

## AUGUST 2017 PUBLIC POLICY UPDATE

### CONGRESS

#### **Congressman Kildee Introduces the Promoting Women in STEM Act**

*(Courtesy in part to Advance CTE)*

On June 30, Rep. Dan Kildee (D-MI) introduced [H.R.3137](#), the [Promoting Women in STEM Act](#), which would amend Perkins to "require existing state programs funded by the Carl D. Perkins Career and Technical Education (Perkins) Act to include programs that increase participation of women in STEM fields" by adding support for these programs to the list of required uses of state leadership funds.

While the bill was introduced after House passage of Perkins, there is an effort underway to garner both co-sponsors in the House and companion legislation in the Senate in the hopes of moving it forward later in the year.

#### **Senate Nominations to the FCC and the Impact to Education**

*(Courtesy of Alliance for Excellent Education & The Hill)*

While the U.S. House of Representatives is out of session until after Labor Day, the Senate remains in session during the first weeks in August to wrap up a few legislative priorities and confirm several of the Administration's nominees to include nominations for the Federal Communications Commission (FCC). Last Thursday, the Senate confirmed Democratic former FCC Commissioner Jessica Rosenworcel and Republican FCC General Counsel Brendan Carr.

Rosenworcel is returning to her post as commissioner after serving in the same capacity from 2012 to 2017. She was appointed to the FCC by former President Barack Obama. She will serve a five-year term.

The FCC runs one of the federal government's largest education programs, E-Rate which provides funding to schools and libraries for Internet access. The nomination of Jessica Rosenworcel is particularly important from an education perspective because she has been a strong champion for E-Rate and the expansion home Internet access to include what she calls "the homework gap" where students don't have the Internet access then need at home in order to continue learning after school.



*Photo courtesy of Greg Nash*

#### **Congressional Panel Asks: What K-12 Skills Are Needed for STEM Workforce?**

*(Courtesy of Sarah Schwartz/Education Week)*

Schools need to do more to equip K-12 students with computational thinking skills to prepare them to fill the growing number of middle- and high-skilled jobs that require computing or programming skills, witnesses told members of a congressional committee this week.

The STEM workforce is rapidly changing, said James Brown, the executive director of the [STEM Education Coalition](#), a STEM education advocacy group. Mechanics and technicians—occupations that aren't always popularly associated with a need for computing skills—now require some programming ability, he said. And the jobs pay well.



*Jennifer Langston, a freshman at Plain Dealing High School in Plain Dealing, La., is learning engineering and computer programming skills in a cyber-literacy class.*

"If you're really good at being an auto-mechanic, and you work at a high-end car dealership, you might make more money in your first or second year than a college-degreed person—who is maybe in the middle of their class—with an engineering degree," Brown said, in his testimony before the House, Science, Space, and Technology Committee.

States and school districts need to adapt to this shift, he said. But many aren't focusing their computer science and STEM efforts on the kinds of career and technical education curricula and lessons that could lead to jobs after high school graduation.

A number of members of Congress argued that ensuring that students are prepared to enter careers in computing fields is integral to the future of the U.S. workforce and the nation's competitiveness in a global economy.

"The workforce gap is especially troubling considering the many hearings we've held in this committee on cybersecurity issues," said Chairwoman Barbara Comstock, (R-VA) and the subcommittee chair. She said tech-focused companies in her district have voiced the need for an emerging workforce able to tackle cybersecurity concerns.

The goal of opening up more opportunities for students to study computer science and preparing them for the STEM workforce drew bipartisan support at the hearing. Also this week, Congresswoman Jacky Rosen, (D-NV), and Congressman Steve Knight, (R-CA), introduced a bill to encourage the National Science Foundation to devote more funding to research in teaching STEM in early childhood, defined in the bill as age 11 and younger.

Both Rosen and Knight sit on the committee, which contributes to shaping legislation around STEM education (which includes computer science), especially the programming of federal agencies like NASA and the National Science Foundation.

## Foundational Skills

Several lawmakers at the hearing asked about what specific skills students all students would need in the STEM workforce, especially in middle-skilled positions that don't require a college degree but may require specialized training.

Brown said that problem-solving skills with technology will be especially important.

Pat Yongpradit, the chief academic officer at [Code.org](https://code.org), a nonprofit that aims to expand access to computer science education, echoed Brown's assessment. Yongpradit emphasized that computational-thinking skills will be more important than learning how to operate individual devices, which could become obsolete soon after students learn how to use them.

"Focusing on these key foundational concepts in computer science is the way to go," he said.

Workers in today's economy are being "automated out" because they only learned how to use technology in school, not how to apply computational thinking skills to direct machines, said Yongpradit. "We have people who may be able to use a welding machine, but they're not able to program a welding machine," he said.

Courses need to "dig deeper," he said to give students the skills around technology that will make them indispensable. Yongpradit pointed to the [K-12 Computer Science Framework](#), which Code.org helped write in collaboration with representatives from school districts and research and nonprofit organizations in 2015, as a good example of those enduring skills.

### 'The Education System Can't Keep Up'

Dee Mooney, the executive director of the [Micron Technology Foundation](#), an organization that promotes STEM education, told lawmakers that supplemental educational programs and out-of-school time STEM experiences can boost student skills. Comstock added that introducing students to computer science skills outside of the K-12 school system could be a possible solution for districts that are hesitant or slow-moving to adopt large-scale programs.

But Yongpradit raised concerns around relying too heavily on out-of-school programs and coding programs offered online. "Our research shows that when there is a teacher in a classroom teaching these subjects, the classrooms are more diverse, and the kids go further," he said. "Ultimately, schools need to be responsive to where our culture is heading."

Computer science and coding programs have grown more popular in the nation's K-12 schools over the years, and major corporations have [lent their support](#) to those programs. Critics, however, have questioned whether companies based in Silicon Valley are shaping school curriculum to [serve their own workforce needs](#) and financial interests.

While Brown lauded the work of out-of-school skills programming, he raised concerns about training sponsored by tech companies aiming to mold future employees.

"The companies are doing [their own training] because the education system can't keep up," he said. "That's not to say we should be giving up on fixing our educational institutions. The high schools that people really value are the ones that are preparing kids for specific career paths."

Brown said that most of the states that have already proposed their ESSA plans have added science to their state's accountability systems, and about one-fourth plan to use federal resources to invest in STEM teacher development. But whether any of those changes are supported by federal funding is uncertain, he said, as the Trump administration's budget and the

House Appropriations Committee are sending "mixed signals" about what funding will be available for those programs.

## Pressing for Diversity

Lawmakers at the hearing also emphasized the role that K-12 systems can play in drawing more girls and underrepresented minorities into the STEM workforce.

Congresswoman Eddie Bernice Johnson, (D-TX), mentioned [President Obama's Computer Science For All](#) initiative, and a bill introduced last week that directs the NSF to award grants encouraging young girls to get involved in STEM, as examples of steps that could engage underrepresented groups in K-12.

"Right now, computer scientists are creating innovative products and services that will affect all of our lives," said Johnson. "These innovations cannot meet the needs of society if they are developed without insights from women and underrepresented minorities."

## Administration

### Justice Dept. to Take on Affirmative Action in College Admissions

*(Courtesy of Charlie Savage, New York Times)*

The Trump administration is preparing to redirect resources of the Justice Department's civil rights division toward investigating and suing universities over affirmative action admissions policies deemed to discriminate against white applicants, according to a document obtained by The New York Times.

The document, an internal announcement to the civil rights division, seeks current lawyers interested in working for a new project on "investigations and possible litigation related to intentional race-based discrimination in college and university admissions."

The announcement suggests that the project will be run out of the division's front office, where the Trump administration's political appointee's work, rather than its [Educational Opportunities Section](#), which is run by career civil servants and normally handles work involving schools and universities.

The document does not explicitly identify whom the Justice Department considers at risk of discrimination because of affirmative action admissions policies. But the phrasing it uses, "intentional race-based discrimination," cuts to the heart of programs designed to bring more minority students to university campuses.

### Listen to the Debate

- Should the Justice Department investigate whether universities are discriminating against white applicants? Times reporters discussed affirmative action on [Facebook Live](#) with voices from both sides of the issue.

Supporters and critics of the project said it was clearly targeting admissions programs that can give members of generally disadvantaged groups, like black and Latino students, an edge over other applicants with comparable or higher test scores.

[Roger Clegg](#), a former top official in the civil rights division during the Reagan administration and the first Bush administration who is now the president of the conservative Center for Equal Opportunity, called the project a "welcome" and "long overdue" development as the United States becomes increasingly multiracial.

“The civil rights laws were deliberately written to protect everyone from discrimination, and it is frequently the case that not only are whites discriminated against now, but frequently Asian-Americans are as well,” he said.

But [Kristen Clarke](#), the president of the liberal Lawyers’ Committee for Civil Rights Under Law, criticized the affirmative action project as “misaligned with the division’s longstanding priorities.” She noted that the civil rights division was “created and launched to deal with the unique problem of discrimination faced by our nation’s most oppressed minority groups,” performing work that often no one else has the resources or expertise to do.



*John Gore, the acting head of the Justice Department’s civil rights division, in 2014. Credit American Constitution Society, via YouTube*

“This is deeply disturbing,” she said. “It would be a dog whistle that could invite a lot of chaos and unnecessarily create hysteria among colleges and universities who may fear that the government may come down on them for their efforts to maintain diversity on their campuses.”

The Justice Department declined to provide more details about its plans or to make the acting head of the civil rights division, John Gore, available for an interview.

“The Department of Justice does not discuss personnel matters, so we’ll decline comment,” said Devin O’Malley, a department spokesman.

The Supreme Court has ruled that the educational benefits that flow from having a diverse student body can justify using race as one factor among many in a “holistic” evaluation, while rejecting blunt racial quotas or race-based point systems. But what that permits in actual practice by universities — public ones as well as private ones that receive federal funding — is often murky.

Mr. Clegg said he would expect the project to focus on investigating complaints the civil rights division received.

## **ESSA Implementation: Process Changes and Approval of First State Plan**

*(Courtesy of Alliance for Excellent Education)*

In response to blow back received from several states regarding their ESSA plans, Secretary Betsy DeVos recently announced week that the Department would change its process. Rather than simply sending letters to states on their plans, the Department will first have 2-hour phone conversations with states to go over any issues that peer reviewers had. If states are able to explain some of the issues to the Department’s satisfaction the Department may not mention the issues in the State’s official feedback letter which will come out after the phone call. The new process seems to give time for states a chance to answer the federal government’s questions about their plans before official feedback is made public.

However, some in Congress have expressed their concerns. Senate HELP Committee ranking member Patty Murray and House Education and Workforce Committee ranking member Bobby Scott wrote to Secretary DeVos opposing the proposed change and urging her to “reconsider this decision that removes transparency and consistency in implementation of the new law”. The letter goes on to say, “we are deeply concern that this decision will result in inconsistent treatment of state agencies leading to flawed implementation of our nation’s education law and harm to our nation’s most vulnerable students”.

The letter requests specific information from Secretary DeVos regarding the change in the procedure by August 4. To date, the Department has not responded.

The first state plan receiving official approval for their ESSA plan is Delaware. Delaware has received final approval from the U.S. Department of Education (USED) for its Every Student Succeeds Act (ESSA) state plan, Delaware Secretary of Education Susan Bunting announced on August 2nd. The plan approval comes just days after the Delaware Department of Education (DDOE) submitted an updated version of the plan to USED to reflect changes based on federal guidance, public feedback and feedback received from the Governor’s Office.

Delaware was the first of 16 states and the District of Columbia to opt to submit their completed ESSA state plan by the first deadline on April 3. It is also the only state so far to have had its plan approved.

## OTHER ORGANIZATIONS

### **Civil Rights and Education Groups to State Education Chiefs: Submit ESSA Plans That Provide All Children Equitable and High-Quality Education**

*(Courtesy of the Leadership Conference on Civil and Human Rights)*

The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the U.S., along with 22 civil rights and education groups, sent a letter to 34 state education chiefs, urging them to submit education plans to the U.S. Department of Education that advance educational equity and serve the interests of all children, especially those facing the greatest barriers to success. The plans are required by the Every Student Succeeds Act (ESSA) and these states were chosen because they will be submitting their state plans for holding schools accountable for educating all children to the Department **on or before September 18**.

The letters to state education chiefs’ state:

*“Your ESSA plan is a declaration of your commitment to the education of all children. This plan should set meaningful, aggressive, consistent, and achievable goals for ensuring children are prepared for future success and explain how the state will hold schools and districts responsible for educating all students. Parents and communities send children to school every day with the expectation that that school is doing its job and preparing their children for future success. They have the right to know that their state is committed to their children’s education and have a plan for what to do when a school is not educating well and needs help. The ESSA state plan is one way your state can demonstrate a serious commitment to the future success of all children, by creating a plan that explains how you will identify schools and districts that are not doing well and what you will do to help them improve.”*

The letters outline state plan elements that are critical to advancing educational equity, and that prevent schools from shirking their responsibility to all children, especially groups of children who have been shortchanged for too long. The letters urge state chiefs to include certain elements in their ESSA plans as they proceed.

The letters to state education chiefs are available: [Alabama](#), [Alaska](#), [Arkansas](#), [California](#), [Florida](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Maryland](#), [Mississippi](#), [Minnesota](#), [Missouri](#), [Montana](#), [Nebraska](#), [New Hampshire](#), [New York](#), [North Carolina](#), [Ohio](#), [Oklahoma](#), [Pennsylvania](#), [Rhode Island](#), [South Carolina](#), [South Dakota](#), [Texas](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#), [Wisconsin](#) and [Wyoming](#)

## LGBT Organizations Demand Transgender Student Protection

*(Courtesy of Conner Duffey/ THEPRIDELA)*

<https://thepridela.com/2017/08/lgbt-organizations-demand-transgender-student-protection/>

With many schools back in session in a month's time, public concern continues to mount over the issue of protection of transgender students in the classroom. On Tuesday, several LGBT rights organizations sent a joint letter to all 50 State Departments of Education urging them to protect transgender students' rights to a discrimination-free learning environment.

The letter, primarily sponsored by Public Justice, National Women's Law Center and Lambda Legal, goes on to state that this protection is necessary under the instating of Title IX, a law that prohibits sex discrimination in schools:

*"Schools that discriminate against transgender students, such as by denying them access to bathrooms and other single-sex facilities that correspond with their gender identity or failing to protect transgender students from harassment, are violating Title IX and the Constitution's Equal Protection Clause."*

The letter also addresses the Trump administration's removal of Title IX guidance for schools in February 2017 and further asserts that despite the revocation, there should be no confusion over the necessity of protection of transgender students' basic rights:

*"We are concerned that the withdrawal of the Title IX guidance might lead some schools to believe that transgender students are not entitled to access bathrooms or other single-sex facilities consistent with their gender identity, or that the law or their obligations under Title IX to protect transgender students have somehow changed. That is simply not the case."*

Days before the letter was sent to the U. S. Department of Education, Secretary of Education Betsy DeVos sent a letter to Sen. Patty Murray discussing the federal agency and stating that Obama-era educational institution-based civil rights protections had *"descended into a pattern of overreaching, of setting out to punish and embarrass rather than work with them to correct civil rights violations and of ignoring public input prior to issuing new rules."*

Sharon McGowan, a former Justice Department attorney in the Civil Rights division who now works in strategy for Lambda Legal, believes that DeVos' language in her letter attempts to undermine civil rights protections put into place, in a quote obtained by The Daily Beast:

*"She's using this language that suggests the Department of Education is in need of some massive correction,"* states McGowan. *"Having been inside the government, watching the painstaking deliberation the Department of Education went through to receive input from schools and administrators and agencies...they [DeVos and colleagues] just want to create a narrative to undermine the legitimacy of this policy."*

Nathan Smith, Director of Public Policy for GLSEN, an LGBT students' rights group that signed Tuesday's joint letter to the State Department, chastised DeVos' criticisms of the Obama administration as well as her claims of remaining "neutral" and "impartial," in another quote from *The Daily Beast*:

*“In her letter, Sec. DeVos implies that investigating complaints into discrimination against transgender students is inherently biased, privileging transgender students over other complainants. Nothing could be further from the truth.”*

*“One cannot be ‘neutral and impartial’ by refusing to protect transgender students from well documented and disproportionate harassment and discrimination.”*

*“To the contrary, any inaction on reports of such discrimination is by definition biased and partial.”*