

How Much Will Congress Spend to Shore Up Schools?

The Covid-19 relief plans before Congress all dedicate billions to stabilizing education budgets amid deep losses in state revenue. But the amounts vary from bill to bill.

 FutureEd GEORGETOWN UNIVERSITY	CARES Act Signed into Law March	HEROES Act Passed by House October	Covid Relief Package Signed into Law December
Education Total	\$30.7 billion	\$208 billion	\$82 billion
K-12	\$13.2	\$175	\$54
Higher Ed	\$14	\$27	\$22
Governors	\$3	\$4	\$4

Updated 12/30) President Donald Trump has signed a Covid-19 relief package that would provide widespread economic aid, including more financial support for schools. Congress passed the measure Dec. 21 as part of a broader bill to fund the federal government.

The [\\$900 billion relief package](#) built on a [bipartisan stimulus bill](#) and includes \$600 stimulus checks, small business relief, unemployment benefits, and support for vaccine distribution, among other things. The measure provides about \$82 billion for education. That includes:

- o \$54.3 billion for K-12 schools, largely delivered through Title I funding. That's about four times what schools received in the CARES Act approved in March.
- o \$22.7 billion for higher education with \$1.7 billion set aside for minority-serving institutions and close to \$1 billion for for-profit colleges
- o \$4 billion for governors to spend at their discretion, with \$2.7 billion of that for private schools.

The National Association of Elementary School Principals [prepared a quick analysis](#) of the level of K-12 funding states should expect to receive under the proposal. And the Southern Regional Education Board released a [detailed projection](#) for the 16 states it works with.

The measure also includes \$7 billion to expand broadband access, \$10 billion for child care, and continued funding for school meal programs. Separately, lawmakers [have agreed](#) to lift a ban on Pell Grants for [prison education programs](#), an agreement included in the bill funding the government through the fiscal year. The higher ed agreement would also simplify the FAFSA form required for applying for federal financial aid, expand Pell Grants support to 500,000 new low-income college students, and cancel \$1 billion in debt at historically Black colleges and universities.

President Trump's aides signaled his support for the package before its passage, but the president initially declined to sign the bill, calling for Congress to increase individual stimulus checks from \$600 to \$2,000. Trump signed the measure on Dec. 27, and the following day, the House of Representatives passed a stand-alone bill raising the size of the stimulus checks to \$2,000. The measure never cleared the Senate, where Majority Leader Mitch McConnell did not bring the House bill up for a vote.

On Dec. 28, Trump released an [executive order](#) allowing federal Community Development Block Grants to be used for "emergency learning scholarships" that would help families pay for private school tuition or homeschooling costs for students without access to in-person learning. The change is not expected to have much effect. Private school choice received far less support in the current relief package than it did in Republican-backed bills, and the funds that were included for governors to dispense can not be used for new scholarships or vouchers.

The Covid relief deal that House and Senate leaders struck is far below the \$2.2 trillion Democratic leaders had been seeking for much of the Fall but higher than the \$500 billion that Senate Republicans favored.

The final measure left some education leaders disappointed. American Council of Education President Ted Mitchell [released a statement](#) calling the funding for higher education "wholly inadequate." Alliance for Excellent Education President and CEO Deborah S. Delisle praised the overall effort but [faulted Congressional leaders](#) for failing to include \$3 billion for the E-Rate program to help close the digital divide in schools, money that had appeared in previous relief proposals.

For months, negotiations in Congress have snagged over a provision that would protect companies and other entities from liability in coronavirus-related lawsuits, something that Democrats opposed. Republicans, meanwhile, objected to money going to state and local governments, concerned that the federal dollars would simply pay off past debt or go to pension funds. Both provisions were dropped from the current package. Even so, approval was delayed for several days when Republican Sen. Ron Johnson of Wisconsin insisted on changes to the Federal Reserve's emergency powers. A compromise was reached, and Congress approved the deal with bipartisan support.

Until now, the only Congressional relief aid directly for K-12 schools came in the \$2 trillion March stimulus package, known as the CARES Act, which \$13.2 billion for K-12 schools, although several other bills have been considered.

[Read More: [How Governors Are Spending Their CARES Act Education Dollars](#)]

The House approved the \$3 billion HEROES Act in May and a [scaled down version in October](#), which includes \$175 billion for stabilizing K-12 schools, \$27 billion for higher education, \$2 billion for Bureau of Indian Education-funded schools and Tribal Colleges and Universities, and \$4 billion for governors to split. Another \$5 billion in grants would have gone toward improving K-12 facilities, including school ventilation systems. And \$11.9 billion was intended to help colleges and universities address pandemic-related challenges. That bill garnered no support from GOP House members, and despite White House negotiations, Senate Republicans said they had little interest in a deal larger than \$1 trillion.

Senate Majority Leader Mitch McConnell focused instead on a smaller "highly targeted" [\\$500 billion package](#), which failed to muster the needed votes on Sept. 10 and again on Oct. 21. That measure would have provided about \$100 billion for education, with two thirds of K-12 aid reserved for schools and districts with in-person classes. The current bill has no such restrictions. The Republican package would also have supported private schools with proposals for a two-year pandemic tax credit program to pay tuition scholarships, extra dollars to expand state tax credit voucher programs, and permission for parents to use 529 savings accounts to pay for homeschooling costs.

[Read More: [How the Federal Government Can Help School Reopen Safely](#)]

Beyond Capitol Hill, courts have weighed in on coronavirus relief by blocking a controversial Education Department rule requiring public school districts to share more of the federal Covid aid with private schools. On Sept. 4, U.S. District Judge Dabney Friedrich in Washington, D.C., [ruled](#) that Education Secretary Betsy DeVos misinterpreted Congress's intent when she drafted an interim rule for how CARES Act dollars should be spent.

"In enacting the education funding provisions of the CARES Act, Congress spoke with a clear voice...", wrote Friedrich, a Trump appointee to the court. "Contrary to the Department's interim final rule, that cannot mean the opposite of what it says."

Judge Friedrich's ruling in the case filed by the NAACP came after federal judges in [Washington state](#) and [California](#) issued preliminary injunctions. While it was unclear whether these rulings blocked DeVos's actions nationwide, Friedrich's summary judgment effectively shuts down the interim rule. The U.S. Education Department website [now reflects](#) that the rule is no longer in effect, and on Sept. 25, DeVos sent a [letter](#) to state education leaders telling them the department would not pursue the policy any further.

She encouraged state leaders to find ways to support private schools. "More broadly, the truth remains that *all* schools and *all* students have borne the pandemic's burden and need support," she wrote. "We hope, through meaningful consultation and honest assessment, education leaders will do right by all students they serve.

Meanwhile, a key provision allowing school districts greater flexibility in providing meals to students and families has been extended until through September 2021, under a provision in the [continuing resolution](#) approved by Congress and signed by President Donald Trump. The measure, which keeps the federal government running, also provides \$8 billion in nutritional programs for low-income families and children. Schools have been allowed to use summer rules for meals programs, which means that families can pick up food at locations around the community, and community organizations can receive federal reimbursement for the support they provide.

Uses For K-12 Dollars

The bulk of the money allotted to stabilize K-12 schools in the latest relief bill will go directly to school districts based on the proportion of funding they receive through Title I of the federal Every Student Succeeds Act. The state can reserve as much as 10 percent for administration purposes, leaving the rest for local education agencies.

Like the first round of Covid relief aid in the CARES Act, the latest measure allows for a broad range of uses for dollars to stabilize schools. Districts can essentially use it for any activity allowed under other federal laws for education, including those for students with disabilities and those who are homeless. The measure mentions:

- Improving coordination among state, local, tribal and other entities to slow the spread of Covid-19
- Providing resources that principals need to address coronavirus at their schools
- Supporting school district efforts to improve preparedness
- Addressing the specific needs of disadvantaged students, including those living in poverty, learning English, experiencing homelessness, dealing with disabilities or living in foster care
- Training staff on the best ways to sanitize schools and proper use of personal protective equipment (PPE)
- Purchasing PPE and the supplies needed to clean and disinfect schools. The CDC has provided an [analysis of the costs](#) of such resources.
- Planning for school closures
- Purchasing the hardware and software needed to conduct remote and hybrid learning
- Providing services to support student mental health
- Supporting afterschool and summer learning programs
- Addressing student learning loss through evidence-based approaches, which can include assessments and distance learning equipment
- Repairing school facilities, especially ventilation systems, to improve air quality and reduce spread of Covid

In addition, governors will divvy up about \$4 billion in aid, \$1.3 billion of that for public schools and for higher education institutions most significantly impacted by the pandemic. Another \$2.75 billion can go to private and parochial K-12 schools for such things as equipment, training, staff and other expenses needed to keep schools running. The measure specifically prohibits using the new money to support private school vouchers or other mechanisms for spending public money on private school tuition. The only exception is for governors who used their first round of discretionary dollars for such purposes.

CARES Act

The stimulus bill that passed in late March, known as the [Coronavirus Aid, Relief, and Economic Security Act](#) or CARES Act, earmarks \$30.7 billion under an Education Stabilization Fund for states to spend on education, including \$13.2 billion for the Elementary and Secondary School Education Relief Fund and \$14 billion for Higher Education Emergency Relief Fund. Another \$3 billion went to the Governors Emergency Education Relief Fund, which governors can use for "significantly impacted" school districts or higher education institutions.

The U.S. Education Department has [released estimates](#) of how much money each state should receive, ranging from \$32 million in stabilization funding for K-12 education in Wyoming to \$1.6 billion in California. (see full chart below) Under the [governors discretionary funding](#), New York will have \$164 million to spend, while Rhode Island will have less than \$9 million. In California, EdSource has calculated how much each of the state's [school district](#) could receive. The [CARES Act money](#) must be spent by September 2022.

An [analysis](#) by the Association of School Business Officials International and the Superintendents Association suggests that a typical school district could spend nearly \$2 million to reopen schools, given increased need for cleaning and transportation costs.

The law list 12 allowable uses of the \$13.2 billion in the package's K-12 relief fund:

1. Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act, the Individuals with Disabilities Education Act, the Adult Education and Family Literacy Act, the Carl D. Perkins Career and Technical Education Act of 2006, or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act.
2. Coordination of preparedness and response efforts of local educational agencies with state, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
3. Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.
4. Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.
5. Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
6. Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
7. Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
8. Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.
9. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.
10. Providing mental health services and supports.
11. Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.
12. Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

The CARES Act includes an additional \$100 million in grants under [Project SERV](#), which is dedicated to helping school districts and post-secondary institutions recover from “a violent or traumatic event that disrupts learning.” That pot of money can support distance learning, as well as mental health counseling and disinfecting schools.

Microgrants and Private Schools

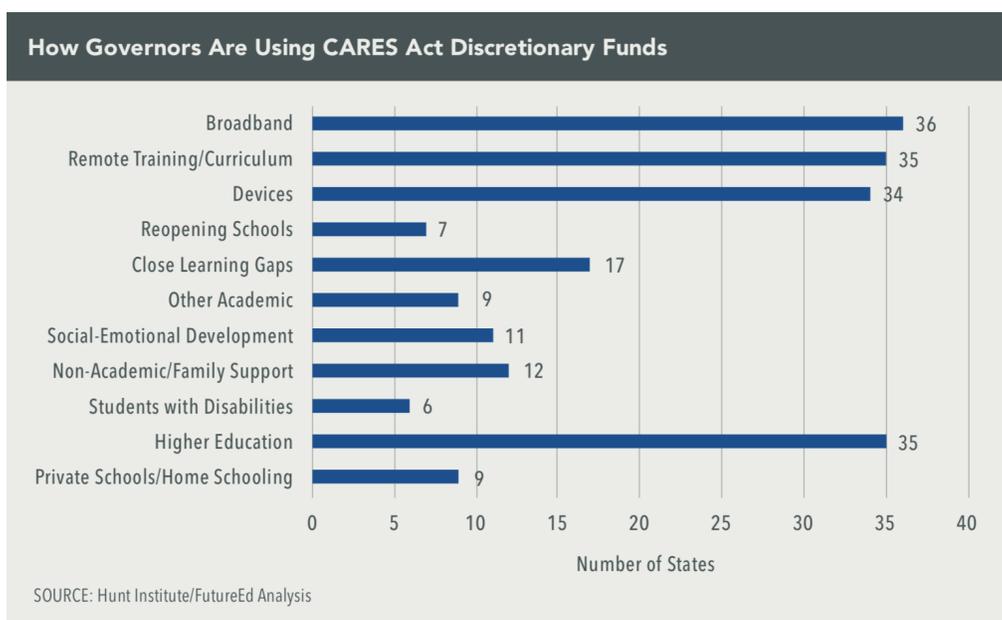
In addition, U.S. Secretary of Education Betsy DeVos launched a \$180 million "Rethink K-12 School Models" competitive grant program, designed to focus on helping states and families with virtual learning and the needed technology particularly during the Covid emergency. She encouraged states to develop innovative models "not yet imagined" for providing remote education. [Congressional critics](#) slammed the grant program as a backdoor approach to providing vouchers to parents who want to educate their children at home or in private institutions.

DeVos acknowledged as much in a May 19 [interview](#) on SiriusXM radio, saying the funding could allow parents to send their children to faith-based schools. "For more than three decades that has been something that I've been passionate about. This whole pandemic has brought into clear focus that everyone has been impacted, and we shouldn't be thinking about students that are in public schools versus private schools."

In July, DeVos awarded [\\$180 million in grants](#) to 11 states to support virtual coursework, training for remote instruction, and electronic devices. DeVos announced grants ranging from \$6 million to \$20 million to 11 states: Georgia, Iowa, Louisiana, Maine, North Carolina, New York, Rhode Island, South Carolina, South Dakota, Tennessee, and Texas. Several states, including Rhode Island and Texas will enhance their virtual coursework offerings, which could benefit students from shuttered schools as well as homeschoolers. New York will put the bulk of its money toward training teachers in remote instruction, while Louisiana sets aside some of its grant providing devices and internet hotspots for 12,000 students. South Carolina is exploring a way to deliver remote instruction without internet access.

[Read More: [The Challenge of Taking Attendance in Remote Learning](#)]

Private school funding was also a point of contention in the Spring after the U.S. Education Department developed guidance and then an interim rule released in July explaining how CARES Act dollars should be shared with private schools. Typically Title I dollars can flow to private school students for "equitable services," such as tutoring, if the students are deemed low achieving and live in an attendance zone for a Title 1 public school. The initial [guidance](#) called for school districts to provide these services, including materials and equipment, to any students and teachers in non-public schools, regardless of whether the students are low-achieving or live in the right attendance zones. The share for private schools would have to be proportionate to the share of all students in the district attending such schools. The interim released in July gave school districts more flexibility, but ultimately directed more federal dollars to private institutions.



In addition, [at least four governors](#) have devoted some of CARES Act discretionary funds to tax-credit scholarships for private schools, and other allow private schools to compete for grants.

On August 21, a federal judge in Washington state put a temporary hold on DeVos's rule, agreeing with state officials that sharing more federal aid with private schools could cause "irreparable harm" to public schools.

"The Department's claim that the State faces only an economic injury, which ordinarily does not qualify as irreparable harm, is remarkably callous, and blind to the realities of this extraordinary pandemic and the very purpose of the CARES Act: to provide emergency relief where it is most needed," Judge Barbara Rothstein [wrote in her opinion](#).

On August 26, a federal judge in the Northern District of California issued a [similar ruling](#) blocking implementation in a lawsuit filed by Michigan, California, Hawaii, Maine, Maryland, New Mexico, Pennsylvania, and Wisconsin; the District of Columbia; and school districts in New York City, Chicago, Cleveland and San Francisco. "The Department may prefer to give CARES Act funds to private schools more generously than Congress provided, but it is Congress who makes the law, and an 'agency has no power to 'tailor' legislation to bureaucratic policy goals by rewriting unambiguous statutory terms,'" U.S. District Judge James Donato wrote in issuing his temporary injunction.

And on Sept. 4, a federal judge in Washington, D.C. issued a [summary judgment](#) effectively invalidating DeVos's interim rule nationwide. U.S. District Judge Dabney Friedrich ruled that the education secretary overstepped her authority and misinterpreted what Congress intended for the CARES Act funding. "The interim final rule was not "necessary" to accomplish the statute's unambiguous directive—indeed, it went far beyond that directive by interpreting the statute to require a different formula," Friedrich wrote.

Students with Disabilities

Beyond the new money allotted, The Education Department is offering states more flexibility in how they spend their existing money, with release of [a template](#) for requesting waivers. This could allow schools to spend more of the federal dollars on technology for distance learning.

While the CARES Act gives the DeVos broad authority for waiving accountability requirements, lawmakers stopped short of allowing waivers for special education rules and gave DeVos a month to report her recommendations to Congress. In an [April 27 report](#), she did not recommend any waivers for the "core tenets" of the federal law that requires providing services for students with disabilities. She did suggest flexibility on time lines for evaluation to ensure that toddlers with disabilities don't lose the support they need.

Schools are grappling with how to deliver services—such as physical or occupational therapy—or meet timelines set in individualized education plans (IEPs) required under federal law. Or even how to get the required signatures for IEPs. Some districts initially declined to provide instruction to any students because they could not address the needs of those with disabilities. The U.S. Education Department [discouraged](#) that sort of thinking.

Child Nutrition

Another important aspect of student health is nutrition. The [Families First Coronavirus Response Act](#), approved in mid-March, provides greater flexibility for schools to serve free meals beyond the school grounds. Some schools are allowing families to pick up food at community centers or using school buses to deliver meals. The measure also allows student who qualify for free and reduced-price meals to receive benefits from the Supplemental Nutrition Assistance Program (SNAP).

The CARES Act provides \$18.5 billion toward SNAP and \$8.8 billion for child nutrition programs.

A continuing resolution that Congress passed in the Fall to keep the government running provides another \$8 billion for child nutrition programs and extends the flexibility for school meals through September 2021.

And the December relief package included \$13 billion for increased SNAP and other child nutrition benefits. It increased SNAP benefits by 15 percent and provided federal dollars to support food banks.

Student-Based Health Care

With more than [120,000 schools](#) nationwide shuttered for the foreseeable future, millions of students have lost access to an important source of health care. As school districts and health providers cobble together solutions, Congressional funding and new regulatory flexibility could deliver some needed support.

A key source of funding for the school-based health care is Medicaid, which covers [37 percent](#) of school-age children and reimburses \$4 billion to \$5 billion in services at schools annually. That figure has increased in recent years after a [2014 regulatory change](#) allowed schools to seek reimbursement for services provided to all eligible children.

The Families First Act temporarily increases the federal match to states for Medicaid. To receive those extra dollars, [states must commit](#) to maintain current eligibility standards and premiums and to limit disenrollment.

Read More: [How the Health and Education Sectors Can Collaborate](#)]

Beyond legislative efforts, federal authorities are granting wide latitude on billing Medicaid for using telehealth to deliver services and urging states to expand offerings. This allows students to receive special education services or visit health providers virtually, using a smart phone or computers, without risking a visit to an office or hospital.

State Medicaid programs can reimburse these providers for telehealth services just as they do for in-person visits without obtaining federal approval, the Centers for Medicare and Medicaid Services (CMS) explained in a [recent release](#). That said, some states have restrictions on what services must be delivered in person, especially for students with disabilities.

The legislation passed so far will hardly be Congress's last word on education funding. Members of Congress and education leaders are already contemplating how to support K-12 schools in future stimulus bills.

[Read More: [Tracking State Legislation on the Coronavirus](#)]

U.S. Education Department Allocation Calculations

The CARES Act requires that at least 90 percent of the Elementary and Secondary School Emergency Relief Fund flow to local education agencies, with no more than 10 percent reserved for the state agency, and a fraction of that for administrative costs. The totals in the chart below are rounded.

State	Total for School Relief	Minimum for LEA	Maximum for SEA	Maximum for Administration	Total for Governors Fund
U.S.	13.2 B	11.9 B	1.3 B	66 M	2.9 B
Alabama	217 M	195 M	22 M	1 M	49 M
Alaska	38 M	35 M	3.8 M	192,000	6.5 M
Arizona	227 M	249 B	27 M	1.3 M	69 M
Arkansas	129 M	116 M	13 M	643,800	31 M
California	1.6 B	1.5 B	165 M	8.2 M	355 M
Colorado	121 M	109 M	12 M	604,900	44 M
Connecticut	111 M	100 M	11 M	555,300	27 M
Delaware	43 M	39 M	4.3 M	217,500	7.9 M
D.C.	42 M	38 M	4.2 M	210,000	5.8 M
Florida	770 M	693 M	77 M	3.9 M	174 M
Georgia	457 M	411 M	46 M	2.3 M	106 M
Hawaii	43 M	39 M	4.3 M	216,900	9.9 M

Idaho	48 M	43 M	4.8 M	239,300	15.7 M
Illinois	569 M	513 M	57 M	2.8 M	108 M
Indiana	214 M	193 M	21 M	1 M	61 M
Iowa	72 M	64 M	7.1 M	358,100	26 M
Kansas	85 M	76 M	8.4 M	422,600	26 M
Kentucky	193 M	174 M	19 M	965,000	44 M
Louisiana	287 M	258 M	29 M	1.4 M	50 M
Maine	44 M	39 M	4.3 M	218,900	9.3 M
Maryland	208 M	187 M	21 M	1 M	46 M
Massachusetts	215 M	193 M	21 M	1 M	51 M
Michigan	390 M	351 M	39 M	1.9 M	89 M
Minnesota	140 M	126 M	14 M	700,700	43 M
Mississippi	170 M	153 M	17 M	849,400	35 M
Missouri	208 M	187 M	20 M	1 M	55 M
Montana	41 M	37 M	4.1 M	206,500	8.8 M
Nebraska	65 M	59 M	6.5 M	325,400	16 M
Nevada	117 M	105 M	12 M	585,900	26 M
New Hampshire	38 M	34 M	3.8 M	188,200	8.9 M
New Jersey	310 M	279 M	31 M	1.5 M	69 M
New Mexico	109 M	98 M	11 M	542,900	22 M
New York	1 B	933 M	104 M	5.2 M	164 M
North Carolina	396 M	357 M	40 M	1.9 M	96 M
North Dakota	33 M	30 M	3.3 M	166,500	5.9 M
Ohio	489 M	440 M	49 M	2.4 M	105 M
Oklahoma	161 M	145 M	16 M	804,800	39 M
Oregon	121 M	108 M	12.1 M	605,500	33 M
Pennsylvania	524 M	471 M	52 M	2.6 M	104 M
Rhode Island	46 M	42 M	4.6 M	231,800	8.7 M
South Carolina	216 M	195 M	22 M	1 M	49 M
South Dakota	41 M	37 M	4.1 M	206,500	7.9 M
Tennessee	260 M	234 M	26 M	1.3 M	64 M
Texas	1.3 B	1.1 B	129 M	6.4 M	307 M
Utah	68 M	61 M	6.8 M	339,100	29 M
Vermont	31 M	28 M	3 M	155,700	4.5 M
Virginia	239 M	215 M	24 M	1.2 M	67 M
Washington	217 M	195 M	22 M	1 M	57 M
West Virginia	86 M	77 M	8.6 M	433,200	16 M
Wisconsin	175 M	157 M	17 M	873,900	47 M
Wyoming	33 M	29 M	3.3 M	162,800	4.7 M
Puerto Rico	349 M	314 M	35 M	1.7	47 M

Source: U.S. Education Department. For notes on methodology, see the [emergency relief fund calculations](#) and [governor's fund calculations](#).