Ohio | Department of Education

Mike DeWine, Governor
Paolo DeMaria, Superintendent of Public Instruction

April 7, 2020

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request waivers, pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136 (H.R. 748), 34 Stat. 281 (Mar. 27, 2020), of the requirement(s) enumerated below on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs)).

State: **Ohio**

Please check all that apply:

☑ Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020): 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) more than 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 2018 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2021. The programs are (check all that apply):

- ✓ 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 section1003 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

The following requirements in Title IV, Part A of the ESEA (check those that apply). Note: These requirements are only applicable to LEAs that received $30,000 or more in Title IV, Part A funds:

- ✓ Needs assessment requirements in section 4106(d) for the 2019-2020 school year.
- ✓ Content area spending requirements in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A funds for activities under sections 4107, 4108, and 4109 for FY 2019 funds and any available FY 2018 carryover funds.
- ✓ Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2019 funds and any available FY 2018 carryover funds.
- ✓ The definition of professional development in section 8108(42) of the ESEA for the 2019-2020 school year.

I am requesting these waiver/waivers because it is not possible to obligate funds on a timely basis as originally planned due to extensive school closures in the State. In addition, my State needs increased flexibility in the use of Title IV, Part A funds to support continuity of services due to these school closures. The school closures also present unique needs with respect to professional development for educators to meet the immediate needs of children whose education has been severely disrupted by school closures. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act 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 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 work to mitigate, any negative effects, if any, that may occur as a result of the requested waivers.

☑ The SEA will provide the public and all LEAs 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,

Paolo DeMaria
Superintendent of Public Instruction
Ohio Department of Education