

Washington Update September 23, 2016

Dear Colleagues:

Tomorrow I am off to Melbourne, Australia to speak at the annual conference of the Australian Council for Educational Leaders. My topic won't surprise you: *Teaching Equity in the US: Recruitment, Retention and Distribution*. A special thanks to our colleague Chriss Walther-Thomas at VCU who opened this door for me! I'll be back at this blog intermittently and definitely when Congress reconvenes in November. In the meantime, I'll see you on twitter: @janewestdc.

1. After Promising Start, Congress Slips Back into Gridlock over Funding Bills

One week from today, September 30, 2016, the federal fiscal year ends. Unless Congress acts the government will shut down – and we have seen that before. Virtually no one in either the House or the Senate, Republican or Democrat, wants to see that happen, yet Congress does not seem to be able to cross the finish line. Senate Republicans released a proposal (taking funding through December 9) which House Minority Leader Nancy Pelosi (D-CA) described as “not even worthy of a counter.” While a compromise over funding to combat the zika virus was reached, the main sticking point appears to be a lack of funding to address the water crisis in Flint while \$500 million was included for states like Louisiana facing flooding and other natural disasters.

I am betting on resolution of a final bill next Friday, just in the nick of time. What do you think?

For Republican Continuing Resolution Proposal see:

<http://www.appropriations.senate.gov/imo/media/doc/Continuing%20Resolution%20Legislation.PDF>

For summary of proposal see:

<http://www.appropriations.senate.gov/imo/media/doc/092216-CR-FY17-Section-By-Section.pdf>

2. Career and Technical Education (CTE) Reauthorization Stalled in the Senate

After a promising boost last week in the House, the CTE reauthorization process came to a screeching halt in the Senate. HELP Committee Chairman Lamar Alexander (R-TN) had announced a markup for Wednesday, however it was suddenly postponed indefinitely. Apparently the draft Senate bill had added language that was not part of the House bill – language limiting the Department of Education's oversight and authority related to state plan approval. Senate Democrats on the committee, led by ranking member Patty Murray (D-WA), opposed the draft Senate bill.

Chairman Alexander has been a vocal critic of the Department of Education during the ESSA regulatory process where he has repeatedly noted his opposition to draft regulations holding that they go beyond the law and congressional intent. Undoubtedly this concern spilled over into the CTE reauthorization bill also, resulting in the contested language that would limit the authority of the Secretary of Education.

3. ESSA: Congressional Republicans Continue Sparring with Obama Administration over Regulatory Proposals

On Wednesday I attended a hearing of the House Subcommittee on Early Childhood, Elementary and Secondary Education, *Supplanting the Law and Local Education Authority through Regulatory Fiat*. You might guess from the title that Republicans, who hold the majority in the House, have a particular perspective they want to share!

The topic of the hearing, which was chaired by Rep. Todd Rokita (R-IN), was the proposed ESSA regulation related to supplement not supplant, or “SNS” at it is fondly known inside the beltway. Three of the four witnesses opposed the regulatory proposal while one witness supported it. The give and take was both lively and substantive.

In summary, the regulatory proposal requires school districts to show that federal funds are supplementing their budgets through:

- A weighted student formula for disadvantages or special education students
- A formula based on district-wide average of personnel and non-personnel spending
- A state developed but federally peer reviewed methodology
- A district option to create greater equity, but not necessarily equality, in per pupil spending between rich and poor schools

Republicans argued vigorously that the proposed regulation oversteps the bounds of the law and that the Department is way out of bounds dictating policy that the bipartisan legislation rejected. They said it could undermine local decision making and possibly hurt poor students. Chairman of the full committee, John Kline (R-MN) said it could “wreak havoc in communities across the country.” Rep. Rokita called the proposal “unlawful.” Witnesses from the AASA, the School Superintendents Association, and the Chief State School Officers also spoke against the proposal.

Democrats on the Subcommittee, led by ranking member Marcia Fudge (OH), argued that the regulation provided a much needed remedy for addressing inequitable spending between low income and well-to-do districts. “I thought the intent of the law was equity,” she said. Speaking on behalf of the Center for American Progress in support of the regulatory proposal, Scott Sargrad noted that currently 5700 schools get an average of \$440,000 less annually than wealthier schools in the same district. Sen. Susan Bonamici (D-OR) noted that students of color receive on average \$700 less than other

students. A number of civil rights organizations are supporting the regulatory proposal, including the Leadership Conference on Civil and Human Rights.

The public comment period is open until November 7. My take away from the hearing? The Department probably has overstepped its authority but for such a good reason. Take a listen and see what you think.

For a video of the hearing and written copies of testimony:

<http://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=401015>

Department of Education fact sheet on the SNS proposal:

<http://www.ed.gov/news/press-releases/fact-sheet-supplement-not-supplant-under-title-i-every-student-succeeds-act>

4. ESSA Guidance on English-Language Learners Issued

The Department of Education issued guidance on Title III of ESSA with recommendations about how school districts can better serve English learners.

See: <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiii guidenglishlearners92016.pdf>

5. Members of Congress Weigh in on Addressing Teacher Shortages

Two leading congressional Democrats on education, Sen. Patty Murray (WA) and Rep. Bobby Scott(VA) issued a letter Friday to Secretary of Education John King urging him to issue guidance on how Title II of ESSA can be used to address teacher shortages. Noting the significant shortages in their home states, particularly for high-need students, the authors wrote that “a key purpose of Title II of ESSA is to increase the number of effective teachers serving our nation’s most vulnerable students.” They recommend three key strategies for this:

- multiple and innovative pathways to teaching
- meaningful induction programs and
- effective professional development activities

Teacher residency preparation programs and “grow your own” programs, such as those that support para educators in becoming certified teachers, are called out as effective approaches. The letter also notes the particular shortage of special education teachers with many leaving the profession after only a year.

For the Murray/Scott letter see:

<http://www.help.senate.gov/imo/media/doc/9.22.16%20-%20Murray-Scott%20%20Teacher%20Shortage%20Letter.pdf>

6. New Commission on Social and Emotional Learning

The Aspen Institute has announced the creation of the National Commission on Social, Emotional, and Academic Development. Social and emotional learning is a topic that has gained salience recently as states ponder how to construct new accountability systems under ESSA. Three heavy hitters will chair the Commission:

- Learning Policy Institute's Linda Darling-Hammond
- Business Round Table President John Engler
- Special Olympics Chairman Tim Shriver

Other members include Jim Shelton, president of the Chan Zuckerberg Initiative, Nancy Zimpher, outgoing chancellor of SUNY and Virginia Governor Terry McAuliffe. Funded with \$4.5 million from a range of sources, including the Gates Foundation and the Joyce Foundation, the commission will produce a report in late 2018 with recommendations about validly measuring student social and emotional learning. The commission's first meeting is in November.

See: <https://www.aspeninstitute.org/programs/national-commission-on-social-emotional-and-academic-development/>

7. Trump Names Education Advisors on Transition Team

Presidential candidate Donald Trump has named two education advisors to his transition team that will likely please Republicans. Williamson M. Evers is a research fellow at the Hoover Institution at Stanford University. Gerard Robinson is a resident fellow at the American Enterprise Institute.

Evers is a former assistant secretary for policy at the Department of Education during the presidency of George W. Bush and adviser to former Secretary Margaret Spellings. Evers has been a vocal critic of common core. Evers has served on a county board of education in California and been on the board of a charter school.

Robinson is the former school chief in Florida who resigned after controversies over a large drop in scores on the state writing exam and the A-F school rating system. Robinson's current portfolio at AEI includes school choice and the role of for profit institutions in education.

Last month Trump hired Rob Goad as his education advisor. Goad formerly worked for Rep. Luke Messer (R-IN), a school choice champion.

See a recent oped in US News and World Report by Robinson:
<https://www.aei.org/publication/preserve-our-liberty-to-learn/>

8. An Amazing Teacher Deals with the Tragedy in Tulsa

This is a must read. Warning: it will make you cry. There is much work to be done and our classrooms are key.

<https://www.washingtonpost.com/news/answer-sheet/wp/2016/09/22/as-the-questions-roll-so-do-the-tears-a-tulsa-teacher/>

Wishing you all well and hoping to meet a kangaroo and a koala bear in addition to some wonderful Aussies!

Best,

Jane