



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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NASHVILLE, TN 37243-0375

PENNY SCHWINN
COMMISSIONER

March 25, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Waiver Request – Period of Performance, Every Student Succeeds Act (ESSA)

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee.

Availability for ESSA Grant Funds

Specifically, TDOE is requesting a waiver to extend the period of performance for an additional 12 months respectively for all remaining FY18, FY19, and FY20 grant funds, and allowing the additional 90 days for liquidation after the period of performance. With extended school closures, this waiver would allow districts time and flexibility to reset and reevaluate how best to support students following the current crises.

These grants include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged (84.010),
- Title I, Part C - Education of Migratory Children (84.181),
- Title I, Part D - Educational Support of Neglected, Delinquent, and At-Risk Youth (84.013),
- Title II, Part A - Supporting Effective Instruction (84.367),
- Title III, Part A - Language Instruction for English Learners and Immigrant Students (84.031),
- Title IV, Part A - Student Support and Academic Enrichment (SSAE) (84.424),
- Title IV, Part B – 21st Century Community Learning Centers (84.287),
- Title V, Rural and Low-Income School Program, Part A (84.358)
- Title V, Part B – Rural Education Achievement Program (REAP) (84.358b), and
- Title IX, Part A Education for Homeless Children and Youth (84.196).

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Yesterday, Governor Bill Lee announced that all public schools in Tennessee would remain closed until April 24—a decision that will continued to be reevaluated in the weeks to come. Districts and charter entities are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools. Many of their students do not have appropriate access to technology in their homes, making instructional continuity more challenging.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. This waiver will ensure that the TDOE and districts have the flexibility to adapt to an ever-evolving health crisis and in the recovery. Please feel free to contact Eve Carney, by email at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

A handwritten signature in cursive script, appearing to read "Penny Schwinn".

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Deborah Thompson, Assistant Commissioner Federal Programs and Oversight