

# Report on Virginia's Application for Waivers from Certain Requirements of the *Elementary and Secondary Education Act of 1965* (ESEA)

November 20, 2013

## Background

In August 2013, the U.S. Department of Education (USED) announced a process for states to request a two-year renewal of ESEA flexibility through the end of the 2015-2016 school year. Under that process, a state seeking a two-year waiver renewal was required to submit a redline version of its ESEA flexibility application containing updates to its implementation process and a plan to fulfill certain additional requirements outlined in the [ESEA Flexibility Renewal Form](#).

In preparation to submit an ESEA flexibility renewal package to USED, the Department prepared an [executive summary](#) of proposed changes to the state's [ESEA flexibility plan](#) and solicited stakeholder input on the proposed changes. The Department anticipated presenting a redline version of Virginia's ESEA flexibility application to the Board of Education for first review at its November 21, 2013, meeting, and for final review at its January 16, 2014, meeting.

## Revised Process

In a Thursday, November 14, 2013, letter to state superintendents (Attachment A), USED announced an amended ESEA flexibility extension process in place of the previously announced renewal process. Under the new process, Virginia will now have the option of applying for a *one-year extension* of its current ESEA flexibility waiver approved by USED in March 2013. The state could also propose additional amendments it wishes to make to the current approved waiver. The one-year extension would be in effect through the end of the 2014-2015 school year. To be considered for the extension, Virginia must submit to USED:

- A letter requesting an extension of its ESEA flexibility application and describing how the waivers have been effective in enabling the state to carry out its implementation plan and have contributed to student achievement; and
- A redline version of its ESEA flexibility application resolving findings resulting from USED's September 30, 2013, Part B monitoring of Virginia's implementation of its ESEA flexibility plan and describing optional amendments to the application.

Additionally, the revised process removes the additional requirements states were asked to address in the original renewal process: 1) the use of Title II, Part A, funds for professional development; and 2) the equitable distribution of effective teachers. These elements will be addressed by USED outside of the ESEA flexibility process.

## Revised Submission Timeline

In accordance with the timeline outlined in the November 14, 2013, letter, Virginia proposes to submit its ESEA flexibility extension request to USED by February 28, 2014, or 60 days from receipt of its ESEA flexibility Part B monitoring report, whichever is later. The Department anticipates presenting a revised redline version of the state's ESEA flexibility application, meeting the criteria outlined above, to the Board of Education for first review at its January 16, 2014, meeting, and for final review at its February 27, 2014, meeting, pending receipt of its Part B monitoring report by late December.