



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

July 19, 2010

Thelma Melendez de Santa Ana, Ph. D.
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

Dear Dr. Melendez:

I am writing on behalf of Arizona to request the following waivers:

1. a one-year waiver of the Title I, Part A regulatory provision that prohibits Arizona 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 the law, Arizona may approve as an SES provider only an entity that has a demonstrated record of effectiveness in increasing student academic achievement. Arizona believes that identified schools and LEAs may be able to establish that they have an effective program that can help improve academic achievement of students and should not be prevented automatically from gaining approval simply because of their improvement status.
2. a one-year waiver to allow local educational agencies (LEAs) within Arizona with one or more schools identified for improvement, corrective action, or restructuring to offer supplemental educational services (SES), in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the funds spent providing SES to eligible students in those schools toward the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation). In the absence of such a waiver, an LEA may only count funds spent providing SES to eligible students attending schools in the second year of improvement, in corrective action, or in restructuring toward its 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48). Arizona believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing an incentive for an LEA to offer SES to eligible students one year earlier than the law requires, thereby enabling more students within an LEA to enroll in SES. Arizona believes that parents of children attending schools in the first year of improvement will be eager to enroll their children in SES, and that the increased enrollment in SES thus enabled by the waiver will contribute to improving student achievement.

Arizona has set the following annual measurable objectives (AMOs) in reading and mathematics, which includes subjects that are among those covered by SES providers in Arizona for the 2010–2011 school year:

Arizona AMOs			
Grade 3	Reading AMO (percent passing)	Math AMO (percent passing)	Proposed Math AMO (percent passing)*
2008-10	62.6	54.6	53
2011	71.9	65.9	65
2012	81.2	77.2	77
2013	90.5	88.5	88
2014	100	100	100
Grade 4			
2008-10	56	63.2	50
2011	67	72.4	63
2012	78	81.6	75
2013	89	90.8	88
2014	100	100	100
Grade 5			
2008-10	54.6	46.6	44
2011	65.9	59.9	58
2012	77.2	73.2	72
2013	88.5	86.5	86
2014	100	100	100
Grade 6			
2008-10	56	54.4	43
2011	67	65.8	57
2012	78	77.2	72
2013	89	88.6	86
2014	100	100	100
Grade 7			
2008-10	59.2	58.4	44
2011	69.4	68.8	58
2012	79.6	79.2	72
2013	89.8	89.6	86
2014	100	100	100
Grade 8			
2008-10	54.0	38.0	44
2011	65.5	53.5	58
2012	77.0	69.0	72
2013	88.5	84.5	86
2014	100	100	100
High School			
2007-08	48.6	40	48
2010-11	61.4	55	61
2011-12	74.2	70	74
2012-13	87.0	85	87
2013-14	100	100	100

**The ADE has submitted an amendment to its Accountability Workbook dated June 24, 2010, to adjust the AMOs in math.*

Arizona will determine adequate yearly progress (AYP) based on assessments administered in the 2010–2011 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with the growth model approved by the Department.

Arizona believes that allowing some identified schools or LEAs to serve as SES providers may help more students within Arizona to reach the state’s proficiency objectives, allowing LEAs to offer SES to eligible students in Title I schools in the first year of improvement and count the costs of providing SES to those students toward the LEA’s 20 percent obligation.

If Arizona is granted the requested waivers, Arizona will ensure that:

1. it will approve only those LEAs and schools that meet Arizona’s requirements for SES providers to be on the state’s list of approved SES providers for the 2009–2010 school year; and
2. it will implement the SES waiver only with respect to those LEAs that will meet all statutory and regulatory requirements related to SES in the 2010–2011 school year (other than the particular funding requirement being waived).

Arizona hereby assures that, if it is granted the requested waivers, it will submit to the U.S. Department of Education, by September 30, 2011, 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 2009–2010 school year, the total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2010–2011 school year, and a report that sets forth the name and NCES District Identification Number for each LEA implementing the waivers.

Prior to submitting this waiver request, Arizona provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. Arizona provided such notice by sending an email to each LEA and to members of the Committee of Practitioners on July 9, 2010 (see copy of notice attached). Copies of all comments that Arizona received from LEAs in response to this notice are attached hereto. Arizona has also provided notice and information regarding this waiver request to the public in the manner in which Arizona customarily provides such notice and information to the public by posting information regarding the waiver request on its Title I [SES Web page](#) (see attached copy of Arizona’s public notice).

Please feel free to contact our state Title I Director, Nancy Konitzer by phone or email at 602-542-7470 or Nancy.konitzer@azed.gov, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Margaret Dugan
Deputy Superintendent