



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 10 2010

ASSISTANT SECRETARY

The Honorable Michael P. Flanagan
Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street, 4th Floor
Lansing, Michigan 48933

Dear Superintendent Flanagan:

I am writing in response to Michigan'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 Michigan's requests, I am pleased to grant the following waiver:

- 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 Michigan 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.

This waiver is granted on the following condition:

- Michigan will submit to the Department a report that provides:
 - 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 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, Director of Student Achievement and School Accountability Programs (SASA) at (202) 260-0826.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thelma Meléndez de Santa Ana".

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Jennifer M. Granholm
Sally Vaughn

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202
www.ed.gov

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

Flexibility for a local educational agency (LEA) to offer supplemental educational services (SES) in addition to public school choice to students attending schools in year one of improvement and count the costs of both toward the LEA's 20 percent obligation

Summary: Michigan requested a one-year waiver of ESEA section 1116(b)(10) and 34 C.F. R. § 200.48 to permit an LEA in the state to offer SES in addition to public school choice to eligible students in Title I schools in the first year of school improvement and to count the costs of providing SES to these students toward the LEA's 20 percent obligation under 34 C.F. R. § 200.48.

Analysis: Michigan contends that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing an incentive for an LEA to offer SES to eligible students in schools in year one of school improvement, which is earlier than the law requires. Michigan believes that the parents of children attending schools in the first year of improvement will be eager to enroll their children in SES, and that the increased enrollment in SES thus enabled by the waiver will contribute to improving student achievement.

Michigan received and implemented a one-year waiver of section 1116(b)(10) of the ESEA and 34 C.F.R. § 200.48 for the 2009–2010 school year, so granting this waiver request would enable LEAs in Michigan to continue to offer both SES and public school choice to students attending schools in their first year of improvement, and count the costs of both toward the LEA's 20 percent obligation.

1. Michigan provided an opportunity for interested LEAs to comment on this waiver request by sending an email to all district. Michigan did not receive any comments.
2. Michigan provided notice and information regarding the waiver request to the public by publishing notice on its website.
3. Michigan indicated that it will submit to the Department by September 30, 2011 the required information for this waiver as outlined in the letter inviting States to request this waiver.

Recommendation: Approve.