

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.