

DATE: February 22, 2010

TO: Superintendents and School Improvement Coordinators

RE: Comments on SIG Waivers

SD DOE is requesting a couple of waivers with regards to the SIG (School Improvement Grant - 1003(g)) funds. As part of the requirements stakeholders must be provided an opportunity to comment on these waivers. This was to be completed prior to the submission of the state SIG application, however due to an oversight on our part, this was missed. Your comments are of great value. Please provide your comments on the following waivers via email as soon as possible. Comments will be submitted to US Ed separately from the application submission. Submission of these comments is a requirement of the state application.

**Waiver 1 - Extending the grant to 3 years**

Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of school improvement funds for the SEA and all of its LEAs (districts) to September 30, 2013.

**Guidance G-5: How does an SEA's receipt of a waiver of section 421(b) of GEPA to extend the period of availability of SIG funds affect an LEA seeking SIG funds?**

If an SEA receives a waiver of section 421(b) of GEPA to extend the period of availability of SIG funds, that waiver automatically applies to every LEA in the State seeking SIG funds. Accordingly, if an SEA is granted this waiver, an LEA must create a budget for the full period of availability of the funds, including the period granted by the waiver.

**Guidance G-6: If an SEA receives a waiver of section 421(b) of GEPA to extend the period of availability of SIG funds, for how long will the funds be available?**

An SEA that requests a waiver of section 421(b) of GEPA to extend the period of availability of SIG funds may seek to make the funds available for up to two years beyond the regular period of availability. For example, without a waiver, FY 2009 SIG funds will be available until September 30, 2011. Through a waiver, those funds could be made available for up to two additional years — until September 30, 2013.

**Waiver 2 - Restart in the school improvement timeline**

Waive section 1116(b)(12) of the ESEA (Elementary and Secondary Education Act) to permit LEAs (districts) to allow their Tier I and Tier II Title I participating schools that will implement a turnaround or restart model to “start over” in the school improvement timeline.

**Guidance G-4: What would the new improvement timeline be for a school implementing a school improvement timeline waiver of section 1116(b)(12) of the ESEA?**

A school implementing a school improvement timeline waiver of section 1116(b)(12) of the ESEA would begin the improvement timeline anew beginning the first year in which the improvement model is being implemented. For example, with respect to SIG grants made using FY 2009 funds for implementation in the 2010–2011 school year, the school would start the improvement timeline over beginning with the 2010–2011 school year. That means the earliest such a school could enter the first year of improvement under section 1116(b) of the ESEA would be the beginning of the 2012–2013 school year (*i.e.*, based on the failure to make AYP based on assessments administered in the 2010–2011 and 2011–2012 school years).

**Waiver 3 - Allowing Tier I and Tier II Title I school to go schoolwide**

Waive the 40 percent poverty eligibility threshold in section 1114(a)(1) of the ESEA to permit LEAs (districts) to implement a schoolwide program in a Tier I or Tier II Title I participating school that does not meet the poverty threshold.

DOE is not anticipating a need to apply for Waiver 3.

Comments can be emailed to [Beth.Schultz@state.sd.us](mailto:Beth.Schultz@state.sd.us) or [Diane.Lowery@state.sd.us](mailto:Diane.Lowery@state.sd.us)