



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 03 2010

ASSISTANT SECRETARY

The Honorable Francis Haithcock
Chancellor of Public Schools
Florida Department of Education
325 West Gaines Street
Tallahassee, Florida 32399

Dear Chancellor Haithcock:

I am writing in response to Florida'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 Florida's request, I am pleased to grant the following waiver:

- 14-day notice requirement. I am granting Florida 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 2010–2011 school year or that made adequate yearly progress (AYP) in the previous year, and so could have possibly exited improvement for the 2010–2011 school year, but did not.

This waiver is granted on the condition that Florida 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, 2011. 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 Charlie Crist
Lisa Bacen

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CONDITIONS ON TITLE I, PART A WAIVERS

Waiver of requirements to provide timely notice of public school choice options (ESEA section 1116(b)(1)(E)(i), 34 C.F.R. § 200.37(b)(4)(iv))

This waiver is granted on the condition that Florida 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 2010–2011 school year at least 14 days prior to the start of the 2010–2011 school year;
- 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 to parents of eligible students in schools not affected by the waiver;
- Ensure that its assessment schedule and test vendor contract for the 2010–2011 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 2011–2012 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 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
 - 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.