



Opportunity Through Education

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September 20, 2024

Adam Schott  
Principal Deputy Assistant Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education  
United States Department of Education  
400 Maryland Ave., SW  
Washington, DC 20024

RE: Waiver of Section 421(b) of the General Education Provisions Act, to extend the period of availability for consolidated State administrative funds under section 8201 of the Elementary and Secondary Education Act (ESEA)

Dear Principal Deputy Assistant Secretary Schott:

By way of this letter, the Wyoming Department of Education (WDE or “the Department”) is formally requesting a waiver of Section 421(b) of the General Education Provisions Act, to extend the period of availability for State administrative funds consolidated under ESEA section 8201, including ARP State administrative funds and fiscal year (FY) 2022 ESEA State administrative funds, through March 31, 2026.

Below is a detailed plan that addresses each requirement in Section 8401(b)(1):

***(A) Identify the Federal programs affected by the requested waiver.***

- American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER)
- Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs)
- Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)

- Title II, Part A of the ESEA (Supporting Effective Instruction)
- Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
- Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
- Title IV, Part B of the ESEA (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)

**(B) Describe which Federal statutory or regulatory requirements are to be waived.**

WDE is seeking a waiver of Section 421(b) of the General Education Provisions Act, to extend the period of availability for consolidated State administrative funds under ESEA section 8201, including ARP State administrative funds and FY 2022 ESEA State administrative funds, for those ESEA programs identified in this request, through March 31, 2026.

**(C) Describe how the waiving of such requirements will advance student academic achievement.**

The waiver will allow WDE to use funds reserved for administration under ESEA section 8201 to address ongoing administrative costs and avoid diverting funds away from critical services for LEAs, schools, students, teachers, and other educational staff.

**(D) Describe the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan.**

The waiver will allow the WDE to implement the monitoring plans embedded in our United States Department of Education-approved State ARP Plan (see <https://oese.ed.gov/files/2021/10/Wyoming-ARP-ESSER-State-Plan-Final.pdf>). Additionally, with the extended time allowed through an approved waiver, the WDE will retain the ability to provide technical assistance throughout the late liquidation and reporting periods to ensure quality implementation and data sharing by all LEAs in the state.

**(E) Include only information directly related to the waiver request.**

WDE will use consolidated administrative funds under the respective programs per the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers. WDE has provided notice and information to the public regarding this request for a waiver on their website. Under normal procedures of the Department, the public was provided with a minimum of ten (10) business days to provide comments. WDE additionally noticed and solicited comments via email from district superintendents, the Governor's Office, Wyoming Education Association representatives, the University of Wyoming, Wyoming School Boards Association, and charter school representatives.

**(F) Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describe how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).**

The waiver will allow WDE to continue to focus its resources on meeting students' academic and other needs, including groups of students most impacted by the pandemic, and maintain transparency in reporting consistent with our approved State ARP Plan (see <https://oese.ed.gov/files/2021/10/Wyoming-ARP-ESSER-State-Plan-Final.pdf>).

Should you have any questions or need additional information, please contact me directly at 307-777-2058 or via email at [shelley.hamel@wyo.gov](mailto:shelley.hamel@wyo.gov).

Sincerely,

Shelley Hamel  
Chief Academic Officer