



Memo

Date: March 26, 2020

To: COPAA

From: Stride Policy Solutions

Re: CARES Act

Today, the President signed into law the CARES Act, a \$2.2 trillion dollar coronavirus relief bill.

This is the third bill providing emergency response funding for states and is the largest to date. The CARES Act includes funding for the health care sector, for certain business industries, help for small business and non-profit organizations, unemployment protections and individual checks to every eligible household. Finally, the bill includes funding for education, childcare and nutrition programs. To put the bill's funding level in perspective, the total federal budget in Fiscal Year 2020 was \$4.4 trillion.

Specific to children and families, the bill includes over \$30 billion in supplemental fiscal year 2020 funding for the Department of Education, and additional funding for certain education programs in other federal agencies, such as the Child Care and Development Block Grant and Head Start.

In summary, the bill's education provisions include:

- funding to aid schools (public and private) in providing educational and other services while they are physically closed and to disinfect school buildings
- funding for institutions of higher education for lost revenue and to provide emergency grants to college students impacted by the pandemic
- student loan relief
- continuation of student aid grants and public service loan forgiveness this semester
- authority for the Secretary of Education to waive Elementary and Secondary Education provisions and Maintenance of Efforts requirements for states, and
- a request by Congress for the Secretary of Education to develop a report for Congress within 30 days to outline where 'limited flexibility' may be needed under certain education laws.

Below is more detail about the bill as it relates to education.

U.S. Department of Education: \$30.75 billion to support public schools and institutions of higher education.



Education Stabilization Fund: Flexible funding made quickly available designed to go directly to states, local school districts, and institutions of higher education to help schools, students, teachers, and families with immediate needs related to coronavirus. They include:

Elementary and Secondary Education: \$13.5 billion in formula funding directly to states. The funding can be used for any activity authorized under Elementary and Secondary Education Act (ESEA), Individuals with Disabilities Education Act (IDEA), Carl D. Perkins Act (Perkins/career and technical education), McKinney-Vento Act, or the Adult Education and Family Literacy Act (Adult Ed), to:

- help schools respond to coronavirus and related school closures
- meet the immediate needs of students and teachers
- improve the use of education technology and support distance education
- plan and implement activities related to summer learning and supplemental after-school programs, including providing classroom instruction or online learning during the summer months
- address the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care
- provide mental health services and support
- purchase technology, and
- other activities necessary to maintain the operation of and continuity of services and continuing to employ existing staff of the local educational agency.

There is considerable flexibility for how Local Education Agencies (LEAs) can use these funds.

Notes regarding these funds:

- Funding is allocated via the existing Title I formula to SEAs and then at least 90% of that funding is allocated to LEAs through the Title I formula.
- The total fund amount is about the same as one year's payment of Title I funds.
- All schools, including charter schools will receive any allocation of funds through their normal Title I allocation method.
- Non-public schools, including their students and teachers, per ESEA's existing requirements, receive equitable services as determined in consultation with representatives of non-public schools.

State Flexibility Funding: (Governor's Emergency Education Relief Fund): \$3 billion in flexible formula funding to be allocated by states based on the needs of their elementary and secondary schools and their institutions of higher education (IHE). The funds are to be used for emergency support for LEAs or IHEs most impacted by coronavirus.

Note: There is no funding specifically included to address special education, the "homework gap" for K-12 and to provide students with broadband/Internet access or equipment.



New Education Waiver Authority under ESEA: The bill provides the Secretary of Education with added waiver authority over assessment, accountability, and reporting requirements of ESSA as well as local requirements for student support and enrichment funds. These do exceed current law but are time limited to the existing 2019-2020 school year.

Waivers would be requested by State Education Agencies (SEAs) and Local Education Agencies (LEAs) and be applicable to charter schools consistent with state charter laws.

Notes:

- States receiving a waiver under ESEA's accountability requirements would "freeze" their list of schools identified for comprehensive and targeted intervention and support for the duration of the waiver. Both school districts and schools currently identified would remain on the state's list for the 2020-2021 school year.
- The Department is required to post the states receiving waivers under ESEA and for which purposes.
- A federal waiver does not automatically waive state law. States pursuing a federal waiver may then issue a waiver of interconnected state law/regulations where necessary, either through state legislative or executive action.

Report for Additional Waiver Authority Required: The Secretary shall report to Congress in 30 days with any recommendations on additional waiver authority for 'limited flexibility' the Secretary believes is necessary under IDEA, the Rehabilitation Act (Section 504), ESEA, and the Carl D. Perkins Act.

Education waiver report language:

REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives, with recommendations on any additional waivers under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) the Secretary believes are necessary to be enacted into law to provide limited flexibility to States and local educational agencies to meet the needs of students during the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID-19).

Read the full [CARES Act](#).