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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 3, 2020

Dear Chief State School Officer:

The President recently signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (March 27, 2020), which provides substantial relief to children and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19). I understand that many of you have questions about the CARES Act, especially available funding, and we will be providing additional information to you as soon as possible. In the interim, you are welcome to submit CARES Act questions by e-mail to COVID-19@ed.gov .

The purpose of today's message is to discuss flexibility in K-12 education funding, in particular the Elementary and Secondary Education Act of 1965 (ESEA), as the CARES Act authorizes the Secretary to provide additional flexibility through waivers of specific requirements. As you know, on March 20, 2020, Secretary DeVos provided flexibility with respect to certain requirements in Title I, Part A of the ESEA regarding statewide assessments, accountability and school improvement, and some reporting requirements for the 2019-2020 school year due to the unprecedented challenges you are facing due to COVID-19. In light of this on-going national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to help you in your planning for how to resume education, today I am writing to offer additional flexibilities under the CARES Act.

Pursuant to the authority under the CARES Act, I am inviting you to request waivers of the following provisions:

- Section 1127(b) of Title I, Part A of the ESEA so that your State educational agency (SEA) may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for fiscal year (FY) 2019 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2018 funds for programs in which your SEA participates under its approved consolidated State plan until September 30, 2021.
- Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019-2020 school year.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines "professional development," for activities funded for the 2019-2020 school year.

Through these waivers, your SEA would be able to approve an LEA to carry over more than 15 percent of its Title I, Part A funds, even if the LEA had received approval to exceed this limitation in the past three years. Your SEA would be able to extend for itself and its subgrantees the period of availability of FY 2018 funds for programs included in your consolidated State plan to allow additional time to obligate those funds. Your SEA would also be able to permit an LEA or consortium of LEAs to use its Title IV, Part A funds to best meet its needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment. Finally, by waiving the definition of professional development, your SEA and subgrantees would be able to conduct time-sensitive, one-time or stand-alone professional development focused on supporting your educators to provide effective distance learning.

I want to continue to thank you for the work you are doing to help ensure learning continues for all your State's students in this difficult time. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

If you are interested in receiving one or more of these waivers on behalf of your SEA and its subgrantees, please submit your request to OESE.Titlei-a@ed.gov. I am enclosing a streamlined template for your convenience that includes a checklist to designate the waivers you desire. My staff is committed to providing a response within one business day to any SEA that submits a waiver request using this optional waiver template. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

If you have additional questions or concerns regarding these waivers, contact us at OESE.Titlei-a@ed.gov. We are also interested in your input on other requirements for which you anticipate a need for a waiver that are not currently covered by the CARES Act. If you have suggestions, please submit those to COVID-19@ed.gov. If you have general questions regarding COVID-19 and how the Department can best support you, please contact COVID19@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus.

Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

Enclosure

cc: 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 Homeless Assistance Directors