The Honorable Virginia M. Barry  
Commissioner of Education  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, New Hampshire 03301

Dear Commissioner Barry:

I am writing in response to New Hampshire’s requests to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). After reviewing New Hampshire’s requests, I am pleased to grant the following waivers:

- Offering SES in addition to public school choice to students attending a school in the first year of improvement and counting the costs of both toward an LEA’s 20 percent obligation. I am granting a one-year waiver of ESEA section 1116(b)(10) and 34 C.F.R. § 200.48 to permit an LEA in New Hampshire to offer SES in addition to public school choice to eligible students in a Title I school in the first year of school improvement and to count the costs of providing SES to these students toward meeting the LEA’s 20 percent obligation under 34 C.F.R. § 200.48.

- Approving schools or local educational agencies (LEAs) identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers. I am granting a one-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit New Hampshire to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2010–2011 school year.

These waivers are granted on the following conditions:

- New Hampshire will submit to the Department a report that provides:
  - The name and NCES Identification Number for each LEA taking advantage of the waiver to offer SES in addition to public school choice to students in a Title I school in the first year of improvement and count the costs of both toward the LEA’s 20 percent obligation;
  - The total number of LEAs identified for improvement or corrective action that were approved to be SES providers for the 2010–2011 school year; and
  - The total number of schools identified for improvement, corrective action, or restructuring that were approved to be SES providers for 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,

Thelma Meléndez de Santa Ana, Ph.D.

cc: Governor John Lynch  
Stephanie LaFreniere