



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: May 27, 2020
SUBJECT: Extension Request for Federal Perkins Funds

PURPOSE:

To review the request to extend the period of availability of State formula grant funds authorized by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act).

BACKGROUND/HISTORICAL PERSPECTIVE:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281, authorizes the Secretary of Education, Betsy DeVos, to provide additional flexibility through waivers of specific requirements. State educational agencies can request a waiver of section 421(b) of the General Education Provisions Act (GEPA), often referred to as the “Tydings Amendment,” to extend the period of availability for State formula grant funds authorized by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act).

The Maryland State Department of Education (MSDE) receives approximately 17 million dollars in Perkins funds. Over 85% of funds received by the MSDE are awarded through competitive and formula grants directly to local school systems, community colleges, Adult Correctional Education, and Juvenile Services Education to support the implementation of career and technical education programs of study.

EXECUTIVE SUMMARY:

Maryland schools and community colleges have been closed since March 2020 because of the COVID-19 pandemic. COVID-19 related closures impacts the ability to obligate federal Perkins funds within the established timeline. As a result, a waiver is being requested to extend the availability of FY18 Perkins funds for career and technical education. The waiver will extend the availability of funds until September 2021.

All materials provided by the U.S. Department of Education are attached for review. The U.S. Department of Education has promised a response within one business day to any State that submits a waiver request using the optional waiver template. Maryland would not be required to complete public notification in advance of submitting the request, but rather may notify the public of the request and the opportunity to comment at the same time as the submission or shortly thereafter.

ACTION:

Request permission to submit a waiver of *State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006* for FY18 funds.

ATTACHMENTS:

- Letter from Scott Stump, the Assistant Secretary for Career, Technical, and Adult Education Office of Career, Technical, and Adult Education to Chief State School Officers.
- Waiver template provided by the U.S. Department of Education addressed to the Honorable Scott Stump.
- Waiver letter on MSDE letterhead



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

April 16, 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, 134 Stat. 281 (March 27, 2020), which provides substantial relief to students 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, including the funding the Act makes available. In this regard, the U.S. Department of Education (Department) will be providing additional information to you as soon as possible. In the interim, you are welcome to submit CARES Act questions by email to COVID-19@ed.gov.

You recently received a communication from Frank T. Brogan, Assistant Secretary for Elementary and Secondary Education, about the waivers that the CARES Act authorizes the Secretary of Education (Secretary) to grant with respect to programs authorized by the Elementary and Secondary Education Act of 1965. I am writing to let you know that the CARES Act also authorizes the Secretary to grant waivers requested by State educational agencies (SEAs) of section 421(b) of the General Education Provisions Act (GEPA), often referred to as the “Tydings Amendment,” to extend the period of availability of State formula grant funds authorized by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act) and the Adult Education and Family Literacy Act (AEFLA). (The Department currently does not have the authority to grant a waiver of the Tydings Amendment with respect to the Perkins Act or AEFLA to States in which the SEA is not the grantee for these State-administered programs.). We understand that the disruptions caused by COVID-19 may make it difficult for SEAs and their subgrantees to obligate their Fiscal Year (FY) 2018 funds within the 27 months provided by section 421(b) of GEPA. If this is a concern for your State, I invite you to request a waiver or waivers to extend the availability of these funds for obligation by sending your request to AskOCTAE@ed.gov. I am enclosing a streamlined template for your convenience that you may use to request these waivers. 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.

If you have additional questions or concerns regarding these waivers, contact us at AskOCTAE@ed.gov. We are also interested in your input on other requirements related to the Perkins Act or AEFLA 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 AskOCTAE@ed.gov. If you have general questions regarding COVID-19 and how the Department can best support you, please contact COVID-19@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202
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.

Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus.

I want 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 Department is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Sincerely,

/s/

Scott Stump

Assistant Secretary

Enclosure

cc: State Directors of Adult Education
State Directors of Career and Technical Education
Council of Chief State School Officers
Advance CTE
National Association of State Directors of Adult Education

COVID-19 Fiscal Waiver

This template is an example that may be used for the submission of a request for waivers of the requirement noted below. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact AskOCTAE@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Scott Stump
Assistant Secretary for Career, Technical, and Adult
Education Office of Career, Technical, and Adult
Education

U.S. Department of
Education 400 Maryland
Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Stump:

Pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (Mar. 27, 2020), I am writing to request a waiver on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs), other agencies and organizations, and institutions of higher education) of section 421(b) of the General Education Provisions Act (GEPA), to extend the period of availability of Fiscal Year (FY) 2018 funds for programs in which the SEA participates as the eligible agency until September 30, 2021. The programs are (*check the programs for which the waiver is requested*):

- State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006
- State grants authorized by Title II of the Workforce Innovation and Opportunity Act (i.e., the Adult Education and Family Literacy Act)

I am requesting this (these) waiver(s) because it is not possible to obligate funds on a timely basis, as originally planned, due to extensive school and program disruptions in the State. These disruptions are in response to extraordinary circumstances for which a national emergency related to the COVID-19 pandemic has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 100-707, and will protect the health and safety of students, staff, and our communities.

In seeking these waivers, I assure that:

- The SEA will use, and ensure that its subgrantees will use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers;
- The SEA will work to mitigate, and ensure that its subgrantees will work to mitigate, any negative effects, if any, that may occur as a result of the requested waiver(s); and
- The SEA will provide the public and all subgrantees 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.

Thank you for your consideration.

Sincerely,

Chief State School Officer
(or Authorized Representative)

State:

Digital Signature:

OR

Typed Name and Date:

By typing my name here, I am affirming submission of this waiver on behalf of the State.

PUBLIC BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1830-0580. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is *voluntary*. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact directly Braden Goetz, Office of Career, Technical, and Adult Education, Braden.Goetz@ed.gov, (202) 245-7405.



Karen B. Salmon, Ph.D.
State Superintendent of Schools

May 27, 2020

The Honorable Scott Stump
Assistant Secretary for Career, Technical, and Adult Education
Office of Career, Technical, and Adult Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Stump:

Pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (Mar. 27, 2020), I am writing to request a waiver on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs), other agencies and organizations, and institutions of higher education) of section 421(b) of the General Education Provisions Act (GEPA), to extend the period of availability of Fiscal Year (FY) 2018 funds for programs in which the SEA participates as the eligible agency until September 30, 2021. The program is:

- ✓ **State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006**

State grants authorized by Title II of the Workforce Innovation and Opportunity Act (i.e., the Adult Education and Family Literacy Act)

I am requesting this waiver because it is not possible to obligate funds on a timely basis, as originally planned, due to extensive school and program disruptions in the State. These disruptions are in response to extraordinary circumstances for which a national emergency related to the COVID-19 pandemic has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 100-707, and will protect the health and safety of students, staff, and our communities.

In seeking this waiver, I assure that:

- ✓ The SEA will use, and ensure that its subgrantees will use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to this waiver;
- ✓ The SEA will work to mitigate, and ensure that its subgrantees will work to mitigate, any negative effects, if any, that may occur as a result of the requested waiver; and

The Honorable Scott Stump

May 27, 2020

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- ✓ The SEA will provide the public and all subgrantees 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.

Thank you for your consideration.

Best Regards,

Karen B. Salmon, Ph.D.

State Superintendent of Schools