



## SUPERINTENDENT OF PUBLIC INSTRUCTION

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

November 4, 2011

Dear Acting Assistant Secretary Yudin:

*RE: Washington State waiver request of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Office of Superintendent of Public Instruction (OSPI) and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011*

I am writing to request a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Office of Superintendent of Public Instruction (OSPI) and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, I am requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed in the attached chart be extended to September 30, 2012.

The extended authority to obligate these funds would enable OSPI and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

The Office of Superintendent of Public Instruction assures that it has:

- Provided all sub-recipients of the programs affected by the waiver with notice and a reasonable opportunity to comment on this request. *OSPI provided 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 November 1, 2011 (See Attachment A).*
- Attached copies of comments OSPI received (See Attachment B).
- Provided notice and information regarding this waiver request to the public in the manner that Washington State customarily provides such notice and information to the public. *Washington has provided notice and information regarding this waiver request to the public in a manner in which the State customarily provides such notice and information to the public by posting information regarding the waiver request on its website on November 1, 2011 (See Attachment C or visit <http://www.k12.wa.us/TitleI/PublicNotice.aspx>).*

The Office of Superintendent of Public Instruction further assures that, if it receives the requested waiver, it will:

- Ensure that sub-recipients within the State will use FY 2009 funds carried over as a result of the waiver to carry out activities in accordance with program requirements;
- Hold local educational agencies and schools accountable based on the State's annual measurable objectives; and

Acting Assistant Secretary Yudin

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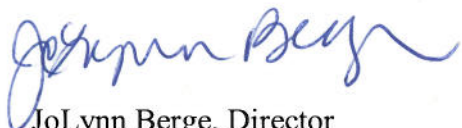
November 4, 2011

- Estimate the number of jobs created or retained with regular Federal FY 2009 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009 and make such estimates available to the U.S. Department of Education upon request.

Washington State			
CFDA Number	Name of Program	Grant Award Number	Estimate of the Amount of FY 2009 Funds that Remain Unobligated
84.389A	Title I, Part A (ARRA)	S389A090047A	\$1,323,692
84.213A	Title I, Part B, Subpart 3 Even Start	S213C090048A	\$18,769
84.367A	Title II, Part A, Improving Teacher Quality	S367A090045A	\$136,244
84.386A	Title II, Part D, Enhancing Technology (Ed-Tech ARRA)	S386A090047	\$238,053

Please feel free to contact me if you have any questions regarding this request. I can be reached at (360) 725-6301 or email [jolynn.berge@k12.wa.us](mailto:jolynn.berge@k12.wa.us). Thank you for your consideration.

Sincerely,



JoLynn Berge, Director  
School Apportionment and Financial Services

cc: Bob Harmon, Assistant Superintendent, OSPI

**COPY OF DISTRICT NOTICE**

**Notice to Washington State public school districts of the Office of Superintendent of Public Instruction's intent to apply to the U.S. Department of Education for a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Office of Superintendent of Public Instruction (OSPI) and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011.**

**OSPI is required to notify Washington State public school districts of the state's intent to request a waiver. Districts are asked to provide comment on the following waiver that OSPI is requesting. Comments from Districts will be included in OSPI's request to the U.S. Department of Education.**

Please send comments to [jami.peterson@k12.wa.us](mailto:jami.peterson@k12.wa.us) by Thursday, November 3, 2011.

The Office of Superintendent of Public Instruction (OSPI) is required to notify Washington State public school districts of the state's intent to request a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of OSPI and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, OSPI is requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed below are extended to September 30, 2012.

<i>Washington State</i>			
CFDA Number	Name of Program	Grant Award Number	Estimate of the Amount of FY 2009 Funds that Remain Unobligated
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The extended authority to obligate these funds would enable OSPI and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

The Office of Superintendent of Public Instruction assures that, if it receives the requested waiver, it will:

- Ensure that sub-recipients within the State will use FY 2009 funds carried over as a result of the waiver to carry out activities in accordance with program requirements;

- Hold local educational agencies and schools accountable based on the State's annual measurable objectives; and
- Estimate the number of jobs created or retained with regular Federal FY 2009 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009 and make such estimates available to the U.S. Department of Education upon request.

If you have any questions or concerns, please contact JoLynn Berge, Director of School Apportionment and Financial Services at (360) 725-6301 or email [jolynn.berge@k12.wa.us](mailto:jolynn.berge@k12.wa.us).

## DISTRICT COMMENTS

On behalf of the school districts that I serve as business manager, I support OSPI's attempt to obtain a waiver to allow unspent ARRA funds be obligated after September 30, 2011.

Edward J Milota, CSBA  
Senior Fiscal Manager  
NorthEast Washington ESD 101  
[emilota@esd101.net/509-456-2718](mailto:emilota@esd101.net/509-456-2718) (w)  
<http://www.esd101.net/>

Carryover and use of ARRA funding after September 2011 appears prudent as Washington State has a good deal of teacher and principal professional learning after the adoption of CCSS in July, 2011 and Teacher/Principal Evaluation systems to be implemented in 2013-14. Both of these initiatives will serve staff and students well and require large amounts of professional learning, time, and resources. The use of ARRA funds can support these most urgent needs for school district (and state) organizations.

Judy Bean, Ph.D.  
Colville School District [jbean@colsd.org](mailto:jbean@colsd.org)

The Pullman School District supports OSPI's request for a waiver for Title I ARRA fund carryover. This would be of great benefit, as the funds that would be allocated to Pullman would be used to support staff salaries as well as some of the ongoing professional development that directly impacts student learning.

Thank you for considering,

Dr. Susana Reyes  
Assistant Superintendent  
Pullman School District

I think it would be a good idea for OSPI to be able to use the funds from previous years to continue to support efforts to improve student achievement.

Pamela L. Farr, Ph.D.  
Executive Director of Teaching and Learning  
Shelton School District  
[pfarr@sheltonschools.org](mailto:pfarr@sheltonschools.org)

## COPY OF PUBLIC NOTICE

### Public Notice for the Office of Superintendent of Public Instruction Waiver Request to U.S. Department of Education

**Notice to the public of the Office of Superintendent of Public Instruction's intent to apply to the U.S. Department of Education for a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the Office of Superintendent of Public Instruction (OSPI) and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011.**

The Office of Superintendent of Public Instruction (OSPI) is required to notify Washington State citizens of the state's intent to request a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of OSPI and its sub-recipients to obligate fiscal year (FY) 2009 regular and ARRA funds after September 30, 2011. Specifically, OSPI is requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed below are extended to September 30, 2012.

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Washington State, through Office of Superintendent of Public Instruction (OSPI), requests a one-year waiver to request that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed in the attached chart be extended to September 30, 2012.

The extended authority to obligate these funds would enable OSPI and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which this waiver is being requested in accordance with applicable program requirements.

The Office of Superintendent of Public Instruction assures that, if it receives the requested waiver, it will:

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