

Washington Update April 13, 2018

Dear Colleagues:

Spring is finally bursting in Washington keeping pace with political developments! Congress came back into session this week after two weeks off and we're off to the races again. Whether it was the sudden retirement announcement from the Speaker of the House Paul Ryan or the latest Mueller musing from the White House, the environment always seems one of anticipation for the next unanticipated development.

1. **And We Thought We Were Finished with That Funding Bill....Not So Fast**

After the breathtaking pause caused by the President's last minute threat to veto the FY 2018 funding bill a couple of weeks ago, advocates were popping the corks celebrating the good news for education. But as the bottles emptied, up came 2 new threats – a rescission proposal and a Constitutional balanced budget amendment. President Trump's distaste for the \$1.3 trillion dollar spending bill was clear in his statement when he signed the bill and he appears intent on undoing at least portions of it.

Rescission Package

The President is now in conversations with leading Congressional Republicans to develop a proposal which would cut funding for specific programs or activities which are not well-regarded by him and other Republicans. This is referred to as a rescission package. Receptivity to the idea on the Hill is low. Members of Congress – both Republicans and Democrats – both Senators and Representatives – worked hard in a challenging environment to make numerous compromises to get the FY 2018 omnibus bill over the finish line and many Members see a rescission effort as going back on their words. For example:

“My attitude is your word is your bond” House Appropriations Chair Rodney Frelinghuysen (R-NJ) noted. Rep. Tom Cole (R-OK), chair of the Labor/HHS/Education appropriations bill, said “I think the whole rescission effort is unrealistic and dangerous....It's hard to make a bargain around here. But you can't break your word when you do....You'd never have another deal ever.”

If such a bill did come forward, the timing would complicate the FY 2019 appropriations process which is well underway with multiple hearings unfolding in the House to examine each Department's budget proposal. It does appear that a proposal is forthcoming – likely in early May and targeting about \$50 billion in cuts. Democratic leaders have called the strategy one of “buyer's remorse.” They caution Republicans that

efforts to walk back the bill would jeopardize next year's spending bill as well as the two year budget agreement that was hard to come by.

While a rescission proposal from an Administration is not unprecedented, one proposed as a response to enacting a massive spending bill is novel. Educators are concerned about this rescission package. Items such as the Pell surplus, which now stands at \$7.4 billion, could be targeted. While the likelihood of passage of such a package appears limited (especially in the Senate), that is unlikely to stop an effort to move it forward.

Balanced Budget Amendment

A second 2018 pre-election strategy activated by leading Republicans was to bring forward an amendment to the Constitution to balance the budget in the House. Less than two thirds of the members supported the measure, thus it failed. The vote was close – but predictable -- with 233 supporting and 184 opposing. Six Republicans opposed and 7 Democrats supported.

Many Republicans saw this as an opportunity to weigh in for their constituents expressing concern for the growing deficit – just months after the Congressional Budget Office reported the tax bill would add \$1.9 trillion to the deficit and just days after the passage of a \$1.3 trillion spending bill. There was no discussion by proponents of where the cuts might come from, while Democrats highlighted target programs, such as Medicaid, Medicare and Social Security. Rep. Thomas Massie (R-KY) summed up the perspective of opponents to the amendment in a tweet:

“Audacity (n): voting on a Constitutional balanced budget amendment only 4 legislative days after ramming through massive deficit spending, because you believe this stunt will convince constituents that you care about balancing the budget.”

Advocates are on the lookout for additional efforts to cut funding as the elections approach and Members of Congress seek to send targeted messages to voters.

See: <https://www.washingtonexaminer.com/news/larry-kudlow-white-house-planning-for-package-to-rescind-spending-from-13-trillion-omnibus-bill>

See: <http://www.foxnews.com/politics/2018/04/07/trump-gop-plan-to-rescind-budget-spending-has-precedent-but-rocky-path-in-congress.html>

See: <http://www.latimes.com/politics/la-na-pol-balanced-budget-amendment-20180412-story.html>

2. The Dubious Effort to Link School Discipline Guidance to School Gun Violence

As the aftermath of the Marjorie Stoneman Douglas school shooting tragedy continues to unfold, Some Republicans have promoted a link between poor school safety and Obama era guidance addressing strategies for decreasing disproportionality in school discipline based on race and disability. Echoing a perspective voiced by others, Rep. Andy Harris (R-MD) noted in a hearing with Secretary of Education DeVos last month that the result of the discipline guidance is that “they’ve just stopped disciplining people...they’re just afraid to do it.”

Despite this perspective there is no evidence that the guidance played a role in the shooting at Douglas. The alleged shooter, Nikolas Cruz, was suspended from school multiple times, and eventually expelled.

Sec. DeVos chairs the School Safety Commission which is looking at the possible elimination of the guidance. On April 4, she hosted listening sessions – one for those who support the guidance, and one for those who do not support it. It was reported that there was limited time for discussion, but rather representatives of organizations went around the room and stated their positions briefly. There were no representatives for students with disabilities present, prompting a statement by the Consortium for Citizens with Disabilities which noted : “It is simply not acceptable for the US Department of Education to intentionally exclude our community and not recognize that issues surrounding school discipline climate and safety have a disparate impact on students with disabilities.”

On the same day that Sec. DeVos hosted these sessions, the Government Accountability Office issued a report with new evidence that black students, boys and students with disabilities are disproportionately disciplined in public schools, *Discipline Disparities for Black Students, Boys, and Students with Disabilities*. Some key points include:

- While there were more than 17 million white students than black attending public schools during 2013-14, nearly 176,000 more black students were suspended that year;
- While black students accounted for 15.5% of public school students, they represented about 39% of students suspended from school – an overrepresentation of 23%;
- Students with disabilities are more than twice as likely to be suspended as their non-disabled peers and are more likely to be chronically absent.

In a press release, Rep. Bobby Scott (D-VA) and Rep. Jerry Nadler (D-NY), who requested the GAO report, noted that “This report underscores the need to combat these gross disparities by strengthening, not rescinding, the 2014 Discipline Guidance Package, which recommends specific strategies to reduce the disparities without jeopardizing school safety.”

See: <https://www.gao.gov/products/GAO-18-258>

See: <https://www.nytimes.com/2018/04/04/us/politics/racial-bias-school-discipline-policies.html>

See: <https://www.k12insight.com/trusted/parkland-school-discipline/>

See: <https://www.ed.gov/news/press-releases/secretary-devos-hosts-school-safety-and-climate-listening-sessions>

See: <http://www.c-c-d.org/fichiers/CCD-chair-statement-on-school-climate-summit-and-students-with-disabilities.pdf>

See: <https://bobbyscott.house.gov/media-center/press-releases/scott-nadler-release-new-gao-report-that-proves-students-of-color-suffer>

3. New Resources for Educators

- **The National Assessment Governing Board (NAGB)** has reported scores for the *2017 National Assessment of Educational Progress (NAEP)*. Most scores reveal little to no progress in reading and math and the gap between highest and lowest performers continues to widen. This is the first time most students took the assessments digitally. See: <https://www.nagb.gov/content/nagb/assets/documents/naep/achievement-level-one-pager.pdf>
- **The Advocacy Institute** is out with *2017 NAEP Students with Disabilities Going Nowhere*. See: <http://www.advocacyinstitute.org/blog/?p=781>
- **The National Center for Education Statistics (NCES)** issued *Preparation and Support for Teachers in Public Schools: Reflections on First Year of Teaching* which concludes that the majority of public school teachers with five or fewer years of experience felt ready for their jobs in the first year. See: <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018143>
- **The National Center on Teacher Quality (NCTQ)** issued its *2018 Teacher Prep Review* report concluding predictably that “the results show much room for improvement.” Their top 10 programs are listed and include alternate providers. See: <https://www.nctq.org/publications/2018-Teacher-Prep-Review>
- **The American Enterprise Institute** issued *Major Media Favorites in Coverage of Education Policy* which finds a media more skeptical of Republican-led education proposals than Democratic ones. See: http://www.aei.org/publication/major-media-plays-favorites-in-coverage-of-education-policy/?utm_source=paramount&utm_medium=email&utm_campaign=Hess&utm_content=new-research

- **The Brookings Institute** has published *The Costs, Opportunities and Limitations of the Expansion of 529 Education Savings Accounts* analyzing the new provision in the GOP tax reform bill passed by the Congress late last year. The provision expands the existing 529 college savings provision to cover private K-12 tuition. The report concludes that the provision will “primarily benefit affluent families, produce limited incentives for promoting private school choice, and come at a nontrivial cost to states.” See: <https://www.brookings.edu/research/the-costs-opportunities-and-limitations-of-the-expansion-of-529-education-savings-accounts/>

Wishing you a lovely weekend. Let me know if you have questions. See you on twitter @janewestdc

Best,

Jane