

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1368

Chapter 3, Laws of 2021

67th Legislature
2021 Regular Session

COVID-19--FEDERAL FUNDING

EFFECTIVE DATE: February 19, 2021

Passed by the House February 1, 2021
Yeas 61 Nays 36

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 10,
2021
Yeas 47 Nays 2

DENNY HECK

President of the Senate

Approved February 19, 2021 1:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1368** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

February 19, 2021

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1368

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley, and Pollet)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to responding to the COVID-19 pandemic through
2 state actions supported by federal funding; adding a new section to
3 chapter 43.70 RCW; creating new sections; making appropriations; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Appropriations in this act are for the
7 fiscal biennium ending June 30, 2021.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this act unless the context clearly requires otherwise.

10 (1) "CRF" means funds attributable to the coronavirus relief fund
11 created by section 5001, the coronavirus aid, relief, and economic
12 security act, P.L. 116-136, division A.

13 (2) "CRRSA" means funds attributable to the coronavirus response
14 and relief supplemental appropriations act, P.L. 116-260, division M.

15 (3) "CRRSA/ESSER" means funds attributable to the elementary and
16 secondary school emergency relief fund, as modified by the
17 coronavirus response and relief supplemental appropriations act, P.L.
18 116-260, division M.

19 (4) "FMAP" means federal medical assistance percentage, including
20 funds attributable to the temporary increase of medicaid FMAP by

1 section 6008, the families first coronavirus response act, P.L.
2 116-127, division F.

3 NEW SECTION. **Sec. 3. FOR THE DEPARTMENT OF COMMERCE—RENTAL**
4 **ASSISTANCE AND HOUSING**

5 General Fund—Federal Appropriation. \$365,000,000
6 TOTAL APPROPRIATION. \$365,000,000

7 The appropriation in this section is subject to the following
8 conditions and limitations:

9 (1) \$325,000,000 of the general fund—federal appropriation
10 (CRRSA) is provided solely for the department to administer an
11 emergency rental and utility assistance program pursuant to P.L.
12 116-260, the federal consolidated appropriations act. The department
13 shall distribute funding in the form of grants to local housing
14 providers. In making distributions, the department must consider the
15 number of unemployed persons and renters in each jurisdiction served
16 by the provider as well as account for any funding that jurisdiction,
17 including cities within each county, received directly from the
18 federal government. A provider may use up to 9.5 percent of their
19 grant award for administrative costs and the remainder must be used
20 for financial assistance as defined in P.L. 116-260. The department
21 may retain up to 0.5 percent of the funding provided in this
22 subsection to administer the program.

23 (2)(a) \$30,000,000 of the general fund—federal appropriation
24 (CRF) is provided solely for the department to administer an eviction
25 rental assistance program. The department shall distribute funding in
26 the form of grants to local housing providers. In making
27 distributions, the department must consider the number of unemployed
28 persons and renters in each jurisdiction served by the provider. To
29 be eligible for the program, households must, at a minimum, have an
30 income at or below 80 percent of the area median income and must have
31 a missed or partially paid rent payment. Rental payments made through
32 the program will be provided directly to landlords. The department
33 may establish additional eligibility criteria to target these
34 resources to households most likely to become homeless if they do not
35 receive rental assistance.

36 (b) Of the amounts provided in this subsection, \$16,000,000 of
37 the general fund—federal appropriation (CRF) is provided solely for
38 local housing providers to subgrant with community organizations that

1 serve historically disadvantaged populations within their
2 jurisdiction. Subgrants may be used for program outreach and
3 assisting community members in applying for assistance under this
4 subsection and subsection (1) of this section.

5 (3) \$4,000,000 of the general fund—federal appropriation (CRF) is
6 provided solely for the department to assist homeowners at risk of
7 foreclosure pursuant to chapter 61.24 RCW. Funding must be used for
8 activities to prevent mortgage or tax lien foreclosures, housing
9 counselors, foreclosure prevention hotlines, low-income legal
10 services, mediation, and other activities that promote homeownership.
11 The department may contract with other state agencies to carry out
12 these activities.

13 (4) \$1,500,000 of the general fund—federal appropriation (CRF) is
14 provided solely for a contract with resolution Washington for
15 alternative dispute resolution centers and dispute resolution
16 programs to provide citizens with low-cost resolution as an
17 alternative to litigation. This funding must be prioritized for
18 resolution services relating to evictions.

19 (5) \$1,500,000 of the general fund—federal appropriation (CRF) is
20 provided solely for the department to contract with the office of
21 civil legal aid to provide services relating to evictions, housing,
22 and utilities.

23 (6) \$1,000,000 of the general fund—federal appropriation (CRF) is
24 provided solely for the department to contract with the office of the
25 attorney general for legal work relating to the eviction moratorium
26 extended in the governor's proclamation 20-19.5.

27 (7) (a) \$2,000,000 of the general fund—federal appropriation (CRF)
28 is provided solely for a program to provide grants to eligible
29 landlords who have encountered a significant financial hardship due
30 to loss of rental income from elective nonpayor tenants during the
31 state's eviction moratorium pursuant to the governor's proclamation.

32 (b) To be eligible for a grant under this subsection, a landlord
33 must:

34 (i) Apply for a grant;

35 (ii) Be the sole investor in the property from which they are
36 seeking rental arrears;

37 (iii) Be the owner of no more than four dwelling units from which
38 they receive rental payments;

1 (iv) Not contract with a property manager or property management
2 company for duties or activities related to the tenancy or dwelling
3 unit; and

4 (v) Have an elective nonpayor tenant who is in arrears in rent or
5 utilities or both.

6 (c) Eligible landlords may receive a grant of up to 80 percent of
7 the total amount of rent in arrears. The department must prioritize
8 landlords who have an income at or below 100 percent of the area
9 median income and who demonstrate a loss of rental income, to the
10 extent that funds are available.

11 (d) The department may inspect the property and the landlord's
12 records related to an application under the program, including the
13 use of a third-party inspector as needed to investigate fraud, to
14 assist in making its application review, and to determine
15 eligibility.

16 (e) A landlord who receives a grant under this section is
17 prohibited from:

18 (i) Taking any legal action against the tenant for damages
19 attributable to the same tenancy; or

20 (ii) Pursuing collection, or authorizing another entity to pursue
21 collection on the landlord's behalf, against the tenant for damages
22 attributable to the same tenancy.

23 (8) For the purposes of this section, the following definitions
24 apply:

25 (i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

26 (ii) "Elective nonpayor" means a tenant who has been determined
27 to not be eligible for the federal or state emergency rental
28 assistance program or has not applied for the federal or state
29 emergency rental assistance program.

30 (iii) "Landlord" has the meaning defined in RCW 59.18.030.

31 (iv) "Owner" has the meaning defined in RCW 59.18.030.

32 (v) "Rent" has the meaning defined in RCW 59.18.030.

33 (vi) "Tenant" has the meaning defined in RCW 59.18.030.

34 NEW SECTION. **Sec. 4. FOR THE DEPARTMENT OF COMMERCE—WORKING**
35 **WASHINGTON GRANTS**

| | | |
|----|---|---------------|
| 36 | General Fund—Federal Appropriation. | \$240,000,000 |
| 37 | TOTAL APPROPRIATION. | \$240,000,000 |

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$240,000,000 of the general fund—federal appropriation (CRF)
4 is provided solely for the department of commerce to provide
5 additional grants to small businesses through the department's
6 working Washington grant program as modified by this section.

7 (2) Of the amount provided in this section, \$150,000,000 is
8 provided solely to assist businesses maintain their operations. To be
9 eligible for a grant under this subsection, the business must:

10 (a) Apply for or have applied for the grant;

11 (b) Have reported annual gross receipts of \$5,000,000 or less to
12 the department of revenue for calendar year 2019;

13 (c) Have expenses that are necessary to continue business
14 operations and the expense is not a federal, state, or local tax,
15 fee, license, or other government revenue;

16 (d) Self-attest that the expense is not funded by any other
17 government or private entity;

18 (e) Have experienced a reduction in business income or activity
19 related to COVID-19 or state or local actions in response to
20 COVID-19; and

21 (f) Agree to operate in accordance with the requirements of
22 applicable federal, state, and local public health guidance and
23 directives.

24 (3) Of the amount provided in this section, \$90,000,000 is
25 provided solely to assist the reopening of businesses that
26 temporarily totally closed their operations. To be eligible for a
27 grant under this subsection, the business must:

28 (a) Apply for the grant;

29 (b) Have reported annual gross receipts of \$5,000,000 or less to
30 the department of revenue for calendar year 2019;

31 (c) Demonstrate the business was actively engaged in business,
32 and as a result of the governor's proclamations 20-25.8, issued on
33 November 15, 2020, through 20-25.12 ("stay safe-stay healthy"),
34 temporarily totally closed operations. Demonstration of active
35 engagement in business can be given through but is not limited to
36 taxable activity reported to the department of revenue. The
37 department may use other methods to determine if this criterion has
38 been met;

1 (d) Have expenses that are necessary to reopen business
2 operations and the expense is not a federal, state, or local tax,
3 fee, license, or other government revenue;

4 (e) Self-attest that the expense is not funded by any other
5 government or private entity; and

6 (f) Agree to operate in accordance with the requirements of
7 applicable federal, state, and local public health guidance and
8 directives.

9 (4) Grant awards are subject to the availability of amounts
10 appropriated in this section. The department must conduct outreach to
11 underrepresented and unserved communities observed from prior rounds
12 of awards. The department must ensure equitable distributions of
13 grant funding, including considerations for geographic location and
14 businesses owned by members of historically disadvantaged
15 communities.

16 (5) (a) Eligible businesses may receive up to a \$75,000 grant.

17 (b) If a business received one or more working Washington small
18 business grants, the grant awarded under this section must be reduced
19 to reflect the amounts received from previous working Washington
20 small business grants.

21 (6) For purposes of this section, reopening costs include, but
22 are not limited to:

23 (a) Upgrading physical work places to adhere to new safety or
24 sanitation standards;

25 (b) Procuring required personal protective supplies for employees
26 and business patrons and clients;

27 (c) Updating business plans;

28 (d) Employee costs including payroll, training, and onboarding;

29 (e) Rent, lease, mortgage, insurance, and utilities payments; and

30 (f) Securing inventory, supplies, and services for operations.

31 (7) Nonprofit organizations may be eligible to receive funding
32 under subsection (2) or (3) of this section if they have a primary
33 business activity that has been impacted as described in subsection
34 (2)(e) or (3)(c) of this section.

35 (8) The department is authorized to shift funding among the
36 purposes in subsections (2) and (3) of this section based on over or
37 underutilization of the different types of grants.

38 NEW SECTION. **Sec. 5.** Notwithstanding the provisions of section
39 127(85), chapter 357, Laws of 2020, it is the intent of the

1 legislature that grant funding for eligible sheltering costs be made
2 available to applicants who have maintained or decreased shelter
3 capacity due to social distancing or other health and safety measures
4 taken in response to the COVID-19 pandemic.

5 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
6 **SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM—COMMUNITY SERVICES**

| | | |
|---|---|--------------|
| 7 | General Fund—Federal Appropriation. | \$24,528,000 |
| 8 | TOTAL APPROPRIATION. | \$24,528,000 |

9 The appropriation in this section is subject to the following
10 conditions and limitations: \$24,528,000 of the general fund—federal
11 appropriation (FMAP), along with currently appropriated state funds,
12 is provided solely to continue the COVID-19 rate enhancements offered
13 to contracted service providers in January-March 2021 through the
14 April-June 2021 quarter. Expenditure of the amounts provided in this
15 section is contingent upon execution of an appropriate memorandum of
16 understanding between the office of financial management and the
17 exclusive bargaining representatives.

18 NEW SECTION. **Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
19 **SERVICES—AGING AND ADULT SERVICES PROGRAM**

| | | |
|----|---|--------------|
| 20 | General Fund—Federal Appropriation. | \$45,434,000 |
| 21 | TOTAL APPROPRIATION. | \$45,434,000 |

22 The appropriation in this section is subject to the following
23 conditions and limitations: \$45,434,000 of the general fund—federal
24 appropriation (FMAP), along with currently appropriated state funds,
25 is provided solely to continue the COVID-19 rate enhancements offered
26 to contracted service providers in January-March 2021 through the
27 April-June 2021 quarter. Expenditure of the amounts provided in this
28 section is contingent upon execution of an appropriate memorandum of
29 understanding between the office of financial management and the
30 exclusive bargaining representatives.

31 NEW SECTION. **Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**
32 **SERVICES—ECONOMIC SERVICES ADMINISTRATION**

| | | |
|----|---|--------------|
| 33 | General Fund—Federal Appropriation. | \$90,700,000 |
| 34 | TOTAL APPROPRIATION. | \$90,700,000 |

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$12,000,000 of the general fund—federal appropriation (CRF)
4 is provided solely for the disaster cash assistance program, allowing
5 both individuals without children and families without children to
6 receive cash disaster benefits during the coronavirus pandemic
7 pursuant to House Bill No. 1151 (providing public assistance to
8 households in need). If the bill is not enacted by April 1, 2021, the
9 amount provided in this section shall lapse.

10 (2) \$4,700,000 of the general fund—federal appropriation (CRF) is
11 provided solely for the department to increase the benefit under the
12 food assistance program to maintain parity with benefits offered
13 under the supplemental nutritional assistance program for the period
14 of January through March 2021.

15 (3) \$9,000,000 of the general fund—federal appropriation (CRF) is
16 provided solely for the increased caseload in the temporary
17 assistance for needy families program as a result of the suspension
18 of the 60-month time limit and suspension of the imposition of
19 sanctions for nonparticipation in WorkFirst activities.

20 (4) \$65,000,000 of the general fund—federal appropriation (CRF)
21 is provided solely for continuing the Washington immigrant relief
22 fund authorized under the authority provided due to the declaration
23 of emergency due to the COVID-19 pandemic as modified by this
24 section. At least 95 percent of the amount provided in this
25 subsection is provided solely for grants to eligible persons.

26 (a) A person is eligible for a grant who:

27 (i) Lives in Washington state;

28 (ii) Is at least 18 years of age;

29 (iii) Has been significantly affected by the coronavirus
30 pandemic, such as loss of employment or significant reduction in work
31 hours, contracting the coronavirus, or caring for a family member who
32 contracted the coronavirus;

33 (iv) Is not eligible to receive federal economic impact
34 (stimulus) payments or unemployment insurance benefits due to their
35 immigration status; and

36 (v) Has an income at or below 250 percent of federal poverty
37 level.

38 (b) The department may not deny a grant to a person on the basis
39 that another adult in the household is eligible for federal economic

1 impact (stimulus) payments or unemployment insurance benefits or that
2 the person previously received a grant under the program.

3 (c) The department must prioritize grants to persons who are most
4 in need of financial assistance using factors that include, but are
5 not limited to, being the primary or sole income earner of household,
6 experiencing housing instability, having contracted or being at high
7 risk of contracting the coronavirus, and having been approved for a
8 previous grant under the program but not having received one due to
9 lack of funding.

10 (d) The department may contract with one or more nonprofit
11 organizations to administer the program. If the department engages in
12 a competitive contracting process for administration of the program,
13 experience in administering similar programs must be given weight in
14 the selection process to expedite the delivery of benefits to
15 eligible applicants. The contract may require the performance of
16 outreach activities to communities that may have been
17 underrepresented in earlier grant awards.

18 NEW SECTION. **Sec. 9. FOR THE HEALTH CARE AUTHORITY—MEDICAL**
19 **ASSISTANCE**

| | | |
|----|---|-------------|
| 20 | General Fund—Federal Appropriation. | \$6,000,000 |
| 21 | TOTAL APPROPRIATION. | \$6,000,000 |

22 The appropriation in this section is subject to the following
23 conditions and limitations:

24 (1) The entire general fund—federal appropriation (CRF) is
25 provided solely for the authority to distribute grants to rural
26 health clinics, federally qualified health centers, and free clinics
27 to provide health care services for uninsured and underinsured
28 patients, regardless of immigration status, for the treatment of any
29 health condition that is further complicated by the past or present
30 treatment of the illness caused by the severe acute respiratory
31 syndrome coronavirus 2 (COVID-19).

32 (2) The authority must distribute the amounts appropriated in
33 this section as follows:

34 (a) \$3,841,000 of the general fund—federal appropriation (CRF)
35 must be distributed to rural health clinics and federally qualified
36 health centers. Amounts provided in this subsection must be used for
37 the direct care of uninsured and underinsured patients under 200
38 percent of the federal poverty level for:

1 (i) The testing, treatment, or assessment of the severe acute
2 respiratory syndrome coronavirus 2 (COVID-19), including facility and
3 provider fees; and

4 (ii) The treatment of chronic conditions worsened by the severe
5 acute respiratory syndrome coronavirus 2 (COVID-19), including but
6 not limited to the cost of laboratory, prescription medications,
7 specialty care, and other services including behavioral health
8 services, therapies, radiology, and other diagnostics.

9 (b) \$1,659,000 of the general fund—federal appropriation (CRF)
10 must be distributed to free clinics that provide medical care for
11 patients with past or present diagnoses of the illness caused by the
12 severe acute respiratory syndrome coronavirus 2 (COVID-19). The
13 amounts provided in this subsection may be used for general operating
14 costs, including staffing, supplies, and equipment purchases. As used
15 in this section, "free clinics" mean private, nonprofit, community,
16 or faith-based organizations that provide medical and mental health
17 services at little or no cost to uninsured and underinsured people
18 through the use of volunteer health professionals, community
19 volunteers, and partnerships with other health providers.

20 (c) \$500,000 of the general fund—federal appropriation (CRF) must
21 be distributed to rural health clinics and federally qualified health
22 centers that can demonstrate that uninsured patients accounted for 14
23 percent or more of their total patient count in calendar year 2019.
24 Amounts provided in this subsection (2)(c) must be used for the same
25 purposes as those outlined in (a) of this subsection.

26 (3) Clinics may not bill clients for any portion of the services
27 provided that involve the use of amounts appropriated in this
28 section.

29 (4) Clinics may not use the amounts provided in this section for
30 services for which other funds are available, such as federal funds
31 from the families first coronavirus response act.

32 (5) The authority may retain no more than three percent of the
33 amounts provided in this section for administrative costs.

34 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF CHILDREN, YOUTH,**
35 **AND FAMILIES—EARLY LEARNING PROGRAM**

| | | |
|----|---|--------------|
| 36 | General Fund—Federal Appropriation. | \$50,000,000 |
| 37 | TOTAL APPROPRIATION. | \$50,000,000 |

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$50,000,000 of the general fund—federal appropriation (CRRSA)
4 is provided solely for the department to provide financial support to
5 child care providers. The department must prioritize providers
6 located in child care deserts, or communities of concern, or both,
7 and must prioritize providers in order to support racial equity
8 across the state. Of the amount provided in this section:

9 (a) \$28,800,000 of the general fund—federal appropriation (CRRSA)
10 is provided solely for grants to licensed providers who serve
11 children ages birth to 13 and who accept state subsidies. Base grant
12 amounts are \$6,500, with an additional \$100 provided for each
13 licensed slot over 65 slots.

14 (b) \$6,000,000 of the general fund—federal appropriation (CRRSA)
15 is provided solely for grants to licensed providers who serve
16 children ages birth to 13 and who do not accept subsidies. Grant
17 amounts are \$6,500.

18 (c) \$10,600,000 of the general fund—federal appropriation (CRRSA)
19 is provided solely for the department to pay providers at the
20 regional preschool rate for school-age children through April 2021.

21 (d) \$4,000,000 of the general fund—federal appropriation (CRRSA)
22 is provided solely for the department to incentivize providers to
23 take new subsidized slots.

24 (e) \$600,000 of the general fund—federal appropriation is
25 provided solely for incentives of \$250 to family, friends, and
26 neighbor providers.

27 (2) The department is authorized to shift funding among the
28 purposes in subsection (1)(a) through (e) of this section based on
29 over or underutilization of the different types of grants.

30 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF AGRICULTURE—FOOD**
31 **ASSISTANCE PROGRAM**

| | | |
|----|---|--------------|
| 32 | General Fund—Federal Appropriation. | \$26,392,000 |
| 33 | TOTAL APPROPRIATION. | \$26,392,000 |

34 The appropriation in this section is subject to the following
35 conditions and limitations: \$18,000,000 of the general fund—federal
36 appropriation (CRF) and \$8,392,000 of the general fund—federal
37 appropriation (CRRSA) are provided solely for the department to

1 provide block grants to hunger relief organizations to achieve food
2 security within the state such as the purchase of food and supplies;
3 investment in storage capacity; management of operations, facilities,
4 employees, and volunteers; conducting social service outreach to food
5 recipients; or conducting any other activity that is necessary to
6 help achieve food security for the public. Providers under this
7 section may not refuse service to any person based on a protected
8 class under chapter 49.60 RCW. Of the amounts provided in this
9 section (CRRSA), a maximum of \$1,689,000 may be used by the
10 department for its administrative costs.

11 NEW SECTION. **Sec. 12. FOR THE OFFICE OF THE SUPERINTENDENT OF**
12 **PUBLIC INSTRUCTION—ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF**
13 **FUND**

| | | |
|----|---|---------------|
| 14 | General Fund—Federal Appropriation. | \$668,130,000 |
| 15 | TOTAL APPROPRIATION. | \$668,130,000 |

16 The appropriation in this section is subject to the following
17 conditions and limitations:

18 (1) \$668,130,000 of the general fund—federal appropriation
19 (CRRSA/ESSER) is provided solely for allocations from federal funding
20 in response to the COVID-19 pandemic as authorized in section 313,
21 the coronavirus response and relief supplemental appropriations act,
22 P.L. 116-260, division M. The superintendent of public instruction
23 must allocate the entire amount as subgrants to local education
24 agencies consistent with timing and provisions of section 313, P.L.
25 116-260, division M.

26 (2)(a) By March 1, 2021, school districts, charter schools, and
27 state-tribal education compact schools must review and update school
28 reopening plans adopted for the 2020-21 school year and submit the
29 updated plans to the superintendent of public instruction.

30 (b) The superintendent of public instruction shall develop the
31 template for the plan update that districts must use. The update must
32 include at a minimum:

33 (i) A schedule for reopening or expanding in-person instruction
34 during the 2020-21 school year;

35 (ii) Which students will receive in-person instruction, by group,
36 by grade, by school; and

37 (iii) Plans for balancing in-person and remote instruction in
38 hybrid models, if applicable.

1 (c) Schools are encouraged to base reopening schedules and
2 decisions on state department of health guidance on COVID-19 activity
3 levels.

4 (d) The superintendent must report to the appropriate policy and
5 fiscal committees of the legislature on any statutory changes
6 necessary to implement updated reopening plans.

7 (3)(a) By June 1, 2021, school districts, charter schools, and
8 state-tribal education compact schools must submit an academic and
9 student well-being recovery plan to the superintendent of public
10 instruction to address student needs that are anticipated due to
11 school closures and extended time in remote learning mode due to the
12 COVID-19 pandemic. The superintendent of public instruction shall
13 develop the template for the plan that districts must use. Schools
14 must report progress on implementing the plan in a manner identified
15 by the office of the superintendent of public instruction. The plan
16 must, at a minimum, address learning loss among students, including
17 student groups identified in the Washington state improvement
18 framework, as well as students experiencing homelessness and students
19 in foster care.

20 (b) Additional plan details must include:

21 (i) Identification of specific diagnostic assessment tools by
22 grade level, identification of student learning and well-being gaps,
23 and focusing of additional time and supports on students most
24 impacted;

25 (ii) Providing additional instruction, student well-being
26 support, and extracurricular opportunities based on an evaluation of
27 student needs; and

28 (iii) Other plan elements as required by the office of the
29 superintendent of public instruction. The office of the
30 superintendent of public instruction may add elements based on
31 evidence of positive learning and well-being outcomes. These elements
32 can include, but are not limited to: Balanced calendars, additional
33 school days, additional instruction time, or any combination of these
34 elements.

35 (c) Nothing in the plan constitutes an independent source of
36 legal authority except as permitted by statute, and the plan does not
37 supersede state statutes, gubernatorial orders, or the statutory
38 authority of state and county health departments.

1 NEW SECTION. **Sec. 13. FOR THE OFFICE OF THE SUPERINTENDENT OF**
2 **PUBLIC INSTRUCTION—GOVERNOR EMERGENCY EDUCATION RELIEF FUND**

3 General Fund—Federal Appropriation (CRRSA-GEER) \$46,263,000
4 TOTAL APPROPRIATION. \$46,263,000

5 The appropriation in this section is subject to the following
6 conditions and limitations: The appropriation in this section is
7 provided solely for allocations from the federal funding to provide
8 emergency assistance to nonpublic schools, as authorized in section
9 312(d), the coronavirus response and relief supplemental
10 appropriations act, P.L. 116-260, division M.

11 NEW SECTION. **Sec. 14. FOR THE STUDENT ACHIEVEMENT COUNCIL—**
12 **OFFICE OF STUDENT FINANCIAL ASSISTANCE**

13 General Fund—Federal Appropriation. \$5,000,000
14 TOTAL APPROPRIATION. \$5,000,000

15 The appropriation in this section is subject to the following
16 conditions and limitations:

17 (1) \$5,000,000 of the general fund—federal appropriation (CRF) is
18 provided solely for undocumented student relief grants authorized
19 under the authority provided due to the declaration of emergency due
20 to the COVID-19 pandemic as modified by this section.

21 (2) Students are eligible for the grant in this section if they
22 meet the definition of "eligible student" in RCW 28B.96.010. Grants
23 will be awarded on a first-come, first-serve basis subject to
24 availability of amounts provided in this section.

25 (3) The grant award amounts must be comparable to the CARES/HEER
26 student emergency financial aid grant amounts provided by
27 institutions of higher education.

28 (4) For purposes of this section, "CARES/HEER" means funds
29 attributable to the higher education emergency relief fund created by
30 section 18004, the coronavirus aid, relief, and economic security
31 act, P.L. 116-120, division M.

32 (5) The office must disburse the grant funds to institutions of
33 higher education in Washington as defined in RCW 28B.92.030.

34 (6) The grants awarded to eligible students under this section
35 must not be included in any financial need calculation when awarding
36 state financial aid.

1 response, data collection and analysis, and other activities required
2 to support the response.

3 NEW SECTION. **Sec. 18. FOR THE OFFICE OF FINANCIAL MANAGEMENT—**
4 **COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—RESPONSE**

| | | |
|---|---|--------------|
| 5 | General Fund—Federal Appropriation. | \$12,000,000 |
| 6 | TOTAL APPROPRIATION. | \$12,000,000 |

7 The appropriation in this section is subject to the following
8 conditions and limitations: The entire general fund—federal
9 appropriation (CRF) is provided solely for expenditure into the
10 COVID-19 public health response account, from which the department of
11 health may make expenditures from this sum solely for the statewide
12 response to the COVID-19 pandemic.

13 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70
14 RCW to read as follows:

15 COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT CREATED. (1) The COVID-19
16 public health response account is created in the custody of the state
17 treasurer. The account shall consist of funds appropriated by the
18 legislature and grants received by the department of health for
19 activities in response to the coronavirus pandemic (COVID-19). Only
20 the secretary, or the secretary's designee, may authorize
21 expenditures from the account for costs related to the public health
22 response to COVID-19, subject to any limitations imposed by grant
23 funding deposited into the account. The COVID-19 public health
24 response account is subject to allotment procedures under chapter
25 43.88 RCW, but an appropriation is not required for expenditures.

26 (2)(a) The legislature finds that a safe, efficient, and
27 effective delivery of vaccinations is of the utmost importance for
28 restoring societal and economic functions. As we learn more about the
29 virus, the vaccine, and challenges to vaccine allocation and
30 distribution, it is anticipated that the state's COVID-19 vaccination
31 distribution plan will evolve. To that end, the legislature has
32 provided flexibility by funding vaccine expenditure at the discretion
33 of the secretary and without an appropriation. However, to maintain
34 fiscal control and to ensure spending priorities align, the
35 department is required to collaborate and communicate with the chairs
36 and ranking members of the health care and fiscal committees of the
37 legislature and local health jurisdictions in advance of any

1 significant revision of the state's COVID-19 vaccination plan and to
2 provide regular updates on its implementation and spending.

3 (b) As part of the public health response to COVID-19, the
4 expenditures from the account must be used to effectively administer
5 the vaccine for COVID-19 and conduct testing and contact tracing. The
6 department must ensure that COVID-19 outreach is accessible,
7 culturally and linguistically appropriate, and that it includes
8 community-driven partnerships and strategies.

9 (c) When making expenditures for administering the vaccine for
10 COVID-19, the department must focus on identifying persons for
11 vaccination, prioritizing hard-to-reach communities, making the
12 vaccine accessible, and providing support to schools for safe
13 reopening.

14 (d) When making expenditures regarding testing and contact
15 tracing, the department must provide equitable access, prioritize
16 hard-to-reach communities, and provide support and resources to
17 facilitate the safe reopening of schools while minimizing community
18 spread of the virus.

19 (3) When making expenditures from the account, the department
20 must include an emphasis on public communication regarding the
21 availability and accessibility of the vaccine and testing, and the
22 importance of vaccine and testing availability to the safe reopening
23 of the state.

24 (4) (a) The department must report to the fiscal and health care
25 committees of the legislature on a monthly basis regarding its
26 COVID-19 response.

27 (b) To the extent that it is available, the report must include
28 data regarding vaccine distribution, testing, and contact tracing, as
29 follows:

30 (i) The number of vaccines administered per day, including
31 regional data regarding the location and age groups of persons
32 receiving the vaccine, specifically identifying hard-to-reach
33 communities in which vaccines were administered; and

34 (ii) The number of tests conducted per week, including data
35 specifically addressing testing conducted in hard-to-reach
36 communities.

37 (c) The first monthly report is due no later than one month from
38 the effective date of this section. Monthly reports are no longer
39 required upon the department's determination that the remaining
40 balance of the COVID-19 response account is less than \$100,000.

1 NEW SECTION. **Sec. 20.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 21.** If any part of this act is found to be in
6 conflict with federal requirements that are a prescribed condition to
7 the allocation of federal funds to the state, the conflicting part of
8 this act is inoperative solely to the extent of the conflict and with
9 respect to the agencies directly affected, and this finding does not
10 affect the operation of the remainder of this act in its application
11 to the agencies concerned. Rules adopted under this act must meet
12 federal requirements that are a necessary condition to the receipt of
13 federal funds by the state.

14 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect immediately.

Passed by the House February 1, 2021.
Passed by the Senate February 10, 2021.
Approved by the Governor February 19, 2021.
Filed in Office of Secretary of State February 19, 2021.

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