Perry, Teresa - Office of the Commissioner of Education

From:	Smith, Jody - Office of the Commissioner of Education
Sent:	Friday, April 12, 2013 8:39 AM
To:	Perry, Teresa - Office of the Commissioner of Education
Subject:	FW: Memo from Assistant Secretary Delisle re: Carryover Waiver
Attachments:	FY 2012 FY 2013 Sample of Carryover Waiver Letter.docx

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From: Honeysett, Adam [mailto:Adam.Honeysett@ed.gov]
Sent: Thursday, April 11, 2013 5:38 PM
Subject: Memo from Assistant Secretary Delisle re: Carryover Waiver

MEMORANDUM

Date: April 11, 2013

To: Chief State School Officers

From: Deborah S. Delisle
Assistant Secretary

Subject: Waiver related to the Carryover Limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

I am writing with respect to Section 1127(a) of the ESEA, which prohibits a local education agency (LEA) from carrying over to the next fiscal year more than 15 percent of its Title I, Part A allocation. Section 1127(b) permits a State education agency (SEA) to waive this limitation once every three years if: (1) the LEAs request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. The uncertainty faced by LEAs concerning the amount of its Federal fiscal year (FY) 2013 Title I, Part A allocation due to the possibility of sequestration may be a reasonable and necessary reason for an SEA to grant an LEA a waiver of the carryover limitation with regard to Federal fiscal year (FY) 2012 Title I, Part A funds.

I believe it is important that each SEA ensure that its LEAs obligate their Title I, Part A funds in a timely manner. At the same time, I am aware of the enormous need to provide continued support for meaningful education reform and the need to offer flexibility to an SEA to enable its LEAs to conserve its remaining FY 2012 funds. This method carries additional benefits by allowing LEAs to use FY 2012 funds in combination with FY 2013 funds to support activities that might otherwise be affected by an FY 2013 Title I, Part A allocation that is reduced by the sequester.

Accordingly, under the waiver authority in ESEA Section 9401, I am inviting each SEA to request a waiver of ESEA Section 1127(b) to enable the SEA to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver because of the sequestration with respect to FY 2012 Title I, Part A funds. To request this waiver, an SEA must:

- Identify the specific Federal program affected by the waiver — *i.e.*, Title I, Part A;
- Identify the statutory requirement to be waived — *i.e.*, ESEA section 1127(b);

- Describe how the waiver will enable the SEA to grant LEAs the flexibility to use the funds that are carried over after September 30, 2013 to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs for which the waiver is being requested in accordance with applicable program requirements; and
- Hold schools and LEAs accountable based on the SEA's annual measurable objectives (AMOs).

If you choose to request this waiver, please submit your request to me via e-mail, with "Carryover Waiver Request" in the subject line at titleIwaivers@ed.gov. You may also send a hard copy of your request to me at the following address:

Deborah S. Delisle
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-6100

Please note that an LEA may not carry over more than 15 percent of its FY 2012 Title I, Part A funds after September 30, 2013 unless the SEA has approved the LEA's carryover waiver request. Therefore, I urge you to submit your waiver request as soon as possible. The Department will make every effort to respond to waiver requests quickly to facilitate your planning and that of your LEAs.

To assist you in requesting a waiver, I am attaching a template that you may wish to use. Prior to submitting a waiver request, you must provide all Title I LEAs with notice and a reasonable opportunity to comment on the request. Please attach copies of any comments received with your request. States must also provide notice and information regarding your waiver request to the public in the manner in which your SEA customarily provides such notice and information to the public (*e.g.*, by publishing a notice in newspapers or by posting information regarding the waiver request on the SEA's website).

If you have any questions about this waiver invitation, please address them to titleIwaivers@ed.gov. My office will be monitoring this mailbox frequently and will get back to you as soon as possible.

Attachment