

Washington Update January 26, 2018

Dear Colleagues:

Congress continues to punt, ever moving the goalpost down the road as FY 2018 spending looks at the possibility of overlapping with the FY 2019 budget. Don't forget – it's an election year. This being the case, we can anticipate more talk than action.

1. Shutdown Over....the Beat Goes On

With the short-lived shutdown fading into the distance past, Congress now looks ahead to the new deadline of February 8 for reaching a budget deal for FY 2018 spending. Now almost 4 months into the fiscal year, funding level uncertainty for FY 2018 will likely run into the beginning of consideration of spending levels for FY 2019. The President's budget proposal is due out shortly after the State of the Union address (January 30), on February 12. It officially begins budget season by proposing funding levels and program eliminations for education and the rest of the government. I think we can safely predict that school choice will continue to be a priority.

An important breakthrough in the logjam materialized this week when Senate Democrats decided to drop their demand to link a DACA fix to the spending bill. It appears that the shutdown taught them that this linking does not go over well – as some interpreted it as holding funding for citizens hostage to determining the fate of undocumented immigrants. So it appears that the DACA situation will be addressed separately, outside of the spending bill. With President Trump offering a compromise of a 10-12 year path to citizenship for DACA enrollees in exchange for \$25 billion to build a US-Mexico border wall (in addition to other immigration limitations), a compromise could be in the offing. However, Minority Leader in the Senate, Chuck Schumer (D-NY), has already indicated opposition to the proposal.

The decoupling of immigration policy from funding leaves the sticky wicket of the budget caps as the primary matter to resolve in order for funding to proceed. As you will recall the current budget caps are lower than many of the proposed FY 2018 spending bills which are on the table. Therefore, Congress can't move those spending bills forward until those budget caps are raised. Educators are advocating for raises that are equitable between defense spending and non-defense discretionary spending. Rumors are that military spending might increase as much as \$70 billion above the cap for FY 2018 and \$80 billion for FY 2019 – an increase far above even the White House's request. It appears that offers of increases between \$45 billion and \$50 billion over the next two years for non-defense discretionary spending are on the table; however, Democrats are seeking at least \$60 billion. If these caps can be resolved by February 8, we can call it real progress. If not, anticipate another move in kick the can down the road.

It is important to note that every time there is a short term spending bill without a budget cap agreement, across the board cuts are made for almost every education program in order to keep the overall spending below the cap. This is because the sequester level cap for non-defense discretionary spending for FY 2018 is lower than it was for FY 2017. Congress applied a small (0.6791 percent) across-the-board cut to all funding in the CR. While this effects education programs differently due to a range of factors, such as forward funding, the following cuts are in place:

- Title I (grants to local educational agencies), cut from \$15.460 billion to \$15.386 billion as a result of the across-the-board cut in the CR
- Title II (supporting effective instruction state grants), cut from \$2.056 billion to \$2.044 billion
- IDEA (special education grants to states), cut from \$12.003 billion to \$11.940 billion, and
- Career and technical education, cut from a total of \$1.125 billion to \$1.117 billion

Next week, from Jan. 31 – Feb. 2, House and Senate Republican Members of Congress will hold their annual retreat, this year at the Greenbrier in West Virginia. President Trump is scheduled to attend. On the agenda will be the legislative goals for Republicans for 2018. Stay tuned!

<https://www.politico.com/story/2018/01/24/democrats-drop-dreamer-demand-with-budget-deal-in-reach-366992>

<http://www.washingtonexaminer.com/trump-will-attend-january-retreat-with-house-senate-gop-in-west-virginia/article/2642560>

2. Higher Ed Act Reauthorization Intersects with ESSA Implementation

You will recall that the House has moved its Republican vision for the reauthorization of the Higher Education Act (the PROSPER Act) through the Committee on Education and the Workforce. The next step is for this bill to be brought forward on the floor of the House for consideration, which could be early in the spring. Since all Democrats opposed the Committee bill, it is likely that they will have their own vision for reauthorization as developments unfold.

The Senate HELP Committee, chaired by Sen. Lamar Alexander (R-TN) has completed two hearings and has another one scheduled for next week -- precursors to the release of a Higher Ed Act reauthorization bill. Sen. Alexander has stated his intention of marking up a bill in Committee in the spring. While he has noted that his approach will be bipartisan, there is little evidence of that to date. However, at the last hearing, he announced that Sec. of Education Betsy DeVos will be meeting with him and with ranking Democrat

Sen. Patty Murray (D-WA) to discuss the approval of ESSA plans. He further noted that he has found no instance where approved plans have violated ESSA. Sen. Murray has repeatedly raised concerns about plans that have been approved that do violate the law. She has further noted that this could poison the water for a bipartisan Higher Education Act reauthorization process.

<https://edworkforce.house.gov/prosper/>

<https://www.help.senate.gov/hearings/reauthorizing-the-higher-education-act-access-and-innovation>

3. National School Choice Week

President Trump declared the week of January 22 National School Choice Week. He noted “My administration is refocusing education policy on students. We are committed to empowering those most affected by school choice decisions and best suited to direct taxpayer resources, including states, local school boards, and families.” As a presidential candidate Trump promised a \$20 billion school voucher program. As president he requested a \$168 million increase for charter schools and \$250 million for a new private school choice program. Congress has not adopted his proposals to date. Trump noted that “29 of the 31 empirical studies on the topic find that freedom of school choice improves the performance of nearby public schools.”

The school choice week proclamation began under President Obama in 2011. School choice celebrations have been held across the country this week.

<http://www.washingtonexaminer.com/trump-issues-national-school-choice-week-proclamation/article/2646730>

<https://schoolchoiceweek.com/>

<https://www.whitehouse.gov/presidential-actions/national-school-choice-week-2017-proclamation/>

<http://educationnext.org/in-defense-educations-wild-west-charter-schools-thrive-four-corners-states/>

4. New Resources for Educators

- **The American Association of Colleges for Teacher Education released a report *A Pivot Toward Clinical Practice, Its Lexicon and the Renewal of Educator Preparation*.** The report includes 10 proclamations including:
 - Clinical practice is central to high-quality teacher preparation
 - Clinical partnerships are the foundation of highly effective clinical practice
 - Sustainable and shared infrastructure is required for successful clinical partnerships
 - Teaching is a profession requiring specialized knowledge and preparation. Educators are the pedagogical and content experts. It is through the assertion and application of this expertise that they can inform the process and vision for renewing educator preparation.

<https://aacte.org/professional-development-and-events/clinical-practice-commission-press-conference>
- **New Leaders released *Prioritizing Leadership: An Analysis of State ESSA Plans*.** The paper finds that every state has committed to using some of its ESSA funds to support school leaders, including principals, superintendents and teacher leaders. Among the findings:
 - 24 states plan to use the new 3 percent set-aside for school leadership
 - 41 states acknowledge leadership in their plans to improve high-need schools
 - 36 states intend to invest in teacher leadership
 - 21 states are expanding high-quality principal preparation programs
 - 11 states are rethinking and investing in principal supervisors

http://newleaders.org/wp-content/uploads/2018/01/2018.NL_ESSA-State-Plan-Policy-Brief-FINAL.pdf
- **Regional Educational Laboratory Southwest released *Special Education Enrollment and Classification in Louisiana Charter Schools and Traditional Schools*.** The study found that:
 - the enrollment of students with IEPs in public charter schools is lower than in traditional public schools, however the gap is declining
 - the gap also varied by disability type – the enrollment of those with emotional disturbance was higher in charter schools; but higher in traditional public schools for every other disability group
 - charter school enrollment is associated with an increased likelihood of being declassified as requiring an IEP.

<https://ies.ed.gov/ncee/edlabs/projects/project.asp?projectID=4495>

Wishing you a great weekend. It's hard to believe that 2018 is almost 1/12 over!

See you on twitter @janewestdc

Best,

Jane