

Washington Update March 23, 2018

Dear Colleagues:

As the White House moves deeper and deeper into more scandals than I can keep track of, Congress finally passed what is likely the final significant legislation that will be passed before November elections. And on top of that came a spring snow storm shutting down the government on Wednesday!

1. Congress Finally Approves Massive Funding Bill with Last Minute Veto Threat

Today President Trump held his nose and signed a massive \$1.3 trillion funding bill claiming it was filled with wasteful spending, yet because of increases for the military and the border wall, he decided to sign it. The funding bill, six months overdue, rejects virtually all of the President's proposals for education, including the voucher program. The bill keeps the government going through September 30. The Department of Education received a \$3.9 billion increase bringing it to \$70.9 billion, the highest level ever (not including the 2009 Recovery Act). While this is good news, we have to remember that if education funding had kept pace with inflation, it would have reached \$74.8 billion. Our advocacy will continue!

Some key education program funding levels in the bill:

Early Education

- Head Start: \$610 m increase to \$9.8b
- Child Care and Development Block Grant: \$2.37 b increase to \$5.2b

Selected K12 Programs

- ESSA Title I: \$300 m increase to \$15.8 b
- ESSA Title II: \$2.056 b/no increase
- ESSA Title IV: \$700 m increase to \$1.1 b
- Impact Aid: \$86 m increase, to \$1.4 b
- 21st Century Community Learning Centers: \$20 m increase, to \$1.2 b
- Career and Technical Education State Grants: \$75 m increase to \$1.193 b
- Homeless Youth/Children: \$8 m increase to \$85 m
- Rural Education: \$5 m increase to \$181 m
- Promise Neighborhoods: \$5 m increase to \$78 m
- Indian Education: \$15 m increase to \$180 m
- Comprehensive Literacy Development grants: \$190 m/no increase
- English language Acquisition: \$737 m/no increase
- Charter schools: \$58 million increase to \$400 m

IDEA Programs

- IDEA State Grants (Part B): \$275 m increase to \$12.3 b
- Preschool Grants: \$13m increase to \$38 m
- Grants for Infants and Toddlers: \$11m increase to \$47m
- State Personnel Development: \$39m/no increase
- Technical Assistance and Dissemination: \$44m/no increase
- Special Olympics: \$3m increase to \$15m
- Personnel Prep: \$84m/no increase
- Parent Information Center: \$27m/no increase
- Educational technology, media, materials: \$28m/no increase

Institute of Education Sciences

- \$8 m increase to \$613 m (includes a \$2m increase for special ed research to \$56m)

Higher Education

- Pell Grants: increase of maximum by \$175m to \$6095
- Public Service Loan Forgiveness: \$350 m for borrowers who would otherwise qualify for PSLF but are in extended or graduated repayment plans and \$2.3 m for outreach to borrowers who intend to apply for PSLF to clarify terms, conditions and certification process of the program.
- Work Study – increased \$140 million, to \$1.1 billion.
- Supplemental Educational Opportunity Grants: \$107 m increase to \$840 million
- Student aid administration: \$102 m increase to \$1.7 billion.
- TRIO programs: \$60 m increase to \$1.0 billion
- Teacher Quality Partnership Grants: \$43 million/no increase
- Transition Programs for Students with Intellectual Disabilities: \$12 million/no increase

Other

- Office of Civil Rights: \$9m increase to \$117m
- Opioid Crisis: \$3 b increase for programs to respond to crisis, including \$2.7 b increase for prevention, treatment, surveillance, research, and more.
- Center for Disease Controls: \$806 m increase for CDC, as well as language that allows CDC to conduct gun violence prevention research
- The Congressional Research Service is required to make its reports public (listen up grad students!)
- The explanatory document accompanying the bill directs the Government Accountability Office to recommend how schools can improve their data collection and avoid use of restraint and seclusion. It notes: "There is concern that seclusion and restraint issues continue to be chronically underreported."

To read the 2000+ page bill: <https://fedweb.com/wp-content/uploads/2018/03/Text-of-the-Consolidated-Appropriations-Act-2018.pdf>

The explanatory statement for education and related programs: https://fedweb.com/wp-content/uploads/2018/03/Explanatory-Statement_Labor-HHS-Education-Division-H.pdf

http://wapo.st/2G8dN4T?tid=ss_mail&utm_term=.9211974823b8

<https://www.nytimes.com/2018/03/22/us/politics/house-passes-spending-bill.html>

2. Congress and White House Respond to School Shooting Tragedies

With another sad school shooting in Maryland last week, the ongoing activism of the high school students from Parkland, and tomorrow's March for Our Lives, the pressure has continued for national policies to address school safety and gun violence. Not surprisingly, responses are wildly different depending on political party. Without question the most controversial proposal has been President Trump's recommendation to train and arm teachers to carry guns. This has drawn outrage from virtually all educators and many lawmakers and generated talk of a federal provision to prevent federal funds from being used for this purpose. That may well continue to arise if the federal government moves to use funds for this purpose. A few provisions to address gun violence were tucked into the spending bill which just passed, and they are described below.

Some key aspects of the policy dialogue:

White House proposals:

- Assist states so they can train and arm teachers and other school personnel
- Create commission to explore steps to prevent school violence (as noted below, the members of that commission will be only 4 of President Trump's cabinet members); the first meeting will be next Wednesday
- Support the transition of military veterans and retired policy officers who want to become teachers
- Enact STOP School Violence Act (included in the spending bill just signed into law)
- Support bill to strengthen background checks (included in the spending bill)

School Discipline Guidance in the crosshairs:

- The House Committee on the Judiciary this week held a hearing titled "*Preventable Violence in America: An Examination of Law Enforcement, Information Sharing and Misguided Public Policy*"

- One of the “misguided policies” discussed was the Obama Administration’s guidance intended to address discipline practices, such as suspension and expulsion, which are disproportionately used with students of color
- Judiciary Committee Chair Bob Goodlatte (R-VA) said that because of a “lenient approach” by the school district the alleged shooter in the Parkland case made it difficult for police to intervene. (Note there is no evidence to support this and much to refute it.)
- Rep. Jim Sensenbrenner (R-WI) said these misguided policies result in “people who are disruptive at school end up not being arrested or charged with a misdemeanor even though that’s what they have committed”
- Witness Max Eden from the Manhattan Institute said that because of the guidance “in too many schools, principals are now essentially told, ‘If you see something, don’t say or do anything.’ Because if you do, you’ll be the one to get in trouble.”
- Rep. Sheila Jackson Lee (D-TX) said district policies were not to be blamed and that it’s Congress’s failure to ban assault weapons and otherwise restrict gun access that is the problem
- Witness Deputy Director Bowditch of the FBI, in responding to Rep. Jackson Lee, said that the FBI had no indication that the discipline guidance hindered the FBI’s response to the shooting
- Rep. Jerry Nadler (D-NY) stated that using a mass school shooting as an excuse to stop discipline reforms “is offensive.”
- In the House Labor/HHS/Education appropriations hearing with Sec. DeVos, Rep. Andy Harris (R-MD) noted that he has heard from constituent educators who say that the discipline guidance is a deterrent to disciplining all children, thus resulting in an increase in disruption
- The school safety commission which Sec. DeVos will chair will consider repeal of the discipline guidance.
- Rep. Bobby Scott (D-VA) sent a letter to Sec. DeVos urging her not to rescind the discipline guidance.

House Democrats Hold Forum on School Safety

- The purpose of the forum was to examine evidence-based violence prevention and safety measures
- The following panelists presented at the forum:
 - Dr. Akil E. Ross, Sr., Principal at Chapin High School
 - Stacey Lippel, English Teacher and Survivor of Shooting at Marjory Stoneman Douglas High School
 - Dr. Dewey G. Cornell, Forensic Clinical Psychologist and Professor of Education at the University of Virginia

- Coldayne Hayden, Student at High School for Energy and Technology, New York, NY
- Joaquin Tamayo, Former Teacher, Principal, and Obama Administration Official
- Dr. Dianna Wentzell, Connecticut Commissioner of Education
- Stacey Lippel from Marjory Stoneman Douglas High School was asked about arming teacher and she said: “I had seconds to respond, so if I had a gun, it probably would’ve been useless or dangerous to my students and myself. When you’re put in a situation like that, you’re just trying to secure your students.”
- Rep. Scott noted that: “The research....is clear: that more guns and schools built like Fort Knox do not make students and teachers safer, and likely negatively impact vulnerable students.”
- **Provisions included in omnibus spending bill signed today:**
 - A version of the STOP School Violence Act (HR 4909) which authorizes \$75 m Dept. of Justice funds to support schools in providing evidence based programs to prevent violence and to purchase security hardware; however funds may not be used to arm or train teachers to use firearms
 - The Fix NICS Act which provides funds for federal agencies and states to add criminal and mental health records to the National Instant Criminal Background Check System
 - Affirmation that the Centers for Disease Control can conduct research on gun violence (that has been prohibited for some time)

Gun violence provisions in the spending bill:

<http://freebeacon.com/issues/provisions-strengthening-background-checks-school-security-included-omnibus-legislation/>

For House Judiciary Committee hearing:

<https://judiciary.house.gov/hearing/preventable-violence-america-examination-law-enforcement-information-sharing-misguided-public-policy/>

For Rep. Bobby Scott’s letter on discipline guidance: <https://democrats-edworkforce.house.gov/media/press-releases/scott-urges-devos-to-uphold-and-protect-students-civil-rights>

For Democratic Forum on School Safety: <https://bobbyscott.house.gov/>

For more on School Safety Forum: <https://democrats-edworkforce.house.gov/media/press-releases/top-dems-hold-forum-on-comprehensive-approach-to-prevent-school-shootings>

3. Secretary DeVos Testifies Before House Appropriations Subcommittee

On Tuesday Secretary of Education Betsy DeVos testified before the House Subcommittee on Labor/HHS/Education about the President's FY 2019 Budget proposal. The hearing was rife with challenges from both Democrats and Republicans, including the following:

- **Subcommittee Chair Tom Cole (R-OK)** challenged the Secretary's budget for 2019 wondering why the Trump Administration continues to request cuts for education that Congress already rejected last year (the President's budget calls for \$3.8 billion in cuts)
- **Full Committee Chair Rodney Frelinghuysen (R-NJ)** questioned why Sec. DeVos had not met with him, as he has meet with other Cabinet Secretaries; he noted that it's important for members who pay the bills to meet with Cabinet Secretaries
- **Rep. Rosa DeLauro (D-CT)** asked the Secretary if she believed there was a crisis of gun violence in the country; the Secretary replied "I believe we have a crisis of violence in our country," thus omitting the word "gun"
- **Rep. DeLauro** asked if the Secretary would support a government-wide ban on using federal funds to arm and train teachers and teacher candidates. The Secretary said states and school districts need to discuss whether arming school personnel is right for them and a ban is up to Congress to determine.
- **Rep. Barbara Lee (D-CA)** asked why the administration is considering a two year delay on the IDEA disproportionality regulation. The Secretary said the delay is to ensure the regulation really meets the needs of students with disabilities. The federal register notice indicates that the federal government may not have the statutory authority to require states to use a standardized approach in determining disproportionality as the regulation does. Lee concluded "You just don't care much about the civil rights of black and brown children. This is horrible."
- **Rep. Katherine Clark (D-MA)** asked Sec. DeVos who would be on the President's commission on school safety. She answered that four cabinet members would comprise the commission (Education, HHS, Homeland Security and Dept. of Justice). Rep. Clark asked why no others, such as experts. Sec. DeVos said they wanted to move quickly without too much bureaucracy.
- **Rep. Mark Pocan (D-WI)** asked Sec. DeVos if she was a member of the NRA. She responded no.

- **Rep. Lee and Rep. Clark** queried DeVos on a range of issues related to federal civil rights protections, including the cuts to the Office of Civil Rights, the consideration of eliminating guidance addressing racial disparities in discipline practices, and whether federal civil rights laws would apply to programs that might allow federal funds to be used for vouchers. (She finally answered yes to that last query after repeated prodding by Rep. Clark).

For hearing:

<https://appropriations.house.gov/calendar/eventsingle.aspx?EventID=395133>

4. Texas Finalizes Draft Special Education Plan

Texas has been under federal investigation due to its arbitrary cap requiring that only 8.5% of students could receive special education services. The national average is 13%. The cap used by Texas illegally denied services to tens of thousands of students entitled to IDEA services. This week Texas officials released their draft plan to revise their policies. The plan indicates that the state will allocate \$65 million to school districts to assist them in locating and identifying students who were improperly denied services. State education officials are accepting public comments on the plan until April 6 before the plan is submitted to the US Department of Education.

The Texas draft plan: <https://tea.texas.gov/TexasSPED/>

5. New Resources for Educators

- **The Education Commission of the States** released a series of reports related to teachers and state policy developments:
 - **Targeted Teacher Recruitment** <https://www.ecs.org/targeted-teacher-recruitment/>
 - **Teacher Development and Advancement** <https://www.ecs.org/teacher-development-and-advancement/>
 - **Teacher Evaluations** <https://www.ecs.org/teacher-evaluations/>
- **The Center for American Progress** released ***The Highly Negative Impacts of Vouchers*** (examining the DC opportunity Scholarship Program) finding that students who use vouchers lose the equivalent of 68 days of learning. See: <https://www.americanprogress.org/issues/education-k-12/reports/2018/03/20/446699/highly-negative-impacts-vouchers/>

- The Council of Chief State School Officers (CCSSO) has launched an initiative to diversity the teacher workforce <http://www.cessso.org/blog/ccssso-launches-effort-to-foster-diverse-and-culturally-responsive-teaching-workforce>
- The Aspen Institute has issued *Supporting Students' Social Emotional and Academic Development* <https://assets.aspeninstitute.org/content/uploads/2018/03/CDE-Commission-report.pdf>

Congress has now headed home for a two week recess. I'm headed to the Washington Mall tomorrow with hundreds of thousands of my closest friends for the March for our Lives. See you there!

Best,

Jane