

Federal Education Update

September 2022



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Before We Begin

A lot is in limbo. For instance...

1. Waiting on discipline guidance from ED. They are determined to make 504 into a mini-IDEA next spring. We are working with others to talk some sense into them.
2. Title IX comments wrapped up – looks like new regs won't be out until the summer given the # of comments filed.
3. New Medicaid guidance won't be out until Q1 of next year.
4. EPA may be updating the lead and copper rule soon, which would require schools to do lead testing. We should know more details about the school mandates in a few weeks.
5. CCSSO will release data on how States are spending ESSER money. How does Texas compare to other states in terms of LEA supports/services.
6. There was a WH conference on child nutrition that will focus on expanding free meals for kids in schools among other things. This hasn't occurred in many years and last time it ushered in a complete revamp of school lunch programs.

Overview

- The Federal Context
- Federal Funding Recap: FY22 and FY23
- IDEA Full Funding
- ESSER
- School Safety & Mental Health
- Infrastructure & Electric School Buses
- School Connectivity
- Title IX Regulations
- Child Nutrition
- PSLF/Teacher Shortages

The Federal Context

- It's a mid-term election year.
 - There is/was So. Much. Going. On.
 - School Meal Waivers
 - Uvalde School/Gun Safety Package
 - Title IX Regulations
 - SCOTUS: Kennedy, Carson, Dobbs, nomination
 - So much of what we need(ed) done depends/ed on how other—seemingly unrelated—things shook out:
 - What can be done before elections?
- Congressional maps
- January 6 committee
- COVID fatigue
- While still being real about what you're facing:
 - COVID response and recovery
 - Staff burnout/shortages
 - Decreased level of support for public education
 - All the wonders of your state legislatures!

FY22 Federal Funding Recap

- Impacts federal funding for LEAs for the 2022-23 school year
- Final package signed into law in March 2022 (nearly halfway thru the fiscal year)
- Largest increase for K12 funding in more than 15 years, yet still underwhelming
- Summary of Funding Levels
 - Title I: \$17.5 billion (+\$1B from FY21, but less than the \$20B increase proposed by the POTUS/House and the \$16.5B proposed by the Senate.)
 - IDEA / Special Education: \$13.6 billion (+\$406M from FY21, but -\$2B from ARP's IDEA level, and is \$2.5B less than what was initially proposed by POTUS & Congress.)
 - This decreased the federal share of IDEA from 15.5% under ARP to 13.6% under FY22.

FY22 Federal Funding Recap

- Other notable program funding:
 - Title II-A, Educator Professional Development: \$2.2 billion (+\$27M);
 - Title IV-A SSAE Block Grant: \$1.28 billion (+\$60M)
 - Title IV-B 21st Century Schools: \$1.29 billion (+\$30M);
 - Mental health \$\$\$: Title IV-F School Safety National Activities (\$111 million); Mental Health Services Professional Demonstration Grants (\$55 million); School-Based Mental Health Services Grants (\$56 million).
 - Perkins/CTE: \$1.38 billion (+\$45M)
 - Head Start (PreK): \$11.037 billion (+\$289M)

FY23 Federal Funding Recap

- Impacts federal funding for LEAs for the 2023-24 school year
- Apropos work is still underway. Congress needs to act by Sept 30 to avoid a federal shutdown (very unlikely most years, especially so now that budget caps are gone AND its an election year)
- All signs point to a short-term CR through mid-Dec, when Congress will have to finalize spending levels or punt to new Congress
- POTUS proposal, and that of House and Senate, are pretty much a 'rinse and repeat' of FY22, but with less political likelihood
- Mid-term elections will likely shape final steps and funding levels.

IDEA Full Funding

- Congress has never honored its commitment to fully fund IDEA at 40% of the additional cost associated with educating students with disabilities. Current federal share sits just around 13%.

ESSER Implementation

- Schools continue immense work of implementing ESSER dollars and investing in a judicious yet timely manner
- Hot topics of implementation
 - Data collection(s): ESSER, MoEquity and Civil Rights data
 - These expansive data collections are happening concurrently and exceed the intended scope of the underlying statute. They require a lot of time, staff, and resources to do as districts are dealing with labor shortages and trying to help their school communities recover from the pandemic.
 - Maintenance of Equity

ESSER Spending Timelines

LEAs have until 2024 to Obligate ARP ESSER Funds.

\$123B ARP ESSER III. LEAs must obligate by 9/2024 ~\$2,400/pupil.
**20% must be used for learning loss*

\$54B CRRSAA ESSER II. LEAs must obligate by 9/2023 ~\$1,100/pupil.
**Broadly flexible — ED says expenses must relate to COVID-19*

\$13B CARES ESSER I. LEAs must obligate by 9/2022 ~\$250/pupil.

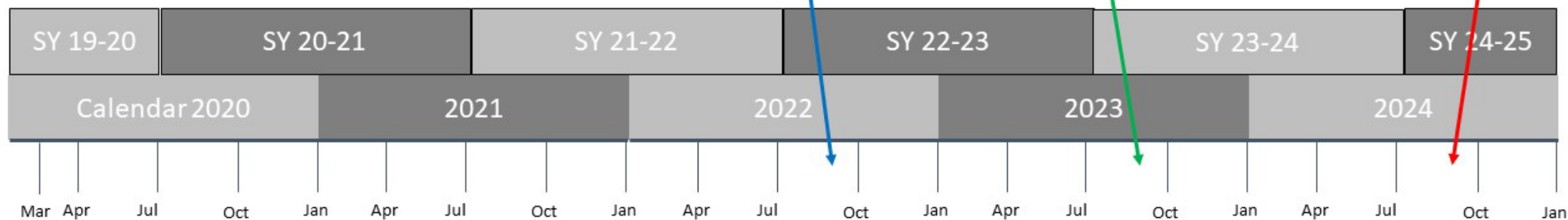


Image adapted from [White Board Advisors](#) and [Edunomics Lab, Georgetown University](#).

Inflation Reduction Act

- Partisan reconciliation bill passed August 16
 - Far cry from the original Build Back Better Act that fell apart late last year. Only focuses on health, climate change, and tax policy provisions with minimal implications for K-12 education.
 - Provides \$37.5 million in grants & \$12.5 million in technical assistance to help schools in low-income and disadvantaged communities monitor & reduce air pollution and greenhouse gas emissions and develop environmental action plans.
 - Provides \$400 million in grants to states, municipalities, and tribes (excludes school districts) to replace vehicles with low-emission equivalents, which can include school buses.
 - The President's original BBA agenda included historic investments in education, proposing affordable childcare, universal preschool, and free community college, as well as significant funding for school infrastructure, career and technical education, and workforce development programs.
 - Those education investments, along with other policy provisions, were removed as the bill struggled to garner the necessary 50 votes to pass the Senate under the fast-track procedures that are required for the reconciliation process.

Bipartisan Safer Communities Act

In addition to gun violence prevention, the bill included increased funding for schools

- **\$1 Billion for Safe and Healthy Students Programs** (Title IV-A). State and locally-determined services include, but are not limited to, mental health resources, drug and violence prevention, mentoring, crisis intervention, and high-quality training for school personnel on suicide prevention and human trafficking. Funds available until March 1, 2023.
- **\$500 million for the School-Based Mental Health Services Grants**. Competitive grants to States to increase the number of and reduce the turnover of qualified mental health service providers who provide school based mental health services to students in school districts with demonstrated need. Funds available until March 1, 2023.
- **\$50 million under Title IV-B to improve and expand 21st Century Community Learning Center programs**. Funds available until March 1, 2023.
- **\$500 million for The Mental Health Service Professional Demonstration Grant Program School**. Competitive grants to support innovative partnerships between institutions of higher education and school districts to prepare school-based mental health service providers for employment in high-need schools. Funds available until March 1, 2023.
- **\$300 million (over 5 years) for STOP School Violence** school safety programs, including school resource officers and school hardening
- **\$240 million (over 4 years) Project AWARE**

Biden-Harris Action Plan for Building Better School Infrastructure

- Leverages investments from the Infrastructure Investment and Jobs Act (IIJA), ARP, and other federal funding. The IIJA provides \$550 billion in new spending over 5 years; two key programs of interest include:
 - Department of Energy (DOE) Grants for Energy Efficiency Improvements & Renewable Energy Improvements at Public School Facilities.
 - \$500 million over 5 yrs. to help carry out school facility improvements, repairs, renovations, or installation projects
 - Resulting in a direct reduction in school energy costs;
 - Leading to an improvement in teacher/student health (IAQ);
 - Involving the installation of renewable energy technologies or alternative fuel vehicle infrastructure on school grounds; or the purchasing/leasing of alternative fuel school vehicles.
 - Updates on how to apply are coming soon! (Oct/Nov 2022)
 - EPA Clean School Bus Program
 - \$5 billion over 5 yrs. to help schools replace old bus fleets w/ clean and zero-emission vehicles.
 - Must operate fully/in-part on alternative fuels (e.g., electric, liquified natural gas, compressed natural gas, hydrogen, propane, or biofuels). Rebates are for bus replacements & charging infrastructure only.
 - 1st application window (\$500M rebate program) closed in August 2022. Next round coming in 2023.

School Connectivity/Education Technology

- 24-hour learners need 24-hour access
- E-Rate remains the 4th largest stream of funding in the nation's schools
- Congress finally addressed Homework Gap in ARP via Emergency Connectivity Fund.
- Talk about the importance of the E-Rate program, what it means for your district, and how much you accomplish with the program in its current format and at its current funding level.
- ECF is out of money. Congress must find a way in the short term to satisfy the remaining \$1.3 billion in demand. In the long term, Congress needs to make ECF a permanent program with the same type of regular and stable support enjoyed by E-Rate and other universal service programs.

Title IX Regulations (proposed)

- Applies to all sex-based discrimination including discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.
- The proposal would cover harassment that creates a hostile environment due to unwelcome sex-based conduct that is sufficiently severe or pervasive. This is a shift from prior regulation.
- The proposal also expands the application of Title IX protections to include sex-based harassment off campus that affects the educational program or activity.
- The grievance process outlined in the regulations would apply to all discrimination listed here, not just grievances related to sexual harassment like in 2020 regs.
- Applies disparate treatment and disparate impact standard to determining discrimination meaning that a student can assert discrimination even if the policy is facially neutral.
- Does not touch athletics, which will be covered separately. This is confusing and unhelpful.

Healthy Meals, Healthy Kids Act

- House version of CNR passed through Committee late July, waiting to go to the House floor. Only Democrats supported the measure.
- Good news: Includes CEP expansion by lowering the threshold from 40 to 25% and increasing the multiplier from 1.6 to 2.5 and makes Medicaid Direct Cert permanent.
- Bad news: Although the bill increases the reimbursement, it is still not enough to cover the cost of producing the meals. Additionally, the bill does not include any other AASA priorities: more reasonable nutritional standards, minimizing administrative burden.
- TBD on whether the Senate takes it up before the end of Congress – if so, the Senate version will likely be very different from the House as it will need bipartisan support.

Public Service Loan Forgiveness

- Provides full forgiveness on federal student loan debt to individuals employed full-time in public service jobs after 10 years or 120 qualifying payments.
 - Eligible participants include any person employed full time at a government entity, including schools. All full-time public school staff qualify for the program.
- U.S. ED has issued a limited waiver that will count all prior payments on any federal loan towards PSLF. This waiver is in effect until October 31, 2022. Borrowers will need to consolidate, if necessary, and submit a PSLF form before the waiver ends to have previously ineligible payments counted. More resources [here](#).

Loan Forgiveness for Educators Act

- Introduced by Senator Ben Lujan (D-NM)
- Changes the Teacher Loan Forgiveness Program
 - Provides full forgiveness after five years of service
 - Pays borrowers' monthly payments until they reach the five-year mark
 - Expands program to include K-12 school leaders and early educators
- Eligible participants must work in a high-need school—which serves more than 30% of students from low-income families.

THANK YOU!

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