

Good Afternoon! Below you will find the Federal Advocacy and Public Policy update for Friday October 11, 2019. Please let me know if you have any questions regarding the information in this report.

Have a great weekend!

J.T.

Federal Advocacy & Public Policy Update

October 11, 2019

Congressional Update

Congress Adjourned this Week, but Legislators will Return to Washington on Monday

When Congress reconvenes on October 14, only 40 legislative days will remain on the 2019 calendar and impeachment proceedings may begin to temporarily crowd-out legislative work in the House. Facing a fading opportunity to complete the fiscal year 2020 budget for the Department of Education and several education policy priorities – including the Higher Education Act reauthorization – before the end of the year, education leaders on Capitol Hill are feeling pressure to identify and act on the most important tasks on their “to do” list. NSBA expects the appropriations process to emerge as the central focus of Congress’s work between now and Thanksgiving, when current temporary funding authority for federal agencies is scheduled to expire. Given this context, our advocacy team will be focused on encouraging Senators to adopt the House’s higher fiscal year 2021 allocations for education programs, especially for the major formula programs, such as ESSA Title I and II and IDEA Part B. We will also closely monitor, and engage as needed, with the House Education & Labor Committee’s work on the Higher Education Act, including the law’s provisions focused on educator recruitment, preparation, and induction.

Administration Update

EPA Publishes Proposed Changes to Drinking Water Regulations

On Thursday, the Environmental Protection Agency published proposed new regulations to better protect the public from lead and copper in drinking water. Among other changes, the agency’s proposed rules would require local utilities to conduct lead and copper testing in schools and childcare facilities.

The EPA said, “Under the proposal, a community water system would be required to take new actions, including, but not limited to:

Identifying the most impacted areas by requiring water systems to prepare and update a publicly-available inventory of lead service lines and requiring water systems to “find-and-fix” sources of lead when a sample in a home exceeds 15 parts per billion (ppb).

Strengthening drinking water treatment by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb (e.g. trigger level outlined below).

Replacing lead service lines by requiring water systems to replace the water system-owned portion of a lead service line (LSL) when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required to take LSL replacement actions, as described below.

Increasing drinking water sampling reliability by requiring water systems to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.

Improving risk communication to customers by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.

Better protecting children in schools and childcare facilities by requiring water systems to take drinking water samples from the schools and childcare facilities served by the system.”

The public will have 60 days after the proposed regulations' publication in the Federal Register to file comments in the proceeding. When the rules are published in the Federal Register, NSBA will share the link. Chip is schedule to attend an EPA briefing on the rules and will share any additional information learned at the briefing.

Department of Education Publishes Updated Title I Equitable Service Guidance

This week, the Department of Education published updated guidance regarding the use of ESEA, Title I-A funding to deliver equitable educational services to eligible private school students. Publication of the guidance represents the culmination of the process launched by the Department earlier this year to update the material consistent with statutory changes made by the Every Student Succeeds Act, recent court decisions, and other policy changes. Among the changes are two major topics:

The permissibility of inter-district pooling of Title I funds to provide equitable services

The permissibility of religious organizations serving as third-party contractors to provide equitable services

Regarding these two areas, the Department of Education said, "[p]ooling of Title I funds across districts does not change the total amount of funds generated for Title I equitable services, and it can only occur when agreed upon by private school officials and LEAs. Clarifying the flexibility to allow such a practice helps ensure that the lowest-achieving students in a group of schools receive Title I services, reduces burden on LEAs and private school officials, and promotes efficiency through the use of shared services. The updates also clarify the permissibility of religious organizations serving as third-party contractors to provide equitable services. This is consistent with the Secretary's March 11, 2019, letter to Congress in which she stated that the Department would no longer enforce a ban on LEAs from contracting with religious organizations to provide equitable services in light of the U.S. Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*."

Last April, NSBA sent a letter to the Department of Education arguing against the Department's decision to stop enforcing the ESEA ban on LEAs from contracting with religious organizations. The letter expressed concern that the Trinity decision did not extend to the specific application of Title I-A funding but did not dissuade the department from following through on this guidance change.

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