TO: District Superintendents
District Instructional Leaders
District Finance Directors
Title I, Part A Coordinators
Title I, Part C, Migrant Coordinators
Title I, Part D, N&D Coordinators
Title II Coordinators
Title III EL Coordinators
Title IV Coordinators
Title V (REAP) Coordinators
McKinney-Vento Homeless Liaisons

FROM: Molly M. Spearman
State Superintendent of Education

DATE: April 7, 2020

RE: Updates on ESEA Flexibilities

We are pleased to announce that the United States Department of Education (USED) has approved additional waivers for the South Carolina Department of Education (SCDE), authorized under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (March 27, 2020), which provides substantial relief to children and educators who have been profoundly affected by COVID-19. This additional flexibility impacts K–12 education funding under the Elementary and Secondary Education Act of 1965 (ESEA).

Specifically, South Carolina has been granted waivers for the following provisions, pursuant to the authority under the CARES Act:

- Section 1127(b) of Title I, Part A of the ESEA so that the SCDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for fiscal year FY20 Title I, Part A funds;
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• Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY19 funds for programs in which we participate under our approved consolidated State plan until September 30, 2021;
• Section 4106(d) of Title IV, Part A of the ESEA related to needs assessments for the 2019–20 school year;
• Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FY19 and FY20 Title IV, Part A funds;
• Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FY19 and FY20 Title IV, Part A funds; and
• Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.

Through these waivers, the SCDE will be able to approve a district to carry over more than 15 percent of its Title I, Part A funds, even if the district has received approval to exceed this limitation in the past three years.

The SCDE will also extend the period of availability of FY19 funds (awarded in July 2018) for programs included in our consolidated State ESEA plan to allow districts additional time to obligate those funds. The period of availability for the FY19 flow-through grants for the following programs will be extended until September 30, 2021:

• 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 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); and
• McKinney-Vento Education for Homeless Children and Youth Program.

The SCDE will be able to permit a district to use its Title IV, Part A funds to best meet its needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment. Finally, by waiving the definition of professional development under Title II, districts will be able to conduct time-sensitive, one-time, or stand-alone professional development focused on supporting educators to provide effective distance learning.

Thank you for the work you are doing to help ensure learning continues for your students during these extraordinary circumstances. Very soon, the applicable SCDE program offices will provide additional details related to these flexibilities, including revised grant award notifications. This flexibility will allow us to focus on addressing this public health pandemic and meet the immediate and most important needs of the students and faculty we serve. If you have any questions, please contact John Payne at jrpayne@ed.sc.gov.