

## COVID-19 SCHOOL CLOSURE FINANCE FAQ 4.6.2020

***Note: These responses from the WVDE are based on the COVID-19 health emergency status as of today's date and are subject to change as this health emergency evolves. This guidance is general in nature and exceptions may be appropriate based on each county's unique circumstances.***

**Q1. Will the COVID-19 health emergency impact HB 206 attendance incentive bonus payments to eligible classroom teachers?**

A1. The WVDE does not anticipate that the COVID-19 health emergency will impact payments to eligible classroom teachers.

**Q2. Does WVDE know of any additional funding opportunities beyond the federal child nutrition reimbursements for incurred costs during this health emergency?**

A2. The WVDE recently released one-time emergency grants to help county boards of education mitigate costs incurred during the COVID-19 health emergency. Each county received \$8,545. The WVDE will notify county boards of education if other federal or state funding sources become available. We continue analyzing the reach of the federal CARES act.

**Q3. The 3.24.2020 FAQ indicated that part-time workers, such as parent involvement coordinators, should be encouraged to apply for unemployment compensation during the COVID-19 closures. If a county board of education determines and directs that a Title I funded parent involvement coordinator can contribute from home, can the county board of education pay them and charge the cost to the Title I grant?**

A3. Yes, if at the direction of the county, the parent involvement coordinator can meaningfully contribute from home by assisting teachers, checking on families, etc. then the county can utilize those services during the school closures and charge the cost to the Title I grant.

**Q4. How should county boards of education treat employees on active military duty leave during the COVID-19 emergency?**

A4. Employees on active military duty leave should be treated the same as employees on medical leaves of absence. In the 3.18.2020 FAQ, the WVDE advised counties to charge leave to employees on medical leaves of absence that prevented them from working from home to support students. The same logic applies to employees on military leave.

**Q5. Are payroll garnishments suspended during the COVID-19 health emergency?**

A5. Garnishments are legal obligations. The WVDE is without authority to suspend or modify these obligations. The United States Department of Education suspended wage garnishments related to student loans for a period of 60 days starting March 13, 2020. The included links provide further information regarding student loan garnishments. Presently, there are no indications from the federal Office of Child Support Enforcement or the WV Bureau for Child Support Enforcement that child support garnishments will be suspended during the COVID-19 emergency.

<https://www.ed.gov/news/press-releases/secretary-devos-directs-fsa-stop-wage-garnishment-collections-actions-student-loan-borrowers-will-refund-more-18-billion-students-families>

<https://studentaid.gov/announcements-events/coronavirus>

**Q6. Can a high school athletic team use funds raised for an out-of-state tournament/trip to instead provide senior team members with a scholarship?**

A6. No, this is not permissible because the fundraisers were advertised specifically for a team trip and not for scholarships. Save and use these funds for a future out-of-state trip.

**Q7. Schools have canceled numerous trips which cannot be rescheduled during this school year. How should collected trip funds be handled?**

A7. Analyze each trip on a case by case basis. Make every effort to recoup any funds deposited with vendors. If vendors make refunds, schools should attempt to determine each student/family contribution and return the funds to the family by check. If trip funds were raised through a group fundraiser, then retain and set aside the funds for a future trip. If deposits are not refundable, consider issues such as whether trip insurance was offered, whether the vendor will allow the trip to be rescheduled to a later date in the subsequent school year, whether the vendor is offering any type of future travel credit for individuals signed up for the trip, etc. to determine the school's obligation to return funds to the impacted students. For example, it may be appropriate to refund seniors' payments for a trip rescheduled for the subsequent school year and offer incoming freshman those spots on the rescheduled trip.

**Q8. Should employees who are eligible for annual leave who elect to take time off without contributing from home be charged for annual leave? Can eligible employees save their annual leave days for a later date and choose not to work a given day during the COVID-19 closures?**

A8. The WVDE encourages employer flexibility during the closures, but it is appropriate to charge annual leave for non-COVID-19 related absences. For example, employees expected to contribute from home who, for personal reasons, elect not to work and are unavailable for work-related tasks (e.g. fishing trip), should be charged annual leave. Employees who pre-scheduled annual leave should be permitted to retract/cancel their leave and contribute as expected during the closures.

**Extracurricular Contracts – The WVDE 3.24.2020 FAQ discussed extracurricular contracts. Many county boards have asked how that guidance intersects with extracurricular assignments in specific and nuanced situations. The WVDE has determined that extracurricular postings and contracts are not uniform across the counties. Therefore, it is impractical to offer general guidance that can be applicable to all county boards of education. County boards should review extracurricular employment contracts and postings to make consistent determinations within individual counties. The WVDE recommends that in cases where ambiguity remains after reviewing the applicable documentation, county boards should pay the employees during the school closures.**

**Q9. The 3.24.2020 FAQ indicated that county boards of education should still pay employees for extracurricular contracts during the school closures. Does this guidance apply in situations where an employee had not yet performed work related to their extracurricular contract (e.g. prom or graduation coordinator)?**

A9. During these extraordinary times, the WVDE recommends that, to the extent financially possible, all employees be paid for extra-curricular contracts in accordance with their normal payment schedule. Likely, planning work related to such lump-sum extracurricular contracts has already occurred even though the events/activities ultimately may be canceled or delayed.

**Q10. The 3.24.2020 FAQ indicated that county boards of education should still pay employees for extra-curricular contracts during the school closures. If an extra-curricular assignment is posted to reflect that the payments are made only when the actual duties are performed (e.g. when the driver makes the run or the employee assists with lunch duty), does that change the guidance?**

A10. Look to the contractual agreement with the employee. If there is no contractual agreement, then there is no obligation to pay the employee for extracurricular work not actually performed. If, on review, ambiguity remains, the WVDE urges the county to pay the employee.

**Q11. The 3.24.2020 FAQ indicated that county boards of education should still pay employees for coaching contracts for spring sports during the school closures. Does the WVDE guidance apply if extra-curricular coaching contracts are structured to grant coaches both a certain number of additional employment contract days and a flat coaching supplement? Does the guidance vary as to the additional days versus the flat supplement? Previously, our county practice has been to pay coaches for the additional employment contract days only if worked.**

A11. The WVDE advises against structuring athletic extracurricular contracts to include additional contract days. Normally additional contract days are reserved for employees to perform regular job duties, not unrelated athletic coaching duties. Affording additional contract days can create inconsistencies in years

of experience for educator salary classifications. Even so, because the WVDE previously advised paying full athletic contracts, that advice applies to additional contract days attributed to coaching.

**Q12. The WVDE advised paying extra-curricular contract payments. Can a county charge a 21<sup>st</sup> Century After School Grant for extra-curricular contract payments even though the program is non-operative?**

A12. In a March 19, 2020, memorandum, the federal Office of Management and Budget (OMB) issued guidance that awarding agencies may allow recipients to continue to charge salaries and benefits to currently active federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, federal and non-federal. To the extent that a county board of education continues to pay non-federally funded employees' extra-curricular contracts from the county's general fund or a state grant, the county can charge federally funded extra-curricular contracts to their federal grants. It is not permissible to stop extra-curricular payments to the non-federally funded employees but continue to pay the federally funded employees with federal funds.

**Q13. For our 21<sup>st</sup> Century After School Grant, we normally employ a combination of hourly part-time employees and regular, full-time employees who hold extracurricular assignments. Under both employee classifications, the employees are paid only to the extent they actually work on a particular program operation day. Since the program is non-operative during the COVID-19 school closure, how should the county pay these employees? Previous WVDE guidance encouraged part-time employees to apply for unemployment during the school closures but also advised paying employees for their extracurricular assignments.**

A13. Under these circumstances, the WVDE recommends consistent treatment for both categories of employees. If the county's practice is to pay both categories of employees only for work actually performed, the county should apply that practice to both categories of employees during the school closures. Temporary part-time employees would thus be eligible for unemployment benefits during the closures. Workforce West Virginia will have to determine unemployment eligibility for the regular, full-time employees to the extent those employees apply for unemployment compensation related to the 21<sup>st</sup> Century After School program.