



Updates as of April 28, 2023

April was a very slow month in Washington, D.C. given the various congressional breaks, but it heated up last week with passage of the McCarthy debt ceiling negotiation bill that would cap congressional spending dramatically in exchange for raising the debt limit. The McCarthy bill would raise the current \$31.4 trillion borrowing limit by \$1.5 trillion or suspend it through March 31, 2024, reinstating the limit at whichever point happens first while aiming for dramatic cuts in the many discretionary programs we that benefit Texas children and lower- income households, the environment and more. In addition, the bill would limit annual growth to 1% and reinstate spending caps for the next decade, and recapture unobligated covid relief funds. This provision would not include unobligated ESSER funding.

McCarthy's framework also includes new work requirements for many of those adults who are enrolled in federal assistance programs, such as Medicaid and SNAP. These new requirements and changes to existing requirements could cause families to lose cash assistance and harm children as they depend on pooled resources from family members. The bill would repeal key green tax credits which were part of one of Democrats' signature legislative packages last Congress — the Inflation Reduction Act (IRA) — and nullify President Biden's program to cancel college student debt, which is currently tied up in courts. The bill also targets the \$80 billion included in the IRA for improvements at the Internal Revenue Service that would help ensure taxes owed by large corporations and the wealthiest are collected.

Speaker McCarthy's legislation follows through on House GOP's statements that they intend to target dramatic cuts in nondefense discretionary programs and then preserve these cuts by reinstating caps on future spending as an exchange for preventing a debt default. The result is "across-the-board cuts of at least \$142 billion (or 9 percent) for critical government programs, which would likely climb to 22 percent or higher for non-defense discretionary programs like education. *****NOTE: For Texas this translates into a cut of approximately \$405 million in Title I funding for Texas schools serving low-income children, impacting an estimated 3,750,000 students and reducing program funding to its lowest level in almost a decade—a cut equivalent to removing more than 6,200 teachers and specialized instructional support personnel from classrooms!*****

As many as 635,000 children in Texas with disabilities would face reduced supports—a cut in IDEA funding equivalent to removing approximately 4,500 teachers and related services providers from the classroom. The House Republican proposal would limit educators' abilities to address student mental health issues, including through violence, suicide, and drug abuse prevention, by cutting Title IV, Part A funding for Texas schools by about \$35.4 million.

The legislation further seeks to lock in those cuts by bringing back the looming threat of sequestration for 10 years. By all accounts, Speaker McCarthy's bill would ensure that by the year 2033, nondefense programs would still be at least 15 percent below their current levels.

With the passage of the bill in the House, there is concern that it will strengthen the House Republican position to cap and cut nondefense programs that American families depend on so much. However, Majority Leader Schumer (D-NY) has stated that the McCarthy legislation will not be considered in the Senate. In contrast, Senate leadership and the White House continue to call for a clean debt limit bill with spending decisions negotiated during the annual appropriations process or as Congress moves toward a broader omnibus spending bill to fund the remainder of FY2024 that begins on October 1.

Topline issues to keep in mind for school officials:

- ❑ The House Republican bill amounts to 10 years of caps and cuts for protecting the full faith and credit of the United States for less than one year.
- ❑ U.S. Department of Education funding would be cut by more than 22 percent; this translates into a 22% cut to IDEA and Title I funding.
- ❑ The one percent growth in the caps for fiscal years 2024 through 2033 means that resources in 2033 will still be lower than they are today. Put simply, caps are cuts.

House Passes Transgender Athletics Ban

On April 20th, House Republicans approved their measure to restrict transgender students from playing on women's sports teams on a 219-203 vote. The bill bars transgender women from playing on teams consistent with their gender identity and amends Title IX, the federal education law that bars sex-based discrimination, to define sex as based solely on a person's reproductive biology and genetics at birth. Transgender students, however, would be able to practice or train with a program designated for women or girls. The bill has no chance of becoming law as it is likely to stall in the Democrat-controlled Senate, and President Joe Biden has already announced that he would veto the bill if it were to reach his desk. Several lawmakers did not vote on the bill, including 10 Democrats and 3 Republicans.

Cardona Testifies Before House Appropriations Committee

Education Secretary Miguel Cardona headed to the Hill to testify on April 18th to testify about the president's fiscal 2024 budget and specifically outlined the Education Department's \$90 billion budget before the House Appropriations subcommittee. Cardona testified that the budget supports "efforts to boost global competitiveness by expanding opportunities for multilingual learning, redesigning high schools to include multiple pathways to college and career and supercharging state and local efforts to make free community college a reality nationwide."

House Education and Workforce Committee Hearing on School Voucher Programs

On April 18th, the House Education and Workforce Subcommittee on Elementary and Secondary Education held a hearing on "parental choice" in education featuring three witnesses supportive of school vouchers and one Democrat witness who opposes them. Republicans on the panel argued that parents should be allowed to make choices about where federal dollars are spent, further questioning the role of the Education Department. Conservatives have long called for the dissolution of the agency, but last month House lawmakers voted down an amendment in the Parents Bill of Rights Act that said it was the sense of Congress that the department should be

eliminated. Democratic lawmakers pushed back on school choice options, like private school vouchers and charter schools, arguing that more accountability is needed.

Regulatory Action

ED Proposes Title IX Regulation on Athletics

On April 6th, the U.S. Department of Education released its proposed regulation on eligibility for male and female athletic teams under Title IX. According to ED, the proposed regulation “aims to advance Title IX’s longstanding goal of ensuring equal opportunity in athletics and would provide clarity for students, parents, schools, and coaches on how schools that choose to adopt or apply sex-related eligibility criteria for male and female teams can do so consistent with Title IX.” A factsheet on the proposed regulation can be found [here](#).

The language of the proposed regulation is as follows: “If a recipient adopts or applies sex-related criteria that would limit or deny a student’s eligibility to participate on a male or female team consistent with their gender identity, such criteria must, for each sport, level of competition, and grade or education level: (i) be substantially related to the achievement of an important educational objective, and (ii) minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.”

In direct contrast to a flurry of state legislation passed over the past three years that prohibits transgender women and girls from participating in sports consistent with their gender identity, ED’s proposed Title IX athletics regulations would bar districts from adopting or enforcing a policy that categorically bans transgender students from participating on teams consistent with their gender identity. However, the Department of Education also acknowledges that “in some instances, particularly in competitive high school and college athletic environments, some schools may adopt policies that limit transgender students’ participation.” This means that a district would be able to adopt or apply criteria that would limit or deny a student’s eligibility to participate on a male or female team consistent with their gender identity if those criteria are substantially related to the achievement of an important educational objective. The criteria must be related to important educational objectives, such as ensuring fairness in competition or preventing sports-related injury. For example, the school district should have to consider the grade and education level, level of competition and sport when determining transgender students’ participation.

The Department has stated that they believe the proposed regulation would ensure elementary school students would generally be able to participate on school sports teams consistent with their gender identity and that it would be particularly difficult for a school to justify excluding students immediately following elementary school from participating consistent with their gender identity. For older students, especially at the high school and college level, the Department expects that sex-related criteria that limit participation of some transgender students may be permitted, in some cases, when they enable the school to achieve an important educational objective, such as fairness in competition, and meet the proposed regulation’s other requirements.

DOJ School Safety Grant Application Still Open

There's still time to apply for three U.S. Department of Justice school safety grants! The [Bureau of Justice Assistance STOP School Violence Grants](#) are available through May 15. Districts can apply under Category 2 to receive funding to educate students and personnel on how to prevent school violence, staff an intervention team, develop and implement behavioral threat assessments systems, purchase or upgrade technological solutions such as anonymous reporting technology, and other school safety strategies that increase school safety. Districts can receive up to \$1 million per award. A webinar on how to apply can be [found here](#).

The Office of Juvenile Justice's [Enhancing School Capacity To Address Youth Violence](#) grant is available through May 17. This grant is to assist districts in working with community-based organizations to support school violence prevention strategies and build positive school climates. There is a focus on expanding opportunities for family engagement with school personnel to mutually address risk factors for violence and improve communication between home and school to enhance protective factors for student success.

The [COPS School Violence Prevention Program](#) (SVPP) grant application runs through May 15th. Funding can be used for school hardening measures including improving coordination with law enforcement, training for local law enforcement officers to prevent student violence, metal detectors, locks, lighting, and other deterrent measures, and technology for expedited notification of local law enforcement during an emergency.

USDA School Nutrition Comments Due May 10th

There are still a few days to submit comments to the significant school meal nutritional standards proposed by USDA. Most notably, the standards propose changes to sodium, milk, whole grains and, for the first time ever, added sugars. See a full summary of the proposed changes [here](#). You can find AASA's template comments to submit on behalf of your district [here](#).