

Public Notice

Public Notice of Office of Superintendent of Public Instruction's (OSPI's) intent to apply to the U.S. Department of Education (USDE) for 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.

The Office of Superintendent of Public Instruction is required to notify Washington public school districts and interested parties of the state's intent to request this waiver. We are providing this notice by sending an email over OSPI's distribution lists and posting the waiver application on the OSPI's public website. Comments from districts and interested parties will be included in OSPI's request to the U.S. Department of Education (ED).

Please send comments to Carrie Hert at carrie.hert@k12.wa.us, by close of business on Wednesday, May 25, 2016.

Washington's Waiver Request

Washington is requesting this waiver for those LEAs that were required to offer Public School Choice and Supplemental Educational Services (SES). LEAs complied with Section 1116 of Public Law 107-110. In some cases, LEAs met with the 15 percent carryover cap. These challenges include the following:

- Parents requested services and then did not have their student(s) participate
- Parents signed up their student(s) and the student(s) did not attend SES sessions
- After a district had held at least two open enrollment windows, parents were not interested in the service; and
- Providers did not meet their obligation to serve students
- Districts were able to include Public School Choice transportation in their existing (state) transportation allocations

Washington's Plan

Washington believes that the requested waiver will provide the State with the ability to grant an LEA the flexibility it needs to spend their Title I, Part A funds, thoughtfully, over the course of the 2016–17 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.

Assurance

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 their Title I, Part A 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.