MSBA and COSSBA Federal Advocacy Update

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The **MSBA and COSSBA Federal Advocacy Update** is your timely news about current public education issues affecting Minnesota schools.

MSBA became a charter member of the Consortium of State School Boards Associations (COSSBA) in 2021. COSSBA is a nonpartisan, national alliance dedicated to sharing resources to support, promote and strengthen state school boards associations as they serve their local school districts and board members. COSSBA works to advance federal congressional priorities on behalf of 25 state school boards association members.

Both the U.S. House and U.S. Senate continue to work on the appropriations process for fiscal year (FY) 2025 which runs from October 1, 2024, through September 30, 2025. Meanwhile, the FY 2025 spending bills are unlikely to be complete until after the November election so both the House and the Senate, as well as both sides of the aisle, will need to develop a plan for keeping the federal government open past September 30, 2024.

In the House, Appropriations Committee Chair Tom Cole (R-OK) continued to communicate his plans for the FY 2025 spending cycle to the chairs of the individual appropriation’s subcommittees. Chair Cole’s goal is to have all 12 spending bills ready for action by the beginning of next month – and to have subcommittee markups of those bills completed before the August recess.

In the Senate, Appropriations Committee Chair Patty Murray (D-WA) has signaled that she is open to increasing defense spending in FY 2025 but said she would insist on commensurate increases in non-defense discretionary (NDD) spending, which would include education investments.

According to COSSBA’s government affairs firm, Bose Public Affairs Group, Chair Cole and Chair Murray are not talking to each other about their respective funding plans – plans that will eventually clash and make the House-Senate negotiations on FY 2025 spending bills a challenge. Education funding stakeholders should continue to monitor the appropriations process that is unfolding. President Biden’s FY 2025 ED request reflects a $3.1 billion (4 percent) increase from the FY 2024 level, but Congress will have final say. Congress will be in session for another two weeks, before breaking for the Memorial Day holiday.

To read the full COSSBA Weekly Education Report dated May 13, 2024, please visit this link.
Top Three Federal Education Updates

1. The Department of Education (ED) Announces Increased Funding for Mental Health Services in Schools

May is Mental Health Awareness Month, and on Thursday, the Biden Administration announced new actions to increase access to school-based mental health services, including:

- Increased investments in the Department of Education’s (ED) School-Based Mental Health Services (SBMH) and Mental Health Service Professionals (MHSP) grant programs in the current Fiscal Year.
- Making additional investments through the Bipartisan Safer Communities Act (BSCA).
- Offering new mental health and wellbeing trainings and resources for schools and educators.

According to Secretary of Education Miguel Cardona, “We know students are more likely to access mental health support if it’s offered in schools. By nearly doubling funds this year for school-based mental health professionals, releasing additional funds to help advance a variety of mental health strategies, and providing additional training and resources, we are raising the bar for student wellbeing across the country.”

For more details about the increased access to mental health services, visit the full announcement from ED at this link.

2. U.S. Department of Labor (DOL) Issued Final Federal Overtime Rule

The DOL issued a final rule updating salary requirements for those employees not exempted from Fair Labor Standards Act (FLSA) overtime pay. The FLSA requires employers to pay non-exempt employees overtime pay at 1.5 times their regular pay for those hours exceeding 40 hours that employee works each week. In addition, employers are supposed to keep time records for non-exempt employees. Specifically, the rule increases the threshold earnings for non-exempt “white-collar” employees in a two-step approach. The current $684 per week ($35,568 per year) threshold will increase to $844 per week ($43,888 per year) on July 1, 2024, and then to $1,128/week ($58,656/year) on January 1, 2025. This threshold will be updated every three years starting on July 1, 2027, and be based on current market salaries.

Teachers who meet the “duties test” of teaching at least 50% of their work week, will continue to remain exempt from overtime pay under the FLSA as well as school administrators. However, certain currently exempt employees may not remain exempt if they fall under the income threshold. Potentially impacted employees are business office managers, supervisors, division heads, school bus drivers, maintenance workers, or human resources and finance staff.

To learn more about how this DOL rule may impact school districts, access the full memo from Bose Public Affairs Group dated May 10, 2024.
3. U.S. Department of Education (ED) Reminds Schools of their Legal Obligation to Address Discrimination

According to the U.S. Department of Education (ED), a Dear Colleague Letter was released to schools giving specific examples of the application of Title VI of the Civil Rights Act of 1964 to allegations of discrimination. The current political climate and ongoing international conflicts led to ED providing clear information about protection from discrimination against students and school community members who are or are perceived to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, or Palestinian.

Schools that receive federal financial assistance from the Department have a legal responsibility to address discrimination against students, and this letter provides information on the legal analyses that the Office of Civil Rights uses to determine whether discrimination exists, and it provides examples of conduct that could raise concerns under Title VI regulations.

If you would like more details on this issue you can read the full Dear Colleague Letter and the informational page at ED.

Watch this update for future advocacy opportunities! If you’re unsure who represents you in Washington D.C., visit this link. For more information on the Minnesota delegation in Washington, see this directory for Minnesota Members of Congress.