



COMMONWEALTH of VIRGINIA

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
P.O. BOX 2120
Richmond, Virginia 23218-2120

Office: (804) 225-2023
Fax: (804) 371-2099

August 19, 2009

Dr. Joseph C. Conaty
Delegated Authority to Perform the Functions
and Duties of the Assistant Secretary for Elementary
and Secondary Education
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Dr. Conaty:

I am writing 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 as required under 34 C.F.R. § 200.37(b)(4)(iv). The waiver would apply only to schools that are newly identified for Title I School Improvement for the 2009-2010 school year, or those schools that could have exited Title I School Improvement for the 2009-2010 school year.

Virginia seeks a waiver of this provision because the assessment contract and testing schedule with Pearson for the 2008-2009 school year would have required modifications to ensure that all school divisions in the state were able to comply with this requirement. As requested, the schedule for administering and scoring assessments is provided in Attachment A and the schedule for determining Adequate Yearly Progress (AYP) based on those assessments is provided in Attachment B.

Virginia would not be able to ensure that all school divisions within the state are able to comply with the 14-day notice requirement unless the contract with Pearson had been modified for the assessments administered during the 2008-2009 school year. Therefore, a waiver of the 14-day notice requirement is necessary to give Virginia and its school divisions sufficient time to carry out the assessment timeline as planned and ensure statistically valid and reliable AYP determinations.

As requested, the Adequate Yearly Progress (AYP) targets in reading and mathematics for the 2008-2009 and 2009-2010 school years are provided in the chart below. The complete chart that contains the targets from 2001-2002 through 2013-2014 can be found at the following link:

<http://www.doe.virginia.gov/VDOE/nclb/VA-AcctWkbk.pdf>.

Adequate Yearly Progress (AYP) Targets		
Year	Mathematics Percent Proficient	Reading/Language Arts Percent Proficient
2008-2009	79	81
2009-2010	83	85

Adequate Yearly Progress (AYP) results based on assessments administered in the 2008-2009 and 2009-2010 school years will be made based on the requirements of Section 1111(b)(2) of the *Elementary and Secondary Education Act of 1965* (ESEA). Virginia must adhere to its assessment timeline to ensure that school improvement decisions for the 2009-2010 school year are based on valid and reliable AYP determinations.

Prior to submitting this waiver request, all school divisions in the state were provided with notice and a reasonable opportunity to comment on this request. Virginia provided such notice by sending an e-mail to the superintendents in each division in the state. A copy of the e-mail is provided in Attachment C. No comments were received in response to the notice. Virginia will provide notice and information regarding this waiver request to the public by posting the request on the Virginia Department of Education's Web site at the following link: <http://www.doe.virginia.gov/>.

If granted the requested waiver, Virginia assures that the following conditions will be met:

- School divisions will provide notice of Public School Choice fewer than 14 days before the school year only for schools that are newly identified for Title I School Improvement for the 2009-2010 school year or those that could have exited Title I School Improvement for the 2009-2010 school year;
- School divisions will comply with the 14-day notice requirement for Public School Choice for schools that are already identified for Title I School Improvement for the 2009-2010 school year;
- The state will encourage all school divisions to provide notice of Public School Choice as early as possible and, ideally, at least 30 days before the start of the school year;
- School divisions 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 United States Department of Education's (USED) Public School Choice Nonregulatory Guidance, January 2009; and
- The state will take all steps necessary to ensure that its assessment schedule and vendor contract for the 2009-2010 school year and beyond will permit school divisions 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 2010-2011 school year and all subsequent school years.

Dr. Joseph Conaty
August 19, 2009
Page Three

Virginia has started to provide appropriate guidance to school divisions through a superintendent's e-mail that was provided to all superintendents in the state and is included in Attachment D. Virginia will provide additional guidance to its school divisions through future memoranda or e-mail to the division superintendents.

Additionally, if granted the requested waiver, Virginia will submit to USED by September 30, 2010, a report that provides the total number of school divisions within the state that had schools that entered or exited Title I School Improvement status in the 2009-2010 school year, and the total number of school divisions within the state that took advantage of the waiver and provided parents notice of Public School Choice less than 14 days before the start of the 2009-2010 school year.

Please contact Ms. Roberta Schlicher, director of program administration and accountability, at (804) 225-2870 or Roberta.Schlicher@doe.virginia.gov if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Patricia I. Wright".

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

PIW/rs

Attachments

2008-2009 VAAP VGLA VSEP PROGRAMS	
Manuals and SEI Tags	2008-2009 VGLA
Submit Participation Counts: August 4-22, 2008	Register Students (SDU or Manual): January 5 - June 19, 2009
Manuals and SEI Tags Arrive in Divisions: September 12, 2008	Enter Scores Wave 1: April 1 - May 29, 2009
Additional Orders: September 15, 2008 - June 12, 2009	Preliminary Reports Available (Non-Audited Tests Only): April 6, 2009
Fall 2008 VSEP	Wave 1 COE Shipping Materials Arrive in Divisions: June 12, 2009
Intent Forms to VDOE Due: October 17, 2008	Wave 1 COE Shipped to Pearson By: June 26, 2009
Register Students (SDU or Manual): November 3 - December 5, 2008	Enter Scores Wave 2: June 1-19, 2009
CWC Shipping Materials Arrive in Divisions: December 19, 2008	Wave 2 COE Shipping Materials Arrive in Divisions: July 3, 2009
CWC Shipped to Pearson By: January 9, 2009	Wave 2 COE Shipped to Pearson By: July 10, 2009
Fall VSEP CWC Scored: January 20-23, 2009	VGLA Audit Institutes: July 6-24, 2009
Preliminary Reports Available: February 2, 2009	Preliminary Reports Available (All Tests): August 3, 2009
CWC Returned to Divisions: Feb 6, 2009	COE Returned to Divisions: August 21, 2009
Appeal Requests Due: March 13, 2009	ATP Deadline: August 7, 2009
Spring 2009 VSEP	Events
Intent Forms to VDOE Due: February 13, 2009	VAAP/VGLA/VSEP Administrator's Update Workshop Session 1: August 12, 2008
Register Students (SDU or Manual): January 5 - April 24, 2009	VAAP/VGLA/VSEP Administrator's Update Workshop Session 2: August 13, 2008
CWC Shipping Materials Arrive in Divisions: May 8, 2009	VAAP/VGLA/VSEP Administrator's Update Workshop Session 3: August 14, 2008
CWC Shipped to Pearson By: May 22, 2009	VAAP/VGLA/VSEP Administrator's Update Workshop Session 4: August 15, 2008
Spring VSEP CWC Scored: May 26 - June 5, 2009	VAAP Ranges Finding: October 15-17, 2008
Preliminary Reports Available: June 15, 2009	VGLA Grades 3-5 Ranges Finding: November 6-7, 2008
CWC Returned to Divisions: July 6-10, 2009	VGLA Grades 6-8 Ranges Finding: November 18-19, 2008
Appeal Window: June 15 - July 17, 2009	VSEP Ranges Finding: November 20-21, 2008
Appeal Results Returned: July 27, 2009	VAAP Scoring Training Session 1: January 14, 2009
ATP Deadline: August 7, 2009	VAAP Scoring Training Session 2: January 15, 2009
2008-2009 VAAP	VAAP Scoring Training Session 3: January 21, 2009
Register Students (SDU or Manual): January 5 - May 22, 2009	VAAP Scoring Training Session 4: January 22, 2009
Enter Scores: April 1 - May 22, 2009	VAAP Scoring Training Alternate Date: January 27, 2009
Preliminary Reports Available (Non-Audited Students Only): April 6, 2009	VGLA Scoring Training Session 1: February 3, 2009
COE Shipping Materials Arrive in Divisions: June 5, 2009	VGLA Scoring Training Session 2: February 4, 2009
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COE Returned to Divisions: July 31, 2009	VAAP Regional Scoring: May 2009
ATP Deadline: August 7, 2009	

From: McHale, Juanita (DOE) on behalf of Wright, Patricia (DOE)
Sent: Monday, July 06, 2009 4:43 PM
To: McHale, Juanita (DOE)
Subject: SUPTS E-MAIL: 2009 AYP & Accreditation Release Timeline

Attachment B

Importance: High

Attachments: SSWSContacts.pdf

The Virginia Department of Education (VDOE) has established the following timeline for the release of 2009-2010 Adequate Yearly Progress (AYP) and Accreditation ratings and related data to school divisions and the public.

VDOE will provide preliminary 2009-2010 AYP and Accreditation ratings through the Single Sign-On for Web Systems (SSWS) portal at <https://p1pe.doe.virginia.gov/ssws/> on Wednesday, July 15. To obtain a login and password, contact the SSWS account manager in your school division. A list of SSWS account managers is attached for your convenience.

The information in detailed preliminary AYP reports could lead to personal identification of individual students. Please protect student privacy by exercising care in sharing data from these reports.

AYP data will be refreshed weekly after July 15, with the final pre-public release refresh scheduled for Friday, August 7.

VDOE will accept requests through close of business on Monday, August 3, to designate a school's AYP status as "to be determined" (TBD), pending review of submitted corrections to student-level data. Requests for TBD status must be accompanied by supporting information. TBD requests received after close of business on August 3 will be treated as appeals.

Superintendent's Memoranda to be posted on Friday, July 10, will provide details on the AYP appeals process and the process for determining the AYP ratings of "small n" schools. School divisions should finalize student data in the assessment system before submitting appeals of AYP ratings. Appeals must be filed by division superintendents within 15 business days of a school or division receiving official notice of its AYP rating or no later than September 11.

On Thursday, August 13, VDOE will issue a news release on 2009-2010 AYP ratings and student achievement during 2008-2009. Concurrent with the distribution of the news release, the department will post updated school, division and state report cards and related summary data on the Virginia School Report Card section of the VDOE Web site.

Accreditation data will be refreshed weekly after July 15 with the final, pre-public release refresh scheduled for Friday, September 11.

VDOE will issue a news release on 2009-2010 Accreditation ratings on Wednesday, September 16. Concurrently, the department will post updated school report cards and related summary data on the Virginia School Report Card section of the VDOE Web site.

The status of conditionally accredited schools and schools seeking conditional accreditation for the first time will be reported as TBD pending action by the Board of Education on Thursday, September 17. Updated school report cards and related summary information will be posted following the board meeting.

Please keep in mind that dates in the timeline are preliminary and subject to change. As in the past, additional Superintendent's E-Mails will be issued as warranted to keep division superintendents and communications staff apprised of any changes in the timeline.

VDOE staff are prepared to assist school divisions with questions about accountability ratings and related issues. Here are contacts for the most frequently queried topics:

- **Requests for TBD status for AYP and appeals of AYP ratings:** Rebecca Marable, reports and grants manager, Office of Program Administration and Accountability, at (804) 371-0044 or AYPTBD@doe.virginia.gov
- **Title I division and school improvement status:** Phil Iovino, Title I specialist, Office of Program Administration and Accountability, at (804) 371-2934 or Philip.lovino@doe.virginia.gov; Ann Sheehan, Title I specialist, at (804) 371-2932 or Ann.Sheehan@doe.virginia.gov; or Veronica Tate, Title I specialist at (804) 225-2904 or Veronica.Tate@doe.virginia.gov
- **Student assessment records:** Office of Test Administration, Scoring and Reporting at student_assessment@doe.virginia.gov or by calling (804) 225-2102
- **AYP and Accreditation calculations:** Office of Information Management by e-mail at resultshelp@doe.virginia.gov or by calling (804) 786-3112 (option #4)

- **Conditional accreditation:** Kathleen Smith, director, Office of School Improvement, at (804) 786-5819 or Kathleen.Smith@doe.virginia.gov
- **Communications issues:** Charles Pyle, director of communications, at (804) 371-2420 or Charles.Pyle@doe.virginia.gov; or Julie Grimes, communications manager, at (804) 225-2775 or Julie.Grimes@doe.virginia.gov

From: McHale, Juanita (DOE) **On Behalf Of** Wright, Patricia (DOE)
Sent: Tuesday, August 11, 2009 4:47 PM
To: McHale, Juanita (DOE)
Cc: Tate, Veronica (DOE)
Subject: SUPTS E-MAIL: Opportunity to Comment on Request for Waiver of 14-day Notice for Public School Choice
Importance: High

As required by the United States Department of Education (USED) Draft Nonregulatory Guidance on Title I, Part A, Waivers, July 2009, attached to this e-mail is a draft of Virginia's request for a waiver of the 14-day notice for Public School Choice for the 2009-2010 school year for certain Title I schools. Question A-6 of the guidance requires states to provide all interested school divisions with an opportunity to comment on the waiver request prior to submitting the request to USED.

Comments on the waiver request will be accepted through Friday, August 14, 2009. Please submit them to Veronica Tate, Title I specialist, at Veronica.Tate@doe.virginia.gov or by fax to (804) 371-7347.

If you have questions or need additional information, please contact Veronica Tate, Title I specialist, at Veronica.Tate@doe.virginia.gov or (804) 225-2904.

**DRAFT LETTER TO BE SENT TO THE UNITED STATES DEPARTMENT OF
EDUCATION AFTER RECEIPT OF PUBLIC COMMENT**

August 19, 2009

Dr. Joseph C. Conaty
Delegated Authority to Perform the Functions
and Duties of the Assistant Secretary for Elementary
and Secondary Education
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

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Dr. Joseph Conaty
August 19, 2009
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Sincerely,

Patricia I. Wright, Ed.D.
Superintendent of Public Instruction

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- **Student assessment records:** Office of Test Administration, Scoring and Reporting at student_assessment@doe.virginia.gov or by calling (804) 225-2102
- **AYP and Accreditation calculations:** Office of Information Management by e-mail at resultshelp@doe.virginia.gov or by calling (804) 786-3112 (option #4)

- **Conditional accreditation:** Kathleen Smith, director, Office of School Improvement, at (804) 786-5819 or Kathleen.Smith@doe.virginia.gov
- **Communications issues:** Charles Pyle, director of communications, at (804) 371-2420 or Charles.Pyle@doe.virginia.gov; or Julie Grimes, communications manager, at (804) 225-2775 or Julie.Grimes@doe.virginia.gov

From: McHale, Juanita (DOE) on behalf of Wright, Patricia (DOE)

Sent: Wednesday, July 22, 2009 10:31 AM

Attachment D

To: McHale, Juanita (DOE)

Cc: Schlicher, Roberta (DOE)

Subject: SUPTS E-MAIL: Draft Nonregulatory Guidance on Title I, Part A, Waivers

Importance: High

Last week, the United States Department of Education (USED) released Draft Nonregulatory Guidance on Title I, Part A, Waivers as a follow-up to the statements made in the Title I, Part A, American Recovery and Reinvestment Act (ARRA) of 2009 fact sheet. The guidance provides details regarding the provisions under which the United States Secretary of Education is inviting waivers. The document is available at the following link: <http://www.edgovblogs.org/duncan/2009/07/draft-guidance-on-title-i-part-a-waivers/>.

Additional information about the approach the Virginia Department of Education will take to submit a waiver request to USED on behalf of all school divisions will be forthcoming within the next couple of weeks. Prior to the release of the additional information, I wanted to make you aware of two areas addressed in the guidance for which states did not have advance notice. Those areas are: 1) the waiver of the 14-day notice for Public School Choice (PSC); and 2) the ability for states that were previously approved to reverse the order of sanctions for Title I schools in Year 1 of improvement to apply for this flexibility for 2009-2010. Details regarding these two areas are provided below.

Waiver of 14-day Notice for Public School Choice (PSC)

In question B-3 of the guidance, states were informed that, if granted, the waiver to provide notice of Public School Choice options to parents of students in Year 1 of Title I school improvement at least 14 days before the start of the school year would apply only to newly identified schools for the 2009-2010 school year or those schools that will exit Title I school improvement for the 2009-2010 school year. The waiver, if granted, will not apply to those previously identified Title I schools that remain in Title I School Improvement.

Reversal of Sanctions for Title I Schools in Year 1 of Improvement

In question B-22, states were informed of the ability for school divisions to offer Supplemental Educational Services (SES) instead of Public School Choice (PSC) to eligible students attending Title I schools in the first year of school improvement. Only those states that were granted this flexibility in previous years are eligible. Virginia is eligible as it was granted the flexibility in prior years.

Interest in Participating in Reversal of SES and PSC for Year 1 Title I Schools

To assist the Department in preparing the waiver request for submission to USED, if your school division is interested in participating in the reversal of the SES and PSC sanctions, please contact Roberta Schlicher, director of program administration and accountability, at Roberta.Schlicher@doe.virginia.gov or (804) 225-2870 by July 27, 2009.

If you have questions or need additional information about the draft nonregulatory guidance on Title I, Part A, waivers, please contact Roberta Schlicher, director of program administration and accountability, at Roberta.Schlicher@doe.virginia.gov or (804) 225-2870.