



Legislative, Regulatory,  
Administrative, and Policy  
Recommendations for  
the President-elect Biden  
Education Transition Team

# Legislative, Regulatory, Administrative, and Policy Recommendations for the President-elect Biden Education Transition Team

## Introduction

The Council of the Great City Schools, the nation's primary coalition of large city public school districts, congratulates President-elect Joe Biden and Vice President-elect Kamala Harris on their election, and pledges its collaboration in developing the best possible federal policies on behalf of the nation's schoolchildren, particularly those attending public schools in our major cities. Public schools in America's big cities, whose residents voted overwhelmingly for the Biden-Harris ticket, have unique assets and special challenges that have historically made them the focus of the federal government's major education initiatives and reform efforts.

The immediate needs of the nation's urban public schools fall into three broad categories: substantial financial shortfalls from the country's weakening economy; the safety and health of students and staff due to the pandemic; and racial and ethnic equity and justice. To address these challenges, the Council of the Great City Schools offers the following proposals and recommendations to the incoming administration. These proposals are centered around three main priorities: (a) short- and long-term financial investments to address immediate operational issues, instructional issues such as unfinished learning and learning loss, universal broadband and technology access, and infrastructure; (b) coordination of COVID-19 related assistance, programming, and regulatory relief to address health issues and economic challenges; and (c) programming and policies aimed at achieving progress in the nation's ongoing struggle to achieve greater equity.

## 5th COVID Relief Legislation:

- Appropriate the \$200 billion that national education groups recommended for K-12 schools, including Education Stabilization funds, emergency Title I and IDEA categorical funds, E-Rate funds, K-12 Infrastructure funds, and access for school districts and other state and local governments to the payroll tax credits already provided to private sector employers.
- Continue the CARES Act Title I-based equitable services methodology used in the original legislation.
- Follow up with Education Jobs legislation like the original 2010 \$10 billion Great Recession program with a 100 percent pass-through of funds to local school districts.
- Include a 55 percent hold-harmless provision for school meal reimbursements to underwrite ongoing fixed costs of school food service programs.
- Clarify that the Federal Emergency Management Agency (FEMA) is required to process and fund pending applications and reimburse the costs of personal protective equipment for schools beyond CARES funding.

## COVID Related Administrative Actions:

- Prioritize public school staff, students, and families for COVID-19 vaccines when they are available.
- Appoint a big-city school superintendent, and possibly leaders from other critical sectors, to the White House Coronavirus Task Force.
- Charge the White House Coronavirus Task Force with prioritizing the distribution of high-quality PPE equipment, testing kits, and contact tracing efforts to public schools and public-school personnel. Set up a SWAT team in the U.S. Department of Education, reporting to the new Secretary, to coordinate the distribution of COVID-19 equipment to schools.
- Review—and reissue for accuracy and completeness if necessary—all CDC guidance to schools issued over the last eight months.

## Ongoing Federal K-12-Related Assistance and Policies on Learning Loss, ESEA Testing and Accountability, and NAEP:

- Acknowledge that the unfinished learning from COVID-19 related to interrupted schooling will have multi-year implications and will be felt most significantly by schools and school districts with the largest numbers of poor students, students of color, English learners, and students with disabilities.
- Reestablish ESEA-required state testing once on-site assessments can be safely administered, including in spring 2021—if possible.
- Waive ESSA accountability requirements on spring 2021 state summative examinations while states and districts recalibrate general and subgroup goals, objectives, and indicators based on current performance levels. Consider creating or using alternative indicators that assess district ability to address unfinished learning.
- Authorize interim screening and diagnostic measures to guide remote, hybrid, and phased-in instructional activities and support services.
- Postpone through congressional action the National Assessment of Educational Progress (NAEP) until either 2022 or 2023, depending on testing conditions.

**Triple Annual ESEA Title I Funding:** The Council strongly supports the Biden K-12 plan to triple annual Title I funding to ensure learning loss is addressed in communities with high numbers and percentages of low-income students. Following the federal COVID-19 recovery efforts, utilize Title I as the primary mechanism for assisting school districts in targeted academic improvement activities for our most vulnerable students, while retaining critical program requirements of supplement-not-supplant, comparability, and maintenance of effort.

- Administratively waive the Title I carryover limit due to necessary pandemic-related adjustments in program services
- Provide local flexibility in grandfathering Title I school-level eligibility and rank-order allocation requirements due to inconsistent low-income data from household FRPL surveys and other measures of poverty, either administratively or by statute if necessary

**Pre-K School-Based Expanded Funding:** Move aggressively to universal pre-K programming. Also, establish early transitions for young children to school-based learning environments to improve the academic performance of children in high-poverty communities. Review and revise

as necessary existing federal preschool assistance programs to support early literacy initiatives, transitions of pre-kindergarten children to school-based programs, early childhood professional development, and high-quality instructional resources.

**Full Funding for IDEA over 10 years:** The Council strongly supports the long-promised full funding of the IDEA Part B program to optimize academic and support services for large segments of students with disabilities. Provide further clarification that students with disabilities will receive equitable access to services during COVID-related interrupted schooling comparable to the services provided for all students in the LEA during the national emergency. Authorize a local maintenance of effort waiver analogous to the current state maintenance of effort waiver for “exceptional or uncontrollable circumstances” [IDEA section 612(a)(18)] to provide flexibility in the allocation of school resources at the local level comparable to the existing state-level statutory flexibility.

**ESEA Title II Expanded Funding:** Following the immediate federal COVID recovery efforts, utilize ESEA Title II as the primary mechanism for assisting school districts in supporting staffing enhancements (including class size reductions), leadership and career ladder initiatives, recruitment of minority teachers and specialized staff, professional development, and augmented pay for high-need programs. Additionally, reestablishing the Education Jobs Program would provide a mechanism for expanded staff and pay for school employees.

**ESEA Title III Expanded Funding:** Increase Title III funding for English language learners to help mitigate learning loss and expand effective virtual instructional designs, clarify the use of multiple measures for program entry and exit, and continue to allow the use of provisional measures until traditional K-12 operations resume.

**ESEA Title IV Expanded Funding:** Utilize ESEA Title IV Part A as the primary mechanism to assist school districts in health, mental health and trauma, and school safety and security activities along with the coordination and expansion of wrap-around services and dual credit opportunities. Expand funding for the Community School program, community-college supports, and initiatives for incarcerated youth transitioning back to public schools. Also, simplify and facilitate school-based Medicaid reimbursements for medical/health services, including mental health services for eligible students.

**ESEA Title V Funding:** Increase funding for voluntary desegregation under the Title V Part D Magnet Schools Program and underscore the continuing “compelling governmental interest” in the use of race. Ensure that any

School Diversity Legislation does not undercut federal desegregation efforts. Add a severability provision to the ESEA general provisions in case future court decisions affect current precedents.

**Establish New 21st Century Civics and Social Justice Initiative:** Support new resources to augment school academic programs that address current social justice issues and updated Civics content on rights and responsibilities in American society, equal justice under law, and the proper functioning of fundamental constitutional principles and the nation's legal system.

**Teacher Loan Forgiveness:** Implement existing teacher loan forgiveness programs, including review of previously rejected applications and any statutory revisions, as necessary.

**Expand E-Rate Authority and Funding:** Expand the FCC E-Rate program's allowable uses to cover home internet connections and applicant cybersecurity activities administratively or by statute.

**Enact Federal School Infrastructure Legislation:** Provide substantial federal assistance to improve school facilities through grants and through tax subsidies analogous with the ARRA legislation. Allow uses of funds for technology, air and water quality, and other construction, renovation, repair, and site-acquisition and preparation costs.

**Expand National Broadband Infrastructure:** Include improvements to the national broadband infrastructure to cover urban dead spots and rural areas in any national infrastructure legislation.

**Reestablish DACA Extensions and New Applications:** Administratively reestablish DACA operations and codify DACA in statute.

**Review and Revise Selected Regulations, Guidance and Policy Issues with appropriate public comment:**

- Reopen and revise August 2020 Title IX regulations
- Reestablish prior joint Education and Justice Departments' school desegregation guidance
- Reopen and revise school discipline/disproportionality regulations
- Withdraw October 9th CARES Act private school equitable services guidance, as well as the 2019 Title I equitable services guidance and regulations allowing third-party, religiously affiliated contractors to deliver services in private schools
- Reopen and revise restrictions on categorical eligibility for SNAP benefits and limiting student school meal eligibility

➤ Reopen and repeal revisions to DHS public charge regulations

➤ Update ESEA Title III guidance to include provisional EL identification and use of multiple measures for the exiting of English Learners.

**School and Community Safety:** Reestablish an assault weapons ban, institute comprehensive background checks, establish federal reporting requirements and national data collection on gun-related violence, and require gun registration.

**Ensure No Direct and Indirect Federal Subsidies of Private Schools:** Oppose direct and indirect federal subsidy initiatives, including 529 plans, private K-12 schools or for-profit K-12 schools.

**Other Administrative Actions:** Finally, consider the following actions—

➤ Reinstigate the White House My Brother's Keeper Initiative or a similar program with like goals to improve life outcomes for Black and Latino boys and young men. Recommend adding a parallel program for Black and Latina girls and young women.

➤ Charge the U.S. Department of Education with publishing research on what works and does not work in on-line instruction and collect and disseminate best programmatic strategies from school districts across the nation.

Finally, the Council of the Great City Schools stands ready to recommend leaders with experience running large urban school districts, given their unique experience and expertise, to be considered as Secretary of Education.



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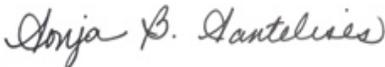
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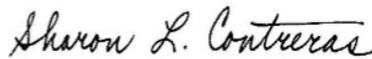
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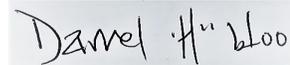
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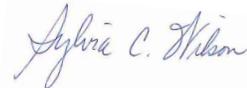
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