

FORESIGHT LAW + POLICY

800 Maine Avenue, S.W., Suite 200

Washington, D.C. 20024

ph. (202) 499-6996 | www.FLPAdvisors.com

Summary of the Education Provisions of the Coronavirus Response and Relief Supplemental Appropriations Act

December 22, 2020

On December 21, Congress approved a \$900 billion pandemic emergency response bill titled the *Coronavirus Response and Relief Supplemental Appropriations Act* (the “Response and Relief Act”). The long-awaited emergency bill provides \$82 billion for K-12 schools and postsecondary institutions to be distributed, with some important modifications, through the three education emergency programs established by the [CARES Act \(P.L. 116-136\)](#) in March 2020: (1) the Governors Emergency Education Relief (GEER) fund; (2) the Elementary and Secondary School Emergency Relief (ESSER) fund; and (3) the Higher Education Emergency Relief (HEER) fund. This memorandum summarizes the Response and Relief Act’s treatment changes to the GEER, ESSER, and HEER funds and briefly describes other items relevant to schools and higher education institutions such as the law’s broadband, nutrition, and childcare provisions. The paper also addresses the law’s extension of key CARES Act milestones, such as the deadline when education entities must use resources provided by governors from the Treasury Department’s Coronavirus Relief Fund. Given the breadth of this sweeping law, Foresight will update this memorandum, as needed, after our team completes a deeper analysis of its text.

Education Stabilization Fund

The Response and Relief Act uses the CARES Act's Education Stabilization Fund, with modifications, as the mechanism for distributing \$82 billion in new emergency funding. As with CARES, the new law provides discretionary education resources to governors through the GEER fund, sends money to state departments of education and school districts through the ESSER fund, and directs money to higher education institutions through the HEER fund. Unlike the CARES Act, the new law includes a significant set aside for non-public schools to be administered by state education agencies and governors. It also includes new reporting requirements for states and subgrantees that receive ESSER funds and provides for some changes and additions to the program's eligible uses (the uses remain very flexible).

Governor's Emergency Education Relief Fund (GEER, \$4.1 billion)

The Response and Relief Act's GEER funding will be distributed to states as follows:

- 60% based on the relative population of individuals aged 5 through 24; and
- 40% based on the relative number of children counted under ESEA section 1124(c).

GEER funds may be used for:

- Emergency support to LEAs that the SEA deems have been most significantly impacted by the coronavirus to continue to provide educational services to students and to support the ongoing functionality of the LEA.
- Emergency support to institutions of higher education that the Governor determines have been most significantly impacted by the coronavirus to continue to provide educational services and support the ongoing functionality of the institution.
- Provide support to any other institution of higher education, LEA, or education-related entity within the

state, including Indian Tribes, and Tribal organizations that the Governor deems essential for carrying out emergency education services to students for authorized activities described in section 313(d)(1) or the HEA; the provision of child care and early childhood education, social and emotional support; and the protection of education-related jobs.

Any remaining funds that have not been awarded or obligated within 1 year after the date of receipt of the funds must be returned to the Department of Education to be reallocated to the remaining states.

Private Schools

In a significant departure from the CARES Act, the Response and Relief Act's GEER funding includes \$2.75 billion in dedicated emergency assistance for non-public schools, which will be administered by SEAs.

- These funds are allotted to states based on the total number of children aged 5 through 17 at or below 185% of poverty who are enrolled in non-public schools in the state compared to the total number of all such children in all states.
- SEAs are also required to prioritize services or assistance to non-public schools that enroll low-income students and those who are most impacted by the qualifying emergency.
- This assistance may be used in a variety of ways, including for:
 - Supplies to sanitize, disinfect, and clean school facilities;
 - Personal protective equipment;
 - Improving ventilation systems;
 - Training and professional development for staff on sanitation, the use of personal protective

- equipment, and minimizing the spread of infectious diseases;
- Physical barriers to facilitate social distancing;
 - Other materials, supplies, or equipment to implement public health protocols;
 - Expanding capacity to administer coronavirus testing;
 - Educational technology to assist with remote or hybrid learning (including connectivity, hardware, and software);
 - Redeveloping instructional plans;
 - Leasing of sites or spaces to ensure safe social distancing;
 - Reasonable transportation costs;
 - Initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss; or
 - Reimbursement for the expenses of any services or assistance described above that the non-public school incurred on or after the date of the qualifying emergency, except for any non-public school that received a loan under the Small Business Act prior to this Act shall not be eligible for reimbursements for any expenses reimbursed through such loan.

Private schools must apply to the state educational agency for funding and disclose the number of students from low-income families that they enroll and whether they received other small business loans prior to the latest stimulus package. Language prohibits states from using any funds to support vouchers or tax credit scholarship programs. Control of the funds provided to non-public schools and title to materials, equipment and property purchased with it must be in a public agency that will administer it. This obligation appears to protect non-public school recipients from having to comply with numerous federal requirements associated with direct receipt of U.S. Department of Education funds.

Elementary and Secondary Emergency Education Support Fund (ESSER, \$54.3 billion)

The Response and Relief Act provides \$54.3 billion for the Elementary and Secondary School Emergency Relief (ESSER) fund. These funds will be allocated based on each state's proportional share of Title I Part A funding under ESEA. At least 90% of ESSER funding must be subgranted to LEAs (and charter schools functioning as LEAs) based on their proportional share of Title I Part A funding.

States will not need to re-submit a new application to receive this additional funding. Rather, any state with an approved CARES Act ESSER funding application will receive additional ESSER grant funding within 30 calendar days of enactment (tentative: January 22, 2021).

State Set-Aside: States may use up to 0.5% of their allocation for administrative costs and must use the remaining 9.5% on other emergency needs identified by the SEA in responding to the ongoing pandemic. This language is largely the same as under the CARES Act, but the Response and Relief Act goes a bit further in encouraging SEAs to use this funding to measure and address learning loss (although this does not constitute a requirement).

Allowable Uses of ESSER Funds: Allowable uses of funds were modestly expanded in comparison to the CARES Act (12 → 15 total uses), which includes the following (*list condensed slightly for clarity, see table below in Appendix A for further detail*):

1. Any use of funds already authorized under ESEA, IDEA, Title II of WIOA (Adult Education and Family Literacy), Perkins Career and Technical Education Act (Perkins V), or Subtitle B of Title VII of McKinney-Vento Homeless Assistance Act
2. Coordinating preparedness / response efforts of LEAs with other public health departments and other relevant agencies to improve coordination of pandemic response efforts
3. Providing principals / school leaders with resources necessary to address the needs of their schools
4. Activities to address the unique needs of marginalized or otherwise disadvantaged student subpopulations, including outreach and service delivery efforts
5. Developing and implementing processes / procedures/ systems to improve pandemic response efforts of LEAs
6. Training / professional development for LEA staff regarding sanitization / minimizing spread of infection
7. Purchasing cleaning / sanitizing supplies to clean facilities of an LEA, including other non-school buildings operated by the LEA
8. Planning, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning, providing ongoing guidance for carrying out the requirements of IDEA, and ensuring educational services are provided consistent with all state, local, and federal requirements
9. Purchasing educational technology for students served by the LEA
10. Providing mental health services and supports

11. Planning and implementing activities related to summer learning and supplemental after school programs, including providing instruction (online or in-person) during the summer months
12. (NEW) Addressing learning loss among students by:
 - a. Administering and using high quality assessments to assess students' academic progress and assist educators in meeting students' academic needs (including by differentiating instruction)
 - b. Implementing evidence-based activities to meet the needs of students
 - c. Providing information / assistance to parents and families on how to support students during distance education
 - d. Tracking student attendance and improving student engagement during distance education
13. (NEW) School facility repairs / improvements that help reduce risk of virus transmission and exposure to other environmental health hazards
14. (NEW) Inspection, testing, maintenance, repair, and replacement projects to improve the indoor air quality of school facilities
15. Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing LEA staff

Reporting Requirement (New): All states that receive ESSER funding will be required to submit a report to USED within six months of receiving ESSER funds providing a “detailed accounting” of how the SEA and subgrantees used ESSER funds, including how the state is using ESSER funds to address learning loss among students disproportionately affected by the pandemic and related school closures. The legislation leaves the scope, content, and frequency of these reports at the discretion of USED.

Higher Education Emergency Relief Fund (HEER, \$22.7 billion)

Funds provided to institutions through the Higher Education Emergency Relief Fund are allocated as follows:

- 89% to all public and private non-profit institutions of higher education, similar to the CARES Act, allocated per college and university based on the following formula:
 - 37.5% according to the relative share of full-time equivalent enrollment of students who were Federal Pell Grant recipients
 - 37.5% according to the relative share of the total number of students who were Federal Pell Grant recipients
 - 11.5% according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients
 - 11.5% according to the relative 19 share of the total number of students who were not Federal Pell Grant recipients
 - 1% according to the relative share of full-time equivalent enrollment of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the pandemic
 - 1% according to the relative share of the total number of students who were Federal Pell grant recipients and who were exclusively enrolled in distance education courses prior to the pandemic.
- 7.5% for additional awards to minority serving institutions.
- 0.5% for institutions with the greatest unmet need, to be determined through an application process run by USED.
- 3% to proprietary institutions of higher education.

Funding for institutions of higher education will be available within 30 days of the law's enactment. The additional awards for minority serving institutions may take up to 60 days. Colleges will not need to submit a new application to USED to receive funding if they submitted an approved application under the CARES Act.

Institutions may use funds to:

- defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll);
- carry out student support activities authorized by the HEA that address needs related to coronavirus; or
- provide financial aid grants to students. In making financial aid grants to students, an institution of higher education is required to prioritize grants to students with exceptional need, such as students who receive Pell Grants.

As with the CARES Act, institutions must split their funding between emergency student financial aid and institutional expenses, and dedicate at least the same amount of funding to student financial aid as they did under their CARES Act allocations. For profit colleges may only use funding received through this law for emergency financial aid to students.

Colleges must begin reporting to USED how they have used the funds beginning 6 months after receiving their funding, and thereafter as frequently as the Secretary of Education requires.

Maintenance of Effort

States using the emergency education funding provided by the Response and Relief Act must maintain their funding for secondary and postsecondary education at the average of their 2017-2019 funding levels for education. However, the Secretary of Education may grant waivers to allow states to bypass this requirement.

Outlying areas and Bureau of Indian Education-operated and Funded Schools

Independent of the three funds described above (GEER, ESSER, and HEER), the Relief and Response bill's emergency education funding includes \$819 million for outlying areas and Bureau of Indian Education-operated and funded schools and tribal colleges and universities.

Notable Miscellaneous Provisions

Coronavirus Relief Fund Extension

For states where governors elected to use a portion of the CARES Act funding received through the Treasury Department's [Coronavirus Relief Fund](#) (CRF) for education purposes, the deadline for spending down funds through the CRF has been extended from December 31, 2020 to December 31, 2021.

Paid Sick and Family Leave Extension

The Response and Relief Act extends the refundable payroll tax credits for paid sick and family leave, enacted earlier this year in the Families First Coronavirus Response Act, through the end of March 2021. It also modifies

the tax credits so that they apply as if the corresponding employer mandates were extended through the end of March 2021.

Institute of Education Sciences Funding

The Response and Relief Act permits, [as requested by the U.S. Department of Education](#), postponement of the 2021 NAEP. The law also provides \$28 million to IES to prevent, prepare for and respond to the pandemic, domestically or internationally, and for carrying out the NAEP.

Broadband Funding

The Response and Relief Act provides \$3.2 billion of broadband assistance for low income households through a new (temporary) FCC “Emergency Broadband Benefit Program”. The law also provides the National Telecommunications and Information Administration (NTIA) with \$300 million for a rural broadband infrastructure program and \$1 billion for a tribal broadband deployment fund that includes a focus on telehealth, distance learning, broadband affordability, and digital inclusion; provides \$285 million for a broadband pilot for communities near historically Black colleges and establishes an Office of Minority Broadband Initiatives at NTIA; provides \$65 million for the FCC to complete the broadband mapping project required by the [Broadband DATA Act](#); and provides \$2 billion, through the [Secure and Trusted Reimbursement Program](#), to small telecommunication providers to remove and replace Huawei/ZTE equipment deemed a security risk by the FCC. The law does not provide any emergency funding to the E-rate program for the purpose of closing the Homework Gap.

Child Care and Head Start

The Response and Relief Act provides \$10 billion for the Child Care and Development Block Grant program. The flexible funding may be used for a variety of purposes including personnel costs; sanitization and cleaning; personal protective equipment, fixed costs, rent, utilities, and other child care related service. The law also provides \$250 million for Head Start providers to help them safely serve children and families.

Nutrition

The Response and Relief Act provides \$13 billion for the Supplemental Nutrition Assistance Program. This investment supports an across-the-board 15 percent increase in monthly SNAP benefits for six months beginning January 1. The new law also provides additional flexibility to support the distribution of P-EBT benefits to school age children and expands the program for children under six years old.

Other Higher Education Provisions

The Response and Relief Act forgives nearly \$1.3 billion in federal loans to historically Black colleges and universities; permits incarcerated students to receive Pell Grants; simplifies the Free Application for Student Aid; and repeals a prohibition on students convicted of drug offenses from receiving federal financial aid.

FORESIGHT LAW + POLICY



Appendix A

Comparison of ESSER Fund Uses in the Response and Relief Act and the CARES Act

| Response and Relief Act (December 2020) | CARES Act (March 2020) | Additional Notes |
|---|--|------------------|
| (1) Any activity authorized by the ESEA, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 7511 et seq.; 7541 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (commonly referred to as the “Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.). | (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.). | Same. |
| (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. | (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. | Same. |
| (3) Providing principals and others [sic] school leaders with the resources necessary to address the needs of their individual schools. | (3) Providing principals and others [sic] school leaders with the resources necessary to address the needs of their individual schools. | Same. |
| (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. | (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. | Same. |

| | | |
|--|--|---|
| | | |
| (5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies. | (5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies. | Same. |
| (6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases. | (6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases. | Same. |
| (7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency. | (7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency. | Same. |
| (8) Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements. | (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. | Largely the same. Minor language modifications made to clarify this use of funds. |
| (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. | (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. | Same. |
| (10) Providing mental health services and supports. | (10) Providing mental health services and supports. | Same. |
| (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 | (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 | Same. |

| | | |
|--|--|------------|
| <p>low income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.</p> | <p>addressing the needs of low income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.</p> | |
| <p>(12) Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, of the local educational agency, including by--</p> <ul style="list-style-type: none"> (A) Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction. (B) Implementing evidence-based activities to meet the comprehensive needs of students. (C) Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment. (D) Tracking student attendance and improving student engagement in distance education. | <p>No comparable language.</p> | <p>New</p> |
| <p>(13) School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.</p> | <p>No comparable language.</p> | <p>New</p> |
| <p>(14) Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.</p> | <p>No comparable language.</p> | <p>New</p> |

| | | |
|--|--|---|
| <p>(15) 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.</p> | <p>(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.</p> | <p>Same. Compared to Paragraph (12) of CARES Act.</p> |
|--|--|---|

Appendix B

Comparison of GEER, ESSER, and HEER Funds in the Response and Relief Act and CARES Act

| Response and Relief Act (December 2020) | CARES Act (March 2020) | Additional Notes |
|--|--|---|
| <p>Governor’s Emergency Education Relief Fund - \$4.1 billion <i>General Provisions - Department of Education</i> <i>Section 312 - Governor’s Emergency Education Relief Fund</i></p> <ul style="list-style-type: none"> ● The Governor’s fund in section 312 is 5% of the Education Stabilization funds. ● Allocation is as follows: <ul style="list-style-type: none"> ○ 60% based on the relative population of individuals aged 5 through 24. ○ 40% based on the relative number of children counted under ESEA section 1124(c). ● Funds may be used for: <ul style="list-style-type: none"> ○ Emergency support to LEAs that the SEAs deems have been most significantly impacted by the coronavirus to continue to provide educational services to students and to support the ongoing functionality of the LEA. ○ Emergency support to institutions of higher education that the Governor deems have been most significantly impacted by the coronavirus to continue to provide educational services and support the ongoing functionality of the institution. ○ Provide support to any other institution of higher education, LEA, or education-related entity within the state, including Indian Tribes, and Tribal organizations that the Governor deems essential for carrying out emergency education services to students for authorized activities described in section section 313(d)(1) or the HEA; the provision | <p>Governor’s Funds - \$3 billion</p> <ul style="list-style-type: none"> ● The CARES Act provided Governors with \$3 billion. ● Equitable services requirement for students and teachers in non-public schools in the Governor’s fund. ● Funds shall be awarded to the Governors of each state with an approved application not later than 30 days after the date of enactment. ● Allocation is as follows: <ul style="list-style-type: none"> ○ 60% based on the relative population of individuals aged 5 through 24. ○ 40% based on the relative number of children counted under ESEA section 1124(c). ● Funds may be used for: <ul style="list-style-type: none"> ○ Emergency support to LEAs that have been most significantly impacted by the coronavirus to continue to provide educational services. ○ Emergency support to institutions of higher education that have been most significantly impacted by the coronavirus to continue to provide educational services. | <ul style="list-style-type: none"> ● The application for funds under the new bill must include an application approved for funds under section 18002 of the CARES Act. ● Both bills require LEAs, states, institutions of higher education, or other entities that receive funds under the Education Stabilization Fund, to the greatest extent practicable, continue to pay its employees and contractors. |

| | | |
|--|--|--|
| <p>of child care and early childhood education, social and emotional support; and the protection of education-related jobs.</p> <ul style="list-style-type: none"> ● The Governor shall return funds to the Secretary that the Governor has not awarded or obligated not later than 1 year after the date of receipt of such funds, and those funds shall be reallocated to the remaining states. ● This amount includes \$2.75 billion for emergency assistance to non-public schools. <ul style="list-style-type: none"> ○ The Governor shall designate the State educational agency to administer this program. ○ An allotment shall be in the total amount of the funds as the number of children aged 5 through 17 at or below 185% of poverty who are enrolled in non-public schools in the state bears to the total number of all such children in all states. ○ Funds shall be awarded to the Governors of each state with an approved application not later than 30 days after the date of enactment. ○ An SEA receiving funds under this subsection shall prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by the qualifying emergency. ○ Non-public schools receiving services or assistance shall use the services or assistance to address educational disruptions resulting from the qualifying emergency for: <ul style="list-style-type: none"> ▪ Supplies to sanitize, disinfect, and clean school facilities; ▪ Personal protective equipment; ▪ Improving ventilation systems; ▪ Training and professional development for staff on sanitation, the use of personal protective equipment, and minimizing the spread of infectious diseases; ▪ Physical barriers to facilitate social distancing; | <ul style="list-style-type: none"> ○ Support to any other institution of higher education, LEA or education related entity that the Governor deems essential for carrying out emergency educational services to students. ● The Governor shall return funds to the Secretary that the Governor has not awarded or obligated not later than 1 year after the date of receipt of such funds, and those funds shall be reallocated to the remaining states. | |
|--|--|--|

| | | |
|--|--|--|
| <ul style="list-style-type: none"> ▪ Other materials, supplies, or equipment to implement public health protocols; ▪ Expanding capacity to administer coronavirus testing; ▪ Educational technology to assist with remote or hybrid learning; ▪ Redeveloping instructional plans; ▪ Leasing of sites or spaces to ensure safe social distancing; ▪ Reasonable transportation costs; ▪ Initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss; or ▪ Reimbursement for the expenses of any services or assistance described above that the non-public school incurred on or after the date of the qualifying emergency, except for any non-public school that received a loan under the SBA prior t this Act shall not be eligible for reimbursements for any expenses reimbursed through such loan. <ul style="list-style-type: none"> ○ Any SEA with unobligated funds remaining 6 months after receipt of funds shall return those unobligated funds to the Governor. ○ In order to be eligible to receive services or assistance, a non-public school shall submit to the State an assurance that such non-public school did not and will not apply for loans under the Small Business Act - Payroll Protection Program, unless the loan was made prior to the date of enactment of this Act. | | |
| <p>K-12 Emergency Fund - \$54.3 Billion <i>General Provisions - Department of Education</i> <i>Section 313 - Elementary and Secondary School Emergency Relief Fund</i></p> | <p>K-12 Emergency Fund - \$13.5 Billion</p> | <ul style="list-style-type: none"> ● The application for funds under the new bill must include an application, this can include an existing CARES Act |

| | | |
|--|--|---|
| <ul style="list-style-type: none"> ● The K-12 funds in section 313 total 67% of the remaining funds ● Funds shall be awarded to the SEA with an approved application not later than 30 days after the date of enactment. ● The amount of each grant shall be allocated in the same proportion as each state received under Title I – Part A of the ESEA in the most recent fiscal year. ● Each State must allocate no less than 90% of the grant funds awarded to the State as subgrants to LEAs, including charter schools that are LEAs, in proportion to the amount of funds such LEAs and charter schools that are LEAs received under Title I, Part A of the ESEA. ● The state may reserve no more than ½ of 1% of its grant for administrative costs and the remainder for emergency needs to address issues responding to coronavirus. ● A state shall return any funds received that the State does not award not later than 1 year after the date of receipt of such funds. | <ul style="list-style-type: none"> ● Funds shall be awarded to the SEA with an approved application not later than 30 days after the date of enactment. ● The amount of each grant shall be allocated in the same proportion as each state received under Title I – Part A of the ESEA in the most recent fiscal year. ● Each State must allocate no less than 90% of the grant funds awarded to the State as subgrants to LEAs, including charter schools that are LEAs, in proportion to the amount of funds such LEAs and charter schools that are LEAs received under Title I, Part A of the ESEA. ● The state may reserve no more than ½ of 1% of its grant for administrative costs and the remainder for emergency needs to address issues responding to coronavirus. ● A state shall return any funds received that the State does not award not later than 1 year after the date of receipt of such funds. | <p>application, approved for funds under section 18003 of the CARES Act.</p> <ul style="list-style-type: none"> ● Both bills require LEAs, states, institutions of higher education, or other entities that receive funds under the Education Stabilization Fund, to the greatest extent practicable, continue to pay its employees and contractors. ● Both bills require states to assure maintenance of effort. |
| <p>Higher Education Emergency Fund - \$22.7 Billion <i>General Provisions - Department of Education</i> <i>Section 314 - Higher Education Emergency Relief Fund</i></p> <ul style="list-style-type: none"> ● The Higher Education fund in section 314 is 28% of the funds ● The Secretary shall allocate funds as follows: <ul style="list-style-type: none"> ○ 89% to each institution of higher education to prevent, prepare for, and respond to the coronavirus by apportioning to institutions based on enrollment by Federal Pell Grant recipients. ○ 7.5% for additional awards to minority serving institutions. ○ 0.5% for grants under the HEA for those that have the greatest unmet needs related to the | <p>Higher Education Emergency Fund -</p> <ul style="list-style-type: none"> ● The Secretary shall allocate funds as follows: <ul style="list-style-type: none"> ○ 90% to each institution of higher education to prevent, prepare for, and respond to the coronavirus by apportioning to institutions based on enrollment by Federal Pell Grant recipients. ○ 7.5% for additional awards under the HEA to address needs directly related to coronavirus, which may be used to defray expenses incurred by institutions of higher | <ul style="list-style-type: none"> ● Both bills require LEAs, states, institutions of higher education, or other entities that receive funds under the Education Stabilization Fund, to the greatest extent practicable, continue to pay its employees and contractors. ● Both bills require states to assure maintenance of effort. |

| | | |
|--|--|--|
| <p>coronavirus, to be determined through an application process run by USED.</p> <ul style="list-style-type: none"> ○ 3% to proprietary institutions of higher education. | <p>education and for grants to students for cost of attendance, including food, housing, course materials, technology, health care, and child care.</p> <ul style="list-style-type: none"> ○ 2.5% for grants under the HEA for those that have the greatest unmet needs related to the coronavirus. | |
| <p>Territories & Bureau of Indian Education This bill would also provide relief for territories and the Bureau of Indian Education.</p> | <p>Territories & Bureau of Indian Education This bill also provided relief for territories and the Bureau of Indian Education.</p> | |
| <p>Broadband</p> <ul style="list-style-type: none"> ● \$3.2 billion of broadband assistance for low income households through a new FCC “Emergency Broadband Benefit Program.” ● \$300 million for rural broadband infrastructure program and \$1 billion for a tribal broadband deployment fund. ● \$285 million for a broadband pilot for communities near historically Black colleges and establishes an Office of Minority Broadband Initiatives at NTIA. ● \$65 million for the FCC to complete the broadband mapping project required by the Broadband DATA Act. ● \$2 billion, through the Secure and Trusted Reimbursement Program, to small telecommunication providers to remove and replace Huawei/ZTE equipment deemed a security risk by the FCC. | <p>Broadband</p> <ul style="list-style-type: none"> ● The CARES Act provided for \$25,000,000 to remain available until expended, to prevent, prepare for, and respond to the coronavirus for distance learning services in rural areas. | |