

Washington Update September 20, 2019

Dear Colleagues:

Congress was engaged in a frenzy of appropriations activities this week..where it will all lead remains to be seen!

1. With the End of the Fiscal Year in Sight, Congress Punts

September 30 -- the end of the federal Fiscal Year – is looming, and Congress is getting edgy. Seeing that there is no way to resolve differences in all of the spending bills in that timeframe, Congress has moved to postpone the showdown. The House passed a Continuing Resolution to keep all government funding at current levels through November 21. The Senate is expected to pass it next week and the President is expected to sign it. On November 22, the challenges will remain.

Meanwhile, several of the 12 individual funding bills are moving through the Senate Appropriations process. You will recall that last week the markup of the Labor/HHS/Education funding bill was suddenly canceled. This week, the Senate Appropriations Committee did not move that bill forward, but they did release both the text of their bill, a summary and the Committee report. Links are below.

The funding levels for education in the Senate proposed bill, as expected, are quite a bit lower than in the House passed bill. The Senate bill provides for \$71.4 billion in discretionary funding for education; the House bill proposed \$75.9 billion and the President requested \$64 billion. Note than none of the voucher/choice proposals put forward in the President’s Budget proposal were funded in either the House or Senate bills. Below are some comparisons between the two bills of some key programs of concern to educators:

Program	Current FY 2019	President’s FY 2020	House passed FY 2020	Senate Committee FY 2020
Title I ESSA	15.86 B	15.86 B	16.86 B	15.86 B
Title II ESSA	2.056 B	0	2.556 B	2.056B
IDEA Part B	12.364 B	12.364 B	13.364 B	12.364 B
IDEA Personnel Prep	87 M	87 M	98 M	87 M
HEA Teacher Quality Partnership Grants	43 M	0	53 M	43 M
IES Total	615 M	522 M	650 M	615 M
Special Education Research	56 M	54 M	61 M	56 M

Some education programs received slight increases in the Senate bill – for example Special Olympics is up \$2.5 million and Charter schools are up \$20 million. The big winner in the bill, once again, is a \$3 billion increase for the National Institutes of Health. It appears that this increase was made possible, in part, by a cut of \$1.334 billion to Pell grants.

You will recall that the House bill included report language about requiring a study on teacher shortages. The Senate report included similar language:

“GAO Report on Teacher Shortages.—The Committee requests that GAO provide a report to the Committees on Appropriations of the House of Representatives and the Senate on trends and factors contributing to school districts challenges with teacher recruitment and retention. The report should include, but not be limited to, a review and analysis of challenges recruiting and retaining special education teachers, paraprofessionals, and teacher aids; the extent to which licensure requirements are waived or modified to address shortages; and geographic and demographic characteristics of districts facing the greatest challenges or shortages.”

Congress will close up shop at the end of the month, returning on October 15, leaving only a few weeks to make progress before the Continuing Resolution ends on November 21. The pressure to act will continue -- but bipartisanship will become more illusive as election politics close in. Are we headed to another government shutdown? Hard to tell.

Senate Appropriations Committee text of Labor/HHS/Education funding bill:

<https://www.appropriations.senate.gov/imo/media/doc/FY2020%20Labor-HHS%20Appropriations%20Act,%20Bill%20Text.pdf>

Senate Appropriations Committee Labor/HHS/Education committee report:

<https://www.appropriations.senate.gov/imo/media/doc/FY2020%20Labor-HHS%20Appropriations%20Act,%20Report.pdf>

Majority Summary of Senate Labor/HHS/Education Committee bill:

<https://www.appropriations.senate.gov/news/fy2020-labor-hhs-and-education-appropriations-bill-released>

2. House Bill on School Shootings’ Data Collection Passes Committee

The House Committee on Education and Labor approved H.R. 4301 this week after a contentious and partisan debate about school shootings. With all Democrats supporting the bill and all Republicans opposing it, the Committee adopted the bill with a 27-22 party line vote. Committee Chair, Bobby Scott (D-VA) said the bill was necessary to

advance evidence-based legislation that will ensure the safety of our schools. Ranking Republican on the Committee, Virginia Foxx (R-NC), said the bill was unnecessary and not about school safety, but rather about gun politics.

The bill defines both a “school shooting” and a “mass shooting” and requires the Department of Education to report annually on the number of school shootings, how many people were killed, demographics of shooters and victims, motivations of shooters, types of firearms and ammunition used and how the firearms were acquired. Information about safety and prevention measures in place at the time of the shooting would also be reported.

Rep. Lucy McBath (D-GA), who lost her son to gun violence, and Rep. Jahana Hayes (D-CT), 2016 National Teacher of the Year who was teaching in Connecticut on the day of the Sandy Hook shooting, were original co-sponsors of the bill. When Rep. Foxx offered a substitute amendment (which failed on a party line vote), Rep. McBath called it “cowardly” and Rep. Hayes called it “gutless.” “This amendment goes so far as to delete the word ‘shooting’ from the bill,” Hayes said.

The bill which passed is supported by both the National Education Association, the American Federation of Teachers and multiple other education and gun control organizations.

See: <https://edlabor.house.gov/hearings/hr-4334-dignity-in-aging-act-of-2019-and-hr-4301-school-shooting-safety-and-preparedness-act->

3. House Oversight Hearing "Broken Promises: Examining the Failed Implementation of the Public Service Loan Forgiveness Program"

This week the House Subcommittee on Higher Education and Workforce Investment examined the Public Service Loan Forgiveness Program. New York City art teacher Kelly Finlaw shared her challenging journey in attempting to have her loans forgiven after 10 years of successful teaching and making the required loan payments. She clearly articulated her frustration with repeated mis-information and lack of information provided by her loan servicers. She is now stuck with over \$100,000 of debt after following all the rules to qualify for total forgiveness after 10 years of public service.

While invited to speak at the hearing, the CEO of the company which administers PSLF – Pennsylvania Higher Education Assistance Agency (PHEAA)--declined to participate. The Department of Education contracts with PHEAA to administer this program. Recent data reveal that 99% of those who have applied for loan forgiveness under this program have been rejected.

See: <https://edlabor.house.gov/hearings/broken-promises-examining-the-failed-implementation-of-the-public-service-loan-forgiveness-program>

4. Update on Reauthorization of the Higher Education Act

This week the House, on a bipartisan basis, passed a bill called the FUTURE Act, HR 2486. This bill would extend funding for a program that has been in place for a decade and is due to expire September 30. The bill continues funding for programs at HBCUs, HSIs, Tribal Colleges and other Minority Serving Institutions for two years. However, Senate HELP Committee Chair, Lamar Alexander (R-TN) blocked the Senate from taking up the bill arguing that it should be part of a broad Higher Education Act reauthorization proposal. “I favor a long- term solution,” Alexander said.

Sen. Alexander has been negotiating a comprehensive Higher Education reauthorization bill with ranking committee member Patty Murray (D-WA) for months, however that effort seems to be stalled. Multiple issues are sticking points, including provisions related to sexual assault on campus. Murray said “We should pass the bipartisan FUTURE Act instead of playing politics with valuable and under-resourced institutions.”

Alexander said he would begin working with the HELP Committee next week on a higher education package. Many speculate that this will involve an effort to package bipartisan provisions, leaving out those on which there is no agreement. The package might include a streamlined FAFSA application, the College Transparency Act and expanded Pell Grants for incarcerated students. Sen. Murray and other Committee Democrats have repeatedly indicated that they do not want to support a piecemeal reauthorization that is less than comprehensive.

See: <https://www.insidehighered.com/news/2019/09/18/lamar-alexander-considers-offering-scaled-back-higher-education-act-tied-hbcu>

5. Special Education Group Wins Legal Battle Against Sec. DeVos

On September 12, The Council of Parent Attorneys and Advocates (COPPA) declared victory when the U.S. Department of Justice dismissed the U.S. Department of Education’s appeal of a federal court ruling which found Sec. DeVos engaged in an “illegal delay” of IDEA regulations designed to ensure that students with disabilities of color are protected from over and under identification, segregation and harsh discipline. The Trump Administration had attempted to delay the implementation of these regulations which were required to go into effect July 1, 2018. The regulations require States and school districts to measure, examine and, when appropriate, reduce significant disproportionality in the identification, placement and disciplining of students of color with disabilities. Thus, the regulation is now back in force.

For background see: <https://www.nytimes.com/2019/03/08/us/politics/betsy-devos-special-education.html>

6. Opportunity to Make Your Voice Heard!

The Office of Special Education Programs (OSEP) in the U.S. Department of Education has posted a blog describing its “Effective Personnel for All: Attract, Prepare and Retain.” OSEP has issued an invitation for comments from the field:

“This blog is meant to further these efforts by soliciting your feedback. We invite you to share your thoughts on how we can best support States in their work to Attract, Prepare, and Retain Effective Personnel. Sharing your challenges and successes can make a difference for others facing similar challenges.”

Comments are due by September 30. See: <https://sites.ed.gov/osers/2019/08/effective-personnel-for-all-attract-prepare-retain/>

7. New Resources for Educators

- **The CEEDAR Center** has developed a policy brief *Preparing and Retaining Effective Special Education Teachers: Short-Term Strategies for Long-Term Solutions*. See: <http://ceedar.education.ufl.edu/wp-content/uploads/2019/02/CEEDAR-GTL-Shortages-Brief-508.pdf>
- **The Daily Herald** reports on suburban Chicago school district that freezes enrollment of special education students due to personnel shortage: See: <https://www.dailyherald.com/news/20190917/facing-teacher-shortage-lake-county-special-education-district-freezes-enrollment>

I had the good fortune to attend the 50th Anniversary Gala of the Committee for Education Funding this week. Often dubbed “the Education Nerd Prom” (I’m proud to be an education nerd!), the event featured education funding champion Rep. Rosa DeLauro (D-CT) and keynote speaker 2019 National Teacher of the Year Rodney Robinson. He is a rock star for education and equity. Keep an eye out for his speaking engagements near you. You don’t want to miss him! Follow him on twitter @RodRobnsonRVA

Until next week,

Jane