



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION**

**SEP 20 2011**

**ASSISTANT SECRETARY**

The Honorable Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street  
Sacramento, California 95814-5901

Dear Superintendent Torlakson:

I am writing in response to California's request for a waiver to carry over the fiscal year (FY) 2010 School Improvement Grant (SIG) funds California received under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and to award those funds to local educational agencies (LEAs) through a competition to be conducted during the 2011-2012 school year. Although California already conducted its FY 2010 competition, California is requesting this waiver because it did not receive approvable LEA applications through the competition.

The U.S. Department of Education (Department) wants to promote a thoughtful and comprehensive approach to the implementation of SIG. In accordance with that goal, I am approving California's request to carry over FY 2010 SIG funds and to award those funds to LEAs through a competition conducted during the 2011-2012 school year. In particular, pursuant to my authority under section 9401 of the ESEA, I am granting a waiver of section 421(b) of the General Education Provisions Act (GEPA) (20 U.S.C. § 1225(b)) to extend the period of availability of California's FY 2010 SIG funds to September 30, 2013. This waiver is granted on the following conditions:

1. Within 30 days of the approval of this waiver request, California will submit an amendment to its FY 2010 SIG application that updates the timeline to include the dates for its second LEA competition that includes a description of how the SEA will support LEAs to improve their applications to meet the SIG requirements;
2. The revised timeline for the LEA competition will ensure that awards are made no later than February 2012;
3. California will not obligate or draw down any of its FY 2010 SIG funds until California receives approval of the amendment to its FY 2010 SIG application;
4. Through the competition conducted in the 2011-2012 school year, California will award FY 2010 SIG funds to LEAs in amounts sufficient to enable the LEAs to conduct pre-implementation, should an LEA select to do so, and the first year of full implementation of the school intervention models in the Tier I and Tier II schools for which they are awarded funds;

5. California will not combine its FY 2011 SIG funds with its FY 2010 funds to make larger awards, or to award grants to a greater number of LEAs or for a greater number of schools, through the competition conducted in the 2011–2012 school year; and
6. After receiving its FY 2011 and FY 2012 SIG funds, respectively, California will request waivers to extend the periods of availability of those funds until September 30, 2014 and September 30, 2015, respectively, so that those funds may be used for continuation grants for the FY 2010 funds awarded through the competition conducted in the 2011–2012 school year.

I appreciate the work you are doing to improve California's persistently lowest-achieving schools and to provide a high-quality education for all of your students. If you have any questions regarding this matter, please contact Carlos McCauley at [carlas.mccauley@ed.gov](mailto:carlas.mccauley@ed.gov) or 202-260-0824.

Sincerely,



Michael Yudin  
Acting Assistant Secretary  
Office of Elementary and Secondary Education