

Consolidated Administrative Funds Tydings Waiver

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Topics

1. Consolidation of State Administrative Funds
2. Tydings Waiver Request Details
3. Questions

A recording of today's presentation will be posted on the [Deadlines and Announcements](#) webpage. Slides will also be shared with States via email following today's presentation.



Consolidation of State Administrative Funds

- The Department previously notified States that State educational agencies (SEAs) may consolidate administrative funds for the ARP Elementary and Secondary School Emergency Relief (ESSER) and ARP Emergency Assistance to Non-Public Schools (EANS) programs, pursuant to section 8201(a)(2) of the Elementary and Secondary Education Act (ESEA).
- The Department is also designating the ARP Homeless Children and Youth (ARP-HCY) as a program under which an SEA may consolidate program administration funds pursuant to ESEA section 8201(a)(2).



Consolidation of State Administrative Funds

- For ARP-HCY, the SEA may not use all its State set-aside for program administration; the SEA may only use an amount that is necessary and reasonable to administer the program.
- For ARP ESSER, the SEA may not use more than $\frac{1}{2}$ of one percent of its grant award for administrative purposes.
- For ARP EANS, the SEA may not use more than the greater of $\frac{1}{2}$ of one percent of its grant or \$200,000 for administrative purposes.
- States do not need to request permission to consolidate and can do it at any time (i.e., States can elect to consolidate administrative funds now).



Consolidation of State Administrative Funds

- To consolidate administrative funds, SEAs must be able to demonstrate that a majority of its administrative resources are derived from non-Federal sources.
- States that consolidate administrative funds are not required to track time and effort.



Tydings Waiver Request Details

- States are invited to seek a waiver of section 421(b) of the General Education Provisions Act, to extend the period of availability for ARP administrative funds and fiscal year (FY) 2022 ESEA program administrative funds that they choose to consolidate under ESEA section 8201.
- ARP ESSER, ARP EANS, and ARP-HCY program funds may not be extended beyond September 30, 2024.
- States can request a Tydings waiver for consolidated administrative funds through **March 31, 2026**.



Tydings Waiver Request Details

- A State may submit a single-page request to waive, pursuant to section 8401 of the ESEA of 1965, the period of availability of consolidated administrative funds in section 421(b) of GEPA until March 31, 2026.
- Pursuant to section 8401(b)(1), the request must identify the programs (i.e., the administrative funds from each program) for which the waiver is being requested. The request may include administrative funds consolidated under any of the following programs:

ARP Programs	ESEA Programs (FY 2022)
1. ARP EANS	1. Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs)
2. ARP ESSER	2. Title I, Part C of the ESEA (Education of Migratory Children)
3. ARP-HCY	3. Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
	4. Title II, Part A of the ESEA (Supporting Effective Instruction)
	5. Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
	6. Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
	7. Title IV, Part B of the ESEA (21st Century Community Learning Centers)
	8. Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)



Tydings Waiver Request Details

- Pursuant to ESEA section 8401(b)(1), the waiver request must describe:
 - How the waiver will advance student academic achievement (e.g., the waiver would allow the SEA to use funds reserved for administration under ESEA section 8201 to address ongoing administrative costs and avoid diverting funds away from critical services for LEAs, schools, students, and teachers and other educational staff), and;
 - How schools will continue to provide assistance to the same populations served by the programs included in the waiver (e.g., the waiver would allow the SEA to continue to focus its resources on meetings students' academic and other needs, including groups of students most impacted by the pandemic).



Tydings Waiver Request Details

- The waiver request must also include assurances that the State:
 - Will use consolidated administrative funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers, and;
 - Has provided the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website in the manner in which the SEA customarily provides such notice and opportunity to comment.
- When submitting a waiver request, the SEA must enclose any comments received from the public and a description of how the SEA addressed any such comments.



Tydings Waiver Request Details

- Submit:
 - The State's signed waiver request;
 - Any comments it received from the public specific to its request, and;
 - The State's description of how it addressed any comments it received.
- Send complete waiver requests to: StateName.OESE@ed.gov (e.g., Alabama.OESE@ed.gov).
- The Department will quickly approve all complete requests.



QUESTIONS

