Good Afternoon! At the conclusion of this message is the Federal Advocacy & Public Policy Update for Monday, July 26, 2021. If I can be assistance to you regarding any items found in this report, please do not hesitate to contact me.

Have a good evening.

Best,

J.T.

Federal Advocacy & Public Policy Update

July 26, 2021

Congressional Update

Congress Moves Forward on Infrastructure

Since the spring, negotiations between Congress and the Biden Administration regarding potential significant new investments in the nation's infrastructure have been ongoing and quite fluid. For the most part, Republican lawmakers have only been willing to consider legislative proposals focused on "traditional" physical infrastructure. On the other side of the aisle, most Democrats favor a much more holistic approach, inclusive of investments in "human infrastructure" such as education, childcare, and workforce development. As a result, Democratic leaders in the House and the Senate have prioritized a "two-track" approach for passing both of these priorities by the end of the year. At present, lawmakers are nearing agreement on a bipartisan bill focused narrowly on physical infrastructure, supported by a bipartisan group of over 20 Senators. At the same time, Senate Democrats have recently announced a separate $3.5 trillion proposal that would purportedly include many other Democratic priorities noted above and which would be advanced solely using Democratic votes in both chambers via a separate budget "reconciliation" legislative process.

Specific details on what would be included in this larger package are still forthcoming. While that effort continues, Senate Majority Leader Chuck Schumer (D-NY) moved forward on a separate track this this week by scheduling a procedural vote on the narrower, bipartisan infrastructure package yet to be introduced in the chamber. Although this vote ultimately failed, the effort helped illustrate that the sides are nearing an agreement on this narrower package. Both Democratic and Republican Senators emerged after the vote committed to finalizing and advancing this package

sometime next week. As these infrastructure efforts continue, NSBA's advocacy team will continue to impress upon lawmakers the significant broadband, school construction, and other needs of the K-12 community—especially within the wider package currently under consideration on a separate legislative track.

Legislation to Expand Homework Gap Funding Introduced

Senator Ed Markey and Rep. Grace Meng introduced legislation to extend funding to help close the Homework Gap. The Securing Universal Communications Connectivity to Ensure Students Succeed (SUCCESS) Act would provide $8 billion in annual funding between fiscal years 2022 and 2026 to the Emergency Connectivity Fund , a $7.17 billion program launched under the American Rescue Plan meant to help get students online. NSBA is one of several organizations supporting this legislation.

Administration Update

USED Approves More State ARP Plans

This past March, Congressional Democrats passed the American Rescue Plan (ARP) which provided $122 billion in pandemic relief funding for the K-12 community. After the ARP's passage, the U.S. Department of Education (USED) distributed two-thirds of this funding to states via a prescribed formula. The Department held back the remainder of these new resources until states and territories submitted plans detailing how these funds would be spent to help learners cope with and recover from the COVID-19 pandemic. Once a state plan is approved by USED, the remainder of that state's funding is released for use. On Thursday, July 22, USED announced that it had approved a new group of five state plans that meet the requirements of the American Rescue Plan (ARP). These states included Delaware, Georgia, Iowa, Kansas, and New Mexico taking the number of approved state plans for this funding to 17 in total. More information regarding these plans, including those that are still pending review, can be found here.

Senate HELP Committee Advances Nominees

On Wednesday, July 21, the Senate Health, Education, Labor, and Pensions (HELP) Committee held a hearing to vote on the nominations of several recent appointments made by President Biden, including several positions at USED. These nominees included Catherine Lhamon to be Assistant Secretary for Civil Rights, Elizabeth Brown to be General Counsel, and Roberto Rodriguez to be Assistant Secretary for Planning, Evaluation, and Policy Development at the Department. At the hearing, lawmakers advanced Brown and Rodriguez's nominations out of the committee by voice vote—a key next step before the full Senate must vote on their nominations before they are formally approved.

Llhamon's nomination along with one other, however, was not considered by the committee Wednesday, ostensibly due to scheduling conflicts. Llhamon previously led

USED's Office of Civil Rights under former President Obama, where she oversaw the development and implementation of a controversial regulatory update to Title IX—an effort that many Republicans on the HELP Committee, including Ranking Member Richard Burr (R-NC) opposed. Inaction on Llhamon's nomination this week is widely speculated to be related to this opposition as, without Republican support, her nomination will not be able to move forward. As for Rodriguez and Brown, their nominations will be considered by the full Senate sometime in the future although a formal vote has not yet been scheduled.

USED Releases Updated Title IX Guidance

On Tuesday, July 20, USED published a new Questions and Answers document providing additional guidance regarding the implementation of Title IX requirements meant to prevent discrimination on the basis of one's gender. The guidance document clarifies key concepts and terminology to aid schools and institution's as they implement current Title IX policies. These clarifications were seen as necessary as the Department undertakes a wider review of these policies, developed under the former Administration, which significantly changed the underlying regulatory framework updated by President Obama's Administration.

USED Guidance on Improving Ventilation in Schools, Colleges, and Universities to Prevent COVID-19

The U.S. Department of Education (ED) has compiled information from the Centers for Disease Control and Prevention (CDC) and the Environmental Protection Agency (EPA) to outline ways that schools can use ESSER funds to improve ventilation/ air quality. This guidance addresses the use of portable carbon dioxide monitors, ways to improve airflow in school buildings, use of exhaust fans, and more.

Discretionary Grants

USED published notices on two discretionary grant programs for the Office of Elementary and Secondary Education:

"American History and Civics Education National Activities Program" – The American History and Civics Education National Activities Program is authorized under ESEA and promotes evidence-based strategies to "encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs" - focusing specifically on programs or activities students from low-income backgrounds and underserved populations. The estimated available funds for this program total $2,150,000. Applications are due by August 18, 2021, and further information is available here.

"American History and Civics Education – Presidential and Congressional Academies for American History and Civics" – The Academies created under this program provide workshops for educators focused on American history, civics, and government education and Academies for high school students, to enrich their

understanding of these particular subjects. The estimated available funds for this program total $1,700,000. Applications are due by August 18, 2021, and further information is available here.

New Legislation

H.R.4533 To amend the General Education Provisions Act to allow the release of education records to facilitate the award of a recognized postsecondary credential. Sponsor: Rep. Neguse, Joe [D-CO-2]

S.2410 A bill to address and take action to prevent bullying and harassment of students. Sponsor: Sen. Casey, Bob [D-PA]

S.2399 A bill to provide Federal student loan relief for teachers who work in a military impacted community. Sponsor: Sen. Peters, Gary [D-MI]

S.2379 A bill to amend the General Education Provisions Act to allow the release of education records to facilitate the award of a recognized postsecondary credential. Sponsor: Sen. Warner, Mark [D-VA]

S.2447 A bill to amend the American Rescue Plan Act of 2021 to provide additional funding for E-rate support for emergency educational connections and devices, and for other purposes. Sponsor: Sen. Markey, Edward [D-MA]

H.R.4663 To amend the American Rescue Plan Act of 2021 to provide additional funding for E-rate support for emergency educational connections and devices, and for other purposes. Sponsor: Rep. Meng, Grace [D-NY-6]