

# **The Federal Update for November 12, 2021**

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Re: Federal Update

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*Congress was in recess for the Veterans’ Day holiday this week. They will return to session on Monday, November 15th.*

##  News

### OIG Releases COVID-19 Stimulus Oversight Plan

The U.S. Department of Education (ED) Office of Inspector General (OIG) recently released its oversight plan for fiscal year 2022 for COVID-19 stimulus funds. The work will include both audit and investigation activities and will review activities within ED as well as activities of local and State educational agencies and schools.

Within ED, OIG plans to review ED’s oversight of Elementary and Secondary School Emergency Relief (ESSER) funds, ED’s implementation of TEACH grant flexibilities, Federal Student Aid’s (FSAs) restart of student loan payment collection, FSA’s process for return of Title IV funds and student loan cancellation, and ED’s oversight of the Higher Education Emergency Relief (HEER) funds.

ED OIG will also conduct reviews and activities outside of ED, examining State and local educational agencies’ and schools’ use of ESSER funds, focusing on activities to address learning loss; use of ESSER funds for technology; allocation and use of funds under the American Rescue Plan for homeless children and youth; award and monitoring of Governor’s Emergency Education Relief funds and plans for allocating those funds to eligible entities; process for administering Emergency Assistance to Non-Public Schools funds; use of both the student aid and institutional portion of HEER funds; and compliance with the return of Title IV waiver requirements.

Although ED OIG has already initiated oversight activities for COVID-19 stimulus funds, the plan released recently provides more clarity on which issues in particular ED OIG will be focusing on for the upcoming year.

[ED OIG’s pandemic oversight plan is available here](https://oig.ed.gov/sites/default/files/document/2023-04/pandemicreliefoversightplan.pdf).

Author: KSC

### ESSER Can Be Used for Transportation, ED Says

In a resource published Friday, the U.S. Department of Education (ED) enumerates the ways in which funds under the Elementary and Secondary School Education Relief Fund (ESSER) may be used for student transportation. The “frequently asked questions” document cites challenges nationwide with the hiring and retention of bus drivers and suggests that federal stimulus funds may be used for reasonable alternative transportation. Allowable costs listed include public transportation, taxi or rideshare fares, and compensation to parents for providing transportation services for their own children. These options can be used to transport students to school as well as after-school learning or enrichment programs addressing student needs related to the pandemic, including making up for lost instructional time.

Before allowing compensation for travel costs, ED says, a district should “develop clear, objective procedures that, in addition to other relevant factors, consider: the number of days of transportation provided for in-person attendance; documentation of the travel costs to ensure that the compensation is used only for transportation-related expenses; and a process to account for any ESSER or GEER funds that were paid to parents or guardians but not used for transportation costs.”

That additional [transportation resource is available here](https://oese.ed.gov/files/2021/11/FAQs-Transportation.pdf).

Author: JCM

## Legislation and Guidance

### ED Issues Guidance on Vaccines for Young Children

The U.S. Department of Education issued a letter and guidance this week on the rollout of COVID-19 vaccinations for children ages five through eleven. In a letter sent Monday to State chiefs, Secretary of Education Miguel Cardona and Secretary of Health and Human Services Xavier Becerra offer suggestions for how to boost vaccination rates and reduce transmission of the virus. Among the suggestions listed are hosting a vaccine clinic at a school in partnership with a county or local health department or other provider, distributing information to parents through schools and teachers, and holding community events with parents and school communities, including local pediatricians. The letter also notes that funding from the Elementary and Secondary School Education Relief program (ESSER) and the Federal Emergency Management Agency (FEMA) can cover the cost of hosting vaccination clinics, including set-up and operations.

Later in the week, the Centers for Disease Control (CDC) issued a guidance document on best practices for school districts in hosting school-located vaccination clinics. The document offers suggestions for school districts to find providers for vaccinations, and a way to submit a request for vaccination “partners.” It also contains links to customizable letter templates and fact sheets to help publicize and answer questions on vaccination clinics and vaccines. The [CDC resource is available here](https://www.cdc.gov/vaccines/covid-19/planning/school-located-clinics/best-practices.html).

Author: JCM

### Lawmakers Urge Adoption of Test-to-Stay

Several Republican members of the House Committee on Education and Labor have written to the Centers for Disease Control (CDC) asking the agency to provide guidance supporting a “test-to-stay” option for unvaccinated students exposed to COVID-19.

The letter notes that many thousands of students are quarantined each week because of positive cases in their classrooms, even if those students test negative. The authors express concern that these quarantines “exacerbate learning loss” and impact students’ social and emotional well-being.

While the CDC currently recommends that unvaccinated students exposed to COVID-19 must quarantine regardless of test results, the letter suggests a model where close contacts of a positive student are given daily rapid tests. If they test negative, they can continue to attend school. A number of States – including New York and Utah – have implemented test-to-stay models in schools.

[The test-to-stay letter is here](https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=407979).

Author: JCM

*To stay up-to-date on new regulations and guidance from the U.S. Department of Education, register for one of Brustein & Manasevit’s upcoming virtual trainings. Topics cover a range of issues, including COVID-19 related issues, grants management, the Every Student Succeeds Act, special education, and more. To view all upcoming virtual training topics and to register, visit* <https://bruman.com/training-and-recordings/>.

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