

July 24, 2009

Alabama
State Board
of Education

Dr. Joseph C. Conaty
Delegated the Authority to Perform the Functions and Duties
of the Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-0498

Governor Bob Riley
President

Randy McKinney
District I
Vice President

Dear Dr. Conaty:

Betty Peters
District II

I am writing on behalf of all local educational agencies (LEAs) in Alabama with schools that are identified for improvement under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(3)(A)(iii) of the ESEA to determine a school's 10 percent professional development set-aside based on the total amount of funds made available to the school under section 1113 of the ESEA for FY 2009 (*i.e.*, including funds made available from both the LEA's regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, I am seeking this waiver to allow Title I schools within Alabama that are identified for improvement to calculate their 10 percent professional development set-aside in accordance with the following formula:

Stephanie W. Bell
District III

the amount of Title I, Part A funds received by the school under section 1113 of the ESEA

Dr. Ethel H. Hall
District IV
Vice President
Emerita

multiplied by

Ella B. Bell
District V

the portion of the LEA's FY 2009 Title I, Part A allocation provided through the regular FY 2009 appropriation / the LEA's total FY 2009 Title I, Part A allocation, including Title I, Part A ARRA funds

David F. Byers, Jr.
District VI

multiplied by

Gary Warren
District VII

10 percent.

Dr. Mary Jane Caylor
District VIII
President Pro Tem

As long as it complies with the requirements of section 1113 of the ESEA with respect to serving eligible school attendance areas with its FY 2009 Title I, Part A allocation (consisting of Title I, Part A funds received through the ARRA and the regular FY 2009 appropriation), an LEA has discretion with respect to how it will allocate its Title I, Part A funds to its Title I schools. Accordingly, Alabama believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by ensuring that no school within an LEA that implements this waiver will be obligated to spend a disproportionate amount of the Title I, Part A funds available to it on professional development activities. Alabama believes that the basic 10 percent set-aside, which schools in improvement will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development.

Joseph B. Morton
Secretary and
Executive Officer

Alabama has set annual measurable objectives (AMOs) in reading and mathematics, which are among the subjects that are covered by SES providers in Alabama for the 2009–2010 school year.

Reading			Mathematics		
	2008-2009	2009-2010		2008-2009	2009-2010
Grade 3	81	85	Grade 3	74	79
Grade 4	77	82	Grade 4	72	78
Grade 5	81	85	Grade 5	71	77
Grade 6	81	85	Grade 6	56	65
Grade 7	74	79	Grade 7	57	66
Grade 8	59	67	Grade 8	63	70
Grade 11	86	89	Grade 11	77	82

Alabama will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA.

Alabama believes that, ultimately, 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 may help more students within the State to reach the State’s proficiency objectives.

Alabama will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA. Alabama believes that, ultimately, ensuring that a school is not obligated to spend a disproportionate amount of Title I, Part A funds on professional development may help more schools and LEAs within the State make AYP by enabling them to direct an appropriate portion of their funds to activities other than professional development that they believe will help their students meet the AMOs set forth above. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A, ARRA funds to meet those needs.

Alabama hereby assures that, if it is granted the requested waiver, Alabama will implement the waiver only with respect to an LEA that provides assurances that:

- It will ensure that its schools will implement the waiver in accordance with the formula above;
- It will ensure that all schools in improvement within the LEA will comply with all statutory and regulatory requirements regarding their professional development obligations with respect to the funds that are not “factored out” in accordance with the formula above;
- It will ensure that its schools use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results; and
- It and its schools in improvement will comply with all of their other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have school-wide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research.

Dr. Joseph C. Conaty
Page 3
July 24, 2009

Prior to submitting this waiver request, Alabama provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Alabama provided such notice by sending an email to each LEA on July 17, 2009. Copies of all comments that Alabama received from LEAs in response to this notice are attached hereto. Alabama has also provided notice and information regarding this waiver request to the public in the manner in which Alabama customarily provides such notice and information to the public e.g.

posting information on the department's Web site and emailing the notice to over 1100 news agencies (see copy of notice attached).

Alabama hereby 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 sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone at 334-242-9700 or email at jmorton@alsde.edu if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Joseph B. Morton
State Superintendent of Education

JBM/DKS/NJ

FY09-