



# ARKANSAS DEPARTMENT OF EDUCATION

## ***Public Notices for the Arkansas Department of Education's Title I Waiver Requests to United States Department of Education***

### **Notice to the Public of the Arkansas Department of Education's Intent To Apply to the United States Department of Education for a Waiver of the American Recovery and Reinvestment Act Funds in Determining a District's 20% Obligation for Choice-Related Transportation and Supplemental Education Services**

The Arkansas Department of Education (ADE) 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 a local education agency's (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)]. Specifically, ADE is seeking this waiver to allow LEAs within Arkansas 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.

ADE 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 Arkansas 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.

If you have questions or need clarification, contact Heather Gage, Special Advisor to the Commissioner, by email at [heather.gage@arkansas.gov](mailto:heather.gage@arkansas.gov).

### **Notice to the Public of the Arkansas Department of Education's Intent to Apply to the United States Department of Education for a Waiver of the American Recovery and Reinvestment Act of 2009 Funds in Determining the 10 Percent Professional Development Set-Aside for a District in Improvement**

The Arkansas Department of Education (ADE) is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116(c)(7)(A)(iii) of the ESEA to determine a district's 10 percent professional development set-aside based on the district'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)]. In particular, ADE is seeking this waiver to allow districts within Arkansas that are identified for improvement to exclude some or all of the Title I, Part A funds they receive under the ARRA in calculating their 10 percent professional development set-aside.

ADE believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by providing each district within Arkansas with flexibility to spend ARRA funds that the district would otherwise be obligated to spend on professional development on other allowable Title I, Part A activities that the district believes best address the particular needs of its students. ADE believes that the basic 10 percent set-aside, which districts will still have to provide, is

substantial and that requiring significantly more funds to be spent on professional development, absent actual need, may actually be counter-productive by overwhelming teachers, many of who are already over-scheduled and cannot meaningfully absorb substantially more professional development. Through the waiver, each district can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

If you have questions or need clarification, contact Heather Gage, Special Advisor to the Commissioner, by email at [heather.gage@arkansas.gov](mailto:heather.gage@arkansas.gov).

**Notice to the Public of the Arkansas Department of Education's Intent to Apply to the United States Department of Education (USDE) for a Waiver of the American Recovery and Reinvestment Act (ARRA) Funds in Determining the 10 Percent Professional Development Set-Aside for a School in Improvement**

The Arkansas Department of Education (ADE) is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116(b)(3)(A)(iii) of the ESEA to determine a school's 10 percent professional development set-aside based on the total amount of funds made available to the school under section 1113 of the ESEA for FY 2009 (i.e., including funds made available from both the local education agency's (LEA's) regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment Act of 2009 (ARRA)). In particular, ADE is seeking this waiver to allow Title I schools within Arkansas that are identified for improvement to calculate their 10 percent professional development set-aside in a formula developed by USDE.

Arkansas believes that, ultimately, ensuring that a school is not obligated to spend a disproportionate amount of Title I, Part A funds on professional development may help more schools and districts within the State make AYP by enabling them to direct an appropriate portion of their funds to activities other than professional development that they believe will help their students meet the state's achievement standards. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

If you have questions or need clarification, contact Heather Gage, Special Advisor to the Commissioner, by email at [heather.gage@arkansas.gov](mailto:heather.gage@arkansas.gov).

**Notice to the Public of the Arkansas Department of Education's Intent to Apply to the United States Department of Education for a Waiver to Exclude Title I, Part A American Recovery and Reinvestment Act (ARRA) Funds in Determining the Per-Pupil Amount for Supplemental Educational Services (SES).**

The Arkansas Department of Education (ADE) is requesting a waiver for fiscal year (FY) 2009 of the requirement in section 1116 (e)(6)(A) of the Elementary and Secondary Education Act of 2001 (ESEA) and in 34 C.F.R. § 200.48(c)(1) to determine the per-pupil amount for SES based on a Local Education Agency's (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 ARRA). Specifically, ADE is seeking this waiver to allow LEAs within Arkansas to exclude some or all of the Title I, Part A funds they receive under ARRA in calculating the per-pupil amount for SES. ADE believes that the requested waiver, by reducing the per-pupil amount, will allow LEAs to provide SES to a greater number of students.

ADE 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 Arkansas 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.

If you have questions or need clarification, contact Heather Gage, Special Advisor to the Commissioner, by email at [heather.gage@arkansas.gov](mailto:heather.gage@arkansas.gov).

**Notice to the Public of the Arkansas Department of Education's Intent to Apply to the United States Department of Education to Waive the Provision That Prohibits an SEA From Granting to a District a Waiver of the Carryover Limitation More Than Once Every Three Years**

The Arkansas Department of Education (ADE) is requesting a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits the ADE from granting to a District a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits ADE to waive the limitation in section 1127(a) once every three years if: (1) the District's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, ADE is requesting a waiver to allow ADE to waive the carryover limitation more than once every three years for a local education agency (LEA) that needs the additional waiver(s) because of its Title I, Part A funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA), which is, by definition, a supplemental Title I, Part A appropriation. ADE is requesting this waiver for a period of two years (i.e., to apply to LEA's requests to carry over fiscal year (FY) 2009 Title I, Part A funds and to LEA's requests to carry over FY 2010 Title I, Part A funds in excess of the carryover limitation).

ADE will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in section 1127(a) so that it can carry over more than 15 percent of its Title I, Part A FY 2009 or FY 2010 allocation and has already received such a waiver within the prior three years (or receives such a waiver with respect to its FY 2009 funds), applies to the ADE in accordance with ADE's regular procedures for waivers of the carryover limitation. ADE hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second (or third) time within three years because of its ARRA funds.

If you have questions or need clarification, contact Heather Gage, Special Advisor to the Commissioner, by email at [heather.gage@arkansas.gov](mailto:heather.gage@arkansas.gov).