

Good Morning,

Please find the March 30, 2020 Federal Advocacy & Public Policy Update with the latest news from Washington, D.C. If you have any questions, please do not hesitate to contact me.

Thank you for all you do on behalf of public education in the Commonwealth.

Best,

J.T.

## **Federal Advocacy & Public Policy Update**

March 30, 2020

### **Congressional Update**

#### **Congress Finalizes Third Pandemic Emergency Bill**

Last week, the Senate unanimously approved (96-0) the passage of a far-reaching emergency bill (H.R.748, the CARES Act) to address the still unfolding corona virus pandemic. The House approved the measure this afternoon and it has been signed into law by the President. The \$2 trillion CARES Act includes a \$30 billion direct investment in education, including \$3 billion to be allocated to governors and used at their discretion to address the emergency, \$13.5 billion for K12 education, and \$14.25 billion for postsecondary institutions. The bill also makes sizable investments in childcare, nutrition, homeless youth, and more, while also providing new waiver authority to the Secretary of Education, including for assessment and accountability waivers for states; and other ESSA waivers for states, tribes, and school districts. School districts will be able to use their share of the \$13.5 billion K12 allocation – which will be allocated based on the proportion of Title I funding for the most recent fiscal year – for any purposes authorized by ESSA, IDEA, Perkins CTE, and other specified uses. Districts especially hard hit by the emergency should also contact their governor about securing potential additional funding out of their governor's share of the \$3 billion in flexible funding provide to state leaders. NSBA has been advocating hard for these and other emergency provisions and plans to immediately begin lobbying Members of Congress about needs that must be addressed in the next emergency spending bill, including seeking dedicated funding connecting students to online learning through a dedicated investment in the E-rate program.

#### **Congress Adjourning for Three Weeks**

The Senate is adjourned until April 20, and NSBA expects the House to adjourn later this week, after completing work on the third pandemic emergency bill last week. Several Members of Congress are already in self quarantine based on Covid-19 exposure and Senate and House leaders are reluctant to convene their members, absent a specific need. In order to keep members healthy, the Senate and House will be adjourned for the next few weeks – members and staff are already working remotely – subject to a request by leaders to reconvene. This schedule will almost certainly disrupt the fiscal year 2021 appropriations cycle and the planned work of the House and Senate but will be necessary to protect members and staff from the virus. NSBA expects significant work to be completed virtually, however, so our advocacy team will remain engaged with congressional staff to discuss school board members' collective fiscal year 2021 appropriations priorities and other policy recommendations.

### **Administration Update**

#### **U.S. Department of Education Provides Pandemic Guidance**

Secretary DeVos may participate in today's White House pandemic press briefing to discuss school districts' efforts to provide online learning opportunities for displaced students. Online learning has been the subject of several recent U.S. Department of Education guidance materials to help districts navigate the pandemic emergency, including [supplemental information](#) published last weekend by the Office for Civil Rights and Office for Special Education and Rehabilitative Services regarding special education and online learning. In a related development, the Department of

Education's Student Privacy Policy Office will host a webinar on Monday to review Frequently Asked Questions on the *Family Educational Rights and Privacy Act* (FERPA) and implications for distance learning due to school closures. Click [here](#) to register. Only the first 500 attendees will be able to participate. The Department of Education [released](#) a fact sheet to provide more information on "How Distance Learning Can be Used to Meet Students' Needs During COVID-19 National Emergency." This is a supplemental fact sheet to address serving children with disabilities in preschool through secondary schools. All of the department's pandemic resources are available [here](#).

### **Department of Education Grants ESSA Waivers Related to Pandemic**

According to the Department of Education, [45 states](#) have applied for the accountability and assessment waiver the department authorized due to pandemic emergency. All of these states have been granted initial approval. This waiver allows states to "bypass standardized testing for the 2019-2020 school year." A waiver may be granted to any state that is unable to assess its students due to the ongoing national emergency – this allows states to cancel statewide assessments for the 2019-2020 school year, and because the statewide accountability systems rely on student performance as measured by assessments, states may also receive waivers from the requirement that the testing data be used in the statewide accountability system.

### **Department of Education Invites Data Grant Applications**

The Department of Education invited applications for the Statistical and Research Methodology in Education and Using Longitudinal Data to Support State Education Policymaking Grant Program. The program seeks to "support the development of a wide range of methodological and statistical tools to better enable applied education scientists to conduct rigorous education research." The program will be used to expand the research use of State Longitudinal Data Systems to provide further evidence for State education policymaking. Congress has not yet enacted an appropriation for fiscal 2021, however they are seeking applications now so that applicants have adequate time to prepare. Applications are due July 30, 2020, and further information is available [here](#).

### **Agriculture Department Issues New Nutrition Program Waivers**

Agriculture Secretary Sonny Perdue announced additional nutrition program flexibilities to help communities navigate the pandemic emergency. Secretary Perdue said, "USDA is committed to maximizing our services and flexibilities to ensure children and others who need food can get it during this coronavirus epidemic," said Perdue. The USDA's new waivers provide states the option to allow parents or guardians to take meals home to their children. USDA's press release also notes that states can waive meal pattern requirements to let local operators prepare foods with the supplies they have available. It also delays administrative deadlines associated with the Community Eligibility Provision to relax burdens on schools closed by the pandemic.

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