



DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED-2026-OESE-1783]

Proposed Waiver and Extension of the Project Period with Funding for Arts in Education National Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Proposed waiver and extension of project period with funding.

SUMMARY: The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable one project under Assistance Listing Number (ALN) 84.351A to receive funding for one additional period, not to exceed September 30, 2027.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at www.regulations.gov. However, if you require an accommodation or cannot otherwise submit your comments via www.regulations.gov, please contact the program contact person listed under **FOR FURTHER INFORMATION**

CONTACT. The Department will not accept comments submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

Privacy Note: The Department's policy is generally to make comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Simon Earle. Telephone: (202) 453-7923. Email: assistanceforartseducation@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866,

13563, and 14192 and their overall requirement of reducing regulatory burden that might result from the proposed waiver and extension. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect public comments about the proposed priority and definition by accessing Regulations.gov.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed waiver and extension. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Background:

The Elementary and Secondary Education Act of 1965, as amended (ESEA) authorizes awards under the Assistance for Arts Education (AAE) program to promote arts education for students, including disadvantaged students and students who are children with disabilities.

In the FY 2022 competition for the Arts in Education National Program (AENP), the Department utilized the

rulemaking waiver provided under the General Education Provisions Act (GEPA) section 437(d)(1) to waive a rulemaking that governs "the first grant competition under a new or substantially revised program authority." (See 87 FR 32399 at 32402, May 31, 2022). Through that waiver, the Department established a priority and competition for a national nonprofit organization that has previously implemented a large-scale AENP project. The Consolidated Appropriations Act, 2026 (P.L. 119-75, February 3, 2026), directs the Department to use funds appropriated for AAE "...for grants for eligible national nonprofit organizations, as described in the Applications for New Awards; Assistance for Arts Education Program published in the Federal Register on May 31, 2022, for activities described under section 4642(a)(1)(C)." The Consolidated Appropriations Act, 2026 further directs the Department to give competitive preference "...only to an eligible national nonprofit organization that previously received the competitive preference priority pursuant to such notice." However, at this time, there are no valid priorities that comply with the Consolidated Appropriations Act, 2026. The Department would be required to engage in notice-and-comment rulemaking to redevelop and republish such a priority in keeping with the directive because the GEPA rulemaking waiver is not available. Because the Consolidated Appropriations Act, 2026, was enacted later

than expected, the Department has determined there is not enough time in FY 2026 to develop a new priority and carry out a full, robust competitive process.

Thus, the Department is proposing to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds in order to provide a continuation grant for the AENP grantee first awarded in FY 2022. This would provide the Department with sufficient time to develop the priority for a 2027 competition.

In FY 2022 the Department made one 36-month award under the AENP as follows:

FY 2022 Award under ALN 84.351A	GRANTEE AND PROJECT NAME/TOPIC AREA
S351A220007	John F Kennedy Center for the Performing Arts: Kennedy Center National Arts Education Program

In FY 2025, the Department published a Proposed Waiver and Extension of the Project Period in the *Federal Register* on May 20, 2025 (90 FR 21441) and a Final Waiver and Extension of the Project Period in the *Federal Register* on July 28, 2025 (90 FR 35439), which extended the project period for this grantee to September 30, 2026. The Department has verified that the grantee, if the grant is extended, would be able to continue to support the educational activities within the scope and objectives of its approved grant application.

Waivers and Extensions:

The Department proposes to extend the project end date of the current FY 2022 84.351A AENP grant by one additional year. As a result, for this project, the Secretary proposes to waive the requirements in 34 CFR 75.261(a) and (b)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver will allow the Department to issue a continuation award in FY 2026, consistent with the directive from Congress, to the currently funded 84.351A AENP project at an amount consistent with the amount awarded in the FY 2025 extension.

Any activities carried out during the year of this continuation award must be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2022 competition. The requirements for continuation awards are set forth in 34 CFR 75.253.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local

governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entity that would be affected by the proposed waiver and extension of the project period is the current AENP grantee.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on this entity, because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the

requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the *Federal Register*, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the *Federal Register* by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Kirsten Baesler,
Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2026-10620 Filed: 5/27/2026 8:45 am; Publication Date: 5/28/2026]