

Washington Update November 13, 2020

Dear Colleagues:

Welcome to the world of President-elect Biden and VP-elect Harris – as well as a recalcitrant President Trump who seems to be hiding, pouting and filing lawsuits simultaneously. And welcome to the lame duck session of the 116th Congress (hate that expression, but that’s what it is called when a Congress reconvenes after an election knowing they only have two months left before they “expire.”) Seat belts required for the rest of the year; it is guaranteed to be a wild ride.

1. What Might a Biden Presidency Mean for Education?

When President-elect Joe Biden told the nation that educators will have “one of their own” in the White House, a sigh of relief and a whiff of optimism were palpable among the education community. Referring to his wife, Dr. Jill Biden – a long time community college professor – he also said that “teaching isn’t just what she does, it’s who she is.” Thus, the President elect sets the tone for the next four years of one of the most pro-education administrations in our lifetimes.

President-Elect Biden named his [transition teams](#) this week, including the one for education. Led by Dr. Linda Darling-Hammond, President of the Learning Policy Institute and former head of the Obama education transition team, the group is comprised of a number of former Obama appointees as well as union leaders. The team is working on compiling both potential nominees for political positions in the Department of Education as well as fleshing out policy priorities and a timeline.

[Speculation](#) abounds regarding who is likely to be the next Secretary of Education. President-elect Biden has indicated that he will be naming a former public school teacher as his Secretary, though he did not specify whether from the PK-12 or higher education sectors. Historically, the Secretary usually comes from the PK-12 sector, though there are others -- such as former governors and Sec. DeVos who has no education qualifications at all. Recommendations have been issued by multiple entities. One name which appears to be out of the running is Linda Darling-Hammond, who has said she wants to continue her work as the head of the California Board of Education. Both Lily Eskelsen Garcia and Randi Weingarten, leaders of the NEA and AFT respectively, have appeared on a [number of lists](#). Other lists include local school superintendents and community college presidents. Former Secretary of Education under President Obama John King has been [mentioned](#) as well as Rep. Jahana Hayes, 2016 National Teacher of the Year and a member of Congress from Connecticut. A recent [OpEd](#) made a strong case for a woman of color, noting that for the 41 years since the position has been established, it has been held by a white man for 24 of those years. Eleven individuals total have served as Secretary of Education.

A further consideration for the position is who might and might not make it through a [Senate confirmation](#) process, particularly if the Senate is controlled by Republicans.

While the unions clearly have a lot to say about who might be nominated, the candidacy of leaders of the unions might not be the most likely to survive a confirmation process in the Senate.

The Biden/Harris team has detailed [outlines of their policy priorities](#) for education and they continue to be fleshed out. First up will be addressing the COVID crisis with comprehensive and substantial support for both PK-12 and higher education. There will be multiple changes/eliminations of guidance and executive orders and regulations undertaken by Sec. DeVos to change Obama Administration policy. A number of [executive orders](#) are expected on day one from the new President, including a reinstatement of the policy to allow dreamers (those brought to the U.S. illegally as children) to remain in the country. A number of [higher education policies](#) are slated to be reversed or revisited including the controversial [Title IX regulations](#) which are making their way through court challenges. In the PK-12 arena guidance on transgender students and regulations addressing disproportionality in discipline are on the list for reinstatement. Significant increases in funding for IDEA and Title I have been promised as well as free community college and increased forgiveness of student loan debt. An enhanced civil rights enforcement effort and a deeper investment in HBCUs and MSIs are also anticipated. In addition, the Department of Education will need rebuilding. It has been [reported](#) that the Department has lost over 13% of jobs and multiple openings are on the books.

There is considerable speculation about the extent to which [a Biden education agenda will differ from an Obama education agenda](#). At the heart of the policy concern is the use of standardized tests for multiple accountability purposes (evaluating teachers, determining failing schools, evaluating teacher preparation programs) which was championed by Obama's Sec. of Education Arne Duncan and promoted by education reform groups such as Democrats for Education Reform. The Duncan regime also supported Charter Schools and an accelerated utilization of Common Core, which led to backlash against "federal standards." In 2014 the NEA called for Sec. Duncan's resignation unless he changed policy. The make-up of the transition team includes several Obama era players, however the leadership of Linda Darling-Hammond and the inclusion of union leaders, as well as the leadership of First Lady-to-be Dr. Jill Biden (a long-time NEA member) indicate a shift in priorities with a unifying focus on equity across the board.

2. What is the Makeup of the 117th Congress?

While some votes for House races are still being counted, the vast majority are in. The Democrats in the House will continue to hold a majority, having already reached the magic number of 218, however the fate of the Senate is in the hands of two runoff elections in Georgia. Republicans would hold the majority in the Senate unless the

Democrats win both seats in the runoffs, which appears to be a tall order. Results will not be known until January 5, two days after the new Congress has been sworn in!

The Senate has confirmed its leadership for the next Congress. Both Senators Mitch McConnell (R-KY) and Sen. Chuck Schumer (D-NY) were re-elected to lead their caucuses for the next Congress. Sen. Durbin (IL) will remain Democratic Whip and Sen. Patty Murray (WA) will remain Assistant Democratic Leader. For the Republicans, Sen. John Thune (SD) will remain Republican Whip and Sen. Barrasso (WY) will continue as Republican Conference Chair.

The Senate HELP Committee will see considerable changes as Chair Lamar Alexander (R-TN) will retire as well as two other members -- Mike Enzi (R-WY) and Pat Roberts (R-KS). Either Sen. Rand Paul (R-KY) or Sen. Richard Burr (R-NC) is likely to become the new Republican leader for the Committee. In addition, Committee Member Sen. Kelley Loeffler (R-GA) is in a run-off in January and may or may not return. Sen. Doug Jones (D-AL) lost reelection and will need to be replaced on the Committee. Sen. Patty Murray is likely to remain as the Democratic leader on the Committee, as either chair or ranking member depending on the outcomes of the two Senate runoff races and subsequent determination of the majority party in the Senate.

Elections for leadership positions in the House will take place next week and include determinations of new Committee chairs and ranking members. It is widely expected that Rep. Nancy Pelosi (D-CA) will remain Speaker. A big question is whether current Labor/HHS/Education Appropriations Subcommittee Chair Rosa DeLauro (D-CT) will become the new chair of the full Appropriations Committee, a position she is seeking. Rep. Bobby Scott (D-VA) is likely to remain chair of the Committee on Education and Labor and Rep. Virginia Foxx (R-NC) is likely to remain the ranking member. It is possible that the ratio of members from each party on the Committee could change (currently 27 Democrats and 20 Republicans) given that the ratios of the parties in the House will change as the Democrats have lost some seats.

3. What Does the Rest of the Year Look Like for the Congress?

There are two big items on the Congressional agenda before the end of the year that affect education. The first is completion of the FY 2021 spending bills, which faces a Dec. 11 deadline. The second is possible action on the next COVID relief bill.

The Senate was back in session this week and they immediately released [their version](#) of all 12 funding bills for FY 2021. None of these bills have been considered by subcommittees or committees and they were released as one large package, called an omnibus. Both House and Senate leadership have indicated that they would like to see all of these bills complete before the end of the year, so that they do not hang over into next year's agenda. The House passed most of its funding bills several months ago, including the Labor/HHS/Education bill. Funds would take the government through October 1, 2021 when the fiscal year ends. The next step is for the House and Senate to compromise

on their differences and send legislation to the President’s desk for signature. The Senate bill offers less funding for education than the House bill, with a .09% (\$433 million) increase, while the House bill provides for a 1.7% increase (\$1.2 billion). Below are some comparisons of funding levels for some key education programs.

Program	Current level	House bill	Senate bill
Title I ESSA	\$16.3 B	\$16.564 B	\$16.435 B
Title II ESSA	\$2.132 B	\$2.155 B	\$2.132 B
Charter Schools	\$440 M	\$400 M	\$450 M
IDEA Part B	\$12.76 B	\$12.958 B	\$12.874 B
IDEA Personnel Prep	\$90 M	\$91 M	\$ 90 M
Transition ID Programs	\$12 M	\$12 M	\$14 M
TQP-Higher Ed	\$50 M	\$52 M	\$50 M
IES	\$623 M	\$630M	\$635 M

The fate of another COVID relief bill before the end of the year is unknown. While both House and Senate leadership confirm that they are ready to produce the next bill, they cannot agree on the terms. Speaker Pelosi is holding firm on a \$2 trillion package while Leader McConnell prefers a \$500 billion total. One item they differ on is the amount of funds to go to state and local government which would support public education. President Trump has made no indication as to whether he would support such a bill. It appears likely that it won’t be until next year when a new COVID relief bill passes, despite the raging increase in COVID cases around the country. However, it is also possible that there is some sort of merger between the FY 2021 spending package and additional COVID funds which could move across the finish line before the end of the year.

4. New Resource for Educators

- **The Pew Charitable Trust** has [analyzed Labor Department data](#) to determine that over 660,000 jobs were lost in the local public education sector between February and October. Public colleges and universities experienced a 13.7% drop affecting 340,000 jobs.

5. Dates to Remember

December 11: Government funding expires. The Congress must enact new spending bills to avoid a government shutdown.

January 3: Swearing in and convening of the new Congress – the 117th.

January 5: Run off elections in Georgia for two Senate seats which will determine whether the Democrats or the Republicans control the Senate.

January 20: Swearing in of President Biden and Vice President Harris.

6. Mark Your Calendar for Election Results Webinar: November 18 at 3 PM ET

On behalf of the American Association of Colleges for Teacher Education, I am pleased to moderate a webinar on November 18 at 3 pm ET which will examine the election results and implications for education. Joining me to cover higher education will be [Barmak Nassirian](#), Director of Federal Relations and Policy analysis for the American Association of State Colleges and Universities. Bringing a PK-12 perspective will be [Danny Carlson](#), Director of Policy and Advocacy for the National Association of Elementary School Principals.

[Register](#) for the webinar here and join the speculation about who will be the next Secretary of Education!

I hope you and your families are well as we head into the holiday season. Be safe and take good care!

Best,

Jane