

Wisconsin's Estimated Share and Permissible Uses of Federal Funding Under the CARES Act

The Coronavirus Aid, Relief, and Economic Security (CARES) Act creates a \$30.75 billion Education Stabilization Fund (ESF), comprised of three separate allocations: (1) a Governor's Emergency Education Relief Fund, (2) an Elementary and Secondary School Emergency Relief Fund, and (3) a Higher Education Emergency Relief Fund. Funding for K-12 education comes from the first two of these fund allocations.

The allocation process and the permissible uses for this funding is described below.

Governor's Emergency Education Relief Fund

The smaller pot of money—a \$2.953 billion allocation—goes into what is called the Governor's Emergency Education Relief Fund. [Sec. 18002] The amount awarded to each state is based two formula factors:

- 60% of the funds will be awarded based on each state's share of individuals ages 5 through 24 relative to the total number of individuals ages 5 through 24 in all states; and
- 40% of the funds will be awarded based on each state's share of children counted in Section 1124(c) of the Elementary and Secondary Education Act (ESEA) relative to the total number of children counted in Section 1124(c) for all states. (These are the child counts used to determine Title I-A grants under the ESEA.)

The CRS projects Wisconsin may receive an estimated \$46.7 billion in federal funding through the Governor's Emergency Education Relief Fund (or about 1.58% of the total available).

Under the CARES Act, *"The Secretary (of Education) 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."*

Money from the Governor's Emergency Education Relief Fund may be used to:

- 1) provide emergency support through grants to local educational agencies (i.e., school districts and charter schools) 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 ongoing 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.

Elementary and Secondary School Emergency Relief Fund

The bigger pot of money--\$13.229 billion—is allocated to the states and K-12 education from the portion of the Education Stabilization Fund designated as the Elementary and Secondary School Emergency Relief Fund. [Sec. 18003]

The CRS projects Wisconsin may receive just under \$174.8 billion in federal funding through the Elementary and Secondary School Emergency Relief Fund (or about 1.32% of the total available).

Under the language in the bill regarding this fund, the “the Secretary (of Education) 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.

Each State must allocate not less than 90 percent of the grant funds awarded to it 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 10 ESEA of 1965 in the most recent fiscal year.

A local educational agency that receives funds under this title may use the funds for any of the following:

- 1) 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 U.S.C. 6301 et seq.), the **Individuals with Disabilities Education Act** (20 U.S.C. 1400 et seq.) (“IDEA”), the **Adult Education and Family Literacy Act** (20 U.S.C. 1400 et seq.), the **Carl D. Perkins Career and Technical Education Act of 2006** (20 U.S.C. 2301 et seq.) (“the Perkins Act”), or subtitle B of title VII of the **McKinney-Vento Homeless Assistance Act** (42 U.S.C. 11431 et seq.). (**emphasis added**)
- 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 other 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 on-line 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 after-school 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.

NOTE: School leaders should be aware that the CARES Act requires that public schools districts receiving these funds must provide equitable service to non-public schools. [Sec. 18005]

The language of the Act states:

“(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).”

NOTE: School leaders should also be aware that the Act contains language that conditions the receipt of federal education stabilization funds by states, local educational agencies (e.g., school districts), institutions of higher education, or other entities that receive funds under "Education Stabilization Fund", upon those entities continuing, to the greatest extent practicable, to pay employees and contractors during the period of any disruptions or closures related to coronavirus."

Section 18006 of the CARES Act states:

“CONTINUED PAYMENT TO EMPLOYEES 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, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.”