



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 2, 2021

Dear Chief State School Officer:

Due to the continued extraordinary circumstances created by the COVID-19 pandemic and unprecedented challenges students, educators, staff, and schools are facing during the 2020-2021 school year, the U.S. Department of Education (Department) is offering each State educational agency (SEA) the opportunity to request waivers that will afford additional fiscal flexibility for certain funds received under the Elementary and Secondary Education Act of 1965 (ESEA). The Department recognizes it may not be possible to obligate these funds on a timely and responsible basis due to several factors.

In response, we are offering a waiver for an SEA to be able to approve a local educational agency (LEA) to carry over more than 15 percent of its fiscal year (FY) 2020 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2021), even if the LEA has received a waiver from its SEA to exceed this limitation for its FY 2018 or FY 2019 Title I, Part A funds.

Second, we are offering flexibility to each SEA to be able to extend for itself and its subgrantees the period of availability of FY 2019 funds for programs included in the State's consolidated State plan to allow additional time to obligate those funds.

Pursuant to the authority under section 8401 of the ESEA, we are inviting you to request waivers of the following provisions:

- Section 1127(b) of Title I, Part A of the ESEA so that your SEA may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2020 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2019 funds for programs in which your SEA participates under its approved consolidated State plan until September 30, 2022.

Similar to last year, I am enclosing an optional State fiscal waiver template for your convenience. If your SEA is interested in receiving a waiver of one or both of these requirements, please submit your request to OESE.TitleI-a@ed.gov. Prior to submitting a waiver request (including through the optional template described above), ESEA section 8401(b)(3)(A) requires an SEA to (1) provide the public and interested LEAs notice and a reasonable time for them to comment in the manner in which the SEA customarily provides notice and the opportunity to comment to the public; and (2) provide the Department a copy of any comments received and a description of how the SEA addressed the comments.

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.

Thank you for your continued commitment to our nation’s students under these extraordinary circumstances. The Department is committed to supporting you and your subgrantees during this challenging time. If you have any questions regarding this invitation to apply for waivers, please contact us at OESE.TitleI-a@ed.gov.

Sincerely,

/s/

Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

Enclosure

cc: Governors
Council of Chief State School Officers
State Title I, Part A Directors
State Title I, Part C Directors
State Title I, Part D Directors
State Title II, Part A Directors
State Title III, Part A Directors
State Title IV, Part A Directors
State Title IV, Part B Directors
State Title V, Part B, Subpart 2 Directors
State Assessment Directors
McKinney-Vento State Homeless Coordinators