



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

OCT 23 2009

ASSISTANT SECRETARY

The Honorable Theodore Mitchell
President
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, California 95814

The Honorable Jack O'Connell
Superintendent of Public Instruction
California Department of Education
P.O. Box 944272
Sacramento, California 94244-2720

Dear President Mitchell and Superintendent O'Connell:

I am writing in response to California's requests to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). After reviewing California's requests, I am pleased to grant the following waivers:

- Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers. I am granting a one-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit California to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2009–10 school year.
- Ability to grant LEAs a waiver of the carryover limitation. I am granting California a two-year waiver of section 1127(b) of the ESEA to allow it to waive the carryover limitation in section 1127(a) of the ESEA more than once every three years for an LEA that needs the additional waiver because of the supplemental Title I, Part A appropriation provided through the ARRA.

These waivers are granted on the condition that California will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of each of the waivers to the Department by September 30, 2010. Please be sure to review the enclosure carefully.

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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 Zollie Stevenson, Director of Student Achievement and School Accountability Programs (SASA) at (202) 260-0826.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Arnold Schwarzenegger
Deb Sigman

CONDITIONS ON TITLE I, PART A WAIVERS

Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers (34 C.F.R. § 200.47(b)(1)(iv)(A) and (B))

This waiver is granted on the condition that Florida will submit to the Department, by September 30, 2010, a report that includes:

- The total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2009–10 school year; and
- The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2009–10 school year.

Waiving the carryover limitation more than once every three years (ESEA section 1127(b))

This waiver is granted on the condition that California will use its authority granted by this waiver to waive the carryover limitation in section 1127(a) more than once within three years only for an LEA that needs a second (or third) waiver because of its Title I, Part A ARRA funds.