



Federal Update

ITCA Member Meeting
November 12, 2020

Agenda



- Election Status
- New 117th Congress
- COVID-19 bill?
- FFY 2021 Funding
- Pending work for the 117th Congress
- ITCA Transition Recommendations

Presidential Results



- Current Electoral College Results:
 - Former Vice President Biden – 290 votes
 - President Trump – 217 votes
- Popular Vote:
 - Former Vice President Biden – 50.8% of the vote
 - President Trump – 47.5% of the vote
- General Services Administration (GSA), must make an “ascertainment” before the transition teams can contact federal agencies, access funds set aside for the transition and receive intelligence briefings.
- States must verify results from their state.
- On December 14th the Electoral College casts their ballots for the President.
- Congress counts these votes.
- The Inauguration occurs at noon on Jan. 20, 2021
- Only the swearing-in is required
- Other events will be subject to COVID-19 considerations

Transition Process



- The Transition team has been appointed and “agency review teams” are being planned for each agency.
- Ron Klain has been named as the White House Chief of Staff
- The Corona Virus Task Force has already met and a White House Transition COVID Reaction Team will also be created
- White House staffing decisions being made
- Potential Cabinet appointees are being formally vetted and FBI background checks are being done
- Staffing priorities are economic and health teams
- Until GSA action, there are no funds for transition staff and activities and no access to existing program offices and staff in the federal government
- A Transition Website has been created:
<https://buildbackbetter.com/>

Transition Priorities



- Four priorities have been announced:
 - COVID-19
 - Economic Recovery
 - Racial Equity
 - Climate Change
- Biden issued disability plan looking for:
 - increases in Supplemental Security Income benefits,
 - fully funding the Individuals with Disabilities Education Act,
 - phasing out subminimum wage and
 - adding support for direct care providers as well as family caregivers.
- Plans to appoint White House Director of Disability Policy and push for legislation guaranteeing the choice to receive services in the community that as affirmed by U.S. Supreme Court's decision in *Olmstead v. L.C.*
- Issued separate plan aimed at “caregiving crisis,” with plans to provide funding to cover Medicaid home- and community-based services for everyone with a disability who's currently on a waiting list.

Possible Administrative Plans between Now and January 20th



- In the final 10 weeks of the administration, executive actions can occur
- Areas under consideration include immigration, trade, health care, China and school choice.
- Reported that staff in administration were asked to prepare three goals that could be accomplished through executive orders, executive actions or finalizing agency rules

Current Senate Results



- 50 Republicans
- 46 Democrats plus 2 Independents that caucus with the Democrats
- Two January 5th runoff elections in Georgia; no one got 50% of the vote:
 - Senator David Perdue (R) and Democrat Jon Ossoff
 - Senator Kelly Loeffler (R) and Democrat Raphael Warnock
- If the final decisions result in a 50/50 split, Vice President-elect Kamala Harris would be the deciding vote

Possible Senate HELP Committee Leadership



- Remember party in leadership controls agenda, appoints committee chairs, has majority of members on each committee and subcommittee
- Senate Health, Education, Labor and Pensions Committee (HELP)
- TN Senator Lamar Alexander (TN) has retired
- If Republicans take the lead:
 - Names include Richard Burr (NC) and Rand Paul (KY)
- If Democrats take lead:
 - Names include Patty Murray (WA) and Ron Wyden (OR)

Current House Results



- Leadership elections planned next week
- Of the 435 seats:
 - 218 democrats
 - 203 republicans
 - Remaining races have not been officially declared
 - Democrats retain majority but lost seats

Plans for New Education Secretary



- Things to Remember:
 - *All cabinet members resign on/or before Inauguration*
 - *Senate approves nominations but not White House staff*
 - *Jill Biden is an educator and a member of the NEA*
 - *Caution when selecting current Congressional members – vacancies may shift numbers*
- Linda Darling-Hammond who leads the California board of education and the Learning Policy Institute is leading the Education transition Team (already said no)
- American Federation of Teachers President Randi Weingarten
- Former National Education Association President Lily Eskelsen García.
- Current NEA President Becky Pringle (already ruled herself out.)
- School district superintendent: Brenda Cassellius of Boston, Denise Juneau of Seattle, William Hite of Philadelphia and Sonja Santelises of Baltimore.
- Could be someone from higher education.

COVID-19 Stimulus Bill



- Will there be a 5th COVID-19 bill in the lame duck session?
- Will the work wait until after new Congress and Inauguration in January 2021?
- COVID-19 numbers growing - positive cases, positivity rates, hospitalization and deaths
- New vaccine announcements recently
- Major disagreements still exist between parties especially size of the bill – at least a trillion dollars apart
- Still advocating for targeted IDEA funds

Major Disagreements: 5th COVID 19 Bill Close to \$1 Trillion Apart



- Amount of state/local stimulus funds - \$100 B to \$900 B
- Liability shield protections for employers from lawsuits.
- Amount of time period of extension of unemployment insurance provisions
- Amount of Education stimulus - \$105 B to \$300 B
- Amount of childcare and Head Start stimulus funds
- Additional individual rebate checks
- Rental assistance
- SNAP funds and policy
- Additional federal Medicaid match for longer time period

FFY 2021 Funding



- Lame Duck Congress can either pass an omnibus bill or a continuing resolution that would push the budget fight to 2021
- Lame Duck is the same members of the 116th Congress
- Senate appropriators just released all 12 annual spending bills
- IDEA includes an additional \$125 million including \$7.5 increase for Part C and a \$7.5 million increase for 619 preschool
- House bill passed during the summer included:
 - \$12,957,892,000 for Part B Grants to States, \$193,500,000 more than FFY 2020
 - \$397,620,000 for Preschool Grants, \$3,500,000 more than FFY 2020
 - \$481,850,000 for Grants for Infants and Families, \$4,850,000 more than FFY 2020
 - \$255,633,000 for the Part D, IDEA National Activities program, \$5,917,000 more than FFY 2020 including \$90,700,000 for Personnel Preparation, \$1,000,000 above FFY 2020
- Policy riders are still on table and have to be negotiated

Atmosphere



- The President-elect and Congressional (Republican and Democratic) leadership can set the tone for collaboration
- Challenge for both parties will be to keep their own caucus united
- Official committee announcements in Senate have to wait until January 5th special elections in GA

Discussions are already beginning about the 2022 midterm election and 2024 candidates for President

Supreme Court Considers ACA Again



- Justice Amy Coney Barrett was approved by the Senate and is participating in this session of the Court.
- The Court heard oral arguments in *California v. Texas*.
- State plaintiffs argued that once Congress eliminated the penalty for the mandate, it was no longer a tax and therefore the entire Affordable Care Act is unconstitutional and should be eliminated.
- A decision could come as soon as January 2021 but will likely in the spring of 2021

What's Next?



- What is possible for the 117th Congress?
- All current bills not passed when the 116th Congress adjourns must be reintroduced and start over in the 117th Congress

HR 4107 “Funding Early Childhood is the Right IDEA Act”



- Part C and Preschool 619 Programs serve over 1.16 million children, about double the number served in 1991.
- Part C serves over 720,000 children in full year cumulative count – about double the single day count
- Federal funding has not kept pace; continuing decrease in federal per child funding (Part C \$650 per child; 619 \$506 per child)
- Resulting in significantly increased fiscal burden on state and local budgets
- <https://www.congress.gov/bill/116th-congress/house-bill/4107?q=%7B%22search%22%3A%5B%22HR+4107%22%5D%7D&s=1&r=1>

HR 4107 “Funding Early Childhood is the Right IDEA Act”



- Establishes glide path of increasing authorization levels for IDEA Part C and Part B 619 Preschool
- Amounts are based on restoring the highest per child funding levels with inflation considered
- The bill is parallel to the Part B Full Funding Act efforts
- Mark DeSaulnier (CA-D) and Rodney Davis (IL-R) introduced the House bill
- Discussions are occurring to secure sponsors in Senate

Child Care for Working Families Act



- Senator Patty Murray (WA-D) S 568
(35 co-sponsors)
- <https://www.congress.gov/bill/116th-congress/senate-bill/568/text?q=%7B%22search%22%3A%5B%22congressId%3A116+AND+billStatus%3A%5C%22Introduced%5C%22%22%5D%7D&r=5>
- Representative Bobby Scott (VA-D) H.R. 1364
(176 co-sponsors)
- <https://www.congress.gov/bill/116th-congress/house-bill/1364/text?r=1&s=4>

Outline of the Bill



- Title I – Child Care and Development Assistance
- Title II – High Quality Preschool
- Title III – Head Start Expanded Duration
- Title IV – Appropriations for Supports and Services for Inclusive Child Care for Infants, Toddlers, and Children with Disabilities – Part C and Preschool 619
- Title V - Maternal, Infant, and Early Childhood Home Visiting Program

Needs Strong Bipartisan Support

What Is Due or Overdue?



- IDEA
- Higher Education Act
- Education Sciences Reform Act
- Head Start Act
- Home Visiting (2022)

ITCA Transition Recommendations



- ITCA is seeking members to join a call to begin to draft a set of recommendations for the new Congress and the new Administration
- Expect an email with information about the member call before Thanksgiving
- There also will be a member discussion on transition recommendations in December on the member call
- Board approved Recommendations will be shared with the Transition Team, new Secretary of Education and HHS and congressional committees
- ITCA also is working with other associations and partners on recommendations that can be made jointly
- 2017 ITCA recommendations will be emailed to you as a reminder of our previous statements

ITCA 2017 Recommendations



- Maintaining the existing federal infrastructure to support early learning efforts.
- Significant increase in federal funding for Part C of IDEA.
- Investment in all of IDEA Programs including Preschool 619, and Part D as well as Special Education Research.
- Continue the Children's Health Insurance Program (CHIP) and ensure full implementation of the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program.
- Reauthorize and expand funding for the Maternal Infant Early Childhood Home Visiting (MIECHV) Program.
- Major investments in funding of federal programs necessary to implement the purposes of Part C.