Kansas state department of Education

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

Notice of Intent to Submit ESEA Flexibility Waiver Request

The Kansas Department of Education (KSDE)n is requesting from the U.S. Department of Education (ED) the Elementary and Secondary Education Act (ESEA) Flexibility offered by the ED on behalf of the State of Kansas, its districts and its schools in order to better focus on improving student learning and increasing the quality of instruction. The request is to waive specific requirements of the current ESEA known as the No Child Left Behind Act of 2001 (NCLB).

The KSDE is soliciting comments– both supporting and non-supporting – on the ESEA Flexibility Request. 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 and the public are invited to submit written comments to the KSDE no later than 5:00 PM (CST) on February 1, 2012.** After that date, the KSDE will submit those comments to the ED as part of the ESEA Flexibility Request application. Submit written comments to waiver@ksde.org or via fax to Judi Miller at 785-296-5867 or to Judi Miller, KSDE, 120 SE 10th Ave, Topeka, KS, 66612.

The ESEA Flexibility is offered in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. This flexibility is intended to build on and support the significant State and local reform efforts already underway in critical areas such as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

Kansas is seeking the following waivers:

1. For determining adequate yearly progress (AYP)
    a. for 2012, use the 2011 AYP targets (annual measurable objectives—AMOs)
    b. beginning with 2013 AYP, use achievement, growth and reducing the gap AMOs.
2. From identifying Title I schools for improvement, corrective action or restructuring (States will identify reward, priority and focus schools instead)
3. From identifying districts for improvement or corrective action
4. From the limitations on the use of Rural Education Achievement Program (REAP) funds for districts not making adequate yearly progress
5. From the requirement that Title I schools have a poverty percentage of at least 40% to become a schoolwide
6. For distribution of the School Improvement funds section 1003(a) to priority and focus schools rather than schools on improvement
7. For distribution of funds reserved to reward schools
8. From the provisions in Title IIA Teacher Quality that require improvement plans when districts do not meet the highly qualified teacher criteria
9. From the limitations on the amount of funds available under the transferability provisions (waiver would permit transferring 100% of certain funds into Title I)
10. For the distribution of School Improvement Grant (SIG) funds section 1003(g) to any priority school implementing one of the four SIG reform models
11. From the limitation that 21st Century Community Learning Centers (21st CCLC) grants may not be used during regular school day

The ESEA Flexibility Request application for Kansas is posted at
http://www.ksde.org/Default.aspx?tabid=5075