



**ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS
INTERNATIONAL**

ASBO International Federal Education Update

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Overview

- 2020 COVID Legislation Recap & FY21 Appropriations
- ASBO Priorities for the New Administration
- COVID 6: The American Rescue Plan & Budget Reconciliation
- Biden Administration Policy Agenda
- Other Issues: Civil Rights, Medicaid, Infrastructure & E-Rate, Nutrition
- Advocacy Resources for SBOs
- So What??? Connecting the Dots
- Q&A / Contact Us

COVID Legislation Recap

COVID 1: H.R. 6074, Coronavirus Preparedness and Response Supplemental Appropriations Act (3/6/20)

- Small in scope and focus; targeted on bolstering 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 sick paid/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.

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) (12/27/20)

- Massive FY21 spending and COVID-relief package. Months in the making. Referred to as “CARES 2.0.”

COVID 6: The American Rescue Plan Act of 2021 ([Coming Soon?](#))

FY21 / COVID 5 (Appropriations)

FY21 Appropriations: Labor, Health and Human Services, Education (L-HHS-ED)

- **Most education programs received small increases or flat funding** due to federal budget caps.
 - **Total ED Discretionary (excludes Pell Grants) = \$73.04 Billion (+1.1%)**
 - **ESSA Title I** = \$16.54 Billion (+1.4%)
 - ESSA Title II Supporting Effective Instruction State Grants = \$2.14 Billion (+0.5%)
 - ESSA Title IV-A Student Support and Academic Enrichment Grants = \$1.2 Billion (+0.8%)
 - Education for Homeless Children & Youth = \$107 Million (+4.9%)
 - Native Hawaiian Education = \$37 Million (+1.4%)
 - Alaska Native Education = \$36 Million (+1.4%)
 - English Language Acquisition Grants = \$797 Million (+1.3%)
 - **IDEA/Special Education** = \$14.1 Billion (+1.3%)
 - Impact Aid = \$1.5 Billion (+1%)
 - **Career and Technical Education State Grants (Perkins/CTE)** = \$1.34 Billion (+4.1%)
 - **Other programs (outside of ED)**
 - Head Start & Early Head Start = \$10.75 Billion (+1.3%)
 - Child Care Development Block Grant = \$5.91 Billion (+1.5%)
 - Preschool Development Grants = \$275 Million (Flat-funded at FY20 level)

FY21 / COVID 5 (COVID Relief)

COVID 5

- **Education Stabilization Fund (ESF) - \$82 billion**
 - **GEER Fund (Governors' Fund) - \$4.1 Billion**
 - \$2.75 Billion set aside for private schools w/ major limitations for use.
 - **ESSER Fund (K-12 Edu.) - \$54.3 Billion**
 - **Approx. 4 times more than CARES ESSER \$\$\$.**
 - 90% funds distributed to LEAs via Title I Part A (but these are **NOT** Title I funds). No private school funding via equitable services.
 - **Flexible funding!** Allowable uses include:
 - Any activity under ESSA, Perkins CTE, IDEA, Adult Education and Family Literacy Act, or subtitle B of Title VII of McKinney Vento
 - Coordinating/responding to COVID health emergency
 - Activities to support special student populations
 - Training on sanitization and procuring cleaning supplies
 - Providing meals or technology to students
 - Providing mental health services, summer learning and supplemental learning, addressing learning loss, and administering assessments
 - School facility repairs and improvements (incl. machines or technology that deal with air quality)
 - Other general operations as needed (can include COVID testing).
 - **HEER Fund (Higher Edu.) - \$22.7 Billion**

FY21 / COVID 5 (COVID Relief)

COVID 5

• Education Stabilization Fund (ESF) Provisions (Cont.)

- **Employees/Contractors:** ESF grantees “shall, **to the greatest extent practicable**, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.”
- **State Maintenance of Effort (MOE):** States shall provide assurances to maintain support in FY22 at least at the proportional levels of state support for K-12/higher education relative to the state’s overall spending (averaged over FYs 2017, 2018, and 2019). MOE waiver for states experiencing a “precipitous decline in financial resources.”
- **School Nutrition & Child Care**
 - Provides emergency relief to help school meal and child and adult care food programs via a mandatory funding formula.
 - Child Care Development Block Grant - \$10.25 Billion
 - Head Start - \$250 Million

• Unemployment Insurance

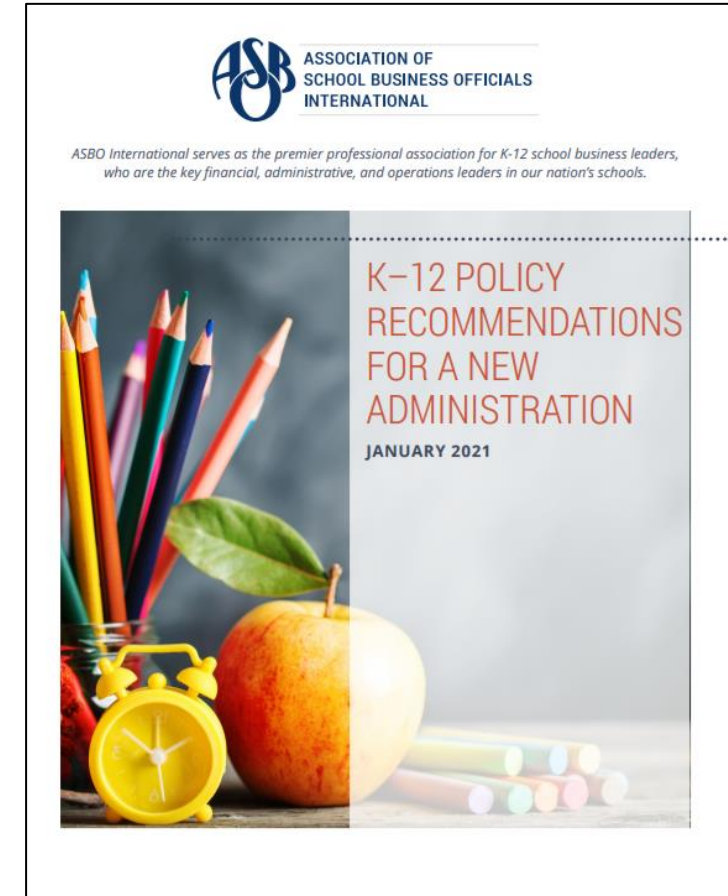
- **\$300/week through March 14, 2021.** Extends Pandemic Unemployment Assistance & Pandemic Emergency Unemployment Compensation.

• Tax Provisions

- **Extends Coronavirus Relief Fund (CRF) availability until Dec. 31, 2021.**
- Extends/expands refundable Employee Retention Tax Credit (ERTC) from CARES to keep employees on payroll/businesses afloat.
- Expands qualifying expenses for the educator tax credit program to include PPE, disinfectants, and other supplies for preventing the spread of COVID-19.
- **Extends FFCRA payroll credits for paid sick and family leave through March 31, 2021.** Tax credits are not extended to schools, but the mandate to provide paid leave is eliminated. Public sector employees who were previously covered are no longer guaranteed that leave.

ASBO Priorities for the New Administration

- **Legislative Priorities & Resources:** <https://asbointl.org/Legislative>
 - Priorities are recommended by ASBO International's Legislative Advisory Committee (LAC) and approved by the Board of Directors.
 - **Education Funding**
 - **School Safety & Infrastructure**
 - **Nutrition**
 - **Health Care**
 - ***New! K-12 Policy Recommendations for A New Administration***
<https://asbointl.org/K12Recommendations>
 - **Coming soon!**
 - ASBO International COVID-19 Financial Survey Summary
 - ASBO International 2021–2022 Legislative Beliefs Whitepaper



COVID 6: Biden's American Rescue Plan

- **Biden's American Rescue Plan—\$1.9 Trillion; includes \$130 billion for K-12 education.**
 - Biden Administration's Justification for Additional K-12 Education Funding—\$145 billion for K-12 education.
 - \$60 billion—To avoid layoffs and close budget holes so districts can avoid layoffs this and next school year.
 - \$3.5 billion—To provide physical barriers and other materials CDC recommends to help keep students safe.
 - \$14 billion—To provide additional custodial staff members.
 - \$14 billion—To support additional transportation investments that provide for social distancing on buses.
 - \$6 billion—To provide PPE for students eligible for free or reduced-price lunch.
 - \$50 billion—To support activities around promoting social distancing by reducing class size.
 - \$3 billion—To provide a nurse to the 25% of schools without one.
 - \$29 billion—To extend learning time & support for students through tutoring or summer school.
 - \$10 billion—To provide additional school counselors and psychologists.
 - \$7 billion—For activities around the digital divide.
 - \$0.1 billion (\$100 million)—To provide wrap-around service and supports to students and families through Community Schools.
 - \$2 billion—To advance equity and evidence-based policies to respond to the COVID-19 pandemic.
 - Note: Estimated need is approx. \$199 billion as itemized above. (\$199 billion minus the \$54 billion appropriated in December's COVID 5 package leaves an additional \$145 billion in net funding.)

COVID 6: Budget Reconciliation

- **How does the Biden COVID package get done and when?**
 - House takes up budget reconciliation, and once they pass their bill it goes to the Senate.
 - Senate rules are very wonky. Some of the provisions included in the House bill may not stay in there.
 - House and Senate goes to conference to reconcile any differences.
 - House and Senate authorizing committees to work jointly on the package and for reconciliation legislation to pass in both chambers before mid-March, when \$300/week unemployment insurance supplement lapses.
 - **Funds could start flowing to districts as early as mid-April.**

COVID 6: Budget Reconciliation

- **Details of House Democrats Reconciliation Package**
 - Maintenance of Effort (MOE) and Maintenance of Equity Provisions
 - State MOE: must be proportionate to spending on K-12 over the past 3 years.
 - State may not reduce funding on a per-pupil basis for any high-poverty LEA by an amount that exceeds the overall per-pupil reduction in State funds across all LEAs in the state.
 - State shall not reduce funding for any LEA that is in the highest 20% of most economically disadvantaged below the 2019 level.
 - LEA may not reduce per-pupil funding or full-time equivalent (FTE) staff (from combined state and local funding) for any high-poverty school.
 - Learning Loss Set-Aside
 - 20% must be dedicated to learning loss; equitable services applies.
 - Funding for the Homework Gap
 - \$7.6 billion for E-Rate
 - State/Local Government Aid
 - \$350 billion for state and local relief.
- **Details of Senate Reconciliation Package – Coming this week!**

Biden Policy Agenda

- **Majority of K–8 schools re-open in 100 first days**
 - Practical application of the CDC guidance and operational strategy for school reopening
 - Guiding on planning for in-person learning and engagement
 - Guidance on additional supports and protections for students and educators, including trauma-informed approaches to meeting the social-emotional needs of students and staff, as well as necessary accommodations during the pandemic
- **Reinstates FEMA reimbursement for PPE purchased by schools**
- **New data collection sample on learning during the pandemic**
 - Focus on modality of instruction, students prioritized for in-person, attendance—NOT focused on COVID spread, not punitive in nature
- **Transgender Executive Order (EO)**
 - “All persons should receive equal treatment under the law without regard to their gender identity or sexual orientation”, including that “[c]hildren should be able to learn without worrying about whether they will be denied access to the restroom, locker room, or school sports.”

ED Office of Civil Rights (OCR)

- **OCR Enforcement: What to Expect?**
 - Disparate treatment/guidance regarding school discipline.
 - Pro-active investigations based on data collected/reported for CRDC.
 - Pro-active investigations on denial of FAPE during COVID-19 pandemic.
 - Pro-active investigations into whether school employees' Title VII rights are violated.
- **Resumption of 2020–2021 CRDC collection**
 - Plus, an expansion of data collection.
- **A lot of guidance. Specific to the Transgender EO:**
 - Requiring schools to allow students to use bathrooms and locker rooms that are consistent with their gender identity, and to play on athletic teams that are consistent with their gender identity.

CMS: Medicaid in Schools

- AASA, ASBO, and the Healthy Schools Campaign are urging the Centers for Medicare & Medicaid Services (CMS) to issue new Medicaid in Schools guidance by June 1, 2021.
- Guidance would focus on:
 - Billing non-IEP students for health services
 - Reducing administrative burdens on school districts
 - Improving access to mental health services/providers
 - Encouraging use of telehealth services and more

School Infrastructure & E-Rate

- **Biden's infrastructure plan**
 - Calls for \$100 billion in new spending to help traditional public schools repair HVAC system, modernize buildings, and expand broadband internet to underserved areas.
 - On the Hill, the Reopen and Rebuild America's Schools Act of 2021 is President Biden's best path forward to move this initiative.
 - The bill invests \$130 billion in bonds and grant programs—targeted at high-poverty schools—to help reopen public schools and provide students and educators a safe place to learn and work.
- **ASBO/AASA E-Rate Advocacy to Address the Homework Gap**
 - \$7.6 billion is under negotiation in the next COVID-relief / reconciliation package.
 - Establish an Emergency Connectivity Fund via E-Rate to purchase digital devices, Wi-Fi hotspots, and other devices to address connectivity issues.

Nutrition

- **New Guidance: USDA Meal Waivers & FRPL Forms**
 - Due to the impact on USDA's nationwide waivers, which support students' access to nutritious meals while minimizing potential exposure to COVID-19 through June 30, 2021.
 - Recently, ED released a document providing LEAs and SEAs with guidance on how to carry out data-collection activities for the education programs associated with federal school meal programs.
 - The guidance allows using 2019–2020 school year data for all circumstances, which means ED essentially created a hold harmless provision for school districts and states that have seen a decline in free and reduced-price lunch (FRPL) forms.
 - The guidance pertains to the National School Lunch Program data-collection activities associated with Title I, Part A (Supporting Effective Instruction) and Title V, Part B (Rural and Low-Income School Program; RLIS) for the 2021–2022 school year.
 - The official guidance is accessible via [this link](#).
 - Find this and other federal guidance on ASBO's COVID-19 blog at <https://asbointl.org/COVID>.

Nutrition

- **USDA NPRM: Restoration of Milk, Whole Grains, and Sodium Flexibilities**
 - In January, ASBO & AASA submitted a letter in support of the U.S. Department of Agriculture's (USDA) notice of proposed rulemaking (NPRM) on the restoration of milk, whole-grains, and sodium flexibilities under the National School Lunch and Breakfast Act.
 - The NPRM finalizes USDA's 2012 interim rulemaking process concerning provisions in the Healthy Hunger Free-Kids Act (HHFKA) that ensure all school districts, regardless of socioeconomic status or size, can reasonably meet the nutritional requirements under the law.
 - Looking ahead, there are rumors that USDA may offer school districts more flexibilities around the nutritional provisions of NLSP and SBP. Be on the lookout for opportunities to advocate around school nutrition this Congress.

So What???

- **Connecting the Dots: Looking from a School Business Perspective**
 - Why does this information matter for you?
 - Why should you be concerned about federal policy issues?
 - How do these issues impact your state and district?
 - What key issues are you looking at?
 - How can this information help you in your role?
 - How can this information help you serve your students?

So What???

- **School Business Leaders are ADVOCACY Leaders**
 - Why should school business professionals advocate?
 - Who/what do school business leaders advocate for?
 - Yourself and your peers (professional advocacy)
 - Your students, staff, schools, district, and community; your school budget!!! (education advocacy)
 - Advocacy can take many different forms!
 - **Advocacy** is the act of speaking or doing something on behalf of or in support of a person, place, or thing.

So What???

- **Advocacy Tips for School Business Professionals**
 - 5 Key Components for Effective Advocacy:
 - Relationships – Relationships matter, take time & require building trust.
 - Endurance – Meaningful change takes time and effort, don't give up!
 - Logistics – Know your who/what/when/where/why. Details matter, don't be caught unprepared.
 - Knowledge – Remember, you are the education expert! But if you don't know, that's ok; follow up!
 - Communication – Consider your issue, audience, and method of delivery (email, letter, phone, meeting, blog/Op-ed, social media, etc.). State your ask clearly!

Questions? Contact Us!

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