

December 12, 2007

VIA FACSIMILE AND FIRST CLASS MAIL

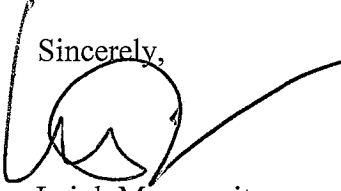
Kerri L. Briggs, Ph.D.
Assistant Secretary
Office of Elementary and Secondary Education
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Briggs:

I am writing to request clarification on a school's eligibility for funds under section 1003 of the Elementary and Secondary Education Act (ESEA). Under section 1003(a), a state must reserve four percent of its Title I, Part A allocation to carryout certain state-level responsibilities related to school improvement. States must distribute at least ninety-five percent of the four percent to local education agencies (LEAs) for schools identified for improvement, corrective action or restructuring.

It is not clear, however, whether the school must be receiving Title I, Part A funds in order to be eligible to receive section 1003 funds. Can a school that is not receiving Title I, Part A funds receive section 1003 funds under the following scenarios? The Department has advised that states may, but are not required to, apply sanctions under section 1116 of the ESEA to non-Title I schools that fail to make adequate yearly progress. If a state chooses to apply such sanctions to a non-Title I school would the school be eligible to receive section 1003 funds? What if a school identified for improvement, corrective action or restructuring previously received section 1003 funds but loses its eligibility for Title I, Part A under section 1113 of the ESEA? Would such a school continue to be eligible to receive section 1003 funds? Would the answer depend on whether the state continued to treat such a school as a school identified for improvement, corrective action or restructuring?

Thank you in advance for your response to these questions.

Sincerely,

Leigh Manasevit

TRANSMISSION VERIFICATION REPORT

TIME : 12/10/2007 16:14
NAME : BRUSTEIN & MANASEVIT
FAX : 2029658913
TEL : 2029653652
SER.# : BROH3J599011

DATE, TIME	12/10 16:14
FAX NO./NAME	2022050310
DURATION	00:00:37
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

FACSIMILE COVER SHEET

December 12, 2007

Date Sent

2

Total Number of Pages
(including this page)

Addressee: **Kerri L. Briggs**
Fax Number: **(202) 205-0310**
From: **Leigh M. Manasevit**

Comments:

CONFIDENTIALITY NOTE

The information contained in this facsimile message is legally protected and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. We appreciate your attention.