the majority of students from low-income families often require intensive support that schools do not have the capacity to provide, creating a gap between the attention students require and the services schools can provide.²

¹ Balfanz, R., Bridgeland, J.M., Fox, J.H. & Moore, L.A. (2010). Building a Grad Nation: Progress and Challenge in Ending the High School Dropout Epidemic. Washington: Civic Enterprises, the Everyone Graduates Center at Johns Hopkins University and the America's Promise Alliance.

² Mass Insight (2007). "The Turnaround Challenge: Why America's best opportunity to dramatically improve student achievement lies in our worst-performing schools."

Investing prospective flexible federal funds in district or school partnerships with high-quality nonprofit and community-based organizations will build district and school capacity, enabling districts and schools to implement key requirements within the ESEA Flexibility package and dramatically improve student achievement and the school environment.

Nonprofits are prepared to help implement the turnaround principles outlined in the ESEA flexibility package

High-quality nonprofit and community-based organizations are already helping struggling schools around the country to implement many of the turnaround principles outlined in the ESEA flexibility package, including:

- **Using data to inform instruction:** Nonprofit and community-based partners work with educators to analyze the data required to accurately identify students who are at risk of dropping out of school and to deliver the appropriate interventions to ensure that students stay on track to secondary school graduation and post-secondary success;
- **Establishing a school climate that improves school safety and discipline:** Nonprofit and community-based partners deliver school-wide behavior, attendance, and family engagement programs, supporting schools' efforts to build a positive learning environment for students;
- **Strengthening the school's instructional program based on student needs:** Nonprofit and community-based partners that are in the school throughout the school day are able to reinforce classroom curricula, pedagogy, standards and learning practices through evidence-based interventions and extended day programs;
- **Providing additional time for student learning:** Nonprofit and community-based partners provide thousands of hours of additional targeted academic and enrichment activities for students before and after school, and just-in-time tutoring and academic support by working with schools to redesign the school day, week, or year to include additional time for student learning and teacher collaboration; and
- **Providing ongoing mechanisms for family and community engagement:** Nonprofit and community-based partners help schools to reach out to and communicate with students' families and community members by organizing volunteer opportunities and special events.

Recommendations for Implementation of Flexibility Package

As mentioned above, the ESEA Flexibility provides a unique opportunity for states to redirect Title I funds previously set aside for **supplemental educational services (SES) and professional development** to support school partnerships with nonprofit and community-based organizations that have a demonstrated record of improving student achievement and implementing the turnaround principles outlined in the ESEA flexibility package, which includes additional time for student learning. In particular, we recommend SEAs set criteria and/or provide guidelines for high-quality expanded learning time with regards to the redesign of the school day and Title I set asides for districts' implementation of the redesign, including providing schools the opportunity to comprehensively redesign and expand their schedules in partnership with non-profit providers that have a demonstrated record of promoting student achievement. High-quality expanded learning time, in contrast to *more of the same* type of instruction³ offered during the school day, includes:

³ On February 10th, 2012, the US Department of Education issued *Addendum #3 to FAQ's on ESEA Flexibility*. Section B-24C states, "What are some examples of ways an eligible entity might use 21st CCLC funds to provide

- a substantial increase (at least 30 percent more) in total learning time, and enroll all, or a large portion (such as a whole grade level), of a school in the ELT schedule;
- services that integrate academics, enrichment and skills development;
- a range of activities that capture student interest and strengthen student engagement in learning, promote higher class attendance, improve retention and reduce risk for drop out, and make graduation and college and career readiness more likely;
- data on student learning and needs to inform program design and use data to maximize coordination of teaching and support services among teachers, families and community learning partners;
- strong partnerships with community based organizations that:
 - offer students additional time for academic instruction aligned with their academic needs, while also providing engaging enrichment activities that contribute to a well-rounded education;
 - provide administrators, teachers, and community learning partners with increased opportunities to work collaboratively, and to participate in professional development and planning, within and across grades and subjects to improve instruction; and
 - provide students with safe learning environments and additional resources to increase academic achievement and engagement in school.

The ESEA Flexibility also provides local communities more flexibility under the **21st Century Community Learning Center (CCLC) program** to chose the services that best fit local needs, including afterschool, before school, summer, and expanded day, week, or year. In its waiver application, we recommend that states first “check the box” to include the optional 11th waiver in their package of ten waivers. This waiver allows schools to use 21st CCLC funds for afterschool and/or expanded learning time programming. Once granted the waiver, we suggest SEAs release a RFP for CCLC grants that focuses on implementation of the turnaround principles, including high-quality expanded learning time, in priority schools and prioritize new CCLC grants for high-quality partners that have a demonstrated record of improving student achievement in high-needs schools.

Furthermore, ESEA flexibility will allow districts eligible to receive **School Improvement Grant (SIG)** funds to implement a school intervention model in its priority schools, even if those schools would not otherwise qualify the district to receive SIG funds. We recommend flexible SIG funds be deployed to support school intervention models that involve school partnerships with nonprofit and community-based organizations that have a demonstrated record of improving student achievement and implementing the turnaround principles outlined in the ESEA flexibility package. In particular, again, we recommend SEAs set criteria for high-quality expanded learning time with regards to the redesign of the school day and collaboration with partner organizations.

Conclusion

Citizen Schools and its fellow high-performing nonprofit and community-based organizations are already supporting local efforts across the country to ensure that every student graduates from secondary school college-and-career ready. There has been, however, a dearth of funds available to grow and

activities that support expanded learning time? Using 21st CCLC funds to support expanded learning time should not be just ‘more of the same’; it should involve careful planning by the eligible entity to ensure that the programs or activities will be used to improve student achievement and ensure a well-rounded education that prepares students for college and careers.”

sustain this important work within districts – making it difficult for struggling schools to choose to partner with effective nonprofits that could help transform school capacity with additional evidence-based supports. With the ESEA Flexibility package, including local flexibility around federal funding streams, states and districts ought to repurpose funds to support school partnerships with nonprofit and community-based organizations that have a demonstrated record of providing the human capital infusion required to fuel school reform efforts, increase student achievement and wellness, and involve more families in their children’s educational outcomes.

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 9:42 AM
To: Lenz, Gene; Green, Cory
Subject: FW: Waiver Request
Attachments: Waiver Request.pdf

Anita

From: Salazar, Dominga [<mailto:Dominga.Salazar@fortbend.k12.tx.us>]
Sent: Wednesday, September 26, 2012 4:00 PM
To: NCLB
Subject: Waiver Request

This letter is being sent on behalf of Mr. Michael McKie, Acting Superintendent for Fort Bend ISD.

Dominga Salazar
Executive Assistant to the Superintendent
16431 Lexington Blvd.
Sugar Land, TX 77479
281-634-1007
Dominga.salazar@fortbendisd.com

September 25, 2012

Michael Williams
Commissioner of Education
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701

Commissioner Williams:

Fort Bend Independent School District would like to express its support for the waiver requests to the U. S. Department of Education regarding No Child Left Behind (NCLB).

In the spring of 2012, the Texas Education Agency formed committees to develop a new state accountability system. This new accountability system will emphasize student achievement, student growth, and closing achievement gaps, all of which are fundamental components of NCLB. Thus, it is very appropriate to apply the new state accountability system in lieu of the current Adequate Yearly Progress (AYP) system.

Stakeholders are often confused when a campus receives a state accountability rating of acceptable or recognized but fails to meet Adequate Yearly Progress standards. Because the state and federal accountability programs have different student achievement targets and because NCLB incorporates more student subgroups, it can be difficult for all stakeholders to differentiate and understand the two different systems. A single accountability program will help eliminate confusion between these two systems and allow school leaders to focus on a single set of accountability standards.

If approved, the waiver will allow more flexibility and local control over resources required to address district and school improvement efforts. This, in turn, will allow districts to target areas in need of improvement, focused on adding value, and student achievement.

Fort Bend Independent School District is firmly committed to accountability and believes in the spirit and intent of NCLB. By allowing flexibility in utilizing resources and by allowing a single, uniform system, we will better serve all of our students and stakeholders.

Best regards,



Michael McKie
Acting Superintendent

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 9:40 AM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: AFPF-Texas NCLB Waiver Comment
Attachments: Texas NCLB Waiver Comment.pdf

Anita

From: Eliza Vielma [mailto:EVielma@afphq.org]
Sent: Thursday, September 27, 2012 9:30 AM
To: NCLB
Subject: AFPF-Texas NCLB Waiver Comment



September 27, 2012

Texas Educational Agency
1701 Congress Avenue
Austin, TX 78701

Americans For Prosperity Foundation – Texas Comments on Texas Education Agency’s Intent to Apply for a Federal Waiver to Provisions of the No Child Left Behind Act of 2001

To Whom It May Concern:

Americans for Prosperity Foundation – Texas (AFPF-TX) is a nonprofit organization comprised of over 120,000 Texans committed to strengthening our constitutional government by limiting federal overreach into our state’s affairs. We have worked to educate our activists and other Texans regarding the performance of their own school districts through the Red Apple Project.

I have worked at the US Department of Education and have served for nine years on the Texas Center for Education Research, an appointee of the Chairman of the State Board of Education.

We applaud the Texas Education Agency’s September 6th announcement to apply for a federal waiver to certain provisions of the Elementary and Secondary Education Act as amendment by the No Child Left Behind Act of 2001. Decades of failed federal interventions suggest that returning local control of education to our state would be best for Texas students. At the same time, we recognize that receiving such a waiver is just the first step toward comprehensive education reform and suggest that TEA follows suit by enacting the improvements that Texas students, parents and taxpayers deserve.

A Half-century of Failed Federal Education Policy

Although No Child Left Behind (NCLB) is flawed in and of itself, it is just the latest revision of federal education policy that has been failing American students for 47 years. The passage of the Elementary and Secondary Education Act of 1965 (ESEA) marked the beginning of major federal intervention in the affairs of state and local education agencies, providing funding for schools to support the education of schoolchildren from low-income backgrounds. Although rooted in good intentions, ESEA's revisions over the subsequent decades has burdened the states with unattainable benchmarks and threatened our schools with punishment if they fail to meet them.

This strategy has not worked. In fact, the last long-term trend assessment study conducted by the Department of Education (ED) itself found no significant improvement in academic achievement since the dawn of ESEA. Specifically, student achievement on ED's National Assessment of Educational Progress (NAEP) test improved by only 1 point for reading and 2 points for math among 17-year-olds from 1971 to 2008, despite the enactment of several benchmark-based programs.^[1]

Texas has learned this lesson firsthand, with NCLB's unreasonably high Annual Yearly Progress standards strangling our schools. NCLB requires every student in the country to be proficient in reading and mathematics by 2014 and threatens schools with government take-overs if they repeatedly fail to meet this impossible benchmark. While the goal is desirable, this year only 44% of our state's public schools met this requirement, threatening our state's schools with harsh punishments in the imminent future.^[2] Clearly NCLB has proven that effective education reform must come from states which have the responsibility for educating their citizens, local schools and education agencies rather than federal mandates that restrain innovation and choice with unrealistic requirements.

Common Core's Strings Attached to NCLB Relief

While the Department of Education under the Obama Administration has begun to recognize NCLB's failure by offering relief from some of its severest requirements, their September 2011 offer comes with strings attached that that only continues DOE's failed top-down approach to education. Foremost, education agencies applying for relief are asked to adopt the Common Core State Standards, an effort championed by the Obama Administration to strive for educational uniformity in all 50 states.

Common Core's aim of decreasing student achievement gaps across state lines comes at the expense of local control. The United States' cherished federalist structure limits federal power in favor of allowing states the freedom to provide their citizens more efficient services tailored to local needs. Common Core's one-size-fits-all approach to education runs contrary to this decentralized design by ignoring local problems that state and city governments are more qualified to address than federal bureaucrats thousands of miles away.

The Brookings Institution makes this point powerfully in a recent study where they found that "[m]ost variation on NAEP occurs within states not between them."^[3] In fact, "[t]he variation within states is four to five times larger than the variation between states." In plain English, student achievement gaps are wider within states than between them. Thus, Common Core completely ignores a state's internal inequalities in favor of uniform poor achievement across state lines. Worst of all, Common Core is expensive, estimated to cost the states \$15.8 billion in the first seven years after its adoption to retrain teachers and buy new technology and textbooks that comply with the national standards.^[4]

Texas can do without these national standards tailored to the least common denominator of student achievement among the states. In fact, an April 2010 study promoted by TEA concluded that the Texas College and Career Standards adopted in 2008 "meet and, in many cases, exceed national standards" set by Common Core.^[5] Fortunately, Governor Rick Perry has affirmed that Texas will not adopt these ineffective and expensive national standards. TEA's subsequent decision to apply for a waiver directly through NCLB's statutory authority instead of DOE's strings-attached offer thus affirms Gov. Perry's promise to circumnavigate Common Core.

Section 9401(b)(1) of NCLB allows state educational agencies to directly apply for relief if it details "how the waiving of those requirements will— (i) increase the quality of instruction for students; and (ii) improve the academic achievement of students."^[6] By describing both No Child Left Behind and Common Core's failed approach to improving academic achievement, TEA is capable of detailing how such a waiver will improve the instruction and achievement of Texas schoolchildren.

The Future of Effective Educational Reform in Texas

However, TEA should not mistake relief from NCLB's constraining requirements as the end of our state's critical reforms. A NCLB waiver will not heal Texas' educational wound itself but will only stop the bleeding. Instead, citizens and statesmen in Texas should push for further reforms to improve our children's education. AFPF-Texas has been a strong supporter of proven

educational solutions such as lifting our state's cap on charter schools, strengthening parent trigger laws, and tying teacher pay to performance. The last point is particularly pertinent to Texas since our teacher evaluation system is fundamentally broken.

This year, TEA reported that 98% of our state's teachers were evaluated as "proficient" in their annual assessments.^[7] Yet, TEA's latest Comprehensive Annual Report on Texas Public Schools reports that only 77% of our state's students passed the Texas Assessment of Knowledge and Skills (TAKS) in 2010.^[8] Clearly there is a sizable gap between how our teachers are evaluated and how our schoolchildren perform that needs to be bridged. While the current Texas Teacher Professional Development Appraisal System (PDAS) claims to link evaluations to student performance, the 21% gap between PDAS's teacher "proficiency" and TAKS's student performance suggests room for improvement.

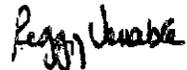
Scholars are reaching a consensus that teacher evaluations are most effective when linked with student performance. Recent studies by from sources as diverse as the Manhattan Institute^[9] and Bill & Melinda Gates Foundation^[10] all agree that strongly tying teacher evaluation to student performance has a statistically significant impact on educational outcomes. Considering the strength of the evidence and incredible potential to improve education in our great state, AFPF-Texas suggests that TEA expresses its intent to strengthen PDAS's teacher evaluation on its NCLB waiver application and follow through with such necessary reforms.

Conclusion

While a NCLB waiver is not a long-term solution to resolving the challenges we face in Texas' education system, direct relief from Sec. 9401 statutory authority is a necessary first step. Through relaxing DOEd's grip on our state's educational system, a statutory NCLB waiver would give Texans greater freedom to reform our schools. Moving forward, TEA should seek to implement educational reforms which empower parents -- like lifting our state's cap on charter schools and strengthening parent trigger laws -- and linking teacher pay to performance.

AFPF-Texas recommends legislative reforms which fulfill the waiver requirement to "increase the quality of instruction for students" and "improve the academic achievement of students." In doing so, TEA will set Texas on the right track to returning control of our children's education back in the hands of parents and teachers here in the Lone Star State.

Sincerely,



Peggy Venable
State Director

Americans for Prosperity Foundation- Texas

AFPF-Texas' more than 120,000 activists are committed to strengthening our constitutional government, spending limits and giving taxpayers greater control over how much government we want and are willing to pay for. AFPF supports programs that promote self-reliance and minimize the role of government in our lives and our livelihoods.

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Eliza Vielma

Legislative Affairs & New Media

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^[1] "The Nation's Report Card: Trends in Academic Progress in Reading and Mathematics 2008," *National Assessment of Education Progress*, April 2009, <http://nces.ed.gov/nationsreportcard/pubs/main2008/2009479.asp>.

^[2] "2012 AYP requirements rise," *Texas Educational Agency*, August 2012, http://www.tea.state.tx.us/news_release.aspx?id=2147508195.

^[3] "2012 Brown Center Report on American Education: How Well Are American Students Learning?," *Brookings Institution*, February 2012, http://www.brookings.edu/~media/newsletters/0216_brown_education_loveless.pdf.

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- ^[4] “National Cost of Aligning States and Localities to the Common Core Standards,” *Pioneer Institute & American Principles Project*, February 2012, http://www.pioneerinstitute.org/pdf/120222_CCSSICost.pdf.
- ^[5] “Texas College and Career Readiness Standards more comprehensive than national standards,” *Texas Education Agency*, 23 February 2012, <http://www.tea.state.tx.us/index4.aspx?id=8061>.
- ^[6] “Public Law 107–110,” *United States Department of Education*, January 2002, <http://www2.ed.gov/policy/elsec/leg/esca02/107-110.pdf>.
- ^[7] “Teacher proficiency numbers and rates,” *Texas Education Agency*, January 2012, <http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147505007&libID=2147505002>.
- ^[8] Texas Education Agency, “2010 Comprehensive Annual Report on Texas Public Schools,” December 2010, http://www.tea.state.tx.us/acctres/Comp_Annual_2010.pdf
- ^[9] Marcus A. Winters. “Transforming Tenure: Using Value-Added Modeling to Identify Ineffective Teachers.” *Manhattan Institute for Policy Research*, September 2012, http://www.manhattan-institute.org/html/cr_70.htm#.UGCk7111Sac.

^[10] Learning about Teaching:

Initial Findings from the Measures of Effective Teaching Project,”

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September 27, 2012

Texas Educational Agency
1701 Congress Avenue
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Conclusion

While a NCLB waiver is not a long-term solution to resolving the challenges we face in Texas’ education system, direct relief from Sec. 9401 statutory authority is a necessary first step. Through relaxing DOE’s grip on our state’s educational system, a statutory NCLB waiver would give Texans greater freedom to reform our schools. Moving forward, TEA should seek to implement educational reforms which empower parents -- like lifting our state’s cap on charter schools and strengthening parent trigger laws -- and linking teacher pay to performance.

⁶ “Public Law 107–110,” *United States Department of Education*, January 2002, <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>.

⁷ “Teacher proficiency numbers and rates,” *Texas Education Agency*, January 2012, <http://www.tea.state.tx.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=2147505007&libID=2147505002>.

⁸ Texas Education Agency, “2010 Comprehensive Annual Report on Texas Public Schools,” December 2010, http://www.tea.state.tx.us/acctres/Comp_Annual_2010.pdf

⁹ Marcus A. Winters. “Transforming Tenure: Using Value-Added Modeling to Identify Ineffective Teachers.” *Manhattan Institute for Policy Research*, September 2012, http://www.manhattan-institute.org/html/cr_70.htm#_UGCk7111Sac.

¹⁰ “Learning about Teaching: Initial Findings from the Measures of Effective Teaching Project,” *Bill & Melinda Gates Foundation*, <http://www.gatesfoundation.org/college-ready-education/Documents/preliminary-findings-research-paper.pdf>.

AFPF-Texas recommends legislative reforms which fulfill the waiver requirement to “increase the quality of instruction for students” and “improve the academic achievement of students.” In doing so, TEA will set Texas on the right track to returning control of our children’s education back in the hands of parents and teachers here in the Lone Star State.

Sincerely,



Peggy Venable
State Director
Americans for Prosperity Foundation– Texas

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Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 3:02 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: HISD Comments to TEA Waiver Request
Attachments: HISD Comments to TEA Waiver Request 9-27-12.pdf

Anita

From: Garcia, Veronica L [<mailto:VGARCI13@houstonisd.org>]
Sent: Thursday, September 27, 2012 1:46 PM
To: NCLB
Cc: Pola, Michele
Subject: HISD Comments to TEA Waiver Request

Dear Commissioner Williams,

Attached please find the Houston Independent School District's comments to TEA's Notice of Intent to Apply for Waivers to the U.S. Department of Education. Should you have any questions regarding this letter feel free to contact our office at the number below.

Sincerely,

Veronica L. Garcia, Government Relations Director
Attorney at Law
Houston Independent School District
4400 West 18th Street
Houston, TX 77092
713-556-7203

CONFIDENTIALITY NOTICE : The information contained in this transmission may be strictly confidential. If you are not the intended recipient of this message, you are notified that you may not disclose, print, copy or disseminate this information. If you have received this transmission in error, please reply and notify the sender (only) and delete the message.



HOUSTON INDEPENDENT SCHOOL DISTRICT

HATTIE MAE WHITE EDUCATIONAL SUPPORT CENTER
4400 WEST 18th STREET • HOUSTON, TEXAS 77092-8501

TERRY B. GRIER, Ed.D.
Superintendent of Schools
Tel: 713-556-6300 • Fax: 713-556-6323

September 27, 2012

Mr. Michael Williams
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Dear Commissioner Williams:

The Houston Independent School District (HISD) appreciates the opportunity to submit comments to the Texas Education Agency's (TEA) Notice of Intent to Apply for Waivers to the U.S. Department of Education (Notice of Intent), dated September 6, 2012. HISD agrees with TEA that the current federal system under the Elementary and Secondary Education Act (ESEA), as amended by P.L. 107-110 No Child Left Behind (NCLB) Act of 2001, is confusing, misleading, and does not adequately reflect the accomplishments of Texas' schools, including those of HISD.

As Texas' largest public school system, and the seventh largest in the United States, HISD is dedicated to giving every student the best possible education through an intensive core curriculum and specialized, challenging instructional and career programs. As such, having the flexibility to exercise local control to ensure that HISD can continue to innovate and create educational programs that best serve HISD students is critical. While HISD agrees that TEA should seek a waiver of certain provisions of ESEA, HISD stresses that the flexibility that TEA seeks should in turn be passed on as flexibility to the local education agencies (LEA).

Below we list the certain sections of ESEA from which TEA intends to seek a waiver along with our comments to these waiver requests:

SECTION 1003(a) REQUIRING TEA TO RESERVE 4% OF ITS TITLE I, PART A ALLOCATION FOR SCHOOL IMPROVEMENT ACTIVITIES AND TO DISTRIBUTE 95% TO LEAs FOR USE IN TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, AND RESTRUCTURING.

TEA's Notice of Intent states that a waiver from Section 1003(a) would allow TEA to distribute 95% of the 4% reservation, to Title I schools identified as priority focus, or support schools and for systemic improvement at the LEA level to support the identified schools.

HISD supports the use of Title I School Improvement Program funds at the LEA level as current regulations prohibit such use. However, the Notice of Intent does not indicate what, if any, obligations TEA would impose on school districts that accept such funds. While HISD students would greatly benefit from the use of such funds at the LEA level, HISD does not want for such

Mr. Michael Williams
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benefits to be diminished because of valuable school time and resources that would have to be directed towards additional TEA-imposed requirements.

SECTION 1111(b)(2)(C)(E-H) DEFINING THE CALCULATION OF ADEQUATE YEARLY PROGRESS (AYP), ESTABLISHING OF ANNUAL MEASURABLE OBJECTIVES (PERFORMANCE TARGETS) FOR AYP, 100% PROFICIENCY BY THE END OF 2013-2014, AND IMPLEMENTATION OF THE RESPECTIVE REQUIREMENTS SPECIFIED IN SECTIONS 1111 AND 1116 AND SECTION 1116(a)(1)(A-B) REQUIRING THE LEAS TO MAKE AYP DETERMINATIONS FOR SCHOOLS.

The Notice of Intent indicates that TEA will seek a waiver of the current AYP calculations and performance targets in order to focus on the Texas accountability system. HISD believes that AYP is misleading. Additionally, the current system which includes two different accountability systems, federal and state, each indicating different ratings, is confusing. While HISD supports TEA's waiver request of this provision, HISD continues to have concerns over the state accountability system currently under development. The new state accountability system should accurately reflect student performance and measure for student growth and HISD requests that TEA implement such factors into the state accountability system.

SECTION 1116(b) REQUIRING THE LEA TO IDENTIFY SCHOOLS FOR IMPROVEMENT, CORRECTIVE ACTION, AND RESTRUCTURING WITH CORRESPONDING REQUIREMENTS FOR IMPLEMENTATION.

HISD agrees with TEA's waiver request that would allow it to identify schools for graduated levels of support and intervention based on the state accountability system rather than based on the current AYP regulations. Similar to our previous comment, intervention should be based on the state's system which should accurately reflect student performance and measures for student growth.

SECTION 1116(b)(1)(E) AND (e) AND ALL CORRESPONDING PROVISIONS REQUIRING THE LEA TO OFFER, IN A FEDERALLY PRESCRIPTIVE MANNER, SCHOOL CHOICE FOR SCHOOLS FOR IMPROVEMENT, CORRECTIVE ACTION, AND RESTRUCTURING WITH CORRESPONDING REQUIREMENTS FOR IMPLEMENTATION, AND SECTION 1116(e) REQUIRING THE FEDERALLY PRESCRIPTIVE IMPLEMENTATION OF SUPPLEMENTAL EDUCATIONAL SERVICES UNDER SECTION 1116(b)(5, 7, & 8).

With the waiver of this provision, TEA intends to continue implementation of the two intervention strategies, but redesign, under state-developed procedures, a more effective school choice and supplemental educational services (SES) program that would align to the state's accountability and interventions system. In so doing, HISD stresses the importance of giving school districts more flexibility and allow them to provide SES during the school day using SES funding as well as allow school districts to participate as an SES provider.

The ability to use the SES funding during the school day to provide SES would greatly increase the number of students participating in these services. Many students who would most benefit from SES are economically disadvantaged and it is a financial hardship for them to stay after the regular school day hours to participate in the SES program. It is much more likely that these students would attend and receive supplemental services if they were able to do so during the regular school day. While there may be a concern that providing such services during the school day would supplant instead of supplement a student's educational program, this is not the case. For example, instead of taking an elective class, a student would be required to participate in SES during the school day in an effort ensuring that they received the necessary supplemental services while still participating in their core curriculum classes.

Additionally, HISD recommends implementing quality control over who is allowed to provide SES services. SES providers are not managed nor are they coordinated in partnership with the school district. It is extremely costly to hire outside tutors, and yet most of the providers do not have a relationship with the students; therefore, they do not know the educational history of these students and cannot best serve them. For these reasons, school districts should be allowed to provide SES services to its students. The school district is best situated to know its students and their educational needs.

SECTION 1119 REQUIRING TEA AND LEAS TO DETERMINE HIGHLY QUALIFIED TEACHER (HQT) DETERMINATIONS AND REPORTING, AND SECTION 2141(a, b, AND c) REQUIRING IMPROVEMENT PLANNING AND INTERVENTION REQUIREMENTS.

TEA states that a waiver of this provision would allow TEA to rely on the state's teacher certification standards, which exceed the HQT requirements, based on the state's education evaluation system. HISD takes no issue with TEA's exemption request of this provision so long as it does not usurp a school district's local authority, granted by the Texas Education Code §21.352, to develop its' own appraisal process.

HISD has developed an appraisal system which rates teachers based on multiple measures in three major categories: professional expectations, instructional practice, and student performance. Considering that the HISD appraisal system provides a complete overall picture of a teacher's performance, as well as meaningful feedback and support, along with considering the time and investment made in the development of this system, HISD would not support any proposition that would negatively impact its use of its appraisal system, including a requirement imposed on school districts to establish that their locally developed appraisal system met any state-developed standards. Such a requirement would diminish the school districts' local control.

SECTION 1114(a)(1) REQUIRING THAT A SCHOOL HAVE A POVERTY PERCENTAGE OF 40 PERCENT OR MORE IN ORDER TO OPERATE A SCHOOLWIDE PROGRAM.

TEA's stated intent of seeking a waiver from this provision is to allow LEAs to implement a schoolwide program even if those schools do not have a poverty percentage of 40% or more. HISD supports such a waiver request. While most of the schools within HISD already have a poverty rate of 40% or more, such a waiver would provide HISD with the flexibility to serve students that need such services, even if they happen to be in a school that does not meet the poverty percentage of 40% or more.

SECTION 1117(c)(2)(A) ALLOWING TEA TO RESERVE TITLE I, PART A FUNDS TO REWARD A TITLE I SCHOOL THAT (1) SIGNIFICANTLY CLOSED THE ACHIEVEMENT GAP BETWEEN SUBGROUPS IN THE SCHOOL; OR (2) HAS EXCEEDED AYP FOR TWO OR MORE CONSECUTIVE YEARS.

The Notice of Intent states that TEA seeks a waiver of Section 1117(c)(2)(A) to allow it to use funds reserved under this section for any schools that the state itself determines merits an award. HISD cannot comment on this waiver request without knowing the standards by which TEA would consider awarding such funds. HISD would request that any state developed criteria not exclude large, urban districts or other criteria that would exclude or disadvantage HISD in any way from eligibility for these funds.

SECTION 6123 THAT LIMIT THE AMOUNT OF FUNDS AN SEA OR LEA MAY TRANSFER FROM CERTAIN ESEA PROGRAMS TO OTHER ESEA PROGRAMS UNDER THE FUNDING TRANSFERABILITY PROVISION.

HISD supports TEA seeking a waiver of Section 6123, thereby allowing TEA and LEAs to transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A. Such an exemption would increase the flexibility of HISD to direct those funds to where most needed.

SECTION 1003(g)(4) AND THE DEFINITION OF A TIER I SCHOOL IN SECTION I.A.3 OF THE SCHOOL IMPROVEMENT GRANT (SIG) FINAL REQUIREMENTS.

TEA seeks a waiver of this provision to allow it to award TTIPS SIG funds to an LEA to implement one of the four SIG models in any of the schools that the state determines are priority schools. Similar to HISD's comments in regards to TEA seeking a waiver from Section 1117(c)(2)(A), HISD cannot comment on TEA seeking a waiver of this particular provision without knowing the criteria by which the state will determine which schools are priority schools. Only after knowing the criteria can HISD analyze the implications for HISD. As previously stated, HISD requests that any state developed criteria not exclude or disadvantage HISD in any way.

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SECTIONS 4201(b)(1)(A) AND 4204(b)(2)(A) THAT RESTRICT THE ACTIVITIES PROVIDED BY A COMMUNITY LEARNING CENTER UNDER THE 21ST CENTURY COMMUNITY LEARNING CENTERS (21ST CCLC) GRANT PROGRAM TO ACTIVITIES PROVIDED ONLY DURING NON-SCHOOL HOURS OR PERIODS WHEN SCHOOL IS NOT IN SESSION.

The Notice of Intent states the purpose of seeking a waiver from Sections 4201(b)(1)(A) and 4204(b)(2)(A) is to allow the use of 21st CCLC funds to support expanded learning time during the school day to meet the identified needs of students in addition to activities during non-school hours or periods when school is not in session. HISD supports a waiver from this provision. The ability to use the funds in this manner, if a waiver is granted, provides HISD with the flexibility to supplement the structure of the regular school day program, allows HISD to use funds for extended learning time, and reaches the most students.

SECTION 1113(a)(3-4) AND (c)(1) REQUIRING AN LEA TO SERVE ELIGIBLE SCHOOLS UNDER TITLE I, PART A IN RANK ORDER OF POVERTY AND TO ALLOCATE TITLE I, PART A FUNDS BASED ON THAT RANK ORDERING.

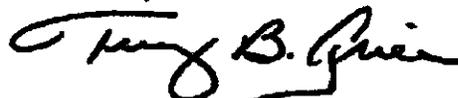
The granting of a waiver from Section 1113(a)(3-4) and (c)(1) would permit LEAs to serve a Title I-eligible high school with a graduation rate below 60% that TEA has identified as a priority school even if that school does not otherwise rank sufficiently high to be served under section 1113.

HISD supports a waiver of this provision as there are times when HISD may determine that a school has a need to receive services; however, they are not at the top of the list which is based on rank order of poverty. HISD submits that not only high schools should be considered, as stated in the Notice of Intent, but also elementary and middle schools. Additionally, HISD would want the flexibility to determine what is considered a priority school as opposed to TEA determining priority status.

We are pleased to work with TEA to address any of the issues raised in this letter. We appreciate the efforts TEA is making to increase flexibility and local control for school districts while also creating a state accountability system that accurately reflects the achievements of Texas' public schools.

Should you have any questions, please feel free to contact me at (713) 556-6300.

Sincerely,



Terry B. Grier, Ed.D.
Superintendent of Schools

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 3:02 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: TAMSA NCLB Waiver Comments
Attachments: TAMSA NCLB Waiver Comments.pdf

Anita

From: Susan Schultz [<mailto:susandb7@gmail.com>]
Sent: Thursday, September 27, 2012 1:59 PM
To: NCLB
Cc: Dineen Majcher
Subject: TAMSA NCLB Waiver Comments

Attached please find comments to TEA's Notice of Intent to Apply for NCLB Waiver submitted on behalf of Texans Advocating for Meaningful Student Assessment (TAMSA).

Thank you.

Susan B. Schultz



September 27, 2012

Delivered via Electronic Mail: nclb@tea.state.tx.us

Honorable Michael L. Williams
Commissioner of Education
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701

Re: Comments regarding TEA's Notice of Intent to Apply for NCLB Waiver

Dear Commissioner Williams:

We are submitting these comments on behalf of Texans Advocating for Meaningful Student Assessment (TAMSA), a statewide, grassroots organization comprised of concerned parents and other community members. TEA indicates that it will submit its waiver request under the US Department of Education's general authority instead of applying for Secretary Duncan's conditional waiver. The notice notes that "the state recognizes that the lack of NCLB's reauthorization in a timely manner has created an obsolete system that does not adequately reflect the accomplishments of the state's schools." On that point, we agree. Texas should not be subjected to a federal accountability system that is flawed and fails to reflect the multiple ways in which schools succeed.

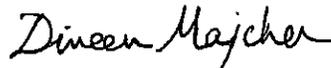
Similarly, Texas schools should not be subjected to a state accountability system that relies too heavily on a flawed student assessment system. While the State, parents, and taxpayers need a public school accountability system that fairly evaluates schools and school districts, our current system is still a work-in-progress. Our student assessment system in particular is in a period of transition. Over the last several years, the State has had many different assessment systems: TAAS, TAKS – which will continue for 11th and 12th graders for two more years - and now STAAR. STAAR is new, yet in its first year has already generated a tremendous degree of criticism from multiple sources – see for example testimony presented to the House Public Education Committee since January 2012. Based on this legislative record and other sources, a wide variety of public education advocates will be seeking changes to the STAAR system in the upcoming legislative session. Thus, while we support a waiver from NCLB requirements, we do not believe that it should be based on the supposed merits of the STAAR system.

Moreover, it would defeat the purpose of seeking the waiver under the US DOE's general authority if Texas holds up the STAAR system as a condition on which to grant the waiver. To the extent that TEA is seeking the waiver to allow school districts room to breathe from flawed and overreaching federal requirements, TEA should be sensitive to not tying schools and students to costly and overreaching STAAR assessments.

Finally, you stated recently in a public forum that your staff is preparing adjustments to the accountability rubrics. Therefore, we recommend that TEA's request for waiver recognize that Texas has had and will continue to have a strong accountability system but not specify the particular testing regimen, such as TAKS or STAAR. Texas is taking a bold step by seeking this waiver from federal mandates that create duplication and confusion in its public education policies. Now, let's turn our energy to working with schools and school districts to implement an accountability and assessment system that is reasonable and meaningful.

Thank you for the opportunity to provide comment.

Very truly yours,



Dineen J. Majcher
On behalf of TAMSA

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 3:01 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Waiverletter (2)
Attachments: Waiverletter (2).docx

Importance: High

Anita

From: Trevino, Becky [<mailto:rtrevino@lfcisd.net>]
Sent: Thursday, September 27, 2012 2:33 PM
To: NCLB
Cc: Salazar, Gonzalo
Subject: Waiverletter (2)
Importance: High

Please open attachment.

September 26, 2012

Mr. Michael Williams
Commissioner of Education
1701 N. Congress Ave.
Austin, Texas, 78701-1494

Re: Comment Regarding Notice of Intent to Apply for Waiver to U. S. Department of Education

Commissioner Williams,

The undersigned school district superintendents represent school districts in the Region I area. The demographic of our school districts consists of a student population that is substantially more likely to come from economically disadvantaged backgrounds than the state as a whole. In fact, in 2011-12 ninety-two percent of students in our school districts qualify for Title I assistance, compared to sixty-three percent for all other districts.

We want to take this opportunity to thank you for seeking relief from some of the federal requirements that are no longer working well for Texas school-children. We wholeheartedly support most of the bullet points that you have outlined in your letter of intent to apply for a waiver with the exception of the first bullet. But we strongly disagree with the first bullet point.

The purpose of this letter is to urge you to consider preserving those things about Title I that are working well. Specifically, we are stating that the current method for allocating Title I, Part A dollars should not be changed.

We oppose seeking a waiver from the first bullet of your letter, which reads as follows:

"Subpart 2 – Allocations, Sections 1122, 1124, 1124A, 1125, 1125AA, 1125A, 1126, and 1127 requiring TEA to distribute Title I, Part A allocations to eligible LEAs by the statutory formula and any subsequent carryover limitations.

Specifically, this waiver would allow TEA to allocate Title I, Part A funds to eligible LEAs based on the identified need of economically disadvantaged, educationally disadvantaged, and English Language Learner students based on state-defined eligibility, distribution formula, and carryover limitations rather than the current federal regulations."

The federal calculation of Adequate Yearly Progress is no longer an accurate reflection of the progress that school districts are making, and we applaud your efforts to substitute a newly created Texas system for the antiquated AYP calculation that labels an increasing number of successful schools as inadequate. At the same time, we believe that the current mechanism for the allocation of core Title I, Part A funds by counts of low-income students is targeting dollars to students most in need of assistance. A substantial body of research supports the relationship between academic performance and family income. While we know that this relationship can be overcome with effective educational interventions, the Title I dollars that our districts receive are critical to providing those interventions and have long been a part of the success enjoyed by districts in South Texas.

While some have argued for the distribution of funding based on low test performance, or at-risk status, we think that such an approach would be detrimental because it would create a perverse incentive system by rewarding failure and punishing success. It would also prevent sustained academic improvement by withdrawing monetary assistance once a district became successful at improving performance. Districts who use Title I dollars effectively to raise student performance should be allowed to maintain those dollars for continued intervention efforts.

As districts that serve a large proportion of students from economically disadvantaged backgrounds, we would be interested in working with you as you craft the waiver request. We would appreciate the opportunity to assist you in considering the potentially considerable impact of Title I funding changes on our districts.

Thank you for your consideration. We look forward to working with you.

Dr. Carl Montoya

Dr. Carl Montoya, Brownsville ISD

Roberto F. Loreda

Roberto Loreda, Donna ISD

Frank Perez

Frank Perez, Edcouch-Elsa ISD

Rene Quiroz

Dr. Rene Quiroz, Edinburg CISD

Steve Flores

Dr. Steve Flores, Harlingen CISD

Librado De Hoyos

Librado De Hoyos, Hidalgo ISD

Pedro Lopez

Pedro Lopez, Jim Hogg County ISD

Nabor Cortez

Dr. Nabor Cortez, La Feria ISD

Alda Benavides

Dr. Alda Benavides, La Joya ISD

Narciso Garcia

Narciso Garcia, La Villa ISD

A. Marcus Nelson

Dr. A. Marcus Nelson, Laredo ISD

Sara Alvarado

Sara Alvarado, Lasara ISD

Gonzalo Salazar

Gonzalo Salazar, Los Fresnos CISD

Eduardo Infante

Eduardo Infante, Lyford CISD

James Fonce

Dr. James Fonce, McAllen ISD

Dr. Daniel Treviño, Jr.

Dr. Daniel Treviño, Jr., Mercedes ISD

Dr. Cornelio Gonzalez

Dr. Cornelio Gonzalez, Mission CISD

Donna Hilliard

Donna Hilliard, Monte Alto ISD

Daniel King

Dr. Daniel King, PSJA ISD

Lisa Garcia

Dr. Lisa Garcia, Point Isabel ISD

Fernando Castillo

Dr. Fernando Castillo, Progreso ISD

Johnny Pineda

Johnny Pineda, Raymondville ISD

Roel Gonzalez

Roel Gonzalez, Rio Grande City CISD

Anneliese McMinn

Anneliese McMinn, Rio Hondo ISD

Jesus Guerra, Jr.

Jesus Guerra, Jr., Roma ISD

Antonio Limon

Antonio Limon, San Benito CISD

Miguel Garcia

Miguel Garcia, San Isidro ISD

Albert Peña

Albert Peña, San Perlita ISD

Maria J. Chavez

Maria J. Chavez, Santa Maria ISD

Herberto Villanca

Herberto Villanca, Santa Rosa ISD

Dr. Virginia W. Richter

Dr. Virginia Richter, Sharyland ISD

Marla M. Guerra

Dr. Marla Guerra, South Texas ISD

Roberto J. Santos

Roberto J. Santos, United ISD

Leonel Galaviz

Leonel Galaviz, Valley View ISD

Severita Sanchez

Dr. Severita Sanchez, Webb CISD

Ruben Alejandro

Dr. Ruben Alejandro, Westaco ISD

Norma Garcia

Dr. Norma Garcia, Zapata County ISD

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 3:53 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: La Porte Waiver comments

Anita

From: Murray, Vonn [mailto:MurrayV@lpisd.org]
Sent: Thursday, September 27, 2012 3:48 PM
To: NCLB
Cc: Wadleigh, Linda
Subject: La Porte Waiver comments

Mr. Gene Lenz
Director of Federal and State Education Policy
Texas Education Agency
At nclb@tea.state.tx.us
512-463-9114

Dear Mr. Gene Lenz,

La Porte ISD would like to thank Michael L. Williams, Commissioner of Education, for the opportunity to comment of the waiver process.

La Porte ISD agrees with all Potential Waivers, except for one, in the September 6, 2012 letter to the Administrator Addressed for the Notice of Intent to Apply for Waivers to U.S. Department of Education and Opportunity to submit comments

Specifically, we support Item 1. Below , but disagree with the wording that any school could receive Title I, Part A, funds for rewards.

The wording "any school " could mean a non Title I, Part A School. Therefore, we suggest using the wording "any Title I, Part A school".

Item 1:

Section 1117 (c) (2) (A) allowing TEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years.

Your letter says:

Specifically, this waiver would allow TEA to use funds reserved under this section for any school the state determines to reward schools.

In addition, after the general waivers have been approved we request further statewide educator input on the details for the Texas implementation of NCLB/ AYP approved waiver specifics that affect students, parents, teachers, and schools.

Thank you for your time and consideration,

Dr. Vonn Murray
La Porte ISD
Executive Director of Federal/State Programs
and Assessments
1002 San Jacinto Street
La Porte , TX 77571
murrayv@lpisd.org
Office 281.604.7033
Fax 281.604.7026
Mobile 281.924.4715

Dr. Vonn Murray
La Porte ISD
Executive Director of Federal/State Programs
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1002 San Jacinto Street
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Mobile 281.924.4715

The La Porte Independent School District does not discriminate on the basis of race, religion, color, national origin, sex or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and Title II of the Americans with Disabilities Act. The Title IX Coordinator is Isela Montes, Executive Director of Human Resources, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7110. The Section 504 Coordinator is Dr. April Fox, Executive Director of Special Programs, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7034. El Distrito Independiente Escolar de La Porte no discrimina sobre la base de raza, religión, color, origen nacional, sexo u incapacidad para proveer servicios educacionales, actividades y programas, incluyendo programas vocacionales, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, como fue enmendada; Título IX de las Enmiendas Educacionales de 1972; Sección 504 del Acta de Rehabilitación de 1973, como fue enmendada; y el Título II del Acta de Americanos con Incapacidades. La Coordinadora del Título IX es Isela Montes, Directora Ejecutiva para Recursos Humanos, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7110. La Coordinadora de la Sección 504 es la Dra. April Fox, Directora Ejecutiva de Programas Especiales, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7034.

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Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 3:54 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Comments regarding ESEA waiver application
Attachments: 09-27-12 ATPE comments on ESEA waiver announcement.pdf

Anita

From: Jennifer Canaday [<mailto:jcanaday@atpe.org>]
Sent: Thursday, September 27, 2012 3:53 PM
To: NCLB
Subject: Comments regarding ESEA waiver application

Attached please find comments submitted by ATPE regarding the Sept. 6 notice of TEA's intent to apply for waivers. Feel free to contact us for any additional information. Thank you for your consideration.

Kind regards,
Jennifer M. Canaday
Governmental Relations Manager
Association of Texas Professional Educators
305 E. Huntland Drive, Suite 300
Austin, TX 78752
Office: (512) 467-0071, ext. 337



The Association of Texas Professional Educators (ATPE) offers these comments on the Texas Education Agency's plan to request waivers from federal law.

ATPE supports TEA's decision to apply for waivers of certain provisions of the Elementary and Secondary Education Act (ESEA), more commonly known as the No Child Left Behind (NCLB) Act of 2001. It is difficult to offer specific feedback without seeing the details of the agency's planned waiver request, and we would welcome an opportunity to provide more meaningful input upon viewing the agency's request. In the meantime, ATPE offers the following remarks:

Foremost, ATPE appreciates the agency's desire to create a single system for identification of schools targeted for intervention and thereby minimize the burdens placed on districts to comply with two discrete systems for measuring schools' progress. As the state's largest independent educators association, ATPE's ongoing advocacy work has included urging the U.S. Department of Education and the congressional delegation to ensure that the reauthorization of ESEA will give Texas the flexibility to implement state policy while meeting federal requirements and Education Department goals. Pending reauthorization, we support TEA's intent to request waivers of those ESEA provisions that force districts to be held accountable under multiple, inconsistent standards. At a time when school districts are bearing the burden of the Texas Legislature's decision to cut \$5.4 billion from the education budget, it is unfortunate that they are encumbered with duplicative and often confusing federal accountability requirements that are not well aligned with our state laws and regulations.

Indeed Texas has already undertaken significant reforms in the areas of accountability and assessments. ATPE understands that the state's NCLB waiver request will be premised, at least in part, on Texas' recent launch of a new accountability and interventions system based on the new State of Texas Assessments of Academic Readiness (STAAR). We hope that the agency, in seeking waivers of any federal laws that might conflict with or impede the full implementation of the state's accountability reforms, will not rule out the consideration of potential changes that might be necessary to improve our state system, particularly with regard to the use of state standardized tests.

In general, ATPE supports allowing federal funds to be allocated under an equitable formula that will address school districts' highest needs. We also support local control and policies that allow for the customization of fund allocation formulas in recognition of the diversity of our great state.

Regarding the federal "highly qualified teacher" requirements, we believe they are of limited utility in ensuring that all Texas students receive a high-quality education and that our educators are well-prepared to meet the rigors and demands of the classroom. ATPE supports TEA's desire to enable educators in Texas to rely on a single set of teacher certification standards and also to preserve local control. However, we must also note that the state's current minimum standards for admission into the teaching profession and certification are not as high as they should be. We would like to see more focus placed on the preparation of educators prior to their entering the classroom and the support that is given to them in their first few years of teaching.

With respect to Section 1116 of the Act, ATPE is particularly interested in learning more about the agency's intentions to "redesign under state-developed procedures a more effective school choice and supplemental educational services program." We oppose current federal requirements that shift public education funding away from public schools in favor of private entities, and we are concerned that any effort to extend the ESEA's public school choice provisions might force the inclusion of private schools. Additionally, we believe there are better ways for the SES funding to be utilized by public school districts to implement meaningful intervention strategies for struggling students. We hope that this will be addressed in future efforts by Congress to reauthorize the Act, and we urge TEA to remain mindful of our school districts' need to avoid any additional budget cuts in the form of requirements that they pay private entities for services that may already be provided by the public schools.

ATPE would like more information on the state's intended method of identifying "reward schools" that should be entitled to academic achievement award funding pursuant to Section 1117.

Similarly, regarding the transferability options under Section 6123, it is difficult to comment on this without knowing which programs and initiatives TEA intends to fund by way of such transfers if the waiver is granted.

ATPE supports TEA's desire for greater flexibility in interpreting the narrow definition of a Tier I school for purposes of awarding School Improvement Grant (SIG) funds. We are interested in learning more about the method the state will use to identify "priority schools" if the waiver of this provision is granted.

Likewise, we are interested in the agency's plan for identifying "priority schools" for purposes of the rank ordering for the allocation of funds under Section 1113. In general, ATPE supports giving school districts maximum flexibility to distribute funds according to their own unique needs.

Finally, we applaud TEA for seeking flexibility in the use of 21st CCLC grant funds in order to support both in-school and out-of-school activities such as tutoring, counseling, and other strategies for educational development that fall under Part B — 21st Century Community Learning Centers.

ATPE greatly appreciates this opportunity to provide comments on TEA's announcement that it will seek waivers of the ESEA. Requesting waivers of such a significant piece of federal legislation that was developed over the course of several years by members of Congress is no easy task. In accordance with the Sec. 9401 waiver authority granted under the ESEA, we trust that TEA will directly involve local school districts in the development of the formal waiver requests and will formulate those requests in a manner that is responsive to the needs of our school districts. Stakeholder participation in this process is critical, and we welcome any additional opportunities to weigh in on TEA's detailed waiver requests.

For additional information, please contact ATPE Governmental Relations at (800) 777-2783 or government@atpe.org.

Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 4:04 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: waiver comments

Anita

From: Janna Lilly [mailto:janna@tcase.org]
Sent: Thursday, September 27, 2012 4:01 PM
To: NCLB
Subject: waiver comments

Please see comments below **IN RED CAPS** from TCASE, Texas Council of Administrators of Special Education.

Subpart 2 – Allocations, Sections 1122, 1124, 1124A, 1125, 1125AA, 1125A, 1126, and 1127 requiring TEA to distribute Title I, Part A allocations to eligible LEAs by the statutory formula and any subsequent carryover limitations.

Specifically, this waiver would allow TEA to allocate Title I, Part A funds to eligible LEAs based on the identified need of economically disadvantaged, educationally disadvantaged, **DISABLED** and English Language Learner students based on state-defined eligibility, distribution formula, and carryover limitations rather than the current federal regulations.

Section 1111(b)(2)(C)(E-H) defining the calculation of Adequate Yearly Progress (AYP), establishing of annual measurable objectives (performance targets) for AYP, 100% proficiency by the end of 2013-2014, and implementation of the respective requirements specified in Sections 1111 and 1116 and Section 1116(a)(1)(A-B) requiring the LEAs to make AYP determinations for schools.

Specifically, this would allow TEA to submit a waiver of the current AYP calculations and performance targets in order to focus on one robust accountability system (the state system) that meets the intent and purposes of the ESEA statute while aligning to the state's existing systems for reform and interventions to develop new ambitious but meaningful goals to guide the support and improvement of teaching and learning. This waiver request will be submitted in January or February 2013, with the state's Accountability Workbook and when all State Assessments (STAAR) are submitted for peer review. Specifically, waivers will be requested for the following federal requirements:

- Performance Targets/Standard Setting Procedures;
- Use of new Texas accountability system to identify campuses and districts in place of AYP

INCLUDE IN NEW TEXAS ACCOUNTABILITY SYSTEM:

- **STUDENTS WITH DISABILITIES AS A SUBGROUP;**
- **AS LONG AS THE FEDERAL ACCOUNTABILITY SYSTEM INCLUDES A 1 AND 2% CAP, THEN THE STATE SYSTEM MUST ALSO OTHERWISE THE 2 SYSTEMS CREATE A SIGNIFICANT CONFLICT FOR DISTRICTS THAT IMPACTS STUDENT ASSESSMENT DECISIONS;**
- **PERFORMANCE OF ALL STUDENTS WITH DISABILITIES AS COMPARED TO THE STATE TARGET FOR THIS SUBGROUP PERFORMANCE;**
- **PERFORMANCE GROWTH MEASURE (INCLUDE A MEASURE OF IMPROVEMENT ACROSS YEARS FOR COHORTS OF STUDENTS);**
- **GAP REDUCTION MEASURE OVER TIME BETWEEN STUDENTS WITH AND WITHOUT DISABILITIES;**

- SIMPLIFIED 1% ALT TEST ADMINISTRATION;
- PARTICIPATION RATES FOR EACH ASSESSMENT OPTION. (PERFORMANCE MUST BE VIEWED IN THE CONTEXT OF PARTICIPATION RATES);
- INCENTIVES FOR APPROPRIATE PARTICIPATION IN GENERAL ASSESSMENT OF STUDENTS WITH DISABILITIES

Thank you for the opportunity to provide comments. Feel free to contact me if you have questions.

Janna Lilly, M.Ed.

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Lenz, Gene

From: NCLB
Sent: Thursday, September 27, 2012 5:16 PM
To: Lenz, Gene
Cc: Green, Cory
Subject: FW: Texas AFT Comment on the Commissioner's Sept. 6, 2012, Notice of Intent to Apply for Waivers from U.S.D.E.

Anita

From: Eric Hartman [<mailto:ehartman@texasaft.org>]
Sent: Thursday, September 27, 2012 4:52 PM
To: NCLB
Cc: ehartman@texasaft.org; lbridges@texasaft.org
Subject: Texas AFT Comment on the Commissioner's Sept. 6, 2012, Notice of Intent to Apply for Waivers from U.S.D.E.

Texas AFT agrees in principle with the commissioner's declared aim of reducing duplication and unnecessary burdens and focusing resources on one coherent system of accountability and improvement. However, we do not believe that the sweeping array of waivers proposed uniformly serves that aim.

For example, it is not obvious that the replacement of federal Title I criteria with unspecified, state-defined regulations of Title I funding distributions would be a step forward. The same concern applies to the proposed waiver regarding permissible uses of school-improvement funds.

The focus of the state's waiver request, in our view, should be on the elimination of conflicts and contradictions between the overlapping federal and state schemes of test-driven accountability and related sanctions. While the state scheme has manifold faults of its own that we and many others will urge the legislature to address in the 2013 state legislative session, in the meantime it would indeed be helpful if NCLB requirements compelling inappropriate testing of students with disabilities, and compelling inappropriate sanctions for school districts and schools that in fact are making meaningful progress, could be waived.

In seeking waivers for relief from these unnecessary and often counterproductive provisions of federal law, however, the Texas Education Agency must not gain latitude to take measures that lie outside the bounds of authority granted to it by the Texas legislature. In this regard, Texas AFT is particularly concerned about the scope of the waiver request to "redesign under state-developed procedures a more effective school choice and supplemental educational services program that would align to the state's accountability and interventions system." It should be clear that a waiver from NCLB requirements regarding "school choice" and "supplemental educational services" does not grant the commissioner and TEA authority to institute any policies or practices not already authorized under state law.

Thank you for the opportunity to comment and for your attention to these comments.

--Comments submitted by Eric Hartman, Texas AFT Director of Government Relations, on behalf of Texas AFT President Linda Bridges