

## Washington Update, February 5, 2021

Dear Colleagues:

Congress swung back into full gear this week moving legislation and addressing turmoil simultaneously. Perhaps there is hope for chewing gum and walking at the same time.

### 1. House and Senate Press Forward Despite Turmoil Swirling

In a pair of head-scratching moves, the Republican House Caucus decided to simultaneously support Rep. Marjorie Taylor Greene (R-GA) -- despite her threats of violence against other Members of Congress and her allegiance to conspiracy theories -- and also support Rep. Liz Cheney (R-WY) despite her vote to impeach President Trump for inciting insurrection at the Capitol. At stake for Greene were her seats on both the Committee on Education and Labor and the Committee on the Budget. Forty-four national education associations submitted a [letter](#) to the House urging that Rep. Greene be removed from the Committee on Education and Labor. At stake for Cheney was her position in the House Republican Leadership. While Greene lost her positions on the two committees -- after the Democrats insisted on a floor vote -- Cheney retained her leadership position. [Eleven](#) Republicans joined Democrats in [voting](#) to remove Greene, while 145 of her colleagues voted to retain Cheney in her leadership position -- with 61 recommending her departure. It appears that Republican Leader McCarthy (R-CA) seeks to send a "big tent" message about the Republican party -- welcoming both those who support QAnon conspiracies and threaten violence against their colleagues, as well as those who believe former President Trump incited insurrection in the Capitol on January 6.

In dramatic moves in both the House and Senate this week, the stage was set to enact President Biden's \$1.9 trillion COVID relief package. Early in the week the House [passed a Budget Resolution](#) followed by [Senate passage](#) of a Budget Resolution early Friday morning -- with a tie-breaking vote by Vice President Harris. The Budget resolution is the shell that will initiate the creation of legislation which will form the COVID-19 relief package. Because the Senate Resolution is different from the House resolution, the House will next take up the Senate version and pass it so that both bodies are working from the same playbook.

The resolution directs multiple Committees, including both the House Committee on Education and Labor and the Senate Committee on HELP, to draft legislation according to the specifications of the resolution. The Budget Committee then gathers the legislation and puts it into one bill, called "[reconciliation](#)" and brings it to the floor of the respective bodies. The advantage of this approach is that it requires only 51 votes in the Senate, providing a partisan opportunity for Democrats to enact the bill over the objection of all Republicans.

Despite a range of calls for a bi-partisan approach to the legislation, partisan politics appears to have won out. The sense of urgency has propelled the move by Democrats, as they are looking at a March 14 deadline when supplemental unemployment expires.

## **2. Democrats Take Committee Gavels as Secretary of Education Nominee Dr. Miguel Cardona Breezes Through Confirmation**

This week Senate Democrats and Republicans finally came to an agreement about how the Senate will be organized for the 117<sup>th</sup> Congress, at last acknowledging that the Democrats now rule the Senate. Sen. Patty Murray (D-WA) took the gavel on the HELP Committee as Sen. Richard Burr (R-NC) became the Ranking Member – taking the place of retired Sen. Lamar Alexander (R-TN). The Committee welcomed two new Democratic Members -- Sen. Ben Ray Lujan (D-NM) and Sen. John Hickenlooper (D-CO) – as it bid farewell to Sen. Elizabeth Warren (D-MA), who will join the Committee on Finance.

In her first official act as Committee chair, Sen. Murray presided over the [confirmation hearing](#) for Dr. Miguel Cardona, President Biden’s nominee for Secretary of Education. Chair Murray noted, “Given Dr. Cardona’s background, there is no question he’s ready for these challenges. And after four years of a Secretary of Education who had no experience in public education, I’m thrilled to have a nominee before us who is a former elementary school teacher, a former adjunct professor, a former principal and a former assistant superintendent...As a former preschool teacher myself, I know firsthand how valuable that classroom perspective is when working on these issues.”

Dr. Cardona breezed through the hearing, winning an early commitment from Ranking Member Burr to vote for his confirmation, foreshadowing broad bipartisan support -- despite an increasingly contentious national political debate over the reopening of schools. Cardona pledged to do “everything in our power to safely reopen schools,” vowing to take a collaborative approach to address the unprecedented upheaval of the nation’s educational system and combat the educational inequities exacerbated by the pandemic.

Dr. Cardona spent just over two hours [fielding questions](#) from Senators- some participating in person and some joining remotely. Dr. Cardona touched on everything from federal state testing waivers, reopening schools, transgender student rights, charter schools, and accessibility for students with disabilities and English Language Learners. When asked by Senator Kaine (D-Va) what the impact would be if Congress increased the federal investment for IDEA to 40% from the current level of 13% Dr. Cardona simply replied “...it would be a game changer.”

Sen. Richard Burr noted, “I will encourage all of my colleagues on my side to support you as well and to move expeditiously to have you sworn in as the next Secretary of Education.” Cardona’s performance stands in stark contrast to the theatrics of four years

ago when Betsy DeVos' confirmation hearing [went viral](#), generating voluminous opposition, and requiring a tie breaking vote on the Senate floor by then-VP Mike Pence.

The HELP committee will vote on Dr. Cardona's confirmation on Thursday February 11 at 10 AM. You can watch live [here](#).

### **3. House Democrats Introduce Duo of Education Equity Bills**

House Democrats set the stage for their education priorities pushing for increased classroom diversity and stricter accountability for school discrimination. Rep. [Bobby Scott](#) (D-Va.), chair of the Education and Labor Committee, co-authored both bills calling the measures, the "first new investment in school integration in three decades" and "critical to protecting students from discrimination and closing persistent achievement gaps." Co-introduced by Rep. [Mondaire Jones](#) (D-N.Y.), the Strength in Diversity Act builds on an Obama-era initiative that offers grants to help school districts increase diversity.

The Equity and Inclusion Enforcement Act, which Scott introduced with [Jerry Nadler](#) (D-N.Y.), would restore students or families' rights to sue under Title VI of the Civil Rights Act, after a 2001 Supreme Court ruling revoked their ability to do so. It would also create an Assistant Secretary at the Education Department responsible for enforcing Title VI and require schools to have at least one employee responsible for investigating any complaints of discrimination based on race, color or national origin.

Both bills were first introduced last Congress and passed in the House, but a then GOP-controlled Senate did not take them up. Both bills could have a better shot at becoming law with a Democratic majority in both chambers of Congress and a Democratic president.

### **4. The Biden Administration Continues Appointments, Policy Work**

As teachers unions and school systems clash over what is considered a safe return to in-person learning and President [Joe Biden](#) looks to [reopen a majority](#) of K-8 schools in 100 days, the head of the CDC on Wednesday [said](#) it could be possible to get back to school safely without hinging the return to classrooms on [vaccines](#). "There is increasing data to suggest that schools can safely reopen and that safe reopening does not suggest that teachers need to be vaccinated in order to reopen safely," CDC Director Rochelle Walensky told reporters at a briefing. "Vaccination of teachers is not a prerequisite for the safe reopening of schools."

When asked if the Biden administration echoes Walensky's report, White House Press Secretary Jen Psaki responded saying the CDC has not yet released official guidance on the vaccination of teachers and how to safely reopen schools, "so we'd certainly defer to that, which we hope to see soon." On whether states should prioritize teachers for

vaccinations, Psaki reiterated it's up to states to determine. Psaki also touched on the fight among teacher unions and local officials over reopening schools during the pandemic. The White House, she said, encourages progress in their conversations, “but the president's focus is on the schools reopening safely and them staying open.”

President Biden continues to [name appointments](#) at the Department of Education, filling more positions this week. Notably, Michelle Asha Cooper, a [respected longtime champion](#) for education equity, has been named as Acting Assistant Secretary for Postsecondary Education. Cooper was most recently president of the Institute for Higher Education Policy. Jessica Cardichon, formerly Director of the Washington Office and Director of Federal Policy at the Learning Policy Institute, will join the Department as Deputy Assistant Secretary in the Office of Planning, Evaluation and Policy Development. A former teacher with a doctorate in education and a law degree, Cardichon previously served as education counsel to Sen. Bernie Sanders (D-VT). While no Assistant Secretaries have yet been nominated, numerous appointees are in place at the Department.

## 5. New Resources for Educators

- Federal funding for IDEA falls woefully short of the amount promised by Congress when the IDEA was first enacted. In FY 2020 the Federal government provided just \$12.764 billion to states to help offset the additional costs of providing special education and related services to an estimated 7.0 million students with disabilities nationwide. This [report](#) offers a breakdown of what the funding gap means state by state.
- A number of states are carrying Betsy DeVos’ [school choice torch](#) by way of introducing bills to finance the cost of private education.
- The Justice Department filed notice Wednesday with the district court in Connecticut that it is voluntarily [dismissing the lawsuit](#) against Yale filed by the Trump administration over the institution's application process. The complaint charged that Yale discriminated against Asian American and white undergraduate applicants.
- [The Center on Budget and Policy Priorities](#) released a report outlining the process of reconciliation. This is an especially helpful tool as we continue to scrutinize the process underway to pass the next coronavirus aid package.

Stay tuned next week as the Trump impeachment trial begins in the Senate on Tuesday.

I’m sending a big thank you to Dr. Kaitlyn Brennan for her extensive research and contribution to this Washington Update!

See you on twitter [@janewestdc](#) and [@Brennan\\_kait](#)

Best,  
Jane