



## This response was prepared for Tori Noles, Policy Advisor to the Secretary of Education, Virginia.

### Your Question:

You asked for information on compensatory services. Specifically, you'd like some examples of how other states are utilizing federal CARES Act dollars to support the cost of compensatory services.

### Our Response:

#### CARES Act and Compensatory Services:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law March 27, had many provisions relevant to education and education policy. Importantly, it included \$30.75 billion for an Education Stabilization Fund. This included funds for schools through the Elementary and Secondary School Emergency Relief (ESSER) fund and the Governor's Emergency Education Relief (GEER) fund. The full text of the act can be found here and New America has published a summary of its education provisions here.

Ninety percent of the \$13.2 billion in ESSER funds must be allocated to Local Education Agencies (LEAs) based on their Title I allocations. You can read about allowable uses and allocation requirements of ESSER funds here or in the FAQ document. Allowable uses include compensatory services. The CARES act requires that State Educational Agencies (SEAs) oversee ESSER Fund spending, but these monitoring and reporting systems are still being developed as states distribute funds to LEAs. The SEA may reserve up to 10% of the K-12 portion for other emergency needs as determined by the SEA. This 10%, sometimes called SEA set aside dollars, may also be passed on to districts.

The CARES Act also allocates \$2.9 billion to states through GEER Funds. While GEER funds must be targeted to areas "significantly impacted" by the COVID-19 pandemic, governors have flexibility to use these funds to support childcare, pre-K, K-12 and/or post-secondary education. This Bellwether report includes GEER fund guidance.

Below are some examples of states targeting ESSER and GEER funds to support compensatory services for students with special needs.

#### State Examples: GEER Funds

**Delaware:** Delaware's GEER application includes that they plan to provide "substantial supports for disadvantaged populations, including students with special needs, low-income students, and English learners" and lists compensatory services as one method to support students.

**Oklahoma:** Governor Stitt and Superintendent Hofmeister announced \$16 million in incentive grant opportunities for Oklahoma Schools. To apply, districts must commit to spending 30% of their ESSER funds on two of five priorities, one of which is "providing compensatory services to students identified to be at risk as a result of the closure of school buildings in spring 2020 (i.e., English learners, students with disabilities, students needing credit recovery, etc.)." 74 of the 360 districts that applied indicated that providing compensatory services was one of their priorities.

**Pennsylvania:** Governor Wolf announced the dedication of \$20 million to help schools provide compensatory education services for students with special needs. \$15 million of this funding is from GEER dollars.

State Example: ESSER Funds

**New Jersey:** New Jersey SEA plans to use a portion of its ESSER set aside dollars to support competitive grants for LEAs prioritizing activities that provide compensatory education for students with Individualized Education Programs (IEPs).

#### Additional Resources

**How Governors Are Using Their CARES Act Education Dollars:** This article from FutureEd includes a breakdown of how many Governors are using GEER funds to support students with disabilities.

**Hunt Institute: GEER Funds Tracker** – This database tracks the uses of Governor’s Emergency Education Relief (GEER) funds by state. It includes notes about any state guidance for use of funds, including special education.

**NCSL: Cares Act ESSER Funds Tracker** – This database tracks the uses of Elementary and Secondary School Emergency Relief (ESSER) funds by state. It includes notes about any state guidance for use of funds, including special education.

6