



State of New Jersey

DEPARTMENT OF EDUCATION

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Governor

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Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

October 25, 2011

TO: District Superintendents
Charter School Leaders

SUBJECT: **Tydings Amendment Waiver Request** Regarding FY 2009 ESEA
Funds

DEADLINE: Comments Due by Noon, October 28, 2011

The New Jersey State Department of Education (NJDOE) is providing this public notice to solicit comments from local education agencies, other grant sub-recipients, and the public regarding a waiver request it intends to submit to the United States Department of Education (USDE). We will be requesting a waiver of section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment") as it affects the authority of the NJDOE and its sub-recipients to obligate state fiscal year (SFY) 2010 (federal FY 2009) regular and ARRA funds after September 30, 2011. Specifically, NJDOE is requesting that the authority to obligate funds for the State-administered Elementary and Secondary Education Act (ESEA) programs listed below be extended to September 30, 2012.

CFDA Number	Name of Program
84.389A	Title I, Part A Grants to Local Educational Agencies (Recovery Act)
84.386A	Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program (Recovery Act)
84.186A	Title IV, Part A Safe and Drug-Free Schools and Communities: State Grants
84.186B	Title IV, Part A Safe and Drug-Free Schools and Communities: Governors' Grants
84.144F	MEP Consortium Incentive Grants
84.144G	MSIX State Data Quality Grants

The extended authority to obligate these funds would enable the NJDOE and its sub-recipients to increase the quality of instruction for students, improve their academic achievement, and continue to assist the same populations served by the programs

for which this waiver is being requested in accordance with applicable program requirements.

The NJDOE assures that, if it receives the requested waiver, it will:

- Ensure that sub-recipients within the State will use SFY 2010 funds carried over as a result of the waiver to carry out activities in accordance with program requirements;
- Hold local educational agencies and schools accountable based on the State's annual measurable objectives; and
- Estimate the number of jobs created or retained with regular SFY 2010 funds after September 30, 2011, in a manner and format consistent with the quarterly reports required under Section 1512 of the American Recovery and Reinvestment Act of 2009 and make such estimates available to the U.S. Department of Education upon request.

NJDOE will accept comments until noon on Friday, October 28, 2011 via electronic submission. Please submit your comments electronically to tydingswaiver@doe.state.nj.us. Please include **"Comments on Tydings Amendment Waiver Request"** in the email subject line.