



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

The Honorable Patricia I. Wright  
Superintendent of Public Instruction  
Virginia Department of Elementary  
P.O. Box 2120  
Richmond, Virginia 23218-2120

SEP 4 2009

Dear Superintendent Wright:

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

- 14-day notice requirement. I am granting Virginia 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 Virginia will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of this waiver to the Department by September 30, 2010. Please be sure to review the enclosure carefully.

I am aware that, in addition to the waiver set forth above, you have submitted a request to continue your participation in the Department's pilot to offer Supplemental Education Services (SES) in lieu of public school choice to students attending Title I schools in the first year of school improvement. I am working with my staff to provide you a decision regarding that request as soon as feasible. In the meantime, I wanted to ensure that you received my decision regarding the waiver set forth above as I know these matters are time sensitive.

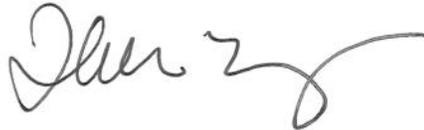
400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202  
[www.ed.gov](http://www.ed.gov)

*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.*

Page 2 ~ The Honorable Patricia I. Wright

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 long, sweeping flourish extending to the right.

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Tim Kaine  
Roberta Schlicher

## 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 Virginia 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.