

Federal Advocacy Update: March 13, 2021

Good Saturday Morning. Please find the March 13, 2021 Federal Advocacy & Public Policy Update. If you have any questions regarding this report, please do not hesitate to contact me.

Have a safe and enjoyable weekend.

Best,

J.T.

Federal Advocacy & Public Policy Update

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Congressional Update

American Rescue Plan Enacted

Since coming to office, President Biden has sought to prioritize his administration's response to the ongoing COVID-19 pandemic. Chief among these efforts was a \$1.9 trillion proposal released on the day of his inauguration, dubbed "The American Rescue Plan." Since that time, Congress has set about crafting legislation based on this proposal via Congressional budget reconciliation—a process that allows certain legislation to pass by simple majorities in both legislative chambers, allowing Democratic lawmakers to circumvent a likely Republican filibuster in the Senate. Last week, the Senate began formal consideration of the American Rescue Plan Act of 2021 (ARP) and passed this legislation on Saturday, March 6, by a narrow 50-49 margin. Shortly after its passage in the upper chamber the House took up the legislation, as amended by the Senate, and passed the ARP by a margin of 220-211.

The following day, March 11, President Biden signed the ARP into law and gave a national address later that evening outlining his administration's further plans to combat the pandemic. In his remarks, the President highlighted the bill's funding to increase the availability of COVID-19 vaccinations, pledged to make all adults eligible for a vaccine by May 1, and recommitted to reopening the majority of K-8 schools within his first 100 days in office.

The ARP provides approximately \$1.9 trillion in funding intended to provide relief to those most affected by the pandemic and aid in the nation's wider efforts to recover from its impact. Prior to its enactment on Thursday, the legislation was amended during the Senate's multiday consideration of the legislation in several key ways. Of particular note, the ARP provides \$122.78 billion in additional aid for the K-12 community via the existing Elementary and Secondary Education Relief (ESSER) Fund—approximately \$6 billion less than proposed by the House. The final version of the ARP redirects some of these funds towards other education programs, including the Individuals with Disabilities Act (IDEA) which will now receive an additional \$3.03 billion in aid from this measure. The final enacted version of the legislation requires that 90% of ESSER funds be distributed to local school districts and that 20% of these funds be used to address learning loss. States may reserve the remainder of these funds not distributed to districts for statewide activities but must use at least 5% of it to address learning loss and reserve at least one percent of this funding for evidence-based summer school and afterschool programs respectively.

The final bill also includes a number of other investments that will benefit the K-12 education community in other important ways. For instance, the ARP includes \$7.172 billion in additional funding for the E-Rate program to allow eligible schools and libraries to use these funds to purchase qualifying technology. The Federal Communications Commission will develop new rules within the next 60 days to help implement this effort aimed at closing the digital divide and related homework gap. The ARP also includes nearly \$40 billion for childcare and early childhood learning. Yet, one of the largest investments made by the new law will be in state and local governments, with the measure providing \$360.05 billion in aid to help states, cities, and local governments recover from the pandemic. This investment is likely to have a beneficial indirect impact on K-12 schools which derive a majority of funding from these entities.

With passage of the ARP complete, the Biden Administration is now turning its attention to the law's implementation and is planning to embark on a nationwide campaign to increase the public's awareness of this legislation and the impact it is likely to have in the coming months.

Democratic Lawmakers Urge USED to Issue Blanket Assessment Waivers

On Tuesday, March 9, a group of Democratic lawmakers in the House and the Senate, led by Rep. Bowman (D-NY), wrote a [letter](#) to newly confirmed U.S. Secretary of Education Miguel Cardona, urging him to issue blanket waivers to absolve states of all federal assessment requirements from the Every Student Succeeds Act (ESSA) for an additional year. The letter comes following [guidance](#) issued by the U.S. Department of Education (USED) on February 22 which outlined the process states must undertake to apply for flexibilities from ESSA for the remainder of the current school year. In this guidance, USED made clear that it does not plan to issue blanket waivers from ESSA's assessment requirements and instead highlighted several other flexibilities—such as shortening exams, using remote administration, or extending testing windows—that states should consider rather than applying for a waiver from all assessment requirements for a second consecutive year.

Republicans Demand Investigation into Pandemic's Impact on Students with Disabilities

On March 8, Education and Labor Committee Ranking Member Foxx (R-NC), along with Minority Whip Scalise (R-LA) and Reps. Comer (R-KY) and McMorris Rodgers (R-WA) wrote a [letter](#) requesting Democratic leaders in the House open an “. . . investigation into the effects school closures are having on our Nation's [sic] children with disabilities, and state and local compliance with federal special education requirements.” The group of Republican lawmakers argued that they have heard from parents that students with disabilities have not received adequate support during the pandemic and that “States and localities are not meeting even the minimal requirements” of the Individuals with Disabilities Act.

Administration Update

USDA Extends School Meal Flexibilities

On Tuesday, March 8, the U.S. Department of Agriculture (USDA) [announced](#) that it will extend several waivers intended to provide free meals to school children through September 30, 2021. These flexibilities, aimed at providing maximum access to meals for students struggling with food insecurity during the pandemic, were previously set to expire June 30, 2021. The waiver extension ensures that federal summer meal programs be made available in all areas at no costs; allows meals to be served outside of normally required group settings and times; and allows parents or guardians to pick-up meals on behalf of their children.

Biden Issues Title IX Executive Order

President Biden issued an executive order on Tuesday, March 8, directing U.S. Secretary of Education Miguel Cardona to review and potentially rescind regulations related to Title IX—a civil rights law that prohibits discrimination on the basis of sex in education programs that receive federal funding. Among other aspects of Title IX, these rules standardize how postsecondary institutions and K-12 schools must respond to and report allegations of sexual misconduct. These rules were last updated by former Education Secretary Betsy DeVos which aimed to significantly strengthen due process rights for students accused of misconduct.

New Legislation

[S.680](#) A bill to award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language. Sponsor: [Sen. Schatz, Brian \[D-HI\]](#)

[H.R.1731](#) To award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language. Sponsor: [Rep. Brownley, Julia \[D-CA-26\]](#)

S.665 A bill to allow Federal funds appropriated for kindergarten through grade 12 education to follow the student.

Sponsor: Sen. Paul, Rand [R-KY]

H.R.1770 To allow Federal funds appropriated for kindergarten through grade 12 education to follow the student.

Sponsor: Rep. Roy, Chip [R-TX-21]

H.R.1768 To amend the Richard B. Russell National School Lunch Act to reauthorize the farm to school program, and for other purposes. Sponsor: Del. Plaskett, Stacey E. [D-VI-At Large]

H.R.1732 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.1635 To increase authorization of the grant program for school security in the Omnibus Crime Control and Safe Streets Act of 1968. Sponsor: Rep. Hudson, Richard [R-NC-8]

H.R.447 National Apprenticeship Act of 2021 Sponsor: Rep. Scott, Robert C. "Bobby" [D-VA-3]
