

## **Missouri Department of Elementary and Secondary Education (MoDESE) Waiver Request December 2015**

The Missouri Department of Elementary and Secondary Education (MoDESE) requests waivers of parts of Sections 1114(a)(1), 1113, 1120A(b) and Regulation 34 C.F.R. 200.78 of the Elementary and Secondary Education Act of 1965 (ESEA) and 34 C.F.R. 300.203 of the Individuals with Disabilities Education Act (IDEA). All of the waivers are related to the implementation of a blended early learning program.

Program requirements and funding sources have created program silos which form barriers to districts developing and sustaining early learning programs. It is not unusual for an attendance center to have three early learning classrooms, all providing relatively the same instruction but operating separately due to administrative and funding difficulties. Our waiver requests are intended to allow Missouri public school districts to combine federal, state, and local resources under one administrative process and create fully inclusive high quality early learning classrooms. Title I schoolwide provides the basic structure for our waiver requests.

### **Waiver to reduce poverty level criteria for early learning schoolwide programs.**

ESEA Section 1114(a)(1) requires that an LEA have a poverty percentage of 40 percent or more in order to operate a schoolwide program. MoDESE requests a waiver of ESEA Section 1114(a)(1) so that an LEA may operate a district- or school-operated preschool program that includes Title I funds where all students are eligible to be served, even if the attendance center does not have a poverty percentage of 40 percent or more.

### **Waiver to allow greater flexibility in use of Title I funds for early learning programs.**

ESEA Section 1113 and 34 C.F.R. 200.78 requires that an LEA allocate Title I funds to elementary and secondary school attendance areas and schools. Although an LEA may also reserve funds off the top of its Title I allocation to operate a districtwide Title I preschool program, the LEA must ensure that there are enough funds remaining to make allocations to some or all of its eligible schools' attendance areas or schools. In accordance with ESEA Section 1113 and 34 C.F.R. 200.78, such allocations must enable participating schools to operate a Title I program of sufficient size, scope, and quality to help students served by the program achieve proficiency on the State's academic achievement standards. MoDESE requests this waiver so that an LEA may reserve its entire Title I allocation to operate a districtwide preschool program and/or increase the amount of Title I funds that can be targeted to early learning.

**Waiver to allow use of building level maintenance of effort to meet supplement/supplant requirements.** ESEA Section 1120A(b) requires that the SEA and LEA use federal funds received under Title I only to supplement the funds available from non-federal sources for the education of students participating in Title I. The SEA and LEA cannot use these federal funds to supplant (take the place of) funds that would, in the absence of Title I funds, have been spent on Title I students. MoDESE requests this waiver to allow LEAs to meet the supplement, not supplant requirement by treating the early childhood blended program like a schoolwide program. In a schoolwide program, Title I, Part A funds and other federal education program funds can only be used to supplement the total amount of funds that would, in the absence of federal funds, be made available from non-federal sources for that school, including funds

needed to provide services that are required by law for children with disabilities and children with limited English proficiency. It is the district's responsibility to ensure that state and local funds are distributed fairly and equitable to all schools in the district.

**Waiver to remove early learning scholarship and parental participation fees from the IDEA maintenance of effort calculations.** IDEA Regulation 34 C.F.R. 300.203 requires funds provided to an LEA under Part B of the Act not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year. MoDESE requests a waiver to exclude any kind of scholarships or parent participation fees from the maintenance of effort calculation.

**Measurement Pieces:**

Because the focus of these efforts are to benefit preschool children, it will be many years before data can attribute changes brought on by these waivers to increase student achievement under 1111(b). We offer the following as substitute measures:

- increase in the number of LEAs implementing new or expanded early learning programs;
- increase in the number of students participating in early learning programs;
- increase in the number of certificated early learning teachers employed by public school districts; and,
- increase in Early Childhood Outcomes (ECOs) for students with disabilities participating in blended early learning programs.

MoDESE believes that the requested waiver will provide the SEA with the ability to grant an LEA the flexibility it needs to combine its Title I, Part A funds in partnership with other federal, state, and local funds to provide preschool services to age eligible students. The requested waiver will encourage schools and LEAs, especially small, rural LEAs, to establish a quality preschool program, even if those LEAs do not have a poverty percentage of 40 percent or more.

Missouri has many small and/or rural LEAs. Of 563 public and charter LEAs, 383 (68%) have fewer than 1,000 students pre-K-12. The majority of these LEAs operate single grade-span attendance centers. Only 38 Missouri LEAs (6.7%) have enrollments greater than 5,000 students pre-K-12. Unfortunately, no federal program is funded at a level which provides sufficient resources to overcome the limitations of size, and Title I funding is very heavily influenced by high poverty percentages and numbers. This focus results in few new funds going to districts with relatively small numbers of students and fewer yet to those with poverty levels less than 40%. Understanding that, LEAs must make decisions regarding the best use of funds for improving educational offerings to their students. A quality early learning experience should be one of those options for LEA leadership to consider. It is extraordinarily difficult for an LEA receiving limited Title I funds to be able to simultaneously provide a program of sufficient size, scope, and quality at both the pre-school and school-age levels.

The Congress acknowledged the fact that rural schools often “receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.” Their response was to create more flexibility and in some cases a few more funds through a variety of rural school initiatives. The need for flexible use of funds should extend to early learning programs and should not require LEAs unnecessarily split funds which typically results in lower quality. It is not expected that great numbers of LEAs will suddenly eliminate their K-12 programs, but that

flexibility of choice should be available as they evaluate current initiatives and seek to accelerate academic and behavioral improvements.

The quality of instruction will increase for all students when the LEA is allowed to blend various state, local, and federal funding sources to meet the needs of all the children while still meeting the intent of the funding sources.

A MoDESE early learning cross-agency team has developed uniform guidance for administration of blended early learning programs. Uniform guidance will reduce the amount of valuable time spent by LEAs trying to interpret and implement early learning programs which comply with the various funding streams and allow that time to be better focused on serving more children at a higher level of quality. The uniform guidance addresses important issues such as teacher quality, professional development, curriculum, and instructional practices.

The cross-agency team selected the schoolwide model as the best model for integrating at-risk and non- or limited-risk students in the same classroom. Though Title I funds would provide access to students most at risk of failing to meet the State's academic achievement standards, the model provides the mechanism to permit children supported through other funding sources to participate including children whose families are able to provide financial support. A full inclusion model provides opportunities for students with risk factors to accelerate improvement of their language/communication skills, their behavioral skills, and their social skills. Early learning is a very active process and the more students can interact with good models of language/communication, behavior, and social development the faster improvement is likely to occur. Teachers in inclusive settings encourage all students to reach developmentally appropriate milestones instead of setting expectations based on the norm of at-risk populations.

MoDESE will continue to ensure that buildings/districts using the schoolwide waiver, equitably distribute any state and local funds among the various schools. The distribution of non-federal funds will be reviewed as part of the early learning schoolwide application process. Buildings/districts using the waiver must develop plans based on a comprehensive needs assessment and must address issues such as attendance, discipline, and early childhood academic, behavioral, and social outcomes.

Discussions over the past year with the Office of State Support in the U. S. Office of Elementary and Secondary Education identified concerns with schools avoiding accountability and thus avoiding the consequences and supports of being identified for improvement. A second concern was related to not providing equitable services to private school children as required under ESEA Section 1120.

The concern regarding identification can be addressed by ensuring that all districts applying to use the waiver would agree to including their schools in the pool for priority or focus identification if 25% or more of their kindergarten class is comprised of students who participated in the district-operated early learning program. Preschool is a feeder for the elementary schools so this connection is easily tracked.

We believe there is no disadvantage or loss of benefit to private school children since there is no identifiable separation of public/private at the preschool level and all children would be eligible

to attend or if funds were limited, would be made eligible regardless of current connections to public/private school or of future intentions.

MoDESE is providing all LEAs in the state with notice and a 30-day comment period on this request. Missouri posted the notice on the Department's electronic listserve for school district staff (see copy of notice attached). Copies of all comments that Missouri receives from LEAs in response to this notice will be forwarded to USDE along with any changes to the waiver based on comments received. The MoDESE provided notice and information regarding this waiver request to the public in the manner in which the SEA customarily provides such notice and information by posting the waiver request on its website at <https://dese.mo.gov/quality-schools/federal-programs>.

Questions regarding this request should be directed to Stephen Barr at 573-751-4444 or e-mail [stephen.barr@dese.mo.gov](mailto:stephen.barr@dese.mo.gov).