

Every Student Succeeds Act: Waiver Requests for Fiscal Flexibility July 2021

Due to the continued extraordinary circumstances created by the COVID-19 pandemic and the unprecedented challenges that students, educators, staff, and schools faced during the 2020-2021 school year, the U.S. Department of Education (USED) sent a letter (dated July 2, 2021) to all Chief State School Officers offering states 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), as amended by the Every Student Succeeds Act (ESSA). USED recognizes that it may not be possible to obligate these funds on a timely and responsible basis due to several factors.

Consequently, USED is offering a waiver allowing state educational agencies (SEAs) to approve local school systems (LSSs) to carry over more than 15 percent of their 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 LSS has received a waiver from its SEA to exceed this limitation for its FY 2018 or FY 2019 Title I, Part A funds. Additionally, USED is 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 Maryland's Consolidated State Plan to allow for additional time to obligate those funds. Pursuant to the authority under section 8401 of ESSA, USED is inviting states to request waivers of the following provisions:

- Section 1127(b) of Title I, Part A of ESSA so that an SEA may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESSA 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 an SEA participates under its approved Consolidated State Plan until September 30, 2022.

As required under ESSA section 8401(b)(3)(A), prior to submitting a waiver request, the State must provide the public with notice and a reasonable opportunity to comment and provide input on a proposed waiver request. This announcement serves as notice of the Maryland State Department of Education's (MSDE) intent to submit waiver requests to USED for the two elements listed above and as an invitation to the public to provide feedback on the proposed waiver requests. Please submit any comments by **August 10, 2021**, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver request submission.

If you have any questions regarding the proposed waiver requests, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, Maryland State Department of Education, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.