

**Public Notices for OSPI Title I Waiver
Request to U.S. Department of Education
Archive 2009-2010**

Published December 29, 2010

Public notice for the Office of Superintendent of Public Instruction (OSPI) Title I waiver requests to U.S. Department of Education.

Notice to the public of the Office of Superintendent of Public Instruction's intent to apply to the U.S. Department of Education for waivers of Identification of Schools in Improvement and 14-Day Public School Choice Notification Requirement for the 2011–12 school year.

The Office of Superintendent of Public Instruction is required to notify Washington State citizens of the state's intent to request waivers for Identification of Schools in Improvement and 14-Day Public School Choice Notification Requirement for the 2011–12 school year.

Washington State through OSPI requests two one-year waivers of the Title I, Part A requirement for a school district to:

1. Identify schools in improvement, corrective action, or restructuring no later than the beginning of the school year following the administration of the state assessment on which the school did not make adequate yearly progress (AYP) [Section 1116(b)(1)(B) of the ESEA and 34 C.F.R. § 200.32(a)(2)]. This waiver would apply only to high schools.
2. Provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year [Section 1116(b)(1)(E)(i) of the ESEA and 34 C.F.R. § 200.37(b)(4)(iv)]. This waiver would apply only with respect to parents of students enrolled in Title I high schools that are newly identified for improvement for the 2011–12 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2011–12 school year, but did not.

Washington State seeks a waiver of this provision because the state must set cut scores on the new mathematics end-of-course (EOC) (see paragraph below), a process which legislatively requires action by our State Board of Education (SBE) before scores can be reported. The scales for the new mathematics end-of-course (EOC) assessments will then need to be bridged to the old (2010) scale to establish a new high school uniform bar for adequate yearly progress (AYP) calculations. The SBE is scheduled to set the cut scores in a special meeting on August 10, 2011, which is the earliest date possible given our schedules for testing, scoring, data processing, and meeting with standard-setting panels.

Replace the High School Proficiency Exam (HSPE) with Math EOC Tests—

Washington is one of the states whose assessments have been fully approved by the U.S. Department of Education (ED). The Office of Superintendent of Public Instruction (OSPI) has been directed by our legislature to take major steps to revise our assessments in mathematics. The revisions required are to develop and implement high school mathematics EOC assessments for Algebra 1/Integrated math 1 and for Geometry/Integrated math 2. Beginning in spring 2011, the mathematics EOC assessments will replace our current high school mathematics assessment, administered annually to 10th graders. The assessments will be given in Algebra 1/Integrated math 1 and Geometry/Integrated math 2 classes, which can be taken as early as 7th grade, but typically are taken in 9th and 10th grade

respectively. We have been in initial communication with ED staff regarding the mathematics EOC assessments.

Accept the Algebra 1/Integrated Math 1/Make-up Year 1 EOC Assessments for Adequate Yearly Progress (AYP) Calculations, but for Students Who Have Already Completed Algebra 1/Integrated Math 1 Substitute the Geometry/Integrated Math 2/Make-up Year 2 Assessments for Adequate Yearly Progress (AYP)—

We are proposing to use the Algebra 1 and Integrated 1 EOCs and corresponding Make-up Year 1 assessment, which will use common items to assess the common performance expectations, for AYP determinations in High School Mathematics. But we additionally request to be able to substitute the Year 2 math tests (Geometry, Integrated 2, or Make-up Year 2) for AYP purposes for students who completed Algebra 1/Integrated 1 before 2011. Ideally, it would be best for students to take the EOC tests at the actual end of the particular course. In this transition to EOCs, that will not be possible. Many current sophomores, juniors, and seniors have taken these mathematics courses (i.e., Algebra 1/Integrated math 1 and geometry/Integrated math 2) in prior years. Permitting the results from either of the EOC tests (Year 1 or Year 2) to be incorporated into AYP calculations would allow students who meet standard on the geometry/Integrated math 2 EOC—a higher-level, more difficult exam than the lower-level, less difficult Algebra 1/Integrated math 1 EOC—to meet the assessment requirement and not have to go back to take the Algebra 1/Integrated math 1 EOC long after the fact.

This waiver would apply only with respect to parents of students enrolled in Title I high schools that are newly identified for improvement for the 2011–12 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2011–12 school year, but did not. Washington State requests this waiver of this provision because the state is not able to modify the state's assessment schedule due to the state's contract with Data Recognition Corporation (DRC). The state does not receive Washington's student assessment data in time for the state's 295 districts to verify, review, and return those corrections to OSPI for final review to determine the AYP status of districts and their schools.

Washington State hereby assures that, if it is granted the requested 14-day waiver, both the State and its LEAs will meet the following conditions:

- ✦ LEAs within the State will provide notice of public school choice less than 14 days before the school year only with respect to students in schools that are newly identified for improvement for the 2011–12 school year (based on results of assessments administered in the 2010–11 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2011–12 school year (based on results of assessments administered in the 2010–11 school year), but did not.
- ✦ All LEAs within the State will comply with the 14-day notice requirement with respect to students in schools that are already identified for improvement, corrective action, or restructuring and cannot exit that status for the 2011–12 school year.
- ✦ To the extent practicable, all LEAs within the State will comply with the statutory requirement in section 1116(b) to provide notice of public school choice before the start of the school year.
- ✦ LEAs that offer public school choice earlier to students in some schools than to students in other schools will reserve a portion of the available transportation slots for students in the schools who

receive the later notice, in accordance with the ED's Public School Choice Non-Regulatory Guidance.

- # The State will take all steps necessary to ensure that its assessment schedule and test vendor contract for the 2011–12 school year (and beyond) 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 2012–13 school year (and all subsequent school years).

Washington State will ensure compliance with these conditions by providing appropriate guidance regarding these conditions to its LEAs. In particular, Washington State intends to distribute a bulletin to all Districts that requires them to sign an assurance that they will meet the required parent notification requirements and that they will implement the 14-day requirement in 2012–13 as required in the U.S. Department of Education Guidance of October 2008. The bulletin will also require all districts to provide a dated copy of the Public School Choice notification letter to OSPI to retain in each district's Title I application file. OSPI's Title I office will verify that all districts have met the timeline with the receipt of each district's dated Public School Choice notification letter. The requirement to send OSPI a dated notification letter will also be made for the 2012–13 school year to ensure that districts meet the 14-day notification requirement.

Washington State further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by October 31, 2011, a report that provides the total number of LEAs within the State that had schools that entered or exited improvement status in the 2010–11 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 2011–12 school year.

Please feel free to contact Bob Harmon, Assistant Superintendent of Special Programs & Federal Accountability at (360) 725-6170 or email bob.harmon@k12.wa.us, if you have any questions regarding this request. If you have any questions pertaining to Washington's assessment system, please contact Dr. Alan Burke, Deputy Superintendent of K–12 Education at (360) 725-6343 or email alan.burke@k12.wa.us.

Published May 2010–1-year waiver

Public Notice for OSPI Title I Waiver Request to U.S. Department of Education

Notice to the Public of the Office of Superintendent of Public Instruction's (OSPI) Intent To Apply to the United States Department of Education for a Waiver to Allow a School District (Local Education Agency or LEA) to offer Supplemental Educational Services (SES) to Eligible Students in Title I Schools in the First Year of School Improvement.

OSPI is required to notify Washington State citizens of the state's intent to request the above waiver.

Washington State through the Office of Superintendent of Public Instruction (OSPI) is requesting a one-year waiver to allow a school district in the State to offer SES in addition to Public School Choice to eligible students in Title I schools in the first year of improvement and to count the costs of providing SES to those students toward the District's "20 percent obligation." This waiver would provide a District with the flexibility to offer SES to eligible students a year earlier than the law normally requires, in addition to offering public school options, and to count the costs of providing SES to those students toward meeting the District's 20 percent obligation. (Note that a District that implements this waiver must offer both SES and public school choice to eligible students in those Title I schools.)

This waiver would be for the 2010-11 school year. OSPI is required to inform the state's citizens of this waiver request.

If you have any questions pertaining to OSPI's request for this waiver, please contact Gayle Pauley, Director Title I/LAP/CPR by phone at (360) 725-6100 or by email at gayle.pauley@k12.wa.us.

Published May 2010–1-year waiver

Public Notice for the Office of Superintendent of Public Instruction (OSPI) Title I Waiver Request to U.S. Department of Education

Notice to the Public of OSPI's Intent To Apply to the United States Department of Education for a Waiver of the Provision that Prohibits a State Educational Agency (SEA) from Approving as Providers of Supplemental Educational Services (SES) a School Identified for Improvement, Corrective Action, or Restructuring and Local School District (Local Educational Agency or LEA) Identified for Improvement or Corrective Action.

OSPI is required to notify Washington State citizens of the state's intent to request the above waiver for 2010-2011 school year.

Washington State through the Office of Superintendent of Public Instruction (OSPI) is requesting a one-year waiver of the Title I, Part A provision that prohibits a State Educational Agency (SEA) from approving as a provider of supplemental educational services (SES) a school identified for improvement, corrective action, or restructuring or a school district (Local Educational Agency or LEA) identified for improvement or corrective action. Washington State believes that identified schools and school districts may be able to establish that they have an effective program that can help improve academic achievement of students and should not be prevented automatically from gaining approval simply because of their improvement status.

This waiver would be for the 2010-11 school year. OSPI is required to inform the state's citizens of this waiver request.

If you have any questions pertaining to OSPI's request for this waiver, please contact Gayle Pauley, Director Title I/LAP/CPR by phone at (360) 725-6100 or by email at gayle.pauley@k12.wa.us.

Published December 2009–1-year waiver

Public Notice for the Office of Superintendent of Public Instruction Title I Waiver Requests to U.S. Department of Education.

Notice to the Public of the Office of Superintendent of Public Instruction's Intent to Apply to the U.S. Department of Education for a Waiver of the 14-Day Public School Choice Notification Requirement for the 2010–2011 school year.

The Office of Superintendent of Public Instruction is required to notify Washington State citizens of the state's intent to request a waiver for 14-Day Public School Choice notification.

Washington State through the Office of Superintendent of Public Instruction (OSPI) is requesting a one-year waiver of the Title I, Part A 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)]. Washington State seeks a waiver of this provision because the state must set cut scores on the new mathematics assessments in Grades 3-8, a process which legislatively requires action by our State Board of Education (SBE) before scores can be reported. The scales for the new Grade 3-8 mathematics assessments will then need to be bridged to the old (2009) scale to establish a new uniform bar for adequate yearly progress (AYP) calculations. The SBE is scheduled to set the cut scores in a special meeting on August 10, 2010, which is the earliest date possible given our schedule for testing, scoring, data processing and meeting with standard-setting panels.

This waiver would be for the 2010-11 school year. OSPI is required to inform the state's citizens of this waiver request.

This waiver applies only with respect to students in schools that are newly identified for improvement for the 2010–2011 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2010–2011 school year but did not. Washington State requests this waiver of this provision because the state is not able to modify the state's assessment schedule due to the state's contract with Data Recognition Corporation (DRC). The state will not receive Washington's student assessment data in time for the state's 295 districts to verify, review, and return those corrections to OSPI for final review to determine the AYP status of districts and their schools.

Washington State must provide assurances to the U.S. Department of Education that, if it is granted the requested waiver, the State and its LEAs will meet the following conditions:

LEAs within the State will provide notice of public school choice less than 14 days before the school year only with respect to students in schools that are newly identified for improvement for the 2010–2011 school year (based on results of assessments administered in the 2009–2010 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2010–2011 school year (based on results of assessments administered in the 2009–2010 school year) but did not.

All LEAs within the State will comply with the 14-day notice requirement with respect to students in schools that are already identified for improvement, corrective action, or restructuring and cannot exit that status for the 2010–2011 school year.

All LEAs within the State will comply with the statutory requirement in section 1116(b) to provide notice of public school choice before the start of the school year.

The State will encourage all LEAs to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year.

LEAs that offer public school choice earlier to students in some schools than to students in other schools will reserve a portion of the available transportation slots for students in the schools who receive the later notice, in accordance with the Department's Public School Choice Non-Regulatory Guidance.

The State will take all steps necessary to ensure that its assessment schedule and test vendor contract for the 2010–2011 school year (and beyond) 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).

Washington State must also delineate a process for ensuring compliance with these conditions by providing appropriate guidance regarding these conditions to its LEAs. In particular, Washington State intends to distribute a 14-day waiver bulletin to all Districts that requires them to identify all schools that have taken advantage of the waiver, sign an assurance that they will meet the required parent notification requirements and that they will implement the 14-day requirement in 2011–2012 as required in the U.S. Department of Education Guidance of October 2008. The bulletin will also require all districts to provide a dated copy of the public school choice notification letter to OSPI to retain in each district's Title I application file. OSPI's Title I office will verify that all districts have met the timeline with the receipt of each district's dated Public School Choice letter. The requirement to send OSPI a dated notification letter will also be made for 2011–2012 to ensure that districts meet the 14-day notification requirement.

If you have any questions pertaining to Washington's assessment system and OSPI's request for this waiver, please contact Joe Willhoft, Assistant Superintendent for Assessment and Student Data at (360) 725-6334 or email joe.willhoft@k12.wa.us. If you have questions regarding Title I, Part A regulations contact Gayle Pauley, Director of Title I/LAP/CPR at (360) 725-6100 or email gayle.pauley@k12.wa.us.

Published August 2009—2-year waiver (2009-10/2010-11 SY)

Notice to the Public of Office of Superintendent of Public Instruction's Intent To Apply to the United States Department of Education for a Waiver of the ARRA Funds in Determining a District's 20% Obligation for Choice-Related Transportation and SES

OSPI is required to notify Washington State citizens of the state's intent to request a waiver of the ARRA Funds on Determining a District's 20% Obligation for Choice-Related Transportation and SES

Washington State is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(10) of the ESEA and in 34 C.F.R. § 200.48(a)(2) to determine an LEA's "20 percent obligation" for public school choice-related transportation and supplemental educational services (SES) based on the District's total FY 2009 Title I, Part A allocation [i.e., including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)]. Specifically, OSPI is seeking this waiver to allow Districts within Washington State to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their "20 percent obligation" for choice-related transportation and SES.

Washington State believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each District within Washington State with flexibility to spend ARRA funds that the District would otherwise be obligated to spend on SES or choice-related transportation on other allowable Title I, Part A activities that the LEA believes best address the particular needs of its students.

If you have questions or need clarification, contact Gayle Pauley, Director Title I/LAP/CPR by email gayle.pauley@k12.wa.us. You may also contact her by phone with any questions that you may have (360-725-6100).

Published August 2009—2-year waiver (2009-10/2010-11 SY)

Notice to the Public of Office of Superintendent of Public Instruction's Intent to Apply to the United States Department of Education (USDE) for a Waiver of the ARRA Funds in Determining the 10 Percent Professional Development Set-Aside for a School in Improvement

Washington State, through the Office of Superintendent of Public Instruction (OSPI), is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(3)(A)(iii) of the ESEA to determine a school's 10 percent professional development set-aside based on the total amount of funds made available to the school under section 1113 of the ESEA for FY 2009 (i.e., including funds made available from both the LEA's regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, OSPI is seeking this waiver to allow Title I schools within Washington that are identified for improvement to calculate their 10 percent professional development set-aside in a formula developed by USDE.

Washington State believes that, ultimately, ensuring that a school is not obligated to spend a disproportionate amount of Title I, Part A funds on professional development may help more schools and Districts within the State make AYP by enabling them to direct an appropriate portion of their funds to activities other than professional development that they believe will help their students meet the state's achievement standards. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

If you have questions or need clarification, contact Gayle Pauley, Director Title I/LAP & Consolidated Program Review by email gayle.pauley@k12.wa.us. You may also contact her by phone with any questions that you may have at (360) 725-6100.

Published August 2009–2-year waiver (2009-10/2010-11 SY)

Notice to the Public of Office of Superintendent of Public Instruction's (OSPI) Intent To Apply to the United States Department of Education for a Waiver to Exclude Title I, Part A American Recovery and Reinvestment Act (ARRA) Funds in Determining the Per-Pupil Amount for Supplemental Educational Services (SES).

OSPI is required to notify Washington State citizens of the state's intent to request a waiver of the ARRA Funds on Determining the Per-Pupil Amount for SES.

Washington State is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116 (e)(6)(A) of the Elementary and Secondary Education Act of 2001 (ESEA) and in 34 C.F.R. § 200.48(c)(1) to determine the per-pupil amount for SES based on an LEA's total FY 2009 Title I, Part A allocation (i.e., including both its regular Title I, Part A allocation and its Title I, Part A allocation under the ARRA). Specifically, I am seeking this waiver to allow LEAs within Washington State to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. Washington State believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.

Washington State believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each District within Washington State with flexibility to spend ARRA funds that the District would otherwise be obligated to spend on SES or choice-related transportation on other allowable Title I, Part A activities that the LEA believes best address the particular needs of its students.

If you have any questions about OSPI's request for this waiver, please contact Gayle Pauley, Director Title I/LAP/CPR by phone at 360-725-6100 or by email at gayle.pauley@k12.wa.us.

Published August 2009—2-year waiver (2009-10/2010-11 SY)

Public Notice: Request to Waive the Provision That Prohibits an SEA From Granting to a District a Waiver of the Carryover Limitation More Than Once Every Three Years

Washington State is requesting a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits the Office of Superintendent of Public Instruction (OSPI) from granting to a District a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits OSPI to waive the limitation in section 1127(a) once every three years if: (1) the District's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, OSPI is requesting a waiver to allow Washington State to waive the carryover limitation more than once every three years for a District that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation. OSPI is requesting this waiver for a period of two years (i.e., to apply to District requests to carry over fiscal year (FY) 2009 Title I, Part A funds and to District requests to carry over FY 2010 Title I, Part A funds in excess of the carryover limitation).

Washington State will ensure that a District that is interested in obtaining a waiver of the carryover limitation in section 1127(a) so that it can carry over more than 15 percent of its Title I, Part A FY 2009 or FY 2010 allocation and has already received such a waiver within the prior three years (or receives such a waiver with respect to its FY 2009 funds), applies to the SEA in accordance with Washington State's regular procedures for waivers of the carryover limitation. Washington State hereby assures that it will implement the requested waiver only with respect to a District that needs a waiver of the carryover limitation for the second (or third) time within three years because of its ARRA funds.

If you have any questions about OSPI's request for this waiver, please contact Gayle Pauley, Director Title I/LAP/CPR by phone at 360-725-6100 or by email at gayle.pauley@k12.wa.us.

Published August 2009—2-year waiver (2009-10/2010-11 SY)

Notice: to the Public of Office of Superintendent of Public Instruction's Intent to Apply to the United States Department of Education for a Waiver of the American Recovery and Reinvestment Act of 2009 Funds in Determining the 10 Percent Professional Development Set-Aside for a District in Improvement

Washington State through the Office of Superintendent of Public Instruction (OSPI) is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116(c)(7)(A)(iii) of the ESEA to determine a District's 10 percent professional development set-aside based on the District's total FY 2009 Title I, Part A allocation [i.e., including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)]. In particular, OSPI is seeking this waiver to allow Districts within Washington State that are identified for improvement to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their 10 percent professional development set-aside. The State is required to inform the public that the waiver is being requested.

Washington State believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each District within Washington State with flexibility to spend ARRA funds that the District would otherwise be obligated to spend on professional development on other allowable Title I, Part A activities that the District believes best address the particular needs of its students. Washington State believes that the basic 10 percent set-aside, which Districts will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development, absent actual need, may actually be counter-productive by overwhelming teachers, many of who are already over-scheduled and cannot meaningfully absorb substantially more professional development. Through the waiver, each District can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

If you have questions or need clarification, contact Gayle Pauley, Director Title I/LAP/CPR by email gayle.pauley@k12.wa.us. You may also contact her by phone with any questions that you may have (360-725-6100).