



SUPERINTENDENT OF PUBLIC INSTRUCTION

Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

May 27, 2016

The Honorable Deborah S. Delisle
Assistant Secretary
U.S. Department of Education
400 Maryland Avenue
SW Washington, DC 20202

Dear Assistant Secretary Delisle:

I am writing on behalf of Washington to request a waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a state educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in Section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, I am requesting a waiver to allow Washington to waive the carryover limitation more than once every three years for an LEA 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 allocations. In addition, districts have met with unexpected barriers that have impacted their ability to spend the 20 percent set-aside for Public School Choice and Supplemental Education Services. These decisions impacted LEAs 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 LEA requests to carry over fiscal year (FY) 2015 Title I, Part A funds in excess of the carryover limitation).

Washington is requesting this waiver for those LEAs that were required to offer Public School Choice and Supplemental Educational Services (SES). LEAs complied with Section 1116 of Public Law 107-110. In some cases, LEAs met with the 15 percent carryover cap. These challenges include the following:

- Parents requested services and then did not have their student(s) participate.
- Parents signed up their student(s) and the student(s) did not attend SES sessions.
- After a district had held at least two open enrollment windows, parents were not interested in the service.
- Providers did not meet their obligation to serve students.
- Districts were able to include Public School Choice transportation in their existing (state) transportation allocations.

There were also SES providers that stated that they would serve students in specific districts and backed out of providing services when there were small numbers of students signed-up to participate. These situations inhibited LEAs from redistributing their Title I, Part A funds in a timely manner and lead to instances where their carryover would

go beyond the 15 percent limit.

Washington believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend their Title I, Part A funds, thoughtfully, over the course of the 2016–17 school year on activities that are most likely to improve the academic achievement of low-achieving students. Accordingly, Washington believes that, ultimately, the requested waiver may help more schools and LEAs 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.

Washington will ensure that an LEA 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 their Title I, Part A allocation (and has already received such a waiver within the prior three years) applies to the SEA in accordance with Washington's regular procedures for waivers of the carryover limitation. Washington hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second (or third) time within three years and has 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.

Prior to submitting this waiver request, Washington provided all LEAs in the state, and the public, with notice and a reasonable opportunity to comment on this request. Washington provided such notice by sending an email to each LEA and posted a public notice online at <http://www.k12.wa.us/ESEA/PublicNoticesWaivers.aspx>, on May 17, 2016. See Attachments A and B.

In summary, OSPI assures that if granted the requested waiver, the agency will:

- Ensure that Washington's LEAs will use their carryover funds to impact the education of students that are recipients of Title I, Part A services.
- Hold LEAs 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 students and how these have impacted student academic growth.

If you have any questions, please call me 360-725-6170 or email gayle.pauley@k12.wa.us. Thank you for your consideration.

Sincerely,



Gayle Pauley
Assistant Superintendent
Special Programs & Federal Accountability

Attachment A: Copy of District Notice and District Comments

Attachment B: Copy of Public Notice and Public Comments

Copy of District Notice and District Comments

District Notice

Notice to public school districts of the Office of Superintendent of Public Instruction's (OSPI's) intent to apply to the U.S. Department of Education (USDE) for a waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a state educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in Section 1127(a) of the ESEA more than once every three years.

The Office of Superintendent of Public Instruction is required to notify Washington public school districts of the state's intent to request this waiver. Districts are asked to provide comment on the waiver request to OSPI. Comments from districts will be included in OSPI's request to the USDE.

Please send comments to Carrie Hert at carrie.hert@k12.wa.us, by close of business on Wednesday, May 25, 2016.

Washington's Waiver Request

Washington is requesting this waiver for those LEAs that were required to offer Public School Choice and Supplemental Educational Services (SES). LEAs complied with Section 1116 of Public Law 107-110. In some cases, LEAs met with the 15 percent carryover cap. These challenges include the following:

- Parents requested services and then did not have their student(s) participate
- Parents signed up their student(s) and the student(s) did not attend SES sessions
- After a district had held at least two open enrollment windows, parents were not interested in the service; and
- Providers did not meet their obligation to serve students
- Districts were able to include Public School Choice transportation in their existing (state) transportation allocations

Washington's Plan

Washington believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend their Title I, Part A funds, thoughtfully, over the course of the 2016–17 school year on activities that are most likely to improve the academic achievement of low-achieving students. Accordingly, Washington believes that, ultimately, the requested waiver may help more schools and LEAs 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.

Assurance

Washington will ensure that an LEA 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 their Title I, Part A allocation (and has already received such a waiver within the prior three years) applies to the SEA in accordance with Washington's regular procedures for

waivers of the carryover limitation. Washington hereby assures that it will implement the requested waiver only with respect to an LEA 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.

District Comments

The Asotin-Anatone School District is in support of the waiver. Thank you.

Dale Bonfield
Superintendent,
Asotin-Anatone School District
Phone: 509-243-1100
dbonfield@asod.wednet.edu

Having the 20% set aside for SES and Choice causes us to have additional carry over above the 15% allowed. This is because despite our best efforts to communicate, parents did not access either option. We need to be able to carry over these funds to allocate to schools in the 2016-17 school year to serve our students. Thank you.

Dr. Lorna L. Spear
Director of Early Learning and Intervention Services
Spokane Public Schools
Phone: 509-354-5648
lornas@spokaneschools.org

Thank you so much for applying for a waiver for all of us.

This again would increase our flexibility that is promised with ESSA

Linda Sullivan-Dudzic
Director of Elementary and Special Programs
Bremerton School District
Phone: 360-473-1061
Linda.sullivan@bremertonschools.org

Dear Carrie,

I fully support this waiver request. Tacoma Public Schools has experienced many of the challenges listed within the request. An additional challenge has been the requirement to set aside 5% of our Title I allotment for Public School Choice transportation while our costs for this program are significantly less than that amount. The ability to carry those funds over into next school year will allow us the opportunity to continue to effectively and meaningfully support our students who are most in need of additional academic assistance. Thank you for your consideration of our waiver request.

Marie Verhaar
Assistant Superintendent Teaching and Learning
Tacoma Public Schools
Phone: 253.571.1484
mverhaa@tacoma.k12.wa.us

In reference to: U.S. Department of Education (USDE) waiver regarding carryover funds—

I support this waiver request. Tacoma Public Schools has experienced many of the challenges listed within the request. An additional challenge has been the requirement to set aside 5% of our Title I allotment for Public School Choice transportation while our costs for this program are significantly less than that amount. The ability to carry those funds over into next school year will allow us the opportunity to continue to effectively and meaningfully support our students who are most in need of additional academic assistance.

Angie Neville

Tacoma Public Schools

Assistant Director Elementary Teaching and Learning

Phone: 253.571.1197

anevill@tacoma.k12.wa.us

CVSD would really appreciate the waiver to exceed 15% of our Title I due to the set-asides of Public School Choice (we used existing transportation routing) and Supplemental Education Services. Despite our best efforts to engage the parents and the SES Providers, several SES Providers did not provide services in a timely manner, and many parents requested services but did not participate due to a myriad of reasons. Thank you very much for this consideration.

Mary Jo Buckingham, Ph.D.

Director of Special Programs

Central Valley School District

19307 E. Cataldo

Spokane Valley, WA 99016

Phone: 509-228-5426

MBuckingham@cvsd.org

The Kelso School District believes that the requested OSPI waiver will provide our district and schools the ability for greater flexibility that we need in order to spend our Title I, Part A funds, specifically and with intentionality, over the course of the 2016–17 school year. These expenditures will improve the academic achievement of our low-achieving students. Please allow us the flexibility to direct our funds to additional educational opportunities that will help our students meet and exceed academic standards.

Don Iverson

Kelso School District

Director of Federal Programs, Data, Assessment

Don.iverson@kelsosd.org

Mukilteo School District supports the application of waiving the 15% carryover limitation. The necessity of setting aside 20% of our district funds for SES and Choice creates unexpended funds at the end of the year due to the possible lack of participation in

SES. The unexpended fund amount is unknown until late in the year when students are completing SES services. The unexpected and unexpended funds that were set-aside creates a scenario where districts must scramble to spend these funds in a quick timeframe. These funds are then difficult to allocate this late in the year with relevant and appropriate purchases. The funds will be much better expended with thoughtful intentions with more time to consider how to improve Title I services for the following year, if more than the 15% carryover is allowed for the districts needing this waiver.

Tracey Prpich

PrpichTA@mukilteo.wednet.edu

I support this waiver request. Tacoma Public Schools has experienced many of the challenges listed within the request. An additional challenge has been the requirement to set aside 5% of our Title I allotment for Public School Choice transportation while our costs for this program are significantly less than that amount. The ability to carry those funds over into next school year will allow us the opportunity to continue to effectively and meaningfully support our students who are most in need of additional academic assistance.

Adrienne Dale; NBCT

Tacoma Public Schools

Assistant Director – Secondary

Curriculum & Instruction

ADELE@Tacoma.k12.wa.us

Carrie:

I support this waiver request. Tacoma Public Schools has experienced many of the challenges listed within the request. An additional challenge has been the requirement to set aside 5% of our Title I allotment for Public School Choice transportation while our costs for this program are significantly less than that amount. The ability to carry those funds over into next school year will allow us the opportunity to continue to effectively and meaningfully support our students who are most in need of additional academic assistance.

Sandra Lindsay-Brown, Ed.D.

Director of Title 1/LAP/Montessori Programs

Tacoma (WA) Public Schools

601 S. 8th Street

Tacoma, WA 98467

Phone: 253-571-1346

slindsa@tacoma.k12.wa.us

Hi Carrie,

A waiver of the carryover limitation is critical to the success of students in the Olympia School District.

When this limitation is waived, these funds will be used to help below grade level students in reading and math in the following ways:

1. extended day tutoring opportunities

2. three-week summer reading programs
3. reading coaches in five school-wides
4. math coaches in five school-wides
5. para support for reading and math intervention programs
6. research-based intervention software and materials in reading and math

Thanks.

Bob Hodges

Olympia School District at Good Shepherd (LCGS)

1601 North Street SE, Olympia, WA 98501

360.596.6595 desk

360.888.4781 cell/text

bhodges@osd.wednet.edu

Carrie,

Attached you will find Puyallup's letter of public comment regarding the waiver review.

Thank you,

Traci Frank

FrankTM@puyallup.k12.wa.us

I agree with applying to the U.S. Department of Education (USDE) for a waiver of the carryover limitation.

Thanks,

Andee Atwood

Staff Accountant - Special Programs

Budget & Accounting

Spokane Public Schools

Phone: 354-5659

Fax: 354-5914

AndraA@spokaneschools.org

Shoreline Response re: Waiver of Carryover Limitation

Shoreline was able to include Public School Choice transportation in our existing transportation allocation, therefore had a significant amount left unspent in our 20% set-aside. We would love to be able to carry over more than our allotted 15% AND we have already requested a similar waiver within the past 3 years.

Thank you for considering Washington's waiver request.

Ellen Kaje, Ph.D.

Director of Categorical Programs and Academic Support

Shoreline Public Schools

(206) 393-4117

Ellen.kaje@shorelineschools.org

Carrie,

The Moses Lake School District strongly encourages OSPI to apply to the US Dept. of Ed for a waiver that would allow districts to carry over more than the 15th% limitation due to 2015-2016 PSC/and or SES.

If there is more information you may need from us or how we can help support these efforts, please contact me.

Thank you,

Linda McKay

Executive Director - Teaching & Learning

Moses Lake School District

Phone: 509.793.7722

lmckay@mlsd.wednet.edu

Carrie:

Sumner School District has provided two enrollment periods for utilization of the set aside funding for tutoring services. Several issues have complicated the full utilization of these funds:

1. We only had 67 families sign up for the tutoring services.
2. One of our providers struggled to meet the obligations to serve our students.
3. Some of our families did not complete the tutoring services.

Therefore monies were in need of being reallocated. However, because of the lateness in the school year when this money became available for reallocation, it was not reasonable that we could spend the monies in an effective manner to provide thoughtful, research based services for our students.

Nonetheless, we would request the opportunity to carryover our entire allocation (beyond the 15%) for one more year wherein we can truly make impact on student learning.

Beth Dykman

Elementary Academic Officer

Sumner School District

Phone: 253.891.6069

Beth_dykman@sumnersd.org

As a Program Coordinator of Title 1 services within Spokane Public Schools, I would like to express my support of OSPI's application to the U.S. Department of Education for a waiver of carryover limitation.

Spokane Public Schools has experienced first-hand the challenges that go with managing a limitation of a 15% carry-over, based on experiences with SES. In spite of our best efforts to estimate SES expenses, the number of students completing tutoring has been extremely difficult to forecast and we may not know the final expenditures until early July which is far too late to spend in an intentional way that supports student achievement.

This waiver would allow us to have more flexibility in allocating funding to maximize services for students who are in most need of additional academic support, without the additional challenge of ensuring the limited carry-over.

Thank you for your consideration of this waiver.

Brett Dodd
Special Programs Coordinator
Spokane Public Schools
200 N. Bernard
Spokane, WA 99201
Phone: 509-354-5915
BrettD@SpokaneSchools.org

Greetings,

As a program supervisor of Title/LAP funding within Spokane Public Schools, I would like to express my support of OSPI's application to the U.S. Department of Education for a waiver of carryover limitation.

Spokane Public Schools has experienced first-hand the challenges that go with managing a limitation of a 15% carryover, based on experiences with SES. In spite of our best efforts to estimate SES expenses, based on parent and provider intentions, we have consistently found ourselves at the end of the year, having to juggle dollars to comply with a maximum 15% carryover.

This waiver would allow us to have more flexibility in allocating funding to maximize services for students who are in most need of additional academic support, without the additional challenge of ensuring the limited carryover.

Thank you for your consideration of this waiver.

Joan Poirier
Special Programs
Spokane Public Schools
joanpo@spokaneschools.org
Phone: 509/354-7346
JoanPo@SpokaneSchools.org

The Sultan School District fully supports the waiver to increase the amount of carry over funds for Title I.

Thank you.

Robin Briganti
Executive Director
Robin.briganti@sultan.k12.wa.us

Our district was required to set aside over \$650,000 for SES and PSA. We spent about \$150,000 of that on SES services. The amount left is more than the allowable.

SES was a joke. We had no way of monitoring the providers. We asked them not to do things and they did them anyway. We have had numerous complaints from parents that students aren't being served and no recourse. We run a better program after school for our students than they did. We would really like to see that money go back to the schools especially our focus schools to help staff with professional learning, new ideas, new curriculum and new ways of doing business. We hope that the USDE will approve the waiver so that we can put that carryover money to good use and not lose it.

Paulette Johnson
Director Teaching, Learning and Assessment, Federal and State Programs

Sunnyside School District
1101 South 6th Street
Sunnyside, WA 98944
Phone: 509-836-8722
Paulette.johnson@sunnysideschools.org

Carrie,
Please accept the Cusick and Reardan-Edwall School Districts' support of OSPI's plan to request a waiver of the 15% carryover to the Department of Education.
Edward J Milota, CSBA
Senior Fiscal Manager, ESD 101
Immediate Past President, Washington Association of School Business Officials
Phone: 509-456-2718
emilota@esd101.net

We would like to participate in the waiver, due to one SES provider not performing well, and I'm not sure if they are going to bill us for anything this year, so my recapture of those set asides will be difficult. Planned activities and professional development for 5100 have been impacted by 5103 Priority and 5109 RAD, SIG MERIT activities, and a lack of applicants for funded positions. We are changing our model for intervention some and planning for it to work better for our one building.
Anyway, put our district down for participation in seeking relief above the 15% mark.
Joyce Pearson
Federal Programs/Assessment
Soap Lake School District
509-246-1822
jpearson@slschools.org

In regards to the 15% carry-over limit waiver for next year – Highland would certainly be able to take advantage of that option.
With SES funds held out this year and last with release late in the year it's been very hard to plan for and effectively spend down those funds. The unpredictability of SES spending makes it very hard to plan for and then spend that funds. In a little district like Highland we held roughly \$77,000 aside for SES and will spend only about \$10,000. By the time we can actually access those funds it's too late to increase staffing, which is what it would take to actually spend that much. Not knowing how much might be available, limits staffing options in the fall and the district can't hire on the hopes that there will be enough to cover when it does become available, and I think that might actually put us at risk of supplanting. Additionally, because this year we were able to take advantage of some reallocation funding to provide supplemental literacy support, through online programming, expending that chunk of SES dollars is going to be even more difficult. If it were able to be carried over to the 16-17 school year I could expand the scope of support in the buildings as well as with increased parent involvement/family literacy.

Barbara Gilbert
Highland School District
Director of Student Services
Phone: 509.678.8772
bgilbert@highland.wednet.edu

Copy of Public Notice

Public Notice

Public Notice of Office of Superintendent of Public Instruction's (OSPI's) intent to apply to the U.S. Department of Education (USDE) for a waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a state educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in Section 1127(a) of the ESEA more than once every three years.

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Please send comments to Carrie Hert at carrie.hert@k12.wa.us, by close of business on Wednesday, May 25, 2016.

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three years) applies to the SEA in accordance with Washington's regular procedures for waivers of the carryover limitation. Washington hereby assures that it will implement the requested waiver only with respect to an LEA 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.

Public Comments

No public comments were received.