



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

SEP 22 2010

Ms. Susan Castillo
State Superintendent of Public Instruction
Oregon Department of Education
255 Capitol Street, NE
Salem, OR 97310-0203

Dear Superintendent Castillo:

I am writing in response to the Oregon Department of Education's (ODE'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." ODE 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.

ODE 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, ODE indicated the number of Tier I and Tier II schools the State has approved its LEAs to serve and explained that its approval of LEAs to serve these schools was based on a thoughtful, rigorous review of the budgets proposed by each LEA. ODE also provided 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 ODE needs virtually all 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 ODE 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 ODE'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 proposed to serve. My decision is also based on ODE's determination that it needs virtually the full amount of its FY 2009 SIG allocation 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.

I am granting this waiver on the following conditions:

1. ODE will not allocate any of its FY 2009 SIG funds, including the funds made available for allocation through this waiver, for Tier III schools; and
2. Should ODE determine, based on its final allocations, that it does not need the full amount of its FY 2009 SIG allocation in order to make three-year awards to LEAs that have committed to serve Tier I and Tier II schools beginning in fall 2010, ODE 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 Oregon'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.

cc: Ms. Tryna M. Luton