

MEMORANDUM

To: Interested Parties
From: Augustus Mays, Director of Government Relations, WestEd
Date: April 7, 2020
Subject: Summary of Education-related Provisions in the CARES Act

On March 27th, Congress unanimously passed and President Trump subsequently signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This is the third bill providing emergency responses and by far the largest at an estimated \$2.2 trillion (for comparison, the entire federal budget last year was \$4.4 trillion). The package includes a significant amount of education-related funding and provisions to help states, local educational agencies (LEAs), and institutions of higher education deal with the multitude of educational issues they're facing related to the coronavirus pandemic. The following is a rundown of what is in this massive deal in terms of education spending.

Education Provisions in the CARES Act

Under the bill, the U.S. Department of Education (ED) is set to receive \$30.75 billion for an Education Stabilization Fund for states, school districts, and institutions of higher education for costs related to coronavirus. With most elementary and secondary schools closed across the nation, states and school districts are facing increased costs as they deal with the safety and health issues related to coronavirus. At the same time, they must continue to help address the basic needs of students and develop plans for providing online learning for all students, including students with disabilities, English language learners, and homeless students. In addition, college students facing closed campuses and the transition to distance education are dealing with increased costs and challenges meeting basic needs like housing and food. These flexible funds will be available to help address these needs. The funds include the following:

- **For elementary and secondary education**, \$13.5 billion is available for formula grants to states, which will then distribute 90 percent of funds to LEAs to use for coronavirus-response activities, such as planning for and coordinating during long-term school closures; purchasing educational technology to support online learning for all students served by the LEA; and additional activities authorized by federal elementary and secondary education laws. The legislation also says 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."
- **Governors** in each state will receive a share of \$3 billion to allocate at their discretion for emergency support grants to LEAs that the state education agency (SEA) deems have been most significantly impacted by coronavirus. These funds will support the ability of such LEAs to continue to provide educational services to their students and to support the ongoing operations of the LEAs and provide emergency support through grants to institutions of higher education serving students within the state.

- \$14.25 billion will be available for **higher education emergency relief** for institutions of higher education to prevent, prepare for, and respond to coronavirus. Funds may be used to defray expenses for institutions of higher education, such as lost revenue, technology costs associated with a transition to distance education, and grants to students for food, housing, course materials, technology, health care, and child care.
- **Beyond the State Fiscal Stabilization Funds, the CARES Act includes:**
 - \$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 and provide support for mental health services and distance learning
 - \$69 million for schools funded by the Bureau of Indian Education
 - \$15.5 billion for the Supplemental Nutritional Assistance Program
 - \$8.8 billion for Child Nutrition Programs to help ensure students receive meals when school is not in session
 - \$5 million for health departments to provide guidance on cleaning and disinfecting schools and day-care facilities

Flexibility Provisions

Waiver Authority: The Act includes a new U.S. Secretary of Education waiver authority under Elementary and Secondary Education Act (ESEA) (National Emergency Educational Waivers). This is in addition to the expedited waiver process Secretary DeVos announced for assessments last week. This package includes waiver flexibility for states to get waivers on accountability related to publicly reporting various indicators under their accountability systems; waivers from reporting on progress toward their long-term achievement goals and interim goals under Every Student Succeeds Act (ESSA); and waivers to freeze in place their schools 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, under this expedited waiver process. There are also a handful of waivers available at the state and local level regarding flexibility from sections of ESSA-related to funding mandates. SEAs/LEAs can seek a waiver:

- From ESSA's requirement for states to essentially maintain their education spending in order to tap federal funds
- To make it easier to run schoolwide Title I programs regardless of the share of low-income students in districts and schools
- From requirements governing Title IV Part A, which funds programs aimed at student well-being and well-rounded achievements. 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
- 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
- From adhering to ESSA's definition of professional development