Indiana
DEPARTMENT OF EDUCATION

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Working Together for Student Success

CARES Act Frequently Asked Questions (FAQs)

Disclaimer: All the information below is based upon the Indiana Department of Education's (IDOE) review of the law and information available to date. This information is subject to change as final guidance and information is released by the U.S. Department of Education (USED), but IDOE is releasing this information so that local education agencies (LEAs) can begin work in anticipation of these funds and the steps needed to participate.

Updates as of 5.1.2020 – Highlighted Yellow
Updates of 5.4.2020 – Highlighted Green

Questions may be sent to Nathan Williamson, at nwilliamson@doe.in.gov or you can contact him at 317-232-6671.

1. What is the CARES Act?

   The Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, provided an economic stimulus to individuals, businesses, and schools. Although the CARES Act released additional supports indirectly to students, families, and educators through SNAP, Head Start, childcare, and so on, this document will focus upon the two funding streams dedicated to schools. These are the 18002 Governor's Emergency Education Relief Fund (GEER) and 18003 Elementary and Secondary School Emergency Relief Fund (ESSER).

2. What flexibilities does the CARES Act offer (in terms of the waiver)?

   The CARES Act provided authority to the Secretary of Education to expediently waive assessment, accountability, certain reporting, and carryover timelines. The USED has already approved IDOE's assessment and accountability waivers.

   The process for waiving the carryover timelines, which would provide another year to LEAs of encumbrance and liquidation for most federal grants, and other programmatic and fiscal requirements was provided to IDOE on Saturday, April 4, 2020. IDOE applied for the waiver on Monday, April 6, 2020 for the following items. USED approved the waiver on April 6, 2020.

Waiver Item	Allowable Action
15 percent carryover limitation for Title I, A funds from 2019-2020	LEAs can carryover any Title I, A figure into the 20-21 fiscal year, without the need for an excess carryover waiver
Encumbrance and liquidation deadlines for federal funds from 2018-2019	For Title I, A carryover from 2018-2019, as well as the original FFY 2018 allocations from Title II, Title III, Title IV, Title IC, Title ID Subpart 1 and 2, 21st Century CLC, RLIS, and McKinney-Vento all are available to encumber through September 30, 2021 and liquidation through December 15, 2021. IDEA Special Education funds were not allowed in this waiver request. The encumbrance and liquidation deadlines for funds from 2019-2020 are not extended at this time.
Title IV, A minimum thresholds for well-rounded education (20%), social-emotional (20%), and any figure on technology integration, and the 15% limit on technology infrastructure	LEAs may amend the FFY 2018 (2018-2019) or FFY 2019 (2019-2020) Title IV , A grants without the need to ensure the minimum or maximum thresholds are met.
Definition of processional development under 8101(42)	LEAs may utilize their applicable federal funds to conduct time-sensitive, one-time, or stand-alone professional development focused on supporting your educators to provide effective distance learning

LEAs have the opportunity to provide public input regarding the waiver. The survey can be found HERE.

Updated encumbrance and liquidation deadlines are below. In short, the funds from 2018-2019, with an additional year extension, now have the same encumbrance and liquidation deadlines as the funds from 2019-2020. No action is needed from the LEA, as IDOE is unilaterally extending these deadlines for all LEAs for the funds from 2018-2019 and the carryover limitation from 2019-2020 for Title I, A. A waiver to extend funds from 2019-2020 was not provided at this time by USED, but IDOE may request this in the future on a case-by-case basis.

Grant	Updated Encumbrance Deadline	Updated Liquidation Deadline
Title I, A carryover from 2018-2019	September 30, 2021	December 15, 2021
Title II, A from FFY 2018 (2018-2019)	September 30, 2021	December 15, 2021
Title III, A from FFY 2018 (2018-2019)	September 30, 2021	December 15, 2021
Title IV, A from FFY 2018 (2018-2019)	September 30, 2021	December 15, 2021
21st Century CLC for Cohort 8, Year 3 and Cohort 9, Year 2	See contract; dates have been extended	See contract; dates have been extended
Title I, C Migrant from 2018-2019	September 30, 2021	December 15, 2021
Title I, D Delinquent for Subpart 1 (IDOC) and Subpart 2 (LEAs) from 2018-2019	September 30, 2021	December 15, 2021
RLIS from 2018-2019	September 30, 2021	December 15, 2021
Grant	Encumbrance Deadline Remains Same	Liquidation Deadline Remains Same
Title I, A 2019-2020	Remains the same as of now, September 30, 2021 (carryover limitation removed)	December 15, 2021
Title II, A from FFY 2019	September 30, 2021	December 15, 2021
Title III, A from FFY 2019	September 30, 2021	December 15, 2021
Title IV, A from FFY 2019	September 30, 2021	December 15, 2021
Title I, C Migrant from 2019-2020	September 30, 2021	December 15, 2021
Title I, D Delinquent for Subpart 1 (IDOC) and Subpart 2 (LEAs) from 2019-2020	September 30, 2021	December 15, 2021
RLIS from 2019-2020	September 30, 2021	December 15, 2021

3. What are the requirements to receive CARES Act funding?

The CARES Act funding is federal education funding, and therefore the fiscal regulations of EDGAR and OMB Guidance apply to items like procurement, record keeping, disposition, and so on. LEAs will need to consult with various stakeholders at the local level, especially to ensure that the most at-risk students' needs are met including students with disabilities, English learners, foster children, McKinney-Vento eligible children, high ability students, free/reduced eligible children, and racial and ethnic student groups.

However, the only additional requirement as a condition of receiving the funds, at least known to date, is under Sec. 18006 of the CARES Act that states "*A local educational agency, State, institution of higher education, or other entity that receives funds under ''Education Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus*."

In the application for the CARES Act funding, the LEA must attest that it has been paying all employees and contractors during the closure or disruptions related to the coronavirus, or that it will begin doing so immediately. If LEAs are not able to attest to this fact, then it must provide a reasonable explanation beyond reasons related to cash flow (as tuition support has not been reduced) in order to be eligible for the CARES Act funding. IDOE considers the employees and contractors to include, but is not limited to, the following positions: teachers, administrators, counselors, social workers, nurses, paraprofessionals, bus drivers, custodians, food service, and administrative staff.

LEAs will be required to budget by quarter, rather than the entire period of time, in order to ensure timely and appropriate drawdowns that liquidate the dollars but also extend its impact.

4. What are the funding opportunities?

For 18002, which is administered by the Governor's office, Indiana is projected to receive approximately $61 million dollars. The statute does not have a specific formula in which to allocate these funds, other than IDOE must determine which LEAs are "hardest hit". More information is forthcoming.

For 18003, which is administered by IDOE, Indiana is projected to receive approximately $215 million. The statute requires that this funding be delivered on a formula basis to LEAs based upon their proportionate share of the state's total Title I funding allocation.

5. Am I eligible?

LEAs will need to wait to receive information from the Governor's office regarding eligibility for the 18002 grant.

For the 18003 grant, this funding will be distributed to LEAs according to their proportionate share of Title I funds. Estimated allocations per LEA can be found HERE. For example, if LEA 1 receives about 10% of the state's total Title I funding, then it will receive about 10 percent of the total CARES Act funding. If an LEA does not receive Title I funding, then it will not be eligible to receive a formula figure from IDOE through the CARES Act. However, IDOE has an allowable 10% set-aside which is not governed by the Title I formula. IDOE will be utilizing this funding to support LEAs that are not eligible for Title I or are in need of additional funds beyond the formula figure. See the section below titled 10 percent Set-Aside for more information regarding this availability.

UPDATE - The IDOE released the CARES Act Final Allocations for Section 18003, by LEA on April 22, 2020. The document can be found here.

Non-Public Schools are eligible for equitable services through both 18002 and 18003 funds through their LEA.

See the Non-Public Equitable Services section for more information.

6. Are only Title I schools eligible to receive support through the CARES Act?

No. Even though the Title I formula dictates how much money the *district* receives, once the district receives the funding then it may support any of its schools, both Title I and non-Title I. There are many allowable uses under the CARES Act, including Title I, II, III, IV, 21st Century CLC, Perkins, McKinney-Vento, and additional uses such as cleaning, mental health, summer school, and more. Therefore, once the LEA receives the funding, the Title I rules of Title I schools only, Title I eligible children, and rank and serve do not apply to the CARES Act funding.

7. Where do I apply?

LEAs will apply for the CARES Act funding through the current Title I App Center at www.title1.doe.in.gov. IDOE is currently preparing the application, which will solely consist of a district level budget, non-public school(s) budgets, and very minimal narratives and assurances.

8. How much funding will I receive?

Based upon the current information, IDOE has generated an *estimate* for each LEA, which can be found HERE. This information will change, as this is just an estimate and final figures are not yet available.

UPDATE - The IDOE released the CARES Act Final Allocations by LEA on April 22, 2020. The document can be found here.

9. When will I receive the funding?

The USED is required to provide notice of application to IDOE within 30 days of the CARES Act passage, and then has 30 days to approve IDOE's application. That estimate indicates that around the end of May 2020 is the latest that LEAs will receive their awards from IDOE and have the ability to apply for the funds. IDOE is preparing its pieces so that if USED releases information and approves IDOE's application on a faster timeline, then IDOE will then be able to push this information very quickly to LEAs.

10. Can I charge an indirect cost rate to this grant?

Yes. Each LEA has an approved indirect cost rate with IDOE, and may charge this rate to the CARES Act funding.

11. What administrative % does the grant allow?

The CARES Act does not call out a specific administrative figure for LEAs, but limits the IDOE to only charging a .5% rate for administration. With that very low threshold for IDOE's own administration, IDOE does not expect LEAs to charge a substantial amount for administration for a CARES Act Program Administrator's time. Therefore, a general guideline shall be that LEAs should not charge more than 10 percent of their figure for administrative costs of a Program Administrator to carry out CARES Act activities, and this percentage should be less if a lower figure would be more reasonable and necessary.

12. What pre-award costs are allowed?

IDOE is awaiting guidance from USED regarding pre-award costs. Pre-award costs would be costs incurred before the grant became available. IDOE's expectation is that costs would not be allowed to be charged back to any date prior to March 27, 2020 (which was the passage of the CARES Act), and might be limited by USED to the date that it

awards IDOE the funds, or when the LEA applies to IDOE for the funds. More information is forthcoming.

UPDATE - Per guidance from the USED, pre-award costs can be back dated to March 13, 2020.

13. What are the grant timelines?

As soon as IDOE has a final figure for the 18003 grant for each LEA, it will issue an award letter and a reasonable timeframe in which to apply. The funding is effective through at least September 30, 2021 to encumber, and December 15, 2021 for liquidation. However, the typical Tydings Waiver rule should apply which would provide an additional year to September 30, 2022 and December 15, 2022 respectively, but IDOE is awaiting confirmation from USED. The statute does not include a minimum spending figure (e.g. 85% in year 1 as Title I does) although IDOE must allocate all funds within 1 year or the State's funding will be returned to USED.

UPDATE - CARES Act funds will need to be encumbered by September 30, 2020 and liquidated by December 15, 2022.

14. What steps do LEAs need to take regarding Equitable Services?

UPDATE The LEA must reach out to all non-public schools located within their geographic boundaries in order to inform the non-public school of the CARES Act funding and determine whether the non-public school wishes to participate. A form can be found at https://www.doe.in.gov/grants/ombudsman.

The previous decision of a non-public school to turn down Title funds does not impact its eligibility to participate in CARES Act funding.

See the Non-Public Equitable Services section below for more information.

15. What if my LEA is not eligible for Title I funds, or turned down the Title I funds in the past?

LEAs who did not generate a figure for Title I in 2019-2020 (e.g. small adult charters) or who turned down the Title I funds, may still receive support through IDOE's 10 percent set-aside of the CARES Act that is not governed by the Title I formula. IDOE will issue a grant opportunity for LEAs who did not receive the formula 18003 funds, or who would be in need of additional funds.

16. How do I track expenditures?

LEAs will track expenditures for the CARES Act through a separate account, and utilize the same procedures it uses for other federal funds by keeping appropriate documentation.

17. What account numbers do I use?

The account numbers, CFDA, award numbers, and other fiscal information will be provided on the award notification and/or reimbursement form.

UPDATE - CFDA # 84.425D

18. How do I request reimbursement?

Through the Title I App Center at www.title1.doe.in.gov, the LEA will be able to request reimbursement according to their submitted budgets. Reimbursements are due the first and fifteenth of each month, just like for other federal grants.

19. What are the allowable activities?

The 18003 CARES Act has a wide array of allowable activities that tie to any activity currently allowed under federal education law, including:

- Any activity authorized by the ESEA of 1965 (Titles I, II, III, IV, IC Migrant, ID Neglected and Delinquent, 21st Century Community Learning Centers, and Rural and Low Income Schools Grant)
- Individuals with Disabilities Education Act (IDEA)
- Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.),
- Carl D. Perkins Career and Technical Education
- McKinney-Vento Homeless Assistance Act
- Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus
- Providing principals and others school leaders with the resources necessary to address the needs of their individual schools
- Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students

experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population

- Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies
- Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases
- Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency
- Planning for and coordinating during long term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et 10 seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
- Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment
- Providing mental health services and supports
- Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care
- Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency

20. Due to unemployment our poverty levels have changed, will that be factored into the CARES Act Allocations?

No, although with IDOE's 10 percent set-aside, LEAs will have the opportunity to request additional funds beyond its formula-driven figure.

21. Will the CARES Act have any effect on the CHOICE Voucher Program?

No. Non-public schools, both Choice and those not participating in Choice, will have the ability to participate in the CARES Act.

Non-Public School (NPS) CARES Act Guidance

Sec.. 18005 (a). IN GENERAL - A local education agency receiving funds under section 18002 and 18003 of this title (The CARES Act) shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

(b) PUBLIC CONTROL OF FUNDS - The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in public agency and a public agency shall administer funds, materials, equipment, and property and shall provide such services (or may contract for the provisions of such services with a public or private entity).

Education Stabilization Relief Fund (18003)

22. How will the CARES Act affect our annual initial and on-going spring consultation?

LEAs will need to only consult with non-public schools geographically located within their boundaries regarding the CARES Act, asking whether the non-public school (NPS) would like to participate and how to budget the equitable services. The proportionate share allocation that the non-public school will receive through equitable services will mimic the proportionate share process of Titles II & IV.

The LEA will use Total Enrollment counts, regardless of Title I status or counts. The non-public school will not have to provide any additional data to participate in CARES funding other than providing budget preferences to the LEAs, as the LEAs can utilize IDOE Compass/INview to collect Total Enrollment Counts for each NPS located within the LEA's geographic boundaries. However, if a new NPS requests to be included and the data cannot be found, please do ask the NPS. It is a partnership.

Consultation for the CARES Act funding will not impact other required consultations, such as the annual initial and on-going consultation required for Title I, A and other covered programs under Title VIII. However, you may roll your CARES Act Consultation into your annual Title Equitable Services Consultation discussion, as LEAs and NPSs will have to sign Affirmation of Consultation documents.

23. Will every NPS have to consult with the LEA, in which they are geographically located?

Yes, every NPS should consult with the LEA in which they are geographically located; however, a NPS may decide to not consult or want CARES Act funding.

It is only a requirement for the LEA to reach out to every NPS, it is aware of, and show in good faith that communication was attempted to discuss CARES Act Funding, just like with Title Equitable Services.

LEAs will not consult with any NPSs outside of its boundaries.

24. Will the same rules of consultation apply to the CARES Act, such as timely, meaningful, and on-going consultation as well as LEA having ultimate say on decisions?

    Yes.

25. What if I don't accept Title services from the LEA, but as a NPS, I do want to accept the CARES Act funding?

    The NPS can choose to accept CARES Act funding even if it turned down Title Equitable Services for the 19-20 school year. The NPS may need to supply Total Enrollment counts, so that the LEA can include the NPS within the calculations for the CARES Act equitable services. The Equitable Share of Section 18003 will be calculated using Total Enrollment Numbers, very similar to Titles II & IV.

    You can find a CARES Act Equitable Share Calculator here.

26. How does the LEA calculate the equitable share for NPSs for the CARES Act?

    The LEA will utilize a similar process to Title II & IV equitable services to generate CARES Act NPS allocation. It is suggested that each LEA use IDOE Compass or INview to collect Total Enrollment Numbers for each NPS located geographically within district boundaries. If the NPS is missing, please do reach out to the NPS, and use ADM as of October 1, 2019.

    The LEA will take its total CARES Act funding figure, and divide it by the total number of children (enrolled in public and private schools) to get a per-pupil figure.

    That per-pupil figure will then be multiplied by the specific number of children that are enrolled in the respective non-public school to arrive at the total CARES Act funding that can support the non-public school.

Once that number is generated, then the NPS can consult with the LEA regarding the use of the funding, which are found in FAQ #19. The funding can be used on any stated purpose, and is not limited to typical Title I only use.

Total CARES Act Funding

LEA Total Allocation

DIVIDED BY

Total Enrollment (Public + Private living within the attendance boundaries of the LEA)

= Per-pupil figure (PPF)

To calculate a specific NPS equitable share: Multiply the PPF by the number of children attending the NPS.

You can find a CARES Act Equitable Share Calculator here.

27. Can a NPS, which annually declines Title Services, consult directly with the state for CARES Act funding?

    Generally, no. The NPS needs to consult with the LEA in which it is geographically located.

28. How is this information being relayed to those schools with limited electronic access, such as Amish schools?

    The LEA will need to utilize a multitude of methods to communicate with NPSs, including email, certified mail, and in-person visits.

29. Due to COVID-19, a NPS is unable to carry out its funds for the fiscal year, how will the NPS and LEA handle this matter?

    Utilizing the information in FAQ #2, the LEA will be able to offer an extended period of time for the unused funds to carry over to the following fiscal year. However, the LEA needs to make a good faith effort to obligate funds in the original time period, and only utilize the additional year as a last resort.

Governor's Emergency Education Relief Fund (18002)

30. How does Equitable Share pertain to the Governor's Relief Funding?

Equitable services are included in the 18002 funds. More information is forthcoming from the Governor's office.

31. Will the Governor directly consult with the schools, may they be LEA or NPS, in terms of his funding?

    More information is forthcoming from the Governor's office.

32. What does the process look like to apply for the Governor's share of the CARES Act?

    More information is forthcoming from the Governor's office.