

Washington Update June 26, 2020

Dear Colleagues:

While Capitol Hill was busy this week, there is little progress to report. As they head for the July 4 recess next week, accomplishments are unlikely.

1. **Re-opening Schools During COVID-19: Will the Federal Government Help?**

The topic of reopening schools is demanding attention at all levels of government – both for K-12 and higher education. The questions far outnumber the answers and the keywords seems to be flexibility and local decision making. With governors, public health agencies, state and local school leaders, parents and teachers all weighing in, the web of perspectives is complex. Finding a path to ensure public safety, equity and access to effective education is the challenge of the day. And finding the money to do what needs to be done – and in the midst of a polarizing election cycle – is looking like a herculean task.

This week the House Committee on Education and Labor held its second [hearing](#) related to education and the pandemic, *Inequities Exposed: How COVID-19 Widened Racial Inequities in Education, Health and the Workforce*. In his [testimony](#) about education, Dr. John B. King Jr, President and CEO of the Education Trust, highlighted ongoing inequities in both K-12 and higher education and how COVID-19 has exacerbated them. He urged the federal government to act and recommended the following provisions for the next COVID-19 relief bill:

- at least \$175 billion for K-12 education and \$50 billion for higher education
- an expansion of broadband to enable distance learning for low income students
- support for extended learning time to address learning loss during the pandemic
- resources to support the nutritional, social, emotional, and mental health needs of students and educators
- no waivers to key civil rights laws, including IDEA and ESSA
- an extension of student loan relief in the CARES Act into next year
- equitable and targeted student debt forgiveness in recognition that the recession will prevent many borrowers for repaying their loans
- doubling the amount of Pell grants
- increased investments in HBCU's and MSIs
- support for diversifying educator preparation programs

Public uncertainty about reopening schools was reflected in a Politico [survey](#) conducted between June 19-21. Overall, 54% of American votes report being somewhat uncomfortable or very uncomfortable reopening K-12 schools at the beginning of the

school year. Forty-eight percent of voters report being very or somewhat uncomfortable reopening colleges and universities.

Led by Sen. Jack Reed (D-RI), forty-one Senate Democrats released a [letter](#) calling for at least \$175 billion for the Elementary and Secondary Relief Fund in a future COVID-19 bill. They wrote:

“There can be no economic recovery in either the short term or the long term unless we make the investments necessary to safely reopen schools and ensure continuity of education during the ongoing pandemic. If schools are unable to reopen safely, it will be nearly impossible for many parents and caregivers to return to work. Moreover, the long-term consequences of sustained educational disruption could also hold this generation back, affecting students’ quality of life and weakening our nation.”

On June 24, Sen. Maggie Hassan (D-NH) and Sen. Chris Murphy (D-CT), both members of the Senate HELP Committee, wrote an [oped](#) calling for \$11 billion to be dedicated to IDEA state grants in the next COVID relief bill. They also call for more resources for early childhood programs for students with disabilities and support for professional development for special education teachers.

Sen. Lamar Alexander (R-TN), chair of the Senate HELP Committee indicated a [shift](#) in his position this week. Whereas he previously said Congress should wait to see how CARES Act funds are spent before providing additional funds, he said he is now ready to support additional relief funds for education. Next Tuesday, June 30, at 10 AM, the Senate HELP Committee will hold its second [hearing](#) on COVID-19 and education, *COVID-19: Update on Progress Toward Safely Getting back to Work and Back to School*.

In a related development, Sec. DeVos revealed a promised regulation related to how federal funds are distributed under the CARES Act. Whereas she had previously issued guidance requiring states to count all private school students (rather than just low-income private school students) in their distribution of K-12 funds, she backed off in the regulation, offering districts two options. The first option allows a district to use CARES Act funds for students in all of its public schools. If the district chooses this option, it must calculate funds for equitable services counting all students enrolled in private schools in the district. The second option allows for a district to use the funds only for Title I schools and choose between one of two calculations. The interim final rule will be effective immediately when it is published in the coming days. In addition, there will be a public comment period for 30 days.

Adding to the mix is a [report](#) issued this week by the General Accounting Office (GAO) which does not paint a pretty picture of the Administration’s implementation of the CARES Act. The most dramatic finding was that over a million deceased people received checks from the IRS. The Department of Education was criticized for delayed distribution of the \$6 billion in emergency aid for college students and continued

garnishment of wages on some defaulted loans despite a requirement to suspend this practice. In its written response to the report, the Department of Education stated that sections were “inaccurate, flawed, incomplete, and unfair.” The GAO disagreed with those characterizations.

As the House has already passed its next COVID-19 relief bill – the HEROES Act – the next move will be in the Senate. The HEROES Act includes \$100 billion for K-12 schools and higher education.

The House and the Senate are moving toward a July 4 recess next week; thus, no action is likely prior to their return the week of July 6. When Congress does reconvene, it will only be for a short time, as August will find them campaigning back in their districts and states.

2. Police Reform Stymied

This week the House passed a sweeping police reform bill and – despite arm twisting from the White House – picked up three Republican votes. The bill would ban chokeholds, end “no-knock” warrants, create a national registry for officers accused of misconduct and relax restrictions on prosecuting officers. Senate Republicans, led by Sen. Tim Scott (R-SC), put forward a more limited police reform bill which was blocked by Democrats before it could come up for debate. Lobbyists for the police are opposed to loosening qualified immunity and the creation of a registry. Unless there is some sort of unforeseen breakthrough, police reform appears to be at an [impasse](#).

3. New Resources for Educators

- **The Office of Special Education Programs** of the U.S. Department has published a Q and A related to implementing dispute resolution procedures under IDEA, [Part B](#) and [Part C](#), during the COVID-19 pandemic.
- Valerie Strauss [reflects](#) writes in **the Washington Post: *It Looks Like the Beginning of the End of America’s Obsession with Student Standardized Tests.***
- In **Ed Week**, Brett Bingham, 2014 Oregon Teacher of the Year, [reflects](#) on the Supreme Court decision prohibiting the firing of employees based on sexual orientation as well as his personal experience in ***Teacher: I Was Fired for Being Gay. Now It Can’t Happen to Anyone Else.***
- **Real Clear Education** has published Simone Hall’s [Blackness, Disability and Policing in American Schools](#)
- **The CEEDAR Center, the American Association of Colleges for Teacher Education and the Center on Great Teachers and Leaders** is out with [Addressing Shortages of](#)

Educators in an Uncertain COVID-19 Landscape: Viewing Teacher Candidates as Assets.

- The Learning Policy Institute has published [*Raising Demands and Reducing Capacity: COVID-19 and the Educator Workforce.*](#)

Washington Update will be taking a break next week. I'll be back July 10. Wishing you a joyful holiday.

Take good care,

Jane