



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 04 2016

The Honorable Randall I. Dorn
Superintendent of Public Instruction
Washington Office of the Superintendent of Public Instruction
Old Capital Building
PO Box 47200
Olympia, WA 98504

Dear Superintendent Dorn:

I am writing in response to the Washington Office of the Superintendent of Public Instruction's (OSPI) request on May 27, 2016 to waive section 1127(b) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). You indicated that this waiver is needed to allow the OSPI to grant a limited number of local educational agencies (LEAs) the flexibility they need to spend fiscal year (FY) 2015 Title I, Part A funds in a thoughtful manner on activities designed to improve student academic achievement and reduce achievement gaps. Specifically, you explained that in the course of implementing supplemental educational services (SES) and public school choice (PSC), these LEAs experienced unexpected challenges with contractors and with lower than expected numbers of families choosing to use these services. As a result, these LEAs faced challenges spending an amount equal to 20 percent of their Title I, Part A allocation to provide SES and PSC.

After reviewing OSPI's request, pursuant to section 8401 of the ESEA, as amended by the Every Student Succeeds Act, I am pleased to grant a one-year waiver of section 1127(b) of the ESEA, as amended by NCLB. This waiver, which is based on the specific, unanticipated circumstances affecting certain LEAs in Washington as articulated in OSPI's request, allows OSPI to grant a limited number of LEAs a waiver of the carryover limitation with respect to FY 2015 Title I, Part A funds, even if the LEA received a carryover waiver of either its FY 2013 or FY 2014 Title I, Part A funds from OSPI. (Note: Under section 1127(b) of NCLB, an LEA that did not receive a carryover waiver for either FY 2013 or FY 2014 is already eligible to apply to the OSPI for an FY 2015 carryover waiver.)

In requesting a waiver of section 1127(b) with respect to FY 2015 Title I, Part A funds, an LEA should apply to OSPI in accordance with OSPI's regular procedures for waivers of the carryover limitation. Consistent with ESEA section 1127(b)(1), in granting such waivers, OSPI must ensure that the request is reasonable and necessary. Additionally, this waiver is conditioned on OSPI's assurances that the agency will—

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Limit the number of carryover waivers it grants to LEAs under this waiver to no more than 90 LEAs.
- Ensure that Washington's LEAs will use their carryover funds to impact the education of students that are eligible recipients of Title I, Part A services.
- Hold LEAs and their schools accountable consistent with the accountability requirements described in the U.S. Department of Education's Dear Colleague Letter of January 28, 2016.
- Require any LEA receiving a waiver to address how it will use the carryover funds to provide additional assistance to Title I students and how these uses will impact student academic growth.
- Provide technical assistance to LEAs that receive a waiver so as to facilitate improved planning for the expenditure of Title I funds, including strategies for how to address unanticipated circumstances affecting such plans.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Diane Bragdon or Ashlee Schmidt of my staff at: OSS.Washington@ed.gov in the Office of State Support.

Sincerely,



Ann Whalen
Senior Advisor to the Secretary
Delegated the duties of Assistant Secretary for
Elementary and Secondary Education

cc: Gayle Pauley, Special Programs and Federal Accountability