

Washington Update May 18, 2018

Dear Colleagues:

I don't think Washington has ever gotten so much rain in one week! Gives a whole new meaning to "drain the swamp!"

1. Money, Money, Money

The \$15 billion rescission package that the Trump Administration sent to the House last week has yet to see the light of day. The Congressional Budget Office put a kink in the plan last Friday. The office released its analysis which indicated that the cost savings would only be \$1.3 billion over a decade – not the planned for \$15 billion. The reason is that most of the funding included in the package is no longer necessary, or would not be spent under current law anyway. Therefore, it hasn't actually been tallied as part of the government's \$4 trillion budget.

So now the White House can argue that this is a noncontroversial package which should have the support of Democrats. But Democrats also have an opportunity to make the case that this little more than a symbolic gesture and sets a bad precedent for future rescissions. Time will tell.

On the FY 2019 spending front, the House is clipping along. This week they continued markups on three bills and more are scheduled for next week. Of course the Labor/HHS/Education spending bill is not one of them, as it is virtually always last due to its large size and the controversies it generates.

This week the Senate Appropriations Committee released a markup schedule for all 12 appropriations bills. Two or three bills will be marked up in subcommittee, and then Committee, every week beginning May 21. The last bill scheduled for markup is – you guess it -- the Labor/HHS/Education bill. That will be the week of June 25.

These are ambitious schedules. Neither party will be eager for a stalemate over spending or a shutdown of the government just before an election. But partisanship is in full force, so we shall see.

2. Tune in for Sec. DeVos Testifying Next Week

Next week the House Committee on Education and the Workforce will hear from Betsy DeVos for the first time since she assumed her post. The topic of the hearing is "Examining the Policies and Priorities of the U.S. Department of Education" and the Secretary is the only witness. Be prepared for fireworks from the Democrats who will be loaded for bear. They used a hearing in the Committee this week on data privacy to

warm up by spending their time criticizing the Secretary for her track record on protecting students' civil rights. Tune in May 22 (Tuesday) at 10 AM EST.

To watch the hearing live:

<https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=402726>

3. House Democrats Hold Forum on Anniversary of Brown v. Board of Education

May 17 marked the 64th Anniversary of the Brown v. Board of Education Supreme Court decision. Democratic leaders in the house used the opportunity to host a forum on current enforcement of the Civil Rights Act in schools and to announce the introduction of a resolution supporting disparate impact analysis as an enforcement tool of Title VI under the Civil Rights Act. The forum follows the release of a Government Accountability Office (GAO) report verifying that students of color experience harsher discipline for lesser offenses than their white peers. Another GAO study recently found a notable rate of re-segregation in schools.

Members hosting the event included Rep. Bobby Scott (D-VA), Jerrold Nadler (D-NY), Minority Leader Nancy Pelosi (D-CA), Minority Whip Steny Hoyer (D-MD), Rep. Judy Chu (D-CA) and Rep. Cedric Richmond (D-LA). Speakers included representatives of the GAO. Dan Losen with the Civil Rights Project at UCLA, Todd Coxx with the NAACP Legal Defense and Education Fund and Khulia Pringle of Solutions Not Suspensions Minnesota.

See: <https://democrats-edworkforce.house.gov/media/press-releases/on-the-anniversary-of-brown-v-board-of-education-top-democrats-introduce-a-resolution-to-affirm-support-for-meaningful-enforcement-of-the-civil-rights-act>

4. Comments on Special Education Disproportionality Rule Closed May 14, 2018

Approximately 390 comments were received on the DeVos proposal to delay the implementation of a regulation to address racial disparities in special education. Multiple disability and education organizations submitted letters opposing the delay of the regulations. The Consortium for Disabilities, comprised of over 100 disability, special education and civil rights organizations, submitted a letter with strong opposition to the delay. Sen. Patty Murray (D-WA), Rep. Bobby Scott (D-VA), Rep. Jarid Polis (D-CO), Sen. Maggie Hassan (D-NH) and Sen. Kaine (D-VA) were among the Democrats submitting letters in opposition.

Two organizations representing school superintendents – AASA and the Council of the Great City Schools (CGCS) – submitted letters supporting the delay. CGCS said that the rule represents federal overreach and that it is an “inadequate and ambiguous response.”

AASA noted that a delay could result in cost savings for districts as fewer would be identified with violations and thus would not have to utilize their federal funds to correct them.

This week Politico surveyed special education officials in states to determine their perspectives. Fifteen indicated they would move forward with implementing the regulations whether they were delayed or not. Those were: Alaska, Arizona, Connecticut, Indiana, Maryland, Michigan, Nevada, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, Washington and Wisconsin. Maine and South Carolina said they would take the delay if it becomes available. Other states either have not yet determined their position or did not respond to the inquiry. In their comments the National Association of State Directors of Special Education said “Postponing implementation not only stops work already in motion, but it suggests that the identification and redress of significant disproportionality can be put on hold.”

See 390 posted comments here:

<https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=ED-2017-OSERS-0128>

See Democrat comments: <https://democrats-edworkforce.house.gov/media/press-releases/top-democrats-urge-department-of-education-to-maintain-rule-intended-to-end-harmful-practices-for-students-of-color-and-children-with-disabilities->

5. New Resources for Educators

- **The Council of Chief State School Officers**, in conjunction with multiple national education organizations, has developed an online guide *Supporting Inclusive Schools for the Success of Each Child: A Guide for States on Principal Leadership*, which provides resources and support to ensure that principals have the skills needed to run inclusive schools and support students with disabilities as well as faculty who teach them. See: <https://ccssoinclusiveprincipalsguide.org/>
- **The National Center for Education Statistics** is out with *Public School Spending on Classroom Supplies*, a report which reveals that nearly all U.S. teachers spend their own money on classroom supplies without reimbursement – averaging \$479 per school year! See: <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018097>
- **The U.S. Department of Education** will offer *webinars* to help schools ensure that their websites are accessible. This comes after the civil rights staff threw out hundreds of complaints about schools with inaccessible websites. See: <https://www.ed.gov/news/press-releases/us-department-education-launches-new-website-accessibility-technical-assistance-initiative>

I’m headed to Cuba tomorrow. I promise to come back chocked full of tall tales!

Hope to see you on twitter @janewestdc

Best,

Jane