



NHSAA

FEDERAL EDUCATION UPDATE

CHRIS ROGERS

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EDUCATION POLICY 101

- AASA Advocacy engages all three levels of the federal government
 - Legislative
 - H.R.6074 - Coronavirus Preparedness and Response Supplemental Appropriations Act
 - H.R.6201 - Families First Coronavirus Response Act
 - H.R. 266 - \$484B Interim Economic Relief Deal
 - H.R.748 - CARES Act
 - H.R. 6800 - The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act
 - E-Rate Call-to-Action
 - Judicial
 - Espinoza v. Montana Department of Revenue
 - DACA
 - Executive
 - Equitable Services Call-to-Action
 - USDA Mealtime Waivers
 - Title IX Regulations

H.R.6074 - CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT

- **Background:** H.R.6074 – the Coronavirus Preparedness and Response Supplemental Appropriations Act – was signed into law on March 6, 2020. Specifically, the bipartisan measure provided \$8.3 billion in emergency aid to the Dept. of Health and Human Services, State, and Centers for Disease Control to fund the following activities:
 - Developing, manufacturing, and procuring vaccines and other medical supplies;
 - Grants for state, local, and tribal public health agencies and organizations; and
 - Loans for affected small businesses;
- **Takeaways:** Although this bill was far from the largest measure to come out of Congress for the past few month, the act does represent a turning point in when the federal government began seriously responding to this issue.

H.R.6201 - FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Background: H.R.6074 – the Families First Coronavirus Response Act – was signed into law on March 18, 2020. The bill passed with strong bipartisan support and assists state and local agencies by promoting food security for low-income individuals, giving paid leave to some workers, increasing funding for unemployment insurance, and establishing free testing for COVID-19.

- **Nutrition:** The bill grants the U.S. Department of Agriculture (USDA) authority to issue nationwide waivers that (1) can increase programmatic costs; (2) allow districts to forgo meal pattern feeding requirements; (3) permit non-congregate feeding sites; and (4) temporarily waive accountability/reporting requirements associated the federal school meal programs.
- **Unemployment:** Under the law, school employees would be entitled to an initial 10 days of unpaid sick leave if they are impacted by the coronavirus. This would be followed by paid leave equal to at least two-thirds of their normal pay. There are caps on the paid leave of \$200 per day and \$10,000 in the aggregate.

S.3548 - CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT

Background: H.R.6074 – the(CARES) Act – was signed into law on March 27, 2020. The \$2T package was passed with bipartisan support and earmarks \$13.5 billion for K-12 schools, \$14.25 billion for higher education, and \$3 billion for governors to use at their discretion to assist K-12 and higher education institutions impacted by Coronavirus. Four grant programs were created by the CARES Act: (1) Education Stabilization Fund Discretionary Grants; (2) Governor’s Emergency Education Relief Fund; (3) Elementary and Secondary School Emergency Relief Fund; and (4) Higher Education Emergency Relief Fund.

Specific to \$13.2 billion for K-12 in the CARES Act, The money must be spent by September 2021. Once the funds are out here is how you can use them:

- Any activity authorized in ESSA, IDEA and Perkins CTE
- To coordinate with public health departments to prevent, prepare and respond to COVID-19
- To address the unique needs of low-income students, students with disabilities, English-learners, racial and ethnic minorities, homeless and foster care youth
- PD for staff on sanitation and minimizing spread of pandemic and purchasing supplies to clean and sanitize buildings
- Planning for and coordinating long-term closures including how to do meal services, how to provide tech/online learning, how to carry out IDEA, etc.
- Providing mental health services/supports
- Planning and implementing activities related to summer learning and afterschool programs, including providing classroom instruction or online learning during the summer months, and addressing the needs of vulnerable children
- Any other activity necessary to maintain the operation and continuity to employ existing staff

S.3548 - CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT CONTINUED

Beyond K-12, the bill provides:

- \$15.5 billion for the Supplemental Nutritional Assistance Program;
- \$8.8 billion for Child Nutrition Programs to help ensure students receive meals when school is not in session;
- \$3.5 billion for Child Care and Development Block Grants, which provide child-care subsidies to low-income families and can be used to augment state and local systems;
- \$750 million for Head Start early-education programs;
- \$100 million in Project SERV grants to help clean and disinfect schools, and provide support for mental health services and distance learning;
- \$69 million for schools funded by the Bureau of Indian Education; and
- \$5 million for health departments to provide guidance on cleaning and disinfecting schools and day-care facilities.

Table 3. Estimated State Grants Based on Draft Language for an Elementary and Secondary School Emergency Relief Fund

Dollars in thousands

State	Estimated Grant Amount	Percentage Share of Total Funds Available for State Grants
Alabama	\$216,948	1.64%
Alaska	\$38,408	0.29%
Arizona	\$277,423	2.10%
Arkansas	\$128,759	0.97%
California	\$1,647,306	12.45%
Colorado	\$120,994	0.91%
Connecticut	\$111,068	0.84%
Delaware	\$43,493	0.33%
District of Columbia	\$42,006	0.32%
Florida	\$770,248	5.82%
Georgia	\$457,170	3.46%
Hawaii	\$43,385	0.33%
Idaho	\$47,855	0.36%
Illinois	\$569,467	4.30%
Indiana	\$214,473	1.62%

State	Estimated Grant Amount	Percentage Share of Total Funds Available for State Grants
Iowa	\$71,626	0.54%
Kansas	\$84,529	0.64%
Kentucky	\$193,187	1.46%
Louisiana	\$286,980	2.17%
Maine	\$43,793	0.33%
Maryland	\$207,834	1.57%
Massachusetts	\$214,894	1.62%
Michigan	\$389,797	2.95%
Minnesota	\$140,137	1.06%
Mississippi	\$169,883	1.28%
Missouri	\$208,443	1.58%
Montana	\$41,295	0.31%
Nebraska	\$65,085	0.49%
Nevada	\$117,185	0.89%
New Hampshire	\$37,641	0.28%
New Jersey	\$310,371	2.35%
New Mexico	\$108,575	0.82%
New York	\$1,037,046	7.84%
North Carolina	\$396,312	3.00%
North Dakota	\$33,298	0.25%
Ohio	\$489,205	3.70%
Oklahoma	\$160,950	1.22%
Oregon	\$121,099	0.92%
Pennsylvania	\$523,807	3.96%
Puerto Rico	\$349,113	2.64%
Rhode Island	\$46,350	0.35%
South Carolina	\$216,311	1.64%
South Dakota	\$41,295	0.31%
Tennessee	\$259,891	1.96%
Texas	\$1,285,886	9.72%
Utah	\$67,822	0.51%
Vermont	\$31,148	0.24%
Virginia	\$238,599	1.80%
Washington	\$216,892	1.64%
West Virginia	\$86,640	0.65%

State	Estimated Grant Amount	Percentage Share of Total Funds Available for State Grants
Wisconsin	\$174,778	1.32%
Wyoming	\$32,563	0.25%
Total appropriation	\$13,229,265	100.00%

⁵ The requirement to determine state grants with no hold harmless provisions applied is in Section 1122(c)(3) of the ESEA. For more information on Title I-A formulas, see CRS Report R44461, *Allocation of Funds Under Title I-A of the Elementary and Secondary Education Act*.

S.3548 - STATE-BY-STATE ESTIMATES OF ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

S.3548 - STATE-BY-STATE ESTIMATES OF GOVERNOR'S EMERGENCY RELIEF FUND

Table 2. Estimated State Grants Based on Draft Language for a Governor's Emergency Education Relief Fund

Dollars in thousands

State	Estimated Grant Amount	Percentage Share of Total Funds Available for State Grants
Alabama	\$48,907	1.66%
Alaska	\$6,376	0.22%
Arizona	\$69,248	2.34%
Arkansas	\$30,722	1.04%
California	\$354,923	12.02%
Colorado	\$43,904	1.49%
Connecticut	\$27,927	0.95%
Delaware	\$7,920	0.27%
District of Columbia	\$5,808	0.20%
Florida	\$173,674	5.88%
Georgia	\$105,448	3.57%
Hawaii	\$9,704	0.33%
Idaho	\$15,709	0.53%
Illinois	\$108,521	3.67%
Indiana	\$61,782	2.09%
Iowa	\$26,304	0.89%
Kansas	\$26,181	0.89%
Kentucky	\$43,795	1.48%
Louisiana	\$50,305	1.70%
Maine	\$9,301	0.31%
Maryland	\$45,681	1.55%
Massachusetts	\$51,011	1.73%
Michigan	\$89,700	3.04%
Minnesota	\$43,581	1.48%

State	Estimated Grant Amount	Percentage Share of Total Funds Available for State Grants
Mississippi	\$34,653	1.17%
Missouri	\$54,620	1.85%
Montana	\$8,765	0.30%
Nebraska	\$16,380	0.55%
Nevada	\$26,503	0.90%
New Hampshire	\$8,921	0.30%
New Jersey	\$69,051	2.34%
New Mexico	\$22,243	0.75%
New York	\$164,600	5.57%
North Carolina	\$94,989	3.22%
North Dakota	\$5,894	0.20%
Ohio	\$105,212	3.56%
Oklahoma	\$39,857	1.35%
Oregon	\$32,609	1.10%
Pennsylvania	\$104,743	3.55%
Puerto Rico	\$47,896	1.62%
Rhode Island	\$8,709	0.29%
South Carolina	\$48,157	1.63%
South Dakota	\$7,946	0.27%
Tennessee	\$63,614	2.15%
Texas	\$306,930	10.39%
Utah	\$29,282	0.99%
Vermont	\$4,504	0.15%
Virginia	\$66,331	2.25%
Washington	\$56,598	1.92%
West Virginia	\$16,398	0.56%
Wisconsin	\$46,699	1.58%
Wyoming	\$4,693	0.16%
Total appropriation	\$2,953,230	100.00%

Source: Table prepared by GAO based on draft legislation provided by the U.S. Department of Education. Budget

NEW RESOURCE: AASA & ASBO FAQs

Since the start of the pandemic, AASA and the Association of School Business Officials (ASBO) International have worked to collect and respond to the variety of questions we have received about the COVID-19 pandemic, the federal response, and what it means for schools in terms of implementation and compliance. To broadly disseminate this intelligence to our members, we have created this [Frequently Asked Questions \(FAQ\) document](#) to cover all your COVID education policy needs.

- Specifically, the resource overviews COVID questions that relate to School Nutrition, ESSA, IDEA, CARES Act Funding, and school procurement, HR, and employee benefits. You can access the FAQ document by clicking [here](#). Additionally, please continue to submit your questions through our ongoing webinars or directly to staff (Elleka Yost eyost@asbointl.org and Noelle Ellerson Ng nellerson@aasa.org).

NEW RESOURCE: AASA & ASBO FAQs

AASA—The School Superintendents Association and the Association of School Business Officials International (ASBO) have worked up [estimates of how much it will cost for districts to implement the cleaning and safety steps recommended by the CDC to combat Covid-19.](#)

Specifically, the average school district (defined for this purpose as 3,659 students, 8 school buildings, 183 classrooms, 329 staff members and 40 buses transporting at 25% capacity), will have to spend an additional \$1,778,139 to follow safety protocols needed to bring students back into classrooms). This cost was calculated based on the following costs:

1. Health monitoring, cleaning and disinfecting
2. Additional staff to carry out health and safety protocols
3. Personal Protective Equipment
4. Providing transportation and childcare

S.3548 - CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT EQUITABLE SERVICES PROVISION

On April 1, the U.S. Dept. of Ed issued [guidance on the provision of equitable services](#) (ES) that is required under the \$13.5B in CARES funding. Specifically, the department is doubling down on its flawed interpretation that private schools would be able to count all students, not just low-income students, in determining the share of CARES funding for equitable services.

- USED's decision to not distribute equitable service on be based on poverty (Title I-A) – and instead, use a broader, all-encompassing enrollment count – will disproportionately funnel more resources to private schools regardless of need and to undercut the dollars going to public schools through CARES. The net effect of this change will mean that high poverty students in public schools will be generating funds for wealthy students in private schools
- To help WASA engage on this important issue, AASA has created a quick and concise [template](#) for our members to message with Congress about how the flawed interpretation's will circumvent dollars from public schools. All you need to complete the [template email](#) is your name, district name, and the percentage of your district's FY19 (2019-20 school year) Title I and Title II set asides for equitable services. To submit your comments to Congress, please reach out to either your state association, or me at crogers@aasa.org.

H.R. 266 - \$484B 'INTERIM' ECONOMIC RELIEF DEAL RELEASED

- **Overview:** On April 24, 2020 the Senate passed [H.R. 266](#) – commonly referred to as COVID 4 – by unanimous consent. Specifically, the measure includes \$321 billion for the Paycheck Protection Program (PPP), which includes \$122 billion targeted to the Small Business Administration (SBA) for programs associated with smaller banks, rural business, minority and women-owned businesses, disaster loans, and the emergency economic injury grants program. Additionally, the bill appropriates \$75 billion for hospitals, and \$25 billion for COVID-19 testing.
- **Takeaway:** In response to the passage of the bill, AASA requested the following funding priorities in the next stimulus package:
 - \$175 billion for K12 education at the state level;
 - \$13 billion for IDEA;
 - \$12 billion for Title I;
 - \$2 billion in funding to the E-rate program; and
 - Payroll tax credit for “emergency paid leave” for our school employees impacted by COVID-19

H.R. 6800 - THE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

Background: Last month, House Democrats introduced and passed H.R.6800 – the (HEROES) Act. Overall, the HEROES Act exceeds over \$3 trillion in aid, and is scheduled for a vote in the House later this week.

As an overview of the legislation, the proposal would allocate \$1 trillion for states and local governments, and \$10 billion to the small business grants program. Furthermore, the bill would send another round of direct checks to Americans and extend the additional \$600 a week in enhanced unemployment benefits past July. Additionally, \$175 billion would go to health care providers to reimburse them for coronavirus-related expenses and lost revenue, and support testing efforts. The bill also allocates \$100 billion for an Emergency Rental Assistance program that would provide funding to states, territories, counties, and cities to help renters pay rent and utility bills during the pandemic.

For education, HEROES calls for \$90 billion in grants to governors to distribute among K-12 schools and public colleges to deal with the coronavirus pandemic. The breakdown of HEROS education funding is listed below:

- **\$58 billion for K12 LEAs;**
- **\$27 billion for public institutions of higher education;**
- **\$4 billion for governors to support K12, higher education and related activities; and**
- **\$5 billion for activities related to closing the digital Homework Gap by funding Wi-Fi hotspots and other connected devices. These connectivity services would be administered through the FCC E-rate program, though our understanding is that appropriators are capping E-rate at \$1.5 billion.**

H.R. 6800 - THE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

- **Equity for Recovery Rebates:** The bill includes next round of direct stimulus payments establishes payments that are equal for adults and children.
- **Expanded CTC, EITC, and CDCTC:** The bill would make the Child Tax Credit (CTC) fully refundable in tax year 2020 and also would raise the amount of the credit to \$3,000 per child and \$3,600 per child under the age of 6. The Earned Income Tax Credit (EITC) would be expanded for childless workers by reducing the age of eligibility from 25 to 19
- **Increased Medicaid FMAP:** The bill increases Federal Medical Assistance Percentage (FMAP) payments to state Medicaid programs by 14 percentage points through June 30, 2021.
- **Expanded Housing Assistance:** The bill includes an eviction moratorium for a year and requires a 30-day notice of eviction once the moratorium ends.
- **Expanded Nutrition Assistance:** The bill includes \$10 billion for SNAP and increases the benefit level by 15 percent and the minimum SNAP benefit from \$16 to \$30 per month through September 2021. It also provides \$3 billion for child nutrition programs, \$1.1 billion for WIC, and extends the Pandemic Electronic Benefits Transfer (EBT) program through the summer and until schools reopen.
- **Update on 501(c) Organizations:** includes all Section 501(c) organizations in the Paycheck Protection Program (PPP). Any nonprofit with 500 or fewer employees will be able to apply for PPP funds.

H.R. 6800 - THE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

- **Allocation:** HEROES funds would be allocated to states based on two things: 61% based on the state's relative share of the population aged 5-24 and 39% on the state's share of low-income (Title I eligible) children. Of the funds to the governor, 65% must be allocated to LEAs based on their share of Title I funding, and there is no reservation for state departments of education.
- **Use of Funding:** LEAs can use funds for any purpose authorized under ESSA, IDEA, Perkins/CTE, McKinney Vento/homeless Education, and more. Money can be spent until September 30, 2022 and unused funds have to be returned to USED.
- **Requirements on States:** States that receive a portion of HEROES aid would have to commit to maintaining support for schools and colleges and the terms of collective bargaining agreements. States would also be required to provide assurances that students with disabilities are guaranteed their full rights under IDEA. The bill would also prohibit states from using the stimulus money to provide financial assistance to students who attend private K-12 schools, unless the funds are for special education to children with disabilities.
- **Technical Fixes to CARES:** In making technical fixes to CARES, HEROES rescinds ability of USED to allocate grants to states hardest hit by COVID (DeVos had indicated using funds for 'micro-grants', aka vouchers). HEROES also includes language intended to resolve our issue with the deeply flawed equitable services guidance developed by USED. The fix isn't 100% accurate, but a marker for the longer conversation and a step in the right direction.

H.R. 6800 - THE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

- The bill is, at best, a mixed bag. It has some things we like (we appreciate that education is funded) but is baffling in both its overall size (a likely nonstarter in the Senate) and specific to education, how a \$3 trillion bill only has \$60 billion for education and has no flexibility around IDEA. It has good policy provisions related to equitable services and reigning in what DeVos can do related to privatization. We will follow this bill, but in terms of substance, the real tell will be in both what the Senate responds with and when.
- **Looking Ahead:** The House-passed HEROES Act isn't expected to go anywhere in the GOP-controlled Senate, and the chamber still doesn't have a timeline for taking up another round of federal pandemic relief. As of now, Senate Republicans are prioritizing liability protections over pandemic-related suits in the next legislative package. To see state by state allocations for the HEROES Act [click here](#). Full details [on the Leading Edge Blog](#).

H.R. 6800 - THE HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS (HEROES) ACT

Last week, AASA and the [Re]Build America's School Infrastructure Coalition (BASIC) applauded House leaderships' decision to introduce HR2, the Infrastructure and Economic Stimulus package. If the measure passes, the Act will infuse \$100 billion in grants and \$30 billion in bond authority for high-poverty schools that need upgrades to their buildings for safety. Specifically, the measure includes the following provisions: .

1. Allocates funds to states in proportion with the dollars that districts receive under Title I. Additionally, under this provision states must match 10 percent of the funds within 10-years of the act.
2. Includes language that mandates states have a public online database that outlines the condition of all public school facilities in the state.
3. Awards need-based grants to districts based on the poverty level of the school, limitations to raise funds to improve school facilities, and the greatest demonstrated need.
4. Allots fiscal 2020 program dollars for efforts related to reopening schools in line with the Centers for Disease Control and Prevention health guidelines. This money can be used to improve digital learning, including expanding access to high-speed broadband.
5. Prohibits funding for activities related to improving central offices, athletic stadiums, or other buildings that are not primarily used for instruction and for events where admission is charged to the general public.

Looking ahead, the legislation is expected to pass the House before the July 4th recess, but it will likely face opposition from Senate Republicans.

COLLABORATION WITH STAND FOR CHILDREN

Background: Last week, AASA, Stand for Children, and AFT partnered to launch the [Protect Public Education campaign](#), which is focused on getting parents and superintendents to message with Congress about the importance of ensuring the next COVID-19 relief package includes \$200 billion in Education Stabilization funding needed to prevent layoffs and the \$4 billion through the E-Rate program needed to ensure all students can learn from home. You can access the call-to-action by clicking [here](#).

AASA URGES CONGRESS TO BLOCK EMERGENCY FUNDS FOR PRIVATE SCHOOLS

Background: This week, AASA and the National Coalition for Public schools penned a letter with more than a dozen organizations urging Congress to include language in the HEROES Act, [H.R. 6800 \(116\)](#), that would block emergency funds from being used for private school voucher programs. Specifically, the groups highlighted that:

- “This unprecedented pandemic should not be exploited to promote unaccountable, inequitable, and ineffective private school vouchers or otherwise divert public funding for private schools. We urge you to support every effort to prevent funding for private school vouchers allowing for school privatization into the next COVID-19 relief package.”

Also noteworthy, the [letter](#) criticized Sec. DeVos’ Rethink K-12 Education Models program discretionary grant program, which allows states to offer families “microgrants” for technology and public or private remote learning programs. From our perspective, this program would be rife with accountability problems, and consequently, divert relief funds to unqualified, unaccountable online vendors, which by design, cannot provide the same well-rounded, comprehensive

AASA ANALYSIS OF TITLE IX REGULATION

- Last week, the U.S. Department of Education [released](#) its long-awaited regulations on Title IX. Unless litigation against USED by States is successful in stopping the regulations, these rules must be implemented by districts beginning in August. The final regulations have some important changes from the proposed regulations. Specifically:
 - The regulations allow students in elementary and secondary school can report a Title IX claim to any employee at their school.
 - Schools will be required to ignore all reports of in-school sexual harassment where the student has not yet been "effectively denied" equal access to a school program or activity.
 - If an incident of sexual harassment is "so pervasive" that some employee "should have known" about it (e.g., sexualized graffiti scrawled across lockers that meets the definition of sexual harassment), then a school can be charged with "actual knowledge" of an incident.
 - District can continue investigating Title IX incidents that occur off-campus as long as "the school exercises substantial control over both the respondent and the context in which the sexual harassment occurs."
 - Schools will be required to start an investigation with the presumption that no sexual harassment occurs.
 - Districts must notify all students, parents or legal guardians of elementary and secondary school students and employees, the name, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
 - Districts may still use the preponderance standard but may be forced to use the clear and convincing evidence standard, which would apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty.
 - Districts must offer both parties the right to appeal the decision, may not require the parties to participate in informal resolution, and may not offer informal resolution unless a formal complaint is filed.

USDA SCHOOL NUTRITION WAIVERS (THESE ARE GOOD!)

AASA Advocacy at USDA is Paying Off

- USDA has responded to our request to issue nationwide waivers to help school system leaders continue critical food services during the Pandemic. Thus far, USDA has issued the following nationwide waivers:
 1. [Unexpected School Closures](#): In the early days of the pandemic response FNS provided guidance and flexibility regarding where and how school meals could be served during closures.
 2. [Pandemic EBT](#): FNS is allowing states to provide benefits (similar to SNAP or “food stamps”) to children who normally receive free or reduced-price school meals.
 3. [Nationwide Meal Times Waiver](#): FNS is letting meals be served to kids outside traditional times to maximize flexibility for meal pick-up.
 4. [Nationwide Non-congregate Feeding Waiver](#): FNS is allowing meals to be served in non-group settings to support social distancing.
 5. [Nationwide Afterschool Activity Waiver](#): FNS paused requirements for enrichment activities to accompany afterschool meals & snacks.
 6. [Nationwide Meal Pattern Waiver](#): FNS is giving states the flexibility to serve meals that do not meet meal pattern requirements when needed.
 7. [Nationwide Parent/Guardian Meal Pick-Up Waiver](#): FNS is allowing parents/guardians to pick-up meals and bring them home to their children.
 8. [Nationwide Community Eligibility Provision \(CEP\) Data Waiver](#): FNS is extending CEP election, notification, and reporting and deadlines for school year 2020-21.
 9. [Nationwide Waivers of Child Nutrition Monitoring](#): FNS extended certain administrative deadlines related to CEP because of school closures.
 10. [Area Eligibility Waivers](#): FNS is working with states to increase the availability of meal sites.
 11. [60-Day Reporting Waiver](#): Under its FFCRA authority, FNS is extending the 60-day reporting deadline for all state agencies, school food authorities, and CACFP and SFSP sponsoring organizations for January and February 2020.
 12. [Child Nutrition Q&As](#): Information on child nutrition program flexibilities in response to COVID-19, including authorities as provided through FFCRA.
- **Also noteworthy, all 50 states have been issued an area eligibility waiver to ensure that schools can feed students regardless of FRPL designation**

ESPINOZA V. MONTANA DEPARTMENT OF REVENUE

Context: In 2015, The Montana Legislature enacted a tax credit program that would've diverted millions of dollars to private schools, including religious private schools.

- The program would've allowed taxpayers to receive a tax credit – up to \$150 – in return for donating to a Student Scholarship Organization (SSO). Under the State's constitution, Montana has a no-aid clause, which prohibits public dollars from being used to directly or indirectly fund religious education or training. Therefore, the Department of Revenue chose not to implement the state's first voucher program.
- After a round of appeals in the state's lower courts, the Montana Supreme Court ruled that the voucher program benefited religious private schools, and thus invalidated the entire program. Following this decision, several parents appealed the ruling to the SCOTUS claiming that the state's decision violated Free Exercise, Establishment, and Equal Protection clauses of the U.S. Constitution.

Implications: Considering the Trinity Lutheran Church Vs. Comer ruling and SCOTUS' conservative leaning, it's likely that SCOTUS will rule in favor of Espinoza.

- This has the potential to set a historic precedent that would invalidate many states' no-aid clauses, and thereby open up the flood gates for voucher proponents to expand in states with no-aid provisions. Additionally, the decision could allow private religious institutions to qualify for voucher programs in the states' that currently exclude them as eligible entities.

Next Steps: **SCOTUS decision in June.**

GET INVOLVED, STAY ENGAGED!

- AASA Legislative Team on Twitter
- AASA PEP Talk Podcast
- AASA Policy Blog, The Leading Edge
- Weekly & Monthly Updates
- Websites & Newsletters
 - EdWeek
 - [Politics K12](#)
 - [Morning Education](#) (Politico)
 - [Real Clear Education](#)
 - [Cabinet Report](#)

QUESTIONS?

Noelle Ellerson Ng
nellerson@aasa.org
@Noellerson

Sasha Pudelski
spudelski@aasa.org
@SPudelski

Chris Rogers
crogers@aasa.org
@CXRogers16