

Washington Update May 1, 2020

Dear Colleagues:

I'll be virtually celebrating the wedding that didn't happen tomorrow with my son, his fiancé, family and friends. It won't be the same, and though we are all little overexposed to zoom, I am grateful that we have it as an option. Welcome to May – hoping for some encouraging news this month for all of us.

1. Senate to Reconvene May 4 as House Stays Home—Mostly

Congress has been on recess for a month leaving a scant few Members in town to hold down the fort. This week both the House and Senate announced they would return full force on May 4 – but only a day later, House Majority Leader Steny Hoyer (D-MD) retracted the announcement for the House saying the Capitol physician advised against it. Members are still regrouping from the whiplash announcement and retraction -- assessing the political fallout -- but relieved about the health risks had they returned.

Sen. McConnell (R-KY), Senate Majority Leader, has not backed down despite push back from several Senators, and the full Senate is scheduled to be in town May 4. They will likely be in town until May 22, recessing then for Memorial Day. Many unanswered questions remain. Will staff be required to report to work? Will social distancing be enforced? What are the cleaning procedures for office spaces and the Capitol? Will masks and gloves be worn? We shall see.

While the full House will not be in session, the intrepid Rep. Rosa DeLauro (D-CT) announced that the Subcommittee on Labor/HHS/Education Appropriations, which she chairs, will convene in the flesh to hold an oversight hearing on the implementation of the \$2.2 trillion CARES Act on May 6 at 10 am. The witness list has not yet been announced and it is not known if education will be addressed. This is guaranteed to feature pointed questions by Democrats on the Committee.

The work on a fifth COVID-19 relief package is underway in the House and anticipated in late May-early June. Education organizations have weighed in seeking billions in relief for education, state and local governments and education infrastructure. Dire warnings of possible massive teacher layoffs – up to 300,000 – have driven a call for a significant infusion of cash. Speaker Pelosi (D-CA) has said that state and local governments may need as much as \$1 trillion in emergency federal aid. A fifth COVID relief bill is not expected to be on the docket until late this month or early June. It will likely originate in the House and then move to the Senate where it will confront a number of hurdles, such as provisions to shield businesses from lawsuits during the pandemic.

To watch House Labor/HHS/Education Appropriations hearing on COVID-19 response May 6 at 10 am : https://appropriations.house.gov/subcommittees/labor-health-and-human-services-education-and-related-agencies-116th-congress/congress_hearing

See: <https://www.usatoday.com/story/news/politics/2020/04/27/house-and-senate-reconvene-may-4-amid-coronavirus-pandemic/3036248001/>

2. Sec. DeVos Pushes Privatization with Three New Initiatives

While schools scramble to put education services in place in the midst of a national emergency, Sec. of Education Betsy DeVos moves forward with three privatization schemes. The first is a program she invented using COVID-19 funds under the CARES Act. It has two components – one for K-12 at \$180 million (“Rethink K12 Education models Grants”) and the other at \$127.5 million (“Reimaging Workforce Preparation Grant.”) The Rethink funding was telegraphed by DeVos some weeks ago when she praised the idea of “microgrants” to families of students with disabilities so they could purchase services. The grant competition announcement notes that the funds could be used for “special education and related services including therapies” as well as application fees for private schools. States will receive the awards for distribution; they are likely to average \$15 million. Interesting to note that the public comment period, which is standard practice for such a new initiative, was waived. This did not deter Randi Weingarten, President of the AFT, who said DeVos was using the pandemic to turn “our public schools into online cash cows for her corporate friends and offering families vouchers that divert resources away from the schools that need those resources.”

Two notices appeared in the Federal Register in April which also promote voucher-like ideas. The first proposes to prioritize State Personnel Development Grants (a \$38 million IDEA funded program) for stipends to individual special educators so they may purchase their own individual professional development. The second, similarly, prioritizes funds under the Education Innovation and Research program (part of ESSA) to develop and implement teacher-directed professional learning projects, rather than “one-size fits all professional development activities often funded by school systems.” Both proposals are open for public comment – the IDEA program until May 26 and the ESSA program until May 13. Links to respond are below.

I am not really a betting person -- but if I were -- I'd put some money on Rep. DeLauro raising the use of CARES funds for “microgrants” at the hearing next week. She noted in a statement that she was astonished to see DeVos use “this critical aid to fund divisive, ideologically-driven policy priorities: including voucher-like proposals.”

“Microgrant” initiative with CARES Act funds: https://www.ed.gov/news/press-releases/secretary-devos-launches-new-grant-competition-spark-student-centered-agile-learning-opportunities-support-recovery-national-emergency?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

See: http://blogs.edweek.org/edweek/campaign-k-12/2020/04/betsy_devos_coronavirus_grants_rethink_learning.html?cmp=eml-enl-eu-news2&M=59563576&U=1595124&UUID=048db4853d88ca82835a9e9198cad282

Federal Register: ESSA/EIR proposal for voucher-like professional development
<https://www.govinfo.gov/content/pkg/FR-2020-04-13/pdf/2020-07753.pdf> Comments due May 13

Federal Register: IDEA State Personnel Development grants proposal for voucher-like professional development: https://www.govinfo.gov/content/pkg/FR-2020-04-24/pdf/2020-08554.pdf?utm_campaign=subscription+mailing+list&utm_source=federalregister.gov&utm_medium=email Comments due May 26

3. **Sec. DeVos Issues Report to Congress on IDEA Waivers**

The CARES Act required that Sec. DeVos submit a report to Congress with a list of statutory waivers to a number of federal education laws which she believes are needed during the COVID-19 emergency. Policy watchers were focused on IDEA, anticipating a list which could strike at the heart of IDEA requirements, including the provision of a free appropriate public education. A number of administrative education organizations have made the case for the need for waivers, while most special education, civil rights and disability organizations oppose them. Administrators fear an onslaught of lawsuits if adjustments are not made to the law, while advocates believe waivers will result in unprovided services.

Washington was surprised on Monday when her report was issued calling only for two rather minor timeline adjustments to IDEA (one related to the timeline for transitioning preschoolers into Part B of IDEA and the other adjusting the implementation of the service obligation under Personnel Preparation grants.) Requirements related to the provision of a Free Appropriate Public Education were untouched.

While the special education advocacy community was relieved, administrators were disappointed, reiterating that they need flexibilities, particularly related to timelines, in order to be effective during the national emergency. Any waivers would have to be authorized in law by the Congress. Whether or not there will be a push to do that in the next COVID-19 relief bill remains to be seen.

<https://www.educationdive.com/news/ed-department-idea-waiver-requests-leave-need-for-clarity-and-certainty/576859/>

4. **New Resources for Educators**

Higher Education:

- **Inside Higher Ed** reports '*Just No Comparison' for Pandemic's Financial Shock Furloughs, Layoffs and Pay Cuts Pile Up as Colleges Buckle Under the Pandemic's Financial Shock:*
<https://www.insidehighered.com/news/2020/04/27/colleges-rev-cuts-pandemic-related-costs-keep-mounting>
- **Inside Higher Ed** reports on *More Cause for Concern about Fall Enrollment:*
<https://www.insidehighered.com/admissions/article/2020/04/28/private-polling-offers-another-warning-sign-about-college-admissions>
- **Education Dive** reports on the for-profit services lining up for higher education contracts <https://www.educationdive.com/news/strayer-capella-parent-wants-to-provide-ed-tech-services-to-other-colleges/577040/>

PK-12 Education:

- **The American Federation of Teachers** issued *A Plan to Safely Reopen America's Schools and Communities;*
https://www.aft.org/sites/default/files/covid19_reopen-america-schools.pdf
- **The Learning Policy Institute** is out with *The Impact of the COVID-19 Recession on Teaching Positions* which estimates the potential loss of teaching positions state by state with a possible total of 300,000:
<https://learningpolicyinstitute.org/blog/impact-covid-19-recession-teaching-positions>
- **ChalkBeat** reports on a **Shanker Institute** report *Schools Need A Big Influx of Federal Money with Strings Attached:*
<https://www.chalkbeat.org/2020/4/24/21233562/federal-aid-schools-education-coronavirus-economy-shanker-institute-report>
- **The Council of Great City Schools** estimates 275,000 teachers could be laid off and urges Congress to provide funding:
<https://www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/4/Coronavirus--Aid%20Letter%20II.pdf>
- **The Institute of Education Sciences** has awarded its first grant to study the impact of the COVID-19 emergency on schools. The grant recipient is the same organization which studied the impact of Hurricane Katrina on schools and the subsequent charterization of that district:
<https://thelensnola.org/2020/04/28/tulane-affiliated-education-group-gets-federal-grant-to-study-schools-response-to-covid-19-nationwide/>

Stay safe and enjoy the gorgeous flowers blooming everywhere.

See you on twitter @janewestdc

Best,
Jane