

JUNE 2019 PUBLIC POLICY UPDATE

NAPE Commemorates the 47th Anniversary of Title IX

July 23 marks the 47th anniversary of Title IX, a federal civil rights law in the United States of America that was passed as part of the Education Amendments of 1972. The law states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

To remind: In December 2018, the Department of Education collected public commitment regarding the Department’s proposal to change rules for how schools handle sexual assault allegations. With the comment period closed in January 2019. See NAPE’s response to the Department’s Notice of Proposed Rule Making [here](#). NAPE along with its coalition partners continues to monitor the Department’s position around the proposed changes in order to keep NAPE members informed about the Administration’s process.

Congress

House Approves Record-High Spending Figure for the Education Department

(Courtesy of Andrew Ujifusa, Education Week)

The House of Representatives voted Wednesday, June 19, 2019 to approve what would be a record-high funding level for the U.S. Department of Education in nominal terms, although there's a long slog ahead before Congress sends a final spending bill to President Donald Trump for his signature.



Title I, special education, and social-emotional learning would be big winners [under the bill crafted by Democrats](#), who control the House. And in keeping with much of the mood in the 2020 Democratic presidential primary, charter school funding would get slashed by nearly 10 percent. Lawmakers also passed spending bills for the Department of Health and Human Services, the Department of Labor, and other federal agencies as part of a broader spending package.

Overall, the legislation would provide roughly \$75.9 billion to the U.S. Department of Education for fiscal 2020, which will start October 1. That would be a record high figure for department funding, although not after adjusting for inflation, and \$4.4 billion above current levels. More specifically, [it would provide \\$42.2 billion for K-12](#), an increase of \$3.4 billion over current fiscal 2019 levels. By contrast, President Donald Trump's budget request sought to slash total department funding to \$64 billion and would cut K-12 spending from \$38.8 billion to \$34.1 billion.

Here are a few notable amendments the House voted to add to the bill that passed the chamber's appropriations committee several weeks ago:

- [An amendment](#) from Rep. Hakeem Jeffries, D-N.Y., would prohibit Education Department funding from being used "to limit the functions of the Department of Education Office for Civil Rights."
- [An amendment](#) from Rep. Andy Levin, D-Mich., would provide an additional \$4 million to the Education Department's office of the inspector general.
- [An amendment](#) from Rep. Ayanna Pressley, D-Mass., would provide an additional \$5 million to school-based health centers
- [An amendment](#) from Rep. Sean Patrick Maloney, D-N.Y., would redirect \$5 million funding to study the impact of gun violence in K-12 and higher education.

In a statement after the bill's House passage, Rep. Bobby Scott, D-Va., the chairman of the House education committee, said, "Notably, as Americans across the country demand greater support for education, this bill provides record levels of funding for our public schools."

U.S. Secretary of Education of Betsy DeVos had previously testified to Congress that allowing more educational freedom and choice will ultimately help students, instead of more federal aid to schools.

Earlier this month, the Trump administration indicated his advisers would [tell the president to veto the multi-department spending package](#). Also keep in mind that the GOP-controlled Senate has yet to unveil its own education spending proposal, which will likely have a smaller top-line number than the House bill. And nailing down spending for the next fiscal year is going to be a huge boulder to push up the hill for Congress because of looming fights about issues like border security.

So, to sum up: Final education spending figures for next year could look markedly different at least in some areas than what the House just approved.

Comparing Education Budget Proposals from Trump and House Democrats

On April 29, House Democrats unveiled their bill to fund the U.S. Department of Education for fiscal year 2020, which begins October 1. It differs significantly from President Donald Trump's budget request for several prominent federal education programs. Overall, House Democrats want to increase Education Department spending from its current level of \$71.5 billion to \$75.9 billion, while Trump wants to reduce federal education funding to \$64 billion.

That piece on social-emotional learning we mentioned earlier? The \$260 million initiative the Democrats included in the bill would be spread across four programs: Educator Innovation and Research, Full-Service Community Schools, School Safety National Activities, and Supporting Effective Educator Development.

Teachers' unions and a host of school advocacy groups in Washington have been anticipating that the House appropriations process would produce big education spending hikes ever since Democrats took control of the chamber at the start of this year. Many groups in that orbit have applauded Democrats' moves to boost several long-standing programs at the department, although other organizations closer to Trump have been unhappy if not surprised at how the House is now handling education spending.

Broadly speaking, Trump has sought to cut back on discretionary spending outside of the Department of Defense. (Mandatory spending goes to programs like Social Security and Medicare.) Yet even in the two previous years passed by a Republican-controlled Congress, lawmakers agreed to small increases to the Education Department's budget.

Anti-Busing Law Dating from the 1970s Eyed for Elimination

(Courtesy of Nicole Gaudiano, Politico)

A last remaining vestige of the incendiary anti-busing fights of the 1970s lingers in federal law, but bipartisan members of Congress are quietly discussing getting rid of it for good.

U.S. schools are mostly blocked from using federal funds for transportation costs to help in desegregation, even as studies show that white and non-white students increasingly attend schools in which they are racially isolated. But the Democratic chairman of the House education panel, a Democratic member of the Senate HELP Committee and Sen. Bernie Sanders (I-Vt.) in his 2020 presidential bid are attacking the busing ban. Republican support is possible, which would enhance the chances of success.

A spending bill last year axed the anti-busing language, and it was “huge” that Congress was able to do so after so many decades, said Philip Tegeler, of the National Coalition on School Diversity. Now, he said it needs to finish the job with a “final detail” that would remove the funding restriction permanently.

“It’s a throwback, it’s an anachronism from the ‘70s, and it just needs to get fixed,” he said.

The last ban on the use of federal funds for integration busing, Section 426, exists in a 1974 section of the General Education Provisions Act.

Section 426 — along with two anti-busing appropriations riders that were removed last year — were enacted amid a backlash from white voters to court-ordered desegregation and a Supreme Court case that upheld busing as a means to integrate schools. Former Vice President Joe Biden has faced criticism for his role in advancing the restrictions on federal funds in the 1970s, even while saying he supported desegregation.

“Member conversations are certainly ongoing about the elimination of Section 426,” said Kelley McNabb, a spokesperson for Rep. Virginia Foxx, (R-N.C.), the House Education and Labor Committee’s top Republican. McNabb said Foxx is considering the move but hasn’t made any decisions. “As a general rule, Rep. Foxx has consistently held that state and local authorities are best equipped to determine how federal education funds are spent in their communities.”

Eliminating Section 426 would not allow the federal government to force schools to bus students to desegregate. Another section of the General Education Provisions Act blocks the Department of Education from requiring the assignment or busing of students or teachers to “overcome racial imbalance.”

Removal of the provision would unlock federal funds for voluntary integration busing at a time when racial segregation in schools is surging. Researchers from the Civil Rights Project at UCLA, the Center for Education and Civil Rights at Penn State University and elsewhere found a three-fold increase in the share of “intensely segregated” schools between 1988 and 2016.

The issue is a priority for Rep. Bobby Scott (D-Va.), chairman of the House Education and Labor Committee. Last month, the committee nullified the restriction for the purpose of legislation it approved to incentivize integration in schools, [H.R. 2639 \(116\)](#), but that wouldn't remove the ban entirely.

“Despite this positive movement, Congress must fully eliminate this harmful vestige of an era that hindered racial progress in our country,” Scott said.

In the Senate, Chris Murphy (D-Conn.), a member of the HELP Committee, is working on the issue. His staff has been shopping bill language for months with Republicans with the hope of making it a bipartisan measure, according to a Democratic source familiar with the effort.

Meanwhile, some Democratic presidential candidates have made school diversity part of their platforms. An education plan announced by Sanders specifically highlights busing, saying he would "fund school transportation to help integration, ending the absurd prohibitions in place."

Congress, in recent years, has been unraveling these funding restrictions as some school districts are taking steps to voluntarily integrate.

The Every Student Succeeds Act of 2015 waived Section 426 for the Magnet Schools Assistance Program, which provides seed grant money to help establish the schools as part of a court-ordered or federally approved desegregation plan. And last year, appropriators dropped the anti-busing riders that had been part of education spending bills since 1974.

Sara Wheeler, a director of magnet schools for a district in South Carolina, said her district used the new MSAP funding to buy two buses and create additional routes for magnet students. Because of Section 426, the schools wouldn't be able to apply for other federal funding to sustain the program once this five-year grant period ends. So, the hope is for the school district, at that point, to cover the costs of the fuel and drivers.

"We took a risk and it's working for us and right now, hopefully, we'll be able to sustain what we've started," Wheeler said.

Some school choice advocates, however, may worry about unintended consequences of lifting the busing ban. Lindsey Burke, of the conservative Heritage Foundation, said a proposal that gives districts more flexibility with existing funds likely would be good policy, but she said removing the prohibition is unlikely to improve education outcomes and could result in "more Washington-driven bureaucracy."

"A better option for increasing school integration is to break the link between housing and schooling and empower families to select into schools that are the right fit for their children," she said.

Tegeler, who is also president and executive director of the Poverty & Race Research Action Council, said nixing Section 426 is a way to make choice-based school diversity systems work equitably and effectively while allowing school districts and states to advance their own integration policies "without interference from the federal government."

"It seems like the definition of a bipartisan issue to me," he said.

Senator Portman and Senator Warner Introduce Bipartisan Bill to Increase Access to College Credits for Low-Income High School Students

(Courtesy of the Office of Senator Rob Portman)

U.S. Senators Rob Portman (R-OH) and Mark Warner (D-VA) recently introduced bipartisan legislation, the Go To High School, Go To College Act, which will make college more affordable for low-income students by letting them earn college credits while still in high school, funded through the Pell Grant program. The legislation will create the College in High School Federal Pell Grant Pilot Program, which will build upon the Department of Education's Experimental Site for Dual Enrollment. Representatives Marcia Fudge (D-OH) and Elise Stefanik (R-NY) are leading the legislation in the U.S. House of Representatives.

“The average cost of college tuition and fees at national universities continues to skyrocket,” Portman said. “For high school students from low-income households, that can make college feel out of reach. Our legislation will let these students get a head start on college, make it more affordable for them and their families, and help them live out their God-given potential.”

“Cost alone shouldn’t deter motivated young people who are willing to work hard and get an early start on their postsecondary education,” said Warner. “This legislation will provide an essential resource for low-income students for whom college or a competitive start in the workforce might otherwise seem out of reach.”

“What’s always been important is now imperative: the rising cost of college and our nation’s need for a skilled workforce mandate that all students can engage in early and affordable pathways to high-quality credential and degree programs,” said Joel Vargas, JFF vice president. “JFF applauds the Go to High School, Go to College Act for its innovative approach to expanding equitable access to high-quality dual enrollment programs that have continually proven to enable more low-income students to earn college credit while in high school. We are also pleased that a robust evaluation is included, which will ensure policymakers and practitioners can learn from the program’s results. This effort will expand access to dual enrollment programs, reduce the time and cost of earning a college credential, and improve educational outcomes while strengthening our economies and communities.”

“College in High School programs, such as dual and concurrent enrollment, engage a wide variety of students in an equivalent variety of courses. Dual enrollment programs are not just for the academically elite, although they certainly thrive here, but inclusive of aspiring welders, pilots, carpenters, nurses, engineers, database architects, and entrepreneurs: all students and all courses,” said Amy Williams, Executive Director of the National Alliance of Concurrent Enrollment Partnerships. “Students in these programs find early access to and success in college, helping them advance to college with focus and direction. The data show that students participating in these programs are more likely to go to college, to persist in their studies, and complete a degree or credential in a timely manner. This is a high-value program that benefits educators, students, families, employers, and the American education system as a whole, yet access and affordability are still fundamental barriers to participation. The Go to High School, Go to College Act creates an innovative space to support student’s early exposure to a successful future through affordable access to postsecondary education and training. NACEP, the nation’s leading organization working to advance quality college courses for high school students by supporting programs, practitioners, and policy. We enthusiastically support this legislation as an important step to address higher education access and affordability for all Americans.”

“At KnowledgeWorks, we’ve seen the power of early college firsthand as students who are the first in their family to go to college get a jump start on their dreams with a high school diploma and an associate degree. While a university president, I saw how dual enrollment could reduce the cost of college, reduce the time to a degree and significantly reduce student loan debt. The Go to High School, Go to College Act can provide a multiplying effect to students and their families on the basis of costs and an opportunity for institutions to provide innovative opportunities to accelerate degrees. This bill has the potential to make the opportunity of college real for many more students and the dream of a degree a reality,” said KnowledgeWorks President and CEO, Chuck Ambrose, EdD.

“Students in middle/early college programs are guided through post-secondary degree earning pathways while in high school,” said Dr. Cece Cunningham, Executive Director of the Middle College National Consortium. “Our average student completes over 20 credits prior to high school graduation, and many graduate with an associate’s degree. The support from the Go to

High School Go to College Act is a tremendous opportunity for our first-generation low-income students.”

“Research and experience demonstrate that students who have the opportunity to earn college credits and degrees while still in high school are significantly more likely to enroll in and complete postsecondary education,” said Clara Botstein, Associate Vice President at Bard Early Colleges. “Early college high school is an effective, powerful free college approach, but access is currently far too limited. The Go to High School, Go to College Act will allow many more low-income students to access high-quality early college opportunities, increasing postsecondary completion nationwide.”

“In today’s economy, postsecondary education is not a luxury, it’s a requirement. Too often, however, students’ pathways through college are thwarted by mounting debt. Thus, a significant challenge is how to increase access to college while decreasing student debt? While it doesn’t require a silver bullet, it will take a smart policy. The Go to High School, Go to College Act is exactly that. It offers an opportunity for underserved students to earn college credit while in high school, at no cost to them,” said Deb Delisle, president of the Alliance for Excellent Education. “Given that students with early college experiences are five to seven times more likely to earn a postsecondary credential, the evidence shows that this type of solution works. There is no question that it must be included in a reauthorization of the Higher Education Act.”

NOTE: The Go to High School, Go to College Act will authorize a pilot program for 250 institutions of higher education to allow high school students participating in dual enrollment programs offered by that institution the opportunity to apply for Pell grant funding to earn transferable college credits, including core general education requirements. The proposed College in High School Federal Pell Grant Pilot Program will build upon the Department of Education’s Experimental Site for Dual Enrollment in two important ways:

Students will have the opportunity to earn up to two semesters worth of college credit before drawing down from their 12 semester Pell Grant limit, ensuring that students participating in dual enrollment programs are not penalized financially.

The pilot program includes a robust evaluation mechanism, which the current experimental site lacks.

In addition, the pilot program retains and builds upon other student protections and quality assurance mechanisms in the existing experimental site, including ensuring that students have credit transfer options available to them for college credit earned in a dual enrollment program beyond just the issuing institution of higher education. A summary of the bill is available [here](#) and a copy of the House bill text is available [here](#).

Administration

U.S. Department of Labor Equity Apprenticeship Lead Partner National Urban League Testifies at House Small Business Subcommittee Hearing

(Courtesy of Multicultural Media, Telecom and Internet Council)

On Tuesday, June 4, 2019, the House Subcommittee on Small Business on Innovation and Workforce Development convened a hearing titled, “Mind the ‘Skills’ Gap: Apprenticeships and Training Programs” at the Rayburn House Office Building in Washington, DC.

The purpose of the hearing was to discuss how private industry and the government could partner to meet the workforce needs of small businesses today and to address the future of work. Ronald Marlow, Vice President for Workforce Development at the National Urban League

(NUL), testified about the highlights and success stories from NUL's Equity Contract on Apprenticeships with the U.S. Department of Labor (USDOL). The full list of witnesses at the hearing includes:

- Ronald Marlow, Vice President for Workforce Development, National Urban League
- Joshua Broder, CEO, Tilson Technology Management
- Tim Herbert, Senior Vice President, Research & Market Intelligence, CompTIA
- Talbot H. Gee, CEO, HARDI (Heating, Air-conditioning and Refrigeration Distributors International)

Since 2016, NUL and the Multicultural Media, Telecom and Internet Council (MMTC) have worked in a partnership under a Department of Labor contract to cultivate apprenticeship opportunities in the Information and Communications Technology (ICT) sector and beyond. Other partners under this initiative have included the Wireless Infrastructure Association, Jobs for the Future, and Chicago Women in Trades, among others. Branded the "Urban Apprenticeship Jobs Program" (UAJP), NUL has worked with 12 of its Affiliates and MMTC to recruit and train over 1,000 individuals into registered apprenticeship, pre-apprenticeship, and preparatory training opportunities. These individuals have joined programs operating across a number of occupations in the following industries: construction, telecommunications, information technology, manufacturing, transportation, and healthcare."

NUL reaches nearly 2 million people nationwide through direct services, programs, and research through its network of 90 professionally staffed affiliates serving 300 communities in 36 states and the District of Columbia.

Modernizing the U.S. Registered Apprenticeship System

In 2017, the Registered Apprenticeship system experienced a major change in trajectory through a White House executive action that led to the formation of a Task Force on Apprenticeship Expansion, with the mission to "identify strategies and proposals to promote apprenticeships." NUL CEO Marc Morial, a member of this task force, worked with Labor Secretary Alexander Acosta and other apprenticeship task force members to come up with recommendations to modernize the apprenticeship system. One of the key recommendations of the Task Force, provided to the President, and as highlighted by NUL Vice President Ronald Marlow in his testimony, "supported the creation of an Industry-recognized Apprenticeship Program or IRAP, which as its name implies, would rely on industry trade organizations to take on the responsibility of sponsoring of designing and implementing industry-led apprenticeship programs that would operate parallel to the Registered Apprenticeship system but that would also be free from the regulatory requirements that undergird the operation of the Registered Apprenticeship system."

The U.S. members of Congress and staff presenting at the hearing included: Rep. Jason Crow, Rep. Troy Balderson, Rep. Abby Finkenauer, and Meagan Sunn, Technology Counsel, U.S. House of Representatives.

DeVos Slams New SAT "Disadvantage Level" as "Ill-Conceived"

(Courtesy of Benjamin Wermund, Politico)

Education Secretary Betsy DeVos isn't a fan of a [new student score](#) on the SAT admissions test meant to show the adversity faced by college applicants.

"I think that anything that does not recognize students as individuals and treat them on their own merit is ill-conceived and ... the downstream effect is not going to be what the original idea or

intention is,” DeVos said when asked about the score during [an appearance](#) at The Wall Street Journal CFO Network annual meeting today.

The College Board, which administers the SAT, calls the score a “disadvantage level.” It attempts to counter the biases of the college entrance exam that has long been known to benefit the wealthy.

The score is based on aspects of the community where the student attends school, including median family incomes, college attainment rates, housing stability and more. Given on a scale of 1 to 100, it will be disclosed only to colleges and universities, not to test-takers.

DeVos did not expand on what she believes the effect of the new score could be, but instead shifted to pushing for expanding school choice policies “so we’re not forcing too many kids into a one-size-fits-all approach in their K-12 years.”

“12th-graders are graduating every single year, many of whom are ill-prepared to enter the workforce or enter a four-year college or university, or any other higher ed setting,” DeVos said. “I believe our focus needs to be on providing more freedom and more opportunities for students in those earlier years.”

She dodged a question about whether the SAT is “too problematic” and should be eliminated.

“I think higher ed institutions clearly have a wide range of measures that they look at in their admission process, but I think there’s a lot about education in general that needs to change, and I think we need to be open about having those conversations — beginning with, particularly, the K-12 years,” she said.

Other Organizations

Collateral Consequences: The Crossroads of Punishment, Redemption and the Effects on Communities

(Courtesy of the United States Commission on Civil Rights)

The U.S. Commission on Civil Rights recently released its [report](#), *Collateral Consequences: The Crossroads of Punishment, Redemption and the Effects on Communities*. Each year, federal and state prisons release more than 620,000 individuals, and even after completing their sentences, these individuals still face potentially thousands of collateral consequences upon reentering society. Individuals can face barriers to voting, jury service, holding public office, securing employment, obtaining housing, receiving public assistance, getting a driver’s license, qualifying for college admission and financial aid, qualifying for military service, and maintaining legal status as an immigrant. The impact of each consequence extends past people with felony convictions to affect families and communities.

Chair Catherine E. Lhamon said, “These collateral consequences impose heavy burdens on formerly incarcerated persons’ ability successfully to reintegrate into free society and in so doing render all of us less equal and less safe. Congress, and local communities, should heed the call documented in these pages to lift unnecessary restrictions and speed effective reentry for formerly incarcerated people.”

Key findings from the Commission majority include:

- Collateral consequences exacerbate punishment beyond the criminal conviction after an individual completes the court-imposed sentence. Valid public safety bases support some collateral consequences; however, many are unrelated either to the underlying crime for which a person has been convicted or to a public safety purpose.

- Evidence shows harsh collateral consequences unrelated to public safety increase recidivism by limiting or by completely barring formerly incarcerated persons' access to personal and family support.
- The general public, attorneys, and courts often lack knowledge of what the totality of the collateral consequences are in their jurisdiction, how long they last, and whether they are discretionary or mandatory, or even if they are relevant to public safety or merely an extended punishment beyond a sentence. This absence of awareness undermines any deterrent effect that might flow from attaching such consequences, separate and apart from the punishment itself, to criminal convictions.

Key recommendations from the Commission majority include:

- Collateral consequences should be tailored to serve public safety. Policymakers should avoid punitive mandatory consequences that bear no rational relationship to the offense committed, and impede people convicted of crimes from safely reentering and becoming contributing members of society. Jurisdictions should periodically review the consequences imposed by law or regulation to evaluate whether they are necessary to protect public safety and if they are related to the underlying offenses.
- Call on Congress to limit discretion of public housing providers to prevent them from categorically barring people with criminal convictions from access to public housing; lift restrictions on access to student loans based on criminal convictions, except for convictions related to financial fraud; eliminate restrictions on Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) benefits based on criminal convictions; and require federal courts to give comprehensive notice of federal restrictions on individuals' rights before guilty plea entry, upon conviction, and upon release from incarceration.

Collateral Consequences is based on expert and public input, extensive research and analysis, and testimony, findings, and recommendations from Commission State Advisory Committees in Alabama, Arizona, Florida, Illinois, Kentucky, Louisiana, Maine, Ohio, Tennessee, and West Virginia.

IBM Chief Advocates Changes in Federal Financial Aid, Work-Study

(Courtesy of Kimberly Hefling, Politico)

The CEO of IBM on Wednesday called on Congress to relax federal student aid requirements to open the door for more students wanting to go to school part-time and in short-term programs.

Ginni Rometty, the chairwoman of an education and workforce committee for the Business Roundtable, said she'd like the change to be made as part of the reauthorization of the Higher Education Act under discussion on Capitol Hill. She also recommended changing federal work-study requirements to encourage participating students to work in the private sector instead of in campus programs like cafeterias.

"I think it's so stringent today that we won't be able to both retrain or upscale. If you're working, you have to keep working. You can't do 600 hours of coursework at the same time, so you're putting people in a box that they can't win. We are trying to open that up" for accredited programs and certain types of certificates, she said.

The Business Roundtable represents CEOs and is an influential voice in Washington.

Rometty had meetings scheduled later Wednesday with Sens. Patty Murray, (D-Wash.), the ranking Democrat on the Senate HELP Committee, and Tim Scott (R-S.C.). On the House side, she was expected to meet with Reps. Bobby Scott (D-Va.), the chairman of the House

Education and Labor Committee, and Virginia Foxx (R-N.C.), the committee's ranking Republican.

With the changes, Rometty's committee wants part-time and mid-career employees to be eligible for Pell Grants and to make students in short-term programs like apprenticeships eligible for federal student loans.

Acknowledging the concern that relaxing the requirements will open the door for predatory programs to target underserved communities, Rometty said she supports "guardrails" and accountability to protect students. Rometty said a couple different metrics will likely need to be used to judge the programs when it comes to issuing Pell Grants for skills and career preparation programs, but that job placement rates should be "at the top."