

**Oklahoma Request
to
Exclude Title I, Part A ARRA Funds
in Determining an LEA's 10 Percent
Professional Development Set-Aside
for a School in Improvement**

September 2009

Contact:

**Dr. Cindy Koss
Assistant State Superintendent
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599
(405) 521-3361**

OKLAHOMA REQUEST TO EXCLUDE TITLE I, PART A ARRA FUNDS IN DETERMINING THE 10 PERCENT PROFESSIONAL DEVELOPMENT SET-ASIDE FOR A SCHOOL IN IMPROVEMENT

Dr. Joseph C. Conaty
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW, Room 3W225
Washington, DC 20202

Dear Dr. Conaty:

I am writing on behalf of all local educational agencies (LEAs) in Oklahoma with schools that are identified for improvement under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to request 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 LEA's regular Title I, Part A allocation and its Title I, Part A allocation under the American Recovery and Reinvestment of 2009 (ARRA)). In particular, I am seeking this waiver to allow Title I schools within Oklahoma that are identified for improvement to calculate their 10 percent professional development set-aside in accordance with the following formula:

the amount of Title I, Part A funds received by the school under section 1113 of the ESEA

multiplied by

the portion of the LEA's FY 2009 Title I, Part A allocation provided through the regular FY 2009 appropriation / the LEA's total FY 2009 Title I, Part A allocation, including Title I, Part A ARRA funds

multiplied by

10 percent.

As long as it complies with the requirements of section 1113 of the ESEA with respect to serving eligible school attendance areas with its FY 2009 Title I, Part A allocation (consisting of Title I, Part A funds received through the ARRA and the regular FY 2009 appropriation), an LEA has discretion with respect to how it will allocate its Title I, Part A funds to its Title I schools. Accordingly, Oklahoma believes that the requested waiver will increase the quality of instruction for students and improve the academic achievement of students by ensuring that no school within an LEA that implements this waiver will be obligated to spend a disproportionate amount of the Title I, Part A funds available to it on professional development activities. Oklahoma believes that the basic 10 percent set-aside, which schools in improvement will still have to provide, is substantial and that requiring significantly more funds to be spent on professional development may actually be counter-productive by overwhelming teachers, many of whom are already over-scheduled and cannot meaningfully absorb substantially more professional development.

Oklahoma has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2009–2010 school year:

**Adequate Yearly Progress (AYP) for Oklahoma Schools and Districts
Timeline for Statewide Performance Targets in Math and Reading
Pursuant to the No Child Left Behind Act of 2001**

| | Baseline 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|-----------------------|------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Math <i>api</i> | 648 | 648 | 790 | 790 | 790 | 932 | 932 | 932 | 1074 | 1074 | 1216 | 1358 | 1500 |
| Reading <i>api</i> | 622 | 622 | 768 | 768 | 768 | 914 | 914 | 914 | 1060 | 1060 | 1206 | 1352 | 1500 |

Oklahoma will determine adequate yearly progress (AYP) based on assessments administered in the 2009–2010 school year in accordance with the requirements of section 1111(b)(2) of the ESEA. Oklahoma 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 LEAs 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 AMOs set forth above. Through the waiver, each school can determine whether its professional development needs warrant expending Title I, Part A ARRA funds to meet those needs.

Oklahoma hereby assures that, if it is granted the requested waiver, Oklahoma will implement the waiver only with respect to an LEA that provides assurances that:

- It will ensure that its schools will implement the waiver in accordance with the formula above;
- It will ensure that all schools in improvement within the LEA will comply with all statutory and regulatory requirements regarding their professional development obligations with respect to the funds that are not “factored out” in accordance with the formula above;
- It will ensure that its schools use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results; and
- It and its schools in improvement will comply with all of their other Title I, Part A statutory and regulatory obligations, including the obligations in sections 1114 and 1115 to have schoolwide and targeted assistance programs that “use effective methods and instructional strategies that are based on scientifically based research”.

Prior to submitting this waiver request, Oklahoma will provide the public and all LEAs in the State with notice and an opportunity to comment on this request. Methods of notification will include, but may not be limited to, posting on the Oklahoma State Department of Education Web site; a message to the Oklahoma Title I Directors Listserv, the School Improvement Advisory Committee, and District Superintendents; a phone conference with the Oklahoma Title I Committee of Practitioners; and the availability to comment at a regularly scheduled meeting of the Oklahoma State Board of Education. Copies of comments that Oklahoma may receive from the public and LEAs in response to the notice and request for comment will be attached to the waiver request.

Dr. Joseph Conaty
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Oklahoma hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone or email at (405) 521-4514 or <Cindy_Koss@sde.state.ok.us> if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Dr. Cindy Koss
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Office of Standards and Curriculum
Oklahoma State Department of Education
2500 North Lincoln Boulevard
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(405) 521-3361