



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of Elementary, Middle, Secondary and Continuing Education

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June 18, 2010

To: District Superintendents
Superintendents of Public and Nonpublic Schools
Principals of Public, Nonpublic, and Charter Schools
Other Interested Parties

From: Ira Schwartz

Subject: Request for Public Comment

The New York State Education Department (NYSED) has revised the 2009–10 New York State Testing Program (NYSTP) Grades 3–8 English Language Arts (ELA) and Mathematics assessments in accordance with federal recommendations to cover more content and to be less predictable, as well as to become better indicators of proficiency and a more useful tool in preparing college and career-ready students. This revision necessitates a series of studies, including the revision of cut scores, to ensure that valid and reliable information is returned to school districts, parents, and students. To accomplish these tasks, the Board of Regents determined in May 2010 that assessment results that would have been available in late June 2010 will not be available until the week of July 26, 2010 at the earliest. As such, the NYSED is seeking a one-year waiver from the United States Department of Education (USED) 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)) and to the requirement that LEAs provide notice of public school choice before the start of the year (20 USC §6316(b)(1)(E)(I)).

This waiver would apply only with respect to students in schools that are identified for improvement and newly required to offer public school choice for the 2010-2011 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2010-2011 school year but did not and would permit the LEA to wait until AYP determinations are available after the start of the school year, before providing parents of eligible students notice of their public school choice options. Under this waiver, grade 3-8 and high school AYP determinations would be made available and released publicly according to the schedule below:

Deliverable	Activity	Dates
Review HS AYP Data	High School (HS) preliminary AYP determinations released to districts and schools	1-Jul-10 8-Jul-10 15-Jul-10 22-Jul-10 29-Jul-10 5-Aug-10
HS Data Verification	HS data verification process completed	30-Jul-10
3-8 ELA/Math Score Release	Grades 3-8 ELA/Math Score Release	5-Aug-10
HS Preliminary Accountability Status Notification	HS statuses (based on July 30 data) to be used to provide parental notifications released to districts and schools	24-Aug-10
Review 3-8 ELA/Math AYP Data	Grades 3-8 preliminary AYP determinations released to districts and schools	19-Aug-10 16-Sep-10 23-Sep-10 30-Sep-10 7-Oct-10
Final Data Verification (All Data)	Grades 3-8 and HS data verification process completed	1-Oct-10
Public Notification of Accountability Status List	Grades 3-8 and HS Accountability Status Lists made public	4-Nov-10

Please note that while we plan to make Grade 3-8 and HS accountability lists public simultaneously, LEAs will receive high school accountability data in sufficient time to notify parents of public school choice options at least 14 days prior to the start of the school year. For grade 3-8 results, LEAs will have the data necessary to begin making decisions about public school choice by August 19th. In order to allow schools sufficient resources to prepare for the opening of the school year during the end of August and the beginning of September, elementary- and middle-level schools will not be expected to finalize the verification of these data until October 1, 2010.

We have been informed by the USED that prior to submitting a waiver request, NYSED must provide all interested LEAs in the State with notice and a reasonable opportunity to comment on the request (20 USC §7861(b)(3)(A)(i)). The SEA must submit all comments it receives from those LEAs to the Secretary along with its waiver request (20 USC §7861(b)(3)(A)(ii)). The Secretary will consider these comments when determining whether to grant the waiver request.

In response to USED's request, we are sharing the above information with you and asking that you submit any comments you may have regarding the waiver request. A copy of the June 18, 2010 waiver request to Dr. Thelma Meléndez de Santa Ana, Assistant Secretary for Elementary and Secondary Education is attached for your information.

Please mail or fax your comments on your school/agency letterhead, no later than June 24, 2010, addressed to:

Roberto Reyes, State Title I Director
Office of School Improvement and Community Services
NYS Education Department
Room 675 EBA
Albany, New York 12234
(518) 486-5616

We thank you for your support and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Ira Schwartz". The signature is written in a cursive style with a large initial "I" and a long, sweeping underline.

Ira Schwartz

[Attachment](#)