



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 18, 2020

Dear Chief State School Officer:

I am writing to offer flexibility under the Nita M. Lowey 21<sup>st</sup> Century Community Learning Centers program (21<sup>st</sup> CCLC) in light of the continued disruption to learning caused by the Coronavirus Disease 2019 (COVID-19).

Due to the extraordinary circumstances created by the COVID-19 pandemic and unprecedented obstacles schools, teachers, students, and their families are facing as the 2020-2021 school year begins, I am offering flexibility to States regarding the requirement in section 4201(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (ESEA) that a 21<sup>st</sup> CCLC program operate “during nonschool hours or periods when school is not in session (such as before and after school or during summer recess).” Given the hybrid approach some local educational agencies (LEAs) are considering in which students are in school part of the week and participating in remote learning during other times, we recognize that students may benefit from dedicated personnel and enhanced technological resources to help them better engage with remote lessons, independent work that is assigned, and other academic enrichment activities during the portion of the week when they are not physically present in school but school is in session remotely for some portion of the day.

For that reason, pursuant to my authority under section 8401(b) of the ESEA, I am inviting your State to request a waiver, for the 2020-2021 school year, of the requirement in ESEA section 4201(b)(1)(A) that restricts activities provided by a 21<sup>st</sup> CCLC program to activities provided only during non-school hours or periods when school is not in session. Under a waiver, your State may permit 21<sup>st</sup> CCLC programs to provide supplemental activities when school is in session but students are not receiving in-person instruction, such as by permitting a teacher to provide additional academic supports during remote learning. All other requirements for a 21<sup>st</sup> CCLC program continue to apply.

If your State is interested in receiving this waiver, please submit your request to [21stCCLC@ed.gov](mailto:21stCCLC@ed.gov). Prior to submitting your request, as required under ESEA section 8401(b)(3)(A), you must provide the public and interested LEAs and other 21<sup>st</sup> CCLC subgrantees notice and a reasonable time for them to comment in the manner in which the SEA customarily provides notice and the opportunity to comment to the public. I am enclosing an optional, streamlined template for your convenience. If we grant your State this waiver, my team will follow up, as part of our regularly scheduled biannual calls with your team, to learn how the waiver is being used in the State, what challenges you might be facing, what adjustments, if any might be helpful to consider, and how we can continue to support your efforts to provide

400 MARYLAND AVE., SW, WASHINGTON, DC 20202  
[www.ed.gov](http://www.ed.gov)

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appropriate flexibility to districts and schools to meet their educational needs, under these circumstances.

I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at [www.cdc.gov/coronavirus/](http://www.cdc.gov/coronavirus/) and at our website, [www.ed.gov/coronavirus](http://www.ed.gov/coronavirus). If you have any questions, please contact Miriam Lund at [Miriam.Lund@ed.gov](mailto:Miriam.Lund@ed.gov). Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

A handwritten signature in black ink that reads "Frank T. Brogan". The signature is fluid and cursive, with a large initial "F" and a long, sweeping tail.

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

Enclosure

cc: State 21<sup>st</sup> CCLC Directors