

Consolidated Federal Programs Guidance Related to School Closure due to COVID-19

This brief guidance document provides current information concerning the Consolidated Federal Programs (CFP) application, recent LEA questions and Federal requirements. This guidance will be updated periodically to reflect new information.

Present/Fiscal Year 2020

Paying Federally-Funded Staff (Updated 4.15.2020)

Per [Agency of Education COVID-19-Related Financial Guidance](#):

2 CFR §200.403 requires that costs must meet general criteria in order to be allowable under Federal awards. The criterion detailed in 2 CFR §200.403(c) requires the cost “be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.” If your entity has a policy or procedure stating that during this closure, employees paid with all other sources of funds will be paid, then it can apply this policy or procedure consistently to employees paid with federal funds. Employees paid with multiple funding sources, should continue to be allocated across funding sources.

We suggest that all LEAs review current policies, procedures and master agreements to determine if the LEA has an existing set of standards regarding paying staff during a school closure. If so, the LEA must follow that set of standards consistently across all funding sources.

If the LEA determines it does not have a current written standard that addresses payment of staff during a school closure we recommend that the LEA develop a written standard as soon as possible.

The [Fact Sheet released by USED](#) on April 8, 2020, refers to the written standard as a policy not as a procedure. The Fact Sheet also confirms that an employee who is being paid with Federal grant funds while the program grant activities are closed in whole or in part due to the COVID-19 pandemic may not also be paid for the time during which the program is closed by the organization or another organization for working on other activities that are not closed down.

Time and Effort/Changes to Duties (Updated 4.3.2020)

Please see [Agency of Education COVID-19-Related Financial Guidance](#) for this and other information.

Federal Fund Reimbursement for Cancelled Activities (Updated 4.15.20)

We understand that, due to the pandemic, a number of grantees or subgrantees were unable to complete approved travel or professional development activities for which federal reimbursement was to be sought. Per [AOE Covid-19-Related Financial Guidance](#), a grantee or subgrantee may charge these types of costs to the grant provided that they first seek to recover

nonrefundable costs (e.g., travel, registration fees) associated with a grant from the Department from the relevant entity that charged the fee (e.g., airline, hotel, conference organizer). Some businesses are offering flexibility with regard to refunds, credits, and other remedies for losses due to the COVID-19 outbreak. Moreover, many agreements or contracts for conferences, training, or other activities related to a grant contain an emergency or “act of God” provision, and the grantee and its subgrantees must seek to exercise those clauses to the extent possible in light of the COVID-19 outbreak. If a grantee or subgrantee is unable to recover the costs, the grantee or subgrantee may charge the appropriate grant for the cancellation costs, provided the costs were reasonable and incurred in order to carry out an allowable activity under the grant, consistent with the Federal cost principles described in 2 CFR Part 200 Subpart E of the Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards (Uniform Guidance). Grantees and subgrantees should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Grantees and subgrantees must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 (financial management) and 2 CFR § 200.333 (retention requirements for records) to substantiate the charging of any cancellation or other fees related to the interruption of operations or services.

CFP Application Amendment Deadline (Updated 4.15.20)

In order to create additional flexibility in fund use and to ease the burden caused by late Title I reallocations, the final date that CFP application amendments will be accepted is now April 20. However, submission by April 15 is strongly encouraged to support the Agency in finalizing FY20 grant activities in a timely and effective way.

Substantial Approval of Amendments

In order to allow for the expedited obligation of CFP funds, amendments to CFP applications will now be considered substantially approved at the time of submission. This will allow LEAs to obligate those funds immediately, without having to wait for a fully executed amendment. It is important to remember that there is risk involved in using funds during the time between substantial approval and final approval. If an investment does not receive final approval, the expenditure cannot be paid for using the grant funds.

Flexibility in Fund Use (Updated 4.15.2020)

Several LEAs have understandably sought to make changes to CFP application investments in response to needs brought on by school closures. The CFP team will continue to evaluate all new CFP investments through lenses of being reasonable, necessary, allocable and allowable under existing statute, as well as with consideration for the assessed needs of individual LEAs and schools.

Through an expedited waiver process, the U.S. Department of Education has granted the Agency of Education, and the state’s LEAs, permission to exercise the flexibilities listed below. Unless otherwise noted, these flexibilities will only be applied to the current, FY20 CFP application. The CFP team will consider continuing or amending these flexibilities for FY21 as allowable and with consideration for future conditions:

- LEAs are relieved of the requirement that a needs assessment supports investments under Title IV. This means that updated or amended Title IV investments will be evaluated without consideration for the LEA or school's Continuous Improvement Plan.
- LEAs are relieved of the minimum budgeting requirements towards the three intents of Title IV. This includes relief from the limit on Technology Infrastructure spending, previously 15% of the budget for the Effective Use of Technology. This does not change the allowable uses of Title IV but gives LEAs more flexibility in how their Title IV funds are budgeted, allowing them to concentrate funds towards greatest needs.
- LEAs are relieved of the requirement, particularly under Title II, prohibiting single-session or "one off" professional development events. LEAs may use funds for professional development activities comprised of a single meeting or that occur for one day only in order to address previously unanticipated professional development needs.
- All LEAs will be granted relief from the 15% limit on Title I carry forward from FY20 into FY21, regardless of past waivers granted.

Sanitation Activities Under Title IV (Updated 4.8.2020)

In response to inquiries from SEAs, the U.S. Department of Education has clarified that enhanced cleaning and sanitation of schools is an allowable use of Title IV Part A funds.

CARES Act Funding (Updated 4.15.2020)

With the passage of the CARES Act, substantial new funds with significant flexibility will be made available to LEAs to meet needs generated by the current crisis. The formula for distribution of these funds will be based on FY20 Title I allocations, and it is projected that LEAs will receive an amount equal to approximately 80% of their current Title I allocation.

Per CCSSO guidance, under the law funds may be used for any activity authorized by ESEA, IDEA, the Adult Education and Family Literacy Act, the Perkins CTE Act, or the McKinney-Vento Homeless Assistance Act, in addition to other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others).

More information about timelines, allowable uses and applying for funds will be shared as it becomes available.

Expiration of Funds (Updated 4.15.20)

We understand that school closures may make it difficult for some LEAs to begin or continue activities that were to be funded with Title I, Title II, Title III, Title IV or Title V funds, possibly resulting in the forfeiture of funds set to expire at the end of the current fiscal year. Through an pre-approved waiver, the U.S. Department of Education has granted Vermont an extension of the life of FY19 CFP funds by an additional 12 months. These funds will now expire on September 30, 2021.

Relief from Programmatic Requirements (Updated 4.3.20)

School closures have complicated the fulfillment of some requirements for fund use under ESSA. Some of these requirements can be waived under Vermont's Ed-Flex authority, while others may require waivers from the US Department of Education. Please continue to reach out with questions or concerns about specific requirements and assurances. The CFP team will explore flexibilities that we may be able to grant, and we will share with the US Department of Education any additional needs concerning waivers that may help LEAs to respond more effectively to the current crisis.

Fiscal Year 2021

Continuous Improvement Plans and the CFP Application

School closures and restrictions enacted at the local, State and Federal levels present roadblocks to collaborative updates to Continuous Improvement Plans. For the coming fiscal year, the CFP team will review submitted applications without consideration for the status of updated LEA and school Continuous Improvement Plans. In short, CIPs need not be submitted and approved before CFP applications can be reviewed. Please refer to Education Quality Team guidance or contact the EQ Team directly for additional information about Continuous Improvement Plans.

Data Inventory Tools and the CFP Application (Updated 4.3.2020)

In order to decrease the burden on LEAs in light of present conditions, while the CFP team will still require Data Inventory submissions for all LEAs and schools served by Federal funds prior to application review, we will only require that Part II be completed. These assessed needs are essential to evaluating Title I, Title II and Title IV spending in a way that is compliant with ESSA requirements.

- Part II of the Data Inventory Tool should be completed for the LEA and individually for each school served by federal funds.
- There should be clear connections between each investment in the CFP application and the assessed needs of the LEA or school where the strategy will be implemented, as represented in the Data Inventory Tool.
- Unless requested by the LEA, Data Inventories will not be returned prior to CFP application reviews. In other words, there is no initial evaluation of Data Inventories. However, it is expected that the Data Inventories will support the investments in the CFP application. Therefore, LEAs may be prompted by the CFP Team to update their Data Inventories to better support proposed Title spending when connections are not clear.

Please see the "Technical Support and Resources" section of the Education Quality Team's [Continuous Improvement page](#) for presentations and resources related to the Data Inventory Tool. Thank you for your hard work in completing this new task.

Contact

Please contact [Jesse Roy](#), Assistant Division Director, with questions or comments about this guidance document.