Education Stabilization Fund of the CARES Act

Background

The CARES Act establishes the Education Stabilization Fund, a $30.75B fund which the Department of Education will distribute to states in two separate funding streams that schools may be able to access. Those two funding streams are:

**Governor’s Emergency Relief Fund** (Section 18002 of The Education Stabilization Fund)

- Money in this fund will be allocated to each state based on a 2-part formula with 60% being allocated in proportion to each state's share of the national school-aged population, and 40% being allocated in proportion to each state’s share of Title I students.
- In addition to providing funds to school districts and institutions of higher education, governors can use funds to provide emergency support for other education-related entities within the State that the Governor deems essential for carrying out emergency educational services to students. Allowable uses of funds include:
  - the provision of child-care and early childhood education
  - social and emotional support
  - the protection of education-related jobs
  - any activity authorized by Section 18003 (see below)

**Elementary and Secondary School Emergency Relief Fund** (Section 18003 of The Education Stabilization Fund)

- Money in this fund will be allocated to states and from the state to local educational agencies (LEA’s) in the same proportion they receive funding under Title IA of ESEA in the most recent fiscal year.
- There are **twelve uses** for money provided under the fund, including:
  - Any activity authorized under ESEA or IDEA which might include professional development, instructional materials, resources to support educational programs, and special education for children and youth with disabilities
  - Resources for principals/ school leaders to address needs of their individual schools
  - Activities to address the unique needs of a variety of populations including low-income students, children with disabilities, and racial and ethnic minorities
  - Training for staff on sanitation and minimizing the spread of infectious diseases
  - Purchasing supplies to sanitize and clean school facilities
  - Planning for and coordinating during long-term closures including how to provide meals, technology, guidance for carrying out IDEA
  - Purchasing technology (hardware, software, connectivity) for students to aid in educational interaction between students and their teachers.
  - Providing mental health services and supports
  - Planning and implementing activities related to summer learning
  - Other activities necessary to maintain the operation of and continuity of services and continuing to employ existing staff

*Guidance from the US Department of Education regarding these funds is forthcoming and what follows reflects the best information we have at this time.*
Non-Public School Participation

- As with Title funds under ESEA, the CARES Act requires the local educational agency (LEA/school district) to provide equitable services to non-public schools with regards to funding distributed through these two funding streams.
- As with Title I, Title IIa or Title IV, the CARES Act requires LEAs to consult with non-public school leaders in order to provide equitable services.
- Non-public schools should be able to access these funding streams, even if they have not participated in federal education programs in the past.
- Because these funds follow the same equitable services model as the various Title funds, receiving funds through the programs will not make your school a recipient of federal financial assistance.

Prepare to Request Funding

1. **Begin drafting a needs assessment for 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 so they know your school exists. Introduce yourself, tell them about your school.

3. **At the time of consultation, bring the actual bill text of Sections 18002, 18003 and 18005 (at end of this document), along with the USDE Guidance, once released.**

Prepare to Advocate

**Individuals:**
- Connect with your state Montessori advocacy group. If you don’t know your group’s name or the contact people, you can find [state by state listings](#) on our website. Get on their mailing list so you are prepared to join any calls to action they put out.

**State Advocacy Groups:**
- Make sure someone in your state group is connected with [state CAPE](#) and [state AEYC](#) chapters and others doing advocacy around education and childcare.
- Consider contacting your Ombudsman: States are required to appoint an Ombudsman to oversee equitable services required under section 1117 of the Elementary and Secondary Education Act (ESEA). That Ombudsman should also be overseeing equitable services under the funds listed above.
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to the Committees on Appropriations of the House of Representa­
tives and the Senate on obligation of funds, including obligations
to such eligible health care providers summarized by State of the
payment receipt: Provided further, That such reports shall be
updated and submitted to such Committees every 60 days until
funds are expended: Provided further, That such amount is des­
ignated by the Congress as being for an emergency requirement
pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for “Education Stabilization Fund”,
$30,750,000,000, to remain available through September 30, 2021,
to prevent, prepare for, and respond to coronavirus, domestically
or internationally; Provided, That such amount is designated by
the Congress as being for an emergency requirement pursuant
to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. 18001. (a) ALLOCATIONS.—From the amount made avail­
able under this heading in this Act to carry out the Education
Stabilization Fund, the Secretary shall first allocate—
(1) not more than 1/2 of 1 percent to the outlying areas
on the basis of their respective needs, as determined by the
Secretary, in consultation with the Secretary of the Interior;
(2) one-half of 1 percent for the Secretary of Interior, in
consultation with the Secretary of Education, for programs
operated or funded by the Bureau of Indian Education; and
(3) 1 percent for grants to States with the highest
coronavirus burden to support activities under this heading
in this Act, for which the Secretary shall issue a notice inviting
applications not later than 30 days of enactment of this Act
and approve or deny applications not later than 30 days after
receipt.

(b) RESERVATIONS.—After carrying out subsection (a), the Sec­
retary shall reserve the remaining funds made available as follows:
(1) 9.8 percent to carry out section 18002 of this title.
(2) 43.9 percent to carry out section 18003 of this title.
(3) 46.3 percent to carry out section 18004 of this title.

GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND

SEC. 18002. (a) GRANTS.—From funds reserved under section
18001(b)(1) of this title, the Secretary shall make Emergency Edu­
cation Relief grants to the Governor of each State with an approved
application. The Secretary shall issue a notice inviting applications
not later than 30 days of enactment of this Act and shall approve
or deny applications not later than 30 days after receipt.

(b) ALLOCATIONS.—The amount of each grant under subsection
(a) shall be allocated by the Secretary to each State as follows:
(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as “ESEA”).

(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.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within one year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 18003. (a) GRANTS.—From funds reserved under section 18001(b)(2) of this title, the Secretary shall make elementary and secondary school emergency relief grants to each State educational agency with an approved application. The Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and approve or deny applications not later than 30 days after receipt.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(d) USES OF FUNDS.—A local educational agency that receives funds under this title may use the funds for any of the following:

(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.

(e) STATE FUNDING.—With funds not otherwise allocated under subsection (c), a State may reserve not more than 1/2 of 1 percent for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(f) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 1 year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 18004. (a) IN GENERAL.—The Secretary shall allocate funding under this section as follows:

(1) 90 percent to each institution of higher education to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 75 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 25 percent 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.

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section 18004(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) and which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the Higher Education Act), including food, housing, course materials, technology, health care, and child care.

(3) 2.5 percent for part B of title VII of the Higher Education Act for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, payroll) incurred by institutions of higher education and for grants to students for any component of the student’s cost of attendance (as defined under section 472 of the Higher Education Act), including food,
housing, course materials, technology, health care, and child care.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—Except as otherwise specified in subsection (a), an institution of higher education receiving funds under this section may use the funds received to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus, so long as such costs do not include payment 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 of higher education shall use no less than 50 percent 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).

(d) SPECIAL PROVISIONS.—(1) In awarding grants under section 18004(a)(3) of this title, the Secretary shall give priority to any institution of higher education that is not otherwise eligible for funding under paragraphs (1) and (2) of section 18004(a) of this title of at least $500,000 and demonstrates significant unmet needs related to expenses associated with coronavirus.

(2) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes the use of funds provided under this section.

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).

CONTINUED PAYMENT TO EMPLOYEES

SEC. 18006. A local educational agency, State, institution of higher education, or other entity that receives funds under “Education Stabilization Fund”, shall to the greatest extent practicable,
Links

- Section 18002 Governor’s Emergency Education Relief Fund
- Section 18002 Uses of Funds
- Section 18003 Elementary and Secondary School Emergency Relief Fund
- Section 18003 Uses of Funds