



VSBA
Virginia School Boards Association
Leadership · Advocacy · Support

Federal Advocacy Update



Good Saturday Morning. This week's Federal Advocacy & Public Policy Update can be found at the conclusion of this message. As you are likely aware, Congressional and White House negotiations concerning the fourth supplemental appropriations package remain at a standstill with talks ending last evening with no deal. The two sides appear to be very far apart. Republicans favor \$1 trillion in new spending while Democrats favor over \$3 trillion similar to what was passed in the HEROES Act passed by the U.S. House of Representative in May. Additional complicating factors are disagreements within the Republican caucus over what the party priorities should be in the relief funding. VSBA will continue to monitor negotiations over the weekend and provide any updates that may arise.

Have a great weekend!

Best,

J.T.

Federal Advocacy & Public Policy Update

August 8, 2020

Congressional Update

Additional Information on the House Passed FY 2021 Education Funding Package

The House of Representatives recently passed a package of six appropriations bills for the upcoming 2021 federal fiscal year (FY). This “minibus” spending package included \$73.5 billion for the U.S. Department of Education (USED) and related programs—a \$716 million increase over current FY 2020 levels. Several [education related amendments](#) were considered and adopted prior to passage. Of particular note were two amendments, offered by Rep. Jaypal (D-WA) and Rep. Trahan (D-MA), that seek to block USED Secretary Betsy DeVos’s recently announced [interim final rule](#) on providing equitable services to private schools under the CARES Act. The passage of this legislation wraps up regular FY 2021 education appropriations activity in the House. The Senate has not yet begun to consider comparable appropriations legislation in the chamber. With the next federal fiscal year set to begin October 1, NSBA’s advocacy team is working to ensure that lawmakers appreciate the importance of completing this legislative work on-time to provide funding certainty for the K-12 education community moving forward.

House Oversight Committee Examines School Reopening

On Thursday, August 6, the House Oversight and Reform Committee’s [recently established Subcommittee](#) focused on coronavirus issues held a hearing titled “The Challenges to Safely Reopening K-12 Schools.” Witnesses included former U.S. Education Secretary Arne Duncan; Robert W. Runice, the Superintendent of Broward County (FL) Public Schools; Angela Skillings, teacher at Hayden Winkelman Unified School District; and Caitlin Rivers, a Senior Scholar at the Johns Hopkins Center for Health Security. The hearing focused on the need for additional federal resources for states and school districts to effectively respond to the pandemic. More information on the hearing, including a recording, can be found [here](#).

Congressional Pandemic Relief Negotiations Stalled

Congressional leaders and high-level Trump Administration representatives continue to meet and discuss the contours of the next round of COVID-19 relief legislation. However, both sides remain far apart on key issues needed to get final agreement. Negotiators are still working to reconcile respective topline costs for their priorities. Senate Republicans favor \$1 trillion in new spending while House Democrats have proposed well over \$3 trillion in new funding as a response to the pandemic. Complicating matters further are continued disagreements within the Republican caucus over what issues the party would like to prioritize in the next iteration of pandemic relief funding. While both sides seem to agree on the need for emergency funding for K-12 education, they have thus far been unable to get agreement on how that funding should be operationalized. Underscoring these remaining differences, rank and file members in the House and Senate have largely left the Capitol, part of a tentative recess, as Party Leaders and representatives of the White House remain in D.C. to continue negotiations. NSBA is continuing aggressive advocacy on the priority issues for public schools including fighting for additional funding, addressing the homework gap to improve student Internet connectivity, and opposing privatization and voucher efforts among other issues.

President Signs the Protecting Nonprofits from Catastrophic Cash Flow Strain Act of 2020

President Trump signed S. 4209, the Catastrophic Cash Flow Strain Act of 2020, on August 3, 2020. The new law streamlines the process for reimbursable employer relief under the CARES Act. It will ensure that nonprofits, states, and local governments, as well as federally recognized tribes that operate as reimbursing employers under state unemployment insurance systems can receive unemployment relief through the CARES Act, without bearing the cash flow burdens that threaten liquidity. The Department of Labor in an April guidance document indicated that reimbursing employers “must pay their bill in full” before they can receive the 50% reimbursement – the requirement to pay 100% of the bill before getting relief can be very difficult during this pandemic. The new law, however, allows states to reimburse local governments and nonprofits without requiring the 100% pay up front.

Congress provided the following example: If employees file unemployment claims collectively amounting to \$50,000, the state workforce agency will first use a federal transfer to the state unemployment trust fund to reduce the bill to \$25,000 – then the nonprofit or local government will only be responsible for the remaining \$25,000. The law is now P.L. 116-151. You can find the legislation text [here](#).

Administration Update

USED Proposes New IES Study on the CARES Act

On Thursday, August 6, the U.S. Department of Education (USED) [published a notice](#) in the Federal Register seeking approval, through its Institute for Education Sciences (IES), to collect new data on how the pandemic has been affecting the implementation of the Every Student Succeeds Act (ESSA) and to examine how states and districts have used their federal pandemic relief funds. This announcement comes one week after USED [published a similar invitation](#) for public comment on planned data collections related to the CARES Act. Both data collections will likely provide the first comprehensive window into how states and districts have used federal funding to respond to the pandemic. Comments for the most recent notice are due by October 5 and more information can be found [here](#).

Recent Legislation

[H.R.7925](#) To promote equity in advanced coursework and programs at elementary and secondary schools. Sponsor: [Rep. Castro, Joaquin \[D-TX-20\]](#)

[H.R.7887](#) To reimburse school food authorities at the free rate for meals served during school year 2020-2021 under the school breakfast program and the school lunch program, and for other purposes. Sponsor: [Rep. Scott, Robert C. "Bobby" \[D-VA-3\]](#)

[S.4417](#) A bill to provide temporary impact aid construction grants to eligible local educational agencies, and for other purposes. Sponsor: [Sen. Hirono, Mazie K. \[D-HI\]](#)

[S.4407](#) & [H.R. 7943](#) A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or

support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce. Senate Sponsor: [Sen. Durbin, Richard J. \[D-IL\]](#). House Sponsor: [Rep. Schakowsky, Janice D. \[D-IL-9\]](#)

[S.4391](#) A bill to authorize a public service announcement campaign on the efficacy of cloth face coverings in reducing the spread of COVID-19, to authorize a program to provide cloth face coverings to any individual in the United States who requests one free of charge, and for other purposes. Sponsor: [Sen. Schatz, Brian \[D-HI\]](#)

[H.R.7909](#) To facilitate access to child care services safely and securely during the COVID-19 pandemic. Sponsor: [Rep. Finkenauer, Abby \[D-IA-1\]](#)

[S.4432](#) A bill to allow Federal funds appropriated for kindergarten through grade 12 education to follow the student. Sponsor: [Sen. Paul, Rand \[R-KY\]](#)

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