# CARES Act Information and Ideas – Via Education Northwest

# OVERVIEW

<https://www.edweek.org/ew/articles/2020/04/01/schools-get-135-billion-in-coronavirus-package.html>

The Coronavirus Aid, Relief, and Economic Security Act provides $13.5 billion for public school budgets, with at least 90 percent of that aid earmarked for school districts through the Title I aid formula. The money could be used to support a variety of learning needs and various activities under the Every Student Succeeds Act and other federal education laws, including helping students learn remotely if their schools are closed. Another $3 billion would be for governors to use at their discretion to assist K-12 and higher education as they deal with the fallout from the virus.

In addition, the CARES Act, which passed the Senate March 25 and the House on Friday before heading to Trump, gives DeVos the power to grant significant relief from key accountability statutes under ESSA. And it requires her to report to Congress 30 days after the bill becomes law about any recommendations she has to grant schools “limited flexibility” from several education laws, including the Individuals with Disabilities Education Act.

The roughly $2 trillion package also includes additional aid for child care, child nutrition, and grants to provide mental health support to school communities. But its $31 billion in dedicated emergency funding for K-12 and higher education falls far short of the 2009 American Recovery and Reinvestment Act, the Great Recession-era stimulus, which provided $100 billion for education.

In a disappointment for remote learning advocates, the coronavirus package does not include dedicated funding under the Federal Communications Commission’s E-Rate program to provide internet service and internet-connected devices to students in need whose schools have shut their doors due to the coronavirus, or additional E-Rate aid for existing programs. Several Democratic senators and many educators and education associations pushed for such provisions in the bill, but came up short.

However, the $13.5 billion in K-12 education aid could be spent on supporting remote learning. And schools could also seek waivers from a provision of Title IV that caps the share of money that can be spent on internet-connected devices.

<https://chalkbeat.org/posts/us/2020/03/26/what-the-coronavirus-stimulus-bill-will-mean-for-schools/>

The legislation includes significant sums for schools. The biggest chunk: $13.5 billion to be distributed among states, which would have to pass most of that on to school districts and charter schools. They will be able to use the money for things like buying technology to get remote learning off the ground, sanitizing school buildings, and starting summer learning programs.

School districts will also receive some of another $3 billion distributed to governors. Another $8.8 billion will be directed to child nutrition, including school meals. An additional $3.5 billion will be directed to child care providers through the Child Care and Development Block Grant, while Head Start programs will get $750 million.

For the $13.5 billion to states and school districts:

* Each state’s share will be determined by how much money it currently [gets through Title I](http://blogs.edweek.org/edweek/campaign-k-12/2019/04/federal-title-I-funding-disadvantaged-kids-next-school-year.html) — meaning states with more low-income students will get more money. States will divide that money up among districts and charter schools the same way, with districts and schools that get more Title I funding getting more coronavirus relief funding.
* States must give at least 90% of the money they receive to districts. State education departments could choose to spend the rest themselves, including through “grants or contracts.”

For the $3 billion to governors:

* Each state’s share will be determined by its population of children and young people. Then governors decide where the money goes. Their choices: school districts deemed “most significantly impacted by coronavirus,” colleges and universities, or any other school district or “education related entity,” including those providing child care and early childhood education.

Districts will be able to use their portion of the $13.5 billion on a wide variety of things, including:

* Supplies for cleaning and sanitizing schools and school district buildings
* Efforts to help students from low-income families, students with disabilities, English learners, “racial and ethnic minorities,” homeless students, and students in foster care
* Coordinating long-term school closures, including meals, technology, and serving students with disabilities
* Buying technology, including connectivity, to help students continue learning, including adaptive equipment for students with disabilities
* Items principals need “to address the needs of their individual schools”
* Mental health services
* Planning and providing in-person or online summer learning programs and after-school programs
* Continuing to provide district-level services and employ staffers

<https://www.edweek.org/ew/articles/2020/03/27/heres-what-the-coronavirus-stimulus-bill-means.html>

**What strings are attached to the stabilization fund?**

In order to access the state education stabilization fund, states would first have to agree to provide funding to education in fiscal years 2021 and 2022 that’s at least the same as the average of their education funding over the three prior fiscal years. However, U.S. Secretary of Education Betsy DeVos could waive that requirement.

The package also requires that any state or school district getting money from the stabilization fund “shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.”

**What else is in the stimulus related to children and schools?**

The package provides additional funding for a variety of relevant programs:

* $15.8 billion for the Supplemental Nutrition Assistance Program;
* $8.8 billion for Child Nutrition Programs to help ensure students receive meals when school is not in session;
* $3.5 billion for Child Care and Development Block Grants, which provide child-care subsidies to low-income families and can be used to augment state and local systems;
* $750 million for Head Start early-education programs;
* $100 million in Project SERV grants to help clean and disinfect schools, and provide support for mental health services and distance learning;
* $69 million for schools funded by the Bureau of Indian Education; and
* $5 million for health departments to provide guidance on cleaning and disinfecting schools and day-care facilities.

**How does the stimulus address remote learning needs?**

The K-12 stabilization money could be used to provide students internet connectivity and internet-connected devices to boost access to distance learning

And the package provides $25 million for the U.S. Department of Agriculture’s Rural Development Programs to support “distance learning, telemedicine, and broadband.”

But the package doesn’t provide additional funding for the Federal Communications Commission’s existing E-Rate program, which many schools already use for internet and technology efforts. Some education groups have promoted that funding stream, saying schools are familiar with its regulations and requirements. And they’ve called on the FCC to loosen regulations so that the funding can be more easily spent on at-home devices for students who lack internet access.

**Does the stimulus package give DeVos any authority to help schools?**

**1)** Through a streamlined waiver process, states and Indian tribes could get significant waivers from accountability, reporting, and testing requirements under the Every Student Succeeds Act. Even before Congress passed the bill, DeVos had begun broadly waiving testing requirements for states. That process would let states essentially freeze in place their schools that have already been identified for improvement. No schools would be added to the list, and no schools would be removed from the list for the 2020-21 school year.

**2)** States and school districts could also apply for targeted one-year waivers from sections of ESSA dealing with several funding mandates. For example:

* They could seek to get waivers from ESSA’s requirement for states to essentially maintain their education spending in order to tap federal funds.
* They could seek a waiver to make it easier to run schoolwide Title I programs regardless of the share of low-income students in districts and schools.
* They could seek flexibility from requirements governing Title IV Part A, which funds programs aimed at student well-being and providing a well-rounded education. Caps on spending for different priority areas would be lifted, and schools would no longer be barred from spending more than 15 percent of their Title IV money on digital devices.
* Districts could seek to carry over as much Title I money as they want from this academic year to the next one; normally there’s a 15 percent limit.

Finally, they could seek waivers from adhering to ESSA’s definition of professional development.

**3)** DeVos has 30 days from the day the bill is signed to tell Congress if she thinks any additional waivers are necessary from the Individuals with Disabilities Education Act—the federal law governing special education—as well as ESSA, the Rehabilitation Act, and the Carl D. Perkins Career and Technical Education Act, in order to provide schools with “limited flexibility.”

# **CARES Act Section Summary**

**18001 Education Stabilization Fund**

* 1. ALLOCATION – Secretary first allocates:
     1. <½ of 1% to outlying areas based on need
     2. ½ of 1% for BIE programs
     3. 1% to states with the highest COVID-19 burden- secretary shall issue a notice inviting application no later than 30 days. Must approve or deny applications not later than 30 days after receipt
  2. RESERVATIONS- after initial ALLOCATION
     1. 9.8% for section 18002 (Governor’s Emergency Education Relief Fund)
     2. 43.9 % for section 18003 (Elementary and Secondary School Emergency Relief Fund)
     3. 46.3% for 18004 (Higher Education Emergency Relief Fund)

1. **18002 Governor’s Emergency Education Relief Fund**
   1. GRANTS – Secretary invites Governors of each state to apply. Secretary shall issue a notice inviting application no later than 30 days. Must approve or deny applications not later than 30 days after receipt
   2. ALLOCATIONS- allocated to each state as follows:
      1. 60% based on relative population ages 5-24
      2. 40% based on relative number of children counted under ESEA
   3. USES OF FUNDS
      1. Provide emergency support to LEAs that have been most significantly impacted to continue to provide services and support ongoing functionality
      2. Provide emergency support to institutions of higher ed (IHE) most significantly impacted to continue to provide services and support ongoing functionality
      3. Provide support to any other IHE, LEA or education related entity the governor deems essential for carrying out emergency educational services described in 18003(d)(1), or Higher Education Act, provision of childcare and early childhood education, SEL support and protection of education jobs
2. **18003 Elementary and Secondary School Emergency Relief Fund** 
   1. GRANTS- Secretary makes grants to SEAs Secretary shall issue a notice inviting application no later than 30 days. Must approve or deny applications not later than 30 days after receipt
   2. ALLOCATIONS TO STATES- same proportion to the states receiving Title I Part A for recent fiscal year
   3. SUBGRANTS TO LOCAL EDUCATION AGENCIES- at least 90% of grant funds to SEA goes to LEAs including charter schools in proportion to Title I part A
   4. USES OF FUNDS- LEAs can use the funds for:
      1. Activities by ESEA, Native Hawaiian Education Act, Alaska Native Educational Equity, Support and Assistance Act, IDEA, Adult Education and Family Literacy Act, Carl Perkins CTE Act, or title VII subtitle B of McKinney Vento
      2. Coordination among LEAs and public health departments to prevent, prepare for and respond to coronavirus
      3. Provide school leaders with resources for individual schools
      4. Address unique needs of low income children or students, children with disabilities, ELs, racial and ethnic minorities, homelessness, foster care including outreach and service delivery
      5. Develop and implement procedures and systems to improve preparedness and response efforts of local education agencies
      6. Training and PD of LEA on sanitation to slow the spread
      7. Purchase supplies for sanitation
      8. Plan for and coordinate during long term closures (provide meals, technology, guidance to carry out IDEA, ensure educational services continue)
      9. Purchase education technology (hardware, software and connectivity) for students including low income and SWD (assistive tech or adaptive equip)
      10. Provide mental health services and support
      11. Plan and implement summer learning and supplemental after school and addressing needs of low-income, SWD, Els, migrant, homeless and foster care
3. **18004 Higher Education Emergency Relief Fund**
4. a) IN GENERAL- Secretary to allocate funding as follows:
   * 1. 90% to IHE to prevent, prepare for and respond to coronavirus
        1. 75% FTE Pell grant recipients attending campus courses (not distance)
        2. 25% FTE non-Pell grant recipients attending campus courses (not distance)
     2. 7.5% for additional awards of HEA to defray expenses
     3. 2.5% for unmet needs
   1. DISTRIBUTION
   2. USES OF FUNDS
   3. SPECIAL PROVISIONS
      1. Give priority to IHE not eligible for funding and demonstrates significant needs
      2. HBC/U and Minority Serving institutions can use prior awards to respond to coronavirus
   4. REPORT

**18005 Assistance to Non-Public Schools**

1. IN GENERAL – LEAs receiving fund from 18002/18003 shall provide equitable services in the same manner to non-public schools in consultation
2. PUBLIC CONTROL OF FUNDS- public agency shall administer funds, materials, equipment and property

**18006 Continued Payment to Employees**

LEA, SEA, IHE or others that receive funds shall continue to pay its employees and contractors

**18007- Definitions**

**18008 Maintenance of Effort**

1. State application includes assurances to maintain support for education in 2020 and 2021 at the average levels of prior 3 fiscal years
2. Secretary may waive requirement if state has a decline in financial resources

**SAFE SCHOOLS AND CITIZENSHIP EDUCATION**

$100,000,000 to clean and disinfect schools, assist in counseling and distance learning and associated costs (congress must designate first)

# **IDEAS**

1. Reach out to regional SEAs to help design
   1. Application after Sec of Ed sends out notices (SEA staff may be super busy)
   2. Subapplication process for LEAs, including non-public schools
2. Assist LEAs
   1. Develop and write grant applications
   2. Assist in determining approved allowable activities
   3. Plan supports for individual school needs for
      1. Leadership
      2. Student equity and access
      3. Community involvement and access
      4. SEL and Trauma Informed supports/ resources
      5. Summer learning and supplemental instruction
      6. Technical assistance in developing and supporting distance learning programs