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 I of ESEA Additional Waivers Request (15%carryover limitation and 1003(a) & 1003(A))**

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 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.

Since additional flexibilities can greatly help PRDE to provide better services, we are requesting further waivers.

PRDE believes that section 1127(a) of the Elementary and Secondary Education Act, as amended (ESEA) does not apply to PRDE because we are unitary system. However, as we have previously been directed by the United States Department of Education (USDE) we are seeking a waiver of the said law provision for FYs 2019-2020 and 2020-2021:

1. This will only effect Title I, Part A of ESEA program funds
2. Section 1127(a) of ESEA limits carryover of the Title I, Part A program at the local educational agency (LEA) level to 15%. Under this waiver, PRDE will be able to carryover more that 15% of two annual Title I-A allocations, as it has always done in prior years. FYs 2019-2020 and 2020-2021 funds became available on July 1, 2019 and July 1, 2020, and were available to obligate through September 30, 2020 and 2021, respectively.
3. This waiver will help PRDE to continue to provide a well-rounded education to help our students with their academic achievements.
4. During the carryover period, PRDE will continue to monitor and regularly evaluate the effectiveness of the Agency’s Title I-A program by considering a number of factors, including achievement on PRDE’s challenging academic standards.
5. This waiver will also help PRDE to continue to serve the eligible student population in Schoolwide schools by paying teachers’ salaries and other allowable Title I-A activities.
6. PRDE will also continue to meet all applicable reporting requirements in order to keep parents informed on student achievements and school performance, among other requirements.

Furthermore, PRDE would like to formally request a waiver of the 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 1003a school improvement and section 1003A direct student services of the FYs 2019-2020 y 2020-2021.

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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