



**United States Department of the Interior
BUREAU OF INDIAN EDUCATION**

Albuquerque Service Center
Division of Performance and Accountability
1011 Indian School Rd, NW Ste. 332
Albuquerque, New Mexico 87104

AUG 26 2011

Dr. Thelma Meléndez
Assistant Secretary
Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Request to Carry Over 100 Percent of the FY 2009 SIG Funds Available to LEAs to Compete with the FY 2010 SIG Funds.

Dear Assistant Secretary Meléndez:

I am writing in regard to the Bureau of Indian Education (BIE) application for Fiscal Year (FY) 2010 funds under the School Improvement Grants (SIG) program, under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA). Unfortunately, despite BIE's best efforts to revise its FY 2010 SIG application to comply with the final requirements for the SIG program, BIE will not be able to submit an application that meets all of the applicable requirements by September 30, 2011. Additionally, our schools will not be ready to fully implement the required intervention models beginning this fall because the schools will need to compete for the funds and began the pre-implementation phase of their SIG programs.

Therefore, I am requesting, on behalf of the BIE, a waiver of the application requirements for the SIG program, as set forth in section 1003(g)(4) of the ESEA and section II.B.1 of the final requirements for the SIG program (74 FR 65618 (Dec. 10, 2009)), to allow BIE to receive its FY 2010 allocation of SIG funds on condition that BIE will carry over 100 percent of those funds and will award those funds, with the exception of those it properly reserves for State administration, technical assistance, and evaluation expenses, to schools through the BIE's FY 2011 SIG competition. The BIE agrees to carry over the funds and assures that it will not draw down any of its FY 2010 carryover funds until the BIE receives full approval of its FY 2010 SIG application.

The BIE believes that granting this waiver is necessary because the U.S. Department of Education cannot allocate FY 2010 SIG funds past September 30, 2011, and as noted above, BIE will not be able to have a fully approvable FY 2010 SIG application by that date. Accordingly, granting the waiver will enable BIE to have the time it needs to complete a thoughtful and comprehensive SIG application that meets the final requirements of the program, including having an approved definition of persistently lowest-achieving schools, and to conduct an FY 2011 SIG competition that results in timely awards to support the full and effective implementation of selected school intervention models in the BIE's Tier I and Targeted Tier III schools beginning in fall 2012.

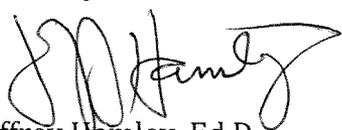
As discussed in a July 16, 2011, telephone call with U.S. Department of Education staff, the BIE plans to take the necessary steps to finalize and gain approval of BIE's definition of persistently lowest-achieving schools consistent with section I.A.3 of the final requirements for the SIG program.

The BIE assures that it provided all schools served by the Bureau of Indian Education with notice and a reasonable opportunity to comment on this request by e-mailing a copy of the proposed waiver to all Education Line Offices (ELO) and faxing to schools and posting on the BIE website with a letter that allows schools and ELO offices to comment. A copy of that notice is attached to this request. To expedite its waiver request, BIE will submit copies of any comments it receives from schools after the comment period closes on September 2, 2011. The BIE also assures that it provided notice and information regarding this waiver request to the public by posting it on its website, which is the manner in which States customarily provide such notice and information to the public, and has attached a copy of, or link to, that notice.

Please feel free to contact me by phone at (505) 563-5620 or email at Jeffrey.Hamley@bie.edu, if you have any questions regarding this request.

Thank you for your consideration.

Sincerely,



Jeffrey Hamley, Ed.D.
Associate Deputy Director
Division of Performance and Accountability

cc: Carlas McCauley, Educational Program Specialist