

Washington Update April 3, 2020

Dear Colleagues –

I hope you all are safe and sound and that your families and loved ones are as well. New routines which involve trying to get groceries and the correct kind of anti-viral wipes are draining us all, not to mention the daily news. I try to take it one day at a time, knowing that this will not last! Don't work too hard, and don't forget to take care of yourselves!!

1. Implementation of CARES Act – Third COVID Relief Package

The Administration is moving to implement the massive \$2 trillion COVID response bill (known now as COVID-3) which was enacted last Friday. For education, this means \$30.75 billion for an Education Stabilization Fund which includes:

- \$13.5 billion for elementary and secondary education (can be used for any activity authorized under major education laws including ESSA, IDEA, CTE and Homeless Education)
- \$14.25 billion for higher education
 - At least 50% is for emergency financial aid to students and expense related to the pandemic
- \$3 billion for governors to be used for emergency grants for the most affected local education agencies, institutions of higher education and those deemed essential to providing childcare, early childhood, K-12 or higher education services

A scramble is underway at the Department of Education to distribute the funds. In the links below, you will find estimates for how much money is likely to go to each state for K-12 and to each individual institution of higher education. For higher education, the Department needs to develop a formula that will require the creation of some guidelines for distribution. The Department is moving on implementing the six-month pause on loan repayment for student financial aid which should be up and running by April 10.

Speaker of the House Nancy Pelosi (D-CA) has created a bipartisan oversight committee to monitor the Administration's distribution of the \$2 trillion of relief funds over the next few months. House Majority Whip Jim Clyburn (D-SC).

Amount of funding each university is likely to receive from COVID-3:

<https://www.acenet.edu/Policy-Advocacy/Pages/HEA-ED/CARES-Act-Higher-Education-Relief-Fund.aspx>

Amount of funding each state is likely to receive from COVID-3:

<https://www.politico.com/states/f/?id=00000171-31b8-da0d-a17b-ffffb32a90000>

2. Looking Ahead to the Next COVID Response Bill -- COVID-4

Deliberations are already underway for a COVID-4 package, or the fourth relief bill for the epidemic. While Speaker Pelosi (D-CA) has made it clear that a fourth package is needed, Senate Majority Leader McConnell (R-KY) has told her to "stand down." He believes that Congress should see what the impact of the \$2 trillion COVID-3 package is before proceeding to another bill. But President Trump has called for a fourth bill which would provide \$2 trillion for infrastructure – repairing and building bridges, roads, schools etc. Such a bill would mean a lot of jobs, but how that would interact with social distancing is unclear. However, as the

unemployment rate rises and as more and more businesses sink under the weight of the pandemic, it is certain that part of the long term recovery from the economic aspect of the crisis will need to be infusions to put Americans back to work.

Many education organizations are submitted funding requests, should there be a fourth bill. Some of the big picture items which have been raised include:

- \$ 2 billion in E-rate funds to provide Wi-FI in schools and libraries and hotspots and devices to address the “homework gap” which is experienced by 12 million students who do not have internet access at home
- Including education buildings in the infrastructure package
- Additional funding for K-12 – particularly IDEA – and higher education
- Addressing data collection and research challenges at IES

It is also possible that if there is a COVID-4 bill, it may include waivers to a number of education laws. In the COVID-3 bill, Secretary DeVos was directed to submit to Congress a list of needed waivers for IDEA, the Rehabilitation Act and more within 30 days. If she submits such a list in a timely fashion, Congress may include some or all of her waiver requests in the bill.

The House will take the lead on a COVID-4 bill; however, Congress is not scheduled to return to Washington until April 20. Of course, that can always change.

See: <https://thehill.com/homenews/senate/489946-lawmakers-already-planning-more-coronavirus-stimulus-after-2t-package>

3. Students with Disabilities and the COVID Response

One of the biggest issues to emerge as K-12 moves to virtual learning during the epidemic is how to serve students with disabilities. While Sec. DeVos has made it clear that school districts must provide a Free Appropriate Public Education (FAPE) consistent with the need to protect the health and safety of students with disabilities and those providing services, a number of education organizations have weighed in arguing that this is not enough – temporary changes to the law are needed.

Sec. DeVos is required to submit a report to Congress within 30 days from the signing of the law, which was March 28. The report will recommend what waivers should be made to IDEA during the epidemic. A range of organizations are weighing in making recommendations. Opinions range from the need for expansive waivers to no waivers at all. A sampling of perspectives is below:

“No new waiver authority is necessary under the Individuals with Disabilities Education Act. Districts must actively plan to ensure that students are afforded all of their rights under federal law.” NCLD, ED Trust, CAP, National Urban League, Alliance for Excellent Education, UNIDOS US

“Waiver authority under IDEA is necessary. The right to file for a denial of FAPE when a district is closed down to an unprecedented crisis and struggling to meet the edu needs of all students must be waived.” Tweet from AASA.

Sec. DeVos has indicated that she will ask Congress to provide “microgrants” to assist with online learning during the coronavirus. Such grants, which appear as if they would be vouchers, would be used for specialized services for students with disabilities or pay for needed items, such as computers, required for home-based learning. Tuition and fees for public or private online learning programs, contracted education services provided by a private or public school and tutoring could be covered.

See: <https://wtop.com/education/2020/03/parents-feel-virus-shutdowns-leave-disabled-students-behind/>

See: http://blogs.edweek.org/edweek/campaign-k-12/2020/03/devos-idea-coronavirus-special-education.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=campaignnk-12

See: <https://subscriber.politicopro.com/article/2020/03/california-schools-grapple-with-how-to-provide-special-education-and-avoid-lawsuits-1908582>

See: <https://www.edweek.org/ew/articles/2020/03/31/as-schools-close-to-coronavirus-special-educators.html?print=1>

See: <https://www.nytimes.com/2020/04/02/us/politics/special-education-coronavirus.html>

See: <https://www.forbes.com/sites/petergreenie/2020/03/29/devos-leaving-students-behind-and-launching-national-school-vouchers/#368b8f556b4a>

4. New Resource for Educators

- **The Southern Regional Education Board** has issued a set of recommendations related to flexibility for teacher candidates in the face of the COVID-13 pandemic. See:
https://www.sreb.org/sites/main/files/file-attachments/flex_march2020.pdf?1585594285

Washington Update will take a break next week. I'll return April 17. In the meantime, be safe, stay well and be in touch @janewestdc

Best,

Jane