



## Federal Advocacy & Public Policy Team

April 9, 2021

### NSBA Weekly Update

#### Congressional Update

##### **President Biden Releases “Skinny” Budget Request**

Earlier today, April 9, President Biden released a long-anticipated budget request to Congress, outlining his administration’s desired spending priorities for the upcoming 2022 federal fiscal year (FY 22). During most Presidents’ first year in office, administrations typically release a “skinny” version of this request to provide more time to develop more comprehensive spending plans later in the year. President Biden has carried on this tradition and this skinny budget provides only high-level information regarding the administration’s discretionary spending priorities for the coming year. A more in-depth proposal, providing additional details about these priorities and intended spending levels for key education programs, is expected to be released later this spring.

Of particular note for the K-12 community, this request proposes \$102.8 billion for the U.S. Department of Education—a 41% increase over current funding levels. President Biden’s skinny budget also envisions most of these new investments to be devoted to significantly increasing funding levels for Title I of the Every Student Succeeds Act (ESSA). Specifically, the budget proposes \$36.5 billion for this purpose which would amount to a 121% increase over currently enacted levels. The release of President Biden’s skinny budget formally begins the Congressional budget and appropriations cycle for FY22. The next federal government budget is set to start on October 1, 2021.

In response to today’s announcement, Anna Maria Chávez, Executive Director and CEO of NSBA, released a statement in support of the \$20 billion increase in Title I grants for disadvantaged students, a \$2.6 billion increase for special education, and a \$1 billion increase to grow the number of counselors, nurses, and mental health professionals in schools. You can view the statement [here](#).

#### Administration Update

##### **CDC and USED Release New School Reopening Guidance**

This past February, the U.S. Department of Education (USED), along with the Centers for Disease Control and Prevention (CDC), released “[Volume 1](#)” of its two-part guidance series aimed at supporting safe school reopening efforts. This first volume focused on providing education stakeholders with actionable recommendations regarding the specific health and safety measures leaders should consider when reopening schools. Earlier today, April 9, USED released “[Volume 2](#)” of this guidance series, focused on evidence- and research-based strategies to mitigate the social, emotional, mental-health, and academic impacts of the pandemic on students, educators, and staff.

## **USED Responds to More State Waiver Requests**

On Tuesday, April 6, the U.S. Department of Education (USED) provided formal responses to several states that have sought waivers from the Department that would, if granted, absolve them of assessment and accountability requirements from the Every Student Succeeds Act (ESSA). As the department expressed [previously](#), every state that has so far sought to temporarily waive ESSA's accountability and school identification requirements has been granted one.

On the issue of administering assessments this spring, however, states have variously sought different flexibilities or waivers from these federal testing requirements. USED has been far less receptive to these requests by comparison. For instance, only [Washington, D.C.](#), was granted a full waiver from ESSA's testing requirements for this school year. [Oregon](#), on the other hand received a narrower approval of their testing flexibility request, conditioned on the completion of a public comment period in the state. Three other states, [New York](#), [Michigan](#), and [Montana](#), had similar assessment waiver requests rejected. For several other states, USED provided feedback on these proposals without providing a formal decision as these states work to further refine these requests.

Of significant note, USED provided a formal response to [California](#)'s planned course of action on testing this spring. The state plans to move forward with the administration of its statewide summative assessment this school year, shorten the length of assessments, and extend potential testing windows further into the year. Where the state determines that it is not "viable" for a school district to administer the statewide assessment, these districts will not be required to administer the statewide test (in California's case the Smarter Balance Assessment or SBAC). USED's letter makes clear that they hope the state encourages the use of local assessments where the administration of the statewide test is determined by the state not to be viable, but also emphasizes that this approach cannot be in lieu of a statewide test. It also remains unclear what criteria or what process the state must consider or undertake to make a determination regarding the viability of a district to administer the state's test.

## **USED's Office of Civil Rights Reviews Title IX**

Earlier this year, President Biden issued an executive [order](#) directing U.S. Secretary of Education Miguel Cardona to review and potentially replace current Title IX regulations updated by the U.S. Department of Education last May. On Tuesday, April 6, Acting Assistant Secretary for the U.S. Department of Education's (USED) Office of Civil Rights (OCR), Suzanne B. Goldberg, sent a [letter](#) to students, educators, and other stakeholders outlining the department's plans to follow through on President Biden's directive to review and potentially overhaul these rules. In addition to announcing these efforts, OCR also indicated that the Department plans to provide new guidance for K-12 schools and postsecondary institutions in the coming months to provide further clarity on current Title IX regulations already in effect and stakeholders' responsibilities under this current regulatory framework. "Today's action is the first step in making sure that the Title IX regulations are effective and are fostering safe learning environments for our students while implementing fair processes" Cardona said in a press [statement](#) released at the same time.

## **NSBA Update**

**Annual Conference and Upcoming Advocacy Institute:** The NSBA federal advocacy and public policy team hopes you are enjoying the 2021 NSBA Annual Conference. We were pleased to provide five different sessions related to advocacy and public policy. We look forward to our next major event which is the Advocacy Institute scheduled for June 8-10. We urge you to participate in this major online event championing public schools. [nsba.org/AI2021](https://nsba.org/AI2021)

**CSALS Meeting on Monday, April 12, 2021 at 4:00 pm eastern:** NSBA will be hosting a CSALS call this Monday to discuss the latest advocacy issues. The agenda will go out earlier that day. Meeting logistics can be found below:

Topic: CSALS Meeting

Time: Apr 12, 2021 04:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99021622374>

Meeting ID: 990 2162 2374

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