From: POLITICO"s Morning Education
To: Goins, Anthony
Subject: CDC: K-12 schools shouldn't test everyone — Lawyers try to use new Supreme Court ruling against Maine's 'tuitioning' program — Grim outlook for House-passed infrastructure package with billions for schools
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BY **NICOLE GAUDIANO**

With help from Bianca Quilantan 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.*

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*

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QUICK FIX

— Schools should not conduct universal coronavirus testing for students and staff when reopening this fall and school staff should not be expected to directly administer tests, the CDC said in its new recommendations for K-12 schools.

— The libertarian law firm that won a major school choice case this week before the Supreme Court is now using that victory to help challenge a Maine law that excludes religious schools from the state's high school tuition program.

— A massive $1.5 trillion infrastructure package, H.R. 2 (116), that passed the House on Wednesday includes $130 billion for school-related projects. But the Democrat-led bill, which passed 233-188, faces a grim future and competing Senate proposals.

IT'S THURSDAY, JULY 2. WELCOME TO MORNING EDUCATION. Got news to share? Please send tips to your host at ngaudiano@politico.com or to my colleagues, Juan Perez Jr. at jperez@politico.com, Michael Stratford at mstratford@politico.com and Bianca Quilantan at bquilantan@politico.com. Share event listings: educalendar@politicopro.com. And follow us on Twitter: @Morning_Edu and @POLITICOPro.

DRIVING THE DAY

CDC OFFERS NEW K-12 TESTING RECOMMENDATIONS: Universal testing has not been "systematically studied" and experts don't know if it would further reduce person-to-person transmission of Covid-19, the CDC said in recommendations posted late Tuesday.

— Testing is only part of a strategy to stop the spread of the virus, the CDC said, and schools should implement preventive measures like social distancing, wearing masks, hand washing and enhanced cleaning and

disinfecting.

— Additionally, the CDC's recommendations say that while school nurses may be able to conduct Covid-19 testing, "not every school-based healthcare provider will have the resources or training to conduct testing, and accordingly, should not feel compelled to do so."

— Aside from testing, schools could conduct symptom screenings, including taking temperatures and checking the symptoms of staff and students. But the CDC also said the screenings won't be able to detect those who are asymptomatic. More from Bianca Quilantan.

— ICYMI, the CDC issued recommendations on Covid-19 testing in higher education earlier Tuesday. Here's more from Juan Perez Jr.

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IN THE COURTS

ADVANCING *ESPINOZA*: Emboldened by a favorable Supreme Court ruling, the Institute for Justice and First Liberty Institute filed a notice of supplemental authority with the 1st Circuit Court of Appeals, asking it to rule in favor of parents who challenged Maine's high school tuitioning program. The program pays for parents in towns too small to maintain public high schools to send their children to the public or private secondary school of their choice.

— Three families in *Carson v. Makin* would like to choose religious schools but are barred by state law, according to IJ. On Tuesday, the Supreme Court ruled in *Espinoza v. Montana Department of Revenue* that the application of a state restriction against public funding for religious schools is unconstitutional. IJ represented the families in that case, as well.

— "The decision in Espinoza means that Maine's exclusion of sectarian schools must be struck down," said IJ Senior Attorney Tim Keller in a statement. "Excluding religious schools from the array of options open to Maine parents who receive the tuition benefit, simply because they are religious schools, is now clearly unconstitutional."

— The 1st U.S. Circuit Court of Appeals heard oral arguments in *Carson v. Makin* in January, but no ruling has been issued, according to IJ. The filing asks the appeals court to consider their ruling in light of the Supreme Court's decision.

— The *Espinoza* case involved a state constitutional "No-Aid Clause" that banned the legislature from spending public funds to aid religious schools. The provisions, in nearly 40 states, are also known as "Blaine Amendments." Maine doesn't have a Blaine Amendment, but the state legislature in 1982 passed the current law that excludes religious schools from the tuitioning system, according to IJ.

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IN CONGRESS

MOVING FORWARD? The infrastructure package, called "The Moving Forward Act," includes legislation led by by House Education and Labor Chair Bobby Scott (D-Va.) to help America rebuild and reopen schools.

— It would provide $100 billion in grants and $30 billion in bond authority for high-poverty schools that need upgrades to their buildings for safety. Funding would be focused on reopening schools in line with CDC health guidelines and could be used to improve digital learning, including expanding access to high-speed broadband.

— But whether the package is moving anywhere is unclear: The White House has threatened to veto it.

— And Senate Majority Leader Mitch McConnell slammed the measure on Wednesday as "a multi-thousand-page cousin of the Green New Deal masquerading as a highway bill " and said the plan had no chance in his chamber.

— McConnell has also said the Senate will stick to its plan of passing another relief bill later next month. More from Juan.

EDUCATION DEPARTMENT

'EQUITABLE SERVICES' RULE TAKES EFFECT: The Education Department published its rule, effective immediately, governing the provision of "equitable services" for private school kids and teachers under the CARES Act, H.R. 748 (116) . Comments must be received on or before July 31.

— The rule stipulates that if a school district chooses to use CARES Act funds for students in all of its public schools, then it must calculate the funds for equitable services based on students enrolled in private schools in the district. A second option allows districts to use the funds only for students in its Title I schools, using two different calculations.

ICYMI: DEPARTMENT LAUNCHES RURAL TECH COMPETITION: The department launched a $600,000 competition, called The Rural Tech Project and part of the Ed Prizes series, inviting high schools and local educational agencies to develop competency-based distance learning programs in rural communities. Those interested in entering the challenge are asked to submit a proposal by Oct. 8. A virtual information session will be held on July 21.

FINAL CTE PLANS APPROVED: The department also approved the final wave of career and technical education plans under "Perkins V," the bipartisan overhaul of the Carl D. Perkins Career and Technical Education Act, H.R. 2353 (115) . Alaska, Connecticut, New Jersey, New Mexico, North Carolina and West Virginia are the latest states, along with Puerto Rico, to have their CTE plans approved.

K-12

GROUPS LAUNCH COVID-19 PEER REVIEW: The Collaborative for Student Success and the Center on Reinventing Public Education announced they're joining to provide expert analysis of school reopening plans across the country. They released a tool to highlight innovative practices , and they're launching a national call for experts, in and out of education circles, to review district efforts to help highlight best practices.

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MOVERS AND SHAKERS

— **Michael O'Neill**, a member of the Boston School Committee for Boston Public Schools, began his one-year-term as chair of the Council of the Great City Schools' Board of Directors. **Barbara Jenkins**, superintendent of the Orange County Public Schools in Orlando, Fla., becomes chair-elect.

— The Council of Regional Accrediting Commissions announced that Southern Association of Colleges and Schools Commission on Colleges President **Belle S. Wheelan** will serve as chair of the organization. **Jamienne S. Studley**, president of the WASC Senior College and University Commission, will serve as vice chair.

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**.

REPORT ROUNDUP

— **The Asthma and Allergy Foundation of America** released the "COVID-19 and Asthma Toolkit for Schools" to help educators and families of children living with asthma navigate best ways to stay healthy for those returning to classrooms during the pandemic.

— **CRPE** released a consensus statement from a panel of diagnostic assessment experts that distills principles for how schools should approach testing this fall.

— **The American Federation of School Administrators** issued a new guide for reopening schools safely.

SYLLABUS

— 'Historic' vote returns Newark schools to full local control: POLITICO Pro

— Philly parents, staff's most favored option is a return to schools this fall on alternate days, district survey finds: Philadelphia Inquirer

— UTSA lays off more than 200 amid economic woes, fall semester uncertainty: Rivard Report

— HISD under state investigation again — this time for special education: Houston Chronicle

— L.A. school board cuts school police budget by $25 million after student protests: Los Angeles Times

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