



**UNITED STATES DEPARTMENT OF EDUCATION**  
Office of Elementary and Secondary Education

**ED-FLEX 2007 ANNUAL PERFORMANCE REPORT**

**INTRODUCTION**

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Under the Education Flexibility Partnership Act of 1999 (Ed-Flex), as part of the accountability, each participating State must monitor the activities of school districts and schools receiving waivers and submit to the Secretary an annual report based on its monitoring activities (see Section 4(a)(5) of the Education Flexibility Partnership Act of 1999). These reports assist both the Department of Education (ED) and States in evaluating the effectiveness of the Ed-Flex program in improving teaching and learning for all students. In this Ed-Flex 2007 Annual Performance Report, the Pennsylvania Department of Education (PDE) has provided the required information on three categories of waivers (new, extension, and ongoing) granted, state oversight and management of the waivers, and the specific waivers granted to each LEA.

**REPORT FORMAT**

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This report consists of two sections – (1) a narrative that discusses waiver activity for new, extension, and ongoing waivers and Pennsylvania’s Ed-Flex oversight activities and (2) a table that displays waiver and performance data on all Ed-Flex waivers granted. In preparing this annual report, the format provided by ED has been followed and complete responses to each applicable element have been included. The responses provide detailed information and specific examples of districts’ Ed-Flex efforts and strategies in Pennsylvania as well as supplemental information that provides additional Ed-Flex program information.

**(1) Report Narrative**

**Waivers Granted**

(a) This section describes what new Ed-Flex waivers were granted and provides a description of the activities permitted as a result of the waivers.

**1113(a)(2)(B)** - by waiving this section of the legislation, buildings that would not have been eligible to receive Title I funds/services were included in the program. As a result, more children received educational support services; more teachers participated in professional development activities; more

supplemental educational materials and supplies were available to students and teachers; more children had access to educational technology; and parent involvement activities increased. A total of 13 LEAs and 16 schools were granted this waiver. While more students were served as a result of the waivers granted, there may have been other schools in these districts that might have been impacted by changes in the Title I funding streams within each district; in total, there may have been an additional 45 schools that were potentially affected by the granting of this waiver to the 13 districts.

[It seems important to note that in the Report Data Table, the information about schools granted waivers and the schools that may have affected by the waivers are presented to two separate lines for each district and this has been done for two reasons. First, for schools granted waivers there are specific waiver goals that are monitored and this is not the case for the schools potentially affected. Second, the disaggregation of the data for these two types of schools will ease the interpretation of comparisons between schools granted waivers and those potentially affected in terms of AYP status; that would not be possible if the data were simply “lumped” together. Finally, data have been provided for schools granted new waivers relative to AYP status and goal attainment even though that information was not requested.]

**1113(c)(1)** - this waiver provides districts maximum flexibility in allocating Title I funds to eligible buildings by allowing districts to allocate funds to schools out of rank order of poverty. More buildings and more students received the benefits of Title I services; staffing decisions were made based on educational need, rather than low income; more professional development opportunities were offered to teachers; additional materials and supplies were available to students and teachers; access to educational technology increased; and parent involvement activities increased. A total of 2 LEAs were granted this waiver and there were 9 schools that may have been potentially affected by operation of this waiver.

**1116(e)** - this waiver allows the LEA to provide Supplemental Educational Services (SES) to eligible students in Title I schools even though the district had been identified for improvement. This waiver ensures that more students will receive SES and better information will be available on how programs are improving the academic achievement of students receiving services. A total of 1 LEA and 5 schools were granted this waiver.

- (b) This section describes what extension Ed-Flex waivers were granted and provides a brief description of the activities permitted as a result of the waivers and the expected results.

**1113(a)(2)(B)** - by waiving this section of the legislation, buildings that would not have been eligible to receive Title I funds/services were included in the program. As a result, more children received educational support services; more teachers participated in professional development activities; more supplemental educational materials and supplies were available to students and teachers; more children had access to educational technology; and parent involvement activities increased. A total of 8 LEAs and 13 schools were granted an extension of this waiver. While more students were served as a result of the waivers granted, there may have been other schools in these districts that might have been impacted by changes in the Title I funding streams within each district; in total, there may have been an additional 24 schools that were potentially affected by the granting of this waiver to the 8 districts.

**1113(c)(1)** - this waiver provides districts maximum flexibility in allocating Title I funds to eligible buildings by allowing districts to allocate funds to schools out of rank order of poverty. More buildings and more students received the benefits of Title I services; staffing decisions were made based on educational need, rather than low income; more professional development opportunities were offered to teachers; additional materials and supplies were available to students and teachers; access to educational technology increased; and parent involvement activities increased. A total of 1 LEA was granted an extension of this waiver and there were 8 schools that may have been potentially affected by operation of this waiver.

**1127** – this waiver permits the Midwestern Intermediate Unit #4 to carryover more that 15% of the Title I funds for parent involvement activities for the Pennsylvania State Parent Advisory Council. A total of 1 Intermediate Unit (IU) was granted this extension waiver that could potentially affect all districts and schools in Pennsylvania.

- (c) This section describes what ongoing Ed-Flex waivers were in effect and provide a brief description of the activities permitted as a result of the waivers and the expected results.

**1113(a)(2)(B)** - by waiving this section of the legislation, buildings that would not have been eligible to receive Title I funds/services were included in the program. As a result, more

children received educational support services; more teachers participated in professional development activities; more supplemental educational materials and supplies were available to students and teachers; more children had access to educational technology; and parent involvement activities increased. A total of 5 LEAs and 6 schools were granted this waiver on an ongoing basis. While more students were served as a result of the waivers granted, there may have been other schools in these districts that might have been impacted by changes in the Title I funding streams within each district; in total, there may have been an additional 23 schools that were potentially affected by the granting of this waiver to the 5 districts.

**1113(c)(1)** - this waiver provides districts maximum flexibility in allocating Title I funds to eligible buildings by allowing districts to allocate funds to schools out of rank order of poverty. More buildings and more students received the benefits of Title I services; staffing decisions were made based on educational need, rather than low income; more professional development opportunities were offered to teachers; additional materials and supplies were available to students and teachers; access to educational technology increased; and parent involvement activities increased. A total of 3 LEAs were granted this waiver on an ongoing basis and there were 274 schools that may have been potentially affected by operation of this waiver.

**1114(a)(1)(B)** - by allowing schools that do not meet the Title I schoolwide program threshold to administer a schoolwide program, schools have a greater flexibility in spending Title I funds. Students no longer must be “targeted” for services; therefore, more students receive Title I services and Title I funds can be used to improve the educational program of the entire school. A total of 1 LEA and 1 school were granted this waiver on an ongoing basis.

### **State Oversight**

- (a) This section describes the Ed-Flex waiver application, review, and approval process in detail, including timelines and other relevant information.

PDE has designed the SEA waiver process to grant waivers on a case-by-case basis to districts that demonstrate the Federal or State regulation/statutes create barriers to carrying out their education reform plan in an effective way. Waivers are not granted which would reduce, eliminate, or change maintenance of effort; comparability; equitable participation of students and

teachers in private schools; parental involvement; distribution of funds to LEAs; the selection of a school attendance area or school under Sections 1113(a) and (b) of Title I, except that an SEA may grant a waiver to allow a school attendance area or school to participate in Title I, Part A if the percentage of children from low-income families in the school attendance area or school is within 10 percentage points of the lowest Title I eligible school or attendance area; the use of federal funds to supplement, not supplant, non-federal funds; applicable civil rights requirements; Title X/Part C Charter School requirement; safety requirements; prohibition of use of State aid funds for religious worship or instruction; prohibition of restrictions regarding construction; or requirements relating to the basic purposes or goals of programs.

Local educational agencies are required to submit requests on a standard application form that includes the following:

- Indicates each federal program that would be affected and each statutory or regulatory requirement that would be waived;
- Describes the purposes and overall expected results of waiving each requirement;
- Describes, for each school year, specific, measurable educational goals for each district or school who are affected by the waiver;
- Explains why the waiver will assist the district or school in reaching these goals;
- Indicates whether the waiver request would benefit schools statewide or would only benefit their school(s) given unique local circumstances; and,
- Describes how the notice and comment requirements in section 4(a)(8) of the Ed-Flex legislation have been met.

Requests for waivers are submitted to the Division of Federal Programs for review. The Regional Coordinator initially reviews the waiver request for completeness and discusses any changes with the LEA. Incomplete applications are returned to the LEA. The Regional Coordinator and Waiver Manager make a determination whether the waiver requested is allowable under the Education Flexibility Partnership Act and state law and regulations. Previous waivers granted by the United States

Department of Education are reviewed if relevant to the local education agency waiver submitted. Requests for items that are clearly prohibited are returned immediately to the applicant. Those applications of waiver requests where there is uncertainty as to their approval would be referred to the Office of Chief Counsel for legal review.

The Waiver Manager reviews the waiver request for citation, need, goals, achievement data and evaluation. Extension of an approved waiver also requires a waiver report. The Waiver Manager and Division Chief discuss the waiver requests and confer with the LEA. Applications that clearly demonstrate and address the criteria outlined above are forwarded for the review and approval of the Secretary of Education.

Upon approval by the Secretary of Education, a summary of the waiver request is posted on the Department of Education's web site for public comment. If there is limited or no negative comment to the waiver request after 30 days, the request is approved as final. If significant opposition would be expressed, the Department would consider the merits of the comments and either return the request to the local educational agency to address the concerns or approve the request.

- (b) This section describes how Pennsylvania monitors districts and schools receiving these waivers, and how that oversight is used to provide feedback to districts and schools on their waiver activities.

The Division of Federal Programs has developed a program monitoring instrument to assess the effectiveness of the Ed-Flex program. This instrument is being used to assess the impact on the program on any school that was granted a waiver. This instrument is included in the current Consolidated Review Instrument which is part of PDE's Consolidated State Plan. The Division of Federal Programs ensures that school districts are in compliance with the requirements of the Ed-Flex program before approving or reissuing their waiver requests.

- (c) This section describes what steps the State has taken to ensure that Ed-Flex schools are meeting annual, measurable goals and how this is determined.

The Division of Federal Programs monitors LEAs receiving approved waivers through on-site visits to help ensure that schools and districts meet the goals established in their waiver applications. The Regional Coordinators also review the educational improvement goals in the Ed-Flex waiver application to verify progress toward meeting the goals. The Ed-

Flex Waiver Manager also reviews the assessment results each year.

- (d) This section describes what actions were taken to address any Ed-Flex schools and districts that are not meeting the specific, measurable educational goals established in their Ed-Flex waiver applications, and specifically whether any waivers have been identified for termination.

Since all of the LEAs were visited and were (1) in compliance with the Ed-Flex statute and guidance and (2) making progress towards their educational goals established in their waiver application, no waivers were terminated as a result of not meeting the specified goals.

- (e) This section describes Pennsylvania's general conclusions regarding the impact of these Ed-Flex waivers, particularly with regard to improving student achievement.

1. The purposes of the affected federal programs were maintained while focusing on raising the achievement of students.

2. The waivers were granted when waiver requests demonstrated the federal or state statute or regulation created a barrier to effective delivery of educational services.

3. The waivers assisted the schools in reaching educational goals, particularly goals with respect to school and student performance.

4. School districts were held accountable for the performance of students affected by the waivers.

5. The waivers improved student achievement on Pennsylvania achievement standards in math and reading with four categories of performance - Advanced, Proficient, Basic and Below Basic.

6. The waivers increased overall student achievement as measured by the PSSA accountability system.

- (f) This section provides general comments or observations related to reviewing, managing and/or monitoring Ed-Flex waivers.

The goals and objectives of the Ed-Flex Plan are supported by the strategies of providing technical assistance and corrective action included in PDE's Consolidated State Plan as described below.

1. An Advisory Strategy – this strategy provides teams of local practitioners that provide advice on developing the Application and Consolidated Program Review Strategy.
2. An Application and Consolidated Program Review Strategy – this strategy directly affects LEA and school plans, provides the structure within which the School Support Strategy Team is implemented, and provides content for the Field Information Exchange Strategy. As a result of the Integrated Review, the Application and Comprehensive Program Review Strategy was changed to amend the contracting process and to include LEA Consolidated Plans. The LEA Consolidated Plan (LEACP) was developed by practitioners from LEAs which comprised the LEA Consolidated Plan Advisory Committee. The LEACP is integrated with LEA Comprehensive School Improvement (Strategic) Plan and the integration must be evident in the LEACP. Additionally, the LEACP is an integral part of the LEA Comprehensive School Improvement Plan.
3. A School Support Team Strategy – this strategy directly supports specific school-based planning and implementation efforts, and the evaluation of those support activities shape the activities of that strategy. Currently, PDE has the following Support Teams: State Parent Advisory Committee, Non-Public Schools Advisory Committee, Big Cities Consortium Advisory Committee, the Neglected and Delinquent Advisory Committee, and the LEA Consolidated Plan Advisory Committee.
4. A Field Information Exchange Strategy – this strategy brings together teams of state, LEA and school representatives, and resource groups to collaboratively exchange information and practices.
5. A Pilot Project Strategy – this strategy directly involves LEAs and schools in exploratory and developmental activities that may become content for the Field Information Exchange Strategy.

**(2) Report Data Table**

In the attached spreadsheet, waiver status data are reported for all federal waivers in effect during SY 2006-2007 and addresses all of the following data elements:

1. The name of the LEA
2. The Specific Federal Statutory Provision Waived
3. New Waivers Granted during SY 2006-07
  - Duration of New Waivers Granted in SY 2006-07 (i.e., 1,2, or 3 years)
  - Number of Schools Affected by the New Waivers Granted in SY 2006-2007
4. Waiver Extensions in SY2006-07
  - Duration of Extension Waivers in SY 2006-07 (i.e., 1, 2, or 3 years)
  - Number of Schools Affected by the Extension Waivers in Effect during SY 2006-07
5. Ongoing Waivers Active during the Reporting Period
  - School Year in Which Ongoing Waiver Was Originally Granted
  - Duration of the Waiver (i.e., 1, 2, or 3 years)
  - Number of Schools Affected by the Ongoing Waiver
6. Number of Affected Schools with Extension and Ongoing Waivers Not Meeting Adequate Yearly Progress (AYP)
7. Number of Affected Schools with Extensions and Ongoing Waivers Meeting AYP
8. Number of Affected Schools with Extension and Ongoing Waivers Not Meeting Waiver Goals
9. Number of Affected Schools with Extension and Ongoing Waivers Meeting Waiver Goals

**Report Due: October 1, 2007**

**State: PENNSYLVANIA**

**ASSURANCE OF DATA QUALITY**

I assure that the data reported in this document is reliable, complete, and accurate.

\_\_\_\_\_ September 30, 2007 \_\_\_\_\_  
signature date

Edward Dutton \_\_\_\_\_ Ed-Flex Coordinator \_\_\_\_\_  
name title

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