



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

**FEBRUARY 26, 2024**

Jared Solomon, Editor

[jsolomon@bosepublicaffairs.com](mailto:jsolomon@bosepublicaffairs.com)

Della Cronin, Editor

[dcronin@bosepublicaffairs.com](mailto:dcronin@bosepublicaffairs.com)

Bob Moran, Editor

[rmoran@bosepublicaffairs.com](mailto:rmoran@bosepublicaffairs.com)

Sarah Lamson, Deputy Editor

[slamson@bosepublicaffairs.com](mailto: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**

• **Child Nutrition**

- **USDA Publishes Proposed Rule Modifying Serious Deficiency Process in Child, Adult Care, Summer Food Service Programs**: This rulemaking proposes important modifications to make the application of serious deficiency procedures in the Child and Adult Care Food Program and Summer Food Service Program consistent, effective, and in line with current requirements under the Richard B. Russell National School Lunch Act.

• **IDEA**

- **ED Releases New Resources on Students with Disabilities**: The Department of Education's (ED) Office for Civil Rights (OCR) released four new resources on Tuesday with information for students, parents and families, and schools addressing civil rights of students with disabilities, including a data snapshot about education access for students with

disabilities drawn from OCR's 2020-21 Civil Rights Data Collection (CRDC).

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

- **Impact on State School Board Associations**

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

- **Career Education Panel Examines Earn-And-Learn Opportunities:** On Wednesday, the Brookings Institute held a webinar titled, “How Can We Scale Earn-and-Learn Opportunities: Lessons Learned from 3 Pioneering States.” Delving into recent developments in earn-and-learn programs across Colorado, Alabama, and Indiana, the panelists shared their experiences trying to broaden the reach of earn-and-learn initiatives on a larger scale.
- **School District Use of ESSER Funds Toward Out-Of-School Time Learning:** On Thursday, Engage Every Student hosted a webinar titled, “Investment in Student Recovery: A Review of School Districts’ Use of American Rescue Plan (ARP) Funding to Support Afterschool and Summer Opportunities.” The webinar explored research on the use of Elementary and Secondary School Emergency Relief (ESSER) funds in afterschool and summer learning programs.

4. **New Publications**

- **Elementary and Middle School Opportunity Structures That Factor Into Students’ Math Learning**  
*RAND Corporation (February, 2024)*  
This report is among the first to explore school structures that support students' mathematics learning across the United States and in the four largest states: California, Florida, New York, and Texas.
- **Science of Reading Legislation and Implementation State Scan**  
*Council of Chief State School Officers (February, 2024)*  
This Science of Reading (SoR) Legislation and Implementation State Scan is designed to support states that already are implementing SoR legislation and related policy or are interested in taking action on SoR policy in the future.

5. **In the News**

- **West Virginia House Oks Bill to Allow Teachers with Training to Carry Guns, Other Weapons in Schools**  
*U.S. News (February 21, 2024)*
- **Ed Dept: Common Medical Conditions Have Disability Protections**  
*K-12 Dive (February 21, 2023)*
- **Ranking Member Cassidy Releases Troubling Report on Child Literacy**  
*US Senate Committee on Health, Education, Labor & Pensions (February 20, 2024)*
- **Few Teachers Learn About ‘Science of Reading’ in Their Prep Programs. Some Colleges Are Working on That**  
*Education Week (February 16, 2024)*

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

- **Overcoming Chronic Absenteeism: Solutions for School Leaders:** The National Association of Secondary School Principals will host a webinar to discuss the impact of chronic absenteeism on academic success and student well-being, share real-world case studies and provide practical tools for school leaders to create a positive attendance culture.  
*Tuesday at 4pm ET*
  - **Empowering Every Child: Unveiling the Success Sequence Model:** A panel hosted by the Heritage Foundation will explore the success sequence model: achieving a high school education, working full time, and marrying before having children, has proven instrumental for Millennials, with 97% avoiding poverty in adulthood by following this path.  
*Wednesday at 1pm*
7. **On The Floor of Congress This Week**
    - **Senate floor**
      - **Consideration of nominations**
      - **Potential consideration of FY24 appropriations package**
    - **House floor:**
      - **Potential consideration of FY24 appropriations package**
  8. **Important U.S. House and Senate Links**
  9. **About BPAG**

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## 1. COSSBA Policy Priorities

### CHILD NUTRITION

#### USDA PUBLISHES PROPOSED RULE MODIFYING SERIOUS DEFICIENCY PROCESS IN CHILD, ADULT CARE, SUMMER FOOD SERVICE PROGRAMS

This rulemaking **proposes** important modifications to make the application of serious deficiency procedures in the Child and Adult Care Food Program and Summer Food Service Program consistent, effective, and in line with current requirements under the Richard B. Russell National School Lunch Act. The serious deficiency process provides a systematic way for State agencies and sponsoring organizations to correct serious management problems, and when that effort fails, protect Child Nutrition Program integrity through due process. In response to public comments received on a prior rulemaking, the Food and Nutrition Service (FNS) proposes improvements to ensure that application of the serious deficiency process is fair and fully implemented. FNS proposes to add clarity to the serious deficiency process by defining key terms, establishing a timeline for full correction, and establishing criteria for determining when the serious deficiency process must be implemented. This rulemaking will also address termination for cause and disqualification, implementation of legal requirements for records maintained on individuals on

the National Disqualified List, and participation of multi-State sponsoring organizations. Written comments must be received by May 21, 2024.

## **IDEA**

### **ED RELEASES NEW RESOURCES ON STUDENTS WITH DISABILITIES**

The Department of Education's (ED) Office for Civil Rights (OCR) released four new resources on Tuesday with information for students, parents and families, and schools addressing civil rights of students with disabilities, including a data snapshot about education access for students with disabilities drawn from [OCR's 2020-21 Civil Rights Data Collection \(CRDC\)](#). The new resources aim to inform students with disabilities, their families and schools about their legal rights under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against students with disabilities by institutions that accept federal financial assistance. The new resources address common medical conditions that can be disabilities for purposes of Section 504: asthma, diabetes, food allergies, and gastroesophageal reflux disease (GERD). These resources, which are applicable to all levels of education, explain when these medical conditions trigger protections under Section 504, what kind of modifications an educational institution may need to take to avoid unlawful discrimination, and what an institution may need to do to remedy past discrimination. Meanwhile, ED's new data snapshot shows that 8.4 million students with disabilities accounted for 17 percent of the overall public school enrollment in the 2020-21 school year, and three percent of the overall student enrollment were students with disabilities who received educational aids and services under Section 504 only. The new resources regarding asthma, diabetes, food allergies, and GERD are available [here](#). The new CRDC disability snapshot, and other CRDC data reports and snapshots, are available [here](#).

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

Congress was not in session last week. The Senate returns today; the House comes back on Wednesday. That doesn't leave a lot of time to approve and pass four spending bills—bills that will see the continuing resolution (CR) funding them expire on March 1.

As of Friday, it was reported that those four bills are basically complete, and that a “minibus” could be on the floor on Wednesday as a bill that will be considered via the House's suspension calendar, which requires a bill to win the support of 2/3 of those voting on the floor to pass. Of course, even if a bill gets House approval Wednesday, that doesn't give the Senate—which is burdened with much more in the bill approval process—much time to approve a bill by Friday. Some are saying there could be a temporary small-scale shutdown over the weekend.

As news trickled out on the state of negotiations, representatives of the House Freedom Caucus started saying publicly that they support a full-year continuing resolution. That's because the Fiscal Responsibility Act has a provision in it that says that if the FY 2024 spending process is resolved via a full-year CR, automatic across-the-board cuts would be triggered. The provision was meant to be a “stick” to force Congress to pass the twelve spending bills via regular order. The Caucus sees the current state of affairs as one in which they “lose” on two counts: the spending levels are much higher than what they would like, and it looks like the final packages of bills will not include many of the policy provisions they support. The full-year CR would at least realize some level of funding cuts, they argue.

Members, staff and advocates will have a clearer picture of what lies ahead for FY 2024 spending as the Senate and House return to Washington, DC, this week.

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

While the spending debate is being watched closely by education advocates, and supporters of every other cause, appropriations leaders have been saying for weeks that agreeing on the program funding levels would be easier than agreeing on any new policy riders. There are dozens of so-called “poison pills” included in the FY 2024 Labor, Health and Human Services and Education spending bill developed by the House last year. They address controversial topics in various ways, including prohibiting any broad-based student debt cancellation, blocking any funding for Critical Race Theory, forbidding any programs intended to promote diversity, equity or inclusion efforts resulting from various Biden Executive Orders, and stopping any investments in implementing mask mandates at Head Start programs, among other policy proposals. Not surprisingly, Democrats have been arguing against the inclusion of any new policy riders. Another open question regards earmarks. The Senate education bill has earmarks; the House bill does not.

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

#### **CAREER EDUCATION PANEL EXAMINES EARN-AND-LEARN OPPORTUNITIES**

On Wednesday, the Brookings Institute held a webinar titled, “How Can We Scale Earn-and-Learn Opportunities: Lessons Learned from 3 Pioneering States.” Led by Annelies Goger, Brookings Metro Fellow, the event featured a panel of state earn-and-learn leaders – Mark Tapy, senior talent management manager at Pinnacol Assurance; Josh Laney, director of the Alabama Office of Apprenticeship; Ryan Gensler, executive vice president of CareerWise USA; and Marie Mackintosh, president and CEO of EmployIndy. Delving into recent developments in earn-and-learn programs across Colorado, Alabama, and Indiana, the panelists shared their experiences trying to broaden the reach of earn-and-learn initiatives on a larger scale. With a notoriously low labor market participation rate of 57 percent in Alabama, Laney highlighted that at least 25 percent of the prime working age population faced barriers, such as lack of transportation, affordable childcare, and skills required for available jobs. The latter realization spurred the creation of the Office of Apprenticeship in 2019, aiming to create accessible pathways for individuals to acquire essential job market skills. Mackintosh also emphasized the importance of investing in youth apprenticeship programs and helping the younger population explore alternative postsecondary educational opportunities. In addition, all three panelists expressed frustration with the Department of Labor’s [proposed new rules on apprenticeships](#). They argued that increased constraints on employers could discourage investments in future earn-and-learn programs, with Gensler proposing a shift towards outcome-focused apprenticeship systems rather than input-focused. In the end, the panelists unanimously advocated for the advancement of earn-and-learn initiatives by actively involving employers, maintaining a student-centered approach, reducing regulatory burden, and developing shared language and goals. A recording of the webinar can be found [here](#).

#### **SCHOOL DISTRICT USE OF ESSER FUNDS TOWARD OUT-OF-SCHOOL TIME LEARNING**

On Thursday, Engage Every Student hosted a webinar titled, “Investment in Student Recovery: A Review of School Districts’ Use of American Rescue Plan (ARP) Funding to Support

Afterschool and Summer Opportunities.” The webinar explored research on the use of **Elementary and Secondary School Emergency Relief (ESSER) funds** in afterschool and summer learning programs. This webinar sought to answer common questions on the use of these funds for education leaders. Shedonda Witter, out-of-school time advisor for the Department of Education (ED) and Christopher Tate, group lead for the ED’s Office of State and Grantee Relations, reviewed the ED’s **Engage Every Student Initiative**, a program designed to ensure that every student who wants a spot in a high-quality out-of-school time program has one. Tate then outlined ESSER fund requirements, underscoring the minimum one percent spending requirement for summer and afterschool programs and the minimum 20 percent requirement for addressing learning loss. He additionally touched on **ED’s liquidation extension request process** and highlighted states and districts with successful ESSER-funded afterschool programs. Following Witter and Tate’s remarks, Afterschool Alliance Engage Every Student Fellows Emily Murtaugh and Liana Shivers presented findings from an **Afterschool Alliance report** on school district use of ARP funding to support afterschool and summer learning opportunities. The report quantified how funds were spent on afterschool programs and established several recommendations for school leaders. The webinar additionally featured a panel of experts, including Lynn Jennings, senior director of national and state partnerships for The Education Trust; John Hitchcock, associate vice president for Westat; and, Tony Lomeli, senior director of student support services for Modesto City Schools. Lomeli recounted his personal experience at Modesto City schools, emphasizing the shift in summer programs from credit recovery to learning engagement. Hitchcock pointed to a Westat **report** on Local Education Agency (LEA) use of ESSER funds, summarizing six key themes for summer learning program success, which included offering an engaging curriculum, fun instruction, early program planning, early educator recruitment, utilizing previous summer data, and engaging stakeholders. A recording of the webinar can be found **here**.

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

##### **Elementary and Middle School Opportunity Structures That Factor into Students’ Math Learning**

*RAND Corporation* (February, 2024)

This report is among the first to explore school structures that support students' mathematics learning across the United States and in the four largest states: California, Florida, New York, and Texas. The authors do not examine the quality of mathematics instruction students receive or how much students have learned. Instead, they consider the ways that elementary and middle schools are organized to provide mathematics learning opportunities. Policy recommendations are aimed at helping leaders at the state, district, and school levels reflect on how schools support math learning and how school structures might be improved to set up all students for success in high school and beyond.

##### **Science of Reading Legislation and Implementation State Scan**

*Council of Chief State School Officers* (February, 2024)

This Science of Reading (SoR) Legislation and Implementation State Scan is designed to support states that already are implementing SoR legislation and related policy or are interested in taking action on SoR policy in the future. This resource captures state efforts to develop and implement

policy aligned with four evidence-based practices that will set both students and educators on a path to reading success.

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## 5. In the News

### West Virginia House Oks Bill to Allow Teachers With Training to Carry Guns, Other Weapons in Schools

*U.S. News* (February 21, 2024)

### Ed Dept: Common Medical Conditions Have Disability Protections

*K-12 Dive* (February 21, 2024)

### Ranking Member Cassidy Releases Troubling Report on Child Literacy

*US Senate Committee on Health, Education, Labor & Pensions* (February 20, 2024)

### Few Teachers Learn About ‘Science of Reading’ in Their prep Programs. Some Colleges Are Working on That.

*Education Week* (February 16, 2024)

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## THIS WEEK IN WASHINGTON

### 6. Weekly Calendar

#### **Tuesday, February 27, 2024**

##### **Webinar: Overcoming Chronic Absenteeism: Solutions for School Leaders**

**Subject:** The National Association of Secondary School Principals will host a webinar to discuss the impact of chronic absenteeism on academic success and student well-being, share real-world case studies and provide practical tools for school leaders to create a positive attendance culture.

**Participants:** Adam Schott, deputy assistant secretary, Office of Elementary and Secondary Education, U.S. Department of Education; Cecelia Leong, vice president of programs, Attendance Works; Hedy Chance, executive director, Attendance Works; Victoria Simon, principal, Aberdeen Academy, Grand Rapids Public Schools, MI; and Ryan Broderick, assistant principal, Bristol Central High School, CT.

**Time:** 4:00 p.m.

**Registration:** Register [here](#).

#### **Wednesday, February 28, 2024**

##### **Webinar: Heritage Foundation holds an event, "Empowering Every Child: Unveiling the Success Sequence Model."**

**Subject:** A panel hosted by the Heritage Foundation will explore the success sequence model: achieving a high school education, working full time, and marrying before having children, has proven instrumental for Millennials, with 97% avoiding poverty in adulthood by following this path.

**Participants:** Lindsey M. Burke, Ph.D., director, Center for Education Policy; Grazie Christie, Florida State Board of Education Member; Brad Wilcox, nonresident senior fellow, American

Enterprise Institute; and Jonathan Butcher, Will Skillman Senior Research Fellow in Education Policy

**Time:** 1:00 p.m.

**Registration:** Register [here](#).

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## 7. On The Floor of Congress This Week

### **Senate Floor:**

Consideration of nominations

Potential consideration of FY24 appropriations package

### **House Floor:**

Potential consideration of FY24 appropriations package

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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

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- 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:

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- Association Management
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