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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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July 2, 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 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 sending a revision to our initial request sent to U.S. Department of Education on April 15, 2014.

*In the original request I asked that the U.S. Department of Education (ED) consider 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).*

To amend this paragraph, please consider the following:

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 a specific and limited numbers of LEAs that need 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, student poverty data, changes in school educational staff (senior staff retiring and teacher pay differences), the inability to provide professional development because of lack of substitutes and scheduling, or teacher/coach vacancies because of lack of highly qualified replacement applicants. These factors have impacted a small percentage of

Washington's 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).

If approved, this waiver will allow Washington to provide this waiver for school districts that have been impacted by one or more of the factors listed above. It is anticipated that the total number of districts that these factors have impacted ranges from 20 to 25 of our 295 school districts, many of which come from the remote regions of the State.

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 has the capability to spend these funds, and its FY2014 Title I, Part A funds, in an effective manner to support students that are in need of additional academic assistance.

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 June 19, 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:

- Provide a limited number of districts the opportunity to carryover more than 15 percent (15%) based upon the factors listed earlier in this document.
- 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 based on the state's accountability system.

Assistant Secretary Delisle  
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- Require districts to address how the waived funds will be used to provide additional assistance to Title I students and how these will impact student academic growth.

Please feel free to contact me by phone, at (360) 725-6170 or by email [gil.mendoza@k12.wa.us](mailto: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 June 19, 2014  
Website: <http://www.k12.wa.us/TitleI/PublicNotice.aspx>

**Public Notice from the Washington Office of Superintendent of Public Instruction (OSPI)  
Revise a Waiver Request to the U.S. Department of Education**

Notice to the public of OSPI's intent to revise a prior application to the U.S. Department of Education. The earlier request concerned a waiver that would exempt OSPI from the provision that prohibits an SEA from granting a waiver of the carryover limitation—more than once every three years—to a local education agency (LEA). (Revised June 17, 2014)

This notice informs the public that OSPI is requesting a waiver from the United States Department of Education (ED), which will allow this agency to grant an LEA a waiver of the 15 percent carryover limitation rule.

**We will include comments in the waiver request to ED. Send comments related to this request by close of business June 23, 2014 to Gayle Pauley, Director of Title I/LAP and CPR, [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us).**

*In the original request OSPI asked that the Department consider 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).*

OSPI has amended this paragraph to read:

In accordance with these provisions, OSPI requests a waiver that will allow Washington State to waive the carryover limitation more than once every three years for a specific and limited number of LEAs that need this additional exemption. These LEAs have a unique need for the waiver because of federal fiscal decisions made earlier that impacted Title I, Part A funding. Among the issues these LEAS face now are the difference between preliminary and final district Title I allocations, changes in student poverty data, changes in school educational staff (senior staff retiring and teacher pay differences), the inability to provide professional development because of scheduling issues or the lack of available substitutes and teacher/coach vacancies because LEAs could not find highly qualified applicants to take open positions.

These factors have affected the ability of a small percentage of Washington's LEAs to expend Title I, Part A funds fully—in ways that support students in need of additional educational

assistance. For this reason, OSPI requests this waiver for a period of one year. We will apply the waiver only to LEA requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation.

OSPI believes that this waiver provides the State the ability to grant an LEA the flexibility it needs to spend its Title I, Part A funds thoughtfully over the remainder of the 2013–14 school year and focus on activities most likely to improve the academic achievement of low-achieving students. OSPI believes that, ultimately, the requested waiver has the potential to help more schools and LEAs within the State meet federal accountability requirements because it will make it possible to direct funds into additional educational opportunities designed to help students meet academic standards.

OSPI assures that any LEA, which has already received such a waiver within the past three years and wants to receive a waiver of the carryover limitation in section 1127(a) as a way to carry forward more than 15 percent of its Title I, Part A FY 2013 allocation, must apply according to OSPI's regular procedures for waivers of the carryover limitation.

OSPI assures that we will implement the requested waiver only for LEAs that need a waiver of the carryover limitation for the second or third time within three years, and have the ability to expend these funds, as well as their basic Title I, Part A allocation, on effective programs and services that support students who need additional academic assistance.

In summary, OSPI makes these assurances if ED grants the waiver:

- Ensure that Washington's LEAs will use their carryover funds to create positive outcomes for students who are recipients of Title I, Part A services.
- Hold LEAs and their schools accountable by the regulations that govern the state's accountability system.
- Require districts to address how they will use the waived funds to provide additional assistance to Title I, Part A students and how these programs and services 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](mailto:gayle.pauley@k12.wa.us)



Copy of District Notice  
Posted on June 19, 2014

TO: School District Title I, Part A Directors

FROM: Gayle Pauley, Director  
Title I/LAP and CPR

RE: District Notice from the Office of Superintendent of Public Instruction (OSPI)  
Regarding a Revision to the Waiver Request to the U.S. Department of Education

This notice informs school districts that OSPI will request a revision to a prior waiver request from the United States Department of Education (ED), which will allow this agency to waive the 15 percent carryover limitation rule—more than once every three years—for a specific and limited group of districts. (Revised June 17, 2014)

OSPI is restricted by a provision of the Elementary and Secondary Education Act (ESEA) that prohibits a state education agency (SEA) from granting a waiver of the carryover limitation and its three-year timeframe.

**District Comment is Welcome**

We will include comments in the waiver request to ED. Send comments related to this waiver request to Gayle Pauley, Director of Title I/LAP and CPR, [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us). **The deadline for comment is close of business June 23, 2014.**

*In the original request, OSPI asked that ED consider a waiver to allow Washington State to waive the carryover limitation more than once every three years for district 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, Part A allocations, American Recovery and Reinvestment Act of 2009 (ARRA) and federal sequestration. These decisions impacted a districts' 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 district requests to carry over fiscal year (FY) 2013 Title I, Part A funds in excess of the carryover limitation).*

OSPI has amended this paragraph to read:

In accordance with these provisions, OSPI is requesting a waiver to allow Washington State to waive the carryover limitation more than once every three years for a specific and limited number of districts that need the additional 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, Part A allocations, student poverty data, changes in school educational staff (senior staff retiring and teacher pay differences), the inability to provide professional development because of lack of substitutes and scheduling, or teacher/coach vacancies because

of lack of highly qualified replacement applicants. These factors have impacted a small percentage of Washington school districts' 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 district 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 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 federal accountability requirements by enabling them to direct their funds to additional educational opportunities that will help their students meet academic standards. OSPI believes that the requested waiver will provide the state 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 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 a district 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 a district 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 districts will use their carryover funds to impact the education of students that are recipients of Title I, Part A services.
- Hold districts 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, Part A 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](mailto:gayle.pauley@k12.wa.us).

Comments Received

No comments received from the public or LEAs for this waiver request.