

February 1, 2021

Dr. Curtis Culwell
Executive Director
Texas School Alliance

Via email: curtis@texasschoolalliance.org

Re: TSA Federal Update

Dear Dr. Culwell:

The following information is provided relative to the federal activities of the TSA.

1. BIDEN'S ECONOMIC STIMULUS PLAN FOR EDUCATION

President Biden is calling for \$130 billion in additional COVID-19 relief funding for schools, ramped up testing efforts, and accelerated vaccine distribution strategies to help reopen “the majority of K-8 schools” within the first 100 days of his administration. The proposals are part of a \$1.9 trillion “American Rescue Plan” that also seeks \$350 billion in aid to state, local, and territorial governments. An emphasis will be on more testing and transportation, additional cleaning and sanitizing services, protective equipment, and ventilation systems in the schools.

The plan will require approval from Congress, both chambers of which are narrowly controlled by Democrats, who have called for larger relief efforts. But some components, like a proposal for additional direct relief payments to individuals, may be sticking points for some members in both the CARES Act included \$13.2 billion in aid for school districts, and a spending compromise enacted in December included an additional \$57 billion.

The education relief funding in Biden’s proposal could be used for a wide range of purposes, including hiring additional staff to reduce class sizes, modifying spaces to allow for more social distancing, improving ventilation systems, providing school nurses for schools that don’t have them, building up remote learning resources, and providing additional academic and social-emotional supports for students when they return to the classroom.

A portion of the new K-12 funding in Biden’s plan would be set aside for a COVID-19 Educational Equity Challenge Grant, “which will support state, local and tribal governments in partnering with teachers, parents, and other stakeholders to advance equity- and evidence-based policies to respond to COVID-related educational challenges and give all students the support they need to succeed,” according to an outline released by the transition team.



Biden's call for state and local aid may also answer concerns from some education groups that have said the effects of education-specific relief funds may be muted if they merely backfill for budget cuts as the economy suffers and tax revenues dwindle.

The plan also calls for increased Federal Emergency Management Agency funding, which would allow schools to seek reimbursement for supplies like masks and cleaning equipment. And it would provide emergency expanded sick leave to allow families to quarantine without risking lost wages. Biden's plan calls for \$160 billion in funding "to mount a national vaccination program, expand testing, mobilize a public health jobs program, and take other necessary steps to build capacity to fight the virus," according to the transition team outline. Of that funding, \$20 billion would be used for a national vaccine campaign that would include community vaccination centers and mobile units to deliver inoculations in "hard-to-reach" areas; \$50 billion would be used for a "massive expansion of COVID testing" that would include increased use of rapid tests, expanding lab capacity to process tests faster, and aid to schools and local governments to carry out testing programs.

"Expanded testing will ensure that schools can implement regular testing to support safe reopening; that vulnerable settings like prisons and long-term care facilities can regularly test their populations; and that any American can get a test for free when they need one," the plan says.

The Trump administration provided 100 million rapid tests to states to help with efforts to reopen schools. But epidemiologists say schools need more tests conducted more frequently. Some districts, like New York City, have announced their own testing plans, sampling random groups of students and staff on a rotating basis to monitor the success of their mitigation

Biden's stated goal of opening "the majority of K-8 schools" is narrower than what he's suggested in the past, when he spoke more generally about opening all schools. Some districts have focused on opening classrooms for earlier grades, citing research that older students are more likely to deal with severe symptoms.

There is no federal data on schools' operating status to indicate how many are open to in-person learning. Even in districts that are open, many families have opted to keep their children at home for remote learning. Even if Biden meets the goal, the 100-day threshold would elapse at the end of April, which is near the end of the school year in some states.

2. EDUCATION DEPARTMENT SECRETARY AND STAFF CHANGES

The hearing to consider Miguel Cardona unfortunately has been scheduled during the TSA meeting and will be held [Feb. 3, 2021, at 9:00 a.m.](#) If you are interested in watching the hearing before the TSA meeting begins, click [here](#).

Biden has also selected a Deputy Secretary for the Department. Cindy Marten has been nominated to serve as Deputy Secretary of Education after a 32-year career as superintendent, principal, vice principal, literary specialist, and classroom educator.



Cindy Marten was unanimously elected by the Board of Education to serve as Superintendent of the San Diego Unified School District in 2013 and was named a 2018 Business Woman of the Year by the San Diego Business Journal. She has been the recipient of several awards and is hailed for the successful implementation of programs such as the California Vision 2020 program, under which the district achieved the highest graduation rate among big-city districts in California.

The Department also has made the following announcement regarding key positions:

The U.S. Department of Education announced senior political appointees who will lead various parts of the agency. These diverse and accomplished individuals will bring a wealth of knowledge and expertise to the agency and work to quickly advance key education priorities for the Biden-Harris administration.

Sheila Nix, Chief of Staff

Sheila Nix comes to the Department of Education after leading Tusk Philanthropies. She has nearly three decades of leadership in political, domestic policy, and innovative nonprofit operations. She recently worked on the Biden for President campaign as a senior advisor to then Sen. Kamala Harris. During the second Obama-Biden term, Nix served as the Chief of Staff to Dr. Jill Biden and as a Deputy Assistant to President Obama. In that position, she coordinated policy and communications for signature efforts serving veterans, teachers, students, and women and girls across the globe. Nix also served as Chief of Staff to then Vice President Joe Biden on the 2012 Obama/Biden campaign. She has helped develop policies on education, health care, and transportation as Deputy Governor of Illinois and as Chief of Staff to two U.S. Senators. In addition, Nix served as the U.S. Executive Director of Bono's ONE Campaign. She holds a law degree from the University of Chicago and a bachelor's degree from Creighton University.

Claudia Chavez, White House Liaison

Claudia Chavez most recently served as a member of the Education Agency Review Team for the Biden-Harris Transition and on the Biden for President campaign as Midwest Deputy Director. Prior to joining the Biden campaign, Chavez held different positions with Chicago Mayor Rahm Emanuel, including Deputy Director for Legislative Council and Government Affairs. Chavez is an Illinois native and graduate of Illinois State University.

Suzanne Goldberg, Deputy Assistant Secretary for Strategic Operations and Outreach, Office for Civil Rights (serving as acting Assistant Secretary)

Suzanne Goldberg previously served as the inaugural Executive Vice President for University Life at Columbia University and the Herbert and Doris Wechsler Clinical Professor of Law and founding director of the Columbia Law School's Sexuality & Gender Law Clinic, and co-director of the Center for Gender & Sexuality Law. Before Columbia, she was on the Rutgers-Newark Law School faculty and an adjunct faculty member at Fordham Law School. Goldberg began her legal career as a staff lawyer with Lambda Legal, working on a variety of LGBT law reform cases and legislative and public policy initiatives.



Ian Rosenblum, Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education (serving as acting Assistant Secretary)

Ian Rosenblum most recently served as the founding Executive Director of the Education (Ed) Trust—New York, a statewide policy and advocacy organization committed to educational equity. Prior to leading Ed Trust—NY, Rosenblum served in the administrations of New York Gov. Andrew Cuomo and former Pennsylvania Gov. Ed Rendell.

Emma Leheny, Principal Deputy General Counsel, Office of the General Counsel (serving as acting General Counsel)

Emma Leheny joins the Biden-Harris administration from the National Education Association (NEA), where she served in the Office of General Counsel. Prior to that, she was Chief Counsel of the California Teachers Association (Association). Before joining the Association in 2010, Leheny practiced education, labor, and employment law for a decade in a California law firm, where she rose to partner. A graduate of Brown University and Northeastern School of Law, Leheny began her career as a judicial clerk for the Honorable Warren J. Ferguson of the Ninth Circuit Court of Appeals and then as a Skadden Fellow, representing low-income parents pursuing higher education.

Donna Harris-Aikens, Senior Advisor for Policy and Planning, Office of the Secretary

Donna Harris-Aikens served as a member of the Education Agency Review Team for the Biden-Harris Transition and was a member of the Democratic National Convention Committee Platform Committee. She served as Senior Director for Education Policy and Practice at the National Education Association (NEA), where she advocated for students, educators, and working families to support equity and excellence in education, and to ensure working families had the right to organize and the opportunity to thrive in our global economy. Prior to joining NEA, Harris-Aikens served in leadership roles for the Service Employees International Union and Advance CTE and was an attorney in an education boutique law firm.

Ben Miller, Senior Advisor to the Chief of Staff

Ben Miller is a temporary appointment as a Senior Advisor to the Chief of Staff. Before joining the agency, he was the Vice President for Postsecondary Education at the Center for American Progress. He also previously served as a senior policy advisor in the Office of Planning, Evaluation, and Policy Development at the U.S. Department of Education.

Ben Halle, Deputy Assistant Secretary for Communications, Office of Communications and Outreach (serving as acting Assistant Secretary)

Ben Halle served as the Biden for President Communications Director in Michigan, where he led communications strategies and developed messaging for the President's winning campaign. Prior to that, Halle served in senior communications roles on campaigns and in the U.S. House of Representatives.



Rich Williams, Chief of Staff, Office of Postsecondary Education

Rich Williams has spent his career working on college affordability, student debt, and consumer protection policies. Most recently, he helped lead an initiative at Pew Charitable Trusts working to devise policies that better support struggling student loan borrowers. Prior to his work at Pew, Williams led efforts to strengthen consumer protections for college students at the Consumer Financial Protection Bureau and helped craft higher education policy and strategy as the Senior Higher Education Policy Advisor for the House Committee on Education and Labor. Williams is a first-generation college graduate who received a bachelor's degree in history from Northern Arizona University after attending Coconino Community College.

Greg Schmidt, Senior Counsel, Office of the General Counsel

Greg Schmidt returns to the Department after six years at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, where his work included representing institutions, organizations, and students in a variety of K-12 and post-secondary education matters. He also worked as a Special Assistant Attorney General for the Commonwealth of Massachusetts. Prior to his legal career, Schmidt taught fifth grade at P.S. 213 in Brooklyn, New York, and served as a senior policy advisor in the Office of Planning, Evaluation, and Policy Development at the Department.

Jasmine Bolton, Senior Counsel, Office for Civil Rights

Prior to joining the Biden-Harris administration, Jasmine Bolton was a senior staff attorney at the Bail Project, where she helped coordinate the expansion into new jurisdictions in the South. Before that, Bolton was a policy analyst for the Warren for President campaign, where she focused on a broad range of interrelated topics such as criminal justice reform, K-12 education, and rural communities. Prior to that, she worked as a Legal Fellow at the Southern Poverty Law Center, where she focused on educational equity, combating the school-to-prison pipeline, and improving youth access to mental health services.

Alex Payne, Special Assistant, Office of Legislation and Congressional Affairs

Alex Payne previously worked in the House of Representatives for Congresswoman Kim Schrier and prior to that the Committee on Education and Labor. Payne started out as a high school social studies teacher in Eastern North Carolina through Teach for America. His first job in Washington, D.C., was at the Partnership for Public Service partnering with the Department of Education on improving their Best Places to Work and FEVS results.

Additional appointees who will set Biden's education agenda have been named. At the White House, [two familiar faces](#) are taking on leadership roles. On the Domestic Policy Council, Catherine Lhamon will be deputy director for racial justice and equity, and Carmel Martin will be deputy director for economic mobility. Lhamon and Martin both served as assistant secretaries at ED during the Obama administration, for civil rights and for policy development, respectively.



Another appointment is Jessica Rosenworcel's elevation to acting chair of the FCC. With her leading the FCC, TSA can expect funding for home internet access through the E-rate program to be a top priority, although Democrats will not have a majority on the FCC until a fifth commissioner is nominated and confirmed—at which point, Rosenworcel may be named as the permanent chairwoman.

3. LEGISLATIVE ACTION

Last week, the House Education and Labor Committee unveiled three new bills aimed at upgrading school facilities, saving teachers' jobs, and extending the school year to offset learning loss that has resulted from the COVID-19 pandemic. Altogether, the trio of bills totals \$466 billion in federal education funding over the next decade. These bills are separate from what Biden has proposed. They include the following:

The Reopen and Rebuild America's Schools Act of 2021

- The Reopen and Rebuild America's Schools Act of 2021 (RRASA) invests \$130 billion in bonds and grant programs – targeted at high-poverty schools – to help reopen public schools and provide students and educators a safe place to learn and work. The funding from this legislation would be appropriated on an emergency basis to facilitate school reopening and could be used to upgrade school buildings and their heating and ventilation systems. To check out a section-by-section analysis of the bill, click [here](#).

The Save Education Jobs Act

- More than half a million jobs in local school systems have been lost since the pandemic started, or more than during the entirety of the Great Recession. To preserve the educator workforce, the Save Education Jobs Act would create an education jobs fund that would send \$261 billion to states and local school districts over the next 10-years. To check out a section-by-section analysis of the bill, click [here](#).

The Learning Recovery Act

- Recent studies have found academic progress slowed during the pandemic, although not as much as initially feared. Still, many of these analyses say that millions of students may not have attended classes since many school districts switched to remote learning. To contend with this emerging trend, the Learning Recovery Act would authorize \$75 billion over the next two years to fund summer school, longer school days, or other academic programs. A section-by-section analysis of the bill is available by clicking [here](#).
4. The U.S. Department of Education released an addendum fact sheet titled “[Providing Services to English Learners During the COVID-19 Outbreak](#)” to better explain SEA and LEAs' responsibilities for assessing English learners during the pandemic. The document reiterates that while ESEA requires an annual statewide ELP assessment there are no prescribed Federal timelines for that annual assessment. Thus, an SEA may adjust its dates for administering the ELP assessment to address



challenges due to the pandemic (e.g., by changing its testing window). However, the ELP assessment should be conducted as soon as safely possible to provide useful information for districts, teachers, and parents. Furthermore, an SEA has the discretion under the ESEA to administer the ELP assessment remotely or in person.

The Department is also extending the flexibility related to the standardized entrance procedures, so that an LEA may continue to identify and provide ELs support as soon as possible. This means an SEA may continue to implement its adjusted standardized statewide entrance procedures until its LEAs are able to administer their regular screener assessment. This does not change the obligation of districts to assess students for EL status within 30 days of enrollment in a school in the State. However, the LEA can wait until schools are physically reopened to complete the full identification procedures to promptly ensure proper identification and placement of new ELs. Like an SEA, an LEA must treat a student identified as an EL through modified entrance procedures as an EL for all purposes (e.g., by including such students in its count of ELs for purposes of Title III subgrants to LEAs, providing appropriate language instruction services to such students, and administering the annual ELP assessment to such students).

Finally, the Department is also extending the flexibility regarding statewide exit procedures. The extended flexibility permits an LEA, for the 2020-2021 school year, to base exit decisions solely on the ELP assessment. All LEAs must continue to meet the requirement that a score of proficient on the statewide ELP assessment be used in order to exit a student from EL status. Click [here](#) to read the full guidance.

5. Republican Leader of the Education and Labor Committee, Rep. Virginia Foxx (R-NC), released the list of new Republican members who were selected by the Republican Steering Committee to serve on the Education and Labor Committee in the 117th Congress.

“The Education and Labor Committee plays a foundational role in Congress, covering issues that impact Americans at all stages of life – from child care all the way through retirement. The Republican members joining the Committee in the 117th Congress are a strong addition to our team and will help advance forward-looking policies that give students, job creators, and workers opportunities to succeed,” **Republican Leader Foxx said.**

New Republican members

Rep. Mariannette Miller-Meeks (R-IA)
Rep. Burgess Owens (R-UT)
Rep. Bob Good (R-VA)
Rep. Lisa McClain (R-MI)
Rep. Marjorie Taylor Greene (R-GA)
Rep. Diana Harshbarger (R-TN)
Rep. Mary Miller (R-IL)
Rep. Victoria Spartz (R-IN)



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Rep. Scott Fitzgerald (R-WI)
Rep. Madison Cawthorn (R-NC)
Rep. Michelle Steel (R-CA)

NOTE: The Members were selected by the Republican Steering Committee and will be ratified by the Republican Conference and later formally appointed by the full House of Representatives. Rep. Joe Wilson (R-SC) was on leave from the Committee and will be returning.

Democrats who were on the committee during the last session will return and will be joined but the following new members:

- Congressman-elect Jamaal Bowman of New York
- Congresswoman-elect Teresa Leger Fernandez of New Mexico
- Congresswoman-elect Kathy Manning of North Carolina
- Congressman-elect Frank Mrvan of Indiana

As more information is obtained, we will share with TSA.

Very truly yours,

Thompson & Horton LLP

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