



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

OCT 13 2010

THE ASSISTANT SECRETARY

The Honorable Jack O'Connell  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street  
Sacramento, California 95814-5901

The Honorable Theodore R. Mitchell  
President  
California State Board of Education  
1430 N Street  
Sacramento, California 95814-5901

Dear Superintendent O'Connell and President Mitchell:

I am writing in response to California's request for a waiver of the carryover requirement in the final requirements for the School Improvement Grants (SIG) program under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. (74 Fed. Reg. 65618 (Dec. 10, 2009) and 75 Fed. Reg. 3375 (Jan. 21, 2010).) Section II.B.9(a) of those requirements provides that "[i]f not every Tier I school in a State is served with [fiscal year] FY 2009 [SIG] funds, an SEA must carry over 25 percent of its FY 2009 funds, combine those funds with FY 2010 [SIG] funds, and award those funds to eligible [local educational agencies (LEAs)] consistent with these [final] requirements." California has requested a waiver of this requirement because carrying over 25 percent of its FY 2009 SIG funds would prevent it from allocating funds to LEAs for Tier I and Tier II schools that its LEAs have committed to serve, and that they have capacity to serve, beginning in the 2010–2011 school year.

On September 3, 2010, I conditionally approved California's waiver request based on the information California submitted in support of its request (see attached). The conditional approval included two conditions that California was required to satisfy in order to receive final approval of its waiver request. In particular, California was required to provide to the U.S. Department of Education (ED): (1) a revised school-level budget from each LEA whose total SIG allocation was reduced as a result of the budget adjustments made by the California Department of Education (CDE); and (2) evidence that each LEA receiving a reduced SIG allocation due to the budget adjustments made by the CDE has provided the SEA an assurance that the revised budget is sufficient to support the full and effective implementation of the selected intervention model in each school the LEA is serving with SIG funds.

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In accordance with my prior letter, California has submitted the information required by the two conditions outlined above. Based on my review of that information, I am hereby granting final approval of California's request for a waiver of section II.B.9(a) of the SIG final requirements. Please note, however, that while I am approving California's waiver request, in so doing, I am not approving the specific uses of funds that were included as part of the school-level budget information California submitted to satisfy the conditions on the conditional approval.

Reviewing and approving specific uses of SIG funds proposed by LEAs remains a responsibility of the State, and I am granting this waiver on the understanding that, prior to submitting this information to ED, California carried out that responsibility.

As stated in my prior letter granting conditional approval of California's request, this waiver is also granted subject to the following additional conditions:

1. California will not allocate any of its FY 2009 SIG funds, including the funds made available for allocation through this waiver, for Tier III schools;
2. California will carry over \$2,867,480 of its FY 2009 SIG allocation, combine those funds with FY 2010 SIG funds, and award those funds to eligible LEAs consistent with the SIG final requirements; and
3. Should California determine, based on its final allocations, that it does not need the full amount of the additional funding made available through this waiver to make three-year awards to LEAs that have committed to serve Tier I and Tier II schools beginning in fall 2010, California will carry over any unneeded funds and award those funds along with its FY 2010 SIG funds.
4. Should California determine, based on its final allocation, that it needs more than \$412,976,896 to allocate to the LEAs that it has approved to fund, the State will submit a revised waiver request and supporting budget information.

I appreciate the work you are doing to improve California's persistently lowest-achieving schools and provide a high-quality education for all of your students. If you have any questions, please contact Carlas McCauley at (202) 260-0824.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.

Enclosure