

## **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](mailto: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](mailto:gayle.pauley@k12.wa.us).