

**Coronavirus State and Local Fiscal Recovery Funds
Federal Assistance Listing Number (ALN) 21.027**

**Distribution of ARPA funds to community colleges to support
discounting of tuition assessed for dual enrollment courses.**

31 CFR Part 35 and LB 1014 (2022), Sec. 50

Compliance Document

July 13, 2022



As required by LB 1014, *“All grants utilizing Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund shall meet the eligible uses under the federal American Rescue Plan Act of 2021 and any relevant guidance on the use of such funds by the United States Department of the Treasury.”*

“Each such agency, board, or commission shall provide a report to the Executive Board of the Legislative Council within ninety days after the effective date of this act that outlines whether the projects or appropriations assigned to the agency, board, or commission by the Legislature comply with the federal act or regulations.”

LB 1014, Sec. 50 provides

“\$15,000,000 Federal Funds for state aid for dual enrollment, that shall be distributed to community college areas in direct proportion to the full-time equivalent enrollment in dual credit courses delivered by the respective community college areas based upon dual enrollment credit hour data reported to the Coordinating Commission for Postsecondary Education by the respective community college areas for the year in which those enrollments occurred.

There is included in the amount shown as aid for this program:

- (1) \$5,000,000 for FY2022-23;*
- (2) \$5,000,000 for FY2023-24; and*
- (3) \$5,000,000 for FY2024-25.*

For purposes of this section, dual enrollment course means a course delivered to high school students for whom credit shall be reported on the student's postsecondary educational institution transcript.

It is the intent of the Legislature that amounts distributed to each community college area in proportion to enrollment in dual enrollment courses be applied to support discounting of tuition assessed for enrollment in such courses.

The ultimate decision on compliance under the federal *American Rescue Plan Act of 2021* and any relevant guidance on the use of such funds by the United States Department of the Treasury will be determined by the U.S. Treasury. What follows is the commission's opinion, based on its understanding of the Act and related documents, from a programmatic perspective, on whether the projects or appropriations related to LB 1014, Sec. 50 comply with the Act and should not be considered a legal opinion.

Under the Public Health and Negative Economic Impact category with Assistance to Households by Addressing the impacts of lost instructional time subcategories (A(3)(a)(9)) Final Rule p. 72 & 100), addressing the impact of lost instructional time and/or learning loss is an enumerated eligible use for impacted households. The final rule also states that when providing services to address lost instructional time, recipients may presume that any K-12 student who lost access to in-person instruction for a significant period of time has been impacted by the pandemic and is thus eligible for responsive services. (page 101)

During the pandemic, most K-12 schools adopted remote learning. With most schools having little to no experience with remote instruction when the pandemic began, even K-12 students who spent the least amount of time learning remotely during the 2020-21 school year — just a month or less — missed the equivalent of seven to 10 weeks of math learning, says Thomas Kane of the Center for Education Policy Research at Harvard University.

In the U.S. Department of Education’s Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time, August 2021 (footnote 151, page 101), using community partnerships to support reengagement was identified as an eligible use. As students return to in-person instruction following the COVID-19 pandemic, community partnerships can allow districts to expand learning beyond the classroom and reengage students’ learning.

Dual enrollment can mitigate learning losses while helping students build confidence and skills needed for the rigors of postsecondary education. Dual enrollment also allows high schools to partner with community colleges to offer courses that can accelerate preparation for the post-COVID workforce. Students that were in grades five through 10 during the pandemic will be high school students during the grant period and able to take advantage of dual enrollment coursework.

This proposal meets the identified subcategory of Addressing the impacts of lost instructional time in which the Covid-19 pandemic negatively impacted many Nebraska high school students who were preparing to attend college or enter the workforce. During the early stages of the Covid-19 pandemic, all community colleges ceased in-person learning with many courses being cancelled. This resulted in high school students being unable to continue dual or concurrently enrolled coursework. In fact, there were over 600 students from the Omaha Public School District who were not able to complete dual or concurrently enrolled courses because of course cancellations. Typically, in-person courses were cancelled because of concern for the spread of the virus. Also, as a result of the pandemic, a higher-than-normal number of K-12 teachers left the profession, especially master’s degree teachers, causing many schools to reach out to community colleges to provide instructors to maintain dual credit options for their students. Thus, Nebraska’s high school students lost ground and are playing catch-up in their efforts to graduate career and college ready. Students from low-income families have an even steeper hill to climb. Students who exit high school underprepared are destined to struggle as they enter adulthood.

Nebraska’s Coordinating Commission for Postsecondary Education recommends dual-enrollment as an approach to mitigate the lingering effects of COVID-19 in our state (NE Higher Education Progress Report, 2021). Dual enrollment is a “shovel ready” response to addressing high school learning losses that could have lasting negative consequences on the state’s well-being. In support of this issue, the research has shown both statewide and nationally that enrollment has decreased at community colleges since the pandemic. However, it is important to note that Nebraska high school students have the opportunity to be dual and/or concurrently enrolled at any of the six community colleges.

The six community colleges intend to use this grant funding to assist students in financially being able to afford a dual and/or concurrently enrolled course. Discounting tuition enables all high school students in

Nebraska, regardless of geography or economic placement, to benefit from dual enrollment to graduate from high school both college- and career-ready. Heretofore, course tuition costs have prevented some students and school districts from participating in the program. Discounting tuition also enable community colleges to provide educational enrichment opportunities to help compensate for the diminished opportunities of K-12 students.

The commission believes that the use as appropriated in LB 1014, Sec. 50 by the 107th Legislature meets the requirements for eligible use as outlined in the *American Rescue Plan Act of 2021* and any relevant guidance on the use of such funds by the U.S. Department of the Treasury and the U.S. Department of Education.