

Washington Update June 12, 2020

As the nation continues to roil with protests against racial injustice, threats from the COVID-19 epidemic and a faltering economy, Congress tries to move along, trailing behind the public and seeming less and less relevant – polarized by politics and positioning for the 2020 elections.

1. **Police Reform in the Wake of George Floyd’s Death: Is it Coming? How Will it Affect Schools?**

Historically the purview of state and local government, police reform is rapidly moving into the realm of the federal government. House Democrats have acted quickly, introducing a sweeping bill, the [Justice in Policing Act of 2020](#) with 200 sponsors. [Republicans in both the House and Senate](#) are feeling the pressure and discussions are underway, albeit for a far more limited approach. The White House is sending mixed messages, on the one hand calling for reform and on the other, calling for law and order.

The Justice in Policing Act creates a national registry to track police misconduct, bans chokeholds, makes lawsuits over alleged civil rights violations by law enforcement easier and mandates training on discriminatory profiling. The bill includes a number of provisions related to education and school resource officers. It requires the Attorney General to recommend additional standards that will generate greater community accountability and focus on policing with a guardian mentality. It creates federal grants for pilot programs supporting new initiatives in recruiting, training and retaining officers, including school police. The bill limits a federal program that transfers military equipment to local law enforcement, including many school police departments, and bans transfer of items like grenade launchers and mine-resistant vehicles, which have previously been acquired by school police.

Sen. Tim Scott (R-SC) is taking the lead for Republicans in the Senate and has been in conversation with the White House. Rep. Jim Jordan (R-OH), a top Trump ally in the House, said he will release his own plan shortly. Senate proposals appear to feature improving federal data collection on the use of force and no-knock warrants as well as police training. White House spokespersons said that ending qualified immunity, which protects police officers from civil lawsuits, was a nonstarter.

While calls for defunding the police and removing police from PK-12 schools and college campuses are taking hold in different localities, neither is gaining traction on Capitol Hill at this point.

2. **Senate and House Hearings on Opening up Education During the Pandemic**

This week the Senate HELP Committee held a hearing [COVID-19 Going Back to School Safely](#). The hearing focused on PK-12 education and follows last week’s hearing on opening up higher education during the pandemic. Due to technical difficulties the hearing was not accessible live, but a recording is available on the Senate HELP Committee website. Witnesses were:

- Dr. Penny Schwinn, Commissioner of Education, Tennessee
- Dr. Matthew Blomstedt, Commissioner of Education, Nebraska
- Ms. Susana Cordova, Superintendent, Denver Public Schools
- Dr. John B. King Jr., Former Secretary of Education; President and CEO, The Education Trust

[Witnesses outlined the struggle](#) to safely reopen school in the midst of likely state budget cuts and demands for increased expenditures for protective equipment and needed staff, particularly if schools work in shifts. “At a time when our kids and our communities need us most, we are having to make massive cuts,” the Denver Superintendent said. She noted that her district is facing a \$61 million shortfall and the federal relief from the CARES Act is not enough to cover the shortfall. Commissioner Schwinn said that access to technology during the pandemic is a critical challenge in Tennessee. Ranking member Sen. Patty Murray (D-WA) said the education system needed a massive investment to prevent further inequities.

After the hearing, Sen. Alexander (R-TN), HELP Committee chair, said that he would be open to more funding for schools if it is needed. He is also considering providing liability protection for PK-12 schools in a future COVID-19 funding bill.

On Monday June 15 at noon, the House Committee on Education and Labor will hold a hearing [Budget Cuts and Lost Learning: Assessing the Impact of COVID-19 on Public Education](#). It will be live streamed. Witnesses include:

- Michael Leachman, Center on Budget and Policy Priorities
- Eric Gordon, DEO of Cleveland Metropolitan School District
- Beck Pringle, VP of the National Education Association

3. New Data on Educator Layoffs and Cost of Reopening Schools

The Department of Labor’s data collection on unemployment indicates that almost 1.5 million education jobs have been lost because of the pandemic. [April](#) showed a 1.1 million loss of education jobs in the public and private sectors –both PK-12 and higher education. The May figures indicate an additional loss of 300,000 local education jobs. For comparison’s sake, the Great Recession of 2008 brought education job losses of 300,000 in total.

This loss of jobs is an alarm bell underscoring state and local education budget cuts that are underway and pending. Funds provided under the CARES Act are not filling the gap. AASA, the School Superintendents Association, and the Association of School Business Officials International provided an [analysis](#) of what it would cost to reopen schools safely. The average school district is likely to need an additional \$1.8 million for cleaning, supplies and staffing. This analysis also points to a need for additional federal funds, as [U.S. News and World Report](#) indicates. Over a dozen [education and civil rights](#)

[groups](#) are calling for education leaders to prioritize the most vulnerable students and craft funding bills with an equity focus.

4. CARES Act Implementation/Next COVID-19 Relief Bill

Secretary DeVos doubled down on her controversial implementation of the CARES Act this week by developing two sets of regulations to guide implementation with the force of law. The first relates to the distribution of funds for PK-12 schools. The Department interpreted the CARES Act to allow states to direct funds to all private school students rather than only low-income private school students, which is a shift from current practice under ESSA. Prior to the regulatory proposal, the Department had issued [guidance](#), which does not have the force of law. Thus, some states were distributing the funds in compliance with the guidance and others were not. The “interim final rule” is at the Office of Management and Budget, which will send it to the Federal Register for publication, thus making it public. The rule will become effective immediately after publication.

In a related development, President Trump reiterated his call for Congress to move on school choice now. He said that unions and others are against school choice for the wrong reasons. “Access to education is the civil rights issue of our time,” he said.

The [second interim final rule](#), which will also become effective after publication, relates to how CARES Act funding may be distributed to students in higher education. The law did not define “student,” so the Secretary of Education did, determining that funds are only available to students who qualify for federal student financial aid. This blocks undocumented students and others from receiving support, though they may be in dire straits. Rep. Bobby Scott (D-VA) said “There is no language in the CARES Act prohibit certain students from receiving emergency assistance. The Department is simply inventing arbitrary restrictions that target vulnerable students, including those who have defaulted on federal loans, undocumented students, and other groups of students who are among the most likely to need help.”

The next COVID-19 relief bill is not expected to be considered until after July 4. Both of these controversial issues will be in the mix.

5. New Resources for Educators

- [The Government Accountability Office](#) has issued *Indian Education: Actions Needed to Ensure Students with Disabilities Receive Special Education Services*.
- [CRPE](#) has issued *Too Many Schools Leave Learning to Chance During the Pandemic*.
- [Education Commission of the States](#) is out with a new report *Improving Early Childhood Education Systems*.
- [The American Academy of Arts and Sciences’ Commission on the Practice of Democratic Citizenship](#) has released a report, the result of two years of deliberation, *Our Common Purpose: Reinventing American Democracy for the 21st Century*. Recommendations include increasing the number of members of the House of

Representatives and the Supreme Court (with 18 year term limits for the Court), reforming campaign finance – including the repeal of “Citizens United--” automatic voter registration and more.

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Wishing you all the best,

Jane