



The Consortium of State School Boards Associations
Weekly Education Report
LAST WEEK IN WASHINGTON

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Jared Solomon, Editor

jsolomon@bosepublicaffairs.com

Della Cronin, Editor

dcronin@bosepublicaffairs.com

Bob Moran, Editor

rmoran@bosepublicaffairs.com

Sarah Lamson, Deputy Editor

slamson@bosepublicaffairs.com

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**

- **U.S. Department of Education's Office for Civil Rights Announces Resolution of Investigation into Fairfax County Public Schools in Virginia, Related to the Needs of Students with Disabilities during the COVID-19 Pandemic.**

U.S. Department of Education (November 30, 2022)

The Department of Education's Office for Civil Rights (OCR) announced on November 30 a resolution agreement with Fairfax County Public Schools in Virginia requiring it to take steps necessary to ensure that students with disabilities receive educational services, including compensatory services, resulting from the COVID-19 pandemic.

• **Child Nutrition**

- **USDA Proposes Science Driven Updates to Foods Provided through WIC | What They're Saying**

U.S. Department of Agriculture (November 29, 2022)

Agriculture Secretary Tom Vilsack announced that USDA's Food and Nutrition Service is proposing changes to the foods prescribed to

participants in the Special Supplemental Nutrition Program for Women, Infants and Children, known as WIC.

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

- **Impact on State School Board Associations**

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

- **HELP Committee Holds Hearing on Supporting Student Mental Health:** On Wednesday, November 30, the Senate Health, Education, Labor, and Pensions (HELP) Subcommittee on Children and Families held a hearing titled, “Caring for Our Kids: Supporting Mental Health in the Transition from High School to College.” The hearing discussed the mental health needs of students and how the federal government can better support and ease the transition into postsecondary education.
- **Superintendents Approach Systemic Redesign of Public School System:** On Thursday, December 1, The School Superintendents Association (AASA) and Education Week hosted a webinar titled, “Leading Systemic Redesign: Strategies from the Field.” The event examined how school communities can work together to redesign the school system, reengineer instruction, and develop personalized learning for all learners.
- **Progressive Policy Institute Examines 2022 Elections, School Choice:** On Tuesday, November 29, The Progressive Policy Institute hosted a webinar titled, “The Politics of Education: The School Choice Election Wave?” The event examined the education reform movement and whether the current political climate will effect real improvements in public education.

4. **New Publications**

- **Public School Instructional Offerings and Enrollment Changes: Evidence from Two Years After the Pandemic**
American Enterprise Institute (November, 2022)
The American Enterprise Institute examined how COVID-related reopening policies during the 2020–21 and 2021–22 school years affected enrollment in public school districts and found that public school districts with the most amount of remote instruction during the 2020–21 school year saw the largest enrollment declines in the years following the pandemic, whereas districts with the most amount of in-person instruction saw the smallest enrollment declines.
- **High-Impact Tutoring for Academic Success: An Afterschool Implementation**
FEV Tutor (November, 2022)
This report examines a district that uses FEV Tutor as part of a structured afterschool program, which they view as an extension of the school day. The report looks at structured afterschool online tutoring support in Manchester, New Hampshire school districts; how students are different post pandemic; flexible implementation models to help achieve growth goals; and more.

5. **In the News**

- **Senators Introduce Legislation to Bolster Title IX Protections**
The Hill (December 1, 2022)
- **Schools in Crosshairs of Growing Political Conflict, Report Finds**
K-12 Dive (November 30, 2022)
- **DeSantis-Backed School Boards are Already Making Huge Changes in Florida**
Fox News (November 30, 2022)
- **Lessons in Leadership: What's it Like Leading a District Accountable to Federal, State, and Tribal Law?**
K-12 Dive (November 30, 2022)
- **Applications Open for \$8.5M in Energy Dept. School Infrastructure Grants**
K-12 Dive (November 29, 2022)

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

- **Webinar: Transformative Belonging and Agency in Education**: Brookings will host a webinar on “De/reconstructing education as a space for transformative belonging and agency.”
Monday, December 5

7. **Future Hearings & Events**

- **Webinar: Substance Abuse and Child Welfare**: The American Enterprise Institute (AEI) will host a webinar on “The Relationship between Substance Abuse and Child Welfare.”
Tuesday, December 12
- **Webinar: School Finance and Education Equity**: Brookings will host a webinar on “School finance and educational equity.”
Friday, December 16

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

- **Consideration of judicial nominations** on the Senate floor
- **Senate Amendment to H.R. 8404** – Respect for Marriage Act
- **Senate Amendment to H.R. 7776** – James M. Inhofe National Defense Authorization Act for Fiscal Year 2023
- **H.R. 3648** – EAGLE Act of 2022
- **H.R. 7946** – Veteran Service Recognition Act of 2022

9. **Bills to Watch**

- **H.R. 7309**: Workforce Innovation and Opportunity Act of 2022

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

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1. COSSBA Policy Priorities

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

U.S. Department of Education's Office for Civil Rights Announces Resolution of Investigation into Fairfax County Public Schools in Virginia, Related to the Needs of Students with Disabilities during the COVID-19 Pandemic.

U.S. Department of Education (November 30, 2022)

The Department of Education's Office for Civil Rights (OCR) announced on November 30 a resolution agreement with Fairfax County Public Schools in Virginia requiring it to take steps necessary to ensure that students with disabilities receive educational services, including compensatory services, resulting from the COVID-19 pandemic. OCR investigated the school division's provision during the pandemic of a free appropriate public education (FAPE) to students with disabilities, as required by federal civil rights law. OCR's investigation found that the school division failed to provide thousands of students with services identified in the students' Individualized Education Programs (IEPs) and 504 plans during remote learning. In addition, the evidence OCR gathered during investigation raised concerns that the school division did not accurately track services provided to students with disabilities. The letter to Fairfax County Public Schools is available [here](#) and the resolution agreement is available [here](#).

CHILD NUTRITION

USDA Proposes Science Driven Updates to Foods Provided through WIC | What They're Saying

U.S. Department of Agriculture (November 29, 2022)

Agriculture Secretary Tom Vilsack announced that USDA's Food and Nutrition Service is **proposing changes** to the foods prescribed to participants in the Special Supplemental Nutrition Program for Women, Infants and Children, known as WIC. These science-based revisions incorporate recommendations from the National Academies of Science, Engineering, and Medicine (NASEM) and the Dietary Guidelines for Americans, 2020-2025. The WIC food packages are specifically designed to supplement the foods and beverages participants already consume and fill in key nutritional gaps to support healthy growth and development. The proposed changes would align the food packages with the latest nutrition science and support equitable access to nutritious foods during critical life stages.

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2. Budget and Appropriations Wrap-Up

Those looking for clarity on how the FY 2023 appropriations season might be resolved last week were deeply disappointed. With Congress back in session, the week was full of rumors surrounding the status of negotiations on a would-be omnibus spending bill, how the parties were feeling about proposed allocations for defense and non-defense spending, and whether the White House would accept a full-year continuing resolution as the final result of this year's process. At the end of the week, rumors continued to swirl, but the education advocacy community's hopes that an omnibus would be the final result were buoyed.

There are indications that staff and members want to pass an omnibus spending bill for FY 2023 by the end of the year. House Republican Leader McCarthy (R-CA) has said he wants to cut total discretionary spending below the current FY 2022 level, but it is rumored Senate Minority

Leader McConnell (R-KY) wants to pass an omnibus appropriations package this year, due, at least in part, to his desire to win increases for defense funding. Regardless, an extension of the current temporary measure funding federal agencies will almost certainly be required. The current stopgap bill expires on December 16; most observers predict that a one-week extension will be necessary, putting FY 2023 appropriations between lawmakers and holiday plans.

Passing an appropriations package takes 60 votes in the Senate, requiring bipartisan support. That package could also include key unrelated items as well as other provisions that individual Members of Congress want. Of note, such a package would include community project funding (formerly known as “earmarks”), including sizeable earmarks proposed by appropriators who are retiring this year and will want to ensure that funding is enacted. This is the second year that Congress has included earmarks in appropriations bills after about a decade of prohibiting them; one of the goals of including funds for non-profit projects in Members’ state or district is to provide an incentive to support the legislation. (In fact, some argue the elimination of earmarks has been a contributor to increased partisanship in Congress. Before their elimination, bipartisan members of state delegations worked together annually to bring federal funds home to constituents.) On the same topic, last week House Republicans decided to continue to allow such district-based projects in the next Congress.

In addition to appropriations, many are watching for the passage of the National Defense Authorization Act (NDAA) this month. Lawmakers are aiming to have an NDAA package ready for a vote in the House this week. From there it would go to the Senate and, if approved, would head to the White House for Biden’s signature. Advocates for every issue are trying to get various bills and provisions into either a would-be omnibus or the NDAA bill before they get to the White House.

While the appropriations process continues to play out more than two months after the start of FY 2023, House Democrats are looking ahead. They elected their leadership team for the 118th Congress. Representative Hakeem Jeffries (D-NY) ran unopposed to lead Democrats in the 118th Congress and will be the first Black lawmaker to lead a political party’s caucus in either chamber. Representative Katherine Clark (D-MA) was elected minority whip, the party’s top vote counter. Representative Pete Aguilar (D-CA) was elected Democratic Caucus chairman.

Much of the country is looking to the holiday season and time with friends and family. Congress and those who work for and around them have busy weeks ahead.

How does this impact State School Board Associations?

As highlighted above, passage of a government spending bill before the end of the year is still possible, but it is looking more and more complicated. If an omnibus package is indeed passed in December, Education Department funding could increase significantly, although if House Republican Leader McCarthy is successful in cutting total discretionary spending below the current FY 2022 level, as he has suggested he wants to do, this would mean cuts to education spending. A similar issue could arise if Congress agrees to increases in defense spending, which usually means cuts to non-defense programs. A scenario not likely with current Democratic control of Congress and a White House very reluctant to support that approach.

3. In Brief – Last Week in Washington

HELP COMMITTEE HOLDS HEARING ON SUPPORTING STUDENT MENTAL HEALTH

On Wednesday, November 30, the Senate Health, Education, Labor, and Pensions (HELP) Subcommittee on Children and Families held a hearing titled, “Caring for Our Kids: Supporting Mental Health in the Transition from High School to College.” Witnesses included Dr. Sharon Hoover, professor of psychiatry and co-director of the National Center for School Mental Health at the University of Maryland School of Medicine; Curtis Wright, vice president of student affairs for Xavier University of Louisiana; Ashley Weiss, director of medical student education in psychiatry at Tulane University School of Medicine; and Brooklyn Williams, a high school senior and founder of the Chill Club in Pittsburgh. The hearing discussed the mental health needs of students and how the federal government can better support and ease the transition into postsecondary education. Senators Bob Casey (D-PA) and Bill Cassidy (R-LA) led the hearing, which highlighted legislative efforts of the current Congress to address mental health issues, such as the [RISE Act](#) and [Health Care Capacity for Pediatric Mental Health Act](#). The hearing provided a potential preview of what may come out of the Committee in the new Congress, when Senator Cassidy will be the ranking Republican member of the HELP Committee. Witnesses provided the panel with legislative suggestions, such as requiring comprehensive and early intervention mental health resources in schools; requiring the Department of Education to provide first-aid and early intervention guidance for all K-16 institutions; extending the Higher Education Emergency Relief Fund; reducing the cost of higher education; and lastly, passing the [IGNITE HBCU and MSI Excellence Act](#). Committee members followed up with clarifying questions for the witnesses based off the policy suggestions they provided, as well as other topics, such as prescription medication, physician prior authorization and access to care, and integrating physical health care with mental health care in a clinical setting. An archived recording of the hearing can be viewed [here](#).

SUPERINTENDENTS APPROACH SYSTEMIC REDESIGN OF PUBLIC SCHOOL SYSTEM

On Thursday, December 1, The School Superintendents Association (AASA) and Education Week hosted a webinar titled, “Leading Systemic Redesign: Strategies from the Field.” The event featured Linda Darling-Hammond, president and CEO of the Learning Policy Institute; Dan Bridges, superintendent of Naperville Community Unit School District 203 in Illinois; Shari Camhi, AASA president and superintendent of Baldwin Union Free School District in New York; Bill Daggett, founder of Successful Practices Network; and Karen Garza, president and CEO of Battelle for Kids. The event examined how school communities can work together to redesign the school system, reengineer instruction, and develop personalized learning for all learners. Darling-Hammond promoted [AASA’s Learning 2025 initiative](#) that focuses on a holistic approach to remodeling the public school system by 2025. “Current schools, designed in the early 1900s, were not designed to support relationships, a whole child approach, 21st century skills... or equitable opportunity or achievement,” Darling-Hammond explained. She voiced the importance of a holistic approach to education, arguing holistically-structured relationships impact learning outcomes. She suggested that schools provide a rich learning experience, environments filled with safety and belonging, and integrated support systems that positively impact personal and academic growth, as well as learning outcomes. Bridges followed, explaining that “what we have understood in recent years is that [students] have options, and we

need to meet their needs or they'll leave.” The success behind his district’s progress, Bridges described, is community and stakeholder engagement, and recognizing that there are multiple pathways to postsecondary success. He also suggested that less policy can be more effective, because it allows school districts, local leaders, and policymakers to be flexible and open to the programs that educational institutions implement. Camhi described how the Baldwin Union School District focuses on bringing joy into learning, while creating more opportunities for both students and educators, which has contributed to the success of their school systems. She noted that policy is the chief obstacle public school systems face when working to innovate and improve school systems as a whole. Lastly, Camhi asserted that school systems should be held accountable for their shortcomings and that districts must be united in their efforts to improve schools. An archived recording of the webinar can be found [here](#).

PROGRESSIVE POLICY INSTITUTE EXAMINES 2022 ELECTIONS, SCHOOL CHOICE

On Tuesday, November 29, The Progressive Policy Institute hosted a webinar titled, “The Politics of Education: The School Choice Election Wave?” The event featured George Parker, senior adviser for the National Alliance for Public Charter Schools; Anya Kamenetz, journalist and author of the "The Stolen Year"; Michael Hartney, a fellow at Stanford University's Hoover Institute; Andy Rotherham, a member of the Virginia State School Board and co-founder of Bellwether Education; and Kevin Mahnken, senior writer at The 74. The event examined the education reform movement and whether the current political climate will effect real improvements in public education. Parker discussed how polarization in American politics has caused a rift between unions and school districts and claimed that this is a result of decisions based on political ideologies, versus the best interest of the children served. Parker analyzed research that suggested charter schools are out-performing traditional public schools. The challenge that unions face is keeping parents, especially minority parents, in districts where public schools are failing, he stated. On the other hand, Kamentez argued, “Public schools are really the only institution in our society that serves children in any kind of coordinated way.” She continued, “The reformist agenda is exhaustive and choice hasn't improved things for kids.” Kamentez further suggested that the public education system needs to model the successful efforts of other educational institutions during the pandemic. She listed examples, such as private schools making outdoor campuses, and the YMCA providing childcare, and stressed the importance of fostering innovation in public school systems. Hartney examined the influential role teachers’ unions play in education policy and articulated challenges that exist in local school board election systems that result in less parent involvement. Rotherman noted the rising enrollment in charter schools, insinuating that more families appreciate that there are different ways to deliver education. “Choice is a popular issue because there is an opportunity for giving children more agency and opportunity in the transition from high school to post-secondary [education],” Rotherman said. He also called on unions to evolve and reimagine the vision of public education. Lastly, according to Mahnken, “School enrollment trends indicate there was a profound dissatisfaction with the public education status quo during the pandemic that led to a lot of families [leaving] their incumbent schools.” This resulted in political ripples, which we are seeing now, he added. An archived recording of the webinar can be found [here](#).

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4. New Publications

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The American Enterprise Institute examined how COVID-related reopening policies during the 2020–21 and 2021–22 school years affected enrollment in public school districts and found that public school districts with the most amount of remote instruction during the 2020–21 school year saw the largest enrollment declines in the years following the pandemic, whereas districts with the most amount of in-person instruction saw the smallest enrollment declines.

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5. In the News

Senators Introduce Legislation to Bolster Title IX Protections

The Hill (December 1, 2022)

Schools in Crosshairs of Growing Political Conflict, Report Finds

K-12 Dive (November 30, 2022)

DeSantis-Backed School Boards are Already Making Huge Changes in Florida

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K-12 Dive (November 30, 2022)

Applications Open for \$8.5M in Energy Dept. School Infrastructure Grants

K-12 Dive (November 29, 2022)

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THIS WEEK IN WASHINGTON

6. Weekly Calendar

Key: **E&S** – Elementary & Secondary; **H** – Higher Education; **D** – Disability Policy

Monday, December 5, 2022

Webinar: Transformative Belonging and Agency in Education (E&S)

Subject: New America will hold an event on "Looking toward the Future of Community College Bachelor's Degrees."

Participants: Ray Martinez III, president, Texas Community College Association; Iris Palmer, deputy director for community colleges, New America; Carrie Henderson, executive vice chancellor, Florida College System; and Steven Gonzales, chancellor, Maricopa Community College District.

Time/Location: 3:00 PM ET

Registration: A recording of the event is archived [here](#).

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7. Future Hearings and Events

Tuesday, December 12, 2022

Webinar: Substance Abuse and Child Welfare (E&S)

Subject: The American Enterprise Institute (AEI) will host a webinar on "The Relationship between Substance Abuse and Child Welfare."

Participants: Naomi Schaefer Riley, senior fellow, AEI; William Evans, professor, University of Notre Dame; and David Murray, senior fellow, Hudson Institute.

Time/Location: 1:30 PM ET

Registration: Register [here](#).

Friday, December 16, 2022

Webinar: School Finance and Education Equity (E&S)

Subject: Brookings will host a webinar on "School finance and educational equity."

Participants: Sarah Reber, fellow, Brookings (Moderator); Michael Hansen, senior fellow, Brookings; Richard Bowman, chief information and strategy officer, Albuquerque Public Schools; and Marguerite Roza, director, Educnomics Lab, Georgetown University.

Time/Location: 1:30 PM ET

Registration: Register [here](#).

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8. On The Floor of Congress This Week

Senate Floor: Consideration of judicial nominations

House Floor:

Senate Amendment to H.R. 8404 – Respect for Marriage Act

Senate Amendment to H.R. 7776 – James M. Inhofe National Defense Authorization Act for Fiscal Year 2023

H.R. 3648 – EAGLE Act of 2022

H.R. 7946 – Veteran Service Recognition Act of 2022

9. Bills to Watch

Authorization Bills

H.R. 7309 *Workforce Innovation and Opportunity Act of 2022*

Sponsor: Rep. Bobby Scott (D-VA)
(5/17/22 Passed by House; 4/5/22 Passed by House Ed and Labor Committee;
3/31/22 Introduced in House)

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

[U.S. House and Senate 2022 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](#)

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[Federal legislative information](#)

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11. 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

For more information, please visit our [website](#).

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