

Item 9.1: Federal Update

FY22 Budget Proposal: The President's FY 2022 discretionary budget requests historic \$29.8 billion (41%) increase for Department of Education!

- [58-page budget request](#) – The description for the Department of Education (ED) programs is on numbered pages 7-8, Department of Health and Human Services (HHS) is on pages 10-15, and Department of Labor is on pages 23-24. This topline request doesn't include detail for some of the smaller agencies and programs we follow. There are still very few programs where we know the precise FY 2022 request; that detail is expected after the Administration releases its the full FY 2022 budget later this spring, likely in May.
- [3-page OMB press release](#)
- Overview of education funding – President Biden's discretionary request for FY 2022 makes a record investment in ED programs, asking for a \$29.8 billion increase over the regular FY 2021 level (none of the funding levels here include the COVID-relief funding enacted for FY 2021). Two-thirds of the ED increase is for Title I, whose funding is more than doubled with a \$20 billion increase; President Biden campaigned on a pledge to triple Title I funding, and this investment goes more than two thirds of the way toward that goal in one year. The request does not include enough details to know where all the other \$9.8 billion is invested, but almost \$3 billion is to increase special education and another \$3 billion is to increase the maximum Pell grant by \$400. The budget also includes sizable increases for education programs outside of ED, including for Head Start and the Child Care and Development Block Grant (CCDBG).
- How does this increase compare with other Presidential budget requests? Simply put, this budget is unlike any other. The almost \$30 billion increase is more than three times the education increase ever requested by any President. In recent years, we've continued to make that point that even after Congress finally started to increase education funding in FY 2018, the funding for ED was still \$7 billion below the 2011 level in inflation-adjusted dollars. This request would put FY 2022 about \$20 billion above the level of a decade ago in real dollars, allowing for meaningful investments rather than just struggling to cover costs.
- Listed below are all the education funding that the President's budget request mentions.
- Specified ED increases –
 - \$36.5 billion for Title I – This is a \$20 billion (41%) increase over the 2021 level, and more than doubles funding for the largest K-12 education program.
 - \$15.5 billion for IDEA Part B state grants – The budget increases IDEA state grant funding by \$2.6 billion (20%), which leaves the program far below the "full-funding" level of about \$39 billion but would be a large down payment toward the full-funding goal. The budget also increases the Infant and Toddler Part C program by \$250 million (52%).
 - \$3 billion increase to raise the maximum Pell Grant by \$400 – This increase in the maximum Pell Grant is the largest single year increase since 2009. The document mentions that this is just part of "a more comprehensive proposal to double the maximum Pell Grant" – something we will likely see as part of the President's American Families Plan he will announce later this spring. The document also notes expanding Pell Grant eligibility to DREAMers who qualify financially.

- \$443 million for Full Service Community Schools – The budget provides a \$413 million (1377% - yes, that is correct!) increase for this \$30 million program that provides wraparound services to students and their families.
- \$100 million for a new diverse schools program – The budget funds a new grant program to help communities create schools with more diverse student bodies rather than ones that often are de facto segregated by race and family income.
- \$144 million for the Office for Civil Rights – This is an increase of \$13 million (10%).
- Other ED increases not quite specific enough to be quantifiable to particular programs –
 - \$1 billion for mental health services – The document doesn't say whether this is an increase for the Title IV-A program but notes that it is providing \$1 billion to increase the number of school counselors, nurses, and mental health professionals.
 - \$600 million increase for HBCUs, MSIs, and TCCUS – The President is requesting an increase of more than \$600 million for student support and institutional aid for Historically Black Colleges and Universities, Minority-Serving Institutions, and Tribally Controlled Colleges and Universities, as well as for other programs that support disadvantaged students, including those at community colleges (I wonder if this includes TRIO programs, among others).
 - Increase of \$100 million (about 50%) for programs aiming to increase participation in science and engineering of individuals from underrepresented racial and ethnic groups.
- Increases outside of ED –
 - \$7.4 billion for CCDBG – Within the HHS, this child care funding is a \$1.5 billion (25%) increase in child care funding from the regular FY 2021 level (the American Rescue Plan also included additional CCDBG funding for FY 2021).
 - \$11.9 billion for Head Start – This level is a \$1.2 billion (11%) increase over the FY 2021 level at HHS.
 - \$450 million for Preschool Development Grants – This is a \$175 million (64%) increase for a program that was frozen at \$275 million in FY 2021, also in HHS.
 - \$3.7 billion for WIOA state grants – At the Department of Labor, the budget increases funds for Workforce Innovation and Opportunity Act (WIOA) state grants by \$203 million (6%).
 - \$285 million for apprenticeship programs – The budget provides a \$100 million increase to expand registered apprenticeship opportunities within Labor.

Biden Fiscal Year (FY) 2022 Budget Proposal: Daniel A. Domenech, executive director of AASA, The School Superintendents Association, issued the following statement today in response to President Biden's budget proposal for FY2022:

"This budget proposal is the first one in more than a decade not subject to federal spending caps. That, in combination with an administration committed to investing in education and supporting state and local education leaders in their ongoing effort to fully implement and invest the federal emergency supplemental funding from CARES I, CARES II and the American Rescue Plan, represent a strong path forward in the work to safely get and keep schools open while addressing learning recovery, mental health, and the myriad of other supports and services our nation's K-12 schools have come to provide. We applaud President Biden for his strong support for education, and his explicit investment in the federal formula programs that are critical for supporting our nation's neediest students, including a \$20 billion increase to Title I and a \$2.6 billion increase for IDEA." You can check out AASA's full press release on the FY 22 budget by [clicking here](#).



ASHRAE: Guidance For Re-Opening Schools: Our colleagues at ASHRAE – a global professional society of over 55,000 members committed to serving humanity by advancing the arts and sciences of heating, ventilation, and air conditioning – released two new resources this week that provide school districts with guidance on how to limit transmission of SARS-COV-2 and future pandemics through the air. Specifically, the focus of these resources is to provide school system leaders with practical information and checklists to help minimize airborne transmission of COVID-19 by offering recommendations concerning HVAC (1) inspection and maintenance, (2) ventilation, (3) filtration, (4) air cleaning, (5) energy use considerations and (6) water system precautions. Check out an abridged summary of the guidance by clicking [here](#). The full version of ASHRAE's school re-opening guidance is available [here](#).

DOJ Releases Memo on Transgender Rights; USED Likely to Publish Guidance: The US Department of Justice (DOJ) recently published a memo to other federal agencies regarding the application of the Supreme Court's ruling in *Bostock v. Clayton County*, a 2020 case in which the Court ruled that employers who fire workers for being gay or transgender are in violation of federal law prohibiting sex-based employment discrimination (Title VII). The DOJ guidance applies the Court's Title VII interpretation to broader protections under Title IX, stating that gender identity and sexual orientation should be included in Title IX enforcement in educational settings. (EdWeek coverage on implications for schools is [here](#); the DOJ memo is [here](#).)

Office of Civil Rights and Title IX: The USED Office of Civil Rights (OCR) announced its plans to review Title IX regulations issued under the Trump administration, which mandate how colleges and K-12 schools must respond to reports of sexual misconduct. OCR plans to hold a public hearing and seek feedback on the review process in the coming weeks, and is ultimately likely to release new guidance for schools. (The letter announcing the review is [here](#); a USED press release is [here](#).)

Biden Issues Executive Actions on Gun Violence: On April 7, President Biden unveiled a package of executive actions to curb gun violence, including several focused specifically on gun violence in schools. A full fact sheet with implications of the directives is available [here](#), and will ultimately result in guidance from USED on how states and districts can leverage existing school safety and mental health funds from 21st Century Learning Centers, Student Support and Academic Enrichment grants, Project Prevent, Full Service Community Schools, and Promise Neighborhood grants, to support gun violence prevention.

CDC Updates Guidance on Cleaning and Disinfecting Surfaces: The CDC updated guidance last week on when and how often to clean and/or disinfect surfaces for Covid prevention. Although the agency continues to reiterate that regular cleaning practices can reduce the risk of infection, the guidance now asserts that risk of this type of infection is low, and that hand washing is the most effective way to prevent any possible infection from surfaces. The guidance includes a number of best practices that are beneficial to school leaders as they consider whether and how to allocate resources to surface cleaning and disinfection. (The guidance is [here](#).)

Biden Infrastructure Proposal: President Biden released the details of his American Jobs Plan. Overall, the proposal calls for an investment of an estimated \$2 trillion over the next decade for improving and constructing roads and bridges, schools and child care facilities, affordable housing and other

elements of more traditional infrastructure. Specifically, the education-related components of the proposal include:

- \$100 billion for school modernization and construction
- \$25 billion to upgrade child care facilities and increase access
- \$100 billion to support workforce development programs
- \$100 billion to expand and improve broadband access
- \$111 billion to replace all lead pipes across the country.

The EdWeek coverage of the proposal is available [here](#). A White House fact sheet on the American Jobs Plan is accessible [here](#). The President also released the Made in America Tax Plan last week, which proposes changes to corporate tax rates and structures as a mechanism for funding the American Jobs Plan. If Democrats and Republicans are unable to broker a deal around the funding for the infrastructure package, Congressional Democrats are likely to use the budget reconciliation process. As we've mentioned in other newsletters, this procedure allows the Senate to avoid the 60-vote majority needed to end the filibuster. Finally, the Biden administration is still expected to release an American Families Plan in the coming weeks. From our intel, this proposal will focus on "human infrastructure" investments, which may include initiatives for tuition-free community college, universal pre-kindergarten, an expansion of the child tax credit and other education-related investments.

An American Imperative: A New Vision for Public Schools: On April 9, 2021, AASA released a report recommending a holistic redesign of our nation's schools through the empowerment of districts on behalf of their learners, families and communities. The report, [An American Imperative: A New Vision of Public Schools](#), was created by [Learning 2025: A National Commission on Student-Centered Equity-Focused Education](#), a cadre of thought leaders in education, business, community and philanthropy, launched earlier this year by AASA. Looking ahead, AASA, in partnership with other national collaborative organizations, will identify demonstration school districts that exemplify the actions expressed in the report to serve as national models. Districts will be divided into different phases—Lighthouse, Aspiring and Emerging—to indicate various levels of development or implementation, and will help guide practical application. Stay tuned for more details on this exciting endeavor.

Federal Funds Started to Flow in Late March: The U.S. Dept. of Education announced that it began dispersing funds from the American Rescue Plan (ARP) to states by the end of March. Several relevant resources related to these funds are linked below:

- [USED press release announcing when funds will be available](#);
- [Breakdown of state-by-state allocations of this round of ESSER funds](#);
- [Fact sheet on new funds and intended uses](#); and
- [Letter sent to state education chiefs](#)

Letter to Dept. of ED: Recommendations to Improve Rural Education Outreach: AASA and 16 other allied organizations sent a [letter](#) to Secretary Cardona this last month requesting that the Department of Education expand its efforts to increase engagement with rural education stakeholders, promote staff understanding of the challenges facing rural local education agencies, and improve the intra-agency rural education-related policymaking efforts of and between the Department's senior leadership, White House Domestic Policy Council, and U.S. Department of Agriculture. Check out the full details on the [Leading Edge Blog](#).



K12 School Facilities Belong In National Infrastructure Stimulus: On March 29th, AASA and over 130 allied education, health, environmental, labor, and industry organizations sent a [letter](#) to House Leadership urging the inclusion of the Reopen and Rebuild America's Schools Act (RRASA) as passed last Congress in any upcoming infrastructure package enacted into law. The [Re]Build America's School Infrastructure Coalition (BASIC) made it clear that while the American Rescue Plan and COVID-19 Relief funds will enable districts to operate their 20th-century schools more safely, the funding will not enable high-need LEAs and schools to modernize critical infrastructure for the 21st century. Thus, further exacerbating long-standing inequities. By allocating \$100 billion in direct grants and \$30 billion in bond interest subsidies, Congress can address obsolete and deteriorated conditions in high-need rural, town, suburban, and urban public school facilities. AASA was proud to join the BASIC in this effort to advocate for a comprehensive local, state, and federal partnership to modernize our nation's public school facilities infrastructure. Click here to read the [letter](#).

Estimates of K-12 funding in American Rescue Plan by School District: Our Colleagues at [WhiteBoard Advisors](#) have created a [searchable database](#) with estimates of how much each school district nationwide will get from the Elementary and Secondary School Emergency Relief (ESSER) Fund under the recently enacted American Rescue Plan. Please note that this database uses approximations and not final grant amounts. Additionally, the estimates might be skewed because the database uses Title I allocation data, which does not include information on charter Local Educational Agencies (LEAs) and non-traditional LEAs. Using the database, you can also find WhiteBoard Advisors estimates for the Cares Act (i.e., ESSER I) and the Coronavirus Response and Relief Supplemental Appropriations Act (ESSER II). Finally, check out the Congressional Research Service's [state-wide estimates](#) of ESSER as well as the Higher Education Emergency Relief Fund and the support for non-public schools.

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