



Title IV, Part A: COVID-19 Questions and Answers

NEW Updated April 9, 2020

1. An overview of changes as a result of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

On March 27, 2020 the President signed into law the CARES Act, which provides substantial relief to children and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19). The Minnesota Department of Education (MDE) has applied for and received waivers to several provisions in Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA).

The waivers go into effect April 9, 2020 and apply only to FY 2019 funds and any remaining carryover funds from FY 2018. A Local Education Agency (LEA) or a consortium of LEAs may use its Title IV, Part A funds to best meet its needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment. Additionally, by waiving the definition of professional development, LEAs are able to conduct time-sensitive, one-time or stand-alone professional development focused on supporting their educators to provide effective distance learning.

2. How does the waiver apply to LEAs that receive \$30,000 or greater?

Under this waiver the following provisions do not apply for FY 2019 and any available FY 2018 carryover funds.

- Completion of a Needs Assessment for the 2019-2020 school year
- At least 20 percent of funds for activities to support well-rounded educational opportunities.
- At least 20 percent of funds for activities to support safe and healthy students.
- Of the remaining 60 percent of funds at least some must be used for activities to support effective use of technology.

3. What are the changes to the 15 percent technology infrastructure spending cap for all LEAs?

Under this waiver the 15 percent limit on the use of funds for technology infrastructure (including devices, equipment, software applications, platforms, digital instructional resources, and/or one-time purchases) does not apply for FY 2019 funds and any available FY 2018 carryover funds. This waiver applies regardless of the amount of the Title IV, Part A award that an LEA received.

4. Is carryover or balancing forward of Title IV, Part A funds allowed? Are there new provisions?

The waiver has extended the period of availability for FY 2018 Title IV, Part A funds until September 30, 2021.

Title IV, Part A has unlimited carryover. The waiver provision extends the period of availability beyond the usual Tydings Amendment time period of 27 months to obligate and expend funds awarded on July 1 of the Federal fiscal year in which the funds were appropriated. Under the waiver provision, the LEA could choose to carry forward an unlimited amount of Title IV, Part A unspent funds from FY2018 and or FY2019 to be spent in FY2020.

Nonpublics can also carryforward their nonpublic equitable share. The budget worksheet can be edited to account for this, LEAs should keep detailed records on file.

5. How does an LEA revise and resubmit their Title IV, Part A application?

LEAs that choose to make revisions to the activities in their Title IV, Part A application must update the Narrative Questions File attachment and the Budget Calculation Worksheet file attachment. Once the attachments are updated revise the budget tabs in SERVS Financial to match. Be sure to make these revisions to your Title IV, Part A application before resubmitting it to MDE, failure to revise these three components of the application will result in delayed approval.

As a reminder technology infrastructure object codes only go in the Technology budget tab in SERVS financial. Effective use of technology professional development should be entered into either Well-Rounded or Safe and Healthy budget tabs based on content.

6. What is the timeline for making a revision to my Title IV, Part A application?

The amendment window for all federal Title grant applications is open now through April 30, 2020. During this amendment window, object codes may be added, edited or revised. LEAs cannot add object codes to an application after the amendment window closes. An LEA may contact their Area Director to request a one-week extension to the amendment window if they are unable to meet the April 30, 2020 deadline due to COVID-19.

7. Our LEA recently submitted a Title IV, Part A grant application revision. Can we make additional revisions?

Yes, you may re-amend amendments made during the amendment window now through April 30, 2020. Be sure to follow the directions for revisions as stated in question five.

8. Our LEA spent most or all of the Title IV, Part A award. Why wasn't this flexibility available earlier?

This means the LEA planned activities or programming based on the best available information at that time and could not have anticipated this national emergency. In response to the ongoing national emergency the CARES Act was signed on March 27, 2020. On April 3, 2020 the Secretary of Education invited states to request waivers, and on April 9, 2020 Minnesota's waiver was approved. In light of this ongoing national emergency there may be additional updates and or changes.

9. Can an LEA transfer funds out of or into Title IV, Part A?

Yes, there are transfer options with Title IV, Part A awards. Before transferring, consider all programming with all Title funds. There may be changes to other federal Title Programs to consider as well. See the [MDE COVID-19 Updates Webpage](#) for the latest information.

There may be instances where it makes sense to transfer and others where it does not. Title IV, Part A, funds can be transferred to Title I, Parts A, C and D; Title II, Part A, Title III, Part A, Title IV, Part B and Title V, Part B. LEAs that transfer funds must conduct consultations (if applicable) with nonpublic schools (consistent with section 8501) prior to transferring funds from or to a program that provides for equitable services.

10. Can Nonpublic schools spend their Title IV, Part A equitable shares on technology infrastructure?

This would be a consultation question between the nonpublic and LEA officials. The waiver provisions apply to all LEAs including any nonpublic Title IV, Part A equitable shares. The LEA provides and manages the nonpublic equitable share in accordance with the LEAs policies and procedures for technology infrastructure. Therefore, nonpublics should first consult the LEA.

11. Can Title IV, Part A, funds be used for distance learning?

When looking at using Title IV, Part A funds for COVID-19 digital learning programs or tools, a LEA should first consider whether a proposed activity is consistent with the purposes of one of the three content areas of Title IV, Part A. These areas are well-rounded education, safe and healthy students, or the effective use of technology including technology infrastructure.

12. What is the purpose of Title IV, Part A and what are allowable activities?

The purpose of Title IV, Part A, is to improve students' academic achievement by increasing the capacity of the state educational agency (SEA) and LEAs to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Well-Rounded Education: The purpose of a well-rounded education is to provide an enriched curriculum and educational experiences to all students. It includes programs and activities in the core subjects as well as other activities, including those that integrate multiple academic disciplines. In general, an LEA may use funds for any program or activity that supports student access to and success in well-rounded educational experiences.

Safe and Healthy Students: The second purpose of the SSAE program is to improve school conditions for student learning. When students are healthy, and feel safe and supported, they are more likely to succeed in school.

Effective Use of Technology: This category is intended to improve the use of technology in order to improve the academic achievement and digital literacy of all students (section 4109 of the ESEA). The intent of this category is to increase the effective use of technology to improve the academic achievement, academic growth, and digital literacy of all students. This category is intended to improve the use of technology in order to improve the academic achievement and digital literacy of all students (section 4109 of the ESEA).

- This category includes the option to spend funds on technology infrastructure including devices, equipment, software applications, platforms, digital instructional resources, and/or one-time purchases.

13. Can Title IV, Part A, funds be used for regular school day transportation?

No, the Elementary and Secondary Education Act (ESEA) prohibits “transportation costs” unless otherwise authorized under the Act. The Department interprets the prohibited “transportation” to refer only to costs associated with getting students to and from school for the regular school day (these costs would also generally be unallowable due to supplanting concerns) and not costs associated with transporting students to an allowable Title IV, Part A activity. The cost of transportation to and from a specific and allowable Title IV, Part A activity, such as a robotics competition or out of school learning experience would be allowable.

14. How can we be sure the proposed use of Title IV, Part A, funds is supplemental?

The supplement not supplant provision requires that federal grant funds must add to (or supplement) and not replace (or supplant) other funds (state/local) in providing general educational services. The purpose of this is to ensure that federal funds are benefitting intended population and are not used to fund the basic education that the district would have provided in the absence of federal funds.

Any service that a district is required to provide under state or local rule or policy must be provided using state or local funds. If federal funds are used to provide these services, it is presumed that supplanting has occurred.

Any service that was provided in the prior year with state or local funds that are then replaced by federal funds is assumed to be supplanting. Districts are not permitted to use federal funds to replace state or local funds. To refute the “prior year” test of supplanting, the district would need to have contemporaneous records to confirm that budget cuts were made in a number of areas; and there was a reduced amount of state or local funds to pay for this activity/position; and the district made the decision to eliminate the activity/position without taking into consideration federal funds.

15. How can an LEA distribute and use Title IV, Part A funds?

Eligible LEAs may spend their Title IV, Part A funds in a variety of ways. They can direct all their funds to district-wide activities. They can direct all their funds to a subset of schools within their LEA. Or they can divide their funds between district-wide activities and those at specific schools.

If an LEA is directing funds to district-wide activities, the LEA must demonstrate that it is reasonable and necessary to serve all schools because of overall LEA need or economies of scale, as demonstrated by the comprehensive needs assessment. LEAs or a consortium of LEAs must prioritize the distribution of funds to schools served by the LEA based on one or more of the following criteria:

- Are among the schools with the greatest needs;
- Have the highest percentages or numbers of children counted under section 1124(c) (i.e., children counted for purposes of basic grants to LEAs under Title I, Part A of the ESEA);
- Are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) (i.e., are among the lowest-achieving schools);
- Are implementing targeted support and improvement plans as described in section 1111(d)(2) (i.e., have consistently underperforming student subgroups)

Resources

[U.S. Department of Education COVID-19 \(“Coronavirus”\) Information and Resources for Schools and School Personnel](#)

[MDE COVID-19 Updates Webpage](#)

[MDE Supporting Students COVID-19](#)

[MDE Title IV, Part A Webpage](#)

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