

June 4, 2013

Notice of Waiver Request
and Opportunity to Comment

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Waiver Request to U. S. Department of Education
Extension of Period of Availability of Fiscal Year 2009 Section 1003(g) Funds

In the FY 2009 SIG Application, the Texas Education Agency (TEA) requested a waiver of section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of FY 2009 SIG funds that were awarded for Cycle 1 SIG schools until September 30, 2013. This waiver enabled Cycle 1 schools to implement SIG intervention models over three full years. However, several LEAs have reported that it has been difficult for many Cycle 1 Tier I and Tier II schools to expend their entire FY 2009 award during the period of availability due to a confluence of factors, including the significant amount of funds available in that year under the American Recovery and Reinvestment Act of 2009 (ARRA) and the delay in making some awards for implementation beginning in school year 2010–2011. Consequently, some Cycle 1 schools may need additional time to expend their FY 2009 funds.

USDE has invited states to submit a waiver request to extend the period of availability of the FY 2009 funds to allow Tier I or Tier II schools with unexpended FY 2009 funds to use those funds to continue to implement a SIG intervention model during the 2013-2014 school year, if the schools satisfy criteria developed by TEA. TEA is, therefore, requesting a waiver to USDE to extend the period of availability of the funds until September 30, 2014.

As required by USDE, if the waiver request is approved, TEA will evaluate each request for the extension, including proposed budgets and plans for continuing implementation to determine if the LEA can continue to fully and effectively implement one of the four SIG intervention models in its Tier I or Tier II Cycle 1 campuses for an additional year. Each LEA granted the extension will be provided with ongoing technical assistance, support and active monitoring of the SIG program through the 2013-2014 school year.

TEA is providing notice of its intent to apply to USDE for this waiver by posting this letter to LEAs on the TEA web site and disseminating it through the TEA "To the Administrator Addressed" electronic mail list serv. Please submit any comments regarding the waiver request to nclbttips@tea.state.tx.us by **Tuesday, June 11, 2013.**

TEA will aggregate the comments received from LEAs in response to this notice and submit them as part of the state's application for the waiver to USDE. Please note that TEA will not respond to any comments or questions received regarding this waiver request but will instead take comments into consideration when finalizing the state's waiver request to USDE.

To the Administrator Addressed

June 4, 2013

Page 2

In the near future, TEA will also provide public notice and information regarding this waiver request through a posting in the *Texas Register*.

If you have questions regarding this waiver request, please contact Shayna Sheehan via electronic mail at shayna.sheehan@tea.state.tx.us or at (512) 463-2617, or Leticia Govea via electronic mail at leticia.govea@tea.state.tx.us or at (512) 463-1427.

Sincerely,

Sally Partridge, Associate Commissioner
Accreditation and School Improvement