



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

**JUN 23 2010**

The Honorable Randy Dorn  
Superintendent of Public Instruction  
Washington Department of Public Instruction  
Old Capitol Building  
PO Box 47200  
Olympia, Washington 98504

Dear Superintendent Dorn:

I am writing in response to Washington'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 the final 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 LEAs consistent with these [final] requirements." Washington 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 local educational agencies (LEAs) for Tier I and Tier II schools that its LEAs have committed to serve beginning in the 2010–2011 school year.

I have carefully reviewed the information provided by Washington 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 Washington'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 Washington's determination that it needs all 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.

Washington's determination regarding the funds it needs to support the implementation of the school intervention models in its Tier I and Tier II schools beginning in fall 2010 was supported by information that Washington provided with its waiver request. In particular, Washington indicated the number of LEAs that applied for SIG funds, the number of Tier I and Tier II schools those LEAs committed to serve, and the number of Tier I and Tier II schools it intends to approve its LEAs to serve. Washington also indicated that it conducted a thoughtful, rigorous review of the budget proposed by each of its LEAs, and concluded that the level of funding for each LEA is reasonable and necessary for the interventions the LEA committed to implement. Washington supported its description of its process with school-by-school budget information that set forth the approximate allocations for each Tier I and Tier II school its LEAs will serve.

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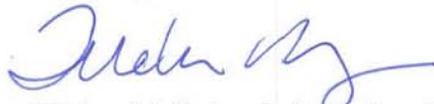
*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.*

I am granting this waiver on the following conditions:

1. Washington 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 Washington determine, upon making its final allocations, that it does not need 100 percent of the FY 2009 SIG funds it has available for its LEAs in order to fund three-year awards to LEAs that have committed to serve Tier I and Tier II schools beginning in fall 2010, Washington 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 Washington'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, Jr., Ph.D., Director of Student Achievement and School Accountability Programs (SASA) at (202) 260-0826.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thelma Melendez', with a stylized flourish at the end.

Thelma Meléndez de Santa Ana, Ph.D.

cc: Governor Chris Gregoire  
Janelle Newman