Ohio | Department of Education

CCIP Note #432

Re: Ohio Department of Education Seeks Comments on Opportunities for Federal Flexibility
Date: April 08, 2020
To: Superintendents, Treasurers and Consolidated Application Contacts for Public School Districts and Community Schools

Ohio Department of Education Seeks Comments on Opportunities for Federal Flexibility

The recently enacted Coronavirus Aid, Relief, and Economic Security Act (CARES Act) provides the U.S. Secretary of Education with additional waiver authority of specific ESEA requirements listed below. The Ohio Department of Education has applied for these waivers from the U.S. Department of Education to support Ohio's districts and schools during this crisis. Public comments on the fiscal waiver request may be submitted to ESEA@education.ohio.gov until **April 20, 2020**. Information regarding ESEA waivers will be updated on the Ohio Department of Education's Every Student Succeeds Act (ESSA) website located here.

Available Flexibility for Federal Fiscal Year (FY) 2019 (State Fiscal Year 2020)

1. **Title I, Part A Carryover limitation** for Federal fiscal year (FY) 2019. This waives the requirement that limits a State Education Agency's (SEA) ability to grant to its Local Education Agencies (LEAs) a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.
2. **Period of availability of FY 2018 funds**: This extends 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 following grants are applicable:
   - 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

3. **Title IV, Part A flexibility for LEAs receiving $30,000 or more in allocation**: This waiver includes the following:
   - 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.

4. **The definition of professional development** in section 8101(42) of the ESEA for the 2019-2020 school year. This waiver will allow LEAs to conduct time-sensitive, one-time or stand-alone professional development focused on supporting educators in providing effective distance learning.

Special Note: These waivers are only available for this current school year (SY 2019-2020)

Resources:
- The letter inviting requests for CARES Act fiscal waivers can be found here.
- The CARES Act fiscal waivers template can be found here.
- Ohio's CARES Act fiscal waiver request can be found here.