



# Wyoming Department of Education

Richard Crandall, Director

Hathaway Building, 2<sup>nd</sup> Floor, 2300 Capitol Avenue

Cheyenne WY 82002-0050

Phone: 307-777-7675 Fax: 307-777-6234 Website: [edu.wyoming.gov](http://edu.wyoming.gov)

---

## MEMORANDUM NO. 2013-093

**TO:** District Superintendents  
Principals

**FROM:** Sean McInerney  
Supervisor of Accountability

**DATE:** August 5, 2013

**SUBJECT:** WDE to Request Waiver for Title I Notification Process

---

### IMPORTANT INFORMATION

The Wyoming Department of Education is currently requesting a waiver of the 14-day notification 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 (34C.F.R. § 200.37(b)(4)(iv)).

This waiver will only affect those schools identified in holding or warning year status. Those schools in improvement, corrective action, or restructuring status will need to comply with the requirement of sending out the school choice notification within 14 days before the start of school. The purpose of the waiver is to ensure that all LEAs are able to comply with this requirement with respect to students in those schools.

Attached to this memo is the draft letter to the United States Department of Education requesting the waiver.

Comments may be submitted on or before August 9, 2013 via email to Sean McInerney at: [Sean.McInerney@wyo.gov](mailto:Sean.McInerney@wyo.gov) or 307-777-8752.

Deborah S. Delisle  
 Assistant Secretary  
 United State Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202

Dear Ms. Delisle:

I am writing on behalf of the State of Wyoming to request 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)). This waiver would apply only with respect to students in schools that are newly identified for improvement for the 2013-2014 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2013-2014 school year but did not.

Wyoming seeks a waiver of this provision because of a change in assessment vendors for Grades 3-8 assessment, and a change to using ACT for Grade 11 has resulted in a significant amount of additional work related to the preparation of assessment results. The Wyoming Legislature changed the Grade 11 assessment to the ACT. ACT did not provide assessment results until the middle of July 2013. In addition, due to a change in assessment vendors, the file formats for the assessment results were significantly different and have required a significant amount of additional work to bring them to the point of being able to run Adequate Yearly Progress (AYP) calculations. The delays in preparing data due to the change in assessment vendors for the Grades 3-8 assessment have caused delays in the Wyoming Department of Education's ability to process the ACT data as well.

Wyoming anticipates that AYP results will be available in early September, 2013. Wyoming seeks a waiver of the 14-day notification provision prior to the 2013–2014 school year (based on 2012-2013 PAWS test results) to ensure that all of its LEAs are able to comply with this requirement with respect to students in those schools. In particular, Wyoming established the following timeline for administering and scoring assessments, and for determining adequate yearly progress (AYP) based on those assessments:

<b>2012-13 Testing and AYP dates</b>	<b>Dates</b>
PAWS testing window dates	3/11/13 - 4/5/13
ACT testing window dates	4/23/13 & 5/7/13
Date PAWS data was available to run AYP	7/19/2012
Date ACT data was available to run AYP	7/16/2012
Original date PAWS and ACT data would be available to run AYP	6/15/2013
Original target date for running AYP	6/21/2013
Original anticipated dates for embargoed review of AYP calculations	6/28/2012 - 7/12/2012
Original anticipated date of notification to district of final AYP results	7/15/2013
Anticipated date AYP calculations will be run	8/16/13
Anticipated dates for embargoed review of AYP calculations	8/19/13-9/3/13
Anticipated date of notification to districts of final AYP results	9/4/13

Thus, a waiver of the 14-day notice requirement is necessary to give Wyoming and its LEAs sufficient time to carry out the assessment timeline as planned and thereby ensure statistically valid and reliable AYP determinations. Wyoming must be able to ensure valid and reliable AYP determinations so that

schools and LEAs can properly implement school improvement activities to increase the quality of instruction for students and ultimately improve the academic achievement of students.

<b>2013-2014 Testing and AYP anticipated dates</b>	Dates
PAWS testing window dates	3/3/1 - 3/28/14
ACT testing window dates	4/23/14 & 5/7/14
Date PAWS data is anticipated to be available to run AYP	6/15/2014
Date ACT data is anticipated to be available to run AYP	7/15/2014
Target date for running AYP	7/18/2014
Anticipated dates for embargoed review of AYP calculations	7/18/2014 - 8/1/2014
Anticipated date of notification to district of final AYP results	8/2/2014

Wyoming has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2012-2013, 2013-2014 and school years. 2011-2012 targets are also included as Wyoming has requested a waiver to freeze AMO targets for the 2012-2013 school year AYP determinations at the 2011-2013 level.

Elementary School Year	Middle School		High School			
	Language Arts	Mathematics	Language Arts	Mathematics	Language Arts	Mathematics
<b>2012</b>	<b>85.40</b>	<b>83.30</b>	<b>79.70</b>	<b>75.20</b>	<b>75.40</b>	<b>69.50</b>
<b>2013</b>	<b>92.70</b>	<b>91.70</b>	<b>89.90</b>	<b>87.60</b>	<b>87.70</b>	<b>84.70</b>
<b>2014</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>

Wyoming will determine adequate yearly progress (AYP) based on assessments administered in the 2012–2013 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA). As stated above, Wyoming believes that providing Wyoming with the time necessary to carry out its assessment timeline as planned will allow the State to ensure that school improvement decisions for the 2013–2014 school year are based on valid and reliable AYP determinations.

Wyoming hereby assures that, if it is granted the requested waiver, it 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 2013–2014 school year (based on results of assessments administered in the 2012–2013 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2013–2014 school year (based on results of assessments administered in the 2012–2013 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 2013–2014 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 where possible;
- 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 which receive the later notice, in accordance with the Department’s Public School Choice Non-Regulatory Guidance; and

- The state will take all steps necessary to ensure that its assessment schedule and test vendor contract for the 2013–2014 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 2014–2015 school year (and all subsequent school years).

Wyoming will ensure compliance with these conditions by providing appropriate guidance regarding these conditions to its LEAs. In particular, Wyoming intends to notify all LEAs and schools of these conditions via email and other electronic notifications, include a review of these conditions at future LEA Title I Directors meetings, and provide LEAs with USED guidance documents and contact information of WDE staff that can answer questions and provide assistance.

Wyoming further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by October 30, 2013, a report that provides the total number of LEAs within the state that had schools that entered or exited improvement status in the 2013–2014 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 2013–2014 school year.

Please feel free to contact me by phone or email at [david.holbrook@wyo.gov](mailto:david.holbrook@wyo.gov) or 307-777-6260 if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Dr. David J. Holbrook  
Wyoming Department of Education  
Federal Programs Director  
Supervisor Title I and Title III Programs  
Acting Title I Program Manager  
Native American Education Programs Consultant