

Washington Update September 21, 2018

Dear Colleagues:

Once again Washington is swirling in chaos. What will happen with the Kavanaugh SCOTUS nomination and the Ford allegations of sexual assault? Is it possible we could be headed for another government shutdown right before the midterm elections? Never a dull moment in this town.

1. Education Funding Bill Almost over the Finish Line....Unless.....

With little fanfare the Senate passed the mammoth FY 2019 spending bill that would fund most of the government through FY 2019 – including education. With a vote of 93-7, H.R. 6157 passed and now awaits endorsement in the House. The bill includes year-long funding for the Departments of Defense, Labor, Health and Human Services and Education as well as short term funding through December 7 for remaining unfunded portions of the government .

The House is poised to take up the bill next week, yet some rumbling has developed with conservatives hoping to decouple the military spending from nondefense programs. Though President Trump initially signaled his approval of the package, he appears to be having second thoughts – a repeat of what happened last year. He wants his wall at the US-Mexico border. And he appears to signal that he is willing to shut down the government if he doesn't get it. He tweeted:

“I want to know, where is the money for Border Security and the WALL in this ridiculous Spending Bill, and where will it come from after the Midterms? Dems are obstructing Law Enforcement and Border Security. REPUBLICANS MUST FINALLY GET TOUGH.”

House Speaker Paul Ryan (R-WI) and Senate Majority Leader Mitch McConnell (R-KY) have made it clear that they do not want a government shutdown just before the 2018 midterm elections in November. Republican leaders have noted that a fight over the wall would come after the midterms – when the Dec. 7 deadline appears where the Continuing Resolution would expire.

Keep your eye on what the House does next week. My guess is they will pass the bill as is and send it to the President's desk. This would be good for education, as it secures a year's worth of funding at reasonable levels. What the President will do....well, my crystal ball just went on strike!

For the bill and related material see: <https://www.congress.gov/bill/115th-congress/house-bill/6157>

See: <https://www.appropriations.senate.gov/news/majority/senate-passes-final-defense-labor-hhs-education-appropriations-minibus-conference-report>

2. New Public Service Loan Forgiveness Program Data Raises Questions

This week the Department of Education issued new data on the 11 year old Public Service Loan Forgiveness Program. Established in 2007, the program allows for loan discharge for borrowers who work in the public sector (including teachers) who have made 120 qualifying monthly payments. To date 96 of the 28,000 applicants have been approved for loan forgiveness. Data indicate that 70% of applicants were denied because borrowers did not meet program requirements, such as employment at an eligible public or nonprofit entity. In addition, multiple loan servicer errors have come to the attention of Congress, which led them to include \$350 million in the FY 2019 spending bill to address the errors.

The loan servicer for this program is FedLoan, the same company which administers the TEACH grants, another student financial aid program whose administration has been fraught with problems. The PROSPER Act, the House Republican bill to reauthorize the Higher Education Act would eliminate both the Public Service Loan Forgiveness Program and the TEACH grants, removing significant incentives for teacher recruitment.

New data on PSLF: <https://www.insidehighered.com/quicktakes/2018/09/20/new-data-public-service-loan-forgiveness>

On FedLoan and TEACH Grants:

<https://www.npr.org/sections/ed/2018/04/23/600949682/teachers-share-anger-frustration-over-grants-turned-into-loans>

See: <https://www.studentloanplanner.com/fedloan-servicing-problems/>

3. OSERS Releases a Framework to Rethink Special Education and Related Programs

This week Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS) at the US Department of Education, Johnny Collett, issued a framework to rethink all aspects of how to better serve infants, toddlers, children, youth and adults with disabilities. Intended to “advance the Secretary of Education’s priorities” and make progress in achieving its mission, the framework notes OSERS will “rethink anything and everything to ensure that we are in the best position to achieve our mission.” It will:

- Address deeply embedded complex issues
- Question systems that do not facilitate the kind of improvement necessary
- Confront structures that limit opportunities for individuals with disabilities
- Change policies and practices that put the needs of a system over the needs of the individual
- Challenge mindsets that appear intent on preserving the status quo

The framework notes that it will empower states for flexibility and avoid federal overreach. Given that Secretary DeVos’s priorities include a strong emphasis on school choice and de-regulation, one wonders how the framework will advance those priorities.

The term “rethink” harkens back to a controversial 2001 release by the Fordham Foundation, *Rethinking Special Education for a New Century*. Led by Chester E. Finn, a leading proponent of charter schools, the volume describes special education as the “third rail” of education policy, arguing that it receives little scrutiny and objective policy analysis due to the liability of critics being pegged as being hostile to students with disabilities. The volume raises questions that resonate today, for example:

- Is the current regulatory/civil rights model the best way to ensure quality education for youngsters with disabilities?
- Are students being needlessly referred to special education because of other deficiencies in our educational system – for example, because they receive poor reading instruction?
- Is race a factor in special education assignment?
- Does the program’s focus on compliance come at the expense of achievement?

Is there a relationship between these two documents beyond the notion of “rethink”? It’s hard to say. But perhaps we will know as we will hear more about the OSERS framework as various initiatives continue to flow from the Department of Education.

Framework: https://www2.ed.gov/about/offices/list/osers/framework/osers-framework-9-20-2018.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Johnny Collett’s blog: https://sites.ed.gov/osers/2018/09/rethinking-special-education/?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

2001 Report: <https://edexcellence.net/publications/rethinkingsped.html>

4. Multiple Education Issues on the Ballot for States

States have always been drivers in education policy and this year is no exception. The multiplicity of education issues swirling in state elections and ballot initiatives this year is notable. Many fueled by teacher strikes across the country, and led by former educators taking up the mantle and running for office (check out 2016 National Teacher of the Year Jahana Hayes in Connecticut), these issues range from teacher pay to school choice to Ten Commandment displays. Eleven states will consider increasing education spending or providing more flexibility. The notorious Arizona private school voucher program is up for grabs on the ballot. In my home state of Maryland, we'll decide whether to amend our constitution adding a "lockbox" for gambling revenue to go to education. Raising taxes for education will be considered in Georgia, Maine, Montana, New Mexico, Rhode Island and Utah. What's on tap in your state?

<https://www.politico.com/newsletters/morning-education/2018/09/20/state-ballot-measures-focus-on-school-funding-social-issues-345734>

<https://www.nbcnews.com/politics/donald-trump/jahana-hayes-2016-teacher-year-could-be-connecticut-s-first-n901721>

5. New Resources for Educators

- **The Hispanic Association of Colleges and Universities (HACU)** is out with a *PK-12 and Higher Education Collaboration Initiative*. This website links the demographics of the growing number of Hispanic students in K-12 with the growing needs in higher education. Interactive maps by state are featured. The website notes:

It is clear that the changing demographics in elementary and secondary schools in the U.S., in addition to fueling the rapid growth of HSIs, also present us with new opportunities to address lingering achievement gaps between White and Hispanic students. For example, while the Hispanic Association of Colleges and Universities (HACU) is pleased about the considerable progress in recent decades in high school completion and college matriculation rates, it remains concerned that Hispanics still lag non-Hispanic whites in education attainment. Too many Hispanic students still have little or no exposure to higher education opportunities during their early school years. Similarly, HACU acknowledges that more Hispanics are going to college than ever but remains concerned that less than half of them earn a bachelor's degree. For too many low-income, first generation students, including Hispanics, the preparedness provided by their early education experience is inadequate for success in a post-secondary environment. In order to address these concerns and others, HACU has embarked on a new initiative

focused on maximizing the collaborative potential of the PK-12 and the higher education systems.

See: <https://cqrcengage.com/hacu/titleVpartC?0>.

- The UCLA Civil Rights Project's Center for Civil Rights Remedies is out with [a new study](#), *The Unequal Impact of Suspension on the Opportunity to Learn in California* documenting that California students missed over 700,000 days of instruction due to suspensions last year.

Wishing you a wonderful weekend! And happy fall! See you on twitter @janewestdc

Cheers,

Jane