



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP - 2 2014

Dr. Gil Mendoza
Assistant Superintendent
Special Programs and Federal Accountability
Office of the Superintendent of Public Instruction
Old Capital Building
PO Box 47200
Olympia, WA 98504

Dear Assistant Superintendent Mendoza:

I am writing in response to the Washington Office of the Superintendent of Public Instruction's (OSPI) request to waive section 1127(b) of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). You indicate that this waiver is needed to allow OSPI to grant a limited number of local educational agencies (LEAs) the flexibility they need to spend fiscal year (FY) 2013 Title I, Part A funds thoughtfully during the 2014–2015 school year on activities that are most likely to improve the academic achievement of their students.

After reviewing OSPI's request, I am pleased to grant a one-year waiver of section 1127(b) of the ESEA. This waiver allows OSPI to grant a limited number of LEAs a waiver of the carryover limitation with respect to FY 2013 Title I, Part A funds even if the LEA received a carryover waiver of either its FY 2011 or FY 2012 Title I, Part A funds from OSPI. (Note: under section 1127(b), an LEA that did not receive a carryover waiver for either FY 2011 or FY 2012 is already eligible to apply to OSPI for an FY 2013 carryover waiver.)

Please note that this waiver is being granted based on specific, unanticipated circumstances affecting a limited number of Washington LEAs, which OSPI articulated through its request and clarified in subsequent discussions with U.S. Department of Education staff. In addition, please keep in mind that LEAs generally are expected to develop and implement plans for the expenditure of Title I funds during the year for which the funds are appropriated so that any carryover does not exceed the 15 percent limitation. To the extent that an LEA's carryover exceeds this amount, OSPI retains the authority to reallocate excess funds to other LEAs in accordance with criteria it has established under ESEA section 1126(c).

In requesting a waiver of section 1127(b) with respect to FY 2013 Title I, Part A funds, an LEA should apply to OSPI in accordance with OSPI's regular procedures for waivers of the carryover limitation. Consistent with section 1127(b)(1), in granting such waivers, OSPI must ensure that the request is reasonable and necessary. Additionally, this waiver is conditioned on OSPI's assurances that the agency will:

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- Limit the number of carryover waivers it grants to LEAs under this waiver to no more than 25 LEAs.
- Ensure that Washington's LEAs will use their carryover funds to impact the education of students that are eligible recipients of Title I, Part A services.
- Hold LEAs and their schools accountable based on the state's accountability system.
- Require any LEA receiving a waiver to address how it will use the carryover funds to provide additional assistance to Title I students and how these uses will impact student academic growth.
- Provide technical assistance to LEAs that receive a waiver so as to facilitate improved planning for the expenditure of Title I funds, including strategies for how to address unanticipated circumstances affecting such plans.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Matthew Stern of my staff at: (202) 453-6451 or matthew.stern@ed.gov.

Sincerely,



Deborah S. Delisle
Assistant Secretary

cc: Gayle Pauley