

Federal Education Update

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Overview

- COVID-19 Funding Packages
 - Funding
 - Ed Tech/E-Rate
 - Child Nutrition
 - Liability
 - IDEA Flexibility
- FY21 Appropriations
- School Nutrition
- Privatization/Vouchers



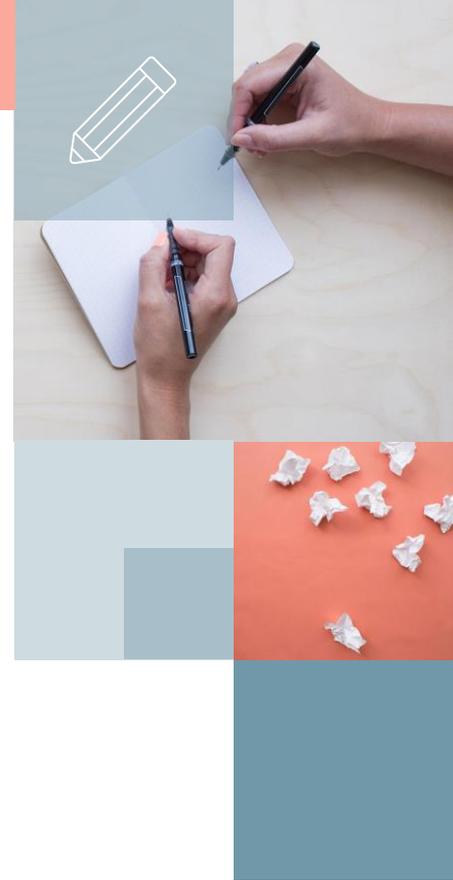
COVID Responses

- Think of COVID packages along a continuum of responding to a national emergency to providing state fiscal relief. The politics and processes involved at the ends of the spectrum are typically distinct and separate, but not in this pandemic environment.
- Wide-spread economic closure resulted in immediate economic slow down and a likely longer-lasting downturn. Congress is in a position to have to address both ends of the spectrum.
- First two packages were pretty straight forward, and easily bipartisan, because they were emergent. Latter packages are more hotly debated because:
 - Cumulative expenditures
 - Proximity to election
 - Different willingness/political traction for supporting states
- Complicates the path of every subsequent package.



COVID & Congress: Rounds 1 & 2

- **Phase 1: Coronavirus Preparedness and Response Supplemental Appropriations Act (3/6/20)**
 - \$8.3B emergency package; 3x request from White House.
 - Includes \$2.2B to help federal, state, and local health agencies prepare for and respond to COVID-19
- **Phase 2: Families First Coronavirus Response Act (3/18/20)**
 - The bill grants the U.S. Department of Agriculture (USDA) authority to issue nationwide waivers that (1) can increase programmatic costs; (2) allow districts to forgo meal pattern feeding requirements; (3) permit non-congregate feeding sites; and (4) temporarily waive accountability/reporting requirements associated the federal school meal programs.
 - Under the law, school employees would be entitled to an initial 10 days of paid sick leave if they are impacted by the coronavirus. This would be followed by paid leave equal to at least two-thirds of their normal pay. There are caps on the paid leave of \$200 per day and \$10,000 in the aggregate



COVID & Congress: Round 3 CARES Act

\$2 trillion bill signed into law was signed into law on March 27th

- \$15.5 billion for the Supplemental Nutritional Assistance Program;
- \$8.8 billion for Child Nutrition Programs to ensure students receive meals when school is not in session;
- \$3.5 billion for Child Care and Development Block Grants, which provide child-care subsidies to low-income families and can be used to augment state and local systems;
- \$750 million for Head Start early-education programs;
- \$100 million in Project SERV grants to help clean and disinfect schools, and provide support for mental health services and distance learning;
- \$69 million for schools funded by the Bureau of Indian Education; and
- \$5 million for health departments to provide guidance on cleaning and disinfecting schools and day-care facilities.
- The \$13.5 billion in stabilization fund money could be used to provide K-12 students internet connectivity and internet-connected devices, and a separate item in the bill for rural development provides \$25 million to support "distance learning."



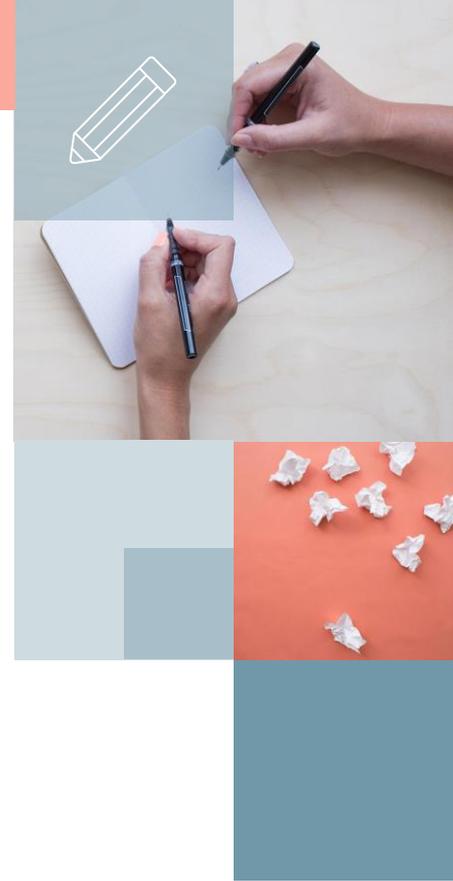
CARES Act Education Funding

- Earmarks \$13.5 billion for K-12 schools, \$14.25 billion for higher education, and \$3 billion for governors to use at their discretion to assist K-12 and higher education institutions impacted by Coronavirus.
- Four grant programs were created by the CARES Act: (1) Education Stabilization Fund Discretionary Grants; (2) Governor's Emergency Education Relief Fund; (3) Elementary and Secondary School Emergency Relief Fund; and (4) Higher Education Emergency Relief Fund.
- Specific to \$13.2 billion for K-12 in the CARES Act, The money must be spent by September 2021. Once the funds are out here is how you can use them:
- Any activity authorized in ESSA, IDEA and Perkins CTE
- To coordinate with public health departments to prevent, prepare and respond to COVID-19
- To address the unique needs of low-income students, students with disabilities, English-learners, racial and ethnic minorities, homeless and foster care youth
- PD for staff on sanitation and minimizing spread of pandemic and purchasing supplies to clean and sanitize buildings
- Planning for and coordinating long-term closures including how to do meal services, how to provide tech/online learning, how to carry out IDEA, etc.
- Providing mental health services/supports
- Planning and implementing activities related to summer learning and afterschool programs, including providing classroom instruction or online learning during the summer months, and addressing the needs of vulnerable children
- Any other activity necessary to maintain the operation and continuity to employ existing staff



Equitable Services

- Over the summer, Betsy DeVos issued flawed guidance misinterpreting equitable services, to the tune of \$1.3 billion from public schools
- Guidance received major pushback and she doubled down, escalating it to an interim final rule
- 3 consecutive court challenges gutted the rule, and it is no longer in effect
- Schools should implement equitable services in the historical manner
- EXCELLENT case study in the role of member advocacy. It saved public schools more than \$1 billion in funding.





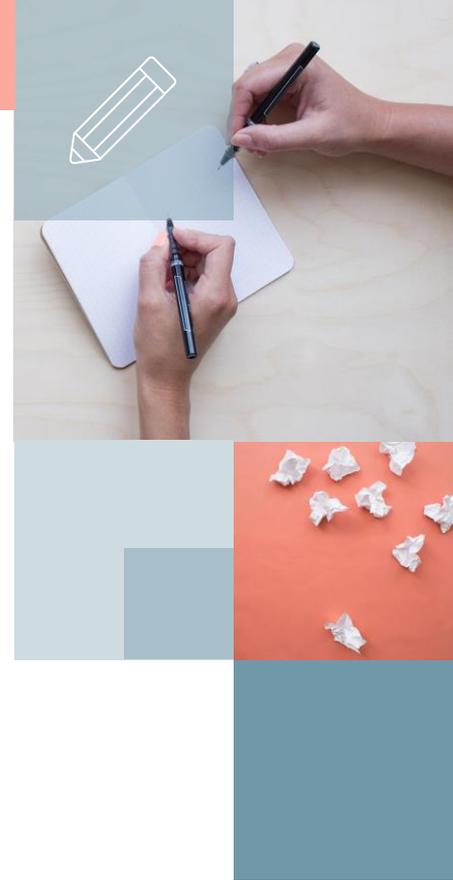
COVID & Congress: Round 4

- On April 24, 2020 the Senate passed H.R. 266 – commonly referred to as COVID 4 – by unanimous consent. Specifically, the measure includes \$321 billion for the Paycheck Protection Program (PPP), which includes \$122 billion targeted to the Small Business Administration (SBA) for programs associated with smaller banks, rural business, minority and women-owned businesses, disaster loans, and the emergency economic injury grants program. Additionally, the bill appropriates \$75 billion for hospitals, and \$25 billion for COVID-19 testing.
- **Takeaway:** In response to the passage of the bill, AASA requested the following funding priorities in the next stimulus package:
 - \$175 billion for K12 education at the state level;
 - \$13 billion for IDEA;
 - \$12 billion for Title I;
 - \$4 billion in funding to the E-rate program; and
 - IDEA flexibility and liability protections



COVID & Congress: Round 5

- TBD
- Pressures here are as political as they are substantive:
 - Overall cost
 - Political will and capacity, overlapped with COVID 'hot spots'
 - Overall Size
 - Proximity to election
 - Perception of actual 'need' at state and local level
- AASA Priorities
 - Funding: Overall level, no privatization, not conditional on reopening
 - Homework Gap: \$4 b to and through E-Rate
 - Child Nutrition: Extension of waivers through end of school year
 - Liability: Include schools in employer liability protections
 - IDEA Flexibility: Provide narrow, time-limited flexibilities for LEAs



COVID & Congress: Round 5

- **Bills to Date**

House HEROES Act (and HEROES 2.0)

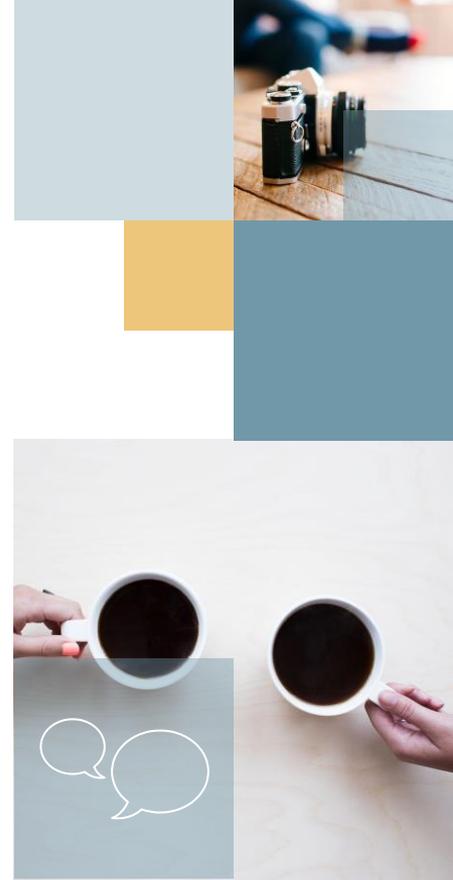
Senate Dem Bill

Senate Republican HEALS Act

Senate Republican 'Skinny Bill'

Likely no bill until after election/into new year

Big Issues: Overall funding level and edu funding level, mandate reopening?, push for privatization; SCOTUS, election fall out, and more



FY21 Funding

- FY21 starts October 1, leaving just one week for Congress to pass a funding bill and avoid a shutdown
- The real question is not IF they will pass a CR, but for how long: into December, or into the new year (next/new administration).
- House Democrats introduced a CR proposal to fund the government through December 11
- Level funds all of federal government, including education, at FY20 levels
- Mnuchin and Pelosi had agreed to a 'clean' CR
- House proposal excludes White House –requested exemptions, as well as Republican priority funding for farm subsidies and Democrat priority funding related to school meals.
- Path forward is anything but certain, and only further complicated by passing of Justice Ruth Bader Ginsburg.





School Nutrition

Starting with the passage of the Family First Coronavirus Response Act, USDA issued new school nutrition waivers and flexibilities to enable school system leaders to continue critical food service operations during the pandemic. Specifically, these waivers allowed education service agencies to implement innovative strategies (e.g., meal delivery options, off-school pop-up sites, etc.) to meet the level of need brought on by the pandemic. A list of these waivers is listed below.

1. **Unexpected School Closures**: provides flexibility regarding where and how school meals could be served during closures.
2. **Pandemic EBT**: Allows states to provide SNAP benefits to children who normally receive free or reduced-price school meals.
3. **Nationwide Meal Times Waiver**: Enables districts to serve meals outside traditional times to maximize flexibility for meal pick-up.
4. **Nationwide Non-congregate Feeding Waiver**: Permits districts to serve meals in non-group settings to support social distancing.
5. **Nationwide Afterschool Activity Waiver**: Paused requirements for enrichment activities to accompany afterschool meals & snacks.
6. **Nationwide Meal Pattern Waiver**: Offers districts the flexibility to serve meals that do not meet meal pattern requirements
7. **Nationwide Parent/Guardian Meal Pick-Up Waiver**: Allows parents/guardians to pick-up meals and bring them home to their children.
8. **Nationwide Community Eligibility Provision (CEP) Data Waiver**: Extends CEP election, notification, and reporting and deadlines for school year 2020-21.
9. **Nationwide Waivers of Child Nutrition Monitoring**: Paused reporting/monitoring requirements for the federal school meals programs
10. **Area Eligibility Waivers**: Enables districts to offer SSO sites in areas with less than 40% of FRPL students
11. **60-Day Reporting Waiver**: Extended the 60-day reporting deadline for January and February 2020.

Child Nutrition Priorities

1. Ensure the extension of COVID-19 School nutrition waivers issued by the U.S. Dept. of Agriculture through September 30, 2021.
2. Enable districts to qualify for the Community Eligibility Provision based upon student free and reduced-price lunch data from the past three years. By including this provision in the next COVID-19 relief package, Congress will be able to ensure the program's integrity and incentivize greater participation in CEP by school districts.
3. Appropriate \$2.6 billion to mitigate a portion of the estimated financial loss that school nutrition programs experienced between March to June of 2020. Allocating these funds will be a critical step in making school nutrition programs financially solvent and to maintain the integrity of essential food security programs as the recovery process begins.



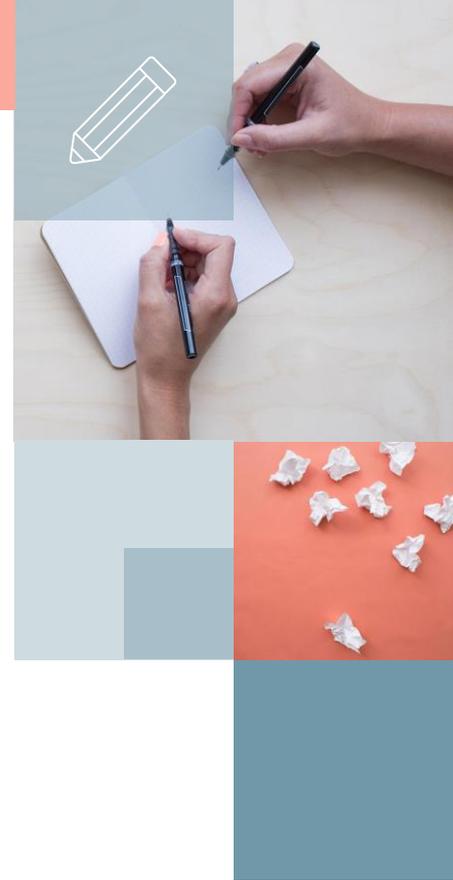
COVID Funding for Private Schools & Vouchers

- AASA has a long-held position that private school voucher programs undermine our nation's public schools by diverting desperately needed resources away from the public school system to fund the education of a few, select students in private, often religious schools. Consequently, this makes it alarming that Senate Republicans are not pushing for tax-credit voucher programs to advance their school choice agenda, but also exploiting the pandemic in a clear attempt to pass a federally funded voucher program that Congress would otherwise be unable to pass as a standalone bill.



COVID Funding for Private Schools & Vouchers (Priorities)

- Public schools now more than ever face mounting costs to ensure that students can safely and appropriately receive the education and services they need, while at the same time, these schools are facing significant revenue loss at the state and local levels as a result of the economic recession.
- As such, it's nonsensical that Congress would attempt to direct funding away from our public schools to fund private schools. If we do not sufficiently fund our public schools, there is no fall back. AASA vehemently opposes the inclusion of such provisions in the next COVID-5 relief package or any legislative vehicle coming from Capitol Hill.





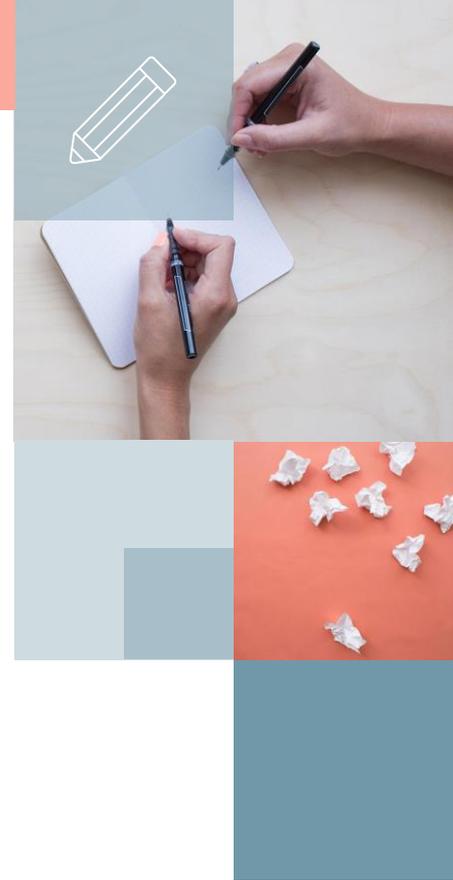
AASA Legislative Agenda

- Forest Counties
- E-Rate
- Medicaid
- IDEA
- IDEA Full Funding
- Higher Education
- REAP
- Poverty Indicator
- Infrastructure



Get Involved, Stay Engaged!

- AASA Policy Blog: The Leading Edge
- AASA Advocacy on Twitter (@AASAhq)
- AASA Advocacy Network
 - Weekly & Monthly Updates
 - Calls to Action
- AASA Natl COVID 19 School Response Dashboard



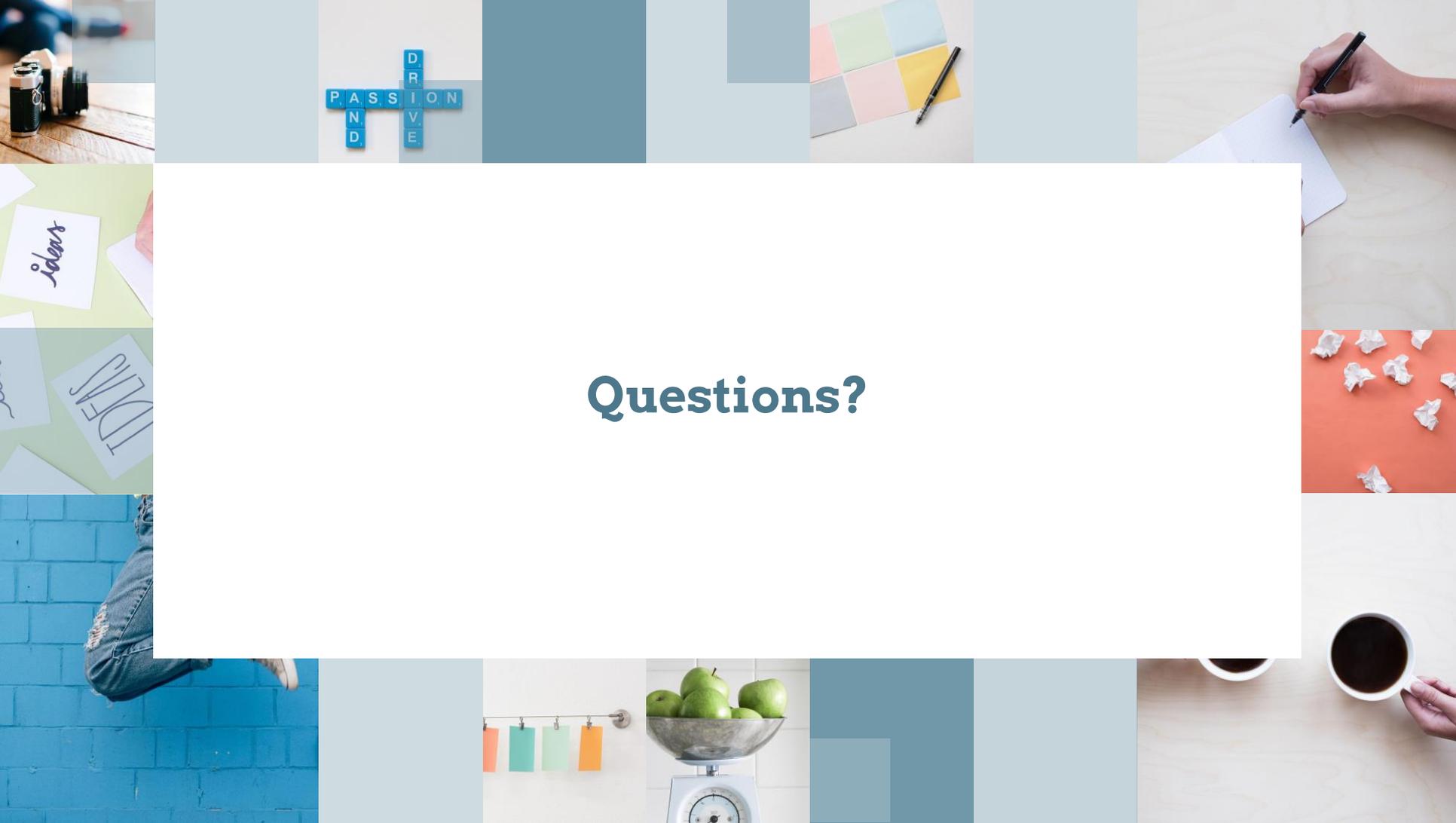
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Questions?