

Washington Update September 14, 2018

Dear Colleagues:

In a mind blowing development, the Congress became ultra-functional this week and completed conference on an FY 2019 funding bill for education and other sectors! This is a shocker considering past last-minute down-to-the wire shenanigans. And there is some good news for education!

1. Congress Completes Conference on FY 2019 Funding Bill for Labor/HHS/Education Appropriations!

If I had made a bet on this one, I would have surely lost! In a fast-paced head-spinning week, the conference committee on the Labor/HHS/Education bill for FY 2019 completed its work and has the bill ready for passage by the full House and the full Senate. Because the bill is attached to the Defense Appropriations bill AND a continuing resolution (through December 7) for the portions of the government that do not have FY 2019 bills completed, it is anticipated by all that President Trump will sign it. Packaging the Labor/HHS/Education spending bill with the Defense spending bill appears to be a very clever strategy to gain votes from both Democrats and Republicans. So far it looks like the last-minute possible government shutdown trauma will be avoided for this year. This is a good thing for both sides, as it's an election year and the public does not like government shutdowns!

Overall the bill funds the Department of Education at nearly \$71.5 billion, a \$581 million increase from FY 2018. Below are some key programs and their new funding levels:

Program	Current funding level FY 2018	FY 2019 funding level agreed upon in conference
Title I ESSA	\$15.76 billion	\$15.86 billion
Title II- ESSA	\$2.056 billion	\$2.056 billion
Title IV-A	\$1.1 billion	\$1.17 billion
IDEA Part B State Grants	\$12.003 billion	\$12.364 billion
IDEA Personnel Preparation	\$84 million	\$87 million
Higher Ed program for students with intellectual disabilities	\$12 million	\$12 million
Teacher Quality Partnership Grants	\$43 million	\$43 million
Research in Special Education	\$56 million	\$56 million
Office for Civil	\$117 million	\$125 million

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The next step is for the House and the Senate to adopt the compromise bill. This is likely to happen in the Senate next week and in the House the week of September 24 – just in time to hit the President’s desk for signature before the September 30 end of the FY 2018 fiscal year. So stay tuned for final action!

See:

<https://mobile.edweek.org/c.jsp?cid=25920011&item=http%3A%2F%2Fapi.edweek.org%2Fv1%2Fblog%2F49%2Findex.html%3Fuuid%3D77427&cmp=soceml-twfdbltz-ewnow>

See: https://appropriations.house.gov/uploadedfiles/minibus_2_-_fy_2019_labor_hhs_appropriations_bill_-_summary.pdf

2. Guns and Busing: Other Issues in the Education Funding Bill

Educators and advocates have been activated by Sec. DeVos’s announcement that there is no prohibition against schools using Title IV ESSA funds to purchase guns or provide staff training to use weapons. Multiple organizations have weighed in opposing this interpretation. Rep. Rosa DeLauro (D-CT) led the effort to include a prohibition in the Labor/HHS/Education appropriations bill (described above). Rep DeLauro was disappointed in the failure to include the ban and described it as a missed opportunity to underscore that Congress “never intended for federal dollars to arm teachers.” She noted that, in her view, ESSA already prohibits this. Chair of the Labor/HHS/Education Appropriations subcommittee Tom Cole (R-OK) indicated that he agreed with DeLauro that ESSA funds could not be used for guns. “It’s already against the law” he said. On the Senate side, Sen. Lamar Alexander (R-TN) has noted that ESSA flexibility allows the use of funds for guns in schools. Any action from the Department of Education to allow ESSA funds to be used for guns will undoubtedly draw a sharp response from the field and from Congress.

In another development in the bill, a decades-long rider which prohibited the use of federal funds for transportation for school desegregation was dropped. The language was inserted in the bill in 1974 and has persisted since that time. It was developed in response to the 1971 Supreme Court ruling which deemed busing an appropriate strategy to aid desegregation. Ranking Democrat on the House Committee on Education and the Workforce, Rep. Bobby Scott (D-VA), called the language “a relic of an ugly history when states and school districts across the national resisted meaningful integration of public education for decades after the Supreme Court’s ruling in *Brown v. Board of Education*.”

See: <https://www.nytimes.com/2018/08/23/us/politics/devos-guns-in-schools.html>

See: <https://www.politico.com/newsletters/morning-education/2018/09/14/inside-the-spending-deal-that-will-fund-the-education-department-340453>

3. OSERS Announces New Framework for Special Education

In a conference call last week, Assistant Secretary of OSERS, Johnny Collett, announced that OSERS will shortly be issuing a new framework which is intended to activate rethinking of how special education serves students with disabilities. He noted that everything is on the table to be scrutinized, including structures, policy and practice. He noted that sometimes the needs of systems trump the needs of students and that there are mindsets that preserve the status quo.

Three areas which will be addressed in the framework are:

- Support (for state)
- Flexibility (for states)
- Partnership (with multiple stakeholders)

He noted that OSERS is cognizant of not overstepping its federal role. He announced that the framework will be publicly issued this week, so stay tuned!

4. New Resources for Educators

- **The American Association of Colleges for Teacher Education** has issued *Colleges of Education: A National Portrait*. Tune in to this week's webinar to hear all about it: <https://secure.aacte.org/apps/rl/resource.php?resid=751&ref=rl> The next webinar will be October 18 and it will focus on student diversity. To sign up: <https://aacte.org/professional-development-and-events/annual-meeting/eventdetail/141/-/national-portrait-deep-dive-on-student-diversity>
- **New York Times** published *Does Teacher Diversity Matter for Students' Learning?* <https://www.nytimes.com/2018/09/10/upshot/teacher-diversity-effect-students-learning.html?action=click&module=Top%20Stories&pgtype=Homepage>
- **The Education Commission of the States**, a nonprofit, is out with *2018 Elections: Changes in State Education Leadership Interactive Map*. <https://www.ecs.org/2018-elections-changes-in-state-education-leadership-interactive-map/>

- **Education Next** published an article by Allison Gilmour, *Has Inclusion Gone Too Far?* <https://www.educationnext.org/has-inclusion-gone-too-far-weighing-effects-students-with-disabilities-peers-teachers/>

This week **Education Next** put forward a response by Laura Schifter and Tom Hehir: <https://www.educationnext.org/better-question-how-can-we-improve-inclusion-education-response-has-inclusion-gone-too-far/>

- **The Washington Post** reports that Sec. DeVos' confirmation hearing is now a stage production. https://www.washingtonpost.com/local/education/do-you-miss-the-drama-of-betsy-devoss-confirmation-hearing-you-can-catch-it-on-stage/2018/09/10/187acb7e-b20e-11e8-a20b-5f4f84429666_story.html?noredirect=on&utm_term=.2acf681f35c6

Wishing you a dry and joyful weekend! See you on twitter! @janewestdc

Best regards,

Jane