

NOVEMBER 2018 PUBLIC POLICY UPDATE

Congress

New Look for Congress: More Ethnic Diversity, More ‘Badass Women’

(Courtesy of Mitchell Miller, WTOP News; AP Photo: Pablo Martinez Monsivais)

Newly elected members of the 116th Congress won't be sworn in until next year, but they've already made some history, just by posing for the traditional freshman photo in front of the U.S. Capitol.

The photo reflects a record number of elected women and people of color who won in the midterm elections. They make up the most diverse group of incoming lawmakers ever on Capitol Hill. When Congress convenes in January, at least 35 women will be new members, bringing the total serving in the House and Senate to more than 120 — that's up from the current 107 in Congress.



The House will have an unprecedented number of African-Americans and Latinos. Veronica Escobar and Sylvia Garcia are the first Latinas from Texas in Congress.

“It’s very exciting. It’s long overdue,” Garcia said this week as she arrived in Washington with others to begin their orientation, start putting together their staffs and figure out where they’ll live. “Diversity is so good and so important for decision-making.”

The freshman class also includes the first two Native Americans elected to the House: Sharice Davids of Kansas and Deb Haaland of New Mexico. And it includes the first two Muslim women in Congress: Ilhan Omar of Minnesota and Rashida Tlaib of Michigan.

“It’s uplifting,” Tlaib said. “People like us are now finally running for office and we’re winning. We’re very hopeful to be able to help our residents back home feel like they have a seat at the table now.” Tlaib and others have posed for photos to celebrate their elections and diversity. Omar tweeted a picture from the House floor.

Democrat Jennifer Wexton will represent the 10th District of Virginia. The commonwealth now has three women representing the state: Wexton, Abigail Spanberger from the 7th District and Elaine Luria in the 2nd District.

“It’s wonderful. It’s a little bit surreal,” Wexton said. “It’s a lot of information, but it’s incredibly humbling and amazing to be part of Congress.”

All but one of the women elected to the House are Democrats. They have a wide range of issues they want to tackle. But virtually all of them say they want to keep making sure there’s affordable health care for Americans.

Some have called this the “year of the badass woman,” since several of the women elected have military and national security backgrounds. Spanberger and Elissa Slotkin, of Michigan, are both former CIA officers. Mikie Sherill, from New Jersey, is a former Navy helicopter pilot.

CNN’s Dana Bash started a series called “[Badass Women of Washington](#)” last year, that takes a look at women from a wide variety of backgrounds, who shatter glass ceilings

While the House will be controlled by Democrats next year, Republicans remain in power in the Senate.

Across the aisle?

Incoming House Republicans said they realize they’ll face political challenges in the minority, but still hope to have an impact. And some say they are ready to reach across the aisle.

Republican Denver Riggleman will represent Virginia’s 5th District, which stretches across more than 20 counties, including part of Fauquier County in Northern Virginia. He said he hopes to address staple GOP issues such as tax cuts and immigration, but he also wants to make sure there’s “bipartisan health care.”

“I’m going to work across the aisle if it’s something constitutionally viable [and] something that helps my district,” he said.

While the number of women in Congress is growing, men still hold the vast majority of seats — close to 75 percent. Most Republicans elected in this month’s midterms are white men and GOP leaders have acknowledged they need to do a better job of recruiting women and minorities to run for public office.

Still, the upcoming Congress will look very different. In 1981, when Ronald Reagan was in the White House, 94 percent of Congress was white. Each election in recent years has made Congress more diverse. In 2016, when President Trump was elected, [close to one-fifth of voting members](#) in the House and Senate were in a racial or ethnic minority.

The average age of members of Congress is also falling, thanks in part to the election of young newcomers: Alexandria Ocasio-Cortez of New York and Abby Finkenauer of Iowa are both 29; several others are in their 30s, including Spanberger.

Could Divided Congress Compromise on Higher Education?

(Courtesy of Eric Kelderman, The Chronicle of Higher Education and University World News)

In the wake of the mid-term election results in the United States, there will inevitably be talk of reauthorizing the Higher Education Act, the main federal law governing student aid and other key higher education policies, during the next two years.

Democrats, who come January will hold a majority in the US House of Representatives, could put forward a bill based on the [Aim Higher Act](#), a blueprint for higher education that they drafted earlier this year.

Senator Lamar Alexander, chairman of the Committee on Health, Education, Labor and

Pensions, can serve just two more years as head of that committee and would like to cement his legacy by pushing through a reauthorization bill, a piece of legislation that he [has been considering](#) since at least 2015 and that is already five years overdue.

Then the chambers could reconcile their bills through a conference committee and shoot it on over to President Donald Trump for his signature. Right? No, probably not. The political hurdles are numerous and substantial, and the odds of either of those scenarios happening is somewhere between ‘not good’ and ‘zero’.

While lawmakers in both parties agree on a number of things they would like to change in the current Higher Education Act – such as how to ensure accountability through accreditation, how to lower student loan defaults, and how to give colleges incentives to control the price of tuition – they are far apart on proposed solutions.

So what are some areas legislators could work on if they really wanted to rewrite the Higher Education Act? Below is a short primer on [three issues](#) where lawmakers might be able to bridge the partisan divide.

FAFSA simplification

Both Democrats and Republicans agree that the Free Application for Federal Student Aid or FAFSA is too long and presents a hurdle, in particular for low-income students, to receiving aid for college.

Alexander, a Tennessee Republican, has become well known for proposing that the FAFSA, as it is called, should be no longer than a postcard, with just 15 to 25 questions. A stand-alone bill, introduced by Alexander and Senator Michael F Bennet, Democrat, Colorado, would have cut the form to just two questions. The Democrats’ Aim Higher Act also calls for streamlining the process of applying for aid, creating the easiest path for students from low-income families who would be eligible for Pell Grants [for low-income students, designed to improve access].

In fact, both [progressive](#) and [conservative](#) experts on higher education policy have called for eliminating the form altogether.

“If a family has very low income, say US\$15,000, then the student is eligible for the maximum Pell Grant. We don’t need to ask whether the family receives food stamps,” wrote the economist Susan M Dynarski in an essay for the Brookings Institution in 2015. Dynarski is a professor of public policy, education and economics at the University of Michigan at Ann Arbor.

Providing better data

Whether you’re a hard-core free-marketer or committed to heavy government oversight and consumer protection, you’d probably make a priority of providing better data on college outcomes for students.

The gold standard for that approach, in many circles, is a unit-record system, which would track the academic and financial records of individual students from when they enroll in college well into their working years.

The Spellings Commission – convened by Margaret Spellings, an education secretary under former president George W Bush – recommended such a system, and [legislation to create it](#) has been floating around Congress since 2012.

[Bipartisan bills](#), called the College Transparency Act, were introduced in both the House and the Senate as recently as last year.

But private colleges, represented by the National Association of Independent Colleges and Universities, have long opposed a student unit-record system, as have advocates of stronger data privacy.

A ban on connecting federal databases to create such a system was placed in the current Higher Education Act by Representative Virginia A. Foxx, Republican of North Carolina, who now leads the House Committee on Education and the Workforce. That will change in January, when Representative Bobby C Scott, a Virginia Democrat, is likely to succeed her.

Some state systems have created their own data tools to show the employment outcomes for students in specific majors.

Earlier this year, for example, the University of Texas system [unveiled a website](#) that shows students what they can expect to earn with degrees in specific fields one, five or 10 years after graduation, no matter where they live and work. They can also see how long it takes, on average, to earn a specific degree and what their student debt might be.

But such state-based systems have their deficiencies. Some can track only those students who remain in the state to work after graduation. Others are limited by the reliability of their data on earnings or the size of their database. Policy experts have long urged a national system as the best solution.

Federal student aid for short-term training

The job market is constantly changing, and with those changes has come the need to provide short-term educational programs for workers who want to upgrade their skills without spending two or four years in college.

One way to do that would be to allow low-income students to use Pell Grants in certificate programs that take [less than 16 credit hours](#). That approach could give students a way into a middle-class job without the enormous opportunity cost of a longer-term degree program.

Such a change has been proposed by the American Association of Community Colleges, which would limit the aid to 2% of overall spending on Pell Grants and would give priority to “older students who are interested in ‘skilling up’.”

The proposal also has bipartisan backing. Senator Tim Kaine, a Democrat from Virginia, and Senator Rob Portman, a Republican of Ohio, [introduced a bill](#) in January 2017 to allow Pell Grants to be used for short-term certificates.

While progressive groups generally support the expansion of Pell Grants, the senators’ approach has raised concerns about ensuring that the money goes to quality programs.

A 2017 bill introduced by a group of Democrats included a proposal to offer Pell Grants for short-term programs, for example. But New America, a research organization, said there were too few safeguards to keep bad actors from taking advantage of students.

“The risk remains that shady institutions will be unable to resist the temptation of offering short-term credentials of little value on their own, and that the guardrails will prove insufficient to

identify and remove bad actors once they're in the system," Clare McCann, New America's deputy director for federal higher education policy, wrote in a blog post about the bill.

Administration

Betsy DeVos's Sexual-Assault Rules Would Let the Accused Cross-Examine Accusers

(Courtesy of Adam Harris, The Atlantic; Photo: Leah Millis, Reuters)

The Education Department released its heavily anticipated proposal that would revamp the way colleges deal with accusations of sexual misconduct on campus. Many of the details in the proposed regulation did not come as a surprise. Still, one feature of the rules in particular stood out: Colleges will be required to allow students accused of sexual assault to cross-examine their accuser at a live hearing.



"We can, and must, condemn sexual violence and punish those who perpetrate it, while ensuring a fair grievance process," Education Secretary Betsy DeVos said in a press release on the new rules. "Those are not mutually exclusive ideas. They are the very essence of how Americans understand justice to function." But several higher-education attorneys told me that instead of setting clear policies for institutions to follow, the new regulations may push institutions toward less formal methods of resolving sexual-misconduct complaints that can result in less harsh of a penalty for wrongdoing.

To be sure, cross-examination is a "powerful tool," says Scott Schneider, an attorney at the firm Husch Blackwell who specializes in higher education—but only when used in certain ways. "When people glibly talk about cross-examination being the greatest tool for discovering the truth in the history of the Western world, they obviously haven't seen some attorneys do cross-examination," he says. DeVos's proposal stipulates that the cross-examination can be done by a third party, such as a lawyer. Schneider worries that this could create a system where rich students who can afford a good attorney would have an unfair advantage in the hearings.

Victims' advocates have long argued that cross-examination could dissuade those who have been assaulted from reporting what happened to them. Meanwhile, due-process advocates have argued that cross-examination in a live hearing is important to suss out any discrepancies in testimonies. And in favoring that method, the new rules would ban colleges from having a single investigator—usually a lawyer or an administrator—gather facts and issue findings.

Other News

ESSA's Focus on Chronic Absenteeism Breeds Variety of District Strategies

(Courtesy of Allie Gross, Education DIVE)

The Every Student Succeeds Act of 2015 requires states, for the first time, to report chronic absenteeism rates, shifting how states think about attendance by forcing districts to not let individual students get lost in average daily attendance numbers, [District Administration reports](#).

In light of ESSA, nearly 70% of states now use "chronic absenteeism" metrics in their federally mandated accountability plans as an indicator of success, and researchers and advocates argue that chronic absenteeism can impact literacy, making it harder for students to pass classes and ultimately graduate.

In the 2015-16 school year — the most recent for which federal data is available — roughly 8 million public school students (over 15% of those enrolled in schools) were considered "chronically absent," federally defined as missing 15 days of school in a year.

Under ESSA, many states define "chronic absenteeism" as missing 18 days in a 180-day school year, as noted by District Administration. The greater focus on chronic absenteeism is leading districts across the country to try all sorts of methods to get kids to school, ranging from mailing parents informational letters to offering counseling and support services.

Among specific examples: Meriden Public Schools in Connecticut has administrators and specialists meeting weekly and monitoring attendance, with teams reaching out when a student has missed three days, or immediately if the student is someone who has an issue with chronic absenteeism. At Santa Fe Public Schools in New Mexico, a social worker sometimes gives out free doughnuts to students who arrive before the morning bell, while Alabama's Montgomery Public Schools teamed up with the local prosecutor's office to hire social workers who can work with families. Additionally, when students are truant, their families receive a notice from the prosecutor's office to attend an "early-warning meeting" at the courthouse.

A big component when reducing absenteeism is building stronger relationships between parents and teachers. A [2017 study from Duke University](#) had elementary school teachers visiting parents at home at the beginning of the school year and then having the teachers follow up on smartphones, resulting in a 10% decrease in absences on average.

New Reports Look at Equity in ESSA Plans and Implementation

(Courtesy of Advance CTE)

The U.S. Department of Education has approved plans for the Every Student Succeeds Act (ESSA) for all states and territories and conclusion of the 2017-18 academic year marks the first full year that the law has been in effect. New reports have begun to look at how equity is addressed in state plans and how implementation is going. The Alliance for Excellent Education looked at how states factor subgroup performance into school ratings, as required by law, in their brief, "[Too Many States Minimize Student Subgroup Performance in ESSA Accountability Systems](#)." In addition, America's Promise Alliance released a report, "[Great American High School: Reforming the Nation's Remaining Low-Performing High Schools](#)" that "identifies the progress made and remaining challenges in enabling all students to graduate from high school ready for college or career" and looks at how ESSA can be leveraged to advance equity. The Collaborative for Student Success and HCM Strategists conducted an "independent review of the progress made to date on school improvement under each state's renewed context for school accountability" in their report, "[ESSA and School Improvement: Promise to Practice](#)." Seventeen states were reviewed and the report outlines the extent to which equity was prioritized and identifies promising practices from states reviewed.