



WASHINGTON WATCH FEDERAL NEWS YOU CAN USE

Here is a quick compilation of pertinent federal information you can use, as well as advocacy activities designed to improve our federal response to the needs of rural public education.

Heroes Act:

Last month, House Democrats introduced and passed the **HEROES Act**, their proposal for the latest emergency supplemental legislative package in response to the COVID pandemic. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act exceeds more than \$3 trillion in aid. The legislation includes \$1 trillion for states and local governments, in addition to \$10 billion in small business grants. The measure would also send another round of direct checks to Americans, and extend enhanced unemployment benefits past July.

For public education, **HEROES** would allocate \$90 billion in grants to governors to distribute among K-12 schools and public colleges to deal with the coronavirus pandemic. \$58 billion of that amount would be available for K12 LEAs, \$27 billion is for public institutions of higher education, and \$4 billion is for governors to support K12, higher education and other related activities.

Looking ahead, the bill is expected to stall in the Senate. As of now, Senate Republicans are prioritizing liability protections for pandemic-related suits in the next legislative package. To see state by state allocations for the HEROES Act [click here](#). Full details are available [on the Leading Edge Blog](#).

Equitable Services:

The U.S. Dept. of Ed is doubling down on their flawed interpretation of the Equitable Services Guidance under **CARES**, a change that would disproportionately shift the share of CARES funding to private schools.

For background, the department's guidance advises local educational agencies to calculate the proportionate share for CARES Act equitable services based on overall enrollment rather than poverty rates. This significantly expands the share of funding available to private schools beyond what they would have gotten under the CARES Act's plain language. Our national advocacy team (the **National Rural Education Advocacy Coalition-NREAC**) has created a quick and concise [template](#) you can use to let your members of Congress see how the flawed interpretation's failure to calculate the private school share based on poverty results in a significant increase in the private school allocation. 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.

This **call to action** is crucial in highlighting for Congress how the changes will result in public

schools losing funding. RSA is deeply concerned with USED's flawed interpretation of the CARES Act's equitable services, and as such, are calling on our member districts to weigh in with Congress to highlight how USED's guidance undermines Congress's goal of targeting CARES Act funds to high-poverty communities.

Title IX Regulations:

The U.S. Dept. of Education has released its long-awaited regulations on Title IX. Unless litigation against the Department by states is successful in stopping the regulations from going into effect, these regulations must be implemented by districts beginning in August. It's also important to note that districts can do more than these regulations require—this is the floor, not the ceiling and state laws may supersede federal Title IX requirements in the regs.

For context, RSA opposed the proposed Title IX regulation in 2019 because we believed Title IX compliance in districts was working relatively well, that the Title IX guidance that was the basis for district policies and practices was generally well-understood and executed and that these proposed regulations were unnecessary, costly and could actually undermine the health and safety of students and their ability to report and seek redress for Title IX violations. The final regulations have some important changes from the proposed regulations. **Specifically:**

- The final regulations allow students in elementary and secondary school to report a Title IX claim to any employee at their school because a district must respond whenever any employee has notice of sexual harassment
- 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. Essentially, the regs mandate that the preponderance standard may be used for informal complaints. The clear and convincing standard would need to be used for all formal complaints.
- 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.

On the whole, there are a few positive changes that do make it easier for students to report and districts to have flexibility in managing a Title IX complaint when compared to the proposed regulations. However, it is also clear that the new regulations will require significant new training of districts, create new processes and requirements for managing Title IX complaints, bind the hands of education officials in addressing sexual harassment that occurs off-school grounds or online and increase the likelihood that students will instead pursue formal litigation against districts because their claims are not taken seriously or because they do not meet the standard required to have their complaint investigated by the district.

Protect Public Education:

NREAC is partnering with AASA, Stand for Children, and AFT 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. Check the link to participate.

New Resource: COVID FAQs:

Since the start of the pandemic, RSA (through NREAC) has 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](#).

Rural Community Resource Hub: Addressing COVID in Rural Communities:

Your RSA is excited to share the **Rural Community Resource Hub**, a collaboration informed by input from rural school leaders across New York and the country. This free resource was developed by Prof. Mara Tieken at Bates College (with input from RSA.) The Rural Community Resource Hub is an open, up-to-date resource designed to help & empower rural community leaders addressing COVID 19. It curates resources for families, students & educators and offers internet-based and also non-internet learning activities for kids.



Use this hyperlink, please: <https://bit.ly/2YeQzCz>

Please stay safe and healthy as you enter this busy and stressful time. Best of luck with your budget votes and elections!