UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MEMORANDUM

DATE: NOV 6 2009

TO: Bridget Dooling/Sharon Mar
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Tomakie Washington
Regulatory Information Management Services
U.S. Department of Education

FROM: Thelma Meléndez de Santa Ana, Ph.D.
Assistant Secretary for Elementary and Secondary Education

SUBJECT: Emergency Clearance of Information Collections in Notice of Final Requirements for School Improvement Grants

The U.S. Department of Education (ED) plans to issue a Notice of Final Requirements (NFR) for School Improvement Grants (SIG) authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and funded through the Department of Education Appropriations Act, 2009 (FY 2009) and the American Recovery and Reinvestment Act of 2009 (ARRA). The NFR follows the notice of proposed requirements (NPR), which ED published for public comment on August 26, 2009.

The NFR defines the criteria that a State educational agency (SEA) must use to award ARRA and FY 2009 SIG funds to local educational agencies (LEAs). In awarding these funds, an SEA must give priority to the LEAs with the lowest-achieving schools that are eligible to receive SIG funds that demonstrate the greatest need for the funds and the strongest commitment to use the funds to provide adequate resources to their lowest-achieving schools eligible to receive services provided through SIG funds in order to raise substantially the achievement of the students attending those schools.

Emergency Request

The NFR contains information collection activities covered under the Paperwork Reduction Act (PRA). The activities consist of: (1) a new application for an SEA to submit to the Department to apply for FY 2009 and ARRA SIG funds, which may include requests for certain waivers discussed in the NFR that relate to the SIG funds; (2) the reporting of specific school-level data on the use of SIG funds and specific interventions implemented in LEAs receiving SIG funds

that the Department currently does not collect through EDFacts; and (3) an application for an LEA to submit to its SEA for SIG funds.

The PRA section in the NPR indicated that ED expected to seek emergency approval of the information collections at the time of the publication of the NFR. Consistent with that statement, we request that the Office of Management and Budget (OMB) clear these information requests on an emergency basis by reinstating OMB 1810-0682 **on the same date that OMB gives ED approval to publish the NFR.**[1] In addition, we request that OMB waive the public comment period for this ARRA-related emergency collection. We do, however, also plan to seek regular OMB approval for this collection, which would provide the public with a subsequent opportunity to comment.

We are requesting emergency approval and the waiver of the public comment period so that ED can begin implementing the SIG program under the NFR immediately. Prompt implementation is critical to the success of the SIG program. Specifically, emergency approval will permit the application process to begin and SIG funds to begin flowing as soon as possible to SEAs and LEAs so that students in the lowest-achieving schools receive the assistance they desperately need. In sum, following the regular clearance schedule without emergency approval would delay needlessly the implementation of the SIG program under the NFR, prevent students in the lowest-achieving schools from receiving SIG-supported rigorous interventions, and reduce greatly the possibility of achieving rapid improvement in student achievement and school culture in these schools.

Thank you for your prompt consideration of this request. If you have questions, please contact Todd Stephenson of my staff at (202) 205-1645 or todd.stephenson@ed.gov.

[1] OMB 1810-0682 is the control number for the original SIG application that SEAs submitted to ED in 2007, which governed an SEA's use of FY 2007 and FY 2008 SIG funds.