

Legislative action on ESSER II and III State 10% set-aside

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Enacted:

[Hawaii](#): The Legislature appropriated ESSER I and ESSER II funds to offset budget reductions that would otherwise result in layoffs or pay cuts to unionized employees working at the school level.

[Idaho](#): The legislature's Joint Finance-Appropriations Committee required that \$6.1m of the \$19 million ESSER II set-aside must be given to two charter schools that saw large enrollment increases. The remaining funds were left available to be spent by the Idaho State Board of Education.

[Michigan](#): The legislature appropriated \$160.1 million of the ESSER II set-aside funding in various categorical spending areas: \$90.0 million for K-8 summer programs; \$45.0 million for high school credit recovery programs; \$17.4 million for before- and after-school programs operated by districts or intermediate school districts (ISDs); \$4.9 million for benchmark assessments; and, \$2.7 million for administration by the Michigan Department of Education (MDE). The bill leaves roughly \$5.5 million in 'discretionary' ESSER funds unspent and available for future appropriation.

[New York](#): Appropriated ESSER II and ESSER III set-aside funds through the state FY22 budget

[North Carolina](#): Legislature appropriated ESSER II state set-aside across 15 line items. The bill requests up to \$10 million be distributed to ensure every public school unit in the state receives at least \$180.00 per pupil. The bill allocates roughly \$70 million to public schools to provide additional mental health support services, school nutrition services, literacy training programs, services for at-risk children, and security. The bill also directs another \$66 million to be held in reserve for schools to address learning loss during the summer.

[Virginia](#): Legislature directed \$8.8m of ESSER II state set-aside to develop a through year student growth assessment in grades three through eight.

[Wisconsin](#): The Joint Finance Committee overrode the Department of Public Instruction's ESSER II set-aside proposal. Instead, the legislature established a minimum grant amount of \$100,000 for all districts in Wisconsin. Then any LEA that did reach a \$395 per pupil allocation would be eligible for additional funds based in part on the total number of in-person instructional hours provided during the entirety of the 2020-21 school year.

Pending:

Montana: The Legislature is proposing to allocate \$13.4 million in [ESSER II](#) and [ESSER III](#) funds for database modernization at the Office of Public Instruction.

[Ohio](#): The Ohio House passed HB170 that would prohibit the Ohio Department of Education from spending ARP Act emergency needs funds and subjects ODE's other state activity funds under the ARP Act and its allocation for emergency needs under the CARES Act and CRRSA to Controlling Board approval before they can be spent or encumbered. The Controlling Board provides legislative oversight over certain capital and operating expenditures by state agencies and has approval authority over various other state fiscal activities.

Proposed:

[Florida](#): Governor DeSantis announced a proposal to provide \$1,000 bonuses to public school principals and full-time classroom teachers for grades Pre-K through 12th grade in Florida with ESSER III funds and a \$100m Civic Literacy Excellence Initiative with ESSER II funds.