



# AASA Federal Education Update

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April 2022

# Agenda

- What's Up in Washington?
- Federal Funding
- Federal Agency Updates
- ARP spending and issues
- Head Start
- Child Nutrition Reauthorization
- Teacher/Educator Policy
- Keeping You Informed



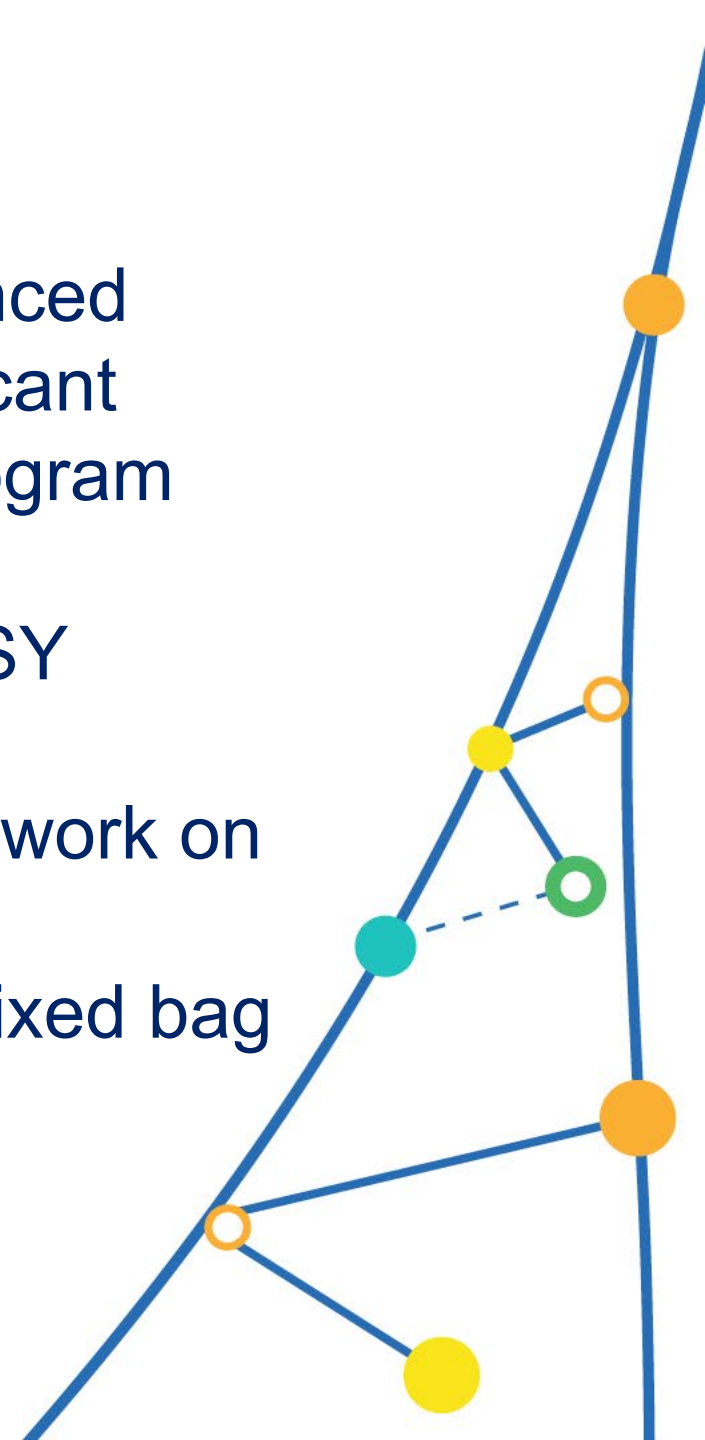
# What's Up In Washington?

- We wish we knew. <bad joke>
- Hat Trick of Items in a Holding Pattern:
  - Annual Appropriations
  - School Meals Flexibility
  - Head Start and Vaccine Mandate Implementation
- So much of what we need done depends on how other—seemingly completely unrelated—things shake out:
  - SCOTUS nomination
  - Dems trying to figure out what they're going to do with Build Back Better
  - What (if anything?) can be done before mid terms?



# Federal Funding: FY22

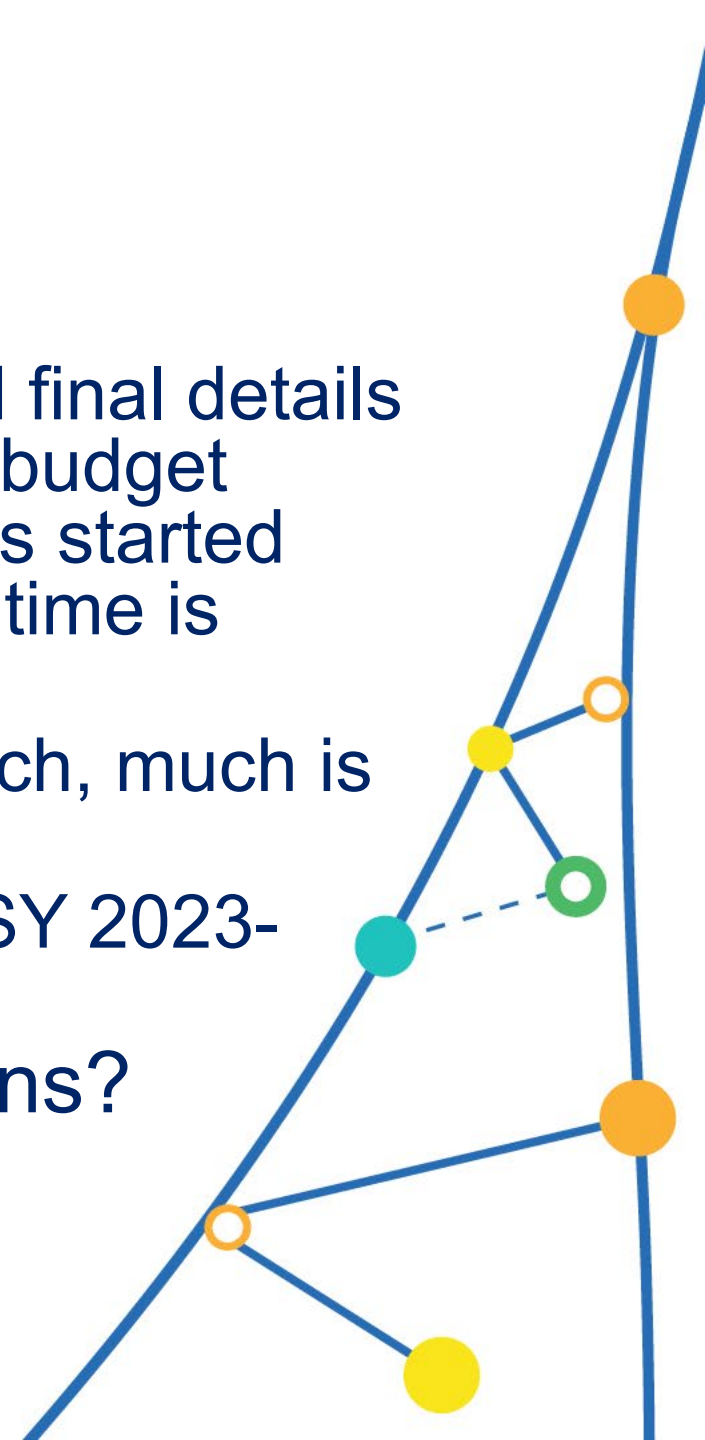
- The President, House, and Senate had all advanced initial FY22 budget proposals that include significant increases for Title I and IDEA, and education program funding overall.
  - FY22 federal spending → district funding for SY 2022-2023
- Congress did not complete FY22 appropriations work on time.
- Final FY22 package signed into law last; it's a mixed bag that leaves us underwhelmed.





# Federal Funding: FY23

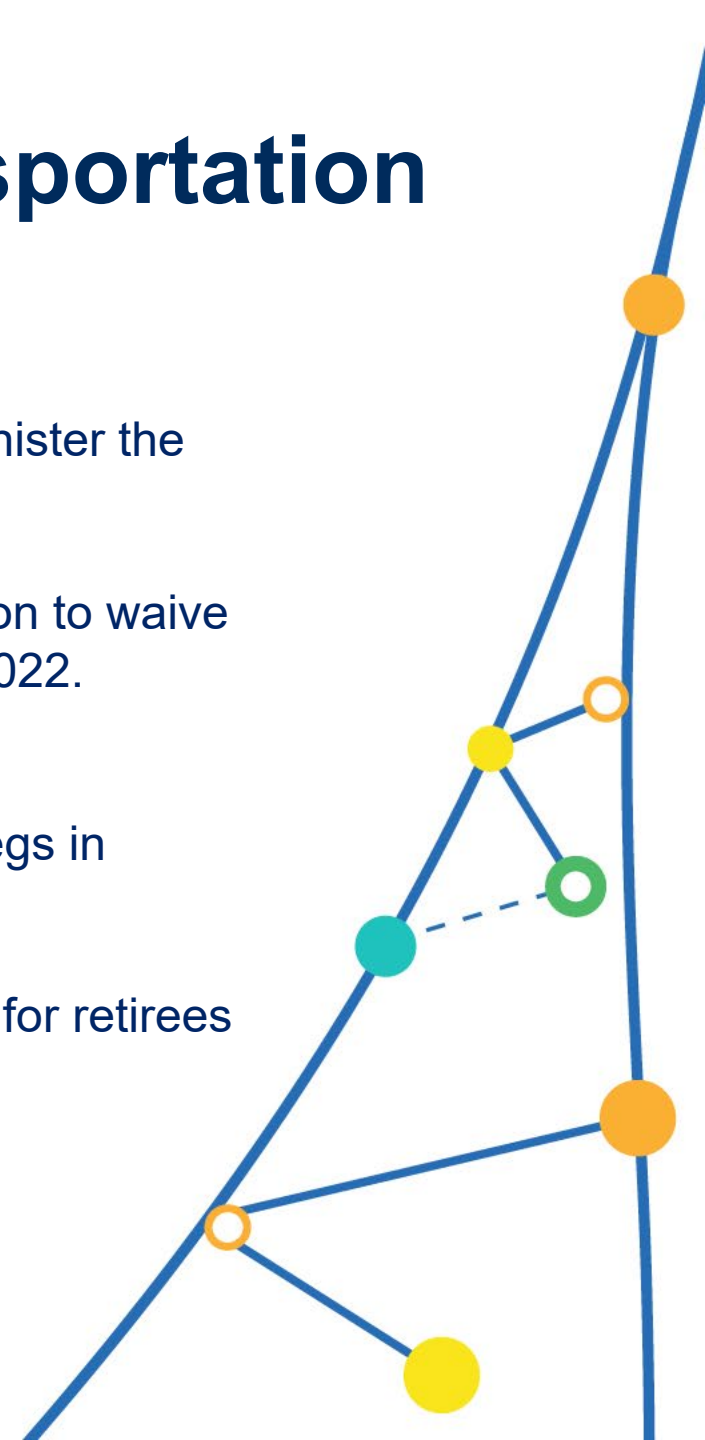
- Like most other things on the Hill, next steps and final details for FY22 will be impacted by what is (or isn't!) in budget reconciliation. With BBB Act stalled, appropriators started engaging in high-level discussions for FY22, but time is running out.
- POTUS FY23 Budget was delayed until late March, much is a repeat of FY22.
  - FY23 federal spending → district funding for SY 2023-2024
- Biggest determining factor of final allocations?  
Congress



# Federal Agency Update: Dept. of Transportation

## Addressing the School Bus Driver Shortages

- **In November 2021**, DOT provided the flexibility to allow 3<sup>rd</sup> parties to administer the skills and knowledge tests for CDL.
- **In January 2022**, [DOT and USED announced](#) that states will have the option to waive the “under the hood” CDL test requirements; this waiver expires June 30, 2022.
- Advocating for additional solutions:
  - Delaying the start date for DOT’s Entry-Level Driver Training (ELDT) regs in February 2022;
  - Creating an entry-level CDL in school transportation;
  - Enacting a one-year exemption to the social security earning limitation for retirees to incentivize retired drivers to fill vacancies



# Federal Agency Update: USED Data Collection

- **USED has a number of fiscal data collections set to happen concurrently:**
  - Maintenance of Equity Collection AND ESSER Data Collection
  - In late December, USED did announce revisions to the MoEquity provision and data collection, as well as the ESSER data template. They are improvements, but making something less bad doesn't make it good.
- **Related resources:**
  - [Updated MOEquity FAQs](#)
  - [Proposed MOEquity Requirement](#) (to be published in the *Federal Register*)
  - [ESSER/GEER Use of Funds FAQs Supplement](#)

**Related to fiscal data collection is defining student poverty:**  
Updated fact sheet – [Released January 12, 2022](#)



# Federal Agency Update: Civil Rights

## CRDC

- Back-to-back collections
- 47.5% increase in data collection from 2020-2021 to 2021-2022

## Office of Special Education Programs

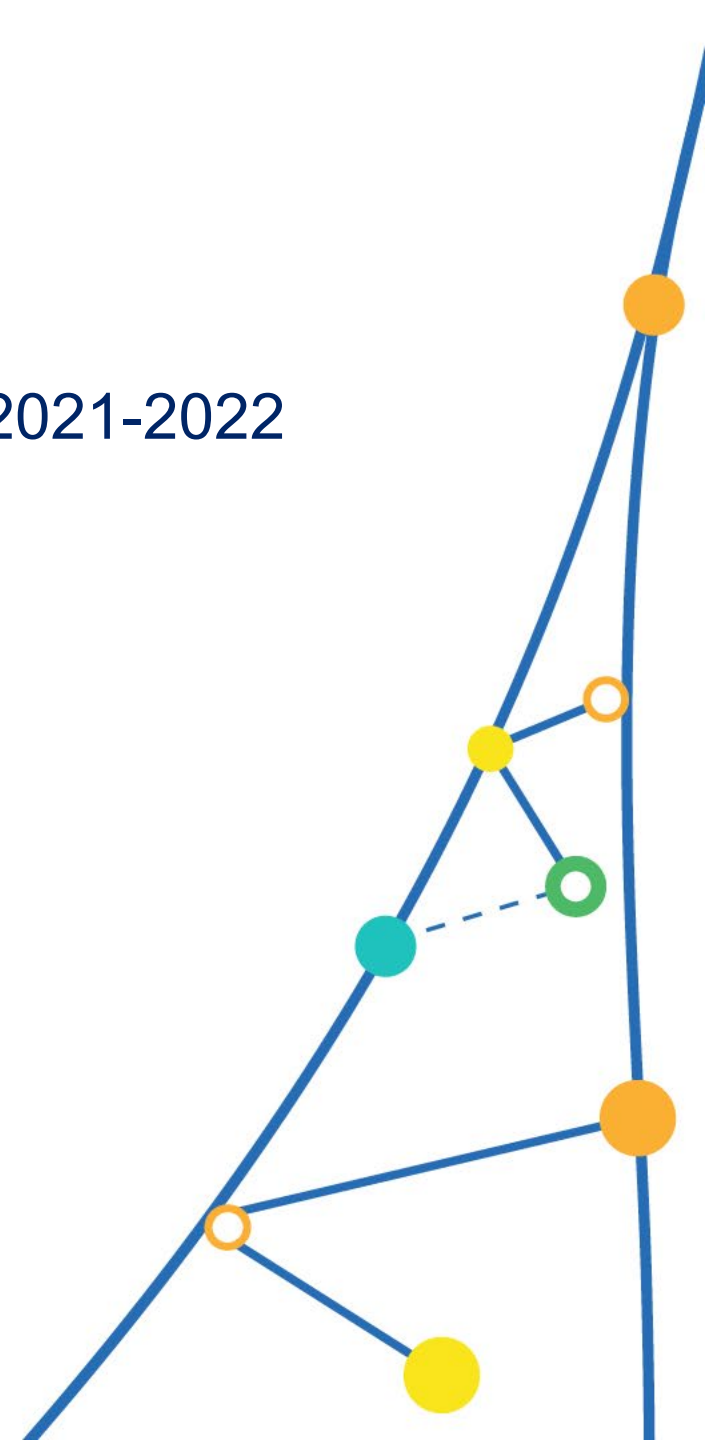
- FAPE Guidance – [Released September 30, 2021](#)

## Office of Civil Rights

- [Mental Health Guidance](#) (w/OSERS)

*Coming soon:*

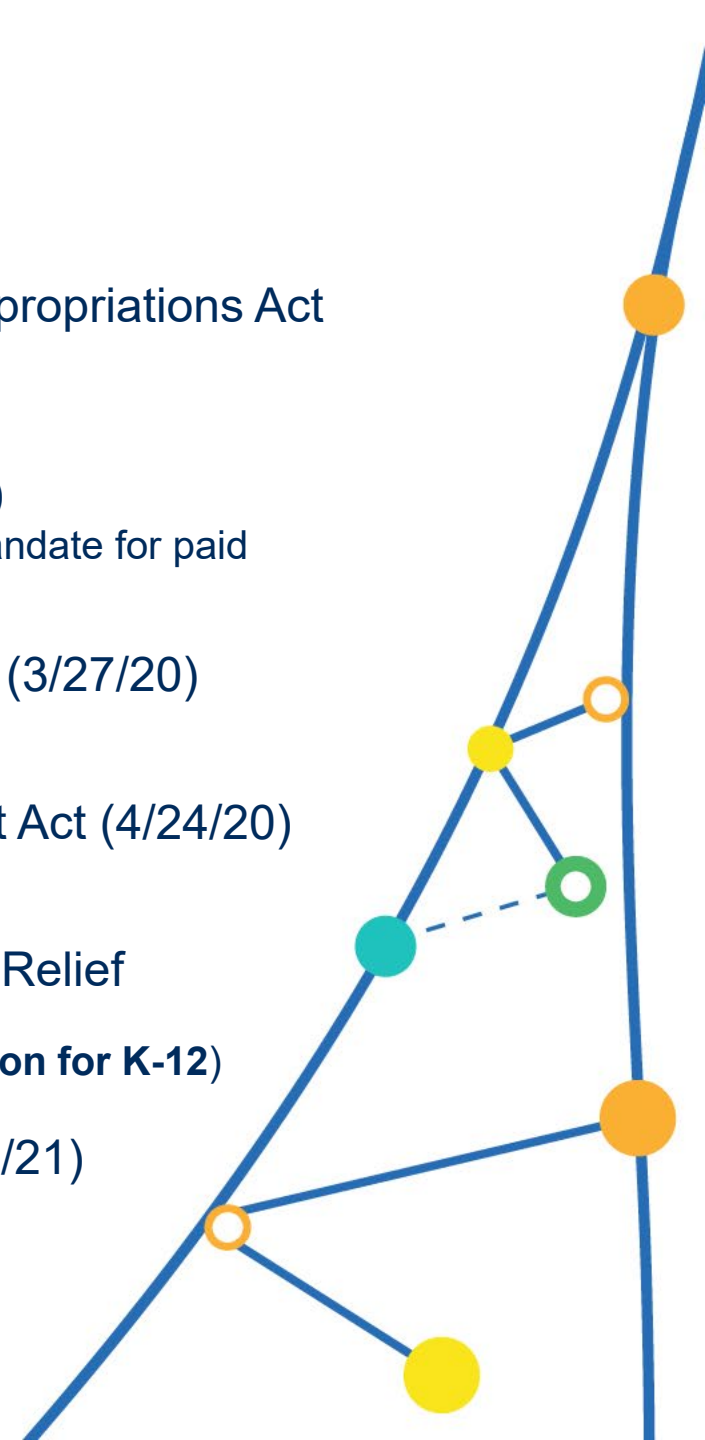
- Discipline guidance
- Joint Action on Medicaid in Schools
- Title IX Regulations





# COVID Legislation Recap

- **COVID 1:** H.R. 6074, Coronavirus Preparedness and Response Supplemental Appropriations Act (3/6/20)
  - Small in scope and focus; bolstered capacity to respond to the COVID-19 health emergency.
- **COVID 2:** H.R. 6201, Families First Coronavirus Response Act (FFCRA) (3/18/20)
  - Includes funding adjacent to education: critical flexibility for school nutrition programs and mandate for paid sick/family leave.
- **COVID 3:** H.R. 748, Coronavirus Aid, Relief, and Economic Security Act (CARES) (3/27/20)
  - First bill to include dedicated funding for K-12 education (**\$13 billion for K-12**).
- **COVID 4:** H.R. 266, Paycheck Protection Program and Health Care Enhancement Act (4/24/20)
  - Series of technical changes, along with money for testing, hospitals and PPP.
- **COVID 5:** H.R. 133 Consolidated Appropriations Act / Coronavirus Response and Relief Supplemental Appropriations Act (CAA/CRRSAA or “CARES 2.0”) (12/27/20)
  - Massive FY21 spending and COVID-relief package that was months in the making. (**\$54 billion for K-12**)
- **COVID 6:** H.R. 1319 The American Rescue Plan Act of 2021 (ARPA or ARP) (3/11/21)
  - Third round of dedicated funding for K–12 education. (**\$110 billion for K-12**)



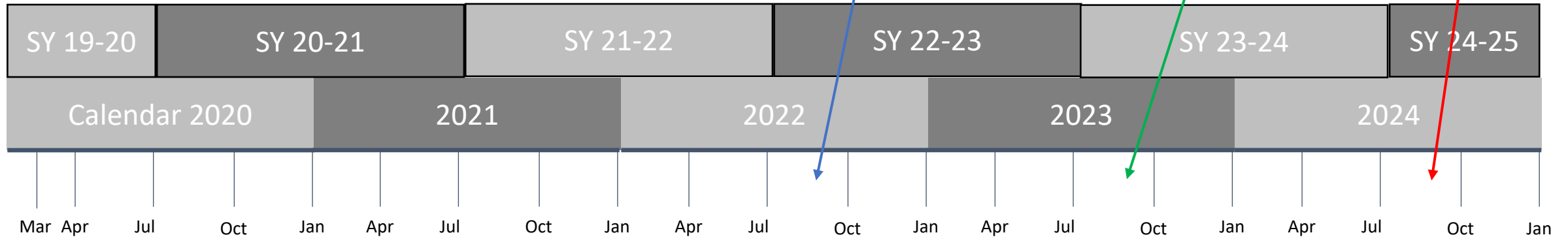
# ESSER Spending Timeline

**LEAs have until 2024 to Obligate ARP Funds**

**\$110B ARP ESSER III.** LEAs must obligate by 9/2024 ~\$2,400/pupil.

**\$54B CRRSAA ESSER II.** LEAs must obligate by 9/2023 ~\$1,100/pupil.

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



Source: Edunomics Lab

# American Rescue Plan

## Funding for LEAs (Districts) = \$110 billion

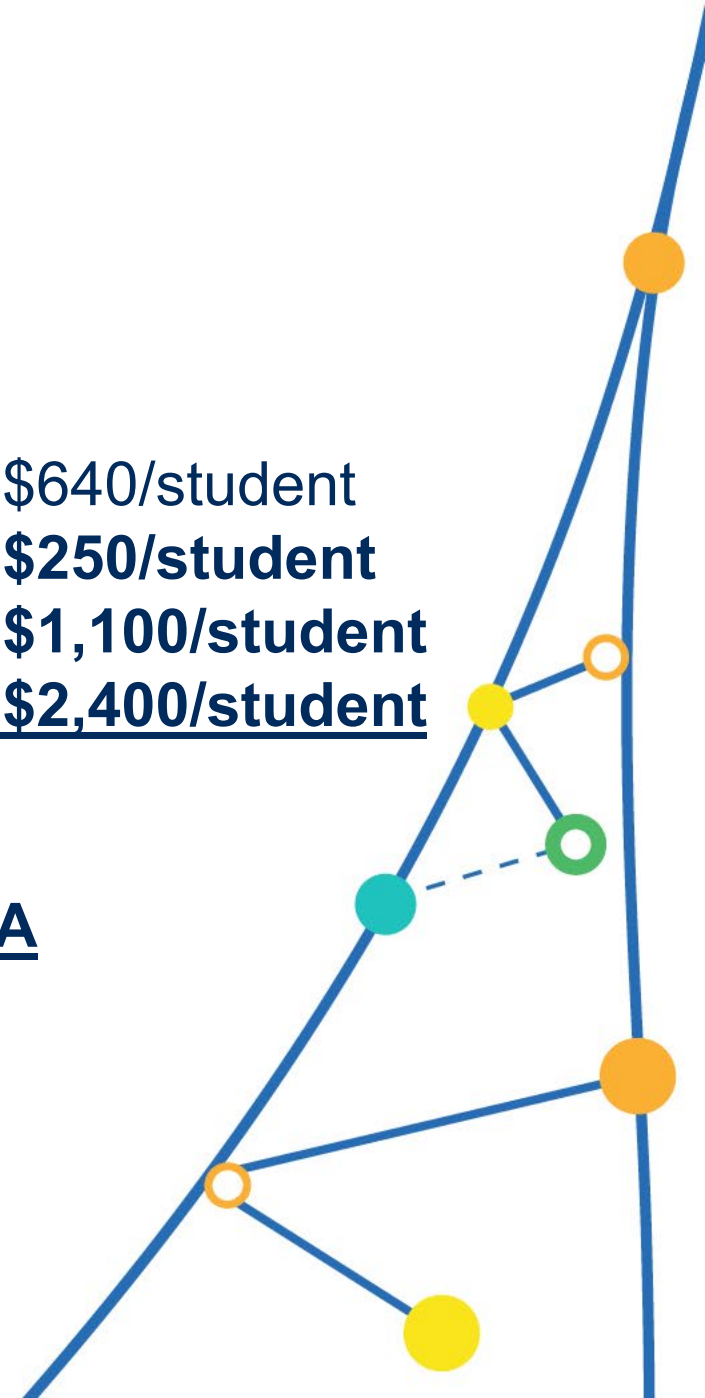
*How does this compare to other federal COVID-relief funding?*

- Annual federal Title/IDEA funds per-pupil =
- + March 2020 CARES Act =
- + December 2020 CRRSAA/“CARES 2” =
- + March 2021 ARP =

+\$640/student  
**+\$250/student**  
**+\$1,100/student**  
**+\$2,400/student**

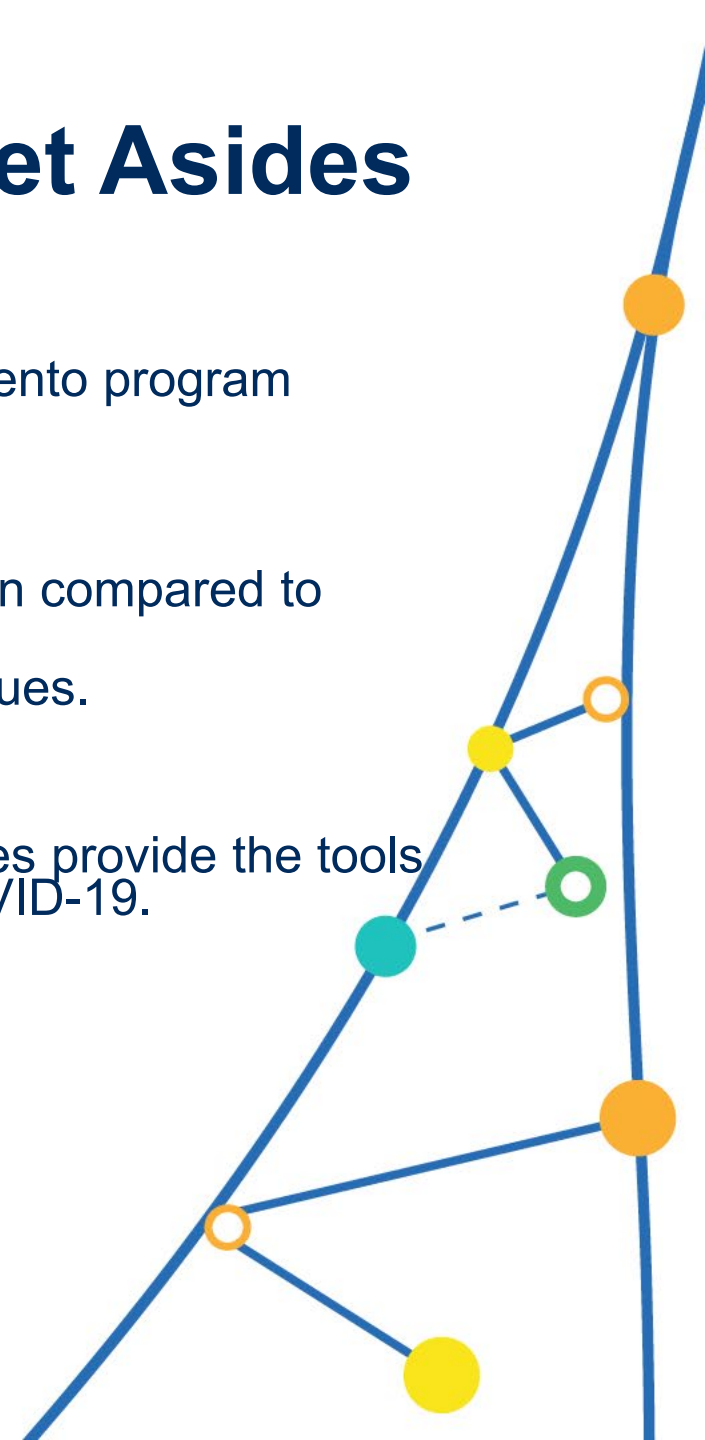
For comparison, the ARP is roughly **10x CARES** or **2.2x CRRSAA**

ARP is being credited for its work to reduce child poverty by half.



# American Rescue Plan: Additional Set Asides

- **McKinney-Vento Homeless Assistance Act**
  - \$800 million set aside. Translates into an increase of 8x McKinney-Vento program funding.
- **IDEA / Special Education**
  - \$2.5 billion. This is an increase of 20% in IDEA program funding when compared to annual appropriations.
  - Be careful! This is one-time funding. Beware of running into MOE issues.
- **Emergency Connectivity Fund**
  - \$7.17 billion to address the homework gap helps schools and libraries provide the tools and services their communities need for remote learning during COVID-19.
- **Education Assistance for Non-Public Schools (EANS)**
  - \$2.75 billion in funding for non-public schools.



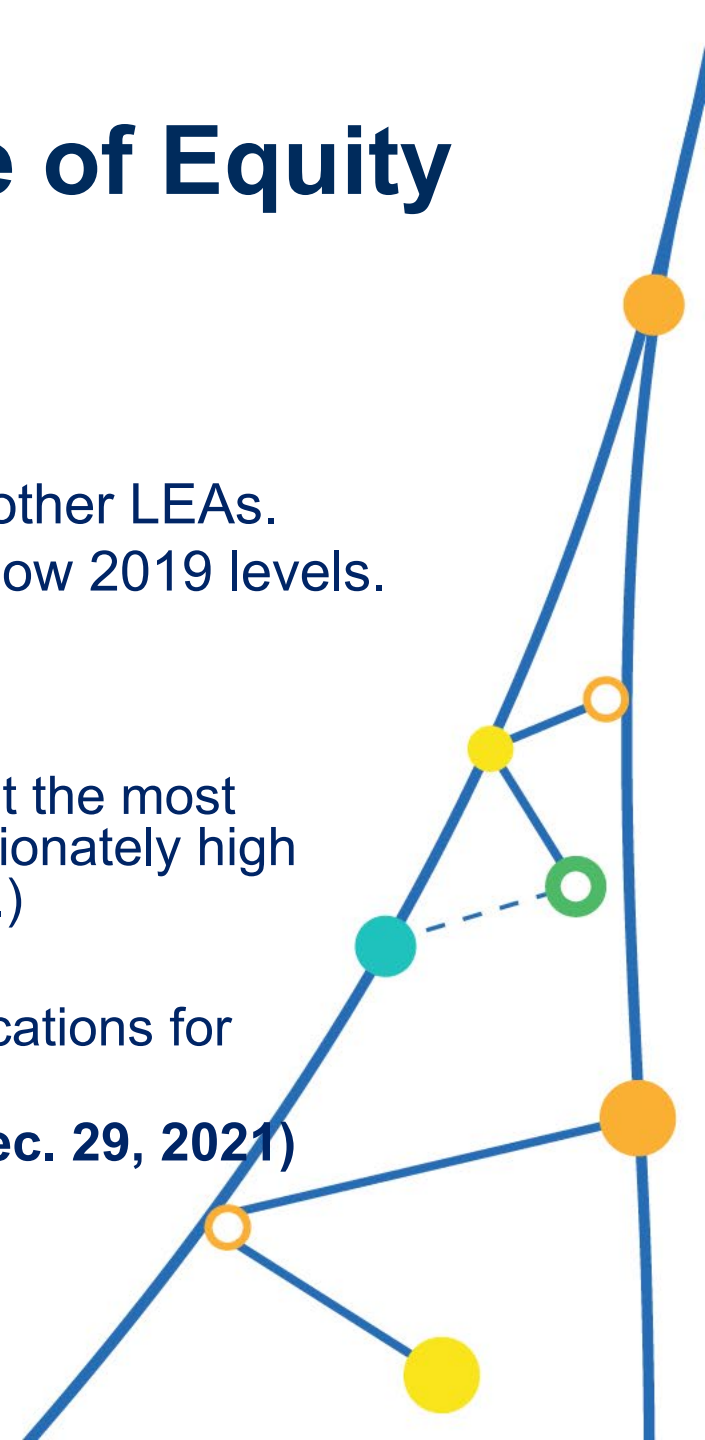
# American Rescue Plan: Homework Gap Funding

- **ARP includes \$7.17 billion to help schools address “homework gap” issues.**
- **The Emergency Connectivity Fund (ECF)** was designed to support remote and in-school access for both staff and students. ECF helps schools and libraries provide the tools and services their communities need for remote learning during COVID-19.
  - **First ECF application window** = June 29 through August 13, 2021
  - **Second ECF application window = September 28 through October 13, 2021**
    - Eligible schools and libraries can apply for financial support to purchase connected devices like laptops and tablets, Wi-Fi hotspots, modems, routers, and broadband connectivity to meet unmet needs for off-campus use by students, school staff, and library patrons during COVID-19.
    - During this application filing window, eligible schools and libraries, in addition to consortia of schools and libraries, can submit requests for funding to purchase eligible equipment and services **between July 1, 2021, and June 30, 2022.**
    - (See [FCC Fact Sheet](#) for more information.)



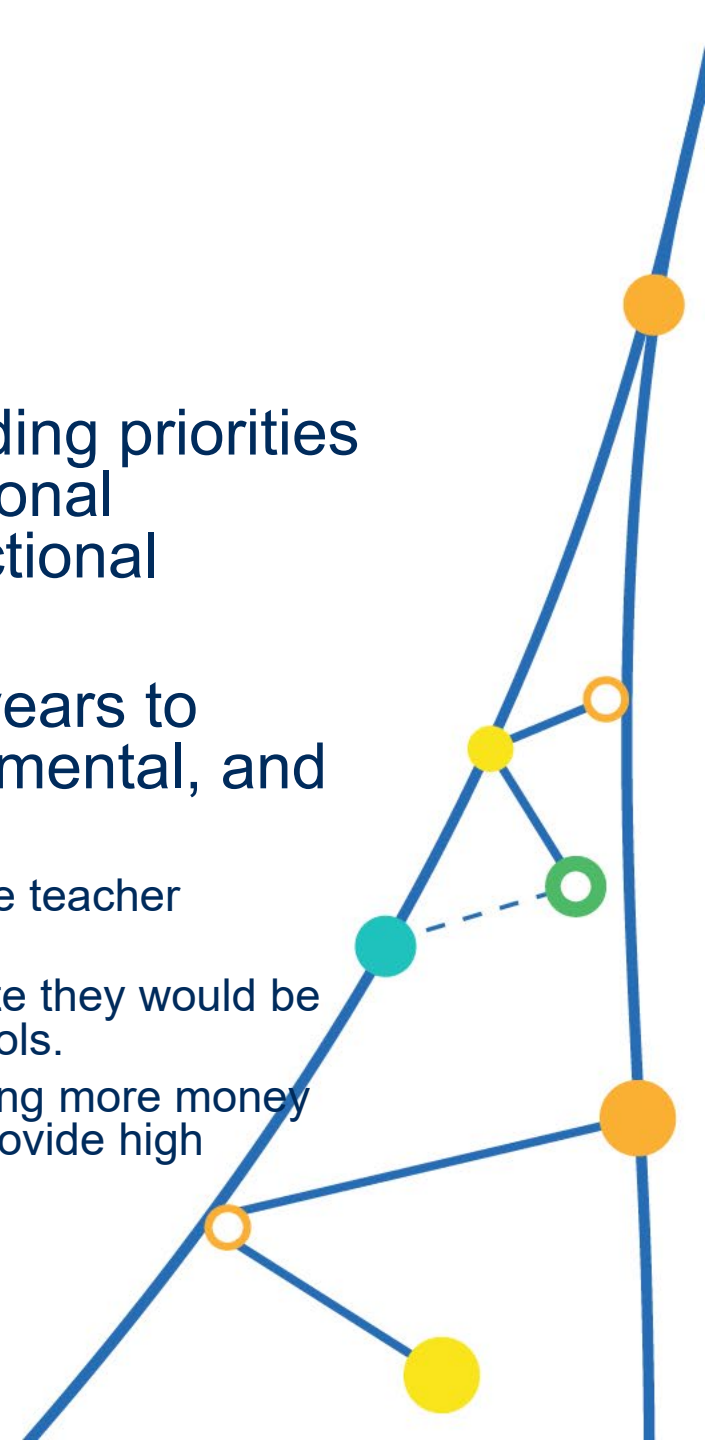
# American Rescue Plan: Maintenance of Equity

- **New provision! Applies to SEAs & LEAs**
- **SEAs cannot (for FY 22 and FY 23)...**
  - Cut per-pupil \$ to high-need LEAs at a steeper rate than other LEAs.
  - Reduce state per-pupil \$ for the highest-poverty LEAs below 2019 levels.
- **For LEAs (for FY 22 and FY 23)...**
  - **LEAs cannot cut per-pupil \$ *\*OR\** per-pupil staff FTEs** at the most economically-disadvantaged quartile of schools at disproportionately high rates. (Districts will want to keep track of spending by school.)
  - Law exempts small districts under 1,000 students.
  - Guidance offered a different interpretation with broader implications for district budgeting:
  - **Read USED's MoEquity FAQs guidance (Last updated Dec. 29, 2021)**



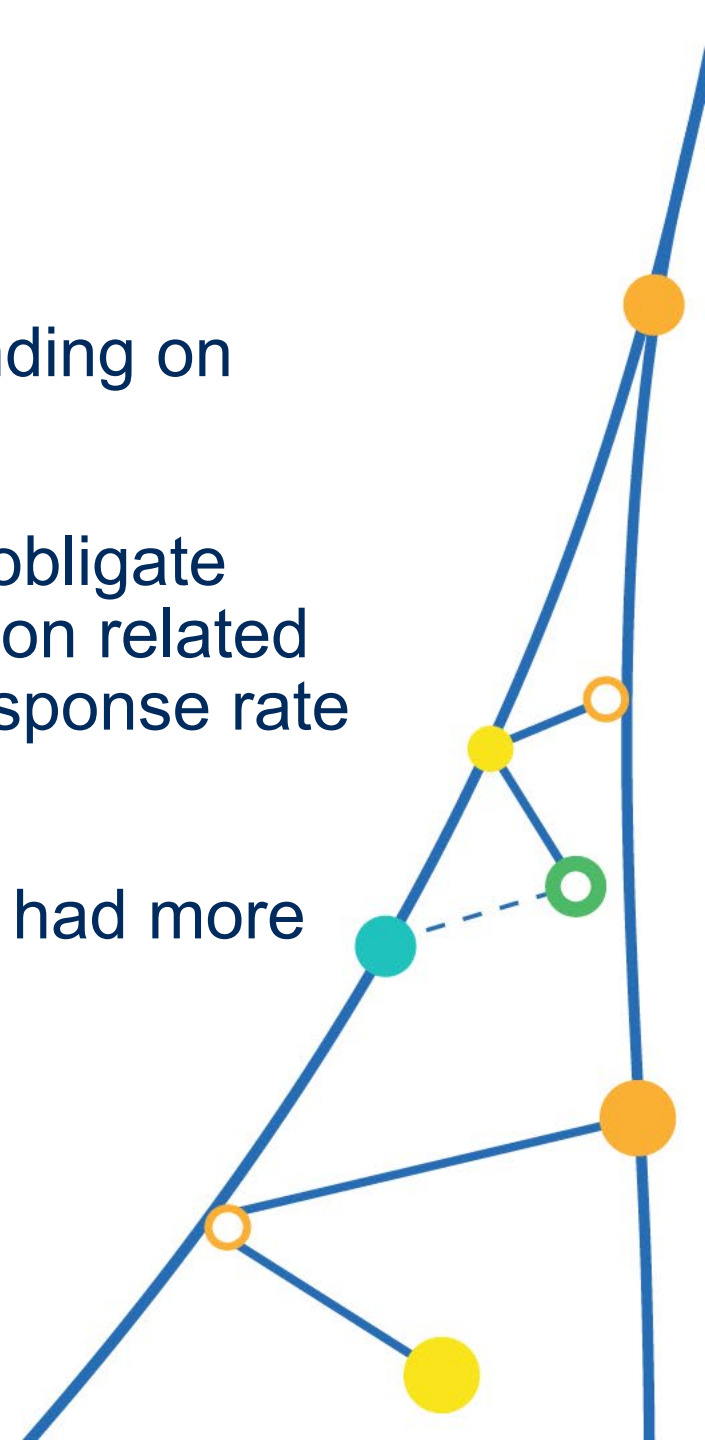
# Spending ARP:

- AASA's second survey on ARP- why?
- Not much has changed since July. Top 3 immediate spending priorities remain: expanding summer learning (76%), adding additional specialist staff (66%), and, investing in high-quality instructional materials (58%).
- 82% said they would use this money over the next three years to expand whole child supports, including social, emotional, mental, and physical health and development
  - Urban districts are three times more likely to use ARP funds to build a diverse teacher preparation pathway to address shortage than suburban or rural districts
  - Rural districts were far less likely than suburban and urban districts to indicate they would be investing in social-emotional learning practices and/or trauma-informed schools.
  - Rural and suburban districts are more likely to indicate they would be spending more money on compensating staff to add learning time as well as spend ARP funds to provide high intensity tutoring



# ARP and Construction

- 55% said they would spend a portion of their ARP funding on renovating and updating school facilities
- 50% said they needed an extension beyond 2024 to obligate funds for HVAC upgrades and other school construction related projects related to the pandemic; a doubling of the response rate from July.
- 46% would spend more on HVAC/construction if they had more time
- **ACTION ALERT!** Help us get this extension.



# Head Start Vaccine Mandate

Requires all staff, contractors and volunteers whose activities involve contact with or providing direct services to children, families, and volunteers working in classrooms or directly with children to be vaccinated.

Went into effect on January 31, 2022.

Temporarily blocked by Federal Court Judge on January 1. Injunction applies to all 24 states involved in the case: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Wyoming and West Virginia.

Additional case filed in Michigan and expected in Virginia. DC filed stand alone case, as well.



February 8, 2022

Secretary Miguel Cardona  
U.S. Education Department  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Secretary Xavier Becerra  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Cardona and Secretary Becerra,

The Head Start Interim Final Rule with Comments (IFC) regarding COVID-19 vaccines and masking went into full effect on Monday, January 31, 2022. On the heels of this change, we write today to express the urgent need for the Administration to provide clear guidance to ensure Head Start programs and public school system leaders can continue to operate Head Start programs and ensure that Head Start children and their families safely retain access to critical services.

On behalf of our communities nationwide—AASA, The School Superintendents Association, representing the nation's public school superintendents, and the National Head Start Association (NHSA), representing the nation's Head Start programs—acknowledge the critical role of vaccines and masking in reducing the spread of COVID-19. We agree that the elimination of COVID-19 is of paramount importance. That said, state and local regulatory conflicts with the IFC are causing potentially irreparable damage to the partnerships between Head Start programs and school districts.

We are deeply concerned that without further clarity and guidance, thousands of children will lose access to life-changing Head Start services. Likewise, countless partnerships, which have taken decades to build, will be damaged due to a lack of trust from the Administration that local communities know what's best for their children and families. Head Start programs need prompt clarification, detailed guidance and local flexibility to effectively implement and enforce the vaccine and masking mandates contained in the IFC. School districts—essential partners that often directly deliver services to Head Start children and families—need clarity on how the mandates will apply in locations where the IFC conflicts with state and/or local regulations or guidance in a manner which does not isolate or negatively impact children.

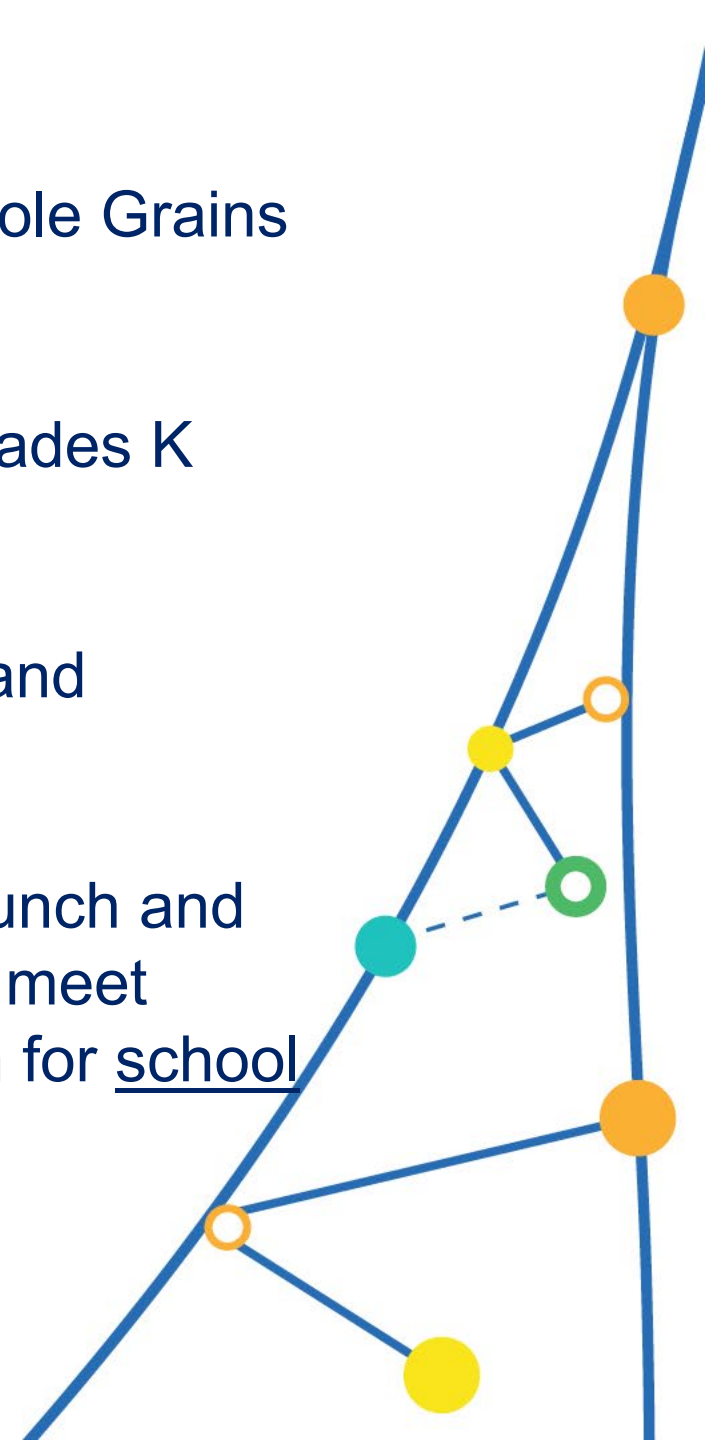
For example, a Head Start program in northern Minnesota contracts with an Individualized Education Program (IEP) provider who usually sends a specialist into the Head Start classroom to provide services for children with disabilities. The school district has signed an updated Memorandum of Understanding which includes the new vaccine requirement for Head Start. However, in many cases, the only specialist available to provide IEP services (e.g., early childhood physical therapy services) is unvaccinated. This puts the Head Start mandate at odds with the district's obligation to meet the IEP.

This same school district contracts with a company to transport children on IEPs. The local Head Start program does not pay for this service, nor are they administrators on the bus company contract. The school district holds

# School Nutrition

## New Transitional Nutrition Standards for Milk, Sodium, and Whole Grains for School Years 22-23 and 23-24

- Allows flavored, low-fat milk (1 percent fat) for students in grades K through 12 and for sale as a competitive beverage.
- At least 80 percent of the weekly grains in the school lunch and breakfast menus must be whole grain-rich.
- Establishes Sodium Target 1 as the sodium limit for school lunch and breakfast in SY2022-2023. For SY2023-2024, schools must meet Sodium Target 1A which requires a 10% reduction in sodium for school lunch only.





# School Nutrition

## **COVID-19 School Meal Waivers for SY21–22 ([FRAC Resource: Summary of USDA Nationwide Waivers](#))**

### **All schools allowed to operate National School Lunch Program's (NSLP's) Seamless Summer Option (SSO) thru SY21–22.**

- Meals served during SY21–22 will receive the higher Summer Food Service Program (SFSP) reimbursement rate. (Expires 6/30/22)

### **Non-Congregate Feeding, Meal Service Time, Parental/Guardian Pick Up, and Specific Meal Pattern Flexibilities allowed for the SSO, NSLP, School Breakfast Program (SBP), and Child and Adult Care Food Program (CACFP). (Expires 6/30/22)**

- These flexibilities are no longer allowed for the SFSP. (Expired 9/30/21).

### **CACFP At-Risk Afterschool Meal Program Area Eligibility (Expires 6/30/22)**

- Allows schools/afterschool care centers to service at-risk afterschool meals and snacks to students regardless of location. Note: The Area Eligibility Waiver for SFSP is no longer allowed. (Expired 9/30/21)

### **Monitoring Requirements for School Food Authorities (SFAs) and State Agencies for SBP, NSLP, and SSO; and for Sponsors and State Agencies for CACFP**

- Waives for SFAs, state agencies, and CACFP sponsors the requirement that monitoring must be conducted on-site. SFAs and state agencies should continue monitoring activities remotely. (Expires 30 days after the end of the COVID-19 public health emergency).

### **Addressing Supply Chain Disruptions:**

#### **Fiscal Action Flexibility for Meal Pattern Violations for SBP, NSLP, and SSO only. (Expires 6/30/22)**

- Waives the requirement that fiscal action be applied for missing food components or repeated violations involving milk types and vegetable subgroups in the event of supply chain disruptions.

# School Nutrition



## Child Nutrition Reauthorization Priorities



### Child Nutrition Reauthorization

- Last reauthorized in 2010 through the Healthy Hunger-Free Kids Act
- House Democrats aiming for markup mid to late March

### AASA CNR Priorities:

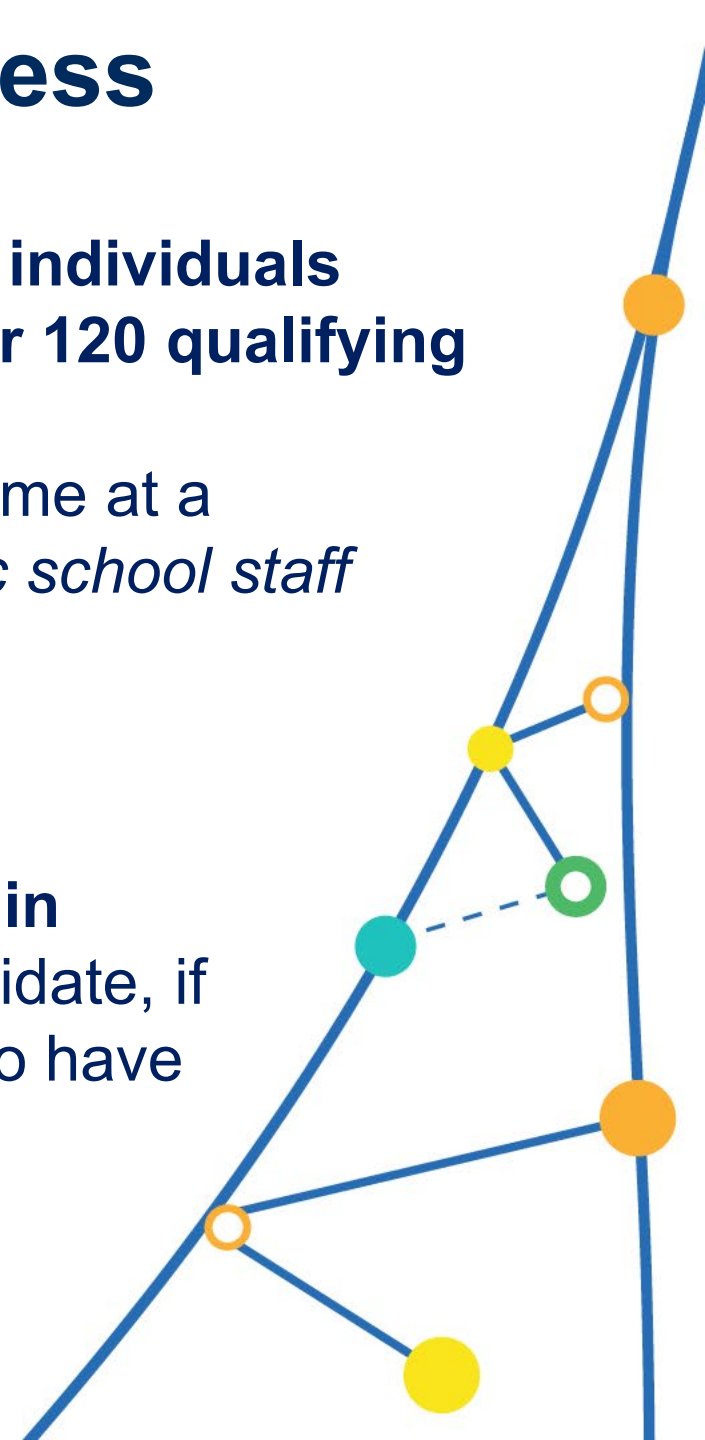
- Expand Community Eligibility Program by lowering threshold from 40% to 25% and increasing the ISP multiplier from 1.6 to 1.9
- Oppose any effort to block grant the federal school meal programs
- Preserve existing nutritional flexibilities around enriched whole grains, sodium and flavored milk

# 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.*

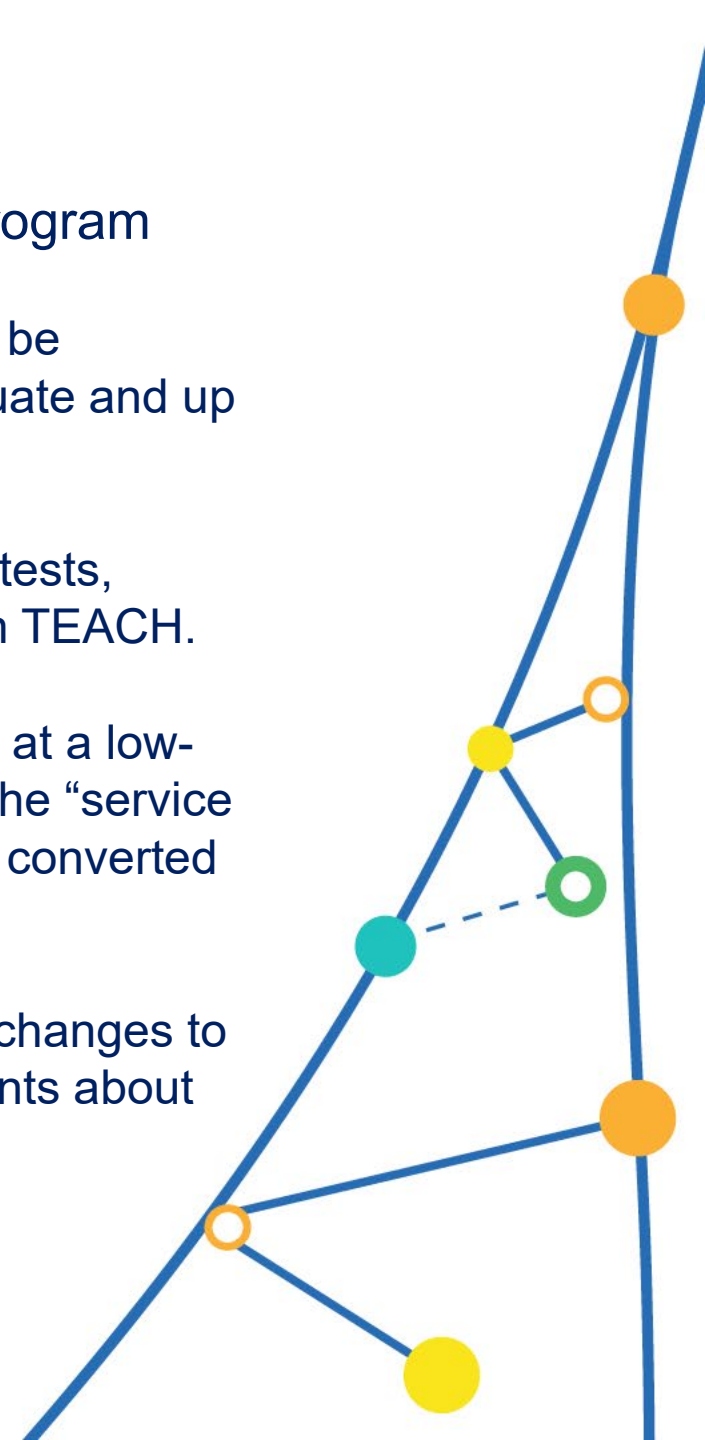
U.S. ED has issued a limited waiver that will count all prior payments on any federal loan towards PSLF. **This waiver is in effect until October 31, 2022.** Borrowers will need to consolidate, if necessary, and submit a PSLF form before the waiver ends to have previously ineligible payments counted.



# TEACH Grant Program

## Teacher Education Assistance College and Higher Education Grant Program

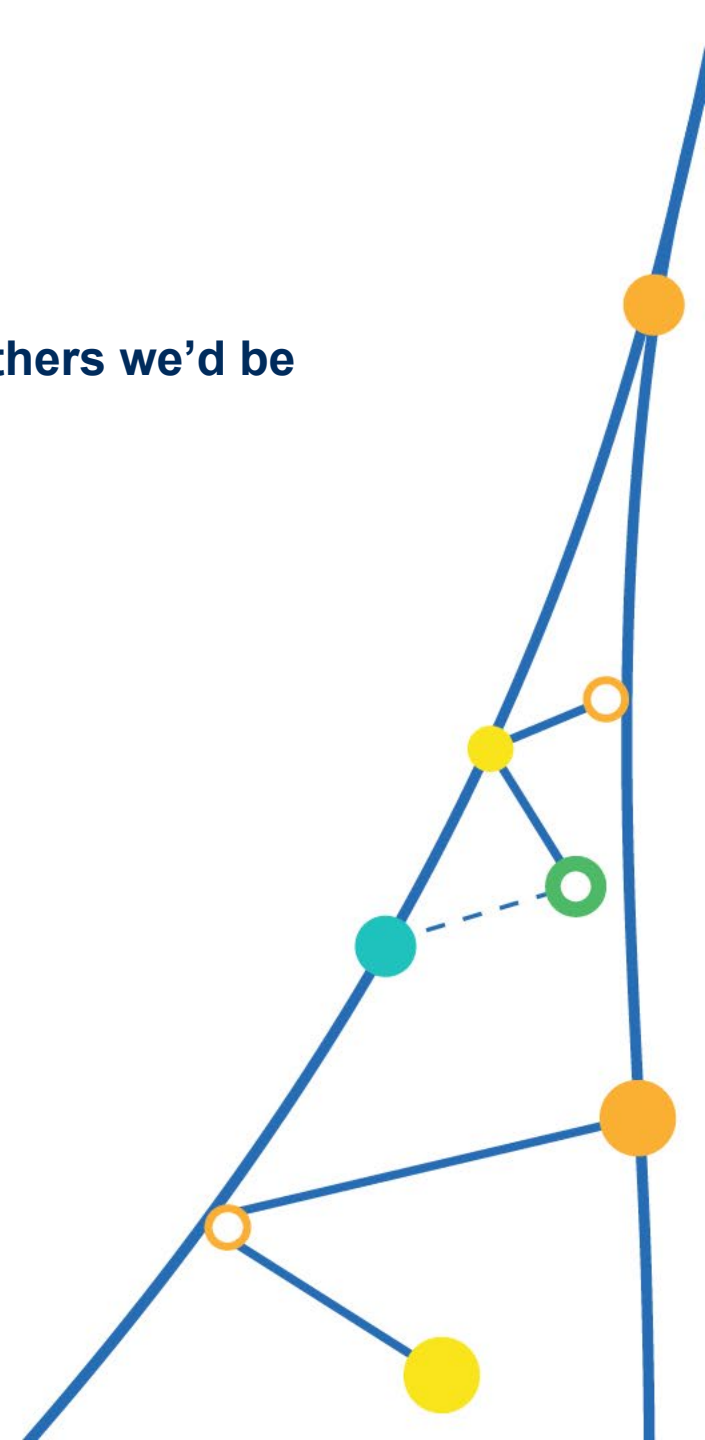
- Provides up to \$4,000/year for undergraduate and graduate students training to be teachers. A student may receive up to \$16,000 in TEACH Grants for undergraduate and up to \$8,000 for a TEACH eligible master's degree program.
- Eligibility: Students must score in the top 25th percentile on college admissions tests, maintain at least a cumulative 3.25 GPA, and attend a school that participates in TEACH.
- Participants agree to teach full time for at least four years in a high-need field or at a low-income school or ESA – within 8 years of graduating. This 8 years is known as the “service obligation window” (SOW). If participant fails to meet their obligation, grants are converted into loans.
- The Consider Teachers Act - signed into law on Oct. 13, 2021 - made technical changes to improve the program and reduce unfair conversions that were common complaints about the program.



# More Policy!

**We don't always hit on the topics you want to hear about. Here are a few others we'd be happy to take questions on:**

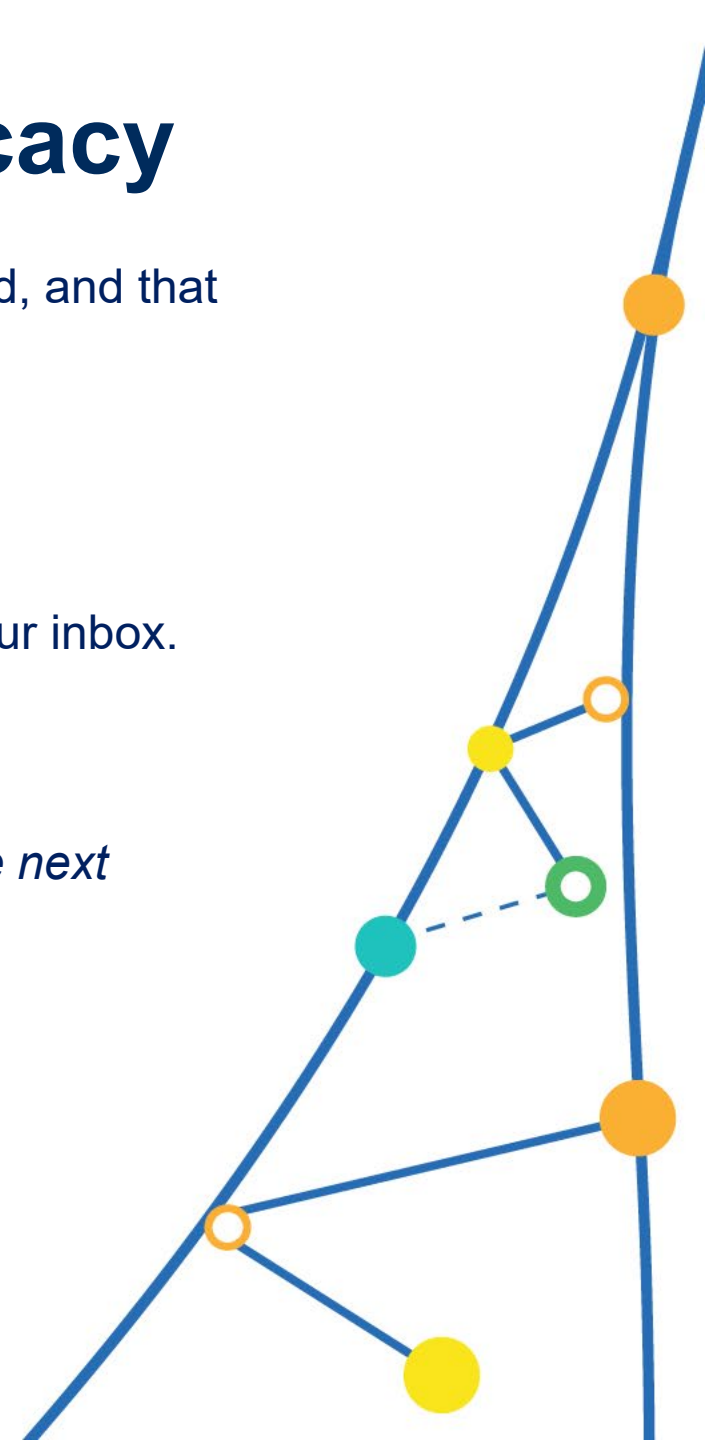
- Medicaid in Schools
- Poverty Indicator at the Federal Level
- Student Data & Privacy/Cybersecurity
- SCOTUS: Upcoming education cases?
- Vouchers/Privatization
- Rural Education
  - REAP & Secure/Rural Schools
  - Title I Funding Formula

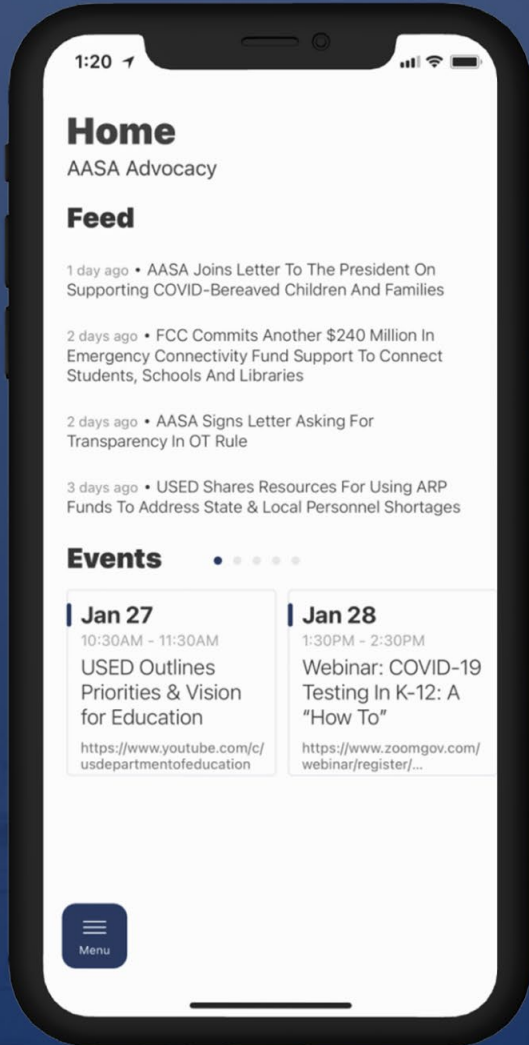




# Connecting with AASA Advocacy

- We work hard to ensure you have access to the advocacy information you need, and that you can get us feedback and information.
- There are a lot of ways to connect with AASA Advocacy:
  - The whole team is on twitter. Follow along!
  - AASA Advocacy is on twitter: @AASAAdvocacy
  - Our Policy Blog: The Leading Edge
  - The Advocacy Network: Sign up to get all our latest information, right in your inbox.
  - Legislative Corps: Our weekly federal update. Sign up today!
  - The AASA Advocacy App: *See next slide!*
- Meet with us in person!
  - Sign up for our Education Economics Cohort, which kicks off March 4! *See next slides.*
  - AASA Advocacy Conference: July 12-14 in Washington DC





# AASA Advocacy, at your fingertips.

Keep up to date with the most impactful changes coming from Capitol Hill. The AASA Advocacy app offers a curated selection of the most relevant news for school administrators.

It empowers school leaders to stay informed, and helps shape the future of educational policy.



# AASA Advocacy & Governance

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