



Wyoming Department of Education

Jim Rose, Interim Director

Hathaway Building, 2nd Floor, 2300 Capitol Avenue

Cheyenne WY 82002-0050

Phone: 307-777-7675 Fax: 307-777-6234 Website: edu.wyoming.gov

MEMORANDUM NO. 2013-045

TO: School District Superintendents
Title I Coordinators

FROM: Dr. David Holbrook, Federal Programs Unit Leader

DATE: April 19, 2013

SUBJECT: Waiver Related to the Title I, Part A Carryover Limitation
in Section 1127(b) of ESEA

IMPORTANT INFORMATION

Due to the events surrounding the sequestration and loss of funding, The U.S. Department of Education (USDE) is giving all State Educational Agencies (SEA) a chance to apply for a waiver enabling states to waive the carryover limitation of more than once every three years for Title 1, Part A funding within Local Education Agencies (LEA).

Currently, a LEA may not carry over more than fifteen percent of its FY 2012 Title 1, Part A funds after September 30, 2013 unless WDE has approved the request. The Wyoming Department of Education (WDE) believes this waiver could help many districts with the loss of funds that will be experienced this coming year. Therefore, the WDE would like to submit the waiver as soon as possible to allow districts plenty of planning time, should this be something districts wish to participate in.

For your information, the WDE has attached the letter it wishes to send to the USDE in order to request this carryover waiver. The letter will also be available to the public via WDE's website, www.edu.wyoming.gov.

The WDE encourages any district staff, parents, and others who are interested to participate in offering feedback regarding the waiver; we are asking for any and all input related to this waiver be submitted by May 20, 2013.

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To offer any feedback, contact Jennifer Peterson at 307-777-6216
(jennifer.peterson@wyo.gov) or David Holbrook at 307-777-6260
(david.holbrook@wyo.gov).

**EXAMPLE OF REQUEST 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**

Dear Assistant Secretary Delisle:

I am writing on behalf of the Wyoming Department of Education 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 the Wyoming Department of Education to waive the carryover limitation more than once every three years for a LEA that needs the additional waiver because it would be reasonable and necessary due to the sequester, which has resulted in additional uncertainty about the amount of Federal fiscal year (FY) 2013 Title I, Part A funds that will be available for use by LEAs primarily in the 2013–2014 school year. I am requesting this waiver to permit a LEA to carry over FY 2012 Title I, Part A funds in excess of the carryover limitation).

The Wyoming Department of Education believes that the requested waiver will provide the SEA with the ability to grant a LEA the flexibility it needs to spend its FY 2012 Title I, Part A funds thoughtfully over the remainder of this year and next year on activities that are most likely to increase the quality of instruction and improve the academic achievement of students in the face of a likely reduction in its FY 2013 Title I, Part A allocation. Accordingly, the Wyoming Department of Education believes that, ultimately, the requested waiver may help more schools and LEAs within the State meet their annual measurable objectives (AMOs) by enabling them to direct their funds thoughtfully to activities that will help in this regard.

The Wyoming Department of Education will ensure that a LEA that is interested in obtaining a waiver of the carryover limitation in ESEA section 1127(a) so that it may 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 the Wyoming Department of Education's regular procedures for waivers of the carryover limitation. The Wyoming Department of Education hereby assures that it will implement the requested waiver only with respect to a LEA that needs a waiver of the carryover limitation for the second time within three years because of the sequester. In addition, the Wyoming Department of Education assures that it will use its AMOs, under ESEA section 1111(b)(2) or its approved ESEA flexibility request, as appropriate, to evaluate its LEAs' progress in increasing the quality of instruction and improve academic achievement.

Please feel free to contact me by telephone or e-mail at 307-777-6216 or jennifer.peterson@wyo.gov, or David Holbrook at 307-777-6260 or david.holbrook@wyo.gov if you have any questions regarding this request. Thank you for your consideration.