Status of Human Services and Education Funding Under Supplemental COVID-19 Packages

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Executive Summary
The Families First Coronavirus Response Act (FFCRA; PL 116-127) and the Coronavirus Aid, Relief and Economic Security Act (CARES Act; PL 116-136) included billions of dollars in supplemental funding for human services and education programs as well as various flexibilities for the states and counties responsible for administering these programs. This memo provides an overview of steps the federal government has taken to implement these new resources.

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The Supplemental Nutrition Assistance Program (SNAP)

Supplemental Funding: The CARES Act provided $15.5 billion in contingency reserve funding for the Secretary of Agriculture to allocate as deemed necessary to support costs should SNAP participation exceed budget estimates. The status of this funding is unknown.

Administrative Flexibilities: USDA is granting states significant program flexibilities and contingencies to best serve program participants across its 15 nutrition programs. Flexibilities within SNAP include:

- Emergency Allotments: FNS is approving states to issue emergency supplements to SNAP households that normally receive less than the maximum benefit. Approved in all 50 states plus District of Columbia. According to USDA, implementation of this option has resulted in an additional $2 billion in SNAP benefits (a 40 percent increase).

- Pandemic EBT: FNS is allowing states to provide SNAP benefits to children who normally receive free or reduced-price school meals. Approved in 45 States and the District of Columbia. Frequently asked questions can be found here.

- Re-Enrollment Flexibilities: FNS is providing flexibility for states to extend deadlines for participants re-enrolling to receive SNAP benefits.

- Adjustments to Interview Requirements: FNS is allowing states to adjust interview requirements for SNAP applicants. Automatically applies nationwide

- Able-bodied Adults without Dependents (ABAWDs) Time Limit Suspension: As directed by the FFCRA, FNS issued guidance to states suspending the time limit associated with ABAWD work requirements during the national emergency. Automatically applies nationwide.

- Nationwide Flexibility for Quality Control (QC) Interviews: FNS is allowing SNAP quality control interviews to be conducted by phone (through May 2020) and extending certain case review deadlines (through June 2020).

- Online Purchasing Pilots: FNS is allowing states to expedite the implementation of online purchasing with currently authorized SNAP online retailers. SNAP online purchasing is currently operational in 39 states and the District of Columbia. According to USDA, with all of these states participating more than 90 percent of all households receiving SNAP will have access to online purchasing.
The Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

**Supplemental Funding:** The Families First Coronavirus Response provided $500 million in supplemental funding for WIC through the existing formula to cover increases in program participation. **FNS has not yet released this funding.**

**Administrative Flexibilities:** USDA is granting states significant program flexibilities and contingencies to best serve program participants across its 15 nutrition programs. On June 29, USDA extended FNS-approved COVID-19 waivers through September 30, 2020. The USDA lacks statutory authority to extend waivers beyond this date, so Congress will need to act for further extensions. Flexibilities within WIC include:

- **Physical Presence Waivers:** FNS is allowing participants to enroll or re-enroll in WIC without visiting a clinic in person and postpone certain medical tests. **Operational in all 50 states plus the district of Columbia.**

- **Remote Benefit Issuance Waivers:** FNS is allowing WIC agencies to issue benefits remotely so participants don’t have to pick up their WIC benefits in person. **Operational in all states (plus the District of Columbia) except Wisconsin.**

- **Food Package Substitution Waivers:** FNS is allowing WIC agencies to substitute certain food package items when availability is limited. Agencies can also change their approved-foods lists as needed. **Operational in all states (plus the District of Columbia) except for Kentucky, New York, Michigan, Mississippi and Oklahoma.**

- **Minimum Stocking Requirements Waivers:** FNS is working with states to address supply challenges for stores that accept WIC. **These waivers have been approved in all 50 states and the District of Columbia.**

- **Extended Benefits Issuance Waivers:** FNS is allowing WIC state agencies to issue up to four months of benefits on EBT cards at one time, to reduce the need for contact with WIC staff during the COVID-19 pandemic. **These waivers have been approved in all 50 and the District of Columbia.**

**Child Nutrition Programs**

**Supplemental Funding:** The CARES Act provided **$8.8 billion** in additional funding for child nutrition programs – which includes the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Summer Food Service Program (SFSP), the Child and Adult Care Feeding Program (CACFP), School Milk Program and others. **The status of this funding is unknown.**
**Administrative Flexibilities:** USDA is granting states significant program flexibilities and contingencies to best serve program participants across its 15 nutrition programs. Flexibilities within Child Nutrition Programs include:

- **Meal Delivery and Non-Congregate Feeding Options:** FNS has provided guidance and flexibility regarding where and how school, afterschool and child care meals could be served during closures. This includes a [nationwide Meal Times Waiver](#) to allow children to be served meals outside of traditional times and maximize flexibility for meal pick-up for the duration of the public health emergency, a [nationwide Non-congregate Feeding Waiver](#) to allow meals to be served in non-group settings to support social distancing through August 31, 2020, a [nationwide Parent/Guardian Meal Pick-Up Waiver](#) to allow parents/guardians to pick-up meals and bring them home to their children through June 30, 2020 and a [nationwide Afterschool Activity Waiver](#) pausing requirements for enrichment activities to accompany afterschool meals & snacks for the duration of the public health emergency.

- **Meal Sites:** Under Families First Coronavirus Response Act, FNS is allowing states during unanticipated school closures to waive the requirement in the summer meals programs that "open site" meal service is limited to areas with at least half of the children in the area are low-income households. All 50 states have been granted these [Area Eligibility Waivers](#) which should increase the availability of meal sites. Additionally, to avoid disruptions in food service FNS is allowing waivers for state agencies, school food authorities, and Summer Food Service Program (SFSP) sponsors to extend expiring food service management contracts through June 2021.

- **Additional flexibilities for Child Nutrition Programs** can be found here.
Supplemental Funding: The CARES Act provides $3.5 billion in supplemental funding for CCDBG. The supplemental funding must be used for activities authorized under the CCDBG Act that prevent, prepare for, and respond to COVID-19. These supplemental funds can be used to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus, without regard to the income eligibility requirements. As of April 29, the Office of Child Care within the Administration for Children and Families (ACF) has released funding to states, territories and tribes of the following amounts. On May 14, ACF released updated guidance on the use of these supplemental funds.

Administrative Flexibilities: CCDF lead agencies will have a good amount of discretion over determining which flexibilities to deploy in response to COVID-19 as well as how to use the supplemental funding. In some cases, States may need to enact State legislation or regulation in order to take advantage of these flexibilities. They also may need to submit a Plan amendment or waiver request to the Office of Child Care. Due to the emergency, CCDF lead agencies may:

- Use Quality Dollars to Improve or Maintain Quality and Supply
- Change Provider Payment Practices for Subsidies
- Change CCDF Eligibility Criteria and/or Priority Rules for Children/Families
- Broader the Lead Agency’s Definition of Protective Services
- Change Eligibility Redetermination Policies
- Waive or Reduce Co-Payments for Impacted Families

A list of existing state CCDFW waivers (as of June 30, 2020) may be found here. Updated CCDF frequently asked questions regarding COVID-19 can be found here.

Supplemental Funding: The CARES Act provided $750 million in supplemental funding for Head Start to support preventative, preparedness, and response activities related to the coronavirus. Of this amount, up to $500 million is available for programs to operate supplemental summer programs and about $250 million is available for one-time activities in response to COVID-19. On May 21, the Office of Head Start released updated guidance for this supplemental funding stating that OHS would distribute the full $750 million in CARES Act fund by a formula based on each grantee's funded enrollment. According to OHS, this will allow all grantees to be nimble.
and modify their spending plans as necessary based on state and local guidance. According to OHS, Grantees planning to operate summer programs are expected to continue to move forward with those plans if able to do so. Further, grantees that were not planning to operate summer programs now have the flexibility to do so. ACF released these funds on June 4, 2020.

**Administrative Flexibilities:** Several flexibilities are available to Head Start grantees during the COVID-19 emergency. The following waivers are available as provided in the Head Start Act:

- **Waiving non-federal share:** Programs may request a waiver of all or part of their 20% non-federal share based on emergency or disaster because other organizations may not be able to provide the usual contributions to Head Start grantees during this time.

- **Waiving administrative cost limitations:** Programs may request a waiver of the 15% administrative cost limitation if additional program management attention is needed to respond to the COVID-19 outbreak.

- **Budget transfers:** Grantees can shift up to $250,000 between budget categories without prior ACF approval. ** Expedited procurement:** Procurement may be undertaken without utilizing the grantee's usual competitive practices if necessary to respond to COVID-19.

- **Other flexibilities:** In addition, the guidance from [ACF-HS-IM-19-01 General Disaster Recovery Flexibilities](#) applies to Head Start programs impacted by COVID-19. Although there are no formal waivers for the number of days of service provided via center-based programs, or number of home visits and socializations provided via home-based programs, programs will not be expected to make up the days missed due to COVID-19.

**The Community Services Block Grant | Office of Community Services**

**Supplemental Funding:** The CARES Act provided $1 billion in supplemental funding for CSBG. The Office of Community Services announced the release of these funds on May 8. [State-by-state allocations can be found here.](#) States territories, and tribes will receive funds for immediate distribution to eligible entities based on the proportionate share, and subject to the signed assurances and certifications, included in the FY 2020 State CSBG Plan or Tribal CSBG Plan. By September 1, 2020, states and tribes will be required to submit a CSBG plan amendment with information specific to CARES Act funding. Additional guidance can be found here.

**Administrative Flexibilities:**

- **Expanded income eligibility:** Per the CARES Act, the supplemental CSBG funding may be used to provide services to individuals earning up to 200 percent of the federal poverty line (a change from the existing statutory cap at 125 percent of the federal poverty line.)
• **Emergency response activities:** Additionally, within existing allocations, state CSBG funding may be used to support emergency response that is consistent with statutorily allowable activities. State CSBG-designated organizations are not required to request a federal waiver to utilize their existing CSBG funding to support disaster response and assistance to eligible low-income individuals and families. Provided there is no change to the proportionate share of CSBG funds allocated to eligible entities, states are not required to submit plan amendments to OCS for changes to local Community Action Plans.

• [More guidance can be found here.](#)

**Low Income Home Energy Assistance Program (LIHEAP) | Office of Community Services**

**Supplemental Funding:** The CARES Act provided $900 billion in supplemental funding for LIHEAP. [OCS announced the release of these funds on May 8.](#) [State-by-state allocations can be found here.](#)

**Administrative Flexibilities:** LIHEAP funding may be used to respond to the COVID-19 so long as there is a connection to residential home energy. LIHEAP grantees may, for example:

• Choose to adjust their benefit matrices, program operation timeframes, eligibility rules, coordination with heating and cooling shelters, and other related policies and procedures in light of changing need during the COVID-19 situation—such as lost wages, jobs, increased home heating and cooling expenditures, temporary shelter needs, and more.

• Adjust their obligations of LIHEAP funding for staffing to ensure that there is coverage for LIHEAP services when staff absences occur due to COVID-19.

• [More guidance can be found here.](#)

**Child Welfare Services | Children’s Bureau**

**Supplemental Funding:** The CARES Act provided $45 million for grants to states, territories and tribes to support the child welfare needs of families during the crisis, and to help keep families together. [The non-federal matching requirement does not apply to this funding increase.](#) [ACF has released this funding according to the existing formula for Title IV-B funds.](#) [Additional information can be found here.](#)

**Administrative Flexibilities:** The Children’s Bureau has provided guidance for child welfare agencies on flexibilities they may deploy to respond to COVID-19 and other best practices, including:

• [Guidance About Seeking Personal Protective Equipment for Child Welfare Workers](#)
• **Use of Federal Funds for Cell Phones and Personal Protective Equipment**

• **Guidance Regarding Fingerprint and Caseworker Visit Requirements During COVID-19 Response**

• **Postponement of Title IV-E Foster Care Eligibility Reviews and National Youth in Transition Database Reviews**
Elementary and Secondary Education

Supplemental Funding:

- **Elementary and Secondary School Emergency Relief Fund (ESSERF):** The CARES Act’s $30.75 billion Education Stabilization Fund provided **$13.5 billion** in direct formula funding, 90 percent of which states will distribute to local educational agencies according to the formula for Title I grants under the Elementary and Secondary Education Act (ESEA) of 1965. These funds will support coronavirus-response activities such as planning for and coordinating during long term school closures, purchasing educational technology to support online learning for all students and additional activities allowed for under ESEA. **The Department of Education released this funding on April 23.** The state-by-state allocation of this funding can be found here. State Education Agencies have until July 1, 2020, to apply for ESSER funds by submitting a simple signed Certification and Agreement form to ESSERF@ed.gov. The Department intends to process each submitted form within three business days of receipt. For more information, click here.

  **Note:** On April 30 the Department of Education issued controversial guidance that would effectively increase the share of ESSER funds going to private schools. Following pushback from a wide range of education groups and some Members of Congress, the Department issued an interim final rule giving school districts two broad options: to give coronavirus stimulus funds to all students — including those in private schools — or direct the funds only to low-income students. If a school district chooses to use CARES Act funds for students in all of its public schools, then it must calculate the funds for equitable services based on students enrolled in private schools in the district, rather than the share of low-income students at those schools. Otherwise, a school district has the option to issue the funds only to Title I schools. On July 7, California, Michigan, Maine, New Mexico, Wisconsin and Washington, D.C. filed a lawsuit challenging the Education Department’s interim final rule, arguing that it would prevent districts from using federal aid on non-Title I designated schools where there are also many low-income students.

- **Governor’s Emergency Relief Fund:** The CARES Act’s $30.75 billion Education Stabilization Fund provided **$3 billion** in flexible funding for states that governors may allocate at their discretion for emergency support grants to local educational agencies that have been most significantly impacted by coronavirus. These funds will support the educational continuity for elementary and secondary school students as well as emergency support for state institutions of higher education. **The Department of Education released this funding to states on April 14.** The state-by-state allocation of this funding can be found here.
• “Rethink Education” Competitive Grants: The Department of Education has announced $180 million in competitive grant funding for states hardest hit by the pandemic to apply for grants aimed at “rethinking K-12 education.” The funding comes from the CARES’ Act $30.75 billion Education Stabilization Fund. State educational agencies were able to apply until June 29 for funds in three categories:
  o Microgrants for families, to ensure they have access to technology and educational services
  o Statewide virtual learning and course access programs
  o New models for providing remote education

Additional information on the K-12 competitive grant program is available here.

Additional information about the Education Stabilization Funds can be found in this June 3 Congressional Research Service report.

Administrative Flexibilities: The Department of Education has provided numerous flexibilities to states to respond to the educational challenges presented by COVID-19, including:

• Broad flexibilities to bypass ESSA mandated testing for the 2019-2020 school year due to COVID-19 national emergency. State education leaders can find the waiver application here.

• Waivers of fiscal requirements.

• Flexibility to repurpose Federal Equipment and Supplies
Supplemental Funding:

- The Families First Coronavirus Response Act provided $80 million for Congregate Nutrition Services and $160 million for Home-Delivered Nutrition Services. ACL released this funding on March 18. State-by-state allocations can be found here.

- The CARES Act provided $900 million for programs that serve seniors and individuals through the Older Americans Act (OAA). This funding was released on April 21. State-by-state allocations can be found here. The funds include:
  
  - **$200 million for Home and Community Based Services (HCBS),** which will help greater numbers of older adults shelter in place to minimize their exposure to COVID-19. These include personal care assistance; help with household chores and grocery shopping; transportation to essential services (such as grocery stores, banks, or doctors) when necessary; and case management.
  
  - **$480 million for home-delivered meals for older adults.** With this funding, states can also expand “drive-through” or “grab-and-go” meals for older adults who typically would participate in meal programs at community centers and other locations that have been closed due to social distancing measures.
  
  - **$85 million for Centers for Independent Living** to provide direct and immediate support and services to individuals with disabilities who are experiencing disruptions to their independent, community-based living due to the COVID-19 pandemic. Services will ensure individuals with disabilities have the supports they need to safely stay in their homes or return home after a hospitalization or institutionalization during (and directly after) COVID-19.
  
  - **$20 million for nutrition and related services for Native American Programs** to help tribes and tribal organizations provide meals and supportive services directly to Native American elders.
  
  - **$100 million for the National Family Caregiver Support Program** to expand a range of services that help family and informal caregivers provide support for their loved ones at home. These include counseling, respite care, training, and connecting people to information.
  
  - **$20 million to support State Long-term Care Ombudsman programs** in providing consumer advocacy services for residents of long-term care facilities across the country.
Restrictions on visitation have significantly increased demand for ombudsman services, as families seek assistance in ensuring the well-being of their loved ones. Ombudsman programs will seek to expand their virtual presence to residents and their families, and continue to promote the health, safety welfare, and rights of residents in the context of COVID-19. This funding will give Ombudsman programs the flexibility to hire additional staff and purchase additional technology, associated hardware, and personal protective equipment once in-person visits resume.

**Administrative Flexibilities:** ACL has provided guidance and flexibilities for Older Americans Act and other programs which can be found at their COVID-19 landing page.