



# Title Programs and Services

785-296-3069

785-296-5867 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • 785-296-6338 (TTY) • [www.ksde.org](http://www.ksde.org)

## Notice of Intent to Submit School Improvement Grant Waiver Requests

The Kansas Department of Education (KSDE) is requesting from the U.S. Department of Education (ED) waivers from certain provisions of the Elementary and Secondary Education Act and the General Education Provisions Act. The six waivers are being sought to assist with the successful implementation of the School Improvement Grants Section 1003(g).

The Kansas Department of Education (KSDE) is soliciting comments— both supporting and non-supporting – on each of the waivers below. Please comment on each waiver separately. All comments submitted during the comment period will be read and taken into consideration. Providing comments to the KSDE does not guarantee all comments will be implemented.

This notice meets the notification requirements under Section 9401(b)(3)(A)(i) of the Elementary and Secondary Education Act. **Districts are invited to submit written comments to the KSDE no later than 5:00 PM (CST) on January 28, 2011.** The Kansas State Department of Education will submit its waiver requests with district and public comments to the ED for approval. Submit written comments to Judi Miller at [judim@ksde.org](mailto:judim@ksde.org) or via fax at 785-296-5867.

Upon approval of the waivers from the ED, appropriate school districts will apply to the Kansas State Department of Education (KSDE) through the School Improvement Grant Application process for each waiver desired.

The State of Kansas requests waivers of the requirements it listed below. These waivers would allow any local educational agency (LEA) in the State that receives a School Improvement Grant to use those funds in accordance with the final requirements for School Improvement Grants and the LEA's application for a grant.

The State believes that the requested waivers will increase the quality of instruction for students and improve the academic achievement of students in Tier I, Tier II, and Tier III schools by enabling an LEA to use more effectively the school improvement funds to implement one of the four school intervention models in its Tier I or Tier II schools and to carry out school improvement activities in its Tier III schools. The four school intervention models are specifically designed to raise substantially the achievement of students in the State's Tier I and Tier II schools.

Following are the six waivers that KSDE is requesting on behalf of the State (SEA) and appropriate districts (LEAs):

1. Waive the definition of "persistently lowest-achieving schools" in section I.A.3 of the final requirements for the School Improvement Grants (SIG) program to include in the pool of secondary schools from which the State determines those that are the persistently lowest-achieving schools, secondary schools participating under Title I, Part A of the Elementary and Secondary Education Act that have not made adequate yearly progress (AYP) for at least two consecutive years or are in the State's lowest quintile of performance based on proficiency rates on the State's assessments in reading/language arts and mathematics combined.

2. Waive the definition of “persistently lowest-achieving schools” in Section I.A.3 of the final requirements for the School Improvement Grants (SIG) program and the use of that definition in section I.A.1(a) and (b) of the final requirements to exclude from the pool of schools from which it identifies the persistently lowest-achieving schools for Tier I and Tier II any school in which the total number of students in the “all students” group in the grades assessed is less than 30 as approved in the Accountability Workbook for Kansas.
3. Waive section 1116(b)(12) of the ESEA to permit LEAs to allow their Tier I and Tier II Title I participating schools that will fully implement a turnaround or restart model beginning in the 2011-2012 school year to “start over” in the school improvement timeline.
4. Waive the 40 percent poverty eligibility threshold in section 1114(a)(1) of the ESEA to permit LEAs to implement a schoolwide program in a Tier I, Tier II or Tier III Title I participating school that does not meet the poverty threshold and is fully implementing one of the four school intervention models.
5. Waive section 421(b) of the General Education Provisions Act (20 U.S.C. & 1225(b)) to extend the period of availability of FY2009 carryover school improvement funds for the SEA and all of its LEAs to September 30, 2014.
6. Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of FY2010 school improvement funds for the SEA and all of its applicable LEAs to September 30, 2014.