

Welcome to Today's Webinar!

We will begin at 2:00 PM ET.

- Download the Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters:
<http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>
- Access a compilation of resources to support schools impacted by natural disasters:
<https://safesupportivelearning.ed.gov/compilation-resources-schools-impacted-natural-disasters>
- Access the Planning to Recover from Emergencies at Districts and Schools Webinar:
<https://rems.ed.gov/PlanningtoRecoverFromEmergencies.aspx>





**NON-REGULATORY GUIDANCE
ON FLEXIBILITY AND WAIVERS
FOR GRANTEES AND PROGRAM PARTICIPANTS
IMPACTED BY FEDERALLY DECLARED DISASTERS**

October 5, 2017

2:00 pm Eastern Time

Webinar Logistics

- This is a “Listen-Only” online event.
- If you have a question during the webinar, please enter it into the participant chat box.
- The Webinar recording and slides will be emailed to registrants and posted online within a week after today’s event.
- If you are having any audio problems or other technical issues, please let us know by emailing ncssle@air.org or calling 1-800-258-8413.



Poll 1: What Type of Educational Or Other Institution Do You Represent?

Check all that apply.

- Public School
- Private School
- State educational agencies (SEAs)
- State lead agencies (LAs)
- Local educational agencies (LEAs)
- Local early intervention service (EIS) programs and providers
- State Vocational Rehabilitation (VR) agencies
- Bureau of Indian Education-funded schools
- Tribes
- Postsecondary institutions
- Other



Poll 2: For Which Programs Are You Facing Issues?

Check all that apply.

- General Discretionary and Formula Grant
- The Elementary and Secondary Education Act (ESEA)
- Part B of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act (ADA)
- Infants and Toddlers under Part C of IDEA
- Adult Education and Family Literacy Act (AEFLA)
- Carl D. Perkins Career and Technical Education Act (CTE)
- Postsecondary Education
- Federal Student Financial Aid Programs
- Vocational Rehabilitation (VR) Program



Agenda

- 1. Introduction**
- 2. Flexibilities on Reporting Deadlines, Timelines For Grant-funded Activities, And Maintenance of Fiscal Effort Or Matching Requirement**
- 3. Potential Alternatives and Strategies for Providing Program Services After Disruption**
- 4. Methods for Ensuring Continuity of Services and Communication With Program Participants**
- 5. Participant Q & A**



Speakers

- David Esquith
Office of Safe and Healthy Students
- Greg Martin
Office of Postsecondary Education
- Gregg Corr
Office of Special Education Programs





INTRODUCTION

U.S. Department of Education Goal

Help Department grantees and program participants restore teaching and learning environments and resume program operations and services that address the physical, academic, and emotional wellbeing of students and other program participants following Federally-declared disasters.



Overview of Nonregulatory Guidance

Discusses waivers and other forms of relief from Federal requirements, consistent with Federal statute, in order to provide...

- schools,
- SEAs,
- LAs,
- LEAs,
- local EIS programs and providers,
- State VR agencies,
- the Department of the Interior's Bureau of Indian Education-funded schools,
- Tribes, and
- postsecondary institutions

...with the flexibility necessary to continue operations and services as they recover from school or program closures due to a disaster.



Overview of Nonregulatory Guidance

(continued)

- Addresses flexibility on reporting deadlines, timelines for grant-funded activities, and maintenance of fiscal effort or matching requirements, where applicable.
- Proposes potential alternatives and strategies for providing program services after disruption.
- Suggests methods for ensuring continuity of services and communication with program participants.
- Covers a variety of topics specific to various program areas.



Overview of Nonregulatory Guidance

(continued)

- Provides implications of a prolonged school or program closure or other disruptions in the educational and other services to students and other program participants.
- Addresses legal questions that may arise for school or program administrators when faced with extended closures due to the disaster's impact.
- Describes the possibility of waiving requirements when consistent with the applicable Federal statute or finding other flexibility in Federal laws and regulations.



Overview of Nonregulatory Guidance

(continued)

- Encourages all interested parties to contact the Department with any requests for assistance beyond the scope of the guidance.
- Explains the Department is committed to collaborating with impacted parties, as well as other Federal, state and local agencies, to remove barriers and expedite the work necessary to respond to and recover from the recent hurricanes.
- Shares that the guidance will be updated, as necessary, with answers to additional questions.



Overview of Nonregulatory Guidance

(continued)

- Addresses only Federal requirements and flexibilities.
- Explains that only State and local officials can address State and local requirements and flexibilities.



Areas Covered in Non-Regulatory Guidance

- General Discretionary and Formula Grant
- ESEA
- Part B of the IDEA, Section 504, and Title II of ADA
- Infants and Toddlers under Part C of IDEA
- Equitable Services for Private School Students and Teachers
- AEFLA
- CTE
- Postsecondary Education
- Federal Student Financial Aid Programs
- VR Program





**FLEXIBILITIES ON REPORTING DEADLINES,
TIMELINES FOR GRANT-FUNDED ACTIVITIES,
AND MAINTENANCE OF FISCAL EFFORT OR
MATCHING REQUIREMENT**

Q&A 1

Question: How will the Department provide flexibility to entities applying for discretionary grants?

Answer: To the greatest extent possible, the Department will postpone discretionary grant competitions and extend application and other filing deadlines for institutions affected by a disaster when permissible under the law. Appropriations Acts generally provide funds for specific programs, purposes, and activities. The Department has very limited authority to redirect funds appropriated for one program or purpose to another program or purpose.

The Department will:

- Ensure that any funds that have been statutorily authorized for relief efforts are awarded to eligible recipients; and
- Determine on a program-by-program basis whether a regular grant competition schedule should be suspended.



Q&A 2

Question: How will an extended closure due to a disaster affect a grantee's receipt of funds?

Answer: Until a Department official has obligated Federal program funds to a grantee, no binding commitment exists with regard to these funds. If delays in Federal obligations are caused by a disaster, the Department staff will work with grantees on the obligations to the extent permitted by law, and warranted by the conditions and effects of the disaster, and consider using the "pre-award period" to negotiate a delay of the grant start-up date, and to authorize pre-award costs.



Q&A 3

Question: What if a grantee has difficulty fulfilling grant activities because it is affected by a disaster?

Answer: During the recovery period from a disaster, grantees are expected to notify the relevant Department program office as soon as they are aware that they may have difficulty fulfilling grant activities. The Department is committed to working with its grantees to provide them with the maximum flexibility in making changes to project activities and timelines that might become necessary as a result of a disaster.



Q&A 4

Question: Must a grantee follow the various administrative requirements related to a grant (e.g., meeting reporting deadlines and obtaining administrative approvals) if it is affected by a disaster?

Answer: Generally, yes, but the Department understands that grantees may need to make administrative changes to grant projects if they are affected by a disaster. Grantees have flexibility under 2 CFR § 200.308 and 34 CFR § 75.261 to make some changes without Department approval. Any relief from regulatory requirements provided to all grantees during the recovery period will be posted on the Department's website.



Q&A 5

Question: If a grantee is required to provide equitable services to private school students and teachers, how will private schools be notified of the availability and delivery of such services during the recovery period?

Answer: Grantees should, during the required consultation process with private school officials under sections 1117(b) and 8501(c) of the ESEA and under section 612(a)(10)(A)(iii) of the IDEA, establish procedures and strategies, including a communication process, that the entity will implement in the event of an extended school closure. Planning for this effort may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with private school officials to make sure that all appropriate private schools have access to information related to Federal education equitable services provided to their private school students and teachers. Grantees and private school officials may also consider enlisting the assistance of the designated ESEA State ombudsman regarding ESEA equitable services assistance. See questions B-4 and C-7 in this guidance for additional program-specific guidance on the provision of equitable services.





POTENTIAL ALTERNATIVES AND STRATEGIES FOR PROVIDING PROGRAM SERVICES AFTER DISRUPTION

Grant Backup Plans

As a part of their response and recovery efforts, grantees are encouraged to develop a backup plan for the operation of their grants that includes sharing project responsibilities and activities with other entities in the event that the grantee is not able to perform them. When the backup plan needs to be invoked, the grantee should seek approval from the Department to revise the grant.

Grant backup plans might include:

- Entering into arrangements and agreements with other organizations in the region to ensure the continuity of grant operations during recovery, including sharing or loaning of staff, facilities, space, materials, and supplies;
- Shifting various activities and responsibilities to other members of an already approved partnership or consortium; or
- Transferring an entire grant to another entity (such a transfer has to be approved by the Department and implemented according to Department policies).



Q&A 6

Question: For State-administered grants, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?

Answer: Yes, but States and their subgrantees, when applicable, will continue to be legally responsible for the administration of the grants and subgrants, as well as the monitoring of contracts.



Q&A 7

Question: May a discretionary grant be transferred to another eligible entity if the grantee is unable to perform project activities due to a disaster?

Answer: Yes, in limited circumstances a discretionary grant may be transferred from one entity to another. The transfer, however, requires formal approval by the Department, and the grantee must follow procedures to ensure that the grant continues to serve the same or a very similar population, and is of the same scope and meets the objectives as approved by the Department. The entity to which a grant is transferred must be an eligible recipient.





METHODS FOR ENSURING CONTINUITY OF SERVICES AND COMMUNICATION WITH PROGRAM PARTICIPANTS

Q&A 8

Question: How should SEAs and LEAs identify and serve students who may be residing in homeless situations as a result of a disaster?

Answer: In the event of a disaster, State Coordinators and local liaisons will want to work together to coordinate and facilitate services to children and families made homeless by the disaster. To facilitate identification of homeless students, local liaisons may choose to display posters or distribute brochures on McKinney-Vento rights in places where people affected by the disaster are likely to assemble. Local liaisons should also notify social services, housing, and other types of agencies working with individuals and families affected by the disaster to assist with identification.





PARTICIPANT Q&A

Get Help

U.S. Department of Education Emergency Response Contact Center

- Go to: <https://www.ed.gov/hurricane-help?src=feature>
- Call toll free: 1-844-348-4082
- Email: HarveyRelief@ed.gov or IrmaRelief@ed.gov
- See Press Release: <https://www.ed.gov/news/press-releases/education-department-activates-emergency-response-contact-center>

Disaster Distress Helpline

- Go to: <http://www.disasterdistress.samhsa.gov/>
- Call: 1-800-985-5990
- Text (English): TalkWithUs to 66746
- Text (en Español): Háblanos to 66746
- TTY for Deaf/Hearing Impaired: 1-800-846-8517



Thank You for Participating in Today's Webinar!

- The recording, slides, and Q/A for this webinar will be available on the National Center on Safe Supportive Learning Environment (NCSSLE) Website at <https://safesupportivelearning.ed.gov/events/webinar/non-regulatory-guidance-flexibility-and-waivers-grantees-and-program-participants>.
- We will also email links to the recording and slides to those who registered.
- If you have questions about access to today's materials or future webinars, please contact the National Center on Safe Supportive Learning Environments at ncssle@air.org.
- Please provide us feedback so we can improve future events.

