



CARES ACT, EDUCATION STABILIZATION FUND:
What School Leaders need to know and what they can do now to prepare
(4/8/20)

WHAT YOU NEED TO KNOW ABOUT THE FUND

The CARES Act provides \$30.75B to the Department of Education for the Education Stabilization Fund. Under this stabilization fund, there are two funding streams where funding will be allocated to K12 schools through grants to the states. Those two funding streams are:

Governor’s Emergency Relief Fund (Sec. 18002) (9.8% of total fund)

- \$3 billion fund, the governor can provide “support to any other institution of higher education, local educational agency, or education-related entity within the State that the Governor deems essential for carrying out emergency educational services to students...the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.”
- The allocation has two parts: 60% of the allocation is based on student population and 40% of the allocation is based on section [1124\(c\) of ESEA](#).
- It will be important for state leaders to work with governors for access to this aid.

Elementary and Secondary School Emergency Relief Fund (Sec. 18003) (43.9% of total fund)

- \$13.5 billion in formula funding directly to states to help schools respond to the Coronavirus and related school closures, meet the immediate needs of students and teachers, improve the use of education technology, support distance education, and make up for lost learning time.
- There are twelve uses for money provided under the fund, which include any activity under ESEA and IDEA, supplies to sanitize and clean facilities, planning for closures, purchasing educational technology, mental health support, etc.
- The allocation of this fund to the states is based on the same proportion each state received under Title IA in the most recent fiscal year.

For all funding distributed through these two funding streams, the local educational agency (LEA/school district) must make equitable services available to non-public schools in the same manner as provided under section [1117 of the Elementary and Secondary Education Act \(ESEA\)](#). The LEA/school district is required to consult non-public schools and the “control of funds” is maintained by the local educational agency (LEA). These funds are available through September 30, 2021.

WHAT YOU NEED TO KNOW ABOUT NON-PUBLIC SCHOOL PARTICIPATION

- The law requires equitable services to be provided by the LEA to non-public schools under this program – and under both the Governor’s fund and the School’s fund.
- The law also requires the LEA to consult with non-public school leaders in order to meet their needs through equitable services.
- The program is open to all non-public schools, even if they have not participated in federal education programs in the past.

WHAT YOU CAN DO NOW TO BE PREPARED

- 1) *Begin drafting a needs assessment on behalf of your school, students and teachers.*

The legislation lists twelve categories of permissible uses of the Schools funds found in Section 18003 (d) [here](#) . State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) should not begin making plans for the dispersal of these funds until the US Department of Education releases guidance on implementation of the new law, which is expected in the coming days. While a needs assessment is not required, just getting your needs on paper to share is the goal. Also, as much as possible, tie any requests to specific student needs.

- 2) *Proactively reach out to your LEAs letting them know you look forward to consultation on the Education Stabilization Fund.*

LEAs are required to consult with non-public schools. If you are a school that has not participated in ESSA or IDEA in the past, it’s even more important to reach out proactively. Introduce yourself, tell them about your school.

- 3) *Bring the actual bill text of Sections 18002, 18003 and 18005 with you to consultation (and the USDE Guidance, once released).*

Bill Text found here: [HR 748](#) (and pasted in the addendum.)

ADDITIONAL LINKS AND INFORMATION

- [ACSI Legal and Legislative Coronavirus Resource webpage](#).
- [COVID-19 \("Coronavirus"\) Information and Resources for Schools and School Personnel](#) - Department of Education – Coronavirus Website
- [Congress Takes Action on Coronavirus](#) — CAPE Outlook, Council for American Private Education

ADDENDUM: Education Stabilization Fund Bill Text: Sections 18002, 18003 and 18005

Sec. 18002: Governor's Emergency Education Relief Fund

(c) **Uses of Funds.**--Grant funds awarded under subsection (b) may be used to--

- (1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;
- (2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and
- (3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 18003(d)(1) of this title or the Higher Education Act, the provision of child care and early childhood education, social and emotional support, and the protection of education-related jobs.

Sec. 18003: Elementary and Secondary School Emergency Relief Fund

(d) **Uses of Funds.**--A local educational agency that receives funds under this title may use the funds for any of the following:

- (1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ('`IDEA''), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ('`the Perkins Act''), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).
- (2) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
- (3) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.
- (4) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.
- (5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
- (6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
- (7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such

agency.

(8) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(10) Providing mental health services and supports.

(11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

Section 18005: Assistance to Non-Public Schools

Sec. 18005. (a) In General.--A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

(b) Public Control of Funds.--The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

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