

Public Comment Period

NYSED Request for Public Comments on a Waiver for the 2020-2021 school year of the requirement in Elementary and Secondary Education Act section 4201(b)(1)(A) that restricts activities provided by a 21st Century Community Learning Center program to activities provided only during non-school hours or periods when school is not in session

September 22, 2020

The New York State Education Department (NYSED) is submitting a request for on a Waiver for the 2020-2021 school year of the requirement in Elementary and Secondary Education Act (ESEA) section 4201(b)(1)(A) that restricts activities provided by a 21st Century Community Learning Center (21st CLCC) program to activities provided only during non-school hours or periods when school is not in session, With this waiver, New York State may permit 21st CCLC programs to advance student academic achievement by providing supplemental activities when school is in session but students are not receiving in-person instruction, such as by permitting a teacher to provide additional academic supports during remote or independent learning. All other requirements for a 21st CCLC program continue to apply.

The New York State Education Department (NYSED) is requesting this waiver due to the extraordinary circumstances created by the COVID-19 pandemic and unprecedented obstacles schools, teachers, students, and their families are facing as the 2020-2021 school year begins. The US Department of Education (ED) is offering flexibility to States regarding the requirement in section 4201(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (ESEA) that a 21st CCLC program operate “during non-school hours or periods when school is not in session (such as before and after school or during summer recess).” Given the hybrid approach some local educational agencies (LEAs) are implementing in which students are in school part of the week and participating in remote learning during other times. ED and NYSED recognize that students may benefit from dedicated personnel and enhanced technological resources to help them better engage with remote lessons, independent work that is assigned, and other academic enrichment activities during the portion of the week when they are not physically present in school but school is in session remotely for some portion of the day.

In seeking these waivers, NYSED was required to provide assurance that NYSED and our subgrantees will use 21st CCLC funds in accordance with all other provisions of Title IV, Part B of the ESEA and all applicable regulations, program plans, and applications .

Additionally, NYSED is required to provide the public and all Local Educational Agencies (LEAs) in the State and all 21st CCLC sub-grantees with notice of and the opportunity to comment on this request. Comments may be submitted via email to FundingFlexibilities@nysed.gov with "Waiver Comments from (sender/organization name)" in the subject line. Comments accepted through **October 1, 2020.**