



## Early Childhood, Special Education, and Title Services

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Title Services: Phone 785-296-3069 ★ FAX 785-296-5867

### Notice of Intent to Submit Title I Waiver Request

The Kansas State Department of Education (KSDE) intends to request from the U. S. Department of Education (ED) a waiver to allow KSDE to waive the carryover limitation more than once every three years for an LEA. The request is to waive section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits KSDE 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.

The KSDE is soliciting comments--both supporting and non-supporting--on the waiver below. All Comments submitted during the comment period will be read and taken into consideration. Providing comments to the KSDE does not guarantee all comments will be implemented.

This notice meets the notification requirements under Section 9401(b)(3)(A)(i) of the Elementary and Secondary Education Act. **Districts and the public are invited to submit written comments to the KSDE no later than 5:00PM (CDT) on May 1, 2013.** After that date, the KSDE will submit those comments to the ED. Submit written comments by email to [SESPublicComments@ksde.org](mailto:SESPublicComments@ksde.org) with the subject "Title I Waiver".

Following is the text of the waiver:

The Kansas State Department of Education (KSDE) is requesting a waiver from the U. S. Department of Education (ED) to allow KSDE to waive the carryover limitation more than once every three years for an LEA. The request is to waive section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits KSDE 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 KSDE 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. The additional waiver 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.

KSDE will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in ESEA section 1127(a) 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 KSDE's regular procedures for waivers of the carryover limitation. KSDE 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 time within three years because of the sequester. In addition, KSDE 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.