



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

Mervin B. Daugherty, Ed. D.
Superintendent
Red Clay Consolidated School District
4550 New Linden Hill Road, 3rd Floor
Wilmington, DE 19808

FEB 4 2010

Dear Dr. Daugherty:

I am writing in response to Red Clay Consolidated School District's (Red Clay'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 Red Clay's requests, I am pleased to grant the following waivers:

- Granting Red Clay eligibility to be a provider of supplemental educational services (SES), provided that it meets Delaware's requirements for SES providers. I am granting a one-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to grant Red Clay Consolidated School District eligibility to serve as an SES provider in the 2009–10 school year even though it is an LEA identified for improvement, provided that it meets Delaware's requirements for SES providers.
- Calculation of "set-asides" for Title I, Part A funds. I am granting a one-year waiver to permit Red Clay Consolidated School District to exclude all of the Title I, Part A funds it receives through the American Recovery and Reinvestment Act of 2009 (ARRA) when calculating:
 - Its obligation to spend an amount equal to at least 20 percent of its fiscal year (FY) 2009 Title I, Part A funds for public school choice-related transportation and SES (ESEA section 1116(b)(10); 34 C.F.R. § 200.48(a)(2)).
 - Its obligation to spend 10 percent of its FY 2009 Title I, Part A funds for professional development (ESEA section 1116(c)(7)(A)(iii); 34 C.F.R. § 200.52(a)(3)(iii)).
 - A school's obligation, if identified for improvement, to spend 10 percent of its FY 2009 Title I, Part A funds for professional development (ESEA section 1116(b)(3)(A)(iii); 34 C.F.R. § 200.41(c)(5)).
- Calculation of per-pupil amount for SES. I am granting a one-year waiver of ESEA section 1116(e)(6) and 34 C.F.R. § 200.48(c)(1) to permit Red Clay Consolidated School District to exclude all the Title I, Part A funds it receives through the ARRA in calculating the per-pupil amount for SES.
- Ability to grant LEAs a waiver of the carryover limitation. I am granting Red Clay Consolidated School District a two-year waiver of section 1127(a) of the ESEA to allow it to waive the carryover limitation in this section of the ESEA more than once every three years because of the supplemental Title I, Part A appropriation provided through the ARRA.

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These waivers are granted on the condition that Red Clay Consolidated School District will satisfy the conditions detailed in the enclosure to this letter. Please be sure to review the enclosure carefully.

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,

A handwritten signature in cursive script, appearing to read "Thelma Meléndez".

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Malik J. Stewart

CONDITIONS ON TITLE I, PART A WAIVERS

“Set-aside” calculations — Excluding Title I, Part A ARRA funds from an LEA’s 20 percent obligation and from an LEA’s professional development obligation (ESEA sections 1116(b)(10), 1116(c)(7)(A)(iii); 34 C.F.R. §§ 200.48(a)(2), 200.52(a)(3)(iii))

Each of these waivers is granted on the condition that Red Clay Consolidated District will:

- Comply with its statutory and regulatory obligations for the set-aside with respect to its regular Title I, Part A allocation;
- Use the funds freed up by the waiver to address needs identified based on data;
- Comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;
- Submit, as necessary, an amendment to its existing LEA application that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs in accordance with the SEA’s usual process for changing an LEA’s application;

“Set-aside” calculation — Excluding Title I, Part A ARRA funds a school’s 10 percent professional development obligation (ESEA section 1116(b)(3)(A)(iii); 34 C.F.R. § 200.41(c)(5))

This waiver is granted on the condition that Red Clay Consolidated School District will:

- Ensure that its schools comply with their statutory and regulatory obligations for the set-aside with respect to the funds that are not “factored out” in accordance with Question C-9 in the Department’s Non-Regulatory Guidance on Title I, Part A Waivers (available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc);
- Ensure that its schools use the funds freed up by the waiver to address needs identified based on data;
- Comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;
- Ensure that its schools will implement the waiver in accordance with Question C-9 in the Department’s Non-Regulatory Guidance on Title I, Part A Waivers (available at: www.ed.gov/programs/titleiparta/title-i-waiver.doc); and

Calculation of per-pupil amount for SES (ESEA section 1116(e)(6); 34 C.F.R. § 200.48(c)(1))

This waiver is granted on the condition that Red Clay Consolidated School District will:

- Comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 Title I, Part A allocation; and
- Comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”;

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

This waiver is granted on the condition that Red Clay Consolidated School District needs a waiver of the carryover limitation in this section more than once within three years because of its Title I, Part A ARRA funds.