



STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: October 5, 2022
To: Local Educational Agency Leads
Route To: School Principals, School Business Administrators, District Federal ESSA Grant Administrators
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services
Deadline: October 19, 2022

**NJDOE Invites Public Comment on ESEA Fiscal Waiver Request
Related to COVID-19**

The U.S. Department of Education (USED) has made available to State Educational Agencies (SEAs) the opportunity for additional fiscal flexibility regarding Title I, Part A and Title I, Part C funds received under the *Elementary and Secondary Education Act of 1965 (ESEA)*.

Pursuant to the authority granted by ESEA §8401, SEAs may request of USED a waiver of the following provisions:

- Section 1127(b) of Title I, Part A of the ESEA
 - The New Jersey Department of Education (NJDOE) may, more than once every three (3) years, waive the 15 percent carryover limitation as articulated in ESEA §1127(a). Given this, the NJDOE would like to waive the 15 percent carryover limitation for Federal Fiscal Year 2021 (SFY 2022) Title I, Part A funds, which become carryover funds on October 1, 2022. Requesting a waiver for a third consecutive year to this 15 percent carryover limitation would provide LEAs continued fiscal, programmatic, and operational flexibilities to address persistent and sustained needs of Title I students, educators, and families. Such a waiver would afford LEAs additional time to responsibly plan and program future Title I, Part A spending, as well as provide additional flexibility to respond to ongoing issues related to COVID-19, as needed.
- General Education Provisions Act §421(b)(1)
 - To waive the Federal FY 2020 Title I, Part C Education of Migratory Children Tydings period to allow New Jersey an additional 12 months (until September 30, 2023) to obligate these funds.

The NJDOE has posted the [full waiver request](#) online. As part of this waiver request process, the NJDOE invites LEAs and the public to submit comments regarding this waiver to titleone@doe.nj.gov no later than close of business, **Wednesday, October 19, 2022**.

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