

# U.S. Department of Education

## Certification and Agreement for Funding under the Education Stabilization Fund Program Governor's Emergency Education Relief Fund

CFDA Numbers: 84.425C



OMB Number: 84.425C  
Expiration Date: Oct 31, 2020

### Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The OMB control number for this information collection is 1810-0741. The time required to complete this information collection is estimated to average .5 hours (or 30 minutes) per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: [GEERF@ed.gov](mailto:GEERF@ed.gov).

## **PROGRAM BACKGROUND INFORMATION**

### **Purpose**

Under the Governor's Emergency Education Relief Fund (GEER Fund), the U.S. Department of Education (Department) awards grants to Governors for the purpose of providing local educational agencies (LEAs), institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19).

### **Eligibility**

Governors in all 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia.

### **Funding**

The Department will award \$2,953,230,000 to Governors:

1. 60% based on the State's population of individuals aged 5 through 24; and
2. 40% based on the relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

### **Timeline**

Each Governor will have one year, from the date of the State's award, to award funds. Any funds not awarded by the Governor within one year of receiving the State's award will be returned to the Department for reallocation.

### **Uses of Funds**

1. Provide emergency support through grants to the LEAs that the State educational agency (SEA) deems to have been most significantly impacted by COVID-19 to support the ability of such LEAs to continue to provide educational services to public and non-public school students and to support the on-going functionality of the LEA;
2. Provide emergency support through grants to IHEs serving students within the State that the Governor determines have been most significantly impacted by COVID-19 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 IHE, LEA, 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 the CARES Act or the Higher Education Act of 1965, as amended (HEA), the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.

### **Contact**

Email: [GEERF@ed.gov](mailto:GEERF@ed.gov)

# CERTIFICATION AND AGREEMENT INSTRUCTIONS

## GENERAL INSTRUCTIONS

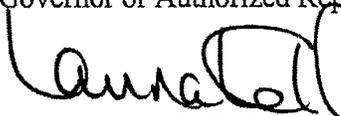
To receive the State's allocation under the GEER Fund, a Governor must submit a signed PDF Certification and Agreement, by email, to the U.S. Department of Education (Department) at [GEERF@ed.gov](mailto:GEERF@ed.gov) no later than June 1, 2020. The Certification and Agreement must include the following:

- A completed Certification and Agreement cover sheet that includes the signature of the Governor or authorized representative. *(Part A)*
- Programmatic, fiscal and reporting assurances. *(Part B)*
- Information on the uses of the Governor's Emergency Education Relief Funds. *(Part C)*
- Other assurances and certifications. *(Part D)*

## APPENDICES

Appendix A – Authorizing Statute  
Appendix B – State Allocation Data

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND  
PART A: CERTIFICATION AND AGREEMENT COVER SHEET  
(CFDA Nos. 84.425C)**

<p>Legal Name (Office of the Governor): <b>Executive Office of the State of Kansas</b></p>	<p>DUNS Number: <u><b>1 2 7 2 3 6 8 8 8</b></u></p>
<p>Address (Street Number and Name, City, State, Zip Code): <b>900 SW Jackson Street, Room 304 North Topeka, KS 66612-1220</b></p>	<p>Contact Information for State Program Representative: Name: <b>Juliene Maska</b> Position &amp; Office: <b>Administrator Kansas Governor's Grants Program</b> Street Number and Name, City, State, Zip Code: <b>900 SW Jackson Street, Room 304 North Topeka, KS 66612-1220</b> Telephone: <b>785-291-3205</b> Email address: <b>Juliene.Maska@ks.gov</b></p>
<p>To the best of my knowledge and belief, all of the information and data in this certification and agreement are true and correct. I acknowledge and agree that the failure to comply with all Assurances and Certifications in this Agreement, all relevant provisions and requirements of the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, Pub. L. No. 116-136 (March 27, 2020), or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729, <i>et seq.</i>; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate.</p>	
<p>Governor or Authorized Representative of the Governor (Typed Name): <b>Governor Laura Kelly</b></p>	<p>Telephone: <b>(785) 296-3232</b></p>
<p>Signature of Governor or Authorized Representative of the Governor: </p>	<p>Date: <b>5/29/2020</b></p>

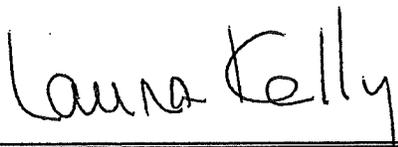
Form Approved OMB Number: 1810-0741 Expiration Date: 10/31/2020

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND**  
**PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES**

The Governor or his/her authorized representative assures the following:

- Solely as authorized by Section 18002 of Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (March 27, 2020), and subject to all other applicable laws, funds will be used for one or more of the following:
  - To provide emergency support through grants to the local educational agencies (LEAs) that the State educational agency (SEA) deems most significantly impacted by COVID-19 to support the ability of such LEAs to continue to provide educational services to public and non-public school students and to support the on-going functionality of the LEA;
  - To provide emergency support through grants to institutions of higher education (IHEs) serving students within the State that the Governor determines have been most significantly impacted by COVID-19 to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and
  - To provide support to any other IHE, LEA, 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 the CARES Act or the Higher Education Act of 1965, as amended (HEA), the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.
- The State will comply with the maintenance of effort provision in Section 18008(a) of Division B of the CARES Act absent waiver by the Secretary pursuant to Section 18008(b) thereof.
- The State, and each LEA, IHE, and other education-related entity that receives GEER funds will, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 18006 of Division B of the CARES Act.
- The State will submit to the Department, within 45 days of receiving GEER funds, an initial report detailing the State's process for awarding those funds to LEAs, IHEs, or other education-related entities, including the criteria for determining those entities that are "most significantly impacted by coronavirus" and/or "essential for carrying out emergency educational services" and a description of the process and deliberations involved in formulating those criteria.
- The State will use its best efforts to provide grant funding on an expedited basis.
- The State will comply with all reporting requirements including those in Section 15011(b)(2) of Division B of the CARES Act and submit required quarterly reports to the Secretary, at such time and in such manner and containing such information as the Secretary may reasonably require in the future. (See also 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future, which may include:
  - Specific entities awarded GEER funds by the Governor;
  - Uses of funds by the SEA, LEAs, IHEs, or other educational entities and demonstration of their compliance with Section 18002(c), including any use of funds was applied to support addressing digital divide and related issues in distance learning;

- The number of public and non-public schools that received funds or services; and
- A description of the internal controls the State has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles.
- Generally speaking, the Department does not expect administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities referenced at § 18002(c)(3) to be a lawful purpose for GEER funds.
- Similarly, the Department does expect increased reporting requirements if these funds are used for payments to education related entities. If a State, in the exercise of its discretion, allows GEER funds to be used accordingly, then it must report the amount of GEER funds (a) (i) used for, to subsidize, or to offset administrative or executive salaries and benefits and/or (ii) provided to or for the benefit of state, local, or IHE teacher or faculty unions or associations; and (b) a detailed description of the evidence providing a reasoned basis for the determination such funds (if any) are necessary to provide educational services to students and/or to support the on-going functionality of a LEA or IHE, or are otherwise specifically authorized by the plain statutory language and context of § 18002(c)(3) of the CARES Act.
- The State will ensure that an LEA receiving GEER funds will provide equitable services to students and teachers in non-public schools located within the LEA in the same manner as provided under section 1117 of the ESEA, as determined through timely and meaningful consultation with representatives of non-public schools.
  - The State will ensure that a public agency will maintain control of funds for the services and assistance provided to a non-public school under the GEER Fund.
  - The State will ensure that a public agency will have title to materials, equipment, and property purchased with GEER funds.
  - The State will ensure that services to a non-public school with GEER funds will be provided by a public agency directly, or through contract with, another public or private entity.
- The State will ensure that every recipient and subrecipient of GEER funds will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
- The State will return to the Secretary any funds received under the GEER Fund that the State does not award within 1 year of receiving such funds.

Governor or Authorized Representative of the Governor (Typed Name): <b>Governor Laura Kelly</b>	
Signature: 	Date: <b>5/29/2020</b>

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND  
PART C: USES OF GOVERNOR'S EMERGENCY EDUCATION FUNDS**

Section 18002 of Division B of the CARES Act provides in relevant part that grants awarded under the Governor's Emergency Education Relief Fund be used to support the ability of local educational agencies (LEAs) and institutions of higher education (IHEs) to continue to provide educational services to their students. The Department is interested in learning how and to what extent each State intends to use the award, or a portion of the award, to establish, develop, improve, or expand the availability, accessibility, capacity, and use of remote learning techniques and technologies which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14). The Department requests the following information:

1. Does the State intend to use any of the awarded funds to support remote learning for all students?

**Yes. The Governor plans to prioritize GEER funds for Kansas public institutions of higher education to help ensure continued educational services for students amid the unprecedented public health emergency. The transition to remote learning is a key component of this effort.**

**The Governor will instruct IHEs and LEAs to use GEER funds to support students and faculty for continuity of operations during the period of disruption caused by the COVID-19 pandemic, with a prioritization on remote learning and costs to cover salary of faculty and staff, or otherwise continue institutional operations. IHEs and LEAs will be required to detail the financial hardships experienced due to the COVID-19 pandemic, identify strategic goals, and adhere to established accountability structures.**

**While the Governor plans to prioritize a large portion of GEER funds for public IHEs, a portion may be reserved for emergency assistance grants to enable LEAs to tailor support services to meet the unique needs of students with disabilities, English Learners, students experiencing homelessness, tribal communities, migrant students, children in foster care, and other at-risk students in need of accommodations.**

- a. Please describe whether the State considered conducting an assessment of the barriers to implementing effective remote learning for all students, or utilizing an existing assessment, to help target resources toward greatest needs.

**Kansas did not conduct a statewide assessment for determining barriers for remote learning for all students. However, each individual school district made an assessment and adjusted accordingly. For example, because some students live in rural areas of the state, some did not have traditional internet access that urban students have access. And some students may not have access because of inadequate household finances. To address these issues, some school districts made internet hotspots available for internet access, whereas some districts created "package learning" where paper packets were dropped off and collected for schoolwork at individual homes.**

**Kansas will engage Kansas Board of Regents, Kansas Department of Education, and the Kansas Continuous Learning Task Force to the extent possible to target resources in a way that supports remote learning and bridges digital learning divides. The Governor is committed to ensuring the most streamlined process possible for using GEER funds in a way that is data driven and responsive to areas of greatest need.**

- b. With respect to LEAs, please describe how the State intends to use the funds to help students and teachers adopt or improve remote learning that serves all students, including students with disabilities, students from low-income families, charter school students, and non-public school students.

**Any funding that would be awarded to the Kansas Department of Education would ensure Kansas school districts could continue to implement guidance from the state's Continuous Learning Task Force.**

**Understanding the breadth and complexity of transitioning to distance learning for both parents and educators, Governor Kelly tapped a team of educators, administrators, and community leaders across the state to create the Kansas Continuous Learning Task Force. Within a week, the task force created a comprehensive 70-page continuous learning guide for families and teachers designed to be a blueprint for remote and nontraditional learning. The continuous learning guide was quickly adopted across the state and has become a model nationally for how to ensure continued access to quality educational services while school buildings are unavailable. The guide, which includes lesson plans, technology guidance, information on free resources, and tips for students and parents. GEER funds can be used to expand this guide to specifically address the needs of higher-education institutions and can act as a blueprint for additional investment directly addressing disparities in access to technology and other services for disadvantaged populations. Further, GEER funds can be used to expand remote services for students for disabilities by creating resources for families, building individualized distancing learning plans for students with special needs, and ensuring equitable access to educational support services for students with learning disabilities. Further, as outlined in sections 2 and 3, the Governor is committed to utilizing funds to expand access to technology and internet services for low-income students, ensuring continuing of learning and continued access to critical wrap around supports like mental health services.**

- c. With respect to IHEs, please describe how the State intends to focus expenditures to ensure that all institutions – public and private – have the needed supports to continue executing their missions and educating their students.

**Kansas IHEs are still evaluating the short-term and long-term impacts that campus closures will have on their finances and operations. The Kansas Board of Regents will continue to gather information from the institutions to better understand how the pandemic has impacted them, and as they make operational and instructional decisions in response to the evolving situation so that they can effectively execute their missions.**

**GEER expenditures will prioritize direct costs IHEs have incurred for moving to online delivery of courses (hardware, software licenses, video equipment and making online content accessible to deaf or hard of hearing students), expanding the technology infrastructure to absorb the network traffic (also requiring hardware and staff time), providing additional student advising, and support of materials and staff time to clean and sanitize spaces.**

2. Does the State intend to use any of the awarded funds to support technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning for all students? If so, please describe how the State will achieve its goals for both LEAs and IHEs.

**Equitable access to reliant and up-to-date technology and internet services is a significant issue in Kansas, especially for rural and frontier communities. A recent study of internet access across the state showed that nearly 100,000 Kansans do not have access to internet, specifically in the most rural parts of the state. This figure doesn't account for the thousands more who may not have reliable or affordable internet access. During this pandemic, where remote learning is essential to the safety of our students, Governor Kelly is committed to finding ways to get and keep students and educational staff connected. To that end, it is our intention that a priority of GEER funds will be to help educational institutions increase access to hardware, software, technology support, and internet connectivity services.**

**The Kansas Continuous Learning Guide outlines and emphasizes access to internet services and technology for low-income and rural families as a significant barrier to student learning in LEAs and IHEs. The Kansas Office of Rural Prosperity also identified rural broadband as a critical economic and community development priority during their 44 town, 23 county listening tour of rural Kansas. To that end, GEER funds can be used to further existing resources and partnerships to provide reliable internet access during the pandemic, specifically during a potential second wave in the fall. Further, as IHEs look to support students during a potential second wave of the virus in the fall, reliable access to internet services continues to be a challenge for students from low-resource or rural communities. IHEs can use GEER funds to partner with private service providers, create safe spaces on campus to access internet services, or partner with local communities to create spaces for internet use.**

**Access to technology, both hardware and software, as well as useable technology support information, is another area of investment critical to support remote learning for LEAs and IHEs. Instructors and parents need resources and information on best practices for technology use, tips for student engagement, and resources to develop innovative online lesson plans. GEER funds could support these efforts, specifically at IHEs, whose more diverse student populations will require additional planning and services to ensure equitable access.**

**For some students, access to hardware and software technology may be needed. IHEs will have the flexibility to determine when loaning or providing these technologies is necessary for student learning. Increasing access to certain video-conferencing or online-learning software can help IHEs ensure that a student's socio-economic background does not impair their ability to learn. Online tutoring programs, virtual office hours, and virtual study groups are**

just a few of the ideas that could be implemented specifically for under-resourced students. Technology resources can also help LEAs and IHEs meet the goal of making sure students have continued engagement with activities and supports outside the classroom. Technology can be used to continue clubs and organizations, some extracurricular activities, mental health supports and other programs designed to continue social support for students in this difficult time.

- a. Please describe the strategies used to serve disadvantaged populations listed in Sec. 18003(d)(4) of the CARES Act.

Section 18003(d)(4) of the CARES Act outlines the importance of addressing the unique needs of low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youths. Throughout her administration, Governor Kelly has been committed to improving access to quality education for these disadvantage populations, a priority that has become even more pressing during this crisis. COVID-19 has only highlighted and exacerbated the existing educational inequalities that create barriers for our students. Using GEER and other CARES Act, funds, Governor Kelly is committed to partnering with LEAs and IHEs to specifically address the needs of these populations through technology support, best practices and guidance, access to wrap-around services and equitable remote-learning opportunities. She will charge every institution who receives these funds to specifically plan for and report how they are supporting the disadvantaged populations listed in this section.

For low-income students, Governor Kelly has and will continue to address the enduing barrier of internet and technology access. As mentioned, many students in rural Kansas don't have access to reliable internet. Students in more urban counties, some of whom are from historically marginalized minority communities, may also have difficulties accessing affordable internet services or technology. Funds may also be used for additional resources for low-income families to support at-home learning, including hands-on activities, training and instruction for parents, and access to additional tutoring and academic support services for parents who may be unable to teach students during the day. For student's experiencing homelessness, this crisis has exacerbated the instability that has already significantly impacted their learning. LEAs and IHE are committed to making sure that students with unstable or non-existent safe housing have the supports they need, including access to safe spaces to live on campus or in their communities, access to technology for remote learning, and additional wraparound supports to ensure that they have the food, health services, and social supports they deserve.

Governor Kelly has also made it a priority of her administration to support children in the foster care system and ensure quality educational services for at-risk or displaced youth. A goal of GEER funds will be to work with the Department of Children and Families and LEAs to ensure that foster-care students are not left behind during times of remote-learning. This pandemic has put a significant additional strain on these students, and the state must ensure that their learning and wraparound services remain constant. Additional access to remote mental health services, supports for foster-parents, and additional lesson-plans and best practices will be critical as families and educators enter the summer and prepare for the fall.

COVID-19 has highlighted existing health disparities for racial minorities and illustrated the need for targeted programs to support historically disadvantaged minority communities.

**GEER funds can be used to ensure that the social, economic, and technology supports that these students needs are adequately funded, especially during a potential second wave during the fall. Further, best practices and additional remote resources can be offered for English language learners to ensure a continuity of instruction during the summer and during the next school year.**

3. Does the State intend to use any of the awarded funds to support remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators? If so, please identify, generally, the resources, best practices, and innovations that the State intends to develop and expand.

**In the wake of the COVID-19 pandemic, Governor Kelly made the difficult but necessary decision to close school buildings for the remainder of the 2019-2020 school year, giving teachers, administrators, and families the certainty needed to plan for continued learning at home while keeping students safe. Understanding the breadth and complexity of this new normal for both parents and educators, she tapped a team of educators, administrators, and community leaders across the state to create the Kansas Continuous Learning Task Force. Within a week, the task force created a comprehensive 70-page continuous learning guide for families and teachers designed to be a blueprint for remote and nontraditional learning. The continuous learning guide was quickly adopted across the state and has become a model nationally for how to ensure continued access to quality educational services while school buildings are unavailable. The guide, which includes best practices for remote for students of all ages, includes lesson plans, technology guidance, information on free resources, and tips for students and parents.**

**The Governor is committed to using the GEER funds to build on the work of the Continuous Learning Task Force, for both K-12 and beyond. Translating the continuous learning guide to the needs of post-secondary students is an important avenue for expansion. As we enter the fall and begin to plan for a potential second-wave, educational institutions at all levels need to be prepared to support student learning at home or in other non-traditional settings. Partnering with post-secondary institutions to provide critical financial support for remote learning in the fall can help them ensure safety for students while also not compromising learning. Consequently, funds can be used to expand continuous learning best practices to support learning during the summer, especially considering COVID-19's exacerbation of the "summer slide". Technology can be leveraged to help students of all ages facing academic displacement during the pandemic receive additional services during the summer.**

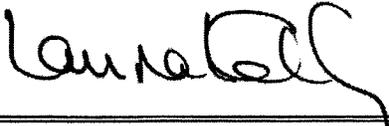
**Additional best practices or resources may include summer learning plans, remote learning guides for higher education institutions, informational technology support resources for parents, guides for learning in low-resource settings, ways to promote hands-on learning at home especially for critical science instruction in higher education, and specific learning plans for students with learning disabilities like dyslexia. Further, best practices for families and instructors to support student mental health is a chief priority of this Administration. This pandemic has taken a toll on students, families, and staff, and outlining resources to support the well-being of all those in our educational institutions can be a core mission of these funds. The Governor plans to give institutions receiving funding the flexibility they need to address the unique learning needs of their students during this pandemic. Programs**

**specifically designed to help low-income and under-resourced students access high-quality learning at the same level as their peers will be a priority, especially for high-education institutions. Considering disparities in internet access, technology access, and additional at-home learning support, educational must ensure that no student is left behind.**

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND  
PART D: OTHER ASSURANCES AND CERTIFICATIONS**

The Governor or his/her authorized representative assures or certifies the following:

- The State will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders, and regulations.
- With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR part 82, Appendix B); and the State will require the full certification, as set forth in 34 CFR part 82, Appendix A, in the award documents for all subawards at all tiers.
- Any LEA receiving funding under this program will have on file with the State a set of assurances that meets the requirements of Section 442 of the General Education Provisions Act (GEPA), 20 U.S.C. 1232e.
- To the extent applicable, an LEA will include in its local application a description of how the LEA will comply with the requirements of Section 427 of GEPA, 20 U.S.C. 1228a. The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede access to, or participation in, the program.
- The State and other entities will comply with the provisions of all applicable acts, regulations, and assurances; the provisions of the Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 81, 82, 84, 86, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Governor or Authorized Representative of the Governor (Typed Name):	
<b>Governor Laura Kelly</b>	
Signature:	Date:
	5.29.2020

**Appendix A: Relevant Excerpts from Title VIII of Division B of the CARES Act, the Emergency Appropriations for Coronavirus Health Response and Agency Operations**

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 Deficit Control Act of 1985.

GENERAL PROVISIONS  
EDUCATION STABILIZATION FUND

SEC. 18001. (a) ALLOCATIONS.—From the amount made available 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 Secretary 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 Education 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:

- (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.).
- (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 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).

#### 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, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

#### DEFINITIONS

SEC. 18007. Except as otherwise provided in sections 18001-18006 of this title, as used in such sections—

- (1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;
- (2) the term "institution of higher education" has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
- (3) the term "Secretary" means the Secretary of Education;
- (4) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;
- (5) the term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965.
- (6) the term "Non-public school" means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;
- (7) the term "public school" means a public elementary or secondary school; and
- (8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### MAINTENANCE OF EFFORT

SEC. 18008. (a) A State's application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State's support for elementary and secondary education and for higher education provided

in the 3 fiscal years preceding the date of enactment of this Act.

(b) The secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources.

## Appendix B: State Allocation Data

Under section 18002(b) of the CARES Act, the Secretary awards GEER funds to Governors as follows:

1. 60% based on the State's population of individuals aged 5 through 24; and
2. 40% based on the relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

STATE	GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND (Based on section 18002(b) of the CARES Act)
<b>TOTAL</b>	<b>\$2,953,230,000</b>
ALABAMA	48,851,495
ALASKA	6,503,527
ARIZONA	69,196,325
ARKANSAS	30,663,725
CALIFORNIA	355,227,235
COLORADO	44,004,996
CONNECTICUT	27,881,682
DELAWARE	7,916,821
DISTRICT OF COLUMBIA	5,807,678
FLORIDA	173,585,880
GEORGIA	105,720,728
HAWAII	9,993,387
IDAHO	15,676,340
ILLINOIS	108,497,757
INDIANA	61,590,954
IOWA	26,217,108
KANSAS	26,274,163
KENTUCKY	43,799,187
LOUISIANA	50,276,799
MAINE	9,273,552
MARYLAND	45,657,990
MASSACHUSETTS	50,843,703
MICHIGAN	89,432,673
MINNESOTA	43,427,249
MISSISSIPPI	34,662,872
MISSOURI	54,643,115
MONTANA	8,764,495
NEBRASKA	16,357,685
NEVADA	26,477,349
NEW HAMPSHIRE	8,891,470
NEW JERSEY	68,864,994
NEW MEXICO	22,262,663
NEW YORK	164,286,083
NORTH CAROLINA	95,638,869

<b>NORTH DAKOTA</b>	5,932,707
<b>OHIO</b>	104,917,025
<b>OKLAHOMA</b>	39,919,354
<b>OREGON</b>	32,507,956
<b>PENNSYLVANIA</b>	104,418,240
<b>RHODE ISLAND</b>	8,704,245
<b>SOUTH CAROLINA</b>	48,467,924
<b>SOUTH DAKOTA</b>	7,944,013
<b>TENNESSEE</b>	63,582,031
<b>TEXAS</b>	307,026,008
<b>UTAH</b>	29,189,663
<b>VERMONT</b>	4,488,802
<b>VIRGINIA</b>	66,775,322
<b>WASHINGTON</b>	56,769,263
<b>WEST VIRGINIA</b>	16,353,314
<b>WISCONSIN</b>	46,550,411
<b>WYOMING</b>	4,700,937
<b>PUERTO RICO</b>	47,812,236