

Washington Update February 26, 2021

Dear Colleagues:

Congress moved forward with the massive COVID relief bill this week as the Biden team continued to issue guidance and name nominees for the Department of Education.

1. Congress Moves on COVID Relief Bill and More

This week Congress moved closer to the enactment of the \$1.9 trillion American Rescue Plan – the COVID-relief [reconciliation](#) bill with hundreds of billions of dollars for education, child care, and other education-related needs. The bill is expected to pass in the House this evening. All Democrats are likely to vote for the bill, and possibly some Republicans.

The bill will move to the Senate next week for consideration, where the parliamentarian has already ruled that the provision to increase the minimum wage to \$15 per hour (which is in the House bill) is not permitted in a Senate reconciliation bill. So the Senate will likely pass the House version of the bill without the current minimum wage provision (though other versions may be substituted). The final step will involve either 1) the House passing the Senate version of the bill and then sending it to President Biden's desk or 2) the House and the Senate conferencing their two different versions of the bill and both bodies passing a new version of the bill to send to the President. Option number one is most likely as there is a rush to have the bill enacted by March 14, when the current expanded unemployment insurance expires. Several [education groups](#) have come forward in support of the bill. Republicans appear likely to oppose the bill holding that it is too much money and that the process has not been bipartisan. However, since the Senate requires only 51 votes to pass the bill, even with all Republicans opposing it, it will pass.

With impeachment proceedings receding into the background, the Rescue Plan moving forward, and confirmation hearings in full swing, Members of Congress are introducing bills to announce their priorities for the 117th Congress. Reps. Susie Lee (D-NV) and Sen. Chris Van Hollen (D-MD) introduced the ***Keep Our Promise to America's Children and Teachers Act***, which would pave the road to fully fund Title I and IDEA over 10 years. Van Hollen has introduced the bill every year since 2016, but it has yet to pass. "What is different now is that we have picked up a huge amount of momentum," he told the Baltimore Sun this month. The bill also has the backing of more than 30 education, civil rights and disability rights organizations. "Congress made a historic commitment when it passed Title I and IDEA, but to hold up our end of the bargain, we must fully fund these critical programs to support students in lower-income neighborhoods and students with disabilities," Van Hollen said in a statement.

Additionally, Sens. Chris Van Hollen (D-MD), Sherrod Brown (D-OH) and Kirsten Gillibrand (D-NY) [reintroduced](#) the *Full Service Community School Expansion Act*, which would assist schools and districts in supporting and serving their students, families and communities. The bill would invest \$3.65 billion over five years to support full-service community schools serving low-income students, as well as provide renewable grant opportunities and other resources to strengthen those schools' "wraparound services," including health services and mentoring and youth development programs. Sens. Bob Casey (D-PA), Tammy Duckworth (D-IL), and Martin Heinrich (D-NM) are co-sponsors. Reps. Mondaire Jones (D-NY) and David Trone (D-MD) are leading the House version of the bill.

We can expect more education bills to come forward as Members continue to stake out their priorities for the 117th Congress.

2. Biden Team Moves on Key Education Policy Before New Secretary Takes Office; New Appointees Named

The Biden Team has set its stakes in the ground on the two most controversial K-12 policy issues before their Education Secretary nominee has been confirmed by the Senate, perhaps sparing him from some political fallout related to these decisions: [school reopening](#) and federal [testing waivers](#).

On Monday, the [U.S. Department of Education](#) informed states that it's not inviting them to seek "blanket waivers of assessments" for the 2020-21 school year, a message that essentially tells states that they should plan to give federally mandated exams in English/language arts, math, and science. States received such blanket waivers last spring. This year the Department will consider requests to essentially put accountability systems on hold. That would mean not identifying certain schools for improvement or differentiating schools by ratings for the 2020-21 school year, for example. States could also get waivers from the requirement that at least 95 percent of eligible students take the tests. As for the tests themselves, the Biden administration said states would have the option of giving shorter versions of the regular tests, administering tests remotely, and expanding their testing windows so that students could take the exams this summer or even during the 2021-22 school year.

Dozens of civil rights, education and business organizations including The National Urban League, Education Trust, and U.S. Chamber of Commerce [praised](#) the Education Department's decision but said authorities "must not" allow states to substitute local tests in place of statewide assessments, or to only test subsets of students. On the other hand, American Federation of Teachers President Randi Weingarten said in a [statement](#): "While its plan does offer the option for testing modifications and waivers for accountability requirements, which is a start, it misses a huge opportunity to really help our students by allowing the waiver of assessments and the substitution, instead, of locally-developed, authentic assessments that could be used by educators and parents as a baseline for work this summer and next year."

Earlier this month the [CDC](#) released guidance on school reopening which seems to have set the stage for a tense [debate](#) rather than offering much needed clarity that many had hoped for. In his first town-hall as President, Biden said he wants to see all kindergarten through 8th grade schools open five days a week near the end of his first 100 days in office. "The loss of being able to be back in school is having a significant impact on the children and parents as well," Biden said at the town hall in Milwaukee.

The CDC [guidance](#) recommends that schools limit the spread of Covid-19 by following certain key strategies: mask-wearing, physical distancing, handwashing, keeping classrooms clean and well-ventilated, and contact tracing when someone in the school tests positive for the virus. Vaccines and testing are not among the "key" strategies the agency lays out. They are listed as "additional layers" of Covid-19 prevention. The National Education Association issued a statement saying for schools to have the necessary resources to follow these mitigation strategies, the Biden Administration's American Rescue Plan is needed, highlighting that such funding would support ventilation systems, personal protective equipment for students and teachers, among other COVID-19 safety tools. The [American Federation of Teachers](#) in a statement echoed the importance of adequate funding. So for now, some school districts see the guidance as reason to stay open, but other schools -- especially if they don't have the means to implement safety strategies -- may view the guidance as a reason to stay closed.

All the while, Dr. Miguel Cardona's nomination to be Secretary of Education cleared a key procedural hurdle in the Senate on Thursday, paving the way for his confirmation on Monday. The bipartisan vote of 66-32 allowing the nomination to move forward bodes well for a final bipartisan confirmation vote. While we wait for Dr. Cardona's confirmation, the U.S. Department of Education [announced](#) more political appointees that will lead various parts of the agency.

In addition to the list of political appointees to the Department announced on Monday, the [White House announced](#) it will nominate James Kvaal to be Undersecretary of Education, a position responsible for postsecondary education, student aid, career technical education and adult education. He is president of The Institute for College Access & Success, and previously worked during Democratic Administrations in the Department of Education and on the Domestic Policy Council. Several [groups](#) praised the nomination of Kvall in a letter of support stating: "This is a terrific nomination for students, colleges and universities, and the entire country. President Biden could not have made a better choice." Kvall joins Cindy Marten, the superintendent of schools in San Diego, who President Biden also formally nominated on Monday to be Deputy Secretary of Education.

3. Upcoming Opportunities

- [The Higher Education Consortium for Special Education](#) offers doctoral students and faculty an opportunity to join a panel discussion with recent special education PhD students who will discuss how their doctoral programs included instruction and

activities to prepare them to be involved in federal policymaking. The webinar takes place March 19 from 1-2 PM ET.

- [The National Academy of Education](#) is hosting a forum on assessment. The panel of experts will address the complex questions and concerns of how to validly "use" data from the 2020-2021 end-of-year assessments as well as what future assessments should look like to help further equitable educational opportunities for all students. The webinar takes place March 4 from 12-1:30 PM ET.

4. New Resources

- [Center for American Progress](#) issued a report suggesting preschool can increase opportunities for an equitable early childhood system and help spur economic recovery in from the pandemic
- [FutureEd](#) has released a national school-opening trend line with plans to update it weekly until the end of the school year. The trend aggregates the weekly status reports of the 200 largest school districts to track when they go in-person, virtual or hybrid for class instruction.
- [The Center for Democracy and Technology](#) issued a new report urging the education sector to adopt a "data ethics approach" when assessing how data and technology might be misused or have unintended consequences.
- [NCLD](#) is out with a new report this week that highlights best practices to accelerate learning for students with disabilities. The practices outlined aim to help bridge the long-existing achievement gap students with disabilities have faced, along with remedying learning loss from the pandemic.

My daffodils are peeking up in my front garden; surely spring is on the way! Along with vaccinations we can look forward to balmy sunny days and flowers abloom.

Much thanks to Dr. Kaitlyn Brennan for her research and contribution to this week's Washington Update.

All the best to you,
Jane