

Washington Update October 6, 2017

Dear Colleagues:

As a beginning of a last big push before the end of the year to bring home an accomplishment for President Trump, the House and the Senate both moved forward an FY 2018 budget resolution which would pave the way for tax reform – the #1 priority for the governing Republican party. Then they headed home for next week's recess period. Look for your Senators and Representatives back home – a great time to visit with them about your priorities!

1. FY 2018 Budget Moves Forward in the House and Senate

On October 5, the House approved H. Con Res. 115, the 2018 budget resolution, thus paving the way for tax reform before the end of the year. By a vote of 219 to 206, with 18 Republicans in opposition, the resolution is now ready to meet the Senate version (in progress) for conference to create a final deal.

While the resolution in and of itself is not significant, the fact that it opens the door for tax reform with only 50 votes required in the Senate is critical. The House resolution plots a path toward ending the annual budget deficit in a decade. Trillions of dollars of cuts to Medicare and Medicaid, among other programs, would make this possible. Democrats argued against the proposal saying it would balance the budget on the backs of vulnerable communities. The tax reform proposal under development (which would be enabled by this budget proposal) has been criticized by Democrats as favoring cuts for the wealthiest citizens and doing little for low and middle income citizens. The House budget resolution also calls on various Committees to come up with \$205 billion in savings, including the Committee on Education and the Workforce.

Meanwhile, the Senate Budget Committee passed its version of the 2018 budget which would enable adoption of a tax reform measure that could add up to \$1.5 trillion to the deficit over a decade. This bill will be taken up by the full Senate later in October when they return from recess. A conference to create a final resolution is expected in November.

What does all this have to do with education, you might be thinking about now?

Here is my answer:

- If tax reform moves forward and requires big cuts in domestic spending, education will be in the cross hairs;
- If the State and Local Tax (SALT) is eliminated, state and local funds for education will feel the squeeze;
- Reduction or elimination of federal student financial aid programs could become a part of the effort to reduce spending and subsidize tax reform.

And don't forget education funding for FY 2017 expires on December 8. By then the Congress must act to either extend the continuing resolution or pass a new appropriations bill. Of course a government shutdown is always an option too!

<https://www.nytimes.com/2017/10/05/us/politics/house-budget-blueprint-tax-cut-overhaul.html>

https://www.washingtonpost.com/powerpost/house-passes-2018-budget-taking-a-crucial-step-toward-tax-overhaul/2017/10/05/5ea7294e-a9d1-11e7-850e-2bdd1236be5d_story.html?utm_term=.01b47fb94f02

<https://www.budget.senate.gov/imo/media/doc/FY2018.FINAL%20TEXT%20OF%20M-ARK.pdf>

2. Senate HELP Committee Considers Early ESSA Implementation

On October 3, the Senate HELP Committee assembled a panel to consider how states are planning to implement ESSA. With all plans now on the desk of the Secretary, and at least 14 approved so far, legislators wanted to know how its going. Titled “Unleashing State Innovation”, the hearing focused on three states with plans which have been approved and described by some as strong examples. Witnesses were:

- Candace McQueen, Commissioner, Tennessee Department of Education
- John White, State Superintendent of Education, Louisiana
- Christopher Ruszkowski, Secretary of Education, New Mexico Public Education Department
- David Steiner, Executive Director, Johns Hopkins Institute for Education Policy

Innovations which were highlighted include a “ready graduate indicator” in Tennessee; an expanded focus on career and technical education in Louisiana and expanded student services in New Mexico. Louisiana has developed a new evaluation system for teacher preparation programs with required on-site visits and consideration of the performance of new teachers. New Mexico has prioritized teacher leadership as a strategy for retaining teachers and strengthening the profession. Louisiana requires all seniors in teacher prep programs to serve as “resident educator” in a classroom with a mentor teacher in order to complete their preparation program. Mentors are trained and provided with additional pay.

While Steiner praised the plans of the three states represented on the panel, he noted that federal oversight is critical. He noted several areas of concern where states may be lagging: an articulation of meeting the “evidence based” requirements of the law; a lack of focus on teacher quality and equitable distribution; articulation of criteria for low performing schools; limited description of interventions for low performing schools; no

clear definition of “consistently underperforming” for a subgroup; different standards for high school diplomas and ratings based on student performance in relation to other students rather than proficiency standards.

The template that has been provided by the Department of Education does not include a number of provisions required by the law, so many states may not address them in their plans. Examples include how “evidence based” strategies will be determined and utilized; how states are defining “experienced” and “effective” teachers and how equitable distribution of teachers will be measured, monitored and addressed if needed.

Sen. Casey (D-PA) raised concern that the utilization of Universal Design for Learning in student assessments is required by the law but rarely addressed in state plans. Sen. Cassidy (R-LA) raised the concern that students with dyslexia are rarely identified until third grade and by that time they are failing to learn to read. He urged early identification and intervention. New Hampshire was reported to have universal screening for dyslexia in grade 1. McQueen noted that Response to Intervention was assisting with early intervention and improved instruction in Tennessee.

Ranking Member Sen. Patty Murray (D-WA) expressed concerns about ensuring that the civil rights guardrails in the law are clearly implemented and that full compliance with the statute becomes apparent. Sen. Elizabeth Warren (D-MA) called on Sen. Alexander to invite Sec. of Education DeVos to testify which received a terse reply from the Chairman saying she could raise that in private with him if she wanted to but not at the hearing.

Plans will continue to be reviewed at the Department of Education and modifications/approvals will be announced in the next few months.

For a video of the hearing and all written testimony see:

<https://www.help.senate.gov/hearings/the-every-student-succeeds-act-unleashing-state-innovation>

For ESSA state plans submitted to the Department of Education see:

<https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html>

3. ADA Notification Bills

The House of Representatives has had three bills introduced to amend the Americans with Disabilities Act – all intended to require plaintiffs to have additional opportunities to correct violations prior to civil action. One of the bills, the ADA Education and Reform Act of 2017, H. R. 620, introduced by Rep. Ted Poe (R-TX) and with 60 co-sponsors –

both Republicans and Democrats – has been endorsed by the House Judiciary Committee with a vote of 15-9. The next stop for this bill would be the House floor.

Many business organizations, such as the National Restaurant Association and the American Hotel and Lodging Association, are supporting the bill. Citing the need to “restore the integrity of the ADA”, the organizations argue that “drive-by” lawsuits have been an unintended consequence of the law filed by those seeking a monetary judgement, not removing access barriers. If property owners are given notice of infractions and the opportunity to address them, the law will be better implemented they argue.

The disability community is united in opposition to the bill arguing that it places a new burden on those intended to be protected by the law requiring them to prove denial of access and adding significant obstacles to the existing process. The result, they argue, would be a delay in access for those protected by the ADA. We can expect vigorous opposition from the community, just like we saw with the Graham-Cassidy Obamacare repeal bill recently.

Disability Community letter opposing HR 620: <http://www.advocacymonitor.com/letter-opposing-the-ada-education-and-reform-act/>

Letter supporting HR 620: <http://www.advocacymonitor.com/wp-content/uploads/2017/09/9-25-17-The-ADA-Education-and-Reform-Act-of-2017-Letter.pdf>

4. New Education Publications of Note

The Education Commission of the States offers a new guide for state policy makers to facilitate their understanding of student assessments.

<https://www.ecs.org/assessments-101-a-policymakers-guide-to-k-12-assessments/>

AASA, the School Superintendents Association, has developed a number of resources to assist educators in addressing issues of equity, including a toolkit, a multimedia library and webinars.

<http://www.aasa.org/equity.aspx>

The Education Trust describes how state leaders can ensure equitable access to effective teachers for disadvantaged students. They provide practical guides for state, local and school leaders.

<https://edtrust.org/resource/tackling-gaps-access-strong-teachers/>

The Clayton Christensen Institute has published “The State Innovators Toolkit: A Guide to Successfully Managing Innovation under ESSA.”

<https://www.christenseninstitute.org/publications/ESSA/>

The National Institute for Excellence in Teaching describes their strategies and documents outcomes in strengthening teacher preparation. They describe the standards they use and partnerships between K-12 and teacher preparation programs.

<http://www.niet.org/assets/PDFs/niet-higher-ed-brief.pdf>

The National Council on Teacher Quality takes issue with recent reports (most notably from LPI as covered in last week’s Washington Update) related to teacher turnover and teacher shortages.

http://www.nctq.org/dmsView/Teacher_Turnover_Fact_Sheet_Release?utm_source=Press+-+Education&utm_campaign=6e6816f413-TURNOVER_DATA_EMAIL_CAMPAIGN_2017_09_25&utm_medium=email&utm_term=0_2c2f296d71-6e6816f413-409062249

All the best to you for a wonderful long holiday weekend. Keep those tweets coming @janewestdc

Best,

Jane