

Washington Update November 16, 2018

Dear Colleagues:

Welcome back to Washington Update! We have been on break since Congress recessed for the election. But now they are back and so are we! Expect about 3 more installments of Washington Update before the end of the year as the 115th Congress closes out, and then we will pick it up again in January with the convening of the 116th Congress! And now, for the news.....

1. A Recap of the Election Results

House of Representatives

By now you surely know the headline: The House of Representatives will be controlled by Democrats beginning in January for the 116th Congress. In order to flip the chamber Democrats needed to pick up 23 seats. At last count they had added 33 and with several races undecided, that number could climb to as high as 40. For the first time women constitute around 100 members, or close to one fourth of the body. Youth, progressives and people of color are also more robustly represented, setting up a bit of a tug of war between the old line Democratic party establishment and the more progressive new guard. Of note, a former National Teacher of the Year – Jahana Hayes from Connecticut – will be serving in the chamber. I'm sure hoping she will land a spot on the Education and Workforce Committee!

With the Democrats in the majority, they will now assume the chair of every committee in the House. Thus, Bobby Scott (D-VA), former ranking member of the Committee on Education and the Workforce will become the chair. Likewise, on the Appropriations Subcommittee on Labor/HHS/Education, Rep. Rosa DeLauro (D-CT) becomes the chair. These represent significant shifts in perspective and agendas for the respective committees. For starters, Rep. Scott has announced that he will change the name of the Committee from the "Committee on Education and the Workforce" to the "Committee on Education and Labor," a return to the name previously used when Democrats formerly ran the House. Rep. DeLauro is a long-time fierce advocate for public education and we can expect a strong pro-education effort from her office which she will fight to have reflected in appropriations bills.

The race for Speaker of the House is off and running with Nancy Pelosi (D-CA) holding firm that she will return to her former position come January 3 when the election takes place. There is considerable grousing about her claiming the Speakership again, as many are eager to step into that leadership spot. Knowing the skilled and able strategist that she is, my money is on her! On the Republican side, Kevin McCarthy (R-CA) has already been elected to serve as the Minority Leader for the 116th Congress.

Senate

As expected, the Republicans retained control of the Senate. They have added at least one seat, bringing them to a majority of 52, however, with two recounts still underway (FL and MS), they could creep up to 54. Two notable upsets occurred in Arizona and Nevada where Democrats took seats from Republicans. Given that the Republican majority remains, there is likely to be little significant change in the Senate. Sen. Mitch McConnell (R-KY) will remain Majority Leader and Sen. Chuck Schumer (D-NY) will remain Minority Leader. It is expected that Sen. Lamar

Alexander (R-TN) and Sen. Patty Murray (D-WA) will retain their respective Chair and Ranking Member status on the HELP Committee.

<https://www.nytimes.com/2018/11/13/us/politics/midterm-results-democratic-gains.html>
<https://www.edweek.org/ew/articles/2018/11/08/dozens-of-teachers-were-elected-to-state.html>

2. Implications of the Election Results for Education

With the Democrats in charge of the House, we can expect first and foremost more rigorous oversight in education. Sec. Betsy DeVos will likely be frequently called before the House Committee on Education and the Workforce to address a range of topics including: ESSA implementation and plan approval; accountability for subgroups including students with disabilities; Title IX regulations related to campus sexual assault; for-profit colleges; student financial aid practices; gun violence; civil rights enforcement and disproportionality in school discipline practices. With the School Safety Commission report due out soon, we can be guaranteed a robust examination of gun violence in schools. And don't forget the majority could subpoena records from the Department of Education if they choose to.

Democrats in the House could use oversight authority to investigate decisions made by DeVos and stall her agenda. They could increase pressure on the Department to review and revise policies.

Incoming Chair Bobby Scott has indicated that he wants to take up the Rebuild America's Schools Act, H.R. 2475, which would provide billions in new funds to upgrade school building and internet access. Also on his list is passage of the Juvenile Justice Reform Act and legislation to prevent and reduce the use of seclusion and physical restraint -- the Keeping All Students Safe Act. Scott has indicated that he hopes to move the reauthorization of the Higher Education Act in a bipartisan fashion, beginning with the bill he introduced this year as a counter to the Republican PROPSER Act -- the Aim Higher Act.

With the Senate still controlled by Republicans, the chances of Democratic initiatives that may emanate from the House actually making it to the President's desk and gaining his signature appear slim. However, they certainly can and likely will serve as a major speed-bump to the Trump Administration agenda.

On the appropriations front we expect an uphill battle, as the budget agreement, which enabled robust education funding this year, has expired. So legislators either must go back to the drawing board to find a new agreement or face drastic cuts for all discretionary programs, including education. Advocates will want to be active on this front!

<https://www.brookings.edu/blog/brown-center-chalkboard/2018/11/07/what-do-the-2018-midterm-elections-mean-for-education-in-america/>
http://blogs.edweek.org/edweek/campaign-k-12/2018/11/democrats-special-education-restrain-seclusion-legislation.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=campaignk-12
<https://www.americanprogress.org/issues/education-k-12/news/2018/11/09/460742/education-2018-midterms/>

3. And Don't Forget Lame Duck Session Occurring NOW!

The 115th Congress is back in session now with one big ticket item on the agenda: funding of the remaining 7 appropriations bills before December 7. While funding for the Department of Education is all set for the year, many other agencies will close up shop if their funds are not allotted by December 7 when current funding expires. The big trade-off is shaping up to be President Trump's desire for funding the border wall with Mexico vs. the Democrats' desire to secure the Robert Mueller investigation intact. This will likely be the showdown in the next few weeks, with a partial government shutdown hanging in the balance.

On the education front, it's important to keep an eye on the PROSPER Act, the House Republican bill to reauthorize the Higher Education Act. While Republicans have not yet gained enough support to take it to the House floor for a vote, there could be a final push to get that done before they lose the majority at the end of the year. While it would never reach the Senate in time for a final vote before the 115th Congress ends, it would give the bill momentum for next year. As this bill eliminates critical programs for teacher quality (TEACH grants, loan forgiveness and Teacher Quality Partnership Grants), it is not what we need in the midst of a critical teacher shortage. So vigilance is required.

4. Will Trump Administration Departures Include Betsy DeVos?

The rumor mill is awash with speculation that Sec. DeVos might be one of the Secretaries in Trump's cabinet looking to make an early exit. To say that Sec. DeVos' tenure has been fraught might be an understatement. She became the poster child for Democratic fund-raising in several midterm elections due to her multiple missteps in hearings and in the press. Her performance at her confirmation hearing remains a topic of consternation for educators.

At least one conservative commentator (Mike Petrilli from the Fordham Foundation – see link below) has reflected that stepping down would be a good move for her. Why give the Democrats the opportunity to rake her over the coals? To what end? He notes "She can choose to step down and gracefully exit a thankless, no-win scene."

<https://www.freep.com/story/news/politics/elections/2018/11/12/betsy-devos-education-secretary-job/1976260002/>

<https://edexcellence.net/articles/secretary-devos-has-earned-our-respect—and-a-dignified-return-to-private-life>

Washington got hit with an early snow storm this week! Ouch. I hope this does not portend things to come in the 116th Congress. See you on twitter @janewestdc

Best,
Jane