**State of New York**

**Coronavirus Aid, Relief, and Economic Security (CARES) Act**

**Education Stabilization Fund**

**Governor’s Emergency Education Relief (GEER) Fund**

**45 Day Report to the U.S. Department of Education**

**July 13, 2020**

PR/AWARD NUMBER: S425C200020

**1. Please describe the State’s process for awarding GEER funds to LEAs, IHEs, and/or other education-related entities, including:**

**a. Timeline(s) for awarding GEER funds to LEAs, IHEs, and/or other education-related entities**

*New York State plans to award GEER funds to LEAs[[1]](#footnote-1) during the summer of 2020, but will do so no later than May 22, 2021 (one year from the May 22, 2020 award date).*

**b. The criteria, process and deliberations you use to determine which LEAs, IHEs, and/or other education-related agencies are:**

**i. “Most significantly impacted by coronavirus;” and/or**

**ii. “Essential” for carrying out emergency educational service**

*New York has allocated its GEER funds to school districts across the State, which have all been significantly and negatively impacted by the COVID-19 pandemic.  From March 16, 2020, through the end of the 2019-20 school year, all New York State schools were closed and required to provide students with remote instruction and school meals, as well as childcare for essential workers. Schools have not yet been authorized to resume in-person services to students, with the exception of summer special education programs for students with disabilities. Schools are preparing plans to safely reopen in the 2020-21 school year, and will need to alter how they operate, affecting the provision of instruction and other services to students.*

*The pandemic is having a disproportionate impact on our lowest-income communities, so most of New York’s GEER funding has been allocated to the State's highest-need school districts, where students are most likely to face food and housing insecurity and have limited access to devices/connectivity to enable remote learning. Specifically, similar to the Elementary and Secondary School Emergency Relief (ESSER) funds, New York's GEER funds have been allocated to school districts based on their relative Title IA allocations. Under this methodology, New York’s highest-need school districts will receive 86 percent of the GEER funds.  These roughly 200 school districts educate approximately 60 percent of the State’s public school students and account for 77 percent of public schools’ students eligible for free or reduced-price meals, 81 percent of public schools’ English language learners, and 65 percent of public schools’ students with disabilities.*

**c. The funding mechanisms (e.g., grants, contracts) the State will use to provide GEER funds to LEAs, IHEs, and/or other education-related entities**

*New York State will subgrant GEER funds to LEAs.*

**d. Any specific funding conditions or requirements the State will place on awards to ensure the funds are spent for specific purposes or activities.**

*New York State will require LEAs receiving GEER subgrants to provide assurances that they will meet the relevant Terms and Conditions listed in Attachment T of NYS’ GEER Grant Award Notification as well as the relevant assurances in New York State’s Certification and Agreement*

*for Funding under the Education Stabilization Fund Program, Governor’s Emergency Education Relief Fund. In addition, pursuant to the U.S. Department of Education’s July 1, 2020 Interim Final Rule CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools, if an LEA uses one of the low-income student options, the LEA will be required to provide assurance that they will not violate the Title I supplement-not-supplant requirement in section 1118(b)(2) of the Elementary and Secondary Education Act (ESEA).*

**2. Describe the system of internal controls the State will use to ensure that GEER funds are expended for allowable purposes and in accordance with cash management principles and the Uniform Guidance. See 2 CFR §200.303.**

*Please see attached Monitoring and Internal Control Plan.*

**3. If GEER funds are being awarded or used for payments to SEA or IHE administrators, executives, and/or state or local teachers’ unions or associations, please describe your process for reporting the amount of funds used for this purpose, and how the funds are consistent with allowable uses of funds under section 18002(c) of the CARES Act.**

*New York State is not awarding GEER funds or using GEER funds for payments to SEA or IHE administrators, executives, or state or local teachers’ unions or associations.*

**4. If you intend to provide GEER funds to LEAs, please describe the process you will use to ensure that LEAs receiving GEER funds 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.**

*On July 1, 2020, the U.S. Department of Education (USDE) published in the Federal Register an Interim Final Rule (IFR) which outlines how LEAs are to calculate the amount of ESSERF and GEER funds available for providing equitable services to students and teachers in non-public schools. The IFR was effective immediately, and New York State intends to comply with the IFR.*

*Pursuant to the IFR, New York State will provide LEAs two options to choose from as they move forward with the implementation of GEER funding. One option is a proportional allocation that applies to all students attending within the district (public and private); the other is based on the relative proportions of low-income students attending.*

1. ***Proportional:*** *If an LEA chooses to use GEER funding for students in all its public schools, it must calculate the funds for equitable services based on the proportionate number of students enrolled in private schools in the district.*
2. ***Low-Income:*** *If an LEA chooses to use GEER funding only for students in its Title I schools, it has two options:*
   * + *Calculate the funds for equitable services based on the total number of low-income students in Title I and participating private schools;* ***or***

* *Calculate the funds for equitable services using the LEA’s Title I, Part A share from the 2019-2020 school year.*

*New York State will require each LEA receiving GEER funds to engage in timely and meaningful consultation with appropriate private school officials regarding participation in the programming of GEER funds. LEAs will be required to collaboratively complete a CARES Act: 2020-21 Written Affirmation of LEA Consultation with Private School Officials form with the appropriate private schools. This affirmation form will be required to be completed even if the private school does not plan to participate in GEER funds programming. If private school officials do not provide such affirmation within a reasonable period of time, the LEA will be required to forward the documentation that such consultation has, or attempts at such consultation have, taken place. Completed affirmation forms or evidence of attempted consultation will be required to be included as part of the LEA’s application for GEER funds.*

*To ensure equitable participation for private school children, teachers, and other educational personnel, the New York State Education Department (NYSED) Ombudsman will monitor and enforce the requirements of CARES Act equitable services. Copies of all written affirmation forms will be provided to the Ombudsman for the purposes of review, technical assistance, and monitoring related to the LEA’s programmatic and fiscal obligations.*

**General Education Provisions Act (GEPA) Statement**: *New York State remains committed to ensuring equitable access to, and participation in, its Federally-assisted programs for students, teachers, and other program beneficiaries with special needs through the implementation of several laws and regulations. The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. In New York, all local educational agencies must comply with NYS Education Law § 3201 which states that discrimination on account of race, creed, color or national origin is prohibited.  Further, Education Law § 3201 requires that no person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.*

*New York State will use the Governor's Emergency Education Relief Funds to provide emergency support through grants to the LEAs that the New York State Education Department  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.  This will support the on-going functionality of the LEAs and promote educational equity by providing support to the LEAs with the most significant need during this time.*

Attachment

1. *New York State is allocating GEER funding to the State’s 673 major school districts. GEER funds are not being allocated to LEAs that are charter schools, Special Act School Districts, or school districts employing fewer than eight teachers.* [↑](#footnote-ref-1)