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## MEMORANDUM NO. 2014-078

**TO:** School District Superintendents  
School District Title I Directors

**FROM:** Jennifer Peterson, State Title I Director  
Federal Programs Division

**DATE:** May 28, 2014

**SUBJECT:** Supplemental Educational Services Provider Waiver Request

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# COMMENT PERIOD ON PROPOSED 2014-2015 SUPPLEMENTAL EDUCATION SERVICES WAIVER

**CHEYENNE-** The Wyoming Department of Education is requesting public comment regarding a request for a one-year waiver from a specific regulatory provision of Title I, Part A of the Elementary And Secondary Education Act (ESEA). This provision, found at 34 C.F.R. § 200.47(b)(1)(iv) (A), (B), prohibits Wyoming from approving as providers of Supplemental Educational Services (SES), schools identified for improvement, corrective action, or restructuring. Local Educational Agencies (LEAs) identified for improvement or corrective action are also prohibited from providing supplemental educational services.

The waiver, if approved, would allow schools and LEAs in improvement, corrective action, or restructuring status to apply to become state-approved SES providers for the 2014-2015 school year. Local schools and LEAs that meet all of the state requirements may apply to offer services that would otherwise be provided by third-party vendors. An approved SES waiver would not commit Wyoming or the LEAs to any further restrictions or regulations. LEAs and schools would be required to complete existing provider requirements to obtain approval.

The comment window on this waiver request will run from May 28, 2014, through June 10, 2014, at 5:00 p.m. Please direct comments to Jennifer Peterson at 307-777-6216 or [jennifer.peterson@wyo.gov](mailto:jennifer.peterson@wyo.gov).

For additional information on this topic, please see the attached draft waiver request to the U.S. Department of Education.

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*Memo attachment: Supplemental Educational Services Waiver Request to U.S. Department of Education*

*Cindy Hill, Superintendent*

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

Dear Ms. Delisle:

I am writing on behalf of all local educational agencies (LEAs) in Wyoming to request a 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 current law, Wyoming may approve as an SES provider only an entity that has a demonstrated record of effectiveness in increasing student academic achievement. When we calculate Adequate Yearly Progress (AYP) reports based on the spring 2014 state assessment in the summer of 2014, 100% of our students must be proficient as indicated in the below chart. Wyoming did receive an AMO Freeze Waiver from the U.S. Department of Education for the 2013-2014 school year; this waiver allowed our 2013-2014 AMOs to remain at the 2012-2013 levels. Therefore, the 2014-2015 school year will be the first year that Wyoming will be required to achieve 100% proficiency. This regulation is going to cause a significant surge in the number of schools and districts identified for improvement. Wyoming believes that many identified schools and LEAs would be able to establish that they have an effective program that can help improve the academic achievement of students and should not be automatically prevented from gaining approval simply because of their improvement status due to 100% of their students not meeting proficiency.

Wyoming has set the following annual measurable objectives (AMOs) in reading and mathematics, as identified in our State Accountability Workbook.

### **State Intermediate Achievement Goals, 2002-2014**

#### **Goals for Percentage of Students Scoring Proficient and Advanced in Reading/Math**

	Elementary School		Middle School		High School	
Year	Language Arts	Mathematics	Language Arts	Mathematics	Language Arts	Mathematics
2002	30.40%	23.80%	34.50%	25.30%	48.40%	35.80%
2003	30.40%	23.80%	34.50%	25.30%	48.40%	35.80%

2004	30.40%	23.80%	34.50%	25.30%	48.40%	35.80%
2005	42.00%	36.50%	45.42%	37.75%	57.00%	46.50%
2006	42.00%	36.50%	45.42%	37.75%	57.00%	46.50%
2007	42.00%	36.50%	45.42%	37.75%	57.00%	46.50%
2008	53.60%	49.20%	56.33%	50.20%	65.60%	57.20%
2009	53.60 %	49.20%	56.33%	50.20%	65.60%	57.20%
2010	53.60 %	49.20%	56.33%	50.20%	65.60%	57.20%
2011	65.20%	61.90%	67.25%	62.65%	74.20%	67.90%
2012	85.40%	83.30%	79.70%	75.20%	75.40%	69.50%
2013	92.70%	91.70%	89.90%	87.60%	87.70%	84.70%
2014	92.70%	91.70%	89.90%	87.60%	87.70%	84.70%
2015	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Wyoming will determine AYP based on assessments administered during the 2013–2014 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act (ESEA). Wyoming believes that, ultimately, allowing identified schools or LEAs to serve as SES providers will provide more students access to quality supplemental services and help students within Wyoming to reach the State’s proficiency objectives.

If Wyoming is granted the requested waiver, the Wyoming Department of Education 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 2014–2015 school year. Our plan is to create an expedited application process for Wyoming schools and districts, as they are able to document compliance with many of the regulations in the current SES application due to their status as a Wyoming public school or district, such as the following:

- Be financially sound.
- Provide instruction that is secular, neutral, and non-ideological.
- Meet all applicable federal, state, and local health, safety, and civil rights laws.

Prior to submitting this waiver request, Wyoming provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Wyoming provided such notice by sending email

correspondence to each LEA representative on May 28, 2014 (see copy of notice attached), releasing a memo to all LEAs, and posting the notice on the department's website. Copies of all comments that the Wyoming Department of Education received from LEAs in response to the notice are attached. Wyoming has also provided notice and information regarding this waiver request to the public in the manner in which the Wyoming Department of Education customarily provides such notice and information to the public.

Wyoming hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2015, 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 2014–2015 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 2014–2015 school year.

Please feel free to contact me by phone or email at [jennifer.peterson@wyo.gov](mailto:jennifer.peterson@wyo.gov) or 307-777-6216 if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Jennifer Peterson, State Title I Director  
Wyoming Department of Education