

Washington Update November 20, 2020

Dear Colleagues:

The Senate left town for Thanksgiving yesterday and the House will do so today. Returning on November 30, they will continue to face a December 11 deadline to avoid a government shutdown, an out-of-control pandemic demanding fiscal relief -- which does not appear to be in sight -- and a President refusing to acknowledge the outcome of the Presidential election. Well, it's Washington. This is how we roll.

1. The 116th Congress Moves Toward a Shaky Finish

Progress with finalizing the FY 2021 spending bill is underway, but the outcome is far from certain. The four corners (Democratic and Republican leaders from the House and Senate) have been meeting and appear to be in agreement on top line spending numbers. The four corners also agree that they want a bill. President Trump remains a wild card.

One of four outcomes is possible: 1) Congress completes all the funding bills by December 11 and the President signs them into law; 2) Congressional negotiators are making good progress by December 11 and extend the current level of funding for a week or so while they continue to negotiate; 3) Congress passes a temporary funding measure through March or so, essentially punting decision-making into the next Congress; 4) Congress passes a bill before the end of the year and the President refuses to sign it causing a government shutdown. My money is on #2. Congress is notorious for stretching out finalization of bills right up until the Christmas break. It's hard to imagine a government shutdown – even in the midst of the craziness these days – that seems a bridge too far.

A COVID relief bill does not appear to be on the horizon, though there are intermittent reports, and then denials, that negotiations are underway. It is possible that some portions of COVID relief could end up on the FY 2021 spending bill, if agreement can be reached on that.

The 545 Members of Congress have not been immune to COVID. To date [84 Members](#) have been quarantined, tested positive for COVID-19, or come in contact with someone with COVID. In the month of November so far 7 Members have tested positive, including Sen. Chuck Grassley (R-IA), the 87 year- old chair of the Finance Committee. With no agreed upon rules about social distancing and mask wearing in the House or Senate, the Capitol appears to be a place of transmission risk. This week, Sen. Sherrod Brown (D-OH) took to the Senate floor [challenging Sen. Dan. Sullivan's \(R- AK\) refusal to wear a mask](#). Needless to say, the backdrop of the personal behavior of Members of Congress serves as yet another barrier to successful negotiations.

2. The Biden/Harris Transition Team Forges Ahead

Despite a full-fledged legal, political and social media denial of the election outcome from the Trump Administration, The Biden transition team is forging ahead. They are talking with representatives of national associations, gathering names of people for potential political appointments and pouring through multiple documents submitted by organizations. The National Education Association may win the prize for the longest set of suggestions. They put forward a 54 page [Policy Playbook for Biden-Harris Administration](#) this week covering 27 different subject areas and highlighting COVID relief funding, expanding and fixing the Public Service Loan Forgiveness program and fighting for racial, social and education justice.

[Several individuals have been announced](#) who will serve in the White House with President Biden. They are an [insider group of veterans](#) who will join already-named Chief of staff [Ron Klain](#), a well-known Washington figure and long-time Biden confidant. Already at work strategizing to ensure smooth Cabinet member confirmations in the Senate, the group is off to a running start. Undoubtedly, President-elect Biden's Senate experience gives him a good sense of working with that body. Looking to ensure good working rapport with the House, Biden has tapped [Rep. Cedric Richmond \(D-LA\)](#) to join his team working as Senior Advisor and Director of the White House Office of Public Engagement. A long-time leader of the Congressional Black Caucus and a highly regarded Representative, Richmond looks to be one of the most senior White House officials who is Black.

At one point, President-elect Biden indicated he would be naming his Cabinet nominees by Thanksgiving. That may still occur and names for various positions are floated daily. (Last week, I offered a compilation of speculation about [potential nominees for Secretary of Education](#).) This week [three Republican Senators indicated that Biden would receive the benefit of the doubt](#) as they cast their votes for cabinet nominees, citing the belief that a President deserves to name his Cabinet. With the indication that he would pick up at least three Republican votes on nominees, the Biden team can anticipate reasonable confirmation processes. However, if Republicans retain control of the Senate, Majority Leader McConnell will determine whether and when Cabinet nominees are called up on the agenda for floor votes. But first we have to get President Biden sworn in!

3. 45th Anniversary of IDEA is November 29 – A Reflection

Don't forget to take a moment on November 29 and give thanks for 45 years of IDEA. While imperfect, like every law, IDEA provides powerful evidence of how the federal government can change society for the better. It is no longer okay for public schools to refuse enrollment to students with disabilities. It is no longer okay for students with disabilities to be segregated in separate settings with no questions asked. It is no longer okay to act as if students with disabilities cannot learn.

Hats off to the many parents, disability activists, educators and allies who worked so hard to create this law. And hats off to all of the students, families and educators who make this law real every day.

Let's take a minute to celebrate how far we have come. Then we can return to working on where we need to go!!

Join the [Office of Special Education and Rehabilitative Services of the U.S. Department of Education to celebrate.](#)

4. New Resources for Educators

- **Axios** offers an overview of the [history of race and education](#) in our country in its *Hard Truths Deep Dive* series.
- **The Committee for Education Funding** held a [briefing](#) titled *State Education Budget Cuts and the Impact of COVID-19*.
- **Learning Policy Institute** is out with [Restarting and Reinventing School Learning in the Time of COVID and Beyond](#).
- **Rand Corporation** released a survey of educators on [COVID-19 and the State of K-12 Schools](#) documenting alarmingly high absentee rates for students and burnout for teachers.

Don't forget to wish President-elect Biden happy birthday today! I'm so pleased to have a fellow Scorpio as president. Scorpions are the best, you know!!

Happy Thanksgiving! Be safe and count your blessings!!

All the best,

Jane