

**TITLE I WAIVER**  
FOR 14-DAY NOTICE OF PUBLIC SCHOOL CHOICE

Nebraska is requesting a 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 2010-2011 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2010-2011 school year but did not. Nebraska seeks a waiver of this provision because the new statewide assessment in Reading will be implemented and used for AYP decisions. Proficiency levels will not be established until a special State Board meeting in July. Nebraska will need to establish new State AYP goals and submit an amendment to its Accountability workbook before AYP decisions in Reading can be made for the 2010–2011 school year to ensure that all of its LEAs are able to comply with this requirement with respect to students in those schools.

Nebraska would not be able to ensure that all LEAs within the State are able to comply with the 14-day notice requirement unless Nebraska can get new State Goals for AYP, which it is not possible for Nebraska to do because the timeline for accomplishing all the necessary approvals are so tight that the data for AYP decisions may not be available in time for districts to notify parents of public school choice options at least 14 days before the start of the school year.

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

Nebraska 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, Nebraska believes that providing Nebraska with the time necessary to carry out its assessment timeline as planned will allow the State to ensure that school improvement decisions for the 2010–2011 school year are based on valid and reliable AYP determinations.

Nebraska further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2011, a report that provides the total number of LEAs within the State that had schools that entered or exited improvement status in the 2010–2011 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 2010–2011 school year.

The application process requires public notice and an opportunity for members of the public to comment. The USDE Guidance on School Improvement Grants and the ARRA School Improvement Grant Application can be found at the following link:

[http://www.nde.state.ne.us/ARRA/School\\_Improvement\\_Grants.html](http://www.nde.state.ne.us/ARRA/School_Improvement_Grants.html)

Comments are encouraged and should be submitted via email to [Randy.McIntyre@nebraska.gov](mailto:Randy.McIntyre@nebraska.gov) by 5:00 p.m. (Central Daylight) on or before May 3, 2010.