

*This template is an example that may be used for the submission of a request for waivers of certain fiscal requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that a State educational agency is not required to use this template; for assistance, please contact [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).*

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: Arkansas

*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) 2020 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2021): 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 2019 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2022. 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.*

***Response: Arkansas is seeking all waivers to give LEAs flexibility to utilize federal funds to benefit the same populations served by the programs. Due to COVID-19, some districts were unable to expend federal funds as approved in their applications due to unavailable materials, inability to travel, and/or cancelled meetings. Arkansas districts and schools provided on-site instruction during the 2020-2021 school year and approximately 95% of students completed the 2021 statewide summative assessment. Student achievement data will be available to LEAs in fall of 2021, and the flexibility to carry over funds will allow the LEAs to focus on services to meet the needs of students and educators as identified by the data. Through established communication channels, the Arkansas Division of Elementary and Secondary Education (DESE) will continue to provide support to LEAs to focus funds on the populations served by the programs. DESE will continue to monitor all federal programs.***

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,

Johnny Key, Secretary of Education, Arkansas  
July 7, 2021

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

**OMB Number:** 1810-0760

**Expiration Date:** January 31, 2022

**Public Burden Statement:** According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0760. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is voluntary. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact the Office of School Support and Accountability, 400 Maryland Avenue, SW, LBJ Federal Office Building, Washington, DC, 20202 or [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).