2018 Frequently Asked Questions (FAQs) for the Immediate Aid to Restart School Operations (Restart) Program CFDA Number: 84.938A

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Purpose of this Document

The purpose of this document is to provide general information about the Immediate Aid to Restart School Operations (Restart) program, as authorized by the *Bipartisan Budget Act of 2018*, P.L. 115-123 (February 9, 2018). This document provides basic information about the program, including the award process and allowable uses of funds, and does not impose any requirements beyond those included in the *Bipartisan Budget Act of 2018* and other applicable laws and regulations. In addition, it does not create or confer any rights for or on any person.

The U.S. Department of Education (ED) will provide additional or updated information as necessary on the K-12 Restart program page, accessible at https://www2.ed.gov/programs/restart/index.html and the ED Disaster Relief page, accessible at https://www.ed.gov/disasterrelief. If you have questions that are not answered in this document, please e-mail OESE.K12.Restart@ed.gov.

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A. General Information about the 2018 Restart Program

A-1. Under what authority is the 2018 Restart program authorized?

The 2018 Restart program is authorized by the Bipartisan Budget Act of 2018, P.L. 115-123 (February 9, 2018). In enacting this legislation, Congress modified the provisions of the Hurricane Education Recovery Act, P.L. 109-148 (HERA), which was enacted after Hurricanes Katrina and Rita. The provisions of the modified authority are generally similar to those in the prior Restart program legislation, except for references to eligible applicants, the names of the covered disasters and emergencies, and date-specific and timeframe references.

A-2. What is the purpose of the 2018 Restart program?

The Restart program is designed to support the provision of immediate services or assistance to local educational agencies (LEAs) and non-public schools in areas where a major disaster or emergency was declared under sections 401 and 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) related to the consequences of Hurricanes Harvey, Irma and/or Maria or the California wildfires in 2017 ("a covered disaster or emergency"). Funds will be used to assist school administrators and personnel in restarting school operations, re-opening schools, and re-enrolling students.

A-3. For what purposes may a State educational agency (SEA) use its Restart allocation?

An SEA may use its Restart allocation to provide services or assistance to eligible LEAs and non-public schools that is related to the restart of operations in, the re-opening of, and the re-enrollment of students in, elementary and secondary schools within the areas in which the Federal government declared a major disaster or emergency. (See Section D below for additional information regarding allowable uses of funds.)

A-4. How will the U.S. Department of Education (ED) determine allocations under the program?

In determining allocations under this authority, as required by the authorizing statute, ED will consider, among other things, the number of students enrolled during the 2016–17 school year in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency.

A-5. What information must an eligible SEA include in its initial application in order to receive a Restart allocation?

In the initial application for Restart program funds, eligible SEAs will provide (1) data on the number of public and non-public schools closed as a result of a covered disaster or emergency, and the number of students enrolled during the 2016-17 school year in those schools; (2) a preliminary Restart plan that provides a brief description of how the State

will use the funds to provide services or assistance to eligible LEAs and non-public schools and ensure accountability for the use of funds; and (3) required assurances. ED will consider this information in determining initial funding amounts under this program.

A-6. What data source should an SEA use in its initial application to provide the number of students enrolled in the 2016-17 school year in schools closed as a result of a covered disaster or emergency?

For both public and non-public schools, an SEA should use the most recent and appropriate data set for the 2016-17 school year as determined by the SEA, which may be, but need not be, from the National Center for Education Statistics.

A-7. What does it mean for a school to be "closed"?

The initial application requests data on the number of public and non-public schools closed for less than 10 days as a result of a covered disaster or emergency, the number of schools closed for 10 days or more, and the number of schools closed for 30 days or more. To provide maximum flexibility, SEAs have discretion to define the term "closed" for purposes of these data; however, we request that an SEA include its definition of "closed" in its application. Some examples that the SEA may use to define "closed" for the purpose of the initial application include:

- A school's facility was not being used at all and students were receiving no educational instruction;
- A school's facility was being used to provide some services (e.g., food, shelter), but was not being used to provide any educational instruction; and
- A school's facility was being used to provide some educational instruction, but the instruction was not comparable to educational instruction before the disaster.

A-8. Will ED provide additional funding after the initial application process?

Yes. At a later date, ED will provide further Restart funding opportunities for those SEAs that submit a subsequent application demonstrating a need for additional financial assistance.

B. Eligible LEAs and Non-Public Schools

B-1. What entities may apply to an SEA for services or assistance under the Restart program?

An LEA or non-public school that serves an area in which a major disaster or emergency was declared under sections 401 and 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) related to the consequences of Hurricanes Harvey, Irma and/or Maria or the California wildfires in 2017 ("a covered disaster or emergency") may apply for services or assistance under the program.

B-2. What is an "LEA"?

The Restart legislation uses the definition of LEA as provided in section 8101(30) of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). Under that definition, an LEA is "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools." The term includes educational service agencies and charter schools that are considered to be LEAs in accordance with their State charter law.

B-3. May charter schools receive assistance or services under the Restart program?

A public, nonprofit charter school that is an LEA may receive services or assistance if it serves an area in which the Federal government has declared a major disaster as a result of a covered disaster or emergency. A public, nonprofit charter school that is not an LEA, but is a school within an LEA, may receive assistance or services like other schools in the LEA.

B-4. What is a "non-public school"?

The Restart legislation defines a non-public school as a non-public elementary or secondary school that is accredited or licensed or otherwise operates in accordance with State law, and that was in existence one week prior to the date the major disaster or emergency was declared for the area.

B-5. Are for-profit schools eligible to receive funding under this program?
For-profit (public and non-public) schools are not eligible to receive services or assistance under this program. The Restart Program uses the definitions in section 8101 of the ESEA that specify that elementary and secondary schools must be nonprofit.

C. The SEA Award Process

C-1. What criteria must SEAs use to determine the level of services or assistance to be provided to eligible LEAs or non-public schools?

SEAs have considerable discretion in determining the level of services and assistance to eligible LEAs and non-public schools. In exercising this discretion, the statute requires that an SEA consider:

- The number of school-aged children served by the LEA or non-public school during the 2016-17 school year; and
- The severity of the impact of the covered disaster or emergency on the LEA or non-public school and the extent of the needs of these LEAs and non-public schools.

See Section F for further guidance on working with and providing services and assistance to non-public schools.

C-2. What information must an SEA require LEAs and non-public schools to include in their applications for Restart services or assistance?

Taking into consideration the statutory criteria for determining the levels of services or assistance to eligible LEAs and non-public schools (See C-1), the SEA has discretion to determine what information to require in a local application. By statute, the application process must ensure expedited and timely provision of services or assistance to eligible LEAs and non-public schools.

At a minimum, LEAs seeking Restart funding must have on file with the State a set of assurances that meet the requirements of Section 442 of the General Education Provisions Act (GEPA). Further, to the extent applicable, an LEA must include in its application a description of how it will comply with the requirements of Section 427 of GEPA.

C-3. What are the deadlines for the submission of applications by LEAs or non-public schools to SEAs?

The Restart statute does not set a specific application deadline. Each SEA has discretion to set an appropriate deadline or deadlines for the submission of Restart applications. In establishing these deadlines, SEAs must consider the statutory requirement that services or assistance under this program be provided in an expedited fashion.

C-4. May an SEA or LEA use Restart funds to defray the costs of administering the program?

Yes. An SEA or LEA may charge as an expense to the Restart program an amount that is reasonable and necessary to effectively administer the program. Administrative costs include costs (direct and indirect) involved in the proper and efficient performance and administration of this Federal grant. For example, SEAs and LEAs may use Restart funds to hire personnel to assist in the planning, implementation and oversight of Restart activities.

C-5. How long does an SEA or LEA have to expend Restart funds?

Both SEAs and LEAs must expend Restart grant funds within 24 months of the date ED obligates the funds (i.e., the date ED awards the funds to the SEA). An SEA award of a sub-grant to an LEA does not constitute an expenditure for purposes of this 24 month requirement. (See C-8.)

C-6. May an SEA or LEA charge indirect costs to its Restart funds?

Yes. Indirect costs and rates must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200 and ED's administrative regulations. (See 34 CFR §§ 76.560-76.569 on indirect costs.) Because the Restart program has a statutory supplanting prohibition, SEAs and LEAs must use their restricted indirect cost rate.

C-7. Are SEAs required to reserve a portion of their Restart allocation to provide services or assistance to non-public schools?

Yes. From the payment provided by ED to an SEA, the SEA shall reserve an amount of funds, to be made available to non-public schools in the State, that is not less than an amount that bears the same relation to the payment as the number of students in non-public elementary schools and secondary schools in the State bears to the total number of students in non-public and public elementary schools and secondary schools in the State.

To determine the number of students in such schools, SEAs may use the most recent and appropriate data set for the 2016-17 school year, which *need not* be data from the National Center for Education Statistics Common Core of Data.

The legislation requires that the services or assistance for non-public school students be provided in a timely manner. SEAs must work closely and promptly with representatives of non-public schools to ensure that this occurs.

If all of the funds reserved for non-public schools are not obligated by June 9, 2018 (i.e., within 120 days of February 9, 2018, the date of enactment of the Bipartisan Budget Act of 2018), the SEA should contact ED for further guidance. The SEA may not use these reserved funds for other purposes without ED's consent.

C-8. How does an SEA provide services or assistance to eligible LEAs under this program?

The SEA may use Restart funds to provide services or assistance directly to eligible LEAs. In addition, an SEA may award Restart funds to eligible LEAs to reimburse them for costs incurred, or to provide funding for other allowable purposes.

Whether the SEA provides services or assistance directly to the eligible LEAs, or awards funds to eligible LEAs, the SEA and LEAs must expend funds within 24 months of the date the SEA receives the Restart funds from ED.

C-9. In providing services or assistance to eligible non-public schools, may an SEA award subgrants to these schools?

No. An SEA may not subgrant Restart funds to a non-public school. When an SEA provides services or assistance under this program to non-public schools, the control of funds for these services or assistance must be maintained by a public agency. This agency could be the SEA itself, an LEA, or another appropriate public agency. (See Section F, "Serving Non-Public Schools under the Restart program" for additional information.)

D. Allowable Services or Assistance and Limitations

D-1. What kinds of activities may be supported with Restart funds?

Under section 102(e) of the authorizing statute, Restart funds may be used for the following activities:

- Recovery of student and personnel data, and other electronic information;
- Replacement of school district information systems, including hardware and software;
- Financial operations;
- Reasonable transportation costs;
- Rental of mobile educational units and leasing of neutral sites or spaces;
- Initial replacement of instructional materials and equipment, including textbooks;
- Redeveloping instructional plans, including curriculum development;
- Initiating and maintaining education and support services;
- Specific educator–related costs (See D-9); and
- Other activities related to the purposes of the program subject to approval by ED.

Subject to the statutory supplanting prohibition (see D-5), the recipients may use these funds for pre-award costs, including the reimbursement of expenditures incurred prior to the receipt of a grant.

In all instances, the services and assistance provided under the program, including equipment and materials, must be secular, neutral, and non-ideological.

D-2. May Restart funds be used for construction or major renovation?

No. The legislation expressly prohibits the use of Restart funds for construction or major renovation of schools. If necessary and reasonable, these funds may be used for minor remodeling and repair.

D-3. What is minor remodeling?

Minor remodeling refers to minor alterations in a previously completed building. The term also includes the extension of utility lines, such as water or electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building. The term does not include building construction, structural alteration to buildings, building maintenance, or repairs. 34 CFR § 77.1.

D-4. May an LEA or non-public school use services or assistance under Restart in coordination with other available Federal, State, or local funds?

Yes. LEAs and non-public schools are encouraged to coordinate the services and assistance that they receive under Restart with other available services and assistance.

D-5. How does the supplanting prohibition apply to services or assistance available under the Restart program?

Restart funds must be used to supplement, and may not supplant, any funds made available through the Federal Emergency Management Agency (FEMA) or through a State.

An eligible SEA, LEA or non-public school may use Restart funds for activities that may be supported from FEMA or a State source if—

- the SEA, LEA, or school has not received such other benefits by the time of application for Restart; and
- the SEA, LEA or school agrees to repay all duplicative Federal assistance received to carry out the purposes of Restart.

For example, an LEA may use Restart funds for costs that may ultimately be covered by FEMA; however, once it receives funds from FEMA for those costs, it must reimburse the Restart grant account. At the same time, the LEA may use those Restart funds for other allowable Restart costs. In the simplest of terms, "double-dipping" is prohibited.

D-6. May Restart funds be used to support costs that may be covered by insurance?

If an SEA, LEA or school has not yet received insurance reimbursement for Restart allowable costs that may also be covered by insurance, it may charge those activities to Restart funds and then reimburse the Restart grant account once it receives the insurance payment. Again, "double-dipping" is prohibited.

D-7. What are some examples of allowable costs under Restart?

The following list provides examples of allowable activities or services that fall within the various statutory categories. This list is not intended to be exhaustive.

For any of these costs to be allowable, they must comply with the Cost Principles in 2 CFR part 200, subpart E (e.g., the costs must be "necessary and reasonable" for proper and efficient administration of the Restart program, 2 CFR § 200.403) and support the restart of operations in, the reopening of, and the re-enrollment of students in elementary and secondary schools that serve an area in which the Federal government declared a major disaster related to a covered emergency or disaster.

Restart funds may be used to support --

(a) Recovery of student and personnel data, and other electronic information

- Hiring additional clerical staff to input and manage data
- Developing new electronic data systems to replace paper-based student and personnel files
- Purchasing computer data recovery services for damaged hard drives
- Recovering testing and assessment services
- Creating an electronic inventory system using scanners and bar codes
- Rebuilding and recovering cumulative records and folders on electronic files

- Recovering student and personnel information systems
- Tracking dropouts

(b) Replacement of school district information systems, including hardware and software

- Rebuilding school district communication and information networks, including restoring Internet connectivity
- Replacing homework software systems
- Replacing wireless network connectivity for portable classrooms
- Replacing technology equipment, including phone and intercom systems
- Hiring additional technical staff to install wiring, hardware, and software
- Replacing services for off-site electronic data storage
- Purchasing data recovery for hard files
- Providing additional hardware and software programs for use in tutorial and remedial programs.
- Recovering and expanding student progress monitoring systems

(c) Financial operations

- Supporting off-site electronic data storage of financial data
- Hiring accountants or other staff to assist LEAs and schools on issues such as FEMA matters, insurance reimbursements, and the coordination of maintenance activities
- Replacing financial software systems
- Processing free lunch applications for students

(d) Reasonable transportation costs

- Supporting costs of transporting students to and from school, after-school programs, tutorials, remediation programs, extended-year programs, enrichment programs, etc.
- Providing funds for additional bus drivers for displaced students
- Replacing buses and supporting repair costs to buses
- Replacing other LEA or school vehicles

(e) Rental of mobile educational units and leasing of neutral sites or spaces

- Replacing bookmobiles for school library services
- Replacing or leasing mobile professional development computer training labs
- Replacing, renting, or leasing mobile distance learning labs
- Supporting rent for temporary storage facilities for instructional equipment and supplies
- Providing rent for temporary sites to conduct regular educational activities where facilities no longer exist (e.g., mobile classrooms, local auditoriums, civic centers, theaters or other facilities for school programs like physical education, drama, choir, awards recognition ceremonies, or graduation)

(f) Initial replacement of instructional materials and equipment, including textbooks

- Replacing instructional materials, including textbooks, manipulatives, and consumable educational materials such as workbooks, art supplies, and lab supplies

- Providing resources to teachers to meet instructional needs, including copiers and copier paper
- Restocking school libraries with books, magazines, resource materials, media supplies, etc.
- Hiring additional staff to catalog or install new media supplies, equipment, and materials
- Replacing equipment, materials, and supplies used in the classroom

(g) Redeveloping instructional plans, including curriculum development

- Supporting curriculum development activities
- Supporting consultant fees for in-district staff development

(h) Initiating and maintaining education and support services

- Supporting increased salaries of teachers and other personnel (e.g., cafeteria workers, bus drivers, maintenance workers) due to increased cost of local labor
- Hiring additional staff for tutorial and remedial programs and supporting such programs
- Funding supplemental payments to staff who performed services outside of their contract days to help reopen schools
- Hiring additional staff for psychological services, social services, behavioral services, nursing services, and counseling services for students and employees
- Funding employees to make home visits to enroll students in schools
- Supporting the minor repair of facilities
- Sanitizing, cleaning, and replacing cafeteria equipment and supplies
- Providing labor and equipment for cleaning buildings and grounds
- Providing training sessions on new or updated software used to replace damaged or destroyed software

(i) Other activities related to the purpose of the Restart program that have been approved by ED:

- Hiring personnel to assist in the planning, implementation and oversight of Restart activities
- Supporting expenses incurred to recruit teachers and other school personnel, such as –
    (1) Reimbursing districts for costs of leasing temporary housing for school staff
    (2) Providing daycare services for children of school staff
    (3) Providing transportation allowances to school staff
- Replacing physical education equipment and supplies related to extracurricular activities (e.g., band, choir, athletics)
- Installing security cameras and supporting cell phones, two-way radios, satellite phones, etc.
- Rewiring bell, fire, and burglar security systems
- Payment of utility costs (e.g., heating and air conditioning) related to the covered disaster or emergency through the end of the school year in which the school reopened
- Leasing or purchasing generators and related operational costs
- Providing debris removal and rental of port-a-lets

- Supporting interior clean-up costs and replacing carpets and fixtures
- Supporting the cleanup of schools used as shelters
- Paying regional service centers for activities related to the reopening of schools
- Providing meals for extended-day programs

D-8. May Restart funds be used to replace damaged equipment or supplies with upgraded or enhanced versions?

Yes, such costs may be allowable taking into consideration the cost principles, including whether costs are reasonable and necessary. (See the Cost Principles in 2 CFR part 200, subpart E.) For example, an LEA may replace computers destroyed by a covered disaster with a current model that has enhanced features provided the costs are reasonable.

D-9. What specific educator-related costs are expressly authorized under the Restart statute?

Restart funds may be used for the following educator-related costs:

- Recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by a covered disaster or emergency, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness;
- Activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments;
- The establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and
- Paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

D-10. What are some examples of unallowable costs under the Restart program?

Restart funds may *not* support the following costs. These examples are illustrative and are not intended to be a complete list of all unallowable costs.

Restart funds may *not* be used for –

- Replacing the loss of local tax revenue, providing working capital, or providing debt service payments
- Paying the salaries or fringe benefits of teachers or other school personnel for periods during which they did not work
- Construction and major renovation
- Purchasing land

- Purchasing and planting trees or shrubbery on school property to replace those lost or damaged in the storms
- Supporting the costs of housing students and their families
- Paying the cost of tuition for students enrolled in non-public schools (See *Temporary Emergency Impact Aid for Displaced Students (EIA)* program and guidance for information on the use of EIA funds for this activity.)

Note: ED will periodically provide additional examples of allowable and unallowable activities under the Restart program as new issues arise during the administration of the program.

E. Recordkeeping and Reporting

E-1. What records must an SEA or LEA maintain after receiving Restart funds?

SEAs, LEAs, and other public agencies or contractors that administer portions of this program must maintain adequate written records to support how funds were received, disbursed, and spent under the program, including all records necessary to facilitate an effective audit. The records must be made available, upon request, during monitoring and audits. (See 2 CFR §§ 200.333-200.337; GEPA section 443, 20 U.S.C. 1232f). In addition, the *Bipartisan Budget Act of 2018* designates the Restart program to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note.)

This will result in additional requirements for grantees under the program, including making expenditure information and documentation available for review by the Department, starting with the Fiscal Year 2019 reporting period. ED will provide additional information about this requirement after we make awards, providing advanced notice to ensure grantees understand their responsibilities for documenting all expenditures of Restart funds. In general, these documentation requirements are identical to those ordinarily required for all Federal education program expenditures; the primary impact of the Improper Payments Information Act will be increased review of this documentation.

E-2. What are the reporting requirements for grantees?

For each year of the program, grantees will submit a report to ED, at such time and in such manner as ED may require, that describes: (1) how the SEA distributed the funds it received or provided services to eligible LEAs and non-public schools; (2) the number and identity of public and non-public schools that received assistance or services; (3) the uses of funds within the State; and (4) a description of the internal controls the SEA had in place to ensure that funds were used for allowable purposes and in accordance with cash management principles. Additional reporting requirements may be included as a condition on ED's grant award to an SEA.

F. Serving Non-Public Schools under the Restart Program

F-1. What responsibilities does an SEA have regarding services or assistance to non-public schools?

The SEA must inform eligible non-public schools, or ensure the LEAs inform non-public schools, of the availability of Restart services and assistance. The SEA or LEA must engage in timely and meaningful consultation with non-public school officials regarding the provision of such services and assistance.

Services or assistance to non-public schools must be provided through employees of a public agency (such as an SEA or LEA), or through contract by the public agency with a public or non-public entity. In all cases, the employment or contract must remain under the control and supervision of a public agency, such as the SEA or an LEA. (See generally F-9 through F-19 for a description of limited circumstances when reimbursement may be allowable consistent with this requirement.)

F-2. How does an SEA determine whether the services and assistance provided to eligible non-public school students with Restart funds are equitable in comparison to the services and assistance provided to eligible public school students?

In determining the appropriate level of services and assistance to be provided to eligible non-public school students, the SEA considers the numbers and needs of non-public school students to be served in comparison with the numbers and needs of the eligible public school students to be served. This comparison should include an assessment of the severity of the impact of the covered emergency or disaster on the particular LEAs and non-public schools seeking services and assistance.

F-3. May a non-public school obtain title to material, equipment, or property purchased with Restart funds?

No. A public agency must hold the title to any material, equipment, or property purchased with Restart funds.

F-4. Are non-public schools that receive services or assistance under the Restart program considered to be "recipients of Federal financial assistance"?

No. Under the Restart program, a public agency must control and administer the funds, and no funds go to non-public schools; thus, non-public schools are not considered recipients of Federal financial assistance by virtue of receiving services or assistance under the Restart program. As a result, certain Federal requirements that apply to recipients of Federal financial assistance are not directly applicable to non-public schools receiving services or assistance under the Restart program, unless the school otherwise receives Federal financial assistance for other purposes.

F-5. What entity maintains control over Restart funds that are used to provide services and assistance to eligible non-public schools?

An SEA, an LEA, or another appropriate public agency must maintain control of and administer the Restart funds that are used to provide services and assistance to non-public schools. An SEA generally may not provide Restart funds to a non-public school. However, under the limited circumstances detailed in this guidance, Restart funds may be

used to reimburse a non-public school for certain previously-incurred secular, neutral and non-ideological services or assistance.

F-6. How does an SEA, LEA, or public agency provide services or assistance to non-public schools?

An SEA, LEA, or public agency provides services or assistance to non-public schools either directly or indirectly through a third party. In providing Restart services or assistance indirectly, an SEA, LEA, or other public agency contracts with a public or non-public entity to provide such services or assistance. The non-public school itself may not be a party to a contract for Restart services except as detailed in this guidance, under limited circumstances, when Restart funds may be used to reimburse a non-public school for certain previously incurred secular expenses.

F-7. Which entity holds title to and control over materials, equipment, or property purchased with Restart funds?

An SEA, LEA, or other public agency must hold title to and maintain control over any materials, equipment, or property purchased with Restart funds. A non-public school may not own any materials, equipment, or property purchased with Restart funds. (See F-14 regarding transferring title of materials, equipment, or property that a non-public school previously purchased with other funds.)

F-8. How does an SEA, LEA, or other public agency maintain title to and control over materials, equipment, or property purchased with Restart funds?

An SEA, LEA, or other public agency must purchase and own the materials, equipment, or property that is used in non-public schools, or lease the materials, equipment, or property on behalf of the non-public schools.

The public agency must maintain an inventory of such materials, equipment, or property made available to non-public schools, and periodically update that inventory. The agency responsible for maintaining this inventory may use Restart funds to defray the costs associated with such responsibility.

F-9. May an SEA, LEA, or other public agency use Restart funds to reimburse a non-public school for costs previously incurred in contracting for or providing services that were needed to restart school operations?

Under the limited emergency circumstances related to the covered disasters or emergencies, an SEA, LEA, or other public agency may use Restart funds to reimburse a non-public school for the costs of such services, provided the services are secular, neutral, and non-ideological. For example, Restart funds may be used to reimburse a non-public school for the costs associated with the cleanup and minor repairs of buildings, or parts of buildings, that are not used primarily for inherently religious purposes. However, the funds may *not* be used to reimburse a school for costs incurred in cleaning up or repairing a building, or parts of a building, used primarily for inherently religious purposes (e.g., the school's chapel).

The SEA, LEA, or other public agency is considered to have maintained sufficient control over the Restart funds if it determines that the non-public school's expenditures represent allowable Restart expenses, that the non-public school has sufficient documentation supporting such expenditures, and that the school actually received the services or assistance related to those expenditures.

There are special rules that apply with respect to materials or equipment that a non-public school may have previously purchased. (See F-14).

F-10. May Restart funds support clean-up activities (e.g., debris removal, mold treatment, air quality testing) in a non-public school?

Yes. Restart funds may support clean-up activities that are provided either directly by a public agency or under the terms of a contract between an SEA, LEA, or other public agency and a third party. In addition, Restart funds may be used to reimburse a non-public school for clean-up expenses that the school previously incurred. To be allowable, the clean-up activities must be limited to buildings, or parts of buildings, that are not used primarily for inherently religious purposes.

F-11. May an SEA, LEA, or other public agency reimburse a non-public school for costs incurred as their teachers or other personnel performed clean-up activities that were not part of their contractual arrangement with the non-public school?

An SEA, LEA, or other public agency may use Restart funds to pay for such reimbursements if the clean-up activities were for buildings, or parts of buildings, that are not used primarily for inherently religious purposes. However, Restart funds may not be used to reimburse a non-public school for costs related to the instructional and other activities that non-public school teachers and other personnel performed as part of their day-to-day responsibilities under their contracts with the non-public school.

F-12. May Restart funds be used to support future and past repairs to non-public school property damaged by a covered disaster or emergency, such as replacement of damaged ceilings, light fixtures, and vinyl flooring, and painting of classroom walls?

Yes. Restart assistance may support future expenses of this type if this assistance is provided directly by a public agency or through a contract between a public agency and a third party and is not used for inherently religious purposes (such as the repair of a chapel or religious icons). In addition, Restart funds may be used to reimburse a non-public school for repair expenses that the school previously incurred if the expenses directly relate to services that are secular, neutral, and non-ideological, and are consistent with the other relevant provisions of this guidance.

F-13. May Restart funds be used to replace classroom furniture in a non-public school?

Yes. Restart funds may be used to replace classroom furniture in a non-public school if a public agency maintains title to and control over any furniture purchased. (See F-14 for

discussion regarding materials or equipment, including furniture, previously purchased by a non-public school.)

F-14. If a non-public school previously incurred expenses in purchasing materials or equipment that would otherwise be allowable under the Restart program, may an SEA, LEA, or other public agency use Restart funds to reimburse the non-public school for those expenditures or to purchase from a non-public school materials or equipment that the school previously acquired following the covered disaster or emergency?

An SEA, LEA, or other public agency may not reimburse a non-public school for materials or equipment that the school previously purchased. The reason for this is that the non-public school would have held title to such materials or equipment and they would not have been under the control of a public agency.

However, if the non-public school and a public agency both agree, the public agency may use Restart funds to purchase from the non-public school materials or equipment that the non-public school had previously acquired. The materials or equipment must be allowable Restart expenses and be secular, neutral, and non-ideological. The public agency may continue to allow the equipment and materials to be used in the non-public school. This use of Restart funds is allowable only if the non-public school transfers the title for the materials and equipment to the SEA, LEA, or other public agency and the public agency becomes responsible for controlling the materials and equipment.

F-15. If a non-public school previously incurred otherwise allowable Restart expenses in leasing classroom trailers or equipment, may an SEA, LEA, or other public agency use Restart funds to reimburse the non-public school for those expenditures?

Yes. An SEA, LEA, or other public agency may reimburse a non-public school for expenses that the school previously incurred in leasing classroom trailers or equipment to the extent that the activities are secular, neutral, and non-ideological.

F-17. How may an SEA, LEA, or other public agency use Restart funds to provide technology services to a non-public school?

An SEA, LEA, or other public agency could use Restart funds to support the installation of a new data management system or the purchase of office computers in a non-public school (including a religiously affiliated non-public school) if such equipment was destroyed or severely damaged by the covered disaster or emergency because these services by their nature are generally secular, neutral, and non-ideological. In addition, Restart funds could pay for classroom computers, copiers, printers, and other equipment used in a non-public school for secular, neutral, and non-ideological purposes. Further, if an SEA, LEA, or other public agency uses Restart funds to replace damaged technology in a non-public school, the funds may support updated versions of that technology (i.e., a current model that has enhanced features) provided the costs are reasonable. See FAQ D-8 for additional information on replacing equipment. In all instances, a public agency must maintain title to and control over the equipment.

An SEA, LEA, or other public agency may also use Restart funds to hire or contract for the personnel needed to install the computer software, hardware, or other equipment that it purchases for use in the non-public school.

Restart funds should not be used to support the wiring of religiously affiliated non-public schools or to support internet connectivity in these schools because wiring and internet connectivity in a religious school normally are used to support religious as well as other activities. It would be very difficult for a public agency to monitor adequately whether this technology is being used solely for secular, neutral, and non-ideological purposes.

F-18. May Restart funds be used to supply equipment that a non-public school did not have before the covered emergency or disaster?

An SEA, LEA, or other public agency generally may use Restart funds to replace equipment that was destroyed by the covered emergency or disaster, but not to provide new forms of equipment that the non-public school lacked or supply additional equipment above and beyond what the school had prior to the incident. (And as noted earlier, a public agency must hold title to any equipment purchased for a non-public school and the non-public school may use the equipment only for secular, neutral, and non-ideological purposes.) For example, if a non-public school did not have a photography lab before the emergency or disaster, Restart funds could not be used to support a new photography lab. (This restriction regarding the replacement of equipment losses applies to Restart assistance for public schools as well.)

In some instances, it may be appropriate for an SEA, LEA, or other public agency to use Restart funds to support new activities to guard against future losses. For example, Restart funds could be used to support off-site electronic data storage of financial data, even if the school did not previously use such protections.

F-19. May Restart funds be used to pay the costs of utilities for a non-public school?

Restart funds may be used to pay utility bills for a non-public school related to the covered disaster or emergency through the end of the school year in which the school reopened. Restart funds may also be used to reimburse a non-public school for utility bills previously paid and related to the covered disaster through the end of the school year in which the school reopened.

F-20. Who is responsible for exercising oversight regarding the validity of the data that are submitted by non-public schools that seek Restart services or assistance?

The SEA, LEA, or other public agency that provides services or assistance to non-public schools is responsible for verifying the validity of the data submitted by those schools. The SEA, LEA, or other public agency may request from a non-public school the documentation necessary to verify data on the numbers of affected students or the severity of damage. The non-public school should cooperate with such requests in order that the SEA, LEA, or other public agency can determine the appropriate level of services or assistance. We encourage the SEA to notify ED if any disputes arise between the public

agency and a non-public school concerning data requests, and we will work with all of the parties to resolve those disputes.