

**Oklahoma Request  
to  
Waive 14-Day Notice Requirement  
for Public School Choice**

**September 2009**

**Contact:**

**Dr. Cindy Koss  
Assistant State Superintendent  
Oklahoma State Department of Education  
2500 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105-4599  
(405) 521-3361**

**OKLAHOMA REQUEST TO WAIVE 14-DAY NOTICE  
REQUIREMENT FOR PUBLIC SCHOOL CHOICE**

Dr. Joseph C. Conaty  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW, Room 3W225  
Washington, DC 20202

Dear Dr. Conaty:

Oklahoma is a local control state and school district boards of education have the flexibility to choose the school start date which is submitted to the Oklahoma State Department of Education (OSDE) Accreditation Office. Attached are the school start dates from school year 2007-08. Many school districts begin the first week of August. This allows a three-month turnaround for test results. In contrast, some states test in March and tests results are due for adequate yearly progress (AYP) in September.

I am writing on behalf of Oklahoma 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 (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. Oklahoma seeks a waiver of this provision because Oklahoma is restricted by state law regarding the state testing window beginning after April 10 each year (see attachment). Oklahoma is also restricted by Oklahoma Accreditation Standards regarding local control of school start dates in 2008-2009 (see attached start dates). In addition, Oklahoma is restricted by current contracts for 2009-2010 school year with Data Recognition Corporation, Pearson Educational Measurement, and Riverside Publishing Company, the vendors that process the results of Oklahoma's assessments for the 2008-2009 school year to ensure that all of its LEAs are able to comply with this requirement with respect to students in those schools. Oklahoma also set new performance standards in June 2009 for the following adequate yearly progress (AYP) subjects: English II-General Assessment, Mathematics-General Assessment (Grades 3-8), and Reading-General Assessment (Grades 3-8) which further delayed the results of Oklahoma's assessments for the 2008-2009 school year. In particular, Oklahoma established the following timeline for administering and scoring assessments, and for determining (AYP) based on those assessments:

- |                                  |   |
|----------------------------------|---|
| • Grades 3 – 8 Assessments       | Test Administration: April 10 – April 24, 2009                    |
| • End-of-Instruction Assessments | Spring Test Administration: April 20 – May 15, 2009               |
| • Assessment Results             | Due to OSDE from Vendors: July 1, 2009                            |
| • Assessment Results             | Vendors negotiated a July 15, 2009 delivery of assessment results |
| • AYP Status Results             | Mailed to Districts: Tuesday, August 4, 2009                      |
| • AYP Appeals                    | Due to OSDE: August 21, 2009                                      |
| • AYP Appeals Committee          | Meeting to hear appeals: August 24, 2009                          |
| • AYP Final Determination        | Presented to State Board of Education: August 27, 2009            |

Oklahoma would not be able to ensure that all LEAs within the State are able to comply with the 14-day notice requirement unless Oklahoma alters the test administration windows, which it is not possible for Oklahoma to do because the test administration windows are mandated by Oklahoma Statute (Article V, Section 889, C.1.) and Oklahoma Statute allows school districts to determine school year start dates (see attached documentation).

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

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

**Adequate Yearly Progress (AYP) for Oklahoma Schools and Districts  
Timeline for Statewide Performance Targets in Math and Reading  
Pursuant to the No Child Left Behind Act of 2001**

	Baseline 2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Math <i>api</i>	648	648	790	790	790	932	932	932	1074	1074	1216	1358	1500
Reading <i>api</i>	622	622	768	768	768	914	914	914	1060	1060	1206	1352	1500

Oklahoma will determine 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, Oklahoma believes that providing Oklahoma 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, Oklahoma will provide the public and all LEAs in the State with notice and an opportunity to comment on this request. Methods of notification will include, but may not be limited to, posting on the Oklahoma State Department of Education Web site; a message to the Oklahoma Title I Directors Listserv, the School Improvement Advisory Committee, and District Superintendents; a phone conference with the Oklahoma Title I Committee of Practitioners; and the availability to comment at a regularly scheduled meeting of the Oklahoma State Board of Education. Copies of comments that Oklahoma may receive from the public and LEAs in response to the notice and request for comment will be attached to the waiver request.

Oklahoma 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 2010–2011 school year (and beyond) will provide test information in a timely manner so that LEAs within the State can provide notice of public school choice as soon as possible prior to the start of the 2010-2011 school year. The goal will be to provide notice of public school choice not later than 14 days before the start of the 2010-2011 school year (and all subsequent school years).

Oklahoma will ensure compliance with these conditions by providing appropriate guidance regarding these conditions to its LEAs. In particular, Oklahoma intends to submit a letter to all schools stating the requirements above; disseminate USDE Title I, School Improvement, Public School Choice and Supplemental Educational Services Guidance; conduct School Improvement Videoconferences and conduct a School Improvement Overview meeting detailing the requirements.

Oklahoma 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.

Dr. Joseph Conaty  
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Please feel free to contact me by phone or email at (405) 521-3341 or <Jennifer\_Stegman@sde.state.ok.us> if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

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Oklahoma State Department of Education  
2500 North Lincoln Boulevard  
Oklahoma City, Oklahoma 73105-4599  
(405) 521-3341

DRAFT