

3. REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING AN LEA'S 20 PERCENT OBLIGATION FOR CHOICE-RELATED TRANSPORTATION AND 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(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 (*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 the ARRA in calculating their "20 percent obligation" for choice-related transportation and SES.

ISBE believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each LEA within Illinois with flexibility to spend ARRA funds that the LEA would otherwise be obligated to spend on SES or choice-related transportation on other allowable Title I, Part A activities that the LEA believes best address the particular needs of its 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. ISBE believes that, ultimately, the flexibility provided by the requested waiver with respect to how ARRA funds may be spent for allowable Title I, Part A activities may help more schools and LEAs within the State make AYP by enabling them to direct funds appropriately to help their students meet the AMOs set forth above.

ISBE hereby assures that, if it is granted the requested waiver, Illinois will implement the waiver only with respect to an LEA that provides assurances that:

- It will comply with its statutory and regulatory obligations for the provision of SES and public school choice with respect to its regular Title I, Part A allocation;
- It will use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results;
- It will comply with all of its other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that "use effective methods and instructional strategies that are based on scientifically based research;" and
- It will submit an application for Title I funds, or, if necessary, an amendment to its existing LEA application, that describes the data on which it relied to identify needs that

will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

Illinois further assures that it will not approve an LEA's application or amendment to an LEA's application unless or until it determines that, based on the LEA's description, the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies. Illinois will not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data on which the LEA relied to identify needs and the evidence that supports the strategies to address those needs. If necessary to carry out these assurances, Illinois will require an LEA seeking to implement the waiver to amend its application in accordance with ISBE's usual process for changing an LEA's application.

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 you, 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 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.