



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: April 30, 2020
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: School Principals, School Business Administrators, District Federal ESSA Grant Administrators, Supervisors of Career and Technical Education
From: Lamont O. Repollet, Ed.D
Commissioner of Education
Deadline: May 14, 2020

U.S. Department of Education Waivers Granted Related to the COVID-19 Emergency

The New Jersey Department of Education (NJDOE) requested, and was granted, waivers from various federal requirements related to the COVID-19 emergency. As part of the waiver process, the NJDOE invites local education agencies (LEA) and the public to submit comments on these waivers to titleone@doe.nj.gov by May 14, 2020.

The waivers that have been granted include:

1. Accountability and school identification, and some reporting requirements under the *Elementary and Secondary Education Act of 1965*, as amended (*ESEA*);
2. Certain fiscal requirements under *ESEA* pursuant to authority under the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*; and
3. *Carl D. Perkins Career and Technical Education Act of 2006* period of availability per Section 421(b) of the *General Education Provisions Act (GEPA)*, pursuant to authority under the *CARES Act*.

Accountability and School Identification, and Reporting Requirement Waiver

The same [request](#) that waived *ESEA* requirements regarding the administration of statewide assessment also waived related school accountability and identification requirements. Namely, the U.S. Department of Education has waived the requirements that NJDOE annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement based on data from the 2019-20 school year. Under this waiver, any school that is identified for comprehensive or targeted support and improvement in the 2019-20 school year will maintain that identification status in the 2020-21 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-21 school year.

Additionally, 2019-20 School Performance Reports will not include the following elements:

- Statewide assessment results;
- Student growth;
- Chronic absenteeism;
- Progress toward meeting long-term goals and measurements of interim progress; and
- Other indicators based on statewide assessments.

The NJDOE has posted the [full waiver request](#) online.

Select ESEA Fiscal Requirements Waiver

This waiver allows the NJDOE to grant the following flexibilities to LEAs:

- Approve, more than once every three years, if necessary, the 15 percent carryover limitation in *ESEA* section 1127(a) for federal fiscal year (FFY) 2019 (2019-20) Title I, Part A funds;
- Extend the period of availability of FFY 2018 (2018-19) funds to September 30, 2021 for the following *ESEA* programs:
 - Title I, Part A (Improving Basic Programs) including the portions of NJDOE'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 (State Assessment Formula Grants)
 - Title I, Part C (Education of Migratory Children)
 - Title I, Part D, Subpart 1 (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
 - Title II, Part A (Supporting Effective Instruction)
 - Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement)
 - Title IV, Part A (Student Support and Academic Enrichment Grants)
 - Title IV, Part B (21st Century Community Learning Centers)
 - Title V, Part B, Subpart 2 (Rural and Low-Income School Program)
 - McKinney-Vento Education for Homeless Children and Youth Program
- Permit an LEA that received \$30,000 or more, or a consortium of LEAs to use its Title IV, Part A funds to: 1) make spending decisions without updating the comprehensive needs assessment, and 2) to best meet its needs without regard to the three allowable use categories (well-rounded, safe and healthy students, technology); and
- Waive spending requirement regarding the use of funds to purchase technology-related items (e.g., devices, internet access) for FFY 2019 (2019-20) and any available FFY 2018 (2018-19) carryover funds for all LEAs, regardless of allocation amount; and
- Waive the definition of professional development for activities funded for the 2019-20 school year to allow for time-sensitive, one-time or standalone professional development focused on supporting educators to provide effective distance learning.

The NJDOE has posted the [full waiver request](#) online.

Carl D. Perkins Career and Technical Education Act of 2006 Period of Availability

This request extended the period of availability of Federal Fiscal Year 2018 (school year 2018-19) Perkins funds to September 30, 2021.

The NJDOE has posted the [full waiver request](#) online.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group