September 3, 2024

Adam Schott
Principal Deputy Assistant Secretary
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 Schott:

The Ohio Department of Education and Workforce (Department) would like to formally request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act (ESEA) and 421(b) of the General Education Provisions Act (GEPA), to extend the period of availability of the American Rescue Plan (ARP) administrative funds and fiscal year (FY) 2022 ESEA program administrative funds consolidated under ESEA section 8201 until March 31, 2026.

This waiver would apply to the following programs under Ohio's consolidated administrative pool:

- ARP ESSER
- ARP EANS
- ARP HCY
- ESEA Programs: Title IA, Title IC, Title ID, Title IIA, Title IIIA, Title IVA, Title IVB, Title VB

From the onset of the COVID pandemic, Ohio's education community has demonstrated amazing strength and resiliency in responding to the challenges. The Department acted swiftly to support Ohio's educators, students and parents. Once Ohio received the initial federal emergency assistance, the Department designed and rolled out applications, allocated subgrants to over 1000 educational entities, and provided guidance, technical assistance and programmatic support to all public districts and private schools. Through the process, the Department used its discretionary ESSER funds on strategic priorities (Future Forward Ohio) to help students recover from the pandemic including administering over 60 programs to accelerate learning, overcome obstacles to learning, and preparing students for future success. Ohio also applied for the federal emergency grant opportunities (EANS and ARP EANS) to provide important services to eligible nonpublic schools. The Department used its own administrative funds to contract with educational service centers to provide assistance to the nonpublic schools.

During the pandemic, the Department decided to consolidate the COVID grant administrative funds with other allowable administrative funds. The consolidation of administrative funds helped maximize the supports and services offered. To address the immense responsibilities the Department used some administrative funds to bring on short-term contractors and temporary support staff to implement discretionary state programs but ultimately utilized many of the Department employees, the Office of Federal Programs and other program offices to support local educational agencies (LEAs) in carrying out the significant COVID program responsibilities.

The ARP ESSER obligation period ends on September 30, 2024 but the state's administrative work on ARP ESSER-related responsibilities will continue for years. The state is requesting the ability to extend the period of availability of the administrative funds to continue to assist subrecipients with closing out the ESSER grants and programs, conduct monitoring and performance reviews, maintain records, dispose of equipment, collect and report on expenditures, perform evaluations, participate in required audits and utilize supports to sustain the progress made from the ARP funded programs. Without the extension, the Department lacks the capacity to appropriately address these challenges and close out the programming from the ARP ESSER grant with the fidelity and quality expected.

The Department plans to share the opportunity to provide comments on the waiver for 10 days. This includes posting it to the e-grant portal (CCIP), announce the opportunity through a CCIP Note that goes directly to the education community and posting it to our website. The Department does not anticipate receiving any opposition or comments expressing concerns and will inform the US Department of Education should there be any comments.

Thank you for your attention and consideration for this request.

Sincerely,

Jeremy S Marks

Jeremy Marks
Administrator, Office of Federal Programs

cc: Steve Dackin, Director, DEW
Dyanne Ornelas, U.S. Department of Education