



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

February 7, 2013

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

Dear Assistant Secretary Delisle:

I am writing on behalf of Washington State 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 State to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver(s) because of the unanticipated impact of Title I, Part A, American Recovery and Reinvestment Act of 2009 (ARRA) funds on a district's ability to expend Title I, Part A funds to support students in need of additional educational assistance. I am requesting this waiver for a period of one year (*i.e.*, to apply to LEA requests to carry over fiscal year (FY) 2011 Title I, Part A funds in excess of the carryover limitation).

Washington believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend its Title I, Part A funds, thoughtfully, over the course of the remainder of the 2012–13 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 the requirements as granted under Washington Flexibility Waivers make Annual Measurable Objectives (AMOs) by enabling them to direct their funds to additional educational opportunities that will help their students meet their school's AMOs.

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 its Title I, Part A FY11 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 because of the unanticipated impact of the ARRA funds 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.

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Prior to submitting this waiver request, Washington provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Washington provided such notice by sending an email to each LEA on February 5, 2013. (See copy of notice attached). Copies of all comments that Washington received from LEAs in response to this notice will be provided to the U.S. Department of Education (ED) no later than February 12, 2013.

In summary, OSPI assures that if the agency receives this 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 AMOs.
- 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.

Please feel free to contact me by phone, at (360) 725-6170 or by email bob.harmon@k12.wa.us, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Bob Harmon, Assistant Superintendent
Special Programs and Federal Accountability

cc: Gayle Pauley, Director of Title I/LAP/CPR, OSPI

Public Notice from the Office of Superintendent of Public Instruction (OSPI) for Waiver Request to the U.S. Department of Education

Notice to the public of OSPI's intent to apply to the U.S. Department of Education for a waiver to waive the provision that prohibits an SEA from granting to an LEA a waiver of the carryover limitation more than once every three years.

The Office of Superintendent of Public Instruction (OSPI) is required to notify the public that the agency is requesting a waiver from the United States Department of Education (ED) to allow OSPI to grant a district a waiver of the 15 percent carryover limitation rule. Comments regarding this request must be submitted to OSPI by **February 11, 2013**. This information will be included in the waiver request to ED. Please direct your comments to Gayle Pauley, Director of Title I/LAP and CPR, at: gayle.pauley@k12.wa.us.

OSPI is requesting 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 district a waiver of the carryover limitation in Section 1127(a) of 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 district's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, OSPI is requesting a waiver to allow OSPI to waive the carryover limitation more than once every three years for a district that needs the additional waiver(s) because of the unanticipated impact of Title I, Part A, American Recovery and Reinvestment Act of 2009 (ARRA) funds on a district's ability to expend Title I, Part A funds to support students in need of additional educational assistance. OSPI is requesting this waiver for a period of one year (i.e., to apply to district requests to carry over fiscal year (FY) 2011 Title I, Part A funds in excess of the carryover limitation).

OSPI believes that the requested waiver will provide the agency 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 2012-13 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 the requirements, as granted under Washington Flexibility Waivers, and make Annual Measurable Objectives (AMOs) by enabling them to direct their funds to additional educational opportunities that will help their students meet their school's AMOs.

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.



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February 5, 2013

TO: School District Title I, Part A Directors

FROM: Gayle Pauley, Director
Title I/LAP and CPR

RE: Request for Waiver of the Title I, Part A 15 Percent Carryover Limitation—
Once in Every Three Years

The Office of Superintendent of Public Instruction (OSPI) is required to notify districts that the agency is requesting a waiver from the United States Department of Education (ED) to allow OSPI to grant a district a waiver of the 15 percent carryover limitation rule. Districts are asked to provide feedback regarding this request to OSPI by **February 11, 2013**. This information will be included in the waiver request to ED. Please direct your comments to Gayle Pauley, Director of Title I/LAP and CPR, at: gayle.pauley@k12.wa.us.

OSPI is requesting 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 district a waiver of the carryover limitation in Section 1127(a) of 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 district's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, OSPI is requesting a waiver to allow OSPI to waive the carryover limitation more than once every three years for a district that needs the additional waiver(s) because of the unanticipated impact of Title I, Part A, American Recovery and Reinvestment Act of 2009 (ARRA) funds on a district's ability to expend Title I, Part A funds to support students in need of additional educational assistance. OSPI is requesting this waiver for a period of one year (i.e., to apply to district requests to carry over fiscal year (FY) 2011 Title I, Part A funds in excess of the carryover limitation).

OSPI believes that the requested waiver will provide the agency 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 2012–13 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 the requirements, as granted under Washington Flexibility Waivers, and make Annual Measurable Objectives (AMOs) by enabling them to direct their funds to additional educational opportunities that will help their students meet their school's AMOs.

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.

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