



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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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 a School in Improvement***

Dear Dr. Conaty:

I am writing on behalf of all local educational agencies (LEAs) in Michigan with schools 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(b)(3)(A)(iii) of the ESEA to determine a school's 10 percent professional development set-aside based on the total amount of funds made available to the school under Section 1113 of the ESEA for FY 2009 (i.e., including funds made available from both the LEA's 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 Title I schools within Michigan that are identified for improvement to calculate their 10 percent professional development set-aside in accordance with the following formula:

the amount of Title I, Part A funds received by the school under Section 1113 of the ESEA

multiplied by

the portion of the LEA's FY 2009 Title I, Part A allocation provided through the regular
FY 2009 appropriation / the LEA's total FY 2009 Title I, Part A allocation, including
Title I, Part A ARRA funds

multiplied by

10 percent.

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As long as it complies with the requirements of Section 1113 of the ESEA with respect to serving eligible school attendance areas with its FY 2009 Title I, Part A allocation (consisting of Title I, Part A funds received through the ARRA and the regular FY 2009 appropriation), an LEA has discretion with respect to how it will allocate its Title I, Part A funds to its Title I schools.

Accordingly, Michigan believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by ensuring that no school within an LEA that implements this waiver will be obligated to spend a disproportionate amount of the Title I, Part A funds available to it on professional development activities. Michigan believes that the basic 10 percent set-aside, which schools identified for improvement will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development.

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, ensuring that a school is not obligated to spend a disproportionate amount of Title I, Part A funds on professional development may help more schools and LEAs within the State make AYP by enabling them to direct an appropriate portion of their funds to activities other than professional development that they believe will help their students meet the AMOs set forth above. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

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

- It will ensure that its schools will implement the waiver in accordance with the formula above;
- It will ensure that all schools in improvement within the LEA will comply with all statutory and regulatory requirements regarding their professional development obligations with respect to the funds that are not "factored out" in accordance with the formula above;
- It will ensure that its schools use the funds freed up by the waiver to address needs identified based on data, such as statewide or formative assessment results; and
- It and its schools identified for improvement will comply with all of their 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."

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 a School in Improvement

Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) requires that a school identified for improvement to set-aside 10 percent of the total amount of funds made available to the school under Section 1113 of the ESEA for fiscal year 2009 (i.e., including funds made available from both the LEA's regular Title I, Part A allocation and its Title I, Part A allocation under American Recovery and Reinvestment Act of 2009 (ARRA)) for professional development.

On August 17, MDE 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 schools 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.