Good Afternoon. At the conclusion of this message is the August 2, 2021 Federal Advocacy & Public Policy Update.

In addition to this week's federal update, please do not forget to visit the VSBA Legislative Update Blog for the most recent developments from the Virginia General Assembly's Special Session II that convened earlier today in Richmond. The focus of the special session is to decide the appropriation of federal relief funds provided to the Commonwealth through the American Rescue Plan Act of 2021 (ARPA) and the appointment of judges to the bench. If there are any questions, please do not hesitate to contact me at jason@vsba.org.

Thanks for all you do on behalf of public education in the Commonwealth.

Best,

J.T.

Federal Advocacy & Public Policy Update
August 2, 2021

Congressional Update
House Passes FY22 Education Funding Bill

On Thursday, July 29, the House of Representatives passed an over $600 billion spending package to fund the federal government and related programs for the coming 2022 fiscal year (FY22) set to begin October 1, 2021. The spending measure includes seven of the required 12 spending bills that together compose the federal budget, including the Labor-HHS-ED bill which provides funding for the U.S. Department of Education (USED) and the programs that it oversees. The so-called "minibus" spending bill was passed largely by party lines within the chamber on a margin of 219-208 and would provide $102.8 billion for USED—a 41 percent increase over current funding levels for the Department. Over 200 separate amendments were considered during the debate of the bill, but none substantially changed the funding levels approved earlier this month by the House Appropriations Committee. If enacted, the measure would significantly increase funding for critically important programs such as Title I-A of the Every Student Succeeds Act (ESSA), the Individuals With Disabilities Education Act (IDEA), and a slew of other federal education programs.

Despite this new development, the Senate has not yet advanced any of the necessary FY22 spending measures. As the FY22 deadline of October 1 approaches, the likelihood of a stopgap measure to extend current funding levels for a short period

of time (known as a continuing resolution) increases. NSBA's advocacy team will continue to engage with lawmakers in both chambers as FY22 funding continues to take shape in order to ensure a robust investment in the K-12 community.

Senators Announce Deal on Narrow Infrastructure Package

On Wednesday, July 28, a bipartisan group of Senators announced that they had reached agreement on a Bipartisan Infrastructure Framework (BIF)—a legislative proposal that would invest nearly $550 billion in physical infrastructure projects such as roads, bridges, waterways, and broadband connectivity. While the legislation does not include dedicated funding for school infrastructure projects it would, if enacted, invest approximately $65 billion in funding for broadband projects and $2.5 billion for the development and deployment of electric buses. The same day the agreement was unveiled, the Senate voted 67 to 32 to move forward with an affirmative procedural vote advancing the proposal for further consideration in the chamber.

Congressional Democrats, in the meantime, remain committed to a wider "two-track" legislative strategy whereby the BIF would be passed with bipartisan support while a much larger $3.5 trillion infrastructure proposal, containing many other Democratic priorities such as school infrastructure, childcare, and other priorities, would be passed via a separate budget reconciliation process. As these processes unfold in the coming weeks, NSBA's advocacy team will remain engaged to ensure lawmakers appreciate the substantial infrastructure needs of the K-12 community.

House Holds Hearing on Nutrition Programs

Also on Wednesday, July 28, the House Education and Labor Subcommittee on Civil Rights and Human Services held a hearing titled "Food for Thought: Examining Federal Nutrition Programs for Young Children and Infants." Witnesses provided a range of recommendations for how to improve federal nutrition programs including updating technology, simplifying the paperwork burden for providers and parents, removing outdated requirements, expanding the number of meals that are allowed to be provided/reimbursed, and increasing the reimbursable rate among other suggestions. A recording of the hearing, including witness testimony, can be found here.

Administration Update

USED Releases Additional Funding for Students Experiencing Homelessness

On Wednesday, July 28, USED announced the disbursement of $600 million in funding from the American Rescue Plan for the Homeless Children and Youth Program (ARP-HCY). These funds follow USED's approval of state applications for this funding in order to be used ahead of the coming school year to identify children and youth experiencing homelessness and providing support services to enable them to participate fully in schooling. In a statement, NSBA interim Executive Director and CEO Chip Slaven praised the $600 million as "vitally important funds," noting that many of the approximately 1.3 million homeless students disappeared from classrooms—both online and in person—during the pandemic.

CDC Releases New Guidance on Masks in Schools

On July 27, the Centers for Disease Control and Prevention (CDC) updated its guidance on masks, recommending that all teachers, staff, students, and visitors wear masks inside school buildings, regardless of their vaccination status. According to the CDC, 63.4% of U.S. counties had transmission rates high enough to warrant indoor masking and should immediately resume the policy. NSBA said that the updated guidance provided "much-needed clarity."

Discretionary Grants

USED published one notice for a discretionary grant program within the Office of Elementary and Secondary Education:

"Education Innovation and Research (EIR) Program – Early-Phase Grants" – The EIR program is authorized under ESEA and promotes innovation to improve student achievement among high-need students. The early-phase grants are used to fund the "development, implementation, and feasibility testing" of a program, to determine if the program would be successful in improving student performance. The estimated available funds for this program total $180,000,000. The applications for the early-phase grants are due by August 27, 2021 and further information is available here.

New Legislation

H.R.4764 To prohibit the teaching of critical race theory in schools operated by the Department of Defense Education Activity, and for other purposes. Sponsor: Rep. Hartzler, Vicky [R-MO-4]

H.R.4751 To amend the Department of Education Organization Act and the Higher Education Act of 1965 to require publication of information relating to religious exemptions to the requirements of title IX of the Education Amendments of 1972, and for other purposes. Sponsor: Rep. Clark, Katherine M. [D-MA-5]

H.R.4745 To establish a program to make grants to institutions of higher education to provide courses relating to critical legacy computer languages, and for other purposes. Sponsor: Rep. Cartwright, Matt [D-PA-8]

H.R.4727 To provide for loan forgiveness for STEM teachers, and for other purposes. Sponsor: Rep. Swalwell, Eric [D-CA-15]

H.R.4724 To amend the Higher Education Act of 1965 to provide for a percentage of student loan forgiveness for public service employment, and for other purposes. Sponsor: Rep. Swalwell, Eric [D-CA-15]

H.R.4723 To amend the Higher Education Act of 1965 to expand eligibility for public service student loan forgiveness to certain contractor employees of national laboratories. Sponsor: Rep. Swalwell, Eric [D-CA-15]

H.R.4667 To provide for temporary emergency impact aid for local educational agencies. Sponsor: Rep. Rice, Kathleen M. [D-NY-4]

S.2478 A bill to amend the Higher Education Act of 1965 to provide for a percentage of student loan forgiveness for public service employment, and for other purposes. Sponsor: Sen. Blumenthal, Richard [D-CT]

S.2470 A bill to prohibit Federal funding for educational agencies and schools whose students do not read certain foundational texts of the United States and are not able to recite those texts or that teach that those texts are products of white supremacy or racism. Sponsor: Sen. Hawley, Josh [R-MO]

S.848 Consider Teachers Act of 2021 Sponsor: Sen. Braun, Mike [R-IN]