



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

July 29, 2021

The Honorable Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs,
Delegated the authority to perform the functions and
duties of the Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

The Pennsylvania Department of Education (PDE) requests a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements given ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

- Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal 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): to waive the requirement that limits an SEA's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) to once every three years.

Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2019 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2022, including:

- 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)
- 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

Pennsylvania requests these waivers because ongoing pandemic response efforts may make it impossible to obligate funds on a timely and responsible basis. Consistent with the requirements of ESEA section 8401(b)(1)(C) and (F), the granting of these waiver requests will provide PDE and its LEAs with important flexibility in using these funds thoughtfully and sustainably, and in concert with—though reported separately from—Federal emergency funds, to serve student groups that have faced disproportionate impacts from the pandemic and related crises; to expand innovative, extended day, and summer learning programs; and to support Pennsylvania’s teachers and school leaders in planning for a return to full, in-person learning and addressing the educational and other harms of the past two years.

In implementing this flexibility, PDE will continue to provide technical assistance and program monitoring to ensure appropriate provision of services to the populations served by each fund. In seeking these waivers, I assure that:

- PDE will use, and ensure that its subgrantees 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.
- PDE will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects that may occur because of the requested waivers.
- PDE provided the public and all of Pennsylvania’s LEAs with notice of, and the opportunity to comment on, this request by posting information regarding the waiver on its publicly accessible website, in the same manner that previous waiver requests have been noticed.

Thank you for your consideration.

Sincerely,



Noe Ortega,
Secretary, Pennsylvania Department of Education

CC: Susan McCrone, Chief, Division of Federal Programs
Adam Schott, Special Assistant to the Secretary