

Washington Update December 18, 2020

Dear Colleagues:

I hate to leave you hanging with unfinished business, but this will be my final Washington Update for 2020. I'm taking a break for the next two weeks and I hope you are too! By the time we get together again in January, we will have a new much-needed COVID relief bill, a fully funded government through October 2021, a new Congress sworn in and a new Secretary of Education nominated! And we will know whether the Democrats or the Republicans will rule the Senate. Enjoy the unfolding drama over the holidays.

1. The Finish Line in Sight for Congress

At this moment around noon on Friday Dec. 18, 2020, Congress is poised to cross the finish line before the end of the year with both a \$1.4 trillion FY 2021 spending deal and a new \$90 Billion COVID relief package. But they will not meet today's deadline and may pass another short-term extension or allow a weekend government shutdown -- keeping themselves at the bargaining table through the weekend and possibly into early next week. This is the pattern of Congress at the end of most years it seems: delay, postpone, delay, postpone and then rush rush rush right up until Christmas day. When asked why Congress didn't get serious about COVID relief negotiations until this week, House Majority Leader Steny Hoyer (D-MD), a 40 year veteran of the House, said: "Why this takes so long is because we procrastinate, and we pretend, just one more day and we'll get a better deal. And it's frustrating for me, it's frustrating for everybody, but that's what happens."

The FY 2021 spending package appears to be in good shape, though money for the border wall with Mexico in the Homeland Security bill remains controversial. The COVID relief negotiations unfold by the moment with late night calls and early morning convenings of House and Senate leaders and White House representatives. All parties, including Speaker Mitch McConnell, have announced that they will not leave for Christmas without passing a COVID relief bill, so that is a pretty sure bet that it will happen.

In the COVID relief bill, it appears certain that there will be an additional \$82 billion for education -- with \$54 billion going to PK-12 schools and \$20 billion going to higher education. The remaining \$7.5 billion would be in a Governors fund for education related pandemic assistance and \$2.5 billion set aside for private schools. However, the bill prohibits that money from going for vouchers or parent scholarships. In addition, Republicans have dropped a requirement they had in previous proposals to tie funds to the extent schools were reopened in person. Emergency funds of \$3 billion are also included to boost broadband access and provide hot spots and devices to students.

The contentious issues of more funding for state and local governments (which the Democrats wanted) and liability shields for business and other organizations (which the

Republicans wanted) appear to have been [dropped](#) In large measure, this has enabled progress.

2. Parting Gifts from Sec. Betsy DeVos and News on Biden Nominees for Secretary of Education

In a Department-wide [virtual meeting](#) with career staff to review the transition to the new administration, Secretary DeVos urged them to “be the resistance.” She noted that most of the agency’s thousands of career employees “will be here through the coming transition and beyond....Let me leave you with this plea: resist,” DeVos said. “Be the resistance against forces that will derail you from doing what’s right for students.”

In an exit [interview](#) with Rick Hess, Sec. DeVos was asked what was her most significant accomplishment in office. She replied:

“Hands down, it’s changing the national conversation around what K-12 education can and should be. The concept of school choice is more popular across racial, ethnic, and political lines than ever before. I’m also proud of the team’s work on the historic Title IX rule which codified into law protections for all students.”

In a Christmas gift to religious groups, the Department of Justice issued far-reaching regulations which [apply](#) to the Department of Education and confer new protections for them to participate in federal grant programs. Under the rule, faith-based charter schools can receive federal funds if the money is not used for explicitly religious purposes. Concerns about the new regulations enabling discrimination against the LGBTQ+ community and potentially undermining the separation between church and state were dismissed.

Meanwhile, the [Washington Post reports](#) that the top two contenders for Biden’s nomination for Secretary of Education are Dr. Leslie T. Fenwick, former Dean of Howard University School of Education and currently Dean in Residence at AACTE, and Dr. Miguel Cardenas, Commissioner of Education in Connecticut. The article reviews Fenwick’s critique of Teach for America describing it as a “scheme” rooted in resistance to *Brown v. Board of Education*. She urges equitable school funding and equitable access to fully credentialed teachers. Cardona is a former teacher and principal who has pushed for in-person learning during COVID, causing pushback from the union. It is believed that an announcement will come before Christmas.

3. The 2020 Congress Deemed one of the Least Productive in Decades

In a recent [report](#), Quorum concluded that the pandemic year has brought an increase in social dialogue and a decrease in legislation. ‘Twitter replaced floor debates in 2020,’ the report concluded. In 2020, Congress enacted 28 pieces of legislation out of the 5,117

bills that were introduced. This is far fewer than in any years since 1990, when Quorum began tracking the data. The 116th Congress – which includes both 2019 and 2020 – will be the least productive since at least the 1970s.

As legislating declined in Congress, social media use shot up. Members of Congress posted to Facebook, Twitter, Instagram and YouTube 785,000 times this year compared to 290,000 times in 2016. Twitter was the most used of the platforms with twice as many tweets as Facebook posts. In the Senate, Ted Cruz (R-TX) posted the most to social media, while the winner in the House was Rep. Chip Roy (R-TX).

Like you I imagine, I am more than ready to say good-bye to 2020 and move forward to a world of hugs and gatherings with friends and family. Perhaps one of the gifts of the pandemic has been a renewed appreciation for what we may have taken for granted. Wishing you joy and peace over the holidays. Merry Christmas and Happy New Year.

Best,

Jane