



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 24 2011

Ms. Margaret Dugan  
Deputy Superintendent of Education  
Arizona Department of Education  
1535 West Jefferson  
Phoenix, Arizona 85007

Dear Deputy Superintendent Dugan:

I am writing in response to Arizona's request to waive section 421(b) of the General Education Provision Act (20 U.S.C. § 1225(b)) to extend the period of availability of a portion of fiscal year (FY) 2009 school improvement funds that Arizona reserved under section 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. A waiver would extend the availability of these section 1003(a) funds through September 30, 2013.

Arizona requested this waiver to increase the total amount of funds it has available to implement the School Improvement Grants (SIG) program authorized under section 1003(g) of the ESEA. Specifically, Arizona is seeking to use FY 2009 section 1003(a) funds, including additional funds made available for Title I, Part A through the American Recovery and Reinvestment Act of 2009 (ARRA) and reserved under section 1003(a) of the ESEA, to make awards to already identified FY 2009 Tier III schools to implement school intervention models in compliance with the final requirements of the SIG program. This waiver would ensure that Tier III schools would be able to use section 1003(a) funds in a manner consistent with schools that will be implementing intervention models with section 1003(g) SIG funds.

I am pleased to grant a waiver to Arizona to extend the period of availability for FY 2009 section 1003(a) funds that will be used to implement school intervention models in accordance with the final requirements for the SIG program in Tier III schools. This waiver will make the period of availability for these funds commensurate with the period of availability for section 1003(g) SIG funds and thereby help ensure that the LEAs in which these schools are located have the ability to fully and effectively implement intervention models in Tier III schools over the three-year award period typically required by SIG intervention models.

This waiver is granted on the following conditions:

- (1) Arizona will only award section 1003(a) funds to Title I schools that have been identified for improvement, corrective action, or restructuring.
- (2) Arizona must ensure that the section 1003(a) funds used to implement the intervention models in Tier III schools are expended consistent with the SIG final requirements.

[www.ed.gov](http://www.ed.gov)

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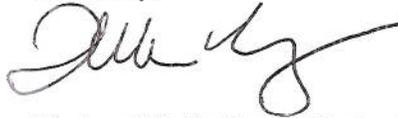
*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

(3) Arizona will include funded Tier III schools in the SIG reporting required under section III.A of the final requirements for the SIG program. By meeting this condition of the waiver, Arizona also will be complying with the reporting requirements for a State receiving a waiver under section 9401(e)(2) of the ESEA.

In addition, to the extent that Arizona allocates section 1003(a) funds that were made available through the ARRA for the Tier III schools that will use the funds to implement intervention models, Arizona must ensure that the LEAs receiving these funds comply with ARRA reporting requirements.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Carlas McCauley at (202) 260-0824 or [Carlas.McCauley@ed.gov](mailto:Carlas.McCauley@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Thelma', with a long, sweeping flourish extending to the right.

Thelma Meléndez de Santa Ana, Ph.D.