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## **BACKGROUND**

On March 27, 2020, Congress passed, and the President signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

## CARES Act Equitable Services Update

On September 4, 2020, in *NAACP v. DeVos*

**Governor's Emergency Education Relief Fund (GEER)  
FREQUENTLY ASKED QUESTIONS**

**1. What is the Governor's Emergency Education Relief (GEER) Fund?**

On April 14, 2020, the U.S. Department of Education announced that nearly \$3 billion would be made available to Governors to ensure education continues for students of all ages impacted by the ongoing COVID-19 pandemic. The Governor's Emergency Education Relief (GEER) Fund, authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, is a flexible emergency block grant designed to allow Governors to decide how best to meet the needs of students, schools, postsecondary institutions and other education-related organizations in their states.

In New York State, the Governor decided to make the entirety of the State's \$164.2 million GEER allocation available to the 673 major school districts to help ensure continued educational services for students amid the unprecedented public health emergency.

**2. Which LEAs are eligible for GEER funding?**

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**6. If an LEA did not receive an FY 2019 Title I, Part A subgrant for school year 2019-2020, is it eligible to receive GEER formula funds?**

No, an LEA is not eligible to receive GEER formula funds if they did not receive a FY 2019 Title I, Part A subgrant. This applies to LEAs that did not generate a Title I, Part A allocation or declined their allocation in 2019-20.

**7. What are the allowable uses of GEER funds by LEAs?**

Unless otherwise restricted by the Governor at the time of award, the LEA has considerable flexibility in determining how best to use GEER funds to prevent, prepare for, or respond to COVID-19. Grant funds awarded under subsection may be used to—

- (1) Implement 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.) (Section 18002(c)(3)).
- (2) provide child care and early childhood education, social and emotional support, and the protection of education-related jobs.
- (3) support the ability of local educational agencies to continue to provide educational services to their students and to support the ongoing functionality of the local educational agency.

The United States Department of Education has encouraged States and LEAs to invest GEER funds in technology infrastructure and professional development that will improve capacity to provide high quality, accessible, distance ecenor remote t

**8. Are nonpublic schools eligible to receive equitable services for GEER funds?**

While non-public schools are not eligible to apply to the New York State Education Department (NYSED or “the Department”) for GEER funds, LEAs are required to provide equitable services to students and teachers foichnon



**13. How can an LEA determine the amount of GEER funds for equitable services to non-public elementary and secondary schools?**

To determine the amount of GEER funds available for equitable services in a manner consistent with Section 1117 of the Elementary and Secondary Education Act (ESEA), the LEA must determine the overall number of children from low-income families who reside in participating Title I public school attendance areas and who attend public schools and non-public schools. Using the proportion of children from low-income families who attend non-public schools (located within and outside of the district's geographic boundaries), the LEA would determine the amount of funds available for equitable services based on that proportional share of the LEA's total GEER allocation. For example, an LEA with four Title I public school attendance areas and a total GEER allocation of \$1,000,000 would determine the proportional share as follows:

<b>EXAMPLE – DETERMINING THE PROPORTIONAL SHARE</b>		
<b>Public School Attendance Area</b>	<b># of Public School Low-Income Children</b>	<b># of Private School Low-</b>

16. May an LEA use its GEER funds to support any school in the district, regardless of a school's Title I, Part A status?

**Elementary and Secondary School Emergency Relief Fund (ESSER)  
FREQUENTLY ASKED QUESTIONS**

**22. What is the Elementary and Secondary School Emergency Relief Fund?**

Under the Elementary and Secondary School Emergency Relief Fund (ESSER Fund), the United States Education Department (USDE) awards grants to State educational agencies (SEAs) for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact of Novel Coronavirus Disease 2019 (COVID-19) on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools as required under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

**23. Which LEAs are eligible for ESSER funding?**

All LEAs, including charter schools and Special Act School Districts, that received 2019-20 Title I, Part A subgrants are eligible to receive ESSER Funding.

**24. How is an LEA's allocation determined?**

As required by the CARES Act, an LEA's ESSER allocation was determined as a proportionate share based on the 19-20 Title I, Part A funds.

**25. What is the funding period for ESSER Funds?**

The funding period for ESSER funds is from March 13, 2020 to September 30, 2022. LEAs must obligate ESSER funds by September 30, 2022 and must liquidate ESSER funds by October 30, 2022.

**26. If an LEA previously submitted an application for ESSER funds to NYSED, does the LEA need to submit a new application?**

that did not exist in the 2019-2020 school year; or 2) if a charter school LEA that was previously established significantly expanded during the 19-20 school year and therefore its larger student population makes it eligible for Title I, Part A funds in the 2020-2021 school year.

## **28. What are the allowable uses of ESSER funds by LEAs?**

An LEA may use ESSER funds for any of the following activities:

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 others 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.



**33. How can an LEA determine the proportional share of ESSER funds for equitable services to non-public elementary and secondary schools?**

To determine the amount of ESSER funds available for equitable services in a manner consistent with Section 1117 of the Elementary and Secondary Education Act (ESEA) 8 (E.) 67n (uc) 8.1 (a).

