



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 13, 2020

Dear Title VI Formula Grantee,

In light of the novel coronavirus disease 2019 (COVID-19) pandemic, the U.S. Department of Education (Department) continues to work collaboratively with grantees to provide flexibility, where appropriate, to support your efforts to successfully manage grants and to address pressing needs. In addition to the Department's *Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019* (04/08/2020) linked [here](#), the Office of Indian Education (OIE) is providing the following flexibilities related to formula grants awarded under Title VI of the Elementary and Secondary Education Act of 1965, as amended (ESEA), for existing fiscal year (FY) 2019 (school year 2019-2020) awards, as well as for applications for new FY 2020 (school year 2020-2021) awards:

### **FY 2019 Grants**

**FY 2019 No Cost Extension:** OIE is providing all FY 2019 grantees with an automatic twelve (12) month no-cost extension (NCE) to spend FY 2019 funds. That means that your FY 2019 grant funds, which would normally expire on September 30, 2020, will now expire on September 30, 2021. However, we caution districts that to avoid lapsing funds, you should strive to obligate and liquidate these funds prior to the new deadline.

**Use of Funds:** Consistent with the goal of the Secretary of Education to assist districts in providing remote learning during the COVID-19 pandemic, you may use your Title VI formula grant to purchase items to support remote learning efforts to the extent that such expenditures are necessary and reasonable, and do not violate the statutory supplement non-supplant requirement. *See* section 6114(c)(1) of ESEA. If a district uses non-federal funds for students' education technology related purchases (e.g., to connect students who do not already have internet access in their homes), then it may not use Title VI formula grant funds to provide the same access only to its Indian students, because that would violate the supplanting prohibition. Rather, the Title VI funds must be used to provide supplementary services to Indian students, in addition to what students are receiving or should be receiving under law with non-federal funds.

If a district on a reservation serves only Indian students, all of whom are counted for the Title VI formula grant, and has no funds for education technology, it may use its Title VI funds for the education technology for all its students, in accordance with the program purpose of improving the academic outcomes for and "meeting the unique cultural, language, and educational needs of Indian students." Consistent with statutory and regulatory requirements, entities may use Title VI funds to support educational technology, including expenditures on such items as those listed below, to provide its Indian

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students with the technology necessary to support remote learning. Grantees will need to submit a budget revision to their assigned OIE Program Officer only for items that require prior approval under the Uniform Guidance, such as a new contract for services, certain travel costs, or equipment. *See* 2 CFR §§200.308(c) and 200.407.

### **Examples of Potential Education Technology Items**

*Note: This list is a set of examples of items that generally do not require prior approval, assuming they are not “equipment” because the per-unit cost does not likely exceed \$5,000:*

- (a) Mobile technology devices – tablets, laptops, phones
- (b) Internet connectivity/hotspot devices
- (c) Tele-conferencing applications/programs
- (d) Software/online/virtual programs - screen capture/recording software, online/virtual cultural curriculum/programs, online/virtual tutoring curriculum/programs, learning management systems
- (e) Technology accessories – headphones, speakers, laptop cameras.

If the per-unit costs of any of the items exceed \$5,000, then prior approval would be needed.

Please note that districts are also eligible for funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) through the Elementary and Secondary School Emergency Relief Fund (ESSER). Those funds can be used to support remote learning, including through promoting access to technology that allows for continued learning during the COVID-19 disruptions. Funds may also be available under the Governor’s Emergency Education Relief (GEER) Fund. Contact your SEA and Governor’s Office for additional information about their processes for awarding CARES Act funds and the amount of funds that may be available.

### **FY 2020 Grants**

**FY 2020 Application Deadline Extension:** We have extended the deadline for Part II of the Title VI formula grant Electronic Application System for Indian Education (EASIE) application from May 21, 2020, to June 19, 2020, 11:59 pm (EST). Applicants were able to access Part II of the application on April 6, 2020, and are encouraged to submit their applications early.

In addition, we have received questions about how best to secure Indian Parent Committee (IPC) approval, complete the student count forms (ED 506 forms), and fulfill public hearing and Tribal consultation requirements in light of the COVID-19 pandemic and the need for social distancing. Below we have described some flexibilities that are available:

**Indian Parent Committee (IPC) Approval Form:** Local educational agency (LEA) applicants are still required to obtain the IPC’s approval prior to submitting an application for FY 2020 funds. This IPC approval could be obtained via tele-conference or web-conference. Signatures can be obtained by circulating an electronic version of the IPC Form. LEAs should follow State and local laws and procedures concerning electronic signatures to ensure valid and authentic signatures. We understand that there may be members of the IPC who do not have internet access, making the signature requirements in your bylaws difficult. If that is the case, in the EASIE Part II application for this year only, in the General Comments section (2.7), you can enter a description of the process you followed to obtain verbal approval, and include the names of the IPC members, their

titles, and date of approval. As a reminder, the person signing the application signs an assurance that IPC approval was obtained. Then, following the COVID crisis, signatures should be obtained.

**Indian Student Count (ED 506) Forms:** Applicants are required to maintain on file evidence of the eligibility of each student claimed on the application. As always, these forms are not submitted to OIE with the application but must be available for OIE, monitoring, and audit review (e.g., during monitoring reviews). Some LEAs have asked about the expiration date on the 506 form. You may continue to use the existing ED 506 forms; OIE will provide grantees with the new OMB approved form after the end of the Part II application deadline. Entities have also asked about obtaining parent signatures electronically; this is permitted. Applicants should follow State and local laws and procedures concerning electronic signatures to ensure valid and authentic signatures.

**Meaningful Collaboration Open Consultation (Public Hearing) Requirements:** Title VI applicants are still required to conduct meaningful collaboration with Tribes and hold open consultation, including through a public hearing. These sessions can be held via phone/teleconference or web-conference.

In addition, certain LEAs are required to conduct Tribal consultation under section 8538 of ESEA. Each affected LEA must maintain a record and provide to the State educational agency a written affirmation signed by the appropriate officials of the Tribe or Tribal organization that the consultation has occurred. This consultation may be combined with the Title VI requirements above and may also be conducted via phone/teleconference or web-conference. Then, following the COVID crisis, signatures should be obtained.

We are grateful for all the hard work and care that each of you invest in Indian Education students. We look forward to continuing to support your work. Here is a brief list of information, websites and support lines that you may find helpful:

- ED's *Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019* (04/08/2020): <https://www2.ed.gov/documents/coronavirus/factsheet-fiscal-questions.pdf>
- ED's Coronavirus Updates: <https://www.ed.gov/coronavirus>  
OIE Partner Support Center: 1-877-457-3336 (Technical Assistance on EASIE Application). E-mail: [EDEN\\_OIE@ed.gov](mailto:EDEN_OIE@ed.gov)

- G5 Helpdesk: 1-888-336-8930 (Technical Assistance on GAN, Drawdowns, user credentials). E-mail: [Edcaps.user@ed.gov](mailto:Edcaps.user@ed.gov)
- OIE Community of Practice Website: <https://easie.grads360.org/#program>
- OIE's home page: <https://oese.ed.gov/offices/office-of-indian-education/>

Sincerely,

A handwritten signature in black ink that reads "Frank T. Brogan". The signature is written in a cursive style with a large initial "F" and a long, sweeping underline.

Frank T. Brogan  
Assistant Secretary for  
Elementary and Secondary Education