

## Washington Update September 28, 2018

Dear Colleagues:

I have rarely been rocked by the goings-on on Capitol Hill the way I was this week watching the Senate Judiciary Committee hearing with Dr. Blasey Ford and Judge Kavanaugh. I imagine many of you feel the same way. Education and schooling echoed throughout the hearing, raising questions regarding values about sexual behavior transmitted to young people by our culture and in our schools. I imagine I am not alone in saying I need time to absorb and reflect about how we move ahead from here. No matter what happens, the facts that sexual assault and abuse are squarely in the public dialogue and no longer taboo, and that victims are coming forward despite the odds (see #WhyIDidntReport on twitter) represent important progress for our nation. There is no turning back.

And now, some other news on the education front.....

### **1. Education Funding Bill Almost Across the Finish Line!**

President Trump has announced that today he will sign the bill which will continue education funding throughout the 2019 fiscal year – through September 30, 2019. This is the first time in 22 years that Congress has completed work on the Labor/HHS/Education Appropriations bill on time! This remarkable accomplishment is generally attributed to the fact that the controversial bill, which often attracts time bomb policy riders related to such explosive topics as abortion, was coupled with the Defense funding bill. Conservatives who would otherwise have set up roadblocks to the Labor/HHS/Education spending bill were swayed by wanting to support funding for the Defense Department. In addition, a provision in the package extends funding for remaining unfunded portions of the government through December 7, thus avoiding any sort of shut down prior to the all-important November midterm elections.

The bill is good for education including a \$581 million overall increase from FY 2018. A number of key programs important to educators receive increased funding (e.g. Title I ESSA, IDEA Part B, IDEA Personnel Prep and the Office of Civil Rights). Many education programs were funded at last year's level and there were no eliminations or severe cuts. Having an entire year's funding will be a great boon to the Department of Education, as year-long planning for grant awards can move forward in a timely manner.

For more details on the education funding bill see Washington Update from September 15 <http://www.janewestconsulting.com/>

### **2. ESSA Developments: Senate Holds ESSA Oversight Hearing; Key ESSA Appointee Leaving Department of Education**

On Tuesday Senate HELP Committee Chairman Lamar Alexander (R-TN) gavelled in a hearing **Every Student Succeeds Act: States Lead the Way**. The hearing featured three state education chiefs (from South Carolina, Nebraska and Delaware) as well as a

representative from the organization Education Reform Now. The chiefs reported on how they are proceeding to implement the law in order to transform schools and develop new accountability systems. Led by Sen. Patty Murray (D-WA), ranking member on the Committee, Democrats again challenged Sec. DeVos's approval of state plans which, in their view, are not calling out the performance of subgroups of students and how low performing schools are identified. She said:

“A school may look like it is succeeding, even if all the African-American students of students with disabilities, for example, are falling behind. Our federal education law should not be focused solely on making states' lives easier.”

Sen. Alexander noted that he had meet with Sec. DeVos and Department attorneys and believes that “she is exactly following the law in those cases...I think we have a difference of opinion in reading the law.”

Much of the hearing was spent on the issue of using ESSA funds to arm teachers. DeVos has said she will take no position on that issue; rather, it is up to states and districts to decide. Sen. Doug Jones (D-AL) called arming teachers “the dumbest idea that I think I've ever heard in the educational field.” Sen. Chris Murphy (D-CT) argued that on its face the law prohibits use of Title IV funds for arming teachers as it promotes “weapon-free schools.” Sen. Alexander noted that while he does not believe arming teachers is a wise idea, it is up to states and districts to determine how to spend the funds. None of the witnesses supported arming teachers.

Meanwhile, at the Department of Education, Jason Botel, one of Trump's original appointees, has announced he will be leaving the Department. Botel is currently assistant deputy secretary for innovation and improvement, but previously served as the point person overseeing the Department's implementation of ESSA. Botel is one of the first of Trump's original appointees at the Department to depart.

To view hearing: <https://www.help.senate.gov/hearings/the-every-student-succeeds-act-states-leading-the-way>  
[http://blogs.edweek.org/edweek/campaign-k-12/2018/09/jason\\_botel\\_essa\\_leaving\\_devos.html?utm\\_source=feedblitz&utm\\_medium=FeedBlitzRss&utm\\_campaign=campaignk-12](http://blogs.edweek.org/edweek/campaign-k-12/2018/09/jason_botel_essa_leaving_devos.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=campaignk-12)  
[http://blogs.edweek.org/edweek/campaign-k-12/2018/09/essa-hearing-guns-disadvantaged-students-center-stage-senate.html?utm\\_source=feedblitz&utm\\_medium=FeedBlitzRss&utm\\_campaign=campaignk-12](http://blogs.edweek.org/edweek/campaign-k-12/2018/09/essa-hearing-guns-disadvantaged-students-center-stage-senate.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=campaignk-12)

### **3. Bill for Fast Track Authority to Reorganize the Federal Government On the Docket in Congress**

Republicans in the House are rallying around a bill, HR 6787, Reforming Government Act of 2018, that is intended to give President Trump fast track reorganization authority. This would mean that plans to reorganize federal agencies could move ahead in an expedited manner.

HR 6787 was introduced on September 12 by Rep. Jody Hice (R-GA). The bill would allow the president to submit a reorganization plan to Congress – including transferring, abolishing or consolidating federal agencies. Both the House and Senate would have to adopt the President’s reorganization plan within 90 days. Congress could not amend the reorganization plan. President Trump issued Government Reform Plan and Reorganization Recommendations in June proposing 32 reorganization suggestions which included dismantling a number of federal entities and merging the Department of Education and Labor to be called the Department of Education and the Workforce.

Plans are afoot both the House and Senate to begin moving this bill forward through committees.

See:

<https://www.congress.gov/search?q=%7B%22congress%22%3A%22115%22%2C%22source%22%3A%22legislation%22%2C%22search%22%3A%22HR%206787%22%7D&searchResultViewType=expanded>

#### 4. New Resources for Educators

— **Ed Week** looks at school readiness to address student concerns and allegations around sexual assault, *When Students say #MeToo, Schools May be Unprepared to Help*. See:

[http://blogs.edweek.org/edweek/rulesforengagement/2018/09/when\\_students\\_say\\_me\\_too\\_schools\\_may\\_be\\_unprepared\\_to\\_help.html?cmp=enl-enl-eu-news2&M=58623315&U=780070](http://blogs.edweek.org/edweek/rulesforengagement/2018/09/when_students_say_me_too_schools_may_be_unprepared_to_help.html?cmp=enl-enl-eu-news2&M=58623315&U=780070)

— **The Government Accountability Office** issued *Public Service Loan Forgiveness Education Needs to Provide Better Information for the Loan Servicer and Borrowers* holding that the Department’s weaknesses in implementation of the program were “creating uncertainty for borrowers and raising the risk some may be improperly granted or denied loan forgiveness.” See:

<https://www.gao.gov/assets/700/694304.pdf>

— **The Alliance for Excellent Education** is out with a state report card on ESSA implementation *Too Many States Minimize Student Subgroup Performance in ESSA Accountability Systems* See: <https://all4ed.org/wp-content/uploads/2018/09/ESSA-Subgroup-Performance-State-Accountability-Systems.pdf>

— **The New Yorker** has published a story on *Georgia’s Separate and Unequal Special-Education System* which reveals a “statewide network of schools for disabled students has trapped black children in neglect and isolation.”

See: <https://www.newyorker.com/magazine/2018/10/01/georgias-separate-and-unequal-special-education-system>

Today House leadership announced that no more votes are expected on the floor until November 13. Looks like the midterm elections are officially underway!

Wishing you a wonderful weekend! See you on twitter @janewestdc

Jane