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Agency of Education

July 27, 2022

The Honorable Ian Rosenblum
 Deputy Assistant Secretary for Policy and Programs,
 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 Rosenblum:

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) 2021 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2022): 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 2020 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2023.
 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 since spring 2020. The COVID-19 pandemic exacerbated significant workforce challenges throughout Vermont, and the disruption of typical programming and services has resulted in many LEAs struggling to spend funds while also creating an even greater need for those resources and services. In addition, LEAs have used recovery funds to address many of their needs over the past two years, and they are now planning for how to sustain ESSER-funded academic and mental health recovery activities in preparation for the expiration of these emergency funds. Providing expanded access to LEAs' unspent or unobligated FY2020 ESEA funds will assist in this transition process.

A number of local education agencies (LEAs) have reiterated to the federal programs team at the Vermont Agency of Education how the continued disruption of the pandemic has resulted in significant spending challenges. LEAs have shared concerns over their ability to utilize available funding before it expires. This waiver will allow many of our LEAs to fully fund essential programs and services that will meet the new and increased needs of our student population as our state continues to transition out of the pandemic. Extending the tydings period for Title IA, IIA, IIIA and IV A funds will assist LEAs to fully realize their planned activities related to improving the capacity

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,

Chief State School Officer (or Authorized
Representative)

Digital Signature

OR

Typed Name and Date

DocuSigned by:
Daniel Freund
7D9C2D7960AD43B...

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