

Washington Update November 25, 2019

Dear Colleagues:

Happy Monday! Last Thursday Congress postponed the showdown over government funding until Dec. 20 and hit the road for Thanksgiving. They are planning some fancy footwork upon return as the impeachment process steams forward and a government shutdown remains a possibility.

1. Showdown over Government Funding Postponed until Dec. 20

Once again, the Congress has punted on funding the government. December 20 is the new deadline for determining overall spending levels for each of the 12 funding bills and completing them. Funding for education hangs in the balance with the House passed bill including a \$5 billion increase, but no such increase in the Senate bill. The budget agreement adopted earlier in the year provides for an increase of about \$100 billion for defense and domestic spending for this fiscal year. If Congress cannot agree on new funding levels, this new infusion of funds will be left on the drawing table.

This weekend a breakthrough of sorts was reported when it appeared that Republicans and Democrats came to agreement on the spending levels for each of the 12 bills. Those levels have not and will not be made public until and unless the actual funding bills move forward. With only three weeks left for business before the Christmas holiday begins, movement of those bills would need to be rapid fire. Many speculate that this will not occur as the impeachment process appears poised to move to the Senate for a trial and there are some who would prefer an ongoing continuing resolution, as that would foreclose the opportunity for increases in spending. Sen. Ted Cruz (R-TX) noted that “Freezing spending would be better than increasing spending. With a Democratic House consumed with impeachment, there is very little appetite for the sorts of common-sense fiscal policies that could rein in our out-of-control deficits and debt.”

December 20 is the date to keep an eye on. We will see if Congress has made progress by enacting some of the funding bills and/or remains stymied and seeks another short-term continuing resolution, probably through February or March. Of course, the President always has the option of refusing to sign any bill or any further short-term fix, thus resulting in a government shutdown. Ah the holidays aren't what they used to be!

See: <https://www.washingtonpost.com/business/2019/11/23/lawmakers-reach-deal-spending-levels-skirting-now-fight-over-trumps-border-wall-demand/>

2. Higher Education Act Reauthorization Still in the Pipeline

This fall the House Committee on Education and Labor passed its version of the reauthorization of the Higher Education Act with only Democrats in support. The next step for the College Affordability Act, H.R. 4674, is consideration on the House floor. Chairman Bobby Scott (D-VA) intends for the bill to have a vote as soon as possible, but

the likelihood of that happening before the end of the year seems slim considering the appropriations challenges noted above.

This week, Sen. Lamar Alexander (R-TN), chair of the Committee on Health, Education, Labor and Pensions, indicated that negotiations with his Democratic lead on the Committee, Patty Murray (D-WA), about a bipartisan reauthorization bill remain underway. He acknowledged the recent introduction of a bipartisan bill intended to close the “90/10 loophole” for GI bill funds used at for-profit colleges as a “responsible and reasonable step.” He further indicated that he would work to include this in a reauthorization package.

While HELP Committee Senate leaders have been negotiating for over a year on a bipartisan package, no draft has yet emerged. One key challenge where little progress appears to have been made is in relation to Title IX provisions which address sexual harassment and assault on campus.

3. Colleges Will Now Track Debt Load and Job Wages of Education Majors and Others

Last week, Sec. DeVos announced a new college scorecard which would include program level data about student debt load and earnings by field of study. This updated scorecard adds data on 2100 institutions that offer only certificates to the existing 3700 degree-granting institutions which have been tracked since 2015. How useful these data will be and what purpose they will be used for remains to be seen.

See: <https://collegescorecard.ed.gov/>

4. Over 600 Comments on Proposal to Change Civil Rights Data Collection

Last week the comment period for the Department of Education’s proposed changes to the Civil Rights data Collection closed, having generated over 600 comments. While many education and civil rights organizations -- as well as Democratic members of Congress – objected to the changes, some organizations supported them and others raised concerns about the cost and time burden of data collection.

Proposed changes include:

- Ending the disaggregation of preschool enrollment data by race (these figures have been used to identify disproportionately high rates of discipline for students of color)
- Reducing the types of data collected about preschool suspensions
- Adding six new data points about allegations or incidents of “rape or attempted rape”
- Ending data collection on first and second year teachers and data about teachers who are absent 10 days or more

- Breaking down incidents of bullying based on religion into the 14 religion categories identified by the FBI

See: <https://civilrights.org/resource/docket-id-number-ed-2019-iccd-0119-agency-information-collection-activities-comment-request-civil-rights-data-collection/>

5. New Resources for Educators

- **New America** has released *The Bermuda Triad: Where Accountability Goes to Die*. The report examines the roles of states, accreditors and the federal government in holding higher education accountable. The website summarizes the report as follows:

“This report examines the system of shared accountability that devolves into a game of hot potato, with no one member of the program integrity triad willing to take serious action against an institution of higher education that falls short of its standards until other members of the triad have stepped up. In its examination, the report asks the question: Who is supposed to be protecting students and taxpayers?”

See: <https://www.newamerica.org/education-policy/reports/bermuda-triad/>

- **US Commission on Civil Rights** has issued their annual statutory enforcement report: *Are Rights a Reality?* The Commission found that the Trump era Office of Civil Rights in the Department of Education has “dramatically changed its practices in nearly every domain.” It highlights the office’s “functionally discontinuing issuance of guidance, reducing the scope and number of investigations conducted, and seeking to curtail its budget capacity significantly.” See: <https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>
- **Pro Publica** has released a disturbing publication on the use of seclusion and restraint in Illinois. See: <https://features.propublica.org/illinois-seclusion-rooms/school-students-put-in-isolated-timeouts/>
- **The Atlantic** offers an interview with Vice President Joe Biden about his stutter: <https://www.theatlantic.com/magazine/archive/2020/01/joe-biden-stutter-profile/602401/>
- **Ed Source** reports on California’s significant effort to address the inequity of underqualified teachers in low-income schools. See: <https://edsources.org/2019/california-is-poised-to-confront-high-proportions-of-underqualified-teachers-in-low-income-schools/620402>

Wishing you the best Thanksgiving ever!

Best,
Jane