

Federal Advocacy & Public Policy Team

June 26, 2020

NSBA Weekly Update

Congressional Update

House Appropriations Committee Announces Mark-Up Schedule

House Appropriations Committee Chairwoman Lowey (D-NY) announced this week that the committee will mark-up the fiscal year 2021 appropriations bills during the week of July 6. The committee will permit both in-person and remote participation by committee members. This schedule will enable the full House to vote on the bills, including the U.S. Department of Education's budget, during the last two weeks in July. The committee may also be leading work in July on the next COVID-19 emergency spending bill, which could include additional emergency funding for K-12 education. NSBA's advocacy team is working to ensure that Congress understands the additional costs that school districts face in reopening this fall, so that education is properly represented in both the regular annual appropriations bills and any additional emergency funding provided by federal leaders.

HELP Committee Chairman Expresses Support for Additional School Funding

Senate Health, Education, Labor, & Pensions Committee Chairman Lamar Alexander (R-TN) expressed support this week for allocating additional federal funds to help schools and higher education institutions reopen. He previously had been hesitant to allocate additional COVID-19 funding before an analysis of how the first round of funding filled in the gaps. Chairman Alexander received a [letter](#) this week from the Council of Chief State School Officers providing a projection of the cost to open school systems this year and what amount of funding will be needed over the next two years. The letter was a response to the Chairman's request for this data at last week's HELP Committee hearing about state and local planning for the next school year.

House Education and Labor Committee Holds COVID-19 Racial Inequities Hearing

The House Education and Labor Committee held a hearing earlier this week titled "Inequities Exposed: How COVID-19 Widened Racial Inequities in Education, Health, and the Workforce." Chairman Scott (D-VA) opened the hearing saying that Congress must take steps to address racial disparities in education focusing on K-12 school funding, noting that students of color have been more affected by chronic underfunding and school closures due to COVID-19. He highlighted that the HEROES Act would take steps to solve some of these issues, including assistance to both K-12 schools and higher education institutions as well as funding for the OSHA emergency protection standard to keep those most at risk safe from COVID-19 in the workplace. Ranking Member Foxx (R-NC) focused on the devastating job losses caused by the pandemic. She highlighted that the U.S. economy was strong prior to COVID-19 and that reopening the economy responsibly is a priority. Witnesses included:

- Camara P. Jones, M.D., M.P.H., Ph.D., Adjunct Professor, Rollins School of Public

Health at Emory University, Senior Fellow and Adjunct Associate Professor, Morehouse School of Medicine, Past President, American Public Health Association, Atlanta, GA

- Valerie Rawlston Wilson, Ph.D., Director, Program on Race, Ethnicity, and the Economy, Economic Policy Institute, Silver Spring, MD
- Avik Roy, Co-Founder and President, The Foundation for Research on Equal Opportunity, Austin, TX
- John B. King, Jr., President and CEO, The Education Trust, Washington, D.C.

Mr. Roy highlighted how school closures disproportionately affected low income and students of color because wealthy families are better equipped to support their children's learning. He said it is possible to safely reopen school and that other countries can provide models for the U.S. when considering how to best reopen. Mr. King urged Congress to act boldly to support K-12 education (allocating at least \$500 billion for state and local government, including strong Maintenance of Effort provisions and a Maintenance of Equity provision to ensure the most vulnerable students receive the most support). He prioritized the need for broadband, extended learning time, and resources to address both nutritional and social-emotional needs. He encouraged the Administration to refrain from approving key civil rights waivers and to promote diverse schools. He asked Congress to consider equitable reforms including extending the federal student loan rates through next year (the relief enacted through the CARES Act), doubling the Pell Grant, and simplifying the FAFSA process. He also urged an expansion of Pell grant access to incarcerated and undocumented students. He encouraged support from Congress in education prep programs that focus on and support diversity, noting that Education Trust is ready to assist.

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

Senate HELP Committee Plans COVID-19 Hearing

The Senate Health, Education, Labor, & Pensions Committee plans to hold a hearing on Tuesday, June 30 titled "COVID-19: Update on Progress Toward Safely Getting Back to Work and Back to School."

Witnesses for the hearing include:

- o Dr. Anthony Fauci, MD, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, MD
- o Robert Redfield, MD, Director, United States Centers for Disease Control and Prevention, Atlanta, GA
- o ADM Brett Giroir, MD, Assistant Secretary for Health, United States Department of Health and Human Services, Washington, DC
- o Stephen Hahn, MD, Commissioner of Food and Drugs, United States Food and Drug Administration, Silver Spring, MD

The hearing will be live-streamed [here](#).

Administration Update

Department of Education Announces Controversial Equitable Services Regulations

The Department of Education released an [interim final rule](#) regarding use of CARES Act K-12 emergency relief funds to provide services to private school students under the law's equitable services provision. The rule will take immediate effect when published in the Federal Register next week and the Department invited the public to file comment and said the "CARES Act is a special pandemic related appropriation and is meant to benefit all American students and families." The rule provides districts with two options for implementing the CARES Act's equitable services requirement. If a district chooses to use CARES Act emergency funding only for Title I eligible students, then it may elect to only set aside funding for equitable services for Title I eligible students that attend private schools. If a district wishes to use CARES Act funding for all students, then the district must set aside funding to provide equitable services to all students that attend private schools in their region. NSBA strongly opposes the Secretary's interpretation of this CARES Act provision and has urged Congress to stop the Department from implementing this requirement.

Department of Education Approves Additional State Perkins Plans

The Department of Education approved six Perkins State Plans including: [Colorado](#), [Florida](#), [Kentucky](#), [New York](#), [South Carolina](#), and [Utah](#). Additional information can be found on the Department's [Perkins Website](#).

Department of Education Announces Discretionary Grants

The Office of Elementary and Secondary Education invited applications for the "Out-of-School Time Career Pathway Program". The program makes grants to SEAs, working in partnership with eligible entities, to provide students with more options for participating in career pathways that lead to a recognized postsecondary credential – these programs occur outside of regular schools hours or as part of an expanded learning program. The estimated available funds total \$1,500,000 each year for five years. Applications are due by September 21, 2020, and further information is available [here](#).

The Office of Special Education and Rehabilitative Services invited applications for the "Educational Technology, Media, and Materials for Individuals with Disabilities Program – Stepping-Up Technology Implementation." The program seeks to "(1) improve results for children with disabilities by promoting the development, demonstration, and use of technology; (2) support educational activities designed to be of educational value in the classroom for children with disabilities; (3) provide support for captioning and video description that is appropriate for use in the classroom; and (4) provide accessible educational materials to children with disabilities in a timely manner." This discretionary grant competition will focus on 2 absolute priorities: (1) Providing Technology-Based Professional Development to Trainers of Special Education Teachers to Support Children with Disabilities, and (2) Improving Social Skill Development for Students with Disabilities Through the Use of Socially Assistive Robotics (SAR). The estimated available funds for this program total \$2,500,000 contingent upon the availability of funds and quality of applications. Applications are due

by August 14, 2020, and further information is available [here](#).

Recent Legislation

- [H.R. 7319](#) To improve quality and accountability for educator preparation programs. Sponsor: [Rep. Shalala, Donna E. \[D-FL-27\]](#)
- [H.R. 7306](#) To improve the safety of school buses, and for other purposes. Sponsor: [Rep. Crist, Charlie \[D-FL-13\]](#)

NSBA Update

Next Weekly Update: Due to the upcoming holiday, next week's federal update will be distributed on Thursday, July 2, 2020.

CSALS Call: The next CSALS call will be on Tuesday, July 7, 2020 at 4:00 pm eastern. Call information will be distributed in next week's federal update.

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