



Federal ESEA/ESSA Waiver Guidance

U.S. Secretary of Education [Betsy DeVos announced](#) the availability of waivers to certain fiscal and programmatic requirements of some grant programs within the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA). On April 8, 2020, Minnesota applied for this waiver, in order to support districts and charter schools in our response to the ongoing national emergency. This will help provide relief from some federal fiscal and programmatic requirements in existing grant programs for this federal fiscal year. Minnesota received approval of our waiver application on April 9, 2020. [View Minnesota's waiver](#).

Through these waivers, states will be able to:

- Approve a district or charter school to carry more than 15 percent of its Title I, Part A funds into next year, even if such a waiver has been granted in the previous three years.
- Extend the period of availability of FY 2018 funds for programs included in their consolidated ESSA State Plan to allow additional time to use those funds.
- Permit a district, charter school, or consortium of districts to use Title IV, Part A funds to meet needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment.
- Allow districts and schools to use professional development funds to conduct time-sensitive, one-time or stand-alone training focused on supporting educators in providing effective distance learning.

A summary of the Minnesota guidance for districts and charter schools regarding each of these waiver provisions is below. Details can be found in accompanying guidance documents which will be published to the MDE Website as they are finalized.

Waiver to Carry Over Excess Title I, Part A Funds

Under normal circumstances, Local Educational Agencies (LEAs) are allowed to carry over only 15 percent of their current year Title I, Part A allocation to be used in the subsequent school year. In the event that the carryover funds exceed the allowed percentage an LEA can opt to request a waiver to keep the excess carryover funds once every three years. If the LEA receives a waiver, the excess carryover can be spent during the following school year.

In response to the COVID-19 pandemic, the U.S. Department of Education has granted the Minnesota Department of Education (MDE) the authority to grant these waivers more frequently than once per three years. For Federal Fiscal Year 2019 (FFY19) funds, districts should follow the waiver application procedures that are published on the [MDE ESEA/ESSA website](#). An updated Title I, Part A Waiver Request form will be published by June 1, 2020. The deadline for submitting a Title I, Part A Waiver Request is October 15, 2020.

Extension of Fund Availability

Federal Fiscal Year 2018 funds were set to expire on September 30, 2020. Those funds (currently labeled "011" in SERVS Financial) will now be available to expend through September 30, 2021. This extension applies to:

- 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
- 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 (SEA funds for Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- Title I, Part D, Subpart 2 of the ESEA (LEA funds for 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*

LEAs do not need to apply for this extension. Guidance for how to account for these funds in SERVS Financial and other financial reporting systems will be shared as soon as possible.

*Note: competitive grant agreements are not automatically included in this extension. Current grantees will receive direct guidance from the MN Department of Education

Title IV, Part A Flexibility

The waiver allows for flexibility to the requirements and limitations of Title IV, Part A funds for Federal Fiscal Years 2018 and 2019. Guidance on these changes can be found [here](#).

Definition of Professional Development Flexibility

ESEA section 8101(42) defines “professional development,” specifically noting that the professional development activities are sustained (not stand-alone, one-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.

The definition of professional development in section 8101(42) of the ESEA has been waived for the 2019-2020 school year. Previously, professional development paid for using the funds listed in this waiver were subject to the definition.

LEAs may now use these funds for stand-alone professional development to meet the emergent needs related to the LEA's COVID-19 response.

Reminder about Use of Funds

As a general rule, Federal ESEA/ESSA program funds may be used only to cover costs that

1. align with the approved grant application and budget and
2. are necessary, reasonable, allocable, allowable, and consistently treated, and
3. supplement and do not supplant other federal or state funds.

Costs that were unallowable before remain unallowable now. If you have questions about the allowability of specific expenses or activities please send your questions to your specific MDE program contact.

Questions

Contact mde.esea@state.mn.us with questions related to

- 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
- Title I, Part C of the ESEA (Education of Migratory Children)
- Title I, Part D, Subpart 1 of the ESEA (SEA funds for Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- Title I, Part D, Subpart 2 of the ESEA (LEA funds for 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 V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- McKinney-Vento Education for Homeless Children and Youth Program

Contact mde.21cclc@state.mn.us with questions related to Title IV, Part B of the ESEA (21st Century Community Learning Centers)

Contact mde.essa@state.mn.us with questions related to the MDE Waiver or public comment process