

The Missouri Department of Elementary and Secondary Education is currently seeking comments on our intent to request waivers regarding the following Title I, Part A provisions and requirements. Draft Non-Regulatory Guidance on Title I, Part A Waivers is available at: <http://www.ed.gov/policy/gen/leg/recovery/programs.html>

By July 24, 2009, please send comments to webreplyFinancialMgmt@dese.mo.gov.

Waivers of Title I Provisions:

- 14-day notice of public school choice. This provision requires an LEA to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 C.F.R. § 200.37(b)(4)(iv)).
- Approval of identified LEAs and schools as SES providers. This provision prohibits an SEA from approving as a provider of SES a school identified for improvement, corrective action, or restructuring or an LEA identified for improvement or corrective action (34 C.F.R. § 200.47(b)(1)(iv)(A), (B)).
- Allow an LEA to offer SES in addition to public school choice to eligible students in Title I schools in the first year of school improvement. This waiver would provide an LEA with the flexibility to offer SES to eligible students in Title I schools in year one of improvement (a year earlier than the law normally requires), in addition to offering public school choice options to students in those schools, and to count the costs of providing SES to those students toward meeting the LEA's 20 percent obligation.

Waivers of Title I, Part A requirements that are affected by the availability of Title I, Part A ARRA funds:

- An LEA's obligation to spend an amount equal to at least 20 percent of its FY 2009 Title I, Part A, Subpart 2 allocation on transportation for public school choice and on SES (20 percent obligation) (ESEA section 1116(b)(10); 34 C.F.R. § 200.48).
- The responsibility of a school in improvement to spend 10 percent of its Title I, Part A funds on professional development (ESEA section 1116(b)(3)(A)(iii); 34 C.F.R. § 200.41(c)(5)).
- The responsibility of an LEA in improvement to spend 10 percent of its FY 2009 Title I, Part A, Subpart 2 allocation on professional development (ESEA section 1116(c)(7)(A)(iii); 34 C.F.R. § 200.52(a)(3)(iii)).
- The responsibility of an LEA to calculate the per-pupil amount for SES based on its FY 2009 Title I, Part A, Subpart 2 allocation (per-pupil amount for SES) (ESEA section 1116(e)(6); 34 C.F.R. § 200.48(c)).
- The prohibition on an SEA's ability to grant to its LEAs waivers of the carryover limitation more than once every three years (ESEA section 1127(b)).

Absent a waiver, an LEA's Title I, Part A ARRA funds would be included in the LEA's Title I, Part A, Subpart 2 allocation in determining the "set aside" amounts for the above requirements. If the Secretary of Education grants waiver requests from the Missouri Department of Elementary and Secondary Education, the LEA is not required to use the waiver.