

Washington Update June 11, 2021

Dear Colleagues,

This week the politicization of teaching about race continued at a fevered pitch, as the Department of Education demonstrated a remarkable penchant for a laser focus in moving forward the agenda that Biden promised. This is looking more and more like a trademark of the Biden Administration.

1. The Attack on Critical Race Theory Continues

In a [Washington Update](#) last month we offered a distressing summary of how the teaching of our nation's racial history has been thrown into the heart of the political arena. Unfortunately, the trend is continuing and gaining traction. Last week, Rep. Virginia Foxx (R-NC), the top Republican on the House Education and Labor Committee, announced her support for [two bills](#) intended to block the teaching of [critical race theory](#) in K-12 schools. This week Republican Sens. Marsha Blackburn (R-TN), Mike Braun (R-IN) and Rick Scott (R-FL) introduced a [resolution](#) condemning the use of critical race theory in K-12 schools and teacher preparation programs. "Critical race theory has no place in American schools," Blackburn said in a statement. "This resolution is an important step to prevent the far left from pushing their radical political agenda in our classrooms."

On Thursday, the Florida Board of Education [approved an amendment](#) that Gov. Ron DeSantis advanced in order to ban teaching certain ideas about race and history. Florida now joins five other states that have [passed legislation](#) limiting how teachers can discuss racism and sexism, among other topics.

Dr. Dorinda Carter Andrews, professor and chairperson of the Department of Teacher Education at Michigan State University's College of Education [penned a response](#) to the pushback on critical race theory, explaining what it is and why it is under attack. Dr. Carter Andrews notes, "Teaching young people how to be antiracist should not be seen as an attack on American values. It's actually working in support of American ideals like inclusion and valuing diverse perspectives." Michigan joins the growing list of states which have introduced legislation that would sharply limit classroom discussions on how race and racism have shaped American history.

The adoption of these new state policies has caused legal experts to begin to examine how and if educators may be protected under [the First Amendment](#). The short answer seems to be that educators have both limited protections and limited academic freedom to veer from the curriculum or infuse their own experiences and views into the classroom. It is too early for any of the new legislation to have been challenged in court; however, that day will come. In the meantime, it is clear that the voices of educators need to be heard at the federal, state, and local levels.

2. The Department of Education Invests in Equity from K-12 through Higher Education

This week the Department of Education announced several steps to advance equity across the nation's education system, spanning K-12 through higher education. In a statement, Secretary of Education Dr. Miguel Cardona noted, "While COVID-19 has worsened many inequities in our schools and communities, we know that even before the pandemic, a high-quality education was out of reach for too many of our nation's students and families. Our mission at the Department is to safely reopen schools for in-person learning, dramatically increase investments in communities that for too long have been furthest from opportunity, and reimagine our schools so that all students have their needs met. We must take bold action together to ensure our nation's schools are defined not by disparities, but by equity and opportunity for all."

K-12

- The Department released [Maintenance of Equity guidance](#) to implement an important provision of the American Rescue Plan as the nation continues to respond to the impact of COVID-19. These requirements will ensure that school districts and schools serving a large share of students from low-income backgrounds will not experience disproportionate budget cuts—and that the school districts with the highest poverty rates do not receive any decrease in state per-pupil funding below their pre-pandemic levels. In addition, high-poverty schools will also be protected from disproportionate cuts to staff. In a [statement](#), the Department noted, "These provisions are critically important, as schools and school districts serving the greatest shares of students from low-income backgrounds have historically been under-funded and are more reliant on state funding than schools and school districts with lower concentrations of underserved students."

Higher Education

- Last month, the Department of Education announced more than \$36 billion in emergency grants provided under the American Rescue Plan (ARP) Act for postsecondary education. These grants help over 5,000 institutions of higher education, including HBCUs and HSIs, provide emergency financial aid to millions of students and ensure learning continues during the COVID-19 national emergency. To help institutions quickly and effectively utilize the ARP funds to support their students and communities, the Department [released new guidance](#) detailing how institutions can use these funds to, among other things, support vulnerable students, monitor and suppress the coronavirus, and reengage students whose education was disrupted by the pandemic.
- The Department released the [COVID-19 Handbook Volume 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff](#). The Handbook provides additional strategies for higher education institutions (IHEs) and communities as they work to reopen for in-person instruction safely and equitably. "Many of our nation's postsecondary students have experienced the toughest year in their educational careers," Secretary of Education Dr. Miguel

Cardona said in a [statement](#) released by the Department. "We must deploy every resource to bear to make sure all higher education students can reengage with their school communities, continue their education, and graduate ready to pursue their dreams. With the American Rescue Plan and key resources like Volume 3 of the COVID-19 Handbook, institutions of higher education will be able to not only protect the safety of students, educators, and staff, but also support those students who have been disproportionately impacted by the pandemic." The Handbook is part of the Administration's broader effort to provide schools and communities with the resources and support they need to return to in-person learning safely and quickly.

- This week, the Department of Education began [five days of public hearings](#), focusing on how to improve [Title IX enforcement](#). The hearings come following a directive from President Biden to reexamine the controversial regulations put in place under former Secretary of Education Betsy DeVos. DeVos made several notable changes to higher education Title IX practices, such as requiring institutions to allow live hearings and cross-examinations and limiting the scope of off-campus misconduct complaints colleges must act upon to those that occurred in locations used by officially recognized student organizations. As of last Friday, over 700 people had registered to comment for 600 confirmed slots in virtual hearings. The Department had also received 15,000 written comments, which will continue to be accepted throughout the duration of the hearings.

3. Professional Development Opportunities

[The US Department of Education](#) has announced its first installment in their newest Equity Summit Series. The summit will feature panel discussions focused on best practices for building an equitable environment in our schools, and remarks from individuals who are working to make those equitable schools a reality. This first installment of the series will take place virtually on **Tuesday, June 22, 2021 from 1:00-3:00PM EST** and you can register [here](#).

[The US Department of Education](#) is seeking public comment regarding the administration of school discipline in PK-12 schools. The Department solicits these comments to inform determinations about what policy guidance, technical assistance, or other resources would assist schools that serve students in pre-K through grade 12 with improving school climate, safety, and ensuring equal access to education programs and activities. Comments are due by **July 23, 2021** and you can submit those [here](#).

The Council for Exceptional Children and the Council for Administrators of Special Education are sponsoring the annual **Special Education Legislative Summit (SELS)**. The convening will be held virtually the week of **July 19-23**. It will feature town hall events with policy experts and Capitol Hill veterans, presentations by experts on key issues such as mental health and the shortage of special educators, and opportunities to engage directly with your Congressional delegation. This event is free and open to the public. You can [register here](#) .

4. New Resources

- [The National Student Clearinghouse Research Center](#) is out with a new report that looks at higher education's declining enrollment numbers throughout the pandemic. The report suggests that spring enrollment fell to 16.9 million students, a 3.5% decline from a year prior. Undergraduate students represented the most significant decline while graduate student enrollment increased.
- [Kevin Carey, Director of Education Policy at New America](#) penned an op-ed in the New York Times that looks at the potential impact of President Biden's proposed \$20 billion plan for a new Title I Equity program.
- [The Office of Civil Rights](#) is out with a new report looking at education and the disparate impact of COVID-19 on America's students. The report highlights that many of these impacts are falling disproportionately on students who went into the pandemic with the greatest educational needs and fewest opportunities—many of them from historically marginalized and underserved groups.
- [IES](#) issued an update on the state of school re-openings from their School Survey Dashboard. The dashboard provides insights into learning opportunities offered by schools during the COVID-19 pandemic. The results reflect the highest rates of in-person learning offered since the start of the pandemic.
- [The National School Board Action Center](#) released findings from a nationwide survey of likely 2022 voters. The survey examined respondents' perspectives on the public education system with topics ranging from education funding, COVID-19 response, and private school vouchers.

Wishing you all the best.

Jane and Kait

@janewestdc @brennan_kait