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OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA

Putting Montana Students First **A+**



MEETING PROJECT NAME: Education Advocates Meeting
DATE OF MEETING: April 14, 2020
TIME: 10:30 AM – 11:00 AM
Conference Call

ATTENDEES:

PRESENT: As best of our records could show

McCall Flynn, Education Policy Advisor, Governor's Office
Pete Donovan, Executive Director, Board of Public Education (BOPE)
Pad McCracken, Legislative Services
Denise Williams, Executive Director, Montana Association of School Business Officials (MASBO)
Dan Rask, Executive Director, Montana Small Schools Alliance (MSSA)
Marco Ferro, Public Policy Director, Montana Federation of Public Employees (MFPE)
Laura Sankey Keip, Attorney, Legislative Services
Dylan Huisken, Teacher of the Year 2019
Lance Melton, Executive Director, Montana School Boards Association
Dennis Parman, Executive Director, Montana Rural Education Association (MREA)

OPI STAFF

Elsie Arntzen, Superintendent
Jason Butcher, Assistant Deputy Superintendent
Tracy Moseman, Health Enhancement Division Administrator
Michael Sweeney, Chief Data Officer
Julia Swingley, Chief Legal Counsel
Linda Peterson, Accreditation Administrator
Dick Trerise, Assistant Division Administrator
Dylan Klapmeier, Communications Director
Ken Bailey, Chief Financial Officer
Jenifer Cline, Student Support Service Division Administrator
Julie Murgel, School Improvement ESSA Coordinator
Tara Dempsey, Business Analyst/Project Manager
Colet Bartow, CSI Division Administrator

RECORD KEEPER

Christy Perryman, Administrative Clerk, Office of Public Instruction

TOPIC & PRESENTER INFO

Zoom Security, *Michael Sweeney*

- [Zoom Security Guidance](#)

TOPIC & PRESENTER INFO

Waivers, *Julie Murgel*

- Funding Flexibility Waiver
- Frequently Asked Questions – Materials Follow

TOPIC & PRESENTER INFO

Other Business

- Superintendent Elsie Arntzen – School Elections
- Pad McCracken – Legislative Committee Meetings
- Pete Donovan – Press Releases

Thank you for your patience and **Putting Montana Students First** during this uncertain time.

[Full Education Advocates meeting can be listened to at this link](#)



COVID-19 FAQ for Fiscal Flexibility

The U.S. Department of Education (USED) is providing states with funding flexibilities to best meet the needs of students and educators during the COVID-19 national emergency. The new flexibilities, authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, allow schools to repurpose existing K–12 education funds for technology infrastructure and teacher training on distance learning, among other flexibilities to move resources to areas of highest need during the national emergency. The OPI is seeking public comment on these approved waivers. Any comments on this waiver should be directed to essainput@mt.gov.

Q: Did OPI receive a waiver from USED for fiscal flexibility?

Answer: Yes. The OPI submitted this waiver to the USED on April 8th and received approval on April 8th. The waiver provides 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, Title III, Part A, Title IV, Parts A–B, and Title V programs.

Q: What funding flexibilities does the waiver provide?

Answer: This allows the OPI to waive the following:

1. Carryover limitation in section 1127(b) of the ESEA for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020): the requirement that limits the state educational agency's (SEA) ability to grant to its local education agencies (LEAs) a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.
2. Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2018 funds for programs in which the SEA participates under its approved consolidated State plan until September 30, 2021.
 - a. Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA's Title I, Part A award used to carry out section 1003 school improvement, section 1003A direct student services, if applicable, and Title I, Part D, Subpart 2.
 - b. Title I, Part B of the ESEA (State Assessment Formula Grants).
 - c. Title I, Part C of the ESEA (Education of Migratory Children).
 - d. Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk).
 - e. Title II, Part A of the ESEA (Supporting Effective Instruction).
 - f. Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement).



- g. Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants).
- h. Title IV, Part B of the ESEA (21st Century Community Learning Centers).
- i. Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program).
- j. McKinney-Vento Education for Homeless Children and Youth Program.

3. 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:

- a. Needs assessment requirements in section 4106(d) for the 2019–2020 school year.
- b. Content area spending requirements 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.
- c. Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2019 funds and any available FY 2018 carryover funds.

4. The definition of professional development in section 8101(42) of the ESEA for the 2019–2020 school year. Due to the suspension of testing, schools will not receive accountability ratings for the 2019–20 school year.

Q: How does the waiver impact the carryover limit for 2019-2020 Title, Part A Funds?

Answer: Normally, LEAs may only carry 15% of their Title I, Part A funds over from one year to the next, a limit the State can waive once every three years. With USED's waiver, 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 waiver from the State within the last three years.

Q: How does the waiver impact the period of availability for 2018-2019 funds?

Answer: Normally, any money awarded on or around July 1, 2018 must be spent by September 30, 2020. With USED's waiver, LEAs now have an extra year to spend the funds until September 30, 2021.

Q: What flexibility does the waiver provide for the Title IV, Part A needs assessment for 2019–2020?

Answer: Normally, LEAs that receive \$30,000 or more in Title IV, Part A funds must conduct a comprehensive assessment of needs for improved access to a well-rounded education, school conditions for student learning, and access to personalized learning



experiences. LEAs must then spend Title IV, Part A funds consistent with their needs. With USED's waiver, LEAs will not have to amend the needs assessment conducted for 2019-2020 funds in light of COVID-19 and extended school closures.

Q: What flexibility does the waiver provide for the requirement to spend Title IV, Part A funds in three areas?

Answer: Normally, LEAs that receive \$30,000 or more in Title IV, Part A funds must spend at least: 20% of their allocation on activities to support a well-rounded education; 20% on activities to support safe and healthy students; and some funds to support the effective use of technology. With USED's waiver, LEAs may now spend remaining 2018–2019 funds (if any) and 2019–2020 funds on any allowable Title IV, Part A activity and do not have to spend across all three areas.

Q: What flexibility does the waiver provide for the limit on spending Title IV, Part A funds on technology infrastructure?

Answer: Normally, LEAs may not spend more than 15% of the funds earmarked for technology on purchasing technology infrastructure including devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases. With USED's waiver, LEAs are not limited in how much they spend on technology infrastructure. USED clarified this waiver applies to LEAs with awards of any size (not exclusive to LEAs receiving \$30,000 or more).

Q: How does the waiver impact the ESEA's definition of professional development for 2019–2020?

Answer: Normally, professional development activities supported with ESEA funds must, among other things, be sustained, intensive, and collaborative. With USED's waiver, LEAs may use ESEA funds to support shorter-term professional development as long as they are otherwise allowable under the relevant program.

Q: What are the implications of the fiscal waivers for existing ESEA funds?

Answer: With the waivers, LEAs have more time to spend existing funds and have more flexible spending options like:

- More professional development options
- More flexibility for LEAs within Title IV

Q: What transferability considerations does the waiver provide?

Answer: Funds can be transferred **from** Title II, Part A and Title IV, Part A **to:**

- Title I, Part A
- Title I, Part C (Migrant)
- Title I, Part D (N&D)
- Title II, Part A



- Title III, Part A
- Title IV, Part A
- Rural Education programs

Q: What are examples of spending options for Schoolwide Title I programs?

Answer: Schoolwide Title I programs can spend on things like:

- Support for online learning (curriculum, digital instructional materials, technology, etc.)
- Counseling and mental health
- Instructional support services
- Behavior support strategies for online environments
- Professional development and other supports to improve online instruction
- Coordinating with IHEs to provide access to postsecondary courses

LEAs can use central-level Title I funds for district-led initiatives that benefit all or a subset of Title I schools. Supplement not supplant (SNS) considerations need to be made. Reminder: ESSA changed how SNS works in Title I – three presumptions of supplanting do not apply under ESSA. ESSA Title I SNS: “Title I neutral” state and local allocation methodology that does not deny Title I schools state and local funds because of their Title I status. Note, it is unclear how extended closures might affect allocation methodologies. As a reminder, CARES Act funding is not Title I money (so will not affect carryover, etc.).

Q: What are local ESEA spending options for existing funds: Title II, Part A?

Answer: Examples include:

- Professional development related to distance learning:
- Using technology
- Effective instructional practices
- Supporting students with disabilities
- Supporting English learners
- Professional development on conditions for student learning, such as available mental health services
- Developing feedback mechanisms to improve working conditions

Q: What are local ESEA spending options for existing funds: Title IV, Part A?

Answer: Examples for local ESEA spending options for existing funds include:

- Devices
- Online instructional materials
- Technology infrastructure



- Technology related professional development
- Online access for students in rural, remote, and underserved areas
- Mental health services
- Relationship-building skills and effective communication strategies
- Training for school personnel on suicide prevention, trauma, and related issues
- Integrating well-rounded educational services into online learning

Q: What does a LEA need to do to amending applications and budgets?

Answer: LEAs must spend ESEA funds consistent with their approved application and budget (34 CFR § 76.700). Typically, LEAs need state approval for major changes to their approved application and budget (2 CFR § 200.308). Currently, the OPI is considering ways to streamline and expedite amendment processes through E-grants.

Q: Who do we contact for technical support?

Answer: For more information, contact Julie Murgel, at 406-444-3174 or Julie.murgel@mt.gov.