

## **ESEA Funding Waiver FAQ**

Updated 4/14/2020

### **1. What waivers are available? Which waivers did the Alaska Department of Education and Early Development apply for?**

In response to Novel Coronavirus Disease 2019 (COVID-19), the U.S. Department of Education (US ED) is offering 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. DEED submitted a request to US ED on April 8, 2020 to waive 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 State fiscal year (FY) 2020 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of State FY2019 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 State FYs 2019 and 2020 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 State FYs 2019 and 2020 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019-2020 school year.

The public may submit comment on this waiver by completing [the Flexibility for States on K-12 Education Funding Waiver Survey](#). The survey will remain open until May 6, 2020.

### **2. Specifically, what Title programs are covered under the funding waiver?**

This waiver specifically applies to FY20 Title I-A carryover, Title IV-A, and extending the availability of FY2019 funds for the following programs:

- Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA’s Title I, Part A award used to carry out section 1003 school improvement, section 1003A direct student services, if applicable, and Title I, Part D, Subpart 2
- Title I, Part B of the ESEA (State Assessment Formula Grants)
- Title I, Part C of the ESEA (Education of Migratory Children)
- Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- Title II, Part A of the ESEA (Supporting Effective Instruction)
- Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)

## ESEA Funding Waiver FAQ

- Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
- Title IV, Part B of the ESEA (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- McKinney-Vento Education for Homeless Children and Youth Program

**3. Can a district receive a Title I-A 15 percent excess carryover waiver from 2019-2020 into 2020-2021 even if the district has received a waiver in the past 3 years and would normally not be eligible?**

Yes, districts would be able to carry over more than 15 percent of its Title I, Part A funds, even if the district had received approval to exceed this limitation in the past three years.

**4. Are there any restrictions on funds that are carried over from FY20 to FY21?**

There will not be restrictions on the amount of ESEA Consolidated Application funding carried over from FY20 to FY21.

**5. Will districts need to fill out any paperwork in order to carry over funds?**

No. Just as in years past, when the district submits the FY20 ESEA Consolidated Application Final Expenditure Report (FER) and DEED approves, carryover funds will be loaded to the FY21 ESEA Consolidated Application. The district will then budget for the carryover funds in the FY21 ESEA Consolidated Application.

**6. Can districts carryover FY20 Title I-C funding within the ESEA Consolidated Application to FY21?**

Due to the circumstances created by the COVID-19 pandemic, DEED is providing carryover flexibility to all districts that received FY20 Title I, Part C Migrant Education funding within the ESEA Consolidated Application.

DEED understands that districts will be unable to carryout Migrant Education programming as planned in the spring and summer of 2020. Therefore, DEED has removed the Title I-C carryover limitations for funding within the FY20 ESEA Consolidated Application.

It is not a requirement that districts carry FY20 Title I-C funds forward into FY21. Districts should consider only carrying forward Title I-C funds they will be able to reasonably expend in the upcoming fiscal year. Similar to previous years, Title I-C funding that isn't carried forward will be re-allocated to all Title I-C districts in the fall of 2020.

**7. If funds are allocated for summer programming for FY20 that does not happen and our FY21 plan also includes summer programming for FY21 summer, what will happen to the funds originally allocated for summer FY20?**

If an activity is different than what is stated within your FY20 ESEA Consolidated Application, then a budget amendment must be submitted. If the district needs more or less funds for an activity already approved within a grant, remember that an overage of 10% for any allowable

## **ESEA Funding Waiver FAQ**

grant activity is automatically approved and no amendment is needed. Any unspent funds from FY20 will be carried forward to FY21. If the district is able to do summer programming in July or August of 2020, that should be included in the FY21 ESEA Consolidated Application. Otherwise, planned summer programming in June of 2021 should also be included in the FY21 ESEA Consolidated Application.

**8. Do districts need to apply for waivers with US ED, or does the state apply on behalf of the districts?**

DEED applied on behalf of the districts. Districts do not need to apply for waivers with US ED for programs listed in Question 1.