

ARIZONA DEPARTMENT OF EDUCATION
PUBLIC NOTICE AND COMMENT PERIOD
WAIVER REQUEST PURSUANT TO
34 C.F.R. §200.6(c)(4)
April 27, 2020

As part of waiver requirements, we are posting an opportunity for public comment regarding the Arizona Department of Education (ADE) seeking a one-year waiver pursuant to §8401(b) from requirements within the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) of 2015 from the U.S. Department of Education (USDOE). The USDOE requires state educational agencies, when seeking waivers from statutory or regulatory requirements, solicit and respond to public comment on the request and provide evidence of the available comment period. This 15-day public comment period from April 27 – May 15, 2020, waives requirements related to chronic absenteeism, accountability identifications and accountability components within Arizona’s State ESSA Plan. ADE is working diligently to continue supporting Arizona schools during this pandemic of COVID-19.

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through May 15, 2020.

Requirements from which Arizona is seeking a waiver include:

- Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020): the requirement that limits an SEA’s ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.

Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2018 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2021. The programs are (check all that apply):

- 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)
- 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

The following requirements in Title IV, Part A of the ESEA (check those that apply).
Note: These requirements are only applicable to LEAs that received \$30,000 or more in Title IV, Part A funds:

- Needs assessment requirements in section 4106(d) for the 2019-2020 school year.
 - Content area spending requirements in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A funds for activities under sections 4107, 4108 and 4109 for FY 2019 funds and any available FY 2018 carryover funds.
 - Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2019 funds and any available FY 2018 carryover funds.
- The definition of professional development in section 8101(42) of the ESEA for the 2019-2020 school year.

We invite you to share your feedback on Arizona's waiver through May 15, 2020. You may submit your comments electronically, using the following link:

<http://www.azed.gov/titlei/public-comment-one-year-waiver/>

or directly to EducatorAndSchoolExcellence@azed.gov, 602-364-1958, or Arizona Department of Education, 1535 West Jefferson St. Bin #32, Phoenix, AZ 85007.