



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**

• **IDEA**

- **Supreme Court Hands Victory to Public School Students with Disabilities:** A unanimous Supreme Court ruled Tuesday that a deaf student can sue his school for its failure to provide him a public education tailored to his needs.

• **Funding**

- **State School Officers Look at Impact of ESSER Funds:** On Tuesday, March 21, the Council of Chief State School Officers hosted an event titled, “Investment to Impact: ESSER in the States.” The event illustrated the impact of Elementary and Secondary School Emergency Relief (ESSER) set-aside funds from the state to the classroom and featured discussions with state chiefs, local educators and thought leaders.
- **Ed Dept Approves Extensions for ESSER, GEER Spending:** Seven states and the District of Columbia got the OK from the Department of Education to take additional time to spend down money from the first round of federal COVID-19 relief funds directed to districts, known as the Elementary and Secondary School Emergency Relief I, said James Lane, senior advisor in the Office of the Secretary.

• **Child Nutrition**

- **USDA Proposes Lower Threshold for Schools, Districts to Qualify For Free Meals:** Last week, in order to improve the reach of free school

meals, the Department of Agriculture (USDA) proposed a rule to expand access to the Community Eligibility Provision, which allows high-poverty schools to serve free breakfast and lunch to all students without requiring families to file an application.

2. **Budget and Appropriations Wrap-up**

- **Impact on State School Board Associations**

3. **In Brief – Last Week in Washington**

- **House Judiciary Committee Examines Parental Rights in Education:** On Thursday, March 23, the House Judiciary Subcommittee on the Constitution and Limited Government held a hearing titled, “Free Speech: The Biden Administration’s chilling of Parents’ Fundamental Rights.” The hearing addressed a National School Boards Association (NSBA) **letter** requesting federal assistance to prevent certain threats and acts of violence against public school board members and other school district officials and educators, as well as the resulting **memorandum** delivered by Attorney General Merrick Garland addressing the issue.

4. **New Publications**

- **Federal and State Resources for Students Experiencing Homelessness**

Learning Policy Institute (March 2023)

This report examines federal and state funding sources directed to schools to support students experiencing homelessness and concludes with policy recommendations concerning funding amounts, distribution, and data collection that may improve educational opportunities for these students.

5. **In the News**

- **House Passes Parental School Oversight Measure**

Roll Call (March 24, 2023)

- **What We Do (And Don’t) Know about Teacher Shortages, and What can be Done about Them**

NPR (March 22, 2023)

- **By the Numbers: What Potential Budget Cuts to ED Dept Would Look Like**

K-12 Dive (March 21, 2023)

6. **Weekly Calendar - What’s coming up this week?**

- **OSTP STEM Plan Listening Session 6: The National STEM Ecosystem:** The White House Office of Science and Technology will be holding listening sessions to inform the development of the 2023- 2028 Federal Science, Technology, Engineering, and Mathematics (STEM) Strategic Plan. The sixth and final session will be on “The National STEM Ecosystem.”

Monday, March 27 at 6pm ET

- **House Oversight Subcommittee on Consequences of School Closures:** The House Oversight and Accountability Select Coronavirus Pandemic Subcommittee

will hold a hearing on "The Consequences of School Closures: Intended and unintended."

Tuesday, March 28 at 10am ET

- **House Appropriations Labor-H Subcommittee on FY24 HHS Budget:** The House Appropriations Subcommittee on Departments of Labor, Health and Human Services, Education, and Related Agencies will hold a hearing to examine the FY24 request for the Department of Health and Human Services.

Tuesday, March 28 at 10am ET

- **Future of Data in K-12 Education:** The U.S. Chamber of Commerce will hold a virtual discussion on "Future of Data in K-12 Education."

Tuesday, March 28 at 1pm ET

7. **On The Floor of Congress This Week**

- **S. 316 – to repeal the authorizations for use of military force against Iraq**
- **H.R. 1 – Lower Energy Costs Act**

8. **Important U.S. House and Senate Links**

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1. COSSBA Policy Priorities

IDEA

SUPREME COURT HANDS VICTORY TO PUBLIC SCHOOL STUDENTS WITH DISABILITIES

On Tuesday, March 21, a unanimous Supreme Court ruled Tuesday that a deaf student can sue his school for its failure to provide him a public education tailored to his needs. Because the decision allows for the possibility of two separate lawsuits, it could give parents more leverage in negotiating with public schools over assistance for children with disabilities. Read more from NPR [here](#).

FUNDING

STATE SCHOOL OFFICERS LOOK AT IMPACT OF ESSER FUNDS

On Tuesday, March 21, the Council of Chief State School Officers hosted an event titled, "Investment to Impact: ESSER in the States." The event illustrated the impact of Elementary and Secondary School Emergency Relief (ESSER) set-aside funds from the state to the classroom and featured discussions with state chiefs, local educators and thought leaders. A full list of participants is [here](#). The group examined four primary areas: academic recovery, student well-being, strengthening the educator workforce, centering youth voice, and expanding blended learning opportunities. It also featured spotlights on several states, including Illinois, Missouri, Connecticut, and Utah. On pandemic recovery, the panel articulated the necessary and impactful role tutoring plays in addressing learning loss. On student well-being, addressed by Illinois education leaders, the conversation focused on schools that support students and faculty through trauma-informed care and responsiveness, which data show boosts morale and increases student and teacher retention rates. Mashana Smith, a clinical psychologist, examined "movement rooms" as places where students' sensory needs could be met through movement, increasing focus in the classroom. The spotlight on Missouri highlighted the impact that ESSER funds have

had on teacher recruitment and retention in the state. Representatives from the state highlighted how local education agencies have used ESSER funds to address persistent teacher shortages by investing in educator preparation programs. According to the panel, more than 220 college students in Missouri have followed the ESSER-funded paraprofessional to teacher pathway, which covers full-time tuition costs for these paraprofessionals. ESSER funds also served as seed money to start “teacher academies,” which promote partnerships between high schools and universities to offer dual credit courses. Education leaders from Connecticut highlighted how these resources are supporting student engagement and addressing critical school infrastructure needs. For example, at Danbury High School, the ESSER funds created an opportunity to renovate and increase the number of water fountains on campus, which promoted sustainability by decreasing plastic water bottle usage. The final panel looked at Utah’s Digital Teaching and Learning Grant Program, focused on technology and computer literacy and rethinking traditional education delivery. ESSER funds invested in the expansion of computer literacy classes and technology education and supported widespread, functioning broadband access for all students. Event resources from each panel and state can be found [here](#).

ED DEPT APPROVES EXTENSIONS FOR ESSER, GEER SPENDING

The Department of Education (ED) confirmed that seven states and the District of Columbia can take additional time to spend down money from the first round of federal COVID-19 relief funds directed to districts, known as the Elementary and Secondary School Emergency Relief (ESSER) I, said James Lane, senior advisor in the Office of the Secretary, in an email to [K-12 Dive](#). This late liquidation extension will allow certain districts in those states to spend their ESSER I funds through early 2024, or about 14 months beyond the original deadline. Read more from [K-12 Dive here](#).

CHILD NUTRITION

USDA PROPOSES LOWER THRESHOLD FOR SCHOOLS, DISTRICTS TO QUALIFY FOR FREE MEALS

Last week, in order to improve the reach of free school meals, the Department of Agriculture (USDA) [proposed a rule](#) to expand access to the Community Eligibility Provision, which allows high-poverty schools to serve free breakfast and lunch to all students without requiring families to file an application. The proposed change would lower the minimum threshold of the “Identified Student Percentage” from 40% to 25% for a school or district to qualify for CEP. That percentage is calculated by dividing the number of students eligible for free meals by the total student enrollment. The USDA opened a 45-day public comment period on the proposed CEP rule running through May 8, 2023. Read from [K-12 Dive here](#).

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2. Budget and Appropriations Wrap-Up

On Friday, the US House of Representatives passed the [Parents Bill of Rights Act](#) (HR 5) via a 213-208 vote. (Five Republicans joined 203 Democrats present in voting against the bill.) The legislation was subject to pointed debate on the House floor and several [amendments](#). Its passage fulfills a promise from House Republicans, as outlined in the party’s [Commitment to America](#) last year.

During the debate, Democrats dubbed the bill the “Politics over Parents Act,” arguing that its provisions would sow discord among administrators, teachers and parents. The bill is highly

unlikely to be considered by the Democratically-controlled Senate, but stakeholders who oppose it are concerned that elements of it could be attached to any “must-pass” bill later in the Congress. The White House’s [Statement of Administration Policy](#) does not promise a veto of the bill should it reach the president’s desk, but says, in part, “The Administration does not support H.R. 5 in its current form because the bill does not actually help parents support their children at school.”

While the debate and passage of HR 5 was the education headline of last week, there was progress in the appropriations process, with the House Labor, Health and Human Services, and Education Appropriations Subcommittee hosting [its public witness day](#). Witnesses spoke on various issues before the panel, expressing support for federal investments in afterschool programming, STEM education, museums, student aid programs, programs that support teachers, and others.

House Republicans have yet to detail their specific proposed budget cuts. With a scheduled two-week recess next month, Congress has only seven days in session to introduce their budget before a looming April 15 deadline. Comments from Republican leadership suggest there is not a firm timeline for the release of their plan, and there is no reported progress on talks with the White House regarding the country’s debt limit. The previously stated goal of passing all spending bills this summer seems unlikely at this point.

How does this impact State School Board Associations?

The *Parents Bill of Rights Act*, if passed, would impact school districts directly. Among the bill’s provisions are requirements that schools publish their curricula publicly, mandate that parents be allowed to meet with their children’s teachers, and make schools give information to parents when violence occurs on school grounds. It would also require that parents receive a list of books and reading materials accessible at the school library and give parents a say when schools are crafting or updating their policies and procedures for student privacy.

On the topic of proposed Republican budget cuts, earlier in the week, Ranking Member Rosa DeLauro (D-CT) released [a series of letters](#) from agency leaders detailing what effects a 22% decrease in their budgets might have on states and local school districts. Secretary of Education Miguel Cardona’s [letter](#) asserts that such cuts would be detrimental in several ways, including, adversely affecting 25 million students currently served by Title I investments and curtailing learning opportunities for teachers and school leaders who rely on Title II funding.

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3. In Brief – Last Week in Washington

HOUSE JUDICIARY COMMITTEE EXAMINES PARENTAL RIGHTS IN EDUCATION

On Thursday, March 23, the House Judiciary Subcommittee on the Constitution and Limited Government held a hearing titled, “Free Speech: The Biden Administration’s chilling of Parents’ Fundamental Rights.” Witnesses included Nicole Neily, president of Parents Defending Education; Tiffany Justice, co-founder of Moms for Liberty; Nadine Farid Johnson, managing director of Washington and Free Expression Programs at PEN America; and Tyson Langhofer, senior counsel and director of the Alliance Defending Freedom’s Center for Academic Freedom. The hearing addressed a controversial National School Boards Association (NSBA) [letter](#) requesting federal assistance to prevent certain threats and acts of violence against public school

board members and other school district officials and educators, as well as the resulting [memorandum](#) delivered by Attorney General Merrick Garland addressing the issue. “Today's focus will be on how the National School Boards Association colluded with the Biden administration to insert federal law enforcement into local school board meetings,” Subcommittee Chairman Mike Johnson (R-LA) said in his opening statement. The hearing featured discourse among Committee Members on a broad range of controversial topics such as free speech, Critical Race Theory, book bans, parental rights, and censorship. Republicans made it clear that they view the NSBA letter and Attorney General Garland’s memorandum as “a clear and present danger” to parental rights, as they felt it undermined parent involvement in their children’s education and was a direct attack on free speech. “The First Amendment also protects a parent's right to speak and advocate for their children. But that right has been significantly stifled over the past few years because the left has decided they apparently know better than parents do,” Congressman Johnson stated. Democrats challenged much of the Republican rhetoric as an “attempt to turn classrooms into the epicenter of divisive culture wars,” as stated by Subcommittee Ranking Member Mary Gay Scanlon (D-PA), a former school board president. She went on to say, “[E]xtremists are imposing their beliefs on all students and parents through library book bans, bans on certain subjects in the public school curricula, and censorship of educators, all to the detriment of students learning, since 2021.” Her assertions were echoed by her Democratic colleagues on the panel. Several witnesses representing parent advocacy groups mirrored the Republican sentiment, with Langhofer asserting that “over the past several years, the Biden Administration has repeatedly and consistently abused its power to both chill and directly curtail parents’ rights.” Neily similarly stated that parents were expressing sound concerns “worth discussing and debating in the public square. But sadly, many families have, indeed, been chilled from speaking out about their children’s education.” Meanwhile, Nadine Johnson, an advocate for free expression, argued that book bans and curriculum restrictions are also an attack on First Amendment rights, terming recent state action “government mandated censorship.” “They are putting obstacle after obstacle in front of teachers and librarians to make it difficult for them to carry out their duties as educators,” Johnson stated. An archived recording of the hearing can be found [here](#), along with witness testimony.

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4. New Publications

Federal and State Resources for Students Experiencing Homelessness

Learning Policy Institute (March, 2023)

This report examines federal and state funding sources directed to schools to support students experiencing homelessness. The Learning Policy Institute reviews provisions of the McKinney-Vento Homeless Assistance Act, the major federal effort to support students experiencing homelessness. The report also describes currently available federal and state financial supports for students experiencing homelessness and concludes with policy recommendations concerning funding amounts, distribution, and data collection that may improve educational opportunities for these students.

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5. In the News

House Passes Parental School Oversight Measure

Roll Call (March 24, 2023)

What We Do (And Don't) Know About Teacher Shortages, And What Can Be Done About Them

NPR (March 22, 2023)

By The Numbers: What Potential Budget Cuts to Ed Dept Would Look Like

K-12 Dive (March 21, 2023)

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THIS WEEK IN WASHINGTON

6. Weekly Calendar

Monday, March 27, 2023

Agency Event: OSTP STEM Plan Listening Session 6: The National STEM Ecosystem

Subject: The White House Office of Science and Technology will be holding listening sessions to inform the development of the 2023- 2028 Federal Science, Technology, Engineering, and Mathematics (STEM) Strategic Plan. The sixth and final session will be on “The National STEM Ecosystem.”

Time: 6:00 p.m. – 8:00 p.m.

Registration: Register [here](#).

Tuesday, March 28, 2023

Hearing: House Oversight Subcommittee on Consequences of School Closures

Subject: The House Oversight and Accountability Select Coronavirus Pandemic Subcommittee will hold a hearing on "The Consequences of School Closures: Intended and unintended."

Witnesses: Virginia Gentles, director, Independent Women's Forum's Education Freedom Center; Tracy Beth Hoeg, epidemiologist and a private practice physician; and David Zweig, author and investigative journalist, The Atlantic, New York Magazine and The Free Press.

Time: 10:00 a.m.

Registration: Live stream available [here](#).

Hearing: House Appropriations Labor-H Subcommittee on FY24 HHS Budget

Subject: The House Appropriations Subcommittee on Departments of Labor, Health and Human Services, Education, and Related Agencies will hold a hearing to examine the FY24 request for the Department of Health and Human Services.

Witness: Xavier Becerra, secretary, U.S. Department of Health and Human Services.

Time: 10:00 a.m.

Registration: Live stream available [here](#).

Webinar: Future of Data in K-12 Education

Subject: The U.S. Chamber of Commerce will hold a virtual discussion on "Future of Data in K-12 Education."

Participants: Rep. Chris Stewart (R-UT); Ivan Duran, superintendent, Highline Public Schools; Maya Martin Cadogan, founder and executive director, Parents Amplifying Voices in Education;

and Dan Goldhaber, director, American Institutes for Research's Center for Analysis of Longitudinal Data in Education Research.

Time: 1:00 p.m.

Registration: Register [here](#).

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7. On The Floor of Congress This Week

Senate Floor:

S.316 - To repeal the authorizations for use of military force against Iraq.

House Floor:

H.R. 1 - Lower Energy Costs Act

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8. Links for Up-to-Date Information on Hearings, Legislation, and Events

[U.S. House and Senate 2023 Schedule](#)

[U.S. Department of Education](#)

[U.S. Senate Committee on Health, Education, Labor and Pensions](#)

[U.S. House Committee on Education and Labor](#)

[U.S. Senate Budget Committee](#)

[U.S. House Budget Committee](#)

[Congressional Budget Office](#)

[Federal legislative information](#)

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9. About BPAG

Bose Public Affairs Group is a full-service government affairs and public relations consulting firm that has built a reputation for producing results. We partner with clients committed to excellence in education and other social services to achieve policy and advocacy success by:

- leveraging our expertise and passion;
- strategizing intelligent solutions; and,
- Creating meaningful impact.

Our team includes long-term insiders in education policy from Pre-K through higher education, innovative thinkers and savvy strategists that provide a comprehensive array of customized client services. We have the knowledge, skills, and relationships that are necessary for successful advocacy at all levels. From grassroots to grass tops and everything in between, our broad-based legislative practice approaches every project with the same degree of determination and professionalism. BPAG provides expertise in a variety of services:

- Government Relations
- Research and Analysis
- Advocacy Training
- Association Management
- Strategic Communications
- Policy Events

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