



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

NOV 15 2007

Honorable Hank M. Bounds
State Superintendent of Education
State of Mississippi Department of Education
P.O. Box 771
Jackson, MS 39205

Dear Superintendent Bounds:

Thank you for your letter of October 25, 2007, in which you requested an extension of the deadline for utilizing Restart funds to support the local contribution portion of salaries and a waiver of the statutory requirement to use Restart funds to supplement, and not supplant, non-Federal funds for fiscal year (FY) 2008. We are pleased to grant these requests.

We recognize that many districts in Mississippi are still experiencing fiscal burdens as a result of Hurricane Katrina, and we appreciate your need to continue to use Restart funds to pay the local portion of salaries of teachers, staff, and other personnel. Therefore, we grant your request to continue to use Restart funds towards this expense until September 30, 2008.

Section 102(f) of the Hurricane Education Recovery Act (HERA) requires that Restart funds be used to supplement, and not supplant, funds made available through the Federal Emergency Management Agency (FEMA) or the State. The Restart legislation does not contain a supplanting prohibition with respect to local funds. The waiver authority in Section 105(b) of HERA, as amended recently by P.L. 110-28, allows the U.S. Department of Education to waive requirements relating to the use of Federal funds to supplement, and not supplant, *non-Federal* funds. Under this authority, we are waiving, for Federal FY 2008, the requirement that Restart funds must be used to supplement, and not supplant, State funds. (There is a separate "exception" in Section 102(f)(2) of HERA that already provides flexibility with respect to FEMA funds.)

We recognize the ongoing challenges that you face as a result of the hurricanes and hope that the additional flexibility allowed under these waivers will enable school districts to address more effectively the educational needs of their students.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,

Kerri L. Briggs, Ph. D.