

## DEPARTMENT OF EDUCATION

**Waivers Granted Under the Authority of the Elementary and Secondary Act and the Goals 2000: Educate America Act**

**ACTION:** Notice of waivers granted by the U.S. Secretary of Education under the authority of the Elementary and Secondary Education Act and the Goals 2000: Educate America Act.

**SUMMARY:** States and communities have new opportunities for flexibility in the use of Federal education funds in order to improve school effectiveness and academic achievement. The Improving America's Schools Act (Pub. L. 103-382), which reauthorized the Elementary and Secondary Education Act (ESEA), the Goals 2000: Educate America Act (Pub. L. 103-227), and the School-to-Work Opportunities Act (Pub. L. 103-239) provide States, school districts, and schools with significant new opportunities to seek waivers of certain requirements of Federal education programs in order to improve teaching and learning.

This notice identifies the waiver requests approved by the U.S. Department of Education under these new waiver authorities through June 30, 1995. This notice also identifies one State that has had its Education Flexibility (Ed-Flex) Partnership Demonstration Program application approved and that has been delegated the Secretary's waiver authority under the Goals 2000: Educate America Act. As of June 30, no waivers had been requested under the general Goals 2000 authority or School-to-Work Opportunities Act.

**Application Approvals**

Through June 30, 1995, the Secretary has approved 14 applications for waivers and one application for Ed-Flex. The successful applications are described briefly in this notice, which is published as provided for in section 14401(g) of the ESEA and section 311(g) of Goals 2000. These summaries are presented to illustrate some of the key elements of the approved requests. Each waiver application is reviewed and evaluated based on its individual merits in accordance with the statutory criteria.

**(A) Waivers Approved Under the General Waiver Authority in Section 14401 of the ESEA**

(1) Name of Applicant: Palm Beach County School District, West Palm Beach, FL.

Requirement waived: Section 1113(a)(3) of the ESEA.

Duration of Waiver: One year.

Summary: The district will not allocate Title I funds to four eligible secondary schools for one year. This will enable the district to continue improvement strategy efforts in 22 elementary schoolwide programs and follow through with plans to begin six new elementary schoolwide programs in the upcoming school year.

Date Granted: March 9, 1995.

(2) Name of Applicant: School District of Lancaster, Lancaster, PA.

Requirement waived: Section 1113(a)(3) of the ESEA.

Duration of Waiver: Three years.

Summary: As part of its comprehensive approach to using Federal, State, and local education resources, the district will use its Title I funds in 11 elementary schools, including two schools otherwise ineligible for Title I funds. While the district will not fund an eligible middle school, it will devote substantial non-Title I resources there. Title I funds will continue to support an early intervention program serving children from preschool through grade 3. The district points to strong indications of prior success of this program and describes plans to monitor the program for long-term improvement.

Date Granted: May 23, 1995.

(3) Name of Applicant: Riverside Unified School District, Riverside, CA.

Requirement waived: Section 1113(a)(4) of the ESEA.

Duration of Waiver: Three years.

Summary: The district will not serve three newly Title I—eligible elementary schools, in order to continue Title I services for children who reside in an eligible attendance area but who, under the district's voluntary desegregation plan, are transported to an elementary school that has a lower rate of poverty than the newly eligible schools. The school to be served has been identified by the State as a "Distinguished School," with Title I as the centerpiece of its program.

Date Granted: May 23, 1995.

(4) Name of Applicant: Fort Worth Independent School District, Fort Worth, TX.

Requirement waived: Section 1113(c)(1) of the ESEA.

Duration of Waiver: Three years.

Summary: The district will provide a greater per pupil allocation of Title I funds to four high-poverty elementary schools than to other schools that rank higher in poverty. The four schools operate schoolwide programs that will aim to increase the quality of instruction and improve academic achievement through reorganizing staff, lengthening the school year, providing extensive

professional development, focusing heavily on reading and math, and strengthening links to the community.

Date Granted: June 5, 1995.

(5) Name of Applicant: Penn Manor School District, Penn Manor, PA.

Requirement waived: Section 1113(a)(2)(B) of the ESEA.

Duration of Waiver: One year.

Summary: Consistent with its strategic plan, the district supports an early intervention reading program and will provide Title I services to all educationally at-risk first grade students. The waiver will enable the district to serve three elementary schools that are otherwise ineligible for Title I funds. The school poverty levels in this district are relatively low and span a small range.

Date Granted: June 8, 1995.

(6) Name of Applicant: South Eastern School District, South Eastern, PA.

Requirement waived: Section 1113(a)(2)(B) of the ESEA.

Duration of Waiver: Three years.

Summary: The district has adopted a strategic plan stressing early intervention. The district will provide Title I funds to two otherwise ineligible elementary schools so that they may continue their Reading Recovery programs. This is a relatively low-poverty school district, in which all of the schools fall within a small range around the district average.

Date Granted: June 8, 1995.

(7) Name of Applicant: Hillsborough County Public Schools, Tampa, FL.

Requirement waived: Section 1113(a)(3)(B) of the ESEA.

Duration of Waiver: Three years—6th Grade Center; Two-years—Junior High School.

Summary: The district will delay providing Title I services to a 6th grade center (for three years) and a junior high school (for two years). Both of these schools are undergoing major physical and institutional restructuring efforts, including school closures and changes in grade spans served. Assuming continued eligibility, Title I services will be provided at both schools at the end of the waiver period.

Date Granted: June 12, 1995.

(8) Name of Applicant: Huntingdon Area School District, Huntingdon, PA.

Requirement waived: Section 1113(a)(2)(B) of the ESEA.

Duration of Waiver: Three years.

Summary: The district will provide Title I funds to two otherwise ineligible elementary schools. Consistent with the district's three-year strategic plan, the funds will enable the district to provide Reading Recovery programs in the two schools. Both of these schools formerly

were eligible for Chapter 1 funds under the no-wide variance provision of Chapter 1.

Date Granted: June 27, 1995.

(9) Name of Applicant: Nash-Rocky Mount School District, Nashville, NC.

Requirement waived: Section 1114(a)(1)(A) of the ESEA.

Duration of Waiver: One year.

Summary: This waiver will enable an elementary school, with a poverty rate near the 60 percent requirement, to implement a Title I schoolwide program one year early. Requirements pertaining to schoolwide programs other than the poverty level of the attendance area still apply.

Date Granted: June 27, 1995.

(10) Name of Applicant: Knoxville Community Unit School District No. 202, Knoxville, IL.

Requirement waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.

Duration of Waiver: One year.

Summary: The waiver will enable the district to plan for the termination of the Chapter 1 program in one elementary school, allowing the district to minimize the negative impact of the discontinuation and develop alternatives to meet the educational needs of the students who would no longer be served.

Date Granted: June 30, 1995.

(11) Name of Applicant: West Chester School District, West Chester, PA.

Requirement waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.

Duration of Waiver: Three years.

Summary: This waiver will enable the district to provide Title I funds to three otherwise ineligible elementary schools, attended by 24 percent of the district's identified low-income students, and to maintain its early intervention program in all 10 of its elementary schools. The schools' poverty levels are closely clustered, with the three ineligible elementary schools ranked within 1.1 percentage points of the district average. Instead of allocating funds strictly based on poverty, the district will fund equally a reading specialist position in each of the ten schools.

Date Granted: June 30, 1995.

*(B) Waivers Approved Under the Special Waiver Authority in Section 1113(a)(7) of the ESEA*

(1) Name of Applicant: Metropolitan School District of Decatur Township, Marion County, Indianapolis, IN.

Requirement waived: Sections 1113(a) and 1113(c) of the ESEA.

Duration of Waiver: Three years.

Summary: The waiver allows the district to provide Title I funds to two schools with poverty rates below 35 percent but above 25 percent and to fund all elementary schools at a rate less than 125 percent of the minimum per pupil allocation. This waiver allows the district to provide services in schools where students are transported under a court-ordered, cross-district desegregation plan. The district will maintain substantial services in its higher-poverty schools.

Date Granted: May 17, 1995.

(2) Name of Applicant: San Diego City Schools, San Diego, CA.

Requirement waived: Sections 1113(a) and 1113(c) of the ESEA.

Duration of Waiver: Three years.

Summary: The waiver allows Title I funds to be allocated to 33 schools with poverty levels below the district average and 10 schools at less than the minimum required allocation. All such schools serve students transported from higher-poverty attendance areas under the district's court-ordered desegregation plan. The district will allocate funds to schools eligible without the waiver based on the total number of poor children, both bused and resident. Allocations to schools served under the waiver will be based only on students bused into the attendance area, although the funds will serve any child at risk of failing to meet State standards.

Date Granted: June 7, 1995.

(3) Name of Applicant: Ferguson-Florissant R-II School District, Florissant, MO.

Requirement waived: Sections 1113(a) and 1113(c) of the ESEA.

Duration of Waiver: Three years.

Summary: The waiver will enable the district to continue to provide Title I services in attendance centers with at least 25 percent economically

disadvantaged school children enrolled as a part of a court-ordered desegregation plan. This will help support the district's desegregation efforts and advance the purposes of Title I by providing additional services to educationally disadvantaged children at schools receiving minority students from other attendance areas.

Date Granted: June 30, 1995.

*(C) Plans Approved Under the Education Flexibility Partnership Demonstration Program in Section 311(e) of the Goals 2000: Educate America Act*

(1) Name of Applicant: Oregon.

Summary: Under this demonstration program, the Secretary has delegated the Oregon State Educational Agency (SEA) the power to grant waivers of certain requirements of Federal education programs to individual local educational agencies and schools. This delegation will allow the SEA, which has an approved Goals 2000 plan, to build on its system for evaluating and monitoring performance under waivers of State and local requirements. The SEA's waiver process is explicitly linked to its State standards and assessments, with the waivers being significant tools to improve student academic performance.

Date Granted: February 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Collette Roney, Planning and Evaluation Service. Telephone: (202) 401-7801. Persons specifically interested in waivers of requirements of the Title I program may contact Mary Jean LeTendre, Director of Compensatory Education Programs. Telephone: (202) 260-0826.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: August 21, 1995.

**Marshall S. Smith,**  
*Under Secretary.*

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