

**Oklahoma Request  
to  
Exclude Title I, Part A ARRA Funds  
in Determining an LEA's 20 Percent  
Obligation for Choice-Related  
Transportation and SES**

**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 AN LEA’S 20 PERCENT OBLIGATION FOR CHOICE-RELATED TRANSPORTATION AND SES**

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 that receive funds 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)(10) of the ESEA and in 34 C.F.R. § 200.48(a)(2) to determine an 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, I am seeking this waiver to allow LEAs within Oklahoma 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.

Oklahoma 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 Oklahoma 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.

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, the flexibility provided by the requested waiver with respect to how ARRA funds may be spent for allowable Title I, Part A activities may help more schools and LEAs within the State make AYP by enabling them to direct funds appropriately to help their students meet the AMOs set forth above.

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 comply with its statutory and regulatory obligations for the provision of SES and public school choice with respect to its regular Title I, Part A allocation;
- It will use the funds freed up by the waiver to address needs identified based on data, such as Statewide or formative assessment results;
- It will comply with all of its 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;” and
- It will submit an application for Title I funds, or, if necessary, an amendment to its existing LEA application, that describes the data on which it relied to identify needs that will be addressed using the funds freed up by the waiver and the evidence that supports the strategies it intends to use to address those needs.

Oklahoma further assures that it will not approve an LEA’s application or amendment to an LEA’s application unless or until it determines that, based on the LEA’s description, the LEA has satisfied its obligation to identify needs based on data and address those needs using evidence-based strategies. Oklahoma will not approve an LEA to implement the waiver unless or until the LEA has an approved application (or amended application) that includes the required description of the data on which the LEA relied to identify needs and the evidence that supports the strategies to address those needs. If necessary to carry out these assurances, Oklahoma will require an LEA seeking to implement the waiver to amend its application in accordance with Oklahoma’s usual process for changing an LEA’s application.

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.

Oklahoma hereby assures that, if it is granted the requested waiver, it will submit to you, by September 30, 2010, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Dr. Joseph Conaty  
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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,

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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

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