



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

The Honorable Timothy Webb  
Commissioner of Education  
Tennessee Department of Education  
Sixth Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, Tennessee 37243-0375

SEP 16 2009

Dear Commissioner Webb:

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

- Offering SES in addition to public school choice 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 Tennessee 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.

This waiver is granted on the condition that Tennessee will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of the waiver to the Department by September 30, 2010. Please be sure to review the enclosure carefully.

I am aware that, in addition to the waiver set forth above, and those previously approved on August 28, 2009, Tennessee submitted five additional waiver requests under section 9401 of ESEA on June 9, 2009. I am working with my staff to provide you a decision regarding those requests as soon as feasible. My staff will be reviewing these requests and will be in contact with your staff as needed. In the meantime, I wanted to ensure that you received my decisions regarding the waiver set forth above as I know these matters are time sensitive.

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 Phil Bredesen  
Julie McCargar, Title I Director  
Rita Fentress

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**CONDITIONS ON TITLE I, PART A WAIVERS**

Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward the 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48)

This waiver is granted on the condition that Tennessee will:

- Ensure that each LEA taking advantage of the waiver complies with all other statutory and regulatory requirements related to SES for the 2009–2010 school year; and
- Submit to the Department, by September 30, 2010, a report that provides the name and NCES District Identification Number for each LEA taking advantage of the waiver.