



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUN 14 2010

ASSISTANT SECRETARY

The Honorable Tom Horne
Superintendent of Public Instruction
Arizona Department of Education
1535 West Jefferson Street, Bin 2
Phoenix, Arizona 85007

Dear Superintendent Horne:

I am writing in response to the Arizona's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Arizona has requested these waivers because it administered a revised mathematics assessment during the 2009-2010 school year, thereby affecting Arizona's release of accountability determinations and the ability of LEAs to provide timely notice to parents of eligible students as to their public school choice options.

After reviewing Arizona's request, I am pleased to grant a waiver of the following statutory and regulatory provision:

- Waiver of requirements to provide timely notice of public school choice options. I am granting Arizona a one-year waiver of section 1116(b)(1)(E)(i) of the ESEA and 34 C.F.R. § 200.37(b)(4)(iv) that together require an LEA to provide parents of eligible students with notice as to their public school choice options at least 14 days before the start of the school year. This waiver applies only to the notice provided to parents of children attending Title I schools that could be newly identified for improvement for the 2010–2011 school year and parents of children attending Title I schools that could exit improvement for the 2010–2011 school year, but do not do so.

This waiver is granted on the following conditions:

- Arizona will 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
- Arizona will Submit to the Department 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 2010-2011 school year; and

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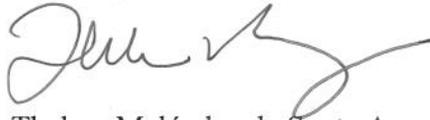
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- The total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2010–2011 school year.

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,

A handwritten signature in black ink, appearing to read 'Thelma', with a stylized flourish extending to the right.

Thelma Meléndez de Santa Ana, Ph.D.

cc: Governor Jan Brewer
Robert Franciosi