



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**FEB - 5 2016**

The Honorable Tom Torlakson  
Superintendent of Public Instruction  
California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814-5901

The Honorable Michael W. Kirst  
President  
California State Board of Education  
1430 N Street, Suite 5111  
Sacramento, CA 95814

Dear Superintendent Torlakson and President Kirst:

Last month I sent a Dear Colleague Letter providing initial guidance for the 2016–2017 school year as part of the transition to a reauthorized version of the Elementary and Secondary Education Act of 1965 (ESEA), which was amended by the Every Student Succeeds Act (ESSA) in December, 2015. This letter provides additional guidance to you and your colleagues in other States not operating under ESEA flexibility requests. In particular, I am writing to clarify your options regarding the requirements under section 1116 of the prior version of the ESEA to provide supplemental educational services (SES), public school choice, and the related notice to parents for the 2016–2017 school year.

More specifically, although California is required by the transition provisions in ESSA to continue to implement the same interventions in the 2016–2017 school year for schools that were identified for improvement, corrective action, or restructuring in school year 2015-2016, you may elect not to require your local educational agencies (LEAs) to provide SES, public school choice, and the related notice to parents for the 2016–2017 school year.

If your State chooses not to require LEAs to provide SES and public school choice in the 2016–2017 school year, you must, in order to ensure an orderly transition to the ESSA, develop and implement a one-year transition plan for ensuring that LEAs provide alternative supports for the students eligible for SES in the schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES, or as defined in the State’s transition plan). A State may specify in its transition plan whether it expects an LEA to spend a specific amount of its Title I, Part A funds, which may be less than an amount equal to 20 percent of the LEA’s allocation, to provide alternative supports during the 2016–2017 school year. A State’s transition plan does not need to address all schools attended by students eligible for SES.

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A State that chooses not to require SES and public school choice in the 2016–2017 school year must submit an assurance concerning its transition plan, as described below, to the U.S. Department of Education (ED) by Tuesday, March 1, 2016. Please note, however, that in this case, California would not be required to submit its transition plan to ED.

If California plans to develop a transition plan for the 2016–2017 school year, it must:

- Engage in timely and meaningful consultation with relevant stakeholders, including parents, LEAs, teachers, and principals, when developing the transition plan;
- Publicly post its transition plan no later than Friday, May 6, 2016 in the manner in which the State customarily provides such information to the public (*e.g.*, by posting its transition plan on its website);
- Explain in the transition plan how it will provide or ensure that LEAs provide students eligible for SES in schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES, or as defined in the State’s transition plan) with alternative support and improvement activities intended to improve student outcomes, consistent with allowable uses of Title I funds and all applicable fiscal requirements; and
- Consistent with ESEA section 1116(b)(13), require LEAs to permit a student who previously transferred to another public school under the No Child Left Behind Act of 2001 (NCLB) to remain in that school until the child has completed the highest grade in that school.

If California elects to develop and implement a transition plan, it must submit its assurance concerning that plan no later than Tuesday, March 1, 2016. A template for this assurance is attached to this letter. For each State that submits an assurance, on Monday, May 9, 2016, ED will verify that its transition plan is publicly posted. If you have any questions about the transition option described in this letter, please contact Stephanie Washington, Jeanette Horner-Smith, or Nkemjika Ofodile-Carruthers in the Office of State Support, at [OSS.California@ed.gov](mailto:OSS.California@ed.gov) for additional information or clarification.

Thank you for your ongoing commitment to improving educational outcomes for all students.

Sincerely,



Ann Whalen

Senior Advisor to the Secretary Delegated the Duties of  
Assistant Secretary for Elementary and Secondary  
Education

Enclosure

cc: Keric Ashley, Deputy Superintendent, District, School, and Innovation Branch