



## UNITED STATES DEPARTMENT OF EDUCATION

June 30, 2021

### MEMORANDUM

TO: Lindsay Abate  
Office of Management and Budget Desk Officer

FROM: 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

RE: Emergency request for Paperwork Reduction Act (PRA) approval

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the U.S. Department of Education (Department) requests that the following collection of information, ESEA Fiscal Waiver Requests, be processed in accordance with section 1320.13 Emergency Processing. The Department is offering each State educational agency (SEA) the opportunity to request waivers that will afford additional fiscal flexibility for certain funds received under the Elementary and Secondary Education Act of 1965 (ESEA). Thus, the Department is requesting emergency clearance and OMB approval of our foregoing public comment in order to collect waiver requests from SEAs as soon as possible.

The Department recognizes it may not be possible to obligate funds received under the ESEA on a timely and responsible basis due to several factors. The extraordinary and unpredictable circumstances created by the COVID-19 pandemic and unprecedented obstacles students, educators, and schools are facing during the 2020-2021 school year has delayed expenditures. Additionally, the welcome influx of additional Federal funds (e.g., ESSER I, ESSER II, and the American Rescue Plan (ARP)) to address unique needs created by COVID-19 have, in some cases, delayed the expenditures of funds from programs that are part of each State's consolidated State plan because those additional Federal funds may be used generally for activities that are allowable under the programs in the State plan.

As the end of the current school year approaches and districts and schools continue to plan for the 2021-2022 school year, knowing whether their SEA is granted the invited waivers is essential to informing their planning because it provides more certainty about the availability of Federal funds for ESEA programs. Providing a streamlined process for SEA waiver requests will speed the process for both the SEA and the Department and help

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ensure State and local staff are able to maintain focus on the pressing needs of students. Any additional delay will have a negative impact on schools and students.

In order to reduce the burden on States, the Department has created an optional template for States to collect the information required under ESEA section 8401 to request waivers of certain fiscal requirements. The optional template requests only information that is required under ESEA section 8401.

Given the short timeframe, the Department is unable to consult with the public prior to issuing the optional template, however the Department has ample experience designing other similar forms in a way that is clear and minimizes burden. We estimate that each optional template will take 1 hour for an SEA to complete and submit to the Department. The Department requests approval of this submission by July 1, 2021. Given the inability to seek public comment during such a short timeframe for this emergency collection, the Department will also provide 60-day language as part of the notice in the *Federal Register* seeking public comment for the regular information collection.