JUNE 8, 2020 (INITIAL RELEASE)

**Oregon’s Extended School Closure Guidance**

**FREQUENTLY ASKED QUESTIONS:**REGARDING FEDERAL TITLE PROGRAMS IN LIGHT OF THE CORONAVIRUS (COVID-19) OUTBREAK

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# Acknowledgement

The Oregon Department of Education is providing this FAQ in response to questions from school districts related to planning for and use of Title II, Part A funds in light of the extended school closure due to the COVID-19 pandemic. We wish to acknowledge that our guidance has been informed by educators and other leaders in Oregon and across the nation who have been critical thought partners. We appreciate the collective effort, as we rise to the challenge of serving our students and families during school closure. This document is meant to be a resource in combination with other guidance and resources on ODE’s [COVID 19 FAQ and resource page](https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/COVID-19-FAQ.aspx).

# Background of ESSA

The Every Student Succeeds Act (ESSA) is a federal school accountability law rooted in supporting all students equitably and building systems that eliminate barriers to student success. It replaced No Child Left Behind (NCLB) in 2015. As part of ESSA, all states developed a plan for improving education and submitted it to the U.S. Department of Education. ESSA and NCLB are names given to the respective re-authorization processes that were established with passage of the Elementary and Secondary Education Act (ESEA) in 1965. Formula grants under ESEA are noncompetitive grants that local educational agencies (LEAs) are eligible for based on each title’s criteria.

# Purpose

The purpose of this document is to provide school and district leaders, grant administrators, teachers, and other stakeholders with answers to frequently asked questions regarding federal programs in light of the COVID-19 outbreak. Readers should reference the [actual Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) law](https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf) for more detailed information regarding each title.

# General

## Are Federal Programs still being monitored this year?

No. The Oregon Department of Education would like to thank districts for their diligent and committed work during this time. The Department believes that districts and schools should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits.

Accordingly, given the impact of the COVID-19 pandemic and the Governor’s Executive Order 20-08, the Department has cancelled all on-site and desk monitoring scheduled for all federal programs, including for all programs under the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA). This effort is an attempt to alleviate any unnecessary hardship to school districts and the families they serve and allow you to focus your efforts on supporting your students, families, and communities.

Federal Grants include: IDEA Part B, Title Grants under ESSA including: I-A, I-C, I-D, II-A, III, IV-A, IV-B, REAP, RLIS McKinney-Vento, Private Schools, and Foster Care components; and Perkins and include Migrant Summer School monitoring.

This cancellation will continue through the remainder of the 2019-2020 school year. In addition, all trainings, conferences, and on-site technical assistance are cancelled effective immediately.

## What flexibility do districts have in the expenditure of Title funds for allowable in support of the Governor's Executive Order to close schools and engage in Distance Learning for All?

USED has approved Oregon’s waiver to receive flexibility in the use of funds and other requirements covered under the Elementary and Secondary Education Act of 1965 (ESEA). These include:

* 15% carryover limitation on Title I, Part A funds for FY 2019-20
* The period of availability of FY 2018 funds
* LEA needs assessments for the 2019-2020 school year
* Content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
* Spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds
* Definition of “professional development,” for activities funded for SY 2019-2020

Outside of these waivers, the previous expenditure requirements for specific programs are still in place. If you have specific questions regarding expenditures, please contact the appropriate ODE federal program specialist.

## If a district has not yet submitted the 2019-20 CIP budget narratives, will federal funds still be frozen as was communicated in the September letter from the Director of Federal Systems?

No. While the majority of districts have already submitted their budget narratives, due to the unforeseen circumstances of COVID-19 ODE has extended the deadline for submission of 2019-20 CIP Budget Narratives to May 30, 2020. Please contact the appropriate program specialist if your district will have difficulty meeting this new date. All districts are welcome to make revisions to approved 19-20 budget narratives after that date.

## Will a district be required to submit changes to an approved budget narrative if, due to the Governor’s Executive Order 20-08, the district and/or school is unable to complete planned activities?

Generally, yes. If the district would like to carry out an activity that was not included within the approved CIP budget narrative, then a revision must be submitted. If the LEA needs more or less funds for an activity already approved within a grant, an overage of up to 10% for any allowable grant activity is automatically approved and no revision is needed. All activities must be reasonable, allowable, and necessary. A district can elect to revise an approved current year budget narrative to allow for expenditures to support students in the district following the Governor’s Executive Order 20-08 or utilize the carry-over process for federal funds. All expenditures are required to follow allowable expenditures guidelines.

## If a district is unable to complete some of the activities described in the 2019-2020 CIP budget narratives (e.g., coaching, mentoring, attendance at professional learning events), will the timeline for these funds be extended?

As always, districts have 27 months to expend funds allocated in a fiscal year. That means that any funds allocated for Federal Fiscal Year (FFY) 2019-2020 that are not used by September 30, 2020 will be available to the district through the carry-over application and expenditure process. The Department will allow districts to carry-over all funds that are remaining from the school year 2019-20 allocation due to COVID-19.

## Will there be a limit on the percentage of 2019-20 allocations that can be carried over into the 2020-21 school year?

Districts are already allowed to carry-over 100% of funds from nearly every title. The exceptions are the 15% carry-over limit for Title I-A which has been waived for **FY 2019-20 only**, and in Title IC no carry-over is allowed for preschool programs and there is a cap of 20% on summer school programs carry-over.

## Will the timeline for use of 2018 - 2019 carry-over funds be extended past September 30, 2020?

USED has instituted a waiver process in which states can receive flexibility in the use of funds and other requirements covered under the Elementary and Secondary Education Act of 1965 (ESEA), including the Title I, Parts A-D; Title II, Part A; Title III, Part A; Title IV, Parts A-B, and Title V programs. Oregon’s waiver has been approved which extends the period of availability of FY 2018 funds for programs until September 30, 2021.

## With the 2018 funds extension, how will carry-over be handled within the CIP Budget Narrative?

Districts are still required to apply for their carry-over funds by the application deadline (May 30, 2020). The carry-over budget narratives will remain open for an extended year, closing on September 30, 2021. These carry-over funds will be available to draw down in EGMS until September 30, 2021.

During the extended time, carry-over funds must still be spent according to the district’s approved carry-over budget narrative. If a district needs to make changes to their approved carry-over budget narrative, it CANNOT be revised within the CIP Budget Narrative. The district must email their Title Program Contact and receive approval through email. This email exchange will be filed by the Program Contact as documentation of the revision.

As has always been the case, once funds are in carry-over they cannot be transferred to other Title programs.

## Our district would like to transfer Title funds now. Is it too late?

It is not too late to transfer Title II-A and Title IV-A funds for the current 2019-2020 Budget Narratives. ODE is encouraging districts to review their budget narratives and consider revisions that would aid the immediate needs of the district and their schools. Please note, the district will need to revise and resubmit the CIP Budget Narratives affected by the funds transfer.

Please keep in mind, if your district has Private Schools participating in ESEA services, you will need to consult with the Private School prior to making any transfers.

## How can Title funds be used to support instruction through technology?

There are multiple federal funding streams that can be used to support the purchase of technology:

Title I-A Funds

* Title I-A funds may be used to purchase hot spots and other internet access tools for students.
* Title I-A funds may be used to purchase devices for teacher use to support student learning.
* Title I-A funds may be used for the purchase of student devices (computers, iPads, tablets) and other related materials.
* Title I-A funds may be used to purchase software or platforms to assist in the delivery of distance learning.

Title I-D Funds

* Title I-D funds may be used to purchase technology for students and/or teachers to access digital learning materials.

Title II-A Funds

* Title II-A funds may be used to support trainings for educators to help them learn how to deliver instruction and connect with students virtually.
* Title II-A funds may be used to support professional development opportunities delivered virtually to support goals identified in district improvement plans.
* Title II-A funds may be used to purchase devices needed to support the teacher trainings.
* Title II-A funds may be transferred into Title IV to support learning using technology.

Title IV Funds

* Title IV well-rounded education opportunities may be expanded to support technology, which includes devices, access (such as hot spots), and materials for students and teachers.
* Title IV safe and healthy learning opportunities may be supported through technology. The USED flexibility waiver allows districts to purchase more than the 15% limit normally applied for technology.

## How can laptops and other devices previously purchased with federal funds be used to meet Distance Learning for All requirements?

Due to the extensive school closure as a result of COVID-19, the USED is providing an exception to the allowable cost requirement of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) 2 C.F.R §200.403(a). For temporary use, **districts may repurpose federally purchased equipment and supplies that are not currently in use** to carry out a grant program to meet the general education needs of students, including students with disabilities and English learners, and the instructional needs of teachers, related services providers, and other educational personnel during the national emergency caused by COVID-19. This authority does not permit districts to use unobligated grant funds to purchase new equipment and supplies for purposes not aligned with the allowable activities of the program under which funds are available.

For example, a district might distribute unused laptops that it purchased to provide academic enrichment in its paused before- and after-school program to assist students in accessing online instruction in their home. **This authority is temporary during the national emergency caused by the COVID-19 pandemic.** When the national emergency ends, schools reopen, and students once again begin attending schools in person, the equipment and supplies that are not consumed must be returned for use by the grant programs for which they were purchased.

Districts must clearly mark the equipment and supplies being repurposed and must maintain an inventory of the equipment and supplies being repurposed to facilitate proper return, including the following:

* A description and itemization of the type of equipment or supplies being temporarily repurposed
* The source (Federal program(s) funds involved) from which the temporarily repurposed equipment or supplies were purchased and the amount of Federal funds used for the purchase.
* Where the equipment or supplies are assigned for use during the duration of the COVID-19 national emergency
* The date on which the equipment or non-consumed supplies are returned.

Districts must maintain these records for a minimum of three years Equipment and non-consumable supplies that are lost or damaged must be replaced with non-Federal funds.

## What guidance is there around inventory and loss requirements regarding technology devices that go out to families and are never returned?

When loaning out technology for use by students due to the COVID-19 pandemic, districts should follow the same protocol used for documenting federally purchased materials and equipment that are lost.

## If a district uses federal funds (i.e., Title I) to pay the salaries of staff members, will the district be allowed to use federal funds to pay employees during the Governor’s Executive Order to close schools?

Yes. If the LEA treats its non-federally funded employees the same as its federally funded employees (2 CFR 200.431(a)), then federally funded staff can continue to be paid as normal despite school closures and work duties not able to be completed. This does not require any amendments to your grants. This includes certified and non-certified staff at both public and non-public schools.

However, an employee who is being paid with federal grant funds must not be paid with those funds for working on other activities not covered by the grant. For example, a Title II-A funded instructional coach could not be paid with Title II-A funds to provide classroom instruction to students during the school closure. Additionally, an employee who is being paid with federal grant funds while grant activities are closed may not also be paid to work on other activities that are not closed down.

## Will actual signatures be required to document time and effort? Are there other acceptable substitutes for signatures?

In the current situation, we are asking districts to capture federally funded activities in a manner that minimizes burden. In the case of time and effort this could include electronic signatures, an email system or any method that allows the district to receive confirmation of federally funded employees' schedules.

# Title I, Part A

## Is there an exception to the 15% limit on Title I-A carry-over a district can seek?

Title I-A funds are limited to a 15% carry-over each year. USED has approved Oregon’s waiver allowing the state to waive the 15% carry-over limitation in ESEA section 1127(a) for fiscal year (FY) 2019 Title I, Part A funds. Districts that received this flexibility from ODE in the last three years are still eligible to carry-over 15% this year.

## With the waiver to the Title I-A 15% carry-over, what do districts need to do in the CIP Budget Narrative?

Districts have always had the ability once every three years to request a waiver for the15% carry-over limit on their Title I-A funds. This waiver is requested within the Title I-A carry-over budget narrative. With the COVID-19 waiver, all districts, whether they have requested the waiver recently or not, can apply for the waiver. If the expenditures meet with guidelines, the Title I-A carry-over budget narrative will be approved by the Title I-A Program Specialist.

## If a district is scheduled to be monitored for Title I-A during the 2019-2020 school year, will that timeline change?

Districts should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits. All monitoring scheduled by ODE for the remainder of the 2019-2020 school year will be cancelled. Districts will be notified at a future date regarding resumption or rescheduling of visits.

## How can schools with Targeted Assistance Plans use funds to support Distance Learning for All?

Schools with Targeted Assistance Plans are restricted to serving only identified students as opposed to schools with School Wide Plans that can serve all students. Targeted Assistance Schools can consider using the following strategies to meet the needs of identified students:

* Meet in virtual small groups online (e.g., Zoom, Google Hangouts) for additional instruction
* Differentiate or provide additional materials and resources (e.g. printed material)
* Districts also have the option of switching from a Targeted Assistance Plan to a School Wide Plan. Districts interested in exercising this option should contact a Title I-A ODE specialist.

## Can Title I-A funds be used for students experiencing homelessness that need a safe place to stay due to possible exposure?

District Title I-A set aside funds must be used for direct services to students. They cannot be used for lodging. However, lodging is an approved use of funds under the CARES Act. District Liaisons should also check with their local housing agencies for rent relief and other housing assistance programs for homeless families and youth**.**

## Should our schools receiving Title I-A funds submit their Targeted Assistance Plans, School Wide Plans and/or Title I-A documentation for 19-20 on the ODE website as planned this spring?

Through the Title I-A School Planning website, schools and districts have the option to upload school wide plans and/or targeted assistance plans. This process replaces the uploading of plans and documents previously done through Indistar. At this time, there is no requirement for districts to submit these items annually. Districts are encouraged to do so each spring, in order to streamline monitoring processes in the future.

ODE understands that districts and schools have different time frames for updating plans. Especially now, as we focus on maintaining care, connection and continuity for all students during our response to the COVID-19 situation, updating the annual Title I-A plans and relevant information can be completed in the timeframe that makes the most sense within each district’s context.

As schools complete the needs assessment process and when they are ready, they can use either the SchoolWide Program or Targeted Assistance Program plan submission links found on the [SchoolWide and Targeted Assistance Planning web page](https://www.oregon.gov/ode/schools-and-districts/grants/ESEA/IA/Pages/Schoolwide-and-TAS.aspx). Using these links the schools will submit their responses regarding plan components and upload any relevant documentation.

# Title I, Part C

## Does the cancellation of monitoring apply to migrant summer school program monitoring?

Yes. Migrant summer schools will not be monitored this summer.

## What services do Title I-C, Migrant students receive even when school districts are closed?

Migrant programs offer:

* A license with Stride Academy to use in the home for Students K-8. The program covers Language Arts, Reading, Math and Science tied to the Common Core standards. It can toggle between English and Spanish and reports on skills mastered.
* A license with Big Universe for students for Students K-8. This program provides 16,000 titles for electronic books students can access and gives their reading level (Lexile). Students can choose topics they like, and it matches titles to their Lexile. Retell and short comprehension with every story.
* Students 24-hour accident insurance.
* 500 Middle School and High School students an opportunity to attend a Leadership Institute.

## [In the field of Migrant Education, Certificates of Eligibility (COE) are generally signed in person. Can we give that confirmation via email or phone?](https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/COVID-19-FAQ.aspx)

US Department of Education has allowed for phone interviews to complete COEs.

## [If Migrant Education Certificates of Eligibility (COE) are expiring, do we need to wait to see families again?](https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/COVID-19-FAQ.aspx)

Governor Brown’s Executive Order 20-08 requires social distancing which would prohibit family visits. US Department of Education has allowed for phone calls and has given the following directive: In the signature place for the parents there will be a disclaimer stating “No signature was received due to COVID-19.”

## [Can Migrant Education funds be used to buy basics for families: i.e. food, Walmart cards, Winco cards, etc.?](https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/COVID-19-FAQ.aspx)

Food can be purchased with reason for families. Walmart, Winco and other food cards cannot be given to families according to the Office of Migrant Education.

## What [about migrant students with disabilities? How can we accommodate and/or modify if we provide online instruction? Or, will we be required to provide alternative instruction for those students?](https://www.oregon.gov/ode/students-and-family/healthsafety/Pages/COVID-19-FAQ.aspx)

In an emergency situation, where all children are to be served through distance learning for a period of time, serving children with disabilities with distance learning for that same period of time is not a substantial change in placement or material change in services and does not require consent, a prior written notice, amendment, or placement change. The district is simply responding to the Governor’s Executive Order to close school buildings and move to distance learning for an extended period of time.

This is not a district or IEP Team decision. This is similar to a contingency plan being created for a student during the time a student is in a juvenile detention center or psychiatric residential treatment facility. The district did not act to place a student in that environment. The district is simply recording within the contingency learning plan the way in which it will provide special education services to the greatest extent possible under the circumstances until the student returns to their typical educational environment. Because the decision to close school buildings was not the district’s decision, any distance learning plan developed for a student does not constitute a material change in services or a substantial change in placement. Here are key guidance documents for Special Education Services and please do not hesitate to reach out to Candace Pelt at [candace.pelt@ode.state.or.us](mailto:candace.pelt@ode.state.or.us) as she is meeting regularly with the Special Education Directors.

* [Extended School Closure Special Education Guidance](https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/Oregon%27s%20Extended%20School%20Closure%20Special%20Education%20Guidance,%20Distance%20Learning%20for%20All.pdf)
* [Toolkit for Students with Complex Learning Needs](https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/Distance%20Learning%20for%20All%20Resources%20for%20Students%20with%20Complex%20Needs.pdf)

# Title I, Part D

## Is the use of Title I-D funds restricted to Title schools?

Title I-D funds can be used for any neglected, delinquent or at-risk students in the district.

# Title II, Part A

## Because we are following the social distancing guidance, our district’s planned professional learning cannot take place. What is ODE’s recommendation for utilizing Title II, Part A funds when in-person professional learning cannot be the focus?

Prior to the extended school closure, many districts were engaging in job-embedded professional learning such as coaching, mentoring, and professional learning communities that require regular contact. ODE encourages districts to consider how virtual tools might be used, where possible and appropriate, to maintain these collaborative learning opportunities.

While travel to external professional learning is restricted, districts might consider shifting the focus to internally supported professional learning and systemic planning. For example, Title II, Part A allows districts to use funds to support flexible time for collaborative planning and curriculum writing as well as to develop, implement, and improve rigorous, transparent, and fair evaluation and support systems.

Though online learning not a requirement of Distance Learning for All, ODE recognizes that this is one format that many districts are using to continue to deliver instruction to students. Title II, Part A funds can be used to provide professional learning to staff on the use of platforms such as Zoom and Google Hangouts to increase their knowledge and expertise in engaging with students in “virtual” classrooms.

Title II, Part A also allows for the purchase of technology for professional learning purposes, so districts could choose to use some of their Title II, Part A funds to ensure that staff are connected to opportunities for professional learning during the school closure. ODE is in communication with USDOE regarding whether these same devices could also be used by teachers to provide instruction to students.

## Our LEA has paid for activities with federal funds, such as professional development conferences under Title II, Part A that are now cancelled. How should we proceed?

Grantees that incur costs related to the cancelation of events, travel, or other activities necessary and reasonable for the performance of the award may charge these costs to their award. The LEA should attempt to recoup all fees paid so that the funding may be repurposed for an alternate activity. Many agreements or contracts for conferences, training, or other activities related to a grant contain an emergency or “act of God” provision, and LEAs must seek to exercise those clauses to the extent possible in light of the COVID-19 outbreak.

In the case that certain funds cannot be recouped due to vendors that will not refund the costs but will provide vouchers, consider rescheduling at a later date within the same project period. If all else fails and certain funds are lost, then LEAs should keep documentation of the attempt to recoup the costs and may still charge the lost funds to the federal award. If the LEA later receives a refund from the vendor after already seeking reimbursement from ODE, this serves as a rebate or cash on hand, which must be returned to ODE.

## Can the funds that were approved for travel be used to pay teachers extra duty pay to attend a virtual version of the same conference?

Yes, funds originally designated for travel in an approved budget narrative can be used for other purposes. Any changes will need to be made to the appropriate budget narrative and resubmitted for approval.

## We have identified the need for training on the use of collaboration platforms (e.g.; Zoom, Google Hangouts) as part of our district’s plan for implementation of Distance Learning for All. These trainings will not meet the USED definition of “ongoing, sustained and job-embedded”. Is there any flexibility in the type of professional learning we can offer given the extended school closure?

While online learning not a requirement of Distance Learning for All, ODE recognizes that this is one format that many districts are using to continue to deliver instruction to students. USED has approved Oregon’s waiver which allows the state flexibility in the use of funds and other requirements covered under the Elementary and Secondary Education Act of 1965 (ESEA). This includes waiving the definition of “professional development” for activities funded for the 2019-2020 school year. Under this waiver districts are allowed to engage in short-term, one day professional development opportunities that meet their needs for the remainder of the 2019-20 SY.

## With potential decline in SIA dollars, are there any limitations to using Title II-A dollars and Title IV-A dollars to hire people to support mental health needs that were previously going to be paid out of SIA dollars?

Both Title II-A and Title IV-A funds can be used to support FTE related to student mental health needs. It is important to note that the content area spending limits for Title IV-A have been waived for SY 2019-20 only. In the case of Title II-A, FTE is allowable only for staff whose role is to provide professional learning, not for counselors that work with students.

# Title III

## Regarding screening and identification, are districts still required to identify potential ELs who enroll during this period of Distance Learning for All? How can districts screen students while still maintaining social distancing measures?

If a student enrolls in the district whose language use survey would direct the district to administer the ELPA screener then, the district shall provide the student with instruction supporting the student’s language needs. This student will be coded as a SE (State of Emergency) in the EL data collections. The district is required to administer the ELPA screener as soon as it is feasible to do so. Please feel free to view the additional USED Guidance document Fact Sheet [Providing Services to English Learners During the COVID-19 Outbreak](https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf).

## What will happen to partially completed ELPA Summative tests? Will they be scored? Will they be retained for later completion?

Partially-completed ELPA Summative tests cannot be scored due to the measurement model and will not be reported.

## What guidance can ODE offer for students who were unable to test on ELPA Summative in 2019-20? Do those students remain ELs? Will they have any opportunity to exit this year?

Based on guidance received from the USED, students who did not have a proficient score on the ELPA summative in 2019-20 cannot be exited from the EL program this year. ODE staff are currently reviewing options for a fall 2020-21 ELPA assessment for these students. Please feel free to view the USED Guidance document Fact Sheet [Providing Services to English Learners During the COVID-19 Outbreak](https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf).

## Are we able to amend the Title III budget at this point to spend in different areas and support new initiatives we are trying to put in place to support ELs from a distance?

Sub-grantees can amend both the Title III Regular School Year and the Title III Carryover Budget narratives. The regular school year budget can be edited in the CIP Budget Narrative application directly. The carryover budget narrative will need to be emailed to ODE staff, as the budget narrative application does not permit edits to this sub-grant once it has been approved. (These changes apply to the Title III Immigrant sub-grant as well).

## Is there a quick, handy guide available that outlines service minutes?

There is no set time requirement, the requirement is to meet the needs of your students. The Distance Learning for All Plan includes timeframes for instruction within each grade level. Work with your school/district to determine how services can best be offered to support our English Learner students.

In supporting ELs, it is important to look at the [Dear Colleague Letter 2015](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf) from both the United States Department of Education and the Office of Civil Rights and the [EL and Title III 2016](https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf) guidance. In particular, some of the key areas to focus on are found in the EL and Title III 2016 guidance, p. 6-7, 18-21. In addition, please also refer to the Contingency plan options that are listed in your district EL plan. These can be found in the following areas:

* Section 4 - question 44...Describe the standards and/or criteria the district uses to determine the amount and type of language development services provided).
* Section 5 - question 49...Describe the contingency plan for addressing staffing issues for the EL program.
* Section 5 - question 52...Describe the district’s contingency plan when the district does not currently have the core ELP instructional materials, resources, and supplies necessary to implement the district language development program(s).

## What should districts do when students have differing levels of internet access?

Under the Distance Learning for All Plan, your district should have determined how you are meeting the needs of each student and their family. Be sure to collaborate with families/guardians and others in the district to determine how these needs are being met.

Some recommendations:

* Build from student [funds of knowledge](https://www.k12.wa.us/student-success/access-opportunity-education/migrant-and-bilingual-education/funds-knowledge-and-home-visits-toolkit-overview/funds-knowledge) (e.g., strengths, culture, background, interests, heritage, and language)
* Prioritize connection and deep learning over content coverage
* Promote peer-to-peer learning (while honoring “Stay Home, Stay Safe”)
* When possible, have known educators reach out to students
* Use culturally sustaining practices

## What guidance can ODE offer regarding identifying new students as "Potential ELs/2J", including how to track and will be expected to report Potential ELs, whether they accept or waive services, that graduate this spring or move away from our district over the summer?

Please see the updated EL code SE (State of Emergency) to be used for students enrolling during this time when districts cannot administer the ELPA screener. You can find the guidance on the [Title III Data Page](https://www.oregon.gov/ode/schools-and-districts/grants/ESEA/EL/Pages/Data-Collections.aspx) or on the [EL Collection Help Documents](https://district.ode.state.or.us/apps/info/DataCllctnDetail.aspx?small=Y&id=126) web pages. If you need additional assistance with submitting your data, please contact the EL Collections Data Owner, [Kim Miller](mailto:kim.a.miller@state.or.us).

# Title IV, Part A

## Is there flexibility on how Title IV-A Student Support and Academic Enrichment (SSAE) funds can be spent, especially in the area of technology?

Yes, a waiver from ODE to USED has been submitted and approved for the following requirements in Title IV, Part A of the ESEA (Note: These requirements are only applicable to LEAs that received $30,000 or more in Title IV, Part A funds). The following areas under Title IV-A have been waived for FY 2019 funds and any available FY 2018 carryover funds:

* Needs assessment requirements in section 4106(d) for the 2019-2020 school year.
* Content area spending requirements for Well Rounded Education, Safe and Healthy Students and Technology in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A funds for activities under sections 4107, 4108 and 4109 for FY 2019 funds and any available FY 2018 carryover funds.
* Spending limitation in section 4109(b): the 15 percent limit on the use of funds undersection 4109 to purchase technology infrastructure for FY 2019 funds and any available FY 2018 carryover funds.

Districts who have not submitted their Title IV-A Budget Narrative and received $30,000 or more in Title IV-A funds no longer need to enter their Needs Assessment within the CIP Budget Narrative. These districts may enter “N/A due to COVID-19 waiver” in the Needs Assessment text boxes.

## If our district is choosing to use our Title I-A funds to support reading achievement in our elementary schools, can Title IV funds be allocated to programs only at Title I elementary schools or can we use the dollars at other levels such as middle school or high school?

Title IVA funds can be distributed to all schools based on district needs regardless of their Title I-A status.

## With potential decline in SIA dollars, are there any limitations to using Title II-A dollars and Title IV-A dollars to hire people to support mental health needs that were previously going to be paid out of SIA dollars?

Both Title II-A and Title IV-A funds can be used to support FTE related to student mental health needs. It is important to note that the content area spending limits for Title IV-A have been waived for SY 2019-20 only. In the case of Title II-A, FTE is allowable only for staff whose role is to provide professional learning, not for counselors that work with students.

# Title IV, Part B

## Can 21st CCLC programs provide in-person services during the Governor’s Executive Orders 20-08 and 20-12 titled such as providing child care, food distribution, and other supports?

**Childcare:** In accordance with USED guidance, starting April 27, 2020 21st CCLC programs may not provide child care. 21st CCLC programs are academic programs. Childcare services do not align with the purpose or intention of the grant. 21st CCLC staff may volunteer to assist with childcare during the school closure.

**Food Distribution:** In accordance with USED guidance, 21st CCLC programs must include some type of enrichment opportunity (e.g., take-home STEM kits, enrichment packets, etc.) along with food distribution activities beginning April 27, 2020. Child nutrition programs play a critical role in responding to the nutrition needs of at-risk communities during a pandemic response. The federal school nutrition programs administered by the Oregon Department of Education Child Nutrition Program has approved flexibility to support local communities during COVID-19 school site closures. 21st CCLC programs should work with School Nutrition Program Directors/Head Cooks to follow the recommended food safety guidance and standard operating procedures for Grab N Go, Local Delivery (Bus Routes), and/or Home Delivery.

**Enrichment / Supports:** Funds may be used to carry out a broad array of activities remotely that advance student academic achievement and support student success, including (ESSA, Sec. 4205 a), while following the ODE’s guidance on distance learning

* Academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with the challenging State academic standards and any local academic standard; and local curricula that are designed to improve student academic achievement
* Well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment
* Literacy education programs, including financial literacy programs and environmental literacy programs
* Programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity program
* Services for individuals with disabilities
* Programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement
* Cultural programs
* Telecommunications and technology education programs
* Expanded library service hours
* Parenting programs that promote parental involvement and family literacy
* Programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement
* Drug and violence prevention programs and counseling programs
* Programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as `STEM'), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods
* Programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)

## If a school/district is unable to provide programming during school closures, can the school/district continue to pay 21st CCLC staff?

Yes. Staff may continue to be paid with 21st CCLC grant funds for work, including remote work at the discretion of the local programs, in service to 21st CCLC program goals. Oregon 21st CCLC programs are encouraged to continue to pay all staff for their efforts during the shutdown to alleviate potential financial instability and hardship for employees. Allowable work includes:

* Creating and/or providing at-home afterschool distance learning opportunities specific to the 21st CCLC program for students and families that compliments, but does not duplicate, [Distance Learning for All](https://www.oregon.gov/ode/educator-resources/standards/Pages/Distance-Learning-for-All.aspx) instruction
* Virtual staff meetings (conference calls, Zoom meetings, Skype, etc.)
* Curriculum work specific to the 21st CCLC program
* Lesson plan development specific to the 21st CCLC program
* 21st CCLC program data entry or validation
* Online professional development
* Systems planning work (e.g., summer programs, evaluation, sustainability, safety, budgeting)
* Services related to providing federally approved afterschool meals or snack programs
* Other expectations and associated job tasks listed in job descriptions that are reasonable and necessary during the closure period.

**Items to be aware of if implementing any of the above allowable work**

* Final approval of work and work protocols are the responsibility of sub-grantee local supervisors.
* Hours worked should remain commensurate to the need and supervisor approval.
* Employees in at-risk categories or who have an at-risk member of their household should not be required to physically report to a worksite. They may be assigned duties through telework or work-at-home.

**Federal Supplement not Supplant provisions remain in force.**

* Remote services directly to students and families must take place outside of scheduled Distance Learning for All activities.
* An employee who is being paid with 21st CCLC grant funds must not be paid with those funds for working on other activities not covered by the grant. For example, a 21st CCLC funded instructional assistant could not be paid with 21st CCLC funds to provide child care to infants. Additionally, an employee who is being paid with federal grant funds while grant activities are closed may not also be paid to work on other activities that are not closed down.

## Families are asking for help getting everyday items such as food basics, diapers and cleaning supplies in addition to food we are distributing. Can we use 21st Century funds to purchase these items if they are unable to find them another way?

No. The purchasing of everyday items such as food basics, diapers and cleaning supplies for families is not allowable with 21st CCLC grant funds.

## How does the move to Distance Learning for All impact 21st CCLC programs?

As a result of Governor’s Executive Order 20-08 and the “Stay Home, Save Lives” order, schools will receive funding to continue delivering educational opportunities to all students through [Distance Learning for All](https://www.oregon.gov/ode/educator-resources/standards/Pages/Distance-Learning-for-All.aspx). 21st CCLC programs should consider [Distance Learning for All](https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/Distance%20Learning%20for%20All%20Guidance%20March%202020.pdf?utm_medium=email&utm_source=govdelivery) to be much like the regular school day. This means 21st CCLC programs will also have to shift focus and efforts in providing supplemental At-Home Afterschool services to 21st CCLC students and families that compliments but does not duplicate regular instruction.

21st CCLC programs should work closely with schools and districts when planning enrichment activities by:

* Ensuring all 21st CCLC activities take place outside the required number of hours districts and schools have scheduled for regular school day distance learning,
* Coordinating tutoring opportunities and homework assistance for students who are most in need,
* Coordinating outreach and information to not overwhelm families and students,
* Labeling all supplementary material as optional and ensuring that materials easy to read, free from education jargon and as family friendly as possible,
* Clearly marking enrichment activities and materials sent to families with the program name to avoid confusion,
* Ensuring all activities are aligned to the purpose and goals of the 21st CCLC program.

21st CCLC Program Directors and Leaders are encouraged to read the [Distance Learning for All](https://www.oregon.gov/ode/educator-resources/standards/Pages/Distance-Learning-for-All.aspx) guidance and review the resources listed on ODE’s [Distance Learning for All webpage](https://www.oregon.gov/ode/educator-resources/standards/Pages/Distance-Learning-for-All.aspx).

## Is there a required number of hours we need to provide supplemental at-home enrichment to 21st CCLC students and families?

No. 21st CCLC programs should be mindful not to overwhelm families and students with an abundance of enrichment information and opportunities. First and foremost, students and families should focus on Distance Learning for All regular school day instruction. The 300 program hour requirement for typical school year 21st CCLC services will be adjusted due to the Governor’s Executive Order 20-08 and 20-12. Programs must continue tracking attendance, daily hours and types of activities provided to student and families.

## What data does my program need to track during school closures?

* Maintain records of daily hours and general work type by employee during the period of school closure as determined by the Governor’s Executive Order 20-08 and 20-12, as this data may be requested by the ODE. Work logs should be kept for accountability purposes.
* All student and family activities should continue to be tracked via your data reporting tool. As well, it is important that any irregular activities such as food distribution is tracked; these should most likely be coded under “Family Engagement” as you are providing supports to families through this activity.
* Basic Daily Attendance Numbers (name, program name, date) for any programming during the closure period should be tracked to the degree practicable for end of year Annual Performance Reporting.
* If funds are used to support federally approved after school snack or meal programs, track daily meals counts for 2020 Annual Performance Reporting. Please work with district Nutritional Services as there may need to be modifications to this tracking.
* The tracking of any lost program time, lower attendance results, lower expenditure patterns and/or other outcome data will be tracked as part of end of year 2020 Annual Performance Reporting. Reasonable and fair accommodations will be made with regard to any reduction in results within 21st CCLC program goals due to closures resulting from the Governor’s Executive Orders.

## What is the expectation regarding evaluation and survey completion?

Survey administration for students and caregivers during the school closure is optional. Many programs have asked if they could administer the surveys online because they value the feedback. This is a local decision. The teacher, staff, and center coordinator surveys and all other evaluation requirements must still be met at this time. ODE will notify programs if there are any changes to the current deadlines.

## If a school/district’s 21st CCLC program was scheduled to be monitored this spring, will the Department continue monitoring activities?

No. Schools and districts should be focused on responding to the needs of their students, families, and communities at this time, rather than preparing for and participating in monitoring visits. All monitoring of programs for 21st CLCC programs, like all other federal programs, is cancelled for the 2019-2020 school year.

## Who should I contact for additional technical support if needed?

All programs have open operational grant awards and funding. Unless changes are shared specifically, assume state level 21 CCLC systems and state processes are open and operational as before (e.g. annual reporting, budgeting, data and evaluation, technical assistance). JEM & R, LLC. staff is also working and available for any technical assistance you may need as well.

## Will there be any virtual PD opportunities for staff during the school closings?

21st CCLC Program Directors are meeting weekly with ODE 21st CCLC staff and contractors.

[You for Youth](https://y4y.ed.gov) (Y4Y) is a USED sponsored website with many online professional development resources for 21st CCLC grantees. Specifically, the [Y4Y Click & Go's](https://y4y.ed.gov/y4yclickandgo) are packed with 21st Century technical assistance in a virtual format.

# McKinney-Vento

## What flexibility is there in use of Title I-A set asides for students experiencing homelessness while students are out of school?

Districts can use Title I-A set-aside funds for purchase of laptops, hotspots and other connectivity, prepaid cell phones with sufficient minutes for students to access online assignments and similar means of assistance with Distance Learning. (Also see FAQ on using Title I for education technology). Funds may also be used for student health and sanitation needs, if other resources are not available. Districts are encouraged to consult the McKinney-Vento liaison for needs assessment information on homeless families and youths when making funding determinations.

## Can Title I-A funds be used for students experiencing homelessness that need a safe place to stay due to possible exposure?

District Title I-A set aside funds must be used for direct services to students. They cannot be used for lodging. However, lodging is an approved use of funds under the CARES Act. District Liaisons should also check with their local housing agencies for rent relief and other housing assistance programs for homeless families and youth.

## For districts and ESDs with McKinney-Vento subgrants, what options are available when action plans and goals cannot be fulfilled due to the Governor’s Executive Order 20-08 to close schools?

McKinney-Vento subgrantees may revise goals and action plans, with the deadline for Year-End Reports delayed to September 30, 2020. Subgrant budgets may be adjusted to include the above flexibilities, as well as other authorized McKinney-Vento activities. A revised budget and narrative should also be submitted if adjustments total more than 10% of original award.

## Our liaison had planned to participate in a Spring Regional McKinney-Vento workshop per the annual training requirement. Can this requirement be fulfilled another way?

Yes. The McKinney-Vento Liaison Training Rubric on the [ODE McKinney-Vento (MV) website](https://www.oregon.gov/ode/schools-and-districts/grants/esea/mckinney-vento/pages/default.aspx) (under District Compliance) lists a variety of monthly national webinars and online trainings for Liaisons and administrators. Essential topics such as making eligibility determinations, knowing rights of and resources for homeless students, serving unaccompanied youth and more are available in monthly live and recorded sessions and self-paced trainings. These resources are particularly useful for new Liaisons. (Some sessions provide a participation certificate which can be used for monitoring evidence, but if not, record the date, training title and source.) For Oregon-specific information, we anticipate hosting MV liaison webinars in the future to replace in-person trainings, at least in the short term.

## Is the 19-20 District Homeless Data Collection still a required submission?

Yes. The federal data collection (CSPR) has not been delayed as of this writing. The due date for districts to upload 19-20 data to the ODE online system may change; districts will be notified about any changes through various communication methods, including listservs and the district data administrators’ network.

## Where can we find information on what other states and districts are doing related to serving MV students during the pandemic?

An excellent source of information on the McKinney-Vento education program at any time is [SchoolHouse Connection](https://www.schoolhouseconnection.org/covid19-and-homelessness/), which has a special section on their website for COVD-19. The [National Network for Youth](https://nn4youth.org/learn/covid-19/) is another good resource, particularly related to unaccompanied homeless youth. For example, instructions are posted on how unaccompanied youths can apply for their own stimulus check from the Recovery Rebate program.

# Equitable Services

## What recommendations and/or resources does ODE have regarding consultation with private schools around equitable services?

While districts have an obligation to consult in a timely and meaningful way with private schools, ODE is encouraging districts to follow CDC recommendations regarding social distancing. If such consultation is required at this time, ODE recommends that districts utilize technology to facilitate virtual meetings, even if the only option is communication by phone. Electronic signatures are permissible.

## Will private schools be allowed to carry-over the equitable share from 2019-2020 school year?

Guidance from USED regarding carry-over states that private schools, “generally should not have any, and certainly not significant, carry-over”. However, ESSA does not prohibit carry-over for private schools and USED has indicated that there are circumstances under which carry-over would be appropriate, such as COVID-19. ODE recommends that districts work with applicable private schools to ensure that they have full access to their equitable share as part of the district’s carry-over application. The carry-over funds from the 2019-2020 school year will expire on September 30, 2021.

## What happens to funds that are unrecoverable due to a cancelation caused by COVID-19?

If any funds that were unrecoverable due to event cancelation after the LEA paid travel costs or conference registration costs for Title II-A equitable services for private school teachers/administrators, the LEA may charge the private school’s II-A equitable share for those unrecoverable costs. Likewise, if private school teachers/administrators paid II-A costs relying on reimbursement by the LEA, the LEA may reimburse unrecoverable costs to the teachers and administrators from the Title II-A equitable share. Private schools should document the attempt to recoup all fees. *Authority: Office of Management and Budget, Administrative Relief memo M-20-17, March 19, 2020, item #7.*

## ****Do private preschools and childcare facilities need to close?****

No. The Early Learning Division — the office within the ODE that supervises daycare centers and preschools — leaves opening and closing to individual providers and programs. The most accurate information to consider when making a closure decision is from both the [Oregon Health Authority webpage](https://www.oregon.gov/oha/Pages/index.aspx) and the [Early Learning Division](https://oregonearlylearning.com/).

## Can private schools amend their service plans to include technology if Title I-A eligible students are being served remotely?

Yes, technology (Chromebooks, laptops etc.) is an allowable expense for students being served remotely. The existing delivery plan should indicate this change. As a reminder, technology remains district property, can only be used for educational purposes and the use must be secular, neutral and non-ideological.

## Can private schools use Title II and Title IV funding to purchase devices for teachers to reach and connect remotely with their students?

Both districts and private schools can use Title IV-A and Title II-A funding to purchase devices for teachers. In the case of Title II-A, these devices can only be purchased for use related to professional learning. However, if a school or district has **existing devices that were purchased with Title II-A funds**, the USED has granted temporary permission to "repurpose" those materials during the national emergency related to the COVID-19 pandemic.

## Can private schools purchase devices themselves, or do they need to purchase the devices through the school district in which the school resides?

Any purchases for use by private schools must be made by the district and not the school. The district is the fiscal agent and any materials or devices purchased belong to the district, not the school.

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