



Federal Advocacy & Public Policy Team

July 31, 2020

NSBA Weekly Update

Congressional Update

Congressional Republicans Release Pandemic Relief Marker Bill

Late Monday evening, July 27, Senate Republicans released a series of legislative proposals that encompass their policy priorities with regards to the next round of pandemic relief legislation. Dubbed the [Health, Economic Assistance, Liability Protection and Schools \(HEALS\) Act](#), the \$1 trillion legislative assortment is best understood as Congressional Republicans' counteroffer to the \$3 trillion [HEROES Act](#) passed by House Democrats this past May. The Republican proposal includes \$70 billion specifically for K-12 education. The availability of two-thirds of this funding would be contingent on school districts developing a reopening plan that would need to be subsequently approved by state governors. Plans that have more than half of their students returning for in-person instruction would be automatically approved. Plans with a smaller percentage of their students returning for in-person instruction would receive funding on a proportionate basis. Although much of this funding is structured similarly to the existing [CARES Act](#), the Republican proposal somewhat narrows the potential uses of funds and includes provisions that would ensure non-public schools would receive a greater share than under current law. The legislation also proposes significant liability protections for K-12 schools, among other employers, which would last for the duration of the pandemic. NSBA is very concerned over the legislation in its current form and joined fifteen other major national education groups expressing grave issues with it. The necessary COVID-19 response recommended by NSBA includes a minimum of \$200 billion in funding for public schools with an additional minimum of \$4 billion to address the homework gap that would run through the E-Rate program under the direction of the Federal Communications Commission. NSBA is opposed to efforts to divert any funding away from public schools to go to private education.

Lawmakers Debate Next COVID-19 Relief Legislation

The release of the HEALS Act formally kicked-off negotiations between House Democrats, Senate Republicans, and the White House on the next iteration of COVID-19 relief legislation—a package widely expected sometime in August. The introduction of the Republican marker bill was delayed for weeks as Republican lawmakers struggled to develop consensus within their caucus regarding their priorities for the next round of pandemic relief legislation. Despite the release, these divisions have persisted, and a significant number of Congressional Republicans have remained unsupportive of various provisions contained in their own party's proposal. This lack of consensus has complicated and stalled negotiations between Congressional leaders and the White House as they seek to find common ground. Given the challenge ahead, Congressional Republicans and the White House have floated the idea of a short-term extension of several components of the CARES Act set to expire on July 31. Democratic leaders, however, are not receptive to this idea and remain committed to developing a more comprehensive proposal, similar in size and scope to the CARES Act, in response to the ongoing pandemic and related economic crisis.

House Passes FY 2021 Education Funding

This afternoon the U.S. House of Representatives passed a \$1.3 trillion [“minibus” spending package](#) for federal Fiscal Year (FY) 2021. The legislation passed in a 217-197 vote. This bill combines six different spending measures, including \$73.5 billion for the U.S. Department of Education (USED), into a single legislative vehicle. Earlier in the week, lawmakers dropped a contentious component of this legislation that would have funded the U.S. Department of Homeland Security. Comparable progress on FY 2021 education spending has not yet begun in the Senate.

Chairman Scott Introduces Child Nutrition Bill

House Committee on Education and Labor Chairman Bobby Scott (D-VA) [introduced legislation](#) this week that would make all students eligible for free school meals during the 2020-21 school year as a response to the COVID-19 pandemic. The [Pandemic Child Hunger Act](#) would expand student eligibility under the School Breakfast Program and the National School Lunch Program and build upon flexibilities first provided under the Families First Coronavirus Response Act to allow for uninterrupted access to these meals for students. Democrats on the House Education and Labor committee hope to use the introduction of this legislation to prioritize these issues in the wider context of the ongoing debate regarding the next phase of pandemic relief legislation.

Administration Update

USED Announces \$180 Million in Grants to “Rethink” K-12 Education

On July 29, the U.S. Department of Education (USED) announced more than \$180 million in new grant funding for 11 states to “rethink” K-12 education to serve students more effectively during the COVID-19 pandemic. The [“Rethink K-12 Education Models Grant”](#) is a discretionary component of the CARES Act and is intended to support state efforts to create new, innovative approaches to K-12 education that emphasized: establishing ‘microgrant’ programs aimed directly at students and families; creating statewide virtual learning systems; or developing new ‘field-initiated’ models for remote learning. States that will receive awards are Georgia, Iowa, Louisiana, Maine, North Carolina, New York, Rhode Island, South Carolina, South Dakota, Tennessee, and Texas. The awards range from \$6 million to \$20 million. More information on these grants can be found [here](#).

USED Requests Comment on CARES Act Data Collection

Earlier this week, the U.S. Department of Education (USED) announced a request for public comment on planned data collections required, in part, by the CARES Act. As part of the Elementary and Secondary School Relief (ESSER) Fund authorized by the CARES Act, USED is required to collect information from states and school districts related to how they distributed these funds and how the funding was used. This data would be published on an annual basis beginning on January 29, 2021. The Department is seeking comment on the feasibility of some elements of this data collection and other areas for potential improvement. Comments are due back to the Department by September 28, 2020. More information on this request can be found [here](#).

Personnel Development and Education Innovation and Research Discretionary Grant Notices

USED published notice on a discretionary grant program for the Office of Elementary and Secondary Education: **“Education Innovation and Research (EIR) Program – Early-Phase Grants”** – The EIR program was established under the ESEA and provides funding to “create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations.” For fiscal year 2020, the Department will be awarding two types of grants: “early-phase” and “mid-phase” grants. The goal of early-phase grants is to determine in what ways new practices can improve student achievement and

attainment for high need students. The estimated available funds for both the early-phase and mid-phase grants total \$178,600,000. Applications are due by September 10, 2020, and further information is available [here](#).

USED published notice on a discretionary grant program for the Office of Special Education and Rehabilitative Services: “**State Personnel Development Grants**” – The State Personnel Development Grants assist SEAs in improving personnel preparation and professional development in early intervention, educational, and transition services to improve results for children with disabilities. The estimated available funds for this grant program total \$11,727,418. Applications are due by September 10, 2020, and further information is available [here](#).

Recent Legislation

- [H.R.7848](#) To divert Federal funding away from supporting the presence of police in schools and toward evidence-based and trauma informed services that address the needs of marginalized students and improve academic outcomes, and for other purposes. **Sponsor:** [Rep. Pressley, Ayanna \[D-MA-7\]](#)
- [H.R.7831](#) To amend the Richard B. Russell National School Lunch Act to establish a pilot program to provide selected States with an increased reimbursement for school lunches that are comprised of locally-grown and unprocessed foods, and for other purposes. **Sponsor:** [Rep. Delgado, Antonio \[D-NY-19\]](#)
- [H.R.7804](#) To provide for grants to support the provision of child care by reopening and maintaining the operation of child care programs. **Sponsor:** [Rep. Reed, Tom \[R-NY-23\]](#)
- [H.R.7778](#) To provide for grants to support access to child care through the establishment and operation of child care programs by businesses. **Sponsor:** [Rep. Johnson, Dusty \[R-SD-At Large\]](#)
- [H.R.7776](#) To permit child care providers that receive payment for services provided under the of the Child Care and Development Block Grant Act of 1990 to use a portion of such payment to purchase mental health supports necessary to protect the health of participating children and child care workers. **Sponsor:** [Rep. Horn, Kendra S. \[D-OK-5\]](#)
- [H.R.7769](#) To amend the Internal Revenue Code of 1986 to address the teacher and school leader shortage in early childhood, elementary, and secondary education, and for other purposes. **Sponsor:** [Rep. Bustos, Cheri \[D-IL-17\]](#)
- [H.R.7764](#) To temporarily modify child nutrition programs due to COVID-19, and for other purposes. **Sponsor:** [Rep. Velazquez, Nydia M. \[D-NY-7\]](#)
- [H.R.7763](#) To direct the Secretary of Education to develop and disseminate an evidence-based curriculum for kindergarten through grade 12 on substance use disorders. **Sponsor:** [Rep. Vela, Filemon \[D-TX-34\]](#)
- [H.R.7746](#) To direct the Secretary of Education to establish a formula grant program to provide funds to assist educational agencies with expenses related to resuming educational activities during the 2020-2021 school year arising from the COVID-19 pandemic, and for other purposes. **Sponsor:** [Rep. Hill, J. French \[R-AR-2\]](#)
- [S.4360](#) A bill to divert Federal funding away from supporting the presence of police in schools and toward evidence-based and trauma informed services that address the needs of marginalized students and improve academic outcomes, and for other purposes. **Sponsor:** [Sen. Murphy, Christopher \[D-CT\]](#)
- [S.4322](#) Safely Back to School and Back to Work Act **Sponsor:** [Sen. Alexander, Lamar \[R-TN\]](#)
- [S. 4292](#) - A bill to prohibit Federal funds from being made available to teach the 1619 Project curriculum in elementary schools and secondary schools, and for other purposes. **Sponsor:** [Sen. Cotton, Tom \[R-AR\]](#)

NSBA Update

CSALS Conference Call: There will be a CSALS call this Monday, August 3, 2020 at 4:00 pm eastern. The meeting logistics are below:

Topic: CSALS Meeting

Time: Aug 3, 2020 04:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/94468636076>

Meeting ID: 944 6863 6076

One tap mobile

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+13126266799,94468636076# US (Chicago)

Dial by your location

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Find your local number: <https://zoom.us/u/acb4lxhqLw>