

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

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Dear Dr. Conaty:

I am writing on behalf of all local educational agencies (LEAs) in Alabama that receive funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 (2009-2010 school year) of the requirement in section 1116(e)(6)(A) of the ESEA and in 34 C.F.R. § 200.48(c)(1) to determine the per-pupil amount for supplemental educational services (SES) based on an LEA's total FY 2009 Title I, Part A allocation (*i.e.*, including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). Specifically, I am seeking this waiver to allow LEAs within Alabama to exclude all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. Alabama believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students and allow more funds to flow directly to schools.

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

	2008-2009	2009-2010
Grade 3	81	85
Grade 4	77	82
Grade 5	81	85
Grade 6	81	85
Grade 7	74	79
Grade 8	59	67
Grade 11	86	89

Mathematics

	2008-2009	2009-2010
Grade 3	74	79
Grade 4	72	78
Grade 5	71	77
Grade 6	56	65
Grade 7	57	66
Grade 8	63	70
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, allowing an LEA to exclude all of its ARRA funds in determining

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the per-pupil amount for SES and thereby allowing more students to receive SES may help more schools and LEAs within the State make AYP by enabling more students to receive services that will help them meet the AMOs set forth above.

If Alabama is granted the requested waiver, Alabama will implement the waiver only with respect to an LEA that provides assurances that:

- (1) It will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 (2009-2010) Title I, Part A allocation; and
- (2) It will comply with all other Title I, Part A statutory and regulatory requirements (to the extent they are not waived), including the requirements in sections 1114 and 1115 of the ESEA to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research.”

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 provides 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

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