Cooley

Managing COVID-19 Disruption: ED Updates Guidance for Changes and Interruptions of Study

March 24, 2020

The US Department of Education (ED) has issued an update to its March 5 guidance for interruptions of study related to COVID-19. The updated information is included as an attachment to the March 5 guidance, containing 10 frequently asked questions and answers that expand on the information in the original publication. Below is a summary of the expanded guidance.

Study abroad students and foreign institutions

- Study abroad students whose primary enrollment is with a US institution may participate in online instruction if their foreign school closes and that foreign institution has a consortium agreement with their home institution
- Students are permitted to take online classes through the foreign institution or the home institution without an impact on Title IV funding
- As in its March 5 announcement, ED's update repeats that foreign institutions participating in the Title IV programs remain prohibited from providing Title IV funds for enrollment in distance education courses, which is a statutory limitation. Note that legislation that would permit ED to waive this requirement is winding through US Congress as part of the larger COVID-19 legislative package

Federal work study

- If an institution remains open, a Federal Work Study (FWS) student who is unable to work or is working remotely can be paid for scheduled hours or for hours worked remotely and should be paid the original hourly wage
- An institution is not required to send ED any documentation, but must maintain documentation of how the student worked and was paid during this period
- To continue to pay FWS students, an institution must continue to meet the institutional match, notwithstanding the FWS non-replacement requirement
- An institution is only required to continue to pay essential staff and/or faculty during the COVID-19 response. Not all staff and faculty must be paid to continue to pay FWS students

Payment period

- The payment periods for which an institution can temporarily offer online instruction have been expanded to payment periods starting before June 1, 2020. This includes payment periods for both new and continuing students

Institutional charges

- If an institution reduces a student's institutional charges (tuition, fees, dorm charges, meal plan, etc.) as part of its response to COVID-19, the institution is not required to make corresponding adjustments to the student's cost of attendance or awards

Withdrawal calculations

- If an institution's term length or scheduled breaks change as a result of its response to COVID-19, any R2T4 calculations performed after the calendar changes are in place must reflect the new end date and scheduled break of five days or greater. However, an institution is not required to correct R2T4 calculations performed before the calendar changes were in place

COD updates

- Institutions are not required to update common origination and disbursement (COD) loan period end dates for the extension of term dates as a result of their response to COVID-19, as long as the loan period end date is the original term end date

Clock hour programs

- For a student in a clock hour program who is displaced from an externship due to COVID-19, an institution may place the student on a leave of absence if there is a reasonable expectation that the student will be able to return and complete the externship within 180 days
- An institution may temporarily offer online instruction to a student in a clock hour program as long as the institution can document that the student has engaged in an appropriate learning activity for 50 minutes of every 60-minute period with faculty supervision
- ED recommends that clock hour online courses be offered in a synchronous lecture format, but asynchronous delivery is acceptable if student participation and faculty oversight is properly documented. Whether synchronous or asynchronous, an institution remains responsible for ensuring that the online instruction meets the relevant requirements of its institutional accreditor and state authorizing agency, as well as any professional licensing board requirements

Overlapping terms

- If the end date of a standard term is extended in response to COVID-19 and that term overlaps with the start of the following term, ED will consider the academic calendar to remain as standard term

We are tracking guidance issued by ED and other regulators and will provide any updates on CooleyED. Contact us with any questions.

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