



**UNITED STATES DEPARTMENT OF EDUCATION**  
**OFFICE OF ELEMENTARY AND SECONDARY EDUCATION**

SEP 20 2011

ASSISTANT SECRETARY

Marcus Vandiver, Ed.D.  
Alabama Department of Education  
Federal Programs Section  
Education Specialist  
School Improvement Grants  
50 N. Ripley Street, Rm. 5348  
Montgomery, AL 36130-1001

Dear Dr. Vandiver:

I am writing in response to Alabama's request for a waiver to carry over the fiscal year (FY) 2010 and FY 2009 carryover School Improvement Grants (SIG) funds Alabama received under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and to award those funds to local educational agencies (LEAs) through a competition to be conducted during the 2011–2012 school year. Alabama is requesting this waiver because Alabama has determined that its LEAs do not have the capacity to effectively plan and implement intervention models for the 2011-2012 school year in the short timeframe.

The Department wants to promote a thoughtful and comprehensive approach to the implementation of SIG. In accordance with that goal, I am approving Alabama's request to carry over its FY 2010 SIG funds and to award those funds to LEAs through a competition conducted during the 2011-2012 school year. My decision to grant this waiver is based on my determination that Alabama will not be able to submit an approvable application prior to September 30, 2011, and, as a result, absent the waiver, Alabama's FY 2010 SIG funds would expire and Alabama would not be able to support interventions in its persistently lowest-achieving schools. The waiver is granted on the following conditions:

1. Alabama will submit a revised application to ED within 30 days of the approval of this waiver request, and the application must contain a timeline that includes awards to LEAs no later than March 2012;
2. Alabama must have an approved application by December 2, 2011;
3. Alabama will not obligate or draw down any of its FY 2010 or FY 2009 carryover SIG funds until Alabama receives approval of its FY 2010 SIG application;
4. Alabama will not combine its FY 2011 SIG funds with its FY 2010 funds to make larger awards, or to award grants to a greater number of LEAs or for a greater number of schools, through the competition conducted in the 2011–2012 school year;
5. After receiving its FY 2011 and FY 2012 SIG funds, respectively, Alabama will request waivers to extend the periods of availability of those funds until September 30, 2014, and September 30, 2015, respectively, so that those funds may be used for continuation grants

for the FY 2010 funds awarded through the competition conducted in the 2011–2012 school year;

6. Alabama will forward all public comments pertaining to this waiver request to ED within 5 days of the close of the public comment period;
7. Alabama must ensure that neither it nor its employees have any conflict of interest regarding the review and approval process of awarding SIG funds to local educational agencies (LEAs);
8. Alabama may not require an LEA to select a specific external provider or vendor in order to receive SIG funds; and
9. Alabama must review and revise (if necessary) its internal controls to ensure the following: (a) that its review and scoring process for the selection of LEAs for competitive grants is accurate, objective, and has appropriate integrity; (b) that it has an effective method for employees and contractors to ensure that there are no conflicts of interests and to ensure that the employees and contractors have appropriate independence prior to and during their participation in the LEA selection processes for competitive grants; (c) that there is an effective recusal process for when a conflict of interest is discovered; and (d) that there is appropriate training process for staff on the State ethics laws.

I appreciate the work you are doing to improve Alabama's persistently lowest-achieving schools and to provide a high-quality education for all of your students. If you have any questions regarding this matter, please contact Carlas McCauley at [carlas.mccauley@ed.gov](mailto:carlas.mccauley@ed.gov) or 202-260-0824.

Sincerely,



Michael Yudin  
Acting Assistant Secretary  
Office of Elementary and Secondary Education