



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 1 2 2016

The Honorable Glenda Ritz
Superintendent of Public Instruction
Indiana Department of Education
200 West Washington Street
Indianapolis, IN 46204

Dear Superintendent Ritz:

I am writing in response to the Indiana Department of Education's (IDOE) request for a waiver of section 1127(b) of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), by the No Child Left Behind Act of 2001 (NCLB). You indicated that this waiver is needed to allow the IDOE to grant a limited number of local educational agencies (LEAs) the flexibility they need to spend fiscal year (FY) 2015 Title I, Part A funds, in a thoughtful manner on activities designed to improve student academic achievement and reduce achievement gaps.

In requesting this waiver, you explained that in the course of working with the U.S. Department of Education (ED) to implement technical assistance related to its within-State Title I allocations, IDOE did not provide final FY 2015 allocations to LEAs until March 2016 and that for 54 LEAs these allocations were 10 percent higher than the planning allocations they initially received. As a result, some of these LEAs were in danger of exceeding the 15 percent carryover limitation under section 1127(a) of the ESEA. In discussion with ED staff, IDOE subsequently clarified that three of these LEAs—Indianapolis Public Schools, Edison Learning Roosevelt and Dr. Robert H. Faulkner Academy—have been identified as ineligible for a carryover waiver based on IDOE's authority under section 1127(b) of the ESEA to grant such waivers once every three years. In the absence of the receipt of this waiver, these LEAs would now have limited time to expend the additional funds in a thoughtful, well-planned manner.

After reviewing the IDOE's request, pursuant to section 8401 of the ESEA, as amended by the Every Student Succeeds Act, I am pleased to grant a one-year waiver of section 1127(b) of the ESEA, as amended by NCLB. This waiver, which is based on the specific, unanticipated circumstances affecting the aforementioned three LEAs in Indiana, allows the IDOE to grant these three LEAs a waiver of the carryover limitation with respect to FY 2015 Title I, Part A funds even if the LEA received a carryover waiver of either its FY 2013 or FY 2014 Title I, Part A funds from the IDOE. (Note: Under section 1127(b), an LEA that did not receive a carryover

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

waiver for either FY 2013 or FY 2014 is already eligible to apply to the IDOE for an FY 2015 carryover waiver.)

In requesting a waiver of section 1127(b) with respect to FY 2015 Title I, Part A funds, an LEA should apply to the IDOE in accordance with the IDOE's regular procedures for waivers of the carryover limitation. Consistent with section 1127(b), in granting such waivers, IDOE must ensure that the request is reasonable and necessary. Additionally, this waiver is conditioned on IDOE's assurances that it will:

- Limit any carryover waivers it grants to the three LEAs – Indianapolis Public Schools, Edison Learning Roosevelt, and Dr. Robert H. Faulkner Academy – which would be ineligible for a carryover waiver in the absence of IDOE's receipt of the waiver granted herein.
- Require any LEA receiving a waiver to address how it will use the carryover funds to provide additional assistance to Title I students and how these uses will improve student academic achievement.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please feel free to contact Alecia Walters and Matthew Stern of my staff at: OSS.Indiana@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Whalen', with a large, stylized flourish at the end.

Ann Whalen
Senior Advisor to the Secretary
Delegated the Duties of Assistant
Secretary for Elementary and
Secondary Education

cc: Jeffrey Coyne, Director of Federal Relations