

**EXAMINING THE POLICIES AND
PRIORITIES OF THE U.S. DEPARTMENT
OF EDUCATION**

HEARING

BEFORE THE

**COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, JUNE 24, 2021

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**EXAMINING THE POLICIES AND
PRIORITIES OF THE U.S. DEPARTMENT
OF EDUCATION**

Thursday, June 24, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The Committee met, pursuant to notice, at 10:16 a.m. via Zoom, Hon. Robert C. “Bobby” Scott (Chairman of the Committee) presiding.

Present: Representatives: Scott, Courtney, Sablan, Wilson of Florida, Bonamici, Takano, Adams, DeSaulnier, Norcross, Jayapal, Morelle, Wild, McBath, Hayes, Levin, Omar, Stevens, Leger randez, Manning, Mrvan, Bowman, Pocan, Castro, Espaillat, Mfume, Foxx, Wilson of South Carolina, Thompson, Walberg, Grothman, Stefanik, Allen, Banks, Comer, Keller, Murphy, Miller-Meeks, Owens, Good, McClain, Harshbarger, Miller, Fitzgerald, Cawthorn, Steel, and Letlow.

Staff present: Phoebe Ball, Disability Counsel; Melissa Bellin, Professional Staff; Katie Berger, Professional Staff; Jessica Bowen, Professional Staff; Rashage Green, Director of Education Policy; Christian Haines, General Counsel; Rasheedah, Chief Clerk; Sheila Havenner, Director of Information Technology; Joe Herrbach, Professional Staff; Ariel Jona, Policy Associate; Andre Lindsay, Policy Associate; Katie McClelland, Professional Staff; Max Moore, Staff Assistant; Mariah Mowbray, Clerk/Special Assistant to the Staff Director; Kayla Pennebecker, Staff Assistant; Véronique Pluviose, Staff Director; Manasi Raveendran, Oversight Counsel-Education; Benjamin Sinoff, Director of Education Oversight; Lakeisha Steele, Senior Education Policy Advisor; Theresa Thompson, Professional Staff; Banyon Vassar, Deputy Director of Information Technology; Claire Viall, Professional Staff; Joshua Weisz, Communications Director; Harley Adsit, Minority Press Secretary; Cyrus Artz, Minority Staff Director; Amy Raaf Jones, Minority Director of Education and Human Resources Policy; Dean Johnson, Minority Legislative Assistant; Hannah Matesic, Minority Director of Operations; Audra McGeorge, Minority Communications Director; Jake Middlebrooks, Minority Professional Staff Member; Eli Mitchell, Minority Legislative Assistant; Maureen O’Toole, Minority Press Assistant; Alex Ricci, Minority Speechwriter; Chance Russell, Minority Legislative Assistant; Mandy Schaumburg, Minority Chief Counsel and Deputy Director of Education Policy; Brad Thomas, and Minority Senior Education Policy Advisor.

Chairman SCOTT. The Committee on Education and Labor will come to order and welcome everyone. I note a quorum is present. The Committee is meeting today to hear testimony on “Examining the Policies and Priorities of the United States Department of Education.”

This is an entirely remote hearing and as such the Committee’s hearing room is officially closed. All microphones will be kept muted as a general rule to avoid unnecessary background noises. The Members and the witnesses are responsible for unmuting themselves when they are recognized to speak or when they wish to seek recognition.

If a remote witness experiences technical difficulties during the hearing, please stay connected to the platform. Make sure you are muted and use your phone to immediately call the Committee’s IT director, whose number was provided in advance. Should the Chair experience technical difficulty and need to step away, another majority Member is hereby authorized to assume the gavel in the Chair’s absence.

In order to assure the Committee’s five-minute rule is adhered to, staff will be keeping track of time using the Committee’s field timer, which will appear in its own thumbnail picture and will show a blinking light when time is up. As I indicated previously, we’ll skip the roll call so that the secretary can make his hard stop at the appointed time.

Pursuant to Group Committee Rule 8(c), opening statements are limited to the Chair and Ranking Member, and I recognize myself now for the purpose of making an opening statement. Today we’re meeting to discuss the Department of Education’s budget request for fiscal 2022 and examine the Department’s priorities to support students, educators, and communities.

Secretary Cardona, welcome to the Committee on Education and Labor, and thank you for being with us today. Today we’ll look forward to hearing your vision to expand access to quality education and help students and schools recover from the pandemic. Now at the beginning of this administration, you inherited an Education Department that spent 4 years moving in the wrong direction.

Under the Trump administration, the Department failed to provide meaningful guidance to help students cope with the pandemic, eroded civil rights protections for students, they failed to faithfully implement the “Every Student Succeeds Act” and they withheld debt relief from hundreds of thousands of students who were defrauded by low quality institutions while refusing to hold these institutions accountable.

Mr. Secretary, under your leadership, the Biden-Harris administration has made critical progress of restoring the Department’s commitment to students and educators. In March, the administration worked with Congress to pass the American Rescue Plan Act. This package provided the largest one-time Federal investment in K through 12 education, in our Nation’s history, and it distributed using the Title 1A formula so that the greatest resources went to the communities with the greatest needs. Its funding has allowed school districts to reopen safely, remain open and make up for lost time in the classroom.

While others have demanded that schools reopen, the Rescue Act secured the resources to help schools reopen safely. The funding allowed schools to purchase personal protective equipment, repair broken and—repair and replace broken ventilation systems and take other steps to follow CDC guidelines for reopening schools safely.

Importantly, school districts are also using the funding to help students get back on track after the pandemic. School districts must dedicate 20 percent of the funding they receive to address learning loss, and support students' social and emotional well-being. I want to recognize the Department for providing school districts with evidence-based guidance on how to use the relief to support students and reopen classrooms.

Because of these efforts, schools finally had the resources and support they need. As of April, 96 percent of K through 8 schools were already for hybrid or full-time in-person learning. As Dr. James Lane, the State superintendent in my home State noted, and I quote, "These resources will help students and teachers remain healthy and safe." I'd like to now enter into the record an article in which Dr. Lane supports these critical investments.

Chairman SCOTT. The American Rescue Plan is also helping institutions of higher education weather the pandemic. The package provided a financial lifeline for institutions grappling with devastating enrollment declines and revenue losses and require that an institution dedicate at least half of the funding they receive for direct aid to help students avoid hunger, homelessness, and other hardships.

These critical investments are helping students, schools, and institutions to the road of recovery. And yet we must look beyond restoring the pre-pandemic status quo that already left far too many students behind, so today we'll discuss how the Department's budget request, the American Jobs Plan and the American Families Plan will build back a better education system where everyone can succeed.

Drawn from the Americans College Promise Act, the American Families Plan invests in providing tuition-free community college and reduced costs for students at HBCUs and other minority-serving institutions. The package also provides an historic increase in Pell grants, which help more students get a quality degree.

The Americans Jobs Plan also includes promising funding to help schools retrofit dangerously outdated school buildings, including ventilation systems, and it provides community colleges with the necessary resources to modernize campus facilities and technological infrastructure.

So today we also look forward to hearing about the Department's budget and what it will do to confront persistent academic achievement gaps, restore access to education for students with disabilities, lower costs of college and ensure that all students have access to the quality education they need to reach their full potential.

[The statement of Chairman Scott follows:]

STATEMENT OF HON. ROBERT C. "BOBBY" SCOTT, CHAIRMAN,
COMMITTEE ON EDUCATION AND LABOR

Today, we are meeting to discuss the Department of Education's budget request for Fiscal Year 2022 and examine the Department's priorities to support students, educators, and communities.

Secretary Cardona, welcome to the Committee on Education and Labor and thank you for being with us today. Today, we look forward to hearing your vision to expand access to quality education and help students and schools recover from the pandemic.

At the beginning of this Administration, you inherited an Education Department that spent 4 years moving in the wrong direction. Under the Trump administration, the Department:

- Failed to provide meaningful guidance to help students cope with the pandemic;
- Eroded civil rights protections for students;
- Failed to faithfully implement the Every Student Succeeds Act; and
- Withheld debt relief from hundreds of thousands of students who were defrauded by low-quality institutions while refusing to hold these institutions accountable.

Mr. Secretary, under your leadership, the Biden-Harris Administration has made critical progress toward restoring the Department's commitment to students and educators.

In March, the Administration worked with Congress to pass the American Rescue Plan Act. This package provided the largest one-time Federal investment in K-12 education in our Nation's history and distributed it using the Title I-A formula so that the greatest resources went to communities with the greatest needs.

This funding has allowed school districts to reopen safely, remain open, and make up for lost time in the classroom.

While others have demanded that schools reopen, the Rescue Act secured the resources to help schools reopen safely. The funding allows schools to:

- Purchase personal protective equipment,
- Repair and replace broken ventilation systems, and
- Take other steps to follow C-D-C guidance for reopening schools safely.

Importantly, school districts are also using this funding to help students get back on track after the pandemic. Districts must dedicate 20 percent of the funding they received to address learning loss and support students' social and emotional well-being.

I want to recognize the Department for providing school districts with evidence-based guidance on how to use the relief to support students and reopen classrooms.

Because of these efforts, schools finally have the resources and support they need. As of April, 96 percent of K-8 schools were already open for hybrid or full-time in-person learning. As Dr. James Lane, the State superintendent in my home State, noted, quote: "These resources will help keep students and teachers remain healthy and safe." I would now like to enter into the record a letter from Dr. Lane supporting these critical investments.

The American Rescue Plan is also helping institutions of higher education weather the pandemic. The package provided a financial lifeline for institutions grappling with devastating enrollment declines and revenue losses. And it required that an institution dedicate at least half of the funding they received for direct aid to help students avoid hunger, homelessness, and other hardships.

These critical investments are helping students, schools, and institutions to the road of recovery. Yet, we must look beyond restoring the pre-pandemic status quo that already left far too many students behind.

Today, we will discuss how the Department's budget request, the American Jobs Plan, and the American Families Plan would build back a better education system where everyone can succeed.

Drawing from the America's College Promise Act, the American Families Plan invests in providing tuition-free community college and reducing costs for students at H-B-C-Us and other minority serving institutions. The package also provides a historic increase in Pell Grants, which would help more students get a quality degree.

The American Jobs Plan also includes promising funding to help schools retrofit dangerously outdated school buildings, including ventilation systems. And it provides community colleges with the necessary resources to modernize campus facilities and technological infrastructure.

Today, we also look forward to hearing what the Department's budget will do to:

- Confront persistent academic achievement gaps,
- Restore access to education for students with disabilities,
- Lower the cost of college, and,
- Ensure that all students have access to the quality education they need to reach their full potential.

Mr. Secretary, thank you, again, for joining us today. I am now pleased to recognize the distinguished Ranking Member of the Committee, Dr. Foxx, the gentlelady from North Carolina, for the purpose of making an opening statement.

Chairman SCOTT. So Mr. Secretary, thank you again for joining us today, and I'm pleased to recognize the distinguished Ranking Member of the Committee, Dr. Foxx, the gentlelady from North Carolina, for the purpose of making an opening statement. Dr. Foxx.

Ms. FOXX. Thank you, Mr. Chairman and thank you Mr. Secretary for being here. Mr. Secretary, Americans have suffered greatly in the past 15 months. Far-reaching government shutdowns to flatten the curve for 2 weeks turned into permanent stay-at-home orders. Businesses ground to a halt. Millions of individuals lost their jobs. America's school children, if they received any instruction at all, learned their course material by staring listlessly at a small screen for hours every day.

Families did the best they could under the trying circumstances. Our initial instinct to preserve life was notable.

Trusting virologists at the outset of the pandemic made sense because there were so many unknowns. They are scientists. Surely as more evidence became available and natural experiments ran their course, government leaders with access to the latest data would modify their response accordingly.

Evidence of the novel coronavirus' negligible effect on children grew to levels impossible to ignore. But nothing changed. Blue State politicians forced children to spend their lives indoors and away from friends and loved ones. Democrats, including high ranking officials in this administration, discarded the scientific method in favor of narrow political interests and their teacher union allies.

Democrats' actions have consequences. Low income and minority students suffered disproportionately from school closures. One study estimated the average student learning loss would be 10 months. But that number increases to as many as 16 months for students of color. Data from the Centers for Disease Control and Prevention reveal a tragic mental health deterioration amongst our country's youth.

Emergency room trips caused by potential suicide attempts by children aged 12 to 17 rose 22 percent in the summer of 2020, and 39 percent in the winter of 2021. Unnecessarily long shutdowns did incalculable harm to those children, their families, and their communities. President Biden's bloated budget recognizes the damages Democrats' shutdown policies have done to our children.

But his proposed solution creates further harm for this generation. It mortgages our children's future on duplicative, unnecessary, and unconstitutional programs. While the Secretary will likely focus on all the expensive new program proposals in the President's budget that have no hope of becoming law, Committee Republicans cannot help but notice the preventable \$1 trillion student loan re-

payment disaster looming on the horizon. Federal student loan borrowers have not had to pay back a single penny since March 2020, but the repayment and interest rate freeze ends on September 30.

To date, Secretary Cardona has not communicated his plan to transition these loans from inactive to repayment status. The pandemic is over, and we expect the Secretary to take ownership of his bureaucracy's responsibility to America's students and particularly the taxpayers. Other priorities of Secretary Cardona's Department of Education are not inspiring the American people's confidence in this administration.

He is using the application process for the American History and Civics Education program to promote Critical Race Theory. Indocinating children is a violation of Federal law. Critical Race Theory is contrary to the American ideal of judging people on their character, not their physical appearance. Secretary Cardona has failed to make substantive progress toward protecting college students from attempts by our foreign enemies to influence campuses.

This administration has neither opened or closed any investigations into the donations institutions receive from or contracts they entered into with adversarial foreign sources. China should not be given free rein on our college campuses. Secretary Cardona is also working to overturn Title IX regulations that guarantee the rights of both sexual assault survivors and the accused. Our Constitution guarantees the right to due process. Secretary Cardona must protect students who survive sexual assault and uphold the ability of the accused to use the same constitutional rights enjoyed by his boss and notable other Democrat elites.

There are good reasons why the word "education" does not appear in the Constitution. Education is done best when it is handled at the local level. The Department of Education is incompetent. The solution is not more of the same, which is what the President's budget represents, but less of what has sidetracked our country's education system, the Department of Education itself.

[The statement of Ranking Member Foxx follows:]

STATEMENT OF HON. VIRGINIA FOXX, RANKING MEMBER,
COMMITTEE ON EDUCATION AND LABOR

Americans suffered greatly in the past 15 months. Far-reaching government shutdowns to flatten the curve for 2 weeks turned into permanent stay at home orders. Business grounded to a halt. Millions of individuals lost their jobs. America's school children, if they received any instruction at all, learned their course material by staring listlessly at a small screen for hours every day.

Families did the best they could under the trying circumstances. Our initial instinct to preserve life was noble.

Trusting virologists at the outset of the pandemic made sense because there were so many unknowns. They are scientists. Surely as more evidence became available, as natural experiments ran their course, government leaders with access to the latest data would modify their response accordingly. Evidence of the novel coronavirus's negligible effect on children grew to levels impossible to ignore.

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President Biden's bloated budget recognizes the damage Democrats' shutdown policies have done to our kids, but his proposed solution creates further harm for this generation. It mortgages our children's future on duplicative, unnecessary, and unconstitutional programs.

While the Secretary will likely focus today on all the expensive new program proposals in the President's budget that have no hope of becoming law, Committee Republicans cannot help but notice the preventable \$1 trillion student loan repayment disaster looming on the horizon. Federal student loan borrowers have not had to pay back a single penny since March 2020, but the repayment and interest rate freeze ends on September 30. To date, Secretary Cardona has not communicated his plan to transition these loans from inactive to repayment status. The pandemic is over, and I expect the Secretary to take ownership of his bureaucracy's responsibility to America's students and taxpayers.

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There are good reasons why the word education does not appear in the Constitution. Education is done best when it is handled at the local level. The Department of Education is incompetent. The solution is not more of the same, which is what the President's budget represents, but less of what has sidetracked our country's educational system—the Department of Education itself.

I look forward to hearing how Secretary Cardona will reverse course and empower families to make the educational decisions that are best for them.

Ms. FOXX. I look forward to hearing how Secretary Cardona will reverse course and empower families to make the educational decisions that are best for them. With that Mr. Chairman, I yield back.

Chairman SCOTT. Thank you and without objection all other Members who wish to insert written statements in the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m. on July 8th, 2021. I'll now welcome our witness. The Honorable Miguel Cardona is the 12th Secretary of the Department of Education. Previously he served as Commissioner of Education for the State of Connecticut, and before that he had two decades of experience as a public-school educator in his hometown of Meriden, Connecticut.

Mr. Secretary, we appreciate your participating today and look forward to your testimony. Your written statement will appear in full in the hearing record and you're asked to limit your oral presentation to a five-minute summary. After your presentation, we'll move to Member questions. Insofar as our witness is aware of his responsibilities to provide accurate information to the Committee, we'll now proceed directly with his testimony. Mr. Secretary.

**STATEMENT OF MIGUEL CARDONA, SECRETARY OF THE
DEPARTMENT OF EDUCATION**

Secretary CARDONA. Thank you. Good morning, Chair Scott, Ranking Member Foxx, and distinguished Members of the Committee. This past year, we've had plenty of quantitative data on the effects of the pandemic around the country, whether it's cases per 100,000 deaths or more recently a percentage vaccinated. We have a snapshot of the challenges we face. However, it helps to connect people and faces to numbers.

I recently had a conversation with a high school student at Harvey Milk High School in New York City. His story really stood out to me. He lost his grandmother to COVID-19 and his significant other to suicide in the last 10 months. As he returned to school, something that he said he was very much looking forward to, he asked me to ensure that he and all students across the country would walk into welcoming environments free from judgment, with mental health support to address the trauma they experienced.

He shared that while he missed a lot academically, he was hopeful that the school could provide the support he needed to catch up and thrive. And that is why I'm here today, for students like him and others that need more when they return. I'm proud to testify about the policies and priorities of the Department of Education, including our Fiscal Year 2022 budget request that makes good on President Biden's commitment to invest in education.

It also begins to address the significant inequities that students, primarily students of color and students with disabilities, confront every day in schools, and in pursuit of higher education and career technical education. I want to thank the Members of the Committee who helped ensure passage of the American Rescue Plan, bringing vital resources to our schools and colleges across the country.

These funds will ensure that schools reopen for full-time in-person learning as safely and as quickly as possible. I come to you today with a great sense of urgency. Generations of inequity have left far too many students without equitable access to high quality inclusive learning opportunities, including in our rural communities. Sadly, this has become normalized.

Education can be the great equalizer. It was for me and so many of you on this call right now. If we prioritize, we replicate and we reinvest in what works for all students. We must do more to level the playing field, including providing a strong foundation from birth, improving diversity among the teacher workforce, and creating learning pathways that work for all students.

To that end, the budget proposal calls on Congress to invest nearly 103 billion in the Department of Education's programs, a 41 percent increase over the Fiscal Year 2021 appropriation. The Fiscal Year 2022 request also makes a meaningful down payment toward the Biden-Harris administration's goal of addressing inequities. The centerpiece of the proposal is a new \$20 billion Title I equity grants program that tackles disparities between under-resourced schools and their wealthier counterparts. It supports competitive compensation for teachers in Title I schools, expands access to pre-kindergarten, and increases preparation for and access to success in rigorous course work.

Our request puts the Nation on a path to double the number of school counselors, nurses, and mental health professionals in our schools, and significantly expands support for community schools, to increase availability of those wrap-around services that we know our students need.

We also think it's past time for the Federal Government to make good on its commitment to students with disabilities and their families. The request makes a significant move toward fully funding IDEA, proposing a 20 percent increase of \$2.6 billion to states.

Turning to higher education, an area that we all know needs immediate attention, our budget proposal furthers the Biden-Harris administration's work to increase access and affordability to students. The proposal coupled with the increase proposed in the American Families Plan, would be the largest ever Pell grant increase, helping millions of students and families. Importantly, it ensures that Dreamers may receive Pell grants if they meet the eligibility requirements.

Through the American Families Plan, our budget proposal provides 2 years of free community college to first time students and those wishing to reskill. It also makes college more affordable for low-and middle-income students at 4-year HBCUs, tribal colleges and minority-serving institutions, as well as Hispanic-serving institutions and Asian American and Native American Pacific Islander-serving institutions.

The budget also proposes increases for TRIO and GEAR UP programs to make sure underserved students succeed and graduate from college. Finally, we prioritized efforts to enforce civil rights laws related to education, to protect all students and advance equity in the educational opportunity and delivery, pre-school through college.

Working together, we can and will heal, learn, and grow through this challenging time. I'm committed to working collaboratively with each of you to strengthen our schools and campuses, and help provide opportunities, pathways, and outcomes for students across the country. Thank you, and I look forward to your questions.

[The prepared statement of Secretary Cardona follows:]

PREPARED STATEMENT OF HON. MIGUEL CARDONA

DEPARTMENT OF EDUCATION

Statement by Miguel Cardona
Secretary of Education
on the
Policies and Priorities of the U.S. Department of Education

Good morning Chair Scott and Ranking Member Foxx.

I am pleased to join you today, and I am proud to testify about the policies and priorities of the Department of Education, including President Biden’s fiscal year 2022 Budget Request for the Department of Education. The full fiscal year 2022 Budget Request, which was released a little over two weeks ago, makes good on President Biden’s campaign commitment to reverse years of underinvestment in Federal education programs and would begin to address the significant inequities that millions of students—primarily students of color—and teachers confront every day in underserved schools across America. These inequities in opportunity and access continue to be experienced by students pursuing higher education and career and technical education credentials as well.

AMERICAN RESCUE PLAN ACT

Before I begin, I want to thank the Members of the Subcommittee—and your staff—who helped carry the American Rescue Plan Act to the finish line. I can tell you from immediate experience that the ARP funds will make all the difference in ensuring that schools re-open for full-time, in-person instruction as safely and soon as possible. In addition, ARP funds will enable schools to address the mental health, social, and emotional needs of students that the pandemic has laid bare, and to fully recover from the massive impact of lost instructional time on student achievement during the pandemic.

The plans to reopen are bold – and will require coordination among key stakeholders at the Federal, State, and local levels. But they match the urgency the challenges before us demand.

It's important to remember that once we fully reopen schools, we still have work to do. Our job will not be done. Generations of inequity have left far too many students without equitable access to high-quality, inclusive learning opportunities. Education *can* be the great equalizer – it was for me – if we prioritize, replicate, and invest in what works for all students, not just some.

We must do more to level the playing field, including providing a strong foundation from birth, improving diversity among the teacher workforce, and creating learning pathways that work for all students. To that end, the fiscal year 2022 budget proposal for the Department of Education provides strong investments in key areas to ensure students of all ages have what they need to succeed.

DEPARTMENT OF EDUCATION FUNDING LEVELS

The President's fiscal year 2022 request calls for a significant and long-overdue increase in Federal support for education from birth through college and career. The proposed discretionary request of \$103 billion for Department of Education programs, an increase of almost \$30 billion over the fiscal year 2021 enacted level, would be complemented by additional mandatory investments under the American Jobs Plan and the American Families Plan. We understand that some have raised questions about the unprecedented increase in Federal education funding proposed by President Biden, particularly coming on top of emergency appropriations over the past year to address the impact of the COVID-19 pandemic on our schools. However, it's important to recognize that these bold proposals follow a decade of virtually no funding growth in real terms for Department programs, a significant under-investment in light of the rising needs of students and families.

The \$73.5 billion that Congress appropriated for the Department for the current fiscal year, fiscal year 2021, is about 8 percent more than the fiscal year 2011 total of \$68.3 billion. Title I funding did a little better, up 10 percent, or 1 percent a year, over the same period of time.

The total Federal investment in elementary and secondary education grew at the same rate—just 1 percent annually over the past 10 years—not even keeping up with inflation.

FUNDING INEQUITIES IN STATE AND LOCAL EDUCATION SYSTEMS

This underinvestment in K-12 education matters because of the dramatic and longstanding inequities in State and local education funding systems, which despite more than half a century of litigation and reform, too often continue to provide significantly less funding for high-poverty districts and schools, which are more likely to serve students of color, resulting in a disproportionate impact on these students. Reversing these funding inequities, as well as immediately addressing the negative impact of those inequities in service of students, are critical goals of the Biden-Harris Administration’s racial equity agenda, and the President’s fiscal year 2022 request for the Department of Education would make a meaningful down payment toward these goals. Addressing these inequities are critical to our nation’s future. Our country and our economy will be stronger when every child is prepared to succeed in tomorrow’s economy, regardless of race, zip code, their family’s income, or disability.

INVESTMENT IN TITLE I GRANTS TO LOCAL EDUCATIONAL AGENCIES

The centerpiece of that request is \$20 billion for a new Title I Equity Grants program—part of the President’s commitment to dramatically increase funding for Title I schools—that would help address long-standing funding disparities between under-resourced school districts and their wealthier counterparts; ensure teachers in Title I schools are paid competitively; support expanded access to preschool; and increase preparation for, access to, and success in the rigorous coursework needed to prepare for postsecondary education and high-paying, in-demand careers. This proposal will further the goals of Title I as outlined by President Johnson in partnership with Congress back in 1965 as part of the War on Poverty, to help ensure that all

students—especially students from low-income backgrounds and students of color in underserved communities—receive the high-quality education they need to thrive and achieve their dreams.

INVESTMENT IN IMPROVING STUDENTS' PHYSICAL AND MENTAL HEALTH

Long before the COVID-19 pandemic there was increasing evidence that the conditions of poverty—especially concentrated poverty—take a tragic toll on the physical and mental health of students. This warrants significant investments in mitigating the impact of this toll in order to improve student outcomes. Congress recognized this problem, in part, through the creation and rapid increase in funding for the Title IV-A Student Support and Academic Enrichment program. Our request would build on these efforts through a \$1 billion investment for a new School-Based Health Professionals program to support the mental health needs of our students by increasing the number of counselors, nurses, and mental health professionals in our schools, and building the pipeline for these critical staff, with an emphasis on underserved schools.

COMMUNITY-BASED PROGRAMS

In addition, the President's request would help increase the availability of a broad range of wrap-around services to students and families in underserved schools and communities through a significant expansion of the Full-Service Community Schools program, from \$30 million in fiscal year 2021 to \$443 million in fiscal year 2022. This program recognizes the role of schools as the centers of our communities and neighborhoods, and funds efforts to identify and integrate the wide range of community-based resources needed to support students and their families, expand learning opportunities for students and parents alike, support collaborative leadership and practices, and promote the family and community engagement that can help ensure student success. The request would support implementation of the community

schools model at roughly 800 additional schools serving up to 2.4 million students, family members, and community members.

Our request also would help strengthen communities by fostering diverse schools through renewed efforts to improve school racial and socioeconomic diversity. We would provide \$100 million for a new Fostering Diverse Schools program that would help communities develop and implement strategies that will build more racially and socioeconomically diverse schools. Research suggests that diverse learning environments benefit all students and can improve student achievement, serve as engines of social and economic mobility, and promote school improvement. Our proposal also would build evidence around effective practices for addressing the growing concern that our Nation's schools are becoming less diverse and more segregated each year.

SUPPORT FOR SPECIAL EDUCATION

We also think it is past time for the Federal Government to make good on its commitment to students with disabilities and their families, as expressed in the Individuals with Disabilities Education Act. The President's request makes a significant move toward full funding of the IDEA with a \$2.6 billion, or 20 percent, increase for IDEA Part B Grants to States above the regular fiscal year 2021 appropriation, for a total of \$15.5 billion. Notably, this increase would raise the Federal share of the excess cost of serving students with disabilities for the first time in 8 years—demonstrating that IDEA has been yet another casualty of the Federal underinvestment in education over the past 10 years.

In addition, we would increase funding for the IDEA Part C Grants for the Infants and Families program by more than 50 percent, or \$250 million above the regular fiscal year 2021 appropriation level, for a total of \$732 million to expand access to early intervention services for infants and toddlers with disabilities. We would pair this increased funding with reforms to

strengthen the Part C program, particularly for children who have been historically underrepresented in the program, including children of color.

The President's Request would also boost the Preschool Grants program by \$105 million over the 2021 appropriation, to aid in the provision of special education and related services for children with disabilities aged 3 through 5.

TEACHER TRAINING AND SUPPORT

The Title I Equity Grants proposal is just one demonstration of President Biden's strong commitment to teachers. Other key investments, split between discretionary and mandatory American Families Plan funding, include \$412 million (\$132 million in discretionary funding and an additional \$280 in mandatory authority for fiscal year 2022) for Teacher Quality Partnerships to address teaching shortages, improve training and supports for teachers, and boost teacher diversity, particularly through investment in teacher residencies and Grow Your Own programs; \$340 million (\$250 million in discretionary funding and an additional \$90 million in mandatory authority for fiscal year 2022) for Special Education Personnel Preparation to ensure that there are adequate numbers of personnel with the skills and knowledge necessary to help children with disabilities succeed educationally; and \$60 million (\$20 million in discretionary funding and an additional \$40 in mandatory authority for fiscal year 2022) to fund for the first time the Hawkins Centers of Excellence program designed to increase the quality and number of new teachers of color. In addition, the American Families Plan would make a one-time mandatory investment of \$1.6 billion to support additional certifications at no cost for more than 100,000 educators in high-demand areas like special education, bilingual education, career and technical education, and science, technology, engineering, and mathematics. We are also requesting, through the American Families Plan, \$200 million in mandatory authority for a new Expanding Opportunities for Teacher Leadership and Development program to support

opportunities for experienced and effective teachers to lead and have a greater impact on their school community while remaining in the classroom (and be compensated for additional responsibilities) through such activities as high-quality teacher mentorship programs and job-embedded coaching. Lastly, the American Families Plan would double TEACH Grants from \$4,000 to \$8,000 for future teachers while earning their degrees.

IMPROVING CAREER PATHWAYS

The President's Request also recognizes that a skilled workforce is critical for both strong communities and a strong economy by proposing to make targeted investments that would help build the capacity of our workforce development system. These investments include an increase of \$108 million in Career and Technical Education National Programs to support an innovation grants initiative focused on youth work-based learning and industry credential attainment, along with a \$25 million increase under Adult Education National Leadership Activities to expand college bridge programs for low-skilled adults without a high school degree. In addition, the American Jobs Plan would provide \$1 billion in mandatory funding in fiscal year 2022 (\$10 billion total over 10 years) to expand career pathways for underserved middle and high school students that include partnerships with employers, community colleges and other partners and allow students to earn credentials or college credit while still in high school; and also would invest \$100 million annually over the next 10 years to help connect job-seeking adults to employment opportunities by focusing on foundational skills and embedded career services.

POSTSECONDARY EDUCATION INVESTMENTS

Turning to higher education, our budget proposal would make postsecondary education more affordable for students from low-income households through a \$400 increase to the maximum Pell Grant. In combination with the \$1,475 increase to the maximum Pell Grant

proposed in the American Families Plan, the increase in 2022 would be the largest increase to the Pell Grant ever. This historic increase is just a first step in a more comprehensive proposal to double the grant. Importantly, our proposal also would ensure that postsecondary students who are DACA recipients may receive Pell Grants and other federal aid if they meet current eligibility requirements.

Through the American Families Plan, our budget proposal would provide two years of free community college to first-time students and those wishing to reskill. It would also make college more affordable for low- and middle-income students at four-year Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs) such as Hispanic-Serving Institutions (HSIs) and Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs).

The fiscal year 2022 request also would increase institutional capacity and student supports at HBCUs, TCUs, and MSIs, and other under-resourced institutions, such as community colleges. The discretionary request includes more than \$600 million in additional funding for institutional supports programs and programs like TRIO and GEAR UP, to help ensure underserved students succeed in and graduate from college. The American Families Plan also provides historic mandatory investments over ten years in college access and success, including \$46 billion for HBCUs, TCUs, and MSIs, and \$62 billion for a new Completion Grants program that would make formula grants to States to support the use of evidence-based strategies to strengthen completion and retention rates at institutions that serve students from our most disadvantaged communities like community colleges.

SCHOOL INFRASTRUCTURE

Too many students attend schools and child care centers that are run-down, unsafe, and pose health risks. These conditions are dangerous for our kids and exist disproportionately in

schools with a high percentage of low-income students and students of color. We can't close the opportunity gap if low-income kids go to schools in buildings that undermine health and safety, while wealthier students get access to safe buildings with labs and technology that prepare them for the jobs of the future. Accordingly, the American Jobs Plan would provide \$10 billion in mandatory funding in 2022, and \$50 billion over five years, for grants to upgrade existing school facilities and build new public elementary and secondary schools. Outside of the Department of Education, funding would leverage an additional \$50 billion in investments in school infrastructure through bonds. The American Jobs Plan would also provide \$2.4 billion in mandatory funding in 2022, and \$12 billion over five years, for grants to invest in community college facilities and technology in order to help protect the health and safety of students and faculty, address education deserts (particularly for rural communities), grow local economies, improve energy efficiency and resilience, and narrow funding inequities.

STUDENT AID ADMINISTRATION

In addition to making college more affordable, our budget proposal will improve the services we provide students and families to help them pay for college. We are requesting \$2.1 billion to administer the Federal student aid programs in fiscal year 2022, an increase of \$200 million over the fiscal year 2021 appropriation. The requested funds are necessary to implement the FAFSA® Simplification Act and FUTURE Act, which together will greatly ease the process of applying for student aid and accessing affordable, income-driven repayment options; provide high-quality loan servicing to more than 40 million student loan borrowers; and protect the personally identifiable information of around 75 million students and parents.

ENFORCEMENT OF CIVIL RIGHTS LAWS

Finally, we would prioritize efforts to enforce the Nation's civil rights laws, as they relate to education, through a 10 percent increase for the Office for Civil Rights to protect students, providing a total of \$144 million to advance equity in educational opportunity and delivery at Pre-K through 12 schools and at institutions of higher education.

CLOSING REMARKS

Thank you again for this opportunity to share more about the President's plan to invest in students of all ages and the institutions that serve them. I look forward to hearing your reactions to this historic budget request, and to learning more about your individual interests and priorities related to Department of Education programs and activities. I am committed to working collaboratively with each of you, to the greatest extent possible, to help improve educational opportunities and outcomes for all students.

Thank you, and I will do my best to respond to any questions you may have.

Chairman SCOTT. Thank you. Thank you, Mr. Secretary. Now we will now proceed with Member questions. Under Committee Rule 9(a), we will now question witnesses under the five-minute rule, and I'll be recognizing Committee Members in seniority order. Now last week, I tried to enforce the five-minute rule and—but even although several Members yielded, didn't use all their time, we still averaged almost six minutes per Member.

We have 50 Members, so if we do that again that will be almost an hour over our allotted time. I'll remind Members that the five-minute rule is supposed to include both the question and the answer, so please refrain from beginning a question with just a few seconds left, because that guarantees that any coherent answer will go well past the allotted five minutes. With that, we'll begin with the gentleman from Connecticut, Mr. Courtney.

Mr. COURTNEY. Well thank you Mr. Chairman and good morning, Mr. Secretary. It is very tempting to spend my five minutes to sort of tell, allow you to tell the story of your journey through life to get you to the place where you are today.

Again, you are, as the Chair alluded, a product of public schools, public higher education, in the classroom teacher, principal, local superintendent. I mean you; your DNA is right in the heart of the Department of Education, and we are all so proud of you in the State of Connecticut. Your Congresswoman, Jahana Hayes, I'm sure will double down when she gets the opportunity.

But, you know, we're not here for a walk down memory lane; we're here to talk about the future. This budget, having been on this Committee since 2007, the investments in Title I, special education finally, impact aid.

I have a military district as you know and impact aid is very important for those military kids to get the education that, you know, their parents wearing the uniform really are entitled to, as well as

investing in magnet schools, which as you know in the State of Connecticut *Sheff v. O'Neill's* anti-discrimination or anti-segregation decision, you know, the magnet school strategy is instrumental in terms of breaking down racial isolation. I mean it is just a really amazing budget.

But I did want to just sort of spend a minute on an issue that President Biden, one of the first executive orders, was that he pushed out the pause on student loan payments, direct student loan payments. That cliff or that moment is fast approaching at the end of September. Yesterday myself, Congresswoman Pressley, Senator Warren and 60 other Members, many of whom are on this Committee, sent a letter to the President thanking him for that pause, but you know obviously there's a lot of moving parts.

You're grappling with what your legal authorities are regarding student loan debt. I realize the letter is less than 24 hours old, so I'm not trying to put you on the spot here. But I hope again you can sort of talk a little bit about, you know, the Department and hopefully you'll give some consideration to pushing out the pause for another three or 4 months, which is what the letter requested.

Secretary CARDONA. Thank you, Congressman Courtney, and it's nice to see you. You know, we recognize the impact that the pandemic had on our borrowers, and extending the pause is something that, you know, we have had conversations about. We recognize again the challenge that it is. To date, the pause has saved over \$5 billion for borrowers a month, 41 million borrowers.

Just yesterday, I spoke to a young doctor who said that that pause helped him make a decision to open up a business and, you know, he credited the pause as part of the reason why he was able to do that. So I recognize that. We are continuing conversations regularly, to make sure that we're factoring all different things. I appreciate your sentiment and I recognize that the challenge has been for those who have debt, thinking about that date coming up soon.

We do plan on having information soon to communicate, you know. Restarting right now it's on September 30th. But we do have in our immediate plans, we want to communicate the information out there.

Mr. COURTNEY. Well thank you, and you know again, first of all, the Department did move swiftly to protect the defrauded student loan borrowers or ITT Tech and, you know, we have some of those borrowers from Connecticut. Thank you for that swift action.

One other problem area, and again the last administration butchered the public service loan forgiveness processing which was started in the last 4 years. One community that again is really struggling with this program is military veterans and active duty who have student loan debt, that qualified under the law that was passed back in 2007. But their deployment time where they get for parents when they're overseas, was not counted toward the 10-year tally to get student loan discharged.

Myself and a number of Members have introduced legislation to fix that problem. Again, there are many other folks who are struggling with this program, and I hope that will be one of the areas of concentration, to fix what's already on the books.

Secretary CARDONA. Thank you. It definitely will be. When we have a system that rejects 98 percent of those who apply, it needs an overhaul. I'm very interested in making sure that we provide results and soon. We hired Rich Cordray recently and his charge is to fix that system. And it's not only public service loan forgiveness that needs work; the entire student loan debt crisis needs a lot of attention.

We haven't been sitting idle on it. We've, you know, provided some relief, over two, three billion dollars. But there's so much more to do. This is the highest priority for us, and we definitely want to work with you and others to make sure that we're not missing out on any who didn't benefit from it and don't want to overlook anyone. This is a high priority for me. Those students deserve to be supported and defended as borrowers, so that they can go on with life and not have this heavy burden of debt holding them down.

Mr. COURTNEY. Thank you, Mr. Secretary, go Huskies.

Secretary CARDONA. Yes.

Chairman SCOTT. Thank you. Our next Member will be the gentleman from South Carolina, Mr. Wilson.

Mr. WILSON. Thank you, Chairman Bobby Scott, and thank you Secretary for being with us today. Mr. Secretary, on November 13th, 2020, the Department of Education under the Trump administration published in the Registrar, quote "The Department has the authority to implement a range of corrective measures for an institution that violates its program participation agreement, including termination of the institution's Title IV participation."

This statement was related to an institution failing to report Section 117 information of gifts and donations timely and accurately, which was to address what Ranking Member Virginia Foxx has already identified, and that is the Chinese government-sponsored Confucius Institutes strategically located at research institutions across America.

Given that many institutions are failing to comply with the reporting requirements under Section 117 of the Higher Education Act, can you commit to acting on your own authority as Secretary to hold schools accountable who fail to comply with the law? How will you ensure that higher education system is protected from the influence of adversarial nations?

Secretary CARDONA. Thank you, Representative Wilson. We take these issues very seriously as you do, and I commit to making sure that we're attentive to what the concerns are and working with you and others to make sure that we're using our authority to ensure appropriate actions and to look into this issue further.

Mr. WILSON. Thank you. Well we look forward to full disclosure and it's to the benefit of everyone, the institutions, students, and our relations with countries around the world. Additionally, Mr. Secretary, as you were identifying billions of dollars of more spending. More spending may not be the only way to help our students. In New York City, the average spending per student is \$37,000 a year. But sadly, high school graduates, only 6 percent graduate achieving proficiency in math. How do you recommend changing systems that spend astronomical amount of money to benefit the students?

Secretary CARDONA. Thank you. As a lifelong educator, I recognize two things. No. 1, there has been an under-investment in education. I recall having this every year a conversation about having to do more with less. Students come in with greater need, but we have less resources. That's No. 1.

No. 2, it's critically important that we have a good return on investment for every dollar spent in education. So for me, it's really about ensuring that funds are aimed toward the students that need it most, and I mean I don't have to remind anyone on this call that the pandemic exacerbated opportunity gaps and access to learning for many students, in particular students in urban areas and students in rural areas.

But also, I think it's really important to recognize that we have an obligation to ensure outcomes with the funds that are being distributed. The American Rescue Plan, we expect that states submit, you know, communication on what they're going to use the plan, the funds for, equity being one of them, and ensuring that they're getting input from different stakeholders.

So I recognize your concern and I can assure you that we will work closely with states and districts, to make sure that our students who are in greatest need get the support that they need, and that the outcomes follow.

Mr. WILSON. Additionally, charter high schools make up just 10 percent of the country's nearly 24,000 public high schools. But they comprise 24 percent of the top 100 public high schools. In the most recent budget that the administration has, there's a restriction on ability to fund charter schools. What will you be doing to address that and give choice?

Secretary CARDONA. Thank you. You know the funds, the proposal that we have here does not cut funds for charter schools. It level funds them, and we recognize the role that charter schools play in our country. And for me it's about quality schools, whether they're charter or traditional schools, ensuring quality schools, quality programming for all students.

Mr. WILSON. But you say there's level funding. Gee whiz, the other spending was like a 44 percent increase. Gosh that's—where programs are working, we need to be investing and hey, I'm really grateful. My wife is a former teacher and taught hey, in alternative schools. So we know what can be given, giving young people a second chance.

And so over and over we've got examples of progress, but I want to wish you well and I'm just really grateful that the communities I represent have really wonderful school boards doing a great job. I yield back.

Secretary CARDONA. Thank you, Congressman.

Chairman SCOTT. Thank you. Next is the gentleman from the Northern Mariana Islands, Mr. Sablan.

Mr. SABLAN. Yes, thank you very much Chairman Scott for holding—and Ranking Member Foxx for holding this hearing. Mr. Secretary welcome, and I look forward to working with you very closely as we proceed with the President Biden's administration's priorities on education. But Mr. Secretary, studies show that children in preschool are more academically and socially prepared for kindergarten than their peers who did not attend.

As Chair of the Early Childhood Elementary and Secondary Education Subcommittee, I am pleased that the Biden administration has made providing access to this learning, early learning programs a top priority. President Biden's American Families Plan proposes universal quality preschool for all three- and 4-year-olds.

Additionally, the budget calls for an additional 175 million for preschool development grants, which has helped my district, the Northern Marianas and other districts expand high quality preschool programs. So Mr. Secretary, could you speak to the importance of these proposals and how they will further benefit children and families across our Nation please?

Secretary CARDONA. Sure. Thank you for this opportunity. I remember serving as a school principal and we had programs for students as young as 3 years old, and we saw the growth that took place in those 2 years. And then I saw students come into kindergarten that didn't have the benefit of programs like the quality program we offered, and I can tell you that those—many of those students had a need for intervention that was much greater.

Many of those students didn't enjoy school as much as those students who did have the benefit of having quality early childhood program, where you can develop executive functioning skills, social skills and basic numeracy and literacy skills, but more importantly their social and emotional skill. We know, studies show students are able to have more success in middle and high school. They're more likely to attend, participate in higher level courses and go on, and we know that the return on investment, some studies have it as much as 7 to 1.

So I think for us it's an investment. For any educator that teaches in the early childhood years, they can tell you about the benefits for these young learners, and the foundation that it sets for their growth. I think that can't be overstated. I can tell you also that I've seen where it costs more to intervene because there's not a good foundation. So this American Families Plan proposal to provide pre-K for three and 4 year-olds to me is a great way to make sure that our students have a quality education.

Mr. SABLON. Thank you, thank you and you know, I was just—I'm here and I don't—I think you're nearby your offices, and if you look out the window Mr. Secretary, it's just such a beautiful day. I'm glad that we are returning to normal. I'm glad that we look forward to schools reopening for face-to-face instructions in September, and also, I will follow that with an issue Mr. Secretary, that the President's Fiscal Year 2022 budget calls for a 62 percent increase in K to 12 education investment.

A critical component of this investments is Title 1A, which has provided resources to deliver high quality education to Mariana students and those in other economically disadvantaged areas or poor communities. And it is long overdue for a funding boost, a view shared by many of my colleagues on this Committee, which joined my call to fund Title 1A at \$36-1/2 billion.

Mr. Secretary, as we look forward to reopening schools, as we look forward to seeing children running around and playing in the school yards, why are these investments needed now after the significant investments Congress has made in K through 12 education

through the CARES Act, the 2021 Corona Response and Relief Supplemental Appropriations Act and the American Rescue Plan?

Secretary CARDONA. Thank you. We know the pandemic did a number on many communities, densely populated communities, communities where there are mostly people of color. You know, recent data shows that in April, even in those communities where in-person learning options were made available, only 50 percent of black and brown students took advantage and only 40 percent of Asian students took advantage in Grades 4 and 8.

What that tells us is that as much as we'd like to think the pandemic is over, we still have work to do to build confidence and ensure that our students are getting into the classroom. But as you know, there is no substitute for in-person learning, and when those students do return, they're going to have not only more academic needs. So these Title I funds really are aimed at closing those gaps that were exacerbated, but they're also going to have needed to support the trauma that they experienced.

As I said earlier, the mortality rate in those communities was also higher. So there's a lot of work to do to not only get our students to be prepared for learning and make up whatever was lost, but also to build back better. Because in those same communities, Congressman, in those same communities the gaps existed for decades, outcome gaps which was mentioned earlier in a question. So we have to do more to give our students an opportunity to succeed in life.

Mr. SABLAN. Mr. Secretary my time is up, but I'd like to say personally on this hearing with you is that we need, that the information you share with us is such a breath of fresh air compared to your predecessor. I am dead serious about this. But welcome, congratulations on your confirmation and I look forward, really look forward to working with you sir.

Secretary CARDONA. Thank you, sir, as do I.

Mr. SABLAN. My time is over, I exceeded, so I apologize.

Chairman SCOTT. Thank you. The next speaker is the gentleman from Pennsylvania, Mr. Thompson.

Mr. THOMPSON. Chairman, thank you so much and thank you for this hearing, and Mr. Secretary thank you for being here today. Much appreciated. The Elementary and Secondary Education Act, which was reauthorized through the 'Every Student Succeeds Act,' provides obviously extensive resources and funding for K through 12 education.

As you know, Title I of this legislation distributes funding to local educational agencies to improve the achievement of disadvantaged children, children that find themselves in poverty circumstances, a huge impact on learning. However, the current formula has the perverse effect of diverting funds from high poverty LEAs to lower poverty LEAs regardless of the actual poverty rates.

To fix this, I introduced legislation that address these inequities in the formula by reducing the number, reducing the effect of number weighting, which inflates allocations under the current system to larger districts, even though they tend to be in suburban areas with more robust economic circumstances. While this legislation did not become law, ESSA required the Department of Education to look into this matter further.

As such, in 2019 the National Center for Education Statistics released a report on how this formula affect various types of school districts. The report stated what we already knew. Schools received Title I allocations based on their location or their zip code, rather than the actual need of children. So Mr. Secretary, I'm curious to know your thoughts on the current Title I formula, and do you believe that children should receive equitable funds under the law regardless of their geographic location?

Secretary CARDONA. Thank you, Congressman, for the question and for the comments. I wholeheartedly agree with you that the intent of the Title I funds are really to help level the playing field and for those students who need more. They need a little bit extra. So in this proposal, we are proposing a \$20 billion increase, and the formula for that will complement Title IA, but we are really thinking about how to work with our partners, including yourself and others, to see where it's needed the most.

The pandemic did a number. I can tell you the stories that I've heard from rural communities was devastating, about how the digital divide really prevented access. We know that some communities were hit harder by the pandemic than others. So I'm very interested in ensuring that the funds go to where they're most needed. That's what the President's intent was with this budget, with the American Families Plan, with the American Rescue Plan, and I understand your commitment to making sure the students that need it the most get it.

I'm committed to doing that and working with you to make sure that that happens sir.

Mr. THOMPSON. Mr. Secretary, I appreciate that. I look forward to working with you, and this truly is a strongly bipartisan initiative. This passed with bipartisan support in the House version of the ESSA, and it kind of got watered down to a study because of our colleagues in the Senate. So it was a strong bipartisan work, and I look forward to working with you on that.

As the co-Chair of the bipartisan Career and Technical Education Caucus, passage of the Strengthening Career and Technical Education Act with the 21st Century Act in July 2018 was one of my proudest moments as a Member of Congress. This legislation went into effect in July 2019 and bolstered our Nation's CTE system by increasing alignment with in-demand jobs, improving employer engagement so that more students have opportunities to move into, you know, into in demand jobs and successful careers.

Can you provide an update for the Committee on the implementation of this law, and how funding provided through the stimulus packages in the past year, the past year and half I'd say has supported career and technical education opportunities?

Secretary CARDONA. Thank you for that, and I share your support for career and technical education. Having graduated from a technical high school and just understanding how we need to evolve in education, to make sure that we have pathways into the workforce and that we have partnerships with our workforce partners to ensure that our students have multiple options, including 2-year, 4-year colleges, but also pathways to jobs that exist now, high-paying jobs that exist now.

I'm excited about the opportunity, and I look forward to working with you and communicating with you on the progress of that plan and what we plan on doing moving forward. So I look forward to having followup with you on that, and also sharing that this is in alignment with the President's vision for the budget. There are funds, 1.47 billion discretionary request to increase career and technical education.

We recognize that this is where we're going as a country and it is a bipartisan effort that I know having met someone that doesn't think that this is something we need to do and do well. So I'm excited about working with you and others to make sure that all of our students across the country have great options, great pathways. We need to start as early as middle school to make sure that we're designed for success. I look forward to working with you on this sir.

Mr. THOMPSON. I appreciate that and look forward to talking with you offline about that one billion in new mandatory funding, and just looking to see how that may line up with or not, with the State grants authorized under Title I of Perkins V. So thank you so much. Thank you, Chairman.

Secretary CARDONA. Thank you.

Chairman SCOTT. Thank you. Next, we have the gentlelady from Florida who's a former principal, Ms. Wilson.

Ms. WILSON. Still a principal, always a principal. Thank you, Mr. Chair and thank you, so much Secretary Cardona for making time to join us today. I have so many questions and so many ideas. I'm going to submit them for the record as we move—when I run out of time.

The past year has disrupted the education of millions of students and placed a tremendous strain on our students, parents, and our teachers. At my last meeting, I realized that there are three million children still missing from our public schools. No one knows where these children are.

And as Chair of the Higher Education and Workforce Investment Subcommittee, I held a hearing earlier this year to examine the impact of the COVID-19 pandemic on higher education. The historic investments made in our education system, including through the American Rescue Plan prove that Congress can and should do more to address long, long-standing inequities and funding imbalances.

We can help close the 23 billion racial funding gap that exists between school districts serving students of color and those serving predominantly white students, promote universal access to an affordable, quality higher education and provide relief to the 45 million borrowers who hold roughly \$1.7 trillion in student loan debt.

The proposed Fiscal Year 2020 (sic) budget is an excellent starting point to tackle these generational issues. I do have a few questions. I am concerned about the raging, raging of mental health issues in our school districts and in our colleges and universities. I want to know how will the Department of Education help and support our school districts with providing additional counselors, nurses, opening up schools safely, K through 12 schools safely for teachers and students, incentivizing vaccinations, opening colleges and universities safely and a smoother transition between elementary, K-12 to college? There's a huge line of demarcation there.

Supporting Black men and boys in their path of higher education has been my life's work, and I need to find out from you, not today but as we converse, how to increase higher education access to— for black men and boys, which research has shown there's a disproportionate burden on them. Also, I was happy to hear you say that student loan, forgiveness of student loan debt and support of moving forward to erase student loan debt was at the top of your agenda.

But one specific move that I want to ask you a question about is the Student Defense Through the Freedom of Information Act. There are roughly 500,000 borrowers with a proven legal right to have over \$8 billion in student loans canceled under the Total and Permanent Disability Discharge Program.

The Department already knows the identity of these borrowers. What steps are you taking to ensure these borrowers obtain relief as quickly and as easily as possible? I would like to get you to today to commit to do everything in your power to expedite the discharge for these 500,000 Americans with disabilities.

Secretary CARDONA. Thank you, Congresswoman Wilson. Your passion and for your service as a principal, one of the best jobs out there. You know, you mentioned so many different important topics. I can assure you that this budget and our goals are to increase aid for high poverty schools, to advance equity in education including higher education access, expands access to college through Powell and supporting underserved students, over 600 million toward the HBCUs.

We have to make critical investments in teachers, in school leaders and in mental health supports. As the student from Harvey Milk High School who spoke to me said, I'm going to need help, I'm going to need access to mental health support, I experienced a lot, and it's on us to make sure we're delivering. The American Rescue Plan provides funds for that. In the budget there's a billion dollars to double school counselors.

And with regard to your question on total and permanent disability, we restored discharges for 41,000 borrowers and have a total—who have a total and permanent disability. Then we've lowered the reinstatement risk for another 190,000.

But I will, I will commit to ensuring that this will continue to be a priority, that we'll continue to work with you and others to make sure we're communicating what we are doing, but to prioritize the needs of our borrowers who after this crisis do need support. Thank you.

Ms. WILSON. Thank you. I yield back.

Chairman SCOTT. Thank you. Next, we'll have the gentleman from Michigan, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman and Mr. Secretary thank you, for being here. It's very clear from your statements, your history that you have a passion for education, and I like that. A passion that wants to focus students on achieving. But having said with all due respect as well, similar comments that I made to your predecessor, my good friend and Michiganian Betsy DeVos, the Department of Education, the Federal Department of Education is set up to fail.

It has been set up to fail from the very beginning, because it was set up to control and you as a classroom teacher, administrator understand that the creativity of education, the ability to meet the needs of individual students, comes at the local level. The states are set up in their constitutions and their responsibilities to promote education for all that's good.

And so I say this with all due respect, I wish you well, but I think the best thing you could do is remove, remove the U.S. Department of Education from as many areas of controlling what goes on at the classroom level, at our teachers' level and our states as much as possible. I think it's evidenced by a lot of turmoil that's taking place in the education world now relative to some of the curriculum.

Mr. Secretary, you proposed grant priorities under the American History and Civics Education Programs that among other things endorse the 1619 Project. It's, as you know it's become a major issue. Do you agree that the 1619 Project is a curriculum taught in schools?

Secretary CARDONA. Thank you for your comments. First of all, as an educator I do agree that the innovation and best practices and decisions around what students need is best left to the local districts and the State. We don't, we don't get involved in curricular issues. We don't recommend, mandate, and as an educator who has had experience in the classroom, building leader at a local and State level, I recognize that that's where it should be. However—

Mr. WALBERG. Let me just move back to the question. Do you agree that the 1619 Project is a curriculum taught in schools?

Secretary CARDONA. I don't, we don't get involved as a Federal Government in monitoring curriculum in schools. I think that's a State responsibility, so I couldn't answer whether or not it is being taught in schools.

What I can tell you is that we don't have a role, but as an educator I will tell you that I've heard from educators, I've heard from students, from parents that when students see themselves in the curriculum, they're more likely to be engaged and they're more likely to feel comfortable and feel a sense of community and that schools are providing, as Dr. Rudine Simms Bishop calls, "windows, mirrors and sliding glass doors." They see themselves in the curriculum and see others—

Mr. WALBERG. But let me jump back in.

Secretary CARDONA. Sure.

Mr. WALBERG. You in your grant proposal indicated the 1619 Project there. The law prohibits, the law clearly prohibits the Department of Education from prescribing direct curriculum and offering payments for it. Section 103(b) of the Department of Education Organization Act, Section 438 of the General Education Provisions Act, Section 8527 of Elementary and Secondary Education Act. Will you retract your proposed grant priorities in order to comply with the Federal law?

Secretary CARDONA. We shouldn't lose sight of the bigger issue here. We're not promoting curriculum. We are communicating that districts and states have the responsibility to do that. We don't also want to be engaged in the politicizing of curriculum. So we recog-

nize our role, and we'll stay true to our role, which is not to engage ourselves in local curriculum.

Mr. WALBERG. But you have signaled a desire for that curriculum by the grant proposal that you have there. That's our concern, and I would encourage you to live by the law and not violate it. That's a concern that I think is very important for you to understand, and even in interviews you've done in Atlanta, you said I'm signaling that we need a curriculum, and then you changed and said or that we need to allow educators to develop curriculum, where students see themselves in it and where diverse perspectives are shared.

I concur with the desire to see diverse perspectives. 1619 Project is not a diverse perspective. It defames the history of the United States, but more importantly the Department of Education by law is precluded from doing that and prohibited from signaling, proposing, or granting for those proposals. So Mr. Secretary, I want to work with you on that, but we will be watching there and hope that you'll follow the law. I yield back.

Secretary CARDONA. Thank you, Congressman.

Chairman SCOTT. Thank you. Next the gentlelady from Oregon, Ms. Bonamici.

Ms. BONAMICI. Thank you so much Chairman Scott and Ranking Member Foxx, and thank you Secretary Cardona for being here today, to discuss some of the most important issues facing our Nation's children and youth and Secretary Cardona, I am thrilled to have a public-school champion leading our efforts. Especially important now as we are helping families, students, educators, and our families recover from the pandemic.

There are many critical issues in this committee's jurisdiction and thank you for your commitment to increase IDEA funding, your support for early childhood education and more. But because of time I'm going to focus on two issues, the importance of the Every Student Succeeds Act Title IV(a) grants, especially in helping to close the achievement gap, and then the second issue is supporting student loan borrowers.

So, we know that the pandemic exacerbated existing inequities and you talked about that this morning, and widened the achievement gap especially for Black, indigenous and Latinx students. We know that students benefit from a well-rounded education that includes the arts. You talked about that.

The Student Support and Academic Enrichment or SSAE grant program under Title IV(a) of ESSA is important because those grants fund well-rounded education they fund safe and healthy students. And that includes mental health and trauma-informed practices, and they fund technology.

So in the President's Fiscal Year 2022 budget, the Title IV(a) grant program would receive flat funding even though the needs have increased. In fact, I've led a bipartisan Title IV(a) appropriations letter again this year, and we are recommending \$2 billion, which is more than the President's—[inaudible].

So Mr. Secretary, how will the administration strengthen access to well-rounded education and close achievement gaps and meet those important needs of technology and student health, and also how will the Department provide technical assistance to states—

[inaudible]—to make sure that Every Student Succeeds Act is implemented as intended?

Secretary CARDONA. Thank you for that question. We share your passion and concern for all students and their enrichment, as well as their mental health needs. The budget does have one billion toward doubling down on the number of school counselors and social workers to address the needs of our students and our staff.

I think we can't ignore the fact that our educators have also gone through trauma, and we're asking them to go back into the workplace and support our learners who have experienced trauma, and we have to make sure we're taking care of our educators, our para educators, our bus drivers. We've experienced this together; we're going to heal together.

So with regard to the Title IV, we recognize your question and also understand that in the American Rescue Plans, funds are made available to support innovative programming, whether it's through summer programming which should look very different than your traditional summer school. I said in one location I'd love for this to be a did-free summer for our students across the country.

So that American Rescue Plan are there for innovative programming into the fall, into the upcoming school year. I know educators recognize that we, in order to build back better, have to really double down on innovation and ensuring that students have access to acceleration, to creative programming. You know, in my conversations with educators, I've visited about 10 different, 10 or 11 different states.

That's what I keep hearing, that we cannot go back to what it was before. So I anticipate that funding that is being made available to schools is fueling innovation, it's fueling creative measures to get students re-engaged in ways that we haven't in the past. That's the charge for educators across the country, and I believe we can do it. I look forward to working with you to make sure that your goals and your hopes for what we want to see out of Title IV come to reality, and maybe sharing some examples of great practices across the country as well.

Ms. BONAMICI. OK. Thank you, Mr. Secretary. I know you've mentioned student loans, and to followup on Chairwoman Wilson's questions, you know, we know the student loan borrowers have been saddled with unimaginable debt, and that was true even before, unmanageable sorry, even before the pandemic. Now we're facing these, sort of emerging crises. The pandemic repayment solutions that are unworkable. I want to mention the Public Service Loan Forgiveness Program that—[inaudible]—repayment plans.

The student borrowers face that cliff of repayment with the forbearance scheduled to end in September if not extended. And along with Mr. Courtney, I do support that extension. So what is the Department doing to support student borrowers as they transition back to repayment, and will these measures be made permanent to improve repayment programs in the long term, which I think is the critical part of this question, for short-term and long-term relief.

Secretary CARDONA. Sure. First and foremost, we have to change the culture of what it is. Right now, it's broken, and we have to recognize that it needs an overhaul. Public Service Loan Forgive-

ness, you know, borrower defense and making sure that our—those with total permanent disabilities have the support and relief that they need, that they deserve.

We're communicating regularly with borrowers. We're making processes a lot simpler. You know, I remember meeting with borrowers recently. I had a phone conference with them, and I was getting frustrated by the end of the call with the level of hoops that they had to jump through. That's unacceptable. We need to do better. We have Richard Cordray on there now, and the charge is really let's not do incremental change. Let's make sure that we're servicing our students, our borrowers, putting them at the center of the conversations, thinking about how our policies look from the perspective of the borrower.

We need to do better and we're going to communicate with them regularly, not only to share what we're doing but also to listen, to see how the experience is going to make it better continuously.

Ms. BONAMICI. Thank you, Mr. Secretary, and Mr. Chairman as I yield back, I request unanimous consent to enter into the hearing record an article from Oregon Public Broadcasting that mentions Mr. Mike Schofield from Beaverton, Oregon. He's an assistant superintendent, saying that the challenges of providing school services during the past year are unprecedented, and fortunately so was the Federal funding from the American Rescue Plan, and critical in closing gaps, and I yield back. Thank you.

Chairman SCOTT. Thank you, thank you. Next, we have the gentlelady from New York, Ms. Stefanik.

Ms. STEFANIK. Yes. Thank you, Chairman Scott. Secretary Cardona, students in rural communities have a higher high school graduation rate, yet they are less likely to enroll in post-secondary education, and those who do enroll they often face unique barriers that make them more likely to drop out without completing their education. Addressing this attainment gap will go a long way in unleashing the untapped economic potential of rural America.

And in the final fiscal year 1921 appropriations bill, I was proud to lead a bipartisan effort to secure \$10 million for grants to support innovative locally driven approaches to improve rates of post-secondary enrollment and completion among rural students. The problem is the Department has yet to issue a notice inviting applications for this rural post-secondary and economic development grant program that funds rural students.

Can you provide an update on the status of the Department's efforts to distribute this funding?

Secretary CARDONA. Thank you, Representative. I share your passion around making sure that our students in rural areas get the supports that they need to have access like every other student. So thank you for the question. I'm going to ask my staff today to reach out to you and your staff to provide an update.

Ms. STEFANIK. That would be great, and can you commit to working with me and this Committee to get things moving on that funding?

Secretary CARDONA. Absolutely.

Ms. STEFANIK. Great. My next question has to do with foreign influence on college campuses. Republicans have been leading the fight against the malign activities of the Chinese Communist

Party, including their corrosive influence over America's colleges and universities. The Trump administration was the first to truly hold colleges accountable for foreign influence on campus and uncovered over \$6.5 billion of previously unreported foreign donations to institutions of higher education, which have anonymized identities of their donors.

And it's not just donations. Congressional Republicans' China Task Force successfully highlighted the Chinese Communist Party's relentless efforts to influence our higher education, from their recruitment of U.S. academics to their theft of research and intellectual property at American universities. Just over a year ago, we learned that the Chair of Harvard's Chemistry Department participated in China's Thousand Talents Program and was charged in connection with aiding the Chinese Communist government.

This should concern every American and left unchecked, Chinese influence on American campuses puts our national security at risk. So, with that in mind, Mr. Secretary, how does your Department plan to hold colleges and universities accountable to their Section 117 reporting requirements for foreign gifts and contracts?

Secretary CARDONA. Thank you, Representative Stefanik. This is another issue that we share your concern in making sure that we are looking into this. I can commit that we'll work with you and others to listen to the concerns and be swift about communicating where we believe changes need to be made. I commit to working with you and others to make sure that we're looking at this.

Ms. STEFANIK. And are you going to hold the actual colleges and universities accountable for those reporting requirements in Section 117?

Secretary CARDONA. Yes. If there are reporting requirements that need to be followed, we will hold them accountable to make sure that those are happening.

Ms. STEFANIK. Great, and then the other proposal I wanted to raise to you is that in the China Task Force, one of the recommendations was to lower that reporting threshold from \$250,000 gifts to \$50,000 gifts. Is that something the Department is committed to working with us on?

Secretary CARDONA. We're committed to working with you on making sure that the proposals that you put forward are administered and understanding more of the issue and more of the concerns that you have.

Ms. STEFANIK. Thank you, I yield back.

Secretary CARDONA. Thank you.

Chairman SCOTT. Thank you. Mr. Secretary, we have a number of educators who will be asking questions. The gentleman from California is another one of those. Mr. Takano was a former teacher. Mr. Takano.

Mr. TAKANO. Well thank you for reminding everyone of that, Chairman Scott. Secretary Cardona, welcome. The State attorneys general have historically been the first line of defense against predatory, for-profit colleges. For example, in 2015, then California Attorney General Kamala Harris, in coordination with the Obama administration's Department of Education, jointly uncovered decades of fraud at Corinthian colleges.

However, in Secretary DeVos' final appearance before this Committee, she testified that the Department would not obey a Federal court ruling requiring the Department to consider evidence of fraud states attorneys general brought to the Department. Secretary Cardona, I want to ask you will you and your Department comply with Federal law and adjudicate borrower defense claims brought by State attorneys generals?

Secretary CARDONA. Thank you. We look forward to working closely with attorneys general and others to make sure that we're defending our borrowers, we're supporting our students. We're committed to protecting students from predatory practices at all institutions, period. That is going to be our focus. We have to be very strong with that because our borrowers right now, especially after the pandemic, can't afford to be taken advantage of or can't be victims of misconduct, in particular from for-profit institutions.

So I commit that we will be working on that. We'll be working closely to make sure that we provide relief for those borrowers who are taken advantage of through misconduct of institutions.

Mr. TAKANO. Well, with respect to complying with Federal law and court rulings, can we expect the Department to fall in line with rulings that protect students?

Secretary CARDONA. Definitely, yes.

Mr. TAKANO. All right, thank you. Second, in addition to complying with Federal law, how are you working with State law enforcement to ensure that borrowers are protected by—from predatory for-profit colleges?

Secretary CARDONA. Well as I said earlier, you know, we're looking at this whole issue as a priority for us. We hired Richard Cordray to lead the FSA, and we're assembling a team who understand the importance of putting our borrowers at the center of the conversation and making sure that the policies and regulations and enforcement protect our borrowers.

So we're going to work with our stakeholders including our State leaders and attorney generals, to make sure that we're hearing information, and we're signaling also to the lenders and to all institutions that we're monitoring this and that we're going to do so with intent to protect our borrowers. That's going to be the messaging you're going to be seeing.

As you know, we're trying to assemble a team in that office. We have Richard Cordray. We're waiting on a couple of others. But that's a priority for us at the Department.

Mr. TAKANO. Well, I understand the messaging, the intent by the messages. But I hope there will be action and enforcement and protection. Last week, the Department of Education announced it was adding two new categories of borrower defense claims that would result in 18,000 borrowers who attended the failed for-profit ITT Technical Institute, receiving \$500 million of debt forgiveness. 18,000 borrowers receiving \$500 million of debt forgiveness.

ITT Tech lied to those borrowers regarding their employment prospects and their ability to transfer credits. What will debt relief mean for these borrowers, Mr. Secretary?

Secretary CARDONA. It means—it will mean a lot. It will let them go on and buy their homes, let them move on with their lives. You know this burden of debt, especially if you were taken advantage

of and you weren't even able to finish your degree, puts these borrowers in a really bad position. And I want to be very clear, we haven't been sitting idle. We've provided \$1.5 billion relief through borrower defense. We've delivered for the 72,000 borrowers that needed that relief.

We also approved 500 million in new discharges for 18,000 borrowers who attended ITT, as you mentioned. So we're continuing to push here. We recognize it's a priority. Every opportunity that we have to either provide discharges or relief we will, and we're sending messages.

I think we're not just waiting for the public, for the loan forgiveness decision to be made. We're doing what we can to provide relief to our borrowers who have been taken advantage of, and we're going to continue to do that.

Mr. TAKANO. Mr. Secretary, in the time that I have, for the time we have remaining, how does this step fit within the Department's overall work to stop unscrupulous for-profits from harming students in the first place, not letting them get into debt?

Secretary CARDONA. We're going to be monitoring it closely. We're advocating for those who are being taken advantage of. When we talk about equity and access, we need to make sure we stop bleeding, but also address the issues that result, those symptoms that result when we have students taken advantage of.

Mr. TAKANO. Thank you, I yield back.

Chairman SCOTT. Thank you. I notice that the gentleman from Wisconsin has returned. The gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. We never left; I don't think.

Chairman SCOTT. I didn't see you, I'm sorry.

Mr. GROTHMAN. But that's OK. I'm glad you noticed me. OK Mr. Secretary, I've got a question for you. I can never remember a time in my public life in which parents and grandparents are more concerned about curriculum in American education, be it K-12 or universities.

You issued proposed priorities for American History and Civics Education classes. Within these priorities, you approvingly quoted the Professor Ibram X. Kendi's book, "How to be an Anti-Racist." He argued for what he calls an anti-racist amendment to the U.S. Constitution. He says that among other things, the amendment should establish a Department of Anti-Racism to monitor public officials for expressions of racist ideas. I mean today it seems like everybody's racist, monitor public officials.

His proposed amendment would require the Department of Anti-Racism to pre-clear all local, State, and Federal policies. Mr. Secretary, do you think this is kind of a radical proposal or kind of inconsistent with where we should be going?

Secretary CARDONA. I want to comment that for me, it's really important. I reiterate at every opportunity that I have that the Federal Government doesn't get involved in curriculum. And I think it doesn't proscribe nor does it mandate. Does it regulate curriculum? That's left to the states and the locals. And I think, you know, quite frankly it's probably more political than it is a program. So I want to make sure that I make that clear every chance I have.

Mr. GROTHMAN. It kind of concerns me a little that you quote this guy. Do you, you know, I just read a little bit about what he's got in there. Do you understand that's radical and outside the mainstream or should be outside the mainstream?

Secretary CARDONA. Again, the focus for us is really giving districts and states the opportunity to select, and to think about educating. And I'll be very frank with you. You're an educator, right? I trust educators across the country to make decisions on what their communities need, and we have local boards for that reason. And we have State officials for that reason. It's really not the Federal Government's role to determine what gets taught.

Mr. GROTHMAN. I'm glad you think that way. You can understand why it concerns people, to have the Secretary of Education kind of quoting positively this professor's ideas. Do you have any comment on that? I mean, you know, you mentioned him. You mentioned him approvingly. Do you realize how radical and kind of how out of touch this guy is?

Secretary CARDONA. I realize educators across the country understand how to create a sense of community using curriculum. But I also don't want to miss the opportunity for educators to proactively communicate how important it is to provide diverse perspectives. Again, you know, as an educator when we have curriculum that brings students in and they're able to see other students, other stories of people who are from different cultures.

It gives them an awareness of the world that they're walking into and they're better prepared, sir, for life when they have a well-balanced curriculum. And I trust that educators across the country and policymakers at the local level have that in mind when they make decisions.

Mr. GROTHMAN. OK. A little while back—we're running out of time here, I and 18 of my colleagues were on June 10th wrote a letter regarding anti-Semitism on college campuses, and the significance of President Trump's executive order on combatting anti-Semitism. Do you—are you familiar with the letter? Are you familiar with the letter?

Secretary CARDONA. Yes, thank you. My staff has the letter, yes.

Mr. GROTHMAN. OK. Are you familiar with the Executive Order 13899, Combatting Anti-Semitism?

Secretary CARDONA. Yes.

Mr. GROTHMAN. Do you want to—can you publicly commit here to enforcing Title VI in line with Executive Order 13899?

Secretary CARDONA. I commit to looking into it more and working with you to make sure that we're combatting antisemitism. Prejudice of any kind has no place in our schools, and as educators and leaders we have to make sure we're working together in a bipartisan form, fashion to ensure that our schools are safe from any type of harassment or prejudice.

Mr. GROTHMAN. I want to ask you just one more followup on past contact we've had. I am an advocate for work centers and workplace choices for people with disabilities. I'm afraid a lot of people in Washington are going to take steps toward closing these without being adequately familiar with them. I've talked to you before. Can you commit to visiting some of these work centers with me or someone else before you—

Secretary CARDONA. Yes. As I said on the call, I look forward to it. I enjoy visits. I've been out to a lot of different places looking at reopening, and that is on my list of places that I want to visit to learn more about the issue. Thank you, sir.

Mr. GROTHMAN. I hope I get to go along. Thank you much.

Chairman SCOTT. Thank you. The gentleman's time has expired. Mr. Secretary we have another educator, a former college professor, Dr. Adams from North Carolina.

Ms. ADAMS. Thank you, Mr. Chairman. Thank you, Ranking Member, for holding this meeting, and thank you Secretary Cardona. Good to see you again. I am an educator as Mr. Scott has said, lifelong 40 years on a college campus, but also training or working with the young people who are going out into teaching. And I'm also the mother of an elementary school principal. But thank you for your testimony, thank you for being an educator.

The National Center for College Students with Disabilities in North Carolina collects information and conducts research about provisions for individuals with disabilities at campuses across America, provides technical assistance and information to those seeking aid and reports to the Department of Ed about the current status of college students with disabilities.

They work hard to support students. They're concerned that it won't receive the funding that they need to operate. I did send you a letter, Secretary Cardona, but because you are here, I want to take the opportunity to ask you about an update regarding funding for the NCCSD.

The Committee has examined the predatory behavior of some for-profit colleges as well. You talked a little bit about that. But I want to clarify that I'm only referring to for-profit institutions which prey on students, and if you can explain just a little bit more about how you're going to oversee this, as well as, you know, speak to the letter that I sent you or what we can do to make sure that these, this organization continues to operate.

Secretary CARDONA. Thank you, Congresswoman, Adams, and thank you to your daughter who's serving as a school principal. Not an easy time to serve as a school leader, but I know across the country families and students are counting on the leadership of our school principals to make sure schools are safe and welcoming places for them to learn.

With regard to the letter, I'm going to ask my staff to followup with your staff and you to give you an update on that. I can tell you though that protecting our borrowers is a priority, especially from for-profit institutions that prey on selling dreams and never delivering. Those students end up with debt, greater debt and no credential, no degree that can help them in the workforce.

So I recognize the challenge that they have, and we want to make sure that we're working hard to support those students and also keep them at the center of the conversations. We're going to be aggressive on that and I look forward to working with you and others who share those goals, to making sure we stop those predatory lending or predatory practices that take advantage of young people that want to go and pursue their dreams in higher education. That's a priority for me.

Ms. ADAMS. Thank you. The COVID-19 pandemic has underscored the disparities and opportunities for different segments of our population. I got a two-part question. If you can just briefly discuss the Department's plans for addressing the disparities in post-secondary enrollment and the completion among low-income students and students of color, and the plan for addressing disparity in student loan default, which you've spoken to a little bit already.

Secretary CARDONA. We know in higher education the impact of the pandemic has disproportionately affected students of color. In many cases these students are not returning back because they have to work another job to make ends meet, or to take care of some basic needs at the home. I recently was in Michigan, and I spoke to a middle-aged student who wanted to return to school but the costs of books was too high.

And we, we know that in the Family Plan the funds for increasing Pell can help with some of those factors. We also know that making sure we're protecting our borrowers from misconduct is another way we can promote students getting back in. In the American Rescue Plan, \$40 billion went to higher education. Half of that needs to go to students that are in greater need.

So there are efforts underway to make sure that we're getting those numbers back up, we're re-engaging those students and I have confidence in our higher education systems and their ability to be innovative, to engage those students that we were not able to engage this past year, so that they can have the opportunity to succeed. And those efforts really need to be targeted toward those students that we lost. We know it's disproportionately black and brown students. So the President is also very big on ensuring that our HBCUs have the funding that they need to continue their efforts to recruit and retain students so that they can find success as well.

Ms. ADAMS. Well thank you very much. I've only got 17 seconds, but I'll send you, my question. It has to do with taking a look at the connection between culturally responsive education and student achievement. We'll send that on to you and if you can give us a response, I'd appreciate it. Mr. Chairman, I'm going to yield back.

Chairman SCOTT. Thank you, thank you. Next is the gentleman from Georgia, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Chairman and Mr. Secretary. It's great to have you today. Both of my parents were educators, so I learned a lot around the kitchen table every night, and so I know, I know a little bit about what you're up against. But you know, we've talked over and over about the American Rescue Plan, it being necessary to reopen schools.

But I've got to tell you, you know, what do you say to tens of thousands of educators like those teachers in my district and certainly your State, and I congratulate you on getting that open, who successfully put their students first and reopened schools last fall, long before the American Rescue Plan was enacted.

Secretary CARDONA. Well like you, you know, we've work really hard to—from Day 1, you know. March 12th, I think we shut the schools down in 2020, and we worked closely with our health department to find ways to safely reopen schools with mitigation strategies. You know, we know also—

Mr. ALLEN. And we did that.

Secretary CARDONA. Yes, but not all schools are built the same, right? Not all districts have the same resources. Unfortunately, I visited a school in Philly where the ventilation system was so antiquated, hasn't had the attention it needed. So what we wanted to make sure that the American Rescue Plan could go toward addressing some of those issues, PPE needs, additional staffing where we had classes of 20 or 30. We had to limit those class sizes, so that we can make it safe for all students.

Mr. ALLEN. And I don't quite understand the inequities there because like in my district. I mean we prioritized school construction with TSPLS, ESPLS and things like that and, you know, of course in other districts I see, you know, where there's tremendous. I mean you know; I wouldn't want my child to attend those schools.

But moving on, you know, many teachers have made tough choices but, you know, families across the country made a lot of sacrifices too, and in this everyday learning environment. You acknowledge in your testimony that learning loss is going to be an exceptional challenge, maybe five to 9 months of learning during the pandemic, and of course minority students may have lost up to a year of learning.

You know, I'm afraid we've got a generation of students who now have been put at a tremendous disadvantage. Parents want their schools to ramp up the skills for jobs like cybersecurity, engineering, health care to compete with China. Yet the Department is preoccupied with pushing civics grant programs as already been cited like Critical Race Theories, who have promoted a divisive theology.

Secretary Cardona, are you aware of the outcry and frustration right now among parents with the State of education in America? I mean this is going to be like the next grass roots movement of this country, and I feel it. What are you hearing?

Secretary CARDONA. Yes. Really, this is more about politics than programming. There was a very minor reference to an example that included that. What we have focused on and as you mentioned, and CTE. That's where we're going. We need to modernize and evolve our high schools and our middle schools to make sure that we're addressing what was called earlier a gap between our high schools and our 2-year colleges, so that students have access to good career technical education, to those jobs in cybersecurity that you mentioned. And we have to work more closely with the workforce.

Our agency, let me be very clear. Our agency has been focusing on that since Day 1. We're going to continue to focus on that and we're not going to get distracted, because that's what our students need.

Mr. ALLEN. Right, right. There's a tremendous disconnect between the business community and the education community, and that gap needs to be closed. I've got just a little bit of time left, but I want to enter into the record a poll, polling results that shows overwhelming support for school choice, both public and private school choice.

Chairman SCOTT. Without objection.

Mr. ALLEN. This recent polling shows it is highly bipartisan. When asked, 65 percent of survey respondents were supportive of

school choice, allowing families to choose a menu of options for their child's education. I think it was 75 percent of Republicans, 60 percent of Independents and 61 percent of Democrats survey respondents all said they support school choice.

In your testimony, you said that you are committed to reversing funding inequities. There's nothing more inequitable than a wealthy parent being able to send their child to any school they want, but outdated education policies telling low-income parents they can't have the same opportunities.

Mr. Secretary, will you commit to working with Congress to pass school choice legislation, to get every child in America to attend the school that best suits their needs?

Secretary CARDONA. Thank you, Congressman. I fully support the notion that every school across the country should provide high-quality education, and while I understand choice, parents should have choice, it should never come at the expense of a school, a local school, and the choice shouldn't be because one school can't meet the needs of the learners.

We need to make sure all schools can meet the needs of learners, and not have a system of winners and losers. All schools need to make sure they meet the needs of the students.

Mr. ALLEN. Yes, but until that is achieved, we need to give the students a choice or we're going to lag behind. Thank you, Mr. Secretary, and I yield back.

Secretary CARDONA. Thank you.

Chairman SCOTT. Thank you. The next is the gentleman from California, Mr. DeSaulnier.

Mr. DESAULNIER. Thank you, Mr. Chairman. Thank you and thank the Ranking Member for having this hearing and hosting the Secretary. Mr. Secretary, thank you so much for your service and your insights.

I have two areas I wanted to question you about. First is workforce development in teaching, trying to attract the best and the brightest in career. As we've heard from my colleagues Ms. Adams, Mr. Takano, Mr. Allen of their own life experience, certainly yours and their family, trying to get the best and brightest to go into teaching and stay.

And post-pandemic, we look like the trends may be heading in the wrong direction, and particularly in areas like the one I live in in the San Francisco Bay area where there are high-cost areas, it's a real challenge. 43 states say that they've got significant shortages in science teachers, 42 states in math and of course all states have significant shortages when it comes to special education.

Pre-COVID, I was out at a disadvantaged school, a middle school. I spent a day there and I asked the principal before I left what was it that she needed the most, and she said, well, there's a lot but behavioral health, particularly for my teachers. The kids need more counseling.

With all that we're learning about neuroscience and stress, deploying those assets, and funding those assets would help my teachers a lot. This is a school where teachers left frequently, both young ones and older ones. So I very much appreciate your commitment in the budget, your comments, and your testimony about this issue.

But how do we—how do we help you and engage on attracting the best and the brightest into the teaching field and keeping them there, and having them compensated appropriately?

Secretary CARDONA. Thank you very much for that question, and for acknowledging the needs and doing it from the perspective of an educator. I appreciate you sharing that comment from the educator. First and foremost, we need to make sure we respect the profession. I think, you know, there's a saying that people, you know, just because you went to school doesn't mean you're an educator.

Our educators are dealing with so much, dealing with mental health needs, dealing with a country that's divided that we're unifying again. And we recognize that. Like that young man that I spoke to at the high school in New York, they're coming back after a pandemic and many of them are facing loss. Many of them are facing job loss for their family Members.

And we need to make sure we restructure our schools to provide that social and emotional well-being and support that they need, making sure that we provide mental health access to our students. That's how we heal together, right? The academics will come when the students' bandwidth for learning is increased. How do we do that? We make sure that students aren't hungry. We make sure that students have their emotional needs met, and that we're doing everything that we can to meet them where they are.

The plan asks for that, and the plan also supports our teachers in doing that. So the American Families Plan, for example, provides about \$9 billion in ensuring that we have certification for those hard to teach and hard to reach areas, the shortages in special education. There's Title I funding to increase pay for teachers who are working very hard to support our neediest learners but underpaid compared to their peers in other professions.

So there's a commitment from the President to lift up the profession, to respect the profession and make sure that our teachers have the tools that they need to be successful, so that our students can be successful.

Mr. DESAULNIER. Terrific. There's another statistic I believe from your department that the profession is 20 percent on average paid less than comparable fields with comparable education, which to me sounds not as dramatic as it really is, at least in expensive areas like the Bay Area.

I want to talk to you a little bit about ? and to the last point though, also your commitment to community schools, to investing and engaging the community, a very important challenge. Representative Thompson and I some (?) years ago worked successfully to get funding on Family Engagement Centers. All the indications are that it really helps in schools with achievement gap.

But I also want to talk about the exponential research that we're getting on not just cognitive development but neuroscience, the impact of stress, and communities and families engaging. So I wonder if we could talk a little bit about making sure your department is current with all of this. And this includes of course coming out of the pandemic a wonderful opportunity.

The kids are challenged right now as they develop, even though we know what stress does to kids' brain development.

Secretary CARDONA. Thank you. I've always felt that our practice sometimes doesn't connect with the research as much as it should. And this is an opportunity for us to really make sure we're following the science, especially around how students develop emotionality, how that impacts learning, and then our community schools.

The intent here is to make sure we're taking care of basic needs. You know Maslow's pyramid, right? If a student's hungry, they're not going to be as able to learn. If they're worried about housing and security, and we have to make sure we're connecting with our families better. This is our opportunity.

Mr. DESAULNIER. Thank you. Thank you, Mr. Chairman, I appreciate it.

Secretary CARDONA. Thank you.

Chairman SCOTT. Thank you. Next is the gentleman from Indiana, Mr. Banks.

Mr. BANKS. Thank you, Mr. Chairman and thank you Mr. Secretary for being with us today. As you know, the Trump administration modernized the reporting process for disclosing large gifts and contracts flowing from foreign countries to the Department.

As my colleague Representative Stefanik mentioned earlier, the Department issued a report in October 2020 revealing universities that failed to report \$6-1/2 billion in gifts and contracts from foreign sources including China and opened 19 university investigations.

A simple quick question to get started for you. Has your Office of General Counsel briefed you on this report?

Secretary CARDONA. I have been informed of the concerns that you expressed in your comments, yes.

Mr. BANKS. Have you been informed that ? but Mr. Secretary, have you been briefed in detail on this report? A simple question.

Secretary CARDONA. No.

Mr. BANKS. OK. Will you commit today that you will request a full briefing on this matter from your Office of General Counsel?

Secretary CARDONA. Yes, I will, and I'll reiterate what I said to your colleague earlier. This is important to us also, and we want to look into this matter. We want to work with you and others to make sure that we're addressing this. As I can tell, it's a major concern across both party lines.

Mr. BANKS. Appreciate it. Nearly a decade ago, the FBI warned that hostile foreign actors use colleges and universities to spread propaganda, steal intellectual property and recruit for espionage. Unfortunately for too long our colleges and universities have turned a blind eye to these threats.

The Chinese Communist Party knows that American universities are home to government-funded national security research and use Confucius Institutes and Chinese student and scholar associations to collect our sensitive information and send it back to Beijing.

In January, President Biden withdrew a Trump era proposed regulation that would have established requirements for Student and Exchange-to Visitor Program certified schools to disclose agreements with Confucius Institutes, or risk losing their SEVP certification. Now that you have weakened these safeguards against the

CCP, how does the Biden administration proposed to protect our sensitive research from our greatest adversaries?

Secretary CARDONA. Thank you. We recognize your concern. We look forward to working with you to make sure that we hear your concerns and take that into account as we move forward.

Mr. BANKS. So you don't reject my question?

Secretary CARDONA. Excuse me?

Mr. BANKS. So you don't reject my question?

Secretary CARDONA. I understand you have concerns about that. I commit to working with you and others to make sure that we're listening to what your concerns are and communicating with you what our plans are to address that.

Mr. BANKS. We'll be following up soon with that.

Secretary CARDONA. Thank you.

Mr. BANKS. I want to yield the rest of my time to Ranking Member Foxx.

Secretary CARDONA. Thank you.

Ms. FOXX. Thank you, Mr. Banks. Mr. Chairman, I would like to correct the record regarding the Public Service Loan Forgiveness (PSLF) program. We all agree that PSLF is an extremely complicated and flawed program. My Democrat colleagues are not shy about placing blame on the previous administration for all the problems with this program.

However, the previous administration just happened to be in office when the key 10-year mark for this program was hit. I'd like to remind everyone what we learned during that previous hearing on the subject of the PSLF program. GAO found zero, zero evidence that the previous administration was to blame for the problems with this program. The record must be corrected.

Rather, the real issue was the program was narrowly constructed in the statute. Had we worked together in a bipartisan way to craft this legislation, this program would look much different than it does today. So in looking for someone to blame for the denial of 99 percent of PSLF applicants, Democrats should look in the mirror.

Mr. Secretary, I want to say to you, if you try to fix this program without coming back to legislation, I will be very concerned about that because I fear you will be doing what the Republicans have been accused of doing, and that is you will not be following the law. I am very concerned about that.

Now I have another question to ask you. I'm very pleased you're here today, and before—I want to discuss oversight responses to letters and other congressional inquiries. Lots of Members on both sides have asked this question. Congress has the responsibility to oversee the implementation of the laws it passes. This is one of the areas where the Chairman and I agree, demonstrated by the Chairman's question to Secretary Walsh.

While I appreciate your agency has responded to some letters, not all letters have received responses. Will you agree to require your staff to respond thoroughly and quickly to inquiries from Members of this Committee?

Secretary CARDONA. Yes.

Ms. FOXX. Thank you. I yield back, Mr. Chairman.

Chairman SCOTT. Thank you. Next is the gentleman from New Jersey, Mr. Norcross.

Mr. NORCROSS. Thank you, Chairman. I very much appreciate this hearing and to the Secretary, great to have you here. Looking forward to having you in the district coming up on the 16th of July to see how we're doing things in South Jersey. But I want to shift the focus away from some of the previous questions to one of safety. After coming out of the pandemic, we certainly know how important that is.

According to a June 2020 GAO report, about half the public-school districts in this country need to replace multiple building systems in their schools. 41 percent of them, it's about the HVAC. We know, coming through a pandemic, how dangerous when you spread germs can be for not only students but for all people. One of the key components—[inaudible]—make sure that they don't face.

How is the Department going to address the ventilation systems so our schools, our children and their parents are assured their kids are going into a safe school?

Secretary CARDONA. Thank you for that. You know, my experience in Connecticut put ventilation on my radar really early, and we recognized that in order to safely reopen schools, in the almost daily meetings we had we had to include OSHA officials and folks whose job it is to look at occupational safety.

And I can assure you that moving forward, educators across the country are taking into account air quality and making sure that the systems that in many cases have been neglected receive the proper maintenance and upgrades that they need, in order to circulate air and make sure schools are safe for our students and our educators.

So in our handbook, this COVID-19 handbook, the second one, we have guidance on best practices and what states and districts should be doing. There are funds in the Plan, the K-12 infrastructure part of the American Jobs Plan, to upgrade and build new public schools where needed.

There's 50 billion over 5 years, making sure that our schools are healthy places for students to learn and places for educators to work, which includes community college upgrades as well. I don't want to leave out our higher education institutions who are also looking at those same issues.

So in resources, it's there. In guidance and best practices there are resources there, and we look forward to working with our states and our local partners to make sure that they have what they need to be successful.

Mr. NORCROSS. Thank you, and Mr. Chairman, I'd like to enter into the record a letter from the School Superintendents Association, American Federation of Teachers, NEA, and sheet metal workers, along with 14 others, talking about exactly what we have here.

Chairman SCOTT. Without objection.

Mr. NORCROSS. Thank you. Second question. The Secretary's education—[inaudible]—important. What a background that you have that's relevant at each level of that education. The narrative in this country is in order to make it, you have to go to a 4-year college, and that's contributed to by—it starts from parents.

But we know that's not the same for every kid. We have to recognize, and we've talked about this, how children are different, their needs, their desires, their aspirations. How are you going to push the narrative that education is more than just a 4-year college? and we do need those, but we also need carpenters, electricians. We need across the field, and everybody is equal.

How is it that when we talk about financial support and the great things we've done in student debt, that every child, no matter what they choose as their career, is important and can expect that sort of support that we're doing.

Secretary CARDONA. Thank you, Congressman Norcross. You know, having graduated from a technical high school, where I was learning the automotive trade for 4 years, then having the influence of a phenomenal teacher and it's important to name them publicly, Mrs. Ransome (phonetic), who said Miguel, you know, you might want to consider a career in education. You're using your art to speak, and you might want to be an art teacher. So I went into a 4-year college, but I recognize the value of vocational education and career technical education.

And I can tell you; we need to evolve our schools better and change the culture where it has very old school mentality. We have to change that. Our schools today need to evolve to make sure that the workforce needs that are existing today are met, that we have a clear through line from middle school to high school to 2 years colleges to the workforce, and then to 4-year schools too, because students may want to advance their education.

But we have to change the culture and change the narrative, and we do that by creating quality programs. I can tell you that in Connecticut, you know, the running joke was if you're a welder who knows how to code, you're set. You're not going to have debt, you're going to have people knocking on your door to hire you and you're going to be making a very, very good salary.

So I recognize it. I've seen it as an educator, I've experienced it as a student. We have to work together to make sure not only that we're changing the narrative, but that we're providing good pathways for students with jobs that exist now, that are vacant now. We have to make sure we do a better job connecting our pre-K-12 schools and community colleges.

And as you know, the American Family Plan is proposing that at a level where I think it can really make a difference for our country.

Mr. NORCROSS. Well thank you. My time expired, but I do want to give a shout out to Mr. Borita, my 7th grade teacher.

Secretary CARDONA. There you go.

Mr. NORCROSS. —[inaudible] educators. I yield back.

Chairman SCOTT. Thank you. The gentleman from Pennsylvania, Mr. Keller.

Mr. KELLER. Thank you, Mr. Chair, and thank you Mr. Secretary for being here today. When we look at the outstanding student debt, it's quickly approaching \$2 trillion. President Biden has made it clear that forgiving student debt is a top priority for the administration, and it's also my understanding that you agree with the goal.

Well, the narrative surrounding the student debt crisis leads one to believe that swathes of borrowers are saddled by burdensome debt, the data suggests that this rhetoric is separated from reality. According to an analysis by the Brookings Institute, households with graduate degrees owe 56 percent of outstanding student debt, despite making up only 14 percent of adults aged 25 and older and having median income between 72,000 and 111,000 dollars.

Further, the analysis estimated that forgiving \$10,000 in Federal student debt, as President Biden has been advocating, would cost about \$373 billion. So Mr. Secretary, how does the Department justify forgiving the debt of the highest earning households at the expense of hard-working taxpayers, of which the vast majority do not hold a college degree?

Secretary CARDONA. Thank you for sharing your perspective, and I can assure you that examining this issue and really making sure that we provide targeted relief is a priority for us. There have been students who have been taken advantage of by misconduct of institutions.

Mr. KELLER. Excuse me if I can just reclaim my time. We're not talking about institutions. We're talking about the amount of debt that the administration wants to forgive, and the fact that forgiving this debt is going to impact higher earners at the expense of the earnings of households where the majority of the people do not hold a college degree. So you know, I don't want to—but respectfully, my question is how, how do we do this, you know? How does the Department justify forgiving the debt on the high earners, high earning households at the expense of the other ones?

Regardless of what the other institutions are. They need to be held accountable. What I want to know is how we're justifying the Department, the Department justifying forgiving the debt on the highest-earning households at the expense of hard-working taxpayers, of which the vast majority do not hold a college degree? That's the question.

Secretary CARDONA. Thank you, Congressman Keller. We haven't made a decision on loan forgiveness. What I was referring to earlier is the importance that we're going to place on making sure that students get a good return on investment.

Mr. KELLER. And that happens—excuse me, sir. And that happens with all educational institutions. They need to be treated the same. Would you agree that whether it's proprietary or not-for-profit, they need to be treated the same? Would you agree that that's a fair statement?

Secretary CARDONA. I agree, yes.

Mr. KELLER. OK, because we could talk about return on investment and the metrics for which we measure success for students. I think that regardless of whether it's a proprietary institution or a non-profit or a public institution, it should be the same. I'm glad we agree on that.

Secretary CARDONA. I do agree with you on that, and I believe again this overhaul that I talk about is really more about making sure that we're looking at things holistically, that students are getting a good return on investment, that the pathways that we provide them are going to lead to meaningful careers.

I agree that this is—this process, for-profit or public. But I also know that historically we've seen some gross examples of misconduct toward students, and we want to be very clear that we're going to be monitoring them more closely and that we want to protect our students and borrowers from—

Mr. KELLER. I concede that. I hope that we're going to monitor all institutions more closely. Do we have that commitment? I'd love to work with you on that.

Secretary CARDONA. Yes, absolutely.

Mr. KELLER. To ensure that the playing field's equal.

Secretary CARDONA. As a first—I hear you. As a first-generation college student, I can tell you that it's really important that we're monitoring and that we're supporting our learners and that we're keeping them at the center of the conversations, that they're getting a good return on investment wherever they go, community schools, community colleges, 4-year, 2 year, private.

For us, we really want to make sure we keep the student at the center of the conversation and protect them wherever they go.

Mr. KELLER. I appreciate that, I thank you for that and I yield the balance of my time to Dr. Foxx.

Ms. FOXX. Thank you, Mr. Keller. Mr. Secretary, following this line, we sent a letter regarding a report that was commissioned by FSA analyzing the true value of the student loan portfolio, to which your staff responded with a heavily redacted copy of the requested document.

Since then, you've largely ignored our request for an unredacted copy. Mr. Secretary, the lack of transparency on this issue at your direction. If not, will you promise today to provide that unredacted report to the Committee by the end of the week?

Secretary CARDONA. We will continue to work with you and others to share what we have. But we stand by our report and the work of our agency, and we're not thinking about using a report that doesn't have the decades of tweaking that our report does to get the numbers that we have.

Ms. FOXX. Thank you. I yield back.

Chairman SCOTT. Thank you. Next, we have on the screen the gentleman from New York, Mr. Morelle.

Mr. MORELLE. Thank you, Mr. Chairman for holding this important hearing today to discuss the budget priorities for the Department and thank you very much Mr. Secretary for being with us and for your long service to the country. You're in Connecticut. Not quite New York, but close enough.

But I want to start by sharing a quote from a very good friend of mine, Sherry Johnson, who is the Monroe County School Board Association executive director, on the impact the American Rescue Plan will have on our students. The quote is referenced from the Rochester City Newspaper titled "Nearly 400 million of Federal aid coming to Rochester area schools."

Ms. Johnson states "These dollars from the ARP will take care of those pandemic needs and allow school districts to use budgets to get school districts ramped back up for full in-person student instruction." Mr. Chairman, I'd like to submit that article for the record without objection.

Mr. MORELLE. Mr. Secretary, I'm encouraged by the Department's administration of the ARP and the Department recently published description of the State ARP plans. What's the Department's plan for ensuring that State plans are consistent with the laws, so once they're submitted that they are consistent with Federal law?

Secretary CARDONA. Thank you. You know, we have a critical point in our country's history, to make sure that the resources that are being provided, unprecedented resources, go to where they're supposed to go, to the classrooms, to the schoolhouses that need it quickly, and that the funds are being used to promote innovation but also to address the inequities that were exacerbated during this pandemic.

What we've asked states to do is submit their plans. And we've had over 100 calls already, to make sure that those plans follow the expectation of promoting equity and addressing the inequities that were exacerbated. We're going to continue to work with states to make sure that the maintenance of effort requirements are happening, and we're working closely with our states and we're working closely with our Governors who have been great.

I think we all recognize this moment we have in our country's history to build back better. The resources are there, the urgency from the President is there and now we have to make sure that we match it, and make sure that the funds go toward those students that need it most.

Mr. MORELLE. Well thank you very much for that. You mentioned earlier, I believe, the Individuals With Disabilities Education Act, which as you know has not been funded at the promised appropriations levels in the past. Special education costs as I know, you know better than most, for children in each State continue to escalate.

In New York, not only are they escalating but as everywhere else have accelerated during the pandemic. As I join my colleagues in the House in including funding for students with disabilities as a part of impactful legislation, it's crucial we receive support from across the government.

So tell me a little bit about how you see the budget plan to increase IDEA funding for students who desperately need it, and how the Department will continue to lead in that regard.

Secretary CARDONA. Absolutely Congressman. You know first, let me—you know, I started in the beginning saying every number has a face, every number has a story. The calls that I receive from parents whose children have autism, who were sitting at home outside of their routine, outside of the tools for learning that they were used to and accustomed to, not being able to see their teachers or the paraeducators.

The impact that it had on those students was significant, and I remember telling the parents that, you know, we want to make sure their children are safe. We want to get them back in as quickly as possible. And that was in March 2020. We have a responsibility to make sure that we double down and provide the support, especially for those students who were most significantly impacted, students with disabilities who required that additional support.

So the proposal, which includes 15, a request of 15.5 billion for Fiscal Year 2022 on IDEA Part B, which brings it up to 14.6 percent of IDEA. It's critically important. Those dollars will go toward additional teachers for those students who have been sitting in front of a laptop, and we know that the laptop won't meet their needs for students who require occupational therapy and physical therapy in their schooling that didn't have access to that.

We need to do more for these students. I'm glad to see that the proposal recognizes this, and I hope we have the support on that because these students can't wait any longer.

Mr. MORELLE. Well thank you for that. If I can quickly just switch topics a little bit. Students have experienced significant trauma in the last year, especially true for students in economically distressed communities. Research shows there's been an increase in gun violence during this time period.

According to a 2019 GAO study, students that adopt a trauma sensitive approach report many positive outcomes. I just wonder how states and districts are using ARP funds to implement trauma-informed practices to support students across the spectrum, and I know I might be out of time. Maybe you could reflect on that afterwards.

Secretary CARDONA. Happy to send information in writing.

Mr. MORELLE. Terrific. I yield back Mr. Chair. Thank you.

Chairman SCOTT. Thank you. Mr. Secretary, as I said we've got a lot of teachers on the screen. The gentleman from North Carolina is a physician, but he taught at medical school as I understand it. Dr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman, and welcome Mr. Secretary. I appreciate your service and your dedication to helping our students. I'm going to talk about two topics and ask you to talk about those. You know we've talked a lot about crippling student debt, and you know, that's now a big, big issue. In fact, from the ACTA, I'm looking at statistics that show that non-instructional spending, which is something I'm concerned about at colleges and universities from 2016 to 2017 actually exceeded the gross domestic product of 131 countries.

You know, we're talking about root causes, right. We're talking about root causes, why this is. And so in my opinion, rather than just us pouring more debt on this Nation, we need to see why our colleges and universities are spending more. I look back at my alma mater, you know. I'm looking at statistics that show that 46 percent of their cost is on administrative cost.

We've seen that go like a skyrocket compared to academic costs. So let's look at in my opinion why student debt is so much. You know, I believe the Federal Government exacerbates the problem, as continuing increases in Federal student aid have enabled institutions to increase their tuition rates, confident that Congress will cushion those.

So I'm interested in how you feel we do this. How do we get more bang for the buck? How do we cut the excess that is going on in so many colleges and universities?

Secretary CARDONA. Thank you for your question and for your concern. I share with you the importance of making sure we have

a role in ensuring a good return on investment for our learners and ensuring that colleges are utilizing their funds to support students.

But I'll tell you, I recently visited a school in Michigan where I spoke to a student who is struggling with the cost of books, and the books I think for that semester were \$600, separate from the tuition. So I also want to encourage universities and colleges to make sure that they're looking at the needs of students and providing supports in areas that our students need.

The traditional student is no longer the traditional student, right? We have parents who are going to college to get different skills or to, you know, maybe they didn't go after high school, but they didn't want to close the door on that dream and they're going back now, and they might have children.

So colleges are serving more of a greater role in many cases than they have in the past. So they might have childcare centers there. They might have assistance for students who are dealing with hunger and making sure that those basic needs are being met. So I recognize the importance of a good return on investment, but I also recognize that colleges are serving students in ways that they haven't traditionally in the past.

Mr. MURPHY. Yes, I know. I was on a full scholarship undergraduate, and I held two jobs to help work with that stuff and yes, I went hungry. I had a lot of Lean Cuisine meals and I think a lot of that stuff. There's just a lot of bloat that goes on, and we need to—we need to address that. But anyway, thank you for your comments.

Let me just turn to one issue that is hotly debated now in the country, and that's Critical Race Theory. Obviously, Mr. Secretary our Nation has had a difficult history of slavery and subsequent discrimination. That said, we also have a very proud history of eradicating slavery, ending legal discrimination, and fighting to overcome racism.

We have made what I believe is undervalued progress since our troubled beginnings. We continue that fight today. However, Critical Race Theory has a fundamental effect now on the way young children and students view this Nation's history. So I think looking to the future Mr. Secretary, and I'm going to ask you this not as Secretary of Education but as an American. I know you don't have control over curriculum.

How do you think the history of our country should be taught? In other words, understanding that we still have far to go, should our history be one taught from the vantage point of victimhood or vindictiveness, or should it be one made of achievement, progress but still more achievement and progress to go?

Secretary CARDONA. Certainly, achievement and progress I'm proud to be an American. I'm proud of being, serving in this role. I mean I'm an example of the American story, right? But I think we can do that while also being honest about some of the things we're not proud of. And I don't think our educators across the country, I don't think it's an issue with them.

They understand how our students learn. They understand how important it is to make sure that the curriculum No. 1 is handled there, and I do believe, I feel very strongly about this, that when done well it builds community. It builds pride in our country when

it can be done well. I trust our educators across the country to get it done well.

Mr. MURPHY. Great. Thank you, Mr. Secretary. I appreciate your time.

Secretary CARDONA. Thank you.

Mr. MURPHY. I'll yield back, Mr. Chairman.

Chairman SCOTT. Thank you. The gentlelady from Pennsylvania, Ms. Wild.

Ms. WILD. Thank you, Mr. Chairman, and thank you Mr. Secretary for being here with our full Committee. It's good to see you. Before I start with my question, I just want to note my profound disagreement with my colleague who just spoke about the place of Critical Race Theory in our schools.

But I'll move on to the topic of school infrastructure, and specifically the physical environment that our students learn in. I am located, my district is located in the Lehigh Valley of Pennsylvania. We hope to welcome you in the not-too-distant future to our area. We experience education funding disparities just like districts all across the country.

One of my urban low-income school districts in the Lehigh Valley, the Allentown School District, has four schools that were built in the 1800's, around the time when President Ulysses S. Grant was in office. And many of the schools do not have central air conditioning, and even if funding were to become available for facilities upgrades, many of these old buildings have simply reached their electrical capacity. They can't add air conditioning.

So you know, it seems to me that it's really hard to expect that students learning in a school that was built two centuries ago, will find the same type of fulfillment and ability to learn from going to schools, from going to school as students attending wealthier schools.

And not to prolong the discussion of my own district but let me just say right adjacent to the Allentown School District is the Parkland School District, where their brand-new high school, I still think of it as the brand-new high school; it was built in 1999, it seems like yesterday.

It's a highly rated public school and has every possible advantage and comfort that could possibly be imagined for the students and the teachers. And that's right next door to the Allentown School District that I just referred to. So I am really happy that President Biden's infrastructure proposal, the American Jobs Plan, includes \$100 billion for school infrastructure and new construction projects.

What I'd like to hear from you is let's—how would the funding in the Jobs Plan and in the Reopen and Rebuild America's Schools Act, which by the way I co-sponsor, help districts like the one in my hometown upgrade their old school buildings and build new schools where necessary.

Secretary CARDONA. Thank you for the question. You know, you or I would not buy a car without air conditioning. As a matter of fact, if the option to go into a workplace on a hot muggy day without air conditioning, if the option exists to go there or to work from home where you do have air conditioning, you would likely, and I would likely go to a place where it's a little bit more comfortable.

So why do we allow it to be normalized that our students are in classrooms with 20–30 students without air conditioning and that's been normalized? The President gets it. The American Jobs Plan provides funds and through the Families Plan and the American Rescue Plan, there's an opportunity here not only to upgrade our systems, but to make sure that our learning environments, as you mentioned, are conducive to learning and to learning the way learning should be.

It's not sitting in rows facing forward. It's students engaging with one another. Sometimes these classrooms in older schools are really small and tight, and not conducive to good pedagogy. So this is our opportunity to build back better, to make sure that we're building up our schools in places where we would want to send our own children. Every student across the country deserves that. The American Jobs Plan, Families Plan and the Rescue Plan and the budget promote that.

So let's—as educators, we need to make sure we're being creative and assertive about making sure that our students get the same opportunities for their learning that we would want in our workplace.

Ms. WILD. And by the way, I don't—you know, we know, that a great deal of research has shown that high quality school facilities improves students' academic achievement, reduce student, and staff absences and reduce student suspensions.

I was fortunate enough to also visit a brand-new elementary school in that Parkland School District, where that more modern high school is located just recently, and it was just incredible. It incorporated all kinds of creative learning spaces for students. It was the kind of place that I would want to go.

And it's not just about comfort. I think there's not a single person on this Committee that doesn't believe that young people and students are the future of our country, and that we have to do everything we can to help them learn. So I'm really appreciative of the commitment of this administration, of making sure that not only is the quality of the education good and the teaching staff and so forth, but that the facilities are conducive to good learning.

With that Mr. Secretary, thank you so much. I feel like I could talk to you for an entire afternoon, and I hope I have the opportunity to do that soon. I yield back.

Secretary CARDONA. Thank you. They are inextricably linked. They are inextricably linked.

Ms. WILD. Thank you so much.

Chairman SCOTT. Thank you. Mr. Secretary, we've got another educator, Dr. Miller-Meeks who is an ophthalmologist, but taught at medical school. Dr. Miller-Meeks.

Ms. MILLER-MEEKS. Thank you so much Representative Scott, Chair Scott. I appreciate that. I also have a master's in Education, but that may make me less qualified to ask a question. And Secretary Cardona, thank you so much for being here. Thank you for I think the wonderful example you show to young people what people of color can do and become. I too grew up in the military, traveling around, going to schools in Southeast Texas with no air conditioning, and somehow that made me the resilient individual that I am, as are you. So thank you.

Secretary CARDONA. Thank you.

Ms. MILLER-MEEKS. I also left home at 16 and started in community college. So my question is about community colleges. I think that they're indispensable in their local communities, and they provide education at lower cost than 4-year institutions.

I support each student being able to choose the best post-secondary path for them to reach both their academic and their career goals. I also believe states themselves should be able to run their education systems in a way that makes the most sense for that State.

But President Biden would have us believe that mandating that community colleges be free is in fact the answer to the complex problems of both access and affordability in higher education for all students. We have great community colleges in my home State of Iowa and in my district, but nationwide community colleges still face a number of challenges like long wait lists, low graduation rates and low transfer rates to 4-year institutions.

Mr. Secretary, do you believe that community college in every State, all community colleges, are equipped to handle the expected influx of students attending on the promise of a free college education, and will they be able to effectively meet all the students' needs? If not, how can you justify the President's budget request, to spend over \$100 billion to make community college free for all?

Secretary CARDONA. Thank you, Congresswoman. You know to me, the challenge of meeting the demand for community college is one that I'll accept. If we have a situation where our community colleges have more people that want to sign up than they can take, that tells me that there's a thirst for this and that that's only going to have a benefit for our economy, for our communities.

Community college graduates as you know, they graduate with a 21 percent increase in earning potential. That's good for the families, that's good for the community. Will it require, will it require focus on new challenges? Definitely. However, it's about time that we realize as a country that we need to provide more opportunities to college access. We need to provide opportunities for students to get skills for higher-paying jobs that are there waiting for them.

So I do believe that this is the right step for our country, and I recognize that it will come with challenges. But those are challenges that I accept.

Ms. MILLER-MEEKS. And how can we ensure—already we know at our K through 12 system that it has had very mixed results. We know that we lag behind in reading and math, regardless of the facility. So how do you expect or how can you ensure that the mixed results in K through 12 would not be carried over into two additional years at a community college?

Secretary CARDONA. Thank you, Congresswoman Miller-Meeks for being able to answer that. We have been ? again as an educator, as a principal, as an assistant superintendent, we've been underfunded to the point where it's become normalized. With this \$20 billion investment in Title I, to focus on addressing those achievement disparities, with the funds that are being aimed at CTE to make sure that we have good pathways that are engaging our learners, providing good STEM programming, ensuring that we have good classes sizes and support for our students with disabil-

ities, I expect there to be an improvement in our K–12 programming, in our K–12 outcomes.

We’re going to get back from this pandemic and we’re going to improve outcomes in our K–12 system. I didn’t take this position to keep the status quo. I came to address the achievement disparities—

Ms. MILLER-MEEKS. Speaking of the pandemic, I apologize.

Secretary CARDONA [continuing]. and make sure we do better.

Ms. MILLER-MEEKS. I apologize, my time is limited, but speaking of the pandemic and I would say that we spend more per student than almost any other country and have mixed results. But Dr. Murphy and I on Ed and Labor together sent a letter on May 6th to Dr. Walensky, the Director of the CDC, raising concerns about reports that teachers’ unions inappropriately exerted political pressure on the Biden administration to influence CDC health guidelines on reopening schools.

The reason this is important is because in closing schools, the rate of depression, mental health issues and suicide among students as young as 9 years old have escalated, 31 percent increase in mental health issues. Do you agree it’s inappropriate for teachers’ unions to exert political pressure on health officials, and do you agree that health decisions should instead be based on the evidence?

Secretary CARDONA. You know, I’m happy to have more conversation with you on this, or even submit in writing. I do believe the mental health needs of our students must be taken into account, not only as we make decisions about reopening, but as we think about what supports we’re going to provide for students in the fall.

Ms. MILLER-MEEKS. Both the mental health issues and also the exercise of teachers’ unions on health decisions I think is something that we should be focused on as well too. So thank you so much, and Mr. Chair I yield back my time.

Chairman SCOTT. Thank you. The gentlelady from Georgia, the gentlelady from Georgia Ms. McBath.

Ms. MCBATH. Thank you, Chairman Scott, and thank you so much for convening this hearing. And thank you so much Secretary Cardona, for your excellent work at the Department. I’ve had a chance to hear, hear from you before. We’re just really grateful for everything that you’re doing. There’s been so much value, and over the last year, you know, we’ve watched as COVID–19, the coronavirus, has just really made its devastating impact on the entire nation.

And it was a year that, you know, we saw all of our adult children, you know, and I’m sure they were pretty upset, but many of them having to move back with their families. We saw graduations canceled and virtual classrooms become what we now have to say was the new normal.

When I talk to my constituents, I mean it was clear. I spoke with, to them over and over and over again over the course of that time. You know, over the—even though we passed this historic relief, you know, hard-working families, you know, deserve a break, and we know that our students deserve a break, and that’s what I’ve heard.

My question comes to you about the American Rescue Plan, which invested billions of dollars into relief for higher education, and we know that this historic relief legislation really sought to kind of bolster and strengthen, and some cases improve our education system.

You know, I've heard from educators throughout my district, and we did a lot of, you know, webinars within, just really hearing from them. In fact, Ron Wade, who is the Fulton County School District Chief Talent Officer, he recently just stated that each elementary school will get a literacy coach and another literacy-related staff Member and all this is because of the funding that we appropriated for the American Rescue Plan.

We know that these resources are especially critical of course for black and Latino students, whose learning was actually three to 5 months behind at the beginning of this school year and could be up to six to 12 months behind by the end of this school year, compared to the four to 8 months for white students.

Secretary Cardona, State plans for the use of the American Rescue Plan funds, you know, that were due on June 7th, can you share any additional data or information on the impact that the American Rescue Plan funding has had on the improvement of resources to support our students, especially for vulnerable student groups. Thank you.

Secretary CARDONA. Yes. Thank you for that, and for acknowledging the challenges that are out there, but also the fact that the American Rescue Plan is providing relief. I loved how you turned, you know, what some say well, look at the money here. No. We're talking about a literacy specialist for kids who are behind. So the money translates into people that are going to help children be successful.

Whether that's in literacy or numeracy, or in their mental health needs because of what they just experienced. We have 35 plans submitted. The other 15 we're working on getting them in. We're having communication with all the states. They have some legislative barriers to getting it in by the 7th, but we're working with those states and we're confident we're going to get them very soon, and we've been in communication with those states.

Over 100 calls. Webinar with over 550 groups of stakeholders to talk about how the stakeholder engagement should look, how equity focus should look. So it's really given us the opportunity to engage and partner with school communities and states, on how to build back better.

We're seeing summer school programs expanded to include enrichment opportunities for students who would be stuck at home during the summer. We see extended day programs in the fall for students to have an opportunity to engage with their peers, after having been locked in their home for a year and a half because the pandemic was rampant in their communities.

We have additional support personnel to assist students as they come back, and we anticipate that they're going to need more support. My biggest fear is that symptoms of trauma get treated like disciplinary issues. So we have to make sure we have more school counselors, social workers, better training for teachers to understand how to welcome our students in a trauma-informed school.

These funds are critical to making sure we build that better, and making sure schools have what they need to reopen schools, and our students can't wait any longer.

Ms. MCBATH. Well thank you Secretary Cardona. Thank you so much for understanding the continuing investments that we need to make sure that we no longer are, you know, dealing with these disparities and we are bridging the gap that our students so desperately need and getting them back, you know, back up on their feet and moving toward a global education to compete globally in the world. Thank you so much, and I yield back the balance of my time.

Chairman SCOTT. Thank you. Next is my colleague from Virginia, who was formerly an official at Liberty University, Mr. Good.

Mr. GOOD. Thank you, Chairman Scott and thank you Secretary Cardona for being with us today. On April 19, 2021, the Department of Education published a proposed rule prioritizing the development of culturally responsive teaching and learning, and the promotion of information literacy skills in grants under these programs.

Specifically, the proposed rule references the New York Times' 1619 Project and Professor Ibram Kendi as demonstrating aspects of culturally responsive teaching and learning. Secretary Cardona, the 1619 Project asserts that the Revolutionary War was fought to preserve the institution of slavery in American colonies. Do you believe this to be true, and that this should be taught in classrooms across the country?

Secretary CARDONA. Thank you. I do believe that our students should be exposed to culturally relevant pedagogy and materials. But I refer to it more as windows, mirrors and sliding glass doors, where they can use a curriculum as a window—

Mr. GOOD. I'm sorry, time is short. Could you just—could you just answer yes, or no? Do you believe that the Revolutionary War was fought primarily to preserve the institution of slavery in the colonies?

Secretary CARDONA. I'm not going to comment on specific questions regarding—

Mr. GOOD. So you will not deny that you believe that. Do you believe that it should be—that that should be taught, that the Revolutionary War was fought to preserve the institution of slavery in colonies, that that should be taught to kids in classrooms across the country?

Secretary CARDONA. I believe educators across the country are able to decide how they teach our history.

Mr. GOOD. OK. I'll move on to the next question, thank you, if you're not going to deny that you would think that that should be taught. Secretary Cardona, Professor Kendi wrote in this book how to be an anti-racist that, and I quote "The only remedy to racist discrimination is anti-racist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination."

Secretary Cardona, do you believe that discrimination in any form is acceptable, and that discrimination should be taught in our schools as an acceptable practice for our children?

Secretary CARDONA. No.

Mr. GOOD. Thank you very much, and so you will commit that you will not support that as Secretary of Education, teaching any discrimination in our schools?

Secretary CARDONA. We should be promoting community in our schools and I'm confident that our educators do that.

Mr. GOOD. Thank you, sir. Different phrases are sometimes used to describe the radical leftist ideas that the DoE is proposing to fund with hard-working American tax dollars. When you were in your role as Connecticut Education Commissioner, you called it "woke." Dr. Kendi has called it "anti-racism," but many of course have known it as Critical Race Theory.

One of the concerns that many of us have with Critical Race Theory is that it tends to view race as predictive. New York Times contributor Thomas Chatterton Williams even argued that Critical Race Theory adherents shared common cause with white supremacists. Thankfully, some states have curtailed or banned the teaching of Critical Race Theory, including Florida, Idaho, Iowa, Oklahoma, Tennessee, and Texas.

Secretary Cardona, does the Department of Education plan on challenging the actions taken in these states and their rights not to teach material they find as objectionable, dishonest, and not in the best interest of our country or our children?

Secretary CARDONA. So Representative Good, you know as I stated to your colleagues earlier in this hearing that states have the responsibility and locals for deciding curriculum. And there is no Federal role in that. With that said—

Mr. GOOD. You do not, the Department of Education will not challenge actions taken by states not to teach Critical Race Theory?

Secretary CARDONA. I would love the opportunity to finish what I was going to say earlier.

Mr. GOOD. I would just like a yes or no answer please, with just a little over a minute to go. Will the Department of Education challenge their intention not to teach Critical Race Theory in those states?

Secretary CARDONA. As I've said before, states have the responsibility of providing curriculum, and we understand that. But the culturally relevant pedagogy is critically important for students to feel engaged, and part of a school community. I have confidence in our educators across the country to get it right. I think this has become more—

Mr. GOOD. So you would not challenge it legally?

Secretary CARDONA. I think this has become more politicized than it is about programming.

Mr. GOOD. OK, I'm going to move on please. Thank you, sir. My home State of Virginia unfortunately has embraced the Biden administration's, and the Department of Education's policies here, and it's proof that that causes all kind of issues.

You can just see this past week in Virginia's Loudoun County, one of the largest counties in Virginia, the Board of Education there rather than face parental criticism, they shut down public comment, they adjourned the meeting and they actually called police to come and arrest parents who had gathered to express their grievances with government and local school officials.

I hope that you will not nationalize the culture war that started in Virginia and bankrupt Critical Race Theory with hard earned taxpayer dollars, and I have 7 minutes left on my time and I yield back Chairman.

Chairman SCOTT. Thank you. The gentleman's time has expired. Next Mr. Secretary is the Member you know well, former Teacher of the Year, National Teacher of the Year from Connecticut, Ms. Hayes.

Ms. HAYES. Thank you so much Mr. Chair and thank you Secretary Cardona for being here. It is wonderful to see you here today. Connecticut is so proud of your leadership, and as your representative I can tell you it is a breath of fresh air to sit through this hearing and listen to an actual practitioner talk education policy. It is a welcome change.

And I don't have to tell you how proud the folks back in Meriden are and all of the teachers in Connecticut and their parents are to have you here. You inspire us and instill so much confidence. Before I begin my questioning, I do just want to take a moment to say that we hear, we're hearing a lot of comments about the sense of fatigue about any discussion surrounding race and the teaching of race.

I'll just say first of all Secretary, I am just, your answer to that issue is why you're a teacher. But for those people who are sick of hearing it or talking about it or are fatigued by conversations surrounding race, imagine just for a second the people who are living through it every day. I'm a history teacher. I had to teach about the most painful parts of our history. I had to teach slavery to my students. If I were in the class today, I'd have to teach them about the January 6 insurrection.

So there are some things in our history that we just have to face head on. But the role of teachers is to give kids critical thinking skills, not tell them how to feel about certain events. So again Mr. Secretary, I just admire you and your leadership is just a demonstration of true educators and what we are, who we are and what we do.

I could talk for days about education, but I want to focus my questions around IDEA while I have you here. This past year has been devastating for educators and for special education students and that population and those families. When Congress passed IDEA, they promised to cover 40 percent of the cost of special education.

In other words, they would pay for nearly half of the additional cost required to educate students with disabilities. Unfortunately, Congress has never fulfilled that promise. The number of students with disabilities served under IDEA has increased by 25 percent, and as you stated the Federal Government, even with the increases proposed, it would only bring us to about 16 percent.

So just, I know you already described what the plan would do. I just, I have two questions. I'll just ask them right now so I can yield the rest of my time to you. Under your leadership, will you commit to continuing these types of investments in IDEA and being intentional and aggressive about helping us to try to reach that 40 percent threshold.

And then my second question is something I know you care deeply about because I've worked on several committees and task forces with you on this issue, diversifying the educator pipeline and infusing the pipeline. I introduced the Save Education Jobs Act, the Diversify Act, the Teacher Diversity and Retention Act to build on some of the work we did back in Connecticut.

Can you talk a little bit about how this budget will improve teacher partnerships, infuse the pipeline, and make sure that we have the best people standing in front of our kids who are adequately prepared?

Secretary CARDONA. Thank you very much Congresswoman Hayes. It's nice to see you, and I appreciated your comment from the perspective of a history teacher. You said it best, and that's why I feel like I trust my educators. They know what they're doing. They know children. They went to school for this. They're professionals. We can get it right, we will get it right, and we will be stronger as a country as a result of that.

And you—you're absolutely right about special education. You know, we're hoping to get to 15 percent of the 40 percent that was promised, right, exactly. So yes, to answer your question, yes. We're going to be aggressive. We're going to make sure that we continue to push for the students with disabilities and getting the support that they need, especially post-pandemic.

I don't have to tell you the impacts on students with disabilities, how profound it was and how for some students opening up a laptop and being in front of it for a long time, they can get some. But for students with disabilities, it doesn't really cut it. So we need to do more and this commitment here is hopefully going to translate into better support for our students with disabilities. So yes, yes on that, definitely. We want to see that happening more.

And in teacher diversification, you know, your leadership—when you were an educator in Waterbury, really moved the needle to make sure that our professional teaching staff reflect the beautiful diversity of our communities. And you know, there's the data is like half the students across the country identify themselves as people of color, yet only 20 percent of our educators do.

We need to do more. So there's \$100 million to make sure that we're getting this right, that we're investing in programs that diversify the ranks. I love the grow your own programs, programs that you were a part of, to make sure that our students see themselves as teachers. Like me when that teacher tapped on my shoulder and said, hey, would you consider?

We need to do more of that. We need to have programs there. We also have to be creative and innovative about how we recruit people of color into the profession. So yes, I'm very big on that. All students benefit when we do it right. There's funding here for that. There's a desire there and there's partners like you that are going to make sure that we get it done right.

Ms. HAYES. Thank you, Mr. Secretary. I'm so proud of you, and with that I yield back Mr. Chair.

Secretary CARDONA. Thank you.

Chairman SCOTT. Thank you, and we've scheduled a 2-minute break at this point. But before we break, I want to remind our Members that we need to respect each other's—we need to respect

each other during the time that someone else is controlling the time.

During the time controlled by my colleague from Virginia, Mr. Good, I couldn't quite hear what it was but obviously it was an inappropriate comment that was out of order. So we want to remind people to respect each other and not let that occur again.

At this point, we will have a ten—minute break and as soon as the Secretary returns, we will—we will—is it Ms. McClain? Ms. McClain will be the first one to ask questions.

(Whereupon a short recess was taken, to reconvene this same day.)

Chairman SCOTT. Thank you, Mr. Secretary. We'll now move on to the gentlelady from Michigan, Ms. McClain. Ms. McClain, I think you're on mute.

Ms. MCCLAIN. Is that good? Can you hear me?

Chairman SCOTT. We can hear you now.

Ms. MCCLAIN. All right, thank you Chairman. Mr. Secretary, I want to thank you for being here today. I'll get right to it. I've heard you State today that, children often require different learning techniques in order to understand the material. Some learn better in classroom, lectures, more hands-on lab work; correct?

Secretary CARDONA. Yes, yes.

Ms. MCCLAIN. OK, and that ensuring that students have access to educational environments that fit their learning styles with especially in a focus for those who are economically disadvantaged and maybe come from some diverse backgrounds. That that environment is critical to their success; correct?

Secretary CARDONA. Can you rephrase that? I didn't understand what you were asking there.

Ms. MCCLAIN. Let me rephrase it. Do you think ensuring students, ensuring that students have access to educational environments that fit their learning styles, especially those from environmentally economically diversity challenged students?

Secretary CARDONA. I think students learn in different ways as you mentioned earlier, and my focus on those students who were from areas that need additional support is ensuring that after the pandemic, we're addressing their needs.

Ms. MCCLAIN. Perfect, thank you. Mr. Secretary, the charter school program is a critical grant program helping numerous students and families find the school that best fits their needs. Yet President Biden's budget calls for a 41 percent increase in funding, which is wonderful. However, the charter school program is flat. Why have so many grown hostile to charter schools when research shows that their effectiveness, especially for those in need of high-quality education is there?

Secretary CARDONA. As I shared in previous testimony, I'm not sure that today I did. But I have had experience with charter schools in Connecticut, and I've seen great examples of charter schools. I've also seen charter schools that need a lot of attention, a lot of intervention. But same as the case, same as the case—

Ms. MCCLAIN. As well as normal public schools.

Secretary CARDONA. Can I finish my sentence? You're going to finish my sentence. Same is the case for your traditional non-charter schools. So I recognize they have a role and many of them—

(Simultaneous speaking.)

Ms. MCCLAIN. But my question is why so flat? Why the budget flat? Why are we targeting and so hostile to those charter school programs?

Secretary CARDONA. I think the President recognizes the importance of making sure that other programs receive funding such as Title I. The \$20 billion there is really ensuring that all students have an opportunity to access school and accelerate their learning after the pandemic. So the priorities in the budget clearly show that we want to make sure we're addressing those places that have been under-invested for decades.

Ms. MCCLAIN. But the issue is charter schools provide higher ratios of diversities for both students and teachers, yet we're discriminating against the charter schools.

Secretary CARDONA. Thank you for sharing your thoughts.

Ms. MCCLAIN. I mean it doesn't look—

(Simultaneous speaking.)

Secretary CARDONA. They're eligible as well for the Title I increase that we're hoping gets your support—

(Simultaneous speaking.)

Ms. MCCLAIN. So you're saying that charter schools are getting an increase, that it is not a flat budget?

Secretary CARDONA. That's not what I'm saying. I'm saying that the funding priorities that the President made, makes sure that students who have great need are getting access to additional funds.

Ms. MCCLAIN. But yet they have to use the public school to do that? I'll move on.

Secretary CARDONA. Public charter schools are also a part of that but go ahead.

Ms. MCCLAIN. I'll move on. Will you commit to working with me and my colleagues to strengthen and support the schools in the charter school program?

Secretary CARDONA. I'm committed to working with you and others to make sure that all schools are successful, including charter schools. So yes.

Ms. MCCLAIN. Thank you, and then one last comment I do want to make is I've heard all today about the Critical Race Theory. We've talked about that. That is an issue; is that correct? That is an issue that is coming up. Whether good or bad, I'm not here to debate that right now. My question is we are talking about Critical Race Theory; correct?

Secretary CARDONA. We have been talking a lot in this conversation—

Ms. MCCLAIN. Right. My thought process is that is some of the Members on the other side of the aisle have criticized myself and some of my colleagues, that they don't believe we are even talking about Critical Race Theory. So I just wanted to clear that up, and I will yield the balance of my time back to Representative Foxx.

Ms. FOXX. Thank you. I want to say Mr. Secretary, we all oppose discrimination in any form, and a lawsuit was recently brought against the Department challenging its implementation of Title IX exemption for colleges and universities which have a religious mission. On June 8th, the Department of Justice intervened in the

case, indicating DOG (sic.) would vigorously defend the religious exemption.

However, it seems DOJ may be backtracking. Reports have also indicated Department of Education may revisit the religious liberty and free inquiry final rule.

Chairman SCOTT. I'd ask the Ranking Member that you were yielded with 12 seconds left. There's no way you can get a question in and an answer.

Ms. FOXX. Thank you. I will pursue this during my time, Mr. Chairman. I do note that you guys have gone over five minutes and we've gone over 2-1/2. But I'll wait, Mr. Chairman. Thank you.

Chairman SCOTT. Thank you. The gentleman from Michigan, Mr. Levin.

Mr. LEVIN. Thanks Mr. Chairman for hosting this incredibly important hearing and thank you Secretary Cardona for spending all this time with us. It was great to have you in Macomb County, and it's great to see you here before the Committee.

Secretary CARDONA. Thank you.

Mr. LEVIN. The American Rescue Plan made a historic set of investments in education after what at times felt like insurmountable challenges and pressures on our school leaders, our teachers, our parents and above all our students. However, my colleagues across the aisle continue to insist the ARP's investment in our schools wasn't necessary, claiming we don't need more funding for schools because we have more than we can spend.

I can testify that that's definitely not the situation in Michigan. The Republican leadership within our State legislature continues to use the budgetary process to withhold critical funds. Meanwhile, the superintendents in Michigan's 9th District have told me personally that this funding is desperately needed to support our students as we come out of this crisis.

Many school districts face budget deadlines on June 30th, like 6 days from now, while we wait in uncertainty for our legislature to stop playing political games. Ms. Piper Bognar, the superintendent at Van Dyke Public Schools, described the situation in Michigan as follows, and I'm quoting from a letter she sent me.

"Education funding has become an unsteady system, one in which our children become pawns in hopes that someone somewhere will say the magic words to convince our majority," in the State legislature that is, "that their future in the most advantaged country in the world is worth funding."

Secretary Cardona, the American Rescue Plan requires states to allocate ARP funds in an expedited and timely manner, and to the extent practicable not later than 60 days after the State receives the funds. Do you know how many states are distributing funds within the 60 days, and for states that are not meeting this deadline, what has the Department heard from these states?

Secretary CARDONA. Thank you, Congressman Levin for that, and I appreciate the sentiments of the superintendent, who is absolutely right. We shouldn't be questioning whether or not the funds are needed. I can tell you that programs are being planned over the summer into the fall to recoup some of the loss.

We're making sure that class sizes are adequate for students that are coming back. We're making sure that the social and emo-

tional needs of students are being cared for when they come back. We shouldn't be—we shouldn't be wondering whether or not those funds are going to be there with regards to maintenance [inaudible]—

We work really—we put out guidance on that before we even put out guidance on what the plan should look like, because we wanted to make sure that folks know. This doesn't mean—this Federal support doesn't mean that they don't have their responsibilities at the State and local level, where they've also received ARP funds to do what they need to do around education.

So we've had over 100 calls. We've had webinars with states, and we've actually had conversations with specific offices, to make sure that they're following the expectations that we have and the rules that you laid out with the American Rescue Plan, to get the funds into the schools and that they're doing their part.

So ongoing conversations and we'll continue to do that to make sure that students aren't being shortchanged here.

Mr. LEVIN. Well so for states like my home State of Michigan that are delaying funds to school districts due to legislative or budgetary processes, I want to know what you think the Department can do or what we can do to help you. We want to partner with you to make sure these states expedite allocating the money to the school districts in a timely manner. So whatever we can do to partner with you, we want to do.

Secretary CARDONA. Right. We have 35 states that have already moved forward before the June 7th or on June 7th deadline. There are 15 states that have legislative processes that are holding it back, but we're in communication with those. But that doesn't mean that the distribution of funds that they currently have getting to the schools should be delayed at all.

As you know, two-thirds of the allotment was already distributed, and those funds should be making their way to the classrooms. And it doesn't mean that the State has not put in their part. So happy to have more conversation with you. Happy to have our team followup as needed, to make sure that that's happening.

Mr. LEVIN. Well thanks Mr. Secretary. I just need my colleagues to understand that when we refuse to fund our education system with the necessary investments and resources, we fail the children of this country and we deprive our hopeful, bright and striving kids of the future that they deserve.

Mr. Secretary, I look forward to working with you to get the America's College Promise Act done, to get the Jobs Act done, to you know, relieve student debt and so many other things. You are a breath of fresh air sir, straight from the front lines of real public education in this country, and we're delighted to have you. With that Mr. Chairman, I'm yielding back with my time expired. Thank you.

Chairman SCOTT. Thank you. Next will be the gentlelady from Tennessee, Ms. Harshbarger.

Ms. HARSHBARGER. Thank you, Chairman and Ranking Member, and thank you Secretary Cardona for being here today. I appreciate that. I have a couple of yes or no questions and the first is do you believe the public deserves to know if our adversaries are funneling

money into our research institutes. That's the first one. Is that a yes or a no?

Secretary CARDONA. Yes.

Ms. HARSHBARGER. OK. Well you know, and I know other colleagues have talked about that. Do you think it's time we start putting stricter penalties in place for that non-compliance?

Secretary CARDONA. Well it's more than a yes or no response to that. I think we have to make sure that the systems that we have set up to monitor this and to work with our universities is clear and transparent, and we have to make sure that we're doing our work to—due diligence to buildup those systems, communicate them.

So without having understanding right now specifically about which universities or which programs you're talking about, I would tell you that I am committed to working with you and others to make sure that these concerns are being addressed, looked into and we're transparently communicating what we're doing.

Ms. HARSHBARGER. All right. I'm going to switch topics and just ask a yes or no and then we'll go into that. Do you support a women's right to earn an athletic scholarship sir?

Secretary CARDONA. I support all students' rights to do well in sports and earn scholarships.

Ms. HARSHBARGER. OK. Well, I take that as a yes, and my next question is why is a supporter of women's rights to earn a scholarship did the Department of Education change the definition of Title IX to allow biological men calling themselves women to compete for scholarships against biological women, and why did the Department do so via press release rather than the traditional rulemaking without the input of stakeholders?

Secretary CARDONA. We emphatically support all students taking advantage of all opportunities in our schools including athletics, the arts, and that includes transgender students. So that's something that we stand firm with, and we recognize that discrimination against any students is unacceptable, and we stand strong there.

Ms. HARSHBARGER. Well you know, I'm looking at a new national survey that says 74 percent of Americans want to keep sports single sex, and I have been in the health care field as a pharmacist for 35 years sir, and science tells us that men biologically develop muscle mass much quicker than women.

And personally, I believe that you're doing women just such a real disservice by allowing men to compete and win scholarships that should be reserved for biological women. And that's my statement. It's not just me talking; it's 74 percent of America basically wants single sex sports.

So just wanted to get you on the record for that. Now I want to yield the balance of my time to Dr. Foxx.

Ms. FOXX. Thank you very much. Mr. Secretary, following up what I started before when I began, we want students to have the opportunity to attend an institution that best fits their needs, both academically and personally. At the same time, we must recognize the fundamental rights guaranteed in the First Amendment to the U.S. Constitution, including freedom of religion, which extends to universities with sincerely held religious missions.

Can you confirm today that you will uphold the Title IX religious exemption as it currently is applied?

Secretary CARDONA. Yes, through our OCR Office we will.

Ms. FOXX. Will you commit to continuing to respect religious missions of universities as well as the right to faith-based student organizations to organize under their faith at their college or university?

Secretary CARDONA. Yes.

Ms. FOXX. OK. The Office of Federal Student Aid was set up as an apolitical performance-based organization because it is the operational arm of the Federal student loan program. It is supposed to manage and oversee operational aspects of an over one trillion Federal student loan program. The operational arm, Section 141 of the Higher Ed Act requires the appointment of the COO of FSA shall be made on the basis of demonstrated management ability and expertise in information technology, including experience with financial systems and without regard to political affiliation or activity.

All the previous COOs have demonstrated experience in running them. However, the current COO has run in numerous elections, held elected office. While I appreciate his expertise at the CFPB, that does not equate to actual experience in information technology and financial systems.

Our constituents take their repayment obligations seriously, and they need to know FSA is not playing political games with their financial livelihoods. Mr. Secretary, Mr. Cordray himself has made comments about not understanding what the job really entails.

Given his questionable qualifications, his own comments, why should the 40 million student loan borrowers and their families have confidence that Mr. Cordray has the operational experience necessary to run the student aid programs?

Secretary CARDONA. Thank you, Congresswoman. I have complete confidence in Richard Cordray. He comes from consumer protection. We need student protection, and we're going to fight to make sure that all of our students have access to quality programs and get a good return on investment and go through processes that are simpler, so that they can take advantage of higher education like all other students.

Ms. FOXX. And I hope you're going to protect the taxpayers' dollars also. You're not ever talking about that and neither do our colleagues. The money that's funding those programs is coming from hard-working taxpayers. Thank you. I yield back.

Chairman SCOTT. Thank you. The gentlelady from Michigan, Ms. Stevens.

Ms. STEVENS. Well, but we've been a Michigan row here. Thank you so much, Mr. Chair and thank you Mr. Secretary. This is the first time I've had a chance to really congratulate you on your leadership post in our Federal Government on behalf of the United States of America. I just wanted to let you know we've all been so proud of you and know you've got your hands full.

And you've given great testimony and, you know, been answering a lot of questions today, just showcasing your deep knowledge and passion for American education and what so many are relying on through our schools. Obviously, the learning experience that our young people have gotten, particularly this last year and a half

where it's been so challenging and so different. So you certainly are the right person for the right time sir, and you know, over the last year, and this is something we've seen in Michigan and something I'm really passionate about with our skilled trades and our career and technical education, our CTE training programs that, you know, some of the first calls I made when the shutdown began with our pandemic, you know.

What's going to happen to these programs, and they really couldn't operate at full clip, you know. I've seen that from Open University down to Schoolcraft, our Oakland Technical Campuses, which are a real delight. I want to get you in and see those.

But can you just shed a little bit more light on what the Department is doing to help states and local areas address some of these missed learning opportunities that we've experienced, particularly for CTE over the last year and some?

Secretary CARDONA. Thank you very much, Representative Stevens. You know, we need to make sure that when we talk about building back better, CTE has to really—we really need to double down on what we're doing there. I look at it, if we continue the way we've done it, we're going to have a missed opportunity here, to make sure that our pathways going from middle school to high school to the 2-year programs are clear, and they address the workforce needs that exist.

I don't have to tell you, Michigan in my opinion, is the leader in this. Where we have the workforce needs out there, we have to connect the dots and make sure that our K-12 system, our community college system is connected and talking to—they're talking to one another. There's 1.47 billion in discretionary requests to support that work.

You know, there's 128 million increase over the Fiscal Year 2021 to do this work. There's a commitment not only with resources, but with intent for us to evolve our system to do a better job connecting CTE into our K-12 institutions, toward 2-year colleges. With the American Family Plans, there's just an opportunity here for our country to really rebound.

21 percent earning potential increase for students who graduate community college. We have a lot of work to do and I'm excited about doing it.

Ms. STEVENS. Yes, and I remember when I was working on the U.S. auto rescue in the Department of Treasury. We spent some time thinking about our manufacturing communities and really working with the Department of Education and your voc ed agency on, you know, helping to meet our skills gap and employment opportunities.

And then the other subject too I just wanted to get to, Mr. Secretary with the remainder of my time, is the automatic suspension of monthly payments throughout the COVID-19 pandemic offered immense relief to Federal student loan borrowers, allowing them to focus on other essential needs for their health and safety and that of just their families.

Obviously, the COVID-19 emergency relief flexibilities on Federal student loans are now set to expire in the next three short months. What resources or guidance does the Department plan to

offer to borrowers and servicers that are concerned with the quickly approaching repayment deadline?

Secretary CARDONA. Sure, thank you for that and you're absolutely right, you know. Over one million borrowers whose loans were paused saved over \$5 billion a month, and that allowed them to help recover from the pandemic. We understand that as we start thinking about reinstating, we have to have really clear communication with our borrowers, make sure that we're empathetic to where they are, make sure that we're keeping them at the center.

It can't be just turning on the loan again and not being clear on communication, making sure that our lenders are working with us to make sure that we're keeping the students at the center, and recognizing that in many cases other parts of pauses are done and they're paying rent now and their mortgage and going back to work and children going back to school.

There's a lot of different moving parts. We have to be sensitive to the borrowers, and make sure that we're communicating quickly and frequently.

Ms. STEVENS. Great. Thank you so much and Mr. Chair, I yield back my time.

Chairman SCOTT. Thank you. The gentlelady from Illinois, Ms. Miller.

Ms. MILLER. Thank you, Chairman, Ranking Member Foxx, and Secretary Cardona. Your department recently released this resource for students and families called "Confronting Anti-LGBTQ I+ Harassment in Schools." This document gives an example of harassment, which is a teacher telling students that there are only two genders, boys, and girls. Before we start penalizing teachers for stating a genetic and biological fact about genders, can you please clarify for the Committee how many genders there are?

Secretary CARDONA. So I know what you're asking, but I'm going to get to the root of what you're asking. I feel very strongly that as educators—

Ms. MILLER. I'm not—

Secretary CARDONA [continuing]. we are, it's our responsibility to protect all students.

Ms. MILLER. You used as an example of harassment a teacher who stated there are only two genders, male and female. That's a genetic and biological fact. That is an example you are, under your leadership that you're putting out to people. How many genders are there?

Secretary CARDONA. What would you respond to a student who is non-binary in your classroom?

Ms. MILLER. But how many genders are there? Will you please state—

Secretary CARDONA. I won't be answering your question. You can continue your line of questioning.

Ms. MILLER. OK. Well, this resource also says that preventing a male student from joining a sports team, you see? Can you pick out the male? The male student from joining a sports team designated for females constitutes harassment under Title IX. Mr. Secretary, can you please confirm that the Department's interpretation of Title IX requires schools to allow transgender girls, in other words biological males who claim to identify as female that have signifi-

cant advantages in size and strength, to compete on female-only sports teams?

Secretary CARDONA. Title IX protects all students against sex discrimination or gender identity. All students, no exceptions.

Ms. MILLER. So you're saying your interpretation is going to force girls to play against larger, stronger, biological males in sports?

Secretary CARDONA. I think you're missing the point here, where students need to feel welcome into our schools, and we need to create welcoming environments. We recognize that sports and other extracurricular activities are opportunities for students to engage and build team-building skills, set goals for themselves and continue to thrive.

I don't promote any type of discrimination toward any students, and Title IX reinforces that.

Ms. MILLER. But it is promoting it when you use as an example that it's harassment to not allow biological males to participate in female sports, which will be the end of women's athletics.

Secretary CARDONA. That is incorrect.

Ms. MILLER. There are those of us who remember 7th grade biology. We're taught that there are only two sexes in the human species. Does the Department plan to investigate and then penalize teachers under Title IX who continue to teach the biological fact that there are two sexes?

Secretary CARDONA. This is another example where it demonstrates a lack of confidence in our educators to be able to meet our students where they are and welcome them into school environments that are free of discrimination and harassment.

Going back to my opening comments when I heard from students at Harvey Milk School, they want schools that embrace them and welcome them and provide nurturing environments. That's what I'm going to stand behind 100 percent. Title IX reinforces that, and the students that I speak to that are in school today respect that and appreciate that and they want that from their educators and their leaders. That's what they're going to get from me as Secretary of Education.

Ms. MILLER. Thank you. Your interpretation and leadership, preventing a student from using an opposite sex bathroom would constitute harassment under Title IX. Can you explain how schools are going to stop male students from claiming they identify as female just to access the girl's restroom? Do schools have the ability to challenge a student's professed gender identity to prevent sexual harassment in schools?

Secretary CARDONA. I have complete confidence in the educators across the country who have been dealing with this. This isn't new in our schools. I invite you to speak to educators across the country and visit a school where they've successfully created a sense of community while accepting students from transgender students and students who are not identified as transgender, who are able to learn together and support one another. We can learn a lot from our students and a lot from our schools.

Ms. MILLER. Mr. Secretary, I'm truly shocked at your position on these issues. While I have nothing but sympathy for those who struggle with gender confusion, instead of offering these kids help

your department is planning to punish schools who attempt to protect girls privacy and support female athletics.

Our school administrators and teachers have better things to do then enforce the Biden administration's extreme gender ideology. I am disappointed that you are advocating for a few students to feel safe, but not advocating for the majority of girls who will not feel safe or comfortable under your rules and guidance.

I have five daughters. They would feel extremely uncomfortable either on the sports teams or in the locker rooms, and also you—I want to remind you as a former Member brought up, 74 percent of Americans agree that you're on the wrong side of this issue. And also it is true if men are allowed to compete in women's sports, the sports will be dominated by men.

Just in 2017, Olympic world and U.S. champion Tori Bowie's 100-meter lifetime best of 10.78 seconds was beaten 15,000 times by men and boys.

Chairman SCOTT. The gentelady's time has expired. Can you finish up?

Ms. MILLER. Thank you, and I yield to Dr. Foxx.

Ms. FOXX. Mr. Chairman, I'm well aware that the gentelady's time has expired. We're now about even.

Chairman SCOTT. OK, thank you. The gentelady's time has expired. We may, the Ranking Member and I may have to go to the floor for a bill. I'll be handing the gavel over to another Member. So I recognize myself for questions at this time.

Mr. Secretary first, just a simple question. Has the Supreme Court weighed in on the issue of transgender discrimination? They've had a number of different cases on this point, is that right? You're on mute, yes.

Secretary CARDONA. Sorry sir. Sir, we're aware of our Title IX rules and we plan to enforce them, and I understand that this is an issue that's being brought up here. But we stand firm with our Title IX regulations.

Chairman SCOTT. And try to comply with the Supreme Court?

Secretary CARDONA. We have to, to protect all students.

Chairman SCOTT. Thank you. Mr. Secretary, the Congress has appropriated significant funding for K through 12 education under the American Rescue Plan, and previous COVID-19 relief bills. Are you putting in a mechanism to oversee how this money is spent, to make sure that the money's being spent well?

Secretary CARDONA. We have plans that are being submitted and reviewed carefully and responded to by our Office of Elementary and Secondary Education, and where necessary we're having conversations and meetings with different states to ensure that equity and stakeholder engagement are a part of it.

Chairman SCOTT. Thank you. One of the things that we frequently hear is that the money that's been appropriated hasn't been spent, but there is a difference between spending the money and obligating the money. Obviously if you hire a teacher today, you're not going to spend that money today. You're going to spend it over the next at least 1 year if not more than that, depending on how long the contract is.

Can you say a word about the difference between obligations and spending?

Secretary CARDONA. Sure. Thank you for that and, you know, this reminds me of the conversations I had when I was Commissioner of Education with the superintendents. You know, we're committing to hiring new teachers, but that money will be drawn down as the contract, you know, as the teacher's teaching, as the years go on.

Two-thirds of the money has been obligated already, and I think that's pretty remarkable given that we're 15 months into this pandemic. So I do think educators are being very careful with the dollars. It was mentioned earlier to make sure that we're protecting taxpayer dollars, that's what's happening. Superintendents are protecting taxpayer dollars, ensuring that the money goes to where it's needed most.

And I think, you know, the majority of it has been obligated already. The drawdown will happen as the services are delivered.

Chairman SCOTT. Thank you. At one-point last year we understood that about 100 percent of the money had been obligated, but obviously not spent. So we need to be careful about the language we're using, to make sure we're being accurate.

Under the proposed budget, Title I funding is significantly being increased, primarily by creating a new Section G under Title I. Can you explain why Title I funding is being significantly increased by creating a new Section G, rather than putting the money into Title IA?

Secretary CARDONA. Thank you for that question and an opportunity to clarify. Title IA certainly meets needs of students and it is intended to address some of the inequities that currently exist, with support for students in greatest need. The way this was rolled out is because there are—while we definitely want to make sure that we're also addressing students whose needs are most impacted, we want to have an opportunity to examine how post-pandemic those needs might have shifted a bit and be able to address those.

It's going to complement Title IA, Part 1A, but it provides an opportunity for us to listen to stakeholders, to see what post-pandemic needs there are so that the funds could also address those.

Chairman SCOTT. Thank you. In the President's infrastructure proposal, the American Jobs Plan, there's 100 billion set aside for school infrastructure evenly split between grants and bonding authority. The Reopen and Rebuild America's Schools Act provides \$100 billion in grants and 30 billion additional dollars in bonding. Could you please speak to the importance of grant funding for high poverty school districts in financing their school construction?

Secretary CARDONA. I'd be happy to Congressman. It's best illustrated in the visit that I had to a school in Philadelphia, where the building was over 130, 140 years old. The ventilation system was very old and needed a lot of work, and that prevented students from coming in at the same rate as students in other communities, the actual facilities.

Unfortunately, the first thing to go in many budgets, local budgets is facilities management or upkeep or upgrades, and the pandemic brought that to bear. Now we know that in many cases schools in urban districts, the schools haven't been kept up or modernized in many years.

So the funding in the proposals are critical to make sure that we level the playing field and that all students can go into schools that are optimal for learning and for success.

Chairman SCOTT. Thank you. My time has expired. Dr. Foxx, did you want to be recognized at this point?

Ms. FOXX. Yes sir.

Chairman SCOTT. The gentlelady from North Carolina, the distinguished Ranking Member Dr. Foxx is recognized for five minutes.

Ms. FOXX. Thank you, Mr. Chairman. Secretary Cardona, I want to say I think you can be a fabulous role model in the job that you're in, and I note with great interest that you smile greatly when you talk about CTE and other programs like CTE and helping students gain careers. So I appreciate that very much, and I think you do know a lot about that and can be very, very positive in that role. But I do have some other questions related to particularly borrowers and student loan issues.

In Spring 2020, Congress and the Department took active—acted quickly to provide relief to student borrowers. These relief measures have been subsequently extended and expanded on several occasions. One of these expansions occurred on March 2021 when you announced a process for “special mandatory assignment” for newly defaulted FFEL borrowers, whose loans are managed by guarantee agencies.

It's my understanding this will impact roughly 200,000 borrowers. Why is the Department initiating this process?

Secretary CARDONA. Yes, thank you. We recognize that borrowers need support, and we want to make sure that we're providing it to all borrowers who we can provide support to and relief, so they can get back on their feet before repaying.

Ms. FOXX. But do you realize that this is going to have a negative impact on these borrowers, as they will still have a default on their credit report from the lenders? How does it plan to address that?

Secretary CARDONA. You know, we want to make sure that we're addressing the needs of our borrowers, and we're recognizing the challenges that are provided. We want to work with them to hear the negative impact they're having.

I can assure you I want to hear your perspective on this and work with you, to make sure that we can help our borrowers when they leave and make sure that our FSA and our Department is supporting our borrowers and addressing whatever issues they have, problem-solving with them and with you to give them the best experience.

Ms. FOXX. Well according to the Higher Ed Act, in order to initiate the “mandatory assignment process,” the Secretary must determine it is in the “Federal fiscal interest.” So how much does the Department estimate this will cost versus leaving the borrowers with guarantee agencies? Remember those hard-working taxpayers again.

Secretary CARDONA. Always, Representative Foxx. I think it's really important that we communicate that we're balancing protecting our borrowers and making sure we're protecting taxpayer dollars as well. We're looking at all available options, and we want

to make sure that in this process, we're listening to our borrowers but also to the challenges that come forward that you're bringing up.

Ms. FOXX. Well we'll hold you to your commitment to work with us on this issue. Mr. Secretary, the value of a college degree is that it can create more employment opportunities, lead to higher earning, and produce an overall positive return on investment following graduation.

While we all agree that the top priority for education institutions should be to prepare students for post-college success, far too many institutions have been inadequate in doing so and have faced little or no repercussions.

In fact, while just one in four community college students graduates in 4 years, your department has proposed giving these institutions hundreds of billions of dollars without any assurances to taxpayers that such schools will improve student outcomes, all the while punishing schools graduating twice as many of their students simply because they're classified as for-profits or taxpaying institutions.

Instead of penalizing schools based on their tax status, I think it's time we judge the quality of an institution by the ability to serve its students. Can you commit to holding all institutions accountable for poor student outcomes, not just those that pay taxes to the Federal Government?

Secretary CARDONA. Thank you, Representative Foxx. Yes, increased commitment—you have an increased commitment. We're going to be monitoring the return on investment for all. But I have to comment, community colleges also provide a very wide net for people that probably would not consider college, but those community colleges are a great place for them to start.

We have to do better with graduation rates, but I also want to applaud their efforts to bring students in that wouldn't ever be considered in some other institutions.

Ms. FOXX. I know. I spent 7 years as the president of one. So to followup on our concerns about the management of FSA and the apparent disconnect between yourself and COO Cordray on the decisions being made regarding Federal student aid. These concerns are exacerbated by the fact that it appears a sitting U.S. Senator has been heavily involved in the decisionmaking process at both FSA and the Department.

Just this week, it was reported that Senator Elizabeth Warren is holding up the nomination of James Kvaal for Undersecretary of Education until changes are made to FSA's administration of student loans. Why is Senator Warren running higher education policy via proxy staff?

Secretary CARDONA. So I can tell you I look forward to having James Kvaal join the team. Really, we need to get to work. We need to roll up our sleeves and get to work. I don't know that anyone else is working through a proxy. I can tell you that we're eager to have a full team, so we can do what we were hired to do, which is serve our students both in K-12 and higher education.

Ms. FOXX. Thank you, Mr. Chairman. I yield back.

Chairman SCOTT. Thank you. The gentlelady's time has expired. At this time, I'm going to hand the gavel over to the gentleman

from the Northern Mariana Islands, Mr. Sablan, Mr. Sablan, and the next person to be recognized would be Ms. Leger Fernández. Mr. Sablan.

Mr. SABLAN. Yes, thank you. Thank you, Chairman Scott. Next up the gentlelady from New Mexico, Ms. Leger Fernández. You have five minutes please.

Ms. LEGER FERNÁNDEZ. Thank you so very much and thank you Secretary Cardona for appearing and answering the many questions you have with such respect and knowledge. I appreciate your demeanor, as well as your passion for education. So you know, I'm from New Mexico and the Native American populations across this country were among the most academically vulnerable and under-resourced groups before the pandemic.

But according to the American Indian Education Foundation, the rate of high school graduation for American Indian students is 46 percent compared to the national average of 89 percent. As you know, the negative impacts of COVID-19 have only widened pre-existing disparities.

Could you explain and discuss what steps the Department is taking to support Native American students?

Secretary CARDONA. Thank you very much for that question, and you know we've talked a lot about making sure that we're targeting students that require additional support, and that were negatively impacted by the pandemic. I appreciate this opportunity to speak to that.

I recently met with Secretary of Interior Deb Haaland, and we talked about our passion and our commitment to work together to model what we want to see across our country with regard to Indian education and Departments of Education. We have an opportunity here to really lift up our Indian education and our students.

So in addition to the funds to support recovering from the pandemic, you're going to see a renewed interest in making sure that we're lifting up good examples of great education for Indian American students and making sure that we're addressing and listening to them to see what their needs are.

I think it's critically important that we don't come in saying this is what you need. They don't need that. What they need is to be partners at the table to tell us what they're experiencing and how we can best support them. And I look forward to that partnership starting very soon and getting out there and visiting Indian country to listen directly to the students and to the families.

Ms. LEGER FERNÁNDEZ. Thank you very much Secretary Cardona. We have some very good examples in New Mexico. The Santa Fe Indian School, which is a BIA tribally run school but also the Native American community academy knockoff (phonetic), which do amazing jobs and send their students to Harvard and Yale and Stanford and the University of New Mexico.

I want to touch a bit on an issue that just came up before I was able to get on the hearing with regards to, you know, a conversation I was having with the director of our major cancer center in UNM.

We've been talking about the fact that we have a great need for public health professionals, and that as we come out of the pandemic and look at the need to address the disparities in health out-

comes, it also means that we are going to need more students who graduate and come out with a public health perspective.

We're going to need more doctors; we're going to need more nurses. Some of that is going to be available as we fund the community colleges that we were just talking about, and as we provide more funds to minority-serving institutions. 23 of our 29 institutions in New Mexico are minority-serving, but I think having an emphasis on developing more of those medical professionals.

What is the Department of Education doing with regards to trying to anticipate that public health need?

Secretary CARDONA. Thank you for that question. You know I think all educators and educational leaders over the last year have become quasi-epidemiologists or having—had to learn a lot more about epidemiology than we ever thought we would have to. But it really paints the picture of where we need to go as a country, and if our educational system doesn't evolve with that, we're going to miss an opportunity to give our students success, an opportunity for success in careers.

So what I'd like to see is with the 100 million that's going toward CTE development, making sure that we have career pathways in our K-12 systems that connect to our community colleges, that connect to our 4-year programs, that connect to our workforce. Giving students an opportunity to get into public health, to get into those fields that we know we need moving forward, so that we're prepared in the medical field, in the health field to address whatever comes our way.

We really need to be predictive and work with our colleges and work with our workforce partners and work with our industry to see what's coming and be prepared before it's here, to get our students ready for those careers. I look forward to that evolution in our schools. It's something that when I first came on board, I mentioned we need to evolve quicker in our high schools and in our colleges, and we need to make a through line a little bit more explicit.

Unfortunately, there's a gap that was created between our high schools and our colleges, and we have to work hard to make sure that we get rid of that, so that our students have a clear through line and they look at college as an option earlier. 6th-7th grade they start thinking about how they're going to go on to, whether it's a 2-year program or a 4-year program. We need to do a better job with them.

Ms. LEGER FERNÁNDEZ. Thank you very much, and I did also want to discuss issues around broadband access, but I see my time has expired, and I do thank you for your consideration of our questions.

Secretary CARDONA. Thank you very much, and the broadband issue is something that we need to put in our rearview mirror. It's time to close the digital divide. The infrastructure plan can help with that. I agree with you on that, thank you.

Mr. SABLÁN. Thank you, Mr. Secretary. Now let me recognize the gentleman from Utah, Mr. Owens. You have five minutes sir.

Mr. OWENS. Thank you, thank you very much. First of all, Mr. Secretary thank you. My parents, both my parents were also educators, and they love the profession, and I can tell as I'm listening

to you that you have that commitment also. I appreciate that. This is what our kids need.

I would like, before I ask a couple of questions, to just kind of a note. I'm a father of five girls. I played in the NFL for 10 years, and I was just taught good old common sense, and that is girl athletes cannot compete against boy athletes. It goes back to the same thing of, you know, as much as I want to change the laws because we think they might be fair, there's laws of gravity, God's laws of gravity that you just can't change because we don't, we think it's not fair.

So I just want to make that point, because I think it's very unfair for young ladies to not have the hope and dreams of succeeding because they're competing against men, OK, and boys.

I've spoken to many parents over the past year that are frustrated, and feel somewhat hopeless and helpless, felt that way due to lack of resources to send their children to another school, to resume in-person learning. In 2017 75 percent of the black boys in the State of California could not pass standard reading and writing tests. In 2019, only 14 percent of the black high school students in Baltimore were proficient in language arts and only three, and there were three schools that had zero percent proficiency in math.

Whenever the topic comes up, this is—I've experienced this over the last 40 or 50 years, whenever the topic comes up with children failing children having a choice, it seems to shift to the impact of a failing school if the children left. I think you would agree and I'm hoping you agree that it is about the child, not about the school. Am I correct on that? I'm sorry. Oh boy. Can you hear me?

Secretary CARDONA. Yes. No, yes.

Mr. OWENS. OK, OK, all right. I'm glad it wasn't me. Thanks, because I'm lost with technology. And so Mr. Secretary, would you commit to supporting expansion of school choice for minority children across our country? This is one of the areas that I have a very passion for, because I've watched my community that was really into education lose it the last 6 years because poor children do not have a choice like many other children to leave failing schools.

Secretary CARDONA. You know, I think the President made it very clear. We're not using Federal dollars to support voucher programs. But what I will say, and I appreciate your perspective. I appreciate the data you showed. That's alarming. That's concerning for any student that's left in that school. So what we need to do is make sure we're investing appropriately in education, which this plan does, to make sure that every school provides the programming and support that all students need.

I agree that those data are unacceptable. I agree that we need to double down. But you know, when we have students leaving a school because it's underperforming and we're not investing the resources in that, the students that are left in the school need support as well. So I'm a really big believer—

Mr. OWENS. OK. Can I just—can I just continue real quickly. I've heard that for years, and the bottom line is because of that attitude, 75 percent of the black boys in the State of California are stuck and they do not learn, and they don't have the hopes and dreams that you and I have. I would think, I would hope that if

your children were in those schools, that your attitude would be, or the suggestion would be how do we change that?

Don't just leave those kids there to languish because schools are not, are not succeeding. That's my frustration. I've seen it for decades, and by the way, the voucher system was working in D.C. years ago. 93 percent of the kids coming through those systems with vouchers were succeeding in going to college.

That was ended when the Obama administration came on board, and that went down back to 50, 40 to 50 percent that were succeeding. So the voucher program works. What would be the solution if you're not going to use a system to support getting kids to a better school? How do you support, how do you plan on making that happen other than just knowing that it's a problem?

Secretary CARDONA. Thank you, Representative Owens and again, I appreciate your passion and I respect where you're coming from. You want better and I get that. So do I. You know a recent IES study found that 20 percent of the students stopped using their voucher after a year and 22 percent didn't even use them at all. So my suggestion—and listen this is me being a teacher—

Mr. OWENS. OK, 1 second, 1 second. Can I ask another question? Are you saying that the kids, the parents who had put in for vouchers were not using them? Because right now from where I stand, they're lining up by the thousands to get vouchers, because they love their kids as much as we love our kids. So are you saying that they're not going, they're not using the vouchers when they have an opportunity to go to a better school?

Secretary CARDONA. Yes. Happy to have my staff followup on those data points. 20 percent stopped using the voucher after a year. 22 percent didn't use them at all an IES study found. We'll get that over to you.

Secretary CARDONA. I will, yes. But what I was saying earlier is, you know, I went to a school that currently now is like 80 percent poverty rate. But we can give those students and those schools the tools that they need to be successful. Students should be able to be educated in their neighborhood school and be successful.

Mr. OWENS. Thank you, thank you. OK, I'm running out of time. I just want to say this. This has been going on too long, and the answers are not working. We have too many of our kids who have never, ever had the opportunity to read and write, to have the conversation we're having now because they never learn how to think.

So please address this. It is a major issue. This is the next civil rights. We need to make sure our kids are thinking, particularly black kids who are told at the same time this country doesn't work for them. It will not work if they're not educated. So thank you so much. I appreciate it.

(Simultaneous speaking.)

Secretary CARDONA. Thank you very much. Nice to talk to you.

Mr. SABLON. Thank you, Mr. Owens. I would now like to recognize Ms. Omar from Minnesota for five minutes please. Ms. Omar.

Ms. OMAR. Thank you, Chairman and thank you Mr. Secretary for joining us today. It is really exciting to have the opportunity to hear from you the Department's priorities and some of the highlights the things that you all have been up to.

I want to start off by acknowledging the steps the Department has taken on improving the existing debt cancellation programs targeted at certain populations of borrowers, such as the severely disabled, defrauded by their colleges and public service workers. This is a really good start to a very large problem that is holding millions, millions back from pursuing their dreams of home ownership, opening a business, and starting a family.

The Federal Reserve estimates that in the third quarter of 2020, Americans owed more than \$1.7 trillion in student debt. That is 45 million people shackled by student debt. While three COVID relief bills have provided some relief to struggling borrowers, the pandemic has exacerbated the needs of millions who were having trouble before the pandemic.

With millions out of jobs on the verge of eviction, dealing with the losses brought by the pandemic, the last thing people should be worried about is their student loan debt. In my home State of Minnesota, there are over 750,000 student borrowers with each owing an average of 35,000.

We are in a critical moment, where every decision and every move we make can impact the lives of generations to come. We need to take bold action to cancel student debt and give families across the country the opportunity to pursue their dreams of home ownership, opening a business and starting a family. We need to invest in the future of the American people.

It can, if we can afford trillions of dollars in tax cuts to corporations, we can certainly afford to cancel all student debt. When Senator Bernie Sanders and myself first proposed the idea of canceling all student debt, we were called radicals. Today it is mainstream position of the Democratic Party, and millions of Americans across the U.S.

Democrats and other proponents of canceling the student debt argue that the President has the authority to cancel student debt under the Higher Education Act of 1965. The truth is the President has already exercised that authority by pausing the student loan payments during the coronavirus pandemic and several lawyers and legal scholars have written analyses in support of that view.

So my question is what is stopping the administration from taking this extra step that we've all been calling for, and carrying out a cancellation of the student debt?

Secretary CARDONA. Thank you, Representative Omar for your passion for the borrowers and the students and promoting the loan relief for borrowers. I recognize the challenge it is for students who are in debt, who are making decisions and have this debt hanging over them. I can assure you that I share your concern, to make sure that all students have an opportunity to be successful.

You know, buying a home and as you said starting a family or opening up a business are things that shouldn't be permanently paused because of significant and unwieldy debt. With that said, we are having the White House and DOJ and our legal team discussing that, and we're going to continue to do that. But I have to really—

Ms. OMAR. Mr. Secretary, I know that there was a memo that was supposed to be done by your Department and DOJ. What is the status of that memo?

Secretary CARDONA. Sure. So those communications, the DOJ and our attorneys are discussing that before anything goes out. So it hasn't been—there's nothing public yet. You would have information if it were. But they are having those conversations.

But what I wanted to share too is I think it's equally as important that we stop the bleeding, that in 5 years from now we're not in the same position. So we want to make sure that we're really protecting our students and our borrowers with the public service loan forgiveness, with the borrower defense and the total and permanent disability discharges that we can do now, that we know we can do, and we haven't been sitting idle.

Over \$2 billion in relief has been provided in the last several months, because we recognize that where we can, we will provide support to students. We're going to continue to have these conversations. I appreciate your passion and support of these students.

Ms. OMAR. I appreciate that Secretary. I look forward to seeing that memo released. It is important that we recognize incremental changes are—. But this issue is one that is just causing lots of damage to the American public, and it is important for us to take the critical step of canceling student debt. With that, I yield back Mr. Chairman.

Mr. SABLON. Thank you. Thank you, Ms. Omar. I now recognize Mr. Cawthorn for five minutes.

Mr. CAWTHORN. Thank you very much, Mr. Chairman. The Department of Education represents one of the most significant examples of government overreach in modern America I believe. For the past year, this bureaucratic nightmare agency spawned from the big government has muzzled our children, shuttered our schools, and shoved socialism into the minds of young Americans. As a representative government, we must seek to protect the America our founders envisioned and fought for. Nothing is more critical than protecting the hearts and minds of young children who are just now beginning to learn about our great nation. I denounce the efforts of the DoE to keep our children out of classrooms. I denounce the efforts made to indoctrinate them to hate this country using Critical Race Theory, and I stand firmly with the parents of young Americans everywhere.

Mr. Secretary, our Committee has heard from parents whose children's lives are devastated by their schools refusing to reopen, even when the science clearly supported the safe reopening of schools and even after the science also proved there was a potential significant harm of keeping kids out of schools and that had become clear.

In response to those parents, Democrats have laughingly argued that these parents are wrong, and that the teacher unions' obstinance on reopening was necessary to protect students' well-being. Mr. Secretary, do you agree with the parents or the teachers' unions?

Secretary CARDONA. So thank you for the question. My track record shows that I've been able to work with parents and teachers, to make sure schools open safely and quickly. We were able to do that in Connecticut when I was Commissioner of Education, and I don't believe the two are mutually exclusive. As a matter of fact, many teachers are parents.

Mr. CAWTHORN. Well that's good to know, sir. Well Mr. Secretary, the stated purpose of the Department of Education is at its core to provide a high-quality education to America's youth; correct?

Secretary CARDONA. Correct.

Mr. CAWTHORN. That's good to know, and you firmly believe that every effort should be made to provide the highest quality education for our youth?

Secretary CARDONA. Yes.

Mr. CAWTHORN. Good sir, good. I'm glad to know that. Mr. Secretary, I'm from North Carolina. Have you ever been to Hendersonville?

Secretary CARDONA. I've been to North Carolina, but not to that community.

Mr. CAWTHORN. OK sir, so I assume based on that, you have never been to Hendersonville High?

Secretary CARDONA. Correct.

Mr. CAWTHORN. Good to know. Mr. Secretary, you've never spoken with Hendersonville High School's history teachers; correct?

Secretary CARDONA. No.

Mr. CAWTHORN. Their English teachers?

Secretary CARDONA. I'm very interested in talking about how this budget's going to help students across the country.

Mr. CAWTHORN. I'm sorry Mr. Secretary.

Secretary CARDONA. I know it's your five minutes, but this is an opportunity for me to promote the President's plan.

Mr. CAWTHORN. Mr. Secretary, I'm going to claim back my time for one moment sir. So you've never visited Haywood County Community College, have you?

Secretary CARDONA. No, I have not.

Mr. CAWTHORN. Mr. Secretary, what are the top three challenges that you believe the Haywood Community College system faces?

Secretary CARDONA. As I said, I haven't spoken to the folks that are at the community college, but I can tell you if you give me an opportunity to share what I think the priorities are for the country, which might overlap with that college.

Mr. CAWTHORN. Well that's good to know, but I understand that you don't know because you've never been. I mean how could you? You don't know because you're a massive Federal agency that simply cannot spend time learning about the specifics of every single education institution in this entire country.

Mr. Secretary, do you know who does know all these ins and outs and the specifics? The local government leaders, the teachers in Haywood County. Wouldn't you say that they have a stronger first-hand knowledge of problems being faced by that community than you do?

Secretary CARDONA. I would say that that's why we support local and State decisionmaking, yes.

Mr. CAWTHORN. Mr. Secretary, I'm sorry sir. But frankly I fail to see how the Department of Education provides any services besides from getting in the way of local teachers, their parents and officials who understand their communities at a much more foundational level than the Federal Government ever could.

I genuinely believe that we should abolish the Federal Department of Education. We should send all the education resources back to the states and to the parents. Sir, I just—I don't see a point for your organization to exist, and with that I yield back.

Mr. SABLAN. Yes. Thank you, Mr. Cawthorn. My goodness, some Members don't know even know where I'm from. I've been here 13 years. I now recognize Ms. Manning for five minutes. Thank you.

Ms. MANNING. Thank you so much Mr. Chairman, and thank you Mr. Secretary for your patience, for your dedication, for being here with us today and for presenting a budget that addresses so many other needs in my district, in Hendersonville, North Carolina, all across the country.

Certainly, we need programs that address the learning loss our students have experienced, to help our colleges and community colleges address the losses they've experienced over the past year, to help students with disabilities for whom the past year has been particularly difficult. We need more nurses and counselors in schools to help students in normal times and even more so as our kids try to recover from the pandemic.

I'm particularly happy that the budget has additional funds for HBCUs. I am proud to have three in my district, and that the budget increases Pell grants and starts to address the enormous problem of student loan debt. Everything you're doing to start addressing disparities in education is necessary and is so appreciated.

So let me turn to a challenge that some of our universities and colleges are having, and that is the loss of international students. Even before the pandemic, the Trump administration's rhetoric and policies had a chilling effect on international student enrollment at American universities. Their policies during the pandemic made it extremely difficult for international students to continue their studies in the U.S.

Can you tell me what the Department of Education is doing in conjunction with the State Department, to make sure international students can start or continue their studies in the U.S. this fall?

Secretary CARDONA. This is an issue that is important to us, and we want to make sure that, you know, as was said before, America is open. We need to be good partners. We need to create welcoming environments for learning and make sure that our institutions, the concerns that were shared with our agency by the institutions are looked into carefully as we again open up our schools and make sure that they're open places.

They're known across the world. So we have to make sure we build those bridges again and get back to how it was and even better. I think we have an opportunity to really advance it even further. I look forward to working with you, with our higher education institutions who have communicated this concern. I hear them. I look forward to working with them and we're going to build back better.

Ms. MANNING. Thank you, and I would just like to mention for those who are worried about taxpayer dollars, those international students pay full tuition, so we need them here in this country.

Let me move to a different topic. I recently sent you a letter expressing my concerns about a fundamental shift in the mission and control of St. Andrews University in North Carolina. St. Andrews

Presbyterian College has a long legacy of providing high quality education.

But alumni who live in my district have expressed fear that its non-profit legacy is currently threatened by a for-profit college operator who has donated an enormous amount of money to the school and now is paid to be a consultant at St. Andrews. There appears to be a well-founded fear that the influence of this donor consultant has dramatically changed the quality of the education and the mission of St. Andrews.

We need the Department to take steps to protect students and taxpayers when for-profit universities convert to non-profits or exert control over non-profits by conversion or other means. So can you tell me what steps the Department can take to ensure that St. Andrews and other institutions continue to operate as bona fide non-profits?

Secretary CARDONA. Thank you very much. For-profit colleges shouldn't be allowed to masquerade as non-profit institutions if they're not complying with Federal laws. I look forward to hearing more about this issue and having my team reach out to you to communicate with you what steps we're going to take in examining this issue and communicating whatever we find.

Ms. MANNING. Thanks so much. Mr. Secretary with my remaining time, I just want to note how pleased I am that the Department of Education is represented on the Biden-Harris COVID-19 Health Equity Task Force.

Health inequities certainly predate the COVID-19 pandemic, and as the task force proceeds with its work, I hope you'll consider ways in which you can help address the issue of inequities through diversity and educational opportunities in medical schools, nursing programs and residency programs. I'd appreciate any update you may be able to provide on the work of the Task Force in this regard.

Secretary CARDONA. I can tell you that we need to work smarter together, and the Biden-Harris administration understands. I think we were selected because we recognize that we cannot work in silos, that we have to work together.

This pandemic is giving us an opportunity to integrate our teams and work in an inter-agency fashion, because we serve the same people. So this Task Force is an example of that. I look forward to more information coming out because our students and families are waiting, and we must deliver. Thank you.

Mr. SABLAN. Thank you.

Ms. MANNING. Thanks so much. We're lucky to have you and I yield back.

Mr. SABLAN. Thank you, Ms. Manning. The gentlelady's time has expired. Another always very patient lady, the gentlelady from California, Mrs. Steel. You have five minutes please.

Ms. STEEL. Thank you very much Chairman Scott and Ranking Member Dr. Foxx for hosting this hearing, and thank you Secretary Cardona, joining us today and my God you are really patient. So thank you.

Previously, your department ended an investigation into whether Yale University illegal discriminated against Asian American applicants. It is wrong for universities to continue the narrative that

Asian American lack social skills and desirable personalities. The U.S. Supreme Court on Monday asked President Biden to get his views on whether the justices should hear a challenge to Harvard University's consideration of race in undergraduate student admissions.

So Secretary Cardona, all students should have equal opportunity to succeed their own merit and shutting the door to applicants based on race is wrong. Do you believe universities who hold Asian American applicants to an unfair standard than students of other races and use a quota to cap the number of admitted Asian American students?

Secretary CARDONA. I believe students should have an opportunity to apply and get into colleges based on their own merit.

Ms. STEEL. So you're just—so you are totally agree with me that you know what students has to just have a merit to get into the universities?

Secretary CARDONA. I don't believe colleges should be discriminatory against students, correct.

Ms. STEEL. Thank you. So do you think it is acceptable to give Federal funding to universities that apply personal ratings or grade personality traits to applicants? Should the Federal Government support processes that allows admission officers to objectively grade personality and character traits such as likeability, integrity, helpfulness, courage, and kindness?

Secretary CARDONA. So I understand—I'm not as familiar as you are with the details of that concern. But I do look forward to hearing more from you and having conversations about that, to examine the situation further with.

Ms. STEEL. OK. You know, what I'll do is I'm going to submit a couple of these articles that, you know what, I'm going to send to you that you know what they are doing in the universities.

Secretary CARDONA. I appreciate that, thank you.

Ms. STEEL. Thank you. The third question is I understand if a college would block an applicant who was a convicted felon. But what do I tell my Asian constituents in my community that American college and universities will grade them based on a likeability score? Does that sound fair to you?

Secretary CARDONA. I recognize the concerns you're expressing and again, I want to make sure I understand them fully. I appreciate you bringing them up, especially now when we've been as a country I think rallying against, you know, any discrimination toward Asian students.

So I'm very interested in this issue. I share your concern, and I look forward to having more conversation with you about this.

Ms. STEEL. I really appreciate that. Thank you very much.

Secretary CARDONA. Thank you.

Ms. STEEL. And thank you. I yield the balance to my time to actually Congressman Owens.

Mr. SABLAN. Hold on. Mrs. Steel, are you submitting something for the record or are you directly sending those materials to the Secretary?

Ms. STEEL. Mr. Chairman, I can do both. I can—[inaudible]—to you and then I can directly to Secretary Cardona too.

Mr. SABLAN. All right. So without objection, Mrs. Steel's documents are submitted for the record. Thank you.

Ms. STEEL. Thank you.

Mr. OWENS. Thank you. Thank you, Representative Steel, I appreciate it. I'm just going to make a real quick statement. I hope I have time to ask a question. But Mr. Secretary, I grew up in Tallahassee, Florida, days in the 60's, days of KKK/Jim Crow and segregation. So I know what old school racism, Jim Crow racism looks like.

Today in California, we saw a creation of a pathway to equitable math instruction. it's a CRT tool kit that promotes the concept of white supremacy, manifests itself through the focus on finding the right answers.

An example of that is $2 + 2 = 4$, asking for homework is racist. $2 + 2 = 4$ by the way is racist. Asking for homework is racist. NFL just said recently that it was admitted to a policy called race norming, which they paid black athletes less for brain injuries than white athletes because the algorithms said that we were less intelligent.

These are things, judging others on their skin color is racist, and to the question just asked a few minutes ago by Ms. Steel, whether it's discrimination of whites, blacks, or Asians, will you commit your office to aggressively investigate all forms of racial discrimination instructional practices under Title VI of the Civil Rights Act?

Mr. SABLAN. Well Mr. Secretary, the gentleman's time has expired. Could you make just a quick response please? We all need to go somewhere.

Secretary CARDONA. Yes. Well you know that question was a pretty extensive question that I don't want to shortchange. I'd be happy to submit written, written. But I can tell you right now, you know, as we say local control, we need to allow local control. But our Office of Civil Rights would take any claims very seriously.

Mr. SABLAN. Thank you.

Mr. OWENS. Thank you. Thank you very much.

Mr. SABLAN. The gentleman's time has expired. Mr. Mrvan, you have five minutes sir.

Mr. MRVAN. Thank you, Mr. Chairman. Under Title IX of the Education Amendments Act of 1972, schools have a responsibility to provide equal access to education for all students. The law specifically prohibits discrimination on the basis of sex, including sexual harassment and violence.

As a part of Title IX's requirements, schools receiving Federal funding must take certain steps to address sexual misconduct that may inhibit students' safety or access to education. However, the U.S. Department of Education finalized a Title IX rule in 2020 which would create a system where survivors of sexual misconduct will be less likely to get justice by instituting a higher burden of proof for survivors and weaken accountability for schools that fail to prioritize student safety by creating a system where schools can more easily avoid addressing instances of sexual misconduct.

Secretary Cardona, given the disastrous effects of this rule, which is—which was finalized under the previous administration, how are you in the current administration working to ensure better protections for the Title IX and survivors of sexual misconduct?

Secretary CARDONA. Thank very much. We're exploring a new rulemaking process and by doing that, what we've done is we've opened up the public hearing portion of it. I believe it was last week or the week before.

We have thousands and thousands of folks who provided testimony and input on this. We want to make sure we're balanced, but we're protecting survivors in the process as well, and not creating an environment where they may feel a sense of additional harassment if they come forward.

Mr. MRVAN. Thank you very much, and with that I yield back my time.

Secretary CARDONA. Thank you.

Mr. SABLAN. Wow. Thank you, Mr. Mrvan. I appreciate it. I now recognize Mr. Comer, the gentleman from Kentucky popped up again. Sir, you have five minutes please.

Mr. COMER. Thank you, Mr. Chairman. Mr. Secretary, I'm glad to see that all school districts in Kentucky now have the option of every day, in-person learning. However, it was a long time coming. One school district I represent in Kentucky was able to quickly adapt and were ready to offer in-person classes in the fall semester of 2020.

They knew they were doing what was best for their students and had received assurance from the State that any reopening practices were a local decision. Then our Governor and then interim Commissioner, Education Commissioner, publicly shamed and made thinly veiled threats of punishment to the school district and their leadership, citing the strict CDC guidance.

Mr. Secretary, you have previously stated that "In-person learning offers young people the best opportunity." Do you still agree with that statement?

Secretary CARDONA. I do, yes.

Mr. COMER. Mr. Secretary, I'm concerned the teachers' unions leadership was able to slow-walk the CDC guidance and ensure our schools remained closed, even when the transmission rates between students and faculty were very low. So Mr. Secretary, did you receive any indication that any political union influence, release, or content of any published Federal guidance on school reopening?

Secretary CARDONA. Can you repeat that? Did I receive any what?

Mr. COMER. Did you receive any indication that any political union influenced the release or content of any published Federal guidance on school reopening?

Secretary CARDONA. No, no, and if I could comment a little bit further if you'd allow me that moment, I do believe students learn best in the classroom. I really do, and you know as a Commissioner of Education, when we had to close schools down, we had to weigh the risks of being out of school and the risks of being in school.

But we followed the CDC guidance even when it was difficult. We accelerated their return based on good use of mitigation strategies. And I really feel that that was a difficult balance that leaders have had to face across the country. Not easy to do and thankfully now, 96 percent of our students K-8 have an opportunity to be in school, and we expect 100 percent in the fall sir.

Mr. COMER. Well that's great. So are you committed to protecting local school districts' freedoms to make decisions about in-person education?

Secretary CARDONA. I definitely do, but I also understand that in Connecticut, the Governor had the ability to make sure that the transmission spread was slowed down or stopped based on some of the actions that he had to make. I know throughout the country, when decisions are being made, they're being made in conjunction with the health department and they're usually for the best interest of the community.

Mr. COMER. Well hopefully we can respect local decisionmaking in the future. Mr. Secretary, I have a question related to Critical Race Theory. I have a feeling you're going to get a lot of these—you probably already had a lot of these today. I've been presiding over the House Oversight Committee, so I'm just now jumping on.

But since this issue has blown up over the last few months, conservatives have pointed out some of the extremism embedded in Critical Race Theory. I'm sure you don't agree with all of our arguments about that, but is there anything espoused under the umbrella of Critical Race Theory that you think goes too far, is too extreme, or that you don't fully subscribe to?

Secretary CARDONA. Thank you for the question and the manner in which you're asking it, to be honest with you. I'll reiterate what I said to colleagues before. My personal opinion on this is really secondary to my role as Secretary of Education around curriculum, which is very limited. We don't promote curriculum; we don't mandate it. Local control over curriculum and State control over curriculum is where that conversation needs to happen.

With that said, I've been an educator my whole life. I do believe that students learn best when they are exposed to curriculum that show different cultures and how we can come together as one country under one flag. I believe that's possible, and I have confidence that the educators across the country know how to do it, can do it, and will do it if given the ability to do so. I believe it's become politicized, sir.

Mr. COMER. Well, it's very politicized right now and it's an issue that's not going to go away. I hope that the administration will take a strong position, because in my office, we're getting lots of calls every day with parents concerned, concerned that for a lot of reasons.

But my personal opinion is that we obviously have a divided nation. We need to focus on uniting people, not dividing people. I believe Critical Race Theory, I don't believe any part of it, any of the premises. But at the very least I am confident that it divides at a time when we need to unite. So hopefully that position will be taken by the Biden administration and my time is expired. Mr. Chairman, I yield back.

Mr. SABLAN. Thank you. Thank you, Mr. Comer. I now recognize the gentleman from New York, Mr. Bowman. Five minutes please.

Mr. BOWMAN. Thank you so much Mr. Chairman. Mr. Secretary, it's good to see you again. Thank you again for coming to hang out with us in the boogey-down Bronx. Really appreciated it. So I have a question about our Title I schools. I'm very concerned about our

Title I schools, because as you know they are located, often located in historically underserved communities.

And as we come out of the pandemic and the trauma of the pandemic dealing with issues of learning loss, the social and emotional needs that our students are going to have when they come back, the psychological needs, you know. So often our schools, particularly our Title I schools, are asked to solve all of society's problems in the school building.

As we know, the schools can't do it alone. With the American Rescue Plan, it provides an opportunity. It provides the resources and an opportunity not only for schools to be, you know, fully staffed to do things like lower class size and provide individualized instruction and hire counselors and social workers. But schools are still going to have to work with outside agencies and social services to meet the needs of kids and families.

So you know, I've been thinking a lot about inter-agency collaboration and what that looks like as we come out of the pandemic and open safely. Can you speak to what that might look like from your perspective, and how the American Rescue Plan can support schools in doing more around inter-agency collaboration?

Secretary CARDONA. Thank you, Congressman Bowman. Absolutely right. We have to not only use the resources to put in strategies for students, but we have to do better as leaders to work collaboratively across agency lines, establish an inter-agency mentality where if I work with Marcia Fudge in Housing and I work with Xavier Becera in Health and education, how do we intersect?

How do we think about community schools with the funds here that's so prominent in the plan to increase community schools? How do we make it so that we have schools that are meeting the needs of students, regardless of if their needs are, you know, hunger needs, health needs? You know it's hard to learn if your teeth hurt, right?

So how do we take that mentality, remove the silos between agencies, model it at the Federal Government, make sure that we're using our money smarter and not duplicating things when we can work together, and then model that for states and communities so that we could see that in our schools?

Mr. BOWMAN. No, I appreciate that answer, and I think it's important for my colleagues to understand. You know, what we're talking about in terms of inter-agency collaboration is related to students with special needs, it's related to learning challenges, it's related to students in foster care, and it's related to community violence.

Meaning if we don't do things right in our schools and properly connect students and families with resources from other agencies, then what we're going to see is an exacerbation of students being evaluated for special ed, more violence in the community because they're frustrated because their needs aren't being met. I mean I think that's a big piece of it.

How can the U.S. Department of Education, I know it's a Federal agency and there's a lot that happens locally that the U.S. Department of Education isn't a part of? But how can the Department of Education provide technical supports and some guardrails and some communication with states and local school districts to help

them along the way, because this is an unprecedented challenging time for many school districts and states?

Secretary CARDONA. One thing that I found when the pandemic hit and where I was in Connecticut is that we had 170 districts working on the same problem, but there were very few opportunities for them to talk to one another. It's almost like you have across the country, people are trying to fix the same problem but not talking to one another.

So we have a responsibility to lift best practices, to have—we have a best practices clearinghouse I'm reopening and on mental health. We just had an equity summit with Dr. Noguera, Baruti Kafele, and our Deputy Secretary and others, talking about how to rethink equity.

And then we're engaging with folks, we're sending out guidance, we're meeting with districts, we're talking to their stakeholder leaders. We have to do more to share best practices. The innovation doesn't always come from D.C. As a matter of fact, I think our job is to bring out the innovation that's happening in the local and State, lift it up, and then also incentivize good strategies that we know that work.

So that's our job and the innovation is out there, and we have to do a better job communicating it and lifting up best practice.

Mr. BOWMAN. Thank you so much Mr. Chairman. I yield back.

Secretary CARDONA. Thank you.

Mr. SABLAN. Thank you, Mr. Bowman. I'm being told that Mr. Fitzgerald is next, but I don't see him in the platform. So I'm going to recognize the very patient gentlelady from Louisiana. You have five minutes please.

Ms. LETLOW. Thank you so much and thank you Secretary Cardona for taking this time to testify before the Committee today. You know much of the 5th District of Louisiana is rural, which has its unique challenges, including access to broadband and recruiting and retaining teachers.

When the pandemic shut down schools and learning had to be moved online, this created many new challenges. However, one of the biggest problems that emerged was many students, especially those in rural areas, didn't have access to Internet. No access to broadband impacts 350,000 Louisianians, including my own household.

Unfortunately, for those students they had to learn by paper packets or driving to their local libraries, government buildings or even fast-food restaurants because they were only place in their area with a dependable Internet signal. Frankly, students without broadband access were being left behind.

While I'm thankful our states' healthcare professionals and school administrators worked hard to reopen most of our schools last fall, there are still many schools across the country that are still teaching virtually. Many Republicans here in Washington and around the country have expressed great concerns with the administration's politicization of guidance related to school reopening.

Your agency released guidance related to the use of elementary and secondary school emergency relief funding. It said, if school districts wish to use relief funding to support school reopening and sustained operations, funds may be used to develop strategies and

implement public health protocols including to the greatest extent practicable, policies in line with guidance from the CDC for the reopening and operations of school facilities.”

Secretary Cardona, could you please clarify here publicly for the record what that guidance specifically means? Do schools have to follow the CDC’s guidance in order to use ESSER money to support the reopening and sustained operations of schools?

Secretary CARDONA. Thank for the question. You know for us, for me I’ve been very clear from Day 1. I want our schools opened as quickly as possible. That’s where students learn best. That’s where we know that they’re going to get access to their peers, to their teachers, to the social emotional support, and in many cases to meals. For your children technology, right?

So believe me, from Day 1 I wanted to make sure we get our students in as quickly and as safely as possible. Our guidance is that. It’s guidance. It’s not a mandate. But we recognize the importance of following CDC guidance.

I was able to with colleagues across the State reopen schools by adhering to guidance and listening to the guidance that changed with time, but also pushing hard to make sure we think of every opportunity to get our students in the schools and the money did help that happen.

So I hope that answers your question, but I also hope it reiterates what I’ve said from Day 1 as Secretary of Education. There’s no substitute for in-person learning, and I do expect fully that in the fall, all students across the country will have that opportunity to learn in-person. Thank you for bringing up the rural issue.

I had a conference call with students in rural schools, and you know we cannot ignore the importance or the challenge that they have had. I’m hoping that with the infrastructure plan and with the funds here, we can have the digital divide in our rear-view mirror as a country.

Ms. LETLOW. Thank you, Secretary. You know as a former higher education administrator; I saw college students borrowing more and more money because the Federal Government allowed them to. These students weren’t equipped to fully understand the impact this debt would have on their lives in years to come.

Schools, the Department and Congress should be doing more to educate our students on the financial effects of loans and be up front about the earning potential of certain careers. I have concerns with allowing students to accrue mountains of debt for degrees that have limited earning potential.

At one point the Department was examining limiting the amount of money a student can borrow for federally backed loans, based on the student’s specific degree program. What can the Department and Congress do to increase financial literacy among students on the long-term effects of student loans? How can we balance between adequately providing for students’ needs and capping loan amounts to only cover the true costs of attendance?

Secretary CARDONA. Thank you for that question, and Representative Letlow, I couldn’t agree with you more. To me, it’s a form of predatory schooling almost when you have someone 80, 90 thousand dollars in debt, and then being employed in a career that you’re not making a livable wage.

We have to protect our students by making sure that we're providing options in not only financial literacy as you discussed, but also pathways to careers that exist now that could lead to higher income and allow students instead of being in mountains of debt, to think about buying a home or starting a family.

So I'm with you 100 percent on that. I can assure you that this is an issue as a first-generation college student, you know, it's really important when I went to school to make sure that I was able to go into a profession where I can earn a salary, get a contract and do well and continue with life.

We need to do more of that. We need to protect our students. Thank you.

Ms. LETLOW. Thank you so much Mr. Secretary. I yield back my time.

Mr. SABLAN. Yes, thank you Ms. Letlow. And now Wisconsin's own Congressman Pocan. Mr. Pocan, you have five minutes sir.

Mr. POCAN. Thank you very much Mr. Chairman and thank you Mr. Secretary especially for your patience and passion for education. You probably thought you were in the middle of a QAnon cultural revival for a while today, but I guess the head of the Joint Chiefs had to go through that yesterday. It's a sign of the times. But you did it with amazing grace, and I thank you.

I wanted to ask you a question specific to my State of Wisconsin. Your office helped me out a few weeks ago when the Wisconsin legislature had a proposal that would underfund K to 12 education, and it jeopardized our state's receipt of billions of dollars in Federal COVID aid. The speed and clarity of your department's assessment of the Wisconsin budget ensured that our State legislature reversed course.

I want to say thank you. Unfortunately, there's a new concern that we have with the Wisconsin legislature. Their newest budget proposal being advanced cuts property taxes levied by schools and technical colleges by 647 million and replaces that funding with the additional State dollars so that Wisconsin can technically meet the Federal maintenance of effort requirement for K to 12 education.

My fear though is without additional information from the State legislature is that the budget gimmick being utilized violates Section 9901(c)(2) of the American Rescue Plan, which clearly states "A State shall not use funds provided under this section to either directly or indirectly reduce any tax."

So the legislature has set next week to vote on the State budget. We have made your office aware of this, but I'm just wondering if you've had a chance to take a look at this and if you can get back to us if you haven't had an analysis yet, as quickly as possible so that we can try to, if there is a problem alert the legislature.

Secretary CARDONA. Thank you for bringing that to our attention, and more importantly thank you for advocating for students and the responsibility of the states to maintain the effort of providing funds for education. You know, our kids need more, not less. By close of business today, someone will be reaching out to your office.

Mr. POCAN. Oh great. Thank you very much Mr. Secretary, and again last time I've never had a department respond so fast on any

issue. I just want to say thank you. I was very, very impressed. You're doing a great job on that.

Second, last week I was proud to announce along with Chairman Scott the Pell Grant Preservation and Expansion Act, which would increase the maximum Pell grant for 2022–23 award year by almost 1,500. It would double the maximum Pell grant over the next 5 years. It would extend Pell eligibility to dreamers and would reinstate the Pell grant lifetime eligibility to 18 semesters among a number of other things.

I myself was a Pell grant recipient. I don't want to grab the ladder up with me. I want to leave the ladder in place and I'm really proud of the bill. We've got about 100 co-sponsors so far in the House. One, I was wondering if you support the goals of that legislation and if whatever we can't perhaps get into the budget this year, if we could work with you to try to make sure that it could appear in any future budget proposals that would come out of the administration.

Secretary CARDONA. Thank you. I do support. You know, I was at a school in Michigan. I think I might have referenced Ruth before. She shared her story how the Pell is helping her; Pell grant is helping her access higher education later in life. She used a health issue that she experienced to motivate her to want to be a healthcare worker, and she's going to school now to do that, and Pell helped.

You know in 1979 when it started, it paid for 77 percent of in-State college tuition. Now that number is 29 percent. So it hasn't kept up. So anything that we could do to get access to more people to go to college, I'm certainly in favor of it. I appreciate the efforts that you're doing there and know you have a partner in the Department of Education, to make sure college is accessible to more people.

Mr. POCAN. Thank you, Mr. Secretary. I look forward to working with you on that. One final question, last year we had written to former Secretary DeVos regarding an improper 2020 charter school grant that was awarded to Charter Management Organizations.

According to whistleblowers within the Department, they provided information to our office the 2020 awardee was initially ruled ineligible to receive an award by the Department staff but was ultimately awarded Federal funds at the direction of a political appointee, potentially in violation of Federal law.

We never heard back from the Department of Education in the last administration, but I would hope that you might be able to take a look at that and get the requested communications and documents that we requested last year to my office. That would be very much appreciated.

Secretary CARDONA. I can't promise you by close of business today, but I—

Mr. POCAN. Don't worry about it.

Secretary CARDONA. But I can assure you we're on it. We'll be reaching out.

Mr. POCAN. You're setting an amazing bar. I appreciate it, Mr. Secretary and I will yield back Mr. Chairman because every—Mr. Chair, every Chairman loves that.

Mr. SABLAN. Yes, thank you. Thank you, Mr. Pocan, and yes, Secretary Cardona is certainly a breath of fresh air. You're amazing. Now the other gentleman from Wisconsin, Mr. Fitzgerald. Sir, five minutes please.

Mr. FITZGERALD. Yes, very good. It's great to be with you Mr. Secretary. Thank you very much. Yes, it's unusual to be back-to-back with representatives from Wisconsin, but I would also really like to know kind of what your interpretation is of how some of the Federal dollars as they have flowed to the states, and I know in Wisconsin and Congressman Pocan's well aware of this, that the executive branch there has almost complete and full utilization of any of the Federal dollars that come through.

So I think it's been frustrating for some of my colleagues in the legislature, not to have the type of oversight that we're used to through the Joint Finance Committee, of which Representative Pocan was an honored Member of for many, many years. So I'd be also curious to figure out kind of where we're at and is that going to have an effect on Wisconsin's State budget.

If I could just jump to a couple of other things. The one is there's an issue and obviously you're aware of this, but student privacy continues to kind of emerge as an issue that I'm hearing about back in the district. And it's not even from the perspective of just individual student information or files, but kind of overreaching.

And in Wisconsin in the Department of Public Construction, their access to some of this information, and then how that information is gathered. I'm just wondering what your thoughts are on that, because it seems—like I said, it seems to be emerging as a big issue, not just in my State but I think nationwide.

Secretary CARDONA. Thank you for that. You know, I'll share with you and thank you for first of all for your ask about more information on the previous topic. Our team will reach out and share more as we have more information.

Mr. FITZGERALD. Thank you.

Secretary CARDONA. But you know when the pandemic hit, one of the first things we did when we went over to remote was, you know, provide access to programs, right, online for students who are now at home. Previously, you know, we were trying to get laptops in the hands of kids as quickly as possible.

There was a process where you would take those laptops and make sure that we put all the firewalls in, which we had to do, but also the privacy statements and all these contracts that we would have with third parties who are providing content now digitally, was something that took a little while, where now we're bringing thousands and thousands of computers in with programming.

So the student privacy question came up, and how do we make sure that we're giving students access without compromising their safety or their privacy? We have to work very carefully on that, and it did take a lot of time and energy at the State level to make sure that we're protecting students, while also giving them access. So I appreciate that sentiment. It's a very nuanced concern, but one that we take seriously as a result, you know, because student privacy is at stake.

So what I can do is offer availability of my team who's looking at that issue, to hear more concerns from you and provide more information more specific around the issue of student privacy.

Mr. FITZGERALD. Very good, very good. Thank you very much for that answer. Yes, it's just—it seems to over the last couple of years, it seems to have emerged as an issue that keeps popping up. So let me just shift real quickly.

The other thing I just want to talk about is physical security in and around school buildings. In Wisconsin, we had a number of different incidents where law enforcement was involved. Sometimes it was a student that maybe shouldn't have been on campus or within the district, and security concerns continued to emerge.

So what had happened was there were dollars available through a grant program for many of the schools in Wisconsin to kind of tap into, and once again enhance the physical security. So even if they had maybe a community officer on the grounds or if there were specific instances, but it was wildly successful.

I would just urge you. It's something that I think, because often-times unfortunately if there's a major incident like a school shooting that the immediate reaction is not necessarily to take a look at the physical limitations of some of these schools. Some of these schools that have been around for 50, 60, 70, 80 years that need to be improved and need to be enhanced.

It was something. I don't know that it's something that—you know, I understand you're just kind of getting your feet wet. You're just jumping in on this. But I would urge you to kind of take a look at that, because I think it's going to become again something very important, and I think many school boards throughout this Nation are going to start to take a hard look at those types of improvements instead of just building new facilities, which I understand is also happening.

Secretary CARDONA. Thank you, sir. As a principal during 9/11 and the Sandy Hook massacre, I understand physical plant safety and the importance of making sure that the environment is safe for students and educators. Thank you for sharing that information, I look forward to hearing more and communicating more with your team as well.

Mr. FITZGERALD. Thank you very much. It was good to be with you today and look forward to working with your team. Thank you.

Mr. SABLAN. Thank you, Mr. Fitzgerald. I'm sometimes accused of being a secretary, a former secretary of HUD. I now call on Mr. Castro of Texas. Five minutes sir.

Mr. CASTRO. Thank you, Chairman, and thank you Mr. Secretary for being with us today and for your testimony. I have a few questions. By 2029, it's expected that Hispanic enrollment in public schools will comprise 27 percent of total enrollment. However, many Hispanic students start school without the same economic and social resources as other peers.

As the Hispanic population continues to grow, we have to give Hispanic students the opportunity for higher education to prepare for the workforce. So what's the Department doing to help schools prepare Hispanic students for college, and what is the Department doing to ensure that funding for adult education and literacy pro-

grams are part of the immigration discussion, especially to ensure immigrant parents can participate in their children's education?

Secretary CARDONA. Thank you very much for that Joaquin, and I agree Representative Castro. I agree wholeheartedly. It's a very complex. I mean I can tell you there's 600 million in the budget for higher ed for MSIs, HBCUs, in making sure that our students that are going to Hispanic-serving institutions get the support.

But I'm going to start earlier. We need to have a good quality foundation. The American Family Plan talks about a pre-K program for our students. For Latino students and many students who are learning English, who have a native language of Spanish, I want to make sure we recognize that as an asset. We want students to be bilingual and bicultural, right?

It's an added bonus. But we have to make sure that our programs in the K-12 world follow the research and right now in many places they don't. We have a subtractive model. So quality second language development programs that honor and keep their native language, so that we have students that are coming out of our schools multilingual, ensuring that they have good pathways into the 2-year, 4-year colleges and careers that lead to, you know, successful employment. But also in adult education, there's 713 million in the budget, to make sure that we support all of our learners who are coming back to adult education, that want to learn English so that they can continue with their workforce pursuits.

Mr. CASTRO. Sure, and then I want to followup with this point when we talk about schools, and I know that there's been a bit of a debate raging about Critical Race Theory and what's taught at our schools and so forth. I was in another hearing, otherwise I probably would have heard some of that critique earlier perhaps from some of the other Members of the Committee.

I know that the Federal Government doesn't control curriculum. The states and the individual school districts and school boards do that. But I want to ask you a question in a second about what resources you can lend to school districts and teachers, to teach diverse populations and the contributions of those diverse populations in American history?

And I want to give you a little bit of context to this. I was Chair of the congressional Hispanic Caucus last term, and we had a working meeting with a group that included some CEOs of textbook publishing companies. I asked one of these CEOs of one of these big companies whether he could name three Latinos or Latinas who had made a significant contribution or had a significant impact in American history.

He thought about it for a few seconds, and he finally said, you know, no I can't. He wasn't trying to be dismissive or rude about my question. This very educated, ambitious man who was head of a huge company that produces textbooks for schools could not name three people that are part of a population that's almost 20 percent of the country now, who had had an important impact on American history.

And so I speak for generations of Latinos, and I think others in this country who grew up essentially being ripped out of American history and State histories also. And so you've got, you've still got

a lot of young people who are growing up without learning that there was anybody valuable from their community who contributed to the success and the development of the United States of America.

I think that we've got to be mindful of that, and I hope that the Federal Government, the U.S. Department of Education, can help supplement the efforts of school districts and states in achieving the teaching of the importance of different peoples to the success of this country.

Secretary CARDONA. Absolutely, thank you sir. I love the way you articulated it. You made the point very clear that when our students don't see themselves in their texts, they can't achieve or they find it more difficult to achieve different positions or different roles, because they don't see people that look like them there.

Everyone benefits seeing how our beautiful country was shaped, and with input from different people. That's what makes this country so special. I think it's become politicized as you know. It's become politicized and in fact I've heard more about Critical Race Theory during this hearing than what we're doing for the people of our country, our students, who are not going to have an opportunity to go to community college, addressing some of the issues with higher education of pre-K. I heard more about that because that's what's going to get the headline.

We know we don't have a role there. But we do acknowledge good education. I've been an educator my whole life. Where students see themselves, they're more likely to engage. They're more likely to learn about other cultures, and that's what brings us together as Americans.

Mr. CASTRO. Thank you for your service. I yield back.

Mr. SABLAN. Thank you, Mr. Castro. The gentleman's time has expired. Hopefully and probably the last Member today as we move from Texas to New York. The gentleman, Mr. Espailat. Five minutes.

Mr. ESPAILLAT. Thank you, Mr. Chairman. Thank you, Mr. Chairman. Before I begin, I would like to highlight local support for the American Rescue Plan from the Superintendent of Schools in the Archdiocese of New York, Michael Deagan, and I quote him. "It would allow us to provide remediation to children who have experienced learning gaps because of remote learning, as well as enrichment programs above and beyond the academic learning that we'll be providing to the children."

Mr. Chairman, I would ask that the full article or quote be entered into the record.

Mr. SABLAN. Without objection, so ordered.

Mr. ESPAILLAT. Thank you, Mr. Chairman, Secretary for being with us today. First, let me begin by supporting the Secretary's recommendations to increase by \$200 million the TRIO Programs. They're very important to my district and the entire country. I think it's a wise investment for our future college students.

Regarding English language learners, I know that English language learners because I have significant numbers of them in one school district, District 6. There's over 6,000 of them making up over 30 percent of student population in that district. They've real-

ly suffered during the pandemic with remote learning, perhaps more than any other average student.

And as such, I think that they now need additional help. In addition to that, I think that very often they're in classrooms where they may not even have a certified bilingual teacher before them. And I think it is a critical challenge to get those teachers before them, perhaps by providing additional benefits or extra pay.

I think being a certified bilingual teacher is just equivalent to having a master's program in math for example, or science. So it's important that these young children, some of which were born in other countries and others who are first generation

Americans but they still speak their native language at home, be provided that opportunity.

In addition to that Mr. Secretary, I think that also they're held to a very difficult standard. They often have to take these very difficult English language arts exam a year before they got here, a year after they got here, and the science and the data shows that it takes about six to 7 years to really master a language.

I know that very well because I was one of those students, and I didn't get a bilingual education and I was there sitting in the back of the classroom for 2 years, not knowing what was being said. When I finally graduated and went to college, I took a look at some of my college freshman papers that my mother had saved away and I read them, and I was still struggling. I wasn't altogether there. I wasn't able to speak my Shakespearean English as I do now perhaps Mr. Chairman.

So these students really need help, and I'm wondering Mr. Secretary what you have planned for them? Are you going to keep this process where they have to take these very rigid English language arts exams a year after they got here, when even U.S. born students, non-ELLs, are having a difficult time with them? And what would you do to improve the ratio of certified bilingual teachers in the classroom?

Secretary CARDONA. Thank you very much Congressman for bringing up those really important issues. As you mentioned, it's a growing population. It's a growing population and we have to make sure that when we're talking about multilingual learners, it's not a separate bucket of work.

All teachers are EL teachers, and we have to make sure that our schools are prepared to meet the needs of our multilingual learners in a way that acknowledges and accepts and encourages being multilingual, right? In many other countries, we have students that speak two or three languages.

We want to encourage our students to keep their native language and learn English. And you brought up several good points. You know language development, you're absolutely right. It was renowned Professor Jim Cummins who identified that cognitive academic language proficiency happens between 7 and 11 years.

That's that cognitive language that our students use when writing or when analyzing in a second language. So we need to make sure we're following the research on how second languages develop. We need to make sure we have adequate training, and you brought up something that I'm really proud of. There's over a billion dollars in the American Family Plan aimed at recruiting and keeping

teachers in those hard to recruit areas like bilingual education, special education.

We need to make sure we have a qualified and trained workforce in those areas, so that they're giving the students the needs, the skills that they need. As a former principal of a school with a bilingual program, I was dismayed to have to have long term substitutes in the classes that needed it the most.

So that to me is a really big step in the right direction. We also know that, you know, in terms of assessments, you know, while local and State rules around assessments drive it, we have to make sure that we're doing sensible assessments and not over-assessing students or attributing lack of content knowledge to a student who's just learning the language. That was an issue that I experienced as well. So I'm with you on that. I look forward to working with you more on it.

Mr. SABLAN. Thank you.

Mr. ESPAILLAT. Thank you, Mr. Chairman. I yield back.

Mr. SABLAN. Thank you, Mr. Espailat, and thank you Secretary Cardona. My goodness, I think it's almost about 3 hours, right, 4 hours. I think we're done. We're through the Member questions now, and so now pursuant to Committee practice, materials for submission for the hearing record must be submitted to the Committee Clerk within 14 days following the last day of the hearing, or by close of business on July 8th, preferably in Microsoft Word format.

Only a Member of the Committee or by the Office of the Secretary may submit materials for inclusion in the hearing record, and the materials must address the subject matter of this hearing. Please submit materials to the Clerk electronically by mailing submissions to edandlabor.hearings@mail.house.gov.

Again, I want to thank the Secretary for his participation today, and of course for his engaging with the Members and their questions. Members of the Committee may have some additional questions for you Mr. Secretary, and we ask that you please respond to those questions in writing.

The hearing record will be kept open for 14 days in order to receive those responses. I remind my colleagues that pursuant to Committee practice, witness questions for the hearing record must be submitted to the Majority Committee Staff or Committee Clerk within 7 days. The questions submitted must address the subject matter of the hearing.

I now would like to recognize the distinguished Ranking Member for a closing statement, Mr. Owens.

Mr. OWENS. Thank you, Mr. Chair. Once again, for yielding. Mr. Secretary, thank you again for joining us. It's been a long—

Mr. SABLAN. Would you turn on your camera please? Thank you.

Mr. OWENS. Sorry. Sorry about that, sorry about that. OK Mr. Secretary, again thank you for joining us. I know it's been a long day for you, and I appreciate your patience. You have a very, very impressive background and I again love your love for your industry and wish you all the best and success in your role.

I want to add to Representative Castro's comments. Teaching our great history what we've done together is the magic and really what brings us all together as a Nation. So I hope that not only

for the Hispanic, but the Asians, black history together, and those that came before us is just a great, great part of making sure we're proud of who we are. You've said many things today, Members on our side of the aisle will agree with. As Ranking Member Foxx said earlier, we especially appreciate the support you expressed for career and technical education.

As you know, there are some things many Republican Members feel passionate about, and we're eager to work with you on that. Arguably, the most important challenge our Nation faces is ensuring that every student has a pathway to a good job and meaningful career.

Of course, there are other things you said that I won't, will not, I do not agree with. You said several times that education is underfunded and that has been normalized. Mr. Secretary, I appreciate that everyone wants more. But it's important to ground those debates in facts. The Institution of Education Science just put out a report last month comparing education spending in the United States to other developed countries.

Based on 2017 data, the United States spent 14 hundred 11—\$1,400 per student in elementary and secondary education. That placed us fourth among 37 Members, Member nations in the Organization of Economic Corporation and Development and was 37 percent higher than the OECD average. At a post-graduate level, we spent 3,500 per student, which is second among the OECD countries and more than double that average.

As a country we spend a lot of money in education. The problem isn't how much; the problem is how. Your predecessor has been criticized a few times during this meeting, but former Secretary DeVos put students and families at the center of every decision she made. I hope that the Department under your leadership does not revert to putting the system above students.

At the K through 12 level, that would mean continue to Secretary DeVos' efforts to expand educational freedom, so that every family has the same level of choice you and I have. At the post-secondary level, it means not simply putting, pumping more money into a system awash in cash, that will only allow schools to continue rising costs and the price so many low-income families are out, put out of the American dream.

It means resisting calls to subsidize the student loan costs of higher income individuals on the backs of lower income taxpayers.

I also want to revisit a couple of issues that received a lot of attention throughout the hearing. First there's been a lot of conversation about Critical Race Theory. Mr. Secretary, I want to full truth about this country's history taught to our students. I want all the students to see themselves in history. That's critically important. You and I agree on that.

But how that is accomplished couldn't be more important. You're supposed to use the Department of Education funds to endorse the teaching of radical, far left ideologies that defines people exclusively based on the color of their skin. I urge you to reject that approach and pursue the policies that bring people together, rather than create more division.

I also want to talk about higher education accountability. Members on the other side of the aisle are concerned that you will ad-

vance policies that unfairly target one sector of higher education while ignoring the shortcomings of the other sector. Mr. Secretary, the national college graduation rate is around 60 percent. That isn't going to be fixed by obsessing over one type of education or one type of institution. I urge you to pursue policies that will hold all institutions accountable equally.

I also want to reiterate a point that Ranking Member Foxx made earlier regarding the public service loan forgiveness. Your agency's own data shows the main reason for the forgiveness rate on the program is borrowers not yet reaching their 120 qualifying payments. It is not because of previous administration's negligence or mismanagement, and not being straightforward about this does not, does a disservice to our students.

On behalf of Ranking Member Foxx, I also want to submit to the record a letter from Keiser University that sets straight some of the comments made by my Democratic colleagues about the institution.

Finally, Mr. Secretary, I urge you to take the threat of the foreign influence on our post-secondary schools seriously. You have an obligation to enforce the laws that protect students, institutions, and our Nation's security. Once again, I want to thank you for your efforts for your love for the institution, and look forward to working with you, and I yield back.

Mr. SABLAN. Thank you, sir.

Mr. SABLAN. Thank you, Mr. Owens for your closing statements. I now recognize myself for the purpose of making my closing statement. Secretary Cardona, thank you again sir for joining us to discuss the Department's budget request and your priorities to support students, educators, and communities.

Today we reflected on our work under the Biden-Harris administration to expand access to quality education and to help students in schools to recover from this pandemic. Because of the American Rescue Plan, institutions of higher education have the funding they need to stay afloat, and schools have the necessary resources and guidance to safely reopen and make up for lost time in the classroom.

Yet today's hearings reaffirmed that it is not enough to return our educational system to the pre-pandemic status quo. To that end, I am pleased that through the Department's budget request the American Jobs Plan and the American Families Plan, the administration is committed to building back a better education system where everyone can succeed.

I would like to briefly review some of those key takeaways. I will—We will insert those takeaways in the record.

Mr. SABLAN. Again, Secretary Cardona, thank you very much for your time today and your patience and thank you for engaging with the Members on the questions and actually providing us as best a response as you can at the time. But we look forward to working with you sir, to ensure all students have quality access to the quality education that they need to reach their full potential.

And if there's no further business, this meeting is adjourned. Thank you, Mr. Secretary, and have a good day.

Secretary CARDONA. Thank you, sir.

[Additional submission by Chairman Scott follows:]

6/25/2021

Northam Announces \$46.6 Million in Federal Funding for Virginia Private Schools | News | emporiaindependentmessenger.com

https://www.emporiaindependentmessenger.com/news/article_f1b4f180-9884-11eb-a2d1-af8906ad0698.html

Northam Announces \$46.6 Million in Federal Funding for Virginia Private Schools

Contributed
Apr 10, 2021

RICHMOND—Governor Ralph Northam invited eligible Virginia private schools to apply for funding from the federal Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act approved by Congress in December 2020.

The CRRSA Act includes \$2.75 billion in Governor's Emergency Education Relief funding for the Emergency Assistance for Non-Public Schools (EANS) program and Virginia received an allocation of \$46.6 million. Non-public schools do not receive direct awards or allocations under the EANS program. Rather, state education departments use EANS funds to procure services and assistance requested by eligible schools in their applications.

In total, Virginia will receive approximately \$993 million in funding for PreK-12 education from the CRRSA Act, with \$946 million benefitting Virginia's PreK-12 public schools. \$845 million of those funds are currently available to Virginia's 132 public school divisions, with \$101 million set aside for statewide education initiatives such as enhancing student literacy, providing extended year learning opportunities, and increasing digital instruction tools for educators.

"All of our students and educators have endured tremendous educational disruptions over the past year," said Northam. "These funds will help our private schools address pandemic-related operating costs and ensure they can continue to meet the individual needs of their students during this challenging time and as we move forward."

The American Rescue Plan Act, which was signed into law by President Joseph R. Biden in March, includes \$122 billion to support the recovery efforts of K-12 schools nationwide. Ninety percent of the funding will go directly to local school districts based on the formula for distributing federal Title I funds. Ten percent of the funding will support state-level efforts to

https://www.emporiaindependentmessenger.com/news/article_f1b4f180-9884-11eb-a2d1-af8906ad0698.html

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help schools recover from the pandemic. Virginia will receive \$2.1 billion, with \$1.9 billion going directly to school divisions, and approximately \$200 million reserved to support state-level K-12 recovery initiatives.

"This EANS program funding will support Virginia's private K-12 schools as they support educators and continue to provide high-quality instruction to their students," said Secretary of Education Atif Qarni. "The federal CRRSA Act has delivered critical resources to Virginia's education system, and these funds specifically dedicated to K-12 private schools will go far to lift schools up as they work to address learning loss."

According to the Virginia Council on Private Education (VCPE), there are 488 accredited K-12 private schools in the commonwealth serving approximately 112,000 students. In Virginia, eligible non-public schools are K-12 private schools with state-recognized accreditation through the VCPE and private schools that certify compliance with the state laws that apply to schools accredited through VCPE. The CRRSA Act requires state education departments to prioritize applications based on enrollment of low-income students and the severity of the impact of the pandemic on the school.

"Virginia's private schools sincerely thank Governor Northam for recognizing the impact COVID-19 has had on all school-aged children, including the approximately 11 percent of Virginia's students who attend private schools, by applying for this federal funding," said VCPE Executive Director Grace Turner Creasey. "The EANS program funding mechanism sends necessary assistance to private schools as they continue to ensure the health, safety and wellness of students during this global pandemic."

Approved services and assistance for non-public schools under the CRRSA Act include, but are not limited to:

- Supplies to sanitize, disinfect and clean school facilities;
- Personal protective equipment;
- Improving ventilation systems, including windows or portable air purification systems;
- Training and professional development for staff on sanitization, the use of personal protective equipment and minimizing the spread of infectious diseases;

6/25/2021

Northam Announces \$46.6 Million in Federal Funding for Virginia Private Schools | News | [emporaiindependentmessenger.com](https://www.emporaiindependentmessenger.com)

- Physical barriers to facilitate social distancing;
- Other materials, supplies, or equipment recommended by the Centers for Disease Control and Prevention for reopening and operation of school facilities to effectively maintain health and safety; and
- Educational technology to assist students, educators, and other staff with remote or hybrid learning.

"I want to thank Governor Northam for applying for Virginia's EANS allocation, which will allow the Virginia Department of Education to assist the Commonwealth's non-public schools by securing services, supplies and assistance," said State Superintendent of Public Instruction Dr. James Lane. "These resources will help keep their students and teachers healthy and safe, and help private schools recover from the impacts of the pandemic."

Eligible private schools must submit a completed application to the Virginia Department of Education (VDOE) by April 26.

[Additional submission by Hon. Gregorio Kili Camacho Sablan, a Delegate in Congress from the Commonwealth of the Northern Mariana Islands follows:]



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 - Ronald Snyder, EdD
Non-Public School Rep.

COMMISSIONER OF EDUCATION
pss.coe@cnmipss.org

MEMORANDUM

DATE : June 25, 2021

TO : Congressman Gregorio C. Sablan, U.S. House of Representative

FROM : Commissioner of Education

SUBJECT : American Rescue Plan

Dear Congressman Sablan,

We thank both President Biden and you for the efforts put into securing funding for the CNMI Public School System to provide educational services for our students during the pandemic.

It is important to note that before the pandemic, we averaged 95 international flights a week. Now we have just four (4) flights a week from Guam. The Educational Stabilization Fund (ESF) parts one (1) and two (2) have enabled us to bring back our teaching and support staff to re-open schools for our students.

The ARPA has provided the support we needed to provide educational services to our students. Furthermore, our Cooperative Education program is providing the Hospitality training and certification to our students as we all work hard together to restart our tourism-based economy.

The President's budget for education for next fiscal year with the increase of Title 1 and Special Education funding will greatly benefit our students and teachers. This increase in Title 1 funding and the ARPA funding together will help us to address the learning loss of instructional time and enable our students and teachers to return to in-person instruction, five (5) days a week. In addition, the ARPA funds will provide after-school programs, summer school, High Dosage Tutorial programs, and the Social Emotional Learning (SEL) that our students need because of the trauma and stress that the pandemic has caused. The long-term student learning goal is for our students to perform on/or above grade level as measured by the STAR Reading and Math Assessments.

On behalf of the parents and teachers of our 11,400 students, we thank you for your continued support and assistance.

Sincerely,

Ed.D
of Education

STUDENTS FIRST

All CNMI Public Schools are accredited by the North Central Association on Accreditation and School Improvement, an accreditation division of Cognia.

[Additional submission by Hon. Frederica S. Wilson, a Representative in Congress from the State of Florida follows:]



Action Memorandum

Automating the Discharge of Federal Student Loan Debt
for Individuals who are Totally and Permanently Disabled
(Revised December 14, 2020)

By Alex Elson



DECEMBER 2020

Action Memorandum

Automating the Discharge of Federal Student Loan Debt for Individuals who are Totally and Permanently Disabled (Revised December 14, 2020)

I. Summary

Under the Higher Education Act (“HEA”), student loan borrowers who are “totally and permanently” disabled are entitled to a complete discharge of their federal student loans.¹ But under current practices, even after the Social Security Administration (“SSA”) determines that an individual is eligible for such a discharge, the U.S. Department of Education (“Department”) requires a borrower to go through additional hoops. Rather than using information shared between agencies to automate the process after an SSA determination, the Department forces borrowers to separately apply for a total and permanent disability (“TPD”) discharge. As a result, and because of this additional hurdle, nearly 70% of borrowers identified by SSA as eligible for relief (approximately 400,000 borrowers) had not applied for, let alone received, the relief to which they are entitled.²

In order to promptly provide relief to these borrowers, before student loan payments are once again due, the Department should waive negotiated rulemaking and immediately issue a notice of proposed rulemaking (“NPRM”) with a thirty-day comment period that proposes to: (i) eliminate the need for a TPD application³ and grant automatic discharges to all individuals who have matched as TPD-eligible through the SSA data (“SSA matches”) and (ii) eliminate the three-year post-discharge monitoring period.⁴ These changes could provide an estimated \$14 billion in student loan discharges to approximately 400,000 student loan borrowers with disabilities who are not receiving the relief to which they are entitled.⁵

II. Background and Current State

Under the HEA, student loan borrowers with total and permanent disabilities are entitled to a discharge of their outstanding debt.⁶ Borrowers with FFEL Program loans, Direct Loans, and Perkins Loans are entitled to the

discharge.⁷ Borrowers are considered to have a total and permanent disability if they are “unable to engage in any substantial gainful activity,” which relates to earning income, by reason of any medically determinable physical or mental impairment that can be expected to result in death, expected to last for a continuous period of sixty months, or has lasted for a continuous period of sixty months.⁸

Pursuant to 2013 changes to the Department’s TPD regulations, an SSA designation of “Medical Improvement Not Expected” (“MINE”) qualifies a borrower for TPD relief.⁹ Borrowers are also considered to have a total and permanent disability if they have been determined by the Secretary of Veterans Affairs (“VA”) to be unemployable due to a service-connected condition.¹⁰ Generally, borrowers will apply for a TPD discharge based on a doctor’s certification, certain disability documentation or identification from the SSA, or a VA determination that the borrower is unemployable due to a service-connected condition.

As a practical matter, the Department regularly receives lists of borrowers who are eligible for TPD discharges thanks to information-sharing agreements signed with the VA (under a program announced in the Trump Administration)¹¹ and with SSA (under a program initiated in the Obama Administration).¹² The Department then notifies these borrowers—hundreds of thousands of individuals—that they are eligible for relief. According to data the Department provided to the National Student Legal Defense Network (“Student Defense”) through the Freedom of Information Act (“FOIA”), as of November 2019, 571,527 borrowers matched through the SSA process alone.¹³ But most of these borrowers fail to seek relief even though the Department has sent them notices: according to the Department’s response to the Student Defense FOIA, as of November 2019, 353,445 SSA-matched borrowers, or over 60%, had not received the relief to which they are entitled.

When borrowers fail to apply, and thus fail to receive the discharge, but are delinquent in repayment, the Department

¹ Alex Elson is Senior Counsel and a co-founder of the National Student Legal Defense Network (“Student Defense”). Alex was one of the original attorneys hired by the U.S. Department of Education to establish its borrower defense program, designed to provide student loan relief to borrowers who were subject to unlawful deception by their colleges.

When borrowers fail to apply, and thus fail to receive the discharge, but are delinquent in repayment, the Department often sends these individuals to forced collections and garnishes their disability benefits, all for debts they should no longer owe.

often sends these individuals to forced collections and garnishes their disability benefits, all for debts they should no longer owe. If the facts present themselves, the Department's alternative means of involuntary collections may also be used against these borrowers.

After years of bipartisan public pressure, in August 2019 President Trump signed a Presidential Memorandum directing Secretary DeVos to automatically discharge federal student loan debt for veterans identified as eligible by the VA, explaining that the TPD application process was "prevent[ing] too many of our veterans from receiving the relief for which they are eligible" which, in turn, was "frustrat[ing] the intent of the Congress that their Federal student loan debt be discharged."¹⁴

Approximately three months after the Presidential Memorandum, "Trump Administration lawyers" determined that the agency could not legally move ahead with automatic discharges unless they rewrote the TPD regulations to allow for relief without an application.¹⁵ On November 26, 2019, the Department published an IFR to amend the Perkins, FFEL, and Direct Loan TPD regulations to allow for automatic discharges for VA matches ("VA IFR").¹⁶

According to the VA IFR, the TPD application process was "a barrier that creates significant and unnecessary hardship for our disabled veterans" and removing it was therefore "a pressing problem of national concern."¹⁷ Pursuant to the VA IFR, automatic TPD discharges for veterans appear to be back on track.

Although the same principle applies to approximately 400,000 SSA matches who have not received relief, the Trump Administration has not taken any steps to automatically discharge their loans.

In general, the Department treats determinations made by SSA differently from those made by the VA in one key respect: post-discharge monitoring requirements. Once the Department discharges a debt due to a VA determination of disability, there is no further monitoring of the borrower, seemingly due to a statutory provision that a borrower who is eligible for a TPD discharge due to a determination by the VA "shall not be required to present additional documentation..."¹⁸ But the HEA also provides that "[t]he Secretary *may* develop" safeguards to prevent fraud and abuse involving non-VA disability determinations.¹⁹

In response to a 1999 Department of Education Inspector General report finding a large percentage of likely fraudulent discharges,²⁰ the Department took a series of steps to respond to the fraud. The processes have evolved over the years, but since 2010, the Department requires borrowers to be monitored for three years after discharge, during which time the loans can be reinstated for any of the following three reasons: (i) the borrower has earnings beyond a minimally acceptable amount; (ii) the borrower has incurred new federal student loans; or (iii) SSA changes its disability determination.²¹ If the borrower does not satisfy these reinstatement period requirements, the "Secretary reinstates [the] borrower's obligation to repay" the previously discharged loan.²² The Department will also reinstate a borrower's loans if the borrower fails to provide the required information during the monitoring period, though the regulatory text is ambiguous on this point.²³

There is widespread support to extend automatic TPD relief to SSA matches. Student Defense, along with a bipartisan coalition in Congress, has called upon the Trump Administration to do so.²⁴ In response to a March 3, 2020 letter from Student Defense and over 30 other advocacy

groups,²⁵ the Trump Administration signaled interest in providing such relief, stating to NPR:

The Department's current implementing regulations require it to receive an application before completing a civilian [total and permanent disability] discharge, but we are interested in providing automatic discharge to these borrowers and believe the FUTURE Act makes this a possibility – but will require the department to undergo negotiated rulemaking.²⁶

Although the Trump Administration did not act on this "interest," the Biden Administration should. There are simply no significant or persuasive reasons not to extend the automatic relief to all borrowers—veterans or civilians—who share the statutory right to relief and who have been identified by the federal government as eligible.

III. Proposed Action

In an earlier version of this memo, we suggested that the Department could take a series of executive actions to effectuate relief to eligible borrowers. We suggested that the Department immediately issue an Interim Final Rule ("IFR") to suspend all collection activity for individuals who have "matched," and then commencing a negotiated rulemaking to grant automatic discharges to those individuals and eliminate the post-discharge monitoring period.

Although we continue to believe that our prior memorandum provides the Department with a path towards affording affected borrowers (*i.e.*, borrowers with a MINE designation) the relief to which they are entitled, it was written at a time when the "freeze" on student loan repayment—in light of the COVID-19 crisis—was set to expire on December 31, 2020. Given the growth of the pandemic, and the extent to which we anticipate student loan repayment problems continuing into 2021, we have conducted additional thinking about how to expedite relief to borrowers, in a manner that remains consistent with governing law.

At the time of this writing, the Trump Administration has extended the "freeze" on student loan repayments through January 31, 2020.²⁷ Based on public reporting, we presume—and base our analysis upon the presumption—that the incoming administration will continue that freeze, although

for an unknown period of time. Given the freeze, an IFR suspending collection appears to be an unnecessary step for the Department to take. Nevertheless, the path towards relief for disabled borrowers must continue.

Perhaps the most expeditious approach to consider relief for disabled borrowers, and to afford such relief before the expiration of any further freeze, is for the Department to promptly issue an NPRM proposing to (i) grant automatic discharges to SSA matches by eliminating the need for a TPD application and (ii) eliminating the three-year post-discharge monitoring period. This NPRM can be relatively short—although it will need to provide a regulatory impact analysis ("RIA") that estimates and quantifies burden. We suspect that an NPRM could be prepared and issued within the first 30-45 days of the new Administration.

Although the Department is ordinarily required by the HEA to use negotiated rulemaking to develop a proposed rule for programs authorized under Title IV, it has the statutory authority to bypass that process when it finds that "applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest."²⁸ In light of the express cross-reference to, and incorporation of, section 553 of the APA, 5 U.S.C. § 553, this is often referred to as the "good cause" requirement.

"Good cause" under Section 553 of the APA "is determined on a 'case-by-case' basis, based on the 'totality of the factors at play.'" *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018) (citing *United States v. Valverde*, 628 F.3d 1159, 1164 (9th Cir. 2010)); *see also Sorenson Commc'ns Inc. v. F.C.C.*, 755 F.3d 702, 706 (D.C. Cir. 2014) (explaining that the good cause analysis is an "inevitably fact-or-context dependent" inquiry). The good cause exemption "excuses agencies from the notice and comment requirement—and, by extension, excuses the Department from the negotiated rulemaking requirement for Title IV regulations—only 'in emergency situations, or where delay could result in serious harm.'" *Bauer v. DeVos*, 325 F. Supp. 3d 74, 96–97 (D.D.C. 2018) (quoting *Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004)); *see also Sorenson Commc'ns Inc.*, 755 F.3d at 706 (explaining that good cause exists "where delay would imminently threaten life or physical property"); *California v. Azar*, 911 F.3d 558, 576 (9th Cir. 2018) (holding that good cause may be found where "delay would do real harm to life, property, or public safety").

Here, there is good cause to waive negotiated rulemaking with respect to the need for an application because the Department has already determined that once it becomes aware that SSA has made a certain determination, the Department has the necessary "proof of [the] borrower's TPD" eligibility.²⁹ In 2016, the Department announced that it had been working closely with SSA to "complete a data match to identify federal student loan borrowers" who have the MINE designation which "qualifies them for loan forgiveness under the TPD discharge program."³⁰ Thus, as a result of this ongoing data-match program, described above, the Department has already determined that a particular category of borrowers are entitled to a loan discharge, and already knows—from SSA—which individual borrowers are part of that category.

Accordingly, as the Department determined in connection with the VA match, "there will no longer be a need for" an application from a borrower, because the Department no longer has discretion to deny an SSA-matched-borrower's application for a TPD discharge. Thus, the Department's prior statements, made in connection with the VA IFR, are prescient:

As the Court found in *Metzenbaum v. Federal Energy Regulatory Commission*, 675 F.2d 1282, 1291 (D.C. Cir. 1982), the opportunity for notice and comment where there is no discretion is "unnecessary." *Id.* (quoting 5 U.S.C. 553(b)(B)). The Court further stated that notice and comment for such a nondiscretionary action "might even have been 'contrary to the public interest,' given the expense that would have been involved in a futile gesture." *Id.* See also *Lake Carriers' Ass'n v. EPA*, 652 F.3d 1, 10 (D.C. Cir. 2011) (notice and comment rulemaking "would have served no purpose" where EPA lacked the authority to amend or reject the conditions at issue).³¹

In the context of the VA IFR, the Department used this rationale to find "good cause" to waive both notice-and-comment rulemaking *and* negotiated rulemaking. These are, of course, separate analyses; and good cause to waive one requirement should not be concomitant with good cause to waive the other. Here, because the negotiated rulemaking process is time intensive, and may outlast the current repayment freeze, and in light of the discussion above,

we believe that the Department can waive the negotiated rulemaking requirement. But for the freeze, the Department would likely have good cause to waive the notice and comment requirement, as it did with respect to the VA IFR. Nevertheless, the freeze has afforded the opportunity to balance the interests (providing required discharges to eligible borrowers immediately vs. engaging in the required administrative processes) and provide an opportunity for the public to comment on a NPRM.

The economic fallout from the COVID-19 pandemic provides further good cause for bypassing negotiated rulemaking in order to provide automatic relief to entitled borrowers before the freeze ends. Borrowers who are totally and permanently disabled and saddled with debt are among the most in need of swift economic relief.³² Because TPD relief allows only for a discharge of the borrower's outstanding balance, these borrowers would be unable to recoup payments made while the lengthy negotiated rulemaking process plays out. They should not be required to continue making payments that they cannot recoup after-the-fact, on loans that the Department knows they do not owe, while a lengthy negotiated rulemaking process takes place.

There is also good cause to waive negotiated rulemaking with respect to changes to the monitoring period. As discussed above, the HEA contemplates, but does not require, a post-discharge monitoring period.³³ Thus, the Department has the authority, through a new rulemaking, to eliminate the monitoring period for SSA matches.³⁴

Importantly, the elimination of the application requirement for borrowers who have matched must be conducted in tandem with elimination of the monitoring period because the two issues are inextricably linked. It would cause enormous confusion—at a great harm to the public interest—for the Department to provide automatic discharges to 400,000 borrowers and then require those borrowers to submit to a monitoring period that they may not know exists. Even when borrowers take the affirmative step to apply, the monitoring period is causing tens of thousands of borrowers to have their loans reinstated not because of fraud in the system, but for the simple failure to fill out paperwork.³⁵ If the Department were to keep the monitoring period in place, it is possible that hundreds of thousands of borrowers would have their loans reinstated, defeating the

entire purpose of this effort while simultaneously creating an unnecessary administrative nightmare. Regardless, because of the timing issues created by the freeze on student loan repayments, a balance of the factors suggests that the Department should still provide an opportunity for the public to comment on a NPRM.

Finally, there is a question of the effective date – which has three distinct components.

First, under the “Master Calendar” provision in the HEA, “regulatory changes initiated by the Secretary affecting the programs under [Title IV] that have not been published in final form by November 1 prior to the start of the award year shall not become effective until the beginning of the second award year after such November 1 date.” 20 U.S.C. § 1089(c)(1). In effect, if this provision applied, any changes that the Department finalized before November 1, 2021 would not take effect until July 1, 2022. And while the provision allows for “early implementation,” 20 U.S.C. § 1089(c)(2)(B), designating a regulation for early implementation permits an “entity” to “choose[] to implement a regulatory provision prior to the effective date” under the Master Calendar rule.

With respect to the Master Calendar requirement, the Department should be guided by its actions with respect to the VA IFR, in which it did not subject the regulatory change to the master calendar rule. In that rulemaking, the Department did not even mention the Master Calendar requirement when discussing the effective date of the rule. Such an approach is consistent with what we believe to be the best reading of the Master Calendar requirement, *i.e.*, it only applies to situations in which it is possible for the Secretary—exercising her authority under 20 U.S.C. § 1089(c)(2)—to designate a rule for early implementation. Under such a reading, the requirement applies to regulations that impact entities that could early implement a rule, but does not apply to purely borrower-facing provisions that have no impact on any “entity.” Regardless, even if the Master Calendar requirement does apply, the Department should be guided by its interpretation of the early implementation language in other contexts, and simply designate the rule for early implementation—even where there is no “entity” that can choose to implement the regulatory change before the presumptive July 1 effective date.³⁶

Second, the APA also requires regulations to be published at least 30 days before their effective date, but excepts from that requirement rules which grant or recognize an exemption or relieve a restriction. 5 U.S.C. § 553(d)(1). Here too, the Department should take guidance from the VA IFR, where the Department noted that it was taking action to “relieve restrictions on veterans by removing unintended administrative burdens[.]”³⁷ Because the same justification applies to borrowers with disabilities, who will have unintended administrative burdens removed with respect to the post-match application, the 30-day requirement in the APA need not apply.

Third, the Congressional Review Act requires that a major rule may take effect no sooner than 60 calendar days after an agency submits a CRA report to Congress or the rule is published in the Federal Register, whichever is later.³⁸ Nevertheless, the CRA also provides that if the agency has “good cause”—and includes within the rule a “brief statement of the reasons therefore” that “notice and public procedure” is “impracticable, unnecessary, or contrary to the public interest,” such a rule can take effect upon publication in the Federal Register.³⁹ In the VA IFR, the Department expressly tied its “good cause” finding to dispense with notice and comment rulemaking to the good cause requirement under the CRA.⁴⁰ Putting aside the question of whether good cause to dispense with one procedure *et facta* constitutes good cause for dispensing with other components, in this case, for the reasons stated above with respect to the impact on borrowers with disabilities, the agency would have good cause to ensure that the rule takes effect before the expiration of the current “freeze.”

IV. Risk Analysis

We see little risk in eliminating the post-discharge monitoring period and need for a TPD application for SSA matches, and in granting the automatic discharges. While it is possible that some will raise concerns of borrower-fraud without the monitoring period for SSA matches, we believe the SSA MINE designation process provides a sufficient guardrail and see little risk of a party being injured by the rule proposed here.⁴¹ Politically, we do not see pushback on efforts to help Americans with permanent disabilities.

Endnotes

- 1 HEA § 437(a); 20 U.S.C. § 1087(a).
- 2 As of February 2020, "approximately 589,000 borrowers were identified through the SSA match process, which began in April 2016. Of those borrowers, more than 227,000 borrowers with loans totaling \$8.2 billion have been approved for discharges." See U.S. Department of Education Responses to Questions for the Record Submitted by Senator Paty Murray Following the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies March 5, 2020 Hearing to Review of the FY2021 Budget Request for the U.S. Department of Education at 40, available at <https://www.help.senate.gov/download/wordmurraytts5mar20hearingofy21edbudget>. Accordingly, as of February 2020, 362,000 borrowers were eligible for, but had not received, TPD relief. Subsequently, on November 9, 2020, the Office of the Inspector General for the SSA issued a report finding that SSA erroneously omitted 36,248 borrowers who should have matched through the SSA process, and SSA agreed with the finding. See Office of the Inspector General, Social Security Administration Audit Report, "Social Security Administration Beneficiaries Eligible for Total and Permanent Disability Federal Student Loan Discharge," (Nov. 9, 2020), available at <https://www.oversight.gov/node/62106>. Therefore, while some borrowers may have applied since February 2020, it appears that nearly 400,000 borrowers have matched through the SSA process but not received relief.
- 3 See 34 C.F.R. § 685.213(b)(1) ("To qualify for a discharge of a Direct Loan based on a total and permanent disability, a borrower must submit a discharge application to the Secretary on a form approved by the Secretary").
- 4 See 34 C.F.R. § 685.213(b)(7)-(8).
- 5 This estimate is based on the Department's reporting that the 227,000 borrowers who matched through the SSA process and successfully applied for TPD relief received \$8.2 billion in discharges, or an average of \$36,123.35 per borrower. See *supra* note 2.
- 6 HEA § 437(a); 20 U.S.C. § 1087(a).
- 7 34 C.F.R. §§ 674.61 (Perkins), 682.402(c) (FFEL), 685.213 (Direct Loan).
- 8 HEA § 437(a)(1); 20 U.S.C. § 1087(a)(1).
- 9 See 77 Fed. Reg. 66,088, 66,091-93 (Nov. 1, 2012).
- 10 HEA § 437(a)(2); 20 U.S.C. § 1087(a)(2).
- 11 See Press Release, U.S. Dept of Educ., "U.S. Department of Education and U.S. Department of Veterans Affairs Team Up to Simplify Student Loan Discharge Process for Disabled Veterans" (Apr. 16, 2018), available at <https://www.ed.gov/news/press-releases/us-department-education-and-us-department-veterans-affairs-team-simplify-student-loan-discharge-process-disabled-veterans>.
- 12 See Press Release, U.S. Dept of Educ., "U.S. Department of Education Acts to Protect Social Security Benefits for Borrowers with Disabilities" (Apr. 12, 2016), available at <https://www.ed.gov/news/press-releases/us-department-education-acts-protect-social-security-benefits-borrowers-disabilities>.
- 13 See U.S. Department of Education, Final Response to FOIA Request No. 20-00411-F (Jan. 29, 2020), available at <https://www.defendstudents.org/foia/disability#matchingagreements>.
- 14 See Presidential Memorandum on Discharging the Federal Student Loan Debt of Totally and Permanently Disabled Veterans (Aug. 21, 2019), available at <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-discharging-federal-student-loan-debt-totally-permanently-disabled-veterans/>.
- 15 See Michael Stratford, "Trump pledge to forgive disabled veterans' student loans delayed — at Education Department," *Politico* (Nov. 21, 2019), available at <https://www.politico.com/news/2019/11/21/trump-disabled-veterans-student-loans-072750>. We do not know whether this determination was made by the Department of Education or elsewhere in the executive branch.
- 16 See 84 Fed. Reg. 65,000 (Nov. 26, 2019), available at <https://www.govinfo.gov/content/pkg/FR-2019-11-26/pdf/2019-25813.pdf>.
- 17 *Id.* at 65,002.
- 18 20 U.S.C.A. § 1087(a)(2) (language added August 14, 2008).
- 19 20 U.S.C.A. § 1087(a)(1) (emphasis added) (language added July 1, 2010).
- 20 U.S. Dept of Educ., Office of Inspector Gen., A06-80001, Improving the Process for Forgiving Student Loans (June 7, 1999).
- 21 34 C.F.R. § 685.213(b)(7)(i).
- 22 *Id.*
- 23 34 C.F.R. § 685.213(b)(8). The regulatory text does not specifically require reinstatement, but rather, in a section titled DBorrowerIs responsibilities after a [TPD] discharge, D provides that, during the monitoring period, the borrower Dmust provide the Secretary with the required information. The preamble to the 2012 rule states that a DBorrower who does not provide the required documentation (particularly income documentation) will have his or her loans reinstated and will be required to resume payment on the loan. Q 77 Fed. Reg. at 66,097; see also FSA Website at <https://studentaid.ed.gov/sa/repay-loans/forgiveness-cancellation/disability-discharge#postdischarge> ("During the postdischarge monitoring period, Nelnet will require you to submit documentation of your annual earnings from employment on a form that Nelnet will provide. If you don't submit this form with the required documentation of your income, your obligation to repay your loans or complete your TEACH Grant service obligation will be reinstated."). The Department further explained that "a large proportion of discharged borrowers end up with their loans reinstated because of failure to submit adequate information during the post-discharge monitoring period." 77 Fed. Reg. at 66,119.
- 24 See Press Release, "Sen. Coons leads bipartisan effort to urge Trump Administration to immediately discharge outstanding federal student loans for permanently disabled Americans," (Oct. 9, 2019), available at: <https://www.coons.senate.gov/newsroom/record/press-releases/sen-coons-leads-bipartisan-effort-to-urge-trump-administration-to-immediately-discharge-outstanding-federal-student-loans-for-permanently-disabled-americans>.
- 25 See Letter from Advocacy Groups to Sec. DeVos (Mar. 3, 2020), available at: <https://www.defendstudents.org/news/coalition-urges-devos-to-provide-critical-loan-relief-to-350000-americans-with-disabilities>.
- 26 Cory Turner, "Letters Urge Betsy DeVos To Erase Student Loans For Borrowers With Disabilities," *National Public Radio* (March 3, 2020), available at: <https://www.npr.org/2020/03/03/811170628/letters-urge-betsy-devos-to-erase-student-loans-for-borrowers-with-disabilities>.
- 27 On March 27, 2020, Congress passed and President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), which suspended all student loan payments until September 30, 2020. On August 8, 2020, President Trump issued a memorandum directing the Department to extend CARES Act student loan relief through December 31, 2020. On December 4, 2020, Secretary DeVos announced a further extension of the student loan forbearance period to run through January 31, 2021. See Press Release, U.S. Dept of Educ., "Secretary DeVos Extends Student Loan Forbearance Period Through January 31, 2021, in Response to COVID-19 National Emergency" (Dec. 4, 2020), available at: <https://www.ed.gov/news/press-releases/secretary-devos-extends-student-loan-forbearance-period-through-january-31-2021-response-covid-19-national-emergency>.
- 28 5 U.S.C. § 553(b)(B). See also 20 U.S.C. § 1098a(b)(2) ("All regulations pertaining to [Title IV of the HEA] . . . shall be subject to a negotiated rulemaking . . . unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within

- the meaning of section 553(b)(3)(B) of title 5, and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published"; *Nat'l Educ. Ass'n v. DeVos*, 379 F. Supp. 3d 1001, 1020 (N.D. Cal. 2019) (discussing the HEA's "good cause" requirement).
- 29 Final Regulations, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program, 77 Fed. Reg. 66069, 66091 (Nov. 1, 2012).
- 30 See Press Release, U.S. Dep't of Educ., "U.S. Department of Education Acts to Protect Social Security Benefits for Borrowers with Disabilities" (Apr. 12, 2016), available at: <https://www.ed.gov/news/press-releases/us-department-education-acts-protect-social-security-benefits-borrowers-disabilities>.
- 31 84 Fed. Reg. 65,005-06.
- 32 See Clare Lombardo and Cory Turner, "Student Loan Borrowers With Disabilities Aren't Getting Help They Were Promised" *National Public Radio* (Dec. 4, 2019) (explaining that, as of June 2019, 225,000 borrowers who had matched through the SSA process had already defaulted on their loans, and many were having their disability checks garnished), available at: <https://www.npr.org/2019/12/04/776058798/why-student-loan-borrowers-with-disabilities-arent-getting-the-help-they-deserve>; see also Nat'l Council on Disability, National Disability Policy: A Progress Report at 11 (Oct. 26, 2017) ("[P]eople with disabilities live in poverty at more than twice the rate of people without disabilities"), available at: https://nacd.gov/sites/default/files/NCD_A%20Progress%20Report_508.pdf.
- 33 20 U.S.C. § 1087(a)(1) ("The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse" and "the Secretary may promulgate regulations to reinstate the obligation of, and resume collection on, loans discharged under this subsection. . .") (emphasis added).
- 34 In December 2019, Congress added an "automatic income monitoring" section to the HEA's TPD provisions. See 20 U.S.C. § 1087(a)(3). The new section requires the Secretary to establish and implement procedures to use IRS tax return information in order to determine continued eligibility for a TPD discharge during the monitoring period. The provision does not require a monitoring period, but rather requires automatic income monitoring where there is one. To the extent the monitoring period is not eliminated for borrowers who apply for TPD relief based on a doctor's certification, this new automatic monitoring provision would apply.
- 35 See Lombardo and Turner, *supra* note 32. According to a 2016 GAO Report: in fiscal year 2014, of the 62,303 borrowers that had their loans reinstated, 61,074 of them (or 98%) were due to failure to submit an annual income verification form. The percentage was the same in 2015. See GAO Report: "Social Security Offsets: Improvements to Program Design Could Better Assist Older Student Loan Borrowers with Obtaining Permitted Relief" at 35, Fig. 10 (Dec. 2016), available at: <https://www.gao.gov/assets/690/681722.pdf>.
- 36 The Department has taken such an approach in a number of other cases. See, e.g., Final Regulations, Student Assistance General Provisions, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program, 80 Fed. Reg. 67,204, 67,205 (Oct. 30, 2015) (designating for early implementation regulations specific to the REPAYE repayment plan); 81 Fed. Reg. 75,926, 75,927 (Nov. 1, 2016) (designating the automatic closed school discharge regulation for early implementation).
- 37 84 Fed. Reg. at 65,006.
- 38 5 U.S.C. § 801(a)(3)(A).
- 39 5 U.S.C. § 808.
- 40 84 Fed. Reg. at 65,006 ("As stated above, the Department has found good cause to issue this rule without notice and comment rulemaking and thus we are not including the 60-day delayed effective date in this rule.").
- 41 Because SSA has already gone through its process to designate these borrowers as "Medical Improvement Not Expected," the risk of fraud in the system is low. SSA's procedures and criteria for setting a MINE designation are available at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0426525045>. See also 77 Fed. Reg. at 66,091-93 (describing SSA's MINE designation process and noting that such designations are reviewed by SSA no less frequently than once every seven years and no more frequently than once every five years). There is no need for the Department (let alone borrowers) to shoulder the extensive burden and cost of imposing even more hurdles on borrowers SSA has already found qualify.



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[Additional submission by Hon. Suzanne Bonamici, a Representative in Congress from the State of Oregon follows:]

6/25/2021 Oregon's on track to send record state funding to public schools. There could still be cuts. - OPB

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Oregon's on track to send record state funding to public schools. There could still be cuts.



By [Elizabeth Miller](#) (OPB)
June 16, 2021 8 a.m. Updated: June 16, 2021 12:44 p.m.

School leaders say \$9.3 billion is not sustainable.

0:00 / 4:12

As Oregon legislators contemplated allocating a record \$9.3 billion to Oregon's state school fund, school leaders were hoping for more.

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Portland Public Schools Superintendent Guadalupe Guerrero [tweeted](#) May 21 that the state's positive revenue forecast should mean funding schools at "current service level" of \$9.6 billion.

"SSA, SIA, & federal covid relief monies are intended for equity-focused student supports, not to make up general fund shortfalls," Guerrero tweeted, referencing the Student Success Act, the Student Investment Account, and federal funds — other sources of school funding, with targeted purposes. The Student Success Act is funded by the state's corporate activity tax, and the Student Investment Account is one of three main accounts under the SSA.

A few days later, at its May 25 school board meeting, Portland Public Schools board members passed the "[Resolution To Urge Legislators to Adequately Fund K-12 Public Schools,](#)" also asking for the \$9.6 billion.



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fund would leave many districts with a deficit next school year.

In Portland, the district's resolution said the current state schools fund budget would create an \$11.1 million operating deficit, the equivalent of three days of school or 106 licensed teachers.

In nearby Beaverton, the gap is similar.

"The difference between the \$9.6 billion that we think we need, versus the \$9.3 that's currently allocated, it's about \$12 million, a hundred teachers, or seven school days," said Beaverton associate superintendent for business services Mike Schofield.

"It's pretty significant in terms of what that shortfall means to us."

Money from multiple sources, but with restrictions

Over the last two years, Oregon schools have received more new funding than they have in years. New, on-going state revenue from the Student Success Act and one-time-use COVID-19 federal funds under the Elementary and Secondary School Emergency Relief, or ESSER, fund give districts millions to bring on extra staff or make long-overdue changes to school buildings. But despite the new funds, some districts may still face cuts.

Schofield has worked in school finance for 30 years. He calls the past year "unprecedented," both in terms of the challenges of providing school services during a pandemic, and in terms of the barrage of federal funds.

In Beaverton, the district will use its reserves to make up the difference in state funding. But Schofield said that's not sustainable.

"At least for the first year, we'll use our financial reserves to get us through," he said.

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Beaverton High School
Rob Manning / OPB

Oregon legislators say the \$9.3 billion is [more than enough](#) to fund schools, a 3.3% increase over the current K-12 schools budget.

“It assumes adjustments for educator compensation, changes in Public Employee Retirement System contributions, growth in health care costs, number of students, characteristics of students (e.g. special education, remote schools), and changes in local revenue,” according to [budget reports](#) from both the House and Senate.

In supporting the bill during the June 3 House vote, representatives with ties to education supported the bill while highlighting its historic nature.

“These are record investments to our schools, and as a school board member who has dealt with lack of funding and seeing the negative effects of this pandemic, I can



<https://www.opb.org/article/2021/06/16/oregon-schools-record-education-funding-cuts/>

3/10

\$9.1 billion” said Rep. Ricki Ruiz D-Gresham, who also serves on the Reynolds school board.

While saying he supported \$9.6 billion, Ruiz also said he was not willing to trade off increased education funding at the expense of other pieces of the budget, including health care and housing.



Also ahead of the House vote, Rep. Paul Evans D-Monmouth, a faculty member at Chemeketa Community College, supported the \$9.3 billion allocation, while suggesting a billion more dollars in the next funding cycle.

“It is, at least so far, the best and biggest budget we’ve had that is a sustainable budget in a model that can be promised and kept into the future since I’ve been here,” Evans said.

Over the session, Gov. Kate Brown has moved from an initial \$9.1 billion recommendation to agreeing with the current allocation, but not before [criticizing lawmakers](#) over where extra money for the state school funds were coming from, and saying they weren’t prioritizing equity in their school funding decisions.

A day after the legislature passed the K-12 budget, a coalition of K-12 groups including several school districts, unions, the Oregon School Boards Association, and the Coalition for Oregon School Administrators sent a letter to Oregon leadership, also centering equity in their argument for \$9.6 billion.

“We believe the K-12 budget should be funded at a level that preserves programs and supports while ensuring targeted investments provide equitable outcomes for students most impacted by COVID,” according to the letter, which was [first publicized](#) by the Oregon School Boards Association, one of the signees.

The letter included information focused on just 33 of Oregon’s 197 school districts,



“When we fail to fund the State School Fund at \$9.6 billion, it disproportionately impacts the districts and schools where most BIPOC students attend,” according to the letter, which said those 33 districts will have a combined deficit of \$134 million.

Public school districts in Oregon rely heavily on money from the state school fund, which is distributed mostly based on student enrollment. Schofield said 88% of the Beaverton district’s general budget comes from that state fund, which goes towards the district’s “core operations.”

“When you think about what the state school fund actually provides funding for, it’s our teachers in the classroom, it’s our bus driver, counselors, support services, all those folks,” Schofield said.



Oregon Gov. Kate Brown laughs with Jefferson High School students as she ceremonially signs the Student Success Act in Portland, Ore., Wednesday, Aug. 28, 2019.
Elizabeth Miller / OPB



6/25/2021

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source of funding to the district through business taxes, though the funding is targeted

and meant to support underserved students. Because of the economic downturn caused by the pandemic, the first year of SIA funds was depleted.

Before the pandemic, more than \$472 million was expected to flow into the Student Investment Account. Due to the economic impacts of the pandemic, the actual number was [\\$150 million](#) for the 2020-2021 school year. Over the next two years, however, the SIA is expected to provide almost [\\$400 million](#) to districts annually.

Then there's the federal money, three different allotments of money, ESSER I and ESSER II signed under President Trump, with ESSER III, or the American Rescue Plan, signed under President Biden.

Stretching that 'one-time money' ahead of looming costs

So far, Schofield said the Beaverton district has spent approximately \$10.1 million in federal stimulus money on personal protective equipment and technology, among other things. That leaves about \$67 million left from ESSER II and ESSER III.

Districts have two years to spend these funds, and Beaverton plans to spend conservatively.

"We are very sensitive to the fact that this is one-time money," Schofield said.

The district is considering increased staffing, as well as heating-and-cooling system and air quality improvements. But Schofield said district leaders are also returning to the feedback from community engagement sessions two years ago, when the district was [deciding](#) how to spend its Student Investment Account funds.

Schofield said the district is also looking at what else students might need. He said those conversations will continue, even after the school board passes the budget at the end of the month.

As district officials plan how to spend their one-time federal dollars, they could be facing other rising costs, both in the short- and long-term.

Districts are awaiting updated "Ready Schools, Safe Learners" guidance heading into the fall, and that may mean new rules to follow, enforce and pay for. Schofield said he's also concerned about the potential of increased costs into the state's Public Employee



Finally, for many districts, there is declining enrollment to consider. School districts that lose students, lose the state funding that comes with them. This past school year, Oregon had a 3.73% drop in student enrollment, almost 22,000 students.

In Beaverton, the state's membership report shows a decline in enrollment by 1700 students. Schofield said the district projects enrollment to rebound a bit in the fall, but lower enrollment could mean a reduction in funding.

"We lost enrollment, we think we'll bounce back and gain some of it, but we don't think we'll be all the way back to the 2019-2020 level of enrollment as we start the next year," Schofield said.

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[Additional submission by Hon. Adriano Espillat, a Representative in Congress from the State of New York follows:]

7/9/2021

Schumer Praised for Work on Rescue Plan Act to Assist Catholic Schools | Catholic New York

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MAIN MENU

Schumer Praised for Work on Rescue Plan Act to Assist Catholic Schools

Posted Wednesday, March 24, 2021 12:05 am

BY DAN PIETRAFESA

The \$1.9 trillion American Rescue Plan Act may bring federal aid to the 175 Catholic schools in the archdiocese, thanks to the work done by Cardinal Dolan and U.S. Sen. Chuck Schumer, D-N.Y., the Senate majority leader.

"The Cardinal showed national leadership and advocacy on behalf of Catholic schools and that he was successful on behalf of Catholic schools throughout the country almost exclusively because of his partnership with Senator Schumer," Michael Deegan, superintendent of schools in the archdiocese, told CNY.

The American Rescue Plan Act includes \$2.75 billion for the nation's non-public schools. This comes after New York City Catholic schools did not realize any federal money from last year's Coronavirus Response and Economic Security Act (CARES Act).

"Our Catholic schools in New York City have not seen a penny of that money because the city has created such a bureaucratic entitlement it has prohibited us from benefiting from what lawmakers in Washington intended for our Catholic schools to get," Deegan said.

<https://www.cny.org/stories/schumer-praised-for-work-on-rescue-plan-act-to-assist-catholic-schools,22150>

1/9

7/9/2021

Schumer Praised for Work on Rescue Plan Act to Assist Catholic Schools | Catholic New York

"Because of Chuck Schumer's attention to detail, he made sure the language in the American Rescue Plan on the disbursement of money did not need to go to the local public school system. It went from the federal government to the state government to the state education department, and therefore we are very optimistic that we will fully benefit from what the federal government intended our Catholic schools to benefit from."

John Cahill, chancellor of the archdiocese, said the conversations between Cardinal Dolan and Sen. Schumer played a critical role in the American Rescue Plan, including funds for non-public schools.

"(Cardinal Dolan's) discussions with Senator Schumer drove home the need for justice and equity with respect to the children who attend our schools," Cahill said. "Certainly there was a large amount in there for public school students, but initially there was nothing coming out of the House bill that was going to give any sort of assistance to non-public schools. It really was the diligence of His Eminence and his many conversations with Senator Schumer, and we're all very grateful for Senator Schumer's proactive response."

"I'm very optimistic we will be able to access money allotted in the stimulus and do so rather quickly," he said. "This money will put us on a fair setting or equal setting with the public schools that have been affected by the pandemic and a real position as well going into 2021 to continuing the terrific education we provide children in our Catholic schools, particularly in our inner cities."

Deegan now waits for government guidelines to determine what needs to be done to apply for federal funds that will assist low-income students and students most impacted by the pandemic as stated in the bill when passed by Congress.

"(Senator Schumer's) recognition and awareness of what New York Catholic schools have done during this pandemic and his recognition of the work Catholic schools have done was a contributing factor to his agreeing to recognize the extraordinary contributions and work the Catholic schools have done," Deegan said.

"We did not have to convince him that our Catholic schools are important, valuable and essential to the country because of our history, particularly in the last year. So we demonstrated both to Senator Schumer and many elected officials in Washington that Catholic schools are now finally being recognized for their academic rigor and for the exceptional programs that Catholic schools run."

Deegan said the deadline just passed to apply for federal aid from December's Coronavirus Response and Relief Supplemental Appropriation Act (CRRSA Act), which included the Emergency Assistance for Non-Public Schools with \$2.75 billion for non-public schools.

Deegan is hopeful of what the federal funds will do for all Catholic school children. He said the money will go toward such things as extended learning days, after-school programs and summer school programs.

7/9/2021

Schumer Praised for Work on Rescue Plan Act to Assist Catholic Schools | Catholic New York

"It will allow us to provide remediation to children who have experienced learning gaps because of remote learning as well as enrichment programs above and beyond the academic learning that we will be providing to the children," Deegan said.

The superintendent added that Catholic schools are also attempting to receive aid from the Federal Emergency Management Agency for "Covid-related expenses associated with opening and maintaining the health and safety protocols of our schools."

OTHER ITEMS THAT MAY INTEREST YOU

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Home Visit (/stories/home-visit,22511)

As CASA Nears Goal, 'Creativity and Innovation' Mark Path (/stories/as-casa-nears-goal-creativity-and-innovation-mark-path,22507)

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"The legitimate reasons for missing Sunday Mass are gone. The good reasons for dispensing ourselves from this grave Divine Law—"Remember to keep holy the Lord's day," the third of the ten commandments—because of the pandemic are no longer valid. No more "dispensation!"

CNY COLUMN (/CARDINAL-DOLAN-COLUMNS/)

CARDINALDOLAN.ORG ([HTTP://CARDINALDOLAN.ORG/INDEX.PHP/CATEGORY/BLOG/](http://cardinaldolan.org/index.php/category/blog/))

IN THE NEWS (/CARDINAL-DOLAN-NEWS/)

[Prepared Statement from Hon. Raúl M. Grijalva, a Representative in Congress from the State of Arizona follows:]

**Statement for the Record from
REPRESENTATIVE RAÚL GRIJALVA**

Full Committee Hearing
“Examining the Policies and Priorities of the U.S. Department of Education”
Thursday, June 24th, 2021
10:15 AM

Secretary Cardona, Chairman Scott, Ranking Member Foxx, and distinguished Members of the committee:

The pandemic revealed existing inequities in our public education system. While students who are generally successful in school have been able to weather this unprecedented interruption, students who have not experienced success or for whom school is difficult have struggled to maintain their progress towards academic proficiency. In particular, English learners (ELs) and their teachers faced several overlapping challenges, from students’ lack of access to technology to teachers adapting their teaching and learning strategies to an online environment. However, these challenges are layered atop generations of pre-pandemic inequities that have defined ELs’ educational opportunities across the country. For public education to deliver on its promise to educate all students, regardless of background, we must address these inequities.

First, we must address the digital divide, both in terms of access to technology and building the necessary digital literacy skills in students and their parents to be able to use that technology. Districts across the country have stepped up to plate, including training their teachers on how to support ELs through online instruction. As students and their teachers have grown more comfortable with different virtual learning tools, they have blossomed into independent learners as well as improving other so-called “soft skills,” like taking turns in group conversations or presenting their work to their classmates. Additionally, we must support innovative efforts to center academic language development in distance learning. Educators have been leveraging technology or setting up non-academic online meetings where their students are able to connect and talk with classmates. Teachers have been able to engage in more collaboration, planning and work together sharing newfound best practices.

We must also support caregivers’ involvement in their students’ education. Caregiver involvement leads to positive benefits for students, caregivers, and schools, including improved academic performance for all students, but families of ELs are [less likely](#) than English-only families to attend parent-teacher conferences and other school-related events, given U.S. schools are predominantly monolingual, English-only settings. This structural problem often creates real divisions between schools and ELs’ linguistically and culturally diverse families. In 2016, the Department of Education released [guidance](#) which emphasized that, for young ELs, approaches

“that do not provide home language support do not optimally promote [their] language and cognitive development.”

We should support districts’ efforts to hire multilingual members from their schools’ community to translate documents and other school communications and interpret meetings between students, their teachers, and their caregivers. Furthermore, strong family literacy activities [contribute to children’s success](#) in school and can provide opportunities for educational success for parents and children. Adults who participate in these programs enhance their academic and interpersonal skills, while their children demonstrate significant gains in school readiness and in language development and showed increased interest in reading. These programs can also serve as models of family involvement, showing how families can become part of an extended classroom and build on the work of the school.

We should be investing in programs which have shown promise in [closing the achievement gap](#) between children from different socioeconomic levels. Dual-language immersion (DLI) programs promote high levels of academic achievement as well as [encourage multilingualism and multiliteracy](#) for *all* students. As children learn in more than one language it leads to more rapid skill acquisition and [strengthened academic performance](#). However, despite growing demand for these programs, low-income communities have [less access](#) to programs that are faithful to the dual-language model. As a result, the promised outcomes and results described above are absent or compromised for children in low-income communities.

Since the pandemic forced schools to rapidly close digital divides, when educators and their students are able to return safely to full in-person instruction, they will be able to rely upon these new devices and digital literacy skills to extend learning in creative ways. Similarly, schools’ necessary and innovative improvements in engaging families will provide a foundation of stronger relationships and communication to support their students’ learning. And finally, educators’ creative thinking about how to deliver instruction effectively for all their students should remain at the center of more ambitious pandemic recovery efforts when students come back to classrooms. We must increase our support for the ongoing efforts of our educators, students, and families while addressing the inequities this pandemic exposed.

[Additional submissions by Hon. Andy Levin, a Representative in Congress from the State of Michigan follow:]



Office of the Superintendent
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Mrs. Piper L. Bognar, Superintendent

Dear Congressman Levin:

I appreciate your time and your steadfast support. Your fight to ensure public education remains a priority is but one tenet of your strength. We are fortunate to have you on our team in Michigan and the United States.

The topic of adequate funding for public education is somehow controversial; somehow political. It has become something for which we fiercely fight rather than diligently plan. It has become an unsteady system, one in which our children become pawns in hopes that someone, somewhere, will say the magic words to convince the majority that their future in the most advantaged country in the world is worth funding.

Why are these words even necessary? Increased funding for public education should be a given. There are myriad sources of evidence and research that show we are not adequately funding our schools; more so that there are great disparities in how districts of varying wealth are funded. Currently in Michigan, we are waiting for Federal funds that are being withheld by our legislature in an argument that could more easily be solved by the children they are hurting.

We know that, when the one-time monies are finally released, we will be able to do things we've dreamed of for years: purchase new school buses; after school programming; more robust summer schooling; smaller class sizes to help children acclimate after a pandemic; mental health support; improved HVAC and building systems; updated curriculum and technology; professional learning; updates to our increased security; and the list goes on.

This is one piece of the puzzle. What about when the money is spent? There are parameters and time constraints for Federal funds. We'll go back to our regular State School Aid Funds, which are roughly in line with where they were in 2010. How can we ensure that, as staff comes and goes and as students graduate, school systems can sustain and give children of new generations what they will require and deserve? Beyond the Federal funds slated to go to schools in a one-time grant, there must be thought given to more adequately and equitably funding our public schools moving forward. Adequate funding, along with the knowledge that it will not be ripped away from students and all who support them, will ensure this.

I implore you to continue your battle for what is right; what is needed; what is truly the cornerstone of our communities and our country – thriving public schools. Again, I thank you.

Sincerely,

Mrs. Piper L. Bognar
Proud Superintendent
Van Dyke Public Schools



June 24, 2021

House Committee on Education and Labor
2176 Rayburn House Office Building
Washington, DC 20515

Chairman Scott & Members of the Committee,

Thank you for your efforts on behalf of our students as we have worked over the past 16 months to provide them the support they both need and deserve to move forward from the unprecedented challenges the COVID-19 pandemic presented them.

There is no question that the support provided by the federal government through the various stimulus packages, in particular the American Recovery Plan, will provide our public school districts with badly needed funding to target critically important recovery efforts for our students. These resources, while short-term in nature, will allow our districts to bring in new reading coaches, tutors, counselors and other support staff to support the academic recovery of students over the next several years and allow our schools to make long-overdue and necessary health and safety upgrades to their facilities.

Just as important as investing directly in the academic recovery of our students, however, is supporting their emotional and social recovery. We know that many students have faced untold difficulties in their home lives since the beginning of the pandemic. Until we are able to work with each and every one of them to assess the unique challenges they have faced, many of them will simply not be ready to successfully resume their learning. We are grateful that federal support will allow our districts to partner with community mental health associations to make social workers available to students inside our school buildings to begin working with them one-on-one to help them move forward from the challenges many of them have faced over the past year.

While the federal stimulus money is unquestionably going to make a significant difference in the lives of our students, the method used to distribute that funding - sending the vast majority out through the Title I formula - has created a significant imbalance in the amount of support any given district is receiving. Title I works well as an over-the-top funding mechanism to provide districts with a higher population of at-risk students additional needed support in a typical school year. However, it does not take into account the reality that during a pandemic, the traditional definition of what constitutes an at-risk student likely does not reflect the reality that students, regardless of where they live, are being presented with challenges in need of additional support.

Relying on Title I as the primary funding mechanism for these COVID relief dollars has meant that some of our school districts are receiving less than 10% of the funding support a neighboring district may be receiving, despite having similar student populations facing the same needs to support their recovery. As such, we would strongly recommend that any future federal funding support for our K-12 schools utilize a different funding mechanism that takes into account the unique needs of every student, regardless of their zip code.

In addition, here in Michigan, relying on our state legislature to do the simple job of appropriating the federal stimulus funding to our schools has meant significant and still ongoing delays in schools receiving that funding. To date, more than \$4.3 billion in funding meant for Michigan schools in both the December, 2020, coronavirus relief package and the March, 2021, American Recovery Plan remains stuck in Lansing rather than being put to use by our schools due to unrelated, political disagreements between the legislature and the Governor.

This inability for our state government to send this funding to our local districts has only further delayed our schools' abilities to begin the recovery process for their students, as hiring, new program development, and health & safety upgrades cannot move forward without the assurance of how much money they will be receiving, and by when. Unfortunately, this means that Michigan's students are falling further behind their counterparts in other states who have been putting this funding to use for months now, a reality that is only further frustrating every parent, teacher and school administrator across the state.

While not the fault of Congress that Michigan's legislature has failed to appropriate this funding months after it was received by the state, it is also not the fault of our students who are suffering the consequences. Therefore, we are hopeful that any future support being sent by Congress can bypass our state legislature and be sent directly to our local schools where it can be immediately put to use on behalf of their students.

Again, we appreciate the tireless work of your committee and the support we have received throughout this pandemic. It has helped, and will continue to help, every student across the nation recover from this unprecedented disruption in their lives and get back on the path to success.

On behalf of our school districts, we look forward to our continued work together and welcome any questions from your committee on how we can best support our students.

Sincerely,



Robert McCann
Executive Director



Dania H. Bazzi, PhD
Superintendent

June 23, 2021

Dear Secretary Cardona,

As you know, public school funding in the wake of the COVID 19 pandemic is critical. It is only as the pandemic recedes and our students return to the classroom that we will fully be able to see the toll this past year and a half has taken on our students. Our students in Ferndale Schools suffered greatly during the pandemic and we will need all possible resources to ensure we meet their needs.

I also ask for any assistance you can give in trying to clear the logjam our funding has hit in our state legislature. School funding is always precarious at best, but as educational administrators our ability to be responsible stewards of taxpayer money is greatly reduced when we are unable to proactively plan for the level of resources we will receive. This uncertainty of when or if we will receive allocated funds removes our ability to make researched and planned decisions on how best to support the needs of our students. Ultimately those who are impacted the most are our students. Haven't they suffered enough already?

Thank you for your continued support of public education.

Sincerely,

Dania H. Bazzi

Dania H. Bazzi, PhD
Superintendent, Ferndale Public Schools
Email: Dania.Bazzi@ferndaleschools.org

[Additional submission by Hon. Joseph D. Morelle, a Representative in Congress from the State of New York follows:]

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Nearly \$400 million in federal aid coming to Rochester-area schools

By James Brown



PHOTO BY JAMES BROWN
The Rochester City School District

U.S. Sen. Chuck Schumer said Wednesday that the Rochester-Finger Lakes region will receive \$391 million for K-12 education. The money comes from the recent COVID-19 federal stimulus package.

"COVID brought unprecedented challenges that have cost a year of learning and development for students," Schumer said in a statement. "Challenges disproportionately felt by students of color, students from low-income families, students with disabilities, and more. As majority leader, I was proud to make funding for our schools a priority, and the American Rescue Plan (the stimulus package) will deliver this much needed aid to get upstate students back in school."

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@ Cumming Nature Center
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Schumer said upstate New York districts will receive about \$2.5 billion from the current stimulus package. That's in addition to the \$5 billion marked for districts from previous COVID-19 relief bills.

The Rochester City School District, the largest district in the region, will get \$228 million. Greece Central Schools will receive the next largest chunk, \$21 million. The rest of the money is split among the rest of the districts, with most receiving millions of dollars. No word yet when the money is expected to arrive.

Eamonn Scanlon, education policy analyst for The Children's Agenda, calls it a chance for generational change.

"Schools are going to have to make a lot of choices about how they invest in things to address the current crisis but also there needs to be a balance and think about things in the long term," said Scanlon. "This is kind of a once-in-a-lifetime opportunity to make some other investments, that the community should have some input on."

The bill said districts have until 2024 to spend the money. About 20% of the funds are required to be spent addressing learning loss and other issues caused by the COVID-19 pandemic. Some of that money is expected to help students with disabilities, English language learners, homeless students, students with bad internet connectivity and those who are living in poverty.

Rochester Board of Education Commissioner Beatriz LeBron would like to see the district get creative in how they address learning loss in particular.

"I think that it's going to have to take very nontraditional ways to do that work and it's not going to be able to be done with just traditional staffing," LeBron said.

She added that she'd consider adding evening, weekend and summer school programs to help kids catch up. She'd also like to partner with existing community agencies to staff the programs to avoid overstaffing and potentially putting the district in a bad situation a few years from now.

"You know, my fear is that we'll lose sight of those goals and plans that are in place, so that we'll have long term financial stability," said LeBron. "Based on one-shot injections of money."

Sherry Johnson, who leads the Monroe County School Boards Association, said most districts could use the help because they face mounting COVID-19 pandemic-related expenses.

"Some of those costs are still being incurred and some of those costs are not covered by previous (stimulus) dollars," said Johnson. "These dollars will take care of those pandemic needs and allow school districts to use budgets to get school districts ramped back up for full in person student instruction."

Johnson is turning her focus to advocating for an increase in state foundation aid in the 2021 New York state budget. Last year, there was no

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On @joywave's new EP "Every Mirrow is a Window, out today, the Rochester indie pop band explores post-pandemic life with a fresh soundtrack of euphoric hooks and head-spinning electronics.
rochester.citynewspaper.com/rochester/joyw...

increase and she said districts can't afford to fall two years behind.

James Brown is a reporter for WXXI, a media partner of CITY.



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MORE BY JAMES BROWN

[Additional submission by Hon. Donald Norcross, a Representative in Congress from the State of New Jersey follows:]

June 23, 2021

The Honorable Dr. Miguel Cardona
Secretary, U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona,

On behalf of our thousands of members and supporters, the undersigned organizations urge the Department of Education to provide detailed ventilation and indoor air quality guidance to schools. The COVID-19 pandemic has sharply highlighted decades of neglect of indoor air quality (IAQ) in schools. Despite its importance, poor ventilation in schools is a widespread, persistent problem. Students, parents, and teachers should enter a classroom with assurance that they are safe, including the air they breathe. General ventilation requirements for schools already exist, but those requirements have failed to ensure adequate ventilation due to the lack of explicit guidance on the necessary procedures and steps to ensure compliance. We urge the Department of Education to issue this guidance immediately.

It is well known that HVAC systems serving educational facilities are in need of repair. The U.S. Government Accountability Office ("GAO") estimates that 41% of public-school districts in the country need to update or replace their HVAC systems in at least half their schools.¹ This represents approximately 36,000 schools nationwide that need HVAC updates.² In fact, the GAO emphasized: "If not addressed, HVAC issues can result in health and safety problems."ⁱⁱⁱ

Numerous studies have documented that poor quality work is common and leads to reduced energy efficiency and increased safety hazards. Data demonstrates that the vast majority of classrooms studied fail to meet minimum ventilation rates.³ This is not just a problem in older systems. Even classrooms tested only a few years after a new air system installation have revealed ventilation levels below the minimum required rates, including exceeding safe carbon dioxide levels, and researchers recommend periodic testing of HVAC systems and continuous real-time CO₂ monitoring to detect and correct these problems.

The persistence of underperforming HVAC systems and inadequate ventilation rates is of particular concern as the United States looks to fully reopen schools and remove mask mandates during the COVID-19 pandemic. The World Health Organization,⁴ the CDC,⁵ and ASHRAE^{vi} recommend ensuring ventilation systems operate properly, increasing ventilation rates, and installing filters with a minimum efficiency rating value ("MERV") of 13 or better where possible in order to reduce the spread of COVID-19. A May 2020 report by Dr. Jovan Pantelic at University of California-Berkeley further identified continuous CO₂ monitoring as critical to ensuring ventilation rates remain adequate during the school year.^{viii}

Improving the performance of school HVAC systems not only provides a safer and healthier building environment, but it also has a significant correlation to student academic outcomes. Not only can poorly functioning HVAC systems heighten the risk of COVID-19 transmission, but it can also increase the number of sick days experienced by students and staff and degrade student performance.^{ix} In fact, studies demonstrate that student performance can increase up to 15 percent with increased ventilation rates or lower CO₂ concentrations.^x

With incoming federal funding, our communities have a once-in-a-generation opportunity to improve our schools' heating, ventilation, and air conditioning (HVAC) systems. However, the intended outcomes will

only be achieved if the systems are repaired, installed, adjusted, and maintained by technicians who are trained and certified; efficiencies gained through new technologies are only as effective as the conditions under which they operate.

While the information the Department of Education has shared with schools notes that a plan for safe return to in-person instruction and continuity of services should address CDC recommendations for ventilation, more explicit guidance is needed to ensure student and staff safety. The CDC recommendations on ventilation are general in nature and do not provide specific guidance on the necessary steps and procedures to ensure that a school building provides and will continue to provide adequate ventilation and filtration to classrooms. Such guidance, however, does exist.

The U.C. Davis Energy and Efficiency Institute's White Paper: Proposed Ventilation and Energy Efficiency Verification/Repair Program for School Reopening ("Ventilation White Paper") has taken the CDC guidelines and has identified the specific, minimum testing, adjusting and monitoring procedures that are necessary to comply with the CDC guidelines and other applicable national standards on ventilation in schools.³⁴ Several States have already adopted, or are in the process of adopting, these recommendations as requirements.³⁵

Our organizations urge the Department of Education to issue guidelines that describe the specific actions schools can take to improve indoor air quality, including inspection, testing, maintenance, repair, replacement, and upgrade projects, and outline how schools can develop an estimated timeline for taking such actions, consistent with the procedures identified in the Ventilation White Paper. This additional guidance is needed to ensure that schools are developing meaningful and effective plans to improve ventilation in school facilities and complying with applicable state standards and guidelines to keep the school community safe. Whether working toward those or other similar standards, states and local educational agencies need more information and support.

We stand ready to work with the Education Department to develop this guidance to help reopen schools safely, protect public health and our school communities. We look forward to your response.

Sincerely,

AASA, The School Superintendents Association
 American Federation of School Administrators
 American Federation of Teachers
 American Occupational Therapy Association
 American Society of Interior Designers
 Association of Education Service Agencies
 Association of School Business Officials International (ASBO)
 Asthma and Allergy Foundation of America
 BuildingAction
 Campaign for Environmental Literacy
 Center for Cities + Schools, University of California-Berkeley
 Coalition for Adequate School Housing (CASH)
 Collaborative for High Performance Schools (CHPS)
 Council of Administrators of Special Education
 International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)
 International WELL Building Institute
 National Association of Elementary School Principals

National Association of Energy Service Companies
 National Association of Secondary School Principals
 National Association of State Directors of Special Education
 National Education Association
 National Rural Education Advocacy Coalition
 National Wildlife Federation
 Parents For Students Safety
 Rhode Island Environmental Education Association
 School-Based Health Alliance
 21st Century School Fund

¹ U.S. Government Accountability, Report to Congress: K-12 Education School Districts Frequently Identified Multiple Building Systems Needing Updates or Replacement (June 2020) p. 8, available at <https://www.gao.gov/assets/710/707517.pdf>.

² *Ibid.*

³ *Id.* at p. 11.

⁴ Chan, et. al., Ventilation Rates in California Classrooms: Why Many Recent HVAC Retrofits Are Not Delivering Sufficient Ventilation, 167 *Building and Environment Journal* (2020), available at <https://escholarship.org/content/qt2j55896z/qt2j55896z.pdf>.

⁵ World Health Organization, Considerations for School-Related Public Health Measures in the Context of COVID-19 (Sept. 14, 2020), available at <https://www.who.int/publications-detail/considerations-for-school-related-public-health-measures-in-the-context-of-covid-19>; World Health Organization, Roadmap to Improve and Ensure Good Indoor Air Ventilation in the Context of COVID-19 (2021), available at https://www.who.int/docs/default-source/coronaviruse/corrigenda---ventilation-roadmap-2021-03-05-corr-2021-04-13-en.pdf?sfvrsn=7b694195_5.

⁶ Centers for Disease Control and Prevention, Operational Strategy for K-12 Schools through Phased Prevention, https://www.cdc.gov/coronavirus/2019-ncov/community/schoolschildcare/operationstrategy.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcommunity%2Fschooldchildcare%2Fschooldchildcare.html (last updated May 15, 2021); Centers for Disease Control and Prevention, Guidance for Businesses and Employers Responding to Coronavirus Disease (COVID-19): Plan, Prepare and Respond to Coronavirus Disease 2019, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last updated Dec. 31, 2021).

⁷ American Society of Heating, Refrigeration and Air-Conditioning Engineers, ASHRAE Epidemic Task Force: Building Readiness, <https://www.ashrae.org/file%20library/technical%20resources/covid19/ashrae-building-readiness.pdf> (last updated Apr. 27, 2021); American Society of Heating, Refrigeration and Air-Conditioning Engineers, ASHRAE Epidemic Task Force: Schools & Universities, available at <https://www.ashrae.org/file%20library/technical%20resources/covid19/ashrae-reopening-schools-and-universities-c19-guidance.pdf> (last updated July 17, 2020).

⁸ Pantelic, White Paper: Using IoT Environmental Sensing to Reopen Spaces, (May 2020), available at <https://cdn2.hubspot.net/hubfs/5238584/White%20Paper%20Senseware%20Covid.pdf>.

⁹ U.C. Davis Energy and Efficiency Institute and National Energy Management Institute, White Paper: Proposed Ventilation and Energy Efficiency Verification/Repair Program for School Reopening, Version 4 (Feb. 15, 2021) (hereinafter "Ventilation White Paper") pp. 1-4, available at <https://ucdavis.app.box.com/v/ProposedVentilationProgram>.

¹⁰ Fisk, et. al., The Ventilation Problem in Schools: Literature Review, 27 *Indoor Air* 1039-51 (2017), available at <https://escholarship.org/content/qt7kz5v64c/qt7kz5v64c.pdf>.

¹¹ U.C. Davis Energy and Efficiency Institute and National Energy Management Institute, White Paper: Proposed Ventilation and Energy Efficiency Verification/Repair Program for School Reopening, Version 4 (Feb. 15, 2021) (hereinafter "Ventilation White Paper") pp. 1-4, available at <https://ucdavis.app.box.com/v/ProposedVentilationProgram>.

¹² See e.g., California Assembly Bill 841 (codified at Cal. Pub. Util. Code §§ 1600 et seq.); NELIS, Nevada Legislature: Assembly Bill 257, <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7721/Overview> (last visited May 24, 2021).

[Additional submission by Ranking Member Foxx and Hon. Burgess Owens, a Representative in Congress from the State of Utah follows:]

KEISER UNIVERSITY

Office of The Chancellor
1900 W. Commercial Blvd, Suite 175
Fl. Lauderdale, Florida, 33309
Telephone: 954-776-4476
Fax: 954-489-2945

June 23, 2021

The Honorable Kathy Manning
United States House of Representatives
415 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Manning,

I have reviewed your June 14, 2021, letter to Secretary Cardona and wish there would have been an opportunity to speak with you before you sent the letter. Unfortunately, you have restated biased and factually incorrect information taken from sources which has been presented to portray a negative image of Keiser University and myself. There is another perspective on this situation and other information that would be helpful to assess the accuracy of references cited in your letter. In fact, when the facts are presented accurately, I believe you would find that the changes at Webber International University ("WIU") and St. Andrews University ("SAU") have caused each institution to thrive and succeed in their respective Mission Statements.

Your letter expressed concern with changes at SAU and WIU and used statements from others to portray me in a false light. Specifically, the letter mischaracterized my involvement and adopted testimony of an individual with the Century Foundation who salaciously characterized my actions as a "hostile takeover" of these institutions. I assure you this is not the case and I have no position of responsibility at SAU or WIU.

SAU, a branch of WIU had experienced a longstanding financial hardship due to inadequate enrollment and perhaps a lack of innovation. While I knew of the universities, I was approached to gauge my interest in helping. At Keiser University we sympathized with what WIU and SAU were going through. We reflected on their hardship and thought about how we might assist to help the schools maintain their liberal arts heritage while helping them grow to meet the changing demands of students and the workforce.

To address some of the specifics of your letter and the inaccuracies of your constituents and news outlets contained in it, I offer the following:

Board Membership: The information provided to you is simply incorrect where it asserts that since 2018, I have "obtained dominant influence" over SAU by replacing members of the school's board of trustees with "people connected" to me and that I formerly served on the St. Andrews Board of Trustees. The facts are:

- o I have never held a seat on the board of trustees at WIU or SAU.
- o Keith Wade, President of WIU requested my input regarding potential board members and I recommended the names of potential candidates. However, neither Keiser University nor I have any professional relationships with any person whom I have recommended to President Wade.

Contributions: In your letter to Secretary Cardona, you suggest that Everglades College, Inc., the nonprofit entity that owns Keiser University and Everglades University, has invested money into and entered into a

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consulting agreement with SAU in an effort to “extract revenue” from the school. Nothing could be further from the truth.

- o From 2018-2020, the Board of Trustees of Everglades College, Inc. donated approximately \$11 million USD to WIU to help the university recover from near bankruptcy and failure of the Department of Education Composite Score Ratio. This was done to preserve the legacies of SAU and WIU and ensure the institutions continue to provide vital educational resources to the communities and students they serve.
- o Additionally, WIU and Keiser University have entered into consulting agreements whereby WIU and SA collectively pay Keiser University \$200,000 per year. Through these agreements, Keiser University provides WIU and SAU with general support services. This contract **does not** enable Keiser University to exercise control over administrative decisions at WIU or SAU, nor does it “grant improper benefits or shift control over key functions” of these universities to Keiser University.
- o Keiser University **does not** share in any revenue earned by SAU or WIU.

Change in Campus Leadership: The hiring of Ellen Bernhardt as interim president at St. Andrews.

- o Ellen Bernhardt is an employee of Keiser University, where she once served as Associate Vice Chancellor of Regional Operations.
- o In 2019, she was selected by WIU President Wade to become Interim President at SAU as part of the consulting agreement.
- o Bernhardt has helped stabilize the financial insecurity at SAU and led the school to a period of renewed growth.
- o From my understanding, leadership at WIU/SAU has always intended to hire a fulltime president at SAU.

Enrollment Growth: The suggestion that positive enrollment growth at SAU is somehow negative to the school lacks merit.

- o SAU continues offering the liberal arts degrees that defined the university while expanding its degree offerings to include new programs that meet the workforce needs of Scotland County and North Carolina.
- o SAU has “fundamentally transformed” itself for the better while maintaining its role as a small liberal arts institution.
- o As a result of its growth in enrollment, SAU has strengthened its relationship with the Association of Presbyterian Colleges and Universities and the Presbyterian Church.
- o The additional degree offerings that have been added have helped SAU increase its female enrollment from approximately 30 percent to 56 percent in 2019, which is far more reflective of the current workforce and college demographic in the U.S.
- o The addition of STEM (Science, Technology, Engineering, and Math) programs at SAU ensures the school remains a viable educational offering for students who are seeking degrees that lead to employment in an ever-changing technology-based workforce.

Program Growth: The suggestion that the addition of new academic programs at St. Andrews has had a detrimental impact on the university also lacks merit.

- o The introduction of new academic programs at SAU, including adult education programs, has been a major part of the school’s increased enrollment and has allowed a new

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population of students to graduate and fill vital workforce needs in Scotland County and North Carolina.

- o The increase in virtual learning offerings at SAU was instrumental to the school's ability to continue offering classes without interruption during the COVID-19 pandemic.
- o Universities across the country frequently offer new academic programs to ensure they meet the academic needs of students and the workforce needs of employers.

New Campuses: The relationship between Southeastern College and St. Andrews is separate from that of Keiser University.

- o As the co-owner of Southeastern College, in consultation with other co-owners, the decision was made to donate space to St. Andrews free of charge to allow them to expand their academic offerings to a new population of students, specifically non-traditional students in the metropolitan communities of Charlotte, N.C., Columbia, S.C., and Charleston, S.C.

Your letter cites testimony from Yan Cao, a Senior Fellow at the Century Foundation, who is on record suggesting that Keiser University is involved in a "hostile takeover" of SAU. As you can see, your characterization of my relationship, and that of Keiser University, with SAU is inaccurate. Keiser University has made every possible effort to assist WIU and SAU to allow these schools to continue serving their students and communities. The growth that SAU has experienced can only be viewed in a positive light as the school has transformed itself by adapting to current market trends and strengthening its role as an economic engine for North Carolina.

With more than 40 years of higher education administration experience, we at Keiser University feel it is our obligation and imperative to assist other educational institutions in delivering high quality education offerings to as many students as possible. While I can understand the concerns of the constituent that you referenced in your letter, I also realize that change can be difficult for some, particularly some involved with an institution that was failing financially. I fully respect your role to advocate for your constituents, but the assertions in your letter are not reflective of what occurred.

I would hope that if you have further questions that we can have a dialogue about them, because my top concerns are for the students at the universities that I am affiliated with and ensuring that they can get a quality education without assertions that repeat mis-statements printed in a newspaper or generated by biased organizations.

I would appreciate the opportunity to sit with you and further discuss this relationship and I will have Mark Lindsay, our representative in Washington, DC, reach out to your staff to schedule a mutually convenient time to speak either virtually or in person. I look forward to speaking with you.

Sincerely,



Arthur Keiser, Chancellor
 Keiser University

[Additional submission by Hon. Rick Allen, a Representative in Congress from the State of Georgia follows:]

<https://www.federationforchildren.org/poll-new-poll-confirms-widespread-support-for-school-choice/>

New Poll Confirms Widespread Support for School Choice

- **JUNE 21, 2021**

According to a new poll from Echelon Insights, polling more than 1,100 registered voters, a majority of voters are supportive of school choice (65% vs. 19% opposed) while 16% are unsure. This is true across party lines, with 75% of Republicans, 60% of Independents, and 61% of Democrats saying they strongly or somewhat support school choice. Similarly, a majority of voters (55%) say that some or all of the funds the federal government set aside for K-12 education should be directed by parents, with 21% saying that none of the funds should be directed by parents and 24% unsure. Most voters in both parties agree parents should direct all or some of the funding.

Major Findings:

- 65% of voters support school choice
- 55% of voters believe parents should have access to COVID education stimulus funds

Statement from American Federation for Children CEO, Tommy Schultz:

“The pandemic underscored the need for additional school options, but public support for school choice is nothing new. This year already, at least a dozen states have enacted new school choice programs or expanded existing programs because they’re recognizing just how popular this issue is amongst K-12 families. We are grateful that lawmakers are listening to the needs of families, but millions of children are still waiting for better options. We will continue fighting for those kids and to empower parents with the funds meant to deliver a high-quality education.”

Full details:

Question: School Choice

School choice gives parents the right to use the tax dollars designated for their child’s education to send their child to the public or private school which best serves their needs. Generally speaking, would you say you support or oppose the concept of school choice?

Support:

All: 65%

Race & Ethnicity:

Asian: 68%
Black: 69%
Hispanic: 67%
White: 64%

Party ID:

Democrat: 61%
Republican: 75%

Question: Funding Students over Systems

The federal government allocated \$190 billion towards K-12 education from stimulus packages since March 2020, which would essentially be \$3,400 for every K-12 student in the country. How much of that funding should be directed by parents?

Support:

All or some: 55%

Race & Ethnicity:

Asian: 55%
Black: 66%
Hispanic: 58%
White: 52%

Party ID:

Democrat: 53%
Republican: 56%

Date: May 14-17, 2021

[Additional submission by Hon. Michelle Steel, a Representative in Congress from the State of California follows:]

6/24/2021

Izumi: SCOTUS move on Harvard Asian bias case a hopeful sign

OPINION > OPINION COLUMNISTS

Izumi: SCOTUS move on Harvard Asian bias case a hopeful sign



FILE – In this Tuesday, July 16, 2019, file photo, people walk past an entrance to Widener Library, behind, on the campus of Harvard University, in Cambridge, Mass. (AP Photo/Steven Senne, File)

By **LANCE IZUMI** |

June 20, 2021 at 5:19 a.m.

For those supporting colorblind policies that embody the 1964 Civil Rights Act's directive against race-based discrimination, the U.S. Supreme Court's recent decision to keep open the possibility of hearing the Harvard anti-Asian discrimination case is hopeful news.



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Izumi: SCOTUS move on Harvard Asian bias case a hopeful sign

The Harvard case involves the university's admissions process that allegedly discriminated against Asian-American applicants for decades. Rather than refusing to hear the case, as Harvard and its supporters hoped, the Supreme Court kept the door open to hearing the case by asking the U.S. Department of Justice to weigh in on the case before making a final hearing decision.

Students for Fair Admissions, the group that brought the case, charged that Harvard violated the Civil Rights Act in four ways.

First, the group contended, Harvard adopted a so-called "holistic" admissions process that used subjective factors, such as personality traits, that resulted in discrimination against Asian Americans.

Second, Harvard engaged in racial balancing so the admissions rate for Asian Americans always stayed around 18-20% for years regardless of the qualifications of individual Asian applicants in any particular year.

Third, it was alleged that Harvard used race, not just as one factor among many as allowed by previous SCOTUS decisions, but as an impermissible dominant factor.

Finally, SFFA contended that Harvard used race as a key factor when race-neutral factors, such as low-income status, could have promoted diversity equally as well.

While the legal issues involved in the case, such as the extent of equal protection rights, are important, those issues should not overshadow the disturbing empirical research at the heart of SFFA's complaint.

SFFA presented research by Duke University economist Peter Arcidiacono, who put together a two decades-long admissions database on how race affected admissions at Harvard.

First, Arcidiacono found that Asian-American applicants "as a whole are stronger on many objective measures than any other racial/ethnic group including test scores, academic achievement and extracurricular activities."

Specifically, Asian Americans' average SAT score was 25 points higher than white applicants; 154 points higher than Hispanic applicants; and 218 points higher than African American applicants. Further, Asian Americans had the highest academic index, which is the combined score for standardized testing and high-school performance.

Yet, observed Arcidiacono: "Despite being more academically qualified than the other three major racial/ethnic groups (whites, African Americans and Hispanics), Asian-American applicants had the lowest admissions rates."



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Harvard's own data "show that this has been true for every admissions cycle for the classes of 2000 to 2019."

According to Arcidiacono, Harvard penalized Asian Americans by giving them relatively low personal ratings on traits such as likability, integrity, helpfulness, courage and kindness, which is absurd and insulting. Thus, Asians with high academic ratings received low personal ratings, while other minorities with low academic ratings received high personal ratings, which is a sign of race preferences at work.

Arcidiacono concluded that removing racial and ethnic preferences would have increased Asian-American admissions to Harvard by more than 46% over a six-year period.

The trial judge in the case, an Obama appointee, admitted that Harvard's admissions process discriminated against Asian Americans, but still ruled against them because, among other things, Asian Americans — in her words — "did not possess the personal qualities that Harvard is looking for." Shocking.



<https://www.bostonherald.com/2021/06/20/izumi-scotus-move-on-harvard-asian-bias-case-a-hopeful-sign/>

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While the Biden Justice Department will undoubtedly side with Harvard, since the administration dropped a Trump-era challenge to similar anti-Asian discrimination at Yale, the fact that the Supreme Court held open the possibility of hearing the case is hopeful news that the justices are finally interested in ending what Chief Justice John Roberts has called a "sordid business, divvying us up by race."


Lance Izumi is senior director of the Center for Education at the Pacific Research Institute. Along with Rowena Itchon, he is co-author of "Race Preferences and Discrimination Against Asian Americans in Higher Education" in the new book "A Dubious Expediency."

Tags: [Harvard University](#)



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Why The Asian American Students Lost Their Case Against Harvard (But Should Have Won)



Evan Gerstmann Senior Contributor 

Education

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On Tuesday a federal judge ruled against a group of Asian American students who claimed that Harvard discriminated against them in their admissions policy. The [full decision is here](#). There is no question that Asian American students face a disadvantage in gaining admission to Harvard. The question is why and whether Harvard is responsible for it.

The reason that it is harder for Asian Americans to get into Harvard is that their “personal ratings” (a subjective evaluation of personal qualities) are, on average, significantly lower than for white applicants. The federal judge, Allison D. Burroughs, wrote: “the Court therefore concludes that the data demonstrates a statistically significant and negative relationship between Asian American identity and the personal rating assigned by Harvard admissions officers, holding constant any reasonable set of observable characteristics.”

However, the Judge also held that the plaintiffs could not prove that the lower personal ratings are the result of “animus” or ill-motivated racial hostility towards Asian Americans by Harvard admissions officials.

This leaves the question of why Asian American applicants were being deemed to have, on average, poorer personal qualities than white applicants. The court entertained two theories. Judge Burroughs wrote that: “It is possible that the self-selected group of Asian Americans that applied to

Harvard during the years included in the data set used in this case did not possess the personal qualities that Harvard is looking for at the same rate as white applicants . . .”

It is disappointing that a federal judge would indulge in that sort of conjecture. Surely the burden should be on Harvard to prove that its lower evaluation of the personal characteristics of Asian Americans is *not* the result of racial bias rather than vice versa. The court must be aware of various stereotypes of Asian Americans as “grinds” and math geeks who lack personality. The burden should be on Harvard to prove that such stereotypes are not at play here.

The judge wrote that the racial gap between the evaluation of Asian Americans and whites was small, but they are statistically significant. By definition, that means that it is very unlikely the gap is the result of chance. The court should be demanding that Harvard explain the gap or change their approach. Asian Americans cannot be expected to prove that they have personalities that are as admirable as whites. Given the racial gap, Harvard should have to prove that its evaluation system is fair.

The court’s second explanation for the racial “personal rating” gap is that there is racial bias in the evaluations by teachers and counselors. The judge wrote: “teacher and guidance counselor recommendations seemingly presented Asian Americans as having less favorable personal characteristics than similarly situated non-Asian American applicants . . . Because teacher and guidance counselor recommendation letters are among the most significant inputs for the personal rating, the apparent race-related or race-correlated difference in the strength of guidance counselor and teacher recommendations is significant.” This seems like a smoking gun showing that Asian American applicants are victims of discrimination. Nonetheless, the court ruled in favor of Harvard because she reasoned that: “Harvard’s admissions officers are not responsible for any race-related or race-correlated impact that those letters may have.”

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Why The Asian American Students Lost Their Case Against Harvard (But Should Have Won)

Judge Burroughs should have ruled the other way here. If Harvard is knowingly using instruments that are racially biased (the counselor and teacher recommendations) and does not compensate for that bias, then Harvard’s process is biased. If Harvard didn’t already know the letters were biased, it knows it now.

To be fair to Harvard, it is between a rock and a hard place in some ways. When it relies on objective tests like the SAT’s it is often accused of using an instrument that is biased against African Americans. When it uses a subjective tool such as counselor and teacher letters, it must now contend with the fact that they are biased against Asian Americans. So the Harvard admissions officers are hardly a group of villains. But the judge is wrong to suggest that Harvard can take a “not our fault” approach to demonstrable anti-Asian bias in the letters that it relies upon. Difficult though it may be, Harvard must do better.

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Evan Gerstmann

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[Questions submitted for the record follow:]

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The Honorable Miguel A. Cardona
 Secretary
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, D.C. 20202

Dear Secretary Cardona,

I would like to thank you for testifying at the Committee on Education and Labor hearing entitled "*Examining the Policies and Priorities of the U.S. Department of Education*", held on Thursday, June 24, 2021.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Friday, July 9, 2021, for inclusion in the official hearing record. Your responses should be emailed to Rasheedah Hasan (Rasheedah.Hasan@mail.house.gov), Mariah Mowbray (Mariah.Mowbray@mail.house.gov), and Ben Sinoff (Benjamin.Sinoff@mail.house.gov), of the Committee staff. They can be contacted via email should you have any questions.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT
 Chairman

Enclosure

Committee on Education and Labor Hearing
“Examining the Policies and Priorities of the U.S. Department of Education”
Thursday, June 24, 2021
10:15 a.m. (Eastern Time)

Representative Joe Courtney (D – CT)

1. Secretary Cardona, many for-profit colleges repeatedly suggest that all institutions, regardless of tax status, should be treated the same for the purposes of participating in federal financial aid. However, this argument obscures the reality that the three sectors of higher education already operate under very different oversight and accountability structures. For example, states have direct governance authority over public institutions, and private non-profit institutions are operated by trustees who are legally committed to the public interest. Only in the for-profit sector can college leaders benefit personally from the operations of their institutions. Thus, as an additional check on these differences in structure and incentives, for-profit colleges must meet additional accountability requirements which ensure the integrity of the federal financial aid program to protect students and taxpayers.
 - a. Do you agree that the differentiated accountability structure of the Higher Education Act should be maintained and strengthened?
 - b. What is the Department of Education doing to improve oversight of predatory for-profit institutions to protect students and taxpayers from fraud and abuse?

Representative Frederica S. Wilson (D – FL)

There is a growing gap in the ratio of students of color to teachers of color. This trend is most stark for black males, who make up only 2 percent of the teaching workforce. Secretary Cardona, what steps is the department taking to address the black male teacher shortage?

A 2018 GAO report found that black students are disproportionately suspended, expelled, referred to law enforcement, and subjected to corporal punishment. Despite these findings, Secretary DeVos rescinded Obama-era guidance to reduce racial disparities in school discipline. Secretary Cardona, do you plan to re-instate the Obama Administration’s 2014 school discipline guidance? If so, how do you plan to specifically address discipline disparities for black students, boys, and students with disabilities?

Representative Susan Wild (D – PA)

Mr. Secretary, as you know, the Department of Education has begun a process by which you have directed guaranty agencies, State agencies that are charged with working with borrowers who have defaulted Federal Family Education Loan Program (FFELP) loans, to turn those loans over to you rather than allowing the guarantors who now house and service those loans to continue doing so.

It appears there are several steps involved to implement this change, including transferring loans already with a State agency to the Department of Education, and then possibly transferring them again to either a collection agency or another loan servicer. With this in mind, my questions are as follows:

1. What analysis did you do prior to suggesting the assignment of these loans to the Department of Education to ascertain the impact on vulnerable borrowers?
2. How long will such transfer take and what are the steps for the movement of these loans? Where will the loans reside once this process is completed?
3. How will the reimbursement for the work to implement this activity be accommodated?
4. What agency will be charged with reaching out to those borrowers to fully inform them of the status, location, repayment status, and options for payment pre- and post-assignment?
5. How will you reach borrowers whose residence has changed during the COVID-19 pandemic?
6. Will you consider revisiting this approach and allow existing guaranty agencies now servicing those loans to continue to do so?

Representative Jamaal Bowman (D – NY)

1. Interagency Collaboration -- American Rescue Plan

As schools prepare to reopen in the fall, they'll need a strong plan in place to support students across multiple needs and vulnerabilities that would require a coordinated effort across multiple local agencies. Any one child could need services and support from multiple city agencies, and without enough school-based social workers and school counselors, families could be seeking support on their own. Given the scale at which this is happening, it's important to survey the needs of our students and families. Equipping schools with this information ahead of the first day of school enables them to ensure protective factors are in place to support educators with external and internal resources, supports, and professional development to help them meet the needs of the students in their care. How can schools utilize funding from the American Rescue Plan to do that work right now in collaboration across multiple local agencies and community based organizations?

2. Full-Service Community Schools

The President's Budget Request for Fiscal Year 2022 includes a \$413 million increase for Full-Service Community Schools above the \$30 million enacted in Fiscal Year 2021. The proposed \$443 million could support an estimated 800 additional schools with implementing the community school model. Given the number of schools and communities that could benefit from this competitive grant opportunity but may not know about the program, or further, may have

limited staff capacity for grant writing, how would the Department conduct early outreach to communities about this expanded opportunity to become a Full Service Community School and further, what would support look like ahead of and during the application process?

3. Student Loan Servicers

Constituents with federal student loans share with my office that when they try to call their student loan servicer, it's extremely difficult to get someone on the phone, and when they do, they get inconsistent or incomplete information about repayment and forgiveness options. Cancelling student debt would resolve this matter, but in the interim, this lack of clarity and low quality servicing can lead to students being in repayment for much longer, ultimately paying far more. This hardship is especially felt by first-generation college goers and Black and brown student loan borrowers. Student loan servicers are contracted by the Department and their contracts are up at the end of this year. The student loan servicing system is in need of revamping with better protections so that servicers, and ultimately, the Department, are accountable to the millions of student borrowers they serve. How does the Department plan to hold student loan servicers accountable and overall improve the student borrower experience when it comes to finding clear, comprehensive, accessible answers and resources regarding their student loans?

4. Parent PLUS Loans

Some parents who took out a Parent PLUS loan learned this past year that their loan didn't qualify for the COVID-related student loan pause. Their Parent PLUS Loan is held by a commercial lender. COVID brought on many financial hardships and having to keep up with monthly payments this past year has put many parent borrowers in an impossible financial position. What outreach has the Department done to Parent PLUS Loan servicers about working with borrowers to pause repayment or decrease monthly payments due to the economic impact of COVID-19? What guidance does the Department intend to issue related to Parent PLUS Loans held by a commercial lender?

Ranking Member Virginia Foxx (R – NC)

K-12

1. You have talked about your agency's implementation of the American Rescue Plan. I want to ask one question about a relatively minor aspect of that effort that could have major implications. This winter, the Biden administration announced its intention to work with states that needed additional waivers of the testing and accountability provisions under the *Every Student Succeeds Act* for this academic year. The Department followed up that announcement in March by sending states a template to use to request waivers. While Republicans have been supportive of states applying for flexibility where needed, we have criticized you for attaching conditions on that flexibility. That is an approach favored by the last Democratic administration, and it did significant harm. It likely violates prohibitions under ESSA, but it definitely violates the spirit of that law. Mr. Secretary, two questions:

First, had I asked you prior to your nomination how you would feel about the federal government complicating states' responses to the pandemic by attaching conditions to needed flexibility, how would you have responded?

Two, will you commit to upholding the letter and intent of ESSA going forward by deferring to state judgments?

2. You continue to tout the American Rescue Plan as being necessary for the reopening of schools. However, the Congressional Budget Office said that 70 percent of the American Rescue Plan's K-12 funding would not be spent until 2023 or later.

Do you believe that estimate is accurate?

I am sure that you would argue that these funds are needed for ongoing recovery after the pandemic. But, for the sake of transparency and honesty, will you concede that your rhetoric, and the rhetoric of the president and other Democrats, about the role of the American Rescue Plan in reopening schools, is false?

Postsecondary Education

3. For those who are unfamiliar, the National Advisory Committee on Institutional Quality and Integrity, or NACIQI ("nuh-SEE-key"), advises the Secretary on which accrediting agencies should be federally recognized as reliable authorities for determining the quality of higher education institutions. In turn, federally recognized agencies act as gatekeepers for federal student aid, which we know amounts to trillions in taxpayers' money. In its authorizing language, the *Higher Education Act* requires that members of NACIQI be appointed "on the basis of the individual's expertise, integrity, *impartiality*, and good judgment". Mr. Secretary, it seems to me that judging impartiality is easier when there are clear conflicts because a NACIQI member is a college president or may have paying clients in their day-to-day business. But how do you judge impartiality when it comes to someone that is paid by an advocacy group that has written or spoken extensively on the very issues and accrediting agencies that come before the Committee? Also, can you provide the Committee the conflict of interest rules provided to all of the NACIQI members?

4. The Committee asked about changes within the Office of Financial Student Aid once Mr. Cordray took over as the agency's Chief Operating Officer.

Before we get to this issue, can you please tell us what, if any, involvement you had in selecting Mr. Cordray as the COO at FSA?

It is my understanding that Mr. Cordray made significant changes to the staffing structure at FSA upon his arrival. Was that all done under his direction or did you or your staff sign-off on those changes?

As Mr. Cordray has engaged in his duties as COO, what requirements have you established to ensure you are aware of and in agreement with all decisions he is making? Which staff in the Office of the Undersecretary and Office of the Secretary oversee that for you?

Have you ensured that staff, including Mr. Cordray, receives your approval prior to making any decisions regarding the operation of the loan program, including repayment and servicing operations, as required by Section 141 of the *Higher Education Act*?

5. I think we are going to hear a lot today about the importance of getting a college degree. But I think too many students are pursuing a college degree and borrowing large amounts of money to do so. I think this is a shame, particularly when employers now tend to hire based on skills rather than the level of credentials obtained. Our nation faced a massive skills gap prior to the pandemic and it has only grown since then; whole industries have changed drastically overnight. As our economy begins to recover, I think we need a partner in the Executive Branch that will help us reform the *Higher Education Act* in a way that helps students from all walks of life obtain the skills necessary to find a job rather than just pouring more money into a broken system that forces everyone into a degree.

Do you believe that our postsecondary education system should be reformed in such a way that will force our education providers to meet students where they are and provide the skills they need rather than force students to rearrange their lives to attend the traditional, brick and mortar college? Will you commit to working with the members of this Committee to reform the *Higher Education Act* in a way that encourages robust options, including shorter-term programs, for all students?

6. Returning borrowers back into repayment status for their student loans is critical for both our nation's recovery from the pandemic, as well as for the stability of the loan program. Before President Biden was sworn in, what date were loan payments set to begin?

And upon executive action the president pushed that date back to what?

Now, knowing the date that repayment was to begin, I'm interested in learning what you have done to ensure the Department was ready for that to happen.

Did you ask for a briefing from staff on what has to happen internally to make sure the servicers were ready to start collecting payments on that first day?

Did you or your staff meet with your external partners to understand what is needed to be ready to start repayment on that first day?

Did you establish a timeline with key deadlines that must be met by your staff to make it happen?

How frequently do you meet with Mr. Cordray to discuss how the return to repayment will happen?

This Committee, along with the Senate HELP Committee, sent a letter to you asking about the return to repayment on June 2 of this year. That letter requested information about this process, focusing on the required communications to borrowers. How many of the six required communications to borrowers have been sent?

What is the projected timeline for beginning those communications? What effort is being made to help borrowers get ready to begin repayment again?

Some people believe that despite the pandemic coming to an end, the administration is going to try to continue this pause in perpetuity until you can figure how to grant loan forgiveness to all borrowers. I certainly hope this administration is not trying to use the pandemic to get to a policy goal through a side door. Can you confirm for us today that you are actively working to restart repayments for all loans taken out by borrowers by October 1 and that borrowers are aware of the need to repay these loans?

Title IX

7. Your Department has begun a review of the Trump administration's regulations outlining how schools must address accusations of sexual harassment under Title IX. Most of the Trump administration's regulations were based on court precedent. Most notably, in a 2018 decision involving the University of Michigan, the U.S. Court of Appeals for the Sixth Circuit reiterated earlier rulings that, when credibility is at issue, [quote] "the university must give the accused student or his agent an opportunity to cross-examine the accuser and adverse witnesses in the presence of a neutral fact-finder." [unquote] In other words, accused students must have the opportunity to contest claims against them, with appropriate safety protocols for alleged survivors. And so-called single investigator models are inappropriate. What in the Sixth Circuit's ruling do you disagree with?
8. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The Obama administration made Title IX policy by issuing letters that did not go through any public comment process. Will you commit to keeping the Trump administration regulations in place unless and until the department undertakes a formal regulatory process in which you issue draft regulations, accept public comments, review those comments, and then issue a final regulation?
9. You have begun a review of the Trump administration's Title IX sexual harassment regulations. One of the strengths of those regulations is that they adhered closely to existing legal definitions and court precedent. For example, the definition of "sexual harassment" under the regulations was based on a Supreme Court decision that was authored by Sandra Day O'Connor and joined by Ruth Bader Ginsburg, David Souter, John Paul Stevens, and Stephen Breyer. By contrast, the Obama administration created subjective standards that were not grounded in prior legal interpretations, which created confusion for students and schools alike. As a result, more than 600 lawsuits were filed against schools following the Obama administration's guidance. Will you commit to protecting students by ensuring that any standards your Department creates will be objective and grounded in existing precedent?

10. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The regulation requires schools to respond meaningfully to every sexual assault allegation. The regulation gives the victim the power to determine what support and action to pursue. The victim can report the alleged assault but decline the option of filing a formal complaint. Or, if the victim decides to file a formal complaint, the school is required to thoroughly investigate the alleged assault using formal grievance procedures spelled out in the regulations. Under either circumstance, the school is obligated to provide what the regulations call "supportive measures" that protect the student from harm as a result of the alleged assault and ensure that his or her education can continue. Supportive measures are not specifically defined in the regulations, but they refer to non-disciplinary and non-punitive individualized services that serve the purpose of restoring or preserving a victim's equal access to education. Examples could include academic course adjustments, counseling, non-contact orders, dorm room reassignments, and leaves of absence. Mr. Secretary, are you opposed to requiring schools to support sexual assault survivors as laid out in the Trump administration's regulations?

Workforce Development

11. As you likely know, an important issue before our committee this Congress is the reauthorization of the *Workforce Innovation and Opportunity Act* (WIOA). Given your oversight of programs under the *Adult Education and Family Literacy Act* as authorized by WIOA, what recommendations – beyond simply increasing funding – do you have for strengthening pathways for adults through basic educational services?

Representative Joe Wilson (R – SC)

1. On November 13, 2020, the Department of Education under the Trump administration published in their registrar "the Department has authority to implement a range of corrective measures for an institution that violates its Program Participation Agreement, including termination of the institution's Title IV participation." This statement was related to an institution failing to report Section 117 information timely and accurately, which was to address Chinese government sponsored Confucius Institutes strategically located across America.

Given that many institutions are failing to comply with the reporting requirements under Section 117 of the Higher Education Act, can you commit to acting on your authority as Secretary to hold schools accountable who fail to comply with the law? How will you ensure that our higher education system is protected from the influence of adversarial nations?

2. Given the successes of charter schools and the subsequent demand for charter schools that we are seeing at the state level, what are your plans for increasing accessibility to charter schools for students and parents seeking that option?

The Administration's budget proposes restricting Charter School Program grantees, a restriction that does not apply to other federal programs. It proposes that program funds are not provided to schools that are substantially operated and managed through a contract with a for-profit entity.

With public schools often utilizing services of for-profit entities, including most recently for spending COVID-19 relief funds, why are you proposing this restriction for charter schools only? Is this requirement something you are considering for other programs?

Representative Glenn Thompson (R – PA)

As the co-chair of the bipartisan Career and Technical Education Caucus, passage of the Strengthening Career and Technical Education for the 21st Century Act in July 2018 was one of my proudest moments as a member of Congress.

This legislation, which went into effect in July 2019, bolstered our nation’s CTE system by increasing alignment with in-demand jobs and improving employer engagement so that more students have opportunities to move into in-demand jobs and successful careers.

As I looked over the Department budget ahead of this hearing, I noticed it calls for \$1 billion in new mandatory funding for CTE each year for the next decade for “Expanded Career Pathways for Middle and High School Students” under the American Jobs Plan.

1. What exactly would this funding be used for?
2. How would this new proposed program align, or not, with the state grants authorized by Title I within Perkins V?

Additionally, I am a strong advocate for the Federal TRIO Programs. These programs provide individual support to help low-income students and students who are first in their family to enter and finish college. In my district, Pennsylvania’s 15th congressional district, TRIO serves 1,547 students across 6 projects.

TRIO has return on investment as high as \$13 for every \$1 in federal funding invested. In 2019, your agency found that TRIO students at two-year institutions were 47% more to complete a degree or transfer than comparable students. TRIO students at four-year institutions were 18% more likely to earn their college degree. Because college graduates can expect to earn much more over their lifetimes, when you crunch the numbers, TRIO Student Support Services yields a \$13 increase in lifetime earnings for every \$1 invested.

1. Will you share how your budget request for the Federal TRIO Programs helps bring a strong return for our federal investment?

Representative Scott Fitzgerald (R – WI)

1. Secretary Cardona, in Wisconsin, a large percentage of Federal COVID relief money was distributed through Title I allocations which favors the large, urban districts. Those were the same districts most likely to be closed for in-person education (Madison, Milwaukee, etc). With districts that were open to in-person instruction spending more than those that were fully virtual, was the allocation of the COVID relief money responsive to actual needs?

2. Emergency Assistance to Non-Public Schools (EANS) money reverts back to public schools if unused by private schools. Secretary Cardona, what are other states seeing in relation to money reverting to public school because private school use is limited by restrictions on EANS funds?

Representative Mary E. Miller (R – IL)

1. Does the Department plan to investigate and penalize teachers under Title IX who continue to teach the fact that there are only two sexes in the human species, male and female?
2. Will your Department protect the free speech rights of students, teachers, and faculty to state that human beings are biologically determined to be male, or female, regardless of personal identity?
3. Under the Department's current interpretation, would it be a violation of Title IX for a teacher to say that "Men can't get pregnant"?
4. Will the Department's interpretation of Title IX require schools to allow students to access the restroom or locker room of their choosing rather than the one that corresponds with their biological sex?
5. Have you considered, as part of your department's guidance on Title IX, providing consideration of girls' safety in contact sports should biological males be allowed to play on girls' sports teams?
6. If a female student complains or objects to having to dress and undress in a locker room in the presence of male students, would she have any right to privacy under Title IX?
7. If the female student objecting to sharing a restroom or locker room with students born male is objecting on the basis of the female student's sincerely held religious belief about not undressing in front of people of the opposite sex, is a school permitted to refuse allowing transgender-identifying biological males to access these spaces?
8. Will the Department's interpretation of Title IX require schools to assign student lodging on overnight trips based on gender identity rather than sex, potentially requiring biological girls and boys to room together?
9. Does the Department plan to respect faith-based schools that wish to operate based on sincerely-held religious beliefs about biological sex?
10. Does the Department intend to issue further guidance for educational institutions on how they are expected to implement this policy, including any guidance similar to the Department's May 13, 2016 Dear Colleague letter?

Representative Julia Letlow (R – LA)

1. In March 2020, the Department of Education paused federal student loan payments at the onset of the pandemic and set the interest rates to 0% during the pause. Federal borrowers are scheduled to resume payments on October 1, 2021. The Department's Federal Student Aid Office (FSA) has stated multiple times that it is working on a plan on how to restart repayment for borrowers. We are within 90 days of this restart date.

As with many other businesses, student loan servicers have had to lay off employees during the Pandemic. These agencies need adequate time to hire enough employees so they can return to the same level of performance and compliance standards that the Department expects from them. Additionally, students need ample time to be informed on guidance and expectations as repayment plans resume. It is important to give both servicers and students enough time to prepare to avoid confusion.

Mr. Secretary, when does FSA plan to share their plan with servicers, including private collection agencies, on informing the 45 million borrowers about their payments and interest restarting?

[Responses by Secretary Cardona follow:]

Committee on Education and Labor Hearing
 “Examining the Policies and Priorities of the U.S. Department of Education”
 Thursday, June 24, 2021
 10:15 a.m. (Eastern Time)

Representative Joe Courtney (D – CT)

1. Secretary Cardona, many for-profit colleges repeatedly suggest that all institutions, regardless of tax status, should be treated the same for the purposes of participating in federal financial aid. However, this argument obscures the reality that the three sectors of higher education already operate under very different oversight and accountability structures. For example, states have direct governance authority over public institutions, and private non-profit institutions are operated by trustees who are legally committed to the public interest. Only in the for-profit sector can college leaders benefit personally from the operations of their institutions. Thus, as an additional check on these differences in structure and incentives, for-profit colleges must meet additional accountability requirements which ensure the integrity of the federal financial aid program to protect students and taxpayers.

- a. Do you agree that the differentiated accountability structure of the Higher Education Act should be maintained and strengthened?

Yes. The Department of Education (Department) is committed to protecting students from predatory practices, no matter where they attend postsecondary education, and we are particularly concerned by the prevalence of these problems in the for-profit sector. Students in the proprietary sector often face worse outcomes: much lower graduation rates at four-year for-profit colleges, higher cohort default rates, and worse labor market outcomes than students in other sectors. We look forward to working with Congress to ensure that stronger and more effective accountability mechanisms are available to protect students and taxpayers.

- b. What is the Department of Education doing to improve oversight of predatory for-profit institutions to protect students and taxpayers from fraud and abuse?

The Department is working to ensure stronger oversight of predatory institutions. In May 2021, we announced our intent to conduct rulemaking and invited public comment on a number of topics for possible future regulations, including “gainful employment” rules governing proprietary and non-degree programs; changes in ownership and changes in control; borrower defense to repayment, which provides recourse to borrowers who have been taken advantage of by their college or university; financial responsibility, including events that indicate heightened financial risk; and more. The rulemaking process will help the Department design far stronger protections against predatory practices by institutions. Additionally, the Office of Federal Student Aid (FSA) is working to ensure careful oversight of institutions, investigating reports of problematic practices, and increasing

monitoring of institutions that receive aid under Title IV of the Higher Education Act of 1965. This includes the establishment of an Office of Enforcement within FSA that reports directly to the Chief Operating Officer.

The FSA Office of Enforcement recently published an Electronic Announcement noting that it is monitoring complaints and borrower defense applications to prevent schools from taking advantage of service members and veterans through misleading recruiting practices. This announcement highlighted that this conduct violates the law and could cut off or limit schools' participation in Title IV programs.

Representative Frederica S. Wilson (D – FL)

There is a growing gap in the ratio of students of color to teachers of color. This trend is most stark for black males, who make up only 2 percent of the teaching workforce. Secretary Cardona, what steps is the department taking to address the black male teacher shortage?

We know that a diverse educator workforce benefits all students, especially our students of color. We also know that our current educator workforce doesn't reflect the rich diversity we see in our classrooms. To support all students in being taught by a diverse, well-prepared, and well-supported workforce, we are proposing significant investments that are designed to address some of the existing challenges to a more diverse educator workforce. These investments include requesting \$132.1 million for Teacher Quality Partnerships in Fiscal Year 2023, an increase of \$80 million over the 2021 enacted level, to support comprehensive pathways into the profession, such as high-quality residencies and Grow Your Own programs, that support educator diversity, improve teacher effectiveness, and increase teacher retention and \$20 million for the Hawkins Centers of Excellence program designed to increase the quality and number of new teachers of color prepared at historically black colleges and universities (HBCUs), minority-serving institutions (MSIs), and tribally controlled colleges and universities (TCUs).

A 2018 GAO report found that black students are disproportionately suspended, expelled, referred to law enforcement, and subjected to corporal punishment. Despite these findings, Secretary DeVos rescinded Obama-era guidance to reduce racial disparities in school discipline. Secretary Cardona, do you plan to re-instate the Obama Administration's 2014 school discipline guidance? If so, how do you plan to specifically address discipline disparities for black students, boys, and students with disabilities?

I share your concern about the stark disparities that exist in the administration of school discipline—and its adverse impact on students. In response to President Biden's *Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, the Department has prioritized addressing racial and other disparities in the design and administration of school discipline. First, the Department's Office for Civil Rights (OCR) is exploring the need for new guidance following the 2018 rescission that you referenced of the Dear Colleague letter on Nondiscriminatory Administration of School Discipline and related materials. Second, on May 11, 2021, OCR, together with the Civil Rights Division of the Department of Justice, organized a virtual convening, *Brown 67 Years Later: Examining*

Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools. The session allowed students, educators, school administrators, civil rights lawyers, and researchers to consider and discuss the impact of exclusionary school discipline policies and practices on our nation's students, particularly students of color, students with disabilities, and LGBTQ+ students. Panelists also shared diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive and inclusive school climates. More than 1,500 people registered for the event. Third, to follow up the convening, the Department published a [Request for Information](#) seeking public comments on what guidance schools and school districts need to ensure that all students attend welcoming, supportive, and safe schools. The public comments will inform the Department's decisions about what policy guidance, technical assistance, or other resources would assist schools that serve students in pre-K through grade 12 with designing and administering school discipline in a nondiscriminatory manner and improving school climate and safety.

On April 14, 2022, the Department released an Equity Plan as a part of the Biden-Harris Administration's efforts to advance racial equity and support underserved communities. Information about the plan and other actions the Department may be found at ed.equity.gov. I look forward to continuing our work to ensure that we are able to address disparities and help fulfill the President's goal of "advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."

Representative Susan Wild (D – PA)

Mr. Secretary, as you know, the Department of Education has begun a process by which you have directed guaranty agencies, State agencies that are charged with working with borrowers who have defaulted Federal Family Education Loan Program (FFELP) loans, to turn those loans over to you rather than allowing the guarantors who now house and service those loans to continue doing so. It appears there are several steps involved to implement this change, including transferring loans already with a State agency to the Department of Education, and then possibly transferring them again to either a collection agency or another loan servicer. With this in mind, my questions areas follows:

1. What analysis did you do prior to suggesting the assignment of these loans to the Department of Education to ascertain the impact on vulnerable borrowers?

This action applies to a specific subset of borrowers who defaulted during the national emergency. We chose to move those borrowers to the Department because they are individuals who never would have defaulted had the pause on repayment been extended to all borrowers in the Federal Family Education Loan (FFEL) Program. Because our goal was to undo a default that, ideally, never would have occurred in the first place, our analysis focused on what path gave us the greatest ability to ensure that these borrowers would have their default removed. We felt that moving them to the Department portfolio, where we have the ability to make any necessary corrections and full visibility into the borrower's loan allowed us to ensure that they could be restored to good standing.

2. How long will such transfer take and what are the steps for the movement of these loans? Where will the loans reside once this process is completed?

The transfer of defaulted FFELP borrower accounts began in September 2021. The Department has directed guarantors to hold in an effort to address issues raised by guarantors. If transfers were to resume in the near future, FSA anticipates that the transfer of the remaining accounts would be complete within 90 days of the end of the current payment pause, currently scheduled to end on August 31, 2022. These borrowers and their loans are transferred to Nelnet, one of FSA's direct loan servicers. The steps to transfer borrower accounts and loans are as follows:

- the guarantor identifies loans that meet the criteria for assignment to the Department,
- the guarantor deletes credit bureau reporting,
- the guarantor makes all required adjustments to the borrower's accounts including reducing interest rates to 0% back to the date of default,
- the guarantor provides a list of borrowers to compare that list to borrower at DMCS,
- the guarantor notifies the borrowers that an assignment to the Department will occur within 30 days
- the guarantor transfers all defaulted loans in its portfolio associated with borrowers who defaulted on/after March 13, 2020,
- the loans are received by the Department's DMCS and processed,
- after processing and accepted by DMCS, they are subsequently transferred to a non-default servicer (currently Nelnet)
- in subsequent actions collateral associated with the assigned loans is transferred from the guarantor to the Department.

3. How will the reimbursement for the work to implement this activity be accommodated?

When we announced this action, we informed guaranty agencies that we would compensate them for the lost revenue from collections activity associated with not just this activity but with the overall pause on their collections activity. Guaranty agencies have been able to ask for reimbursement for the Federal Funds that they hold. We also waived requirements for minimum reserve ratios in the Federal Fund to further assist guaranty agencies. We have since authorized reimbursement for guarantors to address lost revenue from the pause and ensured that none fall below the minimum reserve ratio.

4. What agency will be charged with reaching out to those borrowers to fully inform them of the status, location, repayment status, and options for payment pre- and post-assignment?

The Department will work with guaranty agencies to ensure borrowers receive timely and accurate information throughout the transfer process.

5. How will you reach borrowers whose residence has changed during the COVID-19 pandemic?

Defaulted FFELP borrowers who have transferred and have had their residence change during the COVID pandemic, and have had mail deemed undeliverable, are also being contacted by FSA via email to notify them that their loans have been transferred to Nelnet.

6. Will you consider revisiting this approach and allow existing guaranty agencies now servicing those loans to continue to do so?

We do not believe that such an approach would result in a better experience for the borrower. The guaranty agencies involved here had already attempted to avert default for these borrowers and we do not believe that allowing them to continue holding these accounts would result in a better borrower experience.

Representative Jamaal Bowman (D – NY)

1. Interagency Collaboration -- American Rescue Plan

As schools prepare to reopen in the fall, they'll need a strong plan in place to support students across multiple needs and vulnerabilities that would require a coordinated effort across multiple local agencies. Any one child could need services and support from multiple city agencies, and without enough school-based social workers and school counselors, families could be seeking support on their own. Given the scale at which this is happening, it's important to survey the needs of our students and families. Equipping schools with this information ahead of the first day of school enables them to ensure protective factors are in place to support educators with external and internal resources, supports, and professional development to help them meet the needs of the students in their care. How can schools utilize funding from the American Rescue Plan to do that work right now in collaboration across multiple local agencies and community based organizations?

The Department recognizes the importance of interagency efforts and collaboration with community-based organizations at the local, state, and federal level to strengthen and sustain all necessary support for students. For example, we have provided extensive technical assistance to support school districts in using ARP ESSER funds to launch and expand Full-Service Community School programs, including issuing an FAQ [document](#) to emphasize evidence-based strategies. We have also highlighted the importance of partnering with community-based organizations to implement summer enrichment and comprehensive afterschool programs using ARP ESSER funds.

More broadly, this is why the Secretary included, in his Supplemental Priorities for competitive grant programs, a priority to strengthen cross-agency coordination and community engagement to advance systemic change. We also released two K-12 volumes of the ED COVID-19 Handbook which includes specific strategies for how schools can partner with community-based organizations and leverage other federal, state, and local resources to address the impact of COVID-19 on students, families, educators, and staff, and featured powerful examples in our "Lessons from the Field" [webinar](#) series and Summer Learning and Enrichment Collaborative.

2. Full-Service Community Schools

The President's Budget Request for Fiscal Year 2022 includes a \$413 million increase for Full-Service Community Schools above the \$30 million enacted in Fiscal Year 2021. The proposed \$443 million could support an estimated 800 additional schools with implementing the community school model. Given the number of schools and communities that could benefit from this competitive grant opportunity but may not know about the program, or further, may have limited staff capacity for grant writing, how would the Department conduct early outreach to communities about this expanded opportunity to become a Full Service Community School and further, what would support look like ahead of and during the application process?

The President's proposal to significantly increase investments in the Full-Service Community Schools program recognizes the role of schools as the centers of our communities and neighborhoods, and funds efforts to identify and integrate the wide range of community-based resources needed to support students and their families, expand learning opportunities for students and parents alike, support collaborative leadership and practices, and promote the family and community engagement that can help ensure student success. The Department is already considering a number of ways to support potential applicants, including early outreach, partnering with stakeholders, and providing technical assistance, among other strategies. The Department has also released a set of [FAQs](#) on how ARP funds can be used to support Full Service Community Schools, including the role of states, school districts, and community-based organizations in these efforts, and intended these FAQs to also serve as a resource for potential Full Service Community School applicants and grantees.

We note that the President's FY 23 budget includes \$468 million for this program, an increase of \$438 million above the 2021 enacted level. Within this increase, \$25 million would help school districts design and implement integrated student supports focused on addressing a range of student and family needs including meeting student social, emotional, mental health, physical health, and academic needs and providing resources and services to meet family needs, including through cross-agency efforts and partnerships with community-based organizations and other family support providers external to the school site.

3. Student Loan Servicers

Constituents with federal student loans share with my office that when they try to call their student loan servicer, it's extremely difficult to get someone on the phone, and when they do, they get inconsistent or incomplete information about repayment and forgiveness options. Cancelling student debt would resolve this matter, but in the interim, this lack of clarity and low quality servicing can lead to students being in repayment for much longer, ultimately paying far more. This hardship is especially felt by first-generation college goers and Black and brown student loan borrowers. Student loan servicers are contracted by the Department and their contracts are up at the end of this year. The student loan servicing system is in need of revamping with better protections so that servicers, and ultimately, the Department, are accountable to the millions of student borrowers they serve.

How does the Department plan to hold student loan servicers accountable and overall improve the student borrower experience when it comes to finding clear, comprehensive, accessible answers and resources regarding their student loans?

The Department's priority is to ensure that students and borrowers get the service they deserve. The Department extended our contracts with our loan servicers and successfully negotiated stronger consumer protection, accountability and transparency terms. The extensions contain for the first time, basic service level agreements (SLAs) on customer satisfaction, minimum call center hours (including Spanish-speaking representatives), requirements to comply with federal and state laws, increased reporting and transparency, and lastly improved incentives for our servicers to provide quality customer service. These contracts have given the Department additional levers to hold servicers accountable and improve borrowers' experiences. The Department is also implementing specific servicer requirements in 2022 to ensure that borrowers get high quality service.

The Department regularly conducts oversight examinations of our vendors to ensure they are complying with statutory, regulatory, and contractual requirements. Last year, the Department began partnering with the Consumer Financial Protection Bureau (CFPB) to conduct joint supervisory/oversight examinations of our loan servicers that regularly uncover borrower pain points and has resulted in improved customer service. Earlier this year that partnership was expanded to include State Attorneys General and Financial Regulators.

Additionally, the Department has been vigorously improving our web services to make them more accessible and useful to students. We are also collaborating with federal and state regulators to ensure that our oversight of federal student loan servicers is as effective as possible and working to ensure that the tools that the Department's Federal Student Aid office (FSA) has are used to the fullest extent possible. While we are continuing to make significant decisions about the future of student loan servicing, high-quality customer service will remain our priority.

4. Parent PLUS Loans

Some parents who took out a Parent PLUS loan learned this past year that their loan didn't qualify for the COVID-related student loan pause. Their Parent PLUS Loan is held by a commercial lender. COVID brought on many financial hardships and having to keep up with monthly payments this past year has put many parent borrowers in an impossible financial position. What outreach has the Department done to Parent PLUS Loan servicers about working with borrowers to pause repayment or decrease monthly payments due to the economic impact of COVID-19? What guidance does the Department intend to issue related to Parent PLUS Loans held by a commercial lender?

All Parent PLUS borrowers who have Direct Loans or Federal Family Education Loans (FFEL) held by the Department of Education are covered by the pause on student loan repayment. Loans not held by the Department of Education, including Parent PLUS commercially-held FFEL loans, are not covered. This is not specific to whether the loan is a Parent PLUS loan or not, but rather due to which entity holds the loan. However, borrowers in repayment who are not covered by the pause—including those who have a Parent PLUS commercially-held FFEL loan—are

eligible to consolidate their loans into the Direct Loan program, after which they would become eligible for the benefit of the pause.

Ranking Member Virginia Foxx (R – NC)

K-12

1. You have talked about your agency's implementation of the American Rescue Plan. I want to ask one question about a relatively minor aspect of that effort that could have major implications. This winter, the Biden administration announced its intention to work with states that needed additional waivers of the testing and accountability provisions under the *Every Student Succeeds Act* for this academic year. The Department followed up that announcement in March by sending states a template to use to request waivers. While Republicans have been supportive of states applying for flexibility where needed, we have criticized you for attaching conditions on that flexibility. That is an approach favored by the last Democratic administration, and it did significant harm. It likely violates prohibitions under ESSA, but it definitely violates the spirit of that law. Mr. Secretary, two questions:

First, had I asked you prior to your nomination how you would feel about the federal government complicating states' responses to the pandemic by attaching conditions to needed flexibility, how would you have responded?

In February 2021, the Department announced that we would invite states to seek accountability waivers based on the unique conditions of the pandemic so that the focus of assessment for the 2020-21 school year could be on providing information to students, families, and educators, and for targeting resources and support. To streamline the process for states, the Department also created an optional template that states could use to seek an accountability waiver. Fifty-one out of fifty-three states (including DC, Puerto Rico, and BIE) applied for and received accountability waivers in the 2020-21 school year. The Department did not entertain waivers in the 2021-22 school year.

Two, will you commit to upholding the letter and intent of ESSA going forward by deferring to state judgments?

The Department will continue to uphold the requirements of the ESEA, as amended by ESSA, as we have done throughout this Administration.

2. You continue to tout the American Rescue Plan as being necessary for the reopening of schools. However, the Congressional Budget Office said that 70 percent of the American Rescue Plan's K-12 funding would not be spent until 2023 or later.

Do you believe that estimate is accurate?

The resources in the American Rescue Plan serve two essential purposes: 1) safely reopening schools and keeping them safely open and 2) addressing academic, social, emotional and mental health needs of students. Students' needs will persist beyond this school year. That is why a state educational agency (SEA) or local educational agency (LEA) has until

September 30, 2024, to obligate the ARP ESSER funds it receives, so that it can continue to address these needs resulting from a historic disruption in students' education, with wide-ranging impacts. This timeline includes the 12-month "Tydings Amendment" period under section 422(a) of the General Education Provisions Act (20 U.S.C. 1226a(a)). Under 2 CFR § 200.344(a), ESSER funds must be liquidated within 120 calendar days after the end of the performance period (September 30, 2024). States and school districts are already beginning to spend American Rescue Plan (ARP) funds for these purposes and have planned for the use of these funds over the next several years. We thank Congress for providing funds that districts can use in a sustained way to support students.

I am sure that you would argue that these funds are needed for ongoing recovery after the pandemic. But, for the sake of transparency and honesty, will you concede that your rhetoric, and the rhetoric of the president and other Democrats, about the role of the American Rescue Plan in reopening schools, is false?

Since he released the American Rescue Plan, the President has been clear that these resources were essential to both the safe reopening of schools and address the needs of students. Specifically, the President's American Rescue Plan asked Congress to "Provide \$130 billion to help schools serve all students, no matter where they are learning, and help achieve President Biden's goal to safely open the majority of K-8 schools within the first 100 days of his Administration. These investments include set asides at the local and state level to ensure states and districts address the learning loss and social and emotional needs of students disproportionately impacted by COVID-19, including students of color, English learners, and students with disabilities." While nearly all schools are now open for safe, in-person instruction, unfortunately these funds continue to be needed to support the implementation of COVID-19 mitigation practices to support the continued safe operation of schools, as well as to address the ongoing and significant impacts of the pandemic on our Nation's students.

The ARP ESSER State plans that the Department has approved, along with our extensive technical assistance to SEAs and LEAs, provides evidence from across the country on the ways in which these resources are supporting states and school districts in reopening schools. In some communities, ARP funds are making needed ventilation upgrades possible so that students and educators can return to school safely. In other communities, ARP resources enabled students to participate in summer enrichment programs that address the impact of lost instructional time during the prior school year. And in yet other places, the ARP funds are providing needed mental health supports so that students most impacted by the pandemic receive the help they need. On March 11, 2022, the one year anniversary of the President's signing of the ARP, the White House released a [fact sheet](#) on how the American Rescue Plan is keeping America's schools open safely, combating learning loss, and addressing student mental health. We refer you to this document for additional information highlighting the many ways in which the ARP has had a significant impact on schools across the country to safely reopen and sustain in-person instruction as well as address academic and mental health needs as a result of the pandemic.

Postsecondary Education

3. For those who are unfamiliar, the National Advisory Committee on Institutional Quality and

Integrity, or NACIQI (“nuh-SEE-key”), advises the Secretary on which accrediting agencies should be federally recognized as reliable authorities for determining the quality of higher education institutions. In turn, federally recognized agencies act as gatekeepers for federal student aid, which we know amounts to trillions in taxpayers’ money. In its authorizing language, the *Higher Education Act* requires that members of NACIQI be appointed “on the basis of the individual’s expertise, integrity, impartiality, and good judgment”. Mr. Secretary, it seems to me that judging impartiality is easier when there are clear conflicts because a NACIQI member is a college president or may have paying clients in their day-to-day business. But how do you judge impartiality when it comes to someone that is paid by an advocacy group that has written or spoken extensively on the very issues and accrediting agencies that come before the Committee? Also, can you provide the Committee the conflict of interest rules provided to all of the NACIQI members?

NACIQI members are selected on the basis of a variety of factors, including those cited in your question, as well as for their knowledge, expertise, technical qualifications, and professional standing. The 18 members are appointed in equal numbers by the Secretary, the leaders of the House of Representatives, and the leaders of the Senate, and their qualification are judged by each appointing party. As with the majority of the Department’s advisory boards and committees on which members serve as Special Government Employees pursuant to 18 U.S.C. § 202, members receive an annual ethics briefing pursuant to 5 C.F.R. § 2638.307. Potential conflicts of interest are also closely monitored on an ongoing basis and, when conflicts are found, members of the committee are recused from discussions on which their input raises ethics concerns. Please see pages 5-20 for an ethics primer compiled for members of federal advisory committees and boards of the Department, which is similar in substance as it relates to the law applicable to NACIQI.

Additionally, NACIQI makes recommendations based on a majority vote of committee members. While NACIQI recommendations are considered by the Senior Department Official in making decisions on the recognition of individual agencies, those recommendations and the NACIQI discussion of them is only one element of the much longer record that is considered in final decisions of recognition.

4. The Committee asked about changes within the Office of Financial Student Aid once Mr. Cordray took over as the agency’s Chief Operating Officer.

Before we get to this issue, can you please tell us what, if any, involvement you had in selecting Mr. Cordray as the COO at FSA?

I appointed Mr. Cordray to his position as Chief Operating Officer of Federal Student Aid after interviewing him and deciding that he was the strongest choice for the position.

It is my understanding that Mr. Cordray made significant changes to the staffing structure at FSA upon his arrival. Was that all done under his direction or did you or your staff sign-off on those changes?

The only major staffing change as of December 2021 was the establishment of an Office of Enforcement within Federal Student Aid, reporting directly to the chief operating officer Mr. Cordray which was announced October 8, 2021.

As Mr. Cordray has engaged in his duties as COO, what requirements have you established to ensure you are aware of and in agreement with all decisions he is making? Which staff in the Office of the Undersecretary and Office of the Secretary oversee that for you?

As required by section 141(b)(1) of the HEA (20 U.S.C. 1018(b)(1)), FSA is subject to the direction of the Secretary. FSA works in close coordination with the Office of the Under Secretary (OUS), and Mr. Cordray keeps my office and OUS apprised of FSA's operational activities.

Have you ensured that staff, including Mr. Cordray, receives your approval prior to making any decisions regarding the operation of the loan program, including repayment and servicing operations, as required by Section 141 of the *Higher Education Act*?

My staff, including Mr. Cordray, operate under my leadership and management.

5. I think we are going to hear a lot today about the importance of getting a college degree. But I think too many students are pursuing a college degree and borrowing large amounts of money to do so. I think this is a shame, particularly when employers now tend to hire based on skills rather than the level of credentials obtained. Our nation faced a massive skills gap prior to the pandemic and it has only grown since then; whole industries have changed drastically overnight. As our economy begins to recover, I think we need a partner in the Executive Branch that will help us reform the *Higher Education Act* in a way that helps students from all walks of life obtain the skills necessary to find a job rather than just pouring more money into a broken system that forces everyone into a degree.

Do you believe that our postsecondary education system should be reformed in such a way that will force our education providers to meet students where they are and provide the skills they need rather than force students to rearrange their lives to attend the traditional, brick and mortar college? Will you commit to working with the members of this Committee to reform the *Higher Education Act* in a way that encourages robust options, including shorter-term programs, for all students?

Students looking to enter the labor market and workers needing to re-skill are often looking for non-traditional options that help them balance their work and family obligations, as well as earn a credential more quickly than a 2- or 4-year degree program might allow. As our economy continues its rapid recovery, the President's FY 2023 Budget makes significant investments in students and workers while building the capacity of the existing workforce development system.

The FY 2023 President's Budget would provide a discretionary increase of \$20 million for Career and Technical Education (CTE) State grants, for a total request of \$1.4 billion support the President's goal to invest in workforce development and build the capacity of the existing workforce development system through CTE programs that help introduce students to

careers as early as middle school; support attainment of both academic and career skills; help students learn about career pathways and attain credentials needed for careers; assist students in the transition from secondary education to postsecondary education and jobs; and help adults gain new skills and credentials needed to advance in their careers or pursue new career paths.

The Request also would significantly expand CTE National Programs, providing an additional \$208 million, with most funds focused on a new Career-Connected High Schools initiative to support competitive grants to partnerships of local educational agencies, institutions of higher education (including community colleges, which are the primary partners in current pathways models), and employers to increase the integration and alignment of the last two years of high school and the first two years of postsecondary education to improve postsecondary and career outcomes for all students, including students of color and students from low-income backgrounds. Key activities would include dual enrollment in postsecondary-level core content and career-connected coursework; work-based learning opportunities connected to programs of study; attainment of in-demand, career-related credentials; high-quality counseling and career-navigation supports; and educator professional development to support effective integration of academic and career-connected instruction across grades 11-14. As part of the Innovation and Modernization Grant Program, this initiative would include impact evaluations and build evidence of effectiveness for these activities. Remaining funds would be used for technical assistance, evaluation, and ongoing activities to support effective implementation of the CTE State Grants program.

We look forward to working with Congress to ensure that students have access to postsecondary education options that offer high-quality credentials, including through nontraditional approaches.

6. Returning borrowers back into repayment status for their student loans is critical for both our nation's recovery from the pandemic, as well as for the stability of the loan program. Before President Biden was sworn in, what date were loan payments set to begin?

Prior to President Biden's inauguration, the payment pause was set to expire January 31, 2021. That expiration date was the result of two extensions of the payment pause by executive action under the Trump Administration after the CARES Act pause expired on September 30, 2020.

And upon executive action the president pushed that date back to what?

The student loan payment pause is set to expire on August 31, 2022.

Now, knowing the date that repayment was to begin, I'm interested in learning what you have done to ensure the Department was ready for that to happen.

The Department is committed to ensuring that student loan borrowers are able to transition smoothly into repayment status. Our goal will be to make this transition as smooth as possible for borrowers, limit confusion, and minimize missed payments or

other outcomes that may harm borrowers. My staff has been working to ensure that we have a comprehensive plan to address the operational and policy challenges associated with returning student loans to repayment. Our plan for repayment includes robust communications with borrowers and the general public, some of which has already begun, to raise awareness about the resumption of student loan payments and to ensure that borrowers know about resources that are available to them. It also includes working with student loan servicers to ensure that they are ready to handle increased incoming and outgoing communications to/from borrowers, to provide early and consistent information, and to reach out particularly to at-risk borrowers to ensure they get the help they need to be able to make their loan payments.

Did you ask for a briefing from staff on what has to happen internally to make sure the servicers were ready to start collecting payments on that first day?

I am regularly briefed by my staff on the Department of Education's plans to return student loans to repayment.

Did you or your staff meet with your external partners to understand what is needed to be ready to start repayment on that first day?

Department of Education staff have met and continue to meet with external partners to better understand what is needed to be ready to start returning student loans to repayment.

For example, the Department has been in regular meetings with our vendors (e.g., loan servicers) and Federal and State partners (e.g., the Consumer Financial Protection Bureau, State Attorneys General, and State Financial Regulators) to coordinate return to repayment efforts and establish effective monitoring plans.

The Department has also engaged consumer and stakeholder groups like Pew Charitable Trust, The Institute for College Access & Success (TICAS), National Consumer Law Center (NCLC), Center for American Progress (CAP), Consumer Reports, Center for Responsible Lending (CRL), American Federation of Teachers (AFT), National Education Association (NEA), Veterans Education Success (VES), New Jersey Citizen Action, and the Education Finance Council (EFC). We have also received input from organizations with experience in consumer lending.

Did you establish a timeline with key deadlines that must be met by your staff to make it happen?

The Department of Education has established timelines with key deadlines related to returning student loans to repayment.

How frequently do you meet with Mr. Cordray to discuss how the return to repayment will happen?

I have met with Mr. Cordray and other Department of Education staff numerous times to

discuss the return to repayment, and I will continue to receive regular updates on how the return to repayment plan is being implemented. Please be assured that the successful return to repayment of our borrowers is of the highest importance to me and my staff.

This Committee, along with the Senate HELP Committee, sent a letter to you asking about the return to repayment on June 2 of this year. That letter requested information about this process, focusing on the required communications to borrowers. How many of the six required communications to borrowers have been sent?

As you note, the CARES Act requires that the Department provide at least six communications to borrowers beginning on August 1, 2020. The Department agrees that communicating with borrowers and providing them with actionable information is important. Since July of last year, the Department has emailed borrowers on more than six occasions regarding the payment pause flexibilities that are currently in place, ensuring targeted communications with borrowers. We have also ensured that servicers provided communication to borrowers. To support our efforts to reach borrowers, we have also engaged in robust social media and paid digital communications. Over the coming months, we expect to continue extensive outreach to borrowers.

What is the projected timeline for beginning those communications? What effort is being made to help borrowers get ready to begin repayment again?

The Department has engaged in consistent communications with borrowers throughout the duration of the pause in payments and collections. On April 6, 2022, the Department announced an extension of the student loan payment pause through August 31, 2022; as that end date approaches, the Department will continue to conduct outreach and will tailor messages to ensure borrowers have access to timely and accurate information.

Some people believe that despite the pandemic coming to an end, the administration is going to try to continue this pause in perpetuity until you can figure how to grant loan forgiveness to all borrowers. I certainly hope this administration is not trying to use the pandemic to get to a policy goal through a side door. Can you confirm for us today that you are actively working to restart repayments for all loans taken out by borrowers by October 1 and that borrowers are aware of the need to repay these loans?

On April 6, 2022, the Department announced an extension of the student loan payment pause through August 31, 2022, which will help borrowers to plan for the resumption of payments and ensure a smooth transition. In the meantime, the Department continues to actively work on its plans to resume student loan payments. I cannot confirm that all borrowers are aware of the need to repay these loans; however, I can confirm that it is our goal to make them aware and that our plans for returning loans to repayment include substantial communications outreach to make borrowers aware of the resumption of loan payment obligations.

Title IX

7. Your Department has begun a review of the Trump administration's regulations outlining

how schools must address accusations of sexual harassment under Title IX. Most of the Trump administration's regulations were based on court precedent. Most notably, in a 2018 decision involving the University of Michigan, the U.S. Court of Appeals for the Sixth Circuit reiterated earlier rulings that, when credibility is at issue, [quote] "the university must give the accused student or his agent an opportunity to cross-examine the accuser and adverse witnesses in the presence of a neutral fact-finder." [unquote] In other words, accused students must have the opportunity to contest claims against them, with appropriate safety protocols for alleged survivors. And so-called single investigator models are inappropriate. What in the Sixth Circuit's ruling do you disagree with?

Although it would be inappropriate for me to offer an opinion on an issue currently being considered as part of the Department's regulatory review of Title IX, I can assure you that the Department and our Office for Civil Rights does and will continue to follow the law, including relevant requirements based on controlling authority in different circuits.

8. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The Obama administration made Title IX policy by issuing letters that did not go through any public comment process. Will you commit to keeping the Trump administration regulations in place unless and until the department undertakes a formal regulatory process in which you issue draft regulations, accept public comments, review those comments, and then issue a final regulation?

I believe it is critical to solicit input from a range of individuals, organizations, and perspectives. From June 7 – 11th, 2021, our Office for Civil Rights (OCR) held the first-ever virtual national public hearing focused on strengthening the Department's enforcement of Title IX. The Department received live comments from over 280 students, teachers, professors, school administrators and leaders, advocates, parents, and other members of the public from throughout the United States, in addition to numerous written comments. A copy of the transcript as well as a Q&A the Department released explaining a schools obligations under the 2020 amendments to the Title IX rule may be found [here](#).

As you mention, the Department is reviewing its actions under Title IX, in accordance with the directive contained in President Biden's *Executive Order 14021, Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex*. As part of that review, OCR issued a letter on April 6, 2021, detailing its planned next steps, including the aforementioned virtual public hearing and an anticipated rulemaking process. As announced by the Department, an NPRM is due to be published in the Spring of 2022. Rulemaking will adhere to all applicable notice-and-comment requirements.

9. You have begun a review of the Trump administration's Title IX sexual harassment regulations. One of the strengths of those regulations is that they adhered closely to existing legal definitions and court precedent. For example, the definition of "sexual harassment" under the regulations was based on a Supreme Court decision that was authored by Sandra Day O'Connor and joined by Ruth Bader Ginsburg, David Souter, John Paul Stevens, and Stephen Breyer. By contrast, the Obama administration created subjective standards that were not grounded in prior legal interpretations, which created confusion for students and schools alike. As a result, more than 600 lawsuits were filed against schools following the

Obama administration's guidance. Will you commit to protecting students by ensuring that any standards your Department creates will be objective and grounded in existing precedent?

It is my honor and my duty as Secretary of Education to ensure, through the Department's Office for Civil Rights, that students are protected from discrimination on the basis of sex—in addition to categories such as race, disability, and age. While I cannot comment on any specific issues that are likely to be subject to the regulatory process now underway within the Department, I commit to centering students in all that we do, and that includes the review you mention of Title IX.

10. You have begun a review of the Trump administration's Title IX sexual harassment regulations. The regulation requires schools to respond meaningfully to every sexual assault allegation. The regulation gives the victim the power to determine what support and action to pursue. The victim can report the alleged assault but decline the option of filing a formal complaint. Or, if the victim decides to file a formal complaint, the school is required to thoroughly investigate the alleged assault using formal grievance procedures spelled out in the regulations. Under either circumstance, the school is obligated to provide what the regulations call "supportive measures" that protect the student from harm as a result of the alleged assault and ensure that his or her education can continue. Supportive measures are not specifically defined in the regulations, but they refer to non-disciplinary and non-punitive individualized services that serve the purpose of restoring or preserving a victim's equal access to education. Examples could include academic course adjustments, counseling, non-contact orders, dorm room reassignments, and leaves of absence. Mr. Secretary, are you opposed to requiring schools to support sexual assault survivors as laid out in the Trump administration's regulations?

As mentioned in the previous answer, to question 9, I am unable to comment on any specific issues that are likely to be subject to the regulatory process now underway within the Department. I can commit, however, to centering students in all that we do, and that includes the review you mention of Title IX.

Workforce Development

11. As you likely know, an important issue before our committee this Congress is the reauthorization of the *Workforce Innovation and Opportunity Act* (WIOA). Given your oversight of programs under the *Adult Education and Family Literacy Act* as authorized by WIOA, what recommendations – beyond simply increasing funding – do you have for strengthening pathways for adults through basic educational services?

The Biden-Harris Administration is committed to strengthening pathways for all students, including those in adult education programs. As described above, the President's budget reflects our priority on strengthening pathways from adult education services into postsecondary programs through a \$25 million grant initiative to expand and demonstrate effectiveness of college bridge programs in adult education.

The Adult Education State Grants assist adults without a high school diploma or the equivalent to become literate and obtain the skills necessary for postsecondary education,

employment, and economic self-sufficiency. The proposed increase would help expand program services at the local level to increase the number of adults receiving services under the program. We want to provide adults without a high school credential or proficiency in English with seamless pathways into postsecondary programs, strengthening postsecondary outcomes for them. Another priority is to strengthen adult education pathways into quality jobs, through expanding high-quality Integrated Education and Training (IET) programs that blend in-demand workforce skills, training, and credentials with instruction in basic skills or English language acquisition.

Representative Joe Wilson (R – SC)

1. On November 13, 2020, the Department of Education under the Trump administration published in their registrar “the Department has authority to implement a range of corrective measures for an institution that violates its Program Participation Agreement, including termination of the institution’s Title IV participation.” This statement was related to an institution failing to report Section 117 information timely and accurately, which was to address Chinese government sponsored Confucius Institutes strategically located across America.

Given that many institutions are failing to comply with the reporting requirements under Section 117 of the Higher Education Act, can you commit to acting on your authority as Secretary to hold schools accountable who fail to comply with the law? How will you ensure that our higher education system is protected from the influence of adversarial nations?

The Department remains committed to carrying out its statutory duties under section 117, including holding institutions accountable when they do not meet their requirements under that section. Our experience is that institutions are seeking to comply with the disclosure requirements of section 117, and we continue to aid individual institutions’ efforts to understand and meet the requirements.

Additionally, the Department regularly engages with other federal agencies in shared efforts to respond to potential national security threats. For instance, the Department is a member of the Joint Committee on the Research Environment’s (JCORE’s) Subcommittee on Research Security, an interagency group that falls under the National Science and Technology Council and the White House Office of Science and Technology Policy. The Department also actively collaborates with the Foreign Malign Influence Interagency Policy Council and shares information with components of the Department of Justice and the National Science Foundation’s Office of the Inspector General. We will continue to assess additional ways to leverage interagency coordination and address concerns about undue foreign influence in higher education.

2. Given the successes of charter schools and the subsequent demand for charter schools that we are seeing at the state level, what are your plans for increasing accessibility to charter schools for students and parents seeking that option?

I believe that all children should have access to an excellent public school. There are examples of high-quality public charter and neighborhood schools across our country that are serving students, families, and communities well. I believe we should learn from and celebrate the successes and

innovations of these schools-- as we should all great public schools. Ultimately, we should seek to build a system in which there are no winners or losers, in which all public schools are great schools and in which all students have the opportunity to attend a high-quality public school.

3. With public schools often utilizing services of for-profit entities, including most recently forspending COVID-19 relief funds, why are you proposing this restriction for charter schools only? Is this requirement something you are considering for other programs?

The Administration supports appropriations language to ensure that Charter School Program funds are not provided to schools that are fully or substantially operated or managed through a contract with a for-profit entity. This language would not limit the ability of a charter school to contract with a for-profit entity for discrete purposes other than managing or operating the school, such as providing food services or payroll services. The Department looks forward to engaging with Congress further on this issue.

Representative Glenn Thompson (R – PA)

As the co-chair of the bipartisan Career and Technical Education Caucus, passage of the Strengthening Career and Technical Education for the 21st Century Act in July 2018 was one of my proudest moments as a member of Congress.

This legislation, which went into effect in July 2019, bolstered our nation’s CTE system by increasing alignment with in-demand jobs and improving employer engagement so that more students have opportunities to move into in-demand jobs and successful careers. As I looked over the Department budget ahead of this hearing, I noticed it calls for \$1 billion in new mandatory funding for CTE each year for the next decade for “Expanded Career Pathways for Middle and High School Students” under the American Jobs Plan.

1. What exactly would this funding be used for?

Please see the response to question 2 below for information regarding the President’s FY 2023 Budget Request.

2. How would this new proposed program align, or not, with the state grants authorized by Title I within Perkins V?

The President’s FY 2023 Budget Request provides \$1.35 billion for the Career and Technical Education (CTE) State Grants program, an increase of \$20 million over the 2021 enacted level, in support of the President’s goal to invest in workforce development and build the capacity of the existing workforce development system. Funding would help state and local workforce training programs deliver on the promise of the Strengthening Career and Technical Education for the 21st Century Act by better integrating academic and career and technical education; promoting student attainment of challenging academic standards along with technical skills; providing strong linkages between secondary and postsecondary education; helping prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will allow graduates to earn a living wage; and provide work-based learning

opportunities and opportunities to gain postsecondary credit while still attending high school.

The \$215.4 million Request for CTE National Programs provides an increase of \$208 million over the 2021 enacted level. Of this increase, \$200 million is for a new Career-Connected High Schools initiative to support competitive grants to partnerships of local educational agencies, institutions of higher education (including community colleges, which are the primary partners in current pathways models), and employers to increase the integration and alignment of the last two years of high school and the first two years of postsecondary education to improve postsecondary and career outcomes for all students, including students of color and students from low-income backgrounds. Key activities would include dual enrollment in postsecondary-level core content and career-connected coursework; work-based learning opportunities connected to programs of study; attainment of in-demand, career-related credentials; high-quality counseling and career-navigation supports; and educator professional development to support effective integration of academic and career-connected instruction across grades 11-14. Remaining funds would be used for technical assistance, evaluation, and ongoing activities to support effective implementation of the CTE State Grants program.

Additionally, I am a strong advocate for the Federal TRIO Programs. These programs provide individual support to help low-income students and students who are first in their family to enter and finish college. In my district, Pennsylvania's 15th congressional district, TRIO serves 1,547 students across 6 projects.

TRIO has return on investment as high as \$13 for every \$1 in federal funding invested. In 2019, your agency found that TRIO students at two-year institutions were 47% more to complete a degree or transfer than comparable students. TRIO students at four-year institutions were 18% more likely to earn their college degree. Because college graduates can expect to earn much more over their lifetimes, when you crunch the numbers, TRIO Student Support Services yields a \$13 increase in lifetime earnings for every \$1 invested.

1. Will you share how your budget request for the Federal TRIO Programs helps bring a strong return for our federal investment?

We share and welcome your strong support of the TRIO programs. These programs' records of impact led the President to request \$1.3 billion in fiscal year 2023 for the federal TRIO Programs, an increase of \$200.8 million or 18.3 percent over the 2021 enacted level, to provide services to encourage underserved individuals to enter and complete college and postgraduate education.

This increase would allow the amount available for Student Support Services in fiscal year 2023 to increase by approximately \$200 million to \$563.8 million. This increase would support \$200 million in new awards that would serve an estimated 106,000 additional students over the next five years. Focusing the entire increase on Student Support Services would support the Administration's priority on improved retention and completion outcomes for eligible students enrolled in two-year and four-year

postsecondary education.

Representative Scott Fitzgerald (R – WI)

1. Secretary Cardona, in Wisconsin, a large percentage of Federal COVID relief money was distributed through Title I allocations which favors the large, urban districts. Those were the same districts most likely to be closed for in-person education (Madison, Milwaukee, etc). With districts that were open to in-person instruction spending more than those that were fully virtual, was the allocation of the COVID relief money responsive to actual needs?

Consistent with statute, the American Rescue Plan ESSER funds were allocated to states in proportion to the amount of funds they received under Part A of Title I of ESEA for the most recent fiscal year. States were then required to allocate at least 90 percent of their grants to LEAs also using the Title I formula. This equity-driven allocation methodology ensures that American Rescue Plan funds are targeted to meet the needs of students. Students who lost the most in-person instructional time are often also the students with the greatest need for social, emotional, mental health, and academic support due to the pandemic—which is a central aim of the American Rescue Plan.

2. Emergency Assistance to Non-Public Schools (EANS) money reverts back to public schools if unused by private schools. Secretary Cardona, what are other states seeing in relation to money reverting to public school because private school use is limited by restrictions on EANS funds?

States have worked hard to implement the EANS provision under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the Department continues to support SEAs in ensuring that they are fully complying with the requirements of EANS. The Department is in ongoing communication with SEAs to understand the status of funds in each state, including whether and when funds are reverting to the Governor's Emergency Education Relief (GEER) Fund (which may be used at a Governor's discretion to support the needs of public and non-public school students).

Representative Mary E. Miller (R – IL)

1. Does the Department plan to investigate and penalize teachers under Title IX who continue to teach the fact that there are only two sexes in the human species, male and female?

The Department's Office for Civil Rights will investigate any complaint that indicates a possible failure to comply with one of the civil rights laws over which it has jurisdiction, including Title IX, consistent with their Case Processing Manual. These investigations necessarily entail fact-specific determinations, so it would be impossible to speculate about the likely outcome of a hypothetical scenario.

2. Will your Department protect the free speech rights of students, teachers, and faculty to state that human beings are biologically determined to be male, or female, regardless of

personal identity?

The Department follows the law, both with respect to the nondiscrimination protections enshrined in our nation's civil rights laws and the freedoms protected by the Constitution.

3. Under the Department's current interpretation, would it be a violation of Title IX for a teacher to say that "Men can't get pregnant"?

I am unable to comment on any specific issues that may be subject to the regulatory process now underway within the Department with respect to Title IX. In addition, because investigations undertaken by the Office for Civil Rights necessarily entail fact-specific determinations, it would be impossible to speculate about the likely outcome of a hypothetical scenario.

4. Will the Department's interpretation of Title IX require schools to allow students to access the restroom or locker room of their choosing rather than the one that corresponds with their biological sex?

Title IX protects students from discrimination on the basis of sex, and that includes discrimination on the basis of sexual orientation and gender identity. Because investigations undertaken by the Office for Civil Rights necessarily entail fact-specific determinations, it would be impossible to speculate about the likely outcome of a hypothetical scenario.

5. Have you considered, as part of your department's guidance on Title IX, providing consideration of girls' safety in contact sports should biological males be allowed to play on girls' sports teams?

As the Department continues its review of Title IX, it is important to us to hear from people who have a diversity of views about ensuring educational environments free from sex discrimination. For this reason, the Office for Civil Rights held a first-ever nationwide virtual hearing from June 7 – 11th, 2021, at which many commenters shared views on athletics and other issues. A copy of the transcript found [here](#). I informed OCR of the consideration you have raised.

6. If a female student complains or objects to having to dress and undress in a locker room in the presence of male students, would she have any right to privacy under Title IX?

Again, because investigations undertaken by the Office for Civil Rights, including with respect to Title IX, necessarily entail fact-specific determinations, it would be impossible to speculate about the likely outcome of a hypothetical scenario.

7. If the female student objecting to sharing a restroom or locker room with students born male is objecting on the basis of the female student's sincerely held religious belief about not undressing in front of people of the opposite sex, is a school permitted to refuse allowing transgender-identifying biological males to access these spaces?

Again, because investigations undertaken by the Office for Civil Rights, including with respect to Title IX, necessarily entail fact-specific determinations, it would be impossible to speculate about the likely outcome of a hypothetical scenario.

8. Will the Department's interpretation of Title IX require schools to assign student lodging on overnight trips based on gender identity rather than sex, potentially requiring biological girls and boys to room together?

Again, Title IX protects students from discrimination on the basis of sex, and that includes discrimination on the basis of sexual orientation and gender identity. Because investigations undertaken by the Office for Civil Rights necessarily entail fact-specific determinations, it would be impossible to speculate about the likely outcome of a hypothetical scenario.

9. Does the Department plan to respect faith-based schools that wish to operate based on sincerely-held religious beliefs about biological sex?

All students should have access to learning environments that are free from discrimination and schools should be welcoming places for all students, including those of religious faith. The Department does and will follow the law, including relevant provisions in Title IX with respect to religious exemptions.

10. Does the Department intend to issue further guidance for educational institutions on how they are expected to implement this policy, including any guidance similar to the Department's May 13, 2016 Dear Colleague letter?

The Department reviewed its actions under Title IX, in accordance with the directive contained in President Biden's *Executive Order 14021, Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex*. As part of that review, OCR issued a letter on April 6, 2021, detailing its planned next steps, including the aforementioned virtual public hearing and an anticipated rulemaking process. In addition, in July, 2021, the Department issued a new [Q&A resource on Title IX](#) and sexual harassment that discusses, in part, of religious exemptions. As announced by the Department, an NPRM is due to be published in the Spring of 2022.

Representative Julia Letlow (R – LA)

1. In March 2020, the Department of Education paused federal student loan payments at the onset of the pandemic and set the interest rates to 0% during the pause. Federal borrowers are scheduled to resume payments on October 1, 2021. The Department's Federal Student Aid Office (FSA) has stated multiple times that it is working on a plan on how to restart repayment for borrowers. We are within 90 days of this restart date.

As with many other businesses, student loan servicers have had to lay off employees during the Pandemic. These agencies need adequate time to hire enough employees so they can return to the same level of performance and compliance standards that the Department expects from them. Additionally, students need ample time to be informed

on guidance and expectations as repayment plans resume. It is important to give both servicers and students enough time to prepare to avoid confusion.

Mr. Secretary, when does FSA plan to share their plan with servicers, including private collection agencies, on informing the 45 million borrowers about their payments and interest restarting?

On April 6, 2022, the Department announced an extension of the student loan payment pause through August 31, 2022, which will help borrowers to plan for the resumption of payments and ensure a smooth transition. In the meantime, the Department continues to actively work on its plans to resume student loan payments. FSA continues to communicate with servicers about return to repayment. Additionally, our plans for returning loans to repayment include substantial communications outreach to make borrowers aware of the resumption of loan payment obligations. The Department is committed to ensuring that student loan borrowers are able to transition smoothly into repayment status. My staff has been working to ensure that we have a comprehensive plan to address the operational and policy challenges associated with returning student loans to repayment.

[Whereupon, the Committee adjourned at 3:03 p.m.]

