



The CARES Act

WASBO Fall Conference
November 2020
Presenters: Matt Baier and Brielle Glatzel



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CARES Act - Intent

"Now is the time to truly rethink education and to get creative about how we meet each student's unique needs."

USDE Secretary Betsy DeVos



USDE Press Release April 23, 2020

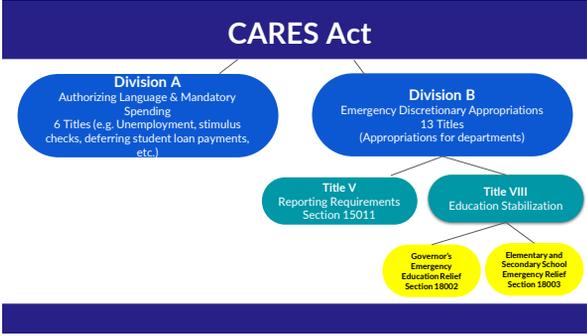
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CARES Act - Use of Funds

Intended to meet immediate needs as a result of COVID-19, such as tools and resources for distance education, ensuring student health and safety, and developing and implementing plans for the next school year.



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Paying Employees and Contractors

Section 18006 - Continued Payment to Employees
 "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."

An LEA that receives funds under the "Education Stabilization Fund," [ESSER and/or GEER funds] shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19.

CARES Act Section 18006

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Elementary and Secondary School Emergency Relief Fund (ESSERF)

- Section 18003 of the CARES Act
- Approximately \$174 Million for Wisconsin LEAs
 - 10% - To address issues responding to coronavirus, which may be addressed through the use of grants or contracts.
 - 90% - Grants for LEAs determined by the funding formula used to calculate allocations for Title I, Part A.

CARES Act Section 18803(e)

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ESSER Funding to Wisconsin

- 10% set-aside for state-level activities
 - A portion will be used for administrative costs (one half of one percent);
 - Ensure every LEA receives a grant allocation of at least \$40,000, whether they received Title I funds in 2019-20 or not;
 - Professional development for online/virtual learning and supporting student well being; and
 - Mental health supports for students.

CARES Act Section 18803(e)

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ESSERF Allocations

- DPI was required to use the Title I-A funding formula to calculate allocations.
 - These funds and their requirements are separate from Title I-A.
- LEAs received an ESSER grant that is approximately 75% of their 2019-20 Title I award.
 - Each LEA will receive a minimum award in the amount of \$40,000
- There is no Supplement, not Supplant provision in ESSER.
- Must still follow UGG, EDGAR, State, and LEA policy.

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ESSERF Grants to LEAs

- DPI notified LEAS of their [award amounts](#) on May 29
- ESSERF Grant Application opened July 30 in WISEgrants
- An approved budget necessary to submit claims
 - Claims for 2019-20 expenses from March 13 - June 30, 2020 were due September 30
 - LEAs will be required to submit a claim by December 31, 2020 for reporting purposes
- Grant Performance Period: 3/13/2020 - 9/30/2022

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Governor's Emergency Education Relief Fund (GEERF)

- Section 18002 of the CARES Act
- Approximately **\$80M** for Wisconsin to be apportioned by the governor
 - The Governor and the Department of Administration (DOA) has partnered with DPI to administer the grant
- **\$46.6M** of those funds for K-12 education



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GEERF Allocations

- 156 LEAs and 3 Tribal Schools identified to receive funds based on [four factors](#):
 - Percentage of students scoring below basic on English language arts (ELA),
 - Percentage of students from economically disadvantaged families,
 - Percentage of households with no devices, and
 - Percentage of households with no internet.
- There is no Supplement, not Supplant provision with GEER Funds.
- Must still follow UGG, EDGAR, State, and LEA policy.



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GEERF Grants to LEAs

- DPI notified LEAS of their [award amounts](#) on July 23
- GEERF Grant Application opened October 15 in WISEgrants
- An approved budget necessary to submit claims
 - LEAs will be required to submit a claim by December 31, 2020 for reporting purposes
- Grant Performance Period: 7/1/2020 - 9/30/2022



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CARES Act Equitable Participation

- An LEA receiving GEER or ESSER funds shall provide equitable services to students and teachers in private schools in the same manner as required under Title I, Part A of ESEA.
- Services are to be determined in consultation with representatives of private schools.
 - LEAs are required to consult with all private schools that reside within their boundaries;

CARES Act Section 18005

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Equitable Participation: Consultation

- Must be timely and meaningful;
- Specific topics and data must be discussed to meet the consultation requirement;
- Must include data for all students that attend the private school;
- LEA and private school should reach agreement on how best to provide equitable and effective services;
- Agreement certified in Private School Affirmation Form; and
- Must be ongoing.

CARES Act Section 18005

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Equitable Participation: Fiscal Authority

Section 18005(b) - Public Control of Funds

"The control of funds for the services and assistance provided to a non-public school, 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..."

- An LEA alone has the authority to obligate funds;
- Any purchased materials, supplies, or equipment remains the property of the LEA; and
- Must discuss during consultation to ensure private school understands the LEA's role regarding funding authority,

CARES Act Section 18005(b)

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Equitable Participation: Proportional Calculation

Low-income Enrollment vs. Total Enrollment

- CARES Act Section 18005
 "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."
- USDE's [Interim Final Rule](#)
 - Was effective July 1, 2020
 - Required that total enrollment be used or low-income may be used only if Title I schools are served

CARES Act Section 18005
USDE Interim Final Rule on CARES Act Programs: Equitable Services to Students and Teachers in Non-Public Schools

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Equitable Participation: Proportional Calculation

Low-income Enrollment vs. Total Enrollment

DPI implemented a policy in regards to Equitable Participation with the aim of accommodating an eventual determination of which calculation should be used.

Through WISEgrants, equitable participation was calculated using both total enrollment and low income enrollment from all schools (public and private).

DPI the reserved the minimal amount of funding necessary to be able to update the application at a later date without requiring LEAs to return funds.

CARES Act Section 18005
USDE Interim Final Rule on CARES Act Programs: Equitable Services to Students and Teachers in Non-Public Schools

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Equitable Participation: Proportional Calculation

Low-income Enrollment vs. Total Enrollment

- U.S. District Court vacated USDE's Interim Final Rule on September 4
 - Determined that low-income enrollment data be used to calculate the proportional share
- September 25, the Secretary of Education released a [letter](#) stating they would not appeal the U.S. Court's decision
 - Reinforced the use of low-income data for calculation

CARES Act Section 18005
USDE Interim Final Rule on CARES Act Programs: Equitable Services to Students and Teachers in Non-Public Schools

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ESSERF Allowable Costs

- Funds can be used for allowable costs in multiple Funds
 - General Education and Private School (Fund 10)
 - Special Education (Fund 27)
 - Food Services (Fund 50)
 - Community Service Fund (Fund 80)
- Budgeted and claimed as separate subbudgets in WISEgrants, based upon Fund.
- No minimum requirements for spending in specific areas, other than costs must be budgeted for participating private schools.

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ESSERF Allowable Costs

ESSERF details specific categories of activities for grant funds

- Preparedness and Response to COVID-19
 - Includes costs around training for staff, planning and coordinating, changes to the physical plant, sanitation, health screening, social distancing
- Addressing Long-term School Closure
 - Any costs generated when "normal" in-person education is interrupted, including temporary closures, temporary virtual-only, or dedicated hybrid models
- Addressing Afterschool and Summer Activities
 - Activities related to summer learning and supplemental afterschool programs

CARES Act Section 18003(d)

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ESSERF Allowable Costs

ESSERF details specific categories of activities for grant funds

- Educational Technology
 - Purchasing of technology (hardware, software, and connectivity) for students to support substantive educational interaction
- Mental Health Services and Support
 - Providing mental health services and supports
- Outreach/Service Delivery to Special Populations
 - Activities to address the unique needs of low-income students, English learners, racial and ethnic monitoring, students with disabilities, students experiencing homelessness, etc.

CARES Act Section 18003(d)

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ESSERF Allowable Costs

- **Continued Staff Employment**
 - Salary and benefits for LEA staff, or costs of contracted services, necessary to maintain the operation and continuity of services in the LEA

CARES Act Section 18006 Certification

LEAs are required to complete a certification process attesting to the LEAs intent to continue to pay staff and contractors, or provide a reasonable explanation as to why it is not practicable for the LEA to do so.

CARES Act Section 18003(d), Section 18006

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GEERF Allowable Costs

- Costs can be budgeted for allowable costs in Fund 10 and Fund 27:
 - General Education and Private School (Fund 10)
 - Special Education (Fund 27)
- Costs budgeted and claimed within separate subbudgets
- Eligible costs incurred after July 1, 2020
- Focused toward specific areas of educational need

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GEERF Allowable Costs

GEER funds targeted to specific areas, which align with areas of cost under ESSERF:

- **Remote and Distance Learning**
Educational Technology/Addressing Longterm School Closure/Outreach and Service Delivery to Special Populations/Mental Health Services and Supports
- **Infrastructure and Schedule Modifications**
Preparedness and Response to COVID-19/Addressing Longterm School Closure
- **Health and Safety**
Preparedness and Response to COVID-19/Addressing Longterm School Closure

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Ensuring Equitable Access

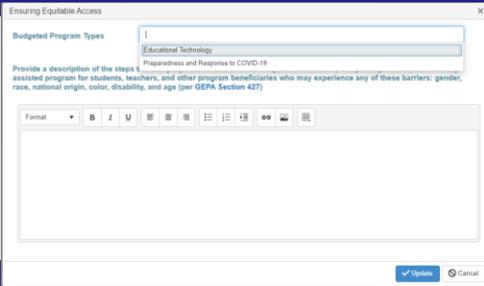
The General Education Provisions Act (GEPA) Section 427 highlights six types of barriers that can impede equitable access or participation in federally funded programs: gender, race, national origin, color, disability, or age.

As part of ESSER and GEER grant applications, LEAs need to include a succinct description of steps to be taken to overcome the barriers that are applicable to their circumstances. One description is required for each program type tied to budget expenses (not for each budget item).



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Ensuring Equitable Access



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Claims Format

ESSERF costs are budgeted and claimed by subbudget

- (General Education/Private School Share, Special Education, Food Service)

General Education/Special Education/Food Service claims

- In anticipation of required federal reporting, costs claimed for reimbursement are broken out by program type on the claim.

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Reporting Requirements

- Applies to any recipient that receives more than \$150,000 through September 30, 2021.
- GEER and ESSER funds
- Quarterly reporting

Title V, Section 15011

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CARES Act Resources

- [DPI's CARES Website](#)
 - [Federal Waivers for LEAs](#)
 - [DPI's CARES Act FAQ](#)
 - [GEPA 427: Ensuring Equitable Access](#)
- [DPI's ESSERF Website](#)
 - [LEA Start Guide for ESSERF Grants](#)
 - [Equitable Participation Under ESSER](#)
 - [CARES Act Equitable Participation Calculator](#)
 - [ESSERF Allowable Costs - Public and Private](#)
- [DPI's GEERF Website](#)
 - [LEA Start Guide for GEERF Grants](#)
 - [Equitable Participation Under GEER](#)
 - [CARES Act Equitable Participation Calculator](#)
 - [GEERF Allowable Costs - Public and Private](#)

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Questions?

Questions regarding the [ESSERF](#) grant?

- Email essergnants@dpi.wi.gov

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