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# The Federal Update for September 1, 2023

From: Michael Brustein, Julia Martin, Steven Spillan, Kelly Christiansen

Re: Federal Update

Date: September 1, 2023

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## Legislation and Guidance

### ED Publishes Back to School Guide

The U.S. Department of Education (ED) issued a “back to school” document for States and districts this week as schools across the country welcome students back to the classroom. The document, which centers on the theme of “the Road to Success,” highlights funding from the various stimulus bills, as well as the Bipartisan Safer Communities Act. It lays out four priorities for the coming year: supporting the health and safety of students, school personnel, and families; building school communities and supporting students’ social, emotional, and mental health; accelerating academic achievement; and supporting educator and staff stability and well-being.

Under each of the major priorities, the document provides suggested expenditures, like providing safe transportation and ensuring access to healthy meals, as well as links to existing resources from ED, the Centers for Disease Control and Prevention, the U.S. Department of Health and Human Services, and other agencies that address those topics.

In addition, the webpage links to a “checklist” from ED which the administration says parents can use to ask teachers and school leaders if those programs are in place. They include things like ensuring students have teachers in place, suggesting high-quality tutoring and expanded afterschool programs, providing mental health and wrap-around supports, hosting vaccine clinics, improving ventilation, and increasing family engagement.

The “back to school” resources are [available here](https://sites.ed.gov/backtoschool/).

Author: JCM

### Republican Lawmakers Take Issue with Proposed E-Rate Expansion

Two Republican lawmakers, Senator Ted Cruz (R-TX) and Representative Cathy McMorris Rodgers (R-WA), sent a letter to Federal Communications Commission (FCC) Chairwoman Jessica Rosenworcel last month criticizing the agency’s proposed plan to expand the E-Rate program to provide Wi-Fi on school buses and Wi-Fi hotspot devices that students and parents can borrow.

Cruz and Rodgers argue that the provision of hotspot devices is contrary to the law that authorizes the E-Rate program, which limits the use of funding for “services” only, not devices. They also state that providing Wi-Fi on school buses violates the law’s requirements that services be provided in classrooms and libraries specifically. The lawmakers note that the only time the services have been extended beyond classrooms and libraries was through a temporary COVID-19 relief program, the Emergency Connectivity Fund, which did not amend the law that authorizes E-Rate and expires next summer.

In addition to the prohibitions in the law that the lawmakers say prevent the FCC from implementing the plan, they also say the “plan opens the door to wasteful, duplicative spending” and “duplicates” other federal connectivity programs. Cruz and Rodgers ask that the FCC “rescind this unlawful plan to vastly expand the E-Rate program.”

In her response to the lawmakers, Rosenworcel points to prior times the FCC has used E-Rate funding for off-premises uses, stating that it has been considered allowable “after first finding that the off-premises provision of such services is ‘integral, immediate, and proximate to the education of students or the provision of library services to library patrons, and thus serves an educational purpose.’” Rosenworcel also cites a provision in the underlying law that allows the FCC to “designate additional services” that will benefit schools and libraries. The letter also notes that the law does not define “classrooms” and that learning often occurs outside a traditional classroom in a school building, including at home through remote learning.

Finally, Rosenworcel notes that the concerns raised by Cruz and Rodgers can be addressed through the collection of stakeholder comments on the proposed plan, which was issued as a Notice of Proposed Rulemaking in the *Federal Register* earlier this year.

[The full letter to the FCC Commissioner is available here](https://epe.brightspotcdn.com/2b/ba/bd970f3e4841b380d13bb02da71c/cruz-rodgers-letter-fcc-rosenworcel.pdf). [Rosenworcel’s response to the letter is available here](https://docs.fcc.gov/public/attachments/DOC-396295A2.pdf).

Author: KSC

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