

**Waiver Renewal Alert:
USED Plans to Loosen/Remove
Some State Waiver Renewal Requirements**

*A Technology Monitoring and Information Service (TechMIS)
Special Report*

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According to the *Politics K-12* blog on Education Week (November 13th), USED -- in an expected addenda to its August 29th guidance (see our September 26th TechMIS issue) -- is planning to “loosen” several requirements which 35 states have to meet to receive waiver renewals. The changes in the guidance will be welcomed by most of the 35 states, but will generate resistance from civil rights and education reform advocacy groups, as noted in the October TechMIS Washington Update.

As initially reported by Politics K-12, the requirements to be loosened or even removed are in the following areas. First, in addition to having already relaxed the teacher evaluation requirements of using student performance data for personnel decisions under the so-called “waiver-on-waiver guidance,” USED will soften the requirement that states ensure that disadvantaged minority students in low-performing schools have the same access to effective teachers that other schools have. As both the *Politics K-12* and *Teacher Beat* blogs in Education Week noted (as reported in our last TechMIS Washington Update), civil rights groups are expected to raise a big “fuss” over loosening this requirement. Second, as we noted in our September 26th issue, the August guidance required that Title II funds be used for professional development which is “evidence based,” even though that set of guidance was not specific about what are “evidence-based” practices. This requirement will not be addressed in the waiver renewal. And third, the waiver renewals will be for one year rather than the previous two-year extension.

Evidently, USED plans to strengthen existing Title I and Title II provisions to ensure disadvantaged students have equal access to effective teachers and improve the quality of professional development. In addition, all states will have to address USED audit/monitoring findings which are being compiled by USED based on its ongoing data analysis to determine if states are identifying appropriate schools for interventions. Waiver renewals will be due by the end of February or 60 days after states receive USED audit/monitoring findings. By January, according to *Politics K-12*, in all 50 states -- not just the 42 waiver states -- USED will have begun a process of “putting teeth into existing Title I and Title II laws.”

Update November 19th:

In her now publically-available policy letter of November 14th to the Chiefs, Assistant Secretary Deb Delisle offered the following waiver extension alternative in place of the previously-announced (August 29, 2013) renewal guidance/process: an SEA seeking renewal must only submit a letter requesting an extension for one year instead of two, and may submit, if necessary, a request using the existing ESEA flexibility amendment process which addresses outstanding issues and/or approval conditions related to “high-risk status” based on USED’s on-going monitoring/audit findings. Regarding the August 29th guidance related to use of Title II funds for professional development being “evidence-based” and the equitable distribution of effective teachers noted above, the policy letter states, “Both of these areas remain a very high priority for ED and will be addressed for every State -- not just States approved for ESEA flexibility -- outside the ESEA flexibility process. ED expects all SEAs to continue to move forward with their efforts to support high-quality professional development for teachers and principals, and increase equitable access to effective teachers, principals, and for all students.” As *Politics K-12* (November 14th) states, “...many smaller requirements remain, such as that districts have more responsibility in turning around schools.” The November 14th policy letter states that the requirement for stakeholder input also would continue to hold (see September 26th TechMIS Special Report).

During the CCSSO policy conference in Richmond, Virginia on November 16th, Secretary Duncan said that “some states are not doing enough to meet the terms of their existing waivers,” as reported in *Politics K-12* (November 16th). He emphasized, “I want to be really clear that the odds are that we will revoke a waiver or two or three, and that could happen as early as this summer...I just want to be really upfront and honest about that.”

Discussions with officials and Title I policy observers over the last 48 hours strongly suggest the following:

- more addenda/changes in the waiver renewal guidance and approval process can be expected over the next two months before one-to-one USED-state negotiations occur; and
- the USED planned changes in Title I and Title II guidance/regulations regarding evidence-based professional development and support and distribution of effective teachers for equitable access for minority students will affect all states and will have direct implications for many TechMIS subscribers (e.g., the way “comparability” will be calculated).

We will continue to follow developments in these areas and report them periodically as probable implications arise in such areas as types of evidence which will be used by districts in order to use Title I or Title II to pay for professional development and support.