

DATE:	April 8, 2021
SUBJECT:	Federal Grant Pre-award Waiver Under Texas' Ed-Flex Authority
CATEGORY:	Notice of Public Comment
NEXT STEPS:	Share with federal program staff and submit applicable comments by April 17, 2021

In November 2020, the federal Office of Management and Budget issued revised Uniform Grant Guidance updates that are incorporated into the Education Department General Administrative Regulations (EDGAR) of the U.S. Department of Education (USDE). The new grant regulation changes are generally effective with new USDE Grant Awards to the state on or after November 12, 2020, such as the ESSER II, ESSER III, and July 1 awards of other federal grants.

2 CFR §200.458 deleted the authority of the Texas Education Agency (TEA) to allow pre-award costs to federal grant programs. While TEA has requested such authority from USDE, in the interim the agency is creating a statewide administrative waiver under its Ed-Flex authority to authorize TEA to allow pre-award costs for those programs covered by the Ed-Flex program. Covered programs include:

- ESSA, Title I, Part A (other than section 1111)
- ESSA, Title I, Part C--Migrant
- ESSA, Title I, Part D
- ESSA, Title II, Part A
- ESSA, Title IV, Part A
- Carl D. Perkins Career and Technical Education

The proposed statewide administrative waiver would permit local education agencies (LEAs) to incur pre-award costs to the extent that they would have been allowable if incurred after the date of the federal award and only with the written approval of TEA, as indicated in applicable federal grant applications for federal education programs covered under Ed-Flex.

Email any comments on this proposed waiver electronically to GrantSupport@tea.texas.gov by 5 p.m., April 17, 2021, to be considered by the state Title I Committee of Practitioners acting as the state Ed-Flex committee.

If you have questions regarding these waiver requests, please contact me via electronic mail at cory.green@tea.texas.gov.

Sincerely,



Cory Green, Associate Commissioner
and Chief Grants Officer
Department of Grant Compliance and Administration