

Federal Education Update

Wednesday, September 20
Tara Thomas, Policy Analyst



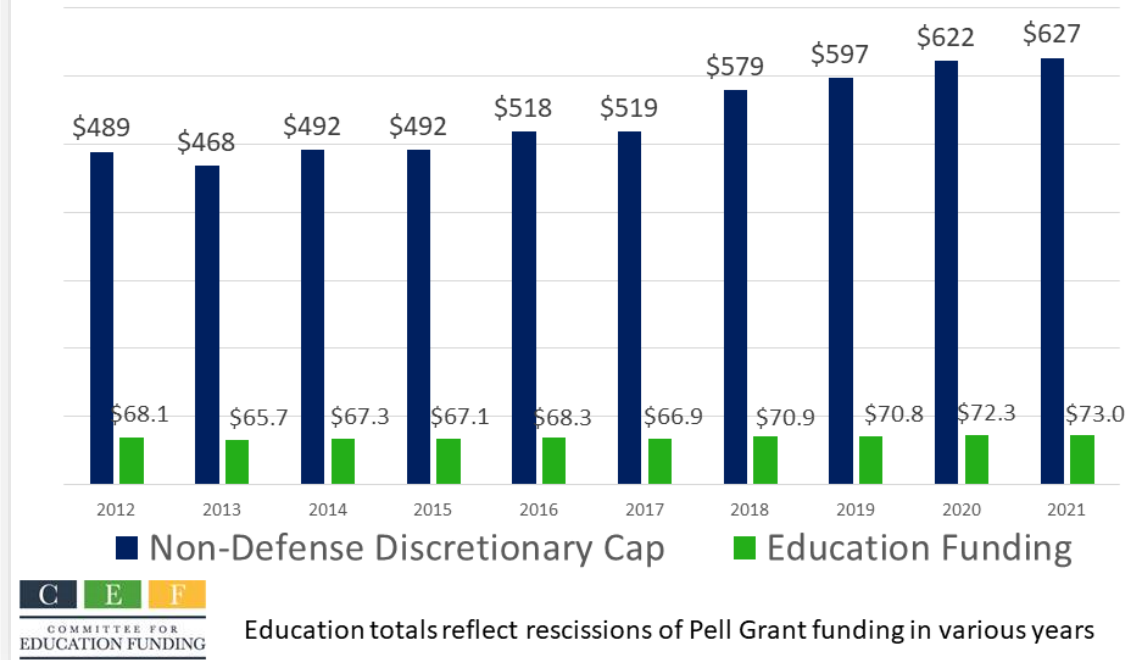
Debt Deal/FY24 Appropriations

Fiscal Responsibility Act of 2023

- Suspends debt ceiling until 2025 in exchange for spending caps:
 - **FY24:** \$703 billion for Non-Defense, Discretionary spending. After agreed upon appropriation adjustments, similar to FY23.
 - **FY25:** Allows for 1% growth from FY24, coming in at \$710 billion
- The House and Senate have put forward very different FY24 topline numbers. Creating significant hurdles to finishing up before Sept. 30 deadline.

Education Funding Was Cut or Stagnant Under Caps from 2012 to 2021

(Dollars in Billions)



FY24: Tale of Two Chambers

	FY23 FINAL	FY24 Senate	FY House
Title I	\$18.4 billion	\$18.6 billion (+175 m)	\$3.7 billion (-14.5 b)
IDEA	\$14.2 billion	\$14.4 billion (+175 m)	\$14.2 billion (level funding)
Title II	\$2.19 billion	\$2.19 billion (level funding)	\$0 (-2.19 b)
Impact Aid	\$1.6 billion	\$1.629 (+10 m)	\$1.6 billion (level funding)
REAP	\$215 million	\$220 million (+5 m)	\$215 million (level funding)

What's Next for the 118th Congress?

Alphabet Soup: Student Privacy Edition

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.

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.

What's Next for the 118th Congress?

Policies at Play

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

Fight over Kids Online Safety Act heats up as bill gains support in Congress

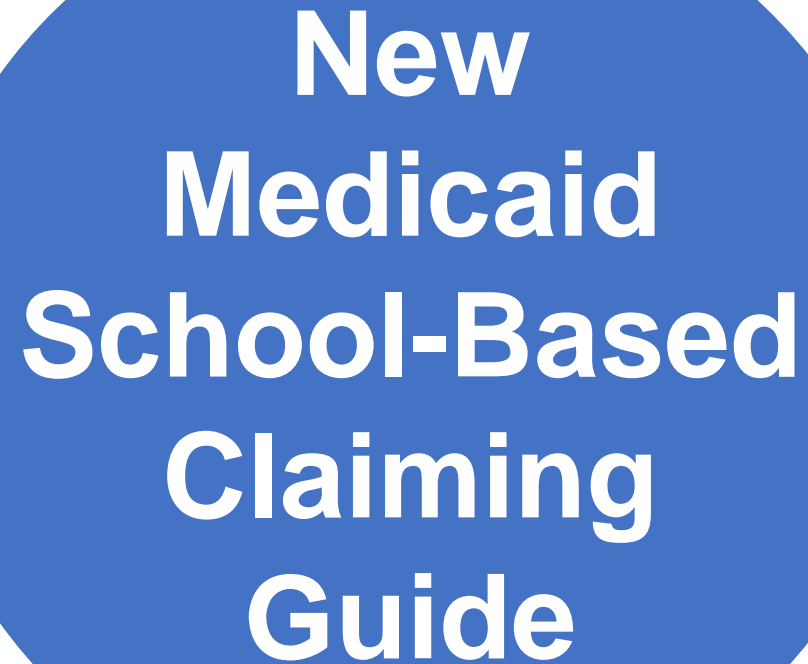
KOSA is just one of several pieces of children's safety legislation that has received growing attention from civil society groups.

BY TONYA BILEY • MAY 3, 2023



Federal Agency Updates



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New Medicaid School-Based Claiming Guide

This guide encourages every state to expand Medicaid to students without an IEP and makes it much easier for districts to access Medicaid reimbursement and bill for services

Alabama has not expanded Medicaid to students without an IEP

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

Resource: Watch AASA webinar on the Medicaid guide [here](#).

Medicaid Unwinding

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

Alabama began the PHE unwinding in June.

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”

USED announced the complete regulation (athletics and broader rule) will be postponed until January



FCC & Connectivity

E-Rate – “Learn Without Limits” Initiative

- Calls for e-rate funding to support wi-fi on buses and wi-fi hotspots that can be checked out of libraries by students.
- Senate has officially confirmed the last commissioner, beginning this work can start soon.

Cybersecurity Pilot Program

- \$200 million over three years to boost school and library cybersecurity. Separate from E-rate – win for AASA advocacy.



Department of Labor

Overtime Proposed Rule –

- Increases the minimum salary threshold from \$35,586 to \$55,068 – 55%
- Implements automatic increases to the threshold, every 3 years
- The proposal does not make any changes to the professional exemption, meaning teachers and administrators will continue to be ineligible for OT

Labor Dept. Proposes Vast Expansion of Overtime Eligibility

The Biden administration seeks a threshold of about \$55,000 in annual pay under which salaried workers must receive overtime, up from \$35,500.

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Julie Su, the acting labor secretary, said a proposed overtime rule “would help restore workers’ economic security.” Haiyun Jiang/The New York Times



By [Noam Scheiber](#)

Aug. 30, 2023

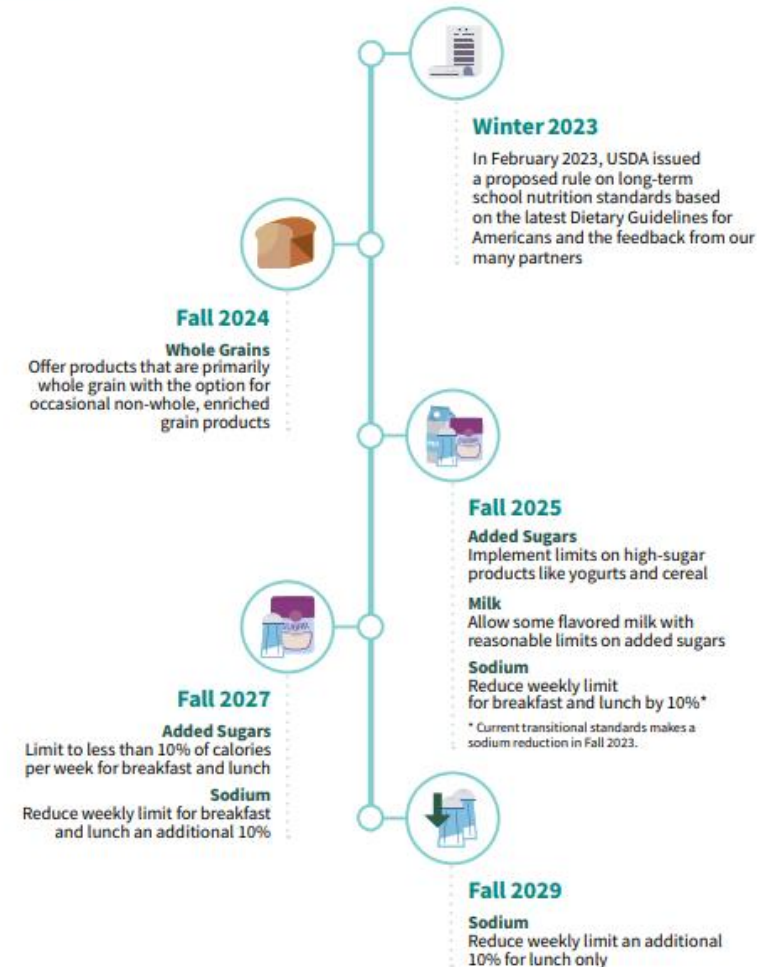
In a move that could affect millions of workers, the Biden administration announced Wednesday that it was proposing to substantially increase the cutoff below which most salaried workers automatically receive time-and-a-half overtime pay.

Proposed Rule: Updates to Nutrition Standards

- Awaiting final rule.
- 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 over 2 years.
- Read AASA's comments [here](#) and NREAC's comments [here](#).

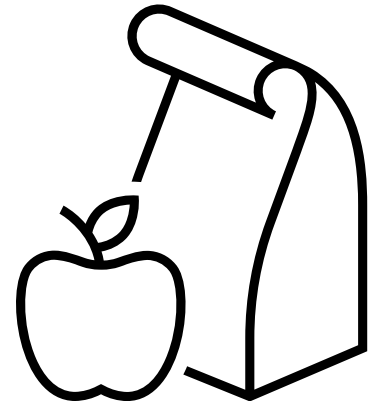
PROPOSED IMPLEMENTATION TIMELINE FOR UPDATING THE SCHOOL MEAL STANDARDS

USDA is proposing science-based updates to the school meal standards to make them even more nourishing for kids, yet feasible for our school meal partners. We're building in plenty of time for planning and implementation to ensure school nutrition professionals, state agencies, the school food industry, families, and all our school meal partners have the best chance for long-term success. We welcome your feedback on this approach through [public comments](#).



Other USDA Updates

- \$1.3 billion announced in Supply Chain Assistance Funds for SY23-24
- Proposed rule to lower threshold of CEP from 40 to 25%
- Non-congregate meal service for summer meals now available
- Summer EBT begins next year
- Child Nutrition Integrity Rule – simplifies monitoring requirements



AASA Advocacy & Governance

Questions?

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