

## WYOMING DEPARTMENT OF EDUCATION

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



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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 local educational agencies (LEAs) within the state of Wyoming to request a one-year waiver of the Title I, Part A requirement for an 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 2015-2016 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2015-2016 school year, but did not.

As you are already aware, WDE implements the ACT Plus Writing as its high school accountability assessment per requirements in state statute. Although WDE has been actively working with ACT, Inc. to provide a data file with high school assessment results in the month of June so that we can meet the 14 day notice requirement, we have not been able to negotiate a file delivery date prior to July 17, 2015. WDE Assessment staff have discussed this during several conference calls with ACT program management staff as well as with the Client Relations director assigned to Wyoming. While ACT has indicated that they may be able to deliver a file to WDE a few days earlier than the 17<sup>th</sup> of July, they've reported that the schedule will not gain the 2-3 weeks needed by WDE. This delivery date means that we anticipate that AYP results will not be publicly available until September 4, 2015. To assist with data cleansing and loading, however, ACT has agreed to provide an early demographic file to the WDE. Data staff anticipate that this will reduce the time required to process data once it's received by the state, but it will not be sufficient to meet the 14-day notification requirement.

Wyoming seeks a waiver of the 14-day notification provision prior to the 2015-2016 school year (based on 2014-2015 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 assessments and for determining adequate yearly progress (AYP) based on receipt of data from those assessments:

<b>2015-2016 Testing and AYP dates</b>	<b>Dates</b>
PAWS testing window dates	3-2-15 to 3-27-15
ACT testing window dates	4-28-15 and 5-12-15
Date PAWS data will be available to run AYP	July 13, 2015
Date ACT data will be available to run AYP	August 17, 2015
Target date for running AYP	August 17, 2015
Anticipated dates for embargoed review of AYP calculations	August 21, 2015
Anticipated date of notification to districts of final AYP results	September 14, 2015

Therefore, 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		Middle		High	
	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>85.40</b>	<b>83.30</b>	<b>79.70</b>	<b>75.20</b>	<b>75.40</b>	<b>69.50</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>
<b>2015</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 2014-2015 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 2015-2016 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 April 20, 2015 (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 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 2015-2016 school year (based on results of assessments administered in the 2014-2015 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2015-2016 school year (based on results of assessments administered in the 2014-2015 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 2015-2016 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 2015-2016 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 2016–2017 school year (and all subsequent school years). This will likely mean that the state will schedule the grade 11 ACT Plus

Writing earlier in the spring. ACT offers only a few options for testing dates, and states have little, if any, room for negotiating these dates.

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, 2015, a report that provides the total number of LEAs within the state that had schools that entered or exited improvement status in the 2015-2016 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 2015-2016 school year.

Please feel free to contact me by phone (307) 777-6260 or email at [scott.bullock1@wyo.gov](mailto:scott.bullock1@wyo.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Scott Bullock, Title I Consultant  
Wyoming Department of Education

cc: Monique Chism  
Susan Wilhelm  
Supreet Anand  
Monika Kincheloe