

Questions and Answers

Title IV, Part A Waiver Guidance

The U.S. Department of Education (ED) [announced](#) the availability of waivers to certain fiscal and programmatic requirements of some grant programs within the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA). On April 6, 2020, The Tennessee Department of Education (department) [applied for these waivers](#) to support local educational agencies (LEAs) as a response to the ongoing COVID-19 crisis. The department has received approval of the waivers, which will help provide relief from some requirements in existing grant programs. This document provides information on the Title IV, Part A waiver, including how LEAs can submit a request.

Note: this Q&A document addresses only the Title IV, Part A waiver. The department has applied for numerous waivers, which if granted, will impact federal education funds. More information about any additional waivers will be shared as the department receives information and guidance from ED. All waiver submissions and approvals are available on the department's [Update on Coronavirus website](#).

1. What is the purpose of Title IV, Part A and what are allowable activities?

The purpose of Title IV, Part A, is to improve students' academic achievement by increasing the capacity of the state educational agency (SEA) and LEAs to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology to improve the academic achievement and digital literacy of all students.

- **Well-Rounded Education:** The purpose of a well-rounded education is to provide an enriched curriculum and educational experiences to all students. It includes programs and activities in the core subjects as well as other activities, including those that integrate multiple academic disciplines. In general, an LEA may use funds for any program or activity that supports student access to and success in well-rounded educational experiences.
- **Safe and Healthy Students:** The second purpose of Title IV, Part A is to improve school conditions for student learning. When students are healthy, and feel safe and supported, they are more likely to succeed in school.
- **Effective Use of Technology:** This category is intended to improve the use of technology to improve the academic achievement and digital literacy of all students (ESEA § 4109). The intent of this category is to increase the effective use of technology to improve the academic achievement, academic growth, and digital literacy of all students.

2. What flexibilities are provided to states under the Title IV, Part A provisions of these waivers?

Through the Title IV, Part A provisions of these waivers, the department may:

- permit an LEA to use Title IV, Part A funds to meet needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment; and
- allow LEAs and schools to use professional development funds to conduct time-sensitive, one-time, or stand-alone training focused on supporting educators in providing effective distance learning.

3. How can an LEA apply for the Title IV, Part A waiver described above?

To help streamline the waiver request process, LEAs only need to complete one [Federal Funds Waiver Request Form](#), which must be uploaded to the *Consolidated Funding Application Documents* folder in the

FY21 LEA Document Library (FY21 LEA Document Library > Consolidated Funding Application Documents > ESEA Waiver Request Letter). The waivers issued by ED cover multiple ESEA programs and provisions, in addition to Title IV, Part A. For more information on other programs impacted by these waivers, see the [ESEA/ESSA Federal Waiver Guidance](#) document, available on the department's [Update on Coronavirus](#) website.

The deadline for submitting a Federal ESEA/ESSA Waiver Request is **Sept. 30, 2020**. Requests will be reviewed within 10 business days, and a waiver approval letter will be uploaded into ePlan.

4. How does the waiver impact the spending requirement for LEAs that receive \$30,000 or more in Title IV, Part A funds?

Under this waiver the following provisions do not apply for federal funding year (FFY) 2019 (funds awarded to LEAs July 1, 2019, for the **2019–20 school year**) and any available FFY 2018 (funds awarded to LEAs July 1, 2018, for the **2018–19 school year**) carryover funds:

- completion of a Needs Assessment for the 2019–20 school year,
- a minimum of at least 20 percent of funds for activities to support well-rounded educational opportunities,
- a minimum of at least 20 percent of funds for activities to support safe and healthy students, and
- a portion of funds for activities to support effective use of technology.

5. How does the waiver impact the 15 percent cap on technology infrastructure?

A special rule in Title IV, Part A states that no more than 15 percent of funds for activities to support the effective use of technology may be used

"for purchasing technology infrastructure as described in subsection (a)(2)(B), which includes technology infrastructure purchased for the activities under subsection (a)(4)(A)." ESEA § 4109(b)

To clarify, LEAs typically may not spend more than 15 percent of funding in the effective use of technology focus area on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases. (ESEA § 4109(b)).

With an approved LEA waiver, the 15 percent limit on the use of funds for technology infrastructure does not apply for FFY 2019 (funds awarded to LEAs July 1, 2019, for the **2019–20 school year**) funds and any available FFY 2018 (funds awarded to LEAs July 1, 2018, for the **2018–19 school year**) carryover funds. This waiver provision applies regardless of the amount of the Title IV, Part A award that an LEA received.

6. How does the waiver impact Title IV, Part A carryover?

The waiver has extended the period of availability for FFY 2018 (funds awarded to LEAs July 1, 2018, for the **2018–19 school year**) Title IV, Part A funds until **Sept. 30, 2021**.

Title IV, Part A does not have a carryover limitation. The waiver provision extends the period of availability beyond the usual Tydings Amendment time period of 27 months to obligate and expend funds awarded on July 1 of the federal fiscal year in which the funds were appropriated. Under the waiver provision, the LEA may carry over all unspent Title IV, Part A funds from FFY2018 (funds awarded to LEAs July 1, 2018, for the **2018–19 school year**) and/or FFY2019 (funds awarded to LEAs July 1, 2019, for the **2019–20 school year**) to be spent in FFY2020 (for the **2020–21 school year**).

The carry-over provision also applies to non-public schools who participate in the Title IV, Part A program. Unspent funds may remain available for the provision of equitable services for Title IV, Part A

during the subsequent school year. LEAs must use such funds on equitable services and should add funds into the equitable services allocation for the 2020–21 school year. The department created a [Non-Public Carryover Request](#) document for LEAs to use with participating non-public schools during the consultation process.

7. How can an LEA revise and resubmit its Title IV, Part A application?

Revisions to the Title IV, Part A application can be made at any time through the LEA's FY20 *Consolidated Funding Application* (CFA). LEAs that choose to make revisions to the activities in their Title IV, Part A application must:

- a) Update the amounts designated to each focus area on the program details page.
- b) Update the activity descriptions on the program details page. **Note that the needs assessment requirements/questions do not apply.**
- c) Update the budget page, labeling purchases appropriately according to the focus area (*WR-Well-Rounded Educational Opportunities, SH-Safe & Healthy Students, ET-Effective Use of Technology*). Within the budget narratives, be sure to include examples of equipment, supplies, and materials being purchased and what specifically is being purchased for professional development.
- d) Ensure that information on the program details page aligns with what is in the budget.

8. Can an LEA transfer funds out of or into Title IV, Part A?

Yes. Title IV, Part A, funds can be transferred to:

- Title I, Parts A, C, and D;
- Title II, Part A;
- Title III, Part A;
- Title IV, Part B; and
- Title V, Part B.

Before making transfers, consider programming with all of the LEA's Title funds. There may be changes to other federal Title programs that need to be made as well. Note that LEAs that transfer funds must conduct consultations (if applicable) with eligible nonpublic schools (consistent with ESEA § 8501) prior to transferring funds from or to a program that provides equitable services.

9. What else should LEAs keep in mind as they make decisions about changes to Title IV, Part A programming?

When making programmatic and funding decisions, LEAs should note that federal ESEA/ESSA program funds may only be used to cover costs that:

- align with the approved grant application and budget;
- are necessary, reasonable, allowable, documented; and
- supplement, and do not supplant, other federal or state funds.

Costs that were previously deemed unallowable, remain unallowable now, even if the waivers described above have been granted.

10. How can LEAs ensure the proposed use of Title IV, Part A funds is supplemental?

The supplement not supplant provision requires that federal grant funds must add to (supplement) and not replace (supplant) other funds (state/local) in providing general educational services. The purpose is to ensure that federal funds are benefitting the intended population and are not used to fund the basic education that the LEA would have provided in the absence of federal funds. Any service that an LEA is

required to provide under state or local rule or policy must be provided using state or local funds. If federal funds are used to provide these services, it is presumed that supplanting has occurred.

Any service that was provided in the prior year with state or local funds that are then replaced by federal funds is assumed to be supplanting. LEAs are not permitted to use federal funds to replace state or local funds. To refute the “prior year” test of supplanting, the LEA would need to have contemporaneous records to confirm that budget cuts were made in a number of areas, there was a reduced amount of state or local funds to pay for this activity/position, and the LEA made the decision to eliminate the activity/position without taking into consideration federal funds. These records may include school board agendas, minutes, budget documents, etc.

11. *Who can I contact if I still have questions?*

If you have questions about the Title IV, Part A program or waiver, please contact your [FPO ESEA Divisional Coordinator](#) or Brinn.Obermiller@tn.gov.