

Overview of Federal Education Funding Initiatives in Response to the COVID 19 Pandemic

The following FAQs are excerpts from the 2022-2023 edition of the *Maryland School Law Deskbook*, available for purchase from the [LexisNexis bookstore](#).

Did the COVID-19 pandemic result in increased federal funding, including education aid?

Yes. In the spring of 2020, the U.S. Congress and President Trump responded to the public health and economic crises associated with the emergence of the COVID-19 coronavirus as a global pandemic by enacting a series of emergency bills, including legislation providing significant aid to States and local school systems for school system costs arising from the pandemic. On March 6, 2020, the Coronavirus Preparedness and Response Supplemental Appropriations Act (H.R. 6074, PL 116-123) was enacted, and dealt primarily with costs associated with the emerging public health emergency. This supplemental appropriations bill provided a total of \$8.3 billion in funding to respond to the coronavirus, including vaccine development, financial support for state and local governments, and assistance for affected small businesses. The Families First Coronavirus Response Act (H.R. 6201) was then signed into law on March 16, 2020. This bill's key provisions supported emergency paid sick leave, free coronavirus testing, expanded food assistance, and enhanced unemployment benefits. In addition, grant funding was provided through the Federal Emergency Management Administration (FEMA). While these initial bills did not provide targeted funding to aid public schools, the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted in May of 2020, and American Rescue Plan Act (ARP) enacted on March 11, 2021, provided enormous amounts of school funding.

What is the CARES Act?

The Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) became law on May 27, 2020 and provided more than \$2 trillion in response to the public health and economic crisis resulting from the COVID-19 pandemic. Major initiatives include \$300 billion in one-time cash payments to individual Americans, \$260 billion in increased unemployment benefits, the creation of the Paycheck Protection Program that provides forgivable loans to small businesses with an initial \$350 billion in funding, \$500 billion in aid for large corporations, and \$340 billion to state and local governments. Within the CARES Act, the Education Stabilization Fund directs more than \$30 billion in education funding for elementary and secondary education and higher education, including a separate education fund allocated to Governors' offices.

What is the Education Stabilization Fund?

The CARES Act allocated more than \$30 billion in education funding for elementary and secondary education and higher education with slightly more than \$13 billion designated for elementary and secondary education funding to States and local school systems for COVID-19 related costs. This \$13 billion is referred to as the Education Stabilization Fund and was distributed to states using the ESSA Title II-A formula. At least 90% of this amount must be distributed to local school systems using the Title I formulas. Authorized uses of these funds include activities authorized under the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), the Carl D. Perkins Career and Technical Education Act, the McKinney-Vento Homeless Assistance Act, and other emergency activities such as technology acquisition.

4:20. What is the Elementary and Secondary School Emergency Relief (ESSER) Fund?

The Elementary and Secondary School Emergency Relief (ESSER) Fund was established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted on March 27, 2020. ESSER funds may be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared, through September 30, 2022. The CARES Act specified the allowable uses of funds related to preventing, preparing for, and responding to COVID-19. Following the enactment of subsequent installments of the ESSER fund, the initial CARES Act fund is referred to as ESSER I.

4:21. What is the Governor's Emergency Education Relief (GEER) Fund?

Congress set aside approximately \$3 billion of the more than \$30 billion allotted to the Education Stabilization Fund through the CARES Act for the Governor's Emergency Education Relief Fund (GEER). Under the GEER Fund, the U.S. Department of Education awards grants to Governors for the purpose of providing local school systems, institutions of higher education, and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19).

The U.S. Department of Education awarded these grants to States through Governors' offices based on a formula stipulated in the legislation. 60% of a State's allocation is determined on the basis of the State's relative population of individuals aged 5 through 24; and 40% is determined on the basis of the State's relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (ESEA). Maryland's allocation was \$45.6 million.

Similar to ESSER funding, the GEER funding provided by the CARES Act is referred to as GEER I and the additional funding provided by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) legislation is referred to as GEER II.

What is the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act?

The Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, enacted on December 27, 2020, provided substantial increased funding under both the ESSER and GEER funds created under the CARES Act. Hence, these funds are referred to as ESSER II and GEER II, respectively. Section 313(b) of the CRRSA Act requires State departments of education to allocate the ESSER II funds based on the proportion that each State received under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) in the most recent fiscal year. These funds are available for obligation by the state and local school systems through September 30, 2023. Each state must use no less than 90 percent of its allocation to make subgrants to local school systems, based on each system's share of funds received under Title I, Part A in fiscal year 2020-21.

What are allowable uses of ESSER funding?

The ESSER II Funds may be utilized in essentially the same manner as ESSER I under the CARES Act, with ESSER II providing more extensive definitions of allowable uses, including:

- Any activity authorized by the ESEA, the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act (AEFLA), the Carl D. Perkins Career and Technical Education Act (Perkins), or the McKinney Vento Homeless Education Assistance Act.
- Coordination of LEA preparedness and response efforts to improve coordinated responses with other agencies to prevent, prepare for, and respond to coronavirus.
- Providing principals and other school leaders with the resources necessary to address school 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.
- Developing and implementing procedures and systems to improve LEA preparedness and response efforts.
- Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases.
- Purchasing supplies to sanitize and clean LEA facilities.
- Planning for and coordinating during long-term closures, including how to provide meals, technology for online learning, guidance on IDEA requirements, and ensuring other educational services can continue to be provided consistent with all applicable requirements.
- Purchasing educational technology (including hardware, software, and connectivity) for students served by the LEA that aids in regular and substantive educational interactions between students and their classroom teachers, including assistance technology or adaptive equipment.

- Providing mental health services and supports.
- 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.
- Addressing learning loss among students, including low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children in foster care, of the local educational agency, including by:
 - Administering and using high-quality assessments to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction.
 - Implementing evidence-based activities to meet the comprehensive needs of students.
 - Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.
 - Tracking student attendance and improving student engagement in distance education.
- School facility repairs and improvements to reduce risk of virus transmission and to support student health needs.
- 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.
- Other activities that are necessary to maintain operations and continuity of services and continuing to employ existing staff.

What is the American Rescue Plan (ARP) Act?

The American Rescue Plan (ARP) Act, H.R. 1319, was signed into law by President Biden on March 11, 2021, and includes a wide array of programs to provide individuals, businesses, States, local governments, and school systems, with funding to be used toward recovery efforts in response to the COVID pandemic. The Act provides \$1.9 trillion in mandatory funding, federal program reforms, and tax policies aimed at mitigating the continuing effects of the pandemic, including direct payments of \$1,400 for individuals, \$2,800 for joint filers, and \$1,400 for each qualifying dependent.

The education funding provisions of the ARP Act are significant, providing \$125.8 billion for K–12 state education agencies, \$40 billion for institutions of higher education, and \$2.75 billion to governors for private schools. The law also allows school systems to utilize ARP funding through

September 23, 2023. The ESSER funding provided under the ARP Act is generally referred to as ARP ESSER, as well as ESSER III.

Where is guidance available on ESSER and GEER funding?

The U.S. Department of Education (USED) has provided extensive guidance in question and answer format (FAQs: Elementary and Secondary School Emergency Relief Programs/Governor’s Emergency Education Relief Programs, USED (May 2021)). The guidance is organized under the following major policy areas:

- Reopening Schools Safely and Promoting the Health and Safety of Students, Staff, and the School Community;
- Advancing Educational Equity in COVID-19 Response; and
- Using ESSER and GEER Funds to Support Educators and Other School Staff.

What is the Infrastructure Investment and Jobs Act?

President Biden signed the \$1.2 trillion infrastructure bill on Monday, Nov. 15, 2021 (H.R. 3684, P.L. 117-58, 2021). The final version of the legislation passed the House on Nov. 6th by a bipartisan vote of 228-206. The legislation passed the Senate in August by a bipartisan vote of 69-30. While the bipartisan infrastructure bill did not contain funding for school construction there are several significant items of interest to PreK-12 schools including:

- A total of \$65 billion for broadband investment to help families access the internet and afford devices (Division F, starting on page 2014);
- \$5 billion for clean-energy school buses;
- \$500 million over 5 years for competitive grants to schools and non-profits for energy efficiency improvements;
- \$200 million over 5 years to remove lead contamination in school drinking water, as part of a much bigger drinking water program; and
- Reauthorizes and extends until 2023 the Secure Rural Schools and Community Self-Determination Act, which helps fund schools in 700 counties that have federal forest land.