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## President's Comments and Reflections

By **Lois Yukna**  
President, NCESP

Greetings and Happy New Year, NCESP!

I trust and hope you had a wonderful start to the New Year and took some time to rest, reflect, and recharge. I also hope you take great pride in the work we do and the impact we have made in our schools, worksites, and communities.

We continue to make meaningful change for our students and fellow ESPs. In 2023, we must continue to collaborate, increase our visibility, and build a culture of professional excellence and student success in public education.

I am honored by the privilege of serving as your new NCESP president. I began my career over 35 years ago as a school bus driver/safety coordinator. In 2014, I transitioned to the position of attendance officer. Eleven years ago, I became the first ESP president in the 94-year history of my county association, which represents more than 15,600 members. I served two

years as a part-time release president, and in 2020 became a full-time release president.

As I reflect on my union career, my journey has been challenging, yet rewarding. I am a proud ESP member. Through my work, I understand that partnerships are critical to providing great public schools for every student.

Over the last three decades, I have had the extraordinary opportunity to build long-lasting relationships with local and state legislators, engage in and promote relevant professional development opportunities for ESPs, advocate for our members in their careers and advance the profession of ESP members. The training and skills I developed have enabled and empowered me to become an informed public school employee and an active union member and leader. These are some of the benefits of being a member of our union!

NCESP is off to a great start for the New Year! We have experienced several new

(see pg. 2)



**Lois Yukna**  
NCESP President

## NCESP President's Comments & Reflections *(cont. from pg. 1)*

beginnings, including new leadership, new workshop topics, and new opportunities for members to learn, grow, share, and engage with one another. Together, we will continue to build our capacity, grow our membership, cultivate strong relationships, and promote ESP-led initiatives that create high-quality professional development and supports at every stage of the ESP Professional Growth Continuum.

Our mission is to represent and advocate for the interests of our members. NCESP will be working collaboratively with the Center for Governance, NEA's ESP Quality Department, and other NEA departments, to support President's Pringle's vision for safe, just, and equitable schools and continue providing you with leadership and training opportunities, webinars, mentorship, and resources for you and your members.

As I begin this journey as your new NCESP president, I invite you and your colleagues to become a part of this amazing group of educators and leaders.

Please visit [nea.org/ncesp](http://nea.org/ncesp) to join and learn more about who we are and what we do. On our website, you can also show your NCESP pride by purchasing "ESP" pins, "Respect" pins, or a red fleece jacket. Items can be purchased individually or in bulk by contacting me at [ncesp@nea.org](mailto:ncesp@nea.org).

I look forward to working with you this year and I hope to see you in March at the 2023 NEA ESP Conference in Seattle, Washington!

In unity

**Lois Yukna**

*NCESP President* ■



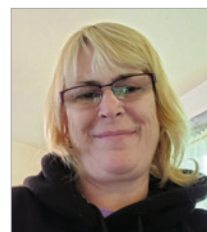
## NCESP Council Leaders



Lois Yukna, NJ  
*President*



Kathy Meltsakos, MA  
*Vice President*



Mary Parrish  
*Treasurer*



Vallerie Fisher, WA  
*Secretary*



Veronica Henderson  
*Mid-Atlantic Region*



Nelly Henjes  
*Southeast Region*



Michael Glabere, WI  
*Mid-West Region*



Bobby Travers, MA  
*Northeast Region*

# 2023 ESP National Conference

## Joy, Justice, Excellence:

The Strength of Educators.

The Brilliance of Students.

The Power of Community.

**March 24–26**

Seattle, WA



EDUCATION SUPPORT PROFESSIONALS



NATIONAL CONFERENCE

The purpose of the NEA ESP National conference is to grow and strengthen the professional excellence of ESP members working in Pre-K to Higher-Ed through Association-convened, educator-led, and student-centered learning experiences. With multiple interactive workshops to choose from over the course of three days, participants enhance their knowledge and skills to advocate for students and educators, champion racial and social justice, build community relationships, strengthen and grow membership, and sustain stronger local associations, helping members excel in their careers and positively impact student success.

### Hotel

Hyatt Regency Seattle

808 Howell St, Seattle, WA 98101

(206) 973-1234

\$189 plus taxes per night

**Reserve your room by Friday, February 24, 2023.**

*Note: If you are attending the conference as an NEA headquarters-funded attendee, you will not need to reserve your own hotel room. Your room will be reserved under the NEA direct bill rooming block. Any reservation made by an NEA headquarters-funded attendee outside of the direct bill rooming block will be at the expense of the attendee. ■*

# NCESP General Membership Meeting Reminders



The NCESP General Membership meeting will be held on March 24, 2023, at the Hyatt Regency Seattle from 1:30 pm–3:30 pm. The room number for the general membership meeting is yet to be determined. You can visit [nea.org/ncesp](https://nea.org/ncesp) or [nea.org/esconference](https://nea.org/esconference) for more information and updates on the conference as they are made available. ■

## 2023 NEA Leadership Summit



The 2023 NEA National Leadership Summit will be held March 10–12 at the Moscone Convention Center in San Francisco, CA. The theme for the 2023 Summit is *Joy, Justice, Excellence: The Strength of Educators. The Brilliance of Students. The Power of Community.* The purpose of the Summit is to develop activist leaders and prepare them with the knowledge, skills, and abilities (KSAs) necessary to lead relevant, thriving associations and to lead in their professions. The National Leadership Summit is designed to support experiential learning that provides opportunities for NEA members and leaders to develop the knowledge and skills articulated in the NEA Leadership Competency Framework.

The Summit is for NEA members and leaders, regardless of experience level, membership type, or profession/career. ■

# NCESP Open Seats!

## Are you ready to run?

In accordance with Article VIII – Elections Procedures, Balloting, and Recommendations, candidates for NCESP office will be elected at the meeting held in conjunction with the NEA Representative Assembly in Orlando, Florida. Any candidate who has completed the council's officer and regional director candidacy form (found at [nea.org/ncesp](http://nea.org/ncesp)) by May 1, has all documents verified by the election chair, and has been an active member of NCESP for one year prior to the May 1 deadline, shall be eligible to run for office.

The candidacy form must be sent to [ncesp@nea.org](mailto:ncesp@nea.org) by May 1. An NCESP member must formally nominate all candidates running for office during the General Membership meeting prior to the NEA Representative Assembly. You can find the Constitution and Elections procedures at [nea.org/ncesp](http://nea.org/ncesp).

The following seats will be open this year:

1. NCESP Vice President
2. NCESP Treasurer
3. NCESP Mid-Atlantic Regional Director
4. NCESP Western Regional Director
5. NCESP Pacific Regional Director

## 2023 Constitution and Bylaw Amendment Submissions

Article IX, Section 2 of the NCESP Constitution and Bylaws states that all Constitution and Bylaw changes must be submitted to the President of NCESP by May 1. All proposed changes will be considered and voted on by the NCESP membership at the meeting in conjunction with the NEA Representative Assembly this year in July. ■





# NCESP News from the NCESP Council



By **Kathy Meltsakos**  
Interim vice president, NCESP

Warm greetings from Massachusetts NCESP members! On August 31st I was honored to be appointed as your Interim vice president. One of the first tasks I had was to reach out to all the folks who ordered our 25th Anniversary red fleece jackets at the March NEA ESP Conference. We wanted to make sure all the folks who ordered jackets received them. I was able to reach most of the folks on the list and they are all staying warm! Currently, we are working on membership retention and recruitment and encourage you to reach out to your regional director or me using this link: (<https://www.nea.org/national-council-education-support-professionals-leadership>) if you need any assistance. You can find this by using this link:

[www.nea.org/ncesp](https://www.nea.org/ncesp) and scrolling down to membership or by clicking on this link: <https://web.cvent.com/event/671d26da-d07f-407c-a5be-2068388349c1/regProcessStep1>

Massachusetts made history in the midterm elections. We now have four females in top leadership positions. We have the first female and openly gay Governor-elect, as well as a female Lt. Governor. We also elected our first Black female Attorney General and we re-elected a female Treasurer. We also passed some important ballot questions including a “millionaire’s tax.” If someone makes more than a million dollars a year, they will pay an additional income tax. This money will be dedicated to public schools and transportation. ■

## News and Highlights from ESP Quality Department

*ESPs: Supporting Our Own Through Peer Mentoring*, The National Education Association recognizes the vital role Education Support Professionals (ESPs) play in ensuring a great public school for every student. That is why we’re providing members and affiliates the tools and knowledge necessary to build their own unique ESP peer mentoring programs. Through peer mentoring, ESPs can receive the specialized, targeted workplace preparation and support that empowers ESPs in the workplace, advances their professional excellence, and builds the education systems that all our students and educators deserve.

We’re excited to launch *ESPs: Supporting Our Own Through Peer Mentoring*, an online opportunity that will guide affiliates and members through building a strong mentoring program for ESPs. This free learning path comprises four online courses that participants may take as an individual or with a team through NEA’s *Professional Excellence Portal*.

Get an overview of this learning path on our website and share this opportunity with your colleagues!

If you have any questions, contact [ESPMentoring@nea.org](mailto:ESPMentoring@nea.org). ■

# ESP and School Support Staff Family Leave Act!

Below you will find information of importance to all Education Support Professionals. Please review the bill and I urge you to make contact with your Senators and House of Representatives to sign on as co-sponsors to this bill.

Senator Duckworth and US Representative Sean Casten reintroduced the bipartisan ESP and School Support Staff Family Leave Act to help expand the FMLA and ensure it covers the 2.7 million education support professionals (ESPs) who are currently blocked from accessing FMLA benefits.

Education support professionals shouldn't have to choose between taking care of themselves and their loved ones, or holding onto their jobs. Many education support professionals are not eligible for unpaid leave under the Family and Medical Leave Act (FMLA) due to the law's provisions. The ESP Family Leave Act would provide ESPs with access to the same FMLA protections that other working families receive.

Below is the legislation:

## ESP AND SCHOOL SUPPORT STAFF FAMILY LEAVE ACT

### BACKGROUND

Many Americans know from experience that workers need policies that help them address life's most important responsibilities, such as caring for a newborn child, recovering from an injury or illness or assisting a sick family member. The Family and Medical Leave Act of 1993 took a step forward, guaranteeing a segment of the workforce unpaid leave. However, on the 30th anniversary of the FMLA's passage and with growing consensus on the need for paid leave,

FMLA still fails to cover over 40 percent of workers, including many education support professionals (ESPs) who are integral to students and schools across America.

### WHO ARE ESPs?

There are over 2.7 million ESPs across the country working in public schools and colleges. ESPs include clerical support professionals, maintenance workers, janitorial staff, food service employees and bus drivers, among others. One out of every three public school employees is an ESP, but because of their schedules and the limited school year, many fail to meet the 1,250 hour threshold needed to qualify for FMLA benefits. This gap in Federal law means that many of those we entrust to help feed, transport or teach our students are unable to access basic leave benefits without risk of losing their job.

### THE ESP AND SCHOOL SUPPORT STAFF FAMILY LEAVE ACT

The ESP and School Support Staff Family Leave Act would modify the FMLA to create a new hours of service threshold specifically for ESPs, similar to the provision enacted for airline crews. An ESP would qualify for FMLA benefits if – during the previous school year – they worked more than 60 percent of the total monthly hours expected for their specific role, as defined by their employer. ESPs would have greater access to unpaid FMLA benefits without the risk of losing their job.

*(see pg. 8)*

## ESP and School Support Staff Family Leave Act! *(cont. from pg. 7)*

The bill's new hours of service threshold would slide on a scale and allow ESPs who work fewer hours to qualify for benefits while maintaining a higher threshold for ESPs who work more hours. For instance, if a food service worker is required to work 15 hours per week during the school year, while a custodian is expected to work 30 hours per week over the same period, the food service worker could still access FMLA's unpaid benefits by working 36 hours or more per month during the school year, while the custodian would need to work 72 hours.

The bill would allow employers to determine the expected monthly hours and keep that information on file with the Secretary of Labor. ESPs that would qualify would be:

- ✓ paraeducators that provide instructional and non-instructional support;
- ✓ secretarial, clerical, and administrative support staff;
- ✓ custodians and maintenance service workers;

- ✓ skilled trade workers such as electricians, carpenters, and others who operate machinery;
- ✓ workers who provides food service, including preparation and serving of food;
- ✓ workers who provide school transportation and delivery services;
- ✓ computer, audiovisual, and language technical support staff;
- ✓ security staff;
- ✓ nursing, health, and therapy support staff, who may also provide community, family, parent and welfare services; and
- ✓ other staff that may serve public education students

The bill is supported by the National Partnership for Women and Families, Paid Leave for All, Center for Law and Social Policy, AFSCME, International Brotherhood of Teamsters, National Education Association, American Federation of Teachers and Service Employees International Union.

For any questions or to join as a cosponsor, please contact Will Shih at [will\\_shih@duckworth.senate.gov](mailto:will_shih@duckworth.senate.gov). ■



# U.S. Department of Labor Induction

## Education Support Professionals Honored as Essential Workers of the Pandemic

*Ohio special education paraeducator, Andrea Beeman, highlighted the work of the nation's education support professionals at Department of Labor induction ceremony in Washington, D.C.*



By **Cindy Long**  
Senior Writer

In recognition of their sacrifices and efforts to protect the health of all Americans during the coronavirus pandemic, the Department of Labor (DOL) inducted Essential Workers of the Pandemic into the U.S. Labor Hall of Honor last year.

Those inducted include educators like Andrea Beeman, a special education paraeducator from Maple Heights, Ohio. The U.S. DOL Hall of Honor recognizes the life-changing contributions that a unique group of people has made on the American way of work over the nation's history, including the workers of 9/11, farm workers, Chinese rail workers, and sanitation workers.

Now, the critical role of essential pandemic workers—like the nurses, grocery store workers, sanitation collectors, truck drivers, farm workers, and educators—whose contributions ensured that Americans got through the COVID-19 pandemic are being honored.

These essential workers didn't have the option that many others had to stay home and be safe during the frightening

*(see pg. 10)*

## U.S. Department of Labor Induction *(cont. from pg. 7)*

early days of the COVID-19 pandemic, said Deputy Secretary of Labor Julie Su. They did not sign up to be on the front lines of a crisis, yet “they put their heart and soul into their work,” which they performed tirelessly and selflessly, even though they are “often the most marginalized workers of our economy,” Su said.

### EDUCATORS WENT TO WORK FOR SAFETY OF STUDENTS

When Ohio announced the closure of schools for the rest of the academic year to help fight the spread of the coronavirus, Andrea Beeman’s thoughts, like most educators, went to her students. A special education paraprofessional in Maple Heights, a suburb of Cleveland, she works with students who have severe developmental disabilities.

“At the beginning of the pandemic, when buildings were closed, we continued to educate our students...but it was a lot to manage with more than seventeen special education students in a virtual class. The students I work with need face-to-face connections and support with social-emotional learning,” Beeman said at the induction event, speaking on behalf of the National Education Association and the nation’s education support professionals (ESPs).

“So everyone on the education team stepped up and reimagined our roles. We were on the frontlines of the pandemic, doing everything we could to minimize the impact on our students.”

In Beeman’s school district, like others all across the country, tech professionals helped everyone move to online learning environments; cafeteria workers made sure students and their families received nutritious meals; bus drivers delivered learning materials to students; and paraeducators and library media clerks

joined teachers in their virtual classes to ensure students had what they needed to learn.

“Together, we mobilized to do wellness checks. We made hundreds of phone calls to students and their families. When we didn’t get an answer, we had our teams knock on their doors to see if there was a problem we could help them resolve,” Beeman said, who was NEA’s 2020 Education Support Professional of the Year.

US Secretary of Labor Marty Walsh and Deputy Secretary of Labor Julie Su honor Education Support Professional Andrea Beeman and other “Essential Workers of the Coronavirus Pandemic” at their induction into the Hall of Honor at the US Department of Labor. Beeman thanked the DOL for inducting ESPs as essential workers in the Hall of Honor, saying it will be a lasting reminder that education support professionals never gave up on our nation’s students and continued to go above and beyond for our school communities.

“Andrea Beeman, like the essential workers inducted into the Hall of Honors, embodies the commitment, integrity, and work ethic celebrated today,” said NEA President Becky Pringle. “We applaud Andrea and the ESPs she represents for their unbending commitment to helping students succeed no matter their ability, ZIP code, or color. They are the glue that holds together our public schools and communities. They think in terms of solutions rather than problems, and possibilities rather than impossibilities. It is right and necessary that our nation celebrates and remembers these essential workers—who worked tirelessly when our students needed them the most—by inducting them into the Hall of Honor.”

*See the entire article at [nea.org](https://nea.org). ■*

# 2023 ESPs: Supporting Our Own through Peer Mentoring Workshop.

The National Education Association is happy to announce that we are accepting applications from NEA local and state association teams for the 2023 ESPs: Supporting Our Own Through Peer Mentoring workshop.

Over one and a half days, teams will work together to build their own unique ESP mentoring pilot programs that empower ESPs in the workplace and Association. Through peer mentoring, ESPs can receive the specialized, targeted preparation and support that empower ESPs in the workplace, advance ESP professional excellence, build ESP leader activists, and create the education systems that all our students and members deserve.

Why start with a pilot? Running a pilot program allows you to evaluate, validate, and learn before you fully launch, with less risk. Starting on a smaller scale will let you discover what works and does not and whether your plan on paper works in practice. Running a pilot also allows you to incrementally increase ESP and partner involvement, which is vital to the success of your program.

Interested local or state Associations should form their teams, complete their pre-learning, and apply no later than March 1, 2023. All applicant teams will be informed of their application status no later than March 24, 2023.

All selected teams will convene with other groups around the country to plan their pilot programs on May 27–28, 2023.

## APPLICATION STEPS AND WORKSHOP INFORMATION

### PRE-LEARNING:

December 5 – March 1, 2023

Form your team and complete the pre-learning before applying. Pre-learning includes the completion of the ESP mentoring learning path course by each team member and the team completion of the ESP mentoring program checklist.

**APPLICATION:** December 5 – March 1, 2023

Complete your team application.

**REGISTRATION:** March 24 – April 10, 2023

If selected to participate, complete your team registration.

**WORKSHOP:** May 27 – 28, 2023

Salt Lake City, Utah

Convene with other teams around the country to plan your own unique ESP mentoring pilot program.

### *Health and Safety Procedures during the workshop*

In response to the evolution of the COVID-19 pandemic, changing public health approaches and public attitudes, and revised guidance from the Centers for Disease Control and Prevention (CDC), NEA has updated its COVID-19 protocols for gatherings at which fifty (50) or more attendees are expected. View the most current NEA COVID-19 protocols at [nea.org/espmentoringworkshop](https://nea.org/espmentoringworkshop).

Please share this new learning opportunity with state and local leaders and staff interested in advancing ESP professional excellence through peer mentoring. ■

For complete details on pre-learning, the application process, and NEA funding, visit [nea.org/espmentoringworkshop](https://nea.org/espmentoringworkshop).

Questions? Contact [ESPMentoring@nea.org](mailto:ESPMentoring@nea.org)

# NEA Report on Solving Educator Shortages

## EDUCATOR SHORTAGE *Solutions*

Last year, NEA released a report outlining research-based solutions to help mitigate the educator shortage crisis gripping the nation's public schools.

For decades, public school educators have worked hard to meet their students' needs with far too few resources and too little planning time. At the same time, educators have been grossly under-compensated as a profession compared to other professions with comparable education and training requirements; similarly, the wages and benefits for many education support professionals (ESPs) can no longer compete with jobs outside of education.

Elected officials who make funding and policy decisions have too often negated

their responsibility to ensure fair and adequate access to public education resources. The result—low pay, lack of professional respect, and a failure to fund the resources that students need to thrive—has caused an unprecedented school staffing crisis across nearly every job category.

The good news is that we know what to do; we have the solutions in front of us. We cannot and should not turn from them and rely on short-term fixes.

This report outlines a wide variety of long-term strategies and solutions that are effective at recruiting and retaining educators and, most importantly, reflect the needs and priorities of educators themselves.

To read the report and learn more about other resources and solutions, please visit [www.nea.org/solutions](http://www.nea.org/solutions). ■

## Navigating Your Student Debt



Every American, no matter what we look like or where we come from, deserves the opportunity to create a better life for ourselves and our families. And for millions of us, going to college was supposed to allow us the ability to decide our futures, not decades of debt.

For years, NEA members have advocated together in favor of canceling college debt to help fix the educator shortage. Now, because of the Biden Administration's life-changing actions, student loans taken out by millions of borrowers are being substantially reduced, forgiven, or even canceled outright. This has a ripple effect, impacting not only the borrowers themselves, but parents and grandparents who are helping them repay their debts and the loved ones who depend on them financially.

But the fight is not over, and NEA remains committed to helping you take advantage of these opportunities. ■

# Public Service Loan Forgiveness (PSLF)



Due to efforts by the Biden Administration, over 360,000 educators and public service workers have received \$24 billion in student loan forgiveness through the Limited PSLF Waiver. While the Limited Waiver expired on October 31, 2022, PSLF is still here for educators and other public service workers. Significant permanent improvements have been made to the program so that more educators can receive the debt forgiveness they were promised.

## What is PSLF?

The Public Service Loan Forgiveness program was created in 2007 to forgive the remaining balance of federal student debt for public service workers, including teachers, higher education faculty, and education support professionals, who provide 10 years of public service while making 120 monthly payments on their federal student loans.

However, when the first borrowers became eligible for forgiveness, the Trump Administration prioritized profits for big banks over keeping the promise of PSLF.

They denied over 90 percent of applications, forcing public service workers to continue making payments on student loans that should have been forgiven.

After listening to the voices of educators, the Biden Administration has overhauled the program to permanently fix a number of technicalities, allowing hundreds of thousands of educators to become eligible for loan forgiveness sooner, or even immediately.

## Who is eligible for PSLF?

You must be employed full-time (30 hours or more per week) by a public service employer, which includes all public-school districts and public and non-profit higher education institutions.

### **This includes all educators:**

Teachers  
Education Support Professionals  
Specialized Instructional Support Personnel  
Higher Education Faculty, Including  
Adjunct/Contingent

## How to apply for PSLF?

If you have a Direct Loan, believe you have made 120 payments, and have applied for PSLF, you should receive automatic forgiveness or updates about your payment count soon.

If you have a Direct Loan and have NOT applied for PSLF, visit [studentaid.gov/PSLF](https://studentaid.gov/PSLF) to access the U.S. Department of Education's PSLF Help Tool to fill out your PSLF application. If you have worked for multiple public service employers since October 2007, you will need to file an application for every single employer.

*(see pg. 14)*



# President Biden's Student Debt Relief Plan



Under the White House's student debt cancellation plan, most individuals, including current students, are eligible for up to \$20,000 in federal student debt relief. However, while more than 26 million borrowers have applied for this relief, they are prevented from receiving

it due to the rulings of Trump-appointed judges in several cases. As of November 2022, the U.S. Department of Education has been blocked from proceeding with its cancellation program and currently cannot accept applications. The Biden Administration is

continuing to defend against those legal attacks. NEA will not stop advocating for our educators until they get the debt relief they deserve. As the appeals process proceeds, we will update our members on any new developments, including the resumption of the program. ■

## Public Service Loan Forgiveness (PSLF) *(cont. from pg. 13)*

After completing the PSLF Help Tool, you will need to get your employer(s)'s signature on each completed form, and submit the application(s) to MOHELA, the student loan servicer that manages the PSLF program.

If you have a FFEL or Perkins loan, you must first consolidate into a Direct Loan, then apply for PSLF. You will need to consolidate before May 1, 2023, to take advantage of the Department of Education's one-time account adjustment, which will credit any payments made on these loans for the purposes of PSLF. Unsure what type of student loan you have? You can find out easily by logging onto [studentaid.gov](https://studentaid.gov) with your FSA ID and visiting at your aid summary page.

If you are not currently on an income-driven repayment plan (which is

required for PSLF), apply for one before the payment pause ends. You may qualify for a \$0 monthly payment! Note, during the student debt repayment pause, all months from the pause count toward PSLF, thus making payments is not necessary. However, enrolling in an IDR plan as soon as possible will ensure you stay on track to receive PSLF, once payments do resume.

Every individual should also go to [studentaid.gov](https://studentaid.gov) and login with your Federal Student Aid ID (or create one if you do not have one) to make sure your contact information is up to date. The Department of Education uses this as their primary method of contact to reach you about the progress of your PSLF application. ■



# The NEA Student Debt Navigator—Powered by Savi

NEA has partnered with a company called Savi to offer an online student debt navigator tool, free for one year for NEA members. Visit [neamb.com/Savi](https://neamb.com/Savi) to receive personalized advice from student debt experts and gain access to Savi's e-filing function, which helps eliminate the common mistakes that bar many applicants from receiving student loan forgiveness. ■

## Updates from NEA Government Relations



As the 117th Congress wrapped up, child nutrition reauthorization, unfortunately, did not come to completion. Congress did, however, manage to make Summer EBT permanent, providing summer nutrition benefits to students who qualify for free or reduced-price meals when schools are closed. This tremendous benefit comes at an unfortunate cost, however, this was paid for by ending emergency SNAP benefits earlier than expected, eliminating much-needed nutrition benefits for many families.

The attached provides a summary of the final funding bill Congress completed in December.

As the 118th Congress begins, NEA's GR team's focus will include the educator shortage, education funding, protecting SNAP benefits in the Farm Bill, community schools, retirement security, worker's rights and much more. ■

# NEA Resource Guide: Key Health Care and Education

## Takeaways in the Consolidated Appropriations Act of 2023 (HR 2617)



Congress previously passed a short-term continuing resolution that granted funding for the government through December 16, 2022. As such, in order to avoid a government shutdown, Congress had to pass an additional spending bill prior to the end of the year. Congress passed and the President signed into law the Consolidated Appropriations Act of 2023 (HR 2617) or often referred to as the “Omnibus.”

The Omnibus funds the government through September 30, 2023. The Omnibus is all encompassing and includes a vast array of topics and issues. The bill includes \$772.5 billion in nondefense discretionary spending and \$858 billion in defense funding. It also includes more than \$40 billion in funding to support Ukraine.

Below, are some of the key health care and education provisions included in the Omnibus:

### ✓ **Department of Education**

**Programs:** The Omnibus increases the Department of Education

programs by \$3.2 billion. The increase targets the students most in need and includes 5 percent more for Title I, 6 percent more for IDEA state grants, and doubles funding for the highly successful Full-Service Community School Program.

### ✓ **Additional Education Programs:**

The Omnibus includes notable increases in other education programs. These increases address career and technical education, Historically Black Colleges and Universities and other minority-serving institutions, English-language learners, afterschool programs, and more.

### ✓ **National Labor Relations Board:**

The Omnibus includes the first increase in funding for the National Labor Relations Board in thirteen (13) years. Public-service employees, including educators, deserve the right to negotiate over pay, benefits, and working conditions. The Omnibus increases the budget for the National Labor Relations Board by \$25 million for the first time in over a decade. It's

funding now exceeds \$299 million.

- ✓ **Summer EBT program:** The Omnibus includes a permanent extension of the summer EBT program. This provision ensures that students do not go hungry when school is out. The provision is paid for by cutting SNAP emergency benefits and by the failure to expand the highly effective community eligibility provision for school meals.
- ✓ **Electoral Count Act:** The Omnibus ensures that the electoral votes tallied by Congress accurately reflect the people's vote in each state. It also clarifies that the Vice President's role is limited to presiding over the ballot-counting process.
- ✓ **Expanded Access to Health Care:** Eligible new mothers can keep Medicaid coverage for twelve (12) continuous months, children can keep Medicaid/CHIP coverage for twelve (12) continuous months even if family income changes and Medicare telehealth flexibilities are extended through 2024 (more about this below). The Omnibus extends funding for CHIP through fiscal year 2029, requires children to be provided with twelve (12) months of continuous coverage in Medicaid and CHIP effective January 1, 2024, and makes permanent a state option to allow states to continue to provide twelve (12) months of continuous coverage during the postpartum period in Medicaid or CHIP.
- ✓ **Medicaid Disenrollment:** Outside of a public health emergency declaration, states are allowed to determine whether a beneficiary remains eligible for Medicaid at least once a year and remove anyone who no longer qualifies. During the public health emergency, anyone who

was Medicaid-eligible was allowed to remain continuously enrolled. The Omnibus allows states to begin reevaluating who is still eligible for Medicaid beginning April 1, 2023 with requirements as to how states can do so, such as requiring states to attempt to contact beneficiaries before they disenroll them from the program. The Omnibus phases out the 6.2 percent funding increase states received for allowing individuals to continue enrollment during the pandemic.

- ✓ **Medicaid Funding for the U.S. Territories:** The Omnibus extends Puerto Rico's higher federal Medicaid match of 76 percent through the fiscal year 2027 and permanently extends a higher federal Medicaid match of 83 percent for American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. The inclusion of these provisions in the Omnibus brings more funding certainty to the U.S. territories' Medicaid programs.
- ✓ **Mental Health Care:** The Omnibus includes a number of provisions to address the nation's mental health crisis by strengthening, expanding, and establishing more than thirty (30) critical programs that collectively support mental health care and substance use disorder prevention, care, treatment, peer support, and recovery support services. Largely taken from the Restoring Hope for Mental Health and Well-Being

Act, the bill includes many provisions to expand and modify mental health programs and grants, bolster efforts to prevent and treat substance abuse, and extend Medicare coverage for mental health telecare, marriage and family therapists and mental health counselors. Some key takeaways on mental health care include:

- o Requires the Department of Health and Human Services to establish an office to coordinate work relating to behavioral health crisis care

*(see pg. 18)*

## NEA Resource Guide *(cont. from pg. 17)*

- across the SAMHSA, CMS, HRSA, and external stakeholders;
  - o Reauthorizes the National Suicide Prevention Lifeline Program, the Community Mental Health Service Block Grants, and the renamed Substance Use and Prevention, Treatment, and Recovery Block Grants;
  - o Provides grant funding to support the maternal mental programs and establishes a maternal mental health hotline and a related task force;
  - o Extends mental health parity to state and local government workers (more info on this below) and bolsters the mental health and substance use disorder workforce through increased capacity and training;
  - o Provides Medicare Part B coverage of mental health counselor and therapist services;
  - o Expands access for Medicare beneficiaries by adding coverage for intensive outpatient mental health programs and care provided by marriage and family therapists and mental counselors;
  - o Increases reimbursement provided by mobile crisis care units;
  - o Increases funding for Certified Community Behavioral Health Clinics (CCBHCs);
  - o Provides funding for the National Child Traumatic Stress Initiative and pediatric mental health access;
  - o Provides funding for SAMHSA's Project AWARE. Project AWARE increases awareness of mental health issues among school-aged youth, provides training for school personnel and other adults who interact with school-aged youth to detect and respond to mental health issues, and connects school-aged youth who may have behavioral health issues and their families to needed services;
  - o Provides technical assistance through grants and contracts to support school-based health centers' mental health and substance use disorder services;
  - o Directs the Department of Health and Human Services to complete a study within one year on the rates of suicidal behaviors among children and adolescents with chronic illnesses, including substance use disorders, autoimmune disorders and blood disorders. The Omnibus also requests the Department of Health and Human Services to submit a report to Congress of the results of the study including recommendations and best practices for supporting youth emotional and mental health needs;
  - o Provides funding for the 988 Suicide and Crisis Lifeline;
  - o Reauthorizes grants to higher education institutions to enhance services for students with mental health or substance use disorders;
  - o Reauthorizes a national public education campaign focused on mental and behavioral health at institutions of higher education;
  - o Provides funding for State Opioid Response Grants; and
  - o Provides funding for the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and the National Institute on Drug Abuse.
- ✓ **Mental Health Parity Opt Out:** The Omnibus eliminates the opt out for self-insured behavioral health plans for non-federal governmental employees and their covered dependents. The Omnibus eliminates the ability of

health plans offered by non-federal government entities like states, municipalities, school districts and other public systems to opt out of parity requirements. The Omnibus includes \$50 million over five (5) years to help states enforce the federal parity provisions. A long priority of NEA, the Omnibus eliminates the opt out after over 20 years of public sector union and mental health provider advocacy. It is estimated that over one million more children and families will gain improved mental health coverage through the elimination of this exemption.

o Legislative History and Background of Mental Health Parity: The 2008 Mental Health Parity and Addiction Equity Act (MHPAEA), requires health plans and insurers that offer mental health and/or substance use disorder (MH/SUD) benefits, to provide full parity with medical/surgical (med/surg) benefits. Plans must ensure that their plans include the same or less restrictive financial requirements and treatment limitations on MH/SUD benefits than are placed on the majority of med/surg benefits. The Affordable Care Act amended the MHPAEA in 2010 to extend mental health parity to HHS' ten (10) essential health benefits (EHB) categories. EHBs apply to non-grandfathered individual and small group coverage. The 2021 Consolidated Appropriations Act (CAA) included a requirement that health plans and insurers conduct and document an analysis comparing treatment limits that apply to MH/SUD services to the limits for med/surg

services. The CAA also required that plans develop compliance materials that include staff training and information about periodic reviews. The periodic review would compare denials of MH/SUD claims to that of med/surg claims. This information must be supplied to the Departments of Labor (DOL) and Health and Human Services (HHS) if requested. DOL and HHS prioritized the ongoing enforcement of MHPAEA parity compliance as a result of their report findings that most, if not all plans, failed to comply with the MHPAEA. The Cures Act of 2021 also amended the MHPAEA by requiring that DOL, HHS and the Treasury Department issue compliance guidelines and to document, each year, the enforcement of mental health parity.

o Background of Mental Health Parity Opt Out: Self-insured state and local government plan sponsors (non-federal state and local government employees), regulated by the HHS and the Centers for Medicare and Medicaid Services (CMS) had the ability to opt out of MH/SUD parity compliance each year by filing an annual election notice with HHS and CMS. For a list of plans that previously chose to opt-out, the CMS list can be accessed at <https://www.cms.gov/files/document/hipaa-optouts03182021.pdf>.

#### ✓ **Workplace Breastfeeding Accommodations:**

Originally not included in the Omnibus, the Senate voted overwhelmingly in a 92-5 vote on an amendment to include the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act, which strengthens breastfeeding protections for workers. This provision builds significantly on the requirements in the Affordable Care Act, including tens of millions of salaried workers who were excluded in the earlier law.

*(see pg. 20)*



## NEA Resource Guide *(cont. from pg. 19)*

### ✓ **Pregnant Fairness Workers**

**Act:** Originally not included in the Omnibus, the Senate voted 73-24 to adopt an amendment to attach the Pregnant Workers Fairness Act to the Omnibus. The provision follows a model similar to the Americans with Disabilities Act and would according to the bill sponsor, Senator Bill Cassidy (R-LA), “require employers to make reasonable accommodations to allow pregnant workers to continue working safely, such as additional bathroom breaks, light duty, or a stool to sit on if a worker stands all day.” Find NEA support letter at <https://www.nea.org/advocating-for-change/action-center/letters-testimony/support-pregnant-workers-fairness-act-s-1486>. Specifically, the Pregnant Workers Fairness Act:

- o Clarifies existing laws and creates a uniform national standard for reasonable accommodations for pregnancy, childbirth, and [related conditions](#);
- o Provides reasonable accommodations to pregnant women to reduce health risks to them and their babies;
- o Prohibits employers from denying a pregnant worker employment opportunity or forcing the worker to take an accommodation that is not wanted or needed;
- o Prohibits employers from forcing a pregnant worker to take leave when another reasonable accommodation could keep her on the job;
- o Requires the U.S. Equal Employment Opportunity Commission to make rules implementing the law, including a list of exemplary accommodations that should be provided unless they pose an undue hardship to employers; and

- o Addresses issues through a framework modeled after the Americans with Disabilities Act.

### ✓ **Graduate Medical Education**

**Training Positions:** The Omnibus will fund an additional 200 graduate medical education (GME) training positions, half of which must be reserved for psychiatry and psychiatry subspecialty residencies.

- ✓ **Additional Funding to Address the Unclean Water Crisis in Jackson, Mississippi:** This unspeakable crisis has forced students and educators out of their classrooms, creating new hardships for already struggling families. The Omnibus includes \$600 million in funding for Jackson, MS with \$150 million allocated for technical assistance and \$450 million allocated for capital projects.

### ✓ **Telehealth for Medicare**

**Beneficiaries:** The Omnibus continues Medicare’s expanded access to telehealth by extending COVID-19 telehealth flexibilities for an additional two years, through December 31, 2024. The Omnibus eases Medicare rules allowing expanded access to telehealth. The eased telehealth rules for Medicare beneficiaries, which HHS created and Congress codified in the CARES Act, would have expired five (5) months after the end of the public health emergency. The Omnibus effort to extend such provisions until December 31, 2024 comes after thirty-four (34) Representatives and Senators sent a letter, led by Sen. Brian Schatz (D-HI) and Rep. Mike Thompson (D-CA), asking Senate and House leaders to keep rules making it easier for Medicare patients to have virtual visits.

### ✓ **Telehealth and High Deductible**

**Plans:** The Omnibus allows high deductible plans to offer subscribers telehealth appointments



before they've hit their deductibles through 2024. The rule previously would have expired at year's end. Congress first allowed high-deductible plans to pay for virtual visits in the March 2020 CARES Act. This benefit expired at the end of 2021 before Congress passed another extension in March where the benefit would have expired on December 31, 2022. The Omnibus effort to extend such provisions through 2024 comes after thirty (30) Representatives wrote a letter to House Speaker Nancy Pelosi (D-CA) and Minority Leader Kevin McCarthy (R-CA) calling for an extension of a provision allowing high-deductible health plans to cover telehealth before subscribers have met their deductibles.

- ✓ **Waivers Permitting Hospitals to Treat Some Patients from their Homes:** The Omnibus allows waivers permitting hospitals to treat some emergency department and inpatient hospital patients from their homes. The effort, which was also adopted by the Centers for Medicare and Medicaid Services in November 2020, was aimed at expanding hospital capacity as healthcare organizations treated an increasing number of patients with COVID-19. Without the Omnibus extension to 2024, the waivers would have expired with the end of the public health emergency.
- ✓ **National Institutes of Health:** The National Institutes of Health will see a budget increase of around \$2.5 billion, or about 6 percent. The funding includes more money for cancer research, with the National Cancer Institute getting an increase of over \$400 million.

- ✓ **Centers for Disease Control and Prevention, Health Resources and Services Administration, Substance Abuse and Mental Health Services Administration, and the Supplemental Nutrition Assistance Program:** The Omnibus includes \$9.2 billion for the Centers for Disease Control and Prevention, which is an increase of \$760 million, and \$9.7 billion for the Health Resources and Services Administration, which is an increase of \$852 million. The Omnibus also includes \$7.5 billion for the Substance Abuse and Mental Health Services Administration, which is an increase of \$970 million. The Omnibus also includes a \$13.4 billion increase for the Supplemental Nutrition Assistance Program, an increase of \$28.5 billion for child nutrition programs, and \$6 billion for the Special Supplemental Nutrition Program for Women, Infants and Children.

- ✓ **Pandemic Preparedness:** The Omnibus provides new authorities for improving the Strategic National Stockpile to ensure critical pandemic supplies are operational, resilient, and ready to deploy in times of need. The bill also provides critical support to the public health workforce by encouraging investments in the next generation of health care workers through grants and public health loan forgiveness. However, the Omnibus does not establish an independent task force. The bill calls on the Administration for Strategic

Preparedness and Response to report to Congress on the feasibility of developing an AI-enabled pandemic preparedness and response program. ASPR would take the lead with collaboration from the Departments of Defense and Energy.

- ✓ **Advanced Research Projects Agency for Health:** The new Advanced Research Projects Agency for Health will be part of the National Institutes of Health.

*(see pg. 23)*

# Got Any New Business?

## Takeaways in the Consolidated Appropriations Act of 2023 (HR 2617)



### New Business Item

- ✓ Asks NEA to take action
- ✓ Phrased as “NEA shall” or “NEA will”
- ✓ Specialties exactly what the maker wants NEA to do
- ✓ Does not repeat work in the Strategic Plan and Budget
- ✓ Addresses issues related to more than one affiliate
- ✓ Does not ask NEA to lobby on federal legislation (see leg amendment below)

Submissions for New Business Items are open. If you have a New Business Item you plan to submit please open the link here: [RA Business Submission Site \(smartsheet.com\)](#) and send us an email so we can get organized! ■

## NEA Resource Guide *(cont. from pg. 21)*

### ✓ **Medicare Pay Cuts to Providers and Bonus Incentivizes:**

The Omnibus partly reduces the nearly 4.5 percent cut that physicians were facing pursuant to the Statutory Pay-As-You-Go (PAYGO). Averting the 4.5% cut to providers, the Omnibus proposed a Medicare PAYGO physician pay cut of 2% beginning in January 2023 and 3.5% in 2024. Additionally, Congress extended the ability to qualify for a bonus payment for providers to participate in new ways of testing how Medicare pays for care for one year. However, the Omnibus reduced the amount of the incentive from 5 percent to 3.5 percent.

### ✓ **Modernizing Public Health Data Systems:**

The Omnibus includes \$175 million for upgrading public health information infrastructure, which is \$75 million more than last year's budget. The Omnibus also includes provisions from the Improving Data Accessibility Through Advancements (DATA) in Public Health Act, which focused on increasing quick, accurate data sharing among local, state, and federal health departments.

### ✓ **Opioid Crisis, Medication Assisted Treatment (MAT) & Medication Access and Training Expansion (MATE):**

The Omnibus contains many measures aimed at addressing the ongoing opioid crisis including over \$1.5 billion in state grants to go toward substance abuse prevention and treatment. The Omnibus also incorporates significant provisions of the Mainstreaming Addiction Treatment Act,

including the elimination of a DEA requirement that clinicians get an extra certification to prescribe buprenorphine. The Omnibus expands patient access to opioid addiction treatment by making it easier for health care providers to dispense buprenorphine for opioid use disorder maintenance or detoxification treatment. The Omnibus also requires health care providers to complete a training requirement on identifying and treating patients with substance use disorders. The Omnibus also includes the Non-Opioids Prevent Addiction In the Nation Act (NOPAIN Act). This bill temporarily establishes separate payments for certain non-opioid treatments under the Medicare prospective payment system for hospital outpatient department services and the payment system for ambulatory surgical center services. These provisions improve access to FDA-approved non-opioid therapies for outpatient surgical procedures.

### ✓ **Global Health:**

The Omnibus includes \$112 billion for global health. The funds will go through the State Department, the Agency for International Development, Department of Health and Human Services, and the Centers for Disease Control and Prevention. The biggest increase, \$445 million, will go to HIV/AIDS programs, for a total of \$6.7 billion. ■



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