

A New \$2.2 Trillion HEROES Act Summary of K–12 Education Provisions



STATE FISCAL STABILIZATION FUND. \$208 billion distributed to Governors, including

- \$175 billion for K–12 local educational agencies (*excluding an additional \$5 billion for emergency school infrastructure upgrades and repairs related to coronavirus, such as ventilation systems*);
- \$27 billion for public institutions of higher education (*excluding an additional \$12 billion for higher education*);
- \$4 billion for governors to support K–12, higher education and related activities; and
- \$1 billion each for the Bureau of Indian Education and for outlying areas.

Distribution of Stabilization Funds to Governors and to Local Educational Agencies. The amount of funding each state receives will be based 61% on the state’s relative share of the population aged 5–24 and 39% on the state’s relative number of low-income children (i.e., eligible children under Title I of the Every Student Succeeds Act).

Of the funds each governor receives, 85% must be distributed to K–12 school districts based on their relative share of Title I funding. Governors can set aside 2%, but there is no reservation for state education agencies.

Uses of K–12 Stabilization Funds. Districts can use funds for any allowable purpose under the Every Student Succeeds Act, Individuals with Disabilities Education Act, Carl D. Perkins Career and Technical Education Act, McKinney-Vento Education for Homeless Children and Youth Act, Native Hawaiian Education Act, Alaska Native Educational Equity, Support, and Assistance Act, and Adult Education and Family Literacy Act, in addition to activities related to COVID-19:

- Activities to support student engagement through social-emotional learning and to address the needs of low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including learning gaps due to long-term school closures;
- Support for online learning, including technology (e.g., devices, internet connectivity, and assistive technology or adaptive equipment), professional development, and aid to families to support student participation;
- Offering supplemental afterschool and summer learning programs, either online or in-person; and
- Implementing activities to maintain the operation and continuity of services and to employ existing staff.

Maintenance of Effort. To receive stabilization funds, states must:

- Maintain spending on K–12 and higher education, as a percentage of total state spending, in FY 2020 through 2022 at the same level as in FY 2019.
- Maintain or exceed, in FY 2020 through 2022, either (1) the amount of state per-pupil spending on K–12 education in FY 2019 or (2) the proportion of the state’s total spending devoted to K–12 education in FY 2019.
- Provide an assurance they will maintain K–12 spending in FY 2020 through 2022 at least at the level of the state’s average K–12 spending over the three prior fiscal years.

Maintenance of Equity. To receive stabilization funds, states cannot:

- Reduce state per-pupil spending in any high-need district in FY 2020 or 2021 more than the overall reduction in state per-pupil spending (i.e., the total reduction state funds across all districts divided by total enrollment).
- A high-need school district serves a higher percentage of low-income students than the state’s median district.

EMERGENCY CONNECTIVITY FUND. \$12 billion, through the Federal Communications Commission, to help schools and libraries connect students to the internet, including by purchasing hotspots, devices, and equipment

Reactions to Coronavirus Aid, Relief, and Economic Security (CARES) Act Implementation. The HEROES Act:

- Prohibits funds to be spent to support student tuition to attend private K–12 schools, except in cases where students with disabilities require private placement to receive services
- Includes new limitations on the Secretary’s ability to establish priorities, preferences, or restrictions on the use of funds that are not outlined in the HEROES Act.

The full text of the revised HEROES Act is available [here](#).