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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 170\*  
134<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 170's Fiscal Note](#)

**Version:** As Reported by Senate Finance

**Primary Sponsors:** Reps. Bird and Richardson

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### SUMMARY

- Makes appropriations to assist schools and other entities in response to the COVID-19 pandemic.
- Requires the Department of Education to obtain Controlling Board approval prior to spending certain funds appropriated to the Department and certain other funds the Department receives from the federal CARES Act, the federal "Consolidated Appropriations Act, 2021," and the federal "American Rescue Plan Act of 2021."
- Permits the Auditor of State to audit spending by the Department and each school district of the amounts appropriated for FY 2021 and any other federal funds received by the Department under the federal CARES Act, the federal "Consolidated Appropriations Act, 2021," and the federal "American Rescue Plan Act of 2021."

### DETAILED ANALYSIS

#### Department of Education appropriations

##### Appropriations

The bill appropriates \$154.9 million of federal funds for Emergency Assistance to Non-Public Schools, and \$632,361,238 for Federal Coronavirus School Relief.<sup>1</sup>

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\* This analysis was prepared before the report of the Senate Finance Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

<sup>1</sup> Section 213.10.

## Controlling Board approval

The bill requires that certain spending by the Department is subject to Controlling Board approval, as follows:<sup>2</sup>

Funding source	Department spending subject to Controlling Board approval
Funds appropriated by the bill for Emergency Assistance for Non-Public Schools	All spending
Any other federal funds received by the Department from the Emergency Assistance to Non-Public Schools Program under the federal "Coronavirus Aid, Relief, and Economic Security Act" (the federal CARES Act), the federal "Consolidated Appropriations Act, 2021," and the federal "American Rescue Plan Act of 2021"	All spending
Funds appropriated by the bill for Federal Coronavirus School Relief	Spending for "emergency needs determined by the Department" (see below)
Any other federal funds received by the Department from the federal Elementary and Secondary School Emergency Relief Fund under the federal "Consolidated Appropriations Act, 2021"	Spending for "emergency needs determined by the Department" (see below)
Any other federal funds received by the Department from the federal Elementary and Secondary School Emergency Relief Fund under the federal "American Rescue Plan Act of 2021"	Spending in accordance with that act for (1) activities to address learning loss by supporting the implementation of evidence-based interventions, (2) the implementation of evidence-based summer enrichment programs, and (3) the implementation of evidence-based comprehensive afterschool programs <sup>3</sup>

Spending for "emergency needs determined by the Department" is one of the permissive uses of the federal Elementary and Secondary School Emergency Relief Fund. The federal "Consolidated Appropriations Act, 2021" permit a state to reserve up to 10% of its funding from that fund for two purposes: (1) administrative costs, which may not exceed 0.5%

<sup>2</sup> Section 213.10(A) and (B).

<sup>3</sup> Title II, Sec. 2001(f)(1) to (3) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

of the allocation, and (2) emergency needs determined by the Department to address issues responding to coronavirus, “which may be addressed through the use of grants or contracts.”<sup>4</sup>

### **Audit of Department and school district spending**

The bill expressly permits the Auditor of State to audit spending by the Department of Education and each school district of the amounts appropriated by the bill for FY 2021 and any other federal funds received by the Department under the federal CARES Act, the federal “Consolidated Appropriations Act, 2021,” and the federal “American Rescue Plan Act of 2021.”<sup>5</sup>

### **Appropriations to other agencies**

The bill appropriates \$7 million of dedicated funds for FY 2021 to the Adjutant General for coronavirus relief.<sup>6</sup>

And, it appropriates \$173 million of federal funds for FY 2021 to the Department of Health for Public Health Emergency Response.<sup>7</sup>

### **Reappropriations**

The bill reappropriates for FY 2022 and FY 2023 the unexpended, unencumbered amounts from the funds appropriated to the Department of Education and the Department of Health at the end of FY 2021 and FY 2022 for the same purposes for FY 2022 and FY 2023, respectively.<sup>8</sup>

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## **HISTORY**

Action	Date
Introduced	03-02-21
Reported, H. Primary & Secondary Education	03-17-21
Re-referred, H. Rules & Reference	03-23-21
Reported, H. Finance	04-15-21
Passed House (91-0)	04-15-21
Reported, S. Finance	---

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<sup>4</sup> Title III, Sec. 313(e) of the federal “Consolidated Appropriations Act, 2021,” Pub. L. No. 116-260.

<sup>5</sup> Section 733.20.

<sup>6</sup> Section 203.10.

<sup>7</sup> Section 214.10.

<sup>8</sup> Section 503.10.