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S.B. 111*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Finance

Primary Sponsors: Sens. Blessing and Brenner

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SUMMARY

Appropriations to the Department of Education

- Makes an appropriation of \$857,105,159 for FY 2021 to the Department of Education for the following:
 - \$19,052,785 for Governor Emergency Education Relief;
 - \$154,896,274 for Emergency Assistance to Non-Public Schools; and
 - \$683,156,100 for Federal Coronavirus School Relief.
- Reappropriates for FY 2022 and FY 2023 the unexpended, unencumbered balances of these appropriations at the end of FY 2021 and FY 2022 for the same purposes for FY 2022 and FY 2023, respectively.
- Requires educational service centers (ESCs) to serve as the fiscal agent for funds provided for Emergency Assistance to Non-Public Schools and to assure compliance with the allowable use of those funds.
- Requires nonpublic schools receiving those funds to select service providers, and permits those schools to receive services directly from an ESC or other organizations or individuals.
- Prohibits the Department from using the bill's appropriation for Federal Coronavirus School Relief for emergency needs determined by the Department as authorized under the federal Consolidated Appropriations Act of 2021.

* This analysis was prepared before the report of the Senate Finance Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

March 24, 2021

- Makes an appropriation of \$27,000,000 for FY 2022 and \$28,000,000 for FY 2023 to the Department for Governor Emergency Education Relief.
 - Earmarks up to \$7,000,000 of that appropriation for FY 2022 to support supplemental grants of up to \$100,000 to chartered nonpublic schools serving fewer than fifty students that attest to additional financial needs after funds are allocated through the Emergency Assistance to Non-Public Schools Program.
 - Earmarks the remainder of that appropriation for FY 2022 and the appropriation for FY 2023 for grants to chartered nonpublic schools that operate a summer education program in the 2021-2022 or 2022-2023 school years.
- Requires the Department to submit to the General Assembly both of the following:
 - By December 1, 2022, a report regarding the spending of the amounts appropriated for FY 2021 and any other federal funds received from the federal “Coronavirus Aid, Relief, and Economic Security Act” and the manner in which those funds were spent; and
 - By December 1, 2023, a report regarding the spending of the amounts appropriated for FY 2021 and any other federal funds received from the federal “Consolidated Appropriations Act, 2021” and the manner in which those funds were spent.
- Permits the Auditor of State to audit spending by the Department and each school district of the amounts appropriated for FY 2021 and any other federal funds received by the Department under the federal CARES Act and the federal “Consolidated Appropriations Act, 2021.”

Appropriations to the Department of Health

- Makes an appropriation of \$173 million for FY 2021 to the Department of Health for Public Health Emergency Response and reappropriates unexpended, unencumbered amounts to FY’s 2022 and 2023, as applicable.

Appropriation to the Adjutant General

- Makes an appropriation of \$8 million for FY 2021 to the Adjutant General for Coronavirus relief.

DETAILED ANALYSIS

Appropriations to the Department of Education

The bill appropriates \$857,105,159 for FY 2021 to the Department of Education for Governor Emergency Education Relief, Emergency Assistance to Non-Public Schools, and CARES Act School Relief. It reappropriates for FY 2022 and FY 2023 the unexpended, unencumbered balances of these appropriations at the end of FY 2021 and FY 2022 for the same purposes for FY 2022 and FY 2023, respectively.

It also appropriates \$27,000,000 for FY 2022 and \$28,000,000 for FY 2023 to the Department for Governor Emergency Education Relief.

Governor Emergency Education Relief

The bill appropriates \$19,052,785 for Governor Emergency Education Relief for FY 2021. That appropriation must be used to distribute funds to county boards of developmental disabilities serving school-age students, educational service centers (ESCs), and joint vocational school districts according to a distribution mechanism determined by the Department. Funds must be used by recipients consistent with the allowable uses enumerated for the Elementary and Secondary School Emergency Relief Fund under the federal “Coronavirus Aid, Relief, and Economic Security Act” (the federal CARES Act) and the federal “Consolidated Appropriations Act, 2021.” Amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2021 must be reappropriated for the same purpose for FY 2022, and amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2022 must be reappropriated for the same purpose for FY 2023.¹

Additionally, the bill appropriates \$27,000,000 for FY 2022 and \$28,000,000 for FY 2023 to the Department for Governor Emergency Education Relief. Of this amount, \$7,000,000 is earmarked for FY 2022 to support supplemental grants of up to \$100,000 to chartered nonpublic schools serving fewer than fifty students that attest to additional financial need after funds are allocated through the federally required application process for the Emergency Assistance to Non-Public Schools Program, with priority given to those schools that did not receive funding through that process. The remainder of the amount appropriated for FY 2022 and the entire amount appropriated for FY 2023 are earmarked for grants to chartered nonpublic schools that operate a summer education program in the 2021-2022 or 2022-2023 school years, with priority given to those schools in which a majority of the students enrolled are low income students as determined by the Superintendent of Public Instruction. The bill requires the Superintendent to prescribe an application, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards for both of these programs.²

Emergency Assistance to Non-Public Schools

The bill appropriates \$154,896,274 for Emergency Assistance to Non-Public Schools. Amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2021 must be reappropriated for the same purpose for FY 2022, and amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2022 must be reappropriated for the same purpose for FY 2023.

The bill requires educational service centers (ESCs) to serve as the fiscal agent for these funds and assure compliance with the allowable uses for the Emergency Assistance to Non-Public Schools Program under the federal “Consolidated Appropriations Act, 2021.” It requires

¹ Section 213.10 and 503.10.

² Section 303.10.

nonpublic schools that receive these funds to select service providers and permits them to receive services directly from an ESC or other organization or individuals.³

Federal Coronavirus School Relief

Under the bill, \$683,156,100 is appropriated for Federal Coronavirus School Relief. Amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2021 must be reappropriated for the same purpose for FY 2022, and amounts equal to the unexpended, unencumbered portions of this appropriation at the end of FY 2022 must be reappropriated for the same purpose for FY 2023.⁴

The bill also prohibits the Department from using this appropriation for emergency needs determined by the Department. The federal “Consolidated Appropriations Act, 2021” authorizes a state to reserve up to 9.5% of its Elementary and Secondary School Emergency Relief Fund allocation under that act for emergency needs determined by the Department to address issues responding to coronavirus, “including measuring and addressing learning loss, which may be addressed through the use of grants or contracts.”⁵

Spending reports

The bill requires the Department to submit two reports to the General Assembly as follows:

- By December 1, 2022, a report detailing the purposes for which the Department and each school district spent the amounts appropriated by the bill for FY 2021 and any other funds the Department received from the federal CARES Act and the manner in which those funds were spent; and
- By December 1, 2023, a report detailing the purposes for which the Department and each school district spent the amounts appropriated by the bill for FY 2021 and any other funds the Department received from the federal “Consolidated Appropriations Act, 2021” and the manner in which those funds were spent.⁶

Audit of Department of Education spending

The bill expressly permits the Auditor of State to audit spending by the Department of Education and each school district of the amounts appropriated by the bill for FY 2021 and any other federal funds received by the Department under the federal CARES Act and the federal “Consolidated Appropriations Act, 2021.” If the Auditor chooses to audit the spending, the Auditor must identify common usages and best utilization of those funds.⁷

³ Section 213.10 and 503.10.

⁴ Sections 213.10 and 503.10.

⁵ Title III, Sec. 313(e) of the federal “Consolidated Appropriations Act, 2021,” Pub. L. No. 116-260.

⁶ Section 733.10.

⁷ Section 733.20.

Appropriations to the Department of Health

The bill appropriates \$173 million for FY 2021 to the Department of Health for Public Health Emergency Response. It requires the amounts equal to the unexpended, unencumbered portions of appropriations from the Public Health Emergency Response Fund at the end of FY 2021 to be reappropriated for the same purpose in FY 2022, and such amounts from the fund at the end of FY 2022 to be reappropriated for the same purpose in FY 2023.⁸

Appropriation to the Adjutant General

The bill appropriates \$8 million for FY 2021 to the Adjutant General for Coronavirus Relief.⁹

HISTORY

Action	Date
Introduced	03-02-21
Reported, S. Finance	---

S0111-RS-134/ts

⁸ Sections 214.10 and 503.10.

⁹ Section 203.10.