



August 3, 2021

Notice to public and school districts of the Office of Superintendent of Public Instruction's (OSPI's) intent to apply to the U.S. Department of Education (ED) for a waiver, pursuant to the 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 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 the SEA 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 (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

OSPI is required to notify the public and all local education agencies (LEAs)/school districts of Washington state's intent to request this waiver. Districts and the public are asked to provide comment on the waiver request to OSPI. Comments from districts will be included in OSPI's request to the ED.

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The public comment period opens August 4 and will close at 5 pm on August 10. You may submit your comments through our [public comment survey](#).

In seeking this waiver, the state assures that:

- The SEA will provide the public and all LEAs in the state with notice of, and the opportunity to provide comments on this request by posting information regarding the waiver request and the process for commenting on the state website. OSPI will enclose any comments received, if any, and a description of how the SEA addressed such comments with the waiver request to the ED.

This notice can be found on the [Public Notices & Waiver Requests to the U.S. Department of Education website](#).