

July 24, 2009

Alabama
State Board
of Education

Governor Bob Riley
President

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

Randy McKinney
District I
Vice President

Dear Dr. Conaty:

Betty Peters
District II

I am writing on behalf of Alabama to request a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, I am requesting a waiver to allow [State] to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation. I am requesting this waiver for a period of two years (*i.e.*, to apply to LEA requests to carry over fiscal year (FY) 2009 Title I, Part A funds and to LEA requests to carry over FY 2010 Title I, Part A funds in excess of the carryover limitation).

Stephanie W. Bell
District III

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.

Dr. Ethel H. Hall
District IV
Vice President
Emerita

Ella B. Bell
District V

David F. Byers, Jr.
District VI

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

Gary Warren
District VII

Dr. Mary Jane Caylor
District VIII
President Pro Tem

Joseph B. Morton
Secretary and
Executive Officer

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 the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend its Title I, Part A ARRA funds thoughtfully over the course of two years on activities that are most likely to improve the academic achievement of students. Accordingly, Alabama believes that, ultimately, the requested waiver may help more schools and LEAs within the State make AYP by

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enabling them to direct their funds thoughtfully to activities that will help their students meet the AMOs set forth above.

Alabama will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in section 1127(a) so that it can carry over more than 15 percent of its Title I, Part A FY 2009 or FY 2010 allocation and has already received such a waiver within the prior three years (or receives such a waiver with respect to its FY 2009 funds), applies to the SEA in accordance with Alabama's regular procedures for waivers of the carryover limitation. Alabama hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second (or third) time within three years because of its ARRA funds.

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 e-mail 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 e-mailing the notice to over 1100 news agencies (see copy of notice attached).

Please feel free to contact me by phone at 334-242-9700 or e-mail 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-