

The Georgia Department of Education (GaDOE) is seeking comments on the following waiver request for the *Elementary and Secondary Education Act* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA), which will be submitted to the U.S. Department of Education.

State: **Georgia**

Georgia is requesting a waiver of ESEA Section 1127 for all Georgia LEAs receiving Title I, Part A funds for SY2021-2022: Limitation of Title I, Part A Carryover percentage in ESEA section 1127, that limits not more than 15 percent of the Title I, Part A funds allocated to a local educational agency for any fiscal year may remain available for obligation by such agency for one additional fiscal year.

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

Since the onset of the COVID-19 crises, we have prioritized the health, safety, and well-being of students, families, and school staff, and urged common sense and compassion in Georgia's public schools. LEAs have shared with the Georgia Title I, Part A Program that due to COVID-19 restrictions and using their Emergency Relief Funds, many of their planned initiatives with their SY2021-2022 Title I, Part A funds could not be fully implemented. Therefore, many LEAs will not reach the 85 percent threshold of Title I, Part A expenditures. LEAs have shared that delays in spending will impact their ability to meet the carryover deadline for school year 2021-22 Title I, Part A funds. These delays are due to the influx of CARES, CRRSA, and ARP funds and interruptions in services caused by impacts associated with COVID-19. Approval of the waiver of the once in a three-year carryover limitation would allow districts to more thoughtfully spend funds to meet students' and staff needs as they continue to recover from the noted impacts of the pandemic and without being penalized for not meeting the carryover deadline. The Georgia Department of Education will continue to encourage districts to spend funds in a timely manner in order to limit the number of additional district waivers requested but anticipates there will be the need for continued flexibility under this request. Waiving the limitation of the Title I, Part A carryover percentage will afford LEAs, school leaders and teachers any unspent SY2021-2022 Title I, Part A funds to address students' academic achievement and the identified needs from their comprehensive needs assessment and stated in their SY2021-2022 Schoolwide or Targeted Assistance Plans.

Consistent with the requirements of ESEA section 8401(b)(1)(D), describe how the waiving of such requirement will be monitored and regularly evaluated for the effectiveness of the implementation of the plan.

Monitoring is part of the GaDOE's ongoing oversight and support of all federal programs. Currently LEAs are monitored according to a four-year cycle. LEAs that are deemed high-risk are also monitored, even if they are off cycle. If the GaDOE is granted the requested waiver, an additional layer of monitoring would be conducted for the LEAs that use the waiver. The GaDOE would continue to monitor drawdowns monthly to ensure that LEAs are using the waived funds on initiatives that are described in the Consolidated LEA Improvement Plan (CLIP) that each LEA submits. Along with the GaDOE monitoring the drawdowns, the LEAs would submit reliable, complete, and accurate data to support the

effects of the waivers on the implementation of State and local educational reforms pertaining to student and school performance. This information will be collected twice yearly as part of the CLIP progress monitoring.

Georgia is requesting a waiver for the period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2020 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2023. The programs are:

- 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) including Consortium Incentive Grants
- 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), describe how the waiving of such requirements will advance student academic achievement.

The extension of the period of availability of FY 2020 funds for the programs indicated will allow districts and schools to continue to assess student needs and spend the funds to support strategies to increase student achievement. The additional time will allow them to ensure strategies are implemented with fidelity and monitored for effectiveness. GaDOE program staff who administer the programs for which waivers are being requested will work with school and district staff to ensure they continue to provide assistance to the same populations served by the respective programs.

Consistent with the requirements of ESEA section 8401(b)(1)(D), describe how the waiving of such requirement will be monitored and regularly evaluated for the effectiveness of the implementation of the plan.

Monitoring is part of the GaDOE's ongoing oversight and support of all federal programs. Currently LEAs are monitored according to a four-year cycle. LEAs that are deemed high-risk are also monitored, even if they are off cycle. If the GaDOE is granted the requested

waiver, an additional layer of monitoring would be conducted for the LEAs that use the waiver. The GaDOE would continue to monitor drawdowns monthly to ensure that LEAs are using the waived funds on initiatives that are described in the Consolidated LEA Improvement Plan (CLIP) that each LEA submits. Along with the GaDOE monitoring the drawdowns, the LEAs would submit reliable, complete, and accurate data to support the effects of the waivers on the implementation of State and local educational reforms pertaining to student and school performance. This information will be collected twice yearly as part of the CLIP progress monitoring.

Georgia is requesting a waiver of ESEA Section 8521 Maintenance of Effort (MOE) for twenty-three (23) Georgia LEAs that failed to meet both ESEA MOE requirements of the combined fiscal effort per student and aggregate expenditures when comparing 90% of their FY20 per student and aggregate expenditures to FY21 per student and aggregate expenditures.

LEAs have shared with the Georgia Department of Education that COVID-19 restrictions and use of their COVID relief funds through the CARES, CRRSA, and APR Acts resulted in reduced use of state and local funds when compared to prior years. These 23 LEAs were not able to meet the ESEA MOE requirement because they were utilizing the Emergency Relief Funds for maintaining continuity of operations and providing additional services during the pandemic. We consider this to be an exceptional and uncontrollable circumstance as outlined in ESSA Sec. 8521. Not meeting MOE is atypical for LEAs in Georgia and all 23 LEAs have met MOE requirements in the prior five years. Georgia is asking for a waiver for these 23 LEAs so that this failure to meet MOE will not affect future ESEA programs' allocations.

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

If 23 schools are granted the waiver of ESEA section 8521 maintenance of Effort (MOE) it will allow these LEAs to continue to assess student needs and spend funds to support strategies outlined in the annual Consolidated LEA Improvement Plan (CLIP) to increase student achievement. These schools will implement strategies with fidelity and monitor for effectiveness. GaDOE program staff will work with these LEAs to ensure that they continue to provide assistance to the intended populations and are on track to meet MOE in the upcoming year.

Consistent with the requirements of ESEA section 8401(b)(1)(D), describe how the waiving of such requirement will be monitored and regularly evaluated for the effectiveness of the implementation of the plan.

Georgia requires LEAs receiving federal ESSA funds to regularly monitor and evaluate the effectiveness of their Consolidated LEA Improvement Plan (CLIP), and Schoolwide or Targeted Assistance Plan. LEAs are asked to submit a progress monitoring report twice during the SY2022-2023 of their established goals and action plans as stated in their CLIP. These progress monitoring reports are reviewed, and feedback is provided to the LEAs regarding the implementation of their plan. Also, GaDOE will monitor approximately one-fourth of the LEAs in SY2022-2023 during our cross-functional monitoring. During this monitoring, LEAs will submit documentation that their plans are being implemented and internal controls are being followed. The GaDOE Title I,

Part A program staff are also holding monthly meetings with their assigned LEAs to share and discuss successes and issues in implementing their plans.

Questions and comments should be submitted to federalprograms@doe.k12.ga.us before September 23, 2022.