



October 31, 2011

Dr. Michael Yudin
Acting Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-6132

Dear Dr. Yudin:

I am writing to request a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the North Dakota Department of Public Instruction (NDDPI) and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, I am requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed in the attached chart be extended to September 30, 2012.

The extended authority to obligate these funds would enable the NDDPI and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

The NDDPI assures that it has:

- Provided all sub-recipients of the programs affected by the waiver with notice and a reasonable opportunity to comment on this request. The NDDPI provided such notice by sending an email to each LEA on October 11, 2011; by including a notice in our monthly Title I/Special Education newsletter; and by posting the notice on the department's website.
 - No comments were received regarding this waiver request.
- Provided notice and information regarding this waiver request to the public in the manner that the NDDPI customarily provides such notice and information to the public (e.g., sending an email to each LEA on October 11, 2011; by including a notice in our monthly Title I/Special Education newsletter; and by posting the notice on the department's website).

The NDDPI further assures that, if it receives the requested waiver, it will:

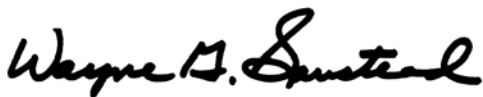
- Ensure that sub-recipients within the state will use FY 2009 funds carried over as a result of the waiver to carry out activities in accordance with program requirements;
- Hold local educational agencies and schools accountable based on the state's annual measurable objectives; and

- Estimate the number of jobs created or retained with regular federal FY 2009 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009 and make such estimates available to the U.S. Department of Education upon request.

North Dakota Department of Public Instruction			
CFDA Number	Name of Program	Grant Award Number	Estimate of the Amount of FY 2009 Funds that Remain Unobligated
84.010A	Title I, Part A Grants to Local Education Agencies	S010A090034	\$ 107,506*
84.389A	Title I, Part A Grants to Local Education Agencies (Recovery Act)	S389A090034	\$ 4,055,200
84.367A	Title II Part A, Improving Teacher Quality State Grants	S367A090033	\$ 342,409
84.213A	Title I, Part B Even Start	S213C090035	\$ 33,200
84.366A	Math Science Partnerships	S366B090035	\$ 352,349
84.318X	Title II, Part D Enhancing Education Through Technology	S318X090034	\$ 420,303
84.386A	Title II, Part D Enhancing Education Through Technology (Recovery Act)	S386A090037	\$ 583,473
84.287	Title IV, Part B 21 st Century Community Learning Centers	3287C090034	\$ 37,095
84.186A	Title IV, Part A Safe and Drug Free Schools	Q186A090035	\$ 15,931
<i>*This amount includes the Awards Funds</i>			

Please feel free to contact Bob Marthaller, Assistant Superintendent, at (701) 328-2267 or rvmarthaller@nd.gov if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Dr. Wayne G. Sanstead
State Superintendent