



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 19 2010

THE ASSISTANT SECRETARY

The Honorable Mitchell Chester
Commissioner
Massachusetts Department of Education
75 Pleasant Street
Malden, Massachusetts 02148-4906

Dear Commissioner Chester:

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

- Approving schools or local educational agencies (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 Massachusetts to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2010–2011 school year.
- Offering SES in addition to public school choice to students attending a school in the first year of improvement and counting the costs of both toward an LEA's 20 percent obligation. I am granting a one-year waiver of ESEA section 1116(b)(10) and 34 C.F. R. § 200.48 to permit an LEA in Massachusetts to offer SES in addition to public school choice to eligible students in a Title I school in the first year of school improvement and to count the costs of providing SES to these students toward meeting the LEA's 20 percent obligation under 34 C.F. R. § 200.48.

These waivers are granted on the following conditions:

- Massachusetts will ensure that each LEA taking advantage of these waivers complies with all other statutory and regulatory requirements related to SES for the 2010–2011 school year; and
- Massachusetts will submit to the Department, by September 30, 2011, 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 2010–2011 school year;
 - The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2010–2011 school year; and
 - The name and NCES Identification Number for each LEA taking advantage of the waiver to offer SES in addition to public school choice to students in a Title I school

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in the first year of improvement and count the costs of both toward the LEA's 20 percent obligation.

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 Jr. Ph.D., Director of Student Achievement and School Accountability Programs (SASA), at (202) 260-0826.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.

cc: Lynda Foisy