



NCSL COVID-19 WEBINAR SERIES

Federal Education Action: Waivers, Guidance and Stimulus

APRIL 9, 2020



AGENDA FOR COVID-19 VIRTUAL MEETING

- Welcome
- Stimulus Funding for K-12, Governor's
- Stimulus Funding for Higher Ed + Student Loans
- Federal Waivers for K-12, Higher Ed
- Federal Guidance for K-12
 - Each part will include opportunities for questions and discussions
- Closing Thoughts/Questions/Discussion



PROTOCOL FOR TODAY'S VIRTUAL MEETING

- Mute your audio unless you are speaking
- Virtually “raise your hand” to be recognized by today’s moderator
- Type your questions into the chat box on the right side of your screen
- Do not share your screen under any circumstances unless given permission by today’s moderator

STIMULUS FUNDING

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CARES ACT: K-12 EDUCATION FUND

- **Education Stabilization Fund: \$30.75 billion**
 - Up to .5% for outlying areas
 - .5% for BIE
 - 1% to states with high burden
- **Provides \$13.5b formula grants for K-12 to states**
 - Allocated to SEAs/LEAs via Title I
 - 90% or more to LEAs, up to 10% SEA set-aside
- \$100 million to Project SERV



CARES ACT: K-12 EDUCATION FUND

- **General Allowable Uses to Respond to COVID-19**
 - Any activity authorized in federal K-12 laws
 - Coordination and Planning for health response and long-term closure
 - Purchasing educational technology
 - Providing mental health services and supports
 - “Other activities that are necessary to maintain the operation of and continuity of services”
 - Activities to address learning needs of vulnerable populations



CARES ACT: K-12 EDUCATION FUND

- **Use of Funds for students with unique learning needs**
 - “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.”
 - Any activity authorized in federal K-12 laws (IDEA, McKinney-Vento)
 - Providing funds to principals to address needs of their schools



CARES ACT: K-12 EDUCATION FUND

- **Use of Funds for students with unique learning needs**
 - Planning how to provide guidance for carrying out requirements under IDEA
 - Purchasing educational technology
 - calls out for low-income students and students with disabilities
 - Providing summer or after school learning opportunities for “low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care”



CARES ACT: GOVERNOR'S EDUCATION RELIEF FUND

- **Provides \$3 billion to governors for education**
 - Distributed by relative size of student population
- **Allowable Uses**
 - Provide emergency grants to highly impacted LEAs or IHEs
 - Provide support to “any education related entity that Governor deems essential for carrying out emergency educational services” for:
 - Any activity under federal K-12 related laws
 - Childcare and early childhood
 - Social and emotional learning
 - Protection of education-related jobs



CARES ACT: STIPULATIONS FOR K-12/GOVERNOR'S

- Funds must be used in one year
- LEAs must provide Title I “equitable services” to non-public schools
- Recipients should continue to pay employees “to the greatest extent practicable”
- **Maintenance of Effort**
 - Levels of K-12/Higher Ed Spending FY20 and FY21 = average of preceding three fiscal years
 - Waivers for “precipitous decline in financial resources”



CARES ACT: QUESTIONS FOR K-12/GOVERNOR'S

- **When will funding reach schools?**
 - State applications for must be available by ~April 26th
- **Will LEAs need to apply with SEA for funds?**
- **How will funds be distributed within districts?**
- **Defining “to the greatest extent practicable”**
- **Calculating MOE and conditions for waivers**
- **Will there be reporting for LEAs/SEAs/Governors?**





Questions and Answers

Please “raise your hand” or type your questions into the chat box on the right side of your screen.

CARES ACT: HIGHER ED RELIEF FUND FUND

- Provides **\$14.25b** in grants to institutions of higher ed
 - 90% goes directly to accredited institutions
 - allocated by relative share of 75% Pell FTE, 25% non-Pell
 - Does not include students exclusively enrolled in distance ed
 - 7.5% goes to HBCUs and MSIs (~\$1 billion)
 - 2.5% goes to FIPSE
 - \$500,000 for institutions not eligible for general funding



CARES ACT: HIGHER ED RELIEF FUND FUND

- **Use of Funds Stream for all IHEs**
 - at least 50% on emergency aid for students to cover cost of attendance expenses
 - Food, housing, course materials, technology, healthcare, and child care
 - Remainder to “cover any costs associated with significant changes to delivery of instruction”
- **Use of Funds for HBCUs/MSIs, FIPSE**
 - Defray expenses
 - Lost revenue, reimbursement for expenses already incurred
 - Emergency aid for students



CARES ACT: UPDATE HIGHER ED RELIEF FUND FUND

- **April 9, 2pm: ED announces immediate distribution of emergency aid for students**
 - Likely \$6.28 billion in aid from \$14.25 billion allocation
 - IHES need a signed certification affirming they will distribute the funds in accordance with applicable law (available now)
 - IHEs then determine which students will receive the cash grants
 - Encourages IHEs to prioritize students with greatest need
 - Encourages a maximum aid limit (references full Pell \$6195) to ensure wide distribution
 - Asks IHEs to consider sharing funds to other IHEs



CARES ACT: HIGHER ED RELIEF FUND FUND

- **Considerations and Stipulations**
 - No MOE (K-12/Governor's MOE includes higher ed spending)
 - HBCUs/MSIs can use Title III, V, VII funds for COVID-19
 - Recipients must report on uses to Secretary



CARES ACT: HIGHER ED RELIEF FUND FUND

■ Questions

- When will funds be available?
- What will final allocation formulas look like?
- What can institutions use funds for? Reimbursing housing?
- Restrictions on for-profit colleges?
- How will students access grants thru institution? Will some students get priority?



CARES ACT: STUDENT LOANS

- **Federal student loan payments deferred, interest waived through Sept. 30**
- **Halts collection actions and wage garnishment on defaulted student loans through Sept. 30**
- **Companies can pay up to \$5,250 of employee's student loan payments each year on a tax-free basis through Dec. 31**





Questions and Answers

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FEDERAL WAIVERS

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CARES ACT K-12 WAIVER PROVISIONS

- **Waivers for ESEA state assessment and accountability**
 - State Assessment
 - School Improvement Identification
 - State report card provisions related to assessment
- Nearly every, if not all, states have applied for these waivers (in whole or in part)



CARES ACT K-12 WAIVER PROVISIONS

- **Waivers from Fiscal Requirements**
 - Title I 15% carryover
 - Extends fund availability for FY18 funds until Sept 30, 2012
 - Includes Title I, Title II, Title IV
 - Flexibility on Title IV-A funds
 - Federal definition of professional development
- SEAs grant waivers to LEAs
- Waiver template released on April 3
- Not included: Title I Schoolwide Program



CARES ACT K-12 WAIVER PROVISIONS

DOES NOT waive civil rights laws, such as IDEA, but does require Sec. of ED to make recommendations on IDEA flexibilities for Congress to consider



NATIONAL CONFERENCE OF STATE LEGISLATURES

CARES ACT HIGHER ED WAIVER PROVISIONS

- Matching requirements on FSEOG/FWS, HEA competitive grants, Title III grants, etc.
- Use FSEOG for emergency aid, pay out FWS
- Students and institutions do not need to pay back student loans or Pell if withdrawn
 - Semester does not count against lifetime limit
- Waives consecutive service requirement for Teacher Loan Forgiveness Program





Questions and Answers

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FEDERAL GUIDANCE

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GUIDANCE: DISTANCE LEARNING

- **The Department of Education issued multiple guidance documents on serving students with disabilities**
 - March 12: If distance learning, then must serve ALL students
 - March 21: Letter saying federal law should not prevent schools for distance learning for all students
 - ED won't mandate specific approaches, but offering technical assistance
 - IDEA Part B technical assistance from National Center for Systemic Improvement (NCSI)
- **Issued guidance on student privacy**



Questions and Answers

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UPCOMING VIRTUAL EDUCATION COVID-19 MEETINGS

- Federal Education Action: Waivers, Guidance and Stimulus – Thursday, April 9
- The Pandemic Impact on State Education Budgets - Tuesday, April 14
- Schools are Closed – Now What? Considerations for P-12 and Higher Education - Friday, April 17
- Ensuring All Students Have Access to Education When Schools are Shut Down:
 - Serving Students with Disabilities and English Learner - Tuesday, April 21
 - The Technology Divide and Data Privacy - Friday, April 24
- Student Mental Health: Addressing Challenges When Schools are Closed - Friday, May 1
- The Pandemic’s Impact on School Personnel - Friday, May 8
- Higher Education Distance Learning – Friday, May 15
- A Second Fiscal Update – Friday May 22
- Round Up of Legislation Action and Legislative Sessions – Tuesday, May 26



COVID-19 WEB PAGE

Go to:

www.ncsl.org or

<https://www.ncsl.org/research/health/ncsl-coronavirus-covid-19-resources.aspx>



NATIONAL CONFERENCE OF STATE LEGISLATURES

EDUCATION RESOURCES



- **K-12 Resources**

<https://www.ncsl.org/research/education/public-education-response-to-coronavirus-covid-19.aspx>

- **Higher Education Resources**

<https://www.ncsl.org/research/education/higher-education-responses-to-coronavirus-covid-19.aspx>

- **Education Bill Tracking**

<https://www.ncsl.org/research/education/covid-19-education-bill-tracking-database.aspx>



THANK YOU!

Reach out to austin.reid@ncsl.org