



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12 Education

Office of Accountability
Title I School & Community Services
Room 365 EBA
Albany, New York 12234
Tel. (518) 473-0295 / Fax: (518) 486-1762

To: District Superintendents
Superintendents of Public Schools
Charter School Administrators
Title I Coordinators

From: Roberto Reyes 

Date: June 20, 2013

Subject: Waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) Regarding Carryover of Funds

I am writing to inform you of our intention 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, NYSED is requesting a waiver to allow us to waive the carryover limitation more than once every three years for an 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. We are requesting this waiver to permit LEAs in our state to carry over FY 2012 Title I, Part A funds in excess of the carryover limitation).

In order to be eligible for this waiver, NYSED is required to assure USED that:

- NYSED provided all LEAs in the State with notice and a reasonable opportunity to comment on this request;
- NYSED provided such notice by sending a letter to each LEA informing them of our intent to request the waiver and allowing for a comment period;
- Providing a copy of the proposed waiver to our Title I Statewide Committee of Practitioner's and providing them the opportunity to comment;
- NYSED has also provided notice and information regarding this waiver request to the public in the manner in which the SEA customarily provides such notice and information to the public.

The purpose of this memo is to provide all eligible LEAs with notice and opportunity to comment on the proposed waiver to be requested. Comments may be submitted via email, fax, or

mail (post marked) no later than c.o.b. Friday, June 28, 2013. Your comments should be address to:

Roberto Reyes, State Director
Title I School and Community Services
Room 365 EBA
New York State Education Department
Washington Avenue
Albany, NY 12234
Fax: (518) 486-1762
T1WAIVERS@MAIL.NYSED.GOV