

DATE:	September 16, 2021
SUBJECT:	Approved ESSA Fiscal Waivers
CATEGORY:	Federal Grants
NEXT STEPS:	Share with federal program staff and business office

The novel coronavirus (COVID-19) continues to impact operations in over 1,200 local educational agencies (LEAs), as well as private schools, in Texas. To assist LEAs affected by COVID-19, TEA requested and was approved for fiscal waivers to provide subgrantees additional flexibility under Every Student Succeeds Act (ESSA) programs like the waivers that were offered by USDE in the prior school year. These waivers will provide LEAs with greater flexibility to effectively implement their federal education grants to serve the intended beneficiaries.

The following ESSA requirements have been waived:

1. Title I, Part A Carryover:

Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FFY) 2020 Title I, Part A funds.

Impact to Grantees:

- This waiver is related to the Title I, Part A funds that will become carryover funds on October 1, 2021.
- Any LEA that exceeds the 15% statutory limitation on Title I, Part A carryover will automatically receive this federal, statewide administrative waiver.
- The LEA does not need to do anything to take advantage of this waiver. Once carryover is calculated, Texas Education Agency (TEA) Grants staff will automatically apply this waiver and notify the LEA if any additional information is needed.

2. Period of Availability:

To extend the period of availability, in section 421(b) of the General Education Provisions Act (GEPA), of FFY 2019 funds for the following ESSA programs to September 30, 2022:

- 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, and Title I, Part D, Subpart 2
- 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 (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

Impacts to Grantees:

- This waiver relates to the 2019-2020 ESSA funds listed above that would have otherwise expired on September 30, 2021.
- TEA is extending the end date for the 2019-2020 ESSA Federal Consolidated Grant and the 2019-2020 Title V, Part B Rural and Low-Income (RLI) Schools Program Grant.
- Due to the approved waiver, the new end date is **June 30, 2022**. This new end date provides time for final reporting and grant closeout procedures.
- LEAs need to be aware that in order to provide these extensions covered under the federal waiver, you will have two open grant applications running concurrently. You will have the 2019-2020 application open to allow the extension under the waiver and you will have your normal 2021-2022 application (which will include your 2020-2021 carryover funds) open until June 30, 2022. During this time, you must ensure you drawdown all the 2019-2020 funds, preferably before drawing your current year funds.
- Any 2019-2020 funds not drawn by June 30, 2022, will be forfeited by the LEA and returned to the federal government.
- The budget amendment deadlines for these two grant applications have also been extended to **April 1, 2022**. The LEA may only amend the budget schedules for these two 2019-2020 grant applications that have been extended; no programmatic amendments will be accepted.

For Further Information

If you have questions regarding these waivers, please contact the Department of Grant Compliance and Administration via electronic mail at GrantSupport@tea.texas.gov.

For questions regarding grant applications and amendments, grant negotiation, expenditure reporting access or issues, refunds, or TEA Login (TEAL) issues, please communicate with the appropriate [Grants Administration Contact](#). For any other grant-related questions, please contact the Grants Administration Division at (512) 463-8525 or grants@tea.texas.gov.