Good Tuesday Morning. At the conclusion of this message is the Federal Advocacy & Public Policy Update for September 7, 2021. After a month of recess, both the House and Senate will return to Washington this week where they will attempt to pass the Fiscal Year 2022 budget before the September 30, 2021 deadline, as well as debate two infrastructure packages that received an abundance of media coverage this past summer. VSBA will keep you updated on these events and issue any necessary action alerts if they arise.

If you have any questions regarding the information contained in this morning's federal update, please do not hesitate to contact me. Have a great week and as always, thank you for all you do on behalf of public education.

Best,

J.T.

Federal Advocacy & Public Policy Update

September 7, 2021

Congressional Update

Congress Poised to Return Next Week to a Busy Agenda

Congress remained on recess this week, with lawmakers from both chambers expected to begin returning to Capitol Hill next week. Although the House and the Senate have spent time in their respective districts and states during this recess ~~period, discussions have~~ moved forward this week as Congressional Democrats continue to debate the overall size and content of a forthcoming reconciliation bill focused on domestic spending priorities, such as universal pre-K, free community college, and K-12 facilities infrastructure among other priorities currently under consideration by Democratic lawmakers. NSBA anticipates formal activity on the forthcoming reconciliation package to begin in earnest next week, with committees of jurisdiction in the House likely to go first in the bicameral budget reconciliation effort. As these efforts continue to take shape, NSBA's advocacy team is actively working to ensure K-12 infrastructure, along with needed broadband infrastructure investments, remain key components of this highly anticipated legislation.

Administration Update

USED Approves Two More State ARP Plans

This past spring, Congressional Democrats passed the American Rescue Plan (ARP), a pandemic aid bill that, among other efforts, provides $122 billion in additional funding exclusively for K-12 schools. Shortly after the ARP's passage, the U.S. Department of Education (USED) distributed two-thirds of this funding to states via a formula detailed in the legislation. However, USED 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 and plan for a return to safe, in-person instruction. Over the past week, the Department has approved two more of these state plans, including those for Louisiana and Minnesota. The most current status of all state ARP plans, including highlights of plans approved by USED so far, can be found here.

Office of Civil Rights Launches Several Investigations into State Indoor Masking Prohibitions

On Monday, August 30, the U.S. Department of Education's (USED) Office of Civil Rights (OCR) launched investigations into five states regarding recent prohibitions put into place preventing K-12 schools and districts, among other entities, from enforcing mandates requiring individuals to wear masks while indoors. These states include Iowa, Oklahoma, South Carolina, Tennessee, and Utah. The Department is currently exploring the legal justification for these prohibitions and whether they discriminate against students with disabilities, particularly those at heightened risk due to COVID-19. This legal development comes after President Biden issued a memo in August directing USED to ensure all states are providing equitable and safe educational opportunities during the ongoing pandemic.

USED Releases New Return-to-School Resource

On Tuesday, August 31, USED released "Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time," a new resource outlining a litany of evidence-based strategies for state and local education leaders to consider as they address the issue of lost instructional time due to the ongoing pandemic. The resource is intended to support the K-12 community as students return for in-person instruction for the 2021-22 school year and includes, among several other sections, information regarding how assessments and data can be used to guide these efforts in the classroom. A link to the new resource can be found here.

USED Releases Fact Sheet on Timely Investment of American Rescue Plan Funds

The U.S. Department of Education released a fact sheet on how LEAs may utilize pre-award costs if they have not yet received an ARP ESSER award from their state. While the majority of states have moved expeditiously to make these vital resources available to LEAs, a few states have not yet started awarding ARP ESSER funds that they received in March. Such delay by a state does not restrict an LEA's ability to incur allowable costs that an LEA determines are appropriate and necessary.

New Legislation

- R.5129 - 117th Congress (2021-2022) To amend the Community Services Block Grant Act to reauthorize and modernize the Act. **Sponsor:** Rep. Bonamici, Suzanne [D-OR-1]
- Res.613 - 117th Congress (2021-2022) Expressing support for approximately doubling funding for Federal career and technical education programs. **Sponsor:** Rep. Krishnamoorthi, Raja [D-IL-8]