



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** June 23, 2020

**SUBJECT:** Waiver Authority for the Period of Availability for *Individuals with Disabilities Education Act* (IDEA) Part B Funds for Federal Fiscal Year (FFY) 2018

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**PURPOSE:**

To review the waiver related to the Period of Availability for *Individuals with Disabilities Education Act* (IDEA) Part B Funds for Federal Fiscal Year (FFY) 2018 as a result of the extraordinary circumstances created by the COVID-19 pandemic.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

As a result of the COVID-19 pandemic and state of emergency declared by Governor Larry Hogan, Maryland schools have been closed since March 16, 2020, and will be closed through the end of the school year. During this period the U.S. Department of Education has offered states several waivers to address the challenges caused by the pandemic. The Maryland State Department of Education (MSDE) has requested and been granted waivers of *Flexibility for States on the Elementary and Secondary Education Act Assessment and Accountability Requirements, Flexibility for States in K-12 Education Funding, in particular the Elementary and Secondary Education Act of 1965 (ESEA), and State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006 for FY18 funds.*

**EXECUTIVE SUMMARY:**

Under section 3511(b)(1)(B) of the [Coronavirus Aid, Relief, and Economic Security Act](#) (CARES Act), Pub. L. No. 116-136 (March 27, 2020), the Secretary of Education is authorized to consider waivers to extend the period of availability for certain Federal funds. The CARES Act provides substantial relief to children and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19).

The U.S. Department of Education is offering states, upon request, a waiver that will permit the State educational agency and subgrantees (e.g. local educational agencies) to use Federal fiscal year (FFY) 2018 IDEA Part B grant award funds for an additional year beyond what is known as the Tydings period. This action is taken as a result of the on-going national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to assist in planning

for how to resume or continue the provision of special education and related services for children with disabilities and their families.

The U.S. Department of Education has offered a streamlined waiver request for an extension of the period of availability in Section 421(b) of the General Education Provisions Act (GEPA) for FFY 2018 IDEA Part B grant award funds. Upon approval of a waiver, the FFY 2018 IDEA Part B grant award funds will be available for obligation through September 30, 2021 and may be liquidated through December 30, 2021. The Office of Special Education and Rehabilitative Services (OSERS) is committed to acting on and responding to complete the waiver requests as quickly as possible. The waiver template provided by the OSERS is attached for review.

**ACTION:**

Request approval to submit the waiver for the Period of Availability for *Individuals with Disabilities Education Act* (IDEA) Part B Funds for FFY 2018.

**ATTACHMENT:**

Letter from Mark Schultz Commissioner, Rehabilitation Services Administration

SUBJECT: Waiver Authority for the Period of Availability for Individuals with Disabilities Education Act (IDEA) Part B Funds for Federal fiscal year (FFY) 2018

Template: Waiver for the Period of Availability for Individuals with Disabilities Education Act (IDEA) Part B Funds for FFY 2018



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

**June 8, 2020**

**Memorandum**

TO: Chief State School Officers

FROM: Mark Schultz  
Commissioner, Rehabilitation Services Administration  
Delegated the authority to perform the functions and duties of the  
Assistant Secretary for the Office of Special Education and Rehabilitative  
Services

SUBJECT: Waiver Authority for the Period of Availability for Individuals with Disabilities  
Education Act (IDEA) Part B Funds for Federal fiscal year (FFY) 2018

Under section 3511(b)(1)(B) of the [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#), Pub. L. No. 116-136 (March 27, 2020), the Secretary of Education is authorized to consider waivers to extend the period of availability for certain Federal funds. The CARES Act provides substantial relief to children and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19).

You may request a waiver that will permit your State educational agency and subgrantees (e.g. local educational agencies) to use Federal fiscal year (FFY) 2018 IDEA Part B grant award funds for an additional year beyond what is known as the Tydings period. This action is taken as a result of the on-going national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to assist in your planning for how to resume or continue the provision of special education and related services for children with disabilities and their families.

You may now submit a streamlined waiver request for an extension of the period of availability in Section 421(b) of the General Education Provisions Act (GEPA) for FFY 2018 IDEA Part B grant award funds. Upon approval of a waiver, the FFY 2018 IDEA Part B grant award funds will be available for obligation through September 30, 2021 and may be liquidated through December 30, 2021. OSERS is committed to acting on and responding to complete waiver requests as quickly as possible. To that end, a waiver template is available which, if completed and submitted electronically to [IDEAwaiver@ed.gov](mailto:IDEAwaiver@ed.gov), will result in an expedited response from the Department. The waiver template in fillable portable document format (PDF) is attached to this memorandum and is also posted at [www.ed.gov/coronavirus](http://www.ed.gov/coronavirus).

Thank you for your ongoing work in support of educators, families, and children and youth with disabilities during these extraordinary circumstances. If you have questions or need additional information regarding submission of your IDEA Part B waiver request, please contact us at

[IDEAwaiver@ed.gov](mailto:IDEAwaiver@ed.gov). If you have general questions regarding COVID-19 and how the U.S. Department of Education can best support you, please contact [COVID-19@ed.gov](mailto:COVID-19@ed.gov). I encourage you to continue to monitor information regarding COVID-19 from the [Centers for Disease Control and Prevention](https://www.cdc.gov) and stay abreast of information and resources for schools and school personnel at [www.ed.gov/coronavirus](http://www.ed.gov/coronavirus).

Attachment

cc: State Directors of Special Education



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

*OSERS is committed to acting on and responding to complete waiver requests as quickly as possible by providing an expedited response to the State educational agency (SEA) that submits this waiver and provides all necessary information. At the end of this form please click the submit button to submit this form directly to the [IDEAWaiver@ed.gov](mailto:IDEAWaiver@ed.gov) mailbox.*

The Honorable Mark Schultz  
Commissioner, Rehabilitative Services Administration  
Delegated the authority to perform the functions and duties of the Assistant Secretary for the  
Office of Special Education and Rehabilitative Services  
Office of Special Education and Rehabilitative Services  
U.S. Department of Education  
550 12th Street, SW  
Washington, DC 20202

Dear Mr. Schultz:

I am writing to request a waiver, pursuant to Section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law No. 116-136 (March 27, 2020), of the requirements enumerated below on behalf of the:

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and its subgrantees (e.g., local educational agencies (LEA)).

Specifically, I request a waiver of Section 421(b) of the General Education Provisions Act (GEPA), to extend the period of availability of Federal fiscal year (FFY) 2018 Individuals with Disabilities Education Act (IDEA) Part B grant funds for which the State education agency participates as the eligible agency, through September 30, 2021. Under this approved waiver, FFY 2018 IDEA Part B grant funds will be available for obligation through September 30, 2021, and for liquidation through December 30, 2021.

Date:

State:

Name of SEA:

Please check all that apply:

- FFY 2018:
- IDEA Part B Grants to States (Section 611)
- IDEA Part B Grants to States (Section 619)

In seeking this waiver, I assure that:

- The SEA will use, and ensure that its subgrantees will use, funds in accordance with all applicable statutes, regulations, and program plans, and applications not subject to these waivers.
- The SEA will work to mitigate, and ensure that its subgrantees will work to mitigate, negative effects, if any, that may occur as a result of the requested waiver.
- This waiver is requested in response to extraordinary circumstances due to the COVID-19 pandemic for which a national emergency was declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Thank you for your consideration,

Name of Chief State School Officer:

OR

Authorized Representative:

Title: