

Washington Update April 5, 2019

Dear Colleagues:

Along with the cherry blossoms, tourist season is in full bloom in DC! If you haven't been here in the spring, put it on your bucket list!

1. **House Democrats Adopt Proposal to Raise Budget Caps for FY 2020 Opening the Door for Appropriations Bills to Move**

In order for the Congress to move funding bills forward, the budget caps need to be raised. Without raising those caps, both defense and non-defense spending would have to be cut significantly. This week the House Budget Committee, Chaired by Rep. John Yarmouth (D-KY), adopted a provision to raise caps for both sectors of spending. Here are the specifics:

- Utilize the principle of parity – applying the same dollar increase to defense and Non Defense Discretionary (NDD) spending (NDD includes education);
- Set the NDD cap for 2020 at \$631 billion – a 5% increase – and for 2021 at \$646 billion;
- Set the Defense cap at \$664 billion – a 2.6% increase for 2020 – and for 2021 at \$680 billion.

Only Democrats supported the proposal in the committee; however, many thought the Defense cap was too high. In addition, most Republicans objected to the bill claiming the defense cap was too low. Education advocates believe this was a good opening volley with a long road ahead. The bill will likely go to the House floor for a vote next, where amendments are expected and where the vote will be tight. Chairman Yarmouth is hoping to secure enough Democrats to squeak the proposal through.

The next stop will be the Senate, where a bipartisan agreement will be necessary. The caps will likely be lower after going through that process. Appropriations Chair, Rep. Nita Lowey (D-NY), indicated that she would like to begin marking up the 12 appropriations bills after Easter recess – the week of April 29 – in order to meet the goal of passing all bills before October 1, when the 2020 fiscal year begins.

2. **Higher Education Act Update: Hearings, Timing, Negotiated Rulemaking, Public Service Loan Forgiveness**

Hearings and Timing:

- The **Senate HELP Committee** has now held three hearings on the reauthorization of the Higher Education Act with more to come. Topics so far have included accountability, campus sexual assault and simplifying the FAFSA.

Negotiations between staffs of Sen. Lamar Alexander (R-TN), Senate HELP Committee Chair, and ranking member Sen. Patty Murray (D-WA) are reported to be well underway in hopes of generating a bipartisan bill. Sen. Alexander hopes to mark up a bill in Committee this summer – an ambitious goal. See:

<https://www.help.senate.gov/>

- **The House Ed and Labor Committee** has announced five bipartisan hearings on the reauthorization of the Higher Education Act. The second one – on accountability—took place this week. Democrats on the Committee zeroed in on for-profit colleges and their disproportionate default rates and poor outcomes leaving thousands of students with high debt and limited prospects. Ranking Member Virginia Foxx (R-NC), author of last year’s controversial bill to reauthorize the Higher Education Act, the PROSPER Act, blasted the hearing as partisan. “To sit here and grind a tired old ax against certain types of institutions you don’t like is just disgraceful,” she said. “I thought there was bipartisan agreement around the idea of wholesale reform, but I’m now seeing that really that isn’t the case, and that’s a true shame,” she noted.

Negotiated Rulemaking:

- Much to the surprise of advocates the group of negotiators who were appointed by the Department of Education to develop new regulations on a range of issues reached consensus this week. The new proposed regulations will be made available for public comment soon. The proposal addresses college accreditation, state approval of online colleges, religious institutions, competency-based education, TEACH grants and more. Sec. DeVos gloated that the panel “overcame the naysayers to achieve consensus.”

Public Service Loan Forgiveness:

- After a decade of service, loan forgiveness is available to a range of public employees, including teachers.
- Congress provided \$700 million to help thousands of borrowers who failed to qualify because they selected the wrong repayment plan. To date 9,820 applications have been reviewed by the Department and 8,374 have been rejected. The Department indicates that the rejections are mostly because borrowers have not met the 10 year requirement to be eligible for the program. Sen. Tim Kaine said the Department is “leaving them out to dry.” The Trump Administration and the House Republican Higher Education bill from last year, the PROSPER Act, called for the elimination of the program.

3. Two Democratic Members of Congress Call for Sec. DeVos' Resignation/Third Appearance on the Hill Next Week

Two Democratic Members of the House of Representatives – Katherine Clark (MA) and Mark Pocan (WI)-- have called on Sec. of Education Betsy DeVos to resign. Her appearance before the House Labor/HHS/Education Appropriations subcommittee last week appears to have contributed to these calls. Both Rep. Clark and Rep. Pocan (D-WI) are members of that Subcommittee and questioned her pointedly during the hearing.

Rep. Clark questioned Sec. DeVos about her use of research to justify elimination of the Department's guidance related to the disproportionate utilization of discipline procedures for students of color. Clark described the research as stating that “the association between school suspensions and blacks and whites reflects long-standing behavioral differences between youth and that, at least in the aggregate, the use of suspensions may not be racially biased as many have argued.” Clark said that “She has failed to live up to her basic job responsibility: making sure that kids have equitable access to public education. She is unfit to carry on in this job.”

Rep. Pocan, the co-chair of the Congressional Progressive Caucus, wrote an oped calling for DeVos to “step down from her role and allow a committed educational professional” to take the job. “She has also worked to revoke guidelines on affirmative action and strip protections and rights for LGBTQ students – including students who identify as transgender,” he wrote.

DeVos will make her third appearance before the 116th Congress next week when she testifies before the House Committee on Education and Labor about the policies and priorities of the Department of Education. The hearing is at 9 am on April 10. See link below to watch.

See: <https://www.bostonglobe.com/metro/2019/04/01/rep-clark-calls-education-secretary-devos-resign/kiLTPywmQEPkxoFFuzFZeN/story.html>

See: <https://www.nbcnews.com/think/opinion/betsy-devos-unfit-lead-education-department-it-s-time-her-ncna990241>

For hearing with Sec. DeVos April 10 at 9 am:

<https://edlabor.house.gov/hearings/04/03/2019/examining-the-policies-and-priorities-of-the-us-department-of-education>

4. New Resources for Educators

- The **Giffords Law Center** has compiled over 60 incidents related to the mishandling of guns at K-12 schools in the past five years. See: <https://giffords.org/2019/04/every-incident-of-mishandled-guns-in-schools/>
- The **Albert Shanker Institute** has issued a report on the inadequacy and inequity state K-12 financing mechanisms. See: https://www.dropbox.com/s/455ynij9uaikv8h/SFID_AnnualReport_2019.pdf?dl=0
- The **Century Foundation** has issued a report finding that states are failing to support integration in charter schools. See: <https://tcf.org/content/report/scoring-states-charter-school-integration/?agreed=1>
- The state of California is debating legislation to prohibit the use of first and second year recruits of the Teach For America program in schools where more than 40 percent of the student population qualifies for free and reduced-price lunch. See: <https://k12daily.org/politics-education/bill-targets-teach-for-america-interns-running-classrooms>

Wishing you a wonderful spring weekend!

See you on twitter @janewestdc

Best,

Jane