

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 CFP-Funded Staff

Per guidance from CCSSO, an LEA may continue to pay CFP-funded employees during school closures so long as paying these employees is aligned to the LEA's policies and practices concerning LEA employees who are not federally funded. When spending federal funds, states, school districts, and other recipients should follow the same policies and procedures they apply when spending state, local, or other non-federal funds. Accordingly, the US Department of Education has taken the position during past crises that if a state, district, or other recipient has a policy of paying employees during a closure, it should follow that policy for its federally funded staff as well.

Federal Fund Reimbursement for Cancelled Activities

We understand that, due to the pandemic, a number of LEAs were unable to complete approved travel or professional development activities for which federal reimbursement was to be sought. We anticipate guidance from the US Department of Education in the near future clarifying options for reimbursement in such cases. In the meantime, please contact vendors directly to seek reimbursement for these costs.

CFP Application Amendment Deadline

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 15.

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

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. However, neither Congress nor the US Department of Education have modified existing statute, waived regulations or given new guidance that change what are fundamentally allowable uses of CFP funds, despite the unique conditions.

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. More information will be shared as it becomes available.

15 Percent Limit on Title I Part A Carry Forward

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 Part A funds, possibly resulting in carry forward in excess of the 15 percent allowed under statute. The new CARES Act includes an expedited process for SEAs to apply for waivers of requirements or restrictions under ESSA, such as the 15 percent carry forward limit, which we intend to do as soon as this process is in place.

Expiration of Funds

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. The new CARES Act includes an expedited process for SEAs to apply for waivers of requirements or restrictions under ESSA, which we intend to do as soon as this process is in place.

Relief from Programmatic Requirements

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, such as parental participation represented by the annual Title I meeting, cannot. 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

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. Thank you for your hard work in completing this new task.