

Washington Update June 28, 2019

Dear Colleagues:

Congress is headed out of town today for the week-long July 4 recess next week. Check your local July 4 parades and picnics – Members of Congress often show up there and it is a great time to connect with them!

1. What Can we Expect When Congress Returns July 8?

Congressional Schedule:

The Congress returns July 8 for about four weeks. Then they head into the August recess. They will be back for about 4 weeks in September. This equals about 27 legislative days left before the October 1 beginning of the FY 2020 fiscal year. Conventional wisdom holds that the closer we get to being all-consumed by the next election, the less Congress will get done. Time is short, but there are always surprises!

Appropriations:

Once again, we may be facing a government shutdown in October. Before that time all 12 appropriations bills must be completed, and some action on the debt ceiling must be taken. (The debt ceiling is when the government is about to exceed its borrowing authority and thus, must increase the amount it can borrow, in order for the government to continue to function.) This is a tall order with only 27 legislative days.

To date 10 funding bills have passed the House, including the one with education funding. The Senate has yet to begin work on its versions of the 12 bills. One key obstacle is that there is no agreed upon maximum spending level for the bills for FY 2020. Sen. Shelby (R-AL), chair of the Senate Appropriations Committee, has said that he will begin working on the appropriations bills on July 8, when the Senate returns, whether there is an agreed upon funding cap or not. He will simply “deem” a funding level, just as the House has done to enable them to move ahead. At some point these two different funding caps will need to be reconciled, and the White House will need to agree in order to get the bills signed into law. Whether or not that will happen is anyone’s guess.

Higher Education Act:

The Senate HELP Committee has been working for months on a bi-partisan bill to reauthorize the Higher Education Act. Yet the long-awaited draft has yet to materialize. The big hold up appears to be how colleges and universities should respond to allegations of sexual assault on campus – a provision housed in Title IX of federal civil rights law. In fact, HELP Committee Chair Lamar Alexander (R-TN) and ranking member Patty Murray (D-WA) asked a bipartisan group of 6 Senators to meet to try to resolve this issue. Sen. Tim Kaine (D-VA), who is on the working group said:

“We’re all looking for the same thing: an environment that encourages reporting when there is a problem and a process that gets at the truth and is fair to the person bringing a claim and fair to the person who is accused.”

Last year the Department of Education issued a proposed regulation on the issue which engendered 100,000 public comments and outrage from victim advocacy groups. The regulation proposed to strengthen the due process rights of those accused of sexual assault.

It appears that the other issues in HEA may have been resolved, but resolving this one is a wide river to cross. The House appears to be waiting for the Senate to Act.

2. What Should We be Watching in the Federal Agencies?

Department of Education:

The Department of Education appears to have several proposed Higher Education regulations cued up. The first is out and in the comment period, which lasts until July 12. This one proposes easing some accreditation requirements – accreditation being the gateway to access federal student financial aid. Other regulatory proposals to watch for are likely to address faith based institutions, TEACH grants and distance learning. The regulatory activity in the Department complicates Congressional HEA reauthorization activity, with the Department vying for a policy role that may overshadow congressional action.

Another thing to watch is the increasingly controversial role of student financial aid loan servicers. Several Democrats are challenging a recent merger of two major student loan servicing companies (Nelnet purchased Great Lakes Educational Loan Services) regarding possible antitrust violations. FedLoan, which services TEACH grants, has also come under scrutiny for falsely converting grants to loans. With federal student loan debt now totaling \$1.5 trillion – the more scrutiny the better!

See: <https://www.federalregister.gov/documents/2019/06/12/2019-12371/student-assistance-general-provisions-the-secretarys-recognition-of-accrediting-agencies-the>

Department of Labor:

This week the Department of Labor issued a proposed regulation that would expand apprenticeship grants which historically have gone to partnerships between private business groups and others to provide training opportunities. Part of the proposal is important for educators to look at considering the current teacher shortage and the lowering of standards in states (some below the BA level) for teacher certification. The proposal allows industry groups, nonprofits and others to apply to become “standards recognition entities” – groups that would certify and monitor the quality of new apprenticeship programs.

In my reading, this may be an invitation to private entities to join with states to become “standards recognition entities” offering alternative certification and potentially lower

standards for teachers, pushing teaching in the direction of an occupation rather than a profession. There is a history here! A few years ago an entity applied to the Department of Labor to train teachers under an apprenticeship model. Fortunately, that application was denied after strong opposition from professional education organizations. But this is one to watch carefully! Comments are due by August 26.

See: <https://www.dol.gov/newsroom/releases/eta/eta20190624>

3. What Should We Pay Attention to with the Democratic Contenders for the Presidential Nomination?

The first round of debates this week revealed a number of issues related to education that are on the agenda, including school gun violence, free college, loan forgiveness, teacher pay, Title I funding, pre-school, school segregation, school choice and more. Paying for higher education and addressing the massive student loan debt appears to be the number one issue addressed by most candidates. While he is not exactly a front runner, Rep. Tim Ryan (D-OH) has raised the need for more social-emotional learning and trauma-informed instruction in schools. Note that he practices meditation, has written a book on mindfulness and sponsored a bill to help teachers address their own well-being!

Union endorsements:

Both the AFT and the NEA are publicly vetting contenders who are all seeking their endorsements. On July 5, the NEA holds its annual convening and they will hear from multiple candidates, including front runner VP Joe Biden. The AFT has interviewed multiple candidates. These endorsements are heartily coveted by candidates and have clearly pushed them to address some bread and butter issues in their campaigns, including a minimum level of teacher pay, such as the one proposed by Sen. Kamala Harris (D-CA).

Top education issues in the campaigns:

Attached is a great memo put together for the Committee for Education Funding by the staff of the American Continental Group. It compiles publicly available information about the education platforms of Democratic candidates for President. A few highlights:

- Joe Biden would use an increase in Title I grants to give teachers in low-income districts “competitive pay”
- Julian Castro would create a national federally funded pre-k program
- Kamala Harris would increase teachers’ salaries by a average of \$13,500
- Bernie Sanders would mandate that the federal government provide 50% of funding for special education

- Marianne Williamson would invest in teacher education programs that provide best practices and developmentally appropriate models of education for teacher candidates.

The next round of debates is July 30 and 31. Don't miss them!

4. **New Resource for Educators**

- **The *Center for American Progress*** has a new report and interactive map which reveals how **college attainment varies by race and geography**. See: <https://s3.amazonaws.com/interactives.americanprogress.org/maps/2018/12/Adult+Attainment+Report/index.html>

Wishing you a wonderful 4th! I'll be luxuriating in the Berkshires and going to hear James Taylor at Tanglewood on July 3. You do know that my mother was his third-grade teacher, right? 😊

Best,

Jane