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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
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 Allow LEAs to Offer
SES, in Addition to Public School Choice, to Eligible Students in Title I
Schools in the First Year of School Improvement***

Dear Dr. Conaty:

I am writing on behalf of Michigan to request a one-year waiver to allow local educational agencies (LEAs) within Michigan with one or more schools in improvement, corrective action, or restructuring to offer supplemental educational services (SES), in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the funds spent providing SES to eligible students in those schools toward the LEA's obligation to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on SES and choice-related transportation (20 percent obligation). In the absence of such a waiver, an LEA may only count funds spent providing SES to eligible students attending schools in the second year of improvement, in corrective action, or in restructuring toward its 20 percent obligation (Elementary and Secondary Education Act of 1965 (ESEA) Section 1116(b)(10); 34 C.F.R. § 200.48).

Michigan believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing an incentive for an LEA to offer SES to eligible students one year earlier than the law requires, thereby enabling more students within an LEA to enroll in SES. Michigan believes that parents of children attending schools in the first year of improvement will be eager to enroll their children in SES, and that the increased enrollment in SES thus enabled by the waiver will contribute to improving student achievement.

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Michigan has set the following annual measurable objectives (AMOs) in reading (English Language Arts) and mathematics, which are among the subjects that are covered by SES providers in Michigan, 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 in 2008. Michigan believes that, ultimately, allowing LEAs to offer SES to eligible students in Title I schools in the first year of improvement and counting the costs of providing SES to those students toward the LEA's 20 percent obligation may help more students within the State to reach the State's proficiency objectives.

Michigan hereby assures that, if it is granted the requested waiver, Michigan will implement the waiver only with respect to those LEAs that will meet all statutory and regulatory requirements related to SES in the 2009–2010 school year (other than the particular funding requirement being waived).

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.

Mr. Joseph C. Conaty

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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 Allow LEAs to Offer SES, in Addition to Public School Choice, to Eligible Students in Title I Schools in the First Year of School Improvement

Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) requires Local Educational Agencies (LEAs) in their first year of identification for improvement (Phase 1) to obligate 20 percent of the Title I, Part A funds annually to pay for transportation related to Public School Choice. LEAs that are identified for three or more years (Phase 2 or higher) share this obligation, but have the additional requirement to use these funds to offer free tutoring (Supplemental Educational Services or "SES"). Schools in their first year of identification are currently prohibited from using the obligated funds to pay for SES. LEAs in their first year of identification may be granted a one year waiver from this limitation on the obligated Title I, Part A funds by the State.

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 in their first year identification to spend the obligated Title I, Part A funds on free tutoring (SES). This request is specific to fiscal year 2009-2010. 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.