



End-of-Year Omnibus Appropriations and Coronavirus Relief Package

Congress passed a \$1.4-trillion omnibus spending bill on Dec. 21, 2020 consisting of all 12 fiscal-year 2021 appropriations bills. The bill, signed into law on Dec. 27, 2020, also contains \$900 billion in emergency coronavirus relief. A summary of COVID-19 provisions, as well as key omissions, is below.

Education Funding

- Provides \$82 billion for the Education Stabilization Fund (ESF), including:
 - \$54.3 billion for K-12 schools, largely delivered through Title I funding formula. As with the CARES Act, funds may be used for purposes including:
 - Activities authorized by ESEA, IDEA, Adult Education and Family Literacy, Perkins CTE, and McKinney-Vento Homeless Assistance;
 - Improving coordination among state, local, tribal, and other entities to slow the spread of COVID-19;
 - Purchasing PPE and the supplies needed to clean and disinfect schools and LEAs;
 - Training and professional development on sanitation and minimizing the spread of infectious disease;
 - Purchasing education technology including hardware, software and connectivity;
 - Planning and coordination on providing meals and technology for online learning, including guidance on meeting IDEA requirements;
 - Providing services to support student mental health;
 - Addressing student learning loss through evidence-based approaches which can include assessments and distance learning equipment;
 - Resources for principals and school leaders to respond to the needs of their individual schools;
 - Activities and service delivery to address the unique needs of students who are low-income, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and youth in foster care;
 - Planning summer learning, after-school, or online learning during the summer months;
 - Protecting educators' jobs.

The relief bill also provides for these additional allowable uses for funding:

- Developing and implementing procedures and systems to improve the preparedness and response to efforts of LEAs;

- Addressing learning loss among students, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care, including by:
 - Administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction;
 - Implementing evidence-based activities to meet the comprehensive needs of students;
 - Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment;
 - Tracking student attendance and improving student engagement in distance education;
 - School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs;
 - Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification, and other air cleaning, fans, control systems, and window and door repair replacement.

**Please see the U.S. Department of Education's state-by-state calculations of funding [here](#).*

- \$20 billion for higher education, to be distributed according to a formula similar to what was provided under the CARES Act; allocations are based on an institution's relative share of full-time enrollment Pell Grant recipients. Funds may be used for purposes including:
 - Defraying expenses (including lost revenue, reimbursement for expenses already incurred, technology costs associated with distance education, faculty and staff trainings, and payroll) incurred by institutions of higher education
 - Providing grants to students for any component of the student's cost of attendance, including food, housing, course materials, technology, health care, and child care, with any such students receiving such grants determined solely by the institution
- Forgives more than \$1.3 billion in federal loans provided to historically Black colleges and universities for construction projects on those campuses.

Student Aid and Student Loans

- Does ***not*** extend student loan forbearance to April 1, 2021, despite the inclusion of this provision in the original draft. (As of now, forbearance will expire on Jan. 31, 2021, unless Congress or the Biden administration extends it.)

- It also does **not** extend the student loan forbearance to individuals who have commercially held Federal Family Education Loans (FFEL) or institutionally held Perkins Loans.
- Extends employer participation in student loan repayment benefit through Jan. 1, 2026. This provision, first included in the CARES Act, allows employers to provide student loan repayment benefits to employees on a tax-free basis; an employer may contribute up to \$5,250 annually toward an employee's student loan, and such payment would be excluded from the employee's income.
- Restores Pell Grant eligibility for incarcerated students, repealing a 1998 law that denies financial aid to college students who were convicted of drug crimes.
- Increases the maximum Pell Grant award by \$150 (total of \$6,495) for the 2021-22 academic year.
- Simplifies the Free Application for Federal Student Aid (FAFSA) form.
- Broad-based student debt cancellation was **not** included, despite increasing pressure from the Democratic caucus.

K-12 Privatization Provisions

- Reserves \$2.75 billion of the \$4.1 billion allocated for the Governor's Emergency Education Relief (GEER) Fund for private schools.
- A state's funding allotment will be based on the number of children ages 5-17 at or below 185 percent of poverty who are enrolled in private schools; program must be administered through a public educational agency.
 - Private schools must use this funding for PPE, sanitizing, improving ventilation systems, creating physical barriers, providing professional development on cleaning and disinfecting, COVID testing, providing education technology and redeveloping instruction practices for remote learning, reasonable transportation costs, and leasing space for social distancing purposes.
 - Unobligated private school funds after six months will be released to the state's governor to be used for other authorized GEER funding uses.
 - All services or assistance provided through this funding must be secular, neutral, and non-ideological.
 - Private schools that apply for new Paycheck Protection Program (PPP) funding under this legislation may not also receive GEER funding. However, private schools that received PPP funding under previous COVID-19 relief legislation are eligible for the GEER private school funding.
 - Funds cannot be used to provide direct or indirect financial assistance to scholarship granting organizations or related entities; or to provide or support vouchers, tuition tax credit programs, education savings accounts, scholarships, scholarship programs, or tuition-assistance programs for elementary or secondary education (with one exception: students who received such assistance with funds provided under the CARES Act for the 2020-2021 school year).

Homework Gap

- Glaringly missing was \$3 billion in dedicated funding via the Federal Communications Commission's E-rate program to help address the Homework Gap. *(A bipartisan group of eight senators agreed to and recommended including this funding to help students lacking internet connectivity or devices. However, it ultimately was not included because it contained untenable, Republican-driven poison pills that would harm future efforts to close the Homework Gap.)*
- While the Education Stabilization Fund for K-12 includes purchasing education technology (hardware, software and connectivity) as an allowable use, there is not a dedicated fund to ensure the Homework Gap is addressed, nor that funds will be distributed equitably.

Economic Support for Educators and Households

- A new round of direct payments worth up to \$600 per adult and child.
- Assures that families in which workers are unemployed or have had their wages reduced during the pandemic will receive tax credits based on their 2019 income and will also qualify to receive the direct stimulus payments.
- Extends and improves the Employee Retention Tax Credit to keep workers employed if businesses close due to the coronavirus or if revenues are reduced.

Paid Leave

- **Does not** extend the Families First Coronavirus Response Act (FFCRA), a provision that required employers to provide leave benefits. This provision, which provided private employers with a refundable dollar-for-dollar payroll tax credit for the mandated leave, expired on Dec. 31, 2020.
- Private employers that voluntarily provide leave benefits will receive the tax benefits through March 31, 2021. No such provision is available to public-sector employers.
- States may be allowed to use K-12 Education Stabilization Funds and apply them toward paid sick leave.

Unemployment Insurance

- A \$300 per week Unemployment Insurance enhancement, through March 14, 2021, for out-of-work Americans.

Health Care

- \$7 billion in funds designed to:
 - Accelerate the free and equitable distribution of safe vaccines to as many Americans as soon as possible
 - Implement a strong national testing and tracing strategy with billions reserved specifically for combating the disparities facing communities of color, and to support health care workers and providers

- Holds patients harmless when they receive surprise medical bills for covid-19 treatment by ensuring they are only responsible for in-network cost-sharing amounts, including deductibles, in emergencies as well as certain non-emergency situations in which they cannot choose an in-network provider.
- Extends critical public health programs, including Community Health Centers, National Health Service Corps, Teaching Health Centers, and Special Diabetes Programs.

Nutrition/Food Assistance

- Boosts SNAP benefits and eligibility to some unemployed individuals and college students, and provides administrative funds to states to keep SNAP benefits flowing to households in need.
- Expands the Pandemic EBT (P-EBT) program, which fills nutrition needs when child care is closed due to COVID-19, for children under 6; gives states additional flexibility to support the distribution of P-EBT benefits to school-age children.
- Provides emergency funding to support the Child and Adult Care Food Program (CACFP) child care providers and sponsors services and School Nutrition Programs by replacing 55 percent of the total reimbursement funding lost from April 2020 through June 2020, plus half of March 2020.

Immigration

- Provides direct payments of \$600 per adult and child) to U.S. citizens in “mixed-status families” in which at least one person holds an Individual Taxpayer Identification Number (ITIN). This expands the stimulus program to an additional 3.5 million people.
- Retroactively fixes the CARES Act exclusion that will allow some of the same mixed status families to receive urgently needed economic relief.