

Washington Update April 17, 2020

Dear Colleagues –

It's been a rough couple of weeks for me. My son and his fiancé got coronavirus. Fortunately, it looks like they are coming out on the other side of it and for that I am most grateful. It's a scary illness and my heart goes out to all who are dealing with it. Stay strong.

1. Implementation of the \$2 Trillion CARES Act: Where Do We Stand?

It's hard to keep track of the swirl of information about federal efforts to address the pandemic in the education space. Here is my best shot at a high-level summary of where things stand:

- It's been three weeks since the \$2 trillion third package of funding (COVID-3 or the CARES Act) became law
- The bill includes the following and distribution to date is as noted:
 - \$13.5 billion for elementary and secondary education
 - No announced process or timeline for distribution yet
 - \$14.25 billion for higher education
 - \$6.3 billion is being distributed to IHE's for students who need emergency financial aid and have expenses related to the pandemic
 - \$3 billion for a Governor's Emergency Education Relief Fund
 - fund now available for distribution

The \$3 billion Governor's Emergency Education Relief Fund is being distributed based on the state's student population. Allocations range from \$6.5 million to Alaska and \$355 million to California. While \$3 billion is a lot of money, when you boil it down to a per pupil expenditure it becomes pretty puny, for example in Alaska it is \$33 per student and in Pennsylvania \$57 per student. States may get their funding by signing a certification and agreement document assuring the funds will be used to:

- Provide emergency support through grants to local education agencies
- Provide emergency support through grants to higher education institutions
- Provide support to any other education-related entity that the governor deems essential for carrying out educational services to students

Additional assurances required by the Secretary of Education are included in the application reflecting the Secretary's priorities, including acknowledgement of students in both private schools and charter schools. It also seems that #3 below could open the door for voucher experimentation. States are required to answer these three questions:

- 1) Does the state intend to use any of the funds to support remote learning for students? If so, how does the state plan to assess such learning, and how will they make sure that students with disabilities, students from low-income families and non-public students are served?

- 2) Does the state plan to use any of the funds to increase capacity via hardware, software, connectivity or instructional expertise?
- 3) Does the state plan to use funding to develop new resources for remote learning, including best practices and innovations, and if so, what are the resources they have their eyes on?

The question of waivers to IDEA continues to heat up. The CARES Act requires the Secretary of Education to submit to Congress a report by April 26 outlining the waivers to IDEA that she believes are necessary during the pandemic. Over 1000 special education and related organizations submitted a letter opposing any IDEA waivers. The Consortium for Citizens with Disabilities' Education Task Force sponsored a briefing for congressional staff this week providing an overview of IDEA and a rationale for why waivers are not needed. The National Center on Learning Disabilities has distributed an advocacy tool kit urging waiver opposition. Many other education organizations support IDEA waivers noting that flexibility is needed during the pandemic. Among these are two special education administrator organizations.

As a postscript, I want to note two rarely acknowledged provisions in the CARES Act which affect teachers and student financial aid. These are modifications to TEACH grants and the loan forgiveness program for teachers. They are as follows:

- TEACH grants: the Secretary of Education may excuse TEACH recipients from fulfilling a portion of their teaching service obligation due to the emergency.
- Teacher Loan Forgiveness: the Secretary may waive requirements that qualifying teaching service be completed in consecutive years if the service is interrupted due to the emergency and following the interruption the borrower resumes teaching and completes five years of service, including the teaching performed before, during and after the emergency.

The ever amazing Congressional Research Service has posted a comprehensive compendium or resources about the pandemic:

<https://crsreports.congress.gov/Content/html/covid19.html>

Distribution of Governor's Fund:

<https://www.forbes.com/sites/petergreene/2020/04/14/devos-offers-3-billion-in-education-emergency-block-grants-to-governors/#51afa2716b4f>

CCD congressional briefing on IDEA and waivers:

https://www.youtube.com/watch?v=4d2_k8QB5zA&feature=youtu.be

NCLD toolkit opposing IDEA waivers:

https://docs.google.com/document/d/1hh10m61TpNkzB61tBLqO8gG_ZwWtdg3BjO9dQ1O8fMI/edit

Letter opposing IDEA waivers: <http://www.c-c-d.org/fichiers/CCD-Ed-TF-letter-to-Congress-on-IDEA-waivers--COVID-final.pdf>

Letter supporting IDEA waivers:

https://blogs.edweek.org/edweek/speced/2020/04/special_education_groups_want_idea_waivers.html

2. What's Next for COVID Funding?

Both the House and Senate indicated this week that they would not be returning until May 4. Many believe that date may be pushed back further. In the meantime, two funding packages seem to be on the horizon to address the pandemic – a CARES-2, or COVID 3.5 bill – and a COVID-4 bill.

The COVID 3.5 bill was raised this week by Majority Leader Sen. McConnell (R-KY) and others as a \$250 billion to fill the depleted coffers of the small business bailout program (called the Paycheck Protection Program). Democrats, led by Speaker Nancy Pelosi (D-CA), would only play ball if another \$250 billion was added for state and local governments. A stalemate ensued and no progress was made so far.

At the same time, a COVID-4 package is under development for possible consideration in May. This would be a more robust bill and a follow up to COVID-3, the CARES Act. Both the K-12 and higher education sectors are weighing in with what is needed for relief in COVID-4. A dozen K-12 organizations submitted a letter outlining the need for \$200 billion and noting the drastic revenue shortfalls anticipated in state budgets. Their request broke out as follows:

- \$175 billion for state education budgets
- \$13 billion for IDEA
- \$2 billion for E-rate to expand internet access
- \$12 billion for Title I

A higher education coalition coalition has requested \$46.6 billion for colleges and students as they brace for financial difficulties that will be far worse than the great recession, they believe. Higher education groups noted the following challenges that are anticipated:

- A 15% drop in enrollment and tuition for a loss of \$23 billion nationally
- A 25% loss in other revenue for a loss of \$11.6 billion
- A 20% increase in student financial need for a \$12 billion increase in demand

In addition, the nation's research universities and medical schools have requested \$26 billion in federal assistance to fund research at NIH and NSF so that universities can

extend research projects, pay research support personnel and operating costs and expand funding for graduate students and postdoc fellowships.

Higher Education funding request: <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Higher-Education-Legislation/assumptions-sources-estimates.pdf>

Higher Education Research funding request: <https://www.acenet.edu/Documents/Letter-Congress-COVID-19-Research-Recommendations-040720.pdf>

Funding request of K-12 education organizations:
<http://blogs.edweek.org/edweek/campaign-k-12/Edu%20GROUP%20funding%20letter%20040620%20FINAL.pdf>

3. Sec. DeVos Proposes Vouchers for Professional Development

This week Sec. DeVos issued a priority to fund vouchers for professional development for teachers. The press release notes that this initiative would empower teacher to select and access the professional development which is relevant to their personal needs or career goals “instead of having one-size-fits all programming dictated to them by the state or local education agency.” The release further notes “If we can trust teachers with our children each day, we should trust them to select the right continuing education courses.” The program would be funded through the Education and Innovation and Research program authorized under ESSA and created to explore ways to improve academic achievement for high need students. The proposed priority is open for public comments until May 13. Multiple education organizations have opposed this concept and will likely continue to weigh in.

See: <https://www.federalregister.gov/documents/2020/04/13/2020-07753/proposed-priorities-requirements-definition-and-selection-criteria-education-innovation-and>

4. New Resources for Educators

- **The National Council on Teacher Quality** offers an analysis of how states are modifying student teaching and teacher certification requirements in response to the pandemic: https://www.nctq.org/blog/Student-teaching-and-initial-licensure-in-the-times-of-coronavirus?utm_source=NCTQ+Teacher+Quality+Bulletin&utm_campaign=c71fb690e7-EMAIL_CAMPAIGN_2020_04_16&utm_medium=email&utm_term=0_7973772675-c71fb690e7-409082365
- **Inside Higher Education** offers a story *Risk without reward* reporting on a study from the **National Academy of Sciences** and finding that “underrepresented minorities outperform majority peers in terms of novel research, but they don’t reap

the same rewards:”

https://www.insidehighered.com/news/2020/04/16/underrepresented-scholars-outperform-majority-peers-terms-novel-research?utm_source=Inside+Higher+Ed&utm_campaign=8e5d2a9f1c-DNU_2019_COPY_02&utm_medium=email&utm_term=0_1fbc04421-8e5d2a9f1c-197465273&mc_cid=8e5d2a9f1c&mc_eid=790bea7c30

- From **Associated Press** *Many special education families still waiting during virus closures* <https://apnews.com/aff004b976eb9b9a4ca195778ab9b562>
- **Rick Hess in Ed Week** *What will the coronavirus mean for ed finance?* https://blogs.edweek.org/edweek/rick_hess_straight_up/2020/04/what_will_the_coronavirus_mean_for_ed_finance.html
- **Inside Higher Education** reports on the tough impact of state budget cuts on higher education in *The next financial blow*: <https://www.insidehighered.com/news/2020/04/13/public-colleges-face-looming-financial-blow-state-budget-cuts>
- Thirty-three national education associations have come together to create **Educating All Learners Alliance**. It offers tools, strategies, best practice and tips for supporting students with disabilities online: <https://www.educatingalllearners.org/about>

Our stay-at-home order in Maryland, where I live, has been extended until May 15. I’m not sure how many more zoom book clubs I can join, but I’m investigating. Take good care.

Best,

Jane