

September 9, 2024

The Honorable Adam Schott
Deputy Assistant Secretary,
Delegated the authority to perform the functions and
duties of the Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Schott:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: *Vermont*

Please check all that apply:

- Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2023 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2024): to waive 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) to 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 FY 2022 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2025. The programs are (*please check all that apply*):

- 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, 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 this/these waiver(s) because it is not possible to obligate funds on a timely and responsible basis.

Consistent with the requirements of ESEA section 8401(b)(1)(C) and (F), describe how the waiving of such requirements will advance student academic achievement and how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

The state of Vermont is requesting the above described waivers due to the difficulty to obligate funds in a timely and effective manner over the past 3 years. Vermont is facing significant workforce challenges both on the educator and the administrative side, which has resulted in many LEAs struggling to spend down these federal funds. LEAs have been prioritizing the obligation and liquidation of all COVID era emergency funding, leaving larger balances of unobligated funds from other ESEA Title grants. Despite the conclusion of emergency funds, there are still significant needs related to academic recovery (e.g. tutoring and afterschool), school re-engagement (e.g., family engagement counselors), and mental health (e.g., school counseling, mental health counseling). Providing expanded access to LEAs' unspent or unobligated FY2022 ESEA Title funds will allow LEAs to implement reforms that utilize all available funds to improve student achievement.

As the conclusion of ESSER draws near, LEAs have indicated significant concerns over their expiring ESEA Title dollars. Many Vermont LEAs have cited capacity challenges with obligating all balances before the expiration date. Waiving the carryover limit for Title I, part A and extending the Tydings period for Title IA, IIA, IIIA, IVA, VB and McKinney Vento funds will assist LEAs with fully realizing their planned activities related to improving the capacity of staff and instructors, recruiting and retaining qualified educators, supporting the mental and physical health and safety of our students, re-engaging students, families and communities with the schools and improving overall academic achievement of students. This waiver will provide the much-needed flexibility for LEAs to support essential programs and services and implement plans that address the new and increased needs of our student population.

The Vermont Agency of Education will continue to work with LEAs to support timely obligation and reimbursements, reducing the need for future waivers. The AOE has established a new process of reporting LEA spending progress for ESEA Title funds which will assist LEAs with understanding the complexities of, and complying with, federal fund timelines. Additionally, the AOE has revised our continuous improvement plans and processes, and the required needs assessments templates to drive LEAs to look broadly at all needs and consider all potential uses of Title funds. The AOE will focus intentionally on supporting LEAs with developing initial plans and amending those plans as needed when spending challenges arise. This intentionality will ensure LEAs consider alternative strategies to meet their needs and ultimately spend funds to support the programs' purpose. Through these new and revised processes, the AOE will support LEAs and schools in meeting the needs of those student populations served by programs for which waivers are requested.

In seeking these waivers, I assure that (please check all assurances):

- 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 that may occur as a result of the requested waivers.
- The SEA has provided 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 in the manner in which the SEA customarily provides such notice and opportunity to comment and has enclosed with this waiver request any comments received and a description of how the SEA addressed such comments.

Thank you for your consideration.

Sincerely,



Zoie Saunders
Chief State School Officer (or Authorized
Representative)

By signing my name here, I am affirming
submission of this waiver on behalf of the State.