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MEMORANDUM NO. 2014-080

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

FROM: Sean McInerney
Supervisor of Accountability

DATE: June 23, 2014

SUBJECT: School Choice Notification Waiver

COMMENT PERIOD ON PROPOSED 2014-2015 SCHOOL CHOICE NOTIFICATION WAIVER

CHEYENNE - The Wyoming Department of Education (WDE) is requesting public comment regarding a request for 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)).

The WDE is requesting this waiver for Title I schools due to the fact that it has been transitioning its state assessments to fully address the adopted standards in reading and math. The 2014 test represents a large enough shift in content to warrant breaking scale with the old test as well as setting new cut scores on PAWS and ACT. This will cause 2014 AYP results to be unavailable prior to the beginning of the 2014-2015 school year.

This waiver would apply only with respect to students in Title I schools that are newly identified for improvement for the 2014-2015 school year or schools that could have exited improvement, corrective action, or restructuring for the 2014-2015 school year, but did not (i.e. Title I schools identified as in warning or holding status for the 2013-2014 school year). All other Title I schools not identified as in warning or holding status for the 2013-2014 year will be required to comply with the requirements and notify parents at least 14 days prior to the beginning of the school year

of the public school choice option. The WDE will be releasing additional guidance and processes for LEAs regarding this matter in the near future.

The comment window on this waiver request will run from June 23, 2014, through July 2, 2014, at 5:00 p.m. Please direct comments to Sean McInerney at sean.mcinerney@wyo.gov or Jennifer Peterson at jennifer.peterson@wyo.gov. For additional information on this topic, please see the attached draft waiver request to the U.S. Department of Education.



Wyoming Department of Education

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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 LEAs within 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 2014-2015 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2014-2015 school year, but did not.

The WDE has been transitioning its state assessments to fully address the adopted standards in reading and math (which are the Common Core State Standards). The 2014 test represents a large enough shift in content to warrant breaking scale with the old test as well as setting new cut scores. With the assistance of educators, the Department drafted new performance level descriptors (PLDs) for reading and math in grades 3-8 in March. In May and June, the new scale will be developed and validated. In July, 2014, participants in the WDE-convened standard-setting panels will use the new PLDs as a guide as they make recommendations for new cut scores. The new cuts will be vetted by the WDE leadership and will be shared with the State Board in late July, and final cuts will be applied to the new scale in early August. By the third week of August, the vendor will provide WDE with a data file to use for calculating AYP.

In addition to standard-setting for PAWS, the WDE plans to work with ACT research staff and Wyoming constituents to conduct an empirical standard-setting to establish scale score cuts on the ACT subsets of reading, math, and science that are aligned with college and career ready standards. This standard-setting session is scheduled for the first week of August.

Given the many complex and inter-related tasks necessary to support the assessment transition that are scheduled for the summer of 2014, the WDE will be unable to meet the Title I notification deadline for schools identified for improvement.

Wyoming anticipates that AYP results will be available in October, 2014. Wyoming seeks a waiver of the 14-day notification provision prior to the 2014–2015 school year (based on 2013-2014 PAWS/ACT 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:

2013-14 Testing and AYP dates	Dates
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PAWS testing window dates	3/3/14 - 3/28/14
ACT testing window dates	4/23/14 & 5/7/14
Date PAWS data will be available to run AYP	8/20/2014
Date ACT data will be available to run AYP	7/15/2014
Target date for running AYP	9/01/2014
Anticipated dates for embargoed review of AYP calculations	10/01/14-10/30/14
Anticipated date of notification to districts of final AYP results	10/30/14

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.

Wyoming has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2011-2012, 2012-2013, 2013-2014 and school years. Please note that Wyoming received the AMO freeze waiver from the U.S. Department of Education for the 2012-2013 school year assessment results, freezing the AMOs at the 2011-2012 levels.

Year	Elementary School	Middle School		High School		
	Language Arts	Mathematics	Language Arts	Mathematics	Language Arts	Mathematics
2012	85.40	83.30	79.70	75.20	75.40	69.50
2013	85.40	83.30	79.70	75.20	75.40	69.50
2014	100.00	100.00	100.00	100.00	100.00	100.00

Wyoming will determine adequate yearly progress (AYP) based on assessments administered in the 2013–2014 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, the State 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 2014–2015 school year are based on valid and reliable AYP determinations.

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 June 23, 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 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 2014–2015 school year (based on results of assessments administered in the 2013–2014 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2014–2015 school year (based on results of assessments administered in the 2013–2014 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 2014–2015 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 who 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 2014–2015 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 2015–2016 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 November 30, 2014, a report that provides the total number of LEAs within the state that had schools that entered or exited improvement status in the 2014-2015 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 2014-2015 school year.

Please feel free to contact me by phone or email at 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

cc: Monique Chism
Susan Wilhelm
Supreet Anand
Todd Stephenson