

Good Afternoon! Below please find the Federal Advocacy and Public Policy Update for January 6, 2020. Congress returned from their Winter Recess this morning and will be tackling a number of issues in the weeks ahead. I thank you for all you do on behalf of public education in the Commonwealth.

Best,

J.T.

Federal Advocacy & Public Policy Update

January 6, 2020

Congressional Update

Senate and House Set to Begin Second Session of the 116th Congress

The Senate officially opened the second session of the 116th Congress today and the

House is scheduled to reconvene next week. The opening days of the new session follow a flurry of productive work in December that yielded additional education funding for fiscal year 2020 and incremental, but important, changes to the Higher Education Act that will simplify the financial aid process and continue support for Historically Black Colleges and Universities. The Senate and House education committees have not yet announced any hearings for January, but NSBA expects the House committee to continue work that was started late last year to update the Education Sciences Reform Act and the National Apprenticeship Act. We expect to learn more about the Senate committee's schedule next week, but uncertainty about the timeline for the Senate's impeachment trial may delay announcements from committee leaders about their plans. House Speaker Nancy Pelosi (D-CA) invited the President to deliver the State of the Union address on Tuesday, February 4, which coincides with NSBA's Advocacy Institute. Given that Congress was able to complete the fiscal year 2020 appropriations process last month, NSBA expects the White House will send President Trump's fiscal year 2021 budget request to Congress in early to mid-February.

Administration Update

Administration Publishes Updated Student Data Privacy Guidance

The Department of Education and the Department of Health and Human Services released [joint guidance](#) on the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to student health records. The guidance represents an update to a document first published in 2008. The document aims to help school district leaders understand how the two laws apply to student data, including when schools may release covered data without parent or eligible student consent, including during health or public safety emergencies. NSBA encourages school board members to familiarize themselves with the guidance and work with their administrators to update their student privacy policies and emergency plans accordingly.

Department of Education Invites Nominations for Cybersecurity Award

The Department of Education [invited](#) nominations for the Inaugural Presidential Cybersecurity Education Award. "Beginning in the spring of 2020, the Presidential Cybersecurity Education Award will be presented each year to two educators, one elementary and one secondary, who instill in their students the skills, knowledge and passion for cybersecurity and related subjects. Award recipients will embody the expertise and dedication of educators who are critical to strengthening the nation's cybersecurity workforce. Awardees will be acknowledged by the President and Secretary of Education as cybersecurity leaders." Nominations must be submitted no later than January 31, 2020.

Department of Education Announces Education Programs Study

This week, the Department of Education announced plans to examine five major federal education programs: Part A of Titles I, II, III, and IV of ESEA – which will include school improvement grants provided under Section 1003 of Title I, Part A – as well as Title I, Part B of the IDEA. The Department hopes to learn how schools are using these programs and how they can be improved. The study will use a representative sample of 400 school districts and will examine budgets, plans, expenditure data, and personnel and payroll data. The study will also collect data on district and school

allocations, and it will include the use of surveys and interviews to obtain more in-depth data. The Department will begin to collect preliminary information in May 2020 and the district- and school-level data collection will begin in September 2020. Comments will be accepted until February 24, 2020. Further information is available through the Federal Register notice, which may be accessed [here](#).

Chief Justice Roberts Highlights Importance on Civics Education

The Chief Justice of the Supreme Court addressed the importance of civics education in the 2019 Year-End Report on the Federal Judiciary. Justice Roberts said, “[e]ach generation has an obligation to pass on to the next, not only a fully functioning government responsive to the needs of the people, but the tools to understand and improve it.” The report highlights the federal court systems’ efforts to support civics education and Justice Roberts called on his “judicial colleagues to continue their efforts to promote public confidence in the judiciary, both through their rulings and through civic outreach.”

ESSA Plan Amendments: Deadline for 2020-2021 School Year Accountability Nears

NSBA also wants to remind you, following up on a Department of Education letter to chief state school officers in October, about the upcoming deadline for states to propose ESSA plan amendments. Amendments related to accountability determinations for the 2020-2021 school year must be submitted to the department no later than February 3, 2020. The filing deadline is designed to enable the department to determine if proposed amendments comply with applicable statutory and regulatory requirements before the next school year.

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