



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**JUN 30 2010** ASSISTANT SECRETARY

The Honorable Randy Dorn  
Superintendent of Public Instruction  
Washington Department of Public Instruction  
Old Capitol Building  
PO Box 47200  
Olympia, Washington 98504

Dear Superintendent Dorn:

I am writing in response to Washington's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Washington has requested these waivers because it administered a new mathematics assessment in grades 3-8, thereby affecting Washington's release of accountability determinations and the ability of local educational agencies (LEAs) to provide timely notice to parents of eligible students regarding their public school choice options.

After reviewing Washington's request, I am pleased to grant waivers of the following statutory and regulatory provisions:

- Waiver of requirement to provide timely adequate yearly progress (AYP) determinations. I am granting Washington a one-year waiver of section 1116(a)(2) of the ESEA that requires Washington to ensure that the results of State academic assessments are available to LEAs before the beginning of the school year following the one in which the assessments were administered.
- Waiver of requirements to provide timely notice of public school choice options. I am granting Washington 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.

These waivers are granted on the condition that Washington will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of the waivers. Please be sure to review the enclosure carefully.

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Honorable Randy Dorn  
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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 Meléndez de Santa Ana', with a long, sweeping flourish extending to the right.

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Chris Gregoire  
Bob Harmon

## CONDITIONS ON TITLE I, PART A WAIVERS

Waiver of requirement to provide timely AYP determinations (ESEA section 1116(a)(2))

This waiver is granted on the condition that Washington will submit to the Department a report that contains such information as the Secretary may require.

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 Washington 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.