

PUBLIC NOTICE

**Application for Waiver of State Education Agency Requirements under  
the CARES Act**

Pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act),

P.L. 116-136 (H.R. 748), 34 Stat. 281 (Mar. 27, 2020), the Department of Public Instruction submitted a request for and received approval of a waiver of the following requirements in response to statewide school closures:

- 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:

- 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 undersection 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.

As required under the waiver process, the state educational agency must provide the public and all local education agencies in the state with notice of and the opportunity to comment on this request. The Department's application for waiver authority is available to review at [https://dpi.wi.gov/sites/default/files/imce/esea/pdf/WI\\_fiscal-waiver-19-2020.pdf](https://dpi.wi.gov/sites/default/files/imce/esea/pdf/WI_fiscal-waiver-19-2020.pdf).

### **Written Comments**

Public comment on the application described above may be submitted by using the Department's form for submitting comment at <https://forms.gle/KBWie86kDn74VQAM7>. Questions or additional comment may be accepted by using the contact information below. Written comments should be submitted no later than April 27, 2020, in order to receive consideration.

### **Agency Contact Person**

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