

## Summary of NCLB Waiver Flexibilities

This document outlines the important ESEA funding flexibilities obtained through Connecticut's approved NCLB waiver. While the majority of flexibilities are listed here, this is not an exhaustive list. All accountability provisions that were not waived still apply. The flexibility afforded by the waiver does not affect the state's, districts', or schools' responsibility to comply with civil rights laws.

### For further information:

- Contact Marlene Padernacht at the Connecticut State Department of Education: [marlene.padernacht@ct.gov](mailto:marlene.padernacht@ct.gov), (860) 713 – 6568.
- Consult the guidance documents on the United States Department of Education website: <http://www.ed.gov/esea/flexibility> under the heading "ESEA Flexibility Documents." More information can be obtained in each flexibility area by consulting the guidance documents and FAQs. The letter and number codes at the end of each section below reference these federal guidance documents.

### **REQUIREMENTS WAIVED:**

#### **1. SES and NCLB Public School Choice – 20% Reservation**

Districts and schools are no longer required to offer SES/NCLB public school choice and to reserve 20 percent of Title I funds for such programs.

These Funds become regular Title I funds for allowable Title I activities. They may be allocated to Title I schools to provide SRBI for Title I students or for extended-day intervention programs for Title I students. Funds may also be allocated to district-wide programs such as summer school programs for students from Title I schools, preschool programs for eligible children, or professional development.

Where applicable, districts and schools must ensure sufficient support for implementation of interventions in Turnaround and Focus schools by leveraging the funds they would otherwise be obligated to spend for choice-related transportation and SES. *See: ESEA Flexibility FAQ B-9 and B-10; ESEA Flexibility FAQ Addendum A-17, B-10a, and B-10b*

#### **2. Professional Development – 10% Reservation**

District and school improvement 10 percent reservations for professional development is no longer required. Such funds become regular Title I funds for allowable Title I activities. *See: ESEA Flexibility FAQ B-10*

#### **3. 40% Poverty Threshold for School-wide Interventions**

The forty percent eligibility poverty threshold is waived for Turnaround and Focus schools implementing a whole school intervention. Districts and schools currently operating targeted assistance programs may convert the school to a school-wide program in order to carry out a whole school program in Turnaround or Focus schools. Any school-wide program must be based on the needs of the students in the school and be designed to enhance the entire educational program in that school, as appropriate. *See: ESEA Flexibility FAQ B-17 and C-28*

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### 4. Transferability of Funds Limitation

Under NCLB, schools not identified for improvement or corrective action could transfer 50 percent of the funds they received under some programs. Schools identified for improvement or corrective action could only transfer 30 percent of such funds. Both of these requirements have been waived. Districts may now transfer 100 percent of their Title II funds into Title I Part A or for use under another covered program (Title II, Part D Ed. Technology; Title IV, Safe and Drug Free Schools; Title V, Innovative Programs).

Districts and schools cannot transfer funds out of Title I Part A. Additionally, districts and schools may not transfer funds out of certain other programs, such as funds for specific populations of underserved students. Equitable participation requirements have not been waived: schools and districts seeking to transfer funds must engage in timely and meaningful consultation with appropriate private school officials, where necessary. *See: ESEA Flexibility FAQ B-19, B-20, B-21, B-22; ESEA Flexibility FAQ Addendum Four B-22a*

### 5. Limits on Rural Funds

Districts or schools receiving Small Rural School Achievement Program or Rural and Low Income School Program funds may now use funds for any purpose authorized by above programs. Districts and schools are encouraged to use these funds for needs identified under the State's differentiated recognition, accountability, and support system. *See: ESEA Flexibility FAQ B-14*

### 6. Agreement on use of Title II Funds

The requirement that the state and districts or schools to agree on an improvement plan for the use of Title II, Part A funds for districts or schools that miss AYP or High Quality Teacher goals is waived. In addition, the hiring restrictions for Title I, part A paraprofessionals are waived. Except for the improvement plan and Title II funds restrictions, the basic highly qualified teacher requirements have not been waived. *See: ESEA Flexibility FAQ B-18*

## **REQUIREMENTS NOT WAIVED:**

### 1. Highly Qualified Teacher Requirements

Except for the improvement plan and Title II funds restrictions, the basic highly qualified teacher requirements have not been waived. *See: ESEA Flexibility FAQ B-18*

### 2. Parent Involvement Requirements

No parent involvement requirements were waived, including the 1 percent parent involvement reservation for districts receiving more than \$500,000 in Title, I Part A funds. *See: ESEA Flexibility FAQ Addendum A-15*

### 3. Equitable Participation Requirements

No equitable participation requirements were waived. Before transfer of funds, schools and districts must consult with private school officials. The equitable service requirements apply to the SES and professional development flexibility as well as to regular Title I funds. *See: ESEA Flexibility FAQ B-22; ESEA Flexibility FAQ; ESEA Flexibility FAQ Addendum 4 B-22a*