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To: ATIA
From: Laura Kaloi
DATE: January 22, 2021, updated February 25, 2021
RE: Excerpts from Public Law 116–260: DIVISION M: CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT, 2021
NOTES: The U.S. Congress passed the bill December 21, 2020

Find the bill here: <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf>

For details from the U.S. Department of Education on state distributions and estimates for school district allocations see:

https://oese.ed.gov/files/2021/01/Final_ESSERII_Methodology_Table_1.5.21.pdf

Sections of specific note regarding K-12 education and assistive technology are highlighted and indicated with an asterisk *.

Pgs. 746-747 – Federal Requirements to provide COVID funds to Non-Public Schools - \$2.75 Billion allocated to Governors.

(4) TYPES OF SERVICES OR ASSISTANCE.—**A non-public school** receiving services or assistance under this subsection shall use such services or assistance to address educational disruptions resulting from the qualifying emergency for—

(A) supplies to sanitize, disinfect, and clean school facilities;

(B) personal protective equipment;

(C) improving ventilation systems, including windows or portable air purification systems to ensure healthy air in the non-public school;

(D) training and professional development for staff on sanitation, the use of personal protective equipment, and minimizing the spread of infectious diseases;

(E) physical barriers to facilitate social distancing;

(F) other materials, supplies, or equipment to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff during the qualifying emergency;

(G) expanding capacity to administer coronavirus testing to effectively monitor and suppress coronavirus, to conduct surveillance and contact tracing activities, and to support other activities related to coronavirus testing for students, teachers, and staff at the non-public school;

* (H) educational technology (including hardware, software, connectivity, **assistive technology**, and adaptive equipment) to assist students, educators, and other staff with remote or hybrid learning;

* (I) redeveloping instructional plans, including curriculum development, for remote learning, hybrid learning, or to address learning loss;

(J) leasing of sites or spaces to ensure safe social distancing to implement public health protocols, including guidelines and recommendations from the Centers for Disease Control and Prevention;

(K) reasonable transportation costs;

* (L) initiating and maintaining education and support services or assistance for remote learning, hybrid learning, or to address learning loss; or

* (M) reimbursement for the expenses of any services or assistance described in this paragraph (except for subparagraphs (C) (except that portable air purification systems shall be an allowable reimbursable expense), (D), (I), and (L)) that the non-public school incurred on or after the date of the qualifying emergency, except that any non-public school that has received a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) as of the day prior to the date of enactment of this Act shall not be eligible for reimbursements described in this paragraph for any expenses reimbursed through such loan.

Pgs. 749-750 – K-12 Funds: \$54.3 Billion made available to states (majority going to school districts) via the Title I funding formula, however Title I requirements do not apply.

(d) USES OF FUNDS.—A **local educational agency** that receives funds under this section may use the funds for any of the following:

* (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 (20 U.S.C. 6301 et seq.), **the Individuals with Disabilities Education Act** (20 U.S.C. 1400 et seq.) (“IDEA”), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(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, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, * **providing technology for online learning to all students, providing guidance for carrying out requirements under the IDEA and ensuring 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 children with disabilities, **which may include assistive technology** or adaptive equipment.

(10) Providing mental health services and sup21 ports. 22

(11) Planning and implementing activities related to summer learning and supplemental after school programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

* (12) **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, of the local educational agency, including by—

* (A) **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.

* (B) Implementing evidence-based activities to meet the comprehensive needs of students.

* (C) Providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment.

(D) Tracking student attendance and improving student engagement in distance education

(13) 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.

(14) 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 and replacement.

(15) 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.