

Education Stabilization Fund

\$30,750,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally

Governor's Emergency Education Relief Fund

\$2,953,230,000

Sec. 18002

https://www.appropriations.senate.gov/imo/media/doc/DIVB_EMSU.pdf

- (a) **GRANTS.** From funds reserved under section 18001(b)(1) of this title, the Secretary shall make Emergency Education Relief grants to the Governor of each State with an approved application. The Secretary shall issue a notice inviting applications not later than 30 days of enactment of this Act and shall approve or deny applications not later than 30 days after receipt.
- (b) **ALLOCATIONS.** The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:
- (1) 60 percent on the basis of their relative population of individuals aged 5 through 24.
 - (2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as "ESEA").
- (c) **USES OF FUNDS.** Grant funds awarded under subsection (b) may be used to:
- (1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;
 - (2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the ongoing functionality of the institution; and
 - (3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section 18003(d)(1) of this title or the Higher Education Act, the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.
- (d) **REALLOCATION.** Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within one year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

SECTION 18003(d)(1)

(d) **USES OF FUNDS.** A local educational agency that receives funds under this title may use the funds for any of the following:

- (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 2 seq.).

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 18005.

- (a) **IN GENERAL.** 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, as determined in consultation with representatives of non-public schools.
- (b) **PUBLIC CONTROL OF FUNDS.** The control of funds for the services and assistance provided to a nonpublic school under subsection (a), 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, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

CONTINUED PAYMENT TO EMPLOYEES

SEC. 18006. 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.

DEFINITIONS

SEC. 18007. Except as otherwise provided in sections 18001–18006 of this title, as used in such sections—

- (1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;
- (2) the term “institution of higher education” has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
- (3) the term “Secretary” means the Secretary of Education;
- (4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;
- (5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965.
- (6) the term “Non-public school” means a nonpublic elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in

existence prior to the date of the qualifying emergency for which grants are awarded under this section;

- (7) the term “public school” means a public elementary or secondary school; and
- (8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. 18008.

- (a) A State’s application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State’s support for elementary and secondary education and for higher education provided in the 3 fiscal years preceding the date of enactment of this Act.
- (b) The secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources.