**THE STATE EDUCATION DEPARTMENT** / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

CHIEF FINANCIAL OFFICER
89 Washington Ave., Room 128, EB
Albany, New York 12234

November 9, 2021

TO: BOCES District Superintendents
School District Superintendents
School District Business Officers
Charter School Leaders
Title I Coordinators

FROM: Phyllis D. Morris, Chief Financial Officer

**RE: Additional Flexibility in the Timelines for Using Funds Associated with Approved 2019-20 Every Student Succeeds Act (ESSA) Funded Grant Programs**

The New York State Education Department (NYSED) recognizes that the COVID-19 pandemic has impacted Local Educational Agency (LEA) budgeting and spending, as many LEAs were not able to engage in planned activities during the 2020-21 school year due to COVID-19 restrictions.

The U.S. Department of Education (USDE) has granted NYSED's request for waivers to allow remaining Fiscal Year (FY) 2019 Every Student Succeeds Act (ESSA) funds to be added to existing federal funds to address the impact of lost instructional time and provide additional academic supports in the 2021-22 school year as schools work to make a full return from the pandemic.

The program and fund sources that are covered by the USDE approved waivers are listed in the chart below:

| Fund Source | 2019-20 Project Number |
|---|---|
| Title I, Part A – Improving Basic Programs | 0021-20-XXXX |
| Title I, Part D – Prevention and Intervention Program for Children who are Neglected, Delinquent, or at Risk | 0016-20-XXXX |
| Title II, Part A – Teacher/Principal Training | 0147-20-XXXX |
| Title III, Part A – English Language Acquisition - Immigrant | 0149-20-XXXX |
| Title III, Part A – English Language Acquisition - ELL | 0293-20-XXXX |
| Title IV, Part A – Student Support and Academic Enrichment | 0204-20-XXXX |
| Title IV, Part B – 21st Century Community Learning | 0187-20-XXXX |
| Title V, Part B – Rural and Low-Income Schools | 0006-20-XXXX |
| Title VII, Part B – Education for Homeless Children | 0212-20-XXXX |

These USDE-approved waivers provide LEAs with the following flexibilities:

- The period of availability for school year (SY) 2018-19 funds has been extended through the end of school year 2021-22. LEAs will continue to have access to 2018-19 funds through the carry-over process by submitting an FS-10A budget amendment.

- LEAs may carry-over up to 100% of 2019-20 Title I, Part A funds to use during the 2021-22 school year to meet new identified needs. All LEAs (in New York City and outside New York City) may apply for a waiver to the Title I carryover limit by making a request in writing to the Department's Office of ESSA-Funded Programs at 320 EB, 89 Washington Avenue, Albany, New York 12234. Please include the LEA BEDs Code, Title I project code and reason for the waiver request in your letter. ESSA requires that the LEA must be able to demonstrate that the request is reasonable and necessary.

During the extra time that has been made available, New York's schools and districts should use these funds to continue providing assistance to the same populations served by the programs for which waivers have been granted, and to advance student academic achievement. These funds will be used and monitored according to established procedures and protocols, ensuring that funds are directed to support the specific student groups disproportionately impacted by the coronavirus pandemic, including each major racial and ethnic group, children from low-income families, children with disabilities, English learners, migrant students, students experiencing homelessness, and children and youth in foster care.

If you have questions regarding the use of federal funds associated with approved 2019-20 Every Student Succeeds Act (ESSA) funded grant programs, please contact the Office of ESSA-Funded Programs at conappta@nysed.gov. For questions related to the use of Title III, Part A funds specifically, please contact the Office of Bilingual Education and World Languages at OBEWL@nysed.gov.

cc: Sharon Cates-Williams
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