

---

## U.S. Department of Education Announces New CARES Act Reporting Guidelines and Updated COVID-19 Related Flexibility Deadlines

August 31, 2020

### Updated Reporting for Student Portion of CARES Act Emergency Grants

Today the U.S. Department of Education (“Department”) announced [revised reporting guidelines](#) for the Higher Education Emergency Relief Funds (“HEERF”) designated by the CARES Act to be used for emergency relief grants to students in accordance with the Certification and Agreement form that institutions executed in order to obtain the funds. The Department continues to require institutions to report the same information as it first announced on May 6, 2020, and that we described in our [May 7 Client Alert](#), but it has modified the reporting timeframes and deadlines. Rather than requiring updates every 45 days, institutions now must update their initial reports *no later than 10 days after the close of each calendar quarter* (i.e., September 30, December 31, March 31 and June 30).

Specifically, each institution must provide the following information on its primary website in a format and location that is easily accessible to the public:

1. An acknowledgement that the institution signed and returned the Certification and Agreement to the Department and an assurance that the institution will use no less than 50 percent of its total HEERF funds as Emergency Financial Aid Grants to students.
2. The total amount of funds that the institution will receive or has received from the Department in Emergency Financial Aid Grants to students.
3. The total amount of Emergency Financial Aid Grants distributed to students as of the date of submission (i.e., as of the initial report and every calendar quarter thereafter).
4. The estimated total number of students at the institution eligible to receive Emergency Financial Aid Grants.
5. The total number of students who have received Emergency Financial Aid Grants.
6. The method(s) used by the institution to determine both which students would receive Emergency Financial Aid Grants and how much they would receive.
7. Any instructions, directions, or guidance provided by the institution to students concerning the Emergency Financial Aid Grants.

## Updated Flexibility Deadlines

The Department on August 21 issued [updated deadlines](#) regarding various COVID-19-related flexibilities that it granted institutions in announcements on [March 5 \(updated on June 16\)](#), [April 3](#), [May 15 \(updated on June 16\)](#), [July 9](#), and [July 10](#). Other than the exceptions noted below, these flexibilities have now been extended “through the end of the payment period that includes December 31, 2020 or the end of the payment period that includes the end date for the Federally-declared emergency related to COVID-19, whichever occurs later.”

The Department carved out several exceptions from this general deadline extension:

1. No institutional match will be required for the Federal Work-Study and Federal Supplemental Educational Opportunity Grant programs for the 2019-2020 and 2020-2021 academic years, no matter when the federal government lifts the national emergency declaration.
2. The maximum duration of a student leave of absence is extended to include the number of additional days remaining in the calendar year.
3. Institutions are not required to return Title IV funds for any student who (a) begins attendance in a payment period that includes March 13 or that begins between March 13 and the later of December 31 or the date the government lifts the national emergency declaration and (b) subsequently withdraws from the payment period due to COVID-19 related circumstances.
4. The Secretary will permit a foreign institution offering eligible programs to use distance education for a limited period while a national emergency is in effect in the country where the institution is located.
5. The Department is extending flexibilities related to academic calendars through the end of the academic year that includes December 31, 2020, or the academic year that includes the end date of the national emergency.
6. Audited financial statements and compliance audit submission deadlines are extended by six months from the original due date until further notice.

---

[Maynard Cooper](#) is a full-service firm with attorneys experienced in all regulatory and operational aspects of higher education, including federal and state oversight, accreditation, employee and benefits issues, and real estate concerns. We invite institutions to review the [resources](#) our attorneys have assembled to help our clients deal with the challenges created by the COVID-19 emergency.

[Roger Swartzwelder](#) advises regionally and nationally accredited institutions of higher education regarding legal, administrative, regulatory and accreditation matters.

This Client Alert is for information purposes only and should not be construed as legal advice.  
The information in this Client Alert is not intended to create and does not create an attorney-client relationship.