

Department of Public Instruction
Dr. Wayne G. Sanstead, State Superintendent
600 E. Boulevard Avenue, Dept. 201, Bismarck, ND 58505-0440

American Recovery and Reinvestment Act

Invitation for Title I Waivers

- The secretary of education will consider a request for a waiver with regard to the use of *ARRA* Title I funds:
 - of one or more of the “set-aside” requirements in Title I, Part A that apply to the use of funds by LEAs;
 - to calculate the per-pupil amount (PPA) for supplemental educational services (SES) based on an LEA’s FY 2009 Title I, Part A allocation without regard to some or all of the recovery funds;
 - to allow a state to grant its LEAs a waiver of the carryover limitation in section 1127 of Title I, Part A more than once every three years; or
 - of the Title I, Part A maintenance-of-effort requirement (see below).
- Maintenance of effort: With prior approval from the secretary of education, a state or LEA may count expenditures of State Fiscal Stabilization Funds (SFSF) used for elementary or secondary education as non-federal funds for purposes of determining whether the state or LEA has met the Title I, Part A maintenance of effort requirement. This may reduce the incidence of LEAs failing to maintain fiscal effort and the need to seek a waiver from the US Department of Education.
- Supplement, not supplant: the Department may not waive the Title I, Part A “supplement, not supplant” requirement. Note, however, that in certain circumstances, including cases of severe budget shortfalls, an LEA may be able to establish compliance with the “supplement, not supplant” requirement, even if it uses Title I, Part A funds to pay for allowable costs that were previously paid for with state or local funds. (For additional information, see Title I Fiscal Issues Non-Regulatory Guidance, available at: www.ed.gov/programs/titleiparta/fiscalguid.pdf).
- Comparability: the Department may not waive the Title I, Part A comparability requirement.