May 20, 2020

Frank Brogan

Assistant Secretary for Elementary and Secondary Education

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, D.C. 20202

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Dear Assistant Secretary Brogan,

On November, 2019 the Puerto Rico Department of Education (PRDE), requested a waiver requesting fiscal flexibility for Fiscal Year (FY) 2017 under the Title IV, Part B of Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA) of 2015 (see attachment 1). On February 18, 2020, the United States Department of Education (USDE) notified PRDE of the approval of this request (see attachment 2).

In accordance with Section 8401 of ESSA, in the original September 30, 2019 petition, the PRDE requested a one-year waiver of section 421(b) of the General Education Provisions Act (GEPA) for the period of availability for the FY 2017 Title IV-B funds. Under the approved waiver, the period of availability for the funds in question were extended for an additional period, until September 30, 2020. As PRDE reported, in our letter, for the FY 2017, we had $6,843,902.00 of the FY 2017 award unobligated.

While in these procedures, on March 19, 2020 we presented to the USDE an amended waiver request to adjust the amount to be cover by this flexibility (see attachment 3). During the events and communications between PRDE and USDE regarding this topic, PRDE shared the information, including all documents related to the invoices for the amended amount, along with supporting documents.

Later, PRDE was notified that after the USDE review of the request to amend PRDE’s FY 17 Tydings waiver (approved by the Department February 18, 2020), considering the Amendment includes both obligated and un-obligated funds, there are actually two requests which need to be submitted. Basically, we must submit to the USDE a Late Liquidation for the obligated funds sum and an Amendment to the Tydings waiver including the amount related only to funds **not obligated** and the time it will take to obligate and liquidate the funds. In addition, the USDE recommended us to extend using dates to address COVID-19 as well as our original request (September 30, 2021).

As of today, the amount of unobligated funds included in our original waiver request has increased to $7,482,959.52, due to available balances that have arisen from invoices that have been adjusted while the program fiscal officers processed them and later, processed the payments accordingly. We understand that we will be able to obligate and liquidate this amount on or before September 30, 2021

It is for the reasons stated that PRDE would like to formally amend our request for additional fiscal flexibility for Fiscal Year (FY) 2017 under the Title IV, Part B federal program, for the amount that was not contemplated in our original submission, and that was not accurate in our amended one.

This waiver will allow PRDE to continue providing services and performing activities of this federal program, serving the eligible population that is still in need of supplemental assistance, without losing so much needed funds.

In accordance with federal regulations, the PRDE has provided the public with notice and a reasonable opportunity to comment and provide input on this request. The waiver was posted in PRDE's official website from May 14-20, 2020; with a procedure to submit to PRDE any comments.

My office is available to further discuss this request. If you have any questions or concerns, please contact Francisco Martínez Oronoz at 787-773-2003 [martinezof@de.pr.gov](mailto:martinezof@de.pr.gov) and Luis Oppenheimer [oppenheimer\_l@de.pr.gov](mailto:oppenheimer_l@de.pr.gov)

Thank you,

Dr. Francisco Martínez Oronoz

Interim Auxiliary Secretary of Federal Affairs