



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

August 17, 2009

Mr. Joseph C. Conaty  
Assistant Secretary for Elementary and Secondary Education  
United States Department of Education  
400 Maryland Avenue, S.W., Room 3E314  
Washington, D.C. 20202

**RE: Michigan Department of Education Request to Waive the Provision that Prohibits an SEA from Granting to an LEA a Waiver of the Carryover Limitation More Than Once Every Three Years**

Dear Mr. Conaty:

I am writing on behalf of Michigan to request a waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State Educational Agency (SEA) from granting to a Local Educational Agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in Section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, I am requesting a waiver to allow Michigan to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation. I am requesting this waiver for a period of two years (i.e., to apply to LEA requests to carry over fiscal year (FY) 2009 Title I, Part A funds and to LEA requests to carry over FY 2010 Title I, Part A funds in excess of the carryover limitation).

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%

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Michigan will determine adequate yearly progress (AYP) based on assessments administered in the 2010–2011 and 2011–2012 school years in accordance with the requirements of Section 1111(b)(2) of the ESEA and in accordance with the growth model approved by the Department to be implemented in the 2007-2008 year. Michigan believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend its Title I, Part A ARRA funds thoughtfully over the course of two years on activities that are most likely to improve the academic achievement of students. Accordingly, Michigan believes that, ultimately, the requested waiver may help more schools and LEAs within the State make AYP by enabling them to direct their funds thoughtfully to activities that will help their students meet the AMOs set forth above.

Michigan will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in Section 1127(a), so that it can carry over more than 15 percent of its Title I, Part A FY 2009 or FY 2010 allocation and has already received such a waiver within the prior three years or receives such a waiver with respect to its FY 2009 funds, applies to the SEA in accordance with Michigan's regular procedures for waivers of the carryover limitation. Michigan hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second and/or third time within three years because of its ARRA funds.

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 email 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](mailto: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 on the Provision that Prohibits an SEA from Granting to an LEA a Waiver of the Carryover Limitation More than Once Every Three Years

Title I, Part A of the No Child left Behind Act requires that Local Educational Agencies (LEAs) obligate 85 percent of the Title I, Part A funds annually. LEAs may be granted a waiver from this limitation on unobligated Title I, Part A funds by the State only once every three years. More frequent waivers for this purpose may only be granted by the U.S. Department of Education (USED).

On August 17, the Michigan Department of Education will submit to USED (Dr. Joseph C. Conaty, Acting Assistant Secretary for Elementary and Secondary Education) a request to allow LEAs within Michigan to exceed the 15 percent carry over limitation on unobligated Title I, Part A funds more than once every three years. The waiver request can also be viewed by clicking this link:  
[http://www.michigan.gov/mde/0,1607,7-140-6530\\_30334\\_51051-218894--,00.html](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](mailto:ARRAWaiverResponse@michigan.gov) by August 14, 2009. Please be sure to reference the waiver request you are commenting on.