



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

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

AUG 04 2010

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