

1 Sec. A.50. PRE-K–12 EDUCATION PANDEMIC COSTS: CORONAVIRUS
2 RELIEF FUND APPROPRIATIONS

3 (a) Total appropriation. The sum of \$50,000,000 is appropriated in fiscal
4 year 2020 to the Agency of Education to fund eligible fiscal years 2020 and
5 2021 expenditures of Vermont prekindergarten–grade 12 public schools and
6 approved independent schools. Eligible expenditures shall conform with the
7 requirements of Sec. 5001 of the CARES Act, Pub. L. No. 116-136, and
8 related guidance, and shall be determined by the Secretary of Education. This
9 funding is allocated under subsections (b), (c), and (d) of this section.

10 (1) Fiscal year carry over. Any unused portion of this funding shall
11 carry over into fiscal year 2021.

12 (2) Reallocation of funding. Any portion of the funding under
13 subsection (b) (Efficiency Vermont) or subdivision (c)(2) (approved
14 independent schools) of this section that the Agency of Education determines
15 will not be used on or before December 31, 2020 shall, on November 1, 2020,
16 revert to use under subdivision (c)(1) (public schools) of this section and
17 increase the amount of the allocation under that subdivision.

18 (3) Reversion to Coronavirus Relief Fund. Any unused portion of the
19 total appropriation under this subsection (a) shall, on December 31, revert to
20 the Coronavirus Relief Fund.

1 (b) Efficiency Vermont. The amount of \$6,500,000 shall be granted to
2 Efficiency Vermont for the air quality improvement program in Sec. A.51 of
3 this act.

4 (c) Prekindergarten-12 schools.

5 (1) Public schools. The sum of \$41,000,000 shall be granted for the
6 purpose of reimbursing COVID-19 costs incurred by school districts. The
7 appropriations under this subdivision (c)(1) shall not be used for costs incurred
8 by a prekindergarten program that is not operated by a school district.

9 (2) Approved independent schools. The sum of up to \$1,500,000 shall be
10 granted for the purpose of reimbursing COVID-19 costs incurred by approved
11 independent schools that, as of March 27, 2020 (the date of enactment of the
12 CARES Act), had one or more students enrolled whose tuition was funded by
13 the student's sending school district (publicly funded student).

14 (A) The maximum reimbursement to an approved independent school
15 under this subdivision (2) shall be an amount equal to \$422 for each publicly
16 funded student who was enrolled as of March 27, 2020.

17 (B) An approved independent school that receives funds from the
18 Coronavirus Relief Fund under this subdivision (2) shall provide access to the
19 Agency of Education for the purpose of auditing the school's use of those
20 funds.

1 (3) Administration and guidance. The Agency of Education shall
2 administer these reimbursement programs, on or about June 26, 2020 issue
3 guidance to school districts and approved independent schools on reimbursable
4 costs, and establish a process for submission of, and reimbursement for, these
5 costs. The guidance issued by the Agency shall allow for use of that funding to
6 cover all costs permitted under the CARES Act and related guidance, and
7 under any other applicable law.

8 (4) Proration and reporting. On or before July 15, 2020 and November
9 1, 2020, school districts and approved independent schools shall submit claims
10 for reimbursement to the Agency of Education. The Agency of Education
11 shall issue payment of reimbursable costs as soon as reasonably possible. If the
12 November 1, 2020 claims for reimbursement under this subdivision (4) exceed
13 the amount of the appropriation for school districts or approved independent
14 schools, the Agency of Education shall prorate the amount of reimbursement
15 and, on or before December 15, 2020, shall report to the House and Senate
16 Committees on Education and on Appropriations the total amount of
17 unreimbursed cost and the amount of unreimbursed costs for each school
18 district and approved independent school.

19 (5) Budget adjustment amount. The fiscal year 2020 funding under this
20 section may have the effect of covering costs a school district or approved
21 independent school had included in its budget if the cost is for a substantially

1 different use from any expected use of funds in the budgeted line item,
2 allotment, or allocation. Under the CARES Act guidelines, “substantially
3 different use” includes the costs of diverting educational support staff or
4 faculty to develop online learning capabilities, such as through providing
5 information technology support that is not part of the staff or faculty’s ordinary
6 responsibilities. Eligible expenditures for CARES Act funding would also, for
7 example, include payroll and benefit costs of educational support staff or
8 faculty responsible for developing online learning capabilities necessary to
9 continue educational instruction in response to COVID-19 related school
10 closure. To the extent that the funding under this section is used to cover an
11 eligible cost that had already been budgeted by a school district, the amount
12 that had been budgeted shall be identified and reported to the Agency of
13 Education at such times and in such manner as the Agency shall determine.
14 This amount is referred to in this subdivision (5) as the “budget adjustment
15 amount.”

16 (A) Notwithstanding any other provision of law to the contrary, the
17 Agency of Education shall evaluate the amount of education fund payments
18 authorized by 16 V.S.A. chapter 133 needed to fund a school district’s budget,
19 taking into account budget adjustment amounts and other factors it determines
20 to be relevant, and shall subtract from the district’s first two fiscal year 2021

1 education fund payments an amount it determines is unnecessary to fund the
2 district's budget.

3 (B) Notwithstanding any other provision of law to the contrary, an
4 approved school that has a budget adjustment amount shall use that amount to
5 reduce the amount of tuition paid by publicly funded students for the 2020-
6 2021 school year in a proportionate amount per student.

7 (d) Accounting and technical assistance. Up to \$1,000,000 shall be available
8 to provide accounting and technical assistance to the supervisory unions and
9 school districts to fully identify COVID-19 expenses and accurately process
10 these within the statewide accounting system.

11 (e) Purpose or determination of necessity; due to COVID-19. The General
12 Assembly determines that the expenditure of monies from the Coronavirus
13 Relief Fund as set forth in this section is necessary to assist public schools and
14 approved independent schools cover a variety of COVID-19 costs. The
15 guidance required to be issued by the Agency of Education under this section
16 to public schools and approved independent schools is intended to ensure that
17 their costs are due to or resulting from COVID-19.