

March 30, 2020

Laurie VanderPloeg  
Director of OSERS' Office of Special Education Programs  
550 12<sup>th</sup> Street S.W.  
Washington, D.C. 20510

Dear Director VanderPloeg,

On behalf of AASA, The School Superintendents Association, representing more than 13,000 school system leaders across the country, I write to share our views on the additional flexibility needed for districts under IDEA.

As school districts cope with this unprecedented pandemic, we appreciate the efforts the U.S. Department of Education has made in recent weeks to clarify the current flexibility under IDEA. The recently enacted “Coronavirus Aid, Relief, and Economic Security (CARES) Act” provides the U.S. Department of Education with an additional opportunity to recommend where Congress can and should amend IDEA to provide even greater flexibility to school district in complying with the law during these challenging times. As such, the following document contains AASA’s seven recommendations for additional statutory and regulatory relief sought by school districts that are unable to provide direct, in-person instruction to students with disabilities as a result of the COVID-19 pandemic.

## **1. Evaluation and reevaluation issues**

### *Description of Issues*

IDEA sets a timeline for initial evaluations to be completed after the receipt of informed parent consent. The IDEA timeline is 60 days. For initial evaluations that were in the process of being completed when schools were closed, the evaluations may not be able to be completed if assessments that require in-person interactions with the student are needed. A virtual evaluation may not meet standardization requirements and validity requirements as well. Such in-person interactions at the present time put both the student and school staff at risk. They may also violate orders that have been issued by local authorities to stay home and stay away from others.

If a parent requests an initial evaluation during the time when schools are closed, staff may or may not have access to the documentation needed to assess whether the request will be granted or the parent will be provided with a prior written notice explaining why the district will not evaluate the student. Part of the referral process in many districts includes a hearing and vision screening which may not be possible since in-person interaction between school health personnel and the student put both at risk and may violate local orders to stay at home and not be in the

presence of other people. The referral process is also likely to include a review of educational data and assessments, which may not be available through electronic or virtual means.

Reevaluations are required when circumstances warrant a reevaluation but at least every three years. If a student has a three-year reevaluation due to be completed when schools are closed, school staff may be able to do a review of existing educational data to determine continuing eligibility but only if school staff have access to school records. While many larger districts have student records stored in electronic form, that is not true for all districts and there are many small districts across the US with paper education records that are not accessible when schools are closed.

If a reevaluation or an additional evaluation was in the process of being completed when schools closed, it is likely the evaluation cannot be completed because of the need for in-person interaction with the student to perform the various assessments so that results are valid. While IDEA does not contain a timeline for completing a reevaluation, the IEP team often sets a timeline for completion. Those timelines will not be met under the current conditions of schools closed across the US.

Functional behavior assessments cannot be completed during the time schools are closed. Best practices for these assessments require in-person observation of the student in various settings at school. Such observations are not possible if schools are closed. A functional behavioral assessment typically requires a review of data gathered on the student. Such data, if in paper form, may not be available to the person performing the FBA.

Students served through early childhood services about to be three years old cannot be evaluated to determine eligibility for IDEA services while schools are closed. Such an evaluation is an initial evaluation and all of the issues noted in #1 apply.

*Suggested actions by Congress:*

1. Suspend all timelines for initial evaluations that were in the process of being performed when schools were closed until normal operations and direct in-person instruction resumes. When school resumes with normal in-person instruction, then the timeline will go back into effect and the initial evaluation resumes according to the reactivated timeline. For example, if the school had 30 days left of the 60-day IDEA timeline, the school would have 30 days left when school resumes and the timeline is reactivated.
2. Suspend all timelines for responding to request for an initial evaluation made during the time that schools are closed. When normal operations and direct in-person instruction of students begin again, the timeline for responding to the request for an initial evaluation reactivates and the district has whatever time is left to respond. For example, in Texas, schools have 15 school days to respond to a written parent request for an initial evaluation. If a request is made for an initial evaluation when schools are closed, a district would have 15 school days to respond to a request for an initial evaluation when normal operations and direct in-person instruction of students resumes.
3. Suspend the time requirements for completing a three-year reevaluation while the schools are closed. When direct in-person instruction of students resumes, the timeline for completing the three-year reevaluation reactivates and the district will have the same amount of time to complete the three-year reevaluation was available before the schools closed. The student's

eligibility continues until the three year reevaluation is completed and the IEP team meets to consider the evaluation. If the district has access to staff and records to perform a re-evaluation virtually, it may do so.

4. Whatever timeline was in place to complete a reevaluation or additional evaluation that was in the process of being done when schools were close is suspended. When the school resumes direct in-person instruction of all students, the timeline will reactivate and the district will have the same amount of time to complete the reevaluation as before schools were closed.
5. The timeline for completion of the functional behavioral assessment is suspended while schools are closed. When direct in-person instruction resumes, the timeline is reactivated for completing the functional behavioral assessment.
6. Students who turn 3 years old while schools are closed should continue to be provided services under Part C and the timeline to complete the evaluation for IDEA Part B services is suspended. When normal operations resume and direct in-person instruction resumes, the timeline that was in place for completing the IDEA evaluation is reactivated and the district has the same amount of time to complete the evaluation as before schools were closed. While the evaluation is being completed, the child continues to be served with Part C services.

## **2. IEP Meeting Issues**

### *Description of Issues*

An IEP meeting must be held at least annually for each student. An IEP meeting must be held to review an initial evaluation. An IEP meeting must be held to consider the results of an independent educational evaluation (IEE). After the annual IEP meeting, an IEP meeting must be held to change the IEP, unless that parent and the school agree to change the IEP by agreement without a meeting.

### *Suggested actions by Congress*

1. Suspend all timelines for holding an IEP meeting until normal school operations and direct in-person instruction resumes. If schools are able to hold IEP meetings electronically or telephonically during the time schools are closed, they are encouraged to do so. The failure to hold an IEP meeting that otherwise would have been required to occur by a certain date, and the failure to adhere to any statutorily prescribed deadline, when schools are closed, will not be a basis for a finding of a violation of the IDEA in a later hearing

## **3. Due Process Hearing/ State Complaint Timeline Issues**

### *Description of Issues*

Due process hearings involve a number of timelines with which the parties must comply, including a 15 day resolution meeting and a 30 resolution period, a specific time to file a response to the request and a requirement to issue a decision 45 days after the end of the 30 day resolution period. Due process hearings typically involve numerous witnesses and documents in a setting that includes parents and their attorneys and advocates, school people and their attorneys, the hearing officer and a court reporter. These types of meetings put all persons at physical risk and violate local orders to stay at home and stay away from other people. These proceedings are not conducive to being held electronically because of the great reliance on witnesses, the need for the hearing officer to judge the credibility of witness through observation, documents that may be difficult or impossible to access while school are closed, and the need to

provide documents to and question witnesses about them during a hearing. Standard discovery methods may be difficult or impossible to implement while schools are closed.

State complaint procedures have timelines for the school to respond to a complaint, usually by providing a voluminous amount of education records, policies and guidelines and other documents. When schools are closed, staff may not have access to many of the records requested by the SEA. School staff do not have access to teachers and other persons with knowledge of information relevant to the complaint.

#### *Suggested actions by Congress*

1. Suspend all timelines for a new due process hearing filed while schools are closed. Any request for a hearing will be held in abeyance by the SEA until school resumes normal operations and direct in-person instruction of students. The statute of limitations applicable to an individual claim is suspended while schools are closed.
2. For due process hearings that were pending when schools closed, suspend all timelines and scheduling orders. When schools resume normal operations and direct in-person instruction, parties and the hearing officer by teleconference will reactivate the scheduling order in existence or develop a new one.
3. Hold in abeyance any complaint filed with the SEA while schools are closed. If a complaint was already filed with the SEA, suspend all timelines for responding. Thirty calendar days after schools resume normal operations and direct in-person instruction, reactivate all timelines for complaints that were pending with the SEA when schools closed, and consider day 30 as the day of filing for those complaints filed while schools were closed.

#### **4. Issues with Prior Written Notice/IEP amendments**

##### *Description of Issues*

Given the pandemic, it is not likely that special education students will be receiving the services set out in their IEPs in the manner and to the extent developed by the IEP team while schools are closed and direct in-person instruction is suspended. If a district proposes to change the identification, evaluation, placement or provision of FAPE to the student, a prior written notice (PWN) is required to be provided to the parent. The provision of distance learning activities, in whatever form they may take, whether online lessons, instructional telephone calls, teletherapy for speech therapy, etc., will look very different than what the student received when school was in session and direct in-person instruction as taking place. Arguably, each student's parent should be provided a PWN.

The components of a prior written notice are set out in IDEA regulation 300.503 and include what action is proposed, why it is proposed, other options considered and why they were rejected, what records/data was the basis for the proposal, other factors relevant to the proposal, information about procedural safeguards, and a person to contact if the parent has questions about procedural safeguards. Consider the magnitude effort staff time to prepare such a document if a district has 100 students with disabilities, 1,000 students with disabilities, or 25,000 students with disabilities.

##### *Suggested actions by Congress:*

1. Suspend the requirement to provide a PWN to parents during the time that schools are closed due to the pandemic and there is no direct in-person instruction. Make a determination that

the services provided to a student with a disability during the time when schools are closed due to this pandemic are not a change of the student's IEP and/or placement. Any later dispute regarding the services provided to a particular student will be examined on the basis of whether the district offered equitable learning opportunities to the student with a disability which is the Section 504 standard.

2. If the services to be provided are considered a change of the IEP, suspend all components of PWN except providing notice to the parent of the services that will be provided while schools are closed. The other parts of the PWN are not useful in getting services to students with disabilities or in collaborating with parents on those services.

## **5. Least Restrictive Environment**

### *Description of Issues*

Schools have a duty to educate students with disabilities in settings with nondisabled students to the maximum extent appropriate for the student. Education with nondisabled students is not possible when schools are closed, and direct in-person instruction is suspended.

### *Suggested action by Congress:*

1. Make clear that the duty to educate in the least restrictive environment is not applicable to services provided to students with disabilities while schools are closed and direct in-person instruction is suspended due to the pandemic.

## **6. Maintenance of Effort**

### *Description of Issues*

If states (SEAs) and school districts (LEAs) receive additional one-time funds through the CARES Act or other legislation to assist with costs related to COVID-19 virus educational programs, including providing education through alternative delivery methods such as online instruction, such funds could affect the calculation of maintenance of effort for both states and schools districts and could result in both states and schools districts being out of compliance with maintenance of effort requirements in future years.

### *Suggested action by Congress:*

1. Ensure that both states (SEAs) and schools districts (LEAs) have equal flexibility in calculation of maintenance of effort based on the additional one-time funds similar to the flexibility provided in 2009 in the ARRA.

## **7. Compensatory educational services**

### *Description of Issues*

The concept of compensatory services grows out of judicial interpretation of IDEA. The theory is that compensatory services may be due to a student if the school did not provide FAPE. In other words, the school is paying for/providing services it should have provided all along and therefore compensatory services are not damages as one would think of damages in a tort action. Other cases hold that compensatory services are to be structured to place the student in the position he or she would have been in if FAPE had been provided. In all these cases, the school had control over what was provided. In the current situation, the entire nation is in an emergency situation with schools close due to a pandemic. It is a time when instruction to students with disabilities, and to all students, is totally disrupted. Provided typical instruction to students places the students and staff members in danger of physical harm from a virus that causes death. Direct

in-person instruction violates local orders to stay at home and not interact physically with others.

Requiring an IEP meeting for each student with a disability when normal operations and direct in-person instruction resumes to consider compensatory services will result in a significant reduction in the time of special education staff to provide actual services to students.

*Suggested action by Congress:*

1. Holding schools liable to provide compensatory services to all students with disabilities for IEP services not provided when schools were closed by order of local and state authorities, and allowing an award of attorney's fees against a school district on that basis, is not reasonable. Direct that compensatory education can be awarded by a hearing officer in a due process hearing only upon a finding that equitable learning opportunities were not provided when schools were closed.
2. Allow districts to make an individual determination of when to hold an IEP meeting to consider compensatory services. Those determinations would be communicated to parents using a prior written notice.

We appreciate the ability to connect directly with the Office of Special Education Programs and share our concerns with IDEA implementation during this tumultuous period. If you seek additional clarity on these suggested items please do not hesitate to reach out to AASA.

Sincerely,



Sasha Pudelski  
Advocacy Director

# Federal COVID-19 Relief Bills

In recent weeks, Congress passed three bills to appropriate supplemental emergency funding and make significant policy changes to address the ongoing COVID-19 pandemic. The federal measures include critically needed support for childcare, elementary and secondary, and postsecondary education, while also providing related support for children and families. This document provides a high-level summary of the first two bills, which were smaller in scope relative to the third bill, but only describes the third bill's education provisions and other elements that might be of particular interest to education leaders. The information below is largely drawn from the materials provided by the Senate and House Appropriations Committees. We will update you as needed, based on additional review of the third bill's sweeping provisions, additional expected Congressional actions, and following related federal agency implementation activities.

## First Emergency Bill: Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (H.R. 6074)

**Became Law:** March 6, 2020

**Total Funding:** \$8.3 billion

**Focus:** The first emergency supplemental appropriation bill ([H.R. 6074](#)) provided additional funding for emergency health and medical supplies/equipment and other needs through the Food and Drug Administration; the Centers for Disease Control and Prevention, the National Institutes of Health, and the Public Health and Social Services Emergency Fund; the Small Business Administration, the Department of State, and the U.S. Agency for International Development. The bill also included temporary waivers or application modifications of certain Medicare requirements associated with telehealth services.

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| <b>Food and Drug Administration</b> <ul style="list-style-type: none"><li>• \$61 million to facilitate the development and review, both pre-market and post-market, of medical countermeasures, devices, therapies, and vaccines to combat the coronavirus.</li></ul> | <b>Centers for Disease Control and Prevention</b> <ul style="list-style-type: none"><li>• \$2.2 billion to support federal, state, and local public health agencies to prevent, prepare for, and respond to the coronavirus, including \$950 million, of which \$475 million must be allocated within 30 days, to support States, locals, territories, and tribes to conduct public health activities such as: surveillance for coronavirus; laboratory testing to detect positive cases; contact tracing to identify additional positive cases; infection control at the local level to prevent additional cases; migration in areas with person-to-person transmission to prevent</li></ul> |
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|                                                                                                                                                                                                                                                                                                                                                                       | <p>additional cases; and other public health preparedness and response activities; \$300 million to replenish the Infectious Diseases Rapid Response Reserve Fund, which supports immediate response activities during outbreaks; At least \$300 million for global disease detection and emergency response.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Small Business Disaster Loans</b></p> <ul style="list-style-type: none"> <li>• \$1 billion in loan subsidies to be made available to help small businesses, small agricultural cooperatives, small aquaculture producers, and nonprofit organizations which have been impacted by financial losses as a result of the coronavirus outbreak.</li> </ul>          | <p><b>Preparedness and response capabilities at the State and local level. Vaccines, Therapeutics, and Diagnostics</b></p> <ul style="list-style-type: none"> <li>• \$3 billion for research and development of vaccines, therapeutics, and diagnostics to prevent or treat the effects of coronavirus,</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Healthcare Preparedness, Pharmaceuticals and Medical Supplies, Community Health Centers</b></p> <ul style="list-style-type: none"> <li>• Nearly \$1 billion for procurement of pharmaceuticals and medical supplies, to support healthcare preparedness and Community Health Centers, and to improve medical surge capacity</li> </ul>                          | <p><b>HHS Reimbursements</b></p> <ul style="list-style-type: none"> <li>• \$136 million to programs across HHS that were temporarily transferred to support emergency preparedness and response activities at the CDC and the Assistant Secretary for Preparedness and Response.</li> <li>• \$10 million for worker-based training through the National Institute of Environmental Health Sciences to prevent and reduce exposure of hospital employees, emergency first responders, and other workers who are at risk of exposure to coronavirus through their work duties.</li> <li>• \$2 million for the HHS Office of Inspector General to conduct oversight of activities related to coronavirus preparedness and response.</li> <li>• Authority for HHS to hire public health experts, as expeditiously as necessary, to perform critical work relating to coronavirus.</li> </ul> |
| <p><b>State Operations</b></p> <ul style="list-style-type: none"> <li>• \$264 million for consular operations, emergency evacuations of State Department staff and dependents, and other emergency preparedness needs at embassies around the world.</li> <li>• \$10 million to \$100 million for increasing transfer threshold for emergency evacuations.</li> </ul> | <p><b>Emergency Telehealth Waiver:</b></p> <ul style="list-style-type: none"> <li>• Allows the Secretary of Health and Human Services to waive certain Medicare telehealth restrictions during the coronavirus public health emergency.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <ul style="list-style-type: none"> <li>• Global Health Response – \$435 million to support health systems overseas to prevent, prepare and respond to the coronavirus, of which \$200 million is for the Emergency Reserve Fund.</li> <li>• \$300 million for Humanitarian Assistance to respond to needs arising in countries coping with a coronavirus disease outbreak.</li> <li>• \$250 million for Economic and Security Stabilization to protect against the effects of an outbreak including economic, security, and stabilization requirements</li> <li>• \$1 million for oversight of State emergency accounts.</li> </ul> |  |
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## Second Emergency Bill: Families First Coronavirus Response Act (H.R. 6201)

**Became Law:** March 18, 2020

**Total Funding:** Estimated \$3.5-\$4 billion in appropriations, plus costs of tax credits and other measures that will depend on total claims.

**Focus:** The second emergency response bill ([H.R.6201](#)) largely focuses on public health, nutrition, and emergency leave. The measure guarantees free coronavirus testing, establishes new paid leave requirements, enhances Unemployment Insurance, expands food security initiatives, and increases federal Medicaid funding.

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| <p><b>Food Assistance</b></p> <ul style="list-style-type: none"> <li>• This bill provides for funding, totaling more than \$1 billion, for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), emergency food assistance programs, and nutrition assistance grants for US territories.</li> <li>• General provisions define a public health emergency and specify that in any case in which a school is closed for at least 5 consecutive days during a public health emergency designation, each household containing at least 1 member who is an eligible child attending the school is eligible to receive assistance under the Food and Nutrition Act of 2008. The Secretary of Agriculture is authorized to approve State</li> </ul> | <p><b>Nutrition Waivers</b></p> <ul style="list-style-type: none"> <li>• <i>Maintaining Essential Access to Lunch for Students Act:</i> This section of the bill addresses COVID-19 waivers under the Richard B. Russell National School Lunch Act in order to provide meals and meal supplements during a school closure due to COVID-19. More specifically: <ul style="list-style-type: none"> <li>○ Section 12(I)(1)(A)(iii) of the Richard B. Russell National School Lunch Act (waiver so long as it does not increase the overall cost of the program to the Federal Government) shall not apply to a qualified COVID-19 waiver; and there is an allowable increase in federal costs, due to COVID-19.</li> </ul> </li> </ul> |
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| <p>agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act. In order to carry out these sections, State educational agencies and school food authorities administering school lunch programs under the Richard B. Russell National School Lunch Act may release any information that may be necessary to appropriate officials administering these programs.</p> <ul style="list-style-type: none"> <li>• Funding is provided for Senior Nutrition Programs to provide additional meals to low-income seniors.</li> </ul>       | <ul style="list-style-type: none"> <li>○ Further, the requirements under section 12(l)(5) (termination of waivers) shall not apply to a qualified COVID-19 waiver.</li> <li>• <i>COVID-19 Child Nutrition Response:</i> The Child Nutrition Response Act provides for waivers for national school lunch program requirements and waivers under WIC. These waivers will eliminate paperwork for states to and allow schools to adopt and utilize flexibilities quickly in order to respond to this pandemic. This provides for a nationwide waiver under the national school lunch program which will allow states to provide meals and supplements under a qualified program, with appropriate safety measures. Child and Adult Care Food Program waivers are allowed for non-congregate feeding under a child and adult care food program, as well as meal pattern waivers that relate to the nutritional content of meals served. Any state that receives these waivers must provide the Secretary a summary of the use of the waivers within 1 year.</li> <li>• <i>SNAP Waivers:</i> Until the public health emergency declaration is lifted, eligibility for supplemental nutrition assistance program benefits will not be limited, except in situations where an individual does not comply with the requirements of a program offered by the State agency. Further additional SNAP flexibilities will be provided during public health emergencies, including suspension of work and training requirements for SNAP benefits during the pandemic.</li> </ul> |
| <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• General provisions provide for amendments to the Family and Medical Leave Expansion Act (<i>Emergency Family and Medical Leave Expansion Act</i>) which adds a new section on public health emergency leave. The public health emergency leave would apply to eligible employees who have been employed for at least 30 calendar days and for employers of 50 or more employees (full-time and part-time). Employees would be able to take up to 12 weeks of job-protected leave to be used for certain reasons.</li> </ul> | <p><b>Free Testing</b></p> <ul style="list-style-type: none"> <li>• This bill provides for coverage of testing for COVID-19 for all individuals at no cost - this includes individuals with private insurance, Medicare Advantage or Original Medicare, Medicaid, Children's Health Insurance Program, VA, Federal Employees Health Benefits, and TRICARE, as well as anyone who is uninsured.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p>Employers would be required to offer two weeks of paid sick leave for COVID-19 reasons. After these two weeks, employees will receive a benefit that will total no less than <math>\frac{2}{3}</math> of the employee's pay.</p> <ul style="list-style-type: none"> <li>• Further, this bill provides for emergency grants for unemployment compensation administration (<i>Emergency Unemployment Insurance Stabilization and Access Act of 2020</i>) – and paid sick time (<i>Emergency Paid Sick Leave Act</i>). The Paid Sick Leave Act would require employers with fewer than 500 employees to provide for 2 weeks of paid sick leave to quarantine or seek a diagnosis or care for coronavirus, or paid at <math>\frac{2}{3}</math> of the regular rate to care for a family member or child.</li> <li>• Employers will be able to receive payroll tax credits for paid sick and paid family and medical leave under this bill and there is a refundable income tax credit for self-employed individuals. (Public employers were excluded from these credits, reportedly because of the estimated budgetary cost. NSBA and other groups representing states and local governments are urging that the credits be extended to public employers.)</li> <li>• Employers with fewer than 50 employees would be exempt if the requirements would jeopardize the business' viability.</li> </ul> |                                                                                                                                                                                                                                                                                     |
| <p><b>Coverage of Testing for COVID-19 through the Department of Defense</b></p> <ul style="list-style-type: none"> <li>• Includes \$82 million for the Department of Defense to cover the costs of COVID-19 diagnostic testing for beneficiaries receiving care through the Defense Health Program</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Implementation of Tax Credits –</b></p> <ul style="list-style-type: none"> <li>• Includes \$15 million for the Internal Revenue Service to implement tax credits for paid sick and paid family and medical leave.</li> </ul>                                                  |
| <p><b>Coverage of Testing for COVID-19 through the Indian Health Service</b></p> <ul style="list-style-type: none"> <li>• Includes \$64 million for the Indian Health Service to cover the costs of COVID-19 diagnostic testing for Indians receiving care through the Indian Health Service or through an Urban Indian Health Organization.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Senior Nutrition Program</b></p> <ul style="list-style-type: none"> <li>• Includes \$250 million for the Senior Nutrition program</li> </ul>                                                                                                                                  |
| <p><b>Reimbursement for Diagnostic Testing and Services for COVID-19 in Uninsured Individuals</b></p> <ul style="list-style-type: none"> <li>• Includes \$1 billion for the National Disaster Medical System to reimburse the costs of COVID19 diagnostic testing and services</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Coverage of Testing for COVID-19 through the Veterans Health Administration</b></p> <ul style="list-style-type: none"> <li>• Includes \$60 million for the Department of Veterans Affairs to cover the costs of COVID-19 diagnostic testing for veterans receiving</li> </ul> |

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| provided to individuals without health insurance.                                                                                                                                                                                                                                                                                                                                  | care through Medical Services or through Medical Community Care.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Family and Medical Leave Act of 1993.</b> <ul style="list-style-type: none"> <li>Provides employees of employers with fewer than 500 employees and government employers, who have been on the job for at least 30 days, with the right take up to 12 weeks of job-protected leave under the Family and Medical Leave Act to be used for any of the following reasons</li> </ul> | <b>Employment Under Multi-Employer Bargaining Agreements.</b> <ul style="list-style-type: none"> <li>The bill ensures employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan are provided with leave.</li> </ul>                                                                                                                                                                                                                                                                                       |
| <b>Emergency Transfers for Unemployment Compensation Administration.</b> <ul style="list-style-type: none"> <li>Provides \$1 billion in 2020 for emergency grants to states for activities related to processing and paying unemployment insurance (UI) benefits, under certain conditions.</li> </ul>                                                                             | <b>The Emergency Paid Sick Leave Act.</b> <ul style="list-style-type: none"> <li>This section requires employers with fewer than 500 employees and government employers to provide employees two weeks of paid sick leave, paid at the employee's regular rate, to quarantine or seek a diagnosis or preventive care for coronavirus; or paid at two-thirds the employee's regular rate to care for a family member for such purposes or to care for a child whose school has closed, or child care provider is unavailable, due to the coronavirus.</li> </ul> |
| <b>Payroll Credit for Required Paid Sick Leave.</b> <ul style="list-style-type: none"> <li>This section provides a refundable tax credit equal to 100 percent of qualified paid sick leave wages paid by an employer for each calendar quarter.</li> </ul>                                                                                                                         | <b>Payroll Credit for Required Paid Sick Leave.</b> <ul style="list-style-type: none"> <li>This section provides a refundable tax credit equal to 100 percent of qualified paid sick leave wages paid by an employer for each calendar quarter.</li> </ul>                                                                                                                                                                                                                                                                                                      |
| <b>Payroll Credit for Required Paid Family Leave.</b> <ul style="list-style-type: none"> <li>This section provides a refundable tax credit equal to 100 percent of qualified family leave wages paid by an employer for each calendar quarter.</li> </ul>                                                                                                                          | <b>Credit for Family Leave for Certain Self-Employed Individuals.</b> <ul style="list-style-type: none"> <li>This section provides a refundable tax credit equal to 100 percent of a qualified family leave equivalent amount for eligible self-employed individuals.</li> </ul>                                                                                                                                                                                                                                                                                |
| <b>Special Rule Related to Tax on Employers.</b> <ul style="list-style-type: none"> <li>This section ensures that any wages required to be paid by reason of the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act will not be considered wages for purposes of section 3111(a).</li> </ul>                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## Third Emergency Bill: Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (H.R.748)

**Became Law:** March 27, 2020 (expected)

**Total Funding:** \$2 trillion

**Focus:** The third emergency bill, the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act” (H.R. 748), represents a sweeping investment in state and local government, major industries, small and midsize businesses, public health and disaster relief programs. It includes \$30.75 billion in stabilization funding for early childhood education, school districts, and higher education; a \$150 billion stabilization fund for States, Tribal governments, and units of local government; \$117 billion for hospitals and veterans’ health care; \$11 billion for vaccines, therapeutics, diagnostics, and other preparedness needs; \$4.3 billion for the Centers for Disease Control; \$16 billion for the Strategic National Stockpile; and, \$45 billion for FEMA disaster relief fund, among other things. More than 80 percent of the total funding provided in the coronavirus emergency supplemental appropriations division of the package will go directly to state and local governments. The following table only covers the law’s education provisions and select other provisions relevant to education leaders.

***Direct Education Provisions and other Programs of Interest to Education Leaders***

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| <p><b>Funding: Education Stabilization Fund (\$30.75 billion for Three Accounts; Available until 9.30.21)</b></p> <p>The law’s \$30.75 billion education stabilization funding is divided among three accounts:</p> <p>(1) <i>The Governor’s Emergency Education Relief Fund (\$3 billion)</i></p> <ul style="list-style-type: none"> <li>○ This fund may be used by Governors to assist LEAs, IHEs, early childhood education/childcare entities that are hardest hit by the emergency to continue to provide educational services to their students. 60% of this is distributed based on the state’s relative population of individuals aged 5-24.40% will be distributed based on the basis of the relative total population.</li> </ul> <p>(2) <i>The Elementary and Secondary School Emergency Relief Fund (\$13.5 billion)</i></p> <ul style="list-style-type: none"> <li>○ These funds may be used for any activity authorized by IDEA, ESSA, Perkins CTE, McKinney Vento, Native Hawaiian Education Act, Alaska Native Educational Equity, as well as a number of emergency activities, including for online learning. These funds will be distributed according to each state’s Title I allocation for the most recent fiscal year; at least 90% of the amount must be</li> </ul> | <p><b>Elementary &amp; Secondary Education - National Emergency Educational Waivers (two categories):</b></p> <ul style="list-style-type: none"> <li>● The Secretary is granted additional waiver authority, upon a <u>state’s</u> petition, over assessments, accountability, and related reporting requirements, if the Secretary determines that such a waiver is necessary and appropriate.</li> <li>● The Secretary is granted additional waiver authority, upon state, tribal, school district petition, over specific ESEA provisions, including: <ul style="list-style-type: none"> <li>○ Schoolwide Title I program designation;</li> <li>○ Supplement, not Supplant;</li> <li>○ Maintenance of Effort;</li> <li>○ The Student Support and Academic Enrichment Programs required needs assessment; 15% technology cap; 20% set asides for school safety and enrichment; and</li> <li>○ ESEA’s professional development definition.</li> </ul> </li> </ul> <p>Within 30 days of the bill becoming law, Sec. DeVos must submit a report to Congress about any additional waivers that may be necessary from the Individuals With Disabilities Education Act, as well as ESSA, the Rehabilitation Act, and the Carl D. Perkins Career and Technical Education Act, in order to provide schools with "limited flexibility."</p> |
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| <p>distributed to districts, in proportion to the district's Title I allocation for the most recent fiscal year. States may reserve .5% for administration and the remainder must be used for emergency activities determined by the SEA.</p> <p><b>(3) Higher Education Emergency Relief Fund (\$14.25 billion)</b></p> <ul style="list-style-type: none"> <li>○ Secretary allocates - using Title IV distribution mechanism - 90% to each IHE to prevent, prepare for, and respond to coronavirus. Apportioned by: 75% based on relative share of full-time equivalent Pell enrollment students who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; AND 25% according to the relative share of FTE enrollment of students who were not Pell who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.</li> <li>○ 7.5% for additional awards under Title III parts A and B, Title V parts A and B Title VII-A-4 to address needs directly related to coronavirus</li> <li>○ 2.5% for Title VII part B for IHEs that the Secretary determines have the greatest unmet needs related to coronavirus.</li> </ul> <p>The education stabilization funding provides a special set aside, before the above allocations, for outlying areas (0.5%), Bureau of Indian Affairs (0.5%), and the states that have been hardest hit by the pandemic (1%). If any funding is received under this Fund, each LEA, HEA, State, or other entity shall "to the greatest extent practicable" continue to pay employees and contractors during the period of closures or disruptions.</p> <p><b>Bureau of Indian Education</b></p> <ul style="list-style-type: none"> <li>● \$69 million for extended teacher and workforce salary needs; transportation needs associated with the pandemic; information technology, including teleworking capabilities; and aid for tribal colleges and universities. Separate funding is also provided</li> </ul> | <ul style="list-style-type: none"> <li>● <i>Postsecondary Education Waivers:</i> The postsecondary education waivers include campus-based aid waivers, use of supplemental educational opportunity grants for emergency aid, and payments to work study students during the emergency are still allowed. See bill for more detail.</li> </ul> |
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| <p>to the Institute of American Indian Arts (IAIA) to respond to the pandemic.</p> <p><b>Howard University</b></p> <ul style="list-style-type: none"> <li>• \$13 million in direct support for this federally-chartered HBCU, including support for affected students.</li> </ul> <p><b>Gallaudet University</b></p> <ul style="list-style-type: none"> <li>• \$7 million in direct support for this federally-chartered university, including support for affected students.</li> </ul> <p><b>Student Aid Administration</b></p> <ul style="list-style-type: none"> <li>• \$40 million for administrative expenses to support changes (both those carried in the bill and those made administratively) to student aid programs to help students and borrowers.</li> </ul> <p><b>Office of Inspector General</b></p> <ul style="list-style-type: none"> <li>• \$7 million for audit and oversight of activities funded in this bill.</li> </ul>                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Nutrition and ECE</b></p> <p><b>Supplemental Nutritional Assistance Program</b></p> <ul style="list-style-type: none"> <li>• \$15.5 billion</li> </ul> <p><b>Child Nutrition Programs</b></p> <ul style="list-style-type: none"> <li>• \$8.8 billion</li> </ul> <p><b>Food Distribution Program on Indian Reservations –</b></p> <ul style="list-style-type: none"> <li>• \$100 million</li> </ul> <p><b>Nutrition Assistance for The Commonwealth of The Northern Mariana Islands, Puerto Rico, And American Samoa (territories cannot access SNAP)</b></p> <ul style="list-style-type: none"> <li>• \$200 million</li> </ul> <p><b>The Emergency Food Assistance Program</b></p> <ul style="list-style-type: none"> <li>• \$450 million The bill provides additional funding for comm</li> </ul> <p><b>Child Care and Development Block Grant</b></p> <ul style="list-style-type: none"> <li>• \$3.5 billion in grants to states for immediate assistance to child care providers to prevent them from going out of business and to otherwise support child care for families, including for healthcare workers, first</li> </ul> | <p><b>Project SERV Grants</b></p> <ul style="list-style-type: none"> <li>• \$100 million to clean and disinfect schools, and provide support for mental health services, distance learning, and other uses.</li> </ul> <p><b>Bureau of Indian Education</b></p> <ul style="list-style-type: none"> <li>• \$69 million for extended teacher and workforce salary needs; transportation needs associated with the pandemic; information technology, including teleworking capabilities; and aid for tribal colleges and universities. Separate funding is also provided to the Institute of American Indian Arts (IAIA) to respond to the pandemic.</li> </ul> <p><b>Health Departments</b></p> <ul style="list-style-type: none"> <li>• \$5 million to provide guidance on cleaning and disinfecting schools and day-care facilities, and more.</li> </ul> |

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| <p>responders, and others playing critical roles during this crisis.</p> <p><b>Head Start</b></p> <ul style="list-style-type: none"> <li>• \$750 million for grants to all Head Start programs to help them respond to coronavirus related needs of children and families, including making up for lost learning time</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p style="text-align: center;"><b>Post-Secondary</b></p> <p><b>Campus-based aid waivers</b></p> <ul style="list-style-type: none"> <li>• Waiver of Non-federal share requirement</li> </ul> <p><b>Use of supplemental educational opportunity grants for emergency aid</b></p> <ul style="list-style-type: none"> <li>• IHE's may reserve any amount of an institution's FSEOG allocation for emergency financial aid grants</li> </ul> <p><b>Federal work-study during a qualifying emergency.</b></p> <ul style="list-style-type: none"> <li>• Permits IHE payments to work study students during the emergency</li> </ul> <p><b>Adjustment of subsidized loan usage limits</b></p> <ul style="list-style-type: none"> <li>• Excludes any semester (or the equivalent) that the student does not complete due to a qualifying emergency from limits</li> </ul> <p><b>Exclusion from Federal Pell Grant duration limit</b></p> <ul style="list-style-type: none"> <li>• Secretary shall waive the institutional requirement under section 484B with respect to the amount of grant or loan assistance to be returned based on withdrawal during emergency period</li> </ul> <p><b>Institutional refunds and Federal student loan flexibility</b></p> <ul style="list-style-type: none"> <li>• The Secretary shall waive the IHE requirements with respect to the amount of grant or loan to be returned, if a recipient of assistance under title IV withdraws</li> </ul> <p><b>Satisfactory academic progress.</b></p> <ul style="list-style-type: none"> <li>• In determining whether a student is maintaining satisfactory academic progress for purposes of title IV, an IHE may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were</li> </ul> | <p style="text-align: center;"><b>Post-Secondary</b></p> <p><b>Provisions related to the Corporation for National and Community Service</b></p> <ul style="list-style-type: none"> <li>• CNCS shall allow covered individuals to accrue other service hours that will count toward the number of hours needed for the individual's education award; grants extensions of terms and age limits; no return of grant funds</li> </ul> <p><b>Workforce response activities</b></p> <ul style="list-style-type: none"> <li>• Changes WIA administrative cost set aside; un-obligated funds may be used for statewide rapid response; un-obligated funds released to local workforce boards</li> </ul> <p><b>Waiver authority and reporting requirement for institutional aid</b></p> <ul style="list-style-type: none"> <li>• Waives eligible data requirements; waives wait-out period; allotment requirements and more</li> </ul> <p><b>Authorized uses and other modifications for grants.</b></p> <ul style="list-style-type: none"> <li>• Secretary is authorized to modify the required and allowable uses of funds for some grants at an IHE's request (affects Title IV, V, VII); makes matching requirement modifications</li> </ul> <p><b>Service obligations for teachers</b></p> <ul style="list-style-type: none"> <li>• Protects TEACH Grant recipients from impact of emergency on their ability to meet grant service requirements</li> </ul> <p><b>Continuing education at affected foreign institutions.</b></p> <ul style="list-style-type: none"> <li>• The Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period for purposes of title IV (with specified conditions)</li> </ul> |

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| <p>not completed by such student without requiring an appeal by such student</p> <p><b>Temporary relief for federal student loan borrowers</b></p> <ul style="list-style-type: none"> <li>The Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV through September 30, 2020. Interest will not accrue.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                  | <p><b>HBCU Capital financing</b></p> <ul style="list-style-type: none"> <li>Secretary may grant a deferment, for the duration of a qualifying emergency, to an institution that has received a loan</li> </ul>                                                                                                                                                                                                                                                                         |
| <p><b>Other Education Related</b></p> <p><b>Institute for Museum and Library Services</b></p> <ul style="list-style-type: none"> <li>\$50 million for digital access and technical support services.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Other Education Related</b></p> <p><b>Rural Utilities Service (USDA)</b></p> <ul style="list-style-type: none"> <li>Distance Learning, Telemedicine, and Broadband Program – \$25 million The bill provides additional funding for the DLT grant program, which supports rural communities' access to telecommunications-enabled information, audio, and video equipment, as well as related advanced technologies for students, teachers, and medical professionals.</li> </ul> |
| <p><b>Small Business Administration Disaster Loans Program Account</b></p> <ul style="list-style-type: none"> <li>\$562,000,000 for administrative expenses and program subsidy for the SBA Disaster Loans Program. <u>Note for childcare businesses.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Pediatric Environmental Health Specialty Units and State Health Agencies</b></p> <ul style="list-style-type: none"> <li>\$5 million to add capacity to provide guidance and outreach on best disinfectant and protective practices for homes, <u>schools</u>, and daycare facilities.</li> </ul>                                                                                                                                                                                 |
| <p><b>Other HHS</b></p> <p><b>Family Violence Prevention and Services</b></p> <ul style="list-style-type: none"> <li>\$45 million to provide additional support to family violence shelters, and \$2 million in additional support for the National Domestic Violence Hotline.</li> </ul> <p><b>Runaway and Homeless Youth Programs</b></p> <ul style="list-style-type: none"> <li>\$25 million for additional immediate assistance to current programs providing critical services and housing for runaway and homeless youth.</li> </ul> <p><b>Child Welfare Services</b></p> <ul style="list-style-type: none"> <li>\$45 million for grants to states to support the child welfare needs of families during this crisis, and to help keep families together.</li> </ul> | <p><b>The Senate Appropriations Committee's summary of the third emergency bill's non-education provisions are <a href="#">available here</a>.</b></p>                                                                                                                                                                                                                                                                                                                                 |

## COVID-19 Funding to Support Students

- \$30.7 billion for an Education Stabilization Fund
  - \$13.2 for K-12 schools
  - \$14 billion for higher education
  - \$3 billion for governors to spend
- \$154 million for the Bureau of Indian Education
- \$100 million for Project SERV grants
- \$18.5 billion for supplemental Nutrition Assistance Program
- \$8.8 billion for child nutrition programs

The coronavirus outbreak has upended the way schools are operating, but the pain could continue in the next school year, when tax revenue losses might bring sharp cuts in education funding. Recognizing this, Congress has dedicated some of its \$2 trillion stimulus package to supporting K-12 schools and higher education. What's more, legislation and regulatory changes in the past month could affect student with disabilities, school meals, and access to health care.

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 goes to the Governors Emergency Education Relief Fund, which governors can use for "significantly impacted" school districts or higher education institutions.

The Center on Budget and Policy Priorities conducted an analysis (see below) of how much money each state should receive, ranging from \$30 million in stabilization funding for K-12 education in Wyoming to \$1.7 billion in California. Under the governors discretionary funding, New York will have \$168 million to spend, while Rhode Island will have less than \$9 million. The CARES Act money is [expected](#) to start flowing to states in the next two to three months and must be spent by September 2021. In a letter to the U.S. Education Department, governors [are pushing](#) to get the dollars within two weeks. And they're asking for "maximum flexibility" in how to spend it.

### **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 others 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. In addition, U.S. Secretary of Education Betsy DeVos has proposed a set of “continue to learn” [microgrants](#) aimed at disadvantaged students. At this point, there’s not much detail about the scope and scale of these grants. 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.

### **Students with Disabilities**

A question mark is providing services for students with disabilities. 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 but has not yet resolved whether it will grant waivers to give districts relief. Disabilities rights groups have [argued against](#) granting waivers. While the CARES Act gives the DeVos broad authority for waiving accountability requirements, lawmakers stopped short of allowing waivers for special education rules.

Meanwhile school districts are coming up with creative solutions. Some therapists are working with students virtually or developing videotapes of exercises that parents can do at home with their children. Others are holding IEP meetings on Zoom calls and securing electronic signatures.

### **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. So far, the benefits have yet to reach many of those who need them most. [One analysis](#) shows that only 11 percent of those who have been laid off have picked up a “grab-and-go” meal at school.

### **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.

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.

**Center on Budget and Policy Priorities Analysis**  
**State-by-State Education Stabilization Fund Amounts, by Type (in millions)**

| States | K-12 Schools | Higher Ed | Governors' grant | Total |
|--------|--------------|-----------|------------------|-------|
|--------|--------------|-----------|------------------|-------|

|                      |           |           |         |           |
|----------------------|-----------|-----------|---------|-----------|
| Alabama              | \$210.4   | \$211.3   | \$47.5  | \$469.2   |
| Alaska               | \$49.5    | \$17.6    | \$5.9   | \$73.0    |
| Arizona              | \$305.0   | \$406.2   | \$70.3  | \$781.5   |
| Arkansas             | \$136.1   | \$110.1   | \$30.6  | \$276.8   |
| California           | \$1,741.2 | \$1,679.6 | \$369.1 | \$3,789.9 |
| Colorado             | \$132.0   | \$213.1   | \$45.0  | \$390.0   |
| Connecticut          | \$104.4   | \$131.7   | \$26.8  | \$262.9   |
| Delaware             | \$43.0    | \$33.6    | \$7.4   | \$84.0    |
| District of Columbia | \$42.2    | \$66.6    | \$5.6   | \$114.3   |
| Florida              | \$724.4   | \$791.4   | \$171.5 | \$1,687.3 |
| Georgia              | \$448.3   | \$378.3   | \$106.2 | \$932.9   |
| Hawaii               | \$43.1    | \$35.0    | \$10.1  | \$88.2    |
| Idaho                | \$52.9    | \$78.9    | \$16.3  | \$148.1   |
| Illinois             | \$563.7   | \$470.7   | \$112.5 | \$1,146.9 |
| Indiana              | \$226.1   | \$262.4   | \$61.6  | \$550.1   |
| Iowa                 | \$82.5    | \$128.5   | \$26.0  | \$237.0   |
| Kansas               | \$89.5    | \$115.0   | \$26.1  | \$230.6   |
| Kentucky             | \$203.0   | \$164.6   | \$42.1  | \$409.7   |
| Louisiana            | \$283.6   | \$170.3   | \$47.7  | \$501.6   |
| Maine                | \$46.4    | \$42.0    | \$9.3   | \$97.7    |
| Maryland             | \$199.2   | \$201.6   | \$44.0  | \$444.9   |
| Massachusetts        | \$199.2   | \$254.2   | \$51.9  | \$505.2   |
| Michigan             | \$410.5   | \$345.8   | \$90.0  | \$846.4   |
| Minnesota            | \$142.3   | \$227.6   | \$42.8  | \$412.7   |
| Mississippi          | \$174.4   | \$177.6   | \$34.9  | \$386.9   |
| Missouri             | \$203.7   | \$175.9   | \$54.3  | \$434.0   |
| Montana              | \$41.7    | \$29.1    | \$8.7   | \$79.5    |
| Nebraska             | \$66.9    | \$71.5    | \$16.4  | \$154.7   |
| Nevada               | \$108.1   | \$73.3    | \$26.1  | \$207.4   |
| New Hampshire        | \$33.7    | \$100.2   | \$8.8   | \$142.7   |
| New Jersey           | \$303.2   | \$275.7   | \$68.9  | \$647.9   |
| New Mexico           | \$107.7   | \$79.4    | \$22.5  | \$209.6   |
| New York             | \$1,012.8 | \$797.6   | \$168.1 | \$1,978.4 |
| North Carolina       | \$378.4   | \$357.6   | \$95.6  | \$831.6   |
| North Dakota         | \$32.4    | \$25.4    | \$5.7   | \$63.5    |
| Ohio                 | \$462.8   | \$381.0   | \$103.9 | \$947.7   |
| Oklahoma             | \$156.9   | \$137.2   | \$37.9  | \$332.0   |
| Oregon               | \$140.8   | \$139.8   | \$33.4  | \$314.1   |
| Pennsylvania         | \$541.4   | \$417.6   | \$101.1 | \$1,060.1 |
| Rhode Island         | \$44.0    | \$51.3    | \$8.7   | \$104.0   |
| South Carolina       | \$204.0   | \$159.0   | \$47.3  | \$410.2   |
| South Dakota         | \$40.8    | \$33.7    | \$7.6   | \$82.1    |
| Tennessee            | \$257.5   | \$223.2   | \$63.1  | \$543.8   |
| Texas                | \$1,291.1 | \$1,023.6 | \$295.4 | \$2,610.1 |
| Utah                 | \$69.3    | \$217.2   | \$30.5  | \$317.1   |
| Vermont              | \$30.8    | \$22.2    | \$4.4   | \$57.5    |
| Virginia             | \$222.1   | \$320.2   | \$65.4  | \$607.6   |

**Center on Budget and Policy Priorities Analysis**  
**State-by-State Education Stabilization Fund Amounts, by Type (in millions)**

| States | K-12 Schools | Higher Ed | Governors' grant | Total |
|--------|--------------|-----------|------------------|-------|
|--------|--------------|-----------|------------------|-------|

|               |            |            |           |            |
|---------------|------------|------------|-----------|------------|
| Washington    | \$213.6    | \$202.5    | \$59.5    | \$475.6    |
| West Virginia | \$81.2     | \$89.1     | \$15.8    | \$186.0    |
| Wisconsin     | \$172.8    | \$187.6    | \$47.4    | \$407.8    |
| Wyoming       | \$30.4     | \$16.2     | \$4.4     | \$51.0     |
| Puerto Rico   | \$328.3    | \$236.2    | \$51.2    | \$615.7    |
| United States | \$13,229.3 | \$12,557.3 | \$2,953.2 | \$30,135.0 |

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