

Washington Update September 9, 2016

Dear Colleagues:

It's good to be back with you as Congress has reconvened for the final push before the election and students all over the country are sporting new backpacks headed back to school. Today's blog is chocked full as we catch up after a long summer pause.

1. The Education Policy Agenda for September

Appropriations: Congress is scheduled to be in session until the end of September with September 30 looming as the close of the fiscal year and the deadline for new funding bills to be passed. While Republicans in the House weave and bob looking for leverage to prevent a short term funding bill from passing (they prefer one that takes us all the way through to March 2017), Republican leaders in the Senate confirm that they are looking to pass a short term "continuing resolution" (this keeps funding the same as this year) that will take us through December 9. This would ensure the return of the 114th Congress for a final "lame duck" session after the election where a longer term funding bill would be considered and no doubt lots of "last licks" mischief. Goals for Republican leadership in the Senate are avoiding a government shutdown right before the election and leaving town to campaign. They are hoping to hold on to their majority in the Senate and many races are tight.

An interesting question with all of the various funding vehicles is whether or not there will be any policy riders or "anomalies" attached to the bills. While at the end of the day there always are, there is much Democratic posturing over "refusing to accept them on a funding bill." Despite the Democratic position of a "clean" funding bill with no policy provisions, the White House has submitted a request for multiple "anomalies" that they would like to see included in the stop gap funding bill. So, as usual, these will be part of the negotiations. While a number of education "anomalies" are on the list, there is nothing of great concern for educators, unlike in past years when the definition of "highly qualified" was changed as part of a funding bill at the Administration's request. However, there will likely be another bite at the apple when Congress reconvenes during the lame duck.

Career and Technical Education: The reauthorization of the Perkins Act remains on the agenda and could possibly emerge. Republican chairs of House and Senate education committees want to move it along, but there is a way to go. The House committee endorsed a bipartisan reauthorization bill earlier in the year but it would have to be considered on the floor and time is short.

Teacher Preparation Regulations: The OMB website indicates that the final teacher preparation regulations will be issued this month! (Has it been five years...who's counting?!) I am told they will be issued "before the election" so I wouldn't be surprised if they slip to October. But the big surprise will be what is in those regulations. Given that the NCLB waivers are now defunct --courtesy of ESSA -- and the proposed regulations were built on those waiver requirements (such as assessing all students in "non-tested grades and subjects" and teacher evaluations using value-added), how they

might be reconfigured is hard to imagine. A policy rider is still pending in Congress that would block the teacher prep regs from moving forward, but whether or not that will be activated is an open question.

2. ESSA Developments

Last week the Department of Education issued new proposed regulations to implement the “supplement not supplant” provision of ESSA. Drawing the immediate ire of Congressional Republicans who believe the Department has undermined the law with the proposal, fireworks are likely to continue during the 60 day comment period. With his usual colorful language, Chair of the Senate HELP Committee, Lamar Alexander (R-TN) noted that the “Education Secretary must think he is the US Congress as well as chairman of a national school board.” He continued “If anything resembling it becomes final, I will do everything within my power to overturn it.” The Obama Administration believes that this proposal is critical to upholding the civil rights foundation of the law as it is intended to ensure that low income schools and students receive adequate funding and that federal funds do not take the place of state and local funds.

For proposed “supplement not supplant” regulations see:

<http://www2.ed.gov/policy/elsec/leg/essa/snsnprm83016.pdf> and

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

For Sen. Alexander’s statement see:

<http://www.help.senate.gov/chair/newsroom/press/alexander-education-secretary-must-think-he-is-the-us-congress-as-well-as-chairman-of-a-national-school-board>

3. National Labor Relations Board Determines Charter Schools are Private Corporations, not Public Schools

In notable rulings last week, the NLRB determined that charter schools are private corporations, not public schools, when it comes to labor laws. While the rulings only apply to the NY and PA charter schools in the case, this is a remarkable finding as charter schools supporters have long contended that they are public choice options, clearly distinct from private options. Ironically, the determinations also support the efforts of charter school teacher to unionize since federal law, not state law applies to unionization. It is possible that if teachers in the charter schools under consideration decide to unionize they would also have the right to strike. Federal law offers more bargaining power to unions than state laws.

See: <https://www.washingtonpost.com/news/education/wp/2016/08/30/national-labor-relations-board-decides-charter-schools-are-private-corporations-not-public-schools/>

4. What Does the Public Think of Education: PDK Annual Poll

The 48th annual PDK Poll of the Public’s Attitudes toward the Public Schools reveals the following:

- **What is the main goal of public school education?**
 - 45% think it is to prepare students academically
 - 25% think it is to prepare students for work
 - 26% think it is to prepare students to be good citizens
- **What grade does the public give public schools?**
 - 25% give schools in the country an A or B
 - 48% give their local schools an A or B
- **What do Americans think of standards for learning?**
 - 46% say the standards in their community are about right
 - 43% say they are too low
 - 7% think they are too high
- **Should students opt out of standardized state tests?**
 - 59% say no
 - 37% say yes
- **What are the preferred school improvement strategies?**
 - 68% support more career and technical education
 - 21% prefer more honors/advanced academic classes
- **Should failing schools be closed?**
 - 84% say leave them open and improve them
 - 14% say close them

For more See: <http://pdkintl.org/>

5. Secretary John King Hitting the Road Back to School

On September 12, Secretary of Education King will launch the 7th and final Obama Administration back to school bus tour. The tour will include stops in Washington, D.C.; Charlottesville, Virginia; Bristol, Knoxville, Chattanooga and Memphis, Tennessee; Harvest, Alabama; Little Rock, Arkansas; Indianola, Mississippi; and Monroe, Baton Rouge and New Orleans, Louisiana. It will end September 16.

See: <http://www.ed.gov/news/press-releases/us-department-education-announces-seventh-annual-back-school-bus-tour-%E2%80%9COpportunity-across-america%E2%80%9D> and https://www.facebook.com/ED.gov/videos/10154510274454320/?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

6. What Will the Next President Bring for Education?

The party platforms are worth reviewing in thinking about this question. While no President ever follows the platform like a script, she/he may use them as a guideposts. Of course more is on the candidate's websites. A few highlights:

Republican Party:

1. "We likewise repeat our long-standing opposition to the imposition of national standards and assessments, encourage parents and educators who are implementing

- alternatives to Common Core, and congratulate the states which have successfully repealed it.” (p.33)
2. “[The Republican Party] rejects excessive testing and ‘teaching to the test’ and supports the need for strong assessments to serve as a tool so teachers can tailor teaching to meet student needs.” (p. 33)

Read more here: <https://www.gop.com/the-2016-republican-party-platform/>

In addition candidate Trump outlined a school choice plan yesterday that would create a \$20 billion block grant for charter and private school options for low income students. Ironically, the backdrop for the announcement of his plan was at a failing charter school in Ohio.

See: <https://www.donaldjtrump.com/press-releases/new-school-choice-policies-to-be-unveiled-by-donald-j.-trump-today>

Democratic Party

1. "Democrats believe all students should be taught to high academic standards. Schools should have adequate resources to provide programs and support to help and meet the needs of every child." (p. 32)
2. "We are also deeply committed to ensuring that we strike a better balance on testing so that it informs, but does not drive, instruction." (p. 33)
3. "We oppose high-stakes standardized tests that falsely and unfairly label students of color, students with disabilities, and English Language Learners as failing; the use of standardized test scores as basis for refusing to fund schools or to close schools; and the use of student test scores in teacher and principal evaluations, a practice which has been repeatedly rejected by researchers." (p. 33)

Read more here: <https://www.demconvention.com/platform/>

Some New Ideas:

Finally, the organization Bellwether Education Partners has offered up “16 Education Policy Ideas for the Next President. Sixteen articles by different authors offer intriguing titles such as “Build Charter Schools Like Affordable Housing” and “Get Schools in the Fight Against Sex Trafficking.”

See: <http://bellwethereducation.org/publication/16-2016-16-education-policy-ideas-next-president>

7. Judge Issues Groundbreaking Ruling in Connecticut School Funding Case

After years of working its way through the judicial system in Connecticut, a school funding case which challenged the state’s financing system as unconstitutional was settled this week with Judge Thomas Moukawsher issuing

scathing findings and a broad mandate for the state to revise its public education enterprise. He called for a basic reimagining of schooling beginning with consideration of the goals for elementary and high school graduates and how funding will lead to meeting those goals. He called the state's teacher evaluation system useless and "little more than cotton candy in a rain storm." He called the state's efforts to define high school proficiency as "like a sugar cube boat...(that dissolved before it's half-launched."

See: http://www.nytimes.com/2016/09/09/nyregion/crux-of-connecticut-judges-grim-ruling-schools-are-broken.html?_r=0

8. The National Education Policy Center Releases Report on Independent Teacher Prep Programs

Ken Zeichner of the University of Washington authors the brief arguing that research and evaluation do not support independent teacher prep programs. From the executive summary:

"...policymakers should consider carefully the extant evidence about the nature and impact of different pathways into teaching, including the entrepreneurial, stand-alone programs that advocates proclaim to be the future of teacher preparation. This consideration is particularly critical because, to date, these new alternatives focus almost exclusively on preparing teachers to teach "other people's children" in schools within high-poverty communities—not on public school teachers in advantaged communities. Therefore, their entry into the field raises important questions not only about effectiveness, but also about equity."

See: <http://nepc.colorado.edu/publication/teacher-education>

9. Absenteeism Study Released

This week the Attendance Works and Everyone Graduates Center released a report documenting widespread chronic absenteeism in our nation's schools. Half of chronically absent students are in 4% of school districts and 12% of schools. Data from the Civil Rights Data Collection is analyzed in the report.

See: <http://www.attendanceworks.org/research/preventing-missed-opportunity/>

At this time of year, I always remember the excitement of my first day of school as a kid. My mother was a teacher and so I was thrilled to be able to "go to work" with her! What are your memories? See you on twitter @janewestdc

Best,

Jane