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| **Federal Advocacy & Public Policy Team**July 10, 2020**NSBA Weekly Update****Congressional Update** NSBA Seeks Targeted Liability Coverage for the Pandemic On July 8, NSBA, along with the school superintendents association (AASA) and Association for Educational Service Agencies (AESA), sent a letter to Congressional leaders requesting that they include temporary and targeted liability relief for school districts within the next round of COVID-19 aid legislation. Congressional lawmakers have been considering whether to include liability protections for employers and postsecondary institutions. As the issue of reopening schools takes further prominence in these debates, similar liability protections will be crucial for public school districts-one of the nation's largest employers-to ensure state, school, and district leaders can reopen safely later this year and implement necessary protocols to protect students and staff. House Appropriations Subcommittee Advances FY21 Education Spending Bill On July 7, the House Appropriations subcommittee overseeing education funding passed their [Fiscal Year (FY) 2021 Labor-HHS-ED legislation](https://docs.house.gov/meetings/AP/AP07/20200707/110863/BILLS-116NA-SC-AP-FY2021-LaborHHS.pdf). The bill was passed along party lines (9-6) and no amendments were offered during the markup. The legislation proposes an additional $716 million above FY 2020 enacted levels for the U.S. Department of Education and related programs (approximately a 1% annual increase). Subcommittee Chair DeLauro (D-CT) highlighted proposed funding increases for several education programs in her remarks at the markup. Despite opposing the bill, Ranking Member Cole (R-OK) expressed the need for an additional COVID-19 relief package to address the emergency funding needs more fully of the K-12 community. Full committee markup of the bill is now scheduled for Monday, July 13 at 1:00pm ET where additional amendments are expected to be considered. The committee report on this legislation-detailing specific spending levels for education programs of interest to NSBA- is expected to be released sometime over the weekend ahead of Monday's markup. NSBA's advocacy team is working to obtain and share a copy of this report ahead of further committee action on July 13. House Democratic leaders are currently aiming to hold floor votes on most FY 2021 spending bills by the end of July. Pandemic Relief Package Discussions Continue Although the Senate is recessed for another week, discussions in Congress regarding the shape and size of the next COVID-19 relief package have continued. Congressional leaders in both parties, along with the White House, remain publicly committed to passing a fifth aid package in response to the pandemic by the end of the month- just before the start of the annual August recess in Congress. However, disagreements over the total size of the aid package have emerged. The White House, along with some Congressional Republicans, hope to cap the package at $1 trillion while Congressional Democrats strongly favor significantly more funding in the future legislation. NSBA's advocacy team is working to ensure lawmakers appreciate the emergency funding needs for the K-12 education community, particularly as the new school year approaches. Biden-Sanders Unity Taskforce Recommendations In May, shortly after Former Vice President Joe Biden became the presumptive Democratic presidential nominee, both the Bernie Sanders and Biden campaigns announced several "Unity Taskforces" to provide policy recommendations regarding a host of issues including education. [The taskforce report](https://joebiden.com/wp-content/uploads/2020/07/UNITY-TASK-FORCE-RECOMMENDATIONS.pdf%20) report summarizing this work was released on July 8. The wide-ranging report proposes fully funding IDEA, expanding broadband access, tripling the Title I funding under ESEA, and calls for significantly more federal aid in response to the COVID-19 pandemic among many other education-related policy recommendations. Administration Update White House Summit on Safely Reopening America's Schools The White House convened a number of education stakeholders from the state and local levels, along with senior members of the Trump Administration, to discuss the reopening of K-12 schools and postsecondary institutions for the 2020-21 academic school year set to begin this fall. The afternoon culminated in a roundtable discussion later in the day with President Trump. The central purpose for the half-day summit was to encourage states, school districts, and institutions to reopen later this year, share best practices for how to achieve that, and elevate efforts to mitigate the impacts of the COVID-19 pandemic once reopened. President Trump's remarks kicking-off the roundtable discussion were brief and focused on what his administration has done to date regarding emergency education relief funding, related waivers, and guidance from the U.S. Department of Education. He strongly emphasized that he plans to, ". . . put pressure on states and governors to open schools this fall." Head of USED'S Civil Rights Division to Depart Kenneth Marcus, the Assistant Secretary for Civil Rights at the U.S. Department of Education, [has announced](https://content.govdelivery.com/accounts/USED/bulletins/294dcb0) he is stepping down from his position overseeing the Office of Civil Rights (OCR) at the end of July. During his two-year tenure at OCR, Marcus helped develop new regulations for the Administration's Title IX rule and greatly increased the speed at which his office processed civil rights complaints. Kimberly Richey, currently the Principal Deputy Assistant Secretary of Civil Rights, will become acting head of OCR following Marcus' departure. GAO Report at Odds with USED Decision to Scrap School Discipline Guidance In late 2018 Education Secretary Betsy DeVos rescinded school discipline guidance, promulgated originally by USED under the Obama Administration, arguing that it robbed K-12 teachers of classroom autonomy regarding disciplinary decisions and could potentially lead to additional school shootings. Following this decision House Democratic leaders requested a study from the Government Accountability Office (GAO) to study these claims. [The new study from GAO](https://www.gao.gov/assets/710/707469.pdf?source=email%20) from GAO found no empirical evidence linking school discipline and school shootings among several other key findings. U.S. Department of Education Discretionary Grant Updates USED published notice on a discretionary grant program for the Office of Special Education and Rehabilitative Services: "Technical Assistance on State Data Collection – IDEA Data Management Center". This grant program seeks to assist states in meeting IDEA data collection and reporting requirements. The purpose of the priority for this grant would establish a technical assistance center to help states improve capacity to collect, report, analyze, and use high-quality IDEA Part B data. The estimated available funds total $2,700,000, and are contingent upon the availability of funds and quality of new applications. Applications are due by August 24, 2020, and further information is available [here](https://www.federalregister.gov/documents/2020/07/08/2020-14072/applications-for-new-awards-technical-assistance-on-state-data-collection-idea-data-management?utm_source=federalregister.gov&utm_medium=email&utm_campaign=subscription+mailing+list%20). NSBA Update Equitable Services Grassroots Efforts and Official Comments: NSBA is finalizing talking points that can be used for drafting purposes by state associations that decide to issue official comments on the proposed interim final rule concerning equitable guidance. We expect the talking points to be delivered in the next few days. NSBA is also going to be offering its own comments on the proposal. The comments are due on July 31, 2020. Continued Privatization Efforts by the Administration: Recent remarks by the President and Secretary of Education are fueling concerns over potential efforts to force school buildings to fully reopen in the fall through funding threats. The opening and closing of schools are decisions made at the state and local level. NSBA opposes any efforts to punish public schools that do not open their buildings fully due to concerns over COVID-19. While we believe the opportunity to tie funding to the opening of school buildings is low, the Secretary is also increasing her calls for funding to "follow students" in the fall so they could attend a private school. NSBA is also strongly opposed to any such effort. We remain committed to fighting for more federal funds and resources needed to assist states and local school districts since they bear most of the financial liability to keep their students safe and offer them a high-quality education. National Homework Gap Day of Action Planned for July 21, 2020: NSBA is helping lead a national effort on July 21 calling attention to the digital divide in education. Details will be coming to all of you next week as preparations begin. Please mark that day on your calendars as a target date for grassroots engagement with Congress and on social media. ------------------------------ Chip Slaven Chief Advocacy Officer National School Boards Association Alexandria, VA ------------------------------  |

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