



# The CARES Act

## South Carolina School Boards Association

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Division of Federal Programs, Accountability,  
and School Improvement  
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Molly M. Spearman – State Superintendent of Education

# **CARES ACT - FEDERAL WAIVERS**

# Accountability & Assessment Waivers

- No new ratings in Fall 2020; schools will retain same rating from Fall 2019 until report cards issued in Fall 2021
- School designations continue (Comprehensive Support and Improvement (CSI) & Additional Targeted Support and Improvement (ATSI), along with federal funding (always contingent on SC's ESEA/ESSA award in July 2020)
- Some information will be reported on report cards; none used for ratings
- Working to identify and create plans for longer-term issues (e.g., growth metric) amidst Cyclical Review with EOC

# Fiscal Waivers for Expiring Federal Funds

April 7<sup>th</sup> Memo: <https://ed.sc.gov/newsroom/school-district-memoranda-archive/updates-on-esea-flexibilities/updates-on-esea-flexibilities-memo/>

Waivers allow SCDE and districts:

- More time to spend existing funds
- More flexible spending options
  - More professional development options (Title II)
  - More flexibility for districts within Title IV

# Carryover for 2019–20 Title I, Part A Funds

- Normally, districts limited to carry over only 15% of Title I, Part A funds from one year to the next, a limit SEAs can waive once every three years
- Waiver removes limit on how much Title I, Part A funds districts can carry over from 2019–20 to 2020–21
- Also applies to districts that have already received waiver from SCDE within last three years

# Programs with Extended Period for FY19 Funds

- Section 1003 (School Improvement) - Federal funds for CSI and ATSI
- Section 1003a (Direct Student Services)
- Title I, Part A (Improving Basic Programs)
- ***Title I, Part B (State Assessment Grant)***
- Title I, Part C (Migrant Education)
- Title I, Part D, Subpart 1 (Neglected and Delinquent)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition)
- Title IV, Part A (Student Support and Academic Enrichment)
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 (Rural and Low-Income School Program)
- McKinney-Vento Education for Homeless Children and Youth Program
- Title I of the Carl D. Perkins Career and Technical Education Act of 2006
- Title II of the Workforce Innovation and Opportunity Act (i.e., the Adult Education and Family Literacy Act)

# Period of Availability for FY19 Funds, cont'd

- Normally, funds in subgrants with a performance period beginning July 1, 2018, must be spent by September 30, 2020
- Waiver allows districts until **September 30, 2021** to expend funds
- SCDE creating a **SINGLE** amendment document to authorize extended performance period; districts will save document with each applicable subgrant award

# 2019–20 Title IV, Part A Needs Assessment

- Normally, districts receiving Title IV, Part A funds of \$30,000 or more must conduct a comprehensive needs assessment for improved access to a well-rounded education, school conditions for student learning, and access to personalized learning experiences
- Districts must spend Title IV, Part A funds consistent with identified needs
- Waiver allows districts to use needs assessment conducted for 2019–20 funding without changes



# **Title IV, Part A Requirement to Support Three Areas**

- Normally, districts receiving Title IV, Part A funds of \$30,000 or more must spend at least
  - 20% for activities to support a well-rounded education
  - 20% for activities to support safe and healthy students
  - Some funds to support the effective use of technology
- Waiver allows districts to spend any remaining FY19 funds and FY20 funds on any allowable Title IV, Part A activity (do not have to spend across all three areas)

# **Title IV, Part A Limit on Funds for Technology Infrastructure**

- Normally, districts cannot spend more than 15% of funds earmarked for technology on technology infrastructure (devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases)
- Waiver removes limit on how much *all* districts can spend on technology infrastructure (not limited to districts receiving \$30,000 or more)

# **ESEA's Professional Development Definition**

- Normally, professional development activities supported with ESEA funds must, among other things, be sustained, intensive, and collaborative
- Waiver allows districts to use ESEA funds to support shorter-term professional development that is otherwise allowable under relevant grant program

# Services to Newly Enrolled English Learners during COVID-19 Pandemic

March 31<sup>st</sup> Memo: <https://ed.sc.gov/newsroom/school-district-memoranda-archive/services-to-newly-enrolled-english-learners-during-covid-19-pandemic/services-to-newly-enrolled-english-learners-during-covid-19-pandemic/>

## Note:

- ED has not provided guidance, flexibility, or information
- If ED does, SCDE will update guidance, and if needed, rescind any contrary information

# Special Education Services

- Online information and resources at <https://ed.sc.gov/districts-schools/special-education-services/information-about-covid-19-coronavirus/>

## 3-Priority Response to COVID-19



### Health & Safety

Health and safety needs come first; that includes mental health needs as well as physical health needs.

### Access to Learning

Student needs come before IDEA compliance. Do your best to provide reasonable and practical access to continued learning opportunities in light of these current circumstances.

### Stakeholder Communication

Frequent, clear communication among stakeholders (families, students, teachers, staff) will support all efforts on behalf of students with disabilities.

**UP-TO-DATE AS OF APRIL 29, 2020**

**CORONAVIRUS AID, RELIEF, AND ECONOMIC  
SECURITY (CARES) ACT**

# CARES Act – General Information

- Provides \$13.5 billion to states for education-related expenses
- Signed into law March 27; state educational agency application became available on April 23 (Governor's on April 14)
- Emergency funds; not economic stimulus
- *Supplement not Supplant* does not apply to CARES Act funds, but other provisions/regulations do

# SC's CARES Act Funding

- SCDE to receive \$216,311,158
  - Elementary and Secondary School Emergency Relief (ESSER) Funds
  - 10% for state-reserve activities (~\$21,631,116); state-level activities must address emergency needs related to COVID-19 pandemic
  - 90% (\$194,680,042) flow-through to school districts as subgrants
- Governor's Office to receive \$48,467,924 (Governors' Education Emergency Relief Funds, or GEER Funds)



# CARES Act – Governor’s GEER Funds

- Governor’s office must apply for funds
- Funds to support one or more:
  - Subgrants for ongoing functionality to school districts significantly impacted by COVID-19
  - Subgrants for ongoing functionality to Institutes of Higher Education (IHEs) significantly impacted by COVID-19
  - Providing support to any other IHEs, LEAs, or education related entity within state that Governor deems essential for carrying out emergency educational services..., provision of child care and early childhood education, social and emotional support, and protection of education-related jobs.

# CARES Act – ESSER Funds

- SC's ESSER application was submitted on April 29, 2020
- SCDE has made final districts ESSER allocations and a dedicated website <https://ed.sc.gov/policy/federal-education-programs/esser-funding-information/>
- SCDE awaiting approval of its application from the US Dept. of Education
- Once approved, SCDE will finalize ESSER applications for districts to complete, followed by grant awards

# ESSER Funds – SCDE’s State Reserve

- SCDE may use funds for subgrants or subcontracts for statewide needs or activities related to or caused by COVID-19
- SCDE is working with Governor’s Office (particularly related to technology)
- SCDE surveying districts on IT and distance/remote learning needs
- SCDE wants to ensure state-level funds are spent to maximize needs, not duplicate what others are spending

# ESSER Funds – SCDE’s Application

- Forms (cover sheet, programmatic/fiscal/reporting assurances, other assurances and certifications)
- Brief narrative
  - Contents of LEA subgrant application
  - Extent to which funds will be used for technology/access and remote learning

Note: Within 60 days of receiving grant award, SCDE must submit budget for use of state funds and internal control and subrecipient monitoring plan.

# **ESSER Funds – SCDE’s Application, cont’d**

- Must assure technical assistance to school districts on use of funds for remote learning (distance education and distance learning)
- Must ensure school district applications include GEPA Statement (steps district proposes to take to permit students, teachers, and other beneficiaries to overcome barriers that impede equal access to, or participation in, subgrant-funded activities)

# ESSER Funds – School District Subgrants

- Amounts determined in proportion to most recent Title I, Part A subgrant
- Requires
  - Equitable Participation of Non-Public Schools (consultation)
  - Must “to the greatest extent practicable” continue to pay district employees and contractors during period of any closures
- Not money solely for Title I or students in poverty

# 12 Areas of Allowable Uses of Funds

1. Any activities authorized under
  - ESSA
  - IDEA
  - Adult Education and Family Literacy Act
  - Perkins Act
  - Subtitle B of McKinney-Vento Homeless Assistance Act
2. Coordinate emergency response
3. Address needs of highly vulnerable populations
4. Support school leaders and school needs
5. Ensure preparedness and coordination (systems & procedures)

# 12 Areas of Allowable Uses of Funds, continued

6. Training related to infectious diseases
7. Purchase cleaning supplies to sanitize and clean schools
8. Planning/coordinating for long-term closures for education to continue
9. Purchase education technology
10. Mental health supports
11. Summer learning
12. Other activities to ensure continuity of education and employment

Detailed descriptions online at <https://ed.sc.gov/policy/federal-education-programs/esser-funding-information/cares-act-funding-categories/>



# ESSER Funds – District Application

- Typical district information
- Budgets by each of the 12 allowable uses
  - Short descriptions (a few sentences) about activities
- Description of how the needs were determined
- Proposed timeline for activities
- How funds will be used to address learning gaps
- Extent to which funds will be used to support remote learning

# ESSER Funds – Grant Awards & Assurances

- Districts will be awarded a Grant Award Notification with typical terms, conditions, and assurances
- Districts will use GAPS for budgets and payment
  - More information forthcoming
- Districts will have certain reporting requirements to the SCDE who must then report to the US Dept. of Ed
- SCDE will be required to monitor use of funds
  - More information forthcoming

# ESSER Funds - General

- Pre-award expenses may be paid for on and after March 13, 2020
- Will have until at least Sept. 30, 2021 to spend; possible one-year carryover **TBD**
- Funds must be reasonable, allowable, and allocable
- Funds cannot be used on:
  - Bonuses, merit pay, or similar expenditures, unless related to disruptions or closures related to COVID-19,
  - Subsidizing or offsetting executive salaries and benefits of individuals who are not LEA employees, or
  - Expenditures related to state or local teacher or faculty unions or associations
- Funds are emergency relief monies, not stimulus money

# ESSER Funds – SCDE Management Plan

- Developed three-phase management plan:
  - Planning
  - Awarding/rollout of funds
  - Monitoring and reporting
- Interdivisional team meeting and staff participating in multiple weekly calls
- Working to simplify forms, procedures, and processes to streamline application

# Questions

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