



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
 State Superintendent of Education

July 9, 2021

RE: 2020-2021 Fiscal Waiver Notice for Public Comment

Due to the continued extraordinary circumstances created by the COVID-19 pandemic and unprecedented challenges students, educators, staff, and schools are facing during the 2020-2021 school year, the U.S. Department of Education is offering each State educational agency (SEA) the opportunity to request waivers that will afford additional fiscal flexibility for certain funds received under the Elementary and Secondary Education Act of 1965 (ESEA). The U.S. Department of Education recognizes it may not be possible to obligate these funds on a timely and responsible basis due to several factors.

In response, the U.S. Department of Education is offering a waiver for an SEA to be able to approve a local educational agency (LEA) to carry over more than 15 percent of its 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), even if the LEA has received a waiver from its SEA to exceed this limitation for its FY 2018 or FY 2019 Title I, Part A funds.

Second, the U.S. Department of Education is offering flexibility to each SEA to be able to extend for itself and its subgrantees the period of availability of FY 2019 funds for programs included in the State’s consolidated State plan to allow additional time to obligate those funds.

Pursuant to the authority under section 8401 of the ESEA, the U.S. Department of Education is inviting the Alabama State Department of Education (ALSDE) to request waivers of the following provisions:

- ✓ Section 1127(b) of Title I, Part A of the ESEA so that Alabama may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2020 Title I, Part A funds.
- ✓ Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2019 funds for programs in which Alabama participates under its approved consolidated State plan until September 30, 2022, including:
 - 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)

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- 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

The U.S. Department of Education requires the ALSDE provide notice to the public and interested LEAs regarding the opportunity to comment on the State's request for a waiver.

This letter serves as notice to provide public comment. Comments can be submitted online at

Link: [2020-2021 Fiscal Waiver Notice for Public Comment](#)

The window to submit comments is *July 14, 2021 to August 13, 2021*. We appreciate your feedback.

Thank you for your continued commitment to Alabama's students under these extraordinary circumstances. The ALSDE is committed to supporting schools and LEAs during this challenging time.

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