



## Governmental Relations

### Update on Congressional Action Related to COVID 19 Relief

On December 27, President Trump signed the federal Consolidated Appropriations Act for federal fiscal year 2021 (HR 133) into law. This bill is primarily a \$1.4 trillion appropriations bill that will keep the federal government operating until the end of the federal fiscal year on September 30, 2021, thus eliminating the danger of a government shutdown, which was due to occur on December 28 had the president not signed.

The bill also includes the \$900 billion Coronavirus Response and Relief Supplemental Appropriations Act. Although these provisions are often discussed as though they are a separate bill, they are part of the Consolidated Appropriations Act.

Both components of the Act contain additional funding for K-12 public schools.

#### **Coronavirus Response and Relief Supplemental Appropriations Act**

##### **Education Stabilization Fund— (\$82B)**

- **Elementary and Secondary Emergency Relief (ESSER) Fund--\$52.3B** This funding will flow through the US Department of Education to ADE, to be distributed in the same fashion as the original ESSER allocation, based on overall share of Title I dollars. Arizona's allocation of this funding is estimated at nearly \$1B.
  - States will not need to reapply for this funding but details and timeline for distribution to LEAs has not been announced by ADE.
  - ADE will be able to reserve up to 10% as with the original allocation for award to LEAs, including non-Title I LEAs.
  - This version of the language does not appear to contain a requirement for equitable services as the original version did.
  - Allowable uses of ESSER funds are expanded slightly to include "learning loss," facility improvements to reduce risk of COVID transmission, and indoor air quality projects.
- **Governor's Emergency Education Relief (GEER) Fund--\$4.05B,**
  - \$2.75B is reserved for assistance to private schools, to be administered by state education agencies. However, states are prohibited from using funds to support vouchers or tax credit scholarship programs. Funds will be distributed to states based on proportion of students who qualify for free and reduced price lunch attending private schools compared to public schools.
- **Higher Education Emergency Relief Fund--\$22.7B**
- **Bureau of Indian Education/Outlying Areas (territories)--\$818.8M**
  - Similar to the CARES Act, this act also provides direct funding to BIE, to be distributed to support tribal schools and education programs that do not fall under the jurisdiction of State Education Agencies, and therefore may not otherwise receive additional funds.

## **Notable Provisions for Districts**

**Paid Sick and Family Leave**—The act **does not extend** mandatory sick and family leave benefits for employees granted in the Families First Coronavirus Response Act beyond December 31, 2020<sup>1</sup>. Private employers that continue to offer this benefit are eligible for a payroll tax credit through the end of March 2021. School districts are **not** eligible for this credit.<sup>2</sup>

**Coronavirus Relief Fund Extension**—Extends the deadline for states to expend CRF dollars awarded (these are the dollars that fund the Enrollment Stabilization Grant Program in Arizona, among other projects the governor identified) to December 31, 2021.

**Broadband**—provides \$3.2 billion of broadband assistance for low income households through a temporary FCC “Emergency Broadband Benefit Program”. The law also provides the National Telecommunications and Information Administration (NTIA) with *\$300 million for a rural broadband infrastructure program and \$1 billion for a tribal broadband deployment fund that includes a focus on telehealth, distance learning, broadband affordability, and digital inclusion*; provides \$285 million for a broadband pilot for communities near historically Black colleges and establishes an Office of Minority Broadband Initiatives at NTIA. Unfortunately, additional funding for E-rate was not included.

**NAEP/Institute for Education Sciences**—Permits the postponement of the 2021 National Assessment of Educational Progress. Provides \$28M in funding to IES for pandemic preparedness and/or NAEP administration.

**Early Childhood**—provides \$10B for the Child Care and Development Block Grant (CCDBG) program.

**Nutrition**—provides \$13B for Supplemental Nutrition Assistance (SNAP), which supports a 6 month 15% increase in benefits beginning January 1. Creates additional flexibility for Pandemic—EBT distribution to school age children and expands the program for children under 6.

## **Additional Federal Appropriations to Education Programs**

The Education appropriation for Fiscal Year 2021 includes several funding increases for federal education programs:

- Title I: \$16.5 billion, an increase of \$227 million over FFY 2020
- Title II, Part A: \$2.1 billion, an increase of \$11.3 million over FFY 2020
- Perkins CTE \$2 billion, an increase of \$70 million over FY 2020
- IDEA \$14.1 billion, an increase of \$186 million over FY 2020

Further information on state allocations and availability of funds will be provided as it becomes available from ADE and USDOE.

Some of the information presented is compiled from information distributed by ADE and the National School Boards Association. ASBA thanks them for their assistance.

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<sup>1</sup> Division E of the FFCRA sunset on Dec. 31, 2020 and was not extended [P.L. 116-127 Sec. 5109](#)

<sup>2</sup> [P.L. 116-127 Sec. 7001\(d\)\(4\)](#)