

Coronavirus Aid, Relief and Economic Security (CARES) Act

Nevada Department of Education
Update for State Board of Education
April 30, 2020

Background

- On March 27, 2020 in response to the COVID-19 (coronavirus) pandemic, the President signed into law the CARES Act to provide \$2 trillion in economic relief to the country amidst the crisis
- There are two main sources of K-12 education funding to serve as support to SEAs and LEAs **(no supplement, not supplant requirement)**:
 - 1) **Elementary and Secondary School Emergency Relief Fund**
 - 2) **Governor's Education Emergency Relief Fund**
- There are also additional waivers each state can apply for, only applicable for the 2019-20 school year

Background

- There are also additional waivers each state can apply for, **only applicable for the 2019-20 school year**
- The CARES Act includes a Coronavirus Relief Fund (CVF) that includes an \$8 billion set aside for Tribal governments, to be distributed no later than April 26, 2020
- CARES Act funding is administered by the United States Department of Education (USDOE)

Elementary and Secondary School Emergency Relief Fund

- ~\$13.2 billion (nationally)
- Nevada will receive \$117,185,000
- SEAs must allocate at least 90% of funding to LEAs
- SEAs can set-aside up to 10% for state-level uses and activities for emergency needs related to COVID-19, as determined by the SEA
- From that amount, SEAs can reserve up to 0.5% of the total funding received for administrative costs related to COVID-19
- SEA application for funds released on April 23, 2020

Elementary and Secondary School Emergency Relief Fund cont'd

- LEAs have a lot of flexibility in how to use these funds in alignment with federal requirements
- LEAs may use funding for any activity authorized under:
 - The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA)
 - Individuals with Disability Education Act (IDEA)
 - Perkins CTE Act
 - Adult Education and Family Literacy Act
 - McKinney-Vento Homeless Assistance Act
 - Other allowable uses of funds include other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others)

Elementary and Secondary School Emergency Relief Fund cont'd

- Funding will be distributed using the same methodology US ED uses to distribute Title I funding to states (Census poverty estimates)
 - SEAs must distribute funds to LEAs using the Title I methodology (based off SY19-20)
 - LEAs do **not** need to follow the Title I methodology to distribute funds to schools
 - ESSA equitable services provisions apply
 - LEAs must consult with private schools and provide those schools with their equitable share of funding
 - There are no additional set-asides that LEAs must reserve
- States are waiting on guidance from US ED on whether these funds are retroactive and can be used on expenses SEAs/LEAs have already incurred

Elementary and Secondary School Emergency Relief Fund cont'd

- SEAs and LEAs will receive approximately 80% of Title I funding they received in SY19-20
- Nevada will receive \$117,185,000
- Funding expires September 30, 2021 and must be reverted to the USDOE
 - States are awaiting confirmation from USDOE on whether the federal “Tydings Amendment” applies to these funds which would then give SEAs/LEAs an additional year to expend funds (i.e. September 30, 2022)
- Section 18006 of the CARES Act requires SEAs/LEAs that receive these funds to continue to pay employees and contractors “to the greatest extent practicable”
 - Thus, paying employees and contractors is strongly encouraged, but it is not a prerequisite to receiving funds

Governor's Emergency Education Relief Fund

- Approximately \$2.9 billion (nationally)
 - Administered by the Governor
 - Nevada will receive \$26,503,000
 - Funding can be used for:
 - Emergency support to LEAs the SEA deems most significantly impacted by coronavirus;
 - Emergency support to Institutions of Higher Education (IHEs) the Governor determines are most significantly impacted by coronavirus; and
 - Support to any other IHE, LEA, or education related entity within the State that the Governor deems essential for carrying out educational services

Funding Reporting Requirements

- The CARES Act requires recipients that receive more than \$150,000 to report (after-spending reporting):
 - a) the total amount of funds received from USDOE;
 - b) the amount spent or obligated for each project or activity supported with CARES Act funds;
 - c) a list of projects supported with CARES Act funds (including name, description, and estimated number of jobs created or retained), and
 - d) information on subcontracts and subgrants.
- US ED has not yet shared additional information, such as timelines or process for reporting

Waivers

- There are several waivers under the CARES Act that SEAs can apply for (some are similar to waiver authority under ESSA):
 - State academic assessments under ESEA Title I;
 - State accountability systems under Title I;
 - Elements of the Title I State, local, and school report cards that draw on assessment or accountability information As a result of the waivers above, any school that was identified for comprehensive or targeted support and improvement under Title I for school year 2019-2020 will remain in that status during 2020-2021 (will not count toward exit criteria or more rigorous options)
- **NDE submitted this waiver request and received approval on March 20, 2020**

Waivers cont'd

- Below are additional waivers under the CARES Act that SEAs can apply for (some are similar to waiver authority under ESSA):
 - Section 1127(b) of Title I, Part A of the ESEA to waive the 15% carryover limitation for Title I, Part A funds;
 - Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of prior fiscal year funds, for Title I, Parts A-D, Title II, Title III, Part A, Title IV, Parts A-B, and Title V, Part B programs, and the McKinney-Vento Homeless Children and Youth program;
 - Section 4106(d) of Title IV, Part A of the ESEA to waive a needs assessment to justify the use of funds;

Waivers cont'd

- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA to waive content-specific spending requirements;
- Section 4109(b) of Title IV, Part A of the ESEA to waive spending restrictions on technology infrastructure; and
- Section 8101(42) of the ESEA to waive the definition of “professional development,” which might otherwise limit the ability to quickly train school leaders and teachers on topics like effective distance learning techniques;
- Maintenance of effort (MOE) under ESSA
- **NDE submitted this waiver request and received approval on April 9, 2020**
- Waivers are currently only applicable for 2019-2020 school year
 - Exception: implementation of an MOE waiver may extend through additional fiscal years as applicable to the implementation
- Funding under federal programs must still be used for its intended purposes (regardless of waivers)

Next Steps

- USDOE released an application for SEAs to apply for funds on April 23, 2020
- NDE applied to receive funds on April 24, 2020
- NDE is developing an application for LEAs to apply for funding *(working in consultation with school districts)*
- NDE will provide additional information via the NDE Newsletter and guidance provided to the LEA program leads

Federal Resources

- U.S. Department of Education: www.ed.gov/coronavirus
- [M-20-11 Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus \(COVID-19\)](#) (March 9, 2020)
- [M-20-17](#) (March 19, 2020)
- [CDC Guidance for Administrators of K-12 Schools and Childcare Programs: Plan, Prepare, and Respond to COVID-19](#) (updated March 12, 2020)
- [CDC Checklist for Teachers, Parents, and Administrators](#)
- [CDC Guidance on Considerations for School Closure](#)
- [Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act \(ESEA\)](#) (see also agency's [press release](#))

Federal Resources (cont'd)

- [Providing Services to Children with Disabilities During the COVID-19 Outbreak; fact sheet](#)
- [Protecting Student Privacy: The *Family Educational Rights and Privacy Act* \(FERPA\) and the Coronavirus; FERPA & Virtual Learning](#)
- [Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) (see also agency's [press release](#)); [new information](#)
- [Office for Civil Rights \(OCR\) Webinar on Online Education and Website Accessibility](#)
- [Department of Agriculture's Flexibilities to Feed Children When Schools Close](#)
- [Department of Health and Human Services' \(HHS\) FAQs for State Medicaid and Children's Health Insurance Program \(CHIP\) Agencies](#)

NDE Contact Information

- For additional questions regarding the CARES Act, please contact:
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