

1. REQUEST TO WAIVE 14-DAY NOTICE REQUIREMENT FOR PUBLIC SCHOOL CHOICE

Dear Assistant Secretary Melendez de Santa Ana:

The Illinois State Board of Education (ISBE) is requesting 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 2009-2010 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2009-2010 school year but did not. Illinois seeks a waiver of this provision because Illinois's assessment schedule was set prior to the 14 days requirement was enacted. Despite record processing of the Prairie State Achievement Exam (PSAE) scores, the scores will not be released until the beginning of August and some schools start school in the middle of August. Therefore, a very small number of high schools that start prior to September 1st would be unable to meet the 14 day notification requirement for the 2009- 2010 school year. To ensure that all of its LEAs are able to comply with this requirement Illinois is adjusting its schedule to further reduce the amount of time between the administration of the test to the releasing of final data from the original 4+months to the 3 months this year to 2 ½ months in the future. Changing of the rules to account for a shortened score correction window has been initiated and is expected to be effective prior to the 2010 assessment. (*see notice provided in the Superintendent's Bulletin on July 14th, full bulletin can be found at: http://www.isbe.net/board/archivemessages/2009/message_071409.pdf*)

Illinois has established the following timeline for administering and scoring assessments, and preliminary dates for determining adequate yearly progress (AYP) based on those assessments:

GRADES 3-8

Test Window	AYP initial results	AYP correction window	Final AYP results
March 1-12, 2010	Early June	Mid-June	Mid-July

GRADE 11

Initial Test Dates (Grade 11)	Makeup Test Dates (Grade 11)	AYP initial results	AYP correction window	Final AYP results
April 28-29, 2010	May 12-13, 2010	Early July	Mid-July	End of July

Illinois would not be able to ensure that all LEAs within the State are able to comply with the 14-day notice requirement unless Illinois risked the quality of the assessment results and altered the agreed correction and quality control period already agreed upon with the contractor and communicated to the districts.

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

Illinois has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2008–2009 and 2009–2010 school years:

Year	Reading and Math AMO
2008-2009	70%
2009- 2010	77.5%

Illinois will determine adequate yearly progress (AYP) based on assessments administered in the 2008–2009 and 2009–2010 school years in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA). As stated above, ISBE believes that providing Illinois with the time necessary to carry out its assessment timeline as planned will allow the State 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, Illinois provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Illinois provided such notice by sending a blast email to all LEAs requesting comments on the waiver. Illinois has also provided notice and information regarding this waiver request to the public by posting the waiver request on the agency’s website and including information on the request in the Superintendent’s weekly message.

Illinois 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 2009–2010 school year (based on results of assessments administered in the 2008–2009 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2009–2010 school year (based on results of assessments administered in the 2008–2009 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 2009–2010 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;
- 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 2009–2010 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 2010–2011 school year (and all subsequent school years).

Illinois will ensure compliance with these conditions by providing appropriate guidance regarding these conditions to its LEAs. In particular, Illinois has already notified all LEAs of the option to provide notice of choice as early as possible and has been encouraging the districts to participate.

(see notice provided in the Superintendent's Bulletin on June 16th, full bulletin can be found at: http://www.isbe.net/board/archivemessages/2009/message_061609.pdf)

In the waiver notice email, ISBE included a reminder to LEAs that notifications must be approved by ISBE and sent out at least 14-days prior to the start of school.

Illinois further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that provides the total number of LEAs within the State that had schools that entered or exited improvement status in the 2009–2010 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 2009–2010 school year.

Please feel free to contact Melina Wright at 214-524-4832 or via email at mewright@isbe.net if you have any questions regarding this request. Thank you for your consideration.