

March 2018 PUBLIC POLICY UPDATE

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Senate



Congressman Raja
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House Committee on
Education and the
Workforce

Administration

President Trump Signs Spending Bill That Includes Billions More for Education

(Courtesy of Andrew Ujjifusa, Education Week)

President Donald Trump [signed into law spending legislation that provides a significant funding increase](#) for the U.S. Department of Education, including more money for educator development, after-school programs, and special education, among other programs.

During the 2016 campaign, Trump said he was interested in either eliminating or dramatically shrinking the Education Department. But after months of failing to agree on fiscal 2018 spending levels, lawmakers finally passed a spending package that rebuffed Trump's attempt to cut the department's budget by the largest percentage in its history. And Capitol Hill also left out two major school choice initiatives put forward by Trump and Secretary of Education Betsy DeVos. [\(Trump said last Friday morning that he was considering vetoing the bill](#) over its lack of protections for recipients of Deferred Action for Childhood Arrivals, or DACA, and the lack of "full funding" for a wall on the border with Mexico.) "We wanted to include DACA in this bill. The Democrats would not do it," Trump said after announcing he had signed the bill.

Lawmakers boosted overall spending at the Education Department by \$2.6 billion over previously enacted levels in fiscal 2018, up to \$70.9 billion. It's the highest-ever appropriation for discretionary spending at the Education Department on paper, although not when you adjust for inflation.

In addition, funding for Title I, the biggest pot of federal money for public schools, which is earmarked for disadvantaged students, is rising by \$300 million from fiscal 2017 enacted spending, up to \$15.8 billion.

Trump's budget plan for fiscal 2018 would have cut discretionary education spending by \$9.2 billion. So the final appropriations for fiscal 2018 are a significant rebuke of sorts to the president's education vision.

The bill President Trump signed into law omitted the \$250 million private school choice initiative the president and DeVos sought, as well as a \$1 billion program designed to encourage open enrollment in districts.

Title II, which provides professional development to educators, is flat-funded at roughly \$2.1 billion. The Trump budget pitch for fiscal 2018 eliminated Title II entirely—it was the single biggest cut to K-12 Trump sought for fiscal 2018. And Title IV, a block grant for districts that can fund a diverse set of needs from school safety to ed-tech, is receiving \$1.1 billion, a big increase from its current funding level of \$400 million. Trump also sought to eliminate Title IV.

Funding for 21st Century Community Learning Centers increases by \$20 million up to \$1.2 billion; that's another program the Trump budget proposal axed. The bill included a \$75 million boost to the Perkins Basic State Grant, bringing this investment up to nearly \$1.2 billion. This increase will be allocated to states based on the federal to state formula included in Title I of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). In addition, special education grants go up by \$299 million to \$13.1 billion. And federal aid to charter schools rise to \$400 million, a \$58 million boost.

The fiscal 2018 appropriations measure also bans funds from the bill being used for “a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education.” DeVos had been seeking such a change as part of her effort to restructure and streamline the department.

Lawmakers also rebuffed a move by DeVos to reduce the office for civil rights' budget by \$1 million—the bill increases funding from \$109 million to \$117 million.

The spending agreement includes a \$2.37 billion increase to the Child Care Development Block Grant, totaling \$5.226 billion. And it hikes up Head Start funding by \$610 million, bringing it to \$9.863 billion. Meanwhile, the Preschool Development Grants, which the Trump administration sought to eliminate, were level-funded at \$250 million. The program, which was created through ESSA, is a big priority for Sen. Patty Murray of Washington State, the top Democrat on the Senate education committee.

There's also \$120 million for the Education Innovation and Research program or EIR, which helps test out promising practices at the district level. In its most recent budget request, the Trump administration sought to boost that program to \$200 million, and fund only projects that would help bolster science, technology, engineering, and math education. Instead, there's now a chunk of EIR funding for STEM, \$50 million. The rest can go to other kinds of projects.

Congress must first pass the bill and send it to Trump for his signature before these spending levels are set. The government will shut down when Friday turns to Saturday if new spending levels for fiscal 2018 aren't finalized by then.

Technically, the deadline for lawmakers approving appropriations legislation for this fiscal year was the start of last October. But as you've probably heard, Capitol Hill's deal making ability on spending has been weak recently. So federal spending has limped along through a series of

resolutions that have largely carried over fiscal 2017 spending. A sign of how far behind Congress is: House lawmakers just heard from U.S. Secretary of Education Betsy DeVos about the president's *fiscal 2019* budget blueprint on Tuesday.

Changes to School Safety

While the new spending accord raises overall federal school safety funding, it also shifts funds from an existing, wide-ranging school safety grant program that focuses on school environments toward the new STOP School Violence Act, which allows that funding to be used for physical security measures, like metal detectors. (The STOP Act, introduced previously in the House and Senate, is included in the omnibus bill.)

The final budget takes \$75 million appropriated for the Comprehensive School Safety Initiative—an existing program in the Department of Justice that funds research and implementation of a wide range of evidence-based safety programs that range from bullying prevention to innovative approaches to school policing—and redirects that funding toward programs authorized under the STOP School Violence Act.

The Comprehensive School Safety Initiative, which was developed after the 2012 school shooting in Newtown, Conn., emphasized evaluation to determine best practices and build an evidence base for school safety programs. The STOP School Violence Act does not include a focus on research and evaluation of the program it funds.

The budget says funding provided through the STOP School Violence Act can be used to support evidence-based programs, violence prevention efforts, and anonymous reporting systems. But it can also be used to support physical security upgrades for schools, like "metal detectors, locks, lighting, and other deterrent measures."

Some school safety researchers have largely favored efforts to build safe and supportive schools over physical security measures, which they've said can make some students feel less safe.

Lawmakers' Reaction

Earlier this week, the top Senate Democrat for education, Sen. Patty Murray of Washington state, praised the bipartisan agreement to dismiss the "extreme ideas to privatize our nation's public schools and dismantle the Department of Education" from DeVos.

"I'm proud to have worked with Republicans in Congress to flatly reject these ideas and increase funding for programs Secretary DeVos tried to cut, including K-12 education, civil rights protections, college affordability, and more," Murray said in a statement.

And Sen. Marco Rubio, R-Fla., praised the measure for including the [STOP School Violence Act](#), as well as funding for other programs that can be used to help with school safety, such as Title IV.

Meanwhile, the Title IV-A Coalition, which backs more funding for the program, also celebrated the new money for Title IV. "This level of funding will allow school districts to have true flexibility in determining how to meaningfully invest in and support programs that support safe and healthy students, a well-rounded academic curriculum, and an effective educational technology program," the group said in a statement.

Congress Rebukes DeVos Over Her Plans to Reorganize the Education Department

(Courtesy of Rachel Zinn, Workforce Data Quality Campaign)

Congress rebuked Education Secretary Betsy DeVos [in a massive new spending bill](#) not only by [rejecting many of her 2019 budget priorities](#) but also in this unusual way: It inserted language forbidding her from making fundamental changes in her own department's budget office.

The language on Page 998 of the omnibus spending bill—agreed to by congressional negotiators on Wednesday to avoid a government shutdown Friday night—says this:

Provided, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

With this language, legislators are essentially accusing DeVos of making structural changes to her budget office—part of a major reorganization of the entire department—without telling them the details.

Rep. Rosa L. DeLauro of Connecticut—the top Democrat on the Appropriations subcommittee overseeing the department—said in a statement:

Through the language in this bill to keep our government funded, Democrats and Republicans are preventing Secretary DeVos from circumventing Congress's oversight authority. As elected officials in charge of appropriating taxpayer dollars efficiently and effectively, it is essential that Secretary DeVos be transparent about any plans to reorganize the Department of Education. This is especially true for the Budget Service office, which provides invaluable expertise to Congress regarding the formulation and implementation of programs.

The Education Department did not respond to queries about the reorganization in the budget office. A department official told staffers last week that he had personally had conversations on Capitol Hill about it.

A career staff member of the Education Department recently sent an email to four staffers on the House and Senate appropriations committees warning them that DeVos was reorganizing without providing details to Congress. The email, obtained by *The Washington Post*, said in part:

I'm concerned that a breakdown in communication, a culture of secrecy, and a fear of retaliatory action has prevented Budget Service from providing House and Senate appropriators and staff, and for that matter, the public, with key information about the Department's plans for fiscal year 2019.

Specifically, the Congressional Budget Justifications for Fiscal Year 2019 fail to disclose details of the Department's Agency Reform Plan. The attached ED Reform Plan slides were presented to employees in an all-staff meeting on February 14. As you can see in the slide deck, the plan was finalized in late November. This means there was ample time to incorporate relevant details into the Department's request to Congress.

Education officials say the reorganization is to make the department more efficient, but some people on Capitol Hill and in the Education Department itself say they are concerned that DeVos is seeking to give more control to political appointees and less to career staffers who are experts in their fields.

That includes the plan to split the now-centralized Budget Service and send staff members to different sections of the department. One Education Department source, who asked not to be named, said the move would make it harder for career budget staffers to see how money is

being spent overall and that it was ill-advised because the budget process works best when it is interconnected in a single office. It would lead to a loss of centralized institutional knowledge that can catch mistakes early in the budgeting process.

During a meeting at Education Department headquarters on March 13, officials updated staffers on the overall reorganization. Kent D. Talbert, senior policy adviser to the deputy secretary, was asked by a staff member why details about the organization were not included in the proposed 2019 budget. (Talbert has been delegated the duties of the deputy secretary pending the confirmation of Gen. Mick Zais by the Senate.)

Talbert said that he had “personally” gone to Capitol Hill for discussions about it.

The staffer responded: “That’s not true.”

Talbert said: “It is true. I did.”

The staffer responded, saying that the staffer was the one who had notified the House and Senate appropriations committees several days earlier, and that “this was the first they heard about it.”

Talbert repeated that he had had conversations about this with Congress, and that DeVos herself had done so, as well. Conversations were continuing, he said.

The staffer said, “That’s not consistent with what I was told.”

During that same meeting, another staffer asked Talbert what the Office of Management and Budget thought about the plan to break up the department’s budget office, and his answer suggested that OMB was not exactly on board.

Talbert said: “The short answer is that we had some very good discussions, opinionated discussion all around, and those conversations are continuing to take place.”

Congress

Senate Hearing on President's Infrastructure Proposal

(Courtesy of ACTE)

On March 14, the Senate Commerce, Science and Transportation Committee held a [hearing](#) to discuss the Administration’s \$1.5 trillion infrastructure proposal. Secretary of Labor Alexander Acosta joined four other cabinet secretaries to testify on the proposal. (ACTE has [previously reported](#) on the President’s proposal, which does not designate any new funding to the workforce section of the plan.

In his opening statement, Sec. Acosta acknowledged that, “As we build infrastructure, we must also ensure that we think about the American workforce that will build this infrastructure.” ([Video at 22:40.](#)) To do this, he presented the President's four workforce-related proposals.

First, the extension of Pell Grants to high-quality, short-term programs that provide credentials for in-demand jobs. (Note: This is similar to the JOBS Act, which ACTE supports.) The Secretary stressed that these types of programs can provide immediate economic returns, and that shorter term programs should be available to students if the workforce demands them. Second, the Secretary discussed the proposal's call to reform the Perkins CTE Act to focus funding on high schools with earn and learn programs that provide hands-on technical experiences. Third, he highlighted the proposal's formula changes to federal work study, claiming it would redirect funds to schools with a strong record of enrolling students in Pell

Grants and similar programs. Lastly, the Secretary advocated for reforming occupational licensing requirements for qualified individuals working on infrastructure projects, saying current restrictions need to be streamlined and sometimes prevent workers from crossing state lines.

During the hearing, Senator Maggie Hassan (D-NH), also a member of the Senate Health, Education, Labor and Pensions Committee, asked Sec. Acosta to review several CTE-related bills the committee was considering, including the JOBS Act. ([Video at 1:37:29.](#)) Senator Amy Klobuchar (D-MN), also questioned the Secretary. ([Video at 2:39:02.](#)) Sen. Klobuchar raised a recent tour she did of a manufacturing plant, and issues related to students who sought certifications but were limited to training on machinery for only one hour per day if they are under 18. She asked whether the Secretary had considered changes to the limitation, and he responded that the Department of Labor is currently reviewing whether it makes sense to extend the limit or issue exemptions for certain programs. The Secretary mentioned a similar issue had been raised to him regarding training for careers in medical fields.

Senate Democrats have also recently unveiled their own [infrastructure plan](#), which also includes a section on ensuring infrastructure investments create good-paying jobs. In this section, they reference “Reauthorizing and increasing funding for Perkins Career and Technical Education (CTE) to support all in-demand fields in the 21st century,” and “Improv[ing] the infrastructure of CTE education and training centers.” Additional proposals are also focused on WIOA and specific segments of the energy workforce; although no specific dollar amounts are attached for any of the workforce-related activities.

ACTE continues to monitor the infrastructure proposals on Capitol Hill, and strongly believes any plan should include a robust workforce development component, supported with additional federal funds.

Policy Soundbites

Private School and Title IX

There is considerable confusion among private K-12 school families—and misinformation from OCR staff—regarding Title IX in private schools that receive federal funds. Some families whose schools receive federal funds have filed a complaint with OCR only to be told that OCR doesn't have jurisdiction over the complaint. Without further explanation, the family believes they have no recourse to file a Title IX complaint. The family only failed to file the complaint with the agency that provided funding (often the Department of Agriculture). To clarify how families can determine whether their private school receives federal funding and how to file a complaint with the appropriate federal agency, SSAIS requested the creation of Title IX and Private Schools. [This blog](#) will be referenced in the forthcoming SSAIS parent toolkit.

Record Number of House Members Sign Perkins Funding Letter *(Courtesy of ACTE)*

Today, the Fiscal Year (FY) 2019 Perkins [funding “dear colleague” letter](#) was submitted to the House Labor, Health and Human Services, and Education Appropriations Subcommittee with a new record of 170 signatures! Thanks to the hard work of CTE advocates nationwide, this total includes 46 Republicans and 124 Democrats representing 40 different states or territories. The letter, addressed to Subcommittee Chair Tom Cole (R-OK) and Ranking Member Rosa DeLauro (D-CT) urges “strong support for the Carl D. Perkins Career and Technical Education Act in FY 2019” funding bills. This unprecedented show of support should help to establish CTE as a priority as Congress moves through the budget and appropriations process. We extend our appreciations to every lawmaker who signed the letter, and to House CTE Caucus Co-chairs Reps. Glenn Thompson (R-PA) and Jim Langevin (D-RI), who led this effort. A complete list of signers can be found [here](#).

Statement of American Federation of Teachers President Randi Weingarten in Support of the Student Non-Discrimination Act

“The AFT has always advocated proudly for LGBTQ students, and we endorse this bill to prohibit discrimination against them in school programs. No child should fear being barred from a school program or denied the resources to participate simply because of who they are, and all students deserve a safe, supportive educational environment where they are treated equally and fairly. Yet we know that a much harsher reality still persists for too many of our LGBTQ students. Our federal government must work with schools to create safe, inclusive and welcoming learning environments, free of bullying and harassment, and the AFT stands behind this bill’s efforts to deny federal funds to schools offering anything less.”

LCCR Issue Brief: School Discipline Guidance

<http://civilrightsdocs.info/pdf/education/School-Discipline-Policy-Brief.pdf>

Other Organizations

New NEA National Survey: educators overwhelmingly reject proposals to arm teachers

(Courtesy of NEA)

Educators overwhelmingly reject proposals to arm teachers and other school personnel, according to a new poll commissioned by the National Education Association. NEA members support a range of commonsense solutions to address the issue of school shootings in the United States, but arming teachers is not one of them. NEA surveyed 1000 members nationwide from March 1-5, 2018.

The new NEA national member survey comes on the heels of a proposal by the Trump administration to arm teachers. Trump has appointed Education Secretary Betsy DeVos to lead a Federal Commission on School Safety to study the issue.

The following can be attributed to NEA President Lily Eskelsen García:

“The idea of arming teachers is ill-conceived, preposterous, and dangerous. This new national survey of educators confirms that. Arming teachers and other school personnel does nothing to prevent gun violence. In fact, quite the contrary, educators would feel less safe if school personnel were armed.

“Our students need more books, art and music programs, nurses and school counselors; they do not need more guns in their classrooms. Teachers should be teaching, not acting as armed security guards, or receiving training to become sharpshooters.

“Those who are proposing such measures are only aiming to create a distraction from the real issue. They need to listen to gun violence survivors, students, educators, and parents. They are demanding common-sense gun laws. They are demanding a plan that will keep dangerous weapons out of the hands of dangerous people.

“The White House and Congress owe it those victims of gun violence and survivors across the country to work together to implement common sense solutions that really will save lives. We need to listen to them.”

Key findings of the NEA national member survey:

NEA members overwhelmingly reject the idea of arming teachers and other educators to address the problem of school shootings.

- An overwhelming majority, 82 percent, say they would not carry a gun in school, including 63 percent of NEA members who own a gun.
- Sixty-one percent of gun owners oppose arming teachers. Sixty-four percent of those in gun households oppose arming teachers.
- Two-thirds, 64 percent, say they would feel less safe if teachers and other educators were allowed to carry guns.
- Educators do not believe that this proposal would be effective in preventing a school shooting.
- Seven in ten (69 percent) NEA members say arming school personnel would be ineffective at preventing gun violence in schools.
- Three-quarters (77 percent) of NEA members believe it is too easy to access guns in the United States. As a result, they support a wide range of solutions to limit access to guns.
- Ninety-nine percent of NEA members favor universal background checks.
- Ninety-one percent support taking measures to prevent the mentally ill from accessing guns;
- Ninety percent support preventing those with a history of domestic violence from gaining access to guns;
- Strong majorities also support creating a database (87 percent) to track all gun sales; banning assault weapons (85 percent); banning bump stocks (84 percent) and high capacity magazines (80 percent); and also raising the age of gun ownership to 21 (78 percent).

Click on [this link](#) to view a summary of the NEA survey topline results