



## Federal Advocacy & Public Policy Team

March 19, 2021

### NSBA Weekly Update

#### Congressional Update

##### **Earmarks Poised to Make a Comeback**

Since 2011, both the House and the Senate have observed a moratorium on so-called “earmarks”— spending for specific projects or priorities made at the direction of individual Members of Congress. Earlier this month, House Appropriations Chair Rosa DeLauro (D-CT) unveiled [plans](#) to revive the practice, rebranding them as “Community Project Funding,” and proposing much stricter rules regarding their use. On Wednesday, March 17, the entire Republican conference in the House [voted](#) 102-84 to follow suit, proposing a similarly stringent approach to bring back the controversial spending practice. Appropriations Committee Chairman Leahy (D-VT) and Ranking Member Shelby (R-AL) have both made public statements this week hinting that the Senate is likely to bring back earmarks this Congress as well. However, Congressional leaders in the Senate have yet to formally release comparable plans to revive the practice in the upper chamber.

##### **House Subcommittee to Hold Hearing on Educational Equity**

Earlier this week the House Education and Labor’s subcommittee on Early Childhood, Elementary, and Secondary Education announced plans to hold a hearing titled, “Lessons Learned: Charting the Path to Educational Equity Post-COVID-19.” The hearing will be held on March 25. Further details, including a list of witnesses and link to a live webcast, will be made available [here](#).

#### Administration Update

##### **CDC Announces New Guidance for Schools**

Today the Centers for Disease Control and Prevention (CDC) announced a change in their mitigation guidance for schools. The [new guidance](#) states that when there is proper use of masking, three feet of spacing is acceptable under certain conditions. The U.S. Department of Education (ED) will be updating their own guidance soon with the new information. Prior to that updating, they are going to place a disclaimer on their current document.

##### **FCC Seeks Comment on Connectivity Fund**

On Tuesday, March 16, the Federal Communications Commission (FCC) [announced](#) that it is seeking input from the public on how best to structure rules regarding the Emergency Connectivity Fund—\$7.171 billion in funding authorized by the American Rescue Plan Act of 2021 ([P.L. 117-2](#)) allowing schools and libraries to use these funds to purchase eligible connectivity equipment and devices. These funds are intended to help more students afford internet-capable devices and reduce the homework gap exacerbated by the ongoing pandemic. Comments are due by April 5 with reply comments due April 23.

### **CDC Announces \$10 billion for K-12 School COVID-19 Screenings**

On Wednesday, March 17, the Centers for Disease Control and Prevention (CDC) announced that the agency will provide \$10 billion in additional funding for states, authorized by the recently enacted American Rescue Plan Act of 2021 ([P.L. 117-2](#)), to support COVID-19 testing for K-12 school students and staff. The move aligns with the Biden Administration's national pandemic response and recovery [plan](#), which called for robust screening and testing in schools to mitigate the spread of the virus and help schools reopen for in-person instruction safely. Funding is expected to reach states by early April. More on the announcement, including state-by-state funding allocations, can be viewed [here](#).

### **Secretary Cardona Reiterates Position on Assessments**

Last month, before Secretary Cardona was formally confirmed to lead the U.S. Department of Education (USED), the department issued a guidance [letter](#) to Chief State School Officers regarding potential state waivers of the assessment, accountability, and reporting requirements contained in the Every Student Succeeds Act (ESSA). The letter indicated that while USED would waive accountability provisions for the current school year (for states that applied for this flexibility), states should plan to move forward with federally mandated statewide assessments this spring. On Wednesday, March 17, Secretary Cardona [reiterated](#) the department's position on this issue saying, in part, that this letter "is the guidance that we're going with moving forward on assessments." The statement comes a few days after the National Association of Secondary School Principals (NASSP) sent a [letter](#) to Secretary Cardona calling on USED to issue blanket waivers from ESSA assessment requirements this spring.

### **USED Announces Next Round of K-12 Funding**

The recently enacted American Rescue Plan Act of 2021 (P.L. 117-2) authorizes over \$122 billion in additional funding specifically for K-12 schools. On Wednesday, March 17, Secretary Cardona sent a [letter](#) to Chief State School Officers notifying them of the availability of these funds. In this letter, Cardona encourages states and local school districts to use these funds, to the greatest extent possible, to pursue strategies [outlined](#) by the CDC aimed at helping schools safely reopen for in-person instruction. Earlier in the week USED released a [factsheet](#) related to the use of these funds and also published a [table](#) detailing state-by-state allocations. More information related to this announcement can be found in the accompanying press [release](#).

### **Safe School Reopening Summit**

The ED announced details for the virtual [National Safe School Reopening Summit](#). The summit will take place on Wednesday, March 24, at noon (ET) and will include welcoming remarks from First Lady Dr. Jill Biden, Secretary Miguel Cardona, and Director of the CDC Dr. Rochelle Walensky. It will also host three panels that will include health experts, educators and education leaders, and students. Sessions include:

- Lessons from the Field: Implementing CDC's K-12 Operational Strategy to Keep Students, Educators, and Staff Safe
- Technical Assistance from CDC and ED: Implementing CDC's Guidance to Keep Students, Educators, and Staff Safe
- Supporting All Students: Addressing the Academic, Social, and Emotional Needs of Students with a Focus on Equity

### **Bills**

- [H.R.1959](#) To promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes. **Sponsor:** [Rep. Cartwright, Matt \[D-PA-8\]](#)

- [H.R.1928](#) To amend the Elementary and Secondary Education Act of 1965 to protect students from sexual abuse, and for other purposes. **Sponsor:** [Rep. Lieu, Ted \[D-CA-33\]](#)
- [H.R.1911](#) To provide assistance with respect to child care infrastructure, and for other purposes. **Sponsor:** [Rep. Clark, Katherine M. \[D-MA-5\]](#)
- [H.R.1903](#) To amend title II of the Higher Education Act of 1965 with respect to partnership grants for the establishment of rural teaching residency programs, and for other purposes. **Sponsor:** [Rep. Bost, Mike \[R-IL-12\]](#)
- [H.R.6](#) American Dream and Promise Act of 2021 **Sponsor:** [Rep. Roybal-Allard, Lucille \[D-CA-40\]](#)
- [H.Res.241](#) Expressing the sense of Congress that reopening schools for in-person instruction should be a critical priority for local, State, and Federal policymakers, and that funding for K-12 schools under the American Rescue Plan and State vaccination guidelines should be used to help get children back in the classroom. **Sponsor:** [Rep. Sherrill, Mikie \[D-NJ-11\]](#)
- [H.R.1886](#) To provide temporary impact aid construction grants to eligible local educational agencies, and for other purposes. **Sponsor:** [Rep. O'Halleran, Tom \[D-AZ-1\]](#)
- [H.R.1865](#) To amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students. **Sponsor:** [Rep. Wild, Susan \[D-PA-7\]](#)
- [H.R.1863](#) To establish a grant program to fund the installation of green roof systems on public school buildings, and for other purposes. **Sponsor:** [Rep. Velazquez, Nydia M. \[D-NY-7\]](#)
- [H.R.1861](#) To amend the Richard B. Russell National School Lunch Act to allow schools that participate in the school lunch program under such Act to serve whole milk. **Sponsor:** [Rep. Thompson, Glenn \[R-PA-15\]](#)
- [H.R.1828](#) To provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and local educational agency policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes. **Sponsor:** [Rep. Grijalva, Raul M. \[D-AZ-3\]](#)
- [S.813](#) A bill to promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes. **Sponsor:** [Sen. Markey, Edward J. \[D-MA\]](#)
- [S.734](#) A bill to amend the Child Abuse Prevention and Treatment Act to provide for grants in support of training and education to teachers and other school employees, students, and the community about how to prevent, recognize, respond to, and report child sexual abuse among primary and secondary school students. **Sponsor:** [Sen. Cornyn, John \[R-TX\]](#)

## NSBA Update

**Annual Conference is Just Three Weeks Away, Be Part of the Online Experience:** The NSBA 2021 Online Experience will bring world-class programming, inspirational keynotes, top education solution providers, and plentiful networking opportunities. Join us on April 8-10, 2021, for a fully transformed and memorable event! Learn more about the event and register by visiting the [Online Experience website](#).

**It is Time to Champion Public Schools! NSBA 2021 Advocacy Institute Online Registration is Open:** The [registration link](#) for the 2021 Advocacy Institute Online, a virtual event, scheduled for June 8, 9, and 10 is now open. NSBA is excited to provide this special online experience focused on the issues and priorities for the nation's local school board members. Scores of nationally known speakers, members of Congress, and officials from the Biden administration will be announced in the coming weeks and a national poll on

public schools will be released during the opening session that is being commissioned by the National School Boards Action Center. Issues highlighted in the poll will include the homework gap, the importance of teachers, public school funding, the pandemic, private school vouchers, and other issues impacting education. The results from the poll will help drive messaging and communications as NSBA moves its advocacy agenda for public schools forward.