

## ESEA Federal Waivers for FY23 Funds

The U.S. Department of Education (ED) authorizes the Tennessee Department of Education (department) to issue waivers for certain state and federal regulations associated with the Elementary and Secondary Education Act of 1965 (ESEA). When a waiver becomes available, stakeholders will be notified through email as well as through announcements in various department newsletters and the [ePlan homepage](#). This document outlines the waivers that are currently available for **fiscal year 2023 (FY23) funds (funds for the 2022-23 school year)**.

A *Federal Program Waiver Request* instrument is available in ePlan to streamline and standardize the waiver request process. Local educational agencies (LEAs) should follow the steps outlined [here](#) to submit a request in ePlan by **Sept. 1, 2023**. Requests will be reviewed in the order they are received.

### Waiver to Carry Over Excess Title I, Part A Funds

Under § 421(b) of the General Education Provisions Act, LEAs are allowed to carry over only **15 percent** of the current year Title I, Part A allocation to be used in the subsequent school year. Note that Title I, Part A -Neglected funds are also included within this 15 percent limit. If the carryover funds exceed the allowed percentage, an LEA may opt to request a waiver to keep the excess carryover funds once every three years (ESEA § 1127). If the LEA receives a waiver, the excess carryover can be spent during the following school year. LEAs who receive this waiver for FY23 funds may not receive this waiver again until FY26.

### Waiver to Carry Over Excess Title I, Part D Funds

LEAs are allowed to carry over only **15 percent** of the current year Title I, Part D allocation to be used in the subsequent school year. If the carryover funds exceed the allowed percentage, an LEA may opt to request a waiver to keep the excess carryover funds once every three years. If the LEA receives a waiver, the excess carryover can be spent during the following school year. LEAs who receive this waiver for FY23 funds may not receive this waiver again until FY26.

### Waiver to Carry Over Excess Title III, Part A Funds

LEAs are allowed to carry over only **25 percent** of the current year Title III, Part A allocation to be used in the subsequent school year. Beginning with FY22 funds, if the carryover funds exceed the allowed percentage, an LEA may opt to request a waiver to keep the excess carryover funds once every three years. If the LEA receives a waiver, the excess carryover can be spent during the following school year. LEAs who receive this waiver for FY23 funds may not receive this waiver again until FY26.

### Waiver to Carry Over Excess McKinney-Vento Subgrant Funds

LEAs are allowed to carry over only **25 percent** of the current year McKinney-Vento subgrant allocation to be used in the subsequent school year. Beginning with FY22 funds, if the carryover funds exceed the allowed percentage, an LEA may opt to request a waiver to keep the excess carryover funds once every three years. If the LEA receives a waiver, the excess carryover can be spent during the following school year. LEAs who receive this waiver for FY23 funds may not receive this waiver again until FY26.

If there are any questions about available waivers, LEAs should contact their assigned [ESEA Divisional Coordinator](#).