



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

April 17, 2013

Ms. Deborah S. Delise, Assistant Secretary
United States Department of Education
Office of Elementary and Secondary Education
400 Maryland Avenue, SW
Washington, DC 20202-6200

Dear Assistant Secretary Delise:

I am writing on behalf of the New Jersey Department of Education (NJDOE) 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 NJDOE 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 NJDOE 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 NJDOE 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 NJDOE 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 NJDOE's regular procedures for waivers

of the carryover limitation. The NJDOE 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 NJDOE 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.

As part of this waiver request, the NJDOE will provide all LEAs in the state with notice and a reasonable opportunity to comment on this request. The NJDOE will issue a broadcast email notification to each LEA on April 23, 2013 (A link to the email broadcast will be forwarded to your office on that date). Copies of all comments that the NJDOE received from LEAs in response to this notice will be forwarded after the close of the comment period on May 7, 2013. The NJDOE will also provide 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 by posting information regarding the waiver request on its Web site (a copy of this posting will be forwarded to your office on April 23, 2013).

Please feel free to contact Barbara Gantwerk, assistant commissioner, by phone at 609-292-9899; by mail at the above address or by email at barbara.gantwerk@doe.state.nj.us if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Christopher D. Cerf
Commissioner

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c: Barbara Gantwerk
Anne Corwell
Karen Campbell
Joel Zarrow
Rochelle Sinclair