



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

**NOVEMBER 20, 2023**

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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. **Because of the Thanksgiving holiday, the next Education Report will be published Monday, December 4. Please use the bookmarks below to navigate to your area of interest:**

1. **[News, Publications, & Updates on COSSBA Policy Priorities](#)**

• **[Broadband Connectivity and E-Rate](#)**

• **[FCC Adopts Rules to Prevent and Eliminate Digital Discrimination](#)**

*Federal Communications Commission (November 15, 2023)*

The Federal Communications Commission last Wednesday adopted final rules to prevent digital discrimination of access to broadband services based on income level, race, ethnicity, color, religion, or national origin.

• **[FCC Proposes Adding Wi-Fi Hotspots to E-Rate Program](#)**

*K-12 Dive (November 13, 2023)*

The Federal Communications Commission proposed a rule last Wednesday allowing schools and libraries to use E-Rate funds for Wi-Fi hotspots and off-premises internet services.

2. **[Budget and Appropriations Wrap-up](#)**

• **[Impact on State School Board Associations](#)**

3. **[In Brief – Last Week in Washington](#)**

- **[AEI on Charting the Course for Generative AI in Education](#)**: On Tuesday, the American Enterprise Institute (AEI) hosted an event titled, “Charting the Course for Generative AI in Education.” The discussion explored the intersection of Artificial Intelligence (AI) and education, with a particular focus on generative

AI, federal efforts around trustworthy AI in education, AI in teaching and learning, and assessing AI in higher education.

- **Webinar Examines ESSER Fiscal Cliff Impact on K-12 Nonprofits, Vendors:** On Wednesday, Edunomics Lab, a Georgetown University research center, hosted an event titled, “What Happens to K-12 Nonprofits and Vendors When ESSER Ends?” Since 2021, ESSER funds infused a significant amount of money into school districts, but 2024 and 2025 are expected to see a drastically unprecedented negative shock to the K-12 system, and the expected shock is likely to result from ESSER dollars running out, enrollment declines, and labor scarcity, among other factors.
- **ED Releases Data on Student Access to Educational Opportunities:** The Department of Education’s Office for Civil Rights released new civil rights data from the 2020–21 school year, offering critical insight regarding civil rights indicators during the coronavirus pandemic year.
- **ED Launches Initiative to Promote Multilingual Education:** As part of its Raise the Bar: Create Pathways for Global Engagement campaign, the Department of Education launched “Being Bilingual is a Superpower,” an initiative by the agency to promote multilingual education, strengthen high-quality language programs, and encourage a diverse multilingual educator workforce across the country.

#### 4. **New Publications**

- **Expanding Afterschool Opportunities: Connecting STEM Afterschool Providers and Schools**

*RAND Corporation (November, 2023)*

To obtain a national picture of why and how principals and district leaders partner with external organizations as Science, Technology, Engineering, and Math (STEM) afterschool providers, the authors of this report administered a survey to a nationally representative sample of public school principals (kindergarten through grade 8) in November and December 2022. The authors surveyed and interviewed school and district leaders to understand their STEM afterschool needs and interests, including the details on how these leaders go about partnering with STEM afterschool providers. The surveys and interviews illuminated how administrators learn about potential afterschool partners, what they look for in a partnership, and why they renew them.

#### 5. **In the News**

- **FCC Proposes 3-Year Cybersecurity Pilot**  
*K-12 Dive (November 16, 2023)*
- **Schools ‘Can’t Sit Out’ AI, Top U.S. Education Department Official Argues**  
*EducationWeek (November 14, 2023)*

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

- No events of note.

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

- Congress is in recess through November 27, 2023.

8. [Important U.S. House and Senate Links](#)

9. [About BPAG](#)

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1. **COSSBA Policy Priorities**

**BROADBAND CONNECTIVITY AND E-RATE**

**FCC ADOPTS RULES TO PREVENT AND ELIMINATE DIGITAL DISCRIMINATION**

The Federal Communications Commission (FCC) on Wednesday adopted final rules to prevent digital discrimination of access to broadband services based on income level, race, ethnicity, color, religion, or national origin. Under the Bipartisan Infrastructure Law, passed in 2021, the FCC is required to adopt rules to ensure that all Americans have equal access to reliable, high-speed broadband services without discrimination based on the characteristics listed in the statute. The new rules establish a framework to facilitate equal access to broadband internet services by preventing digital discrimination of access. Under these rules, the FCC can directly address companies' policies and practices if they differentially impact consumers' access to broadband internet access service or are intended to do so, and by applying these protections to ensure communities see equitable broadband deployment, network upgrades, and maintenance. Read more [here](#).

**FCC PROPOSES ADDING WI-FI HOTSPOTS TO E-RATE PROGRAM**

Additionally, the FCC [proposed a rule](#) Wednesday allowing schools and libraries to use E-Rate funds for Wi-Fi hotspots and off-premises internet services. The FCC's E-Rate program provides funding for schools and libraries to access broadband. The Emergency Connectivity Fund, a \$7.2 billion federal COVID-19 pandemic relief program formed by the American Rescue Plan Act of 2021, helped districts make one-time purchases of Wi-Fi hotspots during temporary school closures at the height of the health crisis. From the Emergency Connectivity Fund, the FCC allocated more than \$123 million to schools and libraries to purchase Wi-Fi hotspots and \$1.3 billion to provide off-premises broadband access for students, staff and library patrons. The proposal comes on the heels of the FCC's October [approval](#) of an expansion of the E-Rate program to support Wi-Fi on school buses. *K-12 Dive* reports more [here](#).

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

A shutdown crisis has once again been averted – at least temporarily. When Speaker of the House Mike Johnson (R-LA) was selected to the Speakership, he named passing Fiscal Year (FY) 2024 spending bills and avoiding a shutdown as his immediate priorities. The former proved quite difficult, but the latter effort was successful. Last week, the House and Senate passed—with broad bipartisan support—a continuing resolution (CR) that President Biden signed Thursday night. That success came even as Democrats decried the bill's so-called “two-step” approach. Congress has recessed for the Thanksgiving break after passing a CR that would fund federal agencies and programs at current levels. The “two-step” element means that funding for agencies funded by four of the annual spending bills expires on January 19, 2024. Funding for the other 8 – including the Labor, Health and Human Services and Education (LHHS) bill — expires on February 2, 2024. Speaker Johnson hopes that will give Congress enough time to pass

the 12 bills, although some caucus members are already saying “full year-CR” out loud, which means that could be the final resolution to FY 2024 spending.

A full year CR seems more and more likely because House leadership has tried to bring all 12 of its partisan FY 2024 funding bills to the House floor with mixed success. Three bills were debated, but the House didn’t take a final vote on them because there wasn’t sufficient support to pass them. The LHHS bill this past week was among this group – it was considered but ultimately not voted on.

Earlier in November, the Transportation, Housing and Urban Development and Financial Services bills met the same fate. The Agriculture spending bill did get a vote on final passage earlier this year, but that vote failed. The Commerce, Justice and Science bill’s rule was voted down, preventing any debate on the bill at all. Seven bills have passed: Defense, Energy and Water, Homeland Security, Interior, Legislative Branch, Military Construction and Veterans Affairs, and State-Foreign Operations. As a reminder, the Senate Appropriations Committee has passed all twelve of its spending bills on a bipartisan basis. The Senate has passed one “mini-bus” bill that includes the Agriculture, Military Construction and Veterans Affairs and the Transportation, Housing and Urban Development bills. That means there is much work to be done before both the January 19 and February 2 expirations.

Congress is in recess until the week of November 27. After tensions were at arguably absurd levels this week, the district work period is probably a welcome break.

### **How does this impact State School Board Associations?**

The House paused consideration of the LHHS bill last week after finishing votes on amendments, but before taking a vote on final passage. That suggests leadership knew a final vote would fail. It is well known that all Democrats oppose the devastating cuts proposed to education programs in the measure and will vote against it. It is clear that there are many Republicans who also oppose the bill, either because of the proposed cuts or controversial policy riders on the bill—or both. Funding for education programs will continue at FY 2023 levels through the New Year, and FY 2024 spending will need to be addressed by the February 2, 2024 deadline, or else we face another government shutdown threat. COSSBA has opposed the House proposed LHHS bill because of the deep cuts to education funding. We are pleased this version of the bill has continued to remain stalled and was ultimately pulled from additional consideration by the full House.

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

#### **AEI ON CHARTING THE COURSE FOR GENERATIVE AI IN EDUCATION**

On Tuesday, the American Enterprise Institute (AEI) hosted an event titled, “Charting the Course for Generative AI in Education.” The panel featured an array of ed tech experts from prominent companies and organizations, including GSV Ventures; Khan Academy; EdSolutions; Digital Promise; 2U; Jobs for the Future; and Chegg. The event also featured two U.S. Department of Education (ED) officials, including Roberto Rodriguez from the ED’s Office of Planning, Evaluation, and Policy Development, and Kevin Johnstun from the ED’s Office of Educational Technology. The discussion explored the intersection of Artificial Intelligence (AI) and education, with a particular focus on generative AI, federal efforts around

trustworthy AI in education, AI in teaching and learning, and assessing AI in higher education. New developments in generative AI, such as Open AI's GPT-4, Google's Notebook LM, and Gen-2 for image design, hold the potential for educational benefits, the panel noted. AI makes personalized learning a realistic possibility by allowing students to adopt lesson plans that suit their unique needs and skill sets, particularly at a time where schools face staffing shortages. Additionally, generative AI can reduce teacher workload by assisting in lesson planning. However, the panel stressed the importance of recognizing the disparities that accompany these educational benefits, as access to technology is largely impacted by economic status. Panelists also expressed differing views surrounding whether AI for grading could contribute to biases. Furthermore, the panel touched on the current political landscape of AI, fearing that any technological regulations could lag far behind the pace of new developments. There were discussions on recent efforts from the Biden-Harris Administration to provide a framework for AI regulation and how the National Institute of Standards and Technology (NIST) framework has largely been accepted as a standard guide to technological legislation efforts. The panel highlighted how policymakers should respond to the integration of AI in education, aiming to strike a balance between fostering innovation and implementing necessary regulations. Panelists additionally voiced concerns about how AI might change the landscape of higher education. For example, generative AI poses a plagiarism risk that experts have not yet figured out how to solve. Suggestions were made that institutions change their assessment criterion to work with AI as opposed to banning it outright. A full recording of the event can be found [here](#).

### **WEBINAR EXAMINES ESSER FISCAL CLIFF IMPACT ON K-12 NONPROFITS, VENDORS**

On Wednesday, Edunomics Lab, a Georgetown University research center, hosted an event titled, "What Happens to K-12 Nonprofits and Vendors When ESSER Ends?" Since 2021, the Elementary and Secondary School Emergency Relief (ESSER) fund infused a significant amount of money into school districts, but 2024 and 2025 are expected to see a drastically unprecedented negative shock to the K-12 system, Georgetown University's Marguerite Roza explained. This expected shock is likely to result from ESSER dollars running out, enrollment declines, and labor scarcity, among other factors. The tight timeline for schools to spend the remainder of their ESSER funding means Local Education Agencies (LEAs) will be focused on writing budgets for the following school year where they are planning for a spend down. The last day to use ESSER for labor and to sign contracts is September 30, 2024. The deadline to pay vendors and seek reimbursement is January 28, 2025, and any unspent ESSER funds after that date will revert to the federal government. Regarding the ESSER extension, schools are still waiting on guidance for late liquidation, as an LEA can apply for an extension to get more time for delivery of services for a signed vendor contract. Requests for an extension must have a qualifying reason (e.g., supply chain delays on delivery of services). On September 18, 2023, the Department of Education (ED) announced a new qualifying reason: the need to extend delivery of academic support to get kids back on track, and the agency promised more details are forthcoming. Roza further explained how schools have four stages of budget cutting: freezing, trimming from the top, negotiating, and reducing labor. For the first two stages, contracts tend to be the first items to get cut as districts protect labor. The disconnect between labor growth and enrollment loss means that coming into this fiscal cliff, districts have more labor to protect than they did in the past. [Edunomics Lab](#) has estimated that ESSER has fueled an approximately \$23 billion annual increase in K-12 spending on nonprofits and vendors. This is the money that will go away when schools start to cut budgets. The fiscal cliff will affect higher poverty districts the most, as they received a majority of the ESSER money. Districts with a poverty rate of 75 percent will have a

six percent estimated cliff, while districts with a poverty of less than 25 percent will have a two percent estimated cliff. Roza stressed that vendors and nonprofits should ensure they have updated and accurate data that shows the value of their services for students so school districts can make informed decisions to either keep or cut the service. A full recording of the presentation can be found [here](#).

### **ED RELEASES DATA ON STUDENT ACCESS TO EDUCATIONAL OPPORTUNITIES**

The Department of Education's (ED) Office for Civil Rights (OCR) [released](#) new civil rights data from the 2020–21 school year, offering critical insight regarding civil rights indicators during the coronavirus pandemic year. The most recent data collection came from the 2017-18 school year. OCR additionally released seven data reports and snapshots, including *A First Look: Students' Access to Educational Opportunities in the Nation's Public Schools*, which provides an overview of these data and information. According to the [findings](#), drastic inequalities persist in pre-K-12 education, with Black and Latino students having less access to Science Technology Engineering, and Math (STEM) courses, and Black students and students with disabilities are overrepresented in discipline practices. "We cannot be complacent when the data repeatedly tells us that the race, sex, or disability of students continue to dramatically impact everything from access to advanced placement courses to the availability of school counselors to the use of exclusionary and traumatic disciplinary practices," said Education Secretary Miguel Cardona. ED's press release states that "high schools with high enrollments of Black and Latino students offered fewer courses in mathematics, science, and computer science than schools with low enrollments of Black and Latino students." The release adds that "English learner students and students with disabilities, who received services under the federal Individuals with Disabilities Education Act, had a lower rate of enrollment in mathematics and science courses when compared to enrollment rates of all high school students." OCR's Civil Rights Data Collection is a mandatory survey of public schools serving students from preschool to grade 12. ED's data reports and snapshots are available [here](#), which includes data on educational opportunities, student discipline, enrollment, and sexual violence, among others.

### **ED LAUNCHES INITIATIVE TO PROMOTE MULTILINGUAL EDUCATION**

As part of its [Raise the Bar: Create Pathways for Global Engagement](#) campaign, the Department of Education (ED) launched "Being Bilingual is a Superpower," an initiative by the agency to promote multilingual education, strengthen high-quality language programs, and encourage a diverse multilingual educator workforce across the country. ED hosted a national convening with education leaders and stakeholders on Thursday in Washington, D.C., where Education Secretary Miguel Cardona outlined the agency's vision and efforts to provide every student a pathway to multilingualism. The convening also included a roundtable conversation with experts from around the country who have created and implemented distinct policies, processes, programs, and practices necessary for English Learners and all students to have access to high-quality language programs. In support of the Secretary's multilingual agenda and its goals, ED awarded \$33.2 million in 24 new grants to Native Hawaiian educational and community-based organizations and entities in Hawaii through the Native Hawaiian Education (NHE) program, in addition to nearly \$2 million in grants under the Native American and Alaska Native Children in School Program. ED also released a [letter](#) from Secretary Cardona to families, educators, and leaders to share resources for English Learner students, including [Raise](#)

[the Bar Metrics](#) and data visualizations, the completed [English Language Family Toolkit](#), and a [Seal of Biliteracy Infographic](#).

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#### **4. New Publications**

##### **Expanding Afterschool Opportunities: Connecting STEM Afterschool Providers and Schools**

*RAND Corporation* (November, 2023)

To obtain a national picture of why and how principals and district leaders partner with external organizations as Science, Technology, Engineering, and Math (STEM) afterschool providers, the authors of this report administered a survey to a nationally representative sample of public school principals (kindergarten through grade 8) in November and December 2022. The authors surveyed and interviewed school and district leaders to understand their STEM afterschool needs and interests, including the details on how these leaders go about partnering with STEM afterschool providers. The surveys and interviews illuminated how administrators learn about potential afterschool partners, what they look for in a partnership, and why they renew them.

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#### **5. In the News**

##### **FCC Proposes 3-Year Cybersecurity Pilot**

*K-12 Dive* (November 16, 2023)

##### **Schools ‘Can’t Sit Out’ AI, Top U.S. Education Department Official Argues**

*EducationWeek* (November 14, 2023)

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### **THIS WEEK IN WASHINGTON**

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

**No events of note.**

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

**Congress is in recess through November 27, 2023.**

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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

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

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