

December 14, 2017

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Additional Waiver Requests Due to Devastation Caused by Hurricane Harvey

This letter is to notify you of TEA's intent to apply for the waivers listed below on behalf of local educational agencies (LEAs) in Texas affected by Hurricane Harvey. These are LEAs located in counties identified in the governor's disaster declaration or LEAs receiving evacuee students.

Background

Hurricane Harvey hit the Texas Gulf Coast region beginning on August 25, 2017, and heavily impacted LEA operations in over 300 LEAs. Sixty counties have been identified in the governor's disaster declaration.

The state believes that the following waivers will provide LEAs affected by Hurricane Harvey with greater flexibility to effectively implement their federal education grants to serve the intended beneficiaries of those grants.

Waivers

1. **Transportation Costs.** Extraordinary costs are being incurred for transporting students to various campuses because of the increased number of homeless students eligible under the McKinney-Vento Act. These costs include, but are not limited to, additional buses, additional staff such as bus drivers and bus aides, and adaptive equipment. If the law does not already permit, TEA will request that LEAs be granted the flexibility to use any federal funding source to pay for the deficit caused by these additional expenditures.
2. **Equipment Costs.** Specialized equipment required under specific Individual Education Plans (IEPs), programs, and classroom materials used to implement IEPs previously purchased by IDEA-B funds may have been lost or destroyed in the hurricane floods. TEA will request that LEAs be granted the flexibility to use any federal funding source to pay for the replacement costs of such equipment.
3. **Lost or Destroyed Records.** TEA has advised affected LEAs to notify parents or adult students when student records have been lost or destroyed as required by IDEA. TEA has also encouraged LEAs to appropriately document if they have lost any records due to Hurricane Harvey for IDEA or any other federal program. TEA will request that LEA compliance and monitoring findings due to loss of student records or documentation be waived during the applicable statute of limitations.
4. **IEP Amendment Process.** TEA will request that LEAs be allowed to use the change of IEP process, without restriction, to document any changes made necessary because of the hurricane. To implement this flexibility, however, the LEA would still have to get approval from the parents of any affected student. The requirements for eligibility and the requirement that IEP teams meet at least once during the 2017–2018 school year would not be waived.

5. **Accountability.** TEA will request flexibility from school improvement provisions of ESSA for LEAs in the heaviest impacted areas as we work to provide support and relief to LEAs heavily affected by the storm. TEA may not be providing state accountability ratings for certain campuses in the impacted regions; however, we will continue to identify all campuses in the state as comprehensive and/or targeted as outlined in our ESSA State Plan.

Comment Period

Due to the need to provide timely flexibility to LEAs affected by Hurricane Harvey, all comments on these proposed waivers are due by **Friday, January 5, 2018**, by electronic mail to grants@tea.texas.gov.

Once TEA reviews any comments received and makes any appropriate modifications, the comments will be submitted to USDE as part of the state's waiver requests. When and if TEA receives USDE approval of the waiver requests, additional information will be provided to LEAs on the implementation of the waivers through a statewide To the Administrator Addressed letter.

For Further Information

If you have any questions regarding the impact of Hurricane Harvey on federal grant funds or for additional information on the proposed waiver requests, please email the Department of Contracts, Grants and Financial Administration at grants@tea.texas.gov.

Sincerely,

Cory Green, Associate Commissioner
Department of Contracts, Grants and Financial Administration