

Public Comment Period

NYSED Request for Public Comments on Waivers to Increase the Statutory Limit on Carryover for FY 2020 Title I, Part A Funds, to Extend Availability of Federal FY 2019 Elementary and Secondary Education Act Funds

August 26, 2021

The New York State Education Department (NYSED) is planning to request a waiver from the U.S. Department of Education (USDE), pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of 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 a State Educational Agency's (SEA's) ability to grant to its Local Educational Agencies (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. The programs are
 - o 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;
 - o Title I, Part B of the ESEA (State Assessment Formula Grants);
 - o Title I, Part C of the ESEA (Education of Migratory Children);
 - o Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are at Risk of or Who Are

Additionally, NYSED is required to provide the public and all LEAs in the State with notice of and the opportunity to comment on this request. Comments may be submitted via email to FundingFlexibilities@nysed.gov with “Waiver Comments from (sender/organization name)” in the subject line.