

Washington Update February 15, 2018

Dear Colleagues:

I write this with a heavy heart as we again live through another tragic school shooting. Like you, I will do all I can to urge our policy makers to step up here. This has got to stop.

News from Washington is below.

1. The New Budget Deal – Good News for Education!

Last week, Congress finally came together to pass a massive bi-partisan budget deal that paves the way for possible increases, or at least fewer cuts, for education. But there is more work to be done!

What you need to know:

- The deal includes a temporary funding patch until March 23, giving Congress time to put together the final spending bill for FY 2018.
- The budget agreement waives the sequester requirements for two years (note they are left in place for 2020 and 2021) and lifts the budget spending caps for both defense and non-defense discretionary (NDD) spending.
- The new budget spending cap for defense has risen to \$700 billion for FY 2018, about a 10% increase over current levels.
- The new budget caps for NDD spending (which includes education) are \$579 billion (\$63 billion above sequester level) for FY 2018 and \$597 billion for FY 2019 (also \$63 billion above sequester level)
- The following spending will be required in the new funding bills moving forward:
 - \$3 billion to address the opioid crisis
 - \$2 billion for veterans
 - \$10 billion for infrastructure
 - \$2 billion to address college cost and access for higher education
 - \$2.9 billion on child care
- Emergency funding for hurricane affected areas is included including \$2.7 billion to the Department of Education to address hurricane education recovery expenses
- Also included in the bill is a provision to raise the debt ceiling, the government's borrowing limit, that runs through March, 2019 – past the November 2018 election.

The next step for legislators is to divvy up the new pot of funds between the 12 appropriations bills – these are known as “302(b)” allocations. The subcommittee which funds education, the Labor/HHS/Education appropriations subcommittee, will be fighting for its fair share and education advocates are actively weighing in. Even after the subcommittee receives its allocation, funds will need to be distributed for programs beyond education – including the National Institutes of Health, always a bipartisan priority for increases. In addition, some of the

funds noted above as required will come out of this bill, such as money to address college cost and the opioid crisis. There will be a lot of advocacy underway in the next few weeks with education advocates making their case for their favorite programs.

See: <https://www.cnn.com/2018/02/08/politics/budget-vote-congress-shutdown/index.html>

See: <https://www.nytimes.com/2018/02/08/us/politics/congress-budget-deal-vote.html>

2. President Trump's FY 2019 Budget Proposal

On Tuesday, the Trump Administration issued their FY 2019 budget proposal. As the proposal did last year, it recommends new spending for choice programs and eliminates or shrinks multiple existing programs – this year a total of 39. Overall, the proposal recommends \$63.2 billion in discretionary funds, a 5% or \$3.6 billion decrease below the FY 2017 level.

Key aspects of the proposal include the following:

- **Expanded choice**
 - A new \$1 billion Opportunity Grants programs whereby states could apply for funding for scholarships to private schools for low income students who attend schools identified as needing improvement under ESSA; school districts participating in the ESSA-authorized weighted student funding pilot could use funds to expand open enrollment systems
 - Provides \$500 million (an increase of \$160 million) for charter schools

- **For ESSA programs**
 - Eliminates 13 programs totaling \$3.9 billion
 - Eliminates \$2 billion for Title II, which provides professional development for educators
 - Eliminates \$1.1 billion for after school programs
 - Eliminates \$50 million for Comprehensive Centers
 - Title I: flat funding
 - Eliminates funding for SEED programs (teacher and school leader enhancement projects) of \$65 million

- **For special education**
 - All programs funded under IDEA are recommended for slight increases, for example Personnel Preparation under IDEA is recommended to go from \$83.1 million to \$83.7 million
 - Special Olympics funding is eliminated
 - Funding for the National Center for Special Education Research at IES is flat funded at \$54 million

Career Pathways and Higher Education

- Pell grants are expanded to include in eligibility “high quality short-term programs that provide students with a credential, certification or license in demand field.” Currently Pell grants are only available for students who attend institutions of higher education
- Flat funding of \$1.1 billion is recommended for Career and Technical education prioritizing expanded apprenticeships and STEM programs
- Elimination of GEAR Up programs which prepare students for success in colleges at \$339 million
- Elimination of the Federal Supplemental Educational Opportunity Grants which support undergraduates with financial need at \$733 million
- Simplification and consolidation of student loan programs
- Flat funding of \$11.8 million for programs to support students with intellectual disabilities in higher education

Other programs recommended for elimination in the President’s budget include:

- Teacher Quality Partnership Grants.....\$43 million
- Statewide data systems at IES.....\$32.3million
- Regional Educational Laboratories at IES.....\$54.4 million
- Javits Gifted and Talented Education.....\$12 million
- Special Olympics.....\$12.6million
- Supported Employment Grants.....\$27.5 million
- Comprehensive Literacy Development/Striving Readers.....\$190 million
- School leader recruitment and support program.....\$14.5million

In a bit of an ironic twist, Sec. DeVos has announced that she will donate her salary (\$200,000) to charities. She will divide the money equally between 4 organizations, one of them being Special Olympics, which was recommended for a \$12.6 million elimination in her budget proposal.

This budget proposal, like President Trump’s previous one last year, is likely dead-on-arrival in the Congress. You will recall that few, if any, of the proposals put forth by the President were adopted. In particular, the new school choice program (similar to the one proposed this year) did not make it through the congressional appropriations process; however, charter schools did receive an increase.

For a full description of the budget proposal see:

<https://www2.ed.gov/about/overview/budget/budget19/index.html>

3. Higher Education Act Reauthorization Update

The House Republican bill to reauthorize the Higher Education Act (aka the PROSPER Act, HR 4508) is waiting for floor time in the House. You will recall that this was a partisan bill opposed by all Democrats on the House Education and the Workforce Committee. Recently the CBO issued a score for the bill noting that it would reduce federal aid to students by nearly \$15 billion over 10 years, but simultaneously increase spending by \$2.2 billion over the same period. (Details in link below) A number of organizations, including the Association of Land Grant Universities (APLU) have weighed in noting that the bill would be “an alarming setback for students.” More organizations are expected to weigh in with concerns. Give the CBO score, the growing opposition to the bill and the limited time available on the House floor to consider legislation, its future is uncertain.

In the Senate a bipartisan request for input on reauthorization was issued this week by Sen. Alexander (R-TN) and Sen. Murray (D-WA). They are urging all stakeholders to submit their suggestions by next Friday, Feb. 23 to HigherEducation2018@help.senate.gov If you have suggestions, this is your chance!

This is the first solid act of bipartisanship to date in the Senate on the reauthorization. While the talk of a bipartisan approach was encouraging, it is even more encouraging to see this joint invitation.

More on CBO estimate: <http://thehill.com/opinion/education/373677-the-prosper-act-will-increase-spending-on-higher-education>

More on CBO estimate: <https://www.nasfaa.org/news-item/14369/PROSPER-Act-Results-in-Net-Loss-in-Student-Aid-CBO-Analysis-Shows>

APLU letter: <http://www.aplu.org/news-and-media/News/aplu-to-lawmakers-house-hea-reauthorization-bill--would-be-an-alarming-setback-for-students>

4. House Adopts Bill to Limit the Rights of People with Disabilities

The House of Representatives voted 225-192 today to endorse a provision that would undermine the rights afforded to people with disabilities under the Americans with Disabilities Act (ADA), HR 620. This bill would require a person with a disability who believes they have experienced discrimination in a public accommodation to have to wait as long as 6 months before proceeding with resolution. No other civil rights law requires formal legal advance notification and such a waiting period before proceeding. Advance notice is always an option, but not one required by law at the expense of proceeding with enforcement.

Opposition to the bill was robust. House Democratic Whip Steny Hoyer (D-MD), one of the authors of the ADA 27 years ago pleaded with Majority leader Paul Ryan (R-WI) urging him not to bring the bill up on the floor. Rep. Bobby Scott (D-VA), Rep. John Lewis (D-GA) and others spoke passionately against the bill. Sen. Patty Murray (D-WA) blasted the proposal calling it an

assault on disability rights and a non-starter in the Senate. Hundreds of disability and civil rights organizations weighed in against the bill and conducted an aggressive advocacy effort.

No companion bill has yet been introduced in the Senate.

On a personal note, I have to say as an individual, among many thousands of others, who worked to create the ADA, this is a sad setback. I intend to advocate as vigorously as I can to stop this bill from moving forward. I invite you to join me. I'll be on twitter @janewestdc

See comments of Rep. Bobby Scott (D-VA) during floor debate: <https://www.youtube.com/watch?v=pfRKOyeqv6Q&feature=youtu.be>

See: <https://www.congress.gov/bill/115th-congress/house-bill/620>

See: <http://c-c-d.org/fichiers/UPDATED-CCD-and-Allies-Letter-of-Opposition-for-The-ADA-Education-and-Reform-Act-of-2017-H.R.620-Sept-7-2017.pdf>

See: <https://www.aclu.org/other/hr-620-myths-and-truths-about-ada-education-and-reform-act>

5. New Resource for Educators

- Chiefs for Change has released a paper, *The Network Effect Harnessing the Power of Teacher Leadership Networks to Sustain Progress in Tennessee*
See: <http://chiefsforchange.org/policy-paper/5665/>

Wishing you a peaceful and restful holiday weekend.

Best, Jane