

Washington Update December 15, 2017

Dear Colleagues:

Congress continues at a frenetic pace likely to finish a tax bill this year, but punting spending decisions into next year.

1. Tax Overhaul on the Verge of Enactment

The House and the Senate appear to have come to agreement on a final package, which should be released later today with votes expected next week. While the details of the final agreement have not yet been made public, information leaking out indicates the following in relation to education:

- The proposal to tax as income waived tuition for graduate students who are working as research or teaching assistants is scrapped
- Deductions for interest on student loans would be retained
- Changes to SALT (state and local tax deductions) appear to include a limit of \$10,000 for property and income or sales tax
- 529 college savings plans are expanded to for the first time include up to \$10,000 in deductions for private schools and home schooling expenses

Only 51 votes are needed in the Senate to pass the bill. Republicans can afford to lose two votes from their 52 members assuming VP Mike Pence would cast the deciding vote. Sen. Corker (R-TN) is likely to vote against the bill. Sen. John McCain (R-AZ) has been in the hospital all week so his presence to vote next week is not known. Republicans remain optimistic that they will have the votes needed to pass the bill before Christmas.

2. Budget/Appropriations Action to Prevent Dec. 22 Government Shutdown

Dec. 22 marks the deadline for Congress to extend government spending and avert a government shutdown. The deal currently in the works envisions the House passing a bill next week which would only expand defense spending and leave all other spending flat. The Senate would most likely reject that bill and change it so it simply extends funding as is for both defense and non-defense accounts through January 19. In the meantime negotiations continue over spending caps for defense and non-defense spending in the long term. It also appears that a fix for the DREAMERS will be kicked into next year as well. To be continued.....

3. House Education and Workforce Committee Adopts Higher Education Act Rewrite Eliminating Teacher Provisions

In a 15 hour marathon markup with consideration of 60 amendments, the House Education and the Workforce Committee adopted a bill (HR 4508- the PROSPER Act) to reauthorize the Higher Education Act. Over strong objections of Democrats and multiple

higher education organizations, who urged the Committee to delay the markup for more time to digest the 600 page bill, Republicans moved the bill forward anyway. The final vote on the bill – all 23 Republicans voting yes and all 17 Democrats voting no -- reflected the sharp divide among House Republicans and Democrats in terms of how to update the nation's system of higher education.

Committee Chair Virginia Foxx (R-NC) described the bill as changing the status quo, providing more information to let students make choices about college and financial aid, ensuring a limited federal role while requiring accountability, and cutting through red tape. Ranking Member Bobby Scott (D-VA) criticized the bill for making college less affordable and accessible, and for relaxing requirements of for-profit institutions instead of increasing the maximum Pell grant, expanding better loan repayment and forgiveness options, and supporting students and institutions. (Thanks to the Committee for Education Funding for this summary!)

The following provisions were eliminated from the current version of the Higher Education Act, removing all support for teachers and teacher candidates:

- Title II, the teacher preparation title, including the Teacher Quality Partnership Grants
- TEACH grants to support teacher candidates in high need fields and schools
- All three loan forgiveness programs for teachers, including the popular Public Service Loan Forgiveness Program

Rep. Fredrica Wilson (D-FL) and Rep. Jared Polis (D-CO) offered an amendment to reinstate Title II programs, including the teacher quality partnership grants, as well as the TEACH grants. In addition to Reps. Wilson and Polis, the following Democratic representatives spoke in favor of the amendment: Rep. Takano (CA), Rep. Rochester (DE), Rep. Susan Davis (CA), Rep. Bonamici (OR) and Ranking Member Scott (VA). Many noted that removing these provisions in the midst of a teacher shortage is unwise. Chairwoman Foxx spoke against the amendment and it failed along party lines with a vote of 22-17.

Chairwoman Foxx intends to bring the bill to the House floor for consideration in early 2018. On the Senate side, Chair of the HELP Committee, Lamar Alexander (R-TN) has indicated he would like to prioritize a rewrite of the Higher Education bill in early 2018. It is anticipated that the Senate process will be more bi-partisan.

<https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=402211>

<https://democrats-edworkforce.house.gov/media/press-releases/after-13-hour-markup-republicans-pass-partisan-hea-reauthorization-under-the-cover-of-night>

http://blogs.edweek.org/edweek/campaign-k-12/2017/12/house_education_committee_approves_higher_education_overhaul.html?cmp=soceml-twfdbltz-ewnow

4. **Federal Communications Commission Votes Down “Net Neutrality”**

In a highly contested partisan vote, the FCC passed a provision to end “net neutrality,” an Obama era requirement intended to ensure equal access to the internet. This is of grave concern to educators – in both K-12 and higher education sectors as they are so dependent upon fast and high quality internet access for instructional purposes. Twenty one Democratic Senators sent a letter to the FCC urging them to postpone the vote until the education concerns they raised were addressed. That did not occur. Multiple lawsuits are anticipated.

Letter from Democratic Senators:

<https://www.help.senate.gov/imo/media/doc/121217%20Net%20Neutrality%20Repeal%20Ed%20Impacts.pdf>

5. **Update on Nominees for the Department of Education**

The following nominees for the Department of Education leadership positions have been confirmed by the Senate HELP Committee. They await final confirmation by all members of the Senate, after which they will begin their jobs.

- **Mick Zais** was approved with a party line vote – 12 voting yea and 11 voting nay. He is nominated to be the second-in-command, Deputy Secretary, at the Department. He is a retired Army brigadier general and former superintendent of South Carolina schools.
- **Jim Blew** was approved by the Committee with a party line vote of 12-11 to be Assistant Secretary for Planning, Evaluation and Policy Development. Blew is the former director of the education advocacy group Student Success California. He is already working at the Department as a special assistant to the Secretary.
- **Johnny Collett** was approved by the Committee with a voice vote. He is nominated to be Assistant Secretary for the Office of Special Education and Rehabilitative Services. He currently serves as director of special education outcomes at the Council of Chief State School Officers.

These three nominations join that of **Carlos G. Muniz**, nominee for General Counsel, who also awaits floor action in the Senate.

- **Frank T. Brogan** of Pennsylvania was nominated by President Trump to be the Assistant Secretary of Education for Elementary and Secondary **Education**. Brogan most recently served as chancellor of Pennsylvania’s public universities. He was formerly Florida’s Commissioner of Education in 1994, Lieutenant

Governor of Florida from 1998 to 2002, president of Florida Atlantic University until 2009 and then chancellor of Florida's public universities. A native of Ohio, Mr. Brogan was the first member of his family to attend college—earning a bachelor's degree in education magna cum laude from the University of Cincinnati and a master's degree in education from Florida Atlantic University. The Senate HELP Committee has not yet scheduled a confirmation hearing for Brogan.

<https://www.whitehouse.gov/the-press-office/2017/12/11/president-donald-j-trump-announces-intent-nominate-personnel-key>

6. Department of Education Seeks Comments on Delaying Special Education Disproportionality Rule; Plans New Policies on Title I ESSA and Charter Schools

The Education Department announced that it will seek comments on whether the Obama-era disproportionality regulation should be delayed by two years. The regulation provides a standardized way for states to determine over-representation of minority students in special education. It was developed on the heels of a GAO report in 2013 which indicated that states use a variety of methods to make the determination and only a few have been flagged for problems, data indicating that it is a widespread problem. The rule is scheduled to take effect in July 2018.

The Department also announced it would be altering regulations on Title I of ESSA and changing priorities and requirements for charter schools.

See: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=1820-AB77>

Statement of Rep. Bobby Scott: <https://democrats-edworkforce.house.gov/media/press-releases/scott-condemns-action-to-seek-delay-of-rule-addressing-inequities-in-special-education>

Letter from civil rights and education groups: <https://civilrights.org/letter-re-enforcement-idea-provisions-regarding-significant-disproportionality/>

7. Sec. DeVos Testifying Dec. 20 before House Education and the Workforce Committee

The House Committee on Education and the Workforce has scheduled a hearing on Dec. 20 at 2 pm with Secretary of Education Betsy DeVos titled “Examining the Policies and Priorities of the U.S. Department of Education.” This will be the first time the Secretary has testified before this Committee.

Watch livestreamed here:

<https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=402192>

8. Resources for Educators

- **Bellwether Education Partners and Collaborative for Student Success issued an analysis of ESSA state plans.** Multiple education policy experts reviewed 34 ESSA state plans which were submitted to the Department of Education this fall. They conclude that most plans were “uncreative, unambitious, unclear, or unfinished.” The plans examine how states will hold students accountable for progress, among other matters.

For a list of experts conducting the analysis: <https://bellwethereducation.org/independent-essa-state-plan-peer-reviewers>

For the report see: <https://checkstateplans.org/>

- **The Center on Education Policy issued “Planning for Progress: States Reflect on Year One Implementation of ESSA”.** This report provides results from a survey of 45 state education agencies regarding the implementation of ESSA. The report highlights states’ views on ESSA’s shift in control from the federal government to states and school districts regarding accountability and school improvement activities; stakeholder involvement in state plan development; state capacity to implement ESSA requirements; and the U.S. Department of Education’s assistance in implementing ESSA.

See: <https://www.cep-dc.org/displayDocument.cfm?DocumentID=1487>

- **The National Center on Teaching Quality is out with its 2017 State Policy Yearbook Database** evaluating states in terms of multiple policy goals including teacher diversity initiatives, principal evaluation and support systems and state support for teacher leadership opportunities..

See: <https://www.nctq.org/yearbook/home>

- **Virginia Governor signs order to address teacher shortages.**

See: <https://www.usnews.com/news/best-states/articles/2017-12-12/virginia-governor-addresses-teacher-shortage-with-emergency-action>

Wishing you a relaxing weekend.

See you on twitter @janewestdc

Best,

Jane