



September \_\_, 2024

The Honorable Adam Schott

Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary

Office of Elementary and Secondary Education U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

Dear Deputy Assistant Secretary Schott:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements due to ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: Nebraska

Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2022 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2025. 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

I am requesting this/these waiver(s) because it is not possible to obligate funds on a timely and responsible basis.

*Nebraska districts have benefitted tremendously from the additional financial support provided by the United States Government during the Covid-19 pandemic. Districts have used these funds to focus on research based best practices to provide greater educational opportunities and social emotional supports for their students. As this funding comes to an end, districts have been fiscally responsible and planned for the ESSER fiscal cliff by having reserved some of their other federal funds to help assure the best practices put into place can continue into the future. LEAs and the SEA have also been faced with challenges due to staff shortages in various positions during the 2023-24 school year and are working to find ways to improve in this area. Nebraska is requesting waivers consistent with the requirements of ESEA section 8701(b)(1)(C) and (F). These waivers will provide the eligible LEAs and the SEA the opportunities needed to assure the best use of funds, to support the evaluation of the practices in place, and to monitor the processes for future success.*

In seeking these waivers, I assure that:

- The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers.
- The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects that may occur as a result of the requested waivers.
- The SEA has provided the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website in the manner in which the SEA customarily provides such notice and opportunity to comment and has enclosed with this waiver request any comments received and a description of how the SEA addressed such comments.

Thank you for your consideration.

Sincerely,

Brian Maher, Ed.D.

Nebraska Commissioner of Education