



ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS
INTERNATIONAL

ASBO International K-12 Federal Policy Update

Presented by:
Elleka Yost, ASBO International

SASBO Discovery Forum
April 16, 2024

- **2024 U.S. Elections Impact on Education**

- **Federal Update**
 - FY24 & FY25 Funding
 - Other USED Regulations
 - ESSER
 - Infrastructure Financing & Safety Issues
 - Connectivity, Cybersecurity, and Data Privacy
 - Nutrition, Health Care, and Labor Issues

- **Advocacy Resources**
 - Q&A

- **Presidential Race (as of April 7)**
 - **Republican Candidates:** Donald Trump (*presumptive nominee*)
 - **Democrat Candidates:** Joe Biden (*presumptive nominee*), Marianne Williamson, Jason Palmer
 - **Other Candidates:** Robert F. Kennedy Jr., Cornel West, Jill Stein, Chase Oliver
- **Congressional Races**
 - **34 Senate seats and all 435 House seats [are up for election](#) this November.**
 - 8 Senators and 42 House Reps are not seeking re-election (excl. those who left office early).
 - 7 of 8 Senators are retiring from office (incl. Manchin D-WV, Sinema I-AZ, Stabenow D-MI). Sen. Braun R-IN is running for governor.
 - 25 of 42 House Reps. are retiring from office (incl. Granger R-TX and Wexton D-VA on House Approps Cmte). 12 are running for Senate seats and 5 are running for other offices.
 - Rep. Foxx (R-NC) won't seek another term as Chair on the House Education & Workforce Cmte.
 - Sen. McConnell (R-KY) plans to step down as Senate Republican (Minority) Leader.
 - Rep. Tom Cole (R-OK) is replacing Rep. Granger as Chair of House Appropriations Cmte.

Election Impact on Education

- **How would education priorities and policies shift...**
 - Under a Democrat- vs. Republican-controlled White House?
 - If the House or Senate flips?
 - With new leaders taking over key positions and committees? (Minority/Majority Leaders, Appropriations, HELP/EdWorkforce, Ag/Nutrition, etc.)
- **What issues are at play?**
 - Federalism vs. state/local control, parental bill of rights, etc.
 - Culture wars (e.g., book bans/censorship, curricula standards, race/gender identity, etc.)
 - Student academic recovery, mental health, wellness
 - Funding for private vs. public schools (vouchers/choice)
 - Bills/regs addressing K-12 trends in AI, data privacy, cybersecurity, and connectivity
 - Increasing public interest in school finance and accountability as ESSER closes out
 - Higher education affordability/student debt relief → educator pipeline impact

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FY 24 & 25 Appropriations

- **The 2023 Fiscal Responsibility Act (and subsequent agreement) provides spending caps for FY24 and FY25.**
 - **FY24** affects federal funding in schools for the **2024-2025** school year.
 - **FY25** affects federal funding for the **2025-2026** school year.
- **FY 24 Appropriations Wasn't Finalized Until March (6 months late!)**
 - **Why?** Big disagreements on working *at vs. under* budget caps to appropriate FY24 funds.
 - **Package Part 1:** [H.R. 4366](#) Consolidated Appropriations Act of 2024, passed 3/8.
 - Funds Agriculture, Energy, Housing and Urban Development, Transportation, Veterans Affairs, Interior, Commerce and Justice, the Environmental Protection Agency and others.
 - **Package Part 2:** [H.R. 2882](#) Further Consolidated Appropriations Act of 2024, passed 3/22.
 - Funds Defense, Financial Services, Homeland Security, **Labor-Health and Human Services-Education (L-HHS-ED)**, Legislative Branch, and State & Foreign Operations
 - L-HHS-ED: Provides \$79.1 billion for USED (-0.2% or -\$500 million compared to FY23). A best-case scenario considering spending caps and initial draconian proposals to significantly cut programs.
- **FY 25 Appropriations: Expect Delays During an Election Year**

FY 24 USED Funding: SY 24-25

Programs that received increases

- **Title I:** \$18.407 billion (+\$20 million)
- **IDEA (Special Education Grants to States):** \$14.214 billion (+\$20 million)
- **Rural Education Achievement Program (REAP):** \$220 million (+\$5 million)
- **Impact Aid:** \$1.625 billion (+\$7 million)
- **Perkins CTE (State grants):** \$1.439 billion (+\$10 million)
- **Head Start:** \$12.3 billion (+\$275 million)
- **Child Care and Development Block Grants (CCDBG):** \$8.7 billion (+\$725 million)

Programs that received cuts

- **Education Innovation and Research:** \$259 million (-\$25 million)
- **Teacher and School Leader Incentive Grants:** \$60 million (-\$113 million)
- **Perkins CTE (National Activities):** \$12 million (-\$20 million)
- **Comprehensive Centers:** \$50 million (-\$10 million)
- **State Assessments:** \$380 million (-\$10 million)
- **Cybersecurity (Homeland Security/CISA):** \$1.18 billion (-\$121 million)

Programs that were flat-funded

- **Comprehensive Literacy Development Grants:** \$194 million
- **Innovative Approaches to Literacy:** \$30 million
- **Migrant Education:** \$375 million
- **Neglected, Delinquent, and At-Risk Students:** \$49 million
- **ESSA Title II:** \$2.19 billion
- **21st Century Learning Community Learning Centers:** \$1.3 billion
- **Education for Homeless Children & Youth:** \$129 million
- **Native Hawaiian Education:** \$45.897 million
- **Alaska Native Education:** \$44.953 million
- **ESSA Title IV-A (SSAE Grants):** \$1.38 billion
- **School Safety National Activities:** \$216 million
- **Promise Neighborhoods:** \$91 million
- **Full-Service Community Schools:** \$150 million
- **Supporting Effective Educator Development:** \$90 million
- **Charter School Grants:** \$440 million
- **Magnet Schools Assistance:** \$139 million
- **English Language Acquisition:** \$890 million
- **Teacher Quality Partnerships:** \$70 million

• State of the Union (SOTU) Address

- **Several education-related issues noted:**
 - Increasing access to early education/PreK
 - Expanding high-quality tutoring and summer learning to ensure children can read by the 3rd grade
 - Connecting businesses and high schools to provide hands-on experience and ensure students are college/career-ready
 - Making college affordable and addressing student debt
 - Protecting children online and harnessing the promise of AI
 - Providing clean drinking water, affordable broadband access, and enacting stricter gun laws
- **ASBO School Business Insider Podcast:**
[Episode](#) on SOTU, FYs 24 & 25 Funding

• House Budget Cmte [FY25 Budget Resolution](#)

- Republicans aim to balance federal budget within a decade, reduce the deficit by \$14 trillion, lower interest payments on the federal debt, and grow the economy by 3%. DOA in Congress.
 - [Democrats say](#) it would require major cuts to Medicare, Medicaid, SNAP and TANF, higher education (Pell Grants/loan relief), infrastructure, and more.

• President's FY25 Budget Request: [USED](#)

- \$82 billion for USED discretionary spending
- \$8 billion in mandatory funding for Academic Acceleration and Achievement Grants
- USED/HHS universal Pre-K (\$200 billion/10 yrs.)
- Small increases for Title I, IDEA, CTE.
- Flat funding for Impact Aid, Title II, Title V-A and B, and other education programs.
- DOA in Congress.

FY 25 Advocacy: Full Funding for IDEA

- **The Individuals with Disabilities Education Act (IDEA)—last authorized in 2004**
 - Full funding for IDEA is a **top priority** for ASBO & AASA.
 - IDEA Part B is currently funded at \$14.21 billion, which is only 10.7% of APPE.
- **AASA & ASBO International are members of the IDEA Full Funding Coalition**
 - The coalition held an in-person IDEA briefing last fall to educate Hill staffers and policymakers last fall. First time in five years; more visits are planned this year.
 - We are advocating for at least \$16.259 billion for IDEA Part B in FY25 to set the program on a glide path toward full funding.
 - Plan to create a website with advocacy resources on IDEA in advance of the 50-yr. anniversary since the passage of the Education for All Handicapped Children Act of 1975.
- **IDEA Full Funding Act (S.2217 / HR.4519)**
 - Successfully introduced stand-alone bills in both chambers:
 - Democrat-only bill in the Senate (30 sponsors)
 - Bipartisan bill in the House (134 total: 123-D and 11-R)
 - The bill provides a ten-year glide path to help Congress realize its funding commitment.
 - [USED Justifications](#) for FY25 POTUS Budget expresses the Administration's support for full funding.

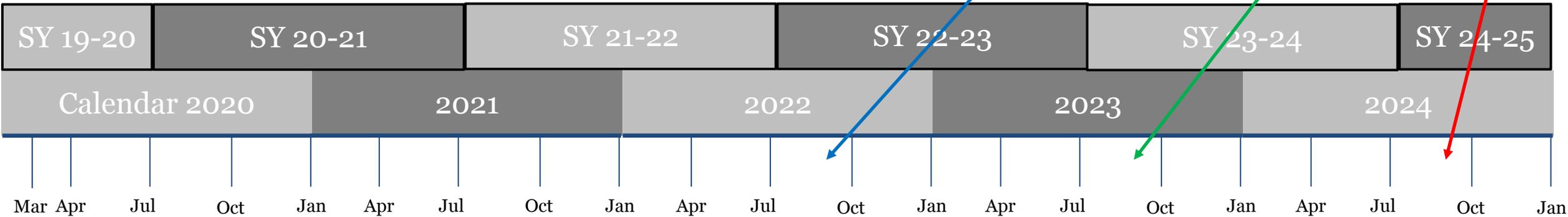
- **Title IX Regulations (2 NPRMs):**
 - [First regulatory proposal](#) would expand “sex-based” discrimination and hostile environment definitions; create new classifications of employees w/ different reporting obligations; and revise the formal grievance procedure significantly.
 - Might see a final rule by May, likely for SY 2024-25 implementation. ([AASA blog](#))
 - Second regulatory proposal deals with eligibility for athletic program participation. No timeline announced.
- **New OCR Guidance: Section 504 of the Rehabilitation Act of 1973**
 - Informs students w/ disabilities, families, and schools about legal rights under the Act. Addresses common medical conditions that can be disabilities and trigger protections under Sec. 504:
 - [Asthma](#), [diabetes](#), [food allergies](#), and [GERD](#).
- **Education Department General Administrative Regulations ([EDGAR](#)) NPRM**
 - Would make changes to the competitive grant processes at USED.
 - AASA/ASBO submitted comments.

ESSER Spending Timeline

\$123B ARP ESSER III. LEAs must obligate by 9/2024 ~\$2,400/pupil.

~~**\$54B CRRSAA ESSER II.** LEAs must obligate by 9/2023 ~\$1,100/pupil.~~

~~**\$13B CARES ESSER I.** LEAs must obligate by 9/2022 ~\$250/pupil.~~



*Image adapted from [White Board Advisors](#) and [Ednomics Lab at Georgetown University](#).

ARP ESSER III Late Liquidation

- Jan. 9, 2024: [Liquidation extension letter](#), updated [FAQs](#), and application [template](#).
- Districts must apply through their state. SEAs may request an extension of up to an extra 14 mos. (i.e., through March 2026 instead of January 2025). [USED Website](#) for ESSER info.

ESSER ARP-HCY: \$800M to Support Homeless Students

- ASBO/AASA are advocating for 1-yr. extension for LEAs to obligate funds to support children & youth. However, USED announced [late liquidation is available](#) through March 28, 2026.

ASBO International Resources

- [2023 ESSER Spending Survey Summary](#)
- SBI podcast: “What ESSER Made Possible” ([Apple](#) and [Spotify](#))
- [ASBO Learn On-Demand Webinar](#): “Supporting Students Experiencing Homelessness” with ARP-HCY funds
- Discounts on Edunomics Lab/Georgetown courses to help your district navigate the ESSER cliff.



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ESSER IN ACTION: K-12 PRIORITIES, SUCCESSES & CHALLENGES

Highlights from ASBO International's 2023 Membership Survey

The Association of School Business Officials International (ASBO) collected survey data from 116 U.S. school districts across 38 states about ESSER II and III expenditures through September 30, 2023. School business professionals shared their districts' ESSER spending priorities, successes, and challenges as they continue to support their communities' post-pandemic recovery efforts. Key findings are summarized below.

Respondent profile: District size = 25% small (<2,500 students); 45% medium (2,500-9,999 students); 30% large (≥10,000 students). District locale = 30% rural; 24% urban; 46% suburban. Districts' average total ESSER allocation per pupil = \$2,890.

	TOP ESSER II SPEND CATEGORIES	TOP ESSER III SPEND CATEGORIES	
1	Addressing Learning Loss 82%	Addressing Learning Loss 91%	-
2	Technology & Broadband Investments 74%	Mental Health Services 80%	↑
3	Mental Health Services 65%	Technology & Broadband Investments 73%	↓
4	Purchasing PPE/Supplies & Cleaning 61%	Facility Repairs & Upgrades 52%	↑
5	Facility Repairs & Upgrades 51%	Supporting Specific Student Populations 51%	↑
6	Maintaining Continuity of Services (Labor, Contracts, Supplies, Equipment) 42%	Maintaining Continuity of Services (Labor, Contracts, Supplies, Equipment) 41%	-
7	Supporting Specific Student Populations 41%	Purchasing PPE/Supplies & Cleaning 24%	↓
8	District Emergency Response & Planning 30%	District Emergency Response & Planning 18%	-
9	COVID Screening, Testing & Vaccines 10% (Tie)	COVID Screening, Testing & Vaccines 5%	-
10	Feeding Students 10% (Tie)	Feeding Students 4%	-

KEY FACTORS DRIVING SPENDING DECISIONS

-  Rising student mental, social-emotional, and behavioral needs **69%**
-  Sustainability (averting a fiscal cliff) **64%**
-  Student test scores, learning loss, or other academic trends **46%**
-  Labor shortages **42%**
-  Increasing school health, safety, and security concerns **33%**
-  Increasing numbers and/or needs of students with disabilities **29%**

CERTIFICATE IN EDUCATION FINANCE

ASBO International and **ASBO affiliate** members can register for Edunomics Lab courses at Georgetown University, at a discounted rate!

- School District Finance Workshop
 - April 18, 19, 25, & 26, 2024 – Virtual (12:00-2:00 PM ET each day)
- Upcoming Certificate in Education Finance (CEF) cohorts
 - September 24-25, 2024 – Washington, DC /or/ September 11-12 – Seattle, WA
- Learn more & register at asbointl.org/edunomics.



ESSER-Funded Facility Projects

- **Recording & Reporting Federal “Vested Interest” in Real Property**
 - [March 21, 2024](#): USED issued a Dear Colleague Letter & FAQs with guidance that applies to any SEAs/LEAs that spent any ESSER, GEER, and/or EANS COVID-relief funds for a renovation, remodeling, construction, or another real property project (incl. land acquisition).
 - EX: Federally-funded facility improvements for improving indoor air quality; remediating lead, mold, and other environmental hazards in aging facilities; keeping schools safe and healthy for in-person learning, etc.
 - **Record** notices of federal interest (NFIs), or other public notices of record such as liens, regarding that Federal interest for real property acquired or improved with a federal award. The federal agency may also require certain property use and disposition conditions.
 - USED flexibility was granted by instating a threshold, mainly SEAs/LEAs that spent \$1 million or more on real property with federal funds must follow this (limited exceptions).
 - **Report** annually, for at least 15 years, the status of real property in which the federal government has made a monetary investment, and therefore has an ongoing interest in the property.
 - No exceptions granted. Applies to all LEAs/SEAs that used federal pandemic funds on real property projects.

Infrastructure Financing: Tax Incentives

- **Inflation Reduction Act (IRA) – Districts can leverage tax incentives (via direct/elective pay to get an IRS check of equal value) to offset qualifying clean energy/efficient project costs.**
 - Investment Tax Credit (ITC) IRC Sec. 48: one-time credit based on a % of qualifying costs of the project. (EX: Solar, fiber-optic solar, fuel cells, geothermal, small wind energy, waste energy recovery, combined heat and power, heat pump, energy storage, biogas, and other projects.)
 - Projects must meet different requirements to claim elective pay tax credit if construction starts before vs. after 2025. Value of elective pay credit depends on whether the project meets prevailing wage rules; incorporates U.S. domestic steel, iron, or manufactured products; is located in a high-priority low-income area or energy community; and is financed w/ tax-exempt (TE) bonds.
 - Qualified commercial vehicles credit (45W) for plug-in hybrid and electric vehicles.
 - Alternative fuel vehicle refueling property credit (30C) for EV charging supply & fueling equipment
- **Resources:**
 - IRS: [List of IRA tax incentives](#) and [IRA resource website](#) and [Final Rule on Direct Pay](#)
 - **DOE Webinar on May 7:** [Beyond Grants: Federal Funding for School Facilities](#)
 - ASBO: [March SBA Magazine](#), “Clean Energy Project Funding—The Inflation Reduction Act”
 - UndauntedK12: [IRA Resources for Schools](#)
 - AASA: [Webinar recording: Making Climate-Smart HVAC Investments](#)

Infrastructure Financing: Grants

- **Bipartisan Infrastructure Law (BIL) / Infrastructure Investment Jobs Act (IIJA)**

- **Dept. of Energy (DOE) [Renew America's Schools Program](#)**

- Renew America's Schools Competitive Grant: \$500 million over 5 yrs.
 - 1st round: \$178 million in grants awarded in 2023.
 - **2nd round OPEN – Apply by June 13:** Prize-to-cooperative agreement funding model; more streamlined to help LEAs and provide targeted support. \$180 million available. [Learn more](#).
 - **Eligible projects:** Those resulting in a direct reduction in school energy costs; leading to improvements in teacher/student health (e.g., IAQ); involving installation of renewable energy technologies or alternative fuel vehicle infrastructure on school grounds; or purchasing or leasing alternative fuel school vehicles. [DOE Informational Webinar:](#) April 24, 1 PM (ET).
- Energy Class Prize: \$4.5 million awarded in 2023. Helps LEAs build capacity for energy management in schools and prepare to make energy-infrastructure upgrades.

- **Environmental Protection Agency (EPA) [Clean School Bus Program](#)**

- Competitive grants/rebates depending on the award cycle; \$5 billion over 5 yrs. Over \$2 billion disbursed so far; another \$500 million will be disbursed to awardees this year. (Most recent cycle closed Feb 2024.)
 - For modernizing fleets with clean/low and zero-emission models. Includes electric, liquified natural gas, compressed natural gas, hydrogen, propane, or biofuels vehicles. Includes the cost of the bus, purchasing/installing EV equipment infrastructure, and workforce training.

Infrastructure Safety: FEMA & EPA

- **Jan. 30, 2024 [FEMA Guidance](#):**

- For Public Assistance (PA), Building Resilient Infrastructure and Communities (BRIC) Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Programs (HMGP)
- For disasters declared after Aug 16, 2022: Funding for net-zero buildings tied to disaster recovery or mitigation is allowable for [eligible projects](#), even if the costs are more than traditional building methods, so long as they're "cost-effective". Aligns FEMA assistance programs with the IRA to incentivize more energy-efficient/net-zero projects.

- **EPA: Drinking Water Regulations**

- **For Lead & Copper Improvements (LCRI) [Proposed Rule](#)**: Require Community Water Systems (CWS) to test for lead in all elementary schools once every 5 years and share the results of lead testing with the district. Secondary systems could also be tested for lead. There is no mandate to remediate lead (aside from what may be required by State law).
- **For Per- and Polyfluoroalkyl Substances (PFAS) [Final Rule](#)**: First-ever enforceable limit on "forever chemicals." Will impact districts that operate a non-transient, non-community water system (NTNCWS).
 - CA, IN, ME, MD, NJ, NY, PA, VA, and WI have a larger number of these systems.
 - Requires initial monitoring for PFAS by 2027 and ongoing monitoring after; must publicly share PFAS levels in water beginning in 2027. Have 5 years (by 2029) to implement solutions to reduce PFAS levels if they exceed Maximum Contaminant Levels (MCLs). Beginning in 2029, systems that have PFAS violations must take action to reduce them and notify the public of the violation.

Connectivity & Cybersecurity

- **Emergency Connectivity Fund (ECF)**
 - Authorized by the American Rescue Plan (ARP). No extra funding for FY24, not in the FY25 POTUS budget. Spending caps limit possibilities for additional investments.
 - Funding only available for purchasing eligible equipment/services by June 30, 2024 (sunset).
- **FCC “Learn Without Limits” Initiative**
 - Cat. 1 E-Rate funds may now be used to support [Wi-Fi services on school buses](#) (effective FY24).
 - (Pending) Proposal to allow E-Rate to support Wi-Fi hotspots off-premises, so schools/libraries can check them out to students/patrons to address home connectivity needs.
 - ASBO/AASA and others submitted comments in support.
 - (Pending) Proposal to create a \$200 million 3-yr. K-12 cybersecurity pilot program for schools and libraries (funded under the Universal Service Fund [USF], but separate from E-Rate).
 - ASBO/AASA and others [submitted comments](#) in support.
- **Congressional & Supreme Court Activity**
 - [S. 3074](#): Eyes on the Board Act
 - Circuit cases questioning the constitutionality of the USAC (administers the USF).

Student Data Privacy & EdTech

- **AASA/ASBO are members of the Federal Education Privacy Coalition (FEPC)**

- Relevant laws: Family Educational Rights and Privacy Act (FERPA), Children's Online Privacy Protection Act (COPPA), Children's Internet Protection Act (CIPA), Protection of Pupil Rights Amendment (PPRA), Kids Online Safety Act (KOSA), and Health Insurance Portability and Accountability Act (HIPAA).
- Policy changes are coming from the legislative branch (KOSA and COPPA 2.0) and the executive branch (USED FERPA and FTC COPPA regulations)

- **FTC COPPA NPRM: AASA/ASBO & FEPC Submitted Comments on March 11**

- COPPA applies to operators of commercial websites, online services, and apps directed to children <13 yrs. old. Companies subject to COPPA must get parental consent before collecting personal data from children, but in some circumstances, a school may consent on parents' behalf. The FTC proposal would bring several changes for operators/companies and schools:
 - Schools can authorize data collection for educational purposes. Edtech vendors can't use personal information collected in school to develop/improve other unrelated products.
 - Operators must implement a security program and data retention policy, provide more transparency, and obtain separate parental consent before disclosing information.
 - NPRM better aligns COPPA with the FERPA, providing clarity for both vendors and schools.

- **COPPA 2.0**

- Bipartisan bill to be introduced by Sens. Markey, Cassidy, Cantwell, and Cruz. AASA/ASBO endorsed.
- Codifies changes into law that align with FTC COPPA regulatory action and our comments on the NPRM.
 - Expands coverage under the law from children under 13 years of age to children through age 16, so internet companies are prohibited from collecting personal information without their consent.
 - Bans targeted advertising to children and teens.
 - Revises COPPA's "actual knowledge" standard to close the loophole that allows covered platforms to ignore kids and teens on their site.
 - Creates an "Eraser Button" by requiring companies to permit users to eliminate personal information from a child or teen when technologically feasible.
 - Establishes data minimization rules to prohibit the excessive collection of children and teens' data.

- **Proposal to update Kids Online Safety Act (KOSA)**

- Bipartisan bill S. 1409 sponsored by Sens. Blumenthal and Blackburn. House bill to be introduced soon.
- Concerns about Senate bill draft as currently written. Equity concerns when opt-out provisions don't differentiate b/w technology for school/educational settings vs. general online gaming, causing unequal access to learning and assessment tools for students within the same classroom.

- **What about AI?**

- Leadership on formal policy is coming from the states. Federal policy conversations are broader than AI's impact on schools and children. We're engaged on the federal role of providing supportive rather than punitive guardrails/direction.

- **USDA Proposal to Update Meal Standards for NSLP, SBP, CACFP, and Special Milk Programs**
 - **Final rule coming April 2024.**
 - [Proposed rule](#): Implementation starts SY 2024-2025, phasing in stricter requirements through SY 2029-2030
 - **New limits on ADDED sugars:** Starts w/ limits on certain products, eventually limits added sugars across the weekly menu.
 - **Milk:** Might only allow flavored options for grades 9-12 only (milk is subject to new added sugar limits).
 - **Sodium:** Phased-in reduction, 10% decrease every 2 yrs. (Two reductions in 2025 & 2027 for breakfast, and three reductions for lunch in 2025, 2027, 2029.)
 - **Grains:** Might allow flexibility in how schools calculate/meet the 80% whole grain-rich requirement.
- **FY24 Funding: Consolidated Appropriations Act: \$33.266B for Nutrition (+\$4.7B from FY23)**
 - **Passed on 3/8. Includes provisions that may affect USDA's meal pattern rulemaking:**
 - Requires USDA to allow schools to offer low-fat or fat-free flavored milk to grades K-12 in NSLP/SBP, kids 6 yrs. and up in CACFP, and for any other programs complying with requirements under the rule.
 - Requires current sodium limits (Target 1A) to remain the same until the end of SY 2026–2027. Any rulemaking to further restrict limits can't exceed "Target 2" levels as declared in USDA's 2012 final rule.
 - School food equipment grants only funded at \$10 million for FY24, compared to \$30 million in FY23.

• Medicaid in Schools: Engage with Your State

• Unwinding is happening.

- 3.8 million kids have lost Medicaid coverage. ASBO is partnering w/ AASA to [disseminate a toolkit](#) for school districts to help inform families.

• 25 states have taken steps to let LEAs get reimbursed for healthcare services beyond the IEP/IDEA services.

- [\\$50 million grant competition](#) for 20 states to further expand, closed March 25.

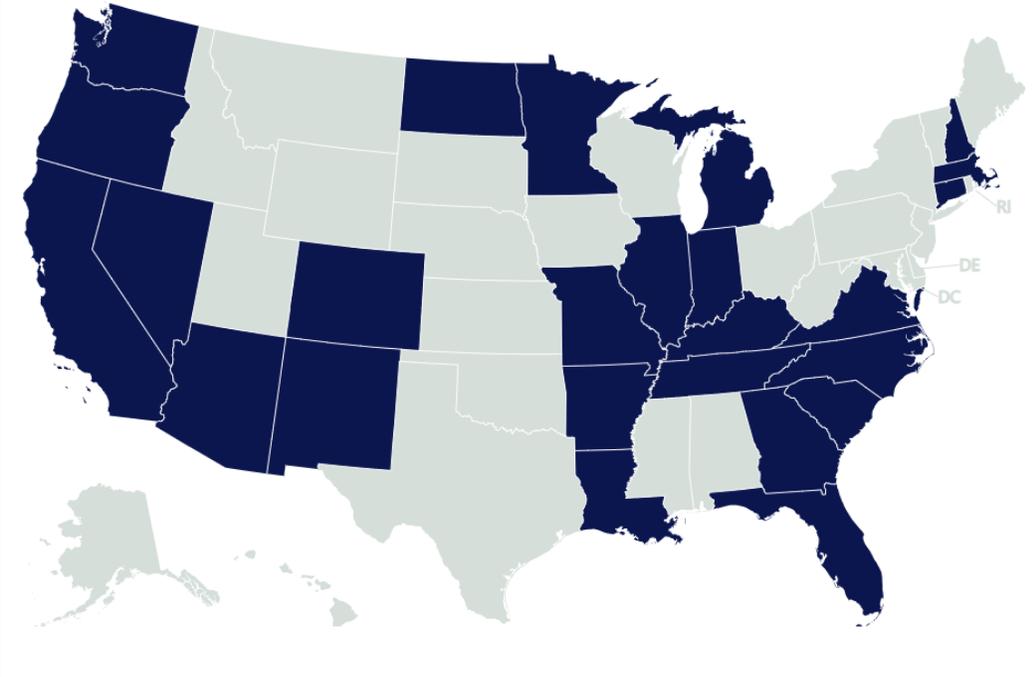
• FY25 POTUS Budget:

- [USED released a one-pager](#) promoting school-based Medicaid program (\$4-6 billion goes to LEAs annually).

Has examples of how states that expanded their school-based service programs have seen increased revenues that they could then reinvest in healthcare service delivery in LEAs.

- Proposes “new suite of efforts to further the reach and impact of school-based services through Medicaid, in order to bring crucial physical, mental, and behavioral health services to schools to meet the needs of students through routine health screenings, preventive care, physical, speech language, and occupational therapies, and more.”

- **Resource:** [2023 Medicaid Claiming Guide for Schools](#)



- **Creating Access and Resources in Education (CARE) for Student Mental Health Act**

- **March 21: Bipartisan bill introduced by Sens. Cornyn, Tillis, Hassan, Tester, and Sinema. Would help states and districts enhance student mental health supports and school safety by improving two USED mental health competitive grant programs:**
 - School-Based Mental Health Program (SBMHP)
 - Strengthening the Pipeline of School Mental Health Professionals Program (SMHPP) [formerly known as the Mental Health Service Professional Demonstration Grant or MHSP]
- Clarifies the distinction, purpose, and allowable activities of each grant program to help eligible LEAs determine which grant best meets their needs.
- Requires USED to improve notification and technical assistance for potential grantees to enable more LEAs with limited administrative capacity to apply and compete for these grants
- Authorizes and streamlines the SMHPP which supports partnerships between Institutions of Higher Education and LEAs to increase the number of properly trained school-based mental health professionals
- Authorizes the SBMHP that assists high-need LEAs to recruit, hire, and retain school-based mental health personnel for students to remain healthy, engaged, and safe at school.
- Related to AASA's [Greenlight Grants Initiative](#)

- **FY 24 Funding = \$74 million**

- **AASA/ASBO Advocacy for FY25 = Seeking \$250 million**

Labor Issues

- **DOL Final Rule: Employee or Independent Contractor Classification (Effective 3/11/24)**

- Likely to result in more contractors being classified as employees under the Fair Labor Standards Act (FLSA). Employers must consider 6 factors (see [ASBO/American Fidelity blog](#) for more info).
 - Opportunities for profit or loss
 - Financial stakes and resources a worker has invested in the work
 - Degree of permanence of the work relationship
 - Degree of control the employer has over the person's work
 - Whether the work is essential to the employer's business
 - The worker's skill and initiative

- **DOL Proposal to Update Overtime (OT) Rules under FLSA – Final rule expected April 2024**

- Would raise salary threshold for employees to be exempt from OT from \$35,568 to \$55,068 (or \$1,059 weekly), and updates automatically every 3 years.
 - Most K-12 teachers/admins exempt. However, some staff (e.g., school nurses, athletic trainers, librarians, bus drivers, cafeteria workers, custodial staff, some clerks/aides, etc.) and part-time employees could be eligible. Districts may need to reassess how they classify/compensate staff.
- [ASBO/AASA/PPWO Letter](#): Support H.R. 7367 “Overtime Flexibility Act” which would prohibit DOL from finalizing, implementing, or enforcing the rule.

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- **Advocacy Resources**
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ASBO Advocacy Resources

- Federal advocacy priorities, talking points, and more: asbointl.org/advocacy
 - [2023-24 U.S. Legislative Agenda](#) (2024-25 priorities coming soon!)
 - [ASBO's 2023 ESSER Survey Summary](#)
- [Global School Business Network](#)
 - All Members & Legislative Affairs Communities
- Social Media (Twitter/X)
 - [@ASBOIntl](#) (Main) and [@ASBOUSA](#) (Advocacy)
- Federal updates & advocacy courses on [ASBO Learn](#)
 - [SBO Advocacy Bundle](#) – Learn how to be an effective advocate on state and federal education issues.
- *School Business Insider* ([podcast](#))
 - Episodes on ESSER, advocacy, and other school business topics.



ASBO INTERNATIONAL
U.S. LEGISLATIVE
AGENDA 2023-2024

- Education Funding
- School Infrastructure & Safety
- Child Nutrition
- Health Care & Labor

Legislative Advisory Committee (LAC)



LAC Members at the
2023 AASA/ASBO
Legislative Advocacy Conference

Chair: Anthony Dragona, Ed.D., RSBA, Union City Public Schools, NJ

Vice Chair: Trisha Schock, SFO, North Central ESD 171, WA

Practitioners:

- Ryan Pendleton, ESC of Northeast Ohio, OH
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- Jordan Ely, MBA, SFO, Northwest Regional ESD, OR
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- Christopher Smith, Katy Independent School District, TX

Legal/Legislative Experts:

- Valentina Viletto, Esq., AESA, CA
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