



Wyoming Department of Education

Cindy Hill, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne WY 82002-0050

Phone: 307-777-7675 Fax: 307-777-6234 Website: edu.wyoming.gov

MEMORANDUM NO. 2012-005

TO: School District Superintendents

FROM: Clementina Jimenez, State Title I Program Director
Federal Programs Division

DATE: January 17, 2012

SUBJECT: US Department of Education Supplemental Educational Services Waiver

IMPORTANT INFORMATION TO SHARE

The Wyoming Department of Education (WDE) is seeking comment on two waivers that are being requested from the US Department of Education (USDoE). Wyoming received these waivers in 2010-2011 school year and must renew them annually.

The WDE is requesting the following one-year waivers:

1. Requesting a waiver of the Title I, Part A regulatory provision that prohibits a state from approving as provider of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. §200.47(b)(iv)(A), (B)); and,
2. Requesting a waiver to allow local educational agencies (LEAs) within Wyoming with one or more schools in improvement, corrective action or restructuring to offer supplemental educational services (SES), in addition to public school choice, to eligible students in the Title I Schools in the first year of school improvement and to count the funds spent providing SES to eligible students in those schools toward the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation).

The complete waiver request is attached for your review. We ask that you please review both documents and encourage you to provide comments/feedback to us no later than February 10, 2012. Please send all comments or inquires to me at Clementina.jimenez@wyo.gov.

CJ/al

Attachments (2)



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January 18, 2012

Thelma Melendez de Santa Ana, Ph.D.
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 W. Maryland Avenue, SW, Suite 3W226
Washington D. C. 20202

Dear Dr. Meléndez:

I am writing on behalf of Wyoming to request a one-year waiver of the Title I, Part A regulatory provision that prohibits a State from approving as providers of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. § 200.47(b)(1)(iv)(A), (B)).

Under the law, Wyoming may approve as an SES provider only an entity that has a demonstrated record of effectiveness in increasing student academic achievement. Wyoming believes that identified schools and LEAs 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.

If Wyoming is granted the requested waiver, Wyoming will ensure that only those LEAs and schools that meet the State's requirements for SES providers are approved to be on the State's list of approved SES providers for the 2011–2012 school year. Wyoming has LEAs in district improvement that have applied to be an SES provider. Wyoming is requesting this SES waiver and is providing all LEAs with notice and a reasonable opportunity to comment on this request.

Wyoming hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2012, a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2011–2012 school year and the total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2011–2012 school year.

Please feel free to contact me by phone at (307) 777-6260 or Clementina Jimenez at (307) 777-5792 if you have any questions regarding this request.

Thank you for your consideration.

David Holbrook, Director
Federal Programs Division

cc: Patricia McKee
Victoria Hammer
Carlas McCauley



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Dear Dr. Meléndez:

I am writing on behalf of Wyoming to request a one-year waiver to allow local educational agencies (LEAs) within Wyoming with one or more schools in improvement, corrective action, or restructuring to offer supplemental educational services (SES), in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the funds spent providing SES to eligible students in those schools toward the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation). In the absence of such a waiver, an LEA may only count funds spent providing SES to eligible students attending schools in the second year of improvement, in corrective action, or in restructuring toward its 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48).

Wyoming believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing an incentive for an LEA to offer SES to eligible students one year earlier than the law requires, thereby enabling more students within an LEA to enroll in SES. Wyoming believes that the increased enrollment in SES thus enabled by the waiver will contribute to improving student achievement.

Wyoming is requesting this Proposal to Offer SES Along with Public School Choice waiver and is providing all LEAs with notice and a reasonable opportunity to comment on this request. Wyoming hereby assures that, if it is granted the requested waiver, Wyoming will ensure that it will implement the waiver only with respect to those LEAs that will meet all statutory and regulatory requirements related to SES in the 2011–2012 school year (other than the particular funding requirement being waived).

Wyoming hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2012, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at (307) 777-6260 or Clementina Jimenez (307) 777-5792 if you have any questions regarding this request.

Thank you for your consideration.

David Holbook , Director
Federal Programs Division

cc: Patricia McKee
Carlas McCauley
Victoria Hammer