

Washington Update July 23, 2021

Dear Colleagues,

It's hard to believe we are already approaching the end of July. Congress is feeling the pressure, like the night before your paper is due and you haven't started it yet. Yikes.

1. The Crunch is on in Congress as the August Recess Closes In

With just under two weeks until Congress is scheduled to go on the 4-week summer recess, Members are in a race against the clock---balancing appropriations, infrastructure, and reconciliation, all as the debt ceiling expiration looms on the horizon. When Congress returns after Labor Day, only a few weeks remain to address the FY2022 appropriations bills before the September 30th deadline. All the while, Senate Democrats are [navigating a tricky balancing act](#) --- attempting to move forward both a \$600 billion bipartisan infrastructure bill and a \$3.5 trillion reconciliation bill that is only expected to garner partisan support -- and all at the same time. As we've said before, with multiple trains moving down the track, Members of Congress are certainly hoping to avoid a collision.

The buzz around Capitol Hill suggests that the Senate Appropriations Committee is aiming to begin marking up their FY 2022 funding bills the first week in August---cutting into at least one week of the coveted August recess. Meanwhile, the House Appropriations Committee has now reported all of its 12 government funding bills and leaders plan to bring seven of the bills - including the Labor-HHS-Education funding bill -- to the House floor in a single package next week. Next week is also the last week the House is scheduled to be in session until September 20th. However, all of that could change if the Senate passes a FY 2022 budget resolution with reconciliation instructions intended for a big "human" infrastructure bill. Such a bill would include proposed funding that was included in the American Families Plan and reflected in the President's FY 2022 budget request as mandatory funding for a number of existing and new education programs—including addressing the educator pipeline.

Senator Tim Kaine (D-VA) and 14 other Senators [sent a letter](#) to Senate leaders urging the inclusion of the President's proposed \$9 billion long-term investment in the reconciliation package "to help close equity gaps in student access to a well-prepared, diverse, supported, and stable educator workforce." This includes a \$2.5 billion investment in the Teacher Quality Partnership program in the Higher Education Act and a \$900 million investment in personnel preparation under IDEA Part D. "Decades of data have made clear that students of color and students from families experiencing low incomes lack equitable access to a well-prepared, diverse, supported, and stable educator workforce. We urge you to seize this moment and invest in the most important in-school factor to student learning -- educators -- by including a \$9 billion investment in a well-prepared, diverse, supported, and stable educator workforce in an infrastructure package," the Senators concluded.

Kaine's push comes as Republicans [blocked a bi-partisan infrastructure agreement](#) on Wednesday. The vote does not mean the \$600 billion "traditional" infrastructure package is off the table, but it could mean Senate Democrats turn their focus towards the partisan \$3.5 trillion budget resolution with reconciliation instructions. However, moderate Republicans have also suggested they would be willing to vote again on the bi-partisan infrastructure package as early as Monday if a deal can be reached over the weekend. Stay tuned as details will continue to rapidly unfold over the coming days.

2. Senate HELP Committee Considers Some Biden Education Nominations

On Wednesday, the Senate HELP committee advanced two Education Department nominations: Elizabeth Brown to be General Counsel and Roberto Rodríguez to be Assistant Secretary for Planning, Evaluation and Policy Development. "These nominees all made clear at their hearings that they are well-qualified for their roles and will help build back a stronger, fairer country for workers, students, and families across the country," Sen. Patty Murray (D-WA.) said in a statement. The next step will be a vote by the full Senate.

Notably missing from Wednesday's vote was the [nomination of Catherine Lhamon](#) as Assistant Secretary for Civil Rights at the Department. After a contentious hearing in the Committee, Lhamon's nomination may be in trouble. Former Sec. Betsy DeVos has been critical of Lhamon on twitter and said on Fox News that she "brought in all kinds of left-wing ideology and practices" when she headed OCR under President Obama. At the heart of the controversy is President Biden's promise to repeal the DeVos era Title IX regulations which relate to due process rights for students accused of sexual misconduct. DeVos believes the rules she set forth ensure survivors are heard and those who are accused are not presumed guilty. Advocates argue that the rules weaken protections for survivors and will serve as a deterrent to reporting incidents. Sen Richard Burr (R-N.C.), ranking Republican on the HELP Committee, has indicated that he will oppose Lhamon's nomination. The HELP Committee issued a statement saying the vote was postponed because of scheduling conflicts. Lhamon could still be confirmed if all Republican Senators oppose her nomination, and all Democrats support her. VP Kamila Harris would potentially cast a tie breaking vote to secure her confirmation. Interestingly, it was also a VP tie breaking vote that secured the nomination of Betsy DeVos as Secretary of Education.

3. The Debate Over Mask Wearing Intensifies

On Wednesday, President Biden said that the Centers for Disease Control and Prevention (CDC) would [likely issue guidance](#) encouraging children who have not been vaccinated against COVID-19 to wear masks in schools. "The CDC is going to say that what we should do is, everyone under the age of 12 should probably be wearing a mask in school," Biden said at a CNN town hall in Cincinnati. This comes just a month after the CDC

[encouraged schools to open](#) for five days a week for in person learning in the fall, and said that fully vaccinated students and educators do not need to wear masks indoors.

The President's message also comes as The American Academy of Pediatrics released [updated guidance](#) for schools on Monday, recommending that all students over 2 years old, along with staff, wear masks, regardless of whether they have been vaccinated against COVID-19. Despite these recommendations, many schools won't be able to require masks for the coming school year due to recently approved legislation and mandates. [South Carolina](#) and [Texas](#), for example, have prohibited districts from mandating masks for students or staff. Meanwhile, other states are requiring the opposite: in [Washington](#), schools *must* mandate masks or face coverings indoors regardless of vaccination status. The debate surrounding masks comes as COVID-19 cases rise across the United States in what the [head of the CDC has called](#) a "pandemic of the unvaccinated."

That said, this week a White House official and a senior aide in House Speaker Nancy Pelosi's (D-CA) office, who are both fully vaccinated, tested positive for COVID-19. With increasing concerns over the spread of the delta variant among the unvaccinated, coupled with breakthrough cases of fully vaccinated people, the fall could lead to even more problems and controversy surrounding masking and other mitigation strategies.

4. New Resources for Educators

- [The Center for American Progress](#) is out with a new brief that highlights the need for social and emotional supports for educators both during and after the pandemic.
- [Ed Source](#) outlines California's new state plan to modify the number of tests prospective teacher candidates must take in order to gain certification. California made the change in response to declining pass rates among candidates.
- [Ed Week](#) reports on a new analysis by Paul Bruno and Dan Goldhaber and considers the extent to which public skepticism about the use of standardized testing might grow in the wake of the pandemic and waivers granted to states for mandated statewide standardized testing of K-12 students.
- [The National Council on Teacher Quality](#) issued a new report examining ways to use licensure tests to build a strong, diverse educator workforce.
- [Ed Trust](#) released a report outlining methods for teacher preparation programs and policy makers to support recruiting, preparing, and retraining out of school time and after school staff as teacher candidates.
- [The Center for Reinventing Public Education](#) released a first look at school district's plans for spending their American Rescue Plan Act Funding. Only 17% of districts highlighted supports for students with disabilities in their plans.

- [RAND](#) released a new report examining the impact of job-related stress on the educator pipeline.

Wishing you all the best,

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