

**Washington Update, May 7, 2021.**

**Dear Colleagues,**

It's been a busy week in Washington on Capitol Hill and in the Biden Administration. And it will only get busier as Democrats increasingly feel the pressure of the midterms next year, and a threat to their slim majorities in the House and Senate. This is the year for them to accomplish key Democratic goals.

### **1. House Hearings Focus on Education Budget and Students with Disabilities**

A [congressional hearing](#) before the House Appropriations Subcommittee that oversees education spending on Wednesday focused on President Biden's FY 2022 education spending proposal. It featured an extended conversation between Secretary of Education, Dr. Miguel Cardona, and lawmakers about the importance of having students return to in-person learning. "The best equity lever we have is in-person learning, now. Not the fall—now," Cardona told lawmakers during the hearing. "We need to get our kids back, right away."

Cardona said that Biden's funding proposal, which would provide an unprecedented increase to the Department of Education, was a way to help schools and teachers assist students in recovering from the COVID-19 pandemic. "I look at this request as a way to honor the hard work of our educators," Cardona said. Rep. Rosa DeLauro (D-CT), the Chairwoman of the House Appropriations full committee and subcommittee, also praised the proposal, stating that the ideas behind it would help reverse "years of underinvestment in our education system."

President Biden's [budget proposal](#) would provide roughly \$103 billion to the Department of Education. The proposal, often referred to as the "skinny" budget, is a blueprint and does not provide a detailed breakdown for the various Education Department programs. We can expect to see a full budget proposal with such details in late May or early June. While the President proposes the budget, Congress ultimately sets the annual federal spending allocations. After the release of the full budget, subcommittees will begin to mark up their bills with the goal of passing all 12 appropriations bills before the 4<sup>th</sup> of July – an ambitious goal for sure! If anyone can do it, it is the tenacious Rosa DeLauro who is driving the train as Chair.

On Thursday, the Committee on Education and Labor's Subcommittee on Early Childhood, Elementary, and Secondary Education held a [hearing](#) addressing the impact of COVID-19 on students with disabilities. Powerful testimony was provided by former National Teacher of the Year and incoming Council for Exceptional Children President Dr. Danielle Kovach. Dr. Kovach stressed the critical need for more special education teachers and specialized instructional support personnel in our nation's schools. Dr. Kovach went on to highlight that the shortage of personnel is a crisis that goes beyond the

K-12 continuum and stressed the importance of investing in higher education programs that prepare our nation's special education workforce. Dr. Kovach's overarching message --- in order to recover from the pandemic, Congress must fully fund all of IDEA.

## **2. President Biden Meets 100 Day Reopening Goal**

Marking another milestone, President Biden [made his goal](#) of reopening the majority of K-8 schools for in-person learning in his first 100 days in office. Close to 90 percent of public K-8 schools offered hybrid or full-time in-person instruction by the end of March—with 54 percent open for in person instruction on a full-time basis.

Yet the data also underscores the administration's myriad of challenges ranging from addressing racial disparities to reassuring parents that classroom learning is safe. Students of color who attend public K-8 schools returned to in-person classes at higher rates between February and March, according to the latest estimates. But federal data released Thursday continued to show enrollment gaps for in-person learning between white students and their peers from other racial groups. "We are still seeing a much lower percentage of Black, Hispanic, and Asian students enrolled in full time in-person learning compared to their White counterparts," Cardona acknowledged. "And even when offered in-person options, many Black, Hispanic, and Asian students, as well as multilingual learners and students with disabilities, are still learning fully remote."

"Most Black, Hispanic and Asian students are still not attending school in-person at all," said Lynn Woodworth, commissioner of the National Center for Education Statistics. Secretary Cardona said officials "must act with urgency and bring every resource to bear" to get more schools reopened full-time this spring and address persistent disparities.

Echoing the Secretary's urgency for action, Dr. Linda Darling-Hammond, head of California's state education board and a Biden advisor, said the White House will have to work quickly to build out and fund the Administration's education priorities stating, "we are in a bit of a race with the clock" referencing the potential power shift in Congress that could come after the 2022 midterm elections. Dr. Darling Hammond foreshadowed a potential reinvention of standardized assessments, with a possibility of decoupling assessments entirely from punitive sanctions. If President Biden's first 100 days are an indicator, we can expect a continued set of unprecedented proposals and action for the rest of the year, and longer.

## **3. Earmarks Return!**

We have reported on earmarks before – so a recap and an update. Once a [time-honored Congressional tradition](#), earmarks have made their return in both the House and the Senate. Earmarks were banned in 2011 amidst probes of corruption, self-dealing and questionable investments. 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 included in appropriations bills and have often served to garner support for the passage of the bills from Members who were otherwise hesitant to vote

“yes.” Many have argued that earmarks “greased the wheels” of Congress enabling bi-partisan support for funding bills, and that a return to the practice would promote bi-partisanship and a more productive Congress.

While the concept remains the same, House Appropriations Chair Rosa DeLauro (D-CT) has completed an [overhaul](#) of the earmark system for this year, which included capping the overall amount of money spent on earmarks to 1 percent of discretionary spending and allowing lawmakers to submit no more than 10 project requests. Lawmakers and their immediate families cannot have a financial stake in the requests; and funds cannot flow to for-profit recipients.

House members had to submit their requests by Friday and every House Democrat requested at least one earmark for their district with the exception of Rep. Katie Porter (D-Calif.), who [previously argued](#) that even the new process of earmarks will inevitably invite “waste, fraud and abuse.” In total, 320 out of the 430 House members submitted requests for earmarks—or Community Project Funding -- as they are now called. Requests cover the spectrum – ranging from repairing bridges to supporting Habitat for Humanity to suicide prevention programs to food banks. All requests are posted online and you can peruse them [here](#). See what your Representative requested!

#### 4. Opportunity

The Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice, the Departments, will mark the anniversary of Brown v. Board of Education on **May 11, 2021, from 1:30 – 4 pm ET**, with a virtual convening: ***Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.*** The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. Panelists will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation’s students, particularly students of color, students with disabilities, and LGBTQI+ students. They will also share diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates. The virtual event is free, open to the public, and you can register [here](#).

#### 5. New Resources

- [AACTE's](#) Dean in Residence, Dr. Leslie Fenwick, penned an oped in Politico this week that addresses the inequitable distribution of alternate route teachers—disproportionally affecting students of color and students with disabilities.
- [The Learning Policy Institute](#) is out with a new Teaching Profession Playbook --- the guide provides tools for advancing a stable and diverse teaching profession and ensuring that every student in every school is taught by a fully prepared teacher. The Playbook builds on decades of research focusing on effective practices for recruiting, preparing, supporting, and retaining teachers; provides examples of local and state-

level policies and initiatives; and includes model legislation and other helpful resources.

- [The Center for American Progress](#) released a new brief that shares thoughts from parents and school leaders illuminating the need for schools to provide timely and useful data to school communities.
- [The National Education Policy Center](#) is out with a new brief: *Creating Teacher Incentives for School Excellence and Equity* that addresses pay bonuses as a means to increase teacher performance and attract stronger candidates to the field. The evidence suggests that bonuses are not what teachers want, but rather they would prefer better base salaries, more support from administrations, and higher levels of autonomy.
- [The RAND Corporation](#) issued a report that looks at the varying costs to deliver high quality, publicly funded Pre-K programs for children. The report examined 36 Pre-K providers in state funded programs in Michigan, Oregon, and Tennessee.

Wishing you full vaccination and a lovely spring weekend!

Best, Jane and Kait

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