

Using a Federal Waiver to Apply for Title IV Funds for Capturing Kids' Hearts™ and Teen Leadership™

Title IV Waiver Process

Background

The No Child Left Behind Act (NCLB) Title IV, Part A, Section 4115 (a)(1)(C) requires that, to meet the principles of effectiveness, a program or practice must be based on *scientifically-based research* that provides evidence that the program to be used will reduce violence and illegal drug use.

In the NCLB, Title IX, Part A, Section 9105 (37) the term '*scientifically based research*':

(A) means research that uses rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication, and

(vi) **has been accepted by a peer-reviewed journal** or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Capturing Kids' Hearts and ***Teen Leadership*** have been evaluated using systematic, empirical methods involving rigorous data analyses. The research relied on methods that provided reliable and valid data and employed experimental or quasi-experimental designs. The program is sufficiently developed that schools can replicate the results. In addition, two of the research studies have been accepted by peer-reviewed journals. The outcomes included decreased anti-social behavior such as violence (risk factors) and enhanced pro-social behavior and academic success (protective factors).

Both of these programs follow the principles supporting the risk and protective factors model identified by the National Institute of Drug Abuse (NIDA) as being a critical component shared by all effective prevention programs that seek to impact drug abuse.

Therefore, since the research for Capturing Kids' Hearts and Teen Leadership employed scientifically-based research that demonstrated decreases in risk factors and increases in protective factors that are known to impact drug abuse, these programs are scientifically-based prevention programs.

Federal Waiver Authority

Although ***Capturing Kids' Hearts*** and ***Teen Leadership*** are programs that meet the NCLB requirements for scientifically-based research, some State Education Agencies (SEAs) additionally require that programs be *listed* as scientifically-based by federal or state Departments of Education. The United States Department of Education allows Local Education Agencies (LEAs) to apply to their State Education Agency (SEA) for a waiver of the requirement to implement programs that are both scientifically-based *and* listed as scientifically-based by the Department if the program developer provides evidence of the effectiveness of the program. ***Capturing Kids' Hearts*** and ***Teen Leadership*** are supported by scientifically-based research, but are not yet listed as scientifically-based by the Department. Therefore, LEAs that want to implement these programs may apply for a federal waiver because these programs meet waiver guidelines.

Waiver Guidelines

According to waiver guidelines, the LEA may apply for a waiver of NCLB, Title IV, Part A, Section 4115 (a)(1)(C) to use Title IV funds to support the cost of programs that are not yet listed as science-based by the Department. Approval of a waiver allows the LEA to use Title IV funds to support the cost of an innovative program that demonstrates substantial likelihood of success. The innovative program covered by the waiver must be taking part in scientifically based research as defined in NCLB Section 9105. The developers or publishers of the program must commit to submitting the program for review by one of the agencies cited in the Department's list of science-based programs that use a rigorous process to recognize science-

based programs. Biennial waiver renewal is based on adequate progress being made towards submitting the program for such a review.

Requesting a Title IV Federal Waiver for Capturing Kids' Hearts and Teen Leadership

LEAs may request a waiver of NCLB, Title IV, Part A, Section 4115 (a)(1)(C) in order to use Title IV funds to support the cost of ***Capturing Kids' Hearts*** and ***Teen Leadership***, which are prevention programs supported by science-based research published in peer-reviewed journals, but are not yet listed as science-based by the Department. LEAs may request that the waiver be granted for a period of 2 years while the developer carries out additional randomized controlled trials and applies for inclusion on federal lists of science-based "model programs". One of the prominent federal lists, SAMHSA's NREPP is not accepting applications until October 2009. A two-year waiver will allow the developer to submit the application and complete the application process.

If a federal waiver is required by the state, representatives of school districts will want to review the information provided in the document entitled "[Summary Addressing Title IV Funding Issues and Guidelines](#)". They will then need to address the following points when requesting a waiver:

The program developer for ***Capturing Kids' Hearts*** and ***Teen Leadership*** is in line with the waiver requirements listed above as evidenced by the fact that the developer:

- 1) provides effective, innovative programs whose science-based research demonstrates the probability of success in schools,
- 2) is currently carrying out science-based research as defined in NCLB Section 9105, and
- 3) is committed to submitting the program for review by one (or more) of the agencies cited in the Department's list of science-based programs.