UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 18 2010

ASSISTANT SECRETARY

The Honorable Joseph B. Morton
State Superintendent of Education
Alabama Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101

Dear Superintendent Morton:

I am writing in response to Alabama's request to waive section 421(b) of the General Education Provision Act (20 U.S.C. § 1225(b)) to extend the period of availability of a portion of fiscal year 2009 school improvement funds that Alabama reserved under 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA). A waiver would extend the availability of these section 1003(a) funds through September 30, 2013.

Alabama requested this waiver in order to enable it to increase the total amount of funds it has available to implement the School Improvement Grants (SIG) program authorized under section 1003(g) of the ESEA. Specifically, Alabama is seeking to use a portion of the additional funding made available for Title I, Part A through the American Recovery and Reinvestment Act of 2009 (ARRA) and reserved under section 1003(a) of the ESEA for awards to two Tier I schools, both participating Title I schools in improvement status and both operating schoolwide programs, that wish to implement the transformation model in compliance with the final requirements for the SIG program. This waiver would help ensure that these two schools would be able to use section 1003(a) funds in a manner consistent with schools that will be implementing the transformation model with SIG funds.

I am pleased to grant a waiver to Alabama to extend the period of availability for fiscal year 2009 section 1003(a) funds that will be used in two Tier I schools to implement the transformation model in accordance with the final requirements for the SIG program. This waiver will make the period of availability for these funds commensurate with the period of availability for SIG funds and thereby help ensure that the LEAs in which these schools are located have the ability to fully and effectively implement the transformation model in these schools over the three-year award period typically required by SIG intervention models. As a condition of receiving this waiver, Alabama must: (1) ensure that the section 1003(a) funds used to implement the transformation model in these two schools are expended consistent with the SIG final requirements; and (2) include these two schools in the SIG reporting required under section III.A of the final requirements for the SIG program. By meeting the second condition of this waiver, Alabama also will be complying with the reporting requirements for a state receiving a waiver under section 9401(e)(2) of the ESEA.

In addition, to the extent that Alabama allocates section 1003(a) funds that were made available through the ARRA for the two Tier I schools that will use the funds to implement the transformation model, Alabama must ensure that the LEAs receiving these funds comply with ARRA reporting requirements.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Carlas McCauley at (202) 260-0824 or Carlas.McCauley@ed.gov.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

cc: Governor Bob Riley
Deann Stone
Marcus Vandiver