

Washington Update September 6, 2019

Dear Colleagues:

Happy September and back to school! It always feels like a fresh start this time of year – harkening back to the childhood excitement of new notebooks, pens and pencils, teachers and more. Of course, for today's students the excitement is probably more about new digital devices and Instagram postings. 😊 Washington comes back to life too; but rather than a fresh start, it is more about that unfinished homework that remains.

1. Money, Money Money.....Follow the Money...to a Shutdown?

Congress does not officially reconvene until next Monday, September 9. They return to the challenge of funding the government before the end of the Fiscal year, September 30. This means that in 13 legislative days the Senate would have to pass 12 separate funding bills, conference each one with the House and then secure President Trump's signature on each one. What are the odds of that happening? Well, I'm not really a betting person, but I'd say "ZERO."

So where does that leave us? The strategy appears to be the same used last year. That is, to secure enactment of the two biggest funding bills – Labor/HHS/Education and Defense – together, in one package, as soon as possible. Since the Labor/HHS/Education bill is the most controversial (think amendments on immigration, abortion, gun violence), pairing it with Defense secures some votes that might not be otherwise available. That is, conservatives who are fans of big spending in defense might go along with a Labor/HHS/Education bill in order to ensure the defense spending. The strategy worked last year, thus enabling the Departments of Education and Health and Human Services to continue working during the shutdown which affected so many other agencies.

The House left town in August having passed its funding bills, including a very generous one for Labor/HHS/Education. Educators were elated with the prospects of the funding levels in that bill. Unfortunately, the allocations -- called 302(b)'s -- for each of the 12 funding bills in the Senate are quite a bit less than they were in the House. So the Senate has less money to work with, particularly in the bill that funds education. Unfortunately, it looks like that House Labor/HHS/Education funding bill will serve as the high-water mark for education.

The Senate will begin its work on the 12 bills next week, with both the Labor/HHS/Education and Defense bills planned for markups in subcommittees on Tuesday, September 10. A few days later the full Senate Appropriations committee will likely take up those bills. Should they both be adopted by the Committee, they will likely move to the floor as a package as soon as possible. The chances of securing House agreement on the two Senate bills and then the President's signature by Sept. 30 is certainly a longshot. In all likelihood, the Congress will pass a Continuing Resolution (CR) to keep the government running at current levels of funding. In fact, the House has announced that it will take up a bill the week of September 16th to pass a CR that will keep the government open beyond September 30. The bill will not include any funding for President Trump's border wall, so whether the Senate will pass it and whether the President will sign it are open questions. A government shutdown remains a possibility.

2. September on Capitol Hill

Multiple hearings and markups will be held related to education during the 13 legislative days of September. All of these activities can be watched online by going to the website of the Committee listed below. These include:

- **Markup of Labor/HHS/Education Appropriations bill.** The Senate Appropriations Subcommittee on Labor/HHS/Education will markup this FY 2020 spending bill. **Date: September 10.** See: <https://www.appropriations.senate.gov/subcommittees/labor-health-and-human-services-education-and-related-agencies>
- **“A \$1.5 Trillion Crisis: Protecting Student Borrowers and Holding Student Loan Servicers Accountable.”** The House Committee on Financial Services will consider what many consider questionable practices of loan servicers. For example, the TEACH grants have been problematically administered by FedLoan, which services them. **Date: September 10.** See: <https://financialservices.house.gov/calendar/eventsingle.aspx?EventID=404230>
- **“The Importance of Trauma-Informed Practices in Education to Assist Students Impacted by Gun Violence and Other Adversities:”** The House Subcommittee on Early Childhood, Elementary, and Secondary Education will hold this hearing. **Date: September 11.** See: <https://edlabor.house.gov/hearings/the-importance-of-trauma-informed-practices-in-education-to-assist-students-impacted-by-gun-violence-and-other-adversities>
- **Public Service Loan Forgiveness:** The House Committee on Education and Labor will examine this critical program in light of a new GAO report which was issued this week revealing that as of May 2019 the Department of Education processed about 54,000 requests for loan forgiveness in the previous year, approving only 1% of them. A representative of the Department of Education is expected to testify, among others. **Date: September 19.** See: <https://www.gao.gov/assets/710/701157.pdf> and <https://edlabor.house.gov/hearings-and-events>

In addition, the issue of gun violence and school safety will likely garner considerable attention. President Trump asked Sen. Alexander (R-TN), Chair of the Senate Committee on HELP, to come up with some ideas to address this issue, so we may see a bill in that area. In addition, the reauthorization of the Higher Education Act continues to plod along. We are likely to see the House Democrats move to re-introduce a new version of **the Aim Higher Act** – their reauthorization bill which was introduced in the last session of Congress. The Senate HELP Committee continues their work in this area.

3. New Resources for Educators

- **Department of Education** issued new **“borrower defense to repayment” regulations** after two years of consideration as to how the Department will cancel student debt when colleges misled them about graduation or job placement rates to

secure their enrollment. These regulations roll back the Obama-era regulations and serve as a win for for-profit institutions. They will go into effect July, 2020. See: <https://www.insidehighered.com/news/2019/09/03/devos-imposes-tougher-debt-relief-standards-student-borrowers-alleging-fraud>

- **AERA Open** published *Racial Segregation in the Southern Schools, School Districts and Counties Where Districts Have Seceded* finding that the creation of small districts which splinter off from larger districts often yields increased segregation. See: <https://www.era.net/Newsroom/Racial-Segregation-in-the-Southern-Schools-School-Districts-and-Counties-Where-Districts-Have-Seceded>
- **Education Week** is out with its third and final report which *grades the states on their education systems*. New Jersey leads the list with a B+ while New Mexico is the most poorly rated. The national average for states is a C. See: <https://www.edweek.org/ew/collections/quality-counts-2019-state-achievement/>
- **The National Women's Law Center** issued a report examining *high school dress policies* concluding that the "racist and sexist enforcement of dress codes unfairly targets Black girls and pushes them out of school." <https://nwlc.org/press-releases/dress-codes-hurt-learning-for-black-girls-in-d-c-new-nwlc-report-finds/>
- **The Institute for Higher Education Policy** issued *Opportunity Lost: Net Price and Equity at Public Flagship Institutions* finding that only 6 such institutions are affordable for students from low and middle-income families. See: <http://www.ihep.org/press/news-releases/ihep-analysis-finds-majority-state-flagship-universities-fall-short-their>

Wishing you a great weekend and a big hug to our friends and colleagues affected by the hurricane. Members of my family on the coasts of North and South Carolina appear to be in good shape, though they are now about the business of assessing the damage.

Best regards,

Jane