Good Friday afternoon. At the conclusion of this message is the Federal Advocacy & Public Policy Update for August 27, 2021. If you have any questions about the information included in today's update, please do not hesitate to contact me.

Thank you for all you do on behalf of public education in the Commonwealth. Have a safe and relaxing weekend.

Best,

J.T.

## Federal Advocacy & Public Policy Update

August 27, 2021

## Congressional Update

### House Advances Budget Reconciliation Framework

Earlier this week, House lawmakers returned briefly from their annual August recess to formally consider and vote on a rule outlining how House leadership intends to advance several critical pieces of legislation by the end of September. This effort is part of Congressional Democrats' "two-track" legislative strategy which intentionally links the $550 billion Senate-approved Infrastructure Investment and Jobs Act (IIJA) along with a much larger $3.5 trillion budget framework. This framework, known as a budget resolution, unlocks a legislative process, known as reconciliation, that allows Congress to pass certain legislation by simple majorities in both chambers. Through the reconciliation process, Congressional Democrats hope to include additional Democratic priorities including childcare, universal pre-K, free community college, and K-12 facilities infrastructure among other priorities currently under consideration.

Prior to the vote, a group of 10 Democratic moderates led by Rep. Gottheimer (D-NJ) had been withholding their support for advancing these bills in this fashion, insisting that the House first take up and consider the IIJA, before moving on to the wider reconciliation process. However, a larger group of Democrats opposed this approach given that moving the IIJA before a reconciliation package would leave little incentive for moderates in both the House and the Senate to support Democrats' wider aspirations with the $3.5 trillion budget package. By linking the two proposals in this way, Congressional Democratic leadership intends to garner the votes necessary to pass both of these bills in both Chambers in the weeks ahead. By Tuesday, Democratic Congressional leadership and this group of moderates found agreement, augmenting the underlying legislative rule to include a non-binding commitment to vote on the IIJA no later than September 27. With this agreement in hand, the House cleared this procedural hurdle by a party-line vote of 220-212 Tuesday morning.

With this step in the process complete, the reconciliation process in the House formally begins, with committees in both chambers now ostensibly working on legislation conforming to the proposed $3.5 trillion budget framework. As these efforts move forward, NSBA's advocacy team will continue to impress upon lawmakers the significant infrastructure and connectivity needs of the K-12 community.

## Administration Update

### FCC Announces New ECF Funding Availability

On Wednesday, August 25, the Federal Communications Commission (FCC) announced that it had received $5.14 billion in funding requests from the first round of applications which would support 9.1 million internet-capable devices and 5.4 million broadband connections. These funds are part of the Emergency Connectivity Fund (ECF)—a program that was created by the American Rescue Plan, providing $7.2 billion in funding to eligible schools and libraries to purchase broadband plans and devices for students, school staff, and library patrons. As part of this announcement, the FCC has committed to opening a second application filing window to give schools and libraries the opportunity to apply for the remaining funds. This window will be open from September 28 to October 13. More information on this announcement can be found here.

### USED Reaffirms IDEA Guidance

On Tuesday, August 24, the U.S. Department of Education's (USED) Office of Special Education and Rehabilitative Services (OSERS) issued a letter to state and local stakeholders reiterating its commitment to ensuring that all learners with disabilities, including children and families, have access to high-quality educational experiences and relevant early interventions. The letter builds on guidance previously issued by the OSERS, regarding the appropriate implementation of Part B of the Individuals with Disabilities Act (IDEA) as schools and districts begin the 2021-22 school year. This guidance, in the form of an FAQ, can be found here.

### USED Approves Three More State ARP Plans

The American Rescue Plan (ARP), passed exclusively by Congressional Democrats, authorized $122 billion in additional pandemic aid funding to K-12 schools this past spring. Since that time, the U.S. Department of Education (USED) distributed two-thirds of this funding to states via a formula detailed in the legislation. However, the Department held back the remaining third of these funds until states and territories submitted plans detailing how they would make use of these resources to support students as they recover from the impacts of the ongoing COVID-19 pandemic. On Friday, August 27, the Department approved three more of these plans, disbursing these additional funds to those states. States receiving approval this week include Alaska, Connecticut, and Illinois. The most current status of all state ARP plans, including highlights of plans approved by USED so far, can be found here.