



---

## SUPERINTENDENT OF PUBLIC INSTRUCTION

---

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

---

April 17, 2013

The Honorable Deborah S. Delisle  
Assistant Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington D.C., 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) in an effort to mitigate somewhat the unanticipated impact of the sequester on a district's ability to expend Title I, Part A funds to support students in need of additional educational assistance. I am requesting this waiver for a period of one year (*i.e.*, to apply to LEA requests to carry over fiscal year (FY) 2012 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 remainder of this year and 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 the requirements as granted under Washington Flexibility Waivers make Annual Measurable Objectives (AMOs) by enabling them to direct their funds to maintain and support educational opportunities that will help in this regard.

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 2012 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 because of the unanticipated impact of sequestration 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 17, 2013

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 notices by sending an email to each LEA and posted a public notice online (<http://www.k12.wa.us/TitleI/pubdocs/PublicNotice-WAStateWaiverRequestWaiveProvProhibitsCarryover-April2013.pdf>) on March 28, 2013. (See copy of notices, 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 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 AMOs.
- Require LEAs 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 [bob.harmon@k12.wa.us](mailto:bob.harmon@k12.wa.us), if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Bob Harmon, Assistant Superintendent  
Special Programs and Federal Accountability

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

Attachment A: LEA Notice  
Attachment B: Public Notice  
Attachment C: Comments

March 28, 2013

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 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 district a waiver of the 15 percent carryover limitation rule. Districts are asked to provide feedback regarding this request to OSPI by **April 16, 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) in an effort to mitigate somewhat the unanticipated impact of sequestration 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) 2012 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 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 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 maintain and support educational opportunities that will help their students meet their school's AMOs than would have happened otherwise.

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).

**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 April 16, 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) in an effort to mitigate somewhat the unanticipated impact of sequestration 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) 2012 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 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 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 maintain and support educational opportunities that will help their students meet their school's AMOs than would have happened otherwise.

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).

Posted at: <http://www.k12.wa.us/TitleI/pubdocs/PublicNotice-WAStateWaiverRequestWaiveProvProhibitsCarryover-April2013.pdf>.

Thank you so much for requesting a waiver on our behalf. The ability to have the flexibility to use our funds to align support services to meet the common core state standards, participate in long range planning and create a sustainable system of support in the midst of financial uncertainty is desperately needed at the district and building level.

**Linda Sullivan-Dudzic**

Director Special Programs  
Bremerton School District

Thanks for applying for this waiver. It would help us provide continued high quality service to our students despite sequestration.

**Chris Wyatt**

Director of Student Services

Shoreline School District Statement about OSPI Waiver Request:

Shoreline School District agrees with OSPI that having the flexibility to waive the 15 percent carryover limitations will enable districts to best meet the needs of students and act in compliance with our commitments to achievement and accountability as part of our state's waiver from ESEA. Thank you for your consideration of this request.

**Ellen Kaje, Ph.D.**

Director of ELL, Title I, LAP, and Highly Capable Programs  
Shoreline School District

I fully support the Washington State request to waive the provision that prohibits the Title I, Part A 15 percent carryover limitation. Sequestration will greatly impact our Title I program, and the additional carryover may make the difference of cutting or reducing highly qualified and trained certificated reading teachers or not losing services to students in high poverty schools.

Thank you.

**Mary Jo Buckingham, Ph.D.**

Director of Special Programs  
Central Valley School District

I am writing in response to the proposed request for a waiver from the US Dept. Of Ed to allow the granting of a district waiver to carry over an excess of 15%. The Kennewick School District was granted a waiver this spring of \$1.12 mil. of which I have completed and submitted FP 200. Because of the uncertain nature of sequestration and the added financial burden of adding a school in 2013-14 to our Title list, we would support the opportunity for OSPI to have the ability to grant districts flexibility they may need to access carry over funds in excess of 15% for the 2013-14 school year.

Respectfully submitted,

**Jack Anderson**

Director of Federal Programs  
Kennewick School District #17

Thank you for submitting this request. It is well written. Thanks for looking out for us!

**Ann Cuoio**

Clover Park School District

I am for waiving the 15% limit.

**Michael Cashion**

Colville School District

Auburn School District is in support of this waiver request.

In order to be fiscally responsible, preparations were made regarding the 2012-13 grant allocation to ensure the maximum sequester percentage was set aside. The earliest indications were that the sequester could be as high as 11%. This percentage combined with our carryover amount and any potential under spend from this grant year makes this waiver desirable. In order to make responsible decisions with any unused funds and ensure effective program into next year, it is prudent to be able to carry forward any amount greater than the 15% rather than spend down hastily instead of losing funds that exceed the 15%.

**Heidi Harris**

*Executive Director K~8 Student Learning*

The Quilcene School District would like to encourage the USDOE to grant the State of Washington a one year waiver of the carryover limitation of 15% in Title I. In light of the unknowns associated with sequestering and future funding, this waiver would give our district the time and flexibility necessary to re-structure our current Title I program in the best way possible to improve the academic achievement of our low-achieving students. Thank you for allowing me this opportunity to voice my concerns.

**Cindy Pollard**

Business Manager

Quilcene School District