

Washington Update November 3, 2017

Dear Colleagues:

The big news in DC of course is tax reform. A number of education provisions are on the table. With an ambitious timeline, Congress has plunged into a morass that is traditionally one of the most challenging.

1. Tax Reform Overhaul Bill Unveiled in the House of Representatives

With a sense of urgency, House Republicans--supported by President Trump--have released their tax reform bill. The Committee on Ways and Means plans to mark up the bill next week with a goal of passing it on the House floor by Thanksgiving. The President has said he would like to sign it by Christmas to give Americans a big beautiful Christmas President.

Two significant industries and traditional Republican allies – housing and small business – have come out against the bill. As analysis continues to unfold, education advocates are united in opposing the bill as it looks to drive funds away from both K-12 education and higher education. One association, Ed Reform Now, has called this “the Betsy DeVos Tax Cut bill.”

The price tag of the bill is \$1.51 trillion over a decade. Key costly provisions in the bill are the:

- corporate rate tax reduction which will cost \$1.4 trillion over a decade
- reduction of individual rates, which will cost \$961.2 billion
- expanding the child tax credit at the cost of \$640 billion
- repeal of the alternative minimum tax with a \$735 billion price tag

The bill includes the elimination, modification or consolidation of a number of provisions intended to at least partially pay for the increases; however they do not add up to even coming close to covering the price tag. Some of the key education related trouble spots include:

- a tax on private college endowments
- provisions cutting state and local tax deductibility (SALT)
- elimination of Hope and Lifetime Learning Tax Credits
- elimination of the deductibility of student loan interest
- elimination of tuition remission for employees and graduate students in higher education
- elimination of a \$250 deduction for teachers to cover classroom expenses

- end of Coverdell Accounts which families could use to cover \$2000 of K-12 costs in favor of an expanded “529” plan to enable families pay for private school options worth up to \$10,000

The key point to remember is that whenever less money flows into federal coffers, as will surely be the case if this bill is enacted, pressure to cut funding for discretionary programs, including education, grows. Politically, the big question is “Can Congress pull this off?” After the failure of a similarly rushed-through reform bill (health care), the pressure is on for the Republicans to succeed. Hurdles remain, particularly when the bill moves to the Senate, and time will tell.

House summary of the Tax bill:

https://waysandmeansforms.house.gov/uploadedfiles/tax_cuts_and_jobs_act_section_by_section_hr1.pdf

Center Budget and Policy Priorities Analysis: <https://www.cbpp.org/research/federal-budget/republican-plans-to-cut-taxes-now-cut-programs-later-would-harm-students-and>

Ed Week Analysis: http://blogs.edweek.org/edweek/campaign-k-12/2017/11/taxes_school_choice_trump_GOP_biggest_education_shift.html?cmp=socem-l-twfdbltz-ewnow&print=1

Ed Reform Now analysis: <https://edreformnow.org/betsy-devos-tax-cut/>

2. **Status of Trump Appointees to the Department of Education**

Kudos to Politico for offering up this summary of the status of Trump Administration political appointees to the Department of Education. After 9 months in office, of the 15 positions which require confirmation by the Senate, President Trump has moved to pursue 8 nominees. Only two nominees have actually been confirmed by the Senate and are in place – Secretary DeVos and Peter Oppenheim, Assistant Secretary for Legislation and Congressional Affairs and former senior staffer for Sen. Lamar Alexander (R-TN). A third nominee, Carlos G. Muñoz, has been approved by Committee to be General Counsel, and awaits a floor vote.

Secretary

Betsy DeVos was confirmed by the Senate on Feb. 7 by a 51-50 vote, with Vice President Mike Pence breaking the tie.

Deputy Secretary of Education

Trump announced on Oct. 3 that he intends to nominate Mick Zais, who most recently served as superintendent of South Carolina schools.

Undersecretary

No nominee. The Trump administration has considered scrapping the position, which is optional under the law establishing the organization of the Education Department. James Manning, whom DeVos appointed as a senior adviser to the undersecretary, is currently serving as the acting undersecretary.

Chief Financial Officer

Trump on Oct. 27 announced his intention to nominate Douglas Webster, who is currently the director of risk management at USAID. The duties of the chief financial officer are being performed by Tim Soltis, a career official.

General Counsel

The Senate HELP Committee on Oct. 18 approved, by a 12-11 vote along party lines, the nomination of Carlos G. Muñoz, a Florida attorney and former deputy to Attorney General Pam Bondi. His nomination is awaiting action by the full Senate. Steven Menashi, whom DeVos appointed as a deputy general counsel, has been serving as the acting general counsel.

Assistant Secretary for Legislation and Congressional Affairs

Peter Oppenheim, an aide to Sen. Lamar Alexander (R-Tenn.), was confirmed to the post through unanimous consent in the Senate on Aug. 3.

Assistant Secretary for Civil Rights

Trump announced on Oct. 26 that he intends to nominate Kenneth Marcus, the president of the Louis D. Brandeis Center for Human Rights Under Law, for the role. Candice Jackson, whom DeVos appointed as the deputy assistant secretary for strategic operations and outreach, has been leading the Office for Civil Rights on an acting basis.

Assistant Secretary for Elementary and Secondary Education

No nominee. Jason Botel, whom DeVos appointed as deputy assistant secretary for elementary and secondary education has been serving in the role on an acting basis.

Assistant Secretary for Postsecondary Education

No nominee. Kathleen Smith, whom DeVos appointed as a senior adviser to the assistant secretary for postsecondary education, has been serving in the role on an acting basis.

Assistant Secretary for Special Education and Rehabilitative Services

No nominee. Kimberly Richey, whom DeVos appointed as deputy assistant secretary, has been serving as acting assistant secretary for special education and rehabilitative services.

Commissioner Rehabilitation Services Administration

No nominee.

Assistant Secretary for Career, Technical and Adult Education

Trump announced on Sept. 9 that he intended to nominate Michigan state Rep. Timothy Kelly and the White House said it sent Kelly's nomination to the Senate on Oct. 3.

Director of the Institute of Education Sciences

No nominee.

Assistant Secretary for Planning, Evaluation, and Policy Development

Trump announced on Sept. 28 that he intends to nominate Jim Blew, director of the education advocacy group Student Success California. His nomination has not yet been sent to the Senate.

Assistant Secretary, Office of Communications and Outreach

No nominee. Nathan Bailey, DeVos' communications director, has been delegated the authority to perform the duties of the assistant secretary for communications and outreach.

3. New Education Civil Rights Alliance Created

This week a new alliance intended to protect the civil rights of students was created with funding from the Ford Foundation. Called the Education Civil Rights Alliance, the group will offer an antidote to many of the Trump Administration's proposals, focusing on safeguarding the rights of students with disabilities, immigrant students and lesbian, gay, bisexual and transgender students. The Alliance is comprised of over two dozen education and civil rights organizations including the ACLU, the American Federation of Teachers, the National Education Association, GLSEN, the Leadership Conference on Civil and Human Rights and the National Disability Rights Network. The Alliance may file lawsuits against the Trump Administration if they determine rights of students are being violated.

<https://www.usnews.com/news/education-news/articles/2017-11-02/education-and-civil-rights-groups-band-together-to-counter-trump-administration>

<http://www.ndrn.org/en/component/content/article/5/643-press-release-ecr-alliance.html>

4. New Educator Preparation Accreditor Seeks Public Comment on Standards

Advancing Quality in Educator Preparation (AAQEP) is a new accrediting organization for educator preparation programs. Developed by teams of educators, the framework outlines standards for candidate performance and program practice, the accreditation process and means for ensuring capacity for consistent decisions. AAQEP is inviting feedback from educators and others through the end of November. A final framework will be posted in January 2018.

Draft Accreditation framework:

http://www.aaqep.org/uploads/1/0/9/3/109302791/aaqep_expectations_for_feedback_published_version_nov.1_2017.pdf

Online feedback form:

https://docs.google.com/forms/d/e/1FAIpQLScoqQoxPxyA67KftBsz454XGJzy4ka2Rm_KoxdJEp_ILGP4XA/viewform

Website: <http://www.aaqep.org/>

For background: <https://www.edweek.org/ew/articles/2017/10/12/yet-another-group-sets-out-to-accredit.html>

5. Revealing Interview with Ed Secretary Betsy DeVos

An in-depth interview conducted by Politico with Betsy DeVos offers a number of interesting reflections from her. For example, Sec. DeVos thinks she was poorly prepared for her confirmation hearing by the transition team. This is a must read!

<https://www.politico.com/magazine/story/2017/11/01/betsy-devos-secretary-education-profile-2017-215768>

6. New Reports of Interest

- **Little Evidence and Big Consequences: Understanding Special Education Voucher Programs** from the Center on Education Policy. The website describes the report as follows:

This report examines the characteristics of state special education voucher programs along with the evidence base on their impact, effectiveness, and quality. The report, which finds that the program characteristics differ considerably across states and that the research is small, dated, and often funded by voucher proponents, identifies major questions and concerns about these programs that have yet to be fully addressed by researchers or policymakers.

See: <https://www.cep-dc.org/displayDocument.cfm?DocumentID=1486>

- **Community Schools: An Evidence-Based Strategy for Equitable School Improvement** from the Learning Policy Institute. The website describes the report as follows:

This brief examines the research on community schools, with two primary emphases. First, it explores whether the Every Student Succeeds Act (ESSA) opens the possibility of investing in well-designed community schools to meet the educational needs of low-achieving students in high-poverty schools. And second, it provides support to school, district, and state leaders as they consider, propose,

or implement a community school intervention in schools targeted for comprehensive support.

<https://learningpolicyinstitute.org/product/community-schools-equitable-improvement-brief>

- **Lights Off: Practice and Impact of Closing Low-Performing Schools** by the National Education Policy Center. The website describes the report as follows:

This report provides an extensive analysis based on the most comprehensive dataset ever assembled for school closure research, including 1,522 low-performing schools that were closed across 26 states between 2006 and 2013. The report finds that even when holding constant academic performance, schools were more likely to be closed if they enrolled higher proportions of minority and low-income students. It also finds test score declines, relative to the comparison group, for two groups of students displaced by closures: those who transferred to schools with a prior record of relatively lower test-score performance and those who transferred to schools with equivalent past test-score performance. The slightly less than half of students who transferred to higher performing schools showed academic improvement relative to their matched peers. In general, although the reviewers found this to be a careful and rigorous study, they see a few missed opportunities. First, the report's focus on some tenuous analyses (involving pre-closure transfers) obscures its most important findings – disproportionality in school closures and inadequate numbers of higher quality receiving schools, leading to performance declines for most. Second, the reviewers are concerned about statistical modeling choices and matching challenges that may threaten the validity of subgroup analyses (charter school students). Finally, the reviewers would have liked to see the report acknowledge the inescapable moral dimensions of school closure: The communities most likely to be negatively affected are unlikely to have participated in closure decisions.

<http://nepc.colorado.edu/thinktank/review-closures>

We are finally seeing some gorgeous fall leaves in DC. I hope you are too. See you on twitter @janewestdc

Best,

Jane