



**CALIFORNIA DEPARTMENT OF EDUCATION**  
**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800



**CALIFORNIA STATE BOARD OF EDUCATION**  
**MICHAEL W. KIRST**, President  
916-319-0827

May 26, 2016

Ann Whalen  
Delegated the Authority to Perform the Functions and Duties of  
Assistant Secretary for Elementary and Secondary Education  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Ms. Whalen:

The state of California hereby submits for your consideration California's School Improvement Grants Application for Fiscal Years 2015 and 2016 New Awards Competition and a consolidated request for the waiver of five provisions of federal law and regulations related to the implementation of the School Improvement Grant (SIG) under Section 1003(g) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001. This request would allow any local educational agency (LEA) in California that receives a SIG to use those funds in accordance with the final requirements for the SIG and the LEA Request for Application.

Due to the late release of the SIG application, and to ensure an orderly, well-coordinated, and comprehensive transition to the Every Student Succeeds Act, California believes that it has an extraordinary opportunity to use its new state accountability system to identify those schools most in need of support and create its list of SIG eligible schools for the fiscal years (FYs) 2015 and 2016 SIG program. As a result, California's list of SIG eligible schools and a description of the methodology it will use to identify those schools will be provided to the U.S. Department of Education in July 2016.

In addition, California believes that the requested waivers noted in its SIG application will increase the quality of instruction for students and improve the academic performance and progress of students enrolled in SIG schools by enabling an LEA to use more effectively the school improvement funds to implement one of the seven school intervention models as described in the SIG final requirements.

California requests the waiver of the following five provisions:

1. Section 421(b) of the General Education Provisions Act (Title 20 *United States Code*, Section 1225[b]) to extend the period of availability of FY 2015 school improvement funds beyond September 30, 2017 for the SEA, and all of its LEAs, to September 30, 2021.
2. Section 421(b) of the General Education Provisions Act (Title 20 *United States Code*, Section 1225[b]) to extend the period of availability of FY 2016 school improvement funds beyond September 30, 2018 for the SEA, and all of its LEAs, to September 30, 2021.
3. In order to enable the State to generate new lists of Tier I, Tier II, and Tier III schools for its FYs 2015 and 2016 competition, waive paragraph (a)(2) of the definition of “persistently lowest-achieving schools” in Section I.A.3 of the SIG final requirements and incorporation of that definition in identifying Tier II schools under Section I.A.1(b) of those requirements.
4. In order for the State to generate new lists of Tier I, Tier II, and Tier III schools for its FYs 2015 and 2016 competition, waive the definition of “persistently lowest-achieving schools” in Section I.A.3 of the SIG final requirements and the use of that definition in Section I.A.1(a) and (b) of those requirements to permit the State to exclude, from the pool of schools from which it identifies the persistently lowest-achieving schools for Tier I and Tier II, any school in which the total number of students in the “all students” group in the grades assessed is less than 100.
5. The 40 percent poverty eligibility threshold in Section 1114(a)(1) of the ESEA to permit LEAs to implement a schoolwide program in a Tier I or Tier II Title I participating school that does not meet the poverty threshold and is fully implementing one of the seven school intervention models.

In addition, California ensures compliance with all assurance requirements as stated in the SIG application for FYs 2015 and 2016 New Awards Competition (pages 15–16), pertaining to both SEA and LEA waivers.

Prior to submitting this waiver request, California provided all schools in the state that are eligible to receive a SIG, as well as the public, with notice and a reasonable opportunity to comment on this request. California provided such notice by posting public item on the May 2016 Agenda for the California State Board of Education (SBE).

Ann Whalen, Delegated the Authority to Perform the Functions and Duties of Assistant  
Secretary for Elementary and Secondary Education

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This item can be accessed on the SBE Web page under the May 11–12, 2016 Agenda at <http://www.cde.ca.gov/be/ag/ag/index.asp>. The State did not receive any public comments regarding this issue.

If you have any questions regarding this subject, please contact Bob Storelli, Director, Improvement and Accountability Division, by phone at 916-319-0926 or by e-mail at [bstorelli@cde.ca.gov](mailto:bstorelli@cde.ca.gov).

Sincerely,



Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education



MICHAEL W. KIRST  
President  
California State Board of Education

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