

Washington Update December 14, 2018

Dear Colleagues:

My holiday celebrations are underway with my Christmas tree brightly filling up my living room and the stockings hung in anticipation! I hope you are deep into your holiday events with friends, shopping and enjoyment of decorations cheering up your city or town. Meanwhile, back at the ranch.....

1. Congress Flees DC as Shutdown Looms

Locked in a stalemate over the final 7 spending bills and with the Dec. 21 deadline just a week away, Congress did the thing that makes the public scratch their heads in wonderment – leave town! That’s right. Yesterday the House and Senate adjourned – the House scheduled to return on Dec. 19, just two days before the deadline. Surely, surely there must be a plan. HmMMM.

According to Sen. John Cornyn (R-TX), the Senate’s #2 Republican, “There is no discernable plan.” Rep. Tom Cole (R-OK), Chair of the Labor/HHS/Education Appropriations Subcommittee put it this way: “It’s just all politics and theatrics.” Everyone harbors the same thought, he noted. “Somebody has to lose and it’s not going to be them.”

Members of Congress in both parties were taken aback by President Trump’s declaration this week that he would proudly own a shutdown if there was no \$5 billion for his wall on the border of Mexico. Likely incoming House Speaker Nancy Pelosi (D-CA) suggested he call for a vote in the House, warning that he would lose. Notably many Members of the House have been MIA since the election—in particular 44 were absent on Tuesday, with 20 of them being Members who will not return for the 116th Congress in January. With no clear signal from the President, moving forward appears impossible.

Six of the seven pending spending bills are ready to go with bi-partisan support. The stickler is the Homeland Security bill which could potentially include the \$5 billion for the wall. A range of options have been floated including: pass the 6 bills that are ready to go and simply extend the existing Homeland Security bill temporarily – for two weeks, three weeks, three months etc. In other words, kick the wall debate down the road and into a Democratic controlled House. The President doesn’t seem ready to budge and appears to be holding all 7 bills hostage to the \$5 billion for the border wall.

Don’t forget that education funding is secure! The Labor/HHS/Education Appropriations bill was passed earlier this year with good numbers for education. The more time that goes by, the more this feels like the best Christmas present ever!

<https://www.politico.com/story/2018/12/13/congress-government-shutdown-no-deal-1063410>

2. Dems vs. DeVos: Put on Your Seatbelt!

As the Democrats prepare to take control of the House in January, the list of education issues they will take up appears to be growing -- with Sec. DeVos increasingly in the hot seat. Education and civil rights groups are putting forward their priorities after two years of frustration with the Department's regulatory roll backs, poor management of student financial aid, lack of oversight of for-profit colleges, cut backs on civil rights enforcement and questionable approval of some ESSA plans. Multiple House Committees plan to call Sec. DeVos up for hearings on these topics, and it's safe to say that the incoming chairs of those committees are skeptical at best.

The Leadership Conference for Civil and Human Rights has added their voice to the mix by releasing their priorities for the 116th Congress. In addition to many of the items noted above, they urge the passage of legislation addressing seclusion and restraint of students, corporal punishment in schools and police in schools. Democrats have already put forward legislation to ban seclusion and restraint in schools.

With the Administration's school safety commission set to release its report as early as next week, and with indications that it will call for the elimination of the Obama-era school discipline guidance, Democrats and advocates are braced for strong pushback. Some Republicans, notably Sen. Marco Rubio (R-FL), have made the argument that the guidance results in schools being reluctant to call the police, leaving dangerous students undetected. They point to the shooter in Parkland as a prime example. Incoming Chair of the House Education and Workforce Committee Bobby Scott (D-VA) has said that rescinding the guidance would help "bring civil rights enforcement to a screeching halt."

Sec. DeVos' indication that she would like to roll back Title IX regulations related to sexual harassment and assault on campuses has likewise drawn the ire of Democrats and advocates. The website calling for public comments has been swamped with 45,000 comments posted in two weeks. Groups, such as It's On Us, and websites, such as HandsOffIX, have sprung up helping to organize opposition to the rollback. Sen. Patty Murray (D-WA) and Sen. Maggie Hassan (D-NH) are among those who have weighed in opposing changes. Democrats will continue to be active on this front.

The Department's administration of student financial aid is also under scrutiny, with a report from the Consumer Financial Protection Bureau recently finding that Wells Fargo has charged student fees that were several times higher than many of its competitors. Likewise Sec. DeVos's decision to reinstate the for-profit accreditor, Accrediting Council

for Independent Colleges and Schools, has riled Democrats. In a 10 page letter, Democrats indicated that the Department exaggerated and misstated the level of acceptance and support for the for profit accreditor from other accrediting entities.

The 116th Congress is shaping up to be an active period for education.

<https://civilrights.org/leadership-conference-priorities-for-the-116th-congress/>

<http://blogs.edweek.org/edweek/campaign-k-12/2018/12/civil-rights-congress-devos-oversight-safety-health-priorities.html>

https://www.washingtonpost.com/local/education/betsy-devos-school-safety-panel-takes-aim-at-obamas-discipline-guidance/2018/12/10/7e515700-f6b6-11e8-8c9a-860ce2a8148f_story.html?utm_term=.b90025227e3a

<https://www.regulations.gov/document?D=ED-2018-OCR-0064-0001>

3. Department of Education Moving Toward Some Relief for TEACH Grant Recipients.....FINALLY

A critical report from Public Citizen on the Department of Education's administration of the TEACH grants coincided with an NPR story on the same topic this week and an announcement from the Department of Education that they will be revising TEACH grant protocol. Specifically, the Department has indicated that it will allow TEACH recipients who met or are meeting their service requirements and had their grant converted to a loan to have that conversion reconsidered. Details are due out on January 31. In addition, the Department is in the process of forming a negotiated rulemaking committee, a portion of which will consider how to improve the administration of the TEACH grants. Members of the rulemaking committee should be announced shortly, as the first convening is scheduled for January.

The Public Citizen report includes a number of revelations, notably the fact that the forms used to collect information from TEACH grant recipients do not appear to have ever been approved by the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act. Such lack of OMB approval means that "no person shall be subject to any penalty for failing to comply with a collection of information." This finding opens up a can of worms for sure. For example, does this mean that no grant could be converted to a loan, even if the terms of the service obligation were not met? Stay tuned. There is bound to be more on this topic!

<https://www.npr.org/2018/12/09/664317114/exclusive-ed-department-to-erase-debts-of-teachers-fix-troubled-grant-program>

https://www.citizen.org/system/files/case_documents/teach_report.pdf

<https://studentaid.ed.gov/sa/types/grants-scholarships/teach#teach-reconsideration>

4. New Resources for Educators

- **The Student Borrower Protection Center** is out with *A Year Without Action* which analyzes over 13,000 complaints from student loan borrowers and concludes that borrowers “continue to run into rampant, widespread problems with their student loan companies.” See:

https://protectborrowers.org/wp-content/uploads/2018/12/SBPC-A-Year-Without-Action_2018.pdf

- A study published in the **Journal of School Psychology** finds that race, not special education status, is the driver in disproportionate suspensions.

http://blogs.edweek.org/edweek/speced/2018/12/race_not_disability_status_linked_to_suspensions.html?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=onspecialeducation

- The **Partnership for Public Service** has issued a report indicating that morale at the Department of Education is quite low, with the agency ranking last among 27 mid-sized federal agencies when it comes to job satisfaction.

<https://ourpublicservice.org/>

- The **RAND Corp.** is out with a report noting that teachers and principals have different views of teacher influence in schools, with principals perceiving higher levels of teacher empowerment than teachers.

https://www.rand.org/pubs/research_reports/RR2575.html

- The **Institute of Education Sciences** released a report indicating an increase in high school completion rate among 18-24 year olds – from 83.5% in 1976 to 92.9% in 2016.

<https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019117>

Wishing you no shutdown in your life!

See you on twitter @janewestdc

All the best,

Jane