



## Federal Advocacy & Public Policy Team

June 19, 2020

### NSBA Weekly Update

#### Congressional Update

##### **Supreme Court Upholds DACA, Next Steps are Unclear**

The Supreme Court ruled (5-4) that the procedure used by the Trump Administration to end the Deferred Action for Childhood Arrivals (DACA) program was “arbitrary and capricious.” Chief Justice John Roberts joined with the four liberal members of the Court to rule that the process by which the Trump Administration moved to terminate the program was illegal. The decision allows the protections enacted by the previous administration to stay intact for the near term, protecting many K-12 students, college students, as well as faculty and staff for the immediate future. However, while the Court ruled that the process used by the Trump Administration to end the program was wrong, they did not rule on the legality of the program. As a result, the Trump Administration may pursue other options to terminate the program, though those options are likely to be much more time consuming. NSBA will continue to advocate for a long-term legislative solution for qualified undocumented students.

##### **Congressional Appropriations Process Inches Forward**

The House Labor, Health, and Human Services Appropriations Subcommittee, which has jurisdiction over the budget for the Department of Education, plans to mark up the budget on July 7 beginning at 5pm. In the Senate, last week’s ambition about an accelerated timeline for considering their own bills has already hit a snag; a dispute between Senate Democrats and Republicans over whether Senate Democrats will have the ability to offer amendments to address some of their priorities around police reform and COVID-19. NSBA’s advocacy team is working to ensure the fiscal year 2021 budget includes significant funding for education priorities.

##### **House Education Committee Holds Hearing to Examine the Pandemic’s Impact**

This week, the House Education and Labor Committee held a hearing about the "Budget Cuts and Lost Learning: Assessing the Impact of COVID-19 on Public Education." Chairman Bobby Scott (D-VA) highlighted the work of the House in passing the HEROES Act last month that would provide nearly \$1 trillion to address budget shortfalls and avert cuts in education with \$60 billion in direct K-12 funding. He said that “this is a pivotal moment in our fight for equity in education”, and “we cannot put the safety of our students, teachers, and staff at risk. We must provide the resources they need.” Ranking Member Virginia Foxx (R-NC) said that since some schools have not yet spent the relief funding provided through the CARES Act, it would be premature to provide additional funding before Congress has had an opportunity to evaluate the use of funds already disbursed. She went on to remind the committee that more spending does not guarantee better outcomes.

##### Witness Testimony Highlights:

- Michael Leachman, Ph.D., Vice President for State Fiscal Policy, Center on Budget and Policy Priorities, Washington, D.C. noted that the funding provided to schools through the CARES Act

was far too little. He added that the HEROES Act is a step in the right direction, but alone will not be enough support for schools. He offered support for significant increases in direct aid in the final package negotiated by Congress.

- Rebecca Pringle, Vice President, National Education Association (NEA), Washington, D.C. highlighted the deepened disparities that COVID-19 has caused in schools, noting that the expected budget cuts will have a devastating impact on students. She added that students will need more socio-emotional supports as they return to school in addition to the supports that will be needed to combat the learning loss of this spring's school closures.
- Mark Johnson, Superintendent of Public Instruction, North Carolina Department of Public Instruction, Raleigh, NC discussed North Carolina's approach to virtual learning, the need for students to have personalized learning upon return this fall, and the need for flexibility for schools to innovate.
- Eric Gordon, Chief Executive Officer, Cleveland Metropolitan School District, Cleveland, OH discussed the lack of reliable internet access to many households in his districts and the difficulty in reaching those students this spring when schools were closed. He described the efforts of his district to invest in hotspots and devices quickly to the inequities lower income and vulnerable students experience can be minimized. He also raised concern about the devastating proposed budget cuts, noting that more federal funding is needed for schools to return students to the classroom safely. He urged Congress to keep the nation's school districts intact by providing additional funding. He advised Congress to also include additional resources in the years ahead to ensure adequate funding including for ESSA Title I, IDEA, ESSA Title III, and the McKinney-Vento Act.

An archived video of the virtual hearing and the witnesses' full written testimony is available [here](#).

Looking ahead, the House Education Committee has scheduled an additional hearing next week focused on widening racial inequities due to COVID-19 emergency, titled "Inequities Exposed: How COVID-19 Widened Racial Inequities in Education, Health, and the Workforce". Witnesses have not been announced. The livestream will occur on Monday, June 22 at noon ET and the livestream can be found [here](#).

## Administration Update

### **Pandemic Response Accountability Committee Releases Analysis of Challenges**

The Administration's Pandemic Response Accountability Committee published a report titled "[Top Challenges Facing Federal Agencies: COVID-19 Emergency Relief and Response Efforts.](#)" The analysis was reported by the Offices of Inspector Generals (OIGs) from 37 agencies across the government. The purpose of the report is to provide "insight into the top management challenges facing federal agencies that received pandemic-related funding." Common themes reflected across agencies included financial management of CARES Act and other funds, grant management, information technology security and management, and protecting health and safety while maintaining effective operations. Additional challenges named by OIGs included the "large amount of funds appropriated under the CARES Act and related legislation, the need to distribute aid rapidly under emergency conditions, and the need to maintain agency operations as factors that impact these challenges."

### **Department of Education Approves Additional State Perkins Plans**

The Department of Education approved an additional 10 states for Perkins State Plans including: [Arizona](#), [D.C.](#), [Idaho](#), [Kansas](#), [Louisiana](#), [Missouri](#), [Nebraska](#), [Oklahoma](#), [Texas](#), and [Wisconsin](#). Additional information can be found on the Department's [Perkins Website](#).

### **Department of Education Publishes Discretionary Grant Opportunity to Improve IDEA Parts B and C Data**

The Department of Education published a discretionary grant program notice for the Office of Special Education and Rehabilitative Services: "Technical Assistance on State Data Collection – National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data" – The Technical Assistance on State Data Collection seeks to improve the capacity of states to meet IDEA data collection and reporting requirements, authorized under IDEA. This priority will establish a Fiscal Data Center, which will provide states with technical assistance to help meet fiscal data collection and reporting obligations under IDEA. The estimated available funds for this program total \$3,975,000 in years 1 and 2, \$4,425,000 in years 3 and 4, and \$4,200,000 in year 5. Applications are due by July 31, 2020, and further information is available [here](#).

### **Recent Legislation**

- Rep. Katherine Clark (D-MA) introduced a bill (H.R.7201) titled the "Child Care is Infrastructure Act." The child care package would invest \$10 billion over five years in child care infrastructure and \$35 million for early childhood education and workforce development. It would also include two national needs assessment of early child care and learning facilities to be conducted by HHS to understand the impact of the pandemic and ongoing needs of child care facilities. It would also ask a study to be completed regarding tax credits for employer-provided child care through the GAO.

### **NSBA Update**

**"Dear Colleague" Letter Concerning Equitable Services:** Earlier today, we shared an action alert with each of you concerning the equitable guidance for the CARES Act funding that was put out by the Department of Education (ED). U.S. Representatives Seth Moulton (D-MA) and Pete Stauber (R-MN) are leading an effort to urge the reversal of the guidance which would have a detrimental impact on public school funding. We encourage you and your members to reach out to your House delegations and ask them to sign on to the letter and urge rejection of the ED rule. Representatives are being asked to confirm their signatures by this Monday, June 22, COB. If you have questions on this issue, please reach out to Deborah Rigsby ([drigsby@nsba.org](mailto:drigsby@nsba.org)) who is coordinating NSBA's response.

**CSALS Call:** There will be a CSALS call this Monday, June 22, 2020 at 4:00 pm eastern. We will be utilizing the Microsoft Teams application for this call which will allow for participation in a virtual setting for those interested. There will also be a traditional phone option available. Going forward, we plan on hosting calls via Zoom and are in the final stages of preparing to shift to that format. The full meeting logistics are below:

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