



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

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SUPERINTENDENT OF
PUBLIC INSTRUCTION

August 17, 2009

Dr. Joseph C. Conaty
Acting Assistant Secretary for Elementary and Secondary Education
Office of Secondary and Elementary Education
U.S. Department of Education
400 Maryland Avenue S.W., Room 3E314
Washington, D.C. 20202

***RE: Michigan Department of Education Request to Exclude Title I, Part A
ARRA Funds in Determining the 10 Percent Professional Development
Set-Aside for an LEA in Improvement***

Dear Dr. Conaty:

I am writing on behalf of all local educational agencies (LEAs) in Michigan that are identified for improvement under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver for fiscal year (FY) 2009 of the requirement in Section 1116(c)(7)(A)(iii) of the ESEA to determine an LEA's 10 percent professional development set-aside based on the LEA's total FY 2009 Title I, Part A allocation (i.e., including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, I am seeking this waiver to allow LEAs within Michigan that are identified for improvement to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their 10 percent professional development set-aside.

Michigan believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA within Michigan with flexibility to spend ARRA funds that the LEA would otherwise be obligated to spend on professional development, on other allowable Title I, Part A activities that the LEA believes best address its particular needs. Michigan believes that the basic 10 percent set-aside, which LEAs will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development, absent actual need, may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development. Through the waiver, each LEA can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

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Michigan has set the following annual measurable objectives (AMOs) in reading (English Language Arts) and mathematics for the 2009–2010 school year:

English Language Arts						
Grade						
3	4	5	6	7	8	11
60%	59%	57%	56%	54%	53%	61%
Mathematics						
Grade						
3	4	5	6	7	8	11
67%	65%	62%	60%	57%	54%	55%

Michigan will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of Section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department. Michigan believes that, ultimately, the flexibility provided by the requested waiver with respect to how ARRA funds may be spent for allowable Title I, Part A activities may help more schools and LEAs within the State make AYP by enabling them to direct funds appropriately to help their students meet the AMOs set forth above.

If granted the requested waiver, Michigan will implement the waiver only with respect to an LEA that provides assurances that:

- o It will comply with its statutory and regulatory obligations for the professional development set-aside with respect to its regular Title I, Part A allocation;
- o It will use the funds freed up by the waiver to address needs identified based on data, such as statewide or formative assessment results;
- o It will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in Sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research;” and
- o It will submit an application for Title I funds (referred to herein as “LEA application”), or, if necessary, an amendment to its existing LEA application, that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

Mr. Joseph C. Conaty

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Michigan further assures that it will not approve an LEA's application or amendment to an LEA's application unless or until it determines, based on the LEA's description, that the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies. Michigan will not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data on which the LEA relied to identify needs and the evidence that supports the strategies to address those needs. If necessary to carry out these assurances, Michigan will require an LEA seeking to implement the waiver to amend its application in accordance with Michigan's usual process for changing an LEA's application.

Prior to submitting this waiver request, Michigan provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Michigan provided such notice by sending an e-mail to each LEA on July 31, 2009 (Attachment A). Copies of all comments that Michigan received from LEAs in response to this notice are included as Attachment B. Michigan has also provided notice and information regarding this waiver request to the public in the manner in which the State customarily provides such notice and information to the public, which is by posting information regarding the waiver request on its website (Attachment C).

Michigan hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that sets forth the name and National Center for Education Statistics District Identification Number for each LEA implementing the waiver.

Please feel free to contact me or Mike Radke by phone, 517-373-3921, or e-mail, radkem@michigan.gov, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Sally Vaughn, Ph.D.
Deputy Superintendent/Chief Academic Officer

LEA Comment Request

Waiver to Exclude Title I, Part A ARRA Funds in Determining the 10 Percent Professional Development Set-Aside for an LEA in Improvement

Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) requires Local Educational Agencies (LEAs) identified for improvement to set-aside 10 percent of the LEA's total fiscal year 2009 Title I, Part A allocation (i.e., including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)) for professional development.

On August 17, the Michigan Department of Education will submit to the U.S. Department of Education (Dr. Joseph C. Conaty, Acting Assistant Secretary for Elementary and Secondary Education) a request to allow LEAs within Michigan that are identified for improvement to redirect some or all of the 10 percent designated for professional development under ARRA Title I, Part A funds to help their students meet the annual measurable objectives. The waiver requests can also be viewed by clicking this link:

http://www.michigan.gov/mde/0,1607,7-140-6530_30334_51051-218894--,00.html.

LEAs wishing to comment on the request should submit comments to ARRAWaiverResponse@michigan.gov by August 14, 2009. Please be sure to reference the waiver request you are commenting on.