

H. B. No. 170  
As Re-Referred by the House  
Rules and Reference Committee

\_\_\_\_\_ moved to amend as follows:

After line 70, insert:

"Section 733.10. (A) (1) The Department of Education shall first obtain approval from the Controlling Board prior to the expenditure or encumbrance of the funds appropriated in appropriation items 200627 and 200651 under Section 213.10 of this act and any other federal funds the Department receives from the Governor's Emergency Education Relief Fund under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(2) The Department shall first obtain approval from the Controlling Board prior to the expenditure or encumbrance of the funds appropriated in appropriation item 200640 under Section 213.10 of this act and any other federal funds the Department receives from the Elementary and Secondary School Emergency Relief Fund under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal



"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, 19  
and the federal "American Rescue Plan Act of 2021," Pub. L. No. 20  
117-2, for the following purposes: 21

(a) Emergency needs determined by the Department as 22  
authorized under Division B, Title VIII, Sec. 18003(e) of the 23  
federal "Coronavirus Aid, Relief, and Economic Security Act," 24  
Pub. L. No. 116-136; 25

(b) Emergency needs determined by the Department as 26  
authorized under Title III, Sec. 313(e) of the federal 27  
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260; 28

(c) The spending authorized under Title II, Sec. 2001(f) 29  
(1)-(3) of the federal "American Rescue Plan Act of 2021," Pub. 30  
L. No. 117-2. 31

(B) The Department shall not spend funds it receives under 32  
the federal "American Rescue Plan Act of 2021," Pub. L. No. 117- 33  
2, for emergency needs determined by the Department as 34  
authorized under Title II, Sec. 2001(f) (4) of that act. 35

**Section 733.20.** The Auditor of State may audit spending by 36  
the Department of Education and each school district of the 37  
amounts appropriated under Section 213.10 of this act and any 38  
other funds the Department received from the federal 39  
"Coronavirus Aid, Relief, and Economic Security Act," Pub. L. 40  
No. 116-136, and the federal "Consolidated Appropriations Act, 41  
2021," Pub. L. No. 116-260. If the Auditor chooses to audit the 42  
spending described in this section, the Auditor shall identify 43  
common usages and best utilization of those funds." 44

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

	45
<b>Controlling Board approval of Department of Education</b>	46
<b>spending</b>	47
<b>Section 733.10 (A)</b>	48
Requires the Department of Education to obtain approval	49
from the Controlling Board prior to spending funds appropriated	50
under the bill and any other federal funds the Department	51
receives from the Governor's Emergency Education Relief Fund for	52
the "Governor's Emergency Education Relief Program" and the	53
"Emergency Assistance to Non-Public Schools Program."	54
Requires the Department to obtain approval from the	55
Controlling Board prior to spending funds appropriated under the	56
bill and any other federal funds the Department receives from	57
the Elementary and Secondary School Emergency Relief Fund under	58
the federal CARES Act and the federal Consolidated	59
Appropriations Act of 2021 for emergency needs determined by the	60
Department in the manner authorized by those acts.	61
Requires the Department of Education to obtain approval	62
from the Controlling Board prior to spending federal funds the	63
Department receives from the Elementary and Secondary School	64
Emergency Relief Funds under the federal American Rescue Plan	65
for certain purposes coordinated by the Department.	66
<b>Prohibition on Department of Education spending for</b>	67
<b>emergency needs</b>	68
<b>Section 733.10 (B)</b>	69
Prohibits the Department from spending federal funds the	70
Department receives from the federal American Rescue Plan for	71
emergency needs determined by the Department as authorized by	72

that act.	73
<b>Audit of Department of Education spending</b>	74
<b>Section 733.20</b>	75
Permits the Auditor of State to audit spending by the	76
Department and each school district of the amounts appropriated	77
by the bill and any other federal funds received by the	78
Department under the federal CARES Act and the federal	79
Consolidated Appropriations Act of 2021, and requires the	80
Auditor to identify common usages and best utilization of those	81
funds if the Auditor performs the audit.	82