ESSA Program Waivers, CRP Flexibility and the CARES Act

RIDE Federal Programs Team
May 8, 2020

Agenda

• CARES Act Waiver Impact on Federal Title Programs
• FY21 CRP Application Flexibility
• CARES Act Grants Overview
• Questions
Cares Act Waiver Flexibility

RIDE was approved on **April 21, 2020** for U.S. Dept. of Ed. waiver for several requirements of the Every Student Succeeds Act (ESSA).

- Waivers allow LEAs to capitalize on spending flexibility with their 2019-2020 school year funds.
- LEAs can either:
  1) Apply flexibility for unspent 2019-2020 funds carried over to next year; or
  2) Amend their current CRP for use of the funds now.

Waiver Flexibility:
Period of Availability for 2018-2019 ED Program Funds

The waiver gives LEAs until September 30, 2021 to expend their 2018-2019 funds.

The programs covered by this waiver are:

- Title I, Part A (Improving Basic Programs),
- Title I, Part D, Subpart 1 (Neglected and Delinquent),
- Title II, Part A (Supporting Effective Instruction),
- Title III, Part A (English Language Acquisition),
- Title IV, Part A (Student Support and Academic Enrichment),
- Section 1003 (School Improvement),
- Title IV, Part B (21st Century Community Learning Centers), and
- McKinney-Vento Education for Homeless Children and Youth Program
Waiver Flexibility:
Impact on Title I-A

The carryover limit requirement for 2019-2020 Title I, Part A funds has been waived.

Normally
- LEAs may only carry 15% of their Title I, Part A funds over from one year to the next
- By request, SEAs may provide a waiver to the limit for an LEA only once every three years

Now with Waiver Flexibility
- LEAs are not limited in how much Title I, Part A money they carry over from 2019-2020 to 2020-2021.
  - *This is true even for LEAs that already received a carryover waiver from the SEA within the last three years.*

Waiver Flexibility:
Professional Development for Title II, III, IV-A

For school year 2019-20 (Through June 30, 2020):
- LEAs are *not required* to provide only "sustained professional development activities", but may also provide one-time, stand-alone training (if needed) for teachers, principals and other school leaders.
- Allowance has been granted through this waiver to conduct time-sensitive, one-time, or stand-alone professional development on
  - effective distance learning and/or
  - other professional development activities to address COVID-19 concerns.
Waiver Flexibility:
Professional Development for Title II, III, IV-A Examples

<table>
<thead>
<tr>
<th>Title II, Part A</th>
<th>Title III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide one-time virtual professional development opportunities to support distance learning</td>
<td>Best practices to support multilingual learners and their families in distance learning</td>
</tr>
<tr>
<td>Professional development on use of technology</td>
<td>How to effectively implement a new online learning platform for supplemental language development</td>
</tr>
<tr>
<td>Professional development on effective instructional practices for distance learning</td>
<td>How to effectively facilitate virtual family engagement activities for parents of MLLs</td>
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<tr>
<td>Professional development on effective strategies for supporting students with disabilities and English language Learners in distance learning</td>
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**Please note:** The professional development waiver expands the types of professional development and training programs already allowed under Title IV-A.

Waiver Flexibility:
Cancelled Activities or Travel

Waiver allows for the flexibility to charge the costs of cancelled events or travel for existing FY20 funds

- If ED Grant funds were used to pay for conference costs and/or travel to professional development which has been cancelled, the cancellation costs can be put in the original Title grant after the district first tries to recover costs
  - Any costs that cannot be recovered must be reasonable and relate to an allowable activity
Waiver Flexibility:
Impact on Title IV-A

Needs Assessment Requirement Waiver for 2019-2020 School Year
LEAs that wish to amend their 2019-2020 Title IV-A CRP do not need to revise their needs assessment to address COVID related needs (e.g. purchasing laptops to address technology infrastructure needs).

“20-20-Some Portion” Requirement Waiver
The 20-20-Some Portion spending requirements for LEAs with allocations of $30,000 or more have been waived for FY19 funds and FY18 carryover funds.

What does this mean for LEAs?
• 2019-2020 CRP: LEAs do not need to meet the 20-20-Some Portion spending requirements. However, LEAs must still complete the TIVA End of the Year Expenditure Report.
• 2020-2021 CRP: The 20-20-Some Portion spending requirements will only apply to FY 20 funds.

15% Technology Infrastructure Cap
Title IV-A allows LEAs to spend up to 15% of the funds they set aside for effective use of technology to purchase technology infrastructure including devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchase. This cap has been waived for FY19 funds and FY18 carryover funds.

What does this mean for LEAs?
• 2019-2020 CRP: LEAs can amend their 2019-2020 application to include any allowable expenditures incurred between March 13 and June 30, 2020.
• 2020-2021 CRP: The waiver will continue to apply to any FY18 or FY19 carryover funds. However, the 15% Technology Infrastructure Cap will apply to FY 20 funds.
FY21 CRP Flexibility

Federal Title Programs and IDEA

FY21 CRP Flexibility:
CRP Application Submissions

• RIDE is prepared for LEAs to submit a CRP application and then revise the plan as needed after initial submission and approval
  • This will allow LEAs the flexibility to develop and revise their CRP application to meet the needs and challenges faced by the COVID-19 crisis
  • LEAs will not have to wait for the amendment period to make changes
  • Communication is key, please let RIDE program staff know that you plan to revise
FY21 CRP Flexibility:  

Substantial Approval ⇒ Full Award Letter

Clarifying definitions:

- **Summer Approval**: LEA has submitted sufficient information; RIDE approved CRP Application to start summer activities.
- **Substantial Approval**: LEA has submitted a CRP Application with sufficient information to commence expenditures.
- **Full Approval**: LEA has submitted sufficient information; RIDE has approved CRP Application for school year activities.
- **Full Award Letter**: Issued to LEA after full approval from RIDE.

FY21 CRP Flexibility:  

2020-2021 CRP Application Options

**Option 1:**
Submit a substantially approvable summer application by June 30, 2020.
After receiving summer approval, revise the application to include school year requests.

**Option 2:**
Submit a substantially approvable application by August 14, 2020 for full year approval.

Option 1 and 2 Flexibility:
- Revise a submitted application to reflect changing needs prior to amendment period, if applicable.
FY21 CRP Flexibility:
CRP Application Changes

• Errors are now Warnings
• Assurance Addendum to be Added
  • Removing items from application and adding to Assurances
    • (example: Parent Notification – Title I - now an assurance)
• Do Not Complete this year:
  • LEA Plan section
### FY21 CRP Flexibility: Now and Later for Substantial Approval

#### Documents
<table>
<thead>
<tr>
<th>Now</th>
<th>Later</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Transfers (if you plan to transfer funds now)</td>
<td>• CRP Stakeholder Engagement Form</td>
</tr>
<tr>
<td>• Signed Assurances</td>
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<tr>
<td>• Signed Request to Obligate Funds</td>
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#### Private Schools
<table>
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<tr>
<th>Low</th>
<th>Later</th>
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<tbody>
<tr>
<td>• Private School Equitable Services section for Title I, II, IV, IDEA</td>
<td>• Uploaded private school consultation signed affirmations</td>
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<tr>
<td>• Include Private School Calculator Work Sheet</td>
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#### Program Plans
<table>
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<tr>
<th>Low</th>
<th>Later</th>
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<tbody>
<tr>
<td>• Programs &amp; Positions Description – only for programs you plan to operate now</td>
<td>• As you change or modify programs you may revise up to the point of full approval</td>
</tr>
<tr>
<td>• Related budget request (if appropriate)</td>
<td></td>
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</table>

#### Budget
<table>
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<tr>
<th>Low</th>
<th>Later</th>
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</thead>
<tbody>
<tr>
<td>• No need to budget all funds now</td>
<td>• Budget Revisions for all funds and all programs</td>
</tr>
<tr>
<td>• No need to budget every program</td>
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### FY21 CRP Flexibility: Now and Later for Substantial Approval – Title I-A

#### Now
- • Annual Ranking
- • Reserves
- • School Level Allocations
- • Program Matrix
- • Equitable Services Calculator, if applicable

#### Later (Full Approval)
- • Remaining application

#### On Hold
- • Parent Notifications moved to Assurances
### FY21 CRP Flexibility: Now and Later for Substantial Approval – Title II

<table>
<thead>
<tr>
<th>Now</th>
<th>Later (Full Approval)</th>
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<tbody>
<tr>
<td>• Worksheets for any Professional Learning Activities for Summer Approval (Public or Private)</td>
<td>• Remaining application with supporting evidence-based articles on file with LEA.</td>
</tr>
<tr>
<td>• Budget for summer PL activities</td>
<td></td>
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<tr>
<td>• Equitable Services Calculator, if applicable</td>
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### FY21 CRP Flexibility: Now and Later for Substantial Approval – Title IV-A

<table>
<thead>
<tr>
<th>Now</th>
<th>Later (Full Approval)</th>
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<tbody>
<tr>
<td>• Include Summer Program narratives and related budget requests</td>
<td>• Application Details page</td>
</tr>
<tr>
<td>• Upload Equitable Services Calculator, if applicable</td>
<td>• All program requests and related budget items</td>
</tr>
<tr>
<td>• Include any Summer Program narratives and related budget requests for private schools</td>
<td>• All private school information, including signed consultation agreements</td>
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<tr>
<th>On Hold</th>
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<tbody>
<tr>
<td>• New Program Outcomes Page</td>
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</table>
FY21 CRP Flexibility:
LEAs Seeking Summer Program Approval

• Application submitted to RIDE by **June 30, 2020**
• May use the “Import last year's budget” feature
• Budget items needing summer approval
  • Add "Summer" to the beginning of the description line
• Remember to include salaries and fringe benefits for any positions the LEA is supporting with federal funds during the summer

FY21 CRP Flexibility:
LEAs Seeking School Year Program Approval Only

• Submit application by **August 14, 2020**.
• LEAs may obligate funds from the date they have submitted a substantially approvable application
• Do not include request for funds spent prior to the LEAs initial CRP Application submission
FY21 CRP Flexibility:
Other Tips and Recommendations

• Provide narrative descriptions that are as brief and concise as possible to justify the expenditure.
• Reconciling FERs (final expenditure reports) will not be necessary in order to apply for FY 21 funds; FER reconciliation will occur later in the year.
• Provide David Luther/RIDE with any changes to school configurations.
• Please note: unexpended funds that result from FY 20 budget activities that were cancelled or delayed as a result of the COVID 19 crisis will be carried forward for the LEA’s use, but these items need to be included again in the FY 21 budget requests.

FY21 CRP Flexibility:
Other Tips and Recommendations (cont.)

• LEAs may submit CRP applications for only the programs they intend to operate before revision of the application.
• **Summer Approvals:** Please inform the assigned program staff at RIDE if you will not be applying for a particular program at this time so we may move your application along without completion of those programs’ portion of the CRP.
• **For Title III Consortia**, please notify your district’s Title III program reviewer if you experience delays in obtaining all consortia member district’s intent forms. Concessions will be allowed to this process to move consortia applications along.
FY21 CRP

- Remember, please notify Title Program staff if you choose to amend your current CRP Application by May 15, 2020.

The Coronavirus Aid, Relief, and Economic Security Act

CARES Act
CARES Act

- ED Grant Funds
  - Continued Payments to Employees and Contractors

- CARES Funding Act
  - Governor’s Emergency Education Relief Fund (GEER)
  - Elementary and Secondary School Emergency Relief Fund (ESSER)
  - Equitable Services under GEER and ESSER
  - Reporting

CARES Act:
Continued Payment to Employees and Contractors

- Any entity that receives GEER or ESSER Funds must continue to pay employees and contractors during the period of any disruptions or closures related to coronavirus “to the greatest extent practicable.” (Sec. 18006)
**CARES Act:**
**Governor’s Emergency Education Relief Fund (GEER)**

- ED released notice of available funding, State allocation tables, and the application for GEER Funds on April 14, 2020

- Rhode Island is receiving $8.7 million for GEER purposes.

- Governor must award funds within one year or funds go back to ED for reallocation to other states.

- GEER funds are available for obligation by subrecipients through September 30, 2022.

**CARES Act:**
**GEER Spending Options**

Governor can:

- Provide emergency support grants to LEAs and Institutes of Higher Education most significantly impacted by coronavirus (as determined by the SEA) so they can continue provide educational services and support ongoing functionality.

- Provide support to any other LEA, IHE, or other educational entity the Governor deems essential for carrying out emergency educational services to students for the following activities:
  - Allowable ESSER activities,
  - The provision of childcare and early childhood education,
  - Social and emotional support, and
  - The protection of education-related jobs.
CARES Act:
GEER Spending Options (Cont.)

• ED has said it “does not expect administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities . . . to be a lawful purpose for GEER funds.”

• GEER does not have a supplement not supplant requirement.

• GEER funds cannot be used to replace state aid.
  • As described previously, funds must be used for emergency grants to LEAs and IHEs that are significantly impacted by coronavirus (as determined by the SEA), or to support other education related entities within the state the Governor deems “essential for carrying out emergency educational services.”

CARES Act:
Elementary and Secondary School Emergency Relief (ESSER) Fund

• Allocations to States are based on the proportion of Title I, Part A funds each State received in the most recent fiscal year.

• Rhode Island will receive approximately $46.3 Million

• States may keep 10% for state level activities and must allocate 90% to LEAs.

• ESSER funds will remain available for obligation through Sept. 2022 and available for pre-award costs of back to March 13, 2020.

• SEA must award funds within one year.
CARES Act:
LEA ESSER Fund Spending Options

LEAs may spend their funds on:

- Any activity authorized by ESEA, IDEA, AEFLA, Perkins, or McKinney Vento
- Coordination of preparedness and response efforts
- Providing principals and other school leaders with resources to address individual school needs
- Activities to address the unique needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including outreach and service delivery
- Training and professional development for LEA staff on sanitation and minimizing the spread of infectious disease
- Procedures and systems to improve LEA preparedness and response efforts
- Purchasing supplies to sanitize and clean LEA facilities
- Planning for and coordinating during long-term closures, including how to provide meals, technology for online learning, guidance for carrying out IDEA requirements, and providing educational services consistent with applicable requirements
- Purchasing educational technology (including hardware, software and connectivity) for the LEA’s students
- Providing mental health services and supports
- Planning and implementing summer learning and supplemental afterschool programs
- Other activities necessary to maintain LEA operations and services and employ existing LEA staff (Sec. 18003(d))

CARES Act:
ESSER Fund Spending Clarifications

- ESSER Funds do not have a supplement not supplant requirement.

- While ESSER Fund allocations are based on Title I, they are not Title I funds. For example, ESSER funds:
  - Are not governed by Title I spending rules (like supplement not supplant),
  - Will not count towards Title I carryover limitations, and
  - Are not limited to Title I eligible schools or students.
  - LEAs are not required to allocate ESSER funds to schools.

- ESSER funds are also not “replacement funds.”
  - They must be spent on allowable activities.
  - Not all LEAs will receive funds.
**CARES Act:**

**Equitable Services to Non-Public Schools**

- Applies to both the GEER and ESSER Funds.

- Under both Title I, Part A and the CARES Act must provide services and other benefits for non-public school students and teachers in a timely manner that are equitable in comparison to the services and benefits provided for public school students and teachers.

- Control of CARES Act funds and items purchased with the funds must remain in public control. *(Sec. 18005(b))*

- Non-Public Schools will participate in a manner similar to rules under Title’s II and IV. See [Providing Equitable Services to Students and Teachers Under the CARES Act](#) question #10 for more information.

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**CARES Act:**

**CARES ACT Reporting Requirements**

Quarterly, an entity that receives more than $150,000 in CARES Act funds must report:

- The total amount of funds received,
- The amount spent or obligated for each project or activity,
- A detailed list of all projects or activities supported with CARES Act funds (including name, description and estimated number of jobs created or retained (where applicable)), and
- Detailed information on subcontracts and subgrantees, including FFATA data elements, as prescribed by OMB (OMB is authorized to allow aggregate reporting on awards below $50,000). *(Sec. 15011(b)(2))*
- ED may impose additional requirements.
Questions?

thank you!