August XX, 2022

Mr. James Lane

Delegated the Authority to Perform the Functions and Duties

of the Assistant Secretary

Office of Elementary and Secondary Education

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-6100

[James.lane@ed.gov](mailto:James.lane@ed.gov)

**Re: Title II, Part A of ESEA Extension Request**

Dear Mr. Lane:

On behalf of the Puerto Rico Department of Education (PRDE), I would like to thank you and your staff for the assistance provided and your willingness to continue working with PRDE in overcoming the challenges that our schools have faced.

Puerto Rico has had several natural disasters such as hurricanes in 2017 and earthquakes in late 2019, that caused significant damages to our infrastructure and loss of learning time. Moreover, from 2019 through March 2021, federal funds were restricted due to the Specific Conditions, until March 2021, when the contract with Third Party Fiduaciary Agent, Álvarez and Marsal Public Sector Services (A&M), was signed. To add to these circumstances, on March 2020, Puerto Rico and PRDE were facing another challenge, the Coronavirus (COVID-19) pandemic. Due to the magnitude of this health emergency, the academic time was affected because in-person activities were prohibited and our infrastructure continued to suffer due to lack of maintenance, among other severe consequences.

In Puerto Rico, the schools' facilities were closed on March 2020, due to the extraordinary circumstances created by the COVID-19 pandemic, for which a national emergency has been declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The situation in Puerto Rico is worse than in other jurisdictions, due to the severity of the weather events, hurricanes Irma and María, and the effects from the series of earthquakes, in addition to the pandemic.

Based on the aforementioned situation, PRDE is working thoroughly to guarantee our students and school communities a safe and healthy environment, and to enable parents, guardians, and caregivers to continue to work in-person. The efforts to keep in-person learning is still our main objective, as we attempt to provide the students with the best opportunities to excel in the academic and related areas.

PRDE strongly believes that the absence of in-person education is detrimental for the students, especially for children from low-resourced communities and students with disabilities, among other subgroups. The achievement gaps that existed prior to the pandemic, persisted over the past years, and in some cases are greater.

To achieve the Agency main objective, PRDE would like to formally request additional fiscal flexibility for Fiscal Years (FY) 2019 and 2020 under the **Title II, Part A** of Elementary and Secondary Education Act (ESEA) of 1965, as amended, until September 30, 2023. Details of the available funds that need additional time to be obligated by fiscal year are as follows:

**YEAR AVAILABLE FUNDS**

2019-2020: $ 25,823,575.70

2020-2021: $ 24,382,721.45

In accordance with Section 8401 of ESSA, the PRDE is requesting an additional one-year waiver of section 421(b) of the General Education Provisions Act (GEPA) for the period of availability for the FYs 2019 and 2020 Title II-A funds.

Under this waiver, PRDE would give continuity to the implementation of the initiatives financed with program funds, for the improvement of student’s academic achievement, professional development and related activities; and a contribution to the Schoolwide Fund that allows schools to implement their Schoolwide Plans for the benefit of entirety of the school community.

In seeking these waivers, PRDE assure that:

* PRDE will use funds under the respective programs in accordance with the provisions of applicable statutes, regulations, program plans, and applications not subject to these waivers.
* PRDE will work to mitigate any negative effects, if any, that may occur as a result of the requested waivers.
* PRDE provided the public 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.

As stated in the previous waiver requests, PRDE has made efforts to obligate these funds during their corresponding periods, however, the mentioned factors have caused delays in this process.

The PRDE will appreciate your consideration on this request. Should you have any questions or concerns, please contact me by email [martinezgn@de.pr.gov](mailto:martinezgn@de.pr.gov).

Sincerely,

Naitzabes Martínez González, Esq.

Director

Federal Affairs Office

cc: [evan.skloot@ed.gov](mailto:evan.skloot@ed.gov)

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