

CARES ACT (H.R. 748)

EMERGENCY RELIEF FUNDING FOR EDUCATION



The CARES Act, signed into law on March 27, 2020, adds \$30.75 billion in emergency aid to the **Education Stabilization Fund** to help early learning, elementary, secondary, and postsecondary institutions and students address the COVID-19 pandemic. From that amount, the U.S. Department of Education will distribute funding through three independent programs: (1) the Governor’s Emergency Education Relief Fund; (2) the Elementary and Secondary School Emergency Relief Fund; and (3) the Higher Education Emergency Relief Fund. Each program permits recipients to invest in a wide range of activities. Although there will be significant competition for the Act’s limited resources, early childhood services may be eligible for funding through each of the programs.

Governor’s Emergency Education Relief Fund

The CARES Act provides Governors with \$3 billion, collectively, to assist school districts, higher education institutions, and other educational entities (including those who provide child care and early childhood education (ECE) and social and emotional support) that are hardest hit by the emergency. State educational agencies (SEAs) identify the K-12 institutions that have been “most significantly impacted” by the emergency and governors are tasked with identifying the “most significantly impacted” postsecondary institutions and other entities, including child care and ECE providers. Governors must apply to the Department of Education to participate in the program, however, each state’s share of funding is based on a formula that uses a combination of the state’s overall population percentage and the number of elementary and secondary school aged children.

The Elementary and Secondary School Emergency Relief Fund

The CARES Act provides dedicated emergency funding (\$13.5 billion) for elementary and secondary education to be distributed by the Secretary of Education based on states’ and school districts’ proportional share of Elementary and Secondary Education Act (ESEA) Title I money for the most recent fiscal year. The funding – at least 90% of which must be allocated to school districts – may be used for an array of purposes, including all activities authorized by the ESEA, Perkins Career and Technical Education Act, and other key federal education laws. Although this funding will be distributed by formula, states must submit an application to the Department of Education.

Higher Education Emergency Relief Fund

The CARES Act also provides emergency funding (\$14.25 billion) to institutions of higher education (IHEs). IHEs may use the funds to “cover any costs associated with significant changes to the delivery of instruction due to the coronavirus” and are required to use at least 50% of such funds “to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including eligible expenses under a student’s cost of attendance, such as food, housing, course materials, technology, health care, and child care).” Most of the program’s funding (90%) will be allocated to IHEs by formula based on an institution’s student composition (weighted more heavily based on Pell grant students), and the Secretary of Education has discretion to allocate 10% of program funds for additional emergency needs described by the Act.

Education Stabilization Fund Provisions

| PROVISION | REQUIREMENTS | EARLY LEARNING SIGNIFICANCE AND OPPORTUNITY |
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| <p>General Provisions (§18001)</p> | <p>Directs the Secretary to: (1) provide ½ of 1% of funding to outlying area; (2) ½ of 1% to Bureau of Indian Education; (3) 1% of funding to the States with the “highest coronavirus burden to support activities under this heading in this Act... for which the Secretary ...shall invite applications...”</p> <p>This provision divides the remaining funding as follows:</p> <ul style="list-style-type: none"> • 9.8% for the Governors’ Emergency Relief Fund; • 43.9% for the K-12 Relief Fund; and • 46.3% for the Postsecondary Relief Fund. | <p>The Secretary of Education has the authority to allocate \$300 million to the states hit hardest by the pandemic. States may apply for this funding for ANY activities described by the Education Stabilization Fund, including child care, ECE, and social and emotional support.</p> |
| <p>GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND</p> | | |
| <p>Governor’s Emergency Education Relief Fund (§18002(a) – Grants)</p> | <p>Requires the Secretary to allocate the funding to governors based on each state’s relative share of population aged 5-24 (60% weighting) and relative number of children ages 5-17 (40% weighting).</p> | <p>The allocation does not account for the size of a state’s youngest residents.</p> |

| PROVISION | REQUIREMENTS | EARLY LEARNING SIGNIFICANCE AND OPPORTUNITY |
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| <p>Governor’s Emergency Education Relief Fund (§18002(c) – Uses of Funds)</p> | <p>Governors may use the grants to:</p> <ul style="list-style-type: none"> • Support school districts that the SEA deems have been most significantly impacted by the emergency “to continue to provide educational services to their students and to support the on-going functionality of” the district. • Support IHEs that serve students that the governor determines have been most significantly impacted to help IHEs “continue to provide educational services” and “support the on-going functionality” of the institution • Support any other IHE, local educational agency (LEA), or education related entity within the State that the governor deems essential for emergency educational services to students. Includes all activities authorized by major K-12 laws, the Higher Education Act, and the provision of child care and ECE, social and emotional support, and the protection of education-related jobs. | <p>Permits governors to use their additional emergency supplemental funding for the most significantly impacted areas, including early childhood activities.</p> |
| <p>Governor’s Emergency Education Relief Fund (§18002(d) – Reallocation)</p> | <p>Governors are required to return any funds not awarded within one year of receiving such funds to the Secretary – the funds will then be reallocated to the remaining States, similar to the allocations discussed above (see § 18002(b)).</p> | <p>N/A</p> |

| PROVISION | REQUIREMENTS | EARLY LEARNING SIGNIFICANCE AND OPPORTUNITY |
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| ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND | | |
| Elementary and Secondary School Emergency Relief Fund (§18003(a) – Grants) | <p>Directs the Secretary to make elementary and secondary school emergency relief grants to <i>each SEA</i>, so long as the Secretary has approved an SEA application.</p> <p>Requirements for these funds:</p> <ul style="list-style-type: none"> • The Secretary must provide a notice inviting applications no later than 30 days after enactment. • The Secretary must approve or deny applications within 30 days of receipt of the application. | <p>Early learning leaders should encourage the U.S. Department of Education to reference early childhood in the application and urge SEAs to submit proposals inclusive of ECE.</p> |
| Elementary and Secondary School Emergency Relief Fund (§18003(b) – Allocations to States) | <p>Requires the Secretary to allocate the grant to the State in the same proportion as the States receive under Title I, Part A of the ESEA of 1965 in the most recent fiscal year.</p> | <p>N/A</p> |
| Elementary and Secondary School Emergency Relief Fund (§18003(c) – Subgrants to LEAs) | <p>Requires the State to allocate no less than 90% of the grant funds awarded to LEAs, which shall include charter schools that are LEAs, in the State in proportion to the amount of funds the LEAs receive under Title I, Part A of the ESEA of 1965 in the most recent fiscal year.</p> | <p>Districts should be encouraged to use a portion of the funds for their preschool programs.</p> |

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| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (1) – Use of Funds: Authorized Activities)</p> | <p>LEAs may use the funds for 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 USC 6301 et seq.), the Individuals with Disabilities Education Act (20 USC 1400 et seq.), the Adult Education and Family Literacy Act (20 USC 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 USC 2301 et seq.), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.).</p> | <p>Early childhood leaders need to encourage LEAs to consider how funds from ESEA and IDEA are being used for early childhood programs, in addition to elementary and secondary education, and then include those early childhood uses in their applications to the state. For example, ESEA funds may be used to support ECE programs (ESSA Sec. 1111), and eligible schools operating a schoolwide program shall include in their plan strategies for assisting preschool children as they transition to local elementary school programs (ESSA Sec. 1114).</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (2) – Use of Funds: Preparedness and Response Efforts)</p> | <p>LEAs may use the funds for coordination of preparedness and response efforts of LEAs 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.</p> | <p>Early learning leaders should encourage the LEA to consider preparedness and response efforts of LEAs serving preschools and early childhood learning centers in response to the coronavirus and then provide funds to preschools and child care centers so that these locations may respond to the coronavirus.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (3) – Use of Funds: Principals and School Leaders)</p> | <p>LEAs may use the funds for providing principals and other school leaders with the resources necessary to address the needs of their individual schools.</p> | <p>Early learning leaders should encourage the LEA to provide school leaders from preschools and ECE centers with resources to address the needs of their own schools and childcare centers.</p> |

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| Elementary and Secondary School Emergency Relief Fund (§18003(d) (4) – Use of Funds: Unique Needs) | <p>LEAs may use the funds 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.</p> | <p>Early learning leaders should encourage the LEA to consider providing funding to assist early childhood educators and leaders who serve early learners with unique needs, so that any outreach and service delivery processes will meet the needs of all children in the state.</p> |
| Elementary and Secondary School Emergency Relief Fund (§18003(d) (5) – Use of Funds: Preparedness and Response) | <p>LEAs may use the funds to developing and implement procedures and systems to improve LEAs’ preparedness and response efforts.</p> | <p>Early learning leaders should be clear that LEAs’ preparedness and response efforts should include preschools and childcare centers.</p> |
| Elementary and Secondary School Emergency Relief Fund (§18003(d) (6) – Use of Funds: Professional Development) | <p>LEAs may use the funds for training and professional development for LEAs’ staff on sanitation and minimizing the spread of infectious diseases.</p> | <p>Early learning leaders should be clear that all leaders and educators, including early childhood leaders and educators, as well as childcare staff, should receive training and professional development on sanitation and minimizing the spread of infectious diseases.</p> |
| Elementary and Secondary School Emergency Relief Fund (§18003(d) (7) – Use of Funds: Facilities) | <p>LEAs may use the funds to purchase supplies to sanitize and clean LEA facilities, including buildings operated by the LEA</p> | <p>N/A</p> |

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| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (8) – Use of Funds: Closures)</p> | <p>LEAs may use the funds to plan for and coordinate during long-term closures, including providing meals to eligible students, providing technologies for all students, providing guidance under IDEA, and ensuring services can be provided consistent with all Federal, State, and local requirements.</p> | <p>Early learning leaders should encourage LEAs to consider early learning centers and child care centers in coordinating the long-term closures. Early learning leaders should encourage LEAs to ensure meals are being provided to young children who may be eligible and to consider any technologies these children may need to continue their education. LEAs should also use funds to provide guidance under IDEA, specifically for preschool students served by IDEA programs.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (9) – Use of Funds: Educational Technology)</p> | <p>LEAs may use the funds to purchase educational technology for students to engage in substantive educational interaction between students and their classroom instructors, including providing this technology to low-income students and students with disabilities, which may include assistance technology or adaptive equipment.</p> | <p>Early learning leaders should encourage LEAs to purchase educational technology for the youngest learners within the districts to continue to engage with their classroom instructors and service providers. Early childhood providers may also need assistance technology or adaptive equipment for preschool students with disabilities.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (10) – Use of Funds: Mental Health)</p> | <p>LEAs may use the funds to provide mental health services and supports.</p> | <p>Early learning leaders should encourage LEAs to provide grants to ECE providers to provide mental health services and supports.</p> |

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| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (11) – Use of Funds: Summer Learning & Afterschool Programs)</p> | <p>LEAs may use the funds for planning and implementing activities that are related to summer learning, as well as supplemental afterschool programs, including providing classroom instruction or online learning during the summer months. In planning and implementation, LEAs should consider the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.</p> | <p>Early learning leaders should encourage LEAs to consider how funds may be used for summer learning and supplemental afterschool programs for early learners, particularly those who may be transitioning to Kindergarten, as these students may need even more assistance over the summer to be prepared for the upcoming school year.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(d) (12) – Use of Funds: Other Activities)</p> | <p>LEAs may use the funds for other activities that may be necessary to maintain the operation and continuity of services in LEAs and continuing to employ existing staff of the LEA.</p> | <p>Early learning leaders should encourage LEAs to consider how funds may be used for maintaining the operation and continuity of ECE services and continuing to employ LEA staff that focus on early childhood.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(e) – State Funding)</p> | <p>States may allocate up to ½ of 1% for administrative costs and then the remainder for emergency needs, as determined by the SEA, to address issues responding to the coronavirus.</p> | <p>States may use a small amount for administrative costs, but the largest amount of funding must be used for emergency needs, which may include ECE emergency needs.</p> |
| <p>Elementary and Secondary School Emergency Relief Fund (§18003(f) – Reallocation)</p> | <p>States are required to return any funds received under this Act that are not used within 1 year of receiving the funds. The funds returned shall be allocated to the remaining States.</p> | <p>States may receive a larger part of this funding if there are remaining funds from states that may not have been hard hit by the coronavirus. These remaining funds may then be used for early childhood, in accordance with Title I.</p> |

HIGHER EDUCATION EMERGENCY RELIEF FUND

Higher Education Emergency Relief Fund (§18004(a) – In General)

The Secretary is required to allocate funds for higher education emergency relief as follows:

- 90% to each IHE, which shall be apportioned based on the enrollment of Federal Pell Grant recipients. This includes:
 - 5% to the “relative share of full-time equivalent enrollment of Federal Pell Grant recipients who are not enrolled in distance education courses prior to the coronavirus emergency...”; and
 - 25% according to the “relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.”
- 7.5% shall be given for additional awards under the Higher Education Act to address needs directly related to the coronavirus. This may be used to defray expenses incurred, as well as for grants to students for any component of the student’s cost of attendance.
 - Funds used to defray expenses may be used for lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll.
 - Funds used for the student’s cost of attendance may include food, housing, course materials, technology, health care, and child care.
- 2.5% for IHEs that the Secretary determines has the greatest unmet needs related to the coronavirus.

IHE’s should be encouraged to notify students that grants can be used for child care costs.

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| <p>Higher Education Emergency Relief Fund (§18004(b) – Distribution)</p> | <p>The Secretary shall distribute funds in the same way that funding is distributed under title IV of the Higher Education Act.</p> | <p>N/A</p> |
| <p>Higher Education Emergency Relief Fund (§18004(c) – Uses of Funds)</p> | <ul style="list-style-type: none"> • IHEs may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. • These funds may not be used for payments to contractors for the provision of pre-enrollment recruitment activities, endowments, or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship. • Institutions shall use no less than 50% of the funds to provide emergency financial aid grants to students for expenses related to the disruption of operations due to coronavirus. | <p>N/A</p> |

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| Higher Education Emergency Relief Fund (§18004(d) – Special Provisions) | <ul style="list-style-type: none"> • The Secretary is required to give priority to any IHE if the institution is not otherwise eligible for funding under Sec. 18004 of at least \$500,000 and demonstrates significant unmet needs related to expenses associated with the coronavirus. • Historically Black Colleges and Universities or Minority Serving Institutions may use prior awards under the Higher Education Act to prevent, prepare for, and respond to the coronavirus. | N/A |
| Higher Education Emergency Relief Fund (§18004(e) – Report) | <ul style="list-style-type: none"> • IHEs that receive funds under this Act are required to report to the Secretary and describe the use of funds provided under this section. | N/A |
| Higher Education Emergency Relief Fund (§18004(c) – Uses of Funds) | <ul style="list-style-type: none"> • IHEs may use these funds to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus. • these funds may not be used for payments to contractors for the provision of pre-enrollment recruitment activities, endowments, or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship. • Institutions shall use no less than 50% of the funds to provide emergency financial aid grants to students for expenses related to the disruption of operations due to coronavirus. | N/A |

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| MISCELLANEOUS PROVISIONS | | |
| <p>Higher Education Emergency Relief Fund (§18004(c) – Uses of Funds)</p> | <ul style="list-style-type: none"> • An LEA that receives funds under Sec. 18002 or 18003 is required to provide equitable services, in the same manner as provided under ESEA of 1965, to students and teachers in non-public schools. • Any funds for services and assistance that is provided to a non-public school shall be controlled by a public agency. <p>NOTE: “non-public school” is defined as a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of qualifying emergency for which grants are awarded.</p> | <p>ESEA provides that LEAs that receive Title I funds must provide equitable services to eligible private elementary and secondary school children, their teachers, and families. This must include preschool children in states that consider preschool to be part of the elementary education. In these particular states, there is an opportunity for funding for non-public schools to be used for early childhood.</p> |
| <p>Continued Payment to Employees (§18005)</p> | <p>LEAs, States, IHEs, or <i>other entities</i> that receive funds under the “Education Stabilization Fund” must, to the <i>greatest extent practicable</i>, continue to pay employees and contractors during the period of any disruptions or closures related to coronavirus.</p> | <p>If ECE entities receive funding, they may be required to continue to pay employees and contractors, if that can be done.</p> |

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| <p>Elementary and Secondary Education Waiver Authority (§3511 – National Emergency Educational Waivers)</p> | <p>The Secretary has the discretion under this Act to waive any necessary statutory or regulatory provision, if the waiver is deemed appropriate by the Secretary. Additional requirements include:</p> <ul style="list-style-type: none"> • The Secretary may create an expedited application process for waivers for SEAs under: <ul style="list-style-type: none"> • Schoolwide Title I program designations; • Supplement, Not Supplant; • The Student Support and Academic Enrichment Programs required needs assessment; 15% technology cap; 20% set asides for school safety and enrichment; and • ESEA’s professional development definition. • Any application for funds under Sec. 18002 or 18003 shall also include assurances that the State will maintain support for elementary and secondary education, and State support for higher education, in fiscal years 2020 and 2021. The support must be at the levels of such support that is the average of such State’s support for elementary and secondary education. | <p>Early childhood leaders need to carefully consider if waivers may be needed in order to continue education and services to the youngest children.</p> |