



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

April 15, 2014

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 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 prior federal fiscal decisions that impacted federal Title I, Part A, funds, such as the difference between preliminary and final district Title I allocations, American Recovery and Reinvestment Act of 2009 (ARRA) and federal sequestration. 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) 2013 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 2013–14 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 its Title I, Part A FY 2013 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.

The Honorable Deborah S. Delisle
Page 2
April 15, 2014

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/TitleI/PublicNotice.aspx>, on April 07, 2014. See Attachments A and B. Copies of all comments that Washington received from LEAs and the public, in response to this notice are attached. See Attachment C.

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.

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

Sincerely,



Gil Mendoza, Ed.D., Assistant Superintendent
Special Programs and Federal Accountability

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

Attachment A: Copy of Public Notice
Attachment B: Copy of District Notice
Attachment C: Comments Received

Copy of Public Notice
Posted on April 7, 2014
Website: <http://www.k12.wa.us/TitleI/PublicNotice.aspx>

**Public Notice from the Washington 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 Washington 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 local educational agency (LEA) a waiver of the 15 percent carryover limitation rule. Comments regarding this request must be submitted to OSPI by **April 14, 2014**. 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 an 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, OSPI is requesting a waiver 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, American Recovery and Reinvestment Act of 2009 (ARRA) and federal sequestration. These decisions impacted LEAs ability to fully expend Title I, Part A funds to support students in need of additional educational assistance. Therefore, OSPI is requesting this waiver for a period of one year (i.e., to apply to LEA requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation).

OSPI 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 2013–14 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 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.

OSPI 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 FY 2013 allocation (and has already received such a waiver within the prior three years) applies to the SEA in accordance with OSPI's regular procedures for waivers of the carryover limitation. OSPI 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.

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 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 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.

Copy of District Notice
District's Notified on April 7, 2014

April 7, 2014

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 Washington 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 local educational agency (LEA) a waiver of the 15 percent carryover limitation rule. Districts are asked to provide feedback regarding this request to OSPI by **April 14, 2014**. 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 an 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, OSPI is requesting a waiver 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, American Recovery and Reinvestment Act of 2009 (ARRA) and federal sequestration. These decisions impacted LEAs ability to fully expend Title I, Part A funds to support students in need of additional educational assistance. Therefore, OSPI is requesting this waiver for a period of one year (i.e., to apply to LEA requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation).

OSPI 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 2013–14 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 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.

OSPI 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 FY 2013

allocation (and has already received such a waiver within the prior three years) applies to the SEA in accordance with OSPI's regular procedures for waivers of the carryover limitation. OSPI 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.

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 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 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.

Comments Received

From: TRACYE FERGUSON <AFERGUS@Tacoma.K12.Wa.US>
Date: April 8, 2014 4:30:04 PM CDT
To: Gayle Pauley <Gayle.Pauley@k12.wa.us>
Subject: Waiver for 15% carryover

Hi Gayle,

Upon review of our budget and planning for the 2014-15 school year we would to have the flexibility in requesting a waiver of the 15 percent carryover limitation rule. This request is based on the fact that we held back funds in the 2013-14 school year for potential sequestration. Also, we are waiting for guidelines and final budgets for the 2014-15 school year.

Thanks,

Tracye Ferguson
Director of Title I/LAP and Early Learning

On Apr 9, 2014, at 10:18 AM, "Paula Moisio" <paulam@daytonsd.org> wrote:

The Dayton School district supports the request for the waiver of the Title I Part A 15% Carryover Limitation that OSPI is requesting from the United States Department of Education.

Thank you for your work on behalf of the Dayton School District.

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Paula Moisio
Business Manager
Dayton School District #2

On Apr 8, 2014, at 12:47 PM, "Ed Milota" <emilota@esd101.net> wrote:

Hi Gayle. On behalf of the Cusick and Reardan-Edwall School Districts, we support OSPI waiver request to the Department of Education to allow LEAs to carryover more than 15%. This gives school districts more flexibility in the application of the carryover to better address student remediation. Thanks for the opportunity to comment prior to your official request to DOE.

Sent from my Verizon Wireless 4G LTE smartphone

From: "pbrown@rosalia.wednet.edu" <pbrown@rosalia.wednet.edu>
Date: April 10, 2014 4:03:11 PM CDT
To: Gayle Pauley <Gayle.Pauley@k12.wa.us>
Cc: Larry Keller <lkeller@rosalia.wednet.edu>
Subject: Title I carryover

Gayle- I am writing in regards to the waiver request for the Title I, Part A, 15 percent carryover limitation once every three years. I looked at the form package and believe that this waiver would apply only to the 2012-13 school year carryover- but I wanted to double check.

I was interested in the amount of carryover that we may have after the 2013-14 school year that would be applied to the 2014-15 to see if Rosalia would qualify for over the 15 percent carryover. As we are working on budget for next year- this is a question that I have. The district has not used the once every three years opportunity that I can remember.

Thank you-

Phyllis Brown
Business Manager
Rosalia School District#320

From: Mel Blair [<mailto:blairm@cersd.org>]
Sent: Monday, April 07, 2014 10:59 AM
To: Gayle Pauley
Subject: Re:

Yes we are in favor. Thanks Mel