



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 18 2014

The Honorable Randy Dorn
Superintendent of Public Instruction
State Department of Public Instruction
PO Box 47200
Olympia, WA 98504

Dear Superintendent Dorn:

This letter responds to Deputy Superintendent Alan Burke's June 20, 2014 letter requesting that the Office of the Superintendent of Public Instruction (OSPI) be granted a waiver of certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Specifically, the letter requested a one-year waiver of the Title I, Part A requirement that a local educational agency (LEA) send a letter, no later than 14 calendar days before the start of the school year, offering all students enrolled in schools that operate programs funded under Title I, Part A that have been identified for school improvement, corrective action, or restructuring the opportunity to transfer to another public school in the LEA that is not so identified. The letter also requested that an LEA be permitted to remove public school choice as an option from any parent notification when there are no options available within the district.

I am declining to exercise my authority under ESEA section 9401 to grant OSPI's request for a waiver of the requirements in ESEA section 1116(b)(6)(F) and 34 C.F.R. § 200.37(b)(4) that an LEA with a school identified for improvement, corrective action, or restructuring notify parents of each child in the school of the right to transfer their child to a school not so identified. I appreciate that some LEAs in Washington may not have available schools of choice. However, ~~it is not the policy of the Department of Education~~ where there are no public school choice options available in a district, that parents are notified that the right exists under the statute and that they are provided an explanation of why the LEA is unable to offer them a choice. Moreover, the notice provides parents with other valuable information, such as an explanation of what the identification means, what the school is doing to address problems of low achievement, and how parents can become involved in addressing academic issues that caused the identification.

While I am declining to exercise my authority to grant the broad waiver that OSPI requested, I am granting OSPI a limited 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 or 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 2014–2015 school year and parents of children attending Title I schools that could exit improvement for the 2014–2015 school year but do not do so based on 2013–2014 assessment results.

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<http://www.ed.gov/>

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

I appreciate that the transition from ESEA flexibility back to the No Child Left Behind Act of 2001 is not simple. ED staff members are available to assist should OSPI need additional guidance. Please do not hesitate to contact Leslie Clithero of my staff at: leslie.clithero@ed.gov or 202-260-1840 with any questions or requests for technical assistance.

Thank you again for your continued focus on ~~enhancing education for all of Washington's children.~~

Sincerely,



Deborah S. Delisle
Assistant Secretary

Enclosure

cc: Alan Burke, Deputy Superintendent of K-12 Education
Gil Mendoza, Assistant Superintendent of Special Programs & Federal Accountability

Conditions on Title I, Part A Waiver

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 2014-2015 school year at least 14 days prior to the start of the 2014-2015 school year;
- Ensure that LEAs that take advantage of this waiver provide notice of public school choice as early as possible in the 2014-2015 school year;
- Ensure that its LEAs that offer public school choice earlier to students in some schools that to students in other schools reserve a portion of the available transportation slots for students who receive the later notice ; and
- Submit to ED, by October 31, 2014, 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 2014-2015 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 2014-2015 school year.