



## **January 17, 2022 – Federal News and Information**

### **SCOTUS REJECTS OSHA “VAX OR TEST” RULE, BUT ALLOWS NARROWER HEALTHCARE MANDATE**

On January 13, 2022, the Supreme Court issued rulings in two consequential cases involving COVID-19 vaccination mandates enacted by two different Federal agencies, one from the Occupational Safety and Health Administration (“OSHA”) and the other from the Department of Health and Human Services acting through the Centers for Medicare and Medicaid Services (“CMS”). [Read More](#)

### **BUDGET AND APPROPRIATIONS**

Last week, Senate leadership and President Joe Biden focused on their efforts to pass voting rights legislation, and the underlying need to change filibuster rules to do so. As of Friday, the endeavor looks to be a futile one. Senator Kyrsten Sinema (D-AZ) delivered remarks on the Senate floor indicating her opposition to efforts to change any Senate rules, and Senator Joe Manchin (D-WV) complimented her sentiments when questioned by reporters. Since Senate Majority Leader Chuck Schumer (D-NY) and President Biden need the support of every Senate Democrat to be successful in both changing the rules and passing the bill, it seems that next week’s attempts at either or both will fail.

While the Senate has been talking about voting rights, there has been little discussion of the future of the Build Back Better Act (BBB). It seems Democrats are still developing a would-be strategy. There is talk of attaching some of the elements of the package to an FY 2022 spending bill deal; perhaps another coronavirus relief package could include BBB proposals. Coming weeks should bring more clarity on the prospects of the president’s sweeping domestic policy package.

In the meantime, with a looming deadline of February 18 — the expiration date of the current continuing resolution — there was some progress on FY 2022 spending this week. Appropriators are reportedly beginning to discuss a long-term spending package that could fund the government, prevent a shutdown and potentially deliver another round of coronavirus relief and elements of the BBB plan, such as paid leave. Democratic and Republican appropriators met Thursday to start talking about a deal.

Following the meeting, House Appropriations Committee Chair Rosa DeLauro (D-CT) and her Senate counterpart, Senator Patrick Leahy (D-VT) released a statement saying, “We appreciated the opportunity to have a constructive Four Corners conversation today on completing fiscal year 2022 appropriations. We look forward to further conversations in the coming days, with the shared goal of finishing our work by the February 18 government funding deadline.” Their Republican colleagues talked to reporters about the state of affairs, saying that any deal would need to exclude any “poison” legislative riders and include increases in defense spending supported by Republicans. In response to their demands, Chair DeLauro noted that Republicans had a long list of requirements, but no concessions. That doesn’t bode well for productive, expedient talks. While negotiations clearly have quite a way to go, there is support for resolving FY 2022 spending before President Biden delivers his State of the Union Address on March 1. Of course, that’s not so very far away.

### **THE HUNT INSTITUTE DISCUSSES MICRO-CREDENTIALING IN STATES**

On Tuesday, January 11, the Hunt Institute, in partnership with digiLEARN, hosted a webinar titled, “States Leading in Micro-Credentials.” Attendees heard from a panel of states who are leading the way in establishing policies and practices related to micro-credentials for teaching professionals. Participants included Dr. Barnett Berry, research



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professor, University of South Carolina College of Education; Dr. Nish Goicolea, executive director, Wyoming Professional Teaching Standards Board; The Honorable Dr. Bev Perdue, former governor of North Carolina; and LaVerne Evans Srinivasan, vice president, National Program and program director of Education, Carnegie Corporation of New York. Governor Perdue referenced her work with digiLEARN and the N.C. State Board of Education to approve the North Carolina Partnership for Micro-Credentials (NCPMC). The NCPMC taskforce mission was to create a state-recognized system of competency-based micro-credentials that would increase teacher retention and foster student success. DigiLEARN then found partner states interested in creating a similar national effort around high-quality micro-credentialing. In Wyoming, the Professional Teaching Standards Board (PTSB) is independent of the state, and Dr. Nish

Goicolea touched on how this unique setup allows for regulation “by the profession, for the profession.” The PTSB currently approves micro-credentials for professional development, which consists of a pre-approval process and ensures that credentials use research backed by evidence. According to Dr. Barnett Berry, micro-credentialing plays three roles: (1) creates a venue for educators to work together on what works and what does not; (2) provides evidence for leaders to identify educator expertise and how they distribute that expertise; and (3) serve as a means for teachers to be the “arbitrators of quality in their profession.” According to Dr. Goicolea, the biggest barrier for micro-credentials is educating the public on what they are, their value and the skills that educators gain from these professional development opportunities. To watch the full webinar, please click [here](#).

### ED STRESSES SIGNIFICANCE OF FULL-SERVICE COMMUNITY SCHOOLS

On Tuesday, January 11, the U.S. Department of Education (ED) announced proposed priorities for the [Full-Service Community Schools](#) competitive grant program. According to the ED’s press release, the proposed priorities include: (1) supporting states and districts in scaling up high-quality community schools within and across school districts; (2) encouraging evidence-based strategies for integrated student supports; and (3) supporting a national evaluation to continue to build the evidence base behind effective community schools, as the pandemic continues to hit the country hard. Speaking on this competitive grant program and its 30-day public comment period, Education Secretary Miguel Cardona said, “Community schools play a vital role in achieving President Biden’s vision of building our education system back better than before the pandemic. The last two years have taught us how critical schools can be in providing wraparound supports to students and families — such as access to mental health services, basic needs and high-quality academic instruction. When schools are at the center of our neighborhoods and communities, children, youth and families’ benefit. I am thrilled that this program can enable more students and families to access full-service community schools, and that President Biden proposed in his budget to invest hundreds of millions of dollars in community schools, which have been proven to improve student well-being and academic success.” To read the department’s press release, please click [here](#).

### BIDEN-HARRIS ADMINISTRATION TO INCREASES COVID-19 TESTING IN SCHOOLS

On Wednesday, January 12, the Biden-Harris administration announced a series of actions to increase COVID-19 testing in schools with the intention of promoting safety for students and staff and keeping schools open as the pandemic continues. A press release from the Department of Education highlights new initiatives, including: (1) sending five million No-Cost Point-of-Care Tests per month to schools; (2) providing five million additional lab-based PCR Tests for free to schools per month; (3) deploying Federal Surge Testing Units to support free testing access for students, school staff and families at Community Testing Sites; (4) connecting Schools with COVID-19 Testing Providers to set up School Testing Programs using American Rescue Plan Funds; and (5) new training, resources, and materials for test to stay programs in schools. To read a press release from the Department of Education, please click [here](#).

### EDUCATION WEEK DISCUSSES THE IMPACT OF HIGH-DOSAGE TUTORING PROGRAMS



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On Thursday, January 13, *Education Week* hosted a webinar titled, “Examining the Evidence: What We’re Learning From the Field About Implementing High-Dosage Tutoring Programs.” Participants included Ileana Najarro, staff writer, *Education Week* (moderator); Carly Robinson, postdoctoral research associate, Annenberg Institute at Brown University;

Matthew Kraft, association professor of education and economics, Annenberg Institute at Brown University; Jason Midwood, chief of human capital, Central Falls Schools, RI; and Matthew Pariseau, assistant superintendent, Spring Independent School District, TX. The conversation opened with discussion on what makes a tutoring program “high-dosage.” Carly Robinson shared that tutoring can accelerate student learning and “high-dosage” means students are

tutored three or more times a week for a semester or more and either in a small group or one-on-one. Robinson shared the research shows a wide range of people can be effective tutors as long as they receive good training and use curriculum that meets state standards. Matt Kraft highlighted that tutoring is more than improving students’ test scores. He said there is emerging evidence that tutoring can also improve a student’s social and emotional development and their well-being. He added more research is currently occurring on how to scale-up tutoring while maintaining efficacy. Carly Robinson advocated embedding tutoring into the school day due to attendance concerns when it occurs afterschool. She noted there are difficulties getting students to enroll in tutoring programs even when they are free and high quality. Speaking on how the research on high-dosage tutoring is playing out on the ground from a practitioner perspective, Matthew Pariseau said their data indicates high-dosage tutoring provides gains in academics in social and emotional learning with the best results coming from tutoring embedded into the school day. Agreeing with Matthew Pariseau, Jay Midwood also expressed support for embedding programming into the school day. He noted sports and even nice weather in the springtime as conflicts with out-of-school time tutoring. Midwood shared their tutoring occurred in the student’s classroom and they tried to move away from pulling students out of the classroom into intervention rooms. For more information on the webinar, please click [here](#).