UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 25, 2021

The Honorable Paolo DeMaria
Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, OH 43215-4183

Dear Superintendent DeMaria:

I am writing in response to Ohio's request on July 28, 2021 that the U.S. Department of Education (Department) waive, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), the requirements enumerated below on behalf of Ohio and its subgrantees (e.g., local educational agencies (LEAs)) as a result of the 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 Ohio participates under its approved consolidated State plan until September 30, 2022. The programs are:

    - 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 (Preventon 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 V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program).
    - McKinney-Vento Education for Homeless Children and Youth Program.

After reviewing Ohio's request, I am pleased to approve a waiver of the requirements listed above.

As part of this waiver, Ohio assured that:

- The State 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 State will work to mitigate, and ensure that its subgrantees work to mitigate, negative effects, if any, that may occur as a result of the requested waivers.

- The State provided 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.

I continue to thank you for the work you are doing to help support our students in your State under these extraordinary circumstances. The Department is committed to supporting you and your subgrantees during this challenging time. If you have any questions about this waiver, please contact my staff at OESE.Titlei-a@ed.gov.

Sincerely,



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

cc: Jeremy Marks, Ohio Department of Education