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Waivers: Flexibility in Federal Programs

Report to Congress
on Waivers Granted Under the
Elementary and Secondary Education Act

U.S. Department of Education

October 1999

Prepared by Jacqueline Raphael, Kristen Olson, and Luke Miller
The Urban Institute

INTRODUCTION

This is the third annual report to Congress on waivers granted by the U.S. Department of Education, mandated under section 14401(e)(4) of the Elementary and Secondary Education Act (ESEA). Three education laws passed in 1994 — the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and the reauthorized ESEA — allow the Secretary of Education to grant waivers of certain requirements of federal education programs in cases where a waiver will likely contribute to improved teaching and learning. States and school districts use the waiver authorities to adapt federal programs and use federal funds in ways that address their local needs.[1] The waiver authorities provide additional flexibility to states and school districts in exchange for increased accountability for improving student achievement. The law requires that waiver applicants describe how a waiver would improve instruction and academic performance, and that the waivers conform to the underlying intent and purposes of the affected programs.

This report contains five sections. Section I gives an overview of waivers requested and granted from the establishment of the waiver authorities in 1994 through September 30, 1999. Section II provides details about the focus of the waivers that have been granted. Section III examines the progress school districts and states have made under waivers that have been effective for at least two years, as reported by states to the U. S. Department of Education. Section IV reviews the federal and state roles in the administration of the waiver authorities, and Section V contains some conclusions about how waivers contribute to the broader effort to improve teaching and learning for all students.

I. OVERVIEW OF WAIVERS REQUESTED AND WAIVERS GRANTED

This overview examines all waivers requested and waivers granted through September 30, 1999. First, a summary of requests and decisions made on all waivers will be presented, followed by a snapshot of decisions made in fiscal year 1999.[2] Next, a breakdown of the number of waivers granted per year is provided. Finally, the focus of the waivers granted overall and in each year is described.

Overall, since the reauthorization in 1994, the Department has received 836 requests for waivers from state educational agencies (SEAs) and local educational agencies (LEAs) in 49 states as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Twenty-four percent of these requests (200) were received in 1999. The number of waivers requested by SEAs and LEAs decreased steadily from 1995 to 1998, but increased by 34 percent in 1999.

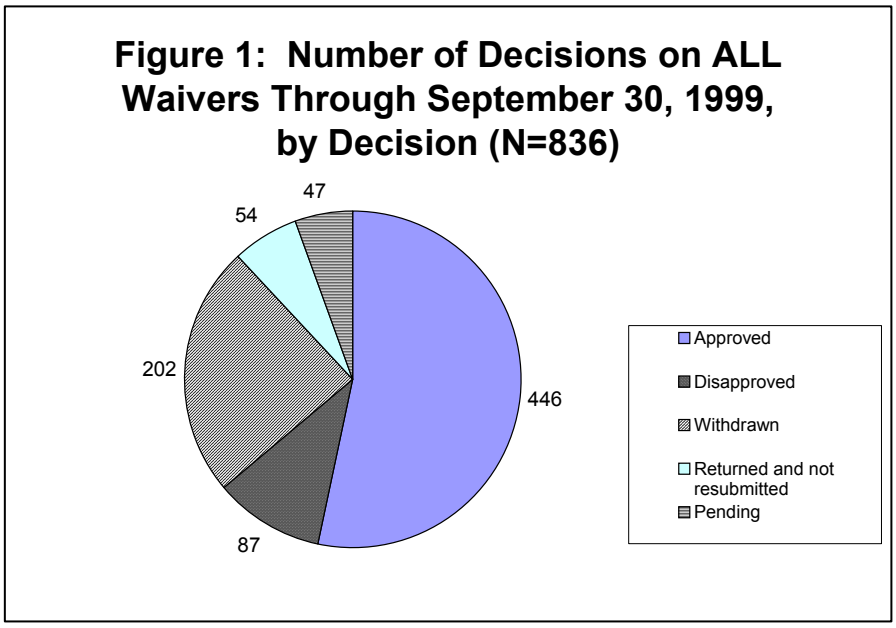
The number of requests of waivers by school districts appears to depend heavily on LEAs' awareness of availability of waivers and the degree to which SEAs encourage their districts to apply. Some states and their school districts have submitted many more requests than others. For example, LEAs in Pennsylvania submitted almost a quarter (22 percent) of the 836 waiver

[1] See Appendix A for lists of specific provisions that may be waived by the Department of Education and the statutory criteria for granting waivers under these provisions.

[2] This report uses the fiscal year for analysis for discussions of waiver requests received and waivers granted. All subsequent references to year in this report will cover the fiscal year. That is, 1999 covers the period from October 1, 1998, to September 30, 1999.

requests received by the Department. Approximately one-fourth of Pennsylvania's school districts have requested a waiver, compared to about 2 percent of school districts nationwide. In fact, fifty percent of all waiver requests come from only seven states (in order of number of requests): Pennsylvania, North Carolina, California, Illinois, Florida, Hawaii, and Tennessee.

As Figure 1 shows, of the 836 waiver requests received by the Department, 54 percent were approved and 10 percent were disapproved. Six percent were returned, 24 percent were withdrawn and 6 percent were pending. A waiver request might be returned, for example, if the request was outside the scope of the Secretary's authority, or an applicant did not fully address the waiver criteria. Waivers were withdrawn typically because districts learned that they had sufficient latitude under existing law to proceed without a waiver. The proportion of withdrawn waiver requests has diminished significantly over the years. In 1995, almost half of the decisions made on waivers were to withdraw the waiver. By 1999, less than 9 percent of decisions were to withdraw the waiver request. This change may indicate that waiver applicants are becoming more familiar with the existing flexibility built into the ESEA.



The Department has granted a total of 446 waivers since the implementation of the federal waiver authorities. SEAs have received 135 waivers; the remaining 311 waivers have been granted to LEAs, representing just over 2 percent of school districts in the nation. All waivers to date have been granted under the waiver authority in the ESEA, with the exception of one waiver related to the Perkins Vocational and Applied Technology Act which was granted under the Goals 2000 waiver authority in 1995.[3]

Figure 2 reports on waiver decisions made from October 1, 1998, through September 30, 1999. Sixty-three percent of the waiver requests for which decisions were made[4] in 1999 were

[3] Waivers granted by states under the Education Flexibility Partnership Demonstration Program (Ed-Flex) are reported separately in the Goals 2000 annual report to Congress.

[4] Waiver requests received late in the fiscal year may not receive a decision until the following fiscal year. Thus, the

approved. Approximately twenty percent of the requests for which decisions were made were disapproved, a 15 percentage-point increase over the previous year. In general, the Department disapproves waiver requests if the applicant did not provide enough information to demonstrate that a waiver was warranted under the circumstances presented or if the waiver request was inconsistent with a program's intent and purposes. Part of the increase may be attributed to the new Class-Size Reduction Program. Two-fifths of the disapproved requests were for requirements in this program. An increase in the number of requests for waivers of schoolwide program requirements also contributed to the higher proportion of disapproved requests. Over two-fifths of the disapproved requests were for schoolwide waivers. Eight percent of the waiver requests were returned in 1999.

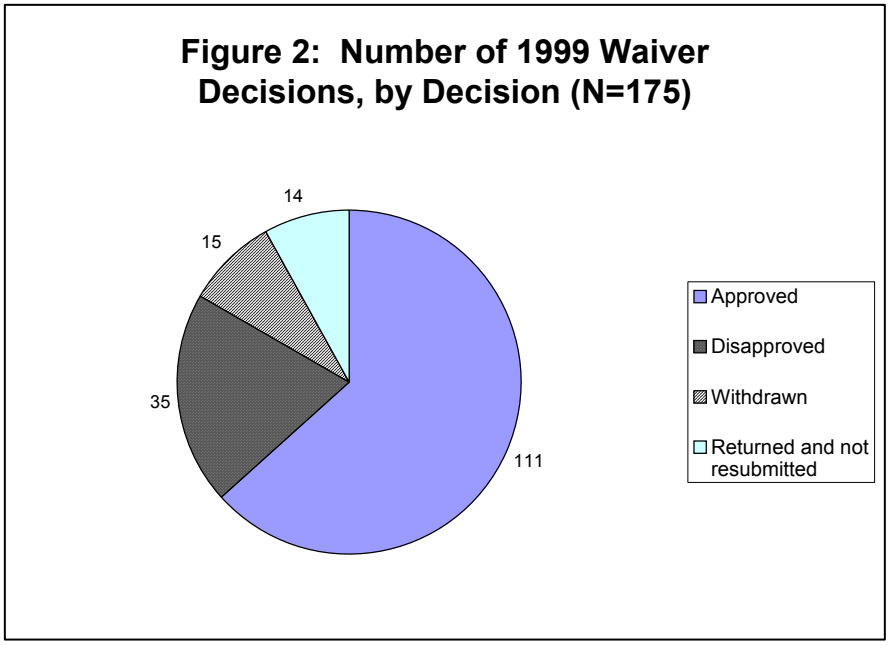
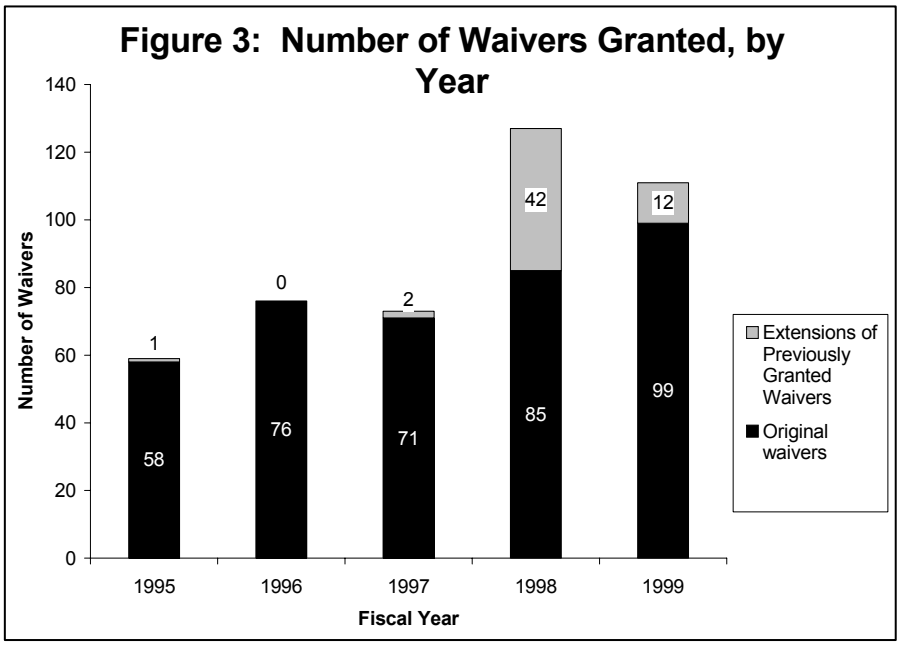
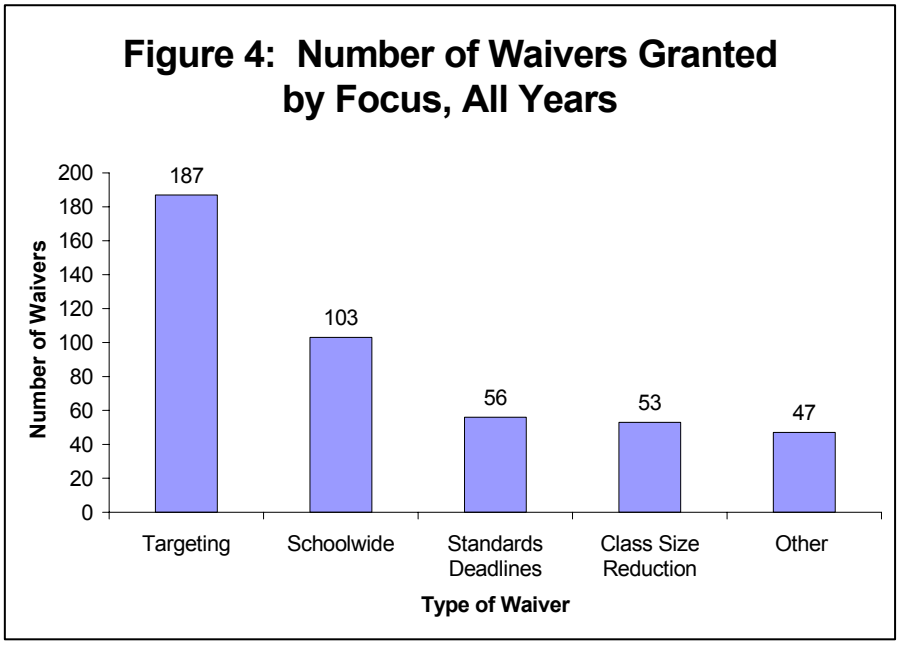


Figure 3 shows the total number of waivers granted during each year since 1995. The number of waivers granted increased from 59 in 1995 to a peak of 127 in 1998. During 1999, the Department granted 111 waivers. Under the ESEA waiver authority, waivers may be granted for up to three years. Some LEAs and SEAs continue to need waivers after this time period has ended and ask for an extension of the waiver they received previously. Twelve of the waivers granted during 1999 were extensions of previously granted waivers.

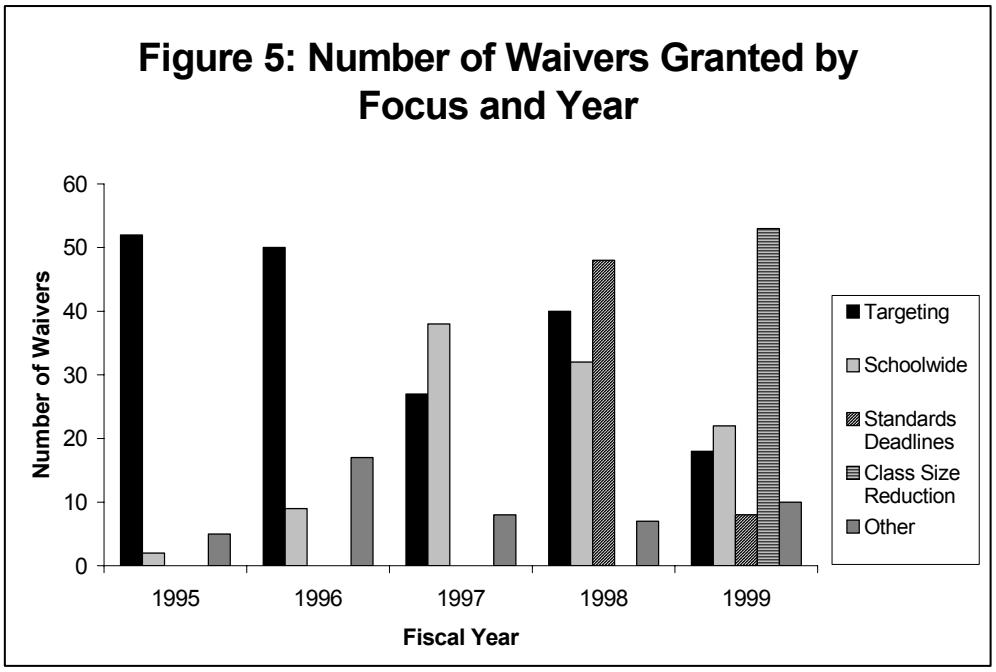
number of waivers granted in a fiscal year likely will be different from the number received in that year. To avoid confusion resulting from discrepancies in the number of waivers requested and granted in a fiscal year, the discussion in this report focuses primarily on the number of waivers granted.



As is evident in Figure 4, Title I targeting waivers are by far the most commonly granted waiver since the reauthorization of the ESEA. In fact, waivers related to Title I requirements (targeting and schoolwide programs) accounted for nearly 65 percent of waivers granted since 1995. A large proportion (61 percent) of these Title I waivers were approved in the first three years of the waiver program (see Figure 5). Many targeting waivers were granted as one-year transition waivers in order to accommodate adjustments to new requirements in the law. Since then, the number of targeting waivers has declined sharply (16 percent in 1999).



While Title I-related waivers made up 36 percent of all waivers granted in 1999, waivers for the new Class-Size Reduction Program were the most frequently requested (50 percent) and frequently granted (47 percent) waivers that year. Waivers of requirements for a schoolwide program designation were the second most frequently granted type of waiver in 1999 (20 percent). Sixteen percent of the waivers granted in 1999 were for targeting requirements, and seven percent extended the deadline for states to establish content and performance standards for one year.



II. Detailed Discussion of Waivers Granted By Focus

Each of the following five subsections discusses the categories of waivers granted and includes examples that highlight how waivers support the goals and efforts of SEAs and LEAs.[5]

(1) Waivers of ESEA Title I Targeting Provisions

- *Over two-fifths (42 percent) of all approved waivers relate to Title I targeting provisions. This type is the most common waiver granted since 1995. The use of targeting waivers, however, has declined over the years. In 1999, 18 targeting waivers were granted.*

Compensatory Education Programs Office (CEP) administers programs that provide financial assistance to local and state education agencies to support services for at-risk and special needs children. The largest of these federally funded elementary and secondary education programs is Title I. Title I, Part A, of the ESEA focuses resources on schools serving economically disadvantaged children who are least likely to succeed academically. To determine how Title I

[5] Appendix B provides a state-by-state list of all waivers granted since the last report to Congress in September 1998.

resources are distributed in an LEA, Title I targeting requirements specify which schools within a district are eligible to receive Title I funds and how funds should be allocated among those schools.

The law focuses federal funds on schools with relatively high concentrations of poverty in order to help the most low-performing children meet challenging state academic content and student performance standards.[6] In certain cases, however, these poverty-based approaches to targeting may not be the best way to meet the needs of all low-achieving students in a school district.[7] For example, districts may want to allocate Title I funds to schools that are near eligibility and/or have fallen out of eligibility for Title I program funds. For these exceptions, school districts can request waivers. Requests for targeting waivers have decreased from 94 in the first year after reauthorization to 24 in 1999. With a decline in targeting waiver requests came a decrease in the number of targeting waivers being approved. The Department granted 18 waivers of Title I targeting provisions in 1999. This is less than half the number granted in previous years.

*The **Pennsylvania Department of Education** received a Title I targeting waiver on behalf of **Solanco School District** in Harrisburg, Pennsylvania. This three-year waiver enables Solanco School District to continue to provide Title I services to Bart-Colerian Elementary School. Bart-Colerian has long been a Title I school, but due to yearly fluxes in the number of low-income students, the school fell out of eligibility for Title I services for two years. At the end of these two years, 15 percent of the school's educationally disadvantaged students were proficient or advanced in reading and 2 percent of these students were proficient or advanced in math. By May 1998, after one year of reinstated Title I services, 58 percent of educationally disadvantaged students scored at the proficient or advanced levels in both mathematics and reading. In 1998-99, 21 percent of its student body received Title I services. The school is only two percentage points below the districtwide low-income average.*

***Brookville Area School District** in Brookville, Pennsylvania, received a waiver of the 125 percent rule so that it could continue to serve its K-2 students with a Title I program. The district renovated its elementary schools, with Northside Elementary housing only kindergarten and Pinecreek Elementary housing the first and second grades. Northside offers half-day kindergarten programs; consequently, students cannot participate in the free/reduced price meal program and parents do not register for this lunch program. As a result, Northside has fallen below the 35 percent poverty level. Without the waiver, an insufficient dollar amount would be allocated to these schools. Also, the district offers a kindergarten early intervention program and a six-week summer program, both of which would be compromised without the waiver.*

Since the reauthorization of the ESEA, four different requirements of the Title I targeting provision have been waived. However, in 1999, almost all (14 out of 18) of the targeting waivers granted related to one requirement that allows schools with percentages of children from low-income families just below the poverty thresholds for Title I eligibility to implement Title I programs.[8] The remaining four waivers granted in 1999 permitted districts to designate less than the required per-pupil allocation to

[6]These targeting provisions are in section 1113 of the ESEA.

[7]While the ESEA general waiver authority does not permit waivers of requirements relating to the distribution of funds *to* school districts, it does permit waivers affecting the distribution of funds within a school district.

[8] According to ESEA Section 1113(a)(2), the poverty threshold for Title I eligibility refers to "the percentage of children from low-income families" in an 'eligible school attendance area' that "is at least as high as the percentage of children from low-income families in the local educational agency as a whole."

schools with less than 35 percent poverty or allowed districts to serve schools out of the required rank order of poverty.

The Title I legislation contains a specialized waiver authority in ESEA section 1113(a)(7) that permits the Secretary to waive within-district Title I targeting requirements for school districts under court-ordered or state-ordered desegregation plans. This waiver authority gives districts greater flexibility in the use of Title I funds to serve students who are transferred from Title I schools in their neighborhoods to other schools as a result of a mandated desegregation plan. To receive a waiver under this authority, a school district must demonstrate that the waiver would further the purposes of Title I. Furthermore, at least 25 percent of students in the affected schools must be from low-income families. While the Department has granted a total of 14 waivers under this authority since the reauthorization, one desegregation waiver was disapproved and no desegregation waivers were granted in 1999.

The Department disapproved three targeting waivers in 1999. These waivers were disapproved because the applicants did not sufficiently demonstrate that student needs were great enough to justify a transfer of Title I funds away from higher poverty schools or that student needs were being adequately addressed in Title I served schools to justify a transfer of Title I funds to lower poverty schools in the district.

(2) Waivers of the Minimum Poverty Threshold for Implementing Schoolwide Title I Programs

- *Nearly one-quarter of waivers (103) granted since 1995 have focused on schoolwide programs. In 1999, 22 waivers were granted to decrease the minimum threshold for schools to implement schoolwide programs.*

In schools with large concentrations of students from low-income families, the ESEA recognizes that disadvantaged students may be served best by improving the education program of the entire school, rather than by targeting additional services to individual students. Thus, a key set of Title I provisions addresses which schools should have the flexibility to operate the program on a schoolwide basis.[9]

Title I permits schools in which at least 50 percent of the children are from low-income families to use Title I funds, in combination with most of their other federal, state, and local education funds, to operate schoolwide programs. Schools with less than 50 percent of their students from low-income families must target Title I services to particular at-risk students. Since the reauthorization, 103 waivers granted to school districts have allowed schools with between 35 and 50 percent of their students from low-income families to implement

District of Columbia Public Schools *received a one-year Title I waiver to implement schoolwide programs in six schools. These six schools, with poverty rates between 35 percent and 42 percent, will implement intensive individualized instruction for reading and math both at school and after school, sponsor a "Saturday Academy" for students who scored below basic in reading and/or math or who received failing grades in English or math, offer support for parents through a Parent Center, provide health services, and provide professional development activities for all faculty and staff.*

[9] Schoolwide programs are authorized under Section 1114 of the ESEA.

schoolwide programs. Most of these waivers have been granted in the past three years, with a peak of 38 granted in 1997, and 22 granted in 1999.

Schools granted schoolwide program status must engage a wide range of stakeholders in a comprehensive planning effort that includes the following: identifying the primary needs of students at the school, selecting strategies such as upgrading the instructional program for all children that will effectively address these needs, incorporating steps to ensure that the needs of the lowest-achieving students will be met, and designing programs to provide professional development for teachers and to increase parental involvement in the school.

> ***Pickens County Board of Education*** *in Jasper, Georgia, received a three-year waiver permitting Pickens Middle School to operate as a schoolwide program. Forty-three percent of children at Pickens Middle School come from low-income families, 7 percent less than the 50 percent threshold. With the waiver, Pickens Middle School will implement the "Direct Instruction" teaching strategy for reading. Pickens Middle School's feeder schools already use this strategy, and the waiver allows for continuity of curriculum among these schools. Also, students at Pickens Middle School have "exploratory" class periods in which students participate in chorus, band, or other year-long options or receive Title I services. With schoolwide status, Title I students will no longer have to give up these "exploratory" options, as Title I instruction will be provided during regular class periods. The school has been in "school improvement" status for two years. As a schoolwide program, school officials plan on meeting adequate yearly progress as defined in Georgia.*

In 1999, the Department disapproved fifteen requests from schools to implement schoolwide programs. In those cases, the applicant either had not carried out sufficient planning, had developed a plan that appeared to focus solely on individual students rather than on improving curriculum or instructional programs for the entire school, or had made adequate progress under a targeted assistance Title I program such that a schoolwide program would not significantly enhance the education for students performing at less than proficient levels.

(3) Waivers to Extend the Deadline for Content and Performance Standards

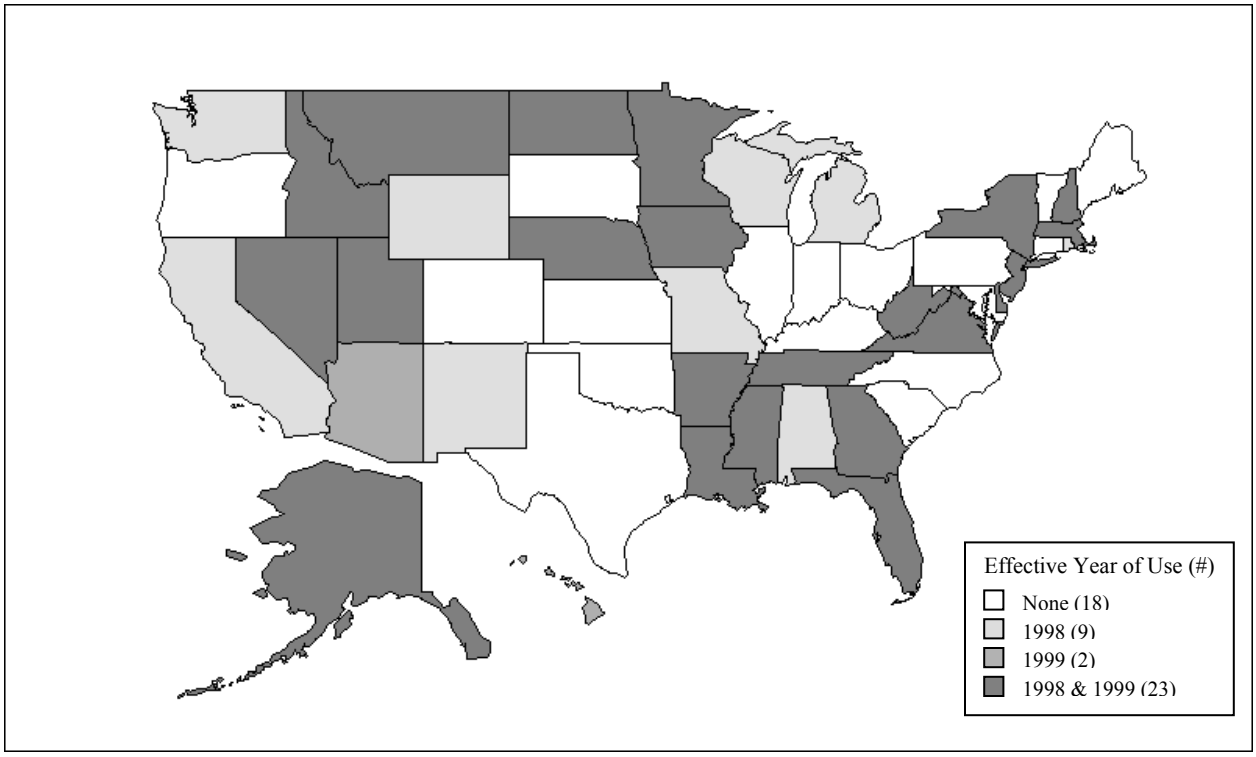
- *Waivers to extend the deadline for developing state content and student performance standards are the third most commonly granted waiver, with 56 waivers granted since 1998. Eight of these waivers were approved in 1999.*

Under Title I of the reauthorized ESEA, states were required to establish and implement challenging content and student performance standards in at least reading or language arts and mathematics by the commencement of the 1997-98 school year. Similarly, the Goals 2000: Educate America Act encourages states to develop content and student performance standards and accountability measures aligned with these standards. Although many states were able to meet this deadline, some states needed extra time to adopt content and student performance standards. The law permits SEAs that need additional time to receive one-year extensions of the deadline. The Department has made it clear that it will not waive the fundamental requirement for the state to develop or adopt challenging and aligned content and performance standards. These waivers only extend the period of time states have to implement their standards.

In 1998 and 1999, 56 waivers have been granted to 32 states and the District of Columbia to extend the deadline for states to adopt challenging content and performance standards.[10] Figure 5 shows the years in which waivers of the content and performance standards deadline were in effect by state. As Figure 5 illustrates, all but 18 states required additional time to finalize their standards development process. Thirty-one states operated under a standards waiver in 1998 while 24 states utilized a standards waivers in 1999.[11] Two states (Georgia and South Carolina) have requests for waivers of the deadline pending at the Department for the 1999-2000 school year.

Several states are defining performance standards based on examples of student work collected through pilot tests of their state assessments. Many of these assessments (which must be finalized by the 2000-2001 school year) are still being administered. Therefore, Massachusetts, Utah, and Puerto Rico have requested extensions of the deadline into 2000 to set performance standards at the same time as they finalize assessments.

Figure 6: States with Content and Performance Standard Waivers, by Year of Use



[10] Content and performance standards requirements are contained in Section 1111(b)(6) of the ESEA.
[11] States operating under a standards waiver for the 1998-99 school year were Alaska, Arkansas, Arizona, District of Columbia, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Louisiana, Massachusetts, Michigan, Minnesota, Montana, North Dakota, Nebraska, New Jersey, Nevada, New York, Tennessee, Utah, Virginia and West Virginia. These waivers were granted either during 1998 or 1999.

(4) Waivers of the Class-Size Reduction Program Requirements

- *Class-size reduction waivers, which were new in 1999, represent the fourth most commonly granted waiver overall. Ninety-nine class-size reduction waiver requests were received, and 53 waivers were granted, during 1999.*

In April 1999, Congress appropriated funds to reduce class size in grades one through three to an average of 18 or less children. The Class-Size Reduction Program (CSR)[12] distributes funds to states for recruiting, hiring, and training new teachers in order to achieve this reduced class size goal. The states, in turn, allocate funds to districts based on poverty level and relative size of the LEA. As a result, funds are concentrated on large districts and districts with high proportions of students from low-income families. In the case of smaller districts whose allocation is less than the starting salary of one new teacher, the CSR requires the LEA to form a consortium with at least one other LEA to reduce class size.

According to the CSR, at least 82 percent of the funds LEAs receive must be used for recruiting, hiring, and training certified regular and special education teachers. Not more than 15 percent of the funds can be used for testing new teachers or for professional development. However, if class size in an LEA is already at 18 or fewer in the early grades with certified teachers, the LEA may use *all* of the allocation for professional development. Also, if the LEA already has a class size of 18 or fewer students in first through third grade, these funds can be used to further reduce class size in grades 1 through 3, reduce class size in other grades, or improve teacher quality (including professional development).

The most common type of class-size reduction waiver sought is a waiver of the consortium requirement. With these waivers, LEAs with allocations less than the starting salary of a new teacher in the district are not required to form a consortium to receive funds. Thirty-one out of the 53 class-size reduction waivers granted in 1999 have been waivers of the consortium requirement — 30 of this type of CSR waiver have been granted to SEAs. In most cases, the LEAs will combine CSR funds with other local, state, or federal funds to hire a part-time or full-time teacher. Distance between LEAs is the most common reason cited for requesting a waiver of the consortium requirement. Sharing teachers across school districts spread over a large geographical area simply is not feasible.

> ***Louisiana Department of Education*** *received a waiver of the consortium requirement of the CSR. While most of the state's LEAs would receive enough funding to hire at least one more teacher, funds allocated to some of Louisiana's Type 2 Charter School LEAs would be insufficient. However, sharing a teacher among these LEAs would require extensive travel for the teacher. With the waiver, Louisiana's LEAs will use the funds (alone or combined with other state or federal sources) to hire a part-time or full-time teacher to reduce class size.*

Waivers also have been granted to SEAs or LEAs to use CSR funds in grades other than, or in addition to, the early elementary grades. In order for such a waiver to be granted, the state or district must apply CSR funds to full-day (rather than half-day) programs and be part of the state or district's plan for increasing the level of student achievement in these grades. Any remaining funds must be applied to reducing class size in grades one through three. To date, 23 waivers

[12] Funding for the Class-Size Reduction Program (CSR) comes from the amount appropriated under Title VI of the ESEA. The CSR is Section 307 of the Department of Education Appropriations Act of 1999.

have been granted to use CSR funds for other grades. Waivers also have been granted to six states to use more than 15 percent of CSR funds for professional development in LEAs with a class size greater than 18 students. One waiver has been granted to use CSR funds to increase the salaries or provide benefits to teachers already employed by the LEA.

Some SEAs and LEAs with CSR programs in place before the enactment of the federal program requested a waiver to enhance school reform efforts already underway in that state or district:

- The **California Department of Education** implemented its own class-size reduction program in 1996-97. In 1999, California received two waivers from the U.S. Department of Education: one waiving the consortium requirement for small districts, the other stating that a class size of 20 could be substituted for the 18-student class-size requirement in the CSR program. California's state-level program reduced class size to 20 students in 92 percent of first through third grade classrooms. Some of these teachers have emergency, rather than full certification. With the waiver, LEAs in California can use federal CSR funds to help teachers with emergency credentials earn a standard teacher credential. Districts that do not need to use their allotment of federal Class-Size Reduction funds for certification measures are permitted to reduce class size in other grades or carry out activities to improve teacher quality.

- In 1995, the Wisconsin legislature enacted the Student Achievement Guarantee in Education (SAGE) Program. The goal of the SAGE program is to improve student achievement in high-poverty schools by reducing class size in grades K through 3 to a maximum of 15 students. The **Wisconsin Department of Public Instruction** received a three-year waiver to be able to distribute funds to small LEAs without forming consortiums, to use more than 15 percent of CSR funds for professional development and teacher testing for LEAs that have not already reduced their class size to 18 students or less, and to reduce class size in kindergarten.

Fourteen class-size reduction waiver requests to LEAs were disapproved. For most of these requests, the LEAs requested a waiver to use CSR funds for grades other than the early elementary grades, and had class sizes well above 18 students in the early grades.

(5) Other Waivers granted to SEAs and LEAs

♦ *The Department has granted 47 "other" waivers since the reauthorization of the ESEA, including 10 "other" waivers granted in 1999.*

Despite the variety of waivers that can be granted under the 1994 legislation, most of the waivers granted fall into the four categories discussed above. Only a small percentage (10 percent) of requests are for other types of waivers. Thirty percent of these "other" waivers are related to the use of Title II Eisenhower funds. Ten "other" waivers were granted in 1999. Four of the ten "other" waivers were related to administrative funds. Two of the ten "other" waivers were related to construction costs. The following are descriptions of the four remaining waivers granted in 1999:

- The **Virginia Department of Education** received a three-year extension of a waiver granted in 1996 permitting Virginia to use Title II Eisenhower funds to provide professional development in history, English, mathematics, and science. Virginia's Standards of Learning require 70 percent of students in a school to pass tests in each of these areas in order for the school to maintain full accreditation status. Staff development measures will emphasize areas of low achievement on the state test. With the waiver extension, state and federal resources can be coordinated to help student's meet Virginia's standards.

- The **California Department of Education** was granted a two-year extension of a waiver of Section 11004(a) of Title XI of the Improving America's Schools Act. The original waiver, granted in 1996, allowed California school districts to apply directly to the state for coordinated service efforts, rather than applying to the Secretary. The state, in turn, could approve the applications. Ten coordinated services efforts have been approved by California Department of Education since the original waiver was granted.

- The **Kentucky Department of Education** received a two-year extension of a waiver granted in 1996 of Sections 1116(c)(1)(C) and 1116(d)(3)(A)(ii) of the ESEA. This waiver allows the SEA to use an average of two years of data for identification of schools for school improvement. The law requires an annual review of achievement data, but with the waiver, Kentucky has been able to align Title I accountability with its legislatively mandated Kentucky Instructional Results Information System (KIRIS). KIRIS uses two years of data to set a baseline for each school and to identify schools for school improvement.

- The Department of Education approved a three-year extension of a waiver of section 2209(b) of the ESEA for **New Jersey Department of Education**. This waiver allows Title VI funds to be used as part of the local cost-sharing activities under the Eisenhower Professional Development Program. New Jersey's implementation of the original waiver increased the number of LEAs participating in Title II programs from 580 LEAs in 1996-97 to 627 LEAs two years later.

III. PROGRESS UNDER WAIVERS

State Reports: Flexibility in Exchange for Accountability

After two years, and each subsequent year under a waiver, LEAs are required to report progress in improving the quality of instruction or the academic performance of students annually to their states. States, in turn, are required to report to the Department. For each waiver, states are required to submit an annual report that:

- Describes how all affected schools continued to provide assistance to the same populations served by the programs for which waivers were granted;

- Evaluates the progress of school districts and of affected schools in improving the quality of instruction or the academic performance of students;

- Provides data for progress made toward the specific goals described in the waiver application; and

- Illustrates other outcomes and benefits that resulted from the waiver.

The Department received reports from 23 of the 24 SEAs that were required to submit reports, and reports from 4 SEAs on waivers that had been implemented for only one year. The 27 reports describe progress made under 48 waivers. In the reports, district and state officials described what programs they implemented with the waivers, as well as changes in the quality of instruction and/or the academic performance of students affected by waivers. Some state reports also describe the process of implementing the waiver, acknowledging technical assistance received from state and federal sources.

The reports covered progress made in states that had waivers related to Title I targeting and schoolwide program requirements, standards deadlines requirements, the Eisenhower professional development program and other types of waivers in place. Thirty-one of the waivers discussed in the state reports are Title I targeting or schoolwide waivers. For Title I waivers in effect for two years, districts typically report to their SEA on whether the affected schools made "adequate yearly progress" (AYP).[13] Typically, this determination is based on test scores from nationally normed or state criterion-referenced exams. Of the 31 Title I waivers included in the state reports, all but one included student achievement data and/or the AYP determination to describe their progress. Of the AYP data in reports that included such information, 82 percent of the schools achieved AYP in the 1997-1998 school year.[14] The following are examples of AYP as reported by the states:

- Starting in the 1996-97 school year, **Consolidated High School District 230** in Orland Park, Illinois, implemented a three-year waiver to provide Title I services to all three of its high schools. The district developed a summer program to help ease the transition between junior high school and high school for the lowest 20 percent of the entering freshman class. Students involved in the program received support to improve skills in reading, language arts, mathematics, and science based on the Illinois Learning Standards. Use of technology and parent involvement were also integrated into the program. Students made adequate yearly progress in all years under the waiver, as reflected in a average growth of 1.6 percent in reading test scores and 3.7 percent in math test scores.

- **Cumberland County School District** in North Carolina received a three-year waiver beginning in the 1996-97 school year allowing six schools that fell below the 50 percent

[13] According to section 1111(b)(2) of the ESEA, each state must develop a measure of adequate yearly progress for schools that indicates whether the school is making continuous and substantial improvement toward the goal of all children meeting proficient and advanced levels of performance on the state's assessment.
[14] Due to ambiguities in the reporting of adequate yearly progress in state reports, the total number of schools affected by waivers that met or failed to meet adequate yearly progress in each state is unclear.

poverty threshold to operate schoolwide programs based on the North Carolina ABC Model of School Accountability. Schoolwide program funds in one school were used to purchase instructional software and software to provide diagnostic information in mathematics and reading. In other schools, the schoolwide program status provided a wider variety of classroom materials, professional development programs for staff, and increased parental involvement activities. At several schools, the implementation of school reform models such as CORE Knowledge, and of new instructional programs such as Thinking Maps, Accelerated Reader and STAR programs, helped raise the level of student academic achievement. Under the waiver, all six schools made adequate yearly progress, and all but one school showed "exemplary growth" in reading, math and writing scores for the 1997-1998 school year. The percentage of students with reading scores at or above grade level at these schools rose from an average of 69 percent of students in 1997 to 75 percent in 1998. On average, 76 percent of students scored at or above grade level in math in 1998, an increase of 7 percentage points from the previous year.

"Adequate yearly progress" is a difficult way to evaluate the progress of districts and schools operating under waivers. First, the law emphasizes a state's right to determine a measure of adequate yearly progress based on the state's own standards and assessments. Consequently, definitions of adequate yearly progress differ across states, making it hard to determine whether schools operating under waivers across the nation are making comparable progress. Second, final state assessment systems are not required to be in place until the 2000-2001 school year, and states are operating under transitional assessments. For these and other reasons, it is difficult to make comparisons about the effectiveness of waivers among states.

The remaining seventeen waivers discussed in the state reports are extensions of the deadline for completing state standards, Eisenhower Professional Development program (Title II) waivers, and several other types of waivers. In these cases, states provided qualitative and quantitative data and activity summaries to substantiate progress made under the waivers. Progress is described by providing evaluation findings, summaries of progress, and student achievement data. The following are narrative examples of progress under content and performance standards waivers, Title II waivers, and other types of waivers:

- **Nebraska State Board of Education** received a waiver in 1998 to extend the deadline for the development of performance standards. In response to a call for increased accountability for the state's schools, Nebraska is using a combined state-local approach to performance standards. Through the adoption of content standards in reading/writing, mathematics, science and social studies, the state provides guidance on what students should learn and what teachers should teach. However, the task of assessing academic performance falls to local districts. Each district must submit a local assessment plan to the state identifying how the local assessment will address state standards, which national normed tests will be used for the local assessment, and how the district will assess standards not covered by the nationally normed test. Four levels of performance have been established to indicate progress. Staff development activities are being conducted to implement the "aligned accountability" system. The state is also developing a "toolkit" to assist districts in developing their local assessment plans.

- By 2002-03, all K-12 students in Oregon will be required to demonstrate proficiency in a foreign language as part of the high school graduation requirement, dramatically increasing the need for qualified foreign language teachers. The **Oregon University System** (the state agency for higher education) received a three-year waiver, beginning in 1996-97, to allocate up to 40 percent of Eisenhower funds for various professional development projects for foreign language teachers. To indicate progress under the waiver, the state established three goals and has moved forward on all of them. Sixty-two percent of K-12 foreign language teachers in Oregon have been trained in standards-based teaching approaches for evaluating students' proficiency, only 3 percent less than the goal of 65 percent. Ninety secondary Spanish teachers have reached the Advanced ACTFL (American Council on the Teaching of Foreign Languages) level, fulfilling the goal of substantially increasing the number of Spanish teachers at this proficiency level. The third goal of developing elementary/middle school pre-service programs offering a foreign language "track" occurred at one university. Although a lack of resources and the restructuring of pre-service programs statewide due to teacher licensure changes limited development of pre-service programs at other public universities, the existing program has trained 101 elementary teachers in Spanish and Japanese programs for elementary schools.

- The **Minnesota Department of Children, Families and Learning** received a three-year waiver to consolidate administrative funds for Bilingual Education and Emergency Immigrant Education with other federal funds. Through this consolidation, ten program specialists, known as Area Directors, now provide technical assistance to districts in their region for education of limited-English proficiency (LEP) students. The Area Directors coordinate education for LEP students throughout the state through regional workshops, automated reporting systems for student performance data, and increased information about ESL and bilingual education issues on the Department's web page. As a result, Minnesota's LEP students have made small but statistically significant gains in achievement. In 1997-98, 16 percent of LEP eighth graders passed the Minnesota Basic Standards Reading exam; that figure increased to 22 percent the following year. The average reading raw score rose 3 points, from 54 in the 1997-98 school year to 57 in the 1998-99 school year.

IV. ADMINISTRATION OF THE WAIVER AUTHORITIES

Both the Department and the state education agencies play a role in the administration of the waiver authorities. Since 1994, the Department has encouraged SEAs and LEAs to focus first on defining effective strategies for improving the academic achievement of their students, and then capitalize on any or all of the available flexibility measures as tools to help achieve their goals for students. The Department initiated several efforts to make educators aware of the waiver provisions and to provide information on applying for a waiver immediately following the enactment of the waiver authorities. The Department developed nonregulatory guidance that explains the waiver authorities and how to apply for a waiver and mailed this guidance to all school superintendents, state-level federal education program coordinators, chief state school officers, and numerous education associations and interest groups. The Department also posts

waiver guidance and other information on waivers on the Department's Internet Home Page.[15]

In addition, the Department maintains a Waiver Assistance Line for callers. Many of the inquiries are for procedural information about applying for a waiver. However, those callers in need of specific information about the waiver authorities, including guidance on the strength of their requests, are referred to an official in the relevant education program at the Department.

Based on information about waiver requests, it appears that SEAs vary in the extent to which they promote the use of waivers. Pennsylvania, which leads all states in the use of waivers, offers information on the purpose of waivers, and how to apply for them, at its annual conference on federal programs. The state's Department of Education also offers assistance to LEAs in the preparation of the waiver applications. In addition, according to the state's waiver coordinator, small districts often apply for Title I targeting waivers to help them address the statewide focus on improving reading skills among elementary school children. Yet, other states are less likely to encourage LEAs to apply for waivers. According to a 1997 Department study, 11 out of 38 SEAs reviewed provided no written guidance on waivers to LEAs in their state.[16] The results of a 1999 national survey show that only 12 percent of districts nationally consider written guidance from the SEA on the new flexibility and accountability provisions in the 1994 legislation (including waivers and schoolwide programs) 'very helpful'. And only about one in five district rated other contacts with SEAs, including conferences, 'very helpful' on these issues.[17]

Some assistance from SEAs comes during the preliminary review of waiver requests. The state review process entails consideration of the appropriateness of the application, particularly whether the request is aligned with the goals of the state's comprehensive education improvement plans (including state Goals 2000 and School-to-Work plans). After the SEAs comment on or approve a waiver application, it is forwarded to the Department.[18]

This year, the Department has shifted responsibility for administration of the waiver review process from the Office of the Deputy Secretary to the Goals 2000 program, within the Office of Elementary and Secretary Education (OESE). After a waiver request is received, Goals 2000 sends the request to the affected program — in virtually all cases, a program within OESE, such as Title I — for a decision recommendation. After the program recommendation is reviewed by the Goals 2000 staff to ensure consistency and quality across the decision recommendations, the recommendation is sent to an official in the office responsible for administering the relevant program. In nearly all cases, this official is the Assistant Secretary of Elementary and Secondary Education.

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[15] See http://www.ed.gov/nclb/freedom/local/flexibility/ [link updated 07/04].

[16] U.S. Department of Education, Office of Inspector General, *State and Local Education Agencies Need More Technical Assistance to Take Full Advantage of the Flexibility Provisions of Title XIV of the Improving America's Schools Act*, No. 04-70001, August, 1997.

[17] Hannaway, J., and McKay, S., *Local Implementation Study: Flexibility and Accountability*, Report submitted by the Urban Institute for Planning and Evaluation Service, U.S. Department of Education, February 18, 1999. (EA9405301)

[18] While SEA approval is required under Goals 2000 and School-to-Work before an LEA's waiver request is forwarded to the Department, the SEA is required only to review LEA waiver requests under the ESEA.

By coordinating the review process, the Goals 2000 program has assumed some responsibilities that were formerly undertaken by the Waiver Action Board. This Board, consisting of senior Department officers of several programs, conducted reviews of all waiver requests in the past. Since the Office of Elementary and Secondary Education received so many of the waiver requests, authority to make waiver decisions was given to the Assistant Secretary of OESE. The Waiver Action Board now is convened only to establish policy regarding atypical waiver requests.

The Department strives to review each waiver request within 60 days of its receipt. Each of the applicants whose waivers are approved meet the statutory criteria with specific plans for using the affected federal programs to improve teaching and learning. Each time a waiver is disapproved, Department staff in the relevant program make a follow-up phone call to offer applicants guidance and information on obtaining technical assistance to support their objectives or prepare to reapply for a waiver.

V. CONCLUSION

The use of the waiver authorities of the ESEA, Goals 2000, and School-to-Work programs has been limited. Only 446 waivers have been granted since the reauthorization of the ESEA in 1994. While these waivers have been granted to school districts in virtually every state, only 2 percent of districts nationwide have received a waiver. In fact, about one-fourth of all waiver requests submitted to the Department have been withdrawn because the applicants did not need a waiver to carry out their proposed activities, and the number of unneeded requests appears to be decreasing.

In addition, the scope of the waivers granted is narrow. While the law permits many types of waivers, almost 90 percent of the waivers that have been approved relate to four areas: Title I targeting provisions, schoolwide program requirements, content and performance standard deadlines and, in 1999, requirements of the Class-Size Reduction Program. Approved waivers represent fairly minor exemptions to the law, and only 10 percent of waiver requests are disapproved, suggesting that SEAs and LEAs are not requesting many unreasonable waivers.

Waiver use also has been fairly stable over the 1994 to 1999 period, even though the proportion of requests/approvals for particular types of waivers varies across the years. This stability is reflected in the change in the Department's administration of waivers. Overall, these findings suggest that federal laws and regulations are not acting as major barriers to state and local improvement.

More importantly, the waiver authorities appear to be useful tools for promoting improved instruction and student achievement, at least as suggested by state reports. Waiver recipients view waivers as an important source of increased flexibility that helps them to make improvements in instruction and increase student achievement.

Waivers and the waiver process also provide insights about the administration of federal education programs. For example, the large number of unnecessary waiver requests during the

initial years of the reauthorization highlighted areas of the law where states and school districts needed additional guidance and more widespread information regarding existing flexibility. The waiver process also informs the Department about the kinds of technical assistance and additional guidance educators need in order to effectively implement federal education programs. Finally, the waiver process points to possible limitations in the law. For instance, almost 60 percent of class-size reduction waivers relate to one requirement. While the law itself is flexible, certain requirements of the law may be difficult to meet at a given time for all states, districts, or schools. In these cases, waivers have been valuable.

APPENDIX A: Comparison of the General Waiver Authorities in the Goals 2000: Educate America Act, The Elementary and Secondary Education Act, and the School-to-Work Opportunities Act

Requirements Which MAY Be Waived Under The General Waiver Authorities		
Goals 2000	ESEA	School-to-Work
Any statutory or regulatory requirement of the following programs: ESEA Title I -- Helping Disadvantaged Children Meet High Standards ESEA Title II -- Eisenhower Professional Development ESEA Title IV -- Safe and Drug-Free Schools and Communities ESEA Title VI -- Innovative Education Program Strategies ESEA Title VII, Part C -- Emergency Immigrant Education The Carl D. Perkins Vocational and Applied Technology Education Act	Any statutory or regulatory requirement of the ESEA, except requirements under Title VIII -- Impact Aid	Any statutory or regulatory requirement of the following programs: ESEA Title I -- Helping Disadvantaged Children Meet High Standards ESEA Title II -- Eisenhower Professional Development ESEA Title IV -- Safe and Drug-Free Schools and Communities ESEA Title VI -- Innovative Education Program Strategies ESEA Title VII, Part C -- Emergency Immigrant Education The Carl D. Perkins Vocational and Applied Technology Education Act The School-to-Work Act also permits the Secretary of Labor to waive certain requirements of the Job Training Partnership Act

Requirements Which MAY NOT Be Waived Under The General Waiver Authorities		
Goals 2000	ESEA	School-to-Work
Requirements of the previously-listed programs relating to: Maintenance of effort Comparability Equitable participation of students and staff in private schools Parental participation and involvement Distribution of funds to States and LEAs Civil rights requirements and health and safety requirements	Requirements of the ESEA relating to: Maintenance of effort Comparability Equitable participation of students and teachers in private schools Parental participation and involvement Distribution of funds to States, LEAs, or other recipients Civil rights requirements and health and safety requirements Supplement, not supplant Title X, Part C charter school requirement Prohibitions regarding State aid or use of funds for religious worship or instruction	Requirements of the previously-listed programs relating to: Maintenance of effort Comparability Equitable participation of students in private schools Student and parental participation and involvement Distribution of funds to States and LEAs Public health or safety, labor standards, civil rights, occupational safety or health, environmental protection Eligibility of an individual for participation in a program Prohibitions or restrictions regarding construction Requirements relating to basic purposes or goals of program

Statutory Criteria Waiver Applicants Must Address to Receive Waivers Under the General Waiver Authorities		
Goals 2000	ESEA	School-to-Work
Identification of the requirements requested to be waived and goals recipient intends to achieve, including demonstration that the requirements impede ability to carry out State or local improvement plan Description of action SEA has taken to remove State barriers identified in LEA applications for waivers, including agreement to waive similar requirements of State law Description of the goals of waiver and expected programmatic results, and a timetable for implementation of the waiver Description of the number and types of students impacted by the waiver Description of the process for SEA monitoring, on biannual basis, the progress in implementing the waiver For statewide waivers, assurance that SEA has provided LEAs and parent organizations opportunity to comment, and submission of any LEA comments to Secretary For LEA waivers, assurance that parents, community groups, and advocacy or civil rights groups were provided opportunity to comment	Identification of the Federal programs affected Description of the requirements to be waived and how waivers would increase quality of instruction or improve academic performance If applicable, description of which similar State and local requirements would be waived, and how waivers would help achieve stated objectives Description of specific, measurable educational improvement goals and expected outcomes for all affected students Description of how schools would continue to provide assistance to same populations served by programs for which waivers are requested Description of methods to be used to measure progress in meeting goals and outcomes For SEA seeking waiver on its own behalf, assurance that interested LEAs and the public were provided reasonable opportunity to comment on request, and submission of LEA comments For LEAs or schools seeking waivers, assurance that SEA had opportunity to review request, and submission of any SEA comments. Also, assurance that public was provided opportunity to comment on the request	Identification of specific requirements to be waived, including demonstration that requirements impede ability to carry out STW Act Assurance that State waives, or agrees to waive, similar requirements of State law Description of specific, positive outcomes expected from waiver, and why outcomes cannot be achieved while complying with requirement Identification of the amount of State resources that would be used to implement School-to-Work plan Description of process to be used in monitoring progress in implementing waiver Assurance that State has provided relevant partnerships and LEAs with opportunity to comment on State request Assurance that State has provided, to extent feasible, students, parents, advocacy and civil rights groups, and labor and business organizations opportunity to comment on State request Comments of partnerships and LEAs concerning the waiver request

APPENDIX B: Waivers Granted by State Since October 1, 1998

ALABAMA

Alabama Department of Education, Montgomery, AL
Section Waived: Section 307(b)(2)(C) of the Department of Education Appropriations Act 1999, as enacted by section 101(f) of Division A of P.L. 105-277 (hereinafter referred to as the Class-Size legislation)
Initial School Year: 1999-2000; Duration: 3 Years

ALASKA

Alaska Department of Education, Juneau, AK
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Arizona Department of Education, Phoenix, AZ
Section Waived: Sections 307(b)(2) and 307(c)(2)(B) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Bisbee Unified School District #2, Bisbee, AZ
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Peoria Unified School District on behalf of Sun Valley Elementary School, Peoria, AZ
Section Waived: ESEA Section 1113(a)(3)(B)
Initial School Year: 1999-2000; Duration: 2 Years

ARKANSAS

Arkansas Department of Education, Little Rock, AR
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

CALIFORNIA

California Department of Education, Sacramento, CA
Section Waived: Section 11004(a)
Initial School Year: 1999-2000; Duration: 2 Years

California Department of Education, Sacramento, CA
Section Waived: Section 14201(a)
Initial School Year: 1999-2000; Duration: 3 Years

California Department of Education, Sacramento, CA
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

California Department of Education, Sacramento, CA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Owens Valley Career Development Center, Bishop, CA
Section Waived: Section 34 CFR 75.533
Initial School Year: 1998-99; Duration: 1 Year

CONNECTICUT

Connecticut State Department of Education, Hartford, CT
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

DELAWARE

Delaware Department of Education, Dover, DE
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

DISTRICT OF COLUMBIA

District of Columbia Public Schools, Washington, DC
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

District of Columbia Public Schools, Washington, DC
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

District of Columbia Public Schools, Washington, DC
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

FLORIDA

Citrus County School Board, Inverness, FL
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Columbia County School System, Lake City, FL
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Florida Department of Education, Tallahassee, FL
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Pasco County School District on behalf of Schrader, Hudson, M.P. Locke, and Anclote Schools, Land O' Lakes, FL
Section Waived: Section ESEA 1113(a)(3)(B)
Initial School Year: 1999-2000; Duration: 2 Years

Seminole County Public Schools on behalf of Altamonte, Longwood, Forest City, Highlands, and Wilson Elementary Schools and Milwee Middle School, Sanford, FL
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

GEORGIA

Ashworth Middle School, Calhoun, GA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Cobb County Public Schools on behalf of Birney Elementary and Compton Elementary School, Marietta, GA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Franklin County Schools on behalf of Carnesville Elementary School, Carnesville, GA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Georgia Department of Education, Atlanta, GA
Section Waived: ESEA Sections 1111(b) and 1116(a)(2)
Initial School Year: 1998-99; Duration: 1 Year

Georgia Department of Education, Atlanta, GA
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Habersham County School System, Clarkedville, GA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Pickens County Board of Education on behalf of Pickens County Middle School, Jasper, GA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Taliaferro County School System, Crawfordville, GA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

HAWAII

Hawaii Department of Education on behalf of Ilima Intermediate School, Honolulu, HI
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Hawaii Department of Education on behalf of Maui Waena Intermediate School, Honolulu, HI
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

IDAHO

Idaho Department of Education, Boise, ID
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

INDIANA

Indiana Department of Education, Indianapolis, IN
Section Waived: Sections 307(b)(2) and 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

KANSAS

Kansas State Department of Education, Topeka, KS
Section Waived: ESEA Section 1003(a)
Initial School Year: 1999-2000; Duration: 1 Year

KENTUCKY

Fayette County Schools on behalf of Deep Springs Elementary and Julia R. Ewan Elementary, Lexington, KY
Section Waived: ESEA Section 1114(a)(1)(B)(ii)
Initial School Year: 1999-2000; Duration: 3 Years

Kentucky Department of Education, Frankfort, KY
Section Waived: ESEA Sections 1116(c)(1)(c) and 1116(d)(3)(A)
Initial School Year: 1998-99; Duration: 2 Years

Kentucky Department of Education, Frankfort, KY
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Kentucky Department of Education on behalf of Glasgow Independent Schools, Glasgow, KY
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

LOUISIANA

Louisiana Department of Education, Baton Rouge, LA
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Orleans Parish School Board, New Orleans, LA
Section Waived: Section 34 CFR 76.533
Initial School Year: 1998-99; Duration: 1 Year

MAINE

Arundel School Department, Arundel, ME
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Bangor School Department, Bangor, ME
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Maine Department of Education, Augusta, ME
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Maine School Administrative District No. 28, Camdem, ME
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

MINNESOTA

Minnesota Department of Education, Roseville, MN
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Minnesota Department of Education, Roseville, MN
Section Waived: Section 307(c) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

MISSISSIPPI

Mississippi Department of Education, Jackson, MS
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Mississippi Department of Education, Jackson, MS
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Mississippi Department of Education on behalf of Central High School District, Jackson, MS
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

MISSOURI

Hartville R-11 School District, Hartville, MO
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Iron County C-4 School District, Viburnum, MO
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Missouri Department of Elementary and Secondary Education, Jefferson City, MO
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

MONTANA

Laurel Public Schools, Laurel, MT
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1998-99; Duration: 3 Years

NEBRASKA

Falls City Public Schools, Falls City, NE
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Nebraska Department of Education, Lincoln, NE
Section Waived: Sections 307(b)(2) and 307(c)(2)(B) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Nebraska Department of Education on behalf of Potter-Dix Public Schools, Lincoln, NE
Section Waived: ESEA Section 14501(b)
Initial School Year: 1999-2000; Duration: 3 Years

NEVADA

Nevada Department of Education, Carson City, NV
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

NEW HAMPSHIRE

Berlin Public Schools, Berlin, NH
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

New Hampshire Department of Education, Concord, NH
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

NEW JERSEY

New Jersey Department of Education, Trenton, NJ
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

New Jersey Department of Education, Trenton, NJ
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

NEW YORK

New York State Department of Education, Albany, NY
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

NORTH CAROLINA

Jackson County Public School on behalf of Scotts Creek Elementary School, Sylvia, NC
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Lincoln County School District on behalf of Love Elementary School, Lincolnton, NC
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

North Carolina Department of Public Instruction, Raleigh, NC
Section Waived: Sections 307(b)(2) and 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

NORTH DAKOTA

North Dakota Department of Public Instruction, Bismarck, ND
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

OKLAHOMA

Oklahoma Department of Education, Oklahoma City, OK
Section Waived: Sections 307(b)(2) and 307(c)(2)(B) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

PENNSYLVANIA

Crawford School District, Meadville, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1998-99; Duration: 3 Years

Garnet Valley School District, Glen Mills, PA
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Kiski Area School District on behalf of Bell Township Elementary, Vandergrift, PA
Section Waived: ESEA Section 1114(a)(1)(B)(ii)
Initial School Year: 1999-2000; Duration: 3 Years

Kutztown Area School District, Kutztown, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1998-99; Duration: 3 Years

Lower Merion School District on behalf of Belmont Hills, Merion and Cynwyd Elementary Schools, Ardmore, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Panther Valley School District, Lansford, PA
Section Waived: ESEA Section 1127(b)
Initial School Year: 1999-2000; Duration: 1 Year

Pennsylvania Department of Education on behalf of Berwick Area School District, Harrisburg, PA
Section Waived: ESEA Section 1113(a)(2)(b)
Initial School Year: 1999-2000; Duration: 3 Years

Pennsylvania Department of Education on behalf of Brookville Area School District, Harrisburg, PA
Section Waived: ESEA Section 1113(C)(2)
Initial School Year: 1999-2000; Duration: 3 Years

Pennsylvania Department of Education on behalf of Fox Chapel Area School District, Harrisburg, PA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Pennsylvania Department of Education on behalf of Middletown Area School District, Harrisburg, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Pennsylvania Department of Education on behalf of Solanco School District, Harrisburg, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Riverview School District on behalf of Tenth Street School, Oakmont, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

School District of Haverford Township, Havertown, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1998-99; Duration: 3 Years

School District of Philadelphia, Philadelphia, PA
Section Waived: ESEA Section 1113(c)(1)
Initial School Year: 1999-2000; Duration: 3 Years

School District of Philadelphia, Philadelphia, PA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

School District of Philadelphia, Philadelphia, PA
Section Waived: ESEA Sections 5108 and 7307
Initial School Year: 1998-99; Duration: 3 Years

Southern York County School District, Glen Rock, PA
Section Waived: ESEA Sections 1113(a)(2)(B) and 1113(c)(1)
Initial School Year: 1998-99; Duration: 3 Years

Upper Adams School District, Biglerville, PA
Section Waived: Section 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Valley Grove School District, Franklin, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1998-99; Duration: 3 Years

West Perry School District on behalf of Green Park and Carroll Elementary, Elliottsburg, PA
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

RHODE ISLAND

Rhode Island Department of Education, Providence, RI
Section Waived: Sections 307(b)(2) and 307(c)(2)(B) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

SOUTH CAROLINA

Hendrix Elementary School, Boiling Springs, SC
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 1 Year

South Carolina Department of Education, Columbia, SC
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 2001-2002; Duration: 1 Year

South Carolina Department of Education, Columbia, SC
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

SOUTH DAKOTA

South Dakota Department of Education and Cultural Affairs, Pierre, SD
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

TENNESSEE

Tennessee Department of Education, Nashville, TN
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

UTAH

Utah State Office of Education, Salt Lake City, UT
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

Utah State Office of Education, Salt Lake City, UT
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

VIRGINIA

Orange County Public Schools, Orange, VA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1998-99; Duration: 3 Years

Virginia Department of Education, Richmond, VA
Section Waived: ESEA Section 2206(b)
Initial School Year: 1999-2000; Duration: 2 Years

Virginia Department of Education, Richmond, VA
Section Waived: Sections 307(b)(2) and 307(c)(2)(B) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

WASHINGTON

Centralia School District on behalf of Fords Prairie Elementary School, Centralia, WA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Centralia School District on behalf of Oakview Elementary School, Centralia, WA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Highline School District 401, Burien, WA
Section Waived: Section 307(c)(4) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Kent Elementary School, Kent, WA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Seattle Public Schools, Seattle, WA
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Washington Department of Education, Olympia, WA
Section Waived: Sections 307(b)(2) and 307(c)(2)(A)(iii) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

WEST VIRGINIA

West Virginia Department of Education, Charleston, WV
Section Waived: ESEA Section 1111(b)(6)
Initial School Year: 1998-99; Duration: 1 Year

WISCONSIN

School District of Fort Atkinson, Fort Atkinson, WI
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1998-99; Duration: 3 Years

Wisconsin Department of Public Instruction, Madison, WI
Section Waived: Sections 307(b)(2), 307(c)(2)(B) and 307(c)(2)(C) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years

Wisconsin Department of Public Instruction on behalf of the School District of Baraboo, Baraboo, WI
Section Waived: ESEA Section 1113(a)(2)(B)
Initial School Year: 1999-2000; Duration: 3 Years

Wisconsin Department of Public Instruction on behalf of the School District of Wautoma, Madison, WI
Section Waived: ESEA Section 1114(a)(1)(B)
Initial School Year: 1999-2000; Duration: 3 Years

WYOMING

Wyoming Department of Education, Cheyenne, WY
Section Waived: Section 307(b)(2) of the Class-Size legislation
Initial School Year: 1999-2000; Duration: 3 Years