



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 Per-Pupil Amount for SES**

Dear Dr. Conaty:

I am writing on behalf of all local educational agencies (LEAs) in Michigan that receive funds 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(e)(6)(A) of the ESEA and in 34 C.F.R. § 200.48(c)(1) to determine the per-pupil amount for supplemental educational services (SES) based on an 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)). Specifically, I am seeking this waiver to allow LEAs within Michigan to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. Michigan believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.

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 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 an LEA to exclude some or all of its ARRA funds in determining the per-pupil amount for SES and thereby allowing more students to receive SES may help more schools and LEAs within the State make AYP by enabling more students to receive services that will help them 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:

- It will comply with all of the statutory and regulatory requirements regarding the provision of SES with respect to its regular FY 2009 Title I, Part A allocation; and
- It will comply with all other Title I, Part A statutory and regulatory requirements (to the extent they are not waived), including the requirements in Sections 1114 and 1115 of the ESEA 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 NCES 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 to Exclude Title I, Part A ARRA Funds in Determining the Per-Pupil Amount for SES

Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) requires Local Educational Agencies (LEAs) identified for improvement, corrective action, or restructuring to calculate the annual per-pupil amount for Supplemental Educational Services (SES) from the fiscal year (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)).

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 to exclude the Title I, Part A funds they receive under the ARRA in calculating the per-pupil amount for SES. This waiver will allow LEAs to use only the regular Title I, Part A annual allocation when calculating the annual per-pupil amount for SES. This request is specific to FY 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](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.