



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP 16 2010

THE ASSISTANT SECRETARY

Ms. Rachelle Tome
ESEA-NCLB Federal Programs Director
Maine Department of Education
23 State House Station
Augusta, Maine 04333

Dear Ms. Tome:

I am writing in response to Maine's request for a waiver of the carryover provision 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." Maine 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.

Maine 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, and that they have capacity to serve, beginning in fall 2010. In particular, Maine indicated the number of Tier I and Tier II schools the State intends to approve its LEAs to serve and explained that its intent to approve LEAs to serve these schools is based on a rigorous review of each LEA's capacity and commitment to meet all requirements for the SIG program, as well as a thoughtful, rigorous review of the budgets proposed by each LEA. Maine also supported its waiver request with school-by-school budget information that set forth the approximate allocation for each Tier I and Tier II school its LEAs will serve. This budget information demonstrates that Maine needs approximately 86 percent of the FY 2009 SIG funds it has available to serve all the Tier I and Tier II schools its LEAs have committed to serve, and that they have capacity to serve, beginning in fall 2010.

I have carefully reviewed the information provided by Maine 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 SIG final requirements. My decision to grant this waiver is based on Maine's determination that the additional funds made available through the waiver will allow the State to ensure that all LEAs that the State intends to approve to serve their Tier I and Tier II schools

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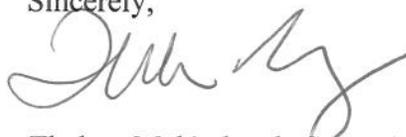
through the State's FY 2009 SIG competition will be able to implement rigorous school intervention models in these schools beginning in fall 2010.

I am granting this waiver on the following conditions:

1. Maine 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. Maine will carry over the remaining \$1,801,104 of the FY 2009 SIG funds, combine those funds with its FY 2010 SIG funds, and award those funds to eligible LEAs consistent with the SIG final requirements; and
3. Should Maine determine, based on its final allocations, that it does not need the full amount of the additional funds made available through this waiver in order to make three-year awards to LEAs that have committed to serve Tier I and Tier II schools beginning in fall 2010, Maine will carry over any unneeded funds and award those funds along with its FY 2010 SIG funds.

I appreciate the work you are doing to improve Maine'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,

A handwritten signature in black ink, appearing to read 'Thelma Meléndez de Santa Ana', written in a cursive style.

Thelma Meléndez de Santa Ana, Ph.D.