

AASA and ASBO International collaborated to collect and respond to the variety of questions we have received about the COVID-19 pandemic, the federal response, what it means for schools, and implementation and compliance. This list of questions reflects the topics and themes as submitted by members; it does not include all questions as submitted but does attempt to address all areas and issues.

Please continue to submit your questions through our ongoing webinars or directly to staff (Elleka Yost eyost@asbointl.org and Noelle Ellerson Ng nellerson@aasa.org).

All AASA COVID-19 resources are available on [AASA's website](#) and all ASBO International COVID-19 resources can be found on [ASBO's blog](#).

Key Terms to Know

- USED – U.S. Department of Education
 - CARES Act – Coronavirus Aid, Relief, and Economic Security Act. (The third COVID-19 stimulus package passed by Congress, which includes federal support to schools via an Education Stabilization Fund.)
 - ESEA/ESSA – Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act
 - IDEA – Individuals with Disabilities Education Act
 - ESSER – Elementary and Secondary School Emergency Relief Fund (CARES Act grant program under the Education Stabilization Fund for K–12 education).
 - FFCRA – Families First Coronavirus Response Act. (The second COVID-19 stimulus package passed by Congress, which included major changes to paid leave provisions for employers and employees).
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School Nutrition Resources

- AASA and ASBO each partnered with the Food Research Action Center (FRAC) to create a resource for school superintendents and school business officials as it relates to meeting student nutritional needs during a pandemic ([AASA PDF](#) and [ASBO PDF](#)).
- USDA maintains a robust [library of information](#) related to available waivers and flexibilities on their website, including up-to-date information about [what is available in each state](#).

ESSA and IDEA Questions and Answers

- How should districts provide special education services to students as districts transition to remote learning?
The short answer is to the best of your ability. While the CARES Act did request a report from USED detailing areas where flexibility could be available to LEAs in how they comply with some aspects of IDEA, USED issued a report essentially indicating there is no flexibility. This means LEAs are in a position of needing to comply with 100% of IDEA. The specifics of how to provide these services will vary district by district, school by school, and sometimes, student by student. Remote learning can happen online or in a more traditional (paper/text based) manner. We suspect this question is really getting at the reality of certain aspects of special education that can only be done in person and in close proximity, and is asking about how to balance two competing realities: How do we educate a student with disabilities when schools are closed and social/physical distancing is the norm or standard, yet their learning plan and style requires in-person interaction (e.g., therapies, etc.). We have not yet received clear guidance on balancing

these two tensions or how LEAs will be protected from litigation if, in trying their best to meet these needs, they fall short of 100% compliance.

- What fiscal flexibilities are available in terms of rollover, maintenance of effort, and more?
Under the CARES Act, states and school districts can apply for targeted one-year waivers from sections of ESEA/ESSA dealing with several funding mandates. For example:
 - *They could seek waivers from ESSA's requirement for states to essentially maintain their education spending in order to tap federal funds.*
 - *They could seek a waiver to make it easier to run schoolwide Title I programs regardless of the share of low-income students in districts and schools.*
 - *They could seek flexibility from requirements governing Title IV, Part A, which funds programs aimed at student well-being and providing a well-rounded education. Caps on spending for different priority areas would be lifted, and schools would no longer be barred from spending more than 15% of their Title IV money on digital devices.*
 - *Districts could seek to carry over as much Title I money as they want from this academic year to the next one; normally there is a 15% limit.*
- What options exist for eLearning to those who do not have home access to internet?
CARES Act funding allows LEAs to use their share of dollars to help address the homework gap and to help students who do not have home access to internet to connect. This could include providing wired devices (like laptops) or providing a hot spot/Wi-Fi.

CARES Act Funding Questions, Answers, and Resources

- How does a state calculate each LEA'S relative share of Title I Part A? Should they include or exclude the hold harmless amount?
An SEA must allocate ESSER funds to an LEA in proportion to the amount of FY 2019 funds (for use primarily in school year 2019–2020) that the LEA received under Title I, Part A of the ESEA. The amount of Title I, Part A funds an LEA received for FY 2019 is the LEA's amount after the SEA adjusted the USED-determined Title I, Part A allocations in accordance with 34 C.F.R. §§ 200.70 – 200.75 (including the applicable hold harmless provision) and § 200.100 (including after the SEA reserved funds for required and permissible reservations for school improvement [ESEA section 1003], state administration [ESEA section 1004], and direct student services [ESEA section 1003A]).
- How can CARES funding be used?
CARES funding is designed to be very flexible, with LEAs having broad autonomy in how they choose to use the funds. Under the CARES Act, States and districts are set to receive \$13.2 billion for K–12 in the CARES Act. The money must be spent by September 2021. The funding can be used retroactively for expenses incurred dating back to March 13, 2020, when the Trump Administration declared the pandemic a national emergency.

Once the funds are available, here is how districts can use them:
 - *For any activity authorized in ESSA, IDEA, and Perkins/CTE.*
 - *To coordinate with public health departments to prevent, prepare, and respond to COVID-19.*
 - *To address the unique needs of low-income students, students with disabilities, English-learners, racial and ethnic minorities, homeless, and foster care youth.*

- *For professional development for staff on sanitation and minimizing spread of the coronavirus and purchasing supplies to clean and sanitize buildings.*
- *For planning for and coordinating long-term closures, including how to provide meal services, how to provide tech/online learning, how to carry out IDEA, etc.*
- *For providing mental health services/supports.*
- *For planning and implementing activities related to summer learning and afterschool programs, including providing classroom instruction or online learning during the summer months, and addressing the needs of vulnerable children.*
- *For any other activity necessary to maintain the operation and continuity to employ existing staff.*

USED maintains a [website dedicated to CARES](#), with information related to available waivers and other technical assistance, including FAQ and guidance documents.

Procurement, HR, and Employee Benefits Questions and Answers

- Will it be an allowable use of federal funds (IDEA, Title I, etc.) to pay teachers for staying home the rest of the year?
You can continue to use federal funds for the purposes for which you had been using them. That is, if you have been using those funds to pay teacher salaries previously, you can continue to do so.
- What flexibilities/waivers, if any, will be provided regarding purchasing pre-approvals if a district was approved to use funds to purchase say, textbooks and supplies, but now needs to use those not-yet-spent funds toward technology to support student remote learning?
This is most likely a state-specific procurement question but is included in this FAQ because ASBO hosted a webinar about federal grants and OMB circulars related to allowable uses, which may be helpful. Superintendents and school business officials can register for [free access to the archived webinar recording here](#). Additionally, the most relevant White House OMB circulars for school districts that receive federal grants can be found [here](#) (see M-20-11; M-20-17; M-20-18; M-20-20; and M-20-21).
- What flexibilities do districts have to use federal funds to pay hourly staff during the shutdown, even if they are not working?
FFCRA includes two distinct provisions that provide emergency leave to employees: (1) the Emergency Paid Sick Leave Act (“EPSLA”); and (2) the Emergency Family and Medical Leave Expansion Act (“EFMLEA”). The National Law Review has a very thorough Q&A related to these items and what it means for public employers, [available here](#). Education Week covers how paid leave made available in response to COVID-19 can be accessed by LEAs and staff in a blog [here](#). Additionally, ASBO hosted a webinar in coordination with American Fidelity Administrative Services about school district employer responsibilities under FFCRA. Superintendents and school business officials can register for [free access to the archived webinar recording here](#).
- What recourse do LEAs have in deciding whether or not (or the extent to which) to continue paying for staff and contracts if that work/commitment is not being honored?
Section 18006 of the CARES Act reads that LEAs receiving CARES funding “...shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.” In practice, this means that LEAs have discretion to make decisions to stop paying for staff or contracts. The ‘shall’ reads like a mandate, but the ‘to the greatest extent practicable’ reserves local discretion to make decisions as necessary.