

## Washington Update December 2, 2016

Dear Colleagues:

The Trump Administration is moving into place and the 114<sup>th</sup> Congress is moving toward closure next week.

### 1. Congress on the Brink of Passing Another Temporary Funding Bill Through March 2017

Next Friday, December 9, funding for the federal government will end; Congress is poised to pass another temporary funding measure which will continue government funds through the end of March, 2017. It is likely that this next Continuing Resolution (CR) will keep virtually all programs funded at current levels with a small across the board cut, similar to the .5% cut that was included in the CR that is currently in place. This funding measure may be unveiled as early as Monday, December 5. It appears that Congress may well adjourn by the end of next week – a change of pace, as recent Congresses have frequently worked right up until Christmas.

Having a temporary FY 2017 funding measure in a position to expire at the same time the FY 2018 budget process is beginning will be complicated. The Trump Administration will likely be releasing a funding blueprint for FY 2018 just as decisions need to be made on how to complete funding for FY 2017. It is challenging to create a new budget when it is unclear what the last budget was. To complicate this prospect, Congress is likely to invoke a budget-related process -- called reconciliation -- early in the new year. In fact, Congress may move two budget bills early in 2017 followed by two reconciliation bills, which will be used to repeal Obamacare and revise the tax code – two major Trump campaign promises. Reconciliation is a preferred vehicle for significant change since it only requires a simple majority vote of 51 in the Senate, rather than the usual 60. Thus, the bills could pass with no bi-partisan support.

These complex budget decisions will be underway as the Congress moves quickly to confirmation hearings for the new Cabinet members nominated by incoming President Trump. January and February will be a busy time in Washington!

See: <http://crfb.org/blogs/appropriations-watch-fy-2017>

### 2. Department of Education Releases Final ESSA Accountability Regulations

As it wraps up business in the last days of the Obama Administration, the Department of Education issued final ESSA Accountability and State Plan regulations this week. The original proposal proved controversial, drawing ire from teachers unions as well as HELP Committee Chair, Sen. Lamar Alexander (R-TN), both believing that the Department was overstepping its authority by prescribing additional requirements. Sen. Alexander noted that he would have moved to overturn the earlier version of the regulation but is now carefully reviewing the final version. The National Governor's Association noted that the final rule was a compromise taking into account the needs of states and the civil rights community. Both unions continue to raise concerns over the incorporation of the 95% assessment participation rate into the accountability

systems that states will develop. Lilly Eskelsen Garcia, President of the NEA, noted that while there were improvements in the new regulations, they “continue to punish schools that do not test at least 95% of the students because parents decided to opt their children out of standardized testing.”

State plans on how they will implement the new law are due either April 3, 2017 or September 18, 2017. The Trump team at the Department of Education will review and approve the new plans. Some civil rights groups worry that the review may not be rigorous and may lean toward providing states wide latitude, as Republicans believe a key goal of ESSA is state flexibility.

Some key features of the regulations:

- States have until the 2018-19 school year to identify schools for comprehensive and targeted support and improvement
- States set their own ambitious goals and measurements of interim progress for academic outcomes
- States will create robust multi-indicator statewide accountability systems for all public schools including all public charter schools; indicators must:
  - Be the same for all public schools
  - Include valid, reliable and comparable measures disaggregated by subgroup
  - Measure each of the following:
    - Academic achievement
    - Graduation rates for high schools and academic progress for elementary and middle schools
    - Progress in attaining English language proficiency
    - At least one state-selected indicator of school quality of student success (which may vary for schools in different grade spans)
- State accountability systems must meaningfully differentiate schools by using summative determinations in at least three categories:
  - The categories can be the same as those that ESSA requires (needs comprehensive support and improvement; needs targeted support and improvement; other schools) or the state may develop it’s own system of summative determinations
  - States must report school’s overall result alongside performance on each individual indicator on a data dashboard or similar mechanism
- While state accountability systems do not prescribe specific weights for indicators, there are guidelines to ensure that certain indicators are afforded “substantial” and “much greater” weight than others, as required by the statute
- States must take into account whether the 95% participation rate for statewide assessments is met by each school as part of the accountability system
- For schools which need improvement plans, they must review the inequitable distribution of teachers in terms of ineffectiveness, out-of-field placement and inexperience – and devise a plan for how to address inequities that are found.

- Broad, robust and transparent consultation with a diverse representative group of stakeholders is required at multiple points during the design, development and implementation of state plans.

See: <http://www2.ed.gov/policy/elsec/leg/essa/essaaccountstplans1129.pdf>

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### **3. President-Elect Trump Nominates Betsy DeVos for Secretary of Education**

Incoming President Donald J. Trump has nominated Betsy DeVos as his Secretary of Education. DeVos is a high profile school choice and voucher advocate active in Republican politics as both a donor and party leader. Her nomination was lauded by many notable Republicans including Sen. Ben Sasse (R-NE) who said this was “great news for those of us who care about educational freedom, local control for parents and more opportunity for all.” Former Florida Gov. Jeb Bush called her an “outstanding pick.” HELP Committee Chair Lamar Alexander (R-TN) called her an “excellent choice” and Sen. Orrin Hatch (R-UT) lauded her as a future Secretary of Education. Some from the right raised concerns about her past support of Common Core, though she subsequently noted that she does not support Common Core.

On the left, Sen. Patty Murray (D-WA), ranking member of the Senate HELP Committee, which will conduct her nomination hearing, said she will want DeVos to address some of Trump’s troubling statements during the campaign and that she will want to explore civil rights, equal opportunity, Trump’s views on sexual assault and harassment and more. Sen. Chris Murphy (D-CT), a member of the HELP Committee noted that he has some serious questions for DeVos. “I want to know how Congress would put someone who has spent her life trying to strip funding from public schools in charge of those very schools,” he said.

The Network for Public Education, headed by education activist Diane Ravitch, has launched an effort to defeat her nomination urging people to reach out to their Senators to oppose her. “Betsy DeVos’ hostility to public schools makes her unfit to be secretary of Education...She has a long record of supporting private and religious schools, not public schools. Those of us who believe that public education is a public responsibility, not a consumer good, must resist her nomination,” Ravitch said.

DeVos and her husband, Dick DeVos, have made donations to the re-election efforts of several Republicans who sit on the HELP Committee -- which will conduct her nomination hearing -- including Sen. Richard Burr (R-NC), Sen. Bill Cassidy (R-LA), Sen. Lisa Murkowski (R-AK) and Sen. Tim Scott (R-SC).

The nomination hearing in the Senate HELP Committee will likely take place early in the new year and it is guaranteed to be a rigorous vetting.

See: <http://thehill.com/homenews/campaign/307395-trump-offers-betsy-devos-job-of-education-secretary-report>

See: [https://www.washingtonpost.com/local/education/trump-picks-billionaire-betsy-devos-school-voucher-advocate-as-education-secretary/2016/11/23/c3d66b94-af96-11e6-840f-e3ebab6bcd3\\_story.html?utm\\_term=.7dda4e02140e](https://www.washingtonpost.com/local/education/trump-picks-billionaire-betsy-devos-school-voucher-advocate-as-education-secretary/2016/11/23/c3d66b94-af96-11e6-840f-e3ebab6bcd3_story.html?utm_term=.7dda4e02140e)

See: <http://www.usnews.com/news/politics/articles/2016-11-23/betsy-devos-named-secretary-of-education>

#### 4. Trump Education Transition Team Transitioning!

This week a number of shifts were announced on the Trump transition and “landing” teams. The “landing” team is the on-the-ground Trump staff in the Department of Education who work there ahead of time to understand the operations of the Department.

- **Gerard Robinson** of the American Enterprise Institute left the transition team with no explanation.
- Attorney **Thomas Wheeler** was named to the “landing” team at the Department of education. Wheeler was general counsel to VP-elect Mike Pence when he was Governor of Indiana and has extensive experience representing schools on legal issues.
- **Robert Goad**, a staffer of Rep. Luke Messer (R-IN), officially joined the transition team. Goad took leave from Messer’s office to help draft candidate Trump’s school choice plan.
- **Townsend McNitt**, former HELP Committee staffer, will serve as the “sherpa” for Betsy DeVos, guiding her through the confirmation process in the Senate.
- **James Manning**, former education official in George W. Bush’s Department of Education, remains on the transition team as does **William Evers**, a research fellow at the Hoover Institution and former advisor to Sec. Margaret Spellings.

See: [http://blogs.edweek.org/edweek/campaignk12/2016/11/trump\\_education\\_transition\\_team.html](http://blogs.edweek.org/edweek/campaignk12/2016/11/trump_education_transition_team.html)

#### 5. Rep. Virginia Foxx (R-NC) Will Chair House Committee on Education and the Workforce

Today House Republicans officially chose Rep. Virginia Foxx to replace Rep. John Kline (R-MN) as chair of the Committee on Education and the Workforce. A colorful conservative and frequent vocal critic of President Obama’s education policies, Foxx is a former community college president.

See: <http://foxx.house.gov/news/documentsingle.aspx?DocumentID=398966>

#### 6. New Report to Guide States in Defining “Teacher Ineffectiveness” Under ESSA

ESSA requires states to create multiple definitions as they develop their accountability systems and write their first state plans. Those include the definition of “inexperienced” “ineffective” and “out-of field” for teachers. AIR’s Center on Great Teachers and Leaders has issued *Teacher Effectiveness in the Every Student Succeeds Act: A Discussion Guide*. The guide outlines four possible approaches in defining ineffective teachers:

- Use evaluation systems to define “ineffective teacher”
- Engage stakeholders to select from available indicators of effectiveness to develop a new measure for use statewide
- Use the state definition of “highly qualified” teacher
- Allow LEAs to develop a locally specific definition within a set of parameters

See: <http://www.gtlcenter.org/products-resources/teacher-effectiveness-every-student-succeeds-act-discussion-guide>

#### **7. New Resource for Advocacy**

The American Association of Colleges for Teacher Education (AACTE) has launched an Action Alert system as a part of its new Advocacy Center. Anyone can sign up for the alerts. You do not have to be an AACTE member to participate. The alerts will let you know about issues related to teacher preparation as they come up on Capitol Hill and with the Administration. They will provide an easy way to make your voice heard. Use the link below to sign up.

<http://aacte.org/policy-and-advocacy/advocacy-center>

Wishing you all a great weekend. See you on twitter @janewestdc!

Best,

Jane