



STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**

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**BILL HASLAM**  
GOVERNOR

**KEVIN HUFFMAN**  
COMMISSIONER

May 13, 2013

Deborah S. Delisle, Assistant Secretary  
Office of Elementary and Secondary Education  
U. S. Department of Education  
400 Maryland Way, SW  
Washington, D.C. 20202

Dear Dr. Delisle:

I am writing on behalf of the Tennessee Department of Education (TDOE) 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 TDOE 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. I am requesting this waiver to permit an LEA to carry over FY 2012 Title I, Part A funds in excess of the carryover limitation).

The TDOE believes that the requested waiver will provide the SEA with the ability to grant an 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 TDOE 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 TDOE will ensure that an 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 TDOE's regular procedures for waivers of the carryover limitation. The TDOE 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, the TDOE assures that it will use its AMOs,

Page Two  
Dr. Deborah Delisle  
May 13, 2013

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.

Prior to submitting this waiver request, the TDOE provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. The TDOE provided such notice by including the notice in the weekly Directors' Update email dated April 23, 2013 (see copy of notice attached). The TDOE 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 (see attached copy of SEA's public notice).

Please feel free to contact Eve Carney by telephone at 615-532-1245, or e-mail at [Eve.Carney@tn.gov](mailto:Eve.Carney@tn.gov), if you have any questions regarding this request.

Thank you for your consideration.

Sincerely,

Kevin S. Huffman  
Commissioner

KH:mee

enclosure