

**How Can School Districts  
Maximize ESEA Flexibility?**

The following includes examples of how districts can maximize the flexibility offered under ESEA waivers. Be aware that any activity funded by this project must meet the intent and purpose of all corresponding program requirements. Activities identified in one section of the chart may be applicable to other areas.

Provision	Program	Description	Effects on LEA	Maximize This Flexibility
Section 1113(a)(3)-(4), Rank Order Requirements	Title I, Part A	Requires that schools be served in rank order based on their poverty percentages.	This is waived for selected schools. The waiver permits an LEA to serve with Title I funds a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served based solely on the school's poverty rate.	<ul style="list-style-type: none"> <li>• Serve eligible high schools to allow them to: implement school reforms to increase graduation rates and improve student achievement. This could include: professional development activities pertaining to the implementation of common core standards; the implementation of intervention systems that target the lowest achieving students; school extensions not limited to before/after school and summer school programs; and the implementation of activities geared toward improving school climate, student behavior, and student attendance as part of the schoolwide plan.</li> <li>• As identified in the school's needs assessment, incorporate professional development and student intervention activities for core courses, which include: English/reading/language arts, math, science, foreign languages, civics and government, economics, arts, history, and geography</li> </ul>

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Section 1114(a)(1), Schoolwide Poverty Threshold	Title I, Part A	Requires a 40% poverty threshold to be eligible to operate a schoolwide program	This is waived for selected schools. The waiver permits an LEA to operate a schoolwide program in a school with less than 40% poverty if it is identified as a priority or a focus school in order to allow the LEA to implement interventions aligned with turnaround principles or an intervention that is based on the needs of the school's students.	<ul style="list-style-type: none"> <li>Implement schoolwide programs in eligible schools and incorporate interventions consistent with needs identified in school improvement plans. A description of turnaround principles can be found at the end of this document.</li> </ul>
1116(b) (except (b)(13)), School Improvement Requirements	Title I, Part A	Requires LEA to identify schools for improvement, corrective action, and restructuring with corresponding requirements	<ul style="list-style-type: none"> <li>The school improvement categories (improvement, corrective action, and restructuring) will no longer exist and will be replaced with designations of focus and priority schools.</li> <li>Offering public school choice and supplemental educational services (SES) will no longer be required. The 20% set-aside for these services will no longer be required. The state will no longer approve nor maintain the list of SES providers.</li> <li>Revision of the school improvement plan within three months of being identified for improvement will no longer be federally required.</li> <li>Improvement schools will not be required to reserve 10% of their Title I, Part A allocation for professional development.</li> <li>The requirement for notice to be sent to parents upon school improvement identification will</li> </ul>	<ul style="list-style-type: none"> <li>A district may reserve up to 20% of its Title I, Part A allocation to offer school transfer for students attending Title I schools, to offer a tutoring program for students attending Title I schools, or a combination of school transfer or tutoring.</li> <li>A district may require its Focus and Priority schools to reserve up to 10% of their Title I, Part A allocations in order to provide supplemental, school-targeted professional development.</li> <li>A district may use freed up funds to serve schools that have not traditionally been served, generally middle and high schools. This would allow these schools to incorporate instructional support mechanisms that could not be funded in the past.</li> <li>With freed up funds, a district may institute a district instructional assistance team to better focus on the needs of its Title I, Part A schools.</li> </ul>

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			<p>no longer be required.</p> <ul style="list-style-type: none"> <li>• Corrective or restructuring actions provided by the district to schools identified as such will no longer be required.</li> <li>• 1116(b)(13) requires a district to permit a child who has transferred due to public school choice to remain in the choice school through the highest grade in the school.</li> </ul>	<ul style="list-style-type: none"> <li>• A Priority School may use Part A funds to continue or enhance the activities outlined in its approved School Improvement Grant application.</li> </ul>
1116(c)(3) and (5) – (11), LEA Improvement Requirements	Title I, Part A	Requires an SEA to identify LEAs for improvement and corrective action with corresponding requirements	<ul style="list-style-type: none"> <li>• The district improvement categories (improvement and corrective action) will no longer exist and will be replaced with focus or priority districts.</li> <li>• The requirement for notice to be sent to parents upon district improvement identification will no longer be required.</li> <li>• Revision of the district plan within three months of being identified for improvement will no longer be federally required.</li> <li>• Districts in improvement will no longer be required to reserve 10% of their Title I, Part A allocations to provide district-wide PD.</li> <li>• Corrective Actions Plans will no longer be required, as districts will no longer be identified in corrective action. In addition, districts will no longer be required to set-aside deferred funds for implementing Corrective Action Plans.</li> </ul>	<ul style="list-style-type: none"> <li>• A district may use freed up funds to serve schools that have not traditionally been served, generally middle and high schools. This would allow these schools to incorporate instructional support mechanisms that could not be funded in the past.</li> </ul>

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1116(e), LEA Improvement Requirements	Title I, Part A	Requires SEA and LEAs to take a variety of actions to offer supplemental educational services (SES) to eligible students in schools in improvement, corrective action, restructuring	Offering SES will no longer be required.	<ul style="list-style-type: none"> <li>A district may reserve up to 20% of its Title I, Part A allocation to offer school transfer for students attending Title I schools, to offer a tutoring program for students attending Title I schools, or a combination of school transfer or tutoring.</li> </ul>
2141(a) Highly Qualified Teachers	Title II, Part A	Requires LEAs that miss AYP for two consecutive years and fail to make progress toward reaching annual objectives for highly qualified teachers to develop a plan that will enable the district to meet the annual measurable objectives that specifically addresses issue that prevented the district from meeting the objectives	The waiver will release the LEA from the requirement of having a separate plan to address the areas that caused the LEA to not meet the annual measurable objectives for highly qualified teachers and AYP.	The district may address the needs within the Comprehensive District Improvement Plan and focus on strategies to move from highly qualified to highly effective
2141(c), Highly Qualified Teachers	Title I, Part A/Title II, Part A	Requires SEA/LEA agreement on use of Title II, Part A funds for LEAs that miss AYP for 3 years and fail to make progress toward reaching annual objectives for highly qualified teachers and restricts the hiring of paraprofessionals with Title I, Part A funds	The waiver will not restrict the hiring of paraprofessionals with Title I, Part A funds. However, LEAs still must comply with the requirements with respect to paraprofessionals in ESEA section 1119(c) through (g). Other Title I, Part A highly qualified provisions are still in effect, including: notifying parents of their right to request teacher qualifications and notification of parents when their child is taught for more than four consecutive weeks by a teacher that is not highly qualified.	<ul style="list-style-type: none"> <li>A school may employ highly qualified, effective paraprofessionals to help implement an intervention system or school extensions.</li> </ul>

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6123(b)(1), Transferability of Funds	Title I, Part A/Title II, Part A	Limits to 50% or 30% the amount an LEA may transfer from a covered program into another covered program or into Title I, Part A	The waiver allows an LEA to transfer up to 100% of its Improving Teacher Quality State Grants (Title II, Part A) or Educational Technology State Grants (Title II, Part D) program funds from one program into the other or into Title I, Part A. No funds can be transferred out of Title I, Part A into another program.	<ul style="list-style-type: none"> <li>• A district may use transferred funds to serve schools that have not traditionally been served, generally middle and high schools. This would allow these schools to incorporate instructional support mechanisms that could not be funded in the past.</li> <li>• Transferred funds can be used for any allowable activity under Title I, Part A.</li> </ul>
6123(d), Transferability of Funds	Title I, Part A	Requires modification of plans and notice of transfer	An LEA would not have to notify the SEA prior to transferring funds from one eligible program to another.	<ul style="list-style-type: none"> <li>• See the comment above.</li> </ul>
6123(e)(1), Transferability of Funds	Title I, Part A/Title II, Part A	Transferred funds are subject to the requirements of the program to which they are transferred	The waiver permits an LEA to exclude funds transferred into Title I, Part A from its base allocation in calculating any set-aside percentages. Requirements for the equitable participation of private school students, parents, and teachers must be met for each fund to be transferred prior to any transfer being made.	<ul style="list-style-type: none"> <li>• See the comment above.</li> </ul>
6213(b), Rural Schools	Rural and Low Income Schools	Requires LEAs that fail to make AYP to use funds to carry out the requirements under ESEA section 1116	Spending restrictions tied to improvement status will be lifted. LEAs will have greater flexibility in spending Small, Rural School Achievement Program or Rural and Low-Income School Program funds.	Funds may be used to: implement strategies and incentives to recruit and retain highly qualified and effective teachers; implement needs-based professional development; increase parent and community involvement; and any activities authorized under Title I, Part A or Title III, Part A.

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6224(e), Rural Schools	Rural and Low Income Schools	Requires SEA to permit LEAs that fail to make AYP to continue to receive an SRSA grant only if the LEA uses funds to carry out ESEA section 1116	Spending restrictions tied to improvement status will be lifted. LEAs will have greater flexibility in spending Small, Rural School Achievement Program or Rural and Low-Income School Program funds.	Funds may be used to implement activities authorized under the following programs: Title I, Part A (Improving the Academic Achievement of the Disadvantaged); Title II, Part A (Improving Teacher Quality State Grants, # 84.367); Title II, Part D (Educational Technology State Grants, # 84.318); Title III (Language Instruction for Limited English Proficient and Immigrant Students); Title IV, Part A (Safe and Drug-Free Schools and Communities); Title IV, Part B (21st-Century Community Learning Centers, # 84.287); and Title V, Part A (State Grants for Innovative Programs).