



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 3, 2023

The Honorable Angelica Allen-McMillan  
Acting Commissioner of Education  
New Jersey Department of Education  
PO Box 500  
Trenton, NJ 08625-0500

Dear Commissioner Allen-McMillan:

I am writing in response to New Jersey's September 30, 2022, request that the U.S. Department of Education (Department) waive, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), the requirements enumerated below on behalf of New Jersey and its subgrantees (e.g., local educational agencies (LEAs)) as a result of the ongoing challenges related to the COVID-19 pandemic:

- Carryover limitation in section 1127(b) of the ESEA for Federal fiscal year (FY) 2021 Title I, Part A funds (i.e., the Title I, Part A funds that became carryover funds on October 1, 2022): to waive the requirement that limits a State educational agency'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: to extend the period of availability of FY 2020 funds for Title I, Part C of the ESEA (Education of Migratory Children) until September 30, 2023.

After reviewing New Jersey's request, I am pleased to approve a waiver of the requirements listed above. I appreciate the work you and your staff are doing to help support students and schools in New Jersey. If you have any questions about this waiver, please contact my staff at [OESE.Titlei-a@ed.gov](mailto:OESE.Titlei-a@ed.gov).

Sincerely,

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

cc Julie Bunt, New Jersey Department of Education  
Kathy Ehling, New Jersey Department of Education  
Leslie Franks-McRae, New Jersey Department of Education

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