From: POLITICO"s Morning Education
To: Goins, Anthony
Subject: Supreme Court hands victory to religious schools — CDC issues guidance for colleges on Covid-19 testing — Senate Democrats pitch $430B in relief for education, child care
Date: Wednesday, July 1, 2020 9:38:40 AM

2018 Newsletter Logo: Morning Education

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With help from Nicole Gaudiano and Juan Perez Jr.

PROGRAMMING NOTE: *Morning Education will not publish on Friday, July 3, or Monday, July 6. We'll return to our normal schedule on Tuesday, July 7. In the meantime, please continue to follow Pro Education.*

Programming announcement: *Our newsletters are evolving. Morning Education will continue to publish daily for POLITICO Pro subscribers, but starting on July 13th will consolidate to a weekly newsletter for all others.*

There will be no changes to the policy newsletters available to POLITICO Pro subscribers. To continue to receive Morning Education daily, as well as access POLITICO Pro's full suite of policy tools and trackers, get in touch about a Pro subscription . Already a Pro subscriber? Learn more here.

QUICK FIX

— The Supreme Court dealt a huge victory to backers of school choice, including the Trump administration. The court, in a 5-4 vote along ideological lines, declared Montana's exclusion of religious schools from a tax-credit scholarship program to be unconstitutional.

— The CDC is out with new guidance on reopening colleges. It cautions against "entry testing" on campuses.

— A trio of Education Secretary Betsy DeVos' major rules overhauling higher education takes effect today. And the Trump administration is now planning new regulations aimed at combating anti-Semitism, particularly on college campuses.

IT'S WEDNESDAY, JULY 1. WELCOME TO MORNING EDUCATION. Drop me a line with your tips and feedback: mstratford@politico.com or @mstratford. Share event listings: educalendar@politicopro.com. And follow us on Twitter: @Morning_Edu and @POLITICOPro.

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DRIVING THE DAY

WHAT'S NEXT AFTER BIG SCOTUS WIN FOR RELIGIOUS SCHOOLS, SCHOOL CHOICE: The Supreme Court's ruling on Tuesday in a Montana school choice case could have major implications for the use of public dollars to pay for religious schools, potentially breaking down barriers in states with prohibitions.

— The ruling is a huge victory for school choice advocates including DeVos, who called on states to "seize the extraordinary opportunity" to expand education options. In a tweet, President Donald Trump called the ruling "a historic win for families who want SCHOOL CHOICE NOW!" He added that school choice "is a civil rights issue, and no parent should have to send their child to a failing school."

— Teachers unions, however, said the ruling will hurt students by siphoning funds from public schools. American Federation of Teachers President Randi Weingarten called the decision a "seismic shock that threatens both public education and religious liberty."

— The background: *Espinoza v. Montana Department of Revenue* looked at whether the Montana Supreme Court violated the U.S. Constitution when it struck down a tax-credit scholarship program that allowed students to attend private schools, including religious schools. In the 5-4 decision written by Chief Justice John Roberts, the court found that application of Montana's "no-aid provision" did violate the constitution and discriminated against religious schools and families whose children attend or hope to attend.

— Nicole Gaudiano has a rundown on what to expect after the major Supreme Court decision.

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HIGHER EDUCATION

CDC CAUTIONS COLLEGES AGAINST 'ENTRY TESTING' FOR COVID-19: The health agency cautioned colleges and universities against testing all of their students and faculty for the novel coronavirus before allowing them onto campus, as part of new recommendations made public on Tuesday . But federal

health experts still recommend that higher education institutions test people suspected to have been in close contact with infected patients, even if they're not showing symptoms.

— The CDC also suggests broader testing for people who have been in contact with infected patients in settings where the disease can quickly spread, including residence halls, laboratories and communal spaces such as bathrooms or lounges.

— The federal guidelines say schools located in regions experiencing "moderate to substantial community transmission" of Covid-19 may consider testing some or all students and staff who have no known exposure to the virus. Juan Perez Jr. has more.

— Next up: More CDC guidance on reopening K-12 schools is expected later this week.

MAJOR DEVOS OVERHAUL OF HIGHER EDUCATION TAKES EFFECT TODAY: A slew of major Trump administration policies affecting colleges and universities officially takes effect today. Here's a rundown of how DeVos has reshaped federal higher education policy using her regulatory pen:

— The Obama-era "gainful employment" rule is officially off the books. The policy had sought to cut off federal funding to low-performing career college programs, particularly those at for-profit colleges — but had been decried by conservatives and the industry since the Obama administration first started writing the rule a decade ago. The Trump administration had already largely hamstrung implementation of the rule and allowed colleges to implement early the repeal.

— DeVos' revised "borrower defense to repayment" rule goes into full force. The rule sets more stringent standards than the Obama-era policy for forgiving federal student loans based on a college's misconduct. It also eliminates the Obama-era ban on colleges forcing their students to settle many types of disputes against their school through arbitration, rather than in court.

— Also taking effect is DeVos' new rule governing college accreditation. The policy eases some of the requirements that college accreditors must meet in

order to obtain federal recognition, an important status that enables the colleges they accredit to be eligible for federal student aid.

— What to watch next: Nearly all of the Trump administration's rollback of regulations are being challenged in court by consumer groups, labor organizations and Democratic state attorneys general. But none of those legal challenges have yet to stop these rules from taking effect today.

MORE ON THE WAY… DEVOS PLANS NEW CIVIL RIGHTS REGULATIONS ON ANTI-SEMITISM: The Trump administration is planning to write new regulations to change how the Education Department's Office for Civil Rights addresses allegations of discrimination against Jewish students. The department said in a regulatory notice that it would propose new rules this fall to carry out Trump's executive order from December that the White House said was meant to combat anti-Semitism, particularly on college campuses. The Trump administration has decried the boycott, divestment and sanctions movement against Israel on campuses as anti-Semitic.

— The executive order recommended that the Education Department and other agencies consider adopting a controversial definition of anti-Semitism that is favored by pro-Israel groups but that critics, including advocates for Palestinian rights, worry will stifle free speech and criticism of Israel on campus. The proposed regulations will amend the department's regulations that implement Title VI of the Civil Rights Act of 1964, the agency said, but it did not go further in elaborating on the potential changes.

— Also new on the regulatory agenda released on Tuesday: New regulations to force colleges to disclose to the Education Department copies of the contracts they have with foreign sources. The Trump administration had previously teased that as part of its crackdown on how colleges and universities report foreign gifts.

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ON THE HILL

HOUSE TO VOTE ON INFRASTRUCTURE BILL WITH FUNDING FOR SCHOOLS: House lawmakers are expected to finish work today on Democrats' sweeping infrastructure package, H.R. 2 (116), that includes $130 billion for upgrading the nation's poorest public schools — it's expected to pass along party lines but faces an uphill battle after that.

SENATE DEMOCRATS PITCH $430B FOR EDUCATION, CHILD CARE IN NEXT STIMULUS: Senate Democrats on Tuesday unveiled a new coronavirus relief package that includes $430 billion for child care, K-12 schools and higher education. The bill, introduced by Sen. Patty Murray (D-Wash.) and Minority Leader Chuck Schumer , stakes out Democrats' negotiating position as the Senate gears up for another economic rescue package in the coming month.

— What's in the bill: The legislation would include $345 billion for education, broken down in the same way as the CARES Act, H.R. 748 (116) . That includes $175 billion for K-12 schools, $132 billion for higher education and $33 billion in education aid that would be at the discretion of governors. It would also include $50 billion for child care and another $1.5 billion for programs aimed at preventing child abuse and neglect.

— **What's next:** Democrats' proposal comes as Senate Majority Leader Mitch McConnell said on Tuesday that his chamber would focus on the next relief

package when it returns from the two-week July Fourth recess. McConnell said the goal was to finish the package before the August break.

— **Senate HELP Chair Lamar Alexander (R-Tenn.)** has said he believes that more federal funding for schools and colleges is needed to allow educational institutions to reopen this fall.

— **Both Alexander and McConnell** have said liability shields for schools, colleges and businesses must be included in the next relief package.

WINNERS PLAY THE LONG GAME : With so much going on in the present, it is more important than ever to look ahead to how society will thrive in the future. "The Long Game" is a newsletter designed for executives, investors and policymakers leading that conversation. Engage with the sharpest minds on our biggest challenges, from pandemics to environmental justice, climate change to renewable energy, inequality and the future of work. Subscribe today for a nuanced look at these issues and possible solutions. **Subscribe today**.

SYLLABUS

— New Hampshire passes bill to 'fill in some key gaps' on new Title IX rule: POLITICO Pro.

— Florida Gov. Ron DeSantis vetoes funding for online learning program amid coronavirus resurgence: POLITICO Pro Florida.

— New Jersey bill would grant legal immunity to colleges that reopen during pandemic: POLITICO Pro New Jersey.

— Teachers are reinventing how Black history, anti-racism are taught in schools as system falls short: ABC News.

— California cuts $1.7 billion from public colleges, delays payments to public schools: The Associated Press.

— Education Department left Social Security numbers of thousands of

borrowers exposed for months: The Washington Post.

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