The Consortium of State School Boards Associations
Weekly Education Report

LAST WEEK IN WASHINGTON

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The COSSBA Education Report, a weekly publication, provides an executive summary of public policy issues affecting American K-12 education and employment. Please use the bookmarks below to navigate to your area of interest:

1. **News, Publications, & Updates on COSSBA Policy Priorities**
   - **Broadband Connectivity and E-Rate**
     - **FCC Considers Reinstatement of Net Neutrality Rules**: Federal Communications Commission Chair Jessica Rosenworcel announced that she plans to reinstate net neutrality oversight of broadband providers that was rescinded under former president Donald Trump.
   - **IDEA**
     - **ED Awards over $35M in Support of Children with Disabilities**: On Tuesday, the Department of Education’s (ED) Office of Special Education Programs (OSEP) awarded more than $35 million in funding for 138 new awards supporting personnel preparation, ongoing professional learning, and leadership development to increase the number of well-prepared, diverse and effective personnel serving children with disabilities.
   - **Funding**
     - **ED Outlines Procedures to Extend Pandemic Aid Spending**: Last week, the Department of Education (ED) outlined procedures schools will use to extend spending deadlines for nearly $130 billion in federal pandemic aid.
   - **Child Nutrition**
     - **USDA Expands Access to School Meals**: On Tuesday, the Department of Agriculture (USDA) announced that it is giving an estimated 3,000 more school districts in high-need areas the option to serve breakfast and lunch
to all students at no cost, by expanding the availability of the Community Eligibility Provision (CEP).

2. **Budget and Appropriations Wrap-up**
   - **Impact on State School Board Associations**

3. **In Brief – Last Week in Washington**
   - **ED Announces New Supports for Mental Health Services in Schools**: The Department of Education (ED) on Friday announced a $2.6 million award to support mental health services and professionals in schools, further delivering on a key priority of the Bipartisan Safer Communities Act (BSCA).
   - **The Hill Hosts Event on Mathematic Performance in K-12 Schools**: On Tuesday, *The Hill* hosted an event titled, “Making the Grade: Solving the U.S. Math Problem.” The discussion centered on K-12 mathematics performance in schools and highlighted a recent study by the Northwest Evaluation Association (NWEA) finding that middle and elementary school students’ math progress stagnated last year.
   - **LPI Examines Evidence-Based Strategies for Creating Safe Schools**: On Wednesday, the Learning Policy Institute (LPI) held a webinar titled, “Safe Schools, Thriving Students: Evidence-Based Strategies for Creating Safe and Supportive Schools.” The event centered on LPI’s recently published report examining existing research to understand the evidence base for proposed strategies.
   - **School Hunting, Archery Bill Heads to President Biden’s Desk**: On Wednesday, the U.S. Senate unanimously passed the “Protecting Hunting Heritage and Education Act” (H.R. 5110), which allows elementary schools to use federal aid for archery, hunting, or other shooting sports. It now heads to President Joe Biden’s desk for signature.
   - **House Holds Hearing on Combatting Ransomware Attacks**: On Wednesday, the House Oversight and Accountability Committee held a joint subcommittee hearing on combating ransomware attacks. Congress members questioned witnesses about the increasing sophistication of ransomware attacks and the growing trend of attacks on industries and institutions across the United States.
   - **ED Updates Guidance on Strengthening Education Investments**: On Friday, the Department of Education (ED) released an updated version of Non-Regulatory Guidance on using evidence to strengthen education investments. The updated version revises the Non-Regulatory Guidance first issued in 2016.

4. **New Publications**
   - **Challenges and Opportunities of Providing Free School Meals for All**
     Center for American Progress (September 26, 2023)
     In this report, the Center for American Progress’ community conversations with a Colorado school district illustrate how offering no-cost school meals is critical for students’ success and opportunities.

5. **In the News**
• Sen. Dianne Feinstein, the Longest-Serving Female Senator in U.S. History, Has Died at 90
  USA Today (September 29, 2023)
• Online for All: Coalition Mobilizes for Digital Equity During Back-to-School Season
  U.S. Department of Education | Homeroom (September 28, 2023)
• How a Pennsylvania Superintendent Set Out to Restore Her District’s Secondary Grades
  K-12 Dive (September 27, 2023)
• Home Schooling Today is Less Religious and More Diverse, Poll Finds
  The Washington Post (September 26, 2023)
• ‘Whatever it Takes’: Students at 50 US High Schools Launch Climate Initiative
  The Guardian (September 25, 2023)
• Deadly Disasters are Ravaging School Communities in Growing Numbers. Is There Hope Ahead?
  USA Today (September 24, 2023)

6. Weekly Calendar - What’s coming up this week?
   • From Book Bans to Inclusive Education: New America will hold a discussion on “From Book Bans to Inclusive Education.”
     Tuesday at 3pm ET
   • A Way Forward on School Reform: The American Enterprise Institute for Public Policy Research (AEI) will hold a discussion on "A Way Forward for School Reform."
     Tuesday at 4:30pm ET

7. On The Floor of Congress This Week
   • H.R. 4394 - Energy and Water Development and Related Agencies Appropriations Act, 2024
   • H.R. 4364 - Legislative Branch Appropriations Act, 2024

8. Important U.S. House and Senate Links

9. About BPAG

1. COSSBA Policy Priorities
   BROADBAND CONNECTIVITY AND E-RATE
   FCC CONSIDERS REINSTATEMENT OF NET NEUTRALITY RULES
   Federal Communications Commission (FCC) Chair Jessica Rosenworcel announced on Tuesday that she plans to reinstate net neutrality oversight of broadband providers that was rescinded under former president Donald Trump. Rosenworcel announced the effort at the National Press Club, kicking off a renewed fight over regulation. She is proposing the FCC take the first steps to commit to rules that would treat broadband internet as an essential service, putting it on par with water, power, and phone service. The proposal largely mirrors original rules adopted in 2015 under then-President Barack Obama and adds a clause on national security to close a loophole
that allows foreign adversaries to access US broadband services. “In the wake of the pandemic and the generational investment in internet access, we have a window to update our policies to make sure that the internet is not only open, but fast and fair, safe, and secure,” she said. “Now is the time for our rules of the road for internet service providers to reflect the reality that internet access is a necessity for daily life.” A fact sheet can be found here.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

**ED AWARDS OVER $35M IN SUPPORT OF CHILDREN WITH DISABILITIES**

On Tuesday, the Department of Education’s (ED) Office of Special Education Programs (OSEP) awarded more than $35 million in funding for 138 new awards supporting personnel preparation, ongoing professional learning, and leadership development to increase the number of well-prepared, diverse and effective personnel serving children with disabilities. OSEP’s Personnel Development Program, authorized by the Individuals with Disabilities Education Act (IDEA) Part D, funds activities that recruit, prepare, and retain personnel who serve and support infants, toddlers, children, and youth with disabilities and their families. Personnel include early intervention providers; teachers; related services providers; administrators leading early intervention programs, schools, or local and state agencies; and university faculty who are preparing future generations of personnel to serve children with disabilities. “Investing in the preparation and professional development of a strong, diverse workforce to serve children with disabilities is critical, not only to the well-being of individuals with disabilities, but to improve outcomes for all children. Special educators, early intervention providers, and related services providers are essential professionals in our schools, early childhood programs, and communities, but far too many states are struggling to hire qualified personnel in these roles,” said Glenna Wright-Gallo, Assistant Secretary for the Office of Special Education and Rehabilitative Services. This year’s grants are listed here.

**FUNDING**

**ED OUTLINES PROCEDURES TO EXTEND PANDEMIC AID SPENDING**

Last week, the Department of Education (ED) outlined procedures schools will use to extend spending deadlines for nearly $130 billion in federal pandemic aid. In a letter to funding grantees, ED writes that “with one year remaining in the [American Rescue Plan (ARP)] fund period, it is important that States and local educational agencies continue to use emergency relief funds for effective, evidence-based strategies.” The letter also acknowledges that some grantees may require flexibility liquidating remaining Elementary and Secondary School Emergency Relief (ESSER) and Emergency Assistance to Non-Public School (EANS) funds under ARP that have been properly obligated by the September 30, 2024 deadline. The letter to grantees announces that the general liquidation extension that has been available under the Coronavirus Aid, Relief, and Economic Security (CARES) and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Acts will be available for ARP. While state and local education officials have long awaited ED plans for ARP extensions, the School Superintendents Association (AASA) has identified some issues with the announcement. AASA is saying procedures for other federal relief essentially require states to track every financial transaction that would be covered by an extension request. Repeating that process for potentially thousands more transactions will create an “unmanageable” situation that puts “a tremendous burden” on state and local education authorities, they added. Secondly, AASA states that for CARES and CRRSA ESSER, ED is only considering extensions for projects that were intended to be completed by the obligation deadline but were unexpectedly delayed by a specific circumstance.
If continued for ARP, AASA claims, this may limit the reach of ARP funds. Lastly, the association suggests that continued mental health supports and services or any non-academic extensions would not be applicable for liquidation extensions nor would delays pertaining to construction of new or improved facilities.

CHILD NUTRITION
USDA EXPANDS ACCESS TO SCHOOL MEALS
On Tuesday, the Department of Agriculture (USDA) announced that it is giving an estimated 3,000 more school districts in high-need areas the option to serve breakfast and lunch to all students at no cost, by expanding the availability of the Community Eligibility Provision (CEP). “Today’s announcement comes as we approach the one-year anniversary of the historic White House Conference on Hunger, Nutrition, and Health, where the Biden-Harris Administration promised to advance a pathway to healthy school meals for all students,” said Agriculture Secretary Tom Vilsack. He continued, “USDA has taken an important step toward fulfilling that promise by expanding access to CEP. Increasing access to free, healthy school breakfast and lunch will decrease childhood hunger, improve child health and student readiness, and put our nation on the path to better nutrition and wellness.” While this change in CEP applies across the country, it will be particularly impactful in states and school districts which commit to supporting healthy school meals for all students with their own funds. USDA is also supporting expanded access to healthy school meals by offering extensive financial support for schools. Lastly, USDA has continued to expand its Direct Certification for Medicaid Demonstration Projects, which ensures that eligible children in households receiving Medicaid benefits automatically receive free or reduced price school meals without their families filling out an application.

2. Budget and Appropriations Wrap-Up
As of Friday afternoon, it had appeared that the federal government was headed for a shutdown. The House and Senate had each tried to pass a stopgap measure to avoid one. The Senate did so successfully, but the measure included funding for Ukraine, meaning it would not have passed the House. Speaker Kevin McCarthy (R-CA) was unsuccessful in getting his original version of a continuing resolution (CR) passed on Friday, leaving no other immediate options as Congress headed into the weekend.

Come Saturday, the talking and strategizing didn’t stop. It was reported that on Friday afternoon, moderates on both sides of the aisle and the Capitol were trying to discern what proposal might pass both chambers and be signed by President Biden. Balancing concerns about funding for Ukraine, the crisis at the southern border, and overall funding levels was challenging, and will continue to be so.

Alas, those closely watching the process unfold this weekend found themselves surprised when the House and Senate were able to compromise on a 45-day CR, mere hours before the end of Fiscal Year 2023 and a potential government shutdown. In the House, more than 200 Democrats joined their Republican colleagues in a 335-91 vote, with 90 Republicans voting against the bill — an unanticipated move that will likely leave Speaker McCarthy fighting to maintain his position as Speaker. The Senate cleared the House bill — H.R. 5860, the Continuing Appropriations Act, 2024 and Other Extensions Act — Saturday night, sending it to President
Joe Biden's desk, averting a government shutdown at the last minute, kicking the funding can down the road until Friday, November 17.

McCarthy's sudden shift in strategy came after weeks of unwillingness to propose any solution that would have positioned him against a handful of staunch conservatives who have refused to allow any bipartisan efforts to prevent a shutdown.

H.R. 5860 included the following provisions: 1) It extended key funding for community health centers and delayed steep cuts from hitting safety-net hospitals, tackling several health programs that were set to run out of funding Saturday evening, 2) reauthorized the National Flood Insurance Program until November 17, 3) extended the Federal Aviation Administration (FAA) authorization through December 31, and 4) it included funding and authority for the Department of Agriculture to spend Women, Infants, and Children (WIC) Supplemental Nutrition Program funds at the rate necessary to maintain heightened levels of participation.

What the bill did not do is grant the Department of Education (ED) additional budgeting flexibility to run the student loan program amid a restart in student loans payments this month. Without that flexibility, ED could be forced to make further reductions to the customer service borrowers rely on. The bill additionally omitted military aid for Ukraine and additional funding for the southern border.

Now, we wait 45 days to do this all over again.

How does this impact State School Board Associations?
It is yet to be reported if the House Appropriations Committee and full Senate will try to consider their drastically different Labor, Health and Human Services and Education spending bills during this 45-day continued funding window. It’s possible the Senate will try to move long before the House. As explained in previous Ed Reports, the Senate Appropriations Committee passed its overwhelmingly bipartisan bill, which is much preferred by COSSBA to the House Subcommittee passed bill. Some House Republican members of the full Appropriations Committee are reportedly uncomfortable voting for a proposal that would cut Department of Education spending by $22.1 billion, and gut Title I and Title II, among other cuts and policy proposals. It is likely that any funding for education will be resolved in an end of year omnibus bill and not resolved by moving either of these individual bills.

3. In Brief – Last Week in Washington
ED ANNOUNCES NEW SUPPORTS FOR MENTAL HEALTH SERVICES IN SCHOOLS
The Department of Education (ED) on Friday announced a $2.6 million award to support mental health services and professionals in schools, further delivering on a key priority of the Bipartisan Safer Communities Act (BSCA). The Board of Regents of the University of Wisconsin System will establish a national Mental Health Evaluation, Training, Research, and Innovation Center for Schools (METRICS) to increase support and offer new resources for schools nationwide on training mental health professionals and providing school-based mental health services. This award was made possible by BSCA, which President Joe Biden signed into law in June 2022. Over the next five years, BSCA will invest over $1 billion in school-based mental health programs, making substantial progress towards President Biden’s goal, as part of his Mental
Health Strategy, to double the number of school counselors, social workers, and other mental health professionals available to support students’ mental health needs. The new METRICS Center will support the grantees of two ED programs established to increase the number of mental health providers in schools—School-Based Mental Health (SBMH) and Mental Health Services Professionals (MHSP). METRICS will also distribute resources to states, districts, and schools nationwide to help them implement high-quality projects to address the social, emotional, and mental health needs of PK-12 students and increase the number of school-based mental health services providers. A full list of previously announced mental health grantees under BSCA can be found here.

**THE HILL HOSTS EVENT ON MATHEMATICS PERFORMANCE IN K-12 SCHOOLS**

On Tuesday, *The Hill* hosted an event titled, “Making the Grade: Solving the U.S. Math Problem.” The event featured Congressman Jim Baird (R-IN), co-sponsor of the “Mathematical and Statistical Modeling Education Act” (H.R. 1735); Congressman Bill Foster (D-IL), member of the House Financial Services Committee and PhD Physicist; Dr. Tim Hudson, chief learning officer of DreamBox; Rebecka Peterson, 2023 National Teacher of the Year; Josh Recio, systemic transformation lead at the University of Texas at Austin Charles A. Dana Center; Joel Rose, co-founder & CEO of New Classrooms; and Shalinee Sharma, CEO & co-founder of Zearn. The discussion centered on K-12 mathematic performance in schools and highlighted a recent study by the Northwest Evaluation Association (NWEA) finding that middle and elementary school students’ math progress stagnated last year. On average, students need the equivalent of an additional four and a half months of instruction in math to level the playing field from before the pandemic, NWEA notes. Comparatively speaking, more emphasis on literacy skills than mathematics combined with pandemic school closures has resulted in low mathematic proficiency, the panel explained. Rep. Foster stated that the downsides of not addressing the problem of math education in the United States are steep. The panel further exclaimed how Math proficiency is not only necessary for individuals in STEM fields, but also for those in the military and other careers outside STEM in order to close wage gaps among demographic groups and to ensure that United States citizens can grow, succeed and remain competitive. Rep. Foster called attention to the “Keep STEM Talent Act of 2023” (H.R. 5477) and described it as “stapling a green card to a degree,” meaning that the measure would provide ease in the immigration process for STEM graduates and foreign talent. Mr. Rose noted that only 25 percent of U.S. students are proficient in math, while Ms. Peterson spoke to her success as a math teacher from prioritizing individualized learning styles and making personal connections with her students. The event also examined which states are leading efforts to increase math proficiency, in addition to how the coronavirus impacted math education and strategies to close performance gaps between advantaged and disadvantaged student groups. A full recording of the event can be found here.

**LPI EXAMINES EVIDENCE-BASED STRATEGIES FOR CREATING SAFE SCHOOLS**

On Wednesday, the Learning Policy Institute (LPI) held a webinar titled, “Safe Schools, Thriving Students: Evidence-Based Strategies for Creating Safe and Supportive Schools.” The event centered on LPI’s recently published report examining existing research to understand the evidence base for proposed strategies. The event featured LPI President and CEO Linda Darling-Hammond and House Education and the Workforce Committee Ranking Member Bobby Scott (D-VA), in addition to a panel of issue experts. The event first highlighted specific funding
opportunities provided through the Bipartisan Safer Communities Act (BSCA), including $1 billion for social-emotional programs, restorative practices, and integrated student supports; $1 billion to train and increase the number of qualified, well-trained counselors, psychologists, social workers, and other mental health professionals; and $300 million through the STOP School Violence Act to institute safety measures in and around schools. Representative Scott noted the importance of listening to the evidence on school safety and remarked on the inequities in discipline practices that disproportionately impact students with disabilities and Black students. “Regrettably, slogans and sound bites have been ruling the day in crime policy and a lot of education policy,” Scott said. He added that “schools should be safe and welcoming for all students but we know that’s not the case for many.” A panel discussion followed, which underscored an increased interest in school safety driven by continued increase in mass school shootings, but noted that students face other violence at schools as well. While highlighting LPI’s report on the topic, the panel discussed strategies to increase physical security in schools and criticized the lack of evidence around certain strategies such as installing school resource officers or armed police; restricting access to buildings; and deploying security cameras and metal detectors, which can be associated with decreased feelings of safety. Instead, the panel suggested that school safety implementation measures look at how supportive school communities can protect against violence. They outlined evidence-based strategies that included increased mental health resources, social and emotional learning curricula, restorative practice, and the structuring of positive relationships. A recording of the webinar will soon be posted here.

SCHOOL HUNTING, ARCHERY BILL HEADS TO PRESIDENT BIDEN’S DESK
On Wednesday, the U.S. Senate unanimously passed the “Protecting Hunting Heritage and Education Act” (H.R. 5110), which allows elementary schools to use federal aid for archery, hunting, or other shooting sports. It specifically amends the Elementary and Secondary Education Act (ESEA) to clarify that its prohibition on using funds for providing dangerous weapons, or training in their use does not apply to educational instruction in shooting sports. This prohibition on the use of funds for the procurement of dangerous weapons was added to the ESEA by the Bipartisan Safer Communities Act (BSCA), historical gun-safety legislation signed into law in June 2022. An April document from the Department of Education (ED) answering frequently asked questions on certain BSCA provisions further clarified that a dangerous weapon constitutes any material that could cause death or bodily injury. What followed was a letter from Several House Republicans in August to Education Secretary Miguel Cardona citing “strong opposition” to ED’s interpretation of the law and indicating it would eliminate funding for hunting and archery education programs. 17 Senators sent a similar letter to Secretary Cardona on September 5. The House Education and the Workforce Committee approved the measure by a 42-0 vote on September 14. It was considered on the House floor under suspension of the rules last week, where it passed with a 424-1 vote. The bill was then considered on the Senate floor this past Wednesday, where it passed with unanimous consent and now heads to President Joe Biden’s desk for signature. On Thursday, the White House confirmed that the bipartisan legislation has the President’s support, with Stefanie Feldman, director of the White House's Office of Gun Violence Prevention, saying, “The President supports a legislative solution to ensure ESEA funding can be used for valuable school enrichment programs, such as hunter safety and archery."
HOUSE HOLDS HEARING ON COMBATTING RANSOMWARE ATTACKS
On Wednesday, the House Oversight and Accountability Committee held a joint subcommittee hearing on combating ransomware attacks. Members questioned witnesses about the increasing sophistication of ransomware attacks and the growing trend of attacks on industries and institutions across the United States. Members also spoke with victims of ransomware attacks about the economic and human costs of navigating through such an occurrence, as well as lessons learned and shared, so others might be better prepared to survive attacks by hackers attempting to access their systems. Assistant Superintendent of Technology for Judson Independent School District (Texas) Lacey Gosch testified that support can only come from within. “The topic of Ransomware is rarely shared among organizations and is viewed as a scarlet letter or badge of dishonor to technology and security teams,” Gosch stated. She pressed that the issue be discussed openly to provide support to adequately protect, prevent, and mitigate cybersecurity breaches. She continued, “The mentality that any organization is too small or insignificant to be affected by a cybersecurity breach is living under a false sense of security. The truth is that cybersecurity events in organizations need to be viewed not as improbable but as absolute. The question is not if it will happen but when it will happen.” Gosch outlined several recommendations to support K-12 educational institutions, which included assistance in funding, training, and appropriate implementation of hardware supports; software supports; basic support for disaster recovery and business continuity planning; assistance with social and emotional support for staff involved; in-place or at-rest encryption of Social Security numbers in databases; and support for affordable multi-factor authentication. She labeled this list of items as “foundational needs for schools to proactively address the growing concerns of cybersecurity.” “Providing this type of avenue for schools to help in the fight against cybercrime can open doors for districts to be able to see the possibilities of purchasing, maintaining, and expanding their capabilities in protecting the data and integrity of our school systems, Gosch concluded. Gosch’s testimony can be read here. The hearing and additional testimony can be viewed here.

ED UPDATES GUIDANCE ON STRENGTHENING EDUCATION INVESTMENTS
On Friday, the Department of Education (ED) released an updated version of Non-Regulatory Guidance on using evidence to strengthen education investments (The Evidence Guidance). The updated version revises the Non-Regulatory Guidance first issued in 2016. This update retains the structure of the 2016 Evidence Guidance and clarifies that the cycle of continuous improvement and evidence definitions have broad applicability, including in K-12 education, career and technical education, postsecondary education, and special education. In addition, this version of the Evidence Guidance provides current information about the evidence provisions in ED’s regulations, known as the Education Department General Administrative Regulations (EDGAR). The Evidence Guidance encourages the “use of the highest-quality evidence when it is available and, when less is known, highlighting the opportunity to try new research-informed ideas that have the potential to improve student outcomes and can help us learn more about what works,” the ED stated in its announcement. “Finally, while the Evidence Guidance makes it clear that evidence of effectiveness should be at the fore of decision makers’ thinking, it also encourages us to consider what works for learners in their context, with the local community engaged to identify approaches that are most likely to be effective in meeting student needs and community goals.” Read more here.

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4. New Publications

Challenges and Opportunities of Providing Free School Meals for All
*Center for American Progress* (September 26, 2023)
In this report, the Center for American Progress’ community conversations with a Colorado school district illustrate how offering no-cost school meals is critical for students’ success and opportunities.

5. In the News

Sen. Dianne Feinstein, the Longest-Serving Female Senator in U.S. History, Has Died at 90
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Deadly Disasters are Ravaging School Communities in Growing Numbers. Is There Hope Ahead?
*USA Today* (September 24, 2023)

THIS WEEK IN WASHINGTON

6. Weekly Calendar

Tuesday, October 3, 2023

**Event: From Book Bans to Inclusive Education**

**Subject:** New America will hold a discussion on “From Book Bans to Inclusive Education.”

**Participants:** Natasha Tarpley, fellow, Learning Sciences Exchange; Kyle Zimmer, president and CEO, First Book; Lisa Guernsey, senior editor, New America; Rebecca Henderson, curriculum services supervisor, Westmoreland Intermediate Unit; Adam Harris, staff writer, The Atlantic; Joe Wilkes, editor, Thread; Ma'asehyahu Isra-Ul, former professor of education, The University of Richmond; and Revida Rahman, co-founder, One WillCo.

**Time and Location:** 3:00 p.m.; New America, 740 15th St. NW, Suite 900.

**Contact:** Register and live stream available [here](#).

**Event: A Way Forward on School Reform**
Subject: The American Enterprise Institute for Public Policy Research (AEI) will hold a discussion on "A Way Forward for School Reform.

Participations: Erica Green, correspondent, New York Times; Frederick Hess, director of education policy studies, AEI; and Arne Duncan, former secretary of education.

Time and Location: 4:30 p.m.; AEI, 1789 Massachusetts Avenue NW, Auditorium.

Contact: Register and livestream available here.