



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 24 2009

ASSISTANT SECRETARY

The Honorable Tom Horne  
Superintendent of Public Instruction  
Arizona Department of Education  
1535 West Jefferson Street, Bin Z  
Phoenix, Arizona 85007

Dear Superintendent Horne:

I am writing in response to Arizona's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). After reviewing Arizona's request, I am pleased to grant the following waiver:

- 14-day notice requirement. I am granting Arizona a one-year waiver of the Title I, Part A regulatory requirement for a local educational agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 C.F.R. § 200.37(b)(4)(iv)). This waiver applies only to the notice provided to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made adequate yearly progress (AYP) in the previous year, and so could have possibly exited improvement for the 2009–2010 school year, but did not.

This waiver is granted on the condition that Arizona will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of the waiver to the Department by September 30, 2010. Please be sure to review the enclosure carefully.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Zollie Stevenson, Director of Student Achievement and School Accountability Programs (SASA) at (202) 260-0826.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Jan Brewer  
Robert Franciosi

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## CONDITIONS ON TITLE I, PART A WAIVER

### 14-Day Notice Requirement (34 C.F.R. § 200.37(b)(4)(iv))

This waiver is granted on the condition that Arizona will:

- Ensure that each local educational agency (LEA) taking advantage of the waiver provides public school choice notice to parents of students attending schools that cannot exit improvement, corrective action, or restructuring for the 2009–2010 school year at least 14 days prior to the start of the 2009–2010 school year;
- Ensure that each LEA implementing the waiver complies with the statutory requirement to provide notice of public school choice before the start of the school year (ESEA section 1116(b)(1)(E)(i));
- Encourage all LEAs within the state to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year;
- Ensure that its assessment schedule and test vendor contract for the 2009–2010 school year (and all subsequent school years) will permit LEAs within the state to provide notice of public school choice sufficiently in advance of, but no later than 14 days before, the start of the 2010–2011 school year (and all subsequent school years);
- Ensure that its LEAs that offer public school choice earlier to students in some schools than to students in other schools reserve a portion of the available transportation slots for students who receive the later notice (*see* Question D-7 in the Department’s Public School Choice Non-Regulatory Guidance, available at: <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>); and
- Submit to the Department, by September 30, 2010, a report that provides:
  - The total number of LEAs within the state that had schools that could have possibly entered or exited improvement, corrective action, or restructuring for the 2009-2010 school year; and
  - The total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2009–2010 school year.