



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 18 2010

THE ASSISTANT SECRETARY

Patrick B. Chapman  
Executive Director  
Office of Federal Program Administration  
Colorado Department of Education  
1560 Broadway, Suite 1450  
Denver, CO 80202-5149

Dear Mr. Chapman:

I am writing in response to Colorado'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." Colorado 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 beginning in the 2010-2011 school year.

Colorado provided supporting information with its waiver request regarding the amount of funds it needs to support the implementation of a school intervention model in those Tier I and Tier II schools for which LEAs applied to serve beginning in fall 2010. In particular, Colorado indicated the number of Tier I and Tier II schools the State intends to approve its LEAs to serve. Colorado also supported the description of its process with school-by-school budget information that set forth the approximate allocation for each Tier I and Tier II school its LEAs will serve.

I have carefully reviewed the information provided by Colorado in support of its waiver request, and I am pleased to inform you that I am approving the State's request for a waiver of section II.B.9(a) of the final requirements. My decision to grant this waiver is based on Colorado's determination that the LEAs to which it will allocate FY 2009 SIG funds, including the funds that will be available for allocation through this waiver, have demonstrated both the strongest commitment and the capacity to use these funds to implement, beginning in fall 2010, one of the four school intervention models in the Tier I and Tier II schools they have committed to serve. My decision is also based on Colorado's determination that it needs all but three percent of the FY 2009 SIG funds it has available for its LEAs in order to fund, over the three-year period of availability, the full and effective implementation of the school intervention models in the Tier I and Tier II schools being served by its LEAs.

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I am granting this waiver on the following conditions:

1. Colorado 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. Colorado will carry over three percent of the FY 2009 SIG funds it has available for its LEAs, combine those funds with FY 2010 SIG funds, and award those funds to eligible LEAS consistent with the SIG final requirements; and
3. Should Colorado determine, based on its final allocations, that it does not need 97 percent of the FY 2009 SIG funds it has available for its LEAs in order to make three-year awards to LEAs that have committed to serve Tier I and Tier II schools beginning in fall 2010, Colorado will carry over any funds that it does not need for that purpose and award those funds along with its FY 2010 SIG funds.

I appreciate the work you are doing to improve Colorado's persistently lowest-achieving schools and provide a high-quality education for all of 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 that reads "Thelma Meléndez de Santa Ana". The signature is fluid and cursive, with a large initial "T" and "M".

Thelma Meléndez de Santa Ana, Ph.D.