

Washington Update January 8, 2021

Dear Colleagues,

This is certainly not the beginning to 2021 that any of us expected. The events of this week were disturbing on so many levels – a gross violation of our democracy, a bold nod to white supremacy, a total failure of Capitol police, a President of the free world promoting insurrection, a traumatic personal experience for our elected officials, the death of five people, and a denial of the results of a verified legitimate electoral process by [over 100 Republicans](#) in Congress. Calls for an invocation of the 25th Amendment or impeachment to immediately remove President Trump from office – 12 days before his term ends – are mounting. Resignations of Trump officials – [Education Secretary Betsy DeVos](#), [Transportation Secretary Elaine Chao](#) and more – claiming disapproval of the Capitol riot and the President’s role in provoking it -- are unfolding. Condemnations of Republican leaders in Congress – particularly Sen. Josh Hawley (R-MO) and Sen. Ted Cruz (R-TX) are coming from fellow Republicans, including conservative standard-bearer George Will, who [wrote](#) that they will both wear the Scarlet S of Sedition henceforth. There are many reckonings to come. We are now on a new level of alert and it will stay with us, particularly as we approach the inauguration on January 20th on the West Front of the Capitol. I urge you to read the [powerful article](#) penned by Sen. Elizabeth Warren’s (D-MA) staffer, Josh Delaney, on the trauma of a Black Hill staffer living through the Capitol invasion watching the Confederate flag wave around the Rotunda, as well as the [range of statements](#) issued by education organizations decrying the storming of the Capitol.

1. The 117th Congress Begins

Members of the 117th Congress were sworn in on January 3. Just three days later, they faced the unimaginable trauma of a breach of the Capitol by a mob of Trump supporters disrupting the certification of the electoral votes which would confirm Joe Biden as the next President of the United States. Despite the mayhem, chaos, and fear, after the Capitol was cleared, lawmakers went back to work and at 3 AM on January 7 confirmed the results of the election. Challenges to the electoral results by over 100 Republican Members of Congress were defeated, as both Republicans and Democrats – including Majority Leader Mitch McConnell (R-KY) and Sen. Mitt Romney (R-UT) -- railed against the tactic.

Just days before the Capitol breach, Rep. Nancy Pelosi (D-CA) was voted in, once again, as the Speaker of the House- albeit by a narrow margin. The vote seals Pelosi in the record books as the first woman, and the first person in six decades, to regain the speaker’s gavel -- now twice -- after losing it.

The 117th Congress is the [most diverse Congress](#) the nation has ever seen. Members who are women, Black, Latinx and LGBTQ are represented in greater numbers than ever before. Republican women in the House doubled their numbers from 13 to 26. Democrats remain in control of the House with a slimmer margin than in the last Congress – 222 Democrats to 211 Republicans, with 2 vacancies yet to be filled.

With the stunning victories of Raphael Warnock and John Ossoff in Georgia, control of the Senate will flip to Democrats, with a 50-50 split. Since incoming Vice President Kamala Harris will cast the tie-breaking 51st vote, Democrats will be in the majority, though by the slimmest of possible margins. The Senate will welcome 8 new Senators and will now be comprised of 25 women, 3 Black members, 6 Latinx members and 2 LGBTQ members.

Being in charge of the Senate, the Democrats gain multiple advantages. Every Committee will be chaired by a Democrat and they will have more staff. They will control the agenda in both Committees and on the floor. In other words, they will determine what issues, what nominations, and what bills will be considered and when. They are likely to approve nominees and judicial picks recommended by incoming President Biden. And the big bonus – they will be able to use an obscure process called “reconciliation” to pass major spending bills and make budget changes. Generally, the Senate needs 60 votes to pass a bill (thus clearing a filibuster), but with the reconciliation process, only 51 are needed.

While all of the Committee chairs for the 117th Congress have not been announced yet, a few key appointments are known. Rep. Rosa DeLauro (D-CT) will serve as the next chair of the all-powerful House Appropriations Committee and she will retain her post as Subcommittee Chair of the Labor/HHS/Education Subcommittee. This dual role provides her an even larger platform for her fierce advocacy for education and working families. Rep. Bobby Scott (D-VA) will again lead the House Committee on Education and Labor and Rep. Virginia Foxx (R-NC) will remain as the ranking Republican.

Sen. Patty Murray (D-WA) will ascend to the chair of the Senate HELP Committee to take the place of retiring Senator Lamar Alexander (R-TN). Sen. Richard Burr (R-NC) is in line to be the ranking Republican on the Committee. One of the earliest tasks of the HELP committee will be a hearing to confirm President-Elect Biden’s nominee for Secretary of Education, Dr. Miguel Cardona. With Democrats now in control of the Senate, the likelihood of swift confirmation for Dr. Cardona and other Cabinet nominees is quite good.

As soon as Sen. Warnock (D-GA) and Sen. Ossoff (D-GA) are certified in Georgia and sworn in to the Senate, they will be seated. The timing of that is not yet clear, but it will surely be before President-elect Biden’s inauguration on January 20. Right after Sen. Kamala Harris (D-CA) is sworn in as Vice President, her replacement -- [California’s Secretary of State Alex Padilla](#) -- will be seated and the Senate will have its full complement of members for the 117th Congress.

2. Education Priorities for the Biden Administration

The number one priority for President-Elect Biden will be to secure the confirmation of Dr. Miguel Cardona, and perhaps others for the Department of Education, including the Deputy Secretary, the Under Secretary, multiple Assistant Secretaries and more.

[Dr. Cardona](#) was a surprise nominee for many in the education world, as he does not have a national profile. In a statement announcing Dr. Cardona's nomination, President-Elect Biden stated "In Miguel Cardona, America will have an experienced and dedicated public school teacher leading the way at the Department of Education...ensuring that every student is equipped to thrive in the economy of the future, that every educator has the resources they need to do their jobs with dignity and success, and that every school is on track to reopen safely."

Dr. Cardona was named Connecticut's first Latino commissioner of education in 2019. He has served as an elementary school teacher, principal, assistant superintendent, and as an adjunct professor at UCONN where he earned his doctoral degree. In interviews Dr. Cardona often speaks of his parents' Puerto Rican roots and his journey as an English Language Learner.

An early test for Dr. Cardona will be the decision [about whether to waive required testing of students in the spring](#). Former Secretary of Education DeVos approved waivers to states which allowed districts not to administer annual exams last spring.

Another critical priority for President-Elect Biden is [managing the COVID-19 pandemic](#). His goal is to safely reopen as many schools as possible across the country in his first 100 days in office. This will take additional funding – for PPE, testing, additional staff, reconfiguring spaces and more. An early initiative is likely to be a push for the passage of another COVID-19 relief bill which will include support for education as well as state and local government.

The Biden Administration will be expending considerable energy [cleaning up](#) after four years of Secretary DeVos. Renewing rescinded guidance for transgender students and disproportionality in discipline will be high on the list. Revision of Title IX regulations and loan forgiveness rules for students defrauded by for-profit colleges are key, but will require going through the time-consuming rule-making process. The backlog of loan forgiveness applications will be another challenge.

Finally, the new Administration has a [robust agenda](#) for expanding the federal role in education, including underwriting college costs and expanding loan forgiveness, significantly increasing the federal investment in ESSA and IDEA and doubling the number of social workers, psychologists and school counselors to address mental health needs in schools. These aggressive goals will take the cooperation of a Congress with slim Democratic margins and they will take time. Whether or not the reauthorization of the Higher Education Act will remain a priority, as it has been for Congress in the last few years, remains to be seen.

3. Unpacking the COVID Relief Bill Passed in December

On December 22, the Congress passed a [900 billion dollar COVID relief package](#) including \$81.9 billion in education aid with \$54.3 billion allocated for K-12 public

education. The funding will be distributed through two different programs: The Elementary and Secondary School Emergency Relief Fund (\$54.3 billion) and The Emergency Education Relief Grants to Governors (\$4.1 billion). The federal aid package also provides \$22.7 billion for a Higher Education Emergency Relief Funding and separate funding to support access to childcare. The American Council on Education has estimated how much [funding individual institutions of higher education](#) will receive under the bill.

The Elementary and Secondary School Emergency Relief Fund will [distribute funds to states](#) based on their Title I, Part A funding. States will in turn distribute at least 90% of these funds to districts based on the districts' Title I, Part A funding, which is based on their proportions of low-income students. Funding will range from \$422 dollars to \$2009 dollars per pupil and vary from state to state.

The Emergency Education Relief Grants to Governors requires \$2.75 billion dollars be allocated first to private schools. The remaining \$1.3 billion will be distributed to states using two formulas: 60% of the funds are based on a state's population of 5- through 24-year-olds, and 40% is based on its number of Title I students. States may use these funds to support early childhood education opportunities, K-12, and Higher Education Programs.

The combination of the CARES Act and this relief package will bring upwards of \$67.5 billion in federal funds to schools, and while it is a much-needed lifeline, it still leaves public schools about \$100 billion short of what is needed to support students throughout the pandemic. Couple this with the projection that state budgets will see a reduction of 11% this fiscal year and 10% in the next fiscal year- all public schools will be negatively impacted, but especially those institutions in low-income areas. This will put schools in the difficult position of making cuts to their workforce during a critical teacher shortage.

4. New Resources for Educators

- **The Atlantic** includes an article, [The debate about school safety is no longer relevant](#) arguing that the teacher shortage may overshadow safety concerns in terms of reopening schools.
- **The Archives of Disease in Childhood** issued [COVID-19 infections following school reopenings](#)

In closing, I'd like to thank Dr. Kaitlyn Brennan who contributed to this blog. I met Kait in 2015 when she was a doctoral student in the HECSE Education Policy and Politics Short Course that I teach in DC. She was bitten by the DC policy bug and I am delighted to have her assistance.

Wishing you all a peaceful weekend. See you on twitter @janewestdc

Best,

Jane