

Washington Update January 5, 2018

Dear Colleagues:

Happy New Year! I hope you return to your work renewed and motivated for an exciting New Year. Congress heads back next week to face the mountain of work it put off at the end of the year. There is a lot on the agenda – that’s for sure!

1. **Government Shutdown.....or Not....January 19**

When members of Congress rushed to the airport in late December, they left a mountain of unfinished business behind. The most pressing deadline is January 19 – when the government will shut down if they don’t act on a funding bill. Since the bill is a “must pass” bill, the stakes are high and the Democrats have more leverage than they often do. The bill will also act as a magnet for high profile controversial matters. Without the support of Democrats the bill won’t fly and Republicans would likely be held accountable for closing the government. (Unlike with the tax reform bill which only required 51 votes in the Senate, the funding bill requires 60 votes – meaning that at least some Democrats must support it in order for it to pass.)

Complicating coming to agreement on the funding bill are the following items of unfinished business:

- **Agreement on new budget caps.** The Senate and the House have both put forward some funding bills that bust the existing budget caps – meaning that to enact the funding levels they want, they must change the caps. But the Republicans and Democrats are in strong disagreement about how those caps should be changed. The Democrats are demanding parity – meaning they want the amount of funding raised for non-defense discretionary (NDD) programs (including education) to be the same as the increase for defense spending. Republicans generally want the defense cap raised, but not the NDD cap. Thus, tense negotiations ensue.
- **Immigration status of DREAMERS.** Democrats are insisting on addressing the status of the millions of undocumented young immigrants before they face ejection from the country in March, when the current Obama era policy expires. Thousands of teachers and students are at risk. Republicans are insisting on new provisions for border security in exchange, i.e. building a wall between the US and Mexico. Talks between the White House and leaders in Congress are not revealing much progress.
- **Children’s Health Insurance Program.** This got temporary reprieve in the last continuing resolution, but needs to be addressed again.
- **Stabilizing Obamacare.** This is a Democratic priority.
- **Disaster relief.** Prior to adjournment the House passed an \$81 billion relief bill for areas affected by hurricanes and fires, but the Senate did not act on it.

- **Debt Ceiling.** The country will hit the limit of its borrowing authority in the next few months and the Congress must vote on increasing it. This dilemma often draws out intense opposition from fiscal hawks and demands for more spending cuts.

Chairman of the House Labor/HHS/Education Appropriations Subcommittee in the House, Rep. Tom Cole (R-OK) is already talking about the need for a fourth temporary spending bill to buy more time for negotiations. On the other hand, Democrats are unlikely to agree to such a short term extension unless they see significant progress on their priorities, particularly immigration.

Republican leaders are huddling with the President at Camp David this weekend to talk about the legislative agenda for 2018. High level bi-partisan leadership meetings are expected at the White House next week. So stay tuned.

2. Higher Education Rewrite on the Agenda for 2018

At the end of 2017, the House Committee on Education and the Workforce passed their version of the reauthorization of the Higher Education Act – HR 4508, the PROSPER Act. All Republicans voted for the bill and all Democrats opposed it. The next step would be consideration on the floor of the House with Democrats expected to offer a substitute bill. However, finding floor time for the bill may prove to be a challenge given other matters on the legislative agenda as noted above.

The PROSPER Act raised many concerns for educators relating to the teaching profession – including:

- Elimination of Title II, the teacher preparation title, including the Teacher Quality Partnership Grants
- Elimination of the TEACH grants which support teacher candidates in high need schools and fields
- Elimination of three loan forgiveness programs for teachers, including the Public Service Loan Forgiveness program

Meanwhile, Senate HELP Committee chairman Lamar Alexander (R-TN), has said that he will work with Democrats – most notably Sen. Patty Murray (D-WA), the ranking Democrat on the Committee – to draft a bipartisan reauthorization bill. He hopes to mark it up this spring and hearings as early as this month are anticipated. Since this appears to be Sen. Alexander's final year as chair of the Committee (because of chairmanship term limits in the Senate), he is likely to be highly motivated to get a result before he steps down. Sen. Alexander has been talking about fixes to the Higher Ed Act for years – particularly simplifying the FAFSA (student aid application) and cutting down on regulations. Undoubtedly this stems back to his days as President of the University of Tennessee and US Secretary of Education. Having seen his success with a rewrite of the

Elementary and Secondary Education Act, he seems well poised and highly motivated for another legislative outcome.

The House bill is a non-starter in the Senate if that is to be a bi-partisan process. A number of targeted bi-partisan bills have been introduced in the Senate addressing issues such as FAFSA simplification, risk-sharing and access and accountability. These bills may be where the Senate rewrite starts – with bi-partisan measures already on the playing field.

3. Make Up of Congress Shifting as 2018 Mid-Term Elections Approach

This week two new Democratic Senators were sworn into office for 2018 – Tina Smith (D-MN) replacing Sen. Al Franken who stepped down over sexual misconduct charges and Doug Jones (D-AL) who took the seat that Jeff Sessions held prior to his appointment as Attorney General. Thus the balance of power has shifted by one, with the Republicans now holding 51 seats and the Democrats 49. Sen. Franken was an active member of the HELP Committee and his resignation leaves a vacancy for Democrats to fill.

Three Republican Senators have announced that they will not seek re-election next year – Jeff Flake (R-AZ), Bob Corker (R-TN) and most recently Orrin Hatch (R-UT). Sen. Hatch is the longest serving Republican in the Senate and a former chair and long term member of the HELP Committee. No Senate Democrats have indicated that they will not seek re-election.

In the House 40 Representatives have indicated that they will not seek re-election – 26 Republicans and 14 Democrats. In addition 7 Democrats and 10 Republicans have indicated that they will run for other offices – including Senator and Governor.

Many astute political observers believe the 2018 mid-terms are shaping up favorably for the Democrats to take the majority in either one or both of the Chambers. In the House Democrats would need to pick up 24 seats to take the majority. In the Senate far more Democrats than Republicans are up for re-election in 2018, thus making a Democratic takeover an uphill battle even though they would only need to pick up two seats to establish a majority.

https://ballotpedia.org/List_of_U.S._Congress_incumbents_who_are_not_running_for_re-election_in_2018

<https://www.theatlantic.com/politics/archive/2018/01/the-2018-congressional-retirement-tracker/545723/>

4. Latest Action on Political Appointees at the US Department of Education

- **Johnny Collett** was confirmed by the Senate shortly before they recessed for 2017. He now serves as the Assistant Secretary for the Office Special Education and Rehabilitative Services (OSERS) enabling Kim Richey, who was acting in that position, to become the full time Deputy of OSERS. <https://www.disabilitycoop.com/2018/01/02/trump-special-ed-senate-approval/24539/>
- **Mick Zais**, former Superintendent of Education for South Carolina, will be considered by the Senate HELP Committee on January 11 to be Deputy Secretary of Education. <http://www.sacbee.com/news/politics-government/article188829764.html>
- **Jim Blew**, former President of Michelle Rhee’s advocacy organization 50CAN, will be considered by the Senate HELP Committee on January 11 to be Assistant Secretary for Planning, Evaluation and Policy Development. <http://www.sacbee.com/news/politics-government/article188829764.html>
- **Kenneth Marcus** will be considered by the Senate HELP Committee on January 11 to be the Director of the Office of Civil Rights. Marcus has drawn widespread criticism from civil rights groups. <https://www.washingtontimes.com/news/2017/dec/28/trump-nominee-kenneth-marcus-bds-movement-free-spe/>
- **James Lynn Woodworth** was tapped by President Trump to serve out the remainder of the 6 year term (ending 2021) for the Commissioner of Education Statistics. Woodworth comes from Stanford University's Center for Research on Educational Outcomes, or CREDO. **Woodworth** previously worked as a distinguished doctoral fellow in the Department of Education Reform at the University of Arkansas http://blogs.edweek.org/edweek/campaign-k-12/2018/01/trump_taps_stanford_researcher.html

5. New Resources for Educators

- **The National Center for Education Statistics** reports that there were 98,456 operating public elementary and secondary schools and 18,328 operating local education agencies in 2015-16. Public elementary and secondary students number 50.3 million. <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018052>
- **Pew Trusts reports that** every state began 2018 with a shortage of teachers. States are responding in a variety of ways, including lowering standards. http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/12/28/teacher-shortages-linger-in-many-states?utm_campaign=2018-01-02+SW&utm_medium=email&utm_source=Pew
- **The Institute for Education Sciences released a study finding that merit-based bonuses for teachers boost test scores for students somewhat. The report is an evaluation of the federal Teacher Incentive Fund program.** <https://ies.ed.gov/ncee/pubs/20184004/pdf/20184004.pdf>

<https://in.chalkbeat.org/posts/us/2018/01/02/big-new-study-finds-that-performance-bonuses-for-teachers-boost-test-scores-a-bit/>

Hope you are staying warm where you are. DC is in a deep freeze in more ways than one!

See you on twitter @janewestdc

Best,

Jane