



REQUESTS FOR COMMENTS ON AVAILABLE WAIVERS OF TITLE I, PART A REQUIREMENTS

Directions:
*The table below contains a description and rationale for each of seven requests for waivers of certain Title I, Part A statutory and regulatory provisions that the state is submitting to the U. S. Department of Education. If you have any comments regarding the requested waivers, please provide in the corresponding cells and send via e-mail to Julie.McCargar@tn.gov, by **Wednesday, August 5, 2009**. All comments from LEAs will be included in the State's waiver request to the U.S. Department of Education.*

Waiver Description	Rationale	Comment
<p>Waiver 1. - 14 Day Notice of Public School Choice</p> <p>The State wishes to request a one-year waiver of the Title I, Part A requirement for a local educational agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 C.F.R. § 200.37(b)(4)(iv)). This waiver would apply only with respect to students in schools that are newly identified for improvement for the 2009-2010 school year or that could possibly have exited improvement, corrective action, or restructuring for the 2009-2010 school year but did not.</p>	<p>The State seeks a waiver of this provision because a modification in contract with the company that processes the results of the State's assessment would be required in order for the 14 day requirement to be met.</p>	
<p>Waiver 2 – Prohibition on Approving High Priority LEAs and Schools as an SES Provider.</p> <p>The State wishes to request a one-year waiver of the Title I, Part A regulatory provision that prohibits a State from approving as providers of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. § 200.47(b)(1)(iv)(A), (B)).</p>	<p>The State believes that LEAs and schools may be able to establish an effective program that can improve student achievement and should not be automatically prevented from gaining approval because of their improvement status.</p>	

<p>Waiver 3 – Request to Exclude Title I, Part A ARRA Funds in Determining an LEA’s 20% Obligation of Public School Choice and SES.</p> <p>The State wishes to request a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(10) of the ESEA and in 34 C.F.R. § 200.48(a)(2) to determine an LEA’s “20 percent obligation” for public school choice-related transportation and supplemental educational services (SES) based on the LEA’s total FY 2009 Title I, Part A allocation, 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). This waiver will allow LEAs to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their “20 percent obligation” for choice-related transportation and SES.</p>	<p>The State believes that the waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA with flexibility to spend ARRA funds that it otherwise would be obligated to spend on SES and choice-related transportation on other allowable activities that best address the particular needs of its students.</p>	
<p>Waiver 4 – Exclude the Title I, Part A ARRA Funds in Determining the 10% Professional Development Set-Aside for an LEA in Improvement.</p> <p>The State wishes 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, 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). This waiver will allow LEAs 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</p>	<p>The State believes that the requested waiver will provide these advantages:</p> <ol style="list-style-type: none"> 1. It will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA 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. 2. The basic 10 percent set-aside, is substantial and that requiring significantly more funds to be spent on professional development, absent actual need, may actually be counter- 	

<p>professional development set-aside.</p>	<p>productive.</p>	
<p>Waiver 5 – Exclude Title I, Part A ARRA Funds in Determining the 10% Professional Development Set Aside for School Improvement.</p> <p>The State wishes 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, 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). This waiver will allow LEAs to calculate their 10% set aside as 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.</p>	<p>The State believes that:</p> <ol style="list-style-type: none"> 1. The 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; and, 2. The basic 10 percent set-aside, which schools in 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. 	
<p>Waiver 6 – Exclude Title I, Part A ARRA Funds in Determining the Per-Pupil Amount for SES.</p> <p>The State wishes 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, including both its regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and</p>	<p>The State believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.</p>	

<p>Reinvestment Act of 2009 (ARRA). The waiver will allow LEAs to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES.</p>		
<p>Waiver 7 – 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.</p> <p>In accordance with the provisions of section 1127(a)(b) of the Elementary and Secondary Education Act of 1965 (ESEA), the State wishes to requests a waiver to allow 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. The waiver request is for a period of two years 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.</p>	<p>The State believes that the requested waiver will:</p> <ol style="list-style-type: none"> 1. Provide the State with the ability to grant an LEA the flexibility 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; and, 2. Allow more schools and LEAs to direct their funds to activities that will help to increase student proficiency. 	

<p>Name of Individual(s) Submitting Comments</p>	<p>Name of Local Educational Agency</p>