



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 26, 2020

The Honorable Jennifer McCormick  
Superintendent of Public Instruction  
Indiana Department of Education  
115 W Washington Street, #600  
Indianapolis, IN 46204

Dear Superintendent McCormick:

I am writing in response to your letter on October 7, 2020, requesting to waive, for the 2020-2021 school year, the requirement in section 4201(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (ESEA) that restricts activities provided by a program funded under the Nita M. Lowey 21<sup>st</sup> Century Community Learning Centers (21<sup>st</sup> CCLC) program to activities provided only during non-school hours or periods when school is not in session (such as before and after school or during summer recess). You are requesting this waiver to provide flexibility for your subgrantees to address challenges this school year due to the impact of the Coronavirus Disease 2019 (COVID-19).

After reviewing Indiana's request, I am pleased to approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of the requirement in section 4201(b)(1)(A) of the ESEA for the 2020-2021 school year. This waiver enables you to approve a 21<sup>st</sup> CCLC subgrantee in your State to provide supplemental activities when school is in session but students are not receiving in-person instruction, such as by permitting a teacher to provide additional academic supports during remote learning. As part of this waiver, Indiana assures that it will use, and ensure that its subgrantees use, 21<sup>st</sup> CCLC funds in accordance with all other provisions of Title IV, Part B of the ESEA and all applicable regulations, program plans, and applications.

I know that you are doing all in your power to support your 21<sup>st</sup> CCLC programs in districts, schools, and communities to ensure the health and well-being of students, educators, and 21<sup>st</sup> CCLC staff. The U.S. Department of Education is committed to continuing to support you. If you have any questions about this waiver, please contact my staff at [21stCCLC@ed.gov](mailto:21stCCLC@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

cc: Cole Dietrich, Director of Charter Schools and Programs

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.*