



VSBA
Virginia School Boards Association
Leadership · Advocacy · Support

Federal Advocacy Update



Good Afternoon,

At the conclusion of this message is the September 4, 2020 Federal Advocacy and Public Policy Update. Congress will return to Washington next week after their August Recess. The month ahead is filled with many challenges, including passing either a continuing resolution or budget for Fiscal Year 2021. The Federal Fiscal Year ends September 30, 2020. Unknown is whether lawmakers and the White House can find agreement on any further COVID-19 relief supplemental appropriations.

VSBA will continue to monitor developments in the District and provide updates to you as they unfold. As always, thank you for all you do on behalf of public education in the Commonwealth.

Have a safe and Happy Labor Day weekend!

Best,

J.T.

Federal Advocacy & Public Policy Update

September 4, 2020

Congressional Update

A Daunting September Lies Ahead for Congress

Lawmakers in both chambers of Congress have been on their annual August recess for the past several weeks. When they return, they will face the daunting challenge of finding consensus on how to fund the federal government past September 30—the last day of the current federal fiscal year. It seems unlikely that a budget agreement that both houses and the Administration can agree on will pass prior to that time. While the House has passed most of its funding bills, the Senate has not passed comparable legislation this year. Therefore, it is most likely lawmakers will need to pass a continuing resolution (CR) to extend current funding levels, including those for K-12 education programs, for an as yet to-be-determined period of time beyond the upcoming September 30 deadline. Congressional leaders and the White House appear to agree on the need for a CR but are still negotiating its duration.

Complicating matters further, Congressional leaders and the White House are still tepidly negotiating a forthcoming emergency relief package as an additional response to the ongoing pandemic. The Senate will reconvene next week, and Republicans are expected to formally introduce and vote on a “skinny” legislative package containing their pandemic relief priorities. While an initial draft of the legislation was floated informally last month, the final details are still being worked out among the Senate Republican caucus. Despite this modest progress, both parties remain far apart on the size and scope of the next relief package. Given the upcoming federal fiscal year deadline, it is possible that lawmakers pair both must-pass pieces of legislation together to get agreement on both issues. As these efforts unfold NSBA’s advocacy team will be working to ensure that Congress appreciates both the ongoing and emergency funding needs of the K-12 education community.

Administration Update

USED Says Additional Accountability & Assessment Waivers Unlikely

At the beginning of the COVID-19 pandemic, the U.S. Department of Education (USED) issued waivers temporarily absolving all 50 states and territories from federal accountability and assessment requirements under the Every

Student Succeeds Act (ESSA) for the last school year. Since that time, several states have sought similar waivers for the current 2020-21 school year for the same purpose. On Thursday, September 3, [USED sent a letter to all chief state school officers](#) underscoring the importance of these assessment and accountability provisions in ESSA and stressing that states “. . . should not anticipate such waivers being granted again.” Instead, USED’s letter encouraged states to ‘rethink’ their existing assessment systems and left open the possibility that states could still shift how the results of their assessments are used for school accountability purposes. While the letter is not an unequivocal rejection of all state waivers of this sort in the future, it nevertheless indicates the direction USED is likely to go with regards to assessment and accountability, at least in the near future. Several [civil rights and education groups applauded](#) the sentiments contained in the letter.

USDA Extends School Nutrition Waivers

On Monday, August 31, the [U.S. Department of Agriculture \(USDA\) extended several flexibilities](#) for school nutrition programs through the end of the year. This decision is a reversal of sorts for the department which, as recently as August 20, [contended that they lacked the authority](#) to provide these flexibilities for schools despite the ongoing pandemic. After [considerable bipartisan pressure](#), USDA will now allow summer meal program operators to continue to serve free meals to all school children through December 31 of this year.

FEMA Announces Restrictions on Personal Protective Equipment (PPE) Funding Coverage

The Federal Emergency Management Agency (FEMA) [announced](#) it will no longer pay for some safety measures related to COVID-19 that it previously covered — including PPE and sanitation supplies — unless they are considered an emergency protective measure as of Sept. 15. Additionally, FEMA will only provide stockpiling funding for a 60-day supply of PPE from the date of purchase. Previously, a specific date was not given. It is possible that districts that ordered PPE and were counting on FEMA reimbursement may be able to get it if they submit the relevant paperwork before the deadline. NSBA has joined other education groups in opposing this move as it shifts costs of responding to the COVID emergency onto school districts.

FCC Extends E-rate Gift Rule Waiver

In March, the Federal Communications Commission (FCC) waived the E-Rate program's gift rules until September 30, 2020. On Thursday, September 3, the FCC extended this waiver through December 31, 2020. This temporary regulatory change will allow E-Rate program participants to “solicit and accept, improved connections or additional equipment for telemedicine or remote learning during the coronavirus outbreak.” NSBA supports this decision and is continuing to urge the FCC to use its emergency authority to help more students acquire broadband access. Throughout this year, NSBA has worked with the Homework Gap Coalition to urge Congress to provide a minimum of \$4 billion in emergency funding for the E-rate program to ensure that all students have access to broadband at home.

Recent Legislation

[H.R.8150](#) To direct the Secretary of Health and Human Services to conduct a study with respect to safety precautions to prevent the spread of COVID-19 in schools, and for other purposes. Sponsor: [Rep. Mucarsel-Powell, Debbie \[D-FL-26\]](#)

[H.R.8126](#) To direct the Secretary of Education to establish a program to assist certain schools with respect to the implementation of wraparound services, and for other purposes. Sponsor: [Rep. Lee, Susie \[D-NV-3\]](#)

J.T. Kessler
Government Relations Specialist
Virginia School Boards Association
200 Hansen Road, Suite 2
Charlottesville, VA 22911
800-446-8722 or 434-295-8722 Office
434-295-8785 Fax
jason@vsba.org, www.vsba.org