**Massachusetts 2020-2021 Fiscal Waiver Request**

The Massachusetts Department of Elementary and Secondary Education (MA DESE) is posting the DESE ESEA Fiscal Waiver Request for flexibility in K-12 funding for public comment per the requirements of ESEA section 8401(b)(3)(A) and the United States Department of Education (USED). The waiver request is based on the state's decision to provide the maximum amount of support made available to school districts regarding the provisions listed below.

**Elementary and Secondary Education Act of 1965 (ESEA) Provisions requesting to be waived:**

* Carryover limitation in section 1127(b) of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year 2020 (state fiscal year 2021) Title I, Part A funds. The requirement that limits an SEA’s ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.
* Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of Federal fiscal year 2019 (state fiscal year 2020) funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2022. The programs are:
  + 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 section1003 school improvement, section 1003A direct student services, if applicable, 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

I am requesting these waivers because it is not possible to obligate funds on a timely and responsible basis.

The waiving of  Section 1127(b) of Title I, Part A of the ESEA for federal fiscal year 2020 funds and Section 421(b) of the General Provisions Act (GEPA) to extend the period of availability of federal fiscal year 2019 funds for the programs we have selected above until September 30, 2022 will provide the opportunity for the Massachusetts Department of Elementary and Secondary Education (DESE) and its LEAs additional time to thoughtfully align and expend these funds heading into the upcoming school year to support our students who are facing unfinished learning. We want to ensure that each student receives the socio-emotional and the academic programming support they need to improve outcomes. Massachusetts has prioritized its approach to mitigating unfinished learning, organized in three main areas. (1) Foster a sense of belonging and partnership among students and families, (2) continuously monitor students' understanding, and (3) ensure strong grade-appropriate instruction. Within each priority, the approaches are designed to create equitable experiences and outcomes for all students in a manner that is affirming of their race, identity, home language, and unique abilities. Finally, all schools will be expected to continue to serve their highest need populations and DESE will ensure this is done by way of our regular program monitoring efforts.

In seeking these waivers, I assure that:

* The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers.
* The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects, if any, that may occur as a result of the requested waivers.
* The SEA will provide the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website. The SEA will enclose with this waiver request to USED any comments received and a description of how the SEA addressed such comments.

**Public Comments**

Please submit your comments to [federalgrantprograms@mass.gov](mailto:federalgrantprograms@mass.gov).