

Federal Education Policy Update

June 13, 2023

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Agenda

What's UP in Washington?

The Debt Deal/Funding Forecast

Ed Tech

School Nutrition

Title IX

Medicaid

What We're Working on in 2023

Annual Appropriations

Connectivity & Cyber

Student/Child Data & Privacy

Medicaid

School Nutrition

IDEA Full Funding

Teacher Recruitment/Retention

Rural Schools

Data Collection

- **Specific Legislation**

- Parent Bill of Rights
- Voucher Bills
- Women & Girls in Sports
- Pay Teachers Act
- Student Privacy Legislation

- **Regulations**

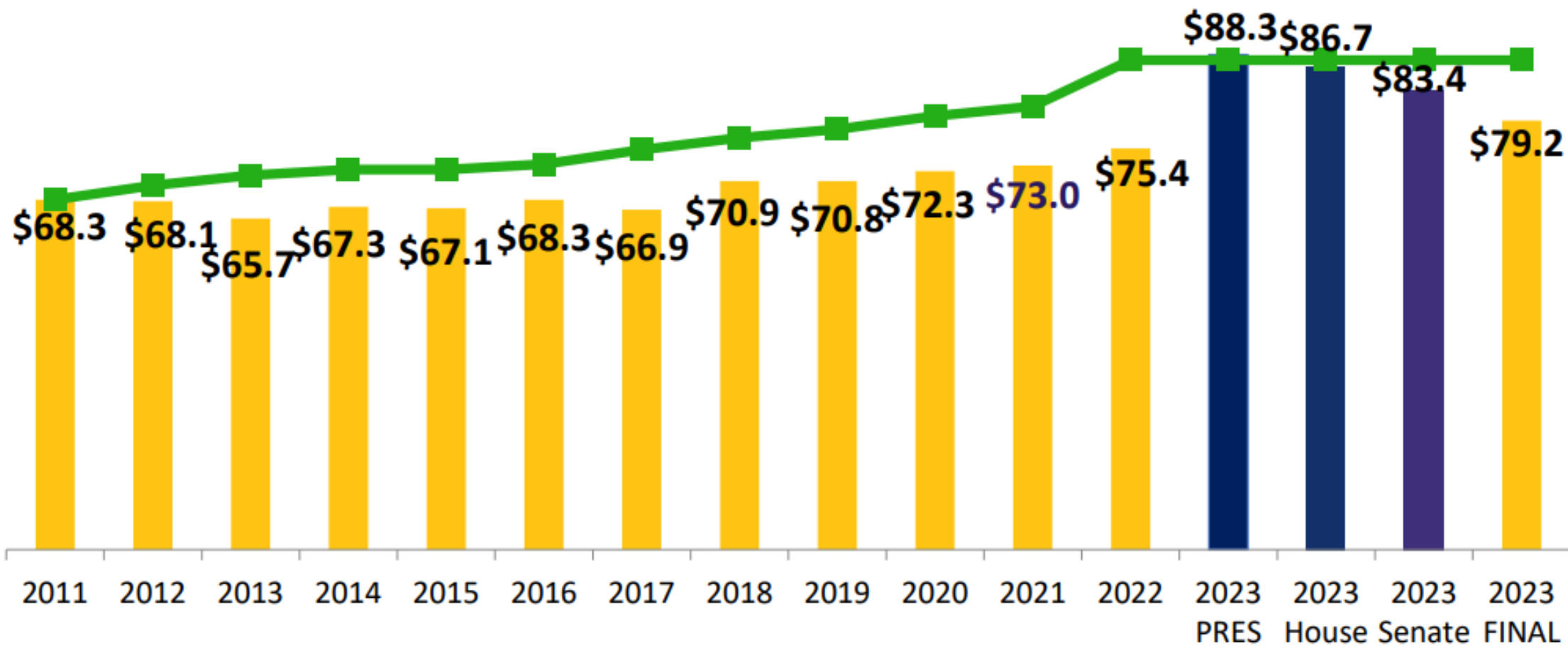
- Title IX
- CEP
- E-Rate NOI
- School Level Data Collection
- FERPA/COPPA/CIPA/PPRA & more

FY23 OMNIBUS

- On December 23, Congress (finally) passed a full FY23 spending package. The bill included \$79.6 billion for the Department of Education, \$45 billion for K-12 (+2.4 billion from FY22). Highlights:
 - **\$18.4 billion for Title I (+2.4 billion)**
 - **\$14.5 billion for IDEA (+934 million)**
 - **\$2.19 billion for Title II (+20 million)**
 - **\$1.6 billion for Impact Aid (+61 million)**
 - **\$1.3 billion for Title IV (+100 million)**
 - **\$1.43 billion for CTE (+50 million)**
 - **\$215 million for REAP (+20 million)**
 - **\$115 million for IDEA Personnel Prep (+20 million)**
 - **\$70 million for Teacher Quality Partnerships (+11 million)**
 - **\$15 million for Hawkins Center for Excellence (+7 million)**
 - **Community Schools (+120m)**

But Remains Below the 2011 Inflation-Adjusted Level

(Department of Education Discretionary Funding in Billions of Dollars)



Connectivity

E-Rate

Alphabet Soup: Student Privacy Edition

- **Family Educational Rights and Privacy Act (FERPA)**
 - Agency: USED
 - Requires schools to protect the privacy of education records and to give parents (and eligible students) access to them.
- **Children's Online Privacy Protection Act (COPPA)**
 - Agency: FTC
 - Consent requirements before collecting personal information from children under 13. Doesn't apply directly to LEAs, but may regulate school technology providers.
- **Children's Internet Protection Act (CIPA)**
 - Agency: FCC
 - Requires recipients of E-Rate funding to implement certain internet filtering and monitoring.
- **Protection of Pupil Rights Amendment (PPRA)**
 - Agency: USED
 - Regulates certain data collection from students (mostly surveys) and requires schools to provide parental access to instructional materials upon request.

What's at play in the 118th?

Policy at Play

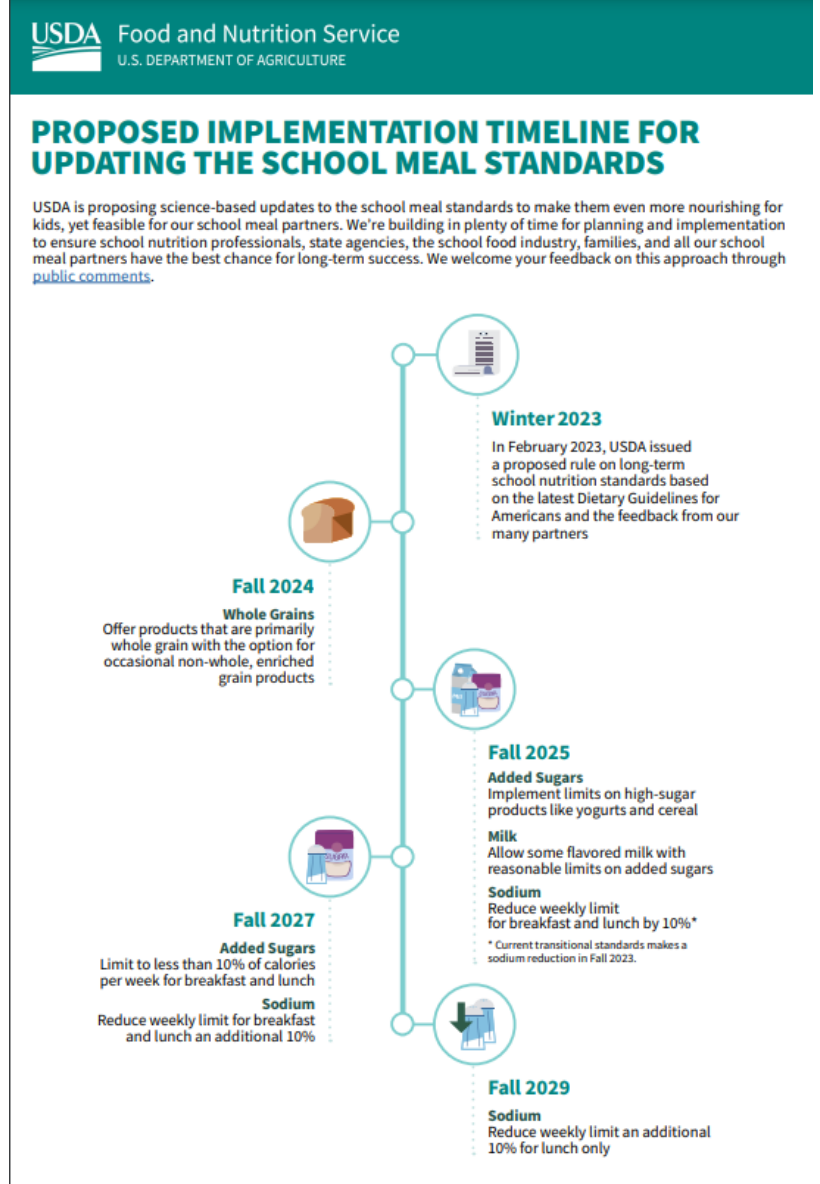
- Kids Online Safety Act
- Upcoming FERPA rulemaking
- COPPA 2.0
- Parents Bill of Rights Act
- RFI: National Priorities for Artificial Intelligence

Our Priorities

- Improved functional alignment between federal education policy and privacy laws
- Federal policy must balance the critical (but sometimes competing) interests of schools, students, parents, and vendors regarding educational operations, parental engagement/rights, supporting research, and privacy.

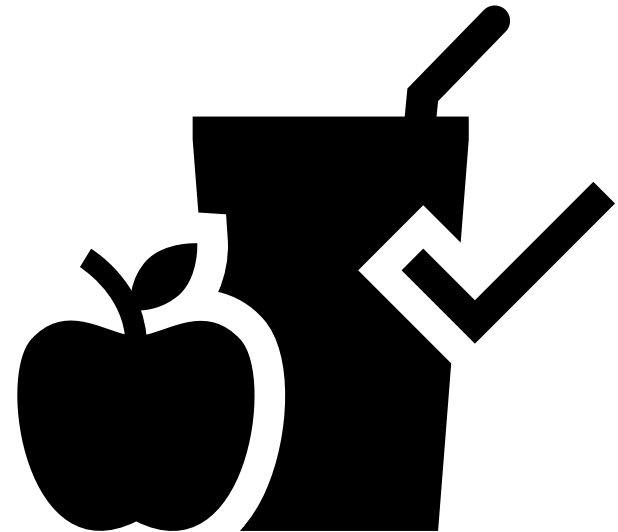
Proposed Updates to Nutrition Standards

- Announced Feb. 3 – Comment period ends on April 10.
- Implementation begins SY24-25 with full implementation by SY29-30.
- For the first time ever, includes limits on added sugars.
- Calls for a phased-in sodium reduction, 10% decrease ever 2 years.
- Requests specific feedback on whole grain and milk final rule:
 - 80% weekly grains must be whole-grain v. allowing to serve non whole grains one day per week.
 - Maintain current milk rule (allowing flavored milk) v. limited flavored milk to only grades 9-12.



Proposed Rule on Community Eligibility Provision

- On March 22, USDA released a proposed rule to lower the identified student percentage (ISP) threshold 40 to 25%
- Comment period ends on May 5.
- Will likely take effect until next school year.
- USDA does not have authority to raise the multiplier, it will remain at 1.6.





Title IX rules proposed...and delayed.

- On April 6, Dept. of Education released proposed [Title IX athletics guidance](#).
- Prohibits categorical bans on transgender students participating in sports
- Adds caveat: “in some instances, particularly in competitive high school and college athletic environments, some schools may adopt policies that limit transgender students’ participation”

In May, USED announced the complete regulation (athletics and broader rule) will be postponed until October

NEW! Medicaid School- Based Claiming Guide

Nevada is one of 21 states that have expanded Medicaid to students without an IEP

This guide encourages every state to do this, but also makes it much easier for districts to access Medicaid reimbursement and bill for services

Roster Billing and Per-Child/Per-Month methodologies do not require schools to submit a bill for each service . Instead, there's an option to move towards roster billing or on a per child/per month basis.

Allows states to stop requiring TPL

Next step: *removing FERPA parental consent requirement*





Public Health Emergency Has Ended

Children who were on Medicaid at the start of the pandemic will need to re-verify their eligibility and re-enroll in the program over the next year.

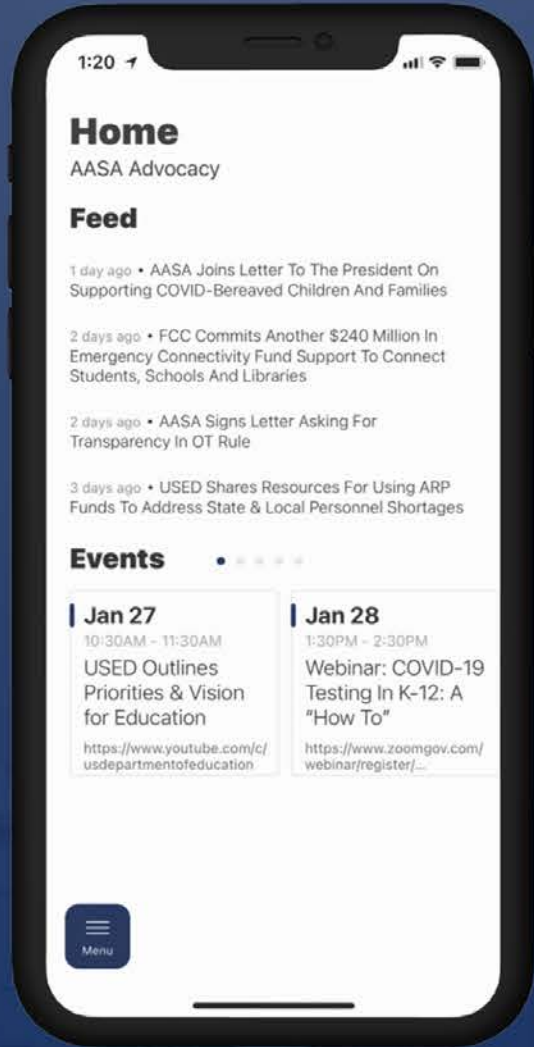
AASA and its partners have a toolkit for school districts, so teachers, administrators and superintendents can explain to families how they can re-enroll their children and keep their healthcare coverage via Medicaid

Nevada is beginning the PHE unwinding in June.

LEGISLATIVE **ADVOCACY**

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SAVE THE DATE
July 11 - 13, 2023
Washington, DC



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