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 IV-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 due to a diversity of events.

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 Fiduciary 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.

Accordingly, I am writing to request a waiver on behalf of the State educational agency (SEA) and its subgrantees (i.e., local educational agencies (LEAs)), of the 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 and FY 2020 funds of the **Title IV, Part A** of Elementary and Secondary Education Act (ESEA) of 1965, as amended, until September 30, 2023.

Providing additional flexibilities in the use of **Title IV, Part A** funds will advance student academic achievement by helping schools address their critical needs.

Under this waiver, PRDE would give continuity to the implementation of the initiatives financed with program funds, such as the “Positive Behavioral Interventions and Supports” (PBIS) public school work plan that is being implemented under section 4108, the work plans of the participating private schools, the development of the comprehensive needs study, among others. Unspent balances for the FYs 2019 and FY 2020 grant awards as of July 1, 2022 are as follows:

**FISCAL YEAR AVAILABLE BALANCE**

2019: $ 3,118,347.92

2020: $ 5,763,080.16

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.

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: [Ivonne.jaime@ed.gov](mailto:Ivonne.jaime@ed.gov)

[ramospr@de.pr.gov](mailto:ramospr@de.pr.gov)