

To: Local Education Agencies and Subgrantees of Federal Education Funds

From: Nathan Williamson, Director of Title Grants and Support
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Subject: Federal Funds and COVID-19 Related Issues

As Indiana schools and educational events are closed or operating via e-learning due to COVID-19, the Indiana Department of Education (IDOE) has received several questions regarding the impact to federal education funds¹ and the proper procedures to follow. This memorandum attempts to provide guidance to known questions with the information currently available. IDOE is aware that the U.S. Department of Education (USED) is working on further guidance regarding cost allocation, and IDOE will update its information once that is received.

Update: On March 19, the federal Office of Management and Budget released a memo affirming the guidance provided here. IDOE will continue to monitor updated guidance from OMB as they are adopted by the US Department of Education and ensure Indiana LEAs have maximum allowable flexibility for grant spending.

Frequently Asked Questions

FAQ #1: *Our school is closed and is not operating virtually with the intent of using waiver days to not make up the instructional time. Can we still pay our federally funded employees, e.g. Title I, during this time?*

Answer: Yes. As long as the LEA treats its non-federally funded employees the same as its federally funded employees (2 CFR 200.431(a)), then federally-funded staff can continue to be paid as normal despite school closures and work duties not able to be completed. This does not require any amendments to your grants. This includes certified and non-certified staff, at both public and nonpublic schools. Although not applicable to LEAs, the Office of Management and Budget (OMB) released a memo with similar guidance to research institutions². The memo cites 2 CFR 200.102 which allows the cognizant agency, in this case IDOE, to make exceptions to the Uniform Grant Guidance (UGG). IDOE's guidance is grounded in this authority and our belief that similar practices should be applicable to LEAs to minimize the impact to students, families, and schools.

¹ Including IDEA, Title I, II, III, IV, 21st Century, McKinney-Vento, SIG, Title ID, Title IC, Refugee, Charter School Program, and Rural-Low Income. The same principles may also apply to the specific state grants of NESP, Early Intervention, David C. Ford, and High Ability. Although this should also apply to Perkins, LEAs should consult with Governor's Workforce Cabinet.

² <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-11.pdf>

***FAQ #2:** Our school is closed but will operate via e-learning. Can we offer Title services in this same manner through our certified Title staff?*

Answer: Yes. As classroom certified staff are expected to support students during e-learning, so must the federally-funded certified staff, including equitable services at non-public schools. The Title I certified staff should collaborate with the administrators and classroom certified staff to determine the best method to carry this out. For example, the Title I staff could be a second set of educators that reach out to ensure e-learning lessons are understood and completed by students. Or Title I staff could conduct small groups virtually with students in need of additional support. This is determined locally, including through consultation for equitable services at non-public schools. However, the LEA may also decide to have Title I staff conduct alternate activities as well, such as participate in virtual professional development, update the Title I schoolwide plan, plan future professional development activities when staff returns, and so on.

***FAQ #3:** Our school is closed but will operate via e-learning. Our LEA only employs non-certified staff via federal funds. How should we proceed?*

Answer: If the LEA expects all non-certified instructional employees to not report to work but will still continue to pay them, then the LEA may do so for its federally-funded employees as well, including its employees placed at non-public schools. Likewise, if the LEA expects non-certified staff to complete tasks at home in lieu of being able to work with students and certified staff at school, then federally-funded staff must do the same.

***FAQ #4:** How must the LEA provide services to students with disabilities and English learners during school closure?*

Answer: If the school is closed and not operating virtually, no services are required for English learners or students with disabilities. However, if the school is operating via e-learning, the LEA must provide services to students with disabilities and English Learners. Note the structure and schedule of services may look different from what the school typically offers when meeting in person, but EL and special education staff must collaborate with certified classroom teachers to ensure the e-learning content and delivery are accessible for ELs and students with disabilities, and that ILPs and IEPs are followed.

***FAQ #5:** Our LEA has paid for activities with federal funds, such as professional development conferences under Title II, that are now cancelled or the LEA does not want to participate due to restrictions. How should we proceed?*

Answer: The LEA should attempt to recoup all fees paid so that the funding may be repurposed for an alternate activity. In the case that certain funds cannot be recouped due to vendors that will not refund the costs but will provide vouchers, consider rescheduling at a later date within the same project period. If all else fails and certain funds are lost, then keep documentation of the attempt to recoup the costs and the LEA may still charge the lost funds to the federal award. If

the LEA later receives a refund from the vendor after already seeking reimbursement from IDOE, this serves as a rebate or cash on hand, which must be either returned to IDOE or proportionally reduce the next reimbursement under the same project. The LEA must consult with all non-public schools utilizing federal funding for equitable services in order to achieve an agreed upon result regarding replacement activities. IDOE is asking USED how to allocate costs in this specific scenario, and if an answer is received, IDOE will share at a later date.

***FAQ #6:** Due to the cancellation of several events in which our LEA is expending federal funds, we may not encumber all of our funds within the project period. Is an extension available?*

Answer: Generally, at this time, no. The LEA should attempt to carry out alternate activities within the project period, and your IDOE Federal Grants Specialist or Content Area Specialist can support you in this endeavor. IDOE can offer late liquidation requests, but for most federal grants the LEA still has through December 15, 2020 to liquidate, and must be based upon activities occurring by the encumbrance deadline (September 30 for most federal grants). For many formula federal grants, carryover is available and can be utilized. The IDOE side-by-side is a great reference for specific dates associated with grants. If a specific grant is on a contract due to its competitive nature, see the contract dates and contact your assigned specialist with questions. If USED provides guidance that updates this answer, IDOE will share at a later date.

***FAQ #7:** If our plan changes in which different activities will occur, must we amend our grants?*

Answer: Generally, yes. If an activity is different than what is stated within your grant, then an amendment must be submitted. If the LEA needs more or less funds for an activity already approved within a grant, remember that an overage of 10% for any allowable grant activity is automatically approved and no amendment is needed. All activities must be reasonable, allocable, and necessary.

***FAQ #8:** Our subgrantee receives 21st Century Community Learning Centers (21st CCLC) funding. We are following the LEA operation schedule and our program will be closed in the following weeks. Are we able to pay our staff during the program closure period?*

Answer: The LEA or community-based organization receiving 21st CCLC funding is able to pay staff members during program closure for allowable remote activities that include but are not limited to: virtual staff meetings; data entry into the Cayen Afterschool21 system; design and planning of upcoming programming, curriculum, summer camp, etc.; updating operating policies and procedures; participating in online professional development; completing Child and Youth Care Certification applications and portfolios

***FAQ #9:** How do we ensure that McKinney-Vento eligible students and foster children who are attending their school of origin can access school meals at a school closer to where they may be staying?*

Answer: Schools providing a Grab and Go lunch will make meals available to all students who visit the school to pick up. Students will not be asked to provide any type of enrollment verification to take advantage of the available meals. Food pantries are also preparing to assist an increased number of children and families in the community knowing that many schools are not in session. You can help by being prepared with contact information for local food pantries to share with impacted families. A partial list of Indiana Food Pantries is available [HERE](#) .

Update-FAQ #10: *How can federal funding help with efforts to provide internet access to all students?*

Answer: With schools not meeting in person and moving to distance or online learning, equitable WiFi access for students is more important than ever. Some vendors are allowing schools and districts to access special programs that would allow for increased connectivity for Indiana students. Several vendors have options to lease or purchase WiFi hotspots to schools and districts for student use during social distancing and e-learning at special government rates. These can then be used to increase internet access.

- Title I funding may be utilized in Title I schoolwide schools to purchase WiFi hotspots for students who need access while school is closed. Work with your federal grant specialist to amend your grant if needed.
- With so many in-person professional development opportunities being canceled, we encourage you to look at your Title II professional development budgets to see what funds will be remaining. For Title II, you have the option to transfer this funding to Title I or Title IV where it can be utilized for the purchase of WiFi hotspots. Your federal grant specialist can provide more information regarding transferring your funds.
- WiFi hotspots can be purchased with Title IV funds and can be budgeted under Focus Area A: Well Rounded Education as they will be used to access well-rounded academic content needed for e-learning.
- Please work with your Title IV Grant Specialist Lacey Bohlen (lbohlen@doe.in.gov) or Laura Blaydes (lblaydes@doe.in.gov) to do an amendment for your FY 18 or FY 19 Title IV grant, if needed.
- Rural schools may also use RLIS funding (under the Title I or Title IV categories) on WiFi hotspots for increased accessibility. Email Cole Dietrich (adietrich@doe.in.gov) to amend your FY 18 or FY 19 RLIS grant, if needed.

FAQ #11: *If we need further support, whom do we contact?*

Answer: Your LEA's assigned specialist can be found at the bottom of www.doe.in.gov/grants for each respective grant. Questions may also be sent to Nathan Williamson at nwilliamson@doe.in.gov