



April 13, 2020

Public Comment Period for California's Title I, Part A and Title IV, Part A Flexibility Waiver Request

On April 10, 2020, the California State Board of Education and the California Department of Education (CDE), under Elementary and Secondary Education Act (ESEA) Section 8401(b), requested a waiver to the U.S. Department of Education (ED) for the following sections:

- Section 1127(b) of Title I, Part A of the ESEA so that the State educational agency (SEA) may waive, more than the current once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for fiscal year (FY) 2019 Title I, Part A funds.
- 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.
- Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019-2020 school year.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which provides a limited definition of “professional development,” for activities funded for the 2019-2020 school year.

Summary of the Issue

On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20, a Statewide “shelter in place” to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19. Governor Newsom called this “an unprecedented time, and our main focus is on supporting the mental and socioemotional health of students, while continuing to

Tony Thurmond, State Superintendent of Public Instruction

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provide educational opportunities such as distance learning.”

The State will hold a concurrent public comment period for all stakeholders and LEAs with the submission and review of our application through May 1, 2020. Any comments or questions should be e-mailed to ESSA@cde.ca.gov or by mail to the California Department of Education, Government Affairs Division, 1430 N Street, Suite 5602, Sacramento, CA 95814-5901.

A copy of the Title I, Part A and Title IV, Part A Flexibility Request letter that was sent to ED and the Waiver Request is located on the CDE's Every Student Succeeds Act web page <https://www.cde.ca.gov/re/es/> under the sub-header “Waiver Requests”.