

September 20, 2017

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: Hurricane Harvey and impact of federal funds: Guidance, FAQ, and waiver requests

TEA's Department of Grants Compliance and Oversight has posted guidance and FAQ regarding the impact on federal grant funds of the Hurricane Harvey disaster. The guidance is available on the TEA website on the [Administering a Grant](#) page or the [Hurricane Harvey Resources](#) page.

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

Background

LEAs receive a variety of federal education funds based on statutory formulas. These funds have a period of availability of 27 months.

- 2015–2016 carryover funds into 2016-2017 are only available for obligation through September 30, 2017.
- 2016–2017 federal funds are available for obligation through September 30, 2018.
- 2017–2018 federal funds are available for obligation through September 30, 2019.

Funds must be expended for allowable activities to serve the program's intended beneficiaries. It is anticipated that LEAs will expend more federal funds in the 2017–2018 school year to serve the intended beneficiaries of the program areas with allowable uses of funds, in both affected LEAs and in LEAs that enroll evacuee students displaced by Hurricane Harvey due to needing to meet needs of students.

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.

Waivers

1. A waiver of maintenance of effort (MOE) requirements under Section 300.203 of 34 CFR for the Individuals with Disabilities Education Act, Part B (IDEA-B) and Section 8521 of the Every Student Succeeds Act (ESSA).

This waiver will allow LEAs who have large variances in expenditures of state and local funds due to events caused by a natural disaster to have more time to recover and return to normal levels of effort.

2. A waiver of Section 1127(a) of the Every Student Succeeds Act (ESSA) that limits carryover to 15% for Title I, Part A funds.

This waiver would allow LEAs affected by Hurricane Harvey to carry over a greater percentage of their 2016-2017 Title I, Part A funds to use during the 2017–2018 school year to meet new identified needs.

3. A waiver of 421(b) of GEPA (Tydings Amendment) to extend the period of availability of FY 2016 (school year 2016–2017) federal grant funds to September 30, 2019 for the State and all of its eligible LEAs affected by Hurricane Harvey.

This waiver would extend the “life” of the funds for an additional year. This will allow the state and eligible LEAs to have more time to expend these funds to meet new identified needs.

4. A waiver of 34 CFR 76.703 to extend the liquidation period for obligations made during the award period for FY 2015 (school year 2015–2016) for federal grant funds for the State and all of its eligible LEAs affected by Hurricane Harvey.

This waiver would extend the amount of time eligible LEAs had to liquidate federal grant funds for obligations made during the grant period. This will allow eligible LEAs to have more time to receive goods and services that may have been interrupted by the natural disaster.

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, September 29, 2017, 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 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

With any questions regarding the impact of Hurricane Harvey on federal grant funds or for additional information on the proposed waiver requests, email the Department of Grants Compliance and Oversight at grants@tea.texas.gov.

Sincerely,

Cory Green, Associate Commissioner
Department of Grants Compliance and Oversight