



Federal Advocacy & Public Policy Team

February 12, 2021

NSBA Weekly Update

Congressional Update

House Committees Advance Key Pandemic Funding Measures for K-12 Schools and to Help Close the Homework Gap

This week, lawmakers in the House took the first steps to pass major components of President Biden’s [American Rescue Plan](#)—a \$1.9 trillion proposal that seeks to comprehensively respond to the ongoing pandemic. While nearly all Democratic lawmakers support the proposal, many of their Republican counterparts are not supportive. Although Democrats control both Chambers of Congress, their majority in the Senate is extremely narrow. As a result, the Democratic Congressional majority is making use of a legislative process, known as “budget reconciliation,” to pass this proposal with simple majorities in both chambers—a move that would circumvent a likely Republican filibuster in the Senate (it was last used by Republicans in 2017 to pass the [Tax Cuts and Jobs Act](#)). Last week, both the House and the Senate took the first steps in this process by passing separate budget resolutions. These resolutions provided instructions to the committees of jurisdiction to develop legislation that aligns with President Biden’s pandemic relief plan.

This week, several House Committees moved forward with these efforts. On Tuesday, February 9, the House Education and Labor Committee marked up [legislation](#) that would provide nearly \$130 billion in additional emergency aid for the K-12 community. These funds would be distributed via the existing Elementary and Secondary School Emergency Relief ([ESSER](#)) funding stream. All the existing allowable uses of funds and related requirements for the ESSER fund would apply except that:

- States would be required to set-aside at least five percent of their ESSER allocation to support evidence-based interventions that address learning loss and
- School districts receiving funds would be required to use at least 20 percent of their local allocation for similar activities to address student learning loss.

In addition to these changes, the bill would also explicitly tie the treatment of these funds to existing requirements in the Every Student Succeeds Act (ESSA) delineating how to share resources with nonpublic schools (a provision known as equitable services). Significantly, the bill would also require states and local school districts to adhere to both a Maintenance of Equity and a Maintenance of Effort provision—requirements that would compel states and districts to maintain previous spending levels and prevent additional reductions of funding to fall on districts serving students most in need in exchange for this funding. The committee considered over 30 amendments on Tuesday during a 13-hour markup hearing which did not significantly change the underlying bill. The legislation was passed along party lines, 27-21, and was sent back to the House Budget committee to be included in a single legislative package at a later date.

Concurrent to this effort, both the House Energy and Commerce Committee and the House Committee on Oversight and Reform have also been marking up their own legislative proposals. Late Friday evening, the Energy and Commerce Committee passed COVID-19 relief budget reconciliation legislation that will provide 7.6 billion to expand internet connectivity for students and teachers without internet access. This is a tremendous victory towards helping close the digital divide in education, commonly called the homework gap, at least short-term during the pandemic. There still needs to be a long-term focus on the problem but this is an important victory for millions of public school students.

Senate Education Committee Moves Cardona Nomination Forward

On Thursday, February 11, the Senate Health, Education, Labor, and Pensions (HELP) Committee voted 17-5 to approve Miguel Cardona's nomination to be the next U.S. Secretary of Education. Cardona earned supportive remarks from both Chair Patty Murray (D-WA) and Ranking Member Richard Burr (R-NC) who noted during the vote that he possessed the "background, qualifications, [and] temperament to serve" as the next head of the U.S. Department of Education. Senators Paul (R-KY), Braun (R-IN), Marshall (R-KS), Scott (R-SC), and Tuberville (R-AL) voted against the nominee. Cardona's nomination now advances to the Senate floor for a full vote. While his nomination is expected to be approved, it remains unclear when it will be considered due to the ongoing second impeachment trial of former President Trump.

Administration Update

CDC/U.S. Department of Education Release Guidance on Reopening Schools

Today, [the Biden administration released two documents offering suggested guidance on reopening schools](#). The Centers for Disease Control and Prevention (CDC) released its science-based [recommendations](#) on reopening schools. This update is a data-driven effort to expand on old recommendations and advise school leaders on how to "layer" the most effective safety precautions: masking, physical distancing, handwashing and respiratory etiquette, ventilation and building cleaning, and contact tracing. The U.S. Department of Education released its [ED COVID-19 Handbook](#) to support the education community with implementation guidance, strategies, and considerations to help reopen schools safely.

NSBA Executive Director & CEO Anna Maria Chávez released a statement recognizing the guidance and recommendations for acknowledging every community is different and that schools have already demonstrated flexibility this year. [Read the full statement.](#)

Education Groups Submit E-Rate Petition FCC on Cybersecurity

On Monday, February 8, several education groups submitted a [petition](#) to the Federal Communications Commission (FCC) calling on them to expand the allowable uses of E-rate funding to include the costs associated with hardening digital security protections for K-12 schools and districts. The petitioners argue that the FCC must make these changes because, "Cyberattacks [on K-12 schools] have become so pronounced that they represent a material threat to the educational broadband access that Congress intended to facilitate through the E-rate program." In addition, the petition includes an E-rate cybersecurity [cost estimator](#) that proposes three tiers of cybersecurity protections, alongside their respective costs, that would be needed to fully protect school districts.

Bills

- [S.284](#) A bill to support the provision of library services and technology to meet the needs stemming from the coronavirus. Sponsor: [Sen. Reed, Jack \[D-RI\]](#)

- [S.251](#) A bill to provide that for purposes of determining compliance with title IX of the Education Amendments of 1972 in athletics, sex shall be recognized based solely on a person's reproductive biology and genetics at birth. Sponsor: [Sen. Lee, Mike \[R-UT\]](#)

NSBA Update

Public Schools Week and Digital Learning Day: This is a reminder that two major national advocacy events are occurring later in February. [Public Schools Week](#) runs from Monday, February 22 through Friday, February 26, 2021. NSBA is a proud partner in supporting this five-day long campaign helping administrators, teachers, specialists, parents, and school board members to host events for their communities and reach out to lawmakers, businesses, and other community members to discuss the importance of public education. During that same week, on Thursday, February 25, 2021, [Digital Learning Day](#) (#DLDay) will take place. #DLDay is an opportunity for educators to share great ideas, amazing stories, and promising practices through social media and within their own schools and communities. The goal of #DLDay is to show that every day in schools should be a digital learning day using technology and digital content to help teachers and students learn in new environments and instruction models such as personalized learning. NSBA will be actively participating in both celebrations and encourages state associations and local school board members to promote public schools and the students they serve.

CSALS Meeting on Tuesday, February 16, 2021 at 4:00 pm Eastern: Due to the federal holiday on Monday, the next CSALS meeting is this Tuesday, February 16, 2021 at 4:00 pm eastern. Call logistics are below and the meeting agenda will be forwarded on Tuesday morning.

Topic: CSALS Meeting

Time: Feb 12, 2021 11:30 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98212613503>

Meeting ID: 982 1261 3503

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