



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**JUN 22 2017**

Sydnee Dickson, Ed.D.  
State Superintendent of Public Instruction  
Utah State Office of Education  
250 East 500 South  
Salt Lake City, UT 84114-4200

Dear Dr. Dickson:

I am writing in response to the Utah State Board of Education's (USBE's) request, pursuant to section 8401(b) of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, for a waiver of ESEA section 1418(a). Section 1418(a) provides that each State agency receiving funds under Title I, Part D, Subpart 1 of the ESEA (Subpart 1) shall reserve not less than 15 percent and not more than 30 percent of the amount the agency receives under Subpart 1 for any fiscal year to support transition services.

USBE is requesting a waiver of this statutory limit in order to have the flexibility to spend more than 30 percent of their Subpart 1 allocation on transition services if needed. USBE would calculate the transition percentage annually based on State analytics and strategic priorities to meet neglected or delinquent students' needs. USBE stated that waiving the 30 percent limitation on transition services would allow the State to provide transition services to more students, which it would otherwise be unable to do with its State Youth in Custody funds due to State statutory limitations.

After reviewing USBE's request, as well as the supplemental information provided, I find that the waiver request meets the requirements of ESEA section 8401(b)(1). I believe this waiver will provide USBE with the flexibility to provide transition services to a greater number of students identified as being in need of these services, while maintaining or expanding core academic services. Therefore, pursuant to my authority under section 8401 of the ESEA, I am granting USBE a four-year waiver<sup>1</sup> of section 1418(a) of the ESEA through the 2020-21 school year.

Under a waiver of section 1418(a) with respect to use of Title I, Part D funds, USBE would calculate the transition percentages based on State analytics and strategic priorities to meet neglected or delinquent students' needs.

As a condition of receiving this waiver USBE assures that it will:

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<sup>1</sup> Under ESEA section 8401(d)(1), waivers may be granted for up to four years.

- Continue to provide academic services for the same populations served by ensuring that existing academic services to neglected or neglected students will not be reduced as a result of this waiver request; and
- Annually report to the U.S. Department of Education the percentage reserved for transition activities under ESEA section 1418(a) of Subpart 1.

Thank you for the work you are doing to improve Utah's schools and provide a high-quality education for Utah's students. If you have any questions about this waiver, the contact in my office is Earl Myers. He may be reached at: (202) 453-6716.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Botel". The signature is stylized and cursive.

Jason Botel  
Acting Assistant Secretary  
for Elementary and Secondary Education