

4000-01-U

DEPARTMENT OF EDUCATION

Notice Announcing Availability of Funds and Deadline for the Governor's Emergency Education Relief Fund (GEER Fund); Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

AGENCY: Office of Elementary and Secondary Education and Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice announcing the availability of funds and the deadline to submit the Certification and Agreement for the GEER Fund under title VIII of Division B of the CARES Act, the Emergency Appropriations for Coronavirus Health Response and Agency Operations, Catalog of Federal Domestic Assistance (CFDA) number 84.425C. This notice relates to the approved information collection under OMB control number 1810-0741. Hereinafter, the term "Certification and Agreement" will be used to refer to the application required in Section 18002(a) of the CARES Act.

DEADLINE FOR TRANSMITTAL OF CERTIFICATION AND AGREEMENT:

Congress intended GEER to serve as an emergency fund and authorization to address student needs arising from the

COVID-19 related disruption of the current academic year. Therefore, the deadline for transmittal of certification and agreement is no later than June 1, 2020. Each State's Certification and Agreement will be processed as it is received and funds will be awarded on a rolling, highly-expedited basis with the expectation that States will also use every effort to grant funds to address exigent student needs.

ADDRESSES: The addresses pertinent to this program, including the addresses for obtaining and submitting the Certification and Agreement, can be found under SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450. Email: GEERF@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Under the GEER Fund, we will award grants by formula to Governors for the purpose of providing

local educational agencies (LEAs), institutions of higher education (IHEs), and other education related entities with emergency assistance to address the impact that the coronavirus pandemic has had, and continues to have, on students and parents across the nation. This includes both continuing to provide educational services while schools and campuses are closed and supporting the on-going functionality of those schools and campuses.

Background: This notice announces the availability of funds and Certification and Agreement deadline for eligible applicants for the GEER Fund. The CARES Act, which was signed into law on March 27, 2020, provides a total of \$30.75 billion for the Education Stabilization Fund, of which approximately \$3 billion will be provided to Governors to make awards to LEAs, IHEs, and other education related entities within each State through the GEER Fund. The Governors of all 50 States and the Commonwealth of Puerto Rico, and the Mayor of the District of Columbia, are eligible for funding under the GEER Fund (references to Governors in this notice include the Mayor of the District of Columbia).

A Governor receiving GEER funds may award subgrants to LEAs and IHEs within the State that have been most

significantly impacted by coronavirus to support their ability to continue to provide educational services to students and to support the on-going functionality of the LEAs and IHEs. In providing support to IHEs, the Governor determines those IHEs that are most significantly impacted by coronavirus. In providing support to LEAs, the State educational agency (SEA) determines those LEAs that are most significantly impacted by coronavirus. The Department encourages SEAs to consult with the Governor when making this determination. A Governor may also award funds to any other LEA, IHE, or education related entity within the State that the Governor deems essential to carry out emergency educational services to students, provide childcare and early childhood education, provide social and emotional support, and protect education-related jobs. Congress intended the GEER Fund as an emergency appropriation to address COVID-19 related disruptions and the Department expects States to grant and allocate funds accordingly. The Department will provide additional guidance for eligible applicants on the GEER Fund.

Program Authority: Section 18002 of Title VIII of Division B of the CARES Act, Pub. Law 116-136 (enacted March 27, 2020).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 76, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

II. Award Information

Type of Award: Formula grants.

Available Funds: Congress appropriated a total of \$2,953,230,000 to make awards under this program.

Period of Availability of Funds: Funds under this program remain available for obligation through September 30, 2022. However, the Department intends to award funds promptly upon receipt of an approvable application. A Governor must award funds to eligible entities (i.e., LEAs, IHEs, and education related entities) within one year of receiving the State's GEER Fund allocation from the Department, although the Governor should use every effort to award

funds to eligible entities on an expedited basis to address student needs. Any funds that the Governor fails to award by the one-year deadline must be returned to the Department for reallocation to other States.

III. Eligibility Information

1. Eligible Applicants: Governors of the 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia.

2. Subrecipients: Governors must comply with § 18002(c) of the CARES Act in the use of GEER Funds. Sections 18002(c)(1) and (2) provide that the Governor may award subgrants to LEAs and IHEs within the State that have been most significantly impacted by coronavirus to support their ability to continue to provide educational services and to support their on-going functionality.

Section 18002(c)(3) provides that the Governor may also use GEER funds to provide support to any other LEA, IHE, or education related entity within the State that the Governor deems essential to carry out emergency educational services, provide childcare and early childhood education, provide social and emotional support, and protect education-related jobs.

3. Equitable Services: An LEA that receives GEER funds must provide equitable services to students and teachers in non-public schools located within the LEA in the same manner as provided under section 1117 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), as determined through timely and meaningful consultation with representatives of non-public schools. (Section 18005 of the CARES Act.) The Department will provide additional information to LEAs on this equitable services requirement.

IV. Submission Information

1. Certification and Agreement Submission

Instructions: The signed Certification and Agreement under this program must be submitted electronically in Portable Document Format (PDF) to the email address GEERF@ed.gov. The Certification and Agreement and related information can be found on the Department's website at

<https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/>.

2. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management: In general, to do business with the Department of Education, you must--

(a) Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

(b) Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

(c) Provide your DUNS number and TIN on your SAM application; and

(d) Maintain an active SAM registration with current information while your Certification and Agreement is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Given the national emergency related to coronavirus, the Department will accept a Certification and Agreement without an active SAM registration and may allow registered SAM users whose registrations expire before May 16, 2020, an additional 60

days to update their registration, consistent with the Office of Management and Budget Memo M-20-17.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: www2.ed.gov/fund/grant/apply/sam-faqs.html.

V. Certification and Agreement Review Information

1. Compliance Assurances:

(a) In General. Each applicant must provide an assurance that it will comply with all requirements that apply to GEER funds, including, but not limited to, assuring that the State will make awards in strict compliance with express statutory limits and purposes, include conditions to ensure LEAs, institutions of higher education (IHEs), and education-related entities use GEER funds only for allowable activities, comply with reporting requirements, cooperate with any Inspector General,

Department, and/or other lawful inquiries, comply with applicable Office of Management and Budget standard assurances, sign and submit a certification regarding lobbying using Department Form 80-0013, and comply with any other applicable assurances and certifications.

(b) Maintenance of Effort. As a condition of receiving GEER funds, a State must maintain support for elementary and secondary education and State support for higher education (which must include State funding to IHEs and State need-based financial aid, and may 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 in the three fiscal years preceding March 27, 2020 (typically fiscal years 2019, 2018, and 2017). The Secretary may waive the requirement that a State maintain effort for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources.

(c) Employees and Contractors. To the greatest extent practicable, entities receiving GEER funds must continue to

pay their employees and contractors during the period of any disruptions or closures related to coronavirus.

(d) Payments to Administrators and Executives.

Section 18002(c) of the CARES Act provides that GEER funds may be used for emergency grants supporting the ongoing functionality of LEAs and IHEs, and for support to IHEs, LEAs, and other education related entities the Governor deems essential for carrying out emergency educational services and to protect education-related jobs of, e.g., teachers, aides, lunchroom staff, and other workers, among other things. The Secretary believes States should protect the taxpayers and carry out Congressional intent by ensuring grants made from GEER funds contain conditions prohibiting the use of any such funds for payments to administrators and executives of SEAs, IHEs, or education related entities without clear evidence providing a reasoned basis for finding such a payment will support the ongoing functionality of LEAs or IHEs or is strictly consistent with the plain statutory context and language § 18002(c)(3) of the CARES Act. For example, the award of GEER Funds to state or local teachers' unions or associations would be likely inconsistent with statutory requirements. The Secretary will require States to

separately identify and account for any GEER funds awarded or used for payments to SEA or IHE administrators, executives, and/or state or local teachers' unions or associations to ensure such funds were obligated and used strictly in accordance with § 18002 of the CARES Act.

(e) Timing. Congress intended the GEER Fund as an emergency appropriation to address the harm to students and to the ongoing functionality of LEAs and IHEs caused by the COVID-19 related disruption. In accordance with plain statutory language and intent, States should therefore ensure grants are made quickly and are as precisely targeted as possible to address the exigent needs of students, the immediate challenges to the ongoing functionality of LEAs and IHEs, and the other specified statutory purposes, all caused by the COVID-19 pandemic.

2. Information on Remote Learning: An applicant must include information on the extent that a Governor intends to use GEER funds to support remote learning, which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14),) so that students can continue learning during school closures.

VI. Award Administration Information

1. Administrative and National Policy Requirements:

We identify administrative and national policy requirements in the Certification and Agreement package and reference these and other requirements in the Applicable Regulations section of this notice. We reference the regulations outlining the terms and conditions of a grant in the Applicable Regulations section of this notice. The Grant Award Notification (GAN) also incorporates your approved Certification and Agreement as part of your binding commitments under the grant.

2. Reporting: (a) If you apply for a grant under this program, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding.

(b) The State will submit to the Department, within 45 days of receiving a GEER grant, an initial report detailing the State's process for awarding those funds to LEAs, IHEs, or other education-related entities, including the criteria for determining those entities that are "most impacted by coronavirus," "essential for carrying out emergency educational services," and/or "education related"

and a description of the process and deliberations involved in formulating those criteria.

(c) The State will comply with all reporting requirements including those in Section 15011(b)(2) of Division B of the CARES Act and submit required quarterly reports to the Secretary, at such time and in such manner and containing such information as the Secretary may reasonably require in the future. (See 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future, which may include: specific entities awarded GEER funds by the Governor; uses of funds by the SEA, LEAs, IHEs, or other educational entities and demonstration of their compliance with Section 18002(c), including any use of funds to support remote learning, which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14); the number of public and non-public schools that received funds or services; and a description of the internal controls the State has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the Certification and Agreement package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the email address listed under FOR FURTHER INFORMATION CONTACT.

Dated:

Frank T. Brogan,
*Assistant Secretary for
Elementary and Secondary
Education.*

Robert King,
*Assistant Secretary for
Postsecondary Education.*