



## Public Notice from the Washington Office of Superintendent of Public Instruction (OSPI)

### Revise a Waiver Request to the U.S. Department of Education

This notice informs the public that OSPI will request a waiver from the United States Department of Education (ED), which will allow this agency to waive the 15 percent carryover limitation rule—more than once every three years—for a specific and limited group of local education agencies (LEA). (Revised June 17, 2014)

OSPI is restricted by a provision of the Elementary and Secondary Education Act that prohibits a state education agency (SEA) from granting a waiver of the carryover limitation and its three-year timeframe.

#### **Public Comment is Welcome**

We will include comments in the waiver request to ED. Send comments related to this waiver request to Gayle Pauley, Director of Title I/LAP and CPR, [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us). **The deadline for public comments is close of business June 23, 2014.**

*In the original request, OSPI asked that ED consider a waiver to allow Washington State to waive the carryover limitation more than once every three years for district that needs the additional waiver(s) because of prior federal fiscal decisions that impacted federal Title I, Part A, funds, such as the difference between preliminary and final district Title I, Part A allocations, American Recovery and Reinvestment Act of 2009 (ARRA) and federal sequestration. These decisions impacted a districts' ability to fully expend Title I, Part A funds to support students in need of additional educational assistance. Therefore, I am requesting this waiver for a period of one year (i.e., to apply to district requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation).*

OSPI has amended this paragraph to read:

In accordance with these provisions, OSPI is requesting a waiver to allow Washington State to waive the carryover limitation more than once every three years for a specific and limited number of districts that need the additional waiver because of prior federal fiscal decisions that impacted federal Title I, Part A, funds, such as the difference between preliminary and final district Title I, Part A allocations, student poverty data, changes in school educational staff (senior staff retiring and teacher pay differences), the inability to provide professional development because of lack of substitutes and scheduling, or teacher/coach vacancies because of lack of highly qualified replacement applicants. These factors have impacted a small percentage of Washington school districts' ability to fully expend Title I, Part A funds to support

students in need of additional educational assistance. Therefore, OSPI is requesting this waiver for a period of one year (i.e., to apply to district requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation). OSPI believes that the requested waiver will provide the state with the ability to grant a district the flexibility it needs to spend its Title I, Part A funds, thoughtfully, over the course of the remainder of the 2013–14 school year on activities that are most likely to improve the academic achievement of low-achieving students. Accordingly, OSPI believes that, ultimately, the requested waiver may help more schools and districts within the state meet federal accountability requirements by enabling them to direct their funds to additional educational opportunities that will help their students meet academic standards. OSPI believes that the requested waiver will provide the state with the ability to grant a district the flexibility it needs to spend its Title I, Part A funds, thoughtfully, over the course of the remainder of the 2013–14 school year on activities that are most likely to improve the academic achievement of low-achieving students.

OSPI will ensure that a district that is interested in obtaining a waiver of the carryover limitation in Section 1127(a) in order to carry over more than 15 percent of its Title I, Part A FY 2013 allocation (and has already received such a waiver within the prior three years) applies to the SEA in accordance with OSPI's regular procedures for waivers of the carryover limitation. OSPI hereby assures that it will implement the requested waiver only with respect to a district that needs a waiver of the carryover limitation for the second (or third) time within three years and the ability to spend these funds, as well as the basic Title I, Part A funds, in an effective manner to support students that are in need of additional academic assistance.

In summary, OSPI assures that if the agency receives this waiver, the agency will:

- Ensure that Washington's districts will use their carryover funds to impact the education of students that are recipients of Title I, Part A services.
- Hold districts and their schools accountable based on the state's accountability system.
- Require districts to address how the waived funds will be used to provide additional assistance to Title I, Part A students and how these have impacted student academic growth.

If you have any questions regarding this information, please contact Gayle Pauley, Director of Title I/LAP and CPR at (360) 725-6100 or email [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us).

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