



Wyoming Department of Education

Jim Rose, Interim Director

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MEMORANDUM NO. 2013-026

TO: School District Superintendents

FROM: Dr. Jim Rose, Interim Director, Wyoming Department of Education
Dr. David Holbrook, Unit Leader, Federal Programs

DATE: March 18, 2013

SUBJECT: Wyoming Granted Extension for ESEA Waiver Application

INFORMATION TO SHARE

The Wyoming Department of Education (WDE) has been granted an extension on its application for a flexibility waiver from the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act.

The extension allows the WDE to submit a revised flexibility waiver request to the US Department of Education by April 15, 2013. The US Department of Education informed the WDE that it had granted the extension in a letter from Assistant Secretary Deborah Delisle to WDE Interim Director Dr. Jim Rose on March 7.

The WDE had submitted its original flexibility waiver request to the US Department of Education on February 28, which was the final day in Window Four of the ESEA Flexibility Submission calendar. In subsequent conversations with the US Department of Education, WDE requested additional time to prepare its flexibility waiver submission and receive comments and suggestions regarding the waiver from its stakeholders in Wyoming.

The US Department of Education responded with a letter granting the extension late last week and offered its assistance to the WDE through the waiver application process.

The flexibility waiver requests relief from provisions of the ESEA, specifically escalating Adequate Yearly Progress (AYP) targets set for the Annual Measurable Objectives (AMO's). Without the flexibility waiver, the AYP targets set for 2014

require that all students in Wyoming be proficient or advanced, as measured by the state assessment, (PAWS in grades 3-8) in reading, science and math and the ACT in grade 11.

With this extension, WDE has been granted additional time to prepare and submit a request that will allow Wyoming school districts the flexibility to use their Title I funding to target the greatest needs in their schools and district.

When a school does not meet AYP for two or more consecutive years, it enters into improvement status. Year one of improvement status requires the school district to set aside 20 percent of its total Title I-A allocations for School Choice Transportation. In year two of improvement, 20 percent of Title I-A allocations for both School Choice Transportation and Supplemental Educational Services. In addition, schools identified for improvement are required to set aside at least 10 percent of the Title I-A funds they receive for professional development of their staff.

If granted, the flexibility waiver will offer relief from these rules for schools which do not achieve 100 percent proficiency in all subjects and are therefore classified as “in improvement.”

It is the intent of WDE to use the additional time provided to craft a request so Wyoming can use the educational accountability and support system designed by the Wyoming Legislature as the system that is used to meet both state and federal accountability reporting requirements and provide needed support for schools and districts as identified by this system.

The components of the legislation that has been passed into law by the Wyoming Legislature in the Wyoming Accountability in Education Act (WAEA), are well-aligned to the federal priorities outlined in the ESEA Flexibility Waivers.

Without the waivers, Wyoming will be subject to two accountability and support systems--one outlined in the Wyoming Educational Accountability Act, the other outlined in federal Title I statute. Without the waivers, Wyoming’s highest performing schools will be categorized under the Wyoming system as “Exceeding Expectations,” in 2014 could be categorized under the federal ESEA system as failing schools because they very likely will not be able to meet AYP targets of 100 percent proficiency for all students and all subgroups of students.

After submission of the waiver and a time of negotiation and assurance between the US Department of Education and the WDE, it is hoped that the waiver request decision will come in time for the 2013-14 school year.

Comments from Wyoming stakeholders may be included in the submission if received before noon, April 15. They can be directed to Dr. David Holbrook, Federal Programs Unit Leader at 307-777-6260 or david.holbrook@wyo.gov.

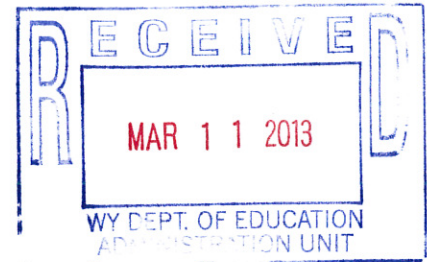


UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

March 7, 2013



The Honorable James O. Rose
Interim Director
Wyoming Department of Education
2300 Capitol Avenue, 2nd floor Hathaway Building
Cheyenne, WY 82002

Dear Director Rose:

On February 28, 2013, the Wyoming Department of Education (WDE) submitted a request for flexibility in response to the U.S. Department of Education's (Department's) September 23, 2011, document titled *ESEA Flexibility*, which invited each State educational agency (SEA) to request waivers regarding specific requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

WDE staff subsequently indicated, in a March 1, 2013, phone call with Department staff, that the request it submitted, while brief, reflected recent legislation related to the State's transition to college- and career-ready standards; implementation of a more nuanced system of differentiated recognition, accountability, and support; and development and implementation of more accurate teacher and principal evaluation and support systems. The State further indicated that, given additional time, it could describe more comprehensively its plans for reform in each of these areas as required for an approvable request for ESEA flexibility.

I agree that WDE would benefit from additional time to prepare a request that responds more fully to each of the principles of ESEA flexibility and, therefore, I am granting WDE an extension to resubmit its request no later than April 15, 2013. At the same time, given the importance of expediting review and revisions, if needed, to ensure that, if WDE's request is approved, such approval occurs in time for full implementation by the beginning of the 2013-2014 school year, I believe it is essential to provide technical assistance to WDE staff on key aspects of ESEA flexibility. I am, therefore, granting this extension to WDE subject to the condition that WDE staff consult regularly with Department staff during the preparation of Wyoming's revised request. Victoria Hammer of my staff will reach out to WDE staff in the coming days to discuss the details of that consultation.

I anticipate that peer review of WDE's resubmitted request will occur the week of May 6, 2013.

I look forward to receiving WDE's complete request and working with WDE to increase student achievement and improve the quality of instruction for all students. Thank you for your commitment to all students in Wyoming.

Sincerely,

Deborah S. Delisle
Assistant Secretary

cc: David Holbrook, Federal Programs Division Director