June 8, 2020

Dear Project Director:

On behalf of the U. S. Department of Education, we want to thank you for your resiliency and action in working to continue to serve students through this unprecedented time. We know that many of you have questions as they relate to your grants during this COVID-19 pandemic. Many of you have sent questions regarding continuation of services, salaries, changes in line items, to name a few. As such, staff have worked hard to be responsive to your questions. We understand the importance of your continued work and have developed a Question and Answer document that we hope will provide you with needed guidance to continue with your work during this time.

In the attachment, we have answered questions specifically related to Student Service and the Institutional Service grant programs. If your question or concern does not fall into any category of responses below, please contact your program specialist so your concern can be addressed.

Sincerely,

Christopher J. McCaghren, Ed.D.
Deputy Assistant Secretary
Higher Education Programs

U.S. Department of Education
Office of Postsecondary Education
Higher Education Programs

FREQUENTLY ASKED QUESTIONS AND ANSWERS
For Non-CARES Act Competitive Grant Programs Administered by the
Office of Postsecondary Education
In Response to COVID-19

This fact sheet responds to frequently asked questions received from grantees for competitive grant programs authorized by the Higher Education Act of 1965, as amended, and administered by the U.S. Department of Education (ED), Office of Postsecondary Education (OPE), during the novel Coronavirus Disease 2019 (COVID-19) national emergency. This fact sheet is applicable to grants made under the Department's regular postsecondary grant programs and is not applicable to grants received under the CARES Act. For more information about CARES Act programs and grants, please go to: https://www.ed.gov/coronavirus. If you have additional questions or comments related to these questions and answers, please contact your Department program specialist or send your questions to the following email address: COVID-19@ed.gov.

GUIDANCE THAT APPLIES TO ALL OPE GRANT PROGRAMS

Salaries

1. Is the payment of salaries using project funds allowable even if project staff are unable to work from home due to the nature of approved activities? Does the same apply for part time staff, i.e., counselors, tutors, instructors, etc.?

    Yes. Generally, a grantee or subgrantee may continue to charge to their grant the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its employees assigned to work on the grant project, consistent with the organization's policies and procedures for paying compensation from all funding sources, Federal and non-Federal, under unexpected or extraordinary circumstances, such as a public health emergency like COVID-19.[1] Thus, if the organization pays, consistent with its policies and procedures, similarly situated employees whose compensation is paid with non-Federal funds during an extended closure, those paid with grant funds from

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[1] *See* Office of Management and Budget (OMB) Memorandum M-20-17, https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf. Please note that the flexibilities provided under OMB Memorandum M-20-17 are time limited and are available only until June 17, 2020. The Department will reassess and provide further guidance as necessary at that point of time.

the Department may also continue to be paid.[2] However, an employee who is being paid with Department grant funds may not be compensated for activities that are not part of the grant project using grant funds. Additionally, an employee who is being paid with Department grant funds while the program grant activities are closed in whole or in part due to the COVID-19 pandemic may not also be paid for the time during which the program is closed by the organization or another organization for working on other activities that are not closed down.

If a grantee or subgrantee does not currently have in place a policy that addresses extraordinary circumstances such as those caused by COVID-19, the grantee or subgrantee may amend or create a policy in order to put emergency contingencies in place for Federal and non-Federal similarly situated employees. If the conditions exist for charges to be made to the Federal grant, we expect charges to also be made to any non-Federal sources that are used by a grantee or subgrantee in order to meet a matching requirement.

A grantee and subgrantee must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 (financial management), 2 CFR § 200.430(i) (standards for documenting personnel expenses), and 2 CFR § 200.333 (retention requirements for records) to substantiate the charging of any compensation costs related to interruption of operations or services.

At the same time, recipients should consider ways that employees paid with grant funds can support continuing activities, including distance learning opportunities for students served by the grant.

2. If the institution is paying student workers or is paying graduate student stipends or fellowships using grant funds, should the institution continue to pay those individuals if they are unable to continue performing their work related to the grant during the COVID-19 disruption?

Yes, grantees may continue to pay student workers or provide graduate student stipends or fellowships using grant funds, even if their work is disrupted due to COVID-19, if the pay is authorized by a binding commitment. We strongly encourage institutions to continue the activities as much as possible under the grant using remote or distance learning and the telephone as well as other communications technologies. However, we understand that some students may be unable to continue performing their work during the disruption if, for example, the facility where they normally conduct scientific research is temporarily closed, and they no longer have access to essential equipment.

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[2] *Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards* (Uniform Guidance) 2 CFR §§ 200.403(c) (allowability of costs), 200.404 (reasonable costs), 200.405 (allocable costs), 200.430(b) (compensation for personal services), and 200.431(a)-(b) (fringe benefits).

Communication through mail or conference calls or the other means discussed above, can serve as acceptable continued activity while off site.

Grantees must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 -*Financial management* and 2 CFR § 200.333 -*Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to the grant even during interruption of operations or services. The grantee should also document its efforts to have the student workers or graduate students use other means to conduct the work and why it did not succeed if applicable.

The Department has also issued other guidance on the payment of Federal Work Study wages during the national emergency. This guidance can be found on the Department's COVID-19 website as well as in the Information for Financial Aid Professionals portal: https://www.ed.gov/coronavirus.

3. What type of documentation is required to account for time and attendance?

    A grantee and subgrantee must maintain appropriate records and cost documentation as required by 2 CFR § 200.302 (financial management), 2 CFR § 200.430(i) (standards for documenting personnel expenses), and 2 CFR § 200.333 (record retention requirements) to substantiate the charging of any compensation costs related to interruption of operations or services. Projects should log time that staff is working off-site, for example through email communication, conference call logs, records of communication with students, electronic time and attendance, keeping careful notes, or time logs, and a combination of all or some of these methods as appropriate.

Electronic Signature

4. Are electronic signatures for documentation of expenditures permissible?

    During the COVID-19 pandemic, electronic signatures for documentation of expenditures is allowable. That is, it is acceptable to sign, scan, and email as a PDF documents in which the Department would normally require a "wet signature." As soon as the national emergency ends and it is feasible to get "wet signatures," that approach should be used or resumed.

Provision of Services

5. Are virtual activities allowable given the closure of institutions/organizations and target schools served by the project? If so, how do we track participation? What happens if a project is unable to provide services virtually?

The Department strongly encourages projects to consider innovative ways in which to continue to provide services, to the extent possible and consistent with the allowable uses of funds under the specific grant program. If projects can conduct virtual activities, similar to those that would normally be provided, please do so. Consistent with your program's requirements for tracking in-person participation and attendance, projects must develop appropriate methods for tracking remote participation, such as having participants send an e-mail or text message that they were in attendance or using other methods that the institution employs to verify participation of students enrolled in distance learning activities.

If projects cannot conduct virtual activities for the foreseeable duration of the COVID-19 pandemic, the Department will evaluate the ability of a project to resume project activities as part of the grantee's no-cost extension request or continuation award.

For more information about providing distance learning opportunities for students with disabilities, please see: Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (March 16, 2020); Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Students with Disabilities (March 21, 2020); and OCR Short Webinar on Online Education and Website Accessibility (Length: 00:07:08) (March 16, 2020).

6. What is the expectation of providing services to participants if the participants are enrolled at K-12 schools that have closed and are shifting to on-line services to interact with students?

   Generally, The Department encourages grantees to consider substituting remote programs activities that meet the goals of the original grant program and enable students to continue project activities. Grantees should contact their program specialist to discuss options for continuing their grant activities. However, a project must follow its institutional or organizational policies in response to the COVID-19 national emergency. If your institution/organization has mandated that all project activities must cease or continue only online; then the project must adhere to the requirement and provide services in a similar manner. The same practice should apply regarding your target schools. The Department recently posted guidance making it clear that there are flexibilities regarding compliance with the Americans with Disabilities Act, such that the inability to accommodate every student should not interfere with an institution's efforts to accommodate as many students as possible. Information is available at the following link: https://www.ed.gov/coronavirus?src=feature.

7. Is it permissible to reallocate money from line items of the approved budget to purchase electronic devices, such as laptops or tablets, for students to be able to continue to receive services and participate in project activities?

Yes, in many cases it is permissible. Funds may be reallocated from line items of the approved budget to cover the cost of electronic devices if allowable under the program statute and regulations, but grantees must first notify their program specialist to explain the reallocation and provide supporting documentation for any changes to the approved budget.

Grantees administering non-CARES Act grant programs may provide computers or other technology to students to enable them to continue learning during this period if allowable under the program and needed to accomplish the grant project's objectives. Because many students served by OPE's regular grant programs, particularly the GEAR UP and TRIO programs, are under the age of 18, we are not permitting grantees to provide cash awards to students unless doing so was an approved activity under your grant prior to COVID-19. Any changes to uses of funds must be reported to your program specialist and included in your Annual Performance Report (APR).

8. What options does a grantee have if it originally proposed to operate a summer program (residential or non-residential), but as a result of COVID-19, is now unable to do so?

The Department encourages grantees to consider substituting virtual summer programs that meet the goals of the original grant program and enable students to continue learning through the summer. Grantees should contact their program specialist to discuss options for continuing their grant activities through the summer.

No-cost Extensions for Continuing and Expiring Grants

9. Will the Department approve no-cost extension requests?

ED will continue with its current policy, which already allows grantees to request a one-time no-cost extension, as authorized in 2 CFR § 200.308(d)(2) and EDGAR § 75.261(a) in accordance with the following:

   i.   Grantees may request to initiate a one-time extension of the final budget period without the obligation of additional funds by the Federal government (i.e., a no-cost extension).

   ii. Grantees must notify ED in writing with the supporting reasons for the one-time no- cost extension (e.g., COVID-19 related delays), and the revised expiration date at least ten days before the project period end date; however, ED may waive the ten-day notification requirement on a case-by-case basis (e.g., for COVID-19 related reasons) in accordance with EDGAR § 75.261(a) if the extension is otherwise appropriate.

    iii.   In identifying a revised expiration date, the grantee must identify the actual time (months) needed to complete the work.

Non-Competing Continuation Award (NCC)

10. Will the Department issue non-competing continuation awards (NCC awards) to grantees whose project activities were interrupted by COVID-19 campus closures or other disruptions of instruction?

> The Department anticipates making NCC awards, including for grants that would otherwise expire, for budget period 2020-2021. In order to award an NCC award, program staff will review data from a grantee's annual performance report (APR), which understandably may reflect necessary program interruptions, and the program staff may request additional follow-up information. This follow-up information may include a brief statement from the grantee and any partner institutions/organizations confirming that the grantee is in a position to: (a) resume or restore its project activities once COVID-19 interruptions are resolved; and (b) accept a planned continuation award. As we continue to monitor the situation, we will inform you of any updates to the issuance of NCC awards.

Annual Performance Reports (APRs) and Financial Reports

11. Is the Department planning to extend the due date for APRs?

> For many programs, the APRs that will help us determine fiscal year 2020 NCC awards have already been submitted. For any future APRs that would determine FY 2021 NCC awards, we will continue to monitor the situation. We will inform grantees of any changes pertaining to future APRs or interim performance reports (IPRs).

Tuition

12. Has the Department considered how loss of wages may affect students' inability to pay for tuition?

> Yes, the Department is aware that as a result of lost wages some students may be unable to pay tuition and unable to remain enrolled in postsecondary education.

> The CARES Act provides additional resources to students and institutions negatively impacted by COVID-19. Please consult your campus leaders to determine how CARES Act funds received by the institution will be spent. A portion of those funds must be utilized to make direct emergency financial aid grants to students, and some funds may be used to defray certain costs associated with changes in the delivery of instruction, or

even to provide partial or full student scholarships. Please see the Department's COVID-19 website for more information at: https://ed.gov/coronavirus

Waivers for Prior Approval Requirements

13. Will there be any waivers to prior approval requirements?

While under normal circumstances grantees are required to obtain prior approval from their ED program specialist before making changes in the program or allocation of funds under 2 CFR 200.407(d), as a result of significant disruptions caused by COVID-19, the Department is exercising its authority under OMB Memorandum M-20-17 and will temporarily waive the prior-approval requirement for the programs covered by this guidance during the period between March 13, 2020 and September 3, 2020.

Grantees must notify the program specialist of any changes to the project activities or budget prior to making them, and should retain appropriate documentation to support those changes, which must also be reported in the grant's APR.

Carryover

14. If as a result of COVID-19 disruptions, a grantee is unable to conduct certain of its proposed activities, will they be allowed to carryover funds to budget period 2020-2021?

The Department understands the nature of COVID-19 disruptions and will work collaboratively with grantees to determine appropriate carryover amounts for budget period 2020-2021. Grantees should contact their ED program specialist to initiate this discussion.

GUIDANCE THAT APPLIES TO TRIO, GEAR UP, and GAANN GRANT PROGRAMS

Financial Support for Students

15. Is it permissible to provide direct financial support to students from existing grant funds, especially those that had to leave institutions or those in need of food, shelter, and/or other basic needs?

This depends on the allowable costs associated with your grant program:

Student Support Services Program: Under the Student Support Service Program regulations, in addition to Grant Aid, 34 CFR 646.30(j) allows for the use of project funds to provide temporary housing during breaks in the academic year for homeless students, children and youths or were formerly homeless children and youth, and students who are foster care youth.

Projects that provide Grant Aid to students in their currently approved budgets may continue to distribute those funds to students. Students should be advised that they may use Grant Aid to cover the added costs associated with participation in online activities developed by the project in its efforts to continue to provide services to students, i.e., internet and/or phone services necessary for engagement. Projects must establish measures to document students' participation in online activities.

Grantees that do not have Grant Aid for students in their currently approved budgets, but who wish to reallocate funds for this purpose, must notify their program specialist by submitting a revised budget to their assigned program specialist. Note that under no circumstances can the amount of Grant Aid provided exceed the 20 percent cap as provided by the authorizing statute.

Upward Bound, Upward Bound Math and Science and Veterans Upward Bound regulations: Under the Upward Bound, Upward Bound Math and Science and Veterans Upward Bound regulations, 34 CFR 645.42 allows stipends for participants who are enrolled in postsecondary classes on a full-time basis. During the COVID-19 interruption of services, the Department is aware that many institutions are providing distance learning options to students, and as such, a student that continues to be enrolled full-time through distance learning remains eligible to receive allowable stipends.

Ronald E. McNair Program: Under the Ronald E. McNair Postbaccalaureate Achievement Program (McNair), the Department is encouraging projects to provide virtual activities and to develop methods to document student participation in those activities in order to receive stipends.

Other: For all other TRIO Programs, while direct financial support to participants is not allowed under the HEA, the CARES Act provides additional flexibilities that could include direct financial support to participants. The Department will not permit a grantee to provide cash awards to students under the age of 18; however, based on the flexibilities provided by the CARES Act, the Department will consider requests from other TRIO grantees to provide such support to students 18 or older. Doing so would require prior approval and is not subject to the waiver of prior approval provided for other activities. If a grantee wishes to consider providing direct financial support to participants, he or she should contact ED program specialist for more information and prior-approval.

GEAR UP: Direct financial support to GEAR UP participants is allowable through a GEAR UP scholarship for students enrolling in a program of undergraduate instruction at an institution of higher education. Scholarship funds must be used for a "qualified educational expense," which includes tuition, fees, books, supplies, and equipment and, in the case of an eligible student with special needs, expenses for special needs services

that are incurred in connection with such enrollment or attendance (see 20 USC § 1070a–25(e)(3)).

16. Can TRIO projects provide meals to students?

As a result of COVID-19 related disruptions and consistent with the CARES Act, the Department may permit projects funded under TRIO programs to provide meals to participants in the grants program, including students engaged in project activities provided through distance learning or other virtual means. In the event that meals are to be provided to students who are not physically in attendance for TRIO activities, the grantee must request approval from the Department.

McNair Program Research Activities

17. Are virtual research activities allowable for McNair student participants given the closure of institutions and can participants still receive stipends?

Yes.   McNair projects are encouraged, to the extent possible, and when appropriate, to provide services to project participants virtually and to encourage participants to complete, to the extent possible, research activities virtually or to engage in library research, research planning and evaluation activities, data analysis and the writing of academic papers based on research already completed in instances where students are prohibited from entering laboratory facilities. Students engaged in such activities are permitted to continue to receive stipends as originally planned under a McNair project.

18. Many activities are planned for May and beyond, such as graduate visits and research conferences. Can McNair students who graduate this semester participate in activities that were planned to take place in the spring but must be delayed until the summer or fall of 2020, even if those activities take place after the student graduates?

Yes. During the COVID-19 national emergency, the Department will allow graduates who were participating in the McNair program prior to their graduation to complete graduate school visits and research activities during the summer or fall of 2020, pending approval by the student's undergraduate institution. The Department is waiving the prior approval requirement for incurring costs related to completing these activities after graduation for McNair students who graduate during the Spring 2020 semester. Currently, we are requiring all visits and research activities to be scheduled and completed by September 30, 2020. Projects must notify their assigned program specialists, if these activities cannot be scheduled to take place prior to September 30, 2020, to determine an alternative strategy. This notification must take place prior to August 15, 2020.

Graduate Assistance in Areas of National Need (GAANN)

19. Can GAANN fellows who graduate this semester participate in activities that were planned to take place in the spring but have now been or will be delayed until after they graduate?

> Yes. During the COVID-19 national emergency, the Department will allow graduates to complete graduate fellowship activities, pending approval by the student's institution, following the originally anticipated graduation date. All activities must be scheduled and completed by September 30, 2020. Projects must notify their assigned program specialist, to determine an alternative strategy. This notification must happen at least 45 days before the end of the budget period.

GEAR UP Program

20. Is there guidance for GEAR UP grantees on what meaningful services to students might look like in this unprecedented situation? What can projects do to support students and help them meet their graduation goals?

> Due to the COVID-19 national emergency, grantees will need to collaborate with their State Educational Agency (SEA), Local Educational Agency, school partners, or local public health department, as appropriate, to address questions about how, what, and when services should be provided to students. In addition, the Secretary encourages GEAR Up grantees to make distance learning activities available to students to supplement distance learning provided by the student's secondary school or to fill gaps created by schools that have ceased providing instructional opportunities to students.
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> Any virtual services that are provided must comply with federal civil rights requirements, including that they do not discriminate based on disability. However, the Department recognizes that during these unprecedented times, projects may need to provide different opportunities for different students, and it may take time for the project to equally accommodate all students. No institution should stop serving all students just because they cannot initially serve some of them. For more information on these requirements, please see: Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (March 16, 2020); Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Students with Disabilities (March 21, 2020); and OCR Short Webinar on Online Education and Website Accessibility (Length: 00:07:08) (March16, 2020).