



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

JUL 21 2010

Honorable Robert Scott  
Commissioner of Education  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Dear Commissioner Scott:

I am writing to inform you that the U.S. Department of Education has made administrative changes to the following fiscal year (FY) 2009 School Improvement Grant (SIG) awards for Texas:

S377A090044	School Improvement Grants – CFDA 84.377
S388A090044	School Improvement Grants—CFDA 84.388 (American Recovery and Reinvestment Act)

Consistent with my letter of July 19, 2010, these administrative changes have placed the enclosed conditions to Texas' fiscal year (FY) 2009 SIG awards. These conditions are effective July 21, 2009.

I am very pleased that we have been able to resolve this matter in a mutually agreeable manner that addresses the needs of schools and school children in Texas who stand to benefit greatly from the significant resources available under the SIG program.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosures  
cc: Cory Green

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

ATTACHMENT T  
TEXAS EDUCATION AGENCY'S FY 2009 SCHOOL IMPROVEMENT GRANT  
July 21, 2010

The Texas Education Agency's (TEA) fiscal year (FY) 2009 grant award for the School Improvement Grants (SIG) program authorized under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, is subject to the following conditions:

- The TEA shall not award FY 2009 SIG funds to a local educational agency (LEA) with a Tier I or Tier II school applying under the Option 2 timeline described on pages 3-5 of TEA's FY 2009 SIG State application dated February 18, 2010 and revised March 19, 2010 (Option 2 timeline) until the LEA has submitted a fully approvable SIG application and TEA has approved that application. To submit an approvable application, in accordance with section II.A.2(a) of the SIG final requirements, an LEA must—
  - (i) identify the Tier I, Tier II, and Tier III schools it commits to serve;
  - (ii) identify the intervention it will implement in each Tier I and Tier II school it commits to serve;
  - (iii) demonstrate that it has the capacity to use SIG funds to provide adequate resources and related support to each Tier I and Tier II school it commits to serve in order to implement fully and effectively one of the four interventions identified in section I.A.2 of the SIG final requirements;
  - (iv) provide evidence of its strong commitment to use SIG funds to implement the four interventions;
  - (v) include a timeline delineating the steps the LEA will take to implement the selected intervention in each Tier I and Tier II school identified in the LEA's application; and
  - (vi) include a budget indicating how it will allocate SIG funds among the Tier I, Tier II, and Tier III schools it commits to serve.
- TEA shall not approve an LEA's application until TEA has ensured, in accordance with section II.B.2(b) of the SIG final requirements, that the application meets all SIG requirements, particularly with respect to—
  - (i) whether the LEA has agreed to implement one of the school intervention models in each Tier I and Tier II school it commits to serve;
  - (ii) the extent to which the LEA has demonstrated a strong commitment to using SIG funds to implement one of the interventions;
  - (iii) whether the LEA has the capacity to implement the model fully and effectively in each Tier I and Tier II school; and
  - (iv) whether the LEA has submitted a budget that includes sufficient funds to implement the model fully and effectively in each Tier I and Tier II school and whether the budget covers the period of availability of the funds.
- TEA shall not permit an LEA with a Tier I or Tier II school applying under the Option 2 timeline to obligate FY 2009 SIG funds for implementation of a school intervention

model in that school until the LEA has received a SIG grant from TEA based on a fully approved LEA application.

- TEA may make an FY 2009 SIG grant award to an LEA with a Tier I or Tier II school applying under the Option 1 timeline described on pages 3-5 of TEA's FY 2009 SIG State application (Option 1 timeline) that submits an approvable application during TEA's FY 2009 SIG grant competition. TEA may also make an FY 2009 SIG grant award to an LEA with a Tier I or Tier II school that initially applied under the Option 2 timeline but has revised its application to implement a school intervention model under the Option 1 timeline and that application is fully approvable.
- Prior to awarding FY 2009 SIG funds for Tier III schools, TEA may determine the amount of SIG funds its LEAs need to enable Tier I or Tier II schools applying under the Option 2 timeline to implement their selected model fully and effectively over three years, carry over this amount (FY 2009 funds become carryover funds as of October 1, 2010), and award the funds to LEAs that applied during TEA's FY 2009 SIG competition when those LEAs have submitted an approvable application. FY 2009 SIG funds that are carried over for this purpose may be counted toward TEA's obligation to carry over funds in accordance with section II.B.9(a) of the SIG final requirements.
- After awarding FY 2009 SIG funds to all LEAs with Tier I and Tier II schools applying under the Option 1 timeline, TEA may award FY 2009 SIG funds to LEAs that submit approvable applications to serve one or more Tier III schools.
- TEA shall ensure that an LEA with a Tier I or Tier II school applying under the Option 2 timeline obligates the FY 2009 carryover funds in accordance with the timeline for the FY 2010 SIG funds—*i.e.*, for full and effective implementation of one of the models beginning with the 2011-2012 school year. Following approval of its SIG application, an LEA may use a portion of the FY 2009 funds it receives for the first full year of implementation (*i.e.*, the amount, which may not exceed \$2 million, that the LEA receives for full implementation of a model in 2011-2012) for reasonable and necessary activities during the 2010-2011 school year, consistent with the Department's guidance.
- Any obligation of FY 2009 SIG funds subsequent to July 21, 2010 by an LEA with a Tier I or Tier II school applying under the Option 2 timeline must comply with the SIG final requirements (74 FR 65618 (Dec. 10, 2009); 75 FR 3375 (Jan. 21, 2010)), TEA's FY 2009 SIG State application (to the extent it has not been superseded or modified by these conditions), and these conditions.
- TEA may request a waiver, consistent with section 9401 of the ESEA, to extend the period of availability of FY 2009 SIG funds through September 30, 2014 for an LEA with a Tier I or Tier II school applying under the Option 2 timeline.

These conditions supersede or modify any aspect of TEA's SIG State application that is inconsistent with one or more of these conditions.