

**6. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING
THE PER-PUPIL AMOUNT FOR SES**

Dear Assistant Secretary Melendez de Santa Ana:

The Illinois State Board of Education (ISBE) is requesting 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)) on behalf of all local educational agencies (LEAs) in Illinois that receive funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA). Specifically, I am seeking this waiver to allow LEAs within Illinois to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. Illinois believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.

Illinois has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

Year	Reading and Math AMO
2008-2009	70%
2009- 2010	77.5%

Illinois 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. Illinois 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 Illinois is granted the requested waiver, Illinois will implement the waiver only with respect to an LEA that provides assurances that:

- (1) 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
- (2) 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, Illinois provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Illinois provided such notice by sending a blast email to all LEAs requesting comments on the waiver. Illinois also provided notice and information regarding this waiver request to the public by posting the waiver request on the agency's website and including information on the request in the Superintendent's weekly message.

Illinois 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 provides the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact Melina Wright at 217-524-4832 or via email at mewright@isbe.net if you have any questions regarding this request. Thank you for your consideration.

DRAFT