

Federal Advocacy & Public Policy Team

July 2, 2020

NSBA Weekly Update

Congressional Update

Congress Signals Additional COVID-19 Emergency Legislation in July

Following a relatively quiet June on Capitol Hill, NSBA expects Congress to be extremely busy in July as Congress races to complete important work – including passing another COVID-19 emergency response bill – before the lengthy August recess. Senate and House leaders have signaled plans to negotiate a fifth major emergency bill designed to help the country navigate the pandemic, including by providing additional funding to help school districts respond to the pandemic and prepare for the next school year. NSBA is working hard with our national association partners to educate Congress about the emergency costs school districts face in serving students during the pandemic and about the unique expenses associated with reopening schools consistent with federal and state health requirements. Congress is not scheduled to return from the August recess until September 7, so we are also working to convey a clear sense of urgency about the need for legislators to provide additional emergency funding to school districts before the recess begins in early August.

Senate HELP Ranking Member Patty Murray and Minority Leader Schumer Introduce New COVID-19 Education Stimulus Bill

Senate Health, Education, Labor, & Pensions Ranking Member Patty Murray (D-WA), alongside Senate Minority Leader Chuck Schumer (D-NY) and 16 Senate Democratic colleagues, introduced the Coronavirus Child Care and Education Relief Act (CCCERA), which is seen as Senate Democrats' opening bid in additional COVID-19 stimulus for education with Senate Republicans. The bill would build upon the CARES Act passed in the spring, providing an additional \$175 billion in funds for K-12 school districts through the Education Stabilization Fund. The bill also proposes to invest \$12 billion in special education programs funded under the Individuals with Disabilities Education Act (IDEA,) \$4 billion in emergency funding for the E-Rate Program to close the "homework gap," and \$4 billion for career and technical education programs. Notably, the legislation contains language that mandates "for a state to receive any of the funding for elementary, secondary, or early childhood in the bill, the State must assure the Secretary that full rights are provided to children with disabilities and their families under IDEA and Section 504 of the Rehabilitation Act." NSBA continues to push for narrowly tailored and temporary flexibility concerning IDEA during the pandemic in addition to increased IDEA funding. The Senate Democrats' proposal would provide higher overall education funding than the House-passed HEROES Act, but it is seen as only the opening gambit in what is likely to be a difficult negotiation with Senate Republicans. More information on the legislation is available [here](#).

Centers for Disease Control and Prevention Released Updated Guidance for K-12 Schools

Earlier this week, following testimony by Dr. Robert Redfield, MD, Director, United States Centers for Disease Control and Prevention (CDC) at the Senate HELP Committee's hearing regarding the effects of COVID-19, the CDC released updated guidance. The guidance provides updated information regarding testing for K-12 school openings this fall – "[Interim Considerations for K-12 School Administrators for SARS-CoV-2 Testing](#)".

Administration Update

Department of Education Publishes Equitable Services Rule

The Department of Education [published](#) its interim Final Rule regarding the "CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools." The regulation provides school districts with the option to use CARES Act emergency funding only for Title I eligible students in which case districts would only be obligated to set aside a portion of the funding for eligible Title I students that attend private schools. This is the normal method for equitable distribution of funds under Title I. Alternatively, the rule states that districts may use the emergency funding for all students in which case they must provide equitable services to all private school students in their area. The new rule took effect immediately upon the rule's publication in the Federal Register on July 1, 2020 and is open for comment until July 31, 2020. NSBA plans to file comments opposing the new rule, but we do not expect the Department to change course unless they are forced by Congress or the courts to do so.

Department of Education Announces Rural Technology Initiative

The Department of Education [announced](#) a challenge to "advance high-quality technology instruction in rural communities". The agency's Rural Tech Project "invites high schools and local educational agencies to develop competency-based distance learning programs that enable students to master skills at their own pace with the goal of preparing them for the well-paying, in-demand jobs of today and tomorrow." The Department expects to award up to 5 finalists with an equal share of \$500,000 with one grand prize winner receiving an additional \$100,000. Proposals must be submitted by October 8, 2020. The Department is [hosting](#) an information session on July 21 at 3pm ET for those interested in learning more.

Department of Education Approves Final Group of State Perkins CT Plans

The Department of Education announced that the agency has now approved all Perkins V state plans. The final states to be approved by the Department include: [Alabama](#), [Alaska](#), [Connecticut](#), [Delaware](#), [Indiana](#), [Minnesota](#), [New Jersey](#), [New Mexico](#), [North Carolina](#), [Ohio](#), [Pennsylvania](#), [Rhode Island](#), [Virginia](#), [Washington](#), and [West Virginia](#).

New K-12 Legislation

- [H. Res. 1026](#) Expressing the sense of Congress that responses to the COVID-19 pandemic by the education system must be narrowly tailored to protect the well-being of children in different parts of the country. Sponsor: [Rep. Griffith, H. Morgan \[R-VA-9\]](#)

- [H.R.7306](#) To improve the safety of school buses, and for other purposes.
Sponsor: [Rep. Crist, Charlie \[D-FL-13\]](#)
- [S.4112](#) A bill to support education and child care during the COVID-19 public health emergency, and for other purposes. Sponsor: [Sen. Murray, Patty \[D-WA\]](#)
- [S.4100](#) A bill to support children with disabilities during the COVID-19 pandemic.
Sponsor: [Sen. Murphy, Christopher \[D-CT\]](#)
- [S.4081](#) A bill to provide a grant program for elementary schools, secondary schools, and institutions of higher education to help offset costs associated with complying with guidelines, recommendations, and other public health communications issued by the Centers for Disease Control and Prevention, or a State, Indian Tribe, Tribal organization, or locality related to mitigating the hazards presented by COVID-19.
Sponsor: [Sen. Stabenow, Debbie \[D-MI\]](#)

NSBA Update

Equitable Services Grassroots Efforts and Official Comments: NSBA will providing more information next week on the grassroots planned for commenting on the equitable services rule and the plans for official comments from NSBA. This will discussed during the next CSALS conference call.

CSALS Call: The next CSALS call will be on Tuesday, July 7, 2020 at 4:00 pm eastern. You can find the meeting logistics below:

[Join Microsoft Teams Meeting](#)

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