



IN REPLY REFER TO:

**United States Department of the Interior**  
**BUREAU OF INDIAN EDUCATION**  
Albuquerque Service Center  
Division of Performance and Accountability  
1001 Indian School Road, NW, Suite 149  
Albuquerque, New Mexico 87104-2303

December 9, 2020

**Notice of Public Comment**

The U.S. Department of Education is providing States, including the Bureau of Indian Education (BIE) with program flexibilities to meet the needs of students and educators during the ongoing COVID-19 pandemic. Assistant Secretary for Elementary and Secondary Education Frank T. Brogan, is inviting States, including Bureau of Indian Education, to request a waiver for one or more of the following requirements in Title IV, Part A of the ESEA:

- Section 4106(d) of Title IV, Part A of the ESEA, related to LEA needs assessments for the 2020-2021 school year.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA, with respect to content-area spending requirements for Federal fiscal year (FY) 2020 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA, with respect to the fifteen percent spending limitation for technology infrastructure for FY 2020 Title IV, Part A funds.

Please note that all other requirements in Title IV, Part A of the ESEA would continue to apply.

BIE requested and received a waiver for the provisions for the 2019-2020 school year and FYs 2018 and 2019 Title IV, Part A funds under the waiver authority of section 3511 of the Coronavirus Aid, Relief, and Economic Security Act. However, that Act did not provide authority to extend the waiver. Accordingly, States (BIE) are invited to submit a similar waiver under ESEA section 8401 for the 2020-2021 school year and FY 2020 Title IV, Part A funds. An approved waiver request would continue to support efforts to provide appropriate flexibility to schools to help them meet student academic needs during these challenging times.

BIE is providing BIE funded schools, educational partners and stakeholders with this public notice and an opportunity to comment on this waiver. Comments are due via email to [dpaessa@bie.edu](mailto:dpaessa@bie.edu) by December 30, 2020.