

# NACo BRIEF: STATUS OF HUMAN SERVICES AND EDUCATION FUNDING UNDER SUPPLEMENTAL COVID-19 PACKAGES

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## 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 brief provides an overview of steps the federal government has taken to implement these new resources and administrative changes.

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## U.S. DEPARTMENT OF AGRICULTURE - FOOD AND NUTRITION SERVICE (FNS)

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### SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

### EMERGENCY FUNDING

**\$15.5 billion** in “contingency” funding under the CARES Act. *Status of funding is unknown.*

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### KEY ADMINISTRATIVE FLEXIBILITIES

USDA has deployed existing emergency flexibilities and new authorities granted under the FFCRA and extended in the *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) to provide states flexibility for SNAP operations.

[Emergency Allotments](#): All states may provide emergency supplements to SNAP households that normally receive less than the maximum benefit. ***In effect for duration of national and state public health emergency.***

[Pandemic EBT \(P-EBT\)](#): Under the FFCRA, all states have been approved to provide SNAP benefits to children who normally receive free or reduced-price school meals. The *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) extends P-EBT through September 2021 and updates parameters for school-aged children to qualify. It also expands P-EBT to apply to children in daycare who have lost access to meals typically provided under the Child and Adult Food Care Program. ***USDA has not yet issued updated guidance implementing these changes.***

[SNAP Online Purchasing](#): FNS rapidly expanded the SNAP online purchasing pilot to support social distancing, bringing access to nearly three-quarters of the states, covering 90% of SNAP households.

[Able-bodied Adults without Dependents \(ABAWDs\) Time Limit Suspension](#): The FFCRA directed FNS to suspending the time limit associated with ABAWD work requirements. ***In effect for duration of national and state public health emergency.***

[Application Processing](#): FNS approved certain adjustments to support SNAP application processing by state and county human service agencies through September, including waiving in-person interview requirements and extending recertification deadlines. Now that these waivers have expired, states can apply for [more limited flexibilities](#) but

must provide a transition plan for September through December and meet other requirements.

[State by state SNAP waivers can be found here.](#)

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**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)**

**EMERGENCY FUNDING**

The FFCRA provided **\$500 million** through existing formula to cover increased participation. *Status of funding is unknown.*

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**KEY ADMINISTRATIVE FLEXIBILITIES**

The FFCRA permitted USDA to grant waivers to state WIC agencies of regulatory requirements that inhibit the delivery of WIC services throughout the COVID-19 public health emergency. The *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) extends authority for these waivers through September 30, 2021.

[Remote Benefit Issuance Waivers:](#) FNS is allowing WIC agencies to issue benefits remotely so participants do not have to pick up their WIC benefits in person.

[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.

[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.

[State by state WIC waivers can be found here.](#)

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**CHILD NUTRITION PROGRAMS**

**EMERGENCY FUNDING**

The CARES Act provided **\$8.8 billion** in additional funding for child nutrition programs (also known as school and summer meals). *Status of funding is unknown.*

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**KEY ADMINISTRATIVE FLEXIBILITIES**

FFCRA permits USDA with waiver authorities for child nutrition programs to respond to COVID-19. The *Continuing Appropriations Act, 2021 and Other Extensions Act* (PL 116-159) extends authority for these waivers through June 30, 2021.

[Meal Times Waiver](#): FNS is letting meals be served to kids outside traditional times to maximize flexibility for meal pick-up. *Exists through duration of public health emergency. Extended through June 30, 2021.*

[Non-congregate Feeding Waiver](#): FNS is allowing meals to be served in non-group settings to support social distancing. *Extended through June 30, 2021.*

[Parent/Guardian Meal Pick-Up Waiver](#): FNS is allowing parents/guardians to pick-up meals and bring them home to their children. *Extended through June 30, 2021.*

[Seamless Summer Option \(SSO\) and Summer Food Service Operations](#): FNS is allowing the Summer Food Service Program and Seamless Summer Option operations (typically only allowed during the summer months). *Extended through June 30, 2021.*

[State by state Child Nutrition Program waivers can be found here.](#)

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## **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES - ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)**

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### **CHILD CARE AND DEVELOPMENT BLOCK GRANT (CCDBG)**

### **EMERGENCY FUNDING**

The CARES Act provided \$3.5 billion in supplemental funding for CCDBG. [State by state allocations can be found here](#) and [updated guidance on the use of funds can be found here](#). Emergency funds may 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. It may also be used to pay staff when centers are closed due to the pandemic. ***The funding was released in April 2020.***

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### **KEY ADMINISTRATIVE FLEXIBILITIES**

CCDF lead agencies will have 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 to take advantage of these flexibilities. They also may need to submit a Plan amendment or waiver request to the Office of Child Care. Key options for CCDF lead agencies include:

**Flexible use of Quality Dollars:** In the short-term, CCDF quality dollars may be used to provide emergency child care of the highest quality that is reasonably practicable given the particular circumstance of displaced families, particularly in areas where existing child care facilities are not operating or have been rendered unsafe. Lead Agencies may also use existing quality improvement dollars to provide supply-building grants or contracts to providers for equipment, supplies, professional development and staffing, or other costs.

**Change CCDF Eligibility Criteria and/or Priority Rules for Children/Families:** The Lead Agency can broaden definitions eligibility criteria, for instance expanding the definition of “working” to include families seeking employment, participating in community service, or a similar activity. Lead Agencies may also add additional eligibility conditions or priority rules, as a method of targeting their programs or apply for a waiver to use non-emergency CCDF funds to provide direct services to families who do not meet CCDF eligibility requirements.

**Broaden the Lead Agency’s Definition of Protective Services:** In emergency situations, Lead Agencies have the option of deeming children affected by a federal or state declared emergency to be in need of protective services and therefore to waive eligibility requirements (e.g., income threshold, work/training requirement)

**Waive or Reduce Co-Payments for Impacted Families:** Lead Agencies have the option to waive family co-payment requirements for families that meet criteria established by the Lead Agency—which may include, for example, families impacted by federal or state declared emergency situations.

[More information on CCDF flexibilities can be found here.](#)

[A list of approved state by state waivers \(as of August 20, 2020\) can be found here.](#)

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**HEAD START****EMERGENCY FUNDING**

The CARES Act provided **\$750 million** in supplemental funding for Head Start to support preventative, preparedness, and response activities related to the coronavirus, which the Office of Head Start allocated by a [formula](#) based on each existing grantee's funded enrollment. **The funding was released in June 2020.**

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**KEY ADMINISTRATIVE FLEXIBILITIES**

Several flexibilities are statutorily available to Head Start grantees during emergencies:

**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.

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**THE COMMUNITY SERVICES BLOCK GRANT (CSBG)****EMERGENCY FUNDING**

The CARES Act provided **\$1 billion** in supplemental funding for CSBG to be allocated to eligible entities based on the proportionate share included in the FY 2020 State CSBG or Tribal CSBG Plan. The funds were released in May

2020 ([state by state allocations can be found here.](#)) States and tribes were required to submit a CSBG plan amendment with information specific to CARES Act funding by September 1, 2020.

### KEY 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.

[Additional guidance for CSBG lead agencies can be found here.](#)

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### LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

### EMERGENCY FUNDING

The CARES Act provided \$900 billion in supplemental funding for LIHEAP. These funds were released in May. [State-by-state allocations can be found here.](#)

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### KEY 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:

**Make adjustments in light of changing need:** Grantees may 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.

**Make adjustments for staffing changes:** Grantees may also 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.](#)

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## CHILD WELFARE SERVICES

### EMERGENCY 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.** These funds were released according to the existing formula for Title IV-B funds.

[Additional information can be found here.](#)

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### KEY 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](#)

[New guidance on caseworker visits via videoconferencing](#)

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## U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES - ADMINISTRATION FOR COMMUNITY LIVING (ACL)

### OLDER AMERICANS ACT PROGRAMS

### EMERGENCY FUNDING

The FFCRA provided **\$80 million** for Congregate Nutrition Services and **\$160 million** for Home-Delivered Nutrition

Services. **ACL released this funding in March 2020.** [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 in April 2020. [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.

### KEY ADMINISTRATIVE FLEXIBILITIES

ACL has provided comprehensive guidance and flexibilities for Older Americans Act programs [which can be found here](#).

## U.S. DEPARTMENT OF EDUCATION

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### ELEMENTARY AND SECONDARY SCHOOL PROGRAMS

### EMERGENCY FUNDING

The CARES Act created a \$30.75 billion **Education Stabilization Fund** which included:

**Elementary and Secondary School Emergency Relief Fund (ESSERF):** Of the ESF, **\$13.5 billion** was allocated to the ESSERF, which is direct formula funding for K-12 Schools. States were instructed to distribute 90 percent of these funds according to the formula for Title I grants under the Elementary and Secondary Education Act (ESEA) of 1965 to 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 in April 2020. [The state-by-state allocation of this funding can be found 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](#) (IFR) to codify the guidance. A federal judge struck down the rule nationwide on September 4, 2020, ruling that the Education Department did not have the power to add additional conditions to the ESSERF. Following the ruling, the Department has [confirmed](#) the IFR is no longer in effect.

**Governor’s Emergency Relief Fund:** The ESF also included **\$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 in April 2020. [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 supplied by the ESF for states hardest hit by the pandemic to apply for grants aimed at “rethinking K-12 education.” State educational agencies were able to apply until June 29 for funds in three categories:

- Microgrants for families, to ensure they have access to technology and educational services
- Statewide virtual learning and course access programs
- New models for providing remote education

[Additional information on the K-12 competitive grant program is available here.](#)

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## **KEY ADMINISTRATIVE FLEXIBILITIES**

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

**Mandatory Assessment Waivers:** The Department is allowing State Education Agencies to apply for 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 [More guidance can be found here.](#)

**ESEA Funding Flexibility:** State Education Agencies may apply for waivers to be able to approve funding flexibilities for Local Education Agencies, such as carrying over Title I funds, extended time periods for obligating certain funds from FY 2018, expanding the definition of professional development to allow for trainings focused on distance learning and allowing broader use of Title IV funding. [More details can be found here.](#)

**Flexibility to repurpose Federal Equipment and Supplies:**

For temporary use, grantees and subgrantees may repurpose federally purchased equipment and supplies that are not currently in use to carry out a Department grant program to meet the general education needs of students, including students with disabilities and English learners, and the instructional needs of teachers, related services providers, and other educational personnel during the national emergency caused by COVID-19.

[More information available here.](#)