

Title I Waivers for School Improvement Grants

NDE is applying for waivers from the U. S. Department of Education to 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 application process requires public notice and an opportunity for members of the public to comment. Comments may be made on one or all three proposed waivers. A summary of the waivers that NDE will be requesting are listed below. The USDE Guidance on School Improvement Grants and the ARRA School Improvement Grant Application can be found at the following link:

<http://www.education.ne.gov/ARRA/index.html>

Comments are encouraged and should be submitted via email to Randy.McIntyre@nebraska.gov by 5:00 p.m. (Central) on December 3, 2010.

NDE believes that the requested waiver(s) 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 persistently lowest-achieving schools.

- Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of school improvement funds for the SEA and all of its LEAs to September 30, 2014.

- Waive section 1116(b)(12) of the ESEA to permit LEAs to allow their Tier I schools that will implement a turnaround or restart model to "start over" in the school improvement timeline.

- 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 school that does not meet the poverty threshold.

Any LEA that chooses to implement one or more of these waivers will comply with section I.A.7 of the final requirements.

An LEA will be allowed to implement the waiver(s) only if the LEA receives a School Improvement Grant and requests to implement the waiver(s) in its application. As such, the LEA may only implement the waivers(s) in Tier I, Tier II, and Tier III schools, as applicable, included in its application.

Nebraska is requesting waivers of the State-level SIG requirements it has indicated below. NDE believes that the requested waivers will increase its ability to implement the SIG program effectively in eligible schools in Nebraska in order to improve the quality of instruction and raise the academic achievement of students in Tier I, Tier II, and Tier III schools.

- ❑ In order to enable the State to generate new lists of Tier I, Tier II, and Tier III schools for its FY 2010 competition waive paragraph (a)(2) of the definition of “persistently lowest-achieving schools” in Section I.A.2 of the SIG final requirements and incorporation of that definition in identifying Tier II Schools under Section I.A.1(b) of those requirements to permit the State to include, in the pool of secondary schools from which it determines those that are the persistently lowest-achieving schools in the State, secondary schools participating under Title I, Part A of the ESEA 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.

- ❑ Nebraska is requesting a waiver under Section 9401 of the Elementary and Secondary Act (ESEA) for one of the criteria used for identifying schools as persistently lowest-achieving schools as defined for the State Fiscal Stabilization Funds (SFSF), the School Improvement Grants under Section 1003(g) of the ESEA, and the Race To The Top Grants and used for the identification of Tier I and Tier II schools in the School Improvement Grants. The definition of persistently lowest-achieving schools in the above guidance includes “*a high school that has a graduation rate as defined in 34 CFR 200.19(b) that is less than 60% over a number of years*”. Nebraska is requesting to extend this definition to also include high schools that have a graduation rate of less than 75% over a number of years.

- ❑ NDE is applying for a waiver of the definition of “persistently lowest-achieving schools” contained in section I.A.3 of the final requirements for the School Improvement Grants (SIG) program (74 FR 65618 (Dec. 10, 2009)) and the use of that definition in section I.A.1(a) and (b) of those final requirements, as amended (75 FR 3375 (Dec. 21, 2010)). Specifically, NDE is requesting permission for Nebraska 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 [who were enrolled in the school for a full academic year as that term is defined in Nebraska’s Accountability Workbook] is less than 30.