



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

NOV 2 2009

The Honorable Patricia Hamamoto  
Superintendent of Education  
Hawaii Department of Education  
1309 Miller Street #307  
Honolulu, Hawaii 96813

Dear Commissioner Hamamoto:

I am writing in response to Hawaii's request to waive the statutory and regulatory requirement under section 1116(b)(10) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) and 34 C.F.R. § 200.48(a)(2).

After reviewing Hawaii's request, I am pleased to grant a one-year waiver to permit the Hawaii Department of Education to exclude all or part of the Title I, Part A funds it receives through the American Recovery and Reinvestment Act of 2009 when calculating an LEA's 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)).

This waiver is granted on the condition that Hawaii will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of this waiver to the Department by September 30, 2010. 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, reading "Thelma Meléndez".

Thelma Meléndez de Santa Ana, Ph.D.

cc: Governor Linda Lingle  
Sharon Nakagawa

Enclosure

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202  
[www.ed.gov](http://www.ed.gov)

*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.*

## CONDITIONS ON TITLE I, PART A WAIVERS

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

This waiver is granted on the condition that Hawaii 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”;
- Comply with its obligation under 34 C.F.R. § 200.47(a)(1)(ii)(B)(I) to post on its website the amount of the 20 percent obligation and ensure that this information accurately reflects the implementation of the waiver; and
- Submit to the Department, by September 30, 2010, a report that provides the name and NCES District Identification number for each LEA implementing the waiver.