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schoolyards
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Federal Funding to Public School Districts from COVID Relief Bills

Understanding opportunities for improving public school buildings and grounds

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COVID Relief

Congressional Bill	Enacted	TOTAL Appropriation	PK-12 Public Education Allocation	% Funds to LEAs	Must spend by
Corona virus, aid relief, and economic security act (CARES Act)	March 2020	\$2.2 Trillion	\$13.5 Billion	90%	December 30, 2021
Corona Virus Response and Relief Supplemental Appropriations Act	December 28, 2020	\$900 Million	\$54.3 Billion	90%	September 30, 2022 (6)
American Rescue Plan (ARP)	March 11, 2021	\$1.9 Trillion	\$122.0 Billion	90%	September 30, 2023 (6)
TOTALS		\$5 Trillion	\$189.8 Billion	\$170.8 Billion	

⁶ Section 421 of the General Education Provisions Act (GEPA), commonly referred to as the “Tydings amendment” provides that any funds appropriated for an applicable program that are not obligated and expended by the recipient educational agencies and institutions before the end of the fiscal year shall remain available for obligation and expenditure for one additional fiscal year (e.g., through September 30, 2024, in this case).

Foundation for Facilities Guidance

The **reluctance of families and staff to return to in person learning is heightened by the disparate impact of COVID 19 in minority and high-poverty communities.** The gross disparities in the conditions of the public school facilities BEFORE COVID is another disproportionate impact that this pandemic has on minority and low wealth communities.

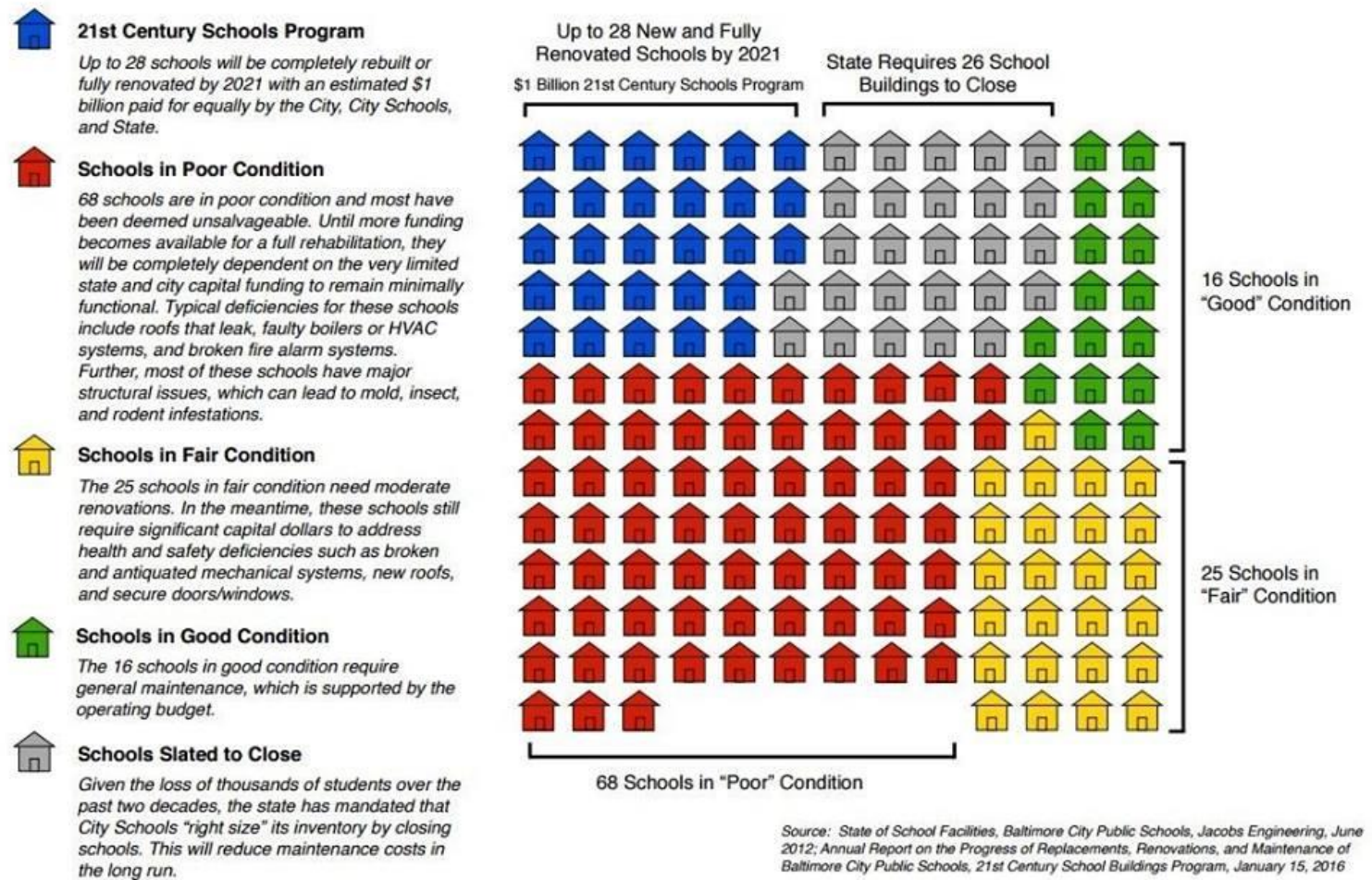
These **poor facilities conditions, including overcrowding, are barriers** to reopening and operating schools safely and in accordance with CDC mitigation strategies and are barriers to regaining the confidence of families and staff for returning to in-person schooling.

A major objective of the COVID Relief and ARP funding is to address disparate impacts of the pandemic. Therefore, National Council on School Facilities (with other signatories?) encourages districts to use COVID relief funds to address a wide range of deferred maintenance and repairs in your buildings and on your school grounds, including, but not limited to the specific facilities project examples included in the text of ARP.

Principles for ARP PK-12 Facilities

- Equity
- Local Needs Lead
- Fiscal responsibility
- Flexibility
- Sustainability
- Efficacy
- Accountability

Current Status of the 163 School Buildings in Baltimore



ACLU of MD, May 2016

Overall Guidance Strategy

Secure a **facilities budget allowance** that will enable your district to:

1. Implement CDC operational guidelines
2. Fully support routine maintenance and reduce deferred maintenance
3. Support capital projects that may be critical to support learning loss programs

Secure a Budget – Clarify Timeframe – ARP usable till Sept 30, 2024

Go to <https://www.facilitiescouncil.org/covid19-general-guidance> scroll to bottom to see proposed facilities set-asides by district.

Implement CDC K-12 Mitigation

TEXT from ARP on Allowable Uses: *(Q) Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance 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.*

TEXT from ARP on Allowable Uses: *(P) 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.*

- Support personal hygiene
 - Masks and hand washing
- Support social distancing
 - Outdoor education
 - Small cohorts
 - Schedule modifications
 - Revised space utilization and furniture layouts
 - Limits on cohort mixing
- Improve the indoor air quality
- Declutter and clean schools
- Support protocols for testing, tracing, and quarantine

Recommended Facilities Priorities

- **Assess the condition of school facilities**, including key equipment, systems, components, finishes, furniture and fixtures for near-, medium- and long-term requirements for healthy, safe, educationally appropriate, and environmentally sustainable buildings and grounds;
 - **Develop plans for routine and deferred maintenance** to ensure equipment, systems, components, furniture and fixtures are working as they were designed;
 - **Develop a schedule and assignments or contracts** for repairs on existing equipment, systems, and components to reduce deferred maintenance and repair backlogs;
 - **Repair, upgrade, or replace equipment, components, systems, furniture, and fixtures in support of healthy, safe, and equitable facilities;**
 - **Modify buildings and grounds to support physical distancing**—e.g., create outdoor classrooms, outdoor eating areas, and other outdoor spaces for school programs, in a manner that ensures physical distancing and gives students and teachers direct access to an abundant supply of fresh outdoor air during their classes and programs;
 - **Make limited capital improvements to address emergency system or component failures, and to support learning loss programming and mental health, for examples install air conditioning and add trees and other plants to school grounds**, where they can be viewed from building windows and where they will be used by outdoor classes and programs.
- Research conducted by William C. Sullivan, PhD, University of Illinois, Urbana-Champaign.
<https://www.researchgate.net/profile/William-Sullivan-15>

Ensure health & safety of students

Schools in fair or poor condition will have much more to do to meet CDC guidelines and support student health needs. School districts where schools are in fair or poor condition will need to **improve the general health and safety of school facilities.**

TEXT from ARP on Allowable Uses: (O) 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.



Water damage from HVAC leak in a California school, whose officials said replacing flooring is difficult because of asbestos floor tiles.

Source: GAO. | GAO-20-494



Water damage from HVAC leak in a Michigan school library



Open windows at a Maryland school without air conditioning in most areas of the building. The school district must close school if the building temperature rises above a safe level for students and staff.

Support Learning Loss Programming

Ensure school facilities can support programs addressing learning loss

- Summer learning
- Extended day
- Enriched afterschool and weekend programs
- Individualized supports and services on site

Programs to address learning loss are likely to be needed, at least for the next three years, and may well finally change the school calendar permanently. This will require space planning and redesign, improvements to cooling and electrical service, a need to use more renewable energy systems to lower cooling costs.

<https://www.the74million.org/article/exclusive-too-hot-to-learn-records-show-nearly-a-dozen-of-the-biggest-school-districts-lack-air-conditioning/>

With ARP funds expiring September 30, 2024, some districts may be able to utilize ARP and other relief and capital funding to make capital improvements to support learning loss programs. These funds should be identified outside of the proposed budgets for routine and deferred maintenance requirements and the basic mitigation support costs.



► STATE MAINTENANCE OF EFFORT

SEC. 2004. MAINTENANCE OF EFFORT AND MAINTENANCE OF EQUITY.

(a) State Maintenance of Effort.—

(1) In general.--As a condition of receiving funds under section 2001, **a State shall maintain support for elementary and secondary education**, and for higher education (which shall include State funding to institutions of higher education and State need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students), **in each of fiscal years 2022 and 2023 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such State's overall spending, averaged over fiscal years 2017, 2018, and 2019.**

(2) Waiver.--For the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to the coronavirus, the **Secretary of Education may waive any maintenance of effort requirements associated with the Education Stabilization Fund.**

▶ STATE MAINTENANCE OF EQUITY

(b) State Maintenance of Equity.--

(1) High-need local educational agencies.--As a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any high-need local educational agency in the State by an amount that exceeds the overall per-pupil reduction in State funds, if any, across all local educational agencies in such State in such fiscal year.

(2) Highest poverty local educational agencies.-- Notwithstanding paragraph (1), as a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any highest poverty local educational agency below the level of funding (as calculated on a per-pupil basis) provided to each such local educational agency in fiscal year 2019.

▶ LEA MAINTENANCE OF EQUITY FOR HIGH-POVERTY SCHOOLS

(c) Local Educational Agency Maintenance of Equity for High-poverty Schools.--

(1) In general.--As a condition of receiving funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023--

(A) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds--

(i) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year;
or

(B) reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds--

(i) the total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year.

► LEA EXCEPTIONS TO MAINTENANCE OF EFFORT

(2) Exception.--Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year:

(A) Such local educational agency has a total enrollment of less than 1,000 students.

(B) Such local educational agency operates a single school.

(C) Such local educational agency serves all students within each grade span with a single school.

(D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

Guidance on Supplement not Supplant – Maintain Effort and Ensure Equity

- Use the FY18 or more recent operations and maintenance of plant to set levels of effort to maintain and supplement.
- School district facilities O&M are typically under-funded from the industry recommended standards.
- Dedicating funding to the 2600 budget function at the levels proposed will clearly show maintenance of effort and supplementing, not supplanting—*districts should show their maintenance of effort and their supplementation at the budget level, not the individual project or position levels.*
- Document allocation by poverty school ranking to support that facilities funds are equitably spent on district schools.

(A) In general.--The term ``high-poverty school'' means, with respect to a school served by a local educational agency, a school that is in the highest quartile of schools served by such local educational agency based on the percentage of economically disadvantaged students served, as determined by the State in accordance with subparagraph (B).

▶ PERMISSIBLE USES PK12 RELIEF FUNDS - GENERAL 1

(A) Any activity authorized by the Elementary and Secondary Education Act of 1965.

(B) Any activity authorized by the Individuals with Disabilities Education Act.

(C) Any activity authorized by the Adult Education and Family Literacy Act.

(D) Any activity authorized by the Carl D. Perkins Career and Technical Education Act of 2006.

(E) 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.

(F) 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.

(G) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(H) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(I) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

▶ PERMISSIBLE USES PK12 RELIEF FUNDS - GENERAL 2

(J) 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 Individuals with Disabilities Education Act and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(K) 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.

(L) Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.

(M) 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, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(N) 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—

▶ PERMISSIBLE USES PK12 RELIEF FUNDS – FACILITIES

(O) 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. (Section O in ARP and number (13) in COVID 19 Relief Package.)

(P) 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. (Section P in ARP and number (14) in COVID 19 Package.)

(Q) Developing strategies and implementing public health protocols including, the greatest extent practicable, policies in line with guidance 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. (Section Q in ARP.)

► CONGRESSIONAL RESEARCH SERVICE REPORT ON FEDERAL EDUCATION FUNDING IN THE AMERICAN RESCUE PLAN

<https://www.democrats.senate.gov/imo/media/doc/Revised%20CD%20memo%20ESSER%20EANS%20HEERF%20Senate%20passed%20sub%20to%20HR1319%203-9-21.pdf>

Revised Estimated FY2021 Grants to States and Institutions of Higher Education Under the Education Stabilization Fund Based on the Senate-Passed Substitute to H.R. 1319