

Governor's Emergency Education Relief Fund

Frequently Asked Questions about the Governor's Emergency Education Relief Fund (GEER Fund)

PURPOSE OF THIS DOCUMENT

The purpose of this document is to answer Frequently Asked Questions about the Governor's Emergency Education Relief Fund (GEER Fund). Under the GEER Fund, established in the CARES Act¹, the U.S. Department of Education (Department) awards grants to Governors for the purpose of providing local educational agencies (LEAs), institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the Novel Coronavirus Disease 2019 (COVID-19).

This Frequently Asked Questions document seeks to answer questions that may not be easily understood from a plain reading of Section 18002 and other parts of the [CARES Act](#) or the [GEER Fund Certification and Agreement \(C&A\)](#).

Disclaimer

Other than statutory and regulatory requirements included in the document, such as those pursuant to the authorizing statute and other applicable laws and regulations, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. In addition, it does not create or confer any rights for or on any person.

The U.S. Department of Education (Department) may provide additional or updated information as necessary on the Department's website: <https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/>.

If you have questions that are not answered in this document, please e-mail GEERF@ed.gov.

¹ The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (Mar. 27, 2020). All citations in this document are to the CARES Act, unless otherwise indicated. The provisions of the CARES Act relevant to the ESSER and other Department of Education programs are available on the Department's website at <https://oese.ed.gov/offices/education-stabilizationfund/>.

A. Basic Information about the Governor’s Emergency Education Relief Fund

A-1. How does a Governor apply for a State’s share of the GEER Fund?

To apply for a State’s allocation from the GEER Fund, a Governor must submit to the Department an executed Certification and Agreement that the Secretary sent to the Governor on April 14, 2020. The Certification and Agreement includes specific programmatic, fiscal and accountability assurances, including those related to “maintenance of effort” (MOE), equitable services for students and teachers in nonpublic schools, and continued payments to employees and contractors. A Governor must also provide information on the extent that the funds will be used for remote learning.

The term “Certification and Agreement” in these FAQs refers to the Governor’s application for GEER funds as required in section 18002(a). The Certification and Agreement is available at <https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/>.

A-2. How long after submitting a Certification and Agreement should a Governor anticipate receiving funds?

The Department expects to award funds within three business days of receiving a Governor’s completed Certification and Agreement.

A-3. Which entities can receive emergency grants from Governors through the GEER Fund?

Governors may provide subgrants to local educational agencies (LEAs) and institutions of higher education (IHEs) within their jurisdiction that have been “most significantly impacted by coronavirus” to support their ability to continue providing educational services to their students and to support the “on-going functionality” of these entities. In addition, a Governor may use these funds to provide support through a subgrant or a contract to other LEAs, IHEs, and education-related entities that the Governor “deems essential” for carrying out emergency educational services, providing child care and early childhood education, providing social and emotional support, and protecting education-related jobs. In these FAQs, LEAs, IHEs and education-related entities are collectively called “eligible entities.”

For purposes of the GEER Fund, the term “local educational agency” is defined in Section 8101(30) of the ESEA. In lay terms, a LEA is a local school district, although public charter schools can also be LEAs. The term “institution of higher education” is defined in Sections 101 and 102 of the Higher Education Act of 1965, as amended (HEA). In lay terms, an IHE is a postsecondary institution that is accredited, legally authorized by the State, and recognized by the Secretary of the U.S. Department of Education.

A-4. What is an “education-related entity”?

The GEER Fund statute allows subgrants to, or contracts with, education-related entities. An education-related entity is a governmental, nonprofit or for-profit entity within the State that provides services that support preschool, elementary, secondary, or higher education. Such entities may include, for example:

- State agencies that oversee or directly provide early childhood education services;
- Public agencies or private entities that coordinate or directly provide early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA);
- State agencies that oversee or provide vocational rehabilitative services;
- State mental health agencies;
- State Higher Education Boards;
- Education-related non-profit organizations;
- Non-public elementary, secondary and postsecondary schools;
- For-profit elementary, secondary and postsecondary schools;
- Charter management organizations;
- Non-profit and for-profit child-care centers;
- Public libraries;
- Community centers; and
- State or local agencies coordinating food services for students and their families.

A-5. Is a Governor required to award the funds to each category of eligible entities (i.e., LEAs, IHEs, and educational related entities)?

No. A Governor has wide discretion in determining the entities in the State that will receive GEER funds. A Governor can choose to fund only LEAs, only IHEs, only education-related entities, or any combination of eligible entities.

A-6. In order to provide emergency grants to IHEs and LEAs (which receive direct aid through other parts of the CARES Act), does the Governor need to make any other determinations?

If the recipients are LEAs, the State educational agency (SEA) must determine that the LEAs have been the “most significantly impacted by coronavirus” to be eligible for a GEER Fund emergency grant. Similarly, if IHEs are the recipients, the Governor must determine them to be the “most significantly impacted by coronavirus.”

The Department will require Governors to make publicly available the criteria used in determining the LEAs and IHEs that are “most significantly impacted by coronavirus,” including how they formulated the criteria.

A-7. May the Governor use GEER funds to award scholarships, microgrants or financial aid directly to students or teachers?

No, not directly. If Governors wish to provide scholarships, financial assistance or microgrants to students or teachers, they must provide a subgrant to an eligible entity, which could, in turn, provide scholarships or microgrants consistent with the CARES Act. A Governor is prohibited from awarding GEER funds to individuals.

A-8. May a Governor or an eligible entity use GEER funds to pay for costs incurred prior to receiving grant funds?

Yes. A Governor or an eligible entity may use GEER funds for any allowable expenditure incurred on or after March 13, 2020, the date the President declared the national emergency due to COVID-19.

A-9. May a Governor or a subgrant eligible entity use GEER funds to defray the costs of administering the program?

Yes. The Governor and each eligible entity may charge as an expense to the GEER Fund an amount that is reasonable and necessary to effectively administer the program consistent with cost principles in [2 C.F.R. part 200, subpart E](#) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Administrative costs include costs (direct and indirect) involved in the proper and efficient performance and administration of this Federal grant. However, to maximize the funds available for services to students and the public, the Department encourages each Governor and subgrantee to minimize the amount of administrative costs charged to the program.

A-10. May a Governor set a specific administrative cost cap on eligible entities to maximize the amount of funding available for services?

Yes. To maximize the funds available for services to students and the public, the Department encourages each Governor to limit the amount that subrecipients can charge for direct administrative costs in carrying out their GEER Fund projects.

A-11. Who should a Governor designate to be the fiscal agent for the GEER Fund grant?

Each Governor must designate a State Agency as the fiscal agent to administer the GEER Fund, which may be the Office of the Governor or another State entity. In the GEER Fund Certification and Agreement, the Governor provides the legal name of the State Agency serving as the fiscal agent and its DUNS number.

The fiscal agent is responsible for overseeing and monitoring all GEER Fund activities in the State. Therefore, it is recommended that the Governor designate an agency with

appropriate experience in administering Federal grants and an understanding of the types of activities that may be supported by the GEER Fund.

The fiscal agent may partner with additional State Agencies or other entities to administer the State's GEER Fund. However, such arrangements do not obviate the fiscal agent's responsibility for oversight of the GEER Fund.

A-12. Is there a deadline by which a Governor must award GEER funds to eligible entities (i.e., LEAs, IHEs, and education related entities)?

Yes. Each Governor must award the State's allocation under the GEER Fund to eligible entities within one year of receiving the State's allocation. Any funds that the Governor fails to award by the one-year deadline must be returned to the Department for reallocation to the remaining States.

A-13. How does a Governor award emergency funds to eligible entities?

Emergency support to LEAs and IHEs under sections 18002(c)(1) and (c)(2) of the CARES Act must be awarded through subgrants. Support provided to LEAs, IHEs, or education-related entities under 18002(c)(3) may be provided through either subgrants or contracts. When the Governor awards funds to LEAs, IHEs, or education-related entities through subgrants, the designated State Agency fiscal agent carries out the requirements for a pass-through entity described in 2 C.F.R. § 200.331. When the Governor awards a contract to an eligible entity, the Governor must follow the State's procurement process as required by 2 C.F.R. § 200.317.

A-14. Must an LEA submit a local application to the Governor in order to receive an award under the GEER Fund?

Yes. An LEA must file a local application with the Governor in order to receive a GEER Fund subgrant.² Each Governor will develop their own application process and application criteria; LEAs should contact the relevant State office for additional details. For information about what a Governor must include in its local application for a GEER subgrant, please reference the GEER Certification & Agreement.

A-15. How much flexibility does an LEA have in determining the activities to support with GEER funds?

Unless otherwise restricted by the Governor at the time he or she awards GEER Fund subgrants or contracts, the LEA (including a public charter school LEA) has considerable flexibility in determining how best to use GEER funds to prevent, prepare for, or respond to COVID-19. The LEA may use these funds for, among other things, any activities that are authorized under the ESEA.

² For further information, please see 34 C.F.R. § 76.301.

A-16. How may an LEA or an IHE use GEER funds to support continued education for all students through distance education?

The Department encourages States, LEAs and IHEs to invest GEER funds in technology infrastructure and professional development that will improve capacity to provide high-quality, accessible, distance education, or remote learning. This may include –

- Providing off-campus access to reliable, high-speed internet for students and teachers through the purchase of internet-connected devices/equipment, mobile hotspots, wireless service plans, or installation of Community Wi-Fi Hotspots, especially in underserved communities;
- Purchasing hardware and software applications for students and teachers;
- Providing access to high-quality digital learning content, apps, and tools that can deliver engaging and relevant learning experiences that are accessible to all students;
- Covering costs associated with making materials accessible for students with disabilities or English learners; and
- Providing professional development and training for teachers on effective strategies for the delivery of remote and digital instruction.

A-17. How may an IHE use GEER funds?

Subject to any restrictions that a Governor places on an IHE’s use of GEER funds, an IHE may use the funds, awarded under section 18002(c)(2) of the CARES act, to support a broad array of activities. For example, an IHE might use GEER funds to provide:

- Staff, infrastructure and technology to support distance education, or remote learning;
- Academic support for libraries, laboratories, and other academic facilities;
- Institutional support for activities related to personnel, payroll, security, environmental health and safety, and administrative offices;
- Student services that promote a student’s emotional and physical well-being outside the context of the formal instructional program; and
- Student financial aid, such as IHE-sponsored grants and scholarships.

A-18. How long are GEER funds available for obligation by subrecipients?

An LEA, IHE, or education-related entity receiving a subgrant from the Governor must obligate the funds by September 30, 2022 which includes the Tydings period (General Education Provisions Act §421(b)(1)). However, the GEER Fund is an emergency appropriation to address the harm to students and the ongoing functionality of LEAs and IHEs caused by COVID-19. As a result, the Secretary strongly urges LEAs, IHEs and education-related entities to deploy GEER funds quickly.

A-19. Does subgranting of funds to an eligible entity constitute a final “obligation” of those funds?

No. Subgranting funds to an LEA, IHE, or education-related entity does not constitute a final or ultimate obligation of those funds. Rather, those funds are considered a final obligation when the LEA or IHE commits those funds to specific purposes.³

For example, if an LEA awards a contract, that is an obligation. In contrast, subgranting funds to an LEA or other subrecipient is not an obligation; rather, these funds are not obligated until the LEA or other subrecipient commits the funds to specific purposes.

A-20. What maintenance of effort (MOE) requirements apply to the GEER Fund?

The Department intends to issue an FAQ soon about meeting the MOE requirements in the CARES Act and applying for an MOE waiver.

³ See 34 C.F.R. § 76.707 for the specific requirements for when an obligation is made.

Governor's Education Emergency Relief Fund	
State	Allocation
Total	\$ 2,953,230,000
Alabama	48,851,495
Alaska	6,503,527
Arizona	69,196,325
Arkansas	30,663,725
California	355,227,235
Colorado	44,004,996
Connecticut	27,881,682
Delaware	7,916,821
District of Columbia	5,807,678
Florida	173,585,880
Georgia	105,720,728
Hawaii	9,993,387
Idaho	15,676,340
Illinois	108,497,757
Indiana	61,590,954
Iowa	26,217,108
Kansas	26,274,163
Kentucky	43,799,187
Louisiana	50,276,799
Maine	9,273,552
Maryland	45,657,990
Massachusetts	50,843,703
Michigan	89,432,673
Minnesota	43,427,249
Mississippi	34,662,872
Missouri	54,643,115
Montana	8,764,495
Nebraska	16,357,685
Nevada	26,477,349
New Hampshire	8,891,470
New Jersey	68,864,994
New Mexico	22,262,663
New York	164,286,083
North Carolina	95,638,869
North Dakota	5,932,707
Ohio	104,917,025
Oklahoma	39,919,354
Oregon	32,507,956
Pennsylvania	104,418,240

Governor's Education Emergency Relief Fund	
State	Allocation
Total	\$ 2,953,230,000
Rhode Island	8,704,245
South Carolina	48,467,924
South Dakota	7,944,013
Tennessee	63,582,031
Texas	307,026,008
Utah	29,189,663
Vermont	4,488,802
Virginia	66,775,322
Washington	56,769,263
West Virginia	16,353,314
Wisconsin	46,550,411
Wyoming	4,700,937
Puerto Rico	47,812,236