

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

Dear Assistant Secretary Melendez de Santa Ana:

The Illinois State Board of Education (ISBE) is requesting 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 ISBE 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).

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 2010–2011 and 2011–2012 school years in accordance with the requirements of section 1111(b)(2) of the ESEA. Illinois believes that the requested waiver will provide ISBE 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, ISBE 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.

Illinois 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 Illinois’ regular procedures for waivers of the carryover limitation. ISBE 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 (or third) time within three years because of its ARRA funds.

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.

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.

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