



State of New Jersey
DEPARTMENT OF EDUCATION
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-MCMILLAN, Ed.D.
Acting Commissioner

September 30, 2022

The Honorable James F. Lane, Ed.D.
Senior Advisor, Office of the 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 20202-6100

Re: Waiver Request for Title I, Part A & Title I, Part C

Dear Dr. Lane:

On behalf of the New Jersey Department of Education (NJDOE) and its Local Educational Agencies (LEAs), I am writing to request a waiver of the Elementary and Secondary Education Act of 1965 (ESEA) Section 8401(b) for:

- 1) 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 the NJDOE's ability to grant to its LEAs waivers of the 15 percent Title I, Part A carryover limitation in section 1127(b) to once every three years; and
- 2) Federal FY 2020 Title I, Part C of the ESEA (Education of Migratory Children): to waive the Tydings period (General Education Provisions Act §421(b)(1)) to allow New Jersey an additional 12 months (until September 30, 2023) to obligate these funds.

I am requesting these waivers due to the extraordinary circumstances created by the COVID-19 pandemic. Providing additional flexibilities would afford LEAs continued fiscal, programmatic, and operational flexibilities to address persistent and sustained needs of students, educators, and families. Such waivers would provide LEAs additional time to responsibly plan and program future Title I, Part A and Title I, Part C spending, as well as offer additional flexibility to respond to ongoing issues related to COVID-19, as needed.

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In seeking these waivers, I assure that:

- The NJDOE will use and ensure its subgrantees utilize 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 NJDOE will work to mitigate and ensure its subgrantees work to mitigate any negative effects that may occur as a result of the requested waivers.
- The NJDOE will provide the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding these waiver requests 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 will forward to the United States Department of Education (USED) any comments received and a description of how the SEA addressed such comments.

Thank you for your consideration.

Sincerely,



Angelica Allen-McMillan, Ed.D.

Acting Commissioner

AAM/KE

c: Julie Bunt

Kathy Ehling

Leslie Franks-McRae