



THE ALABAMA STATE DEPARTMENT OF EDUCATION

CARES ACT

Frequently Asked Questions

What is the CARES Act?

The Coronavirus Aid Relief and Economic Security (CARES) Act established the \$150 billion Coronavirus Relief Fund, an economic stimulus to state and local governments, individuals, businesses, and schools in response to the fallout from the Coronavirus (COVID-19) crisis.

Did Alabama apply for the CARES Act Education Stimulus?

Yes. Alabama's funding application was submitted to the USED in Washington D.C. on Friday, April 4, 2020. The ALSDE received confirmation of the approval of its application on Wednesday, April 27, 2020.

What are the K-12 funding opportunities and what did/will Alabama receive from the CARES Act?

The funding opportunities that impact K-12 education in Alabama are the Governor's Emergency Education Relief (GEER) Fund and the Education Stabilization Relief Fund. Decisions on the use of the Governor's Emergency Education Relief Funds will come from the Governor's administration. The ALSDE administers the Elementary and Secondary School Emergency Relief (ESSER) Fund of which Alabama is projected to receive approximately \$217 million. The statute requires that this funding be delivered on a formula basis to LEAs based on their proportionate share of the state's total Title I funding allocation.

Will the use of money for LEAs be flexible, with LEAs being permitted to spend the funds on all the same activities permitted under all the major programs in the Elementary and Secondary Education Act (ESEA)?

Yes, the uses of funds for this money are very flexible. Under the law funds may be used for any activity authorized by ESEA, IDEA, the Adult Education and Family Literacy Act, the Perkins CTE Act, or the McKinney-Vento Homeless Assistance Act in addition to other activities to help with the response to COVID-19 (including preparedness and response efforts, sanitation, professional development, distance learning, and others).

Are LEAs that did not receive Title I funds in the most recent fiscal year eligible for Elementary and Secondary School Emergency Relief Funds?

We do not believe they are eligible to receive funds. LEAs receive Elementary and Secondary School Emergency Relief funds based on their relative share of Title I funds. If an LEA did not receive Title I funds in the most recent fiscal year – either because it was not eligible or because it declined funding – then it would not generate a share of Elementary and Secondary School Emergency Relief Funds.

Will the funds be able to be used on recurring expenditures due to decline in state revenue?

Yes. The ESSER Fund may be a temporary source of funding for activities that have heretofore been supported by States and may help make up for the decline in State revenues. It is important to note however, that states which accept ESSER funding are subject to a maintenance of effort where States must maintain support for elementary and secondary education and for higher education in fiscal year 2020 and 2021 at least the levels of such support that is the average of the three past fiscal years in the state.

Since the CARES Act grant has no Supplement Not Supplant clause with it, it becomes an Unrestricted Federal grant. For our Subrecipients (LEAs), can they budget for Administrative Cost and Indirect Cost Rate with this grant award? If so, is there a cap associated with the Administrative Cost?

Yes, there is no supplement, not supplant requirement for the ESSER Fund. Under USED regulations, recipients of grants for programs that do not have an "SNS" requirement may use an "unrestricted" indirect cost rate.

Will costs associated with child care for essential workers and transportation for delivery of meals and materials also likely qualify for FEMA reimbursement? If so, would you recommend charging these to FEMA rather than CARES?

The FEMA guidance on COVID-related expenditures by state and local governments that may be reimbursed by that agency, as well as FEMA's Public Assistance Program and Policy Guide has been reviewed. The allowable expenditures appear to be mainly in the areas of emergency medical care; medical sheltering; and management, control, and reduction of immediate threats to public health and safety. Both child care and provision of food appear to be allowable in certain circumstances (for example, provision of child care to populations in temporary shelters, as necessary to address immediate threats to public health and safety or property). SEAs and LEAs should bring directly to FEMA questions regarding the allowability of specific expenditures related to the operation of schools.

How may LEAs spend their Elementary and Secondary School Emergency Relief Funds?

LEAs may spend their funds on a wide variety of activities:

1. Any activity authorized by the Elementary and Secondary Education Act (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,
2. Coordination of LEA preparedness and response efforts to improve coordinated responses with other agencies to prevent, prepare for, and respond to coronavirus,
3. Providing principals and other school leaders with the resources necessary to address school needs,
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,
5. Developing and implementing procedures and systems to improve LEA preparedness and response efforts,
6. Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases,
7. Purchasing supplies to sanitize and clean LEA facilities,
8. 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,
9. 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,
10. Providing mental health services and supports,
11. Planning and implementing activities related to summer learning and supplemental afterschool programs and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care, and
12. Other activities that are necessary to maintain operations and continuity of services and continuing to employ existing staff.

Can the Elementary and Secondary School Emergency Relief Funds benefit any school in the LEA, regardless of a school's Title I, Part A status?

Yes. States must allocate Elementary and Secondary School Emergency Relief Funds to LEAs based on their relative share of Title I, Part A funds, but Elementary and Secondary School Emergency Relief funds are not Title I funds. Therefore, ranking and serving, school and student eligibility, and other Title I requirements do not apply to Elementary and Secondary School Emergency Relief funds.

LEAs may spend their Elementary and Secondary School Emergency Relief funds on any allowable activity listed in Section 18003(d), many of which are likely to be districtwide activities. If an LEA chooses to spend funds to benefit individual schools, for example, to provide principals and other school leaders with resources to address their school's individual needs (Sec. 18003(d)(3)), it may benefit any school regardless of Title I status.

The ALSDE looks for ways to support LEAs in meeting the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, children in foster care, and other vulnerable populations, all of which is allowable under Elementary and Secondary School Emergency Relief Fund.

Can State Education Agencies and LEAs spend Title II funds and pay for events occurring next year with funds from this fiscal year?

This fiscal year (Federal Fiscal Year 2019) Title II, Part A funds are available to pay for obligations for allowable activities incurred by a SEA or an LEA between July 1, 2019 and September 30, 2021. Therefore, a SEA or LEA may use FY 2019 Title II, Part A funds for obligations that will occur between now and September 30, 2021 as long as the obligations are for allowable activities under the program to which they are charged.

Does the CARES Act include funds for compensatory education services for students with an Individualized Education Program (IEP)?

For LEAs, the authorized uses of funds under the K12 portion of the Education Stabilization fund include, among others, any activity authorized under ESEA or IDEA. Thus, the K12 portion of the Education Stabilization fund could be used for compensatory services for students with disabilities.

How might the U.S. Department of Agriculture (USDA) support state agencies due to the fewer meals being served and lower National School Lunch Program (NSLP) meal reimbursement. Would they adjust the state Demonstrative Expense funding allocations?

The Families First Coronavirus Response Act, provided \$1 billion in nutritional aid, allowed expanded SNAP benefits to go to school meal eligible children through EBT, expanded access to COVID-19 testing, and created paid sick and emergency leave benefits. The bill also provided the U.S. Department of Agriculture (USDA) with authority to grant waivers (until September 30, 2020) for various provisions of Child Nutrition and School Lunch Acts. This is all flexibility as it relates to the existing structure, but not necessarily pertaining to reimbursement rates. Read the last sentence it is not clear. Perhaps “the” needs to be placed in from of flexibility.

Do the childcare appropriations in the CARES Act include additional funds for the Child Care and Development Block Grant (CCDBG)?

The bill provides \$750 million for Head Start and \$3.5 billion for the Child Care and Development Block Grant (CCDBG) program. For CCDBG, funds can be used to help existing providers reopen or remain open or used to provide childcare assistance to health care workers, emergency responders and sanitation workers without regard to income eligibility requirements.

What are the stakeholder engagement requirements in the CARES Act?

In Alabama, the ALSDE developed and promoted an online survey that the public could take to give opinions on how to use the CARES Act funding. The authorization for the National Education Emergency Waivers requires that a state agency or LEA requesting a waiver provide the public and all LEAs in the state with notice of, and the opportunity to comment on, the request by posting information on the waiver request.

Are there any Family Education Rights and Privacy Act (FERPA) rules around k-12 students using video (e.g., live video for class meetings; video recording themselves and uploading as part of an assignment)?

LEAs will indeed need to ensure that they carry out distance learning activities in a manner that does not result in unauthorized release of student information in violation of FERPA. In March, the U.S. Department of Education’s Student Privacy Office released guidance on FERPA and Virtual Learning Related Resources. We urge LEAs to make use of that guidance.

Does the Education Stabilization Fund require funds to be reserved for equitable services for non-public schools? If so, are direct payments made to non-public schools or do similar provisions under ESEA or IDEA apply here?

The law requires the use of Title I’s equitable services provisions (Section 1117 of ESEA) in the provision of services to private school children. Direct payments will not be made; the LEA will retain public control of the funds.

Does the CARES Act require LEAs to provide equitable services for private schools?

Yes. Section 18005 of the CARES Act requires LEAs that receive Governor's Emergency Education Relief Funds or Elementary and Secondary School Emergency Relief Funds to provide equitable services in the same manner as provided under Section 1117 of ESEA (that is, in the same manner as equitable services are provided in Title I, Part A). The equitable services provided to private school students and teachers must be determined in consultation with private school representatives. LEAs may provide services directly or may contract with a public or private entity to deliver the services.

Can LEAs provide funds directly to private schools?

No. LEAs must retain control of CARES Act funds used for equitable services as well as title to any materials, equipment, and property purchased with CARES Act funds.



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