

Pandemic fuels fight between public, private schools

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Editor's Note: Weekly Education is a weekly version of POLITICO Pro's daily Education policy newsletter, Morning Education. POLITICO Pro is a policy intelligence platform that combines the news you need with tools you can use to take action on the day's biggest stories. Act on the news with POLITICO Pro.

CORONAVIRUS FUELS FIGHT OVER MONEY FOR PUBLIC VS. PRIVATE SCHOOLS: As the pandemic throws the start of a new school year into disarray across the country, the crisis is also fanning the flames of a long-simmering debate in education: how to split money between public and private schools. Rarely has that competition for resources been so sharply debated in Congress — as part of high-stakes negotiations over the next round of coronavirus relief and in the glare of the bright hot spotlight of the closing months of a presidential campaign.

Several states — and some of the nation's largest school systems — are suing to stop Education Secretary Betsy DeVos' effort to boost the share of coronavirus education relief money that flows to private school students. The NAACP is also challenging DeVos' policy in court, accusing her of “robbing public school children of desperately needed relief and diverting it to private schools.”

The Trump administration is defending its approach — and private schools are also going to bat for the policy, arguing that they're equally in need of the assistance and have also been hit hard by the pandemic. The Cato Institute has tracked more than 100 private schools, mostly Catholic schools, that have permanently closed.

CASH DIVERSION, REOPENING DIVERGENCE: A legal battle has been stoked in South Carolina, where Gov. Henry McMaster's decision, praised by the Trump administration, to allocate \$32 million of federal relief dollars to a private school tuition program is being challenged. A state judge has temporarily blocked the plan until the case can be more fully heard.

As public schools announce their plans to go virtual, at least to start, this fall, some private schools have said they will physically reopen. The Trump administration has cheered on that approach. Vice President Mike Pence and DeVos last week visited and praised a private school in North Carolina that had reopened its classrooms. DeVos has argued that parents should receive federal assistance to attend private schools if their public schools aren't giving them an in-person option.

Senate Republicans included in their GOP stimulus bill, S. 4322 (116), a requirement that 10 percent of the new relief money for K-12 schools flow to private schools. They're also proposing a new program, championed by DeVos, that would send federal dollars to parents to pay for tuition at private schools or cover homeschooling expenses. Democrats have blasted those plans as non-starters, accusing Republicans of seeking to privatize public education.

That tension between public and private schools reopening flared up in Maryland over the weekend. Health officials in Montgomery County, where public schools are going to start online-only this fall, ordered all private schools in the county to follow suit, saying that in-person instruction was not safe for students and parents. The county's order affects St. Andrew's Episcopal School, where President Donald Trump's son Barron goes to school.

Maryland Gov. Larry Hogan, a Republican, shot back at Montgomery County officials over the weekend, saying that private and parochial schools should be able to operate so long as they follow CDC and state health guidelines. "This is a decision for schools and parents, not politicians," Hogan said.

WHAT DO YOU THINK? Should private schools be allowed to physically reopen in areas where officials have kept public schools closed because of the coronavirus? Let us know, and we may publish your responses next week.

IT'S MONDAY, AUG. 3. WELCOME TO MORNING EDUCATION. Drop me a line with your tips and feedback: mstratford@politico.com or [@mstratford](https://twitter.com/mstratford). Share event listings: educalendar@politico.com. And follow us on Twitter: [@Morning_Edu](https://twitter.com/Morning_Edu) and [@POLITICOPro](https://twitter.com/POLITICOPro).

THE COLLEGE SCENE: The latest edition of POLITICO Nightly caught up with four college and university leaders to learn how they are preparing for the pandemic's first fall semester — check it out.

HAPPENING 8/4 @ 10 a.m. EDT - ECONOMIC RECOVERY IN THE MIDST OF A PANDEMIC: The coronavirus has caused a record-setting economic decline and tens millions of Americans have lost their jobs. Join POLITICO chief economic correspondent Ben White for an interview with LinkedIn chief economist Karin Kimbrough to discuss prospects for economic growth, the uptick in jobless claims after weeks of decline and how extending unemployment benefits could help in the economic recovery. REGISTER HERE.

TEACHERS

TAKING NO CHANCES: Even in patches of the country where coronavirus rates are relatively low, some school districts are now opting for an all-virtual start. The American Federation of Teachers has adopted a resolution saying officials should only consider reopening schools where less than 5 percent of people tested for coronavirus turn up positive and the transmission rate is less than one. Yet online learning is the plan for months in districts that meet those health standards. Among them:

District of Columbia — In the nation's capital, less than 4 percent of coronavirus tests have come back positive for seven weeks straight and the transmission rate has been below one for three weeks. And still, D.C.'s mayor said late last week that the roughly 50,000 students

attending DCPS schools won't return to brick and mortar classrooms until November at the earliest.

New York City — The nation's largest school system won't reopen for in-person instruction unless the city's coronavirus infection rate remains below 3 percent on a seven-day rolling average, city officials said. That's despite maintaining an infection rate below that level for more than seven weeks.

Massachusetts — The Massachusetts Teachers Association says its members refuse to return to unsafe school buildings and are calling for the state to meet "negotiated public health benchmarks" before buildings reopen. The state's overall average positivity rate has been below 3 percent for more than a month.

Illinois — All students in the U-46 school system, a suburban Chicago district and the second-largest in the state, must plan to start the school year via distance learning for at least the first nine weeks. The district serves students from three Chicago-area counties that are logging seven-day rolling average test positivity rates between 4.7 and 5.7 percent.

Colorado — The Denver Public Schools system will continue fully remote instruction through Oct. 16. The region's public health department has been reporting a seven-day average positivity rate of under 5 percent for about two months.

Bolstering the districts' position? A new CDC report raises alarms about reopening classrooms. The analysis examined a sleep-away camp in Georgia where at least 260 children and staff were infected with the virus.

— **The key takeaway:** "This investigation adds to the body of evidence demonstrating that children of all ages are susceptible to SARS-CoV-2 infection," the authors wrote, adding that "contrary to early reports" children "might play an important role in transmission." DeVos has said that, "There's nothing in the data that suggests that kids being in school is in any way dangerous."

SIZING UP THE SCHOOL YEAR: Many annual tests were put on ice last spring as districts sent kids home because of the pandemic and federal rules on testing were waived. States may not be able to count on getting another free pass. DeVos, during a virtual forum last month, said states should consider "snapshot" assessments this fall to understand students' learning retention. One of her top aides told reporters in recent days that the Trump administration is leaning against again excusing states.

— **The Council of Chief State School Officers is pushing for student assessments** in the coming academic year, saying it's "more important than ever" to measure student learning and identify potential gaps during the pandemic. Some governors, though, are asking for another break.

— **Like many education leaders,** the National Assessment Governing Board, which sets policy for the National Assessment of Educational Progress, has been grappling with whether it's time to put assessments on pause — or whether it's more important than ever to proceed.

— **So far, they aren't slowing down:** The board on Friday approved a resolution advising the National Center for Education Statistics to keep prepping for the 2021 NAEP reading and math assessments unless "accurate reporting ... is not technically possible." If, for example, most

school systems extend virtual-only classes in early 2021, there won't be enough participating students and schools to make administering the test feasible, a NAGB spokesperson added.

— **The board will keep watch on the state of school operations and health and safety factors to decide** whether it's necessary to seek a waiver from Congress to postpone the assessments from 2021 to 2022, the resolution states. The board also officially approved postponing until 2022 NAEP's long-term trend assessment for 17-year-olds along with the civics and U.S. history assessment.

EVERYTHING HAS CHANGED: Policy professionals' work has drastically changed since the outbreak of Covid-19. Read what 700+ policy professionals had to say about this "new normal" in POLITICO Pro's 2020 Policy Insider's Report: "Policymaking during a Pandemic."

IN CONGRESS

STATUS QUO SPENDING: As if it were possible to further compound the uncertainty of the school year that's about to unfold, Congress is living up to its reputation for fogging the forecast. Government funding expires in less than two months, and once again the fiscal year is likely to begin with a stopgap spending patch that drags out education funding levels — and uncertainty — for a few more weeks or months. While the House passed its education spending bill within a larger package on Friday, the Senate has paid no heed to appropriations work this summer, as the Oct. 1 fiscal cliff approaches. The stimulus plan still in the works will also come too late to ease the start of the school year in much of the country.

— **The spending package, H.R. 7617 (116), the House just passed would provide \$73.5 billion for the Education Department**, a \$716 million boost over current levels. But status quo spending is what the nation is likely to get for the foreseeable future.

— **Whenever a full-year funding measure finally clears Congress**, the Education Department could gain new leeway for providing Pell Grants to incarcerated students. The House-passed funding package includes language that would expand eligibility to people in jail, and many Republicans in Congress and the Trump administration remain fond of the Second Chance Pell approach.