

Guidance on the Use of Federal Funds During COVID-19 School Closures

In an effort to be responsive to the needs of Maine's education community and keep local communities informed in these uncertain times, the Maine Department of Education (the Department) is sharing the following guidance on the continued use of federal funds as we all feel the ongoing impacts of COVID-19.

Over the weekend, many of Maine's school administrative units (SAUs) announced that their schools would either transition from traditional classroom-based instruction to alternative methods or close tentatively in an effort to stop the spread of COVID-19. This has resulted in many questions being raised about how best to support students, families, and staff in these difficult times.

What follows is general and program-specific guidance related to federally-funded programs and their services during the outbreak of COVID-19. Please note that the following guidance is based on current information as of March 17, 2020, from the U.S. Department of Education and is subject to change over time. Please also note that program-specific guidance shall supersede the general guidance provided below.

This guidance includes:

- General Guidance
- 21st Century Community Learning Centers (21st CCLC) Program Guidance
- Career & Technical Education (CTE) Program Guidance
- Elementary & Secondary Education Act (ESEA) Program Guidance
- Individuals with Disabilities in Education Act (IDEA) Program Guidance

General Guidance:

Paying staff with federal funds during the COVID-19 outbreak: The design, development, and final approval of work and work protocols during the COVID-19 outbreak are the responsibility of each organization in Maine that receives federal education funding. Such work protocols must be uniform for all of the organization's staff, whether normally paid with federal funds or through an organization's local budget. While the allowability to continue federal program work exists, grant recipient organizations (school districts, community organizations, CTE centers, etc.) have full discretion on whether to allow remote work during the COVID-19 outbreak.

Paying costs associated with canceled professional development and related expenses: For grant recipients who have incurred costs related to professional development (registration fees, air travel, etc.) for which refunds are not available, grant funds may be used to cover such costs. If registration credits or travel vouchers are offered in lieu of a refund, grant recipients may either use such credits/vouchers in a timely manner (prior to June 30, 2020) or must journal the expense for such credit(s)/voucher(s) to their local budget.

Paying for contracted service costs that may not be implemented during the COVID-19 outbreak: In the event that subcontracted services are not able to be provided as outlined in a subcontract or memorandum of understanding (MOU) due to COVID-19, the grant recipient must follow the specifics of the contract or MOU regarding termination. Where a contract or MOU does not specify termination procedures, it should be assumed that none exists and that the grant recipient can terminate the contract or MOU "at will." When possible, grant recipients should attempt to renegotiate the terms of agreements with partnering agencies in lieu of termination.

Guidance on serving students who are English Learners during school closures: In the event that schools in a given SAU are closed, with no remote learning, services for students who are English Learners (ELs) may be suspended. However, if remote learning opportunities are provided for non-ELs, equitable opportunities must also be provided to students who are ELs. For example, if paper study packets are sent home, schools must ensure that students who are ELs are given assignments that are designed in accessible ways and that supports are provided as needed. If online classwork is provided, it must also be designed around the needs and abilities of students who are ELs. Bear in mind that not all families have reliable internet access and that the parents/guardians of ELs may not be equipped with sufficient English language skills to support their children's learning at home the same way that

other parents/guardians might. Additional information and resources available at <https://www.maine.gov/doe/learning/englishlearners/schoolclosureguidance>

21st Century Community Learning Centers (21st CCLC) Program Guidance:

Delivery of 21st CCLC program services during the COVID-19-outbreak: The fiscal agent for a 21st CCLC grant has discretion over whether to close 21st CCLC program(s) in response to COVID-19 concerns. Fiscal agents also have discretion around whether to offer remote program services in lieu of traditional in-person program services. Some key considerations around potential program closures and continued services include:

- Similar to snow days and other intermittent school closures, school-based 21st CCLC program sites are considered closed when a “host school” closes;
- Non-school based programs (community centers, etc.) are not required to close if one or more of their sending schools have closed
- In the event that a school and/or SAU offers remote educational opportunities for students, so too may a 21st CCLC program provider serving that school

All 21st CCLC programs must still follow current CDC recommendations regarding social distancing. In addition, all 21st CCLC-funded program services must also continue to take place during non-school hours, as determined by the operational situation of the school or schools impacted by COVID-19.

Payment of 21st CCLC program staff with grant funds during the COVID-19 outbreak :

At the discretion of each program’s fiscal agent, program staff may continue to be paid with federal grant funds for work (including remote work) for any of the specific tasks listed below:

- Online/virtual 21st CCLC programming for youth (if such capacity exists locally)
- Virtual staff meetings (conference calls, Zoom meetings, Skype, etc.)
- Systems planning work (summer programming, evaluation, sustainability, budgeting)
- Curriculum work (must be specific to the 21st CCLC program)

- Lesson plan development (must be specific to the 21st CCLC program)
- 21st CCLC program data entry/validation
- Online professional development through the Y4Y Portal (<https://y4y.ed.gov/>)
- Other online professional development designed or approved by your employer (this must be related to 21st CCLC program work)

- Other expectations and associated job tasks listed in an individual’s 21st CCLC job description that are reasonable and necessary to conduct during any closure period(s)

Any hours worked by staff must remain commensurate to the needs of the program. Program directors and supervisors must maintain awareness of any work being completed by staff during periods of COVID-19, and upon request, provide documentation to the Department.

Program data and outcome tracking during the COVID-19 period: Any 21st CCLC programs that are impacted by COVID-19- must keep track of the following information for each program site and for the period of time in which partnering school(s) are not providing traditional classroom-based instruction or are closed:

- The number of days and hours of regularly-scheduled instructional time lost;
- The amount of grant funding not used for traditional expenses (i.e. staff hours, busing, snack programs, etc.);
- The number of students who could have reached “RLP” status had it not been for COVID-19; and
- Any other program-specific targets or measures for which the program feels COVID-19 may have a significant impact (at the local 21st CCLC program provider’s discretion)

Please note that the above information must be provided to the Department for the purposes of 2020 Annual Performance Reporting for the 21st CCLC program. Please also note that the Department will make reasonable and fair accommodations with regard to any reduction in the achievement of normal program requirements and outcomes resulting from changes due to COVID-19.

Proposal submission deadline for current 21st CCLC program RFP: Despite the unique challenges being presented to Maine's education community regarding COVID-19, the Department currently has no plans to extend its deadline for responses to the 21st Century Community Learning Centers RFP (RFP201912214). This year's RFP was released to the public on January 2, 2020, providing approximately a 3-month window to complete proposals. In order to maintain the Department's current trajectory for awarding new grants later this year, the submission deadline remains April 2, 2020.

Career and Technical Education (CTE) Program Guidance:

Perkins V Timelines: The federal Office of Career and Technical and Adult Education is currently requiring the Department to continue to follow all current Federal and State requirements in regard to FY20 and FY21 Perkins deadlines. For a timeline of key events and additional information related to the Perkins V program, please visit the Department's website at <https://www.maine.gov/doe/learning/cte/perkins>.

Payment for other program expenses: Questions and requests for guidance regarding Perkins V expenditures and payments (beyond the general personnel and professional development cost guidance above) can be directed to State Director for CTE, Dwight Littlefield, dwight.a.littlefield@maine.gov or Perkins Grant Manager, Donna Tiner, at donna.tiner@maine.gov.

Data tracking and performance outcomes: Schools must track and document the number of days and hours of regularly-scheduled instructional time lost for programs and activities supported with Perkins funds. We understand that meeting CTE program standards and the 350 hour per year requirements may be impacted by school closures. Please know that the Department will work to make fair and reasonable accommodations to those CTE programs significantly impacted by prolonged school closures.

Elementary and Secondary Education Act (ESEA) Program Guidance:

Staff who are traditionally paid in whole or in part with federal funds: Payment of ESEA staff with federal funds should align with the uniform decisions made by each organization and the general guidance provided above. The scope of work and payment of Educational Technicians must be uniform, regardless of whether positions are paid for locally or with federal funds. If local staff are being paid during the school closure and are not required to perform their normal work duties, the same "rules" would apply to federally-paid staff within the district. If local staff must perform approved work to be paid during a prolonged school closure, the same "rules" would also apply to federally-paid staff.

The focus of Title I Targeted Assistance program staff should be on activities or initiatives that enhance the instructional programming for Title I students. However, there is flexibility in activities performed and Title I staff could assume limited duties that are also assigned to similar personnel who are paid with local funds. These limited duties, beyond classroom instruction or work benefiting Title I students, can be conducted as long as the scope and time requirement are proportional to similar personnel at the same school.

Title I funds in a schoolwide program could support Title I paid staff who perform work on school-level activities or initiatives that upgrade the educational program of that school.

Supporting digital learning opportunities and remote instruction with federal funds:

For schools that have an approved schoolwide plan under Title I, any ESEA program funds contributing to the schoolwide plan (Titles I, II, III, IV, and/or V, as applicable) may be used to upgrade the general education program of the school, which may include digital learning opportunities. Funding under Titles I and V can also support this work to varying degrees. Title I Targeted Assistance programs may use Title I for digital learning, but it must benefit

only Title I identified students. Title V program funds can also be used to support digital learning for any student. Given the unprecedented challenges our schools are facing with COVID-19, the Department is highlighting how federal education funds might support remote instruction and digital learning opportunities, which may include:

- Providing “hot spot” internet access for students that do not have access at home
- Software licenses for supplemental educational materials and programs
- Staff professional development and/or training around the use of online learning platforms

Please note that any federal funding used to support digital learning and/or remote instruction must follow the same “supplement, not supplant” statutory provisions as all other expenses. This means that federal funds must continue to be used in addition to, and not in place of, other state or local funding that would otherwise support digital and/or remote learning opportunities for students.

Waiver to be sought for Title I excess carryover provisions: The Department is currently exploring the option of requesting a waiver from the U.S. Department of Education regarding the 15% excess carryover requirements under Section 1127 of Title I. If granted, such a waiver would support Maine schools and districts impacted by COVID-19 by limiting the adverse impact of being unable to expend Title I funding during the school year.

Specific ESEA Federal Program Questions and Concerns should be addressed to:

- ESEA Federal Programs and School Turnaround: Shelly Chasse-Johndro, shelly.chassejohndro@maine.gov
- Improving the Academic Achievement of the Disadvantaged (Title I): Jackie Godbout, jackie.godbout@maine.gov or Monique Sullivan, monique.sullivan@maine.gov
- Preparing, Training and Recruiting High-Quality Teachers and Principals (Title II): Shelly Chasse-Johndro, shelly.chassejohndro@maine.gov
- Language Instruction for English Learners and Immigrant Students (Title III): April Perkins, april.perkins@maine.gov
- Student Support and Academic Enrichment Program and 21st CCLC Program (Title IV): Travis Doughty, travis.w.doughty@maine.gov
- Rural Education Initiative (Title V): Daniel Weeks, daniel.r.weeks@maine.gov

Individuals with Disabilities in Education Act (IDEA) Program Guidance:

The continued use of IDEA funds during the COVID-19 outbreak: Federal IDEA funds may be used to pay special education staff engaged in special education activities. All other expenses shall follow federal guidelines with respect to allowability (2 CFR 200.420-475). Questions and requests for guidance regarding IDEA expenditures and payments can be directed to the Fiscal Coordinator for OSS, Barbara McGowen at (207)624-6645 or Barbara.A.McGowen@maine.gov.

IDEA program activities that may be carried out in response to COVID-19: IDEA Part B funds may be used for activities that directly relate to providing, and ensuring continuity of, special education and related services to children with disabilities. For example, an SAU may use IDEA Part B funds to disseminate health and COVID-19 information that specifically relate to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. However, SAUs must not use IDEA Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities. Additionally, districts may not use IDEA Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.

COVID-19 impact on IDEA applications and year-end reporting: The Office of Special Services does not anticipate any interruption or delays in opening the FY21 IDEA Applications, Year-End Reports and/or Final Exit Reports for school districts. For additional programmatic guidance related to Special Education, please visit the Department’s website at <https://www.maine.gov/doe/learning/specialed/director>.

