

Washington Update June 18, 2021

Dear Colleagues,

Tomorrow marks the first time the nation will honor Juneteenth as a federal holiday. In signing the bill that creates this new federal holiday, President Biden said that this is a day to reflect on the “moral stain, the terrible toll that slavery took on the country.” May tomorrow be a day of reflection for all of us.

## 1. Congress Cranks into Gear to Move Budget and Appropriations Bills

This week, education advocates were pleased to learn that the Labor/HHS/Education Appropriations Subcommittee in the House will be marking up their FY 2022 spending bill on [July 12](#). This represents the first significant move toward the September 30 finish line when new funding levels need to be determined. Education advocates are holding their breath, hoping to see the massive education spending investments requested by President Biden reflected in the House bill. His request includes a 41% increase for the Department of Education and significant new investments to address issues in the teacher pipeline, including unprecedented increases in funding for educator preparation programs.

The House Appropriations Committee announced that it will begin marking up their 12 funding bills on June 24 next week with the goal of [completing all markups by July 16](#). Then the full House would vote on the bills in August, passing the baton over to the Senate. Senate Appropriations Chair Patrick Leahy (D-VT) said he hopes to begin markups in July. Even though the House is expected to pass all 12 of the funding bills well before the September 30th end of the fiscal year deadline, many assume the Senate will not act quickly enough to complete them on time. This all-to-common scenario paves the way for a continuing resolution, or a simple extension of existing funding levels, beyond September 30.

What remains to be seen is the potential impact earmarks may have on members' alignment with the spending bills. As reported in a past [Washington Update](#), earmarks have made their return in the federal government after a 10 year ban. In essence, earmarks are congressionally directed funding to specific projects in the district or state of the Member of Congress who requests the earmark. They are then included in appropriations bills and have often been used to garner the support of members who may be otherwise hesitant to vote “yes” on the funding proposal. House lawmakers have submitted hundreds of funding requests for the fiscal 2022 spending bills. The list of projects that will be included in each House measure will be released the same day as a bill’s subcommittee markup.

This week Secretary of Education Dr. Miguel Cardona [testified](#) in front of the Senate Appropriations Subcommittee on Labor/HHS/Education making his pitch for the Biden-Harris Administration’s historic funding proposal. In a statement, Cardona [highlighted](#)

[the importance of equity and investment](#) in our nation's education system stating "We must do more to level the playing field, including providing a strong foundation from birth, improving diversity among the teacher workforce, and creating learning pathways that work for all students. To that end, the fiscal year 2022 budget proposal for the Department of Education provides strong investments in key areas to ensure students of all ages have what they need to succeed."

Meanwhile, plans for the budget resolution -- which is supposed to proceed the consideration of appropriations bills -- continue. The budget resolution sets spending caps for the next Fiscal Year, informing the Appropriations Committees how much money is available to allocate. The budget resolution is also the mechanism that can establish a path forward for a reconciliation bill -- a bill which requires only 51, rather than the usual 60, votes to pass in the Senate. Passage of a budget resolution with reconciliation instructions would open the way for the abandonment of the ongoing bi-partisan talks intended to produce an infrastructure package. Senate Majority Leader Charles Schumer (D-NY) has indicated he is preparing to move forward with or without bi-partisan support on both the budget and associated infrastructure package. Leader Schumer convened a meeting with all 11 Democratic members of the Senate Budget Committee on Wednesday to jumpstart the process for passing a budget resolution. "As you know, a budget resolution will outline how we go forward and includes issues that are affecting, that are part of reconciliation," he said. [Reconciliation](#) could set the stage for passing a massive infrastructure investment bill, and possibly the American Families Plan, after the August recess with only Democratic votes.

## **2. The Biden-Harris Administration Moves Forward Undoing Devos Era Policies**

The Biden- Harris Administration continues to work at a feverish pace to reverse Devos era decisions across the Department of Education---this week the focus was on student loan forgiveness and Title IX protections.

The Department of Education announced the approval of 18,000 borrower defense to repayment (borrower defense) claims for individuals who attended ITT Technical Institute (ITT), one of many for-profit institutions under scrutiny. These borrowers will receive 100 percent loan discharges, resulting in approximately \$500 million in relief. This brings total loan cancellation under borrower defense by the Biden-Harris Administration to \$1.5 billion for approximately 90,000 borrowers. In a [statement](#) released by the Department, Secretary of Education Dr. Miguel Cardona noted "Our action today will give thousands of borrowers a fresh start and the relief they deserve after ITT repeatedly lied to them...Today's action is part of the Biden-Harris Administration's continued commitment to stand up for borrowers when their institutions take advantage of them." Additionally, the Department announced plans to conduct rulemaking on borrower defense, total and permanent disability discharges, and other items, starting with [public hearings](#) on June 21, 23, and 24.

The Administration made its first legal move to protect transgender girls' right to play on sports teams, deeming a West Virginia law as unconstitutional. The Justice Department submitted a statement of interest supporting a lawsuit filed on behalf of the 11-year-old, soon-to-be middle schooler, looking to try out for her school's girls cross-country team. "A state law that limits or denies a particular class of people's ability to participate in public, federally funded educational programs and activities solely because their gender identity does not match their sex assigned at birth violates both Title IX and the Equal Protection Clause," DOJ wrote in the court filing.

The filing follows the Education Department's [announcement](#) that transgender students are protected under Title IX---reversing the previous Administration's rescission of Obama-era discrimination protections for transgender people. The Department issued a statement on the reversal, pointing to the importance of safe and inclusive schools for all students. "Today's Notice of Interpretation continues OCR's sustained effort to promote safe and inclusive schools for all students, including LGBTQ+ students. This action is part of the Biden-Harris Administration's commitment to advance the rights of the LGBTQ+ community, set out in President Biden's [Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity](#) and the [Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#)."

Also this week, the U.S. Department of Education announced more [political appointees](#) that will lead various parts of the agency. Political appointees to the Department work to advance key education priorities for the Biden-Harris Administration.

### 3. Professional Opportunities

[The National Center for Special Education Research \(NCSER\)](#) in the Institute of Education Sciences (IES) released its funding announcement for Fiscal Year 2022 (FY 2022), [Research to Accelerate Pandemic Recovery in Special Education \(84.324X\)](#) This program seeks to address the urgent challenges districts and schools face in supporting students with or at risk for disabilities, their teachers, and their families in the aftermath of the pandemic. Grants awarded through 84.324X will be supported by the American Rescue Plan. Due to limited Research in Special Education funds available for new awards, NCSER will not release any additional competitions in FY 2022. Two deadlines are offered for these awards with final submissions due either **August 2, 2021 or September 9, 2021**.

[The CEC Accreditation Commission](#) has identified foundational elements underlying high quality educator preparation programs, expectations are consistent with and build upon requirements for existing CEC National Program Recognition processes. The Commission invites stakeholders to review the draft **Accreditation Expectations** and to provide feedback. A list of frequently asked questions will be extracted from the survey results and posted with responses from CEC Staff and the Accreditation Commission on CEC's website. You can [submit feedback here](#).

#### 4. New Resources for Educators

- [The Learning Policy Institute](#) is out with a new report examining the conditions and outcomes of homelessness among California students. California is in the midst of a crisis of homelessness which is likely being exacerbated by the COVID-19 crisis and its effects on already vulnerable communities. Findings show that students experiencing homelessness are more likely to be chronically absent, and less likely to complete their high school education. High rates of teacher turnover also were shown to impact student achievement.
- [RAND](#) released a survey of a national sample of public school educators. Findings show that more than three in four teachers reported frequent job-related stress, compared to 40% of other working adults. Perhaps even more alarming: 27% of teachers reported symptoms of depression, compared to 10% of other adults.
- [The US Department of Education](#) issued a brief focused on questions and answers on Civil Rights and School Reopening in the COVID-19 environment. The document provides answers to common questions about schools' responsibilities under the civil rights laws enforced by the Office for Civil Rights (OCR). These laws prohibit discrimination based on race, color, national origin, sex, disability, and age by state and local recipients of Federal financial assistance.
- [The National Center for Education Statistics](#) released preliminary results of the 2019–20 National Postsecondary Student Aid Study (NPSAS:20). The study had a particular focus on how the COVID-19 pandemic affected student experiences. The report shows that about 87 percent of undergraduate students experienced a disruption or change in enrollment; 28 percent of students experienced a change in housing; and 40 percent of students experienced a financial change.

All the best until next week,

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