

Washington Update March 1, 2019

Dear Colleagues:

Happy March! I hope that means spring is around the corner. Even today's sprinkling of snow can't stop my daffodils, which are peeking up eagerly. I'm ready; how about you?

Yes, there was more that went on in DC this week beyond the Michael Cohen extravaganza. Read on.

1. The President's FY 2020 Budget Proposal Likely to Recommend Big Cuts for Education

The budget process is gearing up for FY 2020. The official kick off will come on March 11 as President Trump submits an outline of his budget proposal to Capitol Hill. Details with recommendations for funding levels for specific education programs will come later in the month.

The Trump Administration offered a foreshadowing indicating that the budget may include a cut as great as 14% for "non-defense discretionary" (NDD) spending, which includes education. If the current budget agreement is not amended by the Congress, NDD spending would be cut by 9%, or \$55 billion.

In the Senate, Budget Committee chair Sen. Mike Enzi (R-WY) noted that an increase in spending caps for FY 2020 is necessary to move forward, implying likely adoption of increased budget caps for both defense and NDD spending.

The House Budget Committee held a hearing on the FY 2020 budget where Sarah Abernathy, representing the Committee for Education Funding, offered testimony about the critical

need for additional education funding. Her thoughtful remarks can be found here:

https://cef.org/advocacy/cef_congressional_hearings/

2. House Ed and Labor Committee Passes Infrastructure Bill; Holds Hearing on Restraint and Seclusion

Infrastructure Bill

The newly organized Democratic-controlled House Committee on Education and Labor hit the ground running this week. The Committee held a markup on a new bill, introduced by Chairman Bobby Scott (D-VA), the Rebuild America's School Act, H.R. 865. The bill authorizes more than \$70 billion in grants and \$30 billion in bonds to address physical and digital infrastructure needs in schools. The bill passed by a partisan vote of 26-20.

The issue of guns in schools came up when Rep. Rick Allen (R-GA) offered an amendment to prohibit the federal government from denying funds to schools that arm teachers. Rep. Jahana Hayes (D-CT), former National Teacher of the Year and new member of Congress, responded vehemently that teachers do not want to be armed. The amendment was rejected. This topic promises to continue on the agenda in different forms, particularly considering the House just passed a new background check bill which was opposed by Republicans. Rep. Hayes also spoke passionately about the need for a greater federal investment in education.

See: <https://edlabor.house.gov/hearings/hr-865-rebuild-americas-schools-act-of-2019-and-hr-7-paycheck-fairness-act>

See: <https://blogs.edweek.org/edweek/campaign-k-12/2019/02/school-infrastructure-spending-bill-house-democrats-passes-committee.html>

See Jahana Hayes speaking:
<https://splinternews.com/more-teachers-in-congress-please-1832567281>

Restraint and Seclusion Hearing

On Wednesday, the House Subcommittee on Early Childhood, Elementary and Secondary Education held a hearing titled "Classrooms in Crisis: Examining the Inappropriate Use of Seclusion and Restraint Practices." Democrats plan to introduce legislation shortly that would ban public schools from placing students in isolation or seclusion and limit the use of physical restraints. This legislation was introduced in the last Congress as well.

The Government Accountability Office (GAO) offered data from the 2013-14 Civil Rights Data Collection indicating that nationwide 61,000 were physically restrained that year. Of those 75% were students with disabilities. Prof. George Sugai of the University of Connecticut noted the consequences can be significant interfering with the development of positive relationships and student's ability to function in more normalized environments. Allison Sutton, a teacher from Kansas, noted that after receiving crisis training and training in de-escalation techniques noted that her use of restraint and seclusion declined dramatically. Rep. Donna Shalala (D-FL) reviewed the story of Andrew McClain, an 11 year old boy who died from suffocation after taken to a time-out room in a psychiatric hospital in Connecticut. "It's barbaric to confine students alone in

locked rooms or to use abusive methods to restrain little children,” she said.

Legislation addressing the use of restraint and seclusion is a priority of Chairman Bobby Scott (D-VA), so we can expect action on this bill soon.

Hearing on restraint and seclusion:

<https://edlabor.house.gov/hearings/classrooms-in-crisis-examining-the-inappropriate-use-of-seclusion-and-restraint-practices>

3. Higher Ed Act Reauthorization: House Announces Hearings and Sen. Patty Murray Puts Forward Vision

House Announcement

The House Committee on Education and Labor has announced the intention to hold the following five hearings on the reauthorization of the Higher Education Act in the next few months. Chairman Scott (D-VA) and ranking member Virginia Foxx (R-NC) issued a joint announcement indicating that the hearings will be bipartisan. This is in great contrast to last year when then-chair Rep. Foxx developed and secured Committee passage of a Higher Education Act reauthorization bill (The PROSPER Act) which was the product of a partisan process and was opposed by all Democrats on the Committee.

The hearing topics are:

1. The Cost of College: Student Centered Reforms to Bring Higher Education Within Reach
2. Strengthening Accountability in Higher Education to Better Serve Students and Taxpayers

3. The Cost of Non-Completion: Improving Student Outcomes in Higher Education
4. Engines of Economic Mobility: The Critical Role of Community Colleges, Historically Black Colleges and Universities, and Minority-Serving Institutions in Preparing Students for Success
5. Innovation to Improve Equity: Exploring High-Quality Pathways to a College Degree

See: <https://edlabor.house.gov/media/press-releases/chairman-scott-ranking-member-foxx-announce-five-bipartisan-hearings-on-higher-education>

Sen. Murray's Vision

This week Sen. Murray (D-WA), the ranking Democrat on the Senate Committee on Health, Education, Labor and Pensions put forward her vision for reauthorizing the Higher Education Act this year. She noted that she wants to work with Committee Chairman Lamar Alexander (R-TN) and is ready to begin "good-faith" negotiations. However, she also said she wants to reach an agreement that will yield a comprehensive reauthorization of the law, rather than changes on certain discreet components of the law, which seems to be the approach Chairman Alexander prefers.

Her priorities for HEA reauthorization are:

- Improving college affordability
- Holding schools accountable for student success (particularly for-profits)
- Expanding access to higher education
- Increasing campus safety and protecting students' civil rights

She noted that key sticking points between Republicans and Democrats are how much money to spend on higher education and how to structure a system to hold higher education accountable for student outcomes.

See: <https://www.usnews.com/news/education-news/articles/2019-03-01/sen-patty-murray-outlines-higher-education-priorities>

4. Sec. DeVos Proposes New Voucher Bill: Opposed by Conservative Groups

Sec. of Education Betsy DeVos announced a new proposal this week which would expand school choice by creating new tax credits for individuals and businesses which donate to scholarships for students to attend private school. The \$5 billion bill was embraced by Sen. Ted Cruz (R-TX) and Rep. Bradley Byrne (R-AL) who will introduce the Education Freedom Scholarships bill which would create the program. Chairman Lamar Alexander (R-TN) has endorsed the legislation.

Conservative organizations, which are generally great fans of vouchers, came out swinging. The Heritage Foundation noted that this proposal would open the door for federal regulations on private schools. They said the federal tax code is an inappropriate place to intervene in state policy.

Neal McCluskey of the Cato Center said in a tweet:

“Where is this authorized in the Constitution? What will stop the feds from telling states what to do? Choice is great, but so is federalism.”

The Trump Administration has repeatedly proposed programs to expand the use of vouchers, none of which have been endorsed by Capitol Hill.

See: <https://www.usnews.com/news/education-news/articles/2019-02-28/devos-makes-5-billion-school-choice-pitch>

5. New Resources for Educators

- The nonprofit **Complete Tennessee** is out with a new report showing that even though community college and technical schools are free in TN, fewer than one third of the state's low-income students enroll in postsecondary programs.
https://static1.squarespace.com/static/56cf531db6aa6036fa14e1f8/t/5c6c4b891905f49de99bb93d/1550601100983/SOHE_Report2018_FullReport_DIGITAL.pdf
- The **National Center for Education Statistics** reports that public school enrollment is projected to keep growing through 2027.
<https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019001>
- The **National Academy of Sciences** released a new report, "A Roadmap to Reducing Child Poverty."
http://sites.nationalacademies.org/dbasse/bcyf/reducing_child_poverty/index.htm
- The **Learning Policy Institute** has released a new report, "The Federal role and School Integration: Brown's Promise and Present Challenges."
<https://learningpolicyinstitute.org/product/federal-role-school-integration-browns-promise-report>

- **The Learning Policy Institute** has released another new report, "The Federal Role and School Integration: Brown's Promise and Present Challenges" and "Sharing the Wealth: How Regional Finance and Desegregation Plans Can Enhance Educational Equity."
https://learningpolicyinstitute.org/sites/default/files/product-files/Sharing_The_Wealth_REPORT.pdf

Wishing you a glorious weekend with hints of spring!

See you on twitter @janewestdc

Best,

Jane