



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

OFFICE OF THE ASSISTANT SECRETARY

April 3, 2020

Penny Schwinn, Ph.D.
Commissioner
State of Tennessee
Department of Education
9th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243-0375

Dear Dr. Schwinn:

Thank you for your March 25, 2020, correspondence in which you request waivers for selected provisions of the *Carl D. Perkins Career and Technical Education Act*, as amended by the *Strengthening Career and Technical Education for the 21st Century Act (Perkins V)* to address your Governor's "State of Emergency" declaration in response to the novel coronavirus disease 2019 (COVID-19) epidemic and deadly tornado outbreaks. I first want to acknowledge the unprecedented challenges that you are facing and commend you and your team on the steps that you have taken, and continue to take, to ensure the health and success of your staff and students.

The Department stands ready to offer guidance, technical assistance, and information on any available flexibility within the confines of the laws it administers. *Perkins V* does not provide general waiver authority for the Secretary of Education. The only provisions of *Perkins V* that provide specific waiver authority are sections 131(b), 132(b), and 211(b), which allow the Secretary of Education to waive the secondary and postsecondary distribution formulas and maintenance of effort. We will certainly work with you if you need waivers of these provisions at a future date.

On March 27, the President signed the "Coronavirus Aid, Relief, and Economic Security Act" or the "CARES Act," Public Law 116-136 (H.R. 748). The CARES Act authorizes the Secretary of Education to grant waivers requested by State educational agencies (SEAs) of section 421(b) of the General Education Provisions Act (GEPA), often referred to as the "Tydings Amendment," to extend the period of availability of State formula grant funds, including those authorized by the Carl D. Perkins Career and Technical Education Act (Perkins Act). Shortly, we will be implementing a quick and easy process for States to request Tydings waivers under the Perkins Act. Through this process, which will be similar to the Department's recent ESSA assessment waiver process, we will ask you to affirm your Tydings waiver request from your March 25 letter.

The CARES Act also directs the Secretary to report to the relevant committees of Congress her recommendations of additional waivers under *Perkins V* and other programs that she believes are necessary to provide limited flexibility to States and local entities to meet the needs of students

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during this emergency. We will take into account the other waivers you have requested in your March 25 letter as we develop these recommendations.

Finally, the Department just issued a set of *Questions and Answers Regarding COVID-19 and Perkins V*, that identify flexibilities in the *Perkins V* statute. See https://s3.amazonaws.com/PCRN/docs/20-0086.FAQs_Perkins.pdf. Marilyn Fountain, our office's Perkins Regional Coordinator for Tennessee, will contact your State's CTE director, Steve Playl, to discuss how these flexibilities can help meet your State and local needs.

We look forward to our continuing work together as we tackle the issues that arise in this challenging time.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Stump". The signature is written in a cursive style with a large, sweeping initial "S".

Scott Stump