Federal Education Update

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June 2021

Federal COVID Response

- COVID 1: H.R. 6074, Coronavirus Preparedness and Response Supplemental Appropriations Act (3/6/20)
  Small in scope and focus; targeted on bolstering capacity to respond to the COVID-19 health emergency.

- COVID 2: H.R. 6201, Families First Coronavirus Response Act (FFCRA) (3/18/20)
  Includes funding adjacent to education: critical flexibility for school nutrition programs and mandate for sick paid/family leave.

- COVID 3: H.R. 748, Coronavirus Aid, Relief, and Economic Security Act (CARES) (3/27/20)
  - First bill to include dedicated funding for K-12 education ($13billion).

- COVID 4: H.R. 266, Paycheck Protection Program and Health Care Enhancement Act (4/24/20)
  Series of technical changes, along with money for testing, hospitals and PPP.

- COVID 5: H.R. 133 Consolidated Appropriations Act / Coronavirus Response and Relief Supplemental Appropriations Act (CAA/CRRSA/CARES II) (12/27/20)
  Massive FY21 spending and COVID-relief package. Months in the making.
  - Second round of dedicated funding for K-12 education ($54.3 billion)

- COVID 6: H.R. 1319 American Rescue Plan Act of 2021 (ARP) (3/11/21)
  Massive FY21 spending and COVID-relief package.
  - Third round of dedicated funding for K12 education ($122 billion).

Use/Distribution of Funding

- Ninety percent of funding will be distributed to districts based on their relative share of Title I, Part A funding. (not a fan favorite)

- ESSER funding is intended and designed to provide LEAs with flexibility.

- The funding can be spent flexibly and includes expenditures related to:
  - Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities,
  - School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission
  - Addressing learning loss
  - Planning and implementing activities related to summer learning
  - Providing mental health services and supports, including through community schools
  - Purchasing educational technology (including hardware, software, and connectivity
  - Providing meals to students during school closures
  - Purchasing supplies to sanitize and clean buildings
  - And more

Additional Funding Supports (ARP)

- Within ARP ESSER
  - $800 million set-aside for McKinney-Vento
  - $2.5 billion for IDEA (brings federal share to 20%)
  - $2.75 billion in funding for non-public schools
- $7.2 billion for Homework Gap
- Addressing Child Poverty
  - Child Care
    - Childcare Development Block Grant ($15 b)
    - Child Care Stabilization ($23.9 b)
    - Head Start ($1 b)
  - State and Local Fiscal Relief ($362 b)
  - Increases child tax credit
  - Provides $1,400 stimulus checks to adults/child dependents

Emergency Connectivity Fund

- Last week the FCC [announced](#) the initial filing window for the [Emergency Connectivity Fund](#), a $7.17 billion program that will help schools and libraries provide the tools and services their communities need for remote learning during the COVID-19 emergency period.

- From June 29, 2021 to August 13, 2021, eligible schools and libraries can apply for financial support to purchase connected devices like laptops and tablets, Wi-Fi hotspots, modems, routers, and broadband connectivity to meet unmet needs for off-campus use by students, school staff, and library patrons during the COVID-19 emergency period.

- During this application filing window, eligible schools and libraries, in addition to consortia of schools and libraries, can submit requests for funding to purchase eligible equipment and services between July 1, 2021, and June 30, 2022.

- You can view an FCC Fact Sheet on the program by visiting: https://www.fcc.gov/sites/default/files/ecf_factsheet.pdf

OCR to Examine School Discipline Practices and Disparities in Student Experiences

- The USED Office of Civil Rights (OCR) is requesting comments on the administration of school discipline in PK-12 schools. According to the Department, the information will assist OCR in better understanding whether and how it should revise or expand existing guidance around reducing racial disparities in school discipline and ensuring compliance with civil rights law. Comments must be submitted by July 23.

- A press release is here . The request for comments is here.

Surface Transportation Bill

- AASA weighed in on proposed amendments to the Senate Surface Transportation bill (S. 2016). [In a joint letter](#) with the school transportation associations, AASA expressed opposition to an amendment from Senator Duckworth that would have added 11 unfunded mandates impacting school buses to the surface infrastructure bill.

- The amendment was never even introduced in mark up (a win!) and now we just need to monitor the final floor vote, and will oppose any similar amendments that may arise at that time.

FY22 Appropriations

- FY22 runs Oct 1, 2021 – Sept 30 2022. Dollars will be in schools for 2022-23 school year. 1st year in a decade not bound by budget caps

- Remains to be seen:
  - Relevance of President's budget in relation to Senate and House proposals, in terms of both priorities and overall funding levels

- Details
  - The proposal includes a record increase for USED of $29.8 billion (41%) over the FY 2021 level, and big increases for education programs in Health and Human Services (HHS).
  - LOTS of new programs and money (including Title I parallel program) and for school=based health professionals; remaining increases in a handful of programs (Incl. IDEA). Lots of level funding. Small increase for REAP, no funding for Forest Counties.
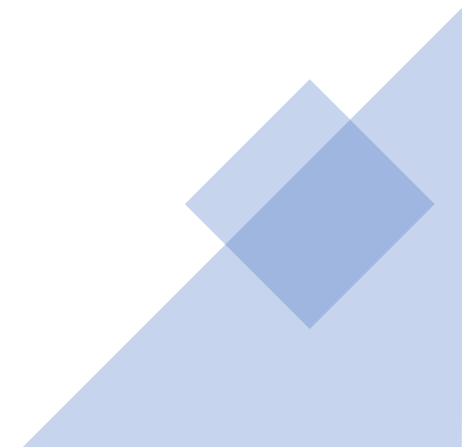
AASA Response to Title IX Rule

- AASA urged the department to immediately rescind the 2020 amendments to the Title IX regulations and replace them with nonbinding guidance for K–12 schools, technical assistance, and best practices to ensure the fair, prompt, and equitable resolution of reports of sexual harassment and other sex discrimination.

- Our comments focus on three major issues with the 2020 amendments:
  - The length of the process and the ability of administrators to adequately mitigate potential and actual sexual harassment and assault of students in a timely manner, especially when compared to other similar disciplinary infractions.
  - Staffing burden
  - Confidentiality requirements

- [Blog post](#)

ESSER Implementation Resources

- ESSER FAQ
- Maintenance of Effort Guidance
- ARP Allowable Uses Guidance
- USED ESSER Landing Page

Questions?

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