

NREAC 1.8.20 Federal Update

FY 2020 Approps:

Before the holiday break, the President signed H.R. 1865, the Consolidated Appropriations Act of FY20 into law. Overall, the bill and its provisions fund the federal government for FY20, which runs from Oct 1, 2019, through September 30, 2020. Importantly for you all, FY20 dollars will be in schools during the 2020-2021 school year.

Leading up to the passage of the final bill, Congress had been relying on a series of short-term continuing resolutions to keep the government funded and running since September 30, 2019. The final continuing resolution was set to expire at midnight on December 21st, consequently meaning the timing of the bill forced an expedited floor vote schedule in both the House and the Senate. The President agreed to sign the funding bill as it provides some funding, \$1.4 billion, for the border wall. From our intel, the President is expected to try and shift cash from other funding streams to bolster funding for the wall.

[H.R. 1865](#) provides \$1.4 trillion for FY20. The more than 2,000-page bill will appropriate \$738 billion in FY20 funding for the defense discretionary spending and \$632 billion for non-defense discretionary spending. Specific to education, the bill provides \$40.1 billion for K-12 education programs which is an increase of \$1.2 billion above the 2019 enacted level and \$5.9 billion above the President's budget request. This is the third largest increase for ED since FY11 (the year that ED funding started being cut or frozen). The bill also rejects the Trump Administration's draconian cuts to critical programs within ED, as well as the Administration's efforts to further advance their flawed privatization agenda.

Program Specific Details:

• K12 Programs

- ESSA Title I: \$450m increase to \$16.3b
- ESSA Title II: \$76m increase to 2.1b (*first increase in 6 years*)
- ESSA Title III: \$50m increase to \$787 (*first increase in 5 years*)
- ESSA Title IV: \$40 m increase to \$1.2b
- IDEA State Grants (Part B): \$417m increase to \$13.9b (*3% increase*)
- Impact Aid: \$40m increase, to \$1.4b
- 21st Century Community Learning Centers: \$28 m increase, to \$1.2b
- REAP: \$5m increase to \$186m
- Career and Technical Education State Grants: \$20m increase to \$1.28b
- Homeless Youth/Children: \$8m increase to \$105m
- School Safety National Activities: \$10m increase to \$105m

- Early Education

- Head Start: \$550m increase to \$10.6b
- Child Care and Development Block Grant (CCDBG): \$550m increase to \$5.8b

- Funding and Policy Beyond The Labor-Health-Education Bill

- STOP School Violence Act Grants: \$25m increase to \$125m
- Secure Rural Schools/Forest Counties: The bill reauthorizes and provides two years of funding for the SRS program for FY19 and FY20. Additionally, it provides \$250 M for FY 2020
- DC Voucher: Reauthorizes the program for 4 additional years
- Raises the age for purchasing tobacco products including e-cigarettes to 21 from 18.
- Provides \$12.5m in funding for researching gun violence prevention
- Adequately funds the Census to ensure it can be properly administered
- Contains policy language instructing CMS and ED to work together to reduce administrative barriers for providing health services in and in coordination with schools and provide technical assistance to assist with billing and payment administration for Medicaid services in schools.
- Repeals the Cadillac Tax from the Affordable Care Act

AASA is pleased to see that Congress prioritized increased funding for our key formula programs like IDEA and Title I. However, this funding is still short of what districts were receiving in FY11 when adjusting for inflation. Furthermore, while it's true that IDEA received a 3.2% boost in this bill, which represents a slightly higher percentage increase than what the other key K12 programs received, this increase is only a little better than inflation, which is projected to be [2% in 2020](#). Effectively, this means that IDEA is only receiving a real increase of 1.2% while the number of children with disabilities districts are educating continues to increase. As we look ahead to FY21, NREAC will continue to push Congressional leadership and appropriators to make greater investments in IDEA until it is fully funded.

FASFA Simplification Bill Moves Forward

Moving on to higher Ed, on December 19th, 2019, President Trump signed H.R. 5363 (The FUTURE Act) into law, which will shorten the Free Application for Student Financial Assistance (FASFA) form by 22 questions. Thus, achieving one of NREAC's longstanding priorities to simplify the FASFA form.

As a reminder, this priority was instituted because our member's voiced concern over their students - particularly their low-income students - ability to obtain the necessary tax information required to complete the FAFSA application and over critiques about the length of the form.

As you'll recall, we initially began this year with the expectation that Senators Lamar Alexander and Patty Murray were working together to comprehensively reauthorize the Higher Education Act (HEA). However, the process stalled over outstanding issues concerning major provisions in the bill. There are two reasons why we're getting this bill. First, the Senate simply gave up on trying to pass a full reauthorization of the HEA this congressional session, considering the impending impeachment proceedings. Second, Alexander tied provisions in the FUTURE Act to funding for Historically Black Colleges and other minority-serving institutions to push his priorities forward - and rather than delay funding any longer - lawmakers made a bipartisan decision to give the Chairman one of his key higher Ed priorities.

That said, we are pleased that Congress is taking action to address this issue by passing legislation that would eliminate 22 questions currently on the FASFA, allow for direct data sharing between IRS and ED as well as streamline enrollment in and renewal of income-driven repayment plans for borrowers by removing the need for students to self-certify their income to prove eligibility for federal plans. This was a good victory for future higher Ed students.

On the House side, Democrats may still try and move their partisan re-write of the Higher Education Act (which passed out of Committee on a party-line vote) to the floor in January, but it's unclear if they have the votes within their party to move it forward. Moreover, the bill will most certainly die once it reaches the Senate. Regardless, we will continue to advocate on behalf of our higher Ed priorities and keep you abreast of all the latest developments.

AASA Advocates for Federal Policies to Curb Youth Vaping

Also last year, as part of the Consolidated Appropriations Act, President Trump signed legislation that raised the age of purchasing tobacco from 18 to 21. This important policy change is hopefully the first and not the only step Congress will take to address the youth vaping crisis via legislation. The impetus behind this move was over broad agreement among both public health advocates and tobacco companies that raising the age to 21 made sense, hence why the bill passed so easily. While this is certainly policy movement in the right direction AASA believes there is much more that can and should be done to help schools mitigate the e-cigarette epidemic.

Specifically, we support three bills that would address vaping.

- The first, the Smoke-Free Schools Act of 2019, would ban e-cigarette use in educational and childcare facilities that receive federal funding.
- The second, the SAFE Kids Act, would ban the use of all flavored e-cigarette products unless it can be proven that it does not increase youth initiation of nicotine or tobacco products.
- The third, The Reversing the Youth Tobacco Epidemic Act, would ban the use of all flavored tobacco products (including e-cigarettes), prohibit online sales of tobacco products and extend advertising restrictions that currently apply to cigarettes to e-cigarettes to prevent marketing that targets youth.

NREAC plans to engage more aggressively in 2020 in pushing these bills forward in both chambers.

FCC Order on E-Rate Category 2 Funds Published

Also last month, the FCC released its long-awaited order on the E-Rate category 2 formula. It was an expected decision, but not one that we wanted.

The Commission agreed to make the formula-based funding distribution method for category 2 permanent, which provides support for Wi-Fi and internal connections, albeit with a few significant tweaks. One major change to category 2 that the Commission will implement is increasing the floor funding level from \$9,200 to \$25,000 in an effort to persuade more small schools and libraries to apply. The Commission agreed to leave the school formula of \$150 per pupil unchanged, but also decided to establish a single formula for libraries rather than have different formulas for urban libraries. The Commission's order will also allow for school district-wide and library-system wide budgeting, which will allow them to allocate category 2 funding as they see fit. The order also clarified that the category 2 formula's five-year cycle will be fixed and not rolling and that the next five-year cycle will begin for all applicants in 2021. 2020 will be a transition year, with all schools and libraries eligible for pro-rated funding. Comments received by the Commission in this rulemaking did request that it make cybersecurity and wi-fi on school buses eligible for support, but the final order did not agree to those changes.

We are still awaiting the final order on the E-Rate cap, so stay tuned.

LCR Rule Reminder:

[As was highlighted in our latest edition of the December Advocate](#), the Environmental Protection Agency announced new provisions to the Lead and Copper Pipe Rule (LCR), which, for the first time, dictates how Community Water Systems (CWS) test for the prevalence of lead in schools' and childcare centers' drinking water. While this is a step in the right direction, the rule doesn't go far enough to ensure the safety of our students' drinking water. Moreover, AASA is concerned about the lack of federal funding available to districts to remediate the prevalence of lead in schools; and with how this proposal could result in the dissemination of erroneous information about the safety of a school's drinking water to district leaders, school personnel, students and parents.

The tragedy in Flint Michigan reminded us all of the dangers that lead poses to our students' well-being, so we know that schools can't be complacent on this issue. Due to this, AASA is mobilizing its membership to weigh in on their concern for protecting the nation's drinking water. We'll need all-hands-on-deck to let the EPA know loud and clear that this is not enough for our districts. As such, we implore our members to join us in this critical effort. To comment on the proposal, please follow the directions below.

1. Copy this [template](#) and fill in the highlighted fields with the requested information.

2. Go to <https://www.regulations.gov/docket?D=EPA-HQ-OW-2017-0300> and click "Comment Now," on the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions
3. In the 'Comment' box, type something similar to this: "As the superintendent of xxx, I submit the following comments on the proposed regulation titled "National Primary Drinking Water Regulations: Lead and Copper Rule Revisions."
4. Below the comment box:
 - o Upload your completed template
 - o Click continue
5. On the next page mark the box stating "I read and understand the statement above."
6. Click "submit comments"

Comments are due on or before January 13, 2020. Also, If you are pressed for time or need help submitting the comments, AASA staff can submit them on your behalf. To do this, please reach out to me directly at crogers@aasa.org

NREAC ADV Meeting

As a reminder, the annual NREAC Advocacy Conference will be held from March 31 – April 2nd, 2020. As of now, attendees should plan on flying-in on March 31. Hill days/panel session will be held on April 1 & 2.