



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 7, 2021

The Honorable Katy Anthes  
Commissioner of Education  
Colorado Department of Education  
201 East Colfax Avenue, Room 500  
Denver, CO 80203-1799

Dear Commissioner Anthes:

I am writing in response to Colorado's request on August 10, 2021, that the U.S. Department of Education (Department) waive, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), the requirements enumerated below on behalf of Colorado and its subgrantees (e.g., local educational agencies (LEAs)) as a result of the ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

- Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2020 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2021): to waive the requirement that limits an SEA's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) to once every three years.
- Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2019 funds for programs in which Colorado participates under its approved consolidated State plan until September 30, 2022. 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).

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<http://www.ed.gov/>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

After reviewing Colorado's request, I am pleased to approve a waiver of the requirements listed above.

As part of this waiver, Colorado assured that:

- The State 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 State will work to mitigate, and ensure that its subgrantees work to mitigate, negative effects, if any, that may occur as a result of the requested waivers.
- The State 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.

I continue to thank you for the work you are doing to help support our students in your State under these extraordinary circumstances. The Department is committed to supporting you and your subgrantees during this challenging time. If you have any questions about this waiver, please contact my staff at [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).

Sincerely,



Ian Rosenblum  
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

cc: Nazanin Mohajeri-Nelson, Colorado Department of Education