

## SEPTEMBER 2018 PUBLIC POLICY UPDATE

### NAPE Perkins V Resources

During a September 12 webinar, NAPE's public policy experts provided an overview of the equity provisions in the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), particularly as they pertain to special populations. This was the first of a series of NAPE webinars on Perkins V. The archived webinar can be viewed on [YouTube](#). Additional resources about Perkins V can be found on the [NAPE website](#).

### Administration

#### **DeVos Says She Won't Block Schools from Using Federal Money to Buy Guns**

*(Courtesy of POLITICO)*

Education Secretary Betsy DeVos announced on Friday that she would not stand in the way of states that want to use federal grants to purchase guns for schools, emphasizing that it's a decision for local officials to make.

"I have no intention of taking any action concerning the purchase of firearms or firearms training for school staff under the [Elementary and Secondary Education Act]," DeVos [said](#) in a letter to Rep. Bobby Scott, the top Democrat on the House education committee.



DeVos' letter comes as Democrats and some education groups had asked the Trump administration not to allow federal education grants to be used for firearms after The New York Times first reported last week that the Education Department was considering the issue.

Education Department officials said that they believe that states and school districts already have the flexibility to purchase firearms using federal education grants.

States and school districts have "substantial flexibility" in deciding how they spend the money under the more than \$1 billion Student Support and Academic Enrichment Grants program, DeVos said in her letter.

"Congress did not authorize me or the Department to make those decisions" about how school use the money, she said, adding that she would "not legislate via fiat from the Department."

DeVos said she would "not take any action that would expand or restrict the responsibilities and flexibilities granted to State and local educational agencies by Congress,"

Frank Brogan, a top DeVos deputy, told [the Associated Press](#) in an interview published earlier on Friday that states have "always had the flexibility" to use the grants they deem necessary — including to purchase firearms for schools.

Education Department spokeswoman Liz Hill said Friday that the department was restating existing policy rather than relating a new decision. "The safe-schools block grant for many years has allowed states to make the decision about how to use those federal dollars to make schools safer for children," Hill said.

Democrats said they were outraged that the Education Department wouldn't block states from using educational grants to purchase guns for schools.

Sen. Patty Murray, the top Democrat on the Senate education committee, [tweeted](#) that she was "extremely disappointed" that DeVos is "mov[ing] forward with this awful plan."

Some states, including Texas, have sought clarity on whether they can use the funds to arm school personnel.

Brogan, the assistant secretary of elementary and secondary education, told the AP that arming educators "is a good example of a profoundly personal decision on the part of a school or a school district or even a state."

When asked whether the grants funds could go to purchase the needed firearms, Brogan said states have long had that ability already.

"The people at the local level who've been there for years could make the decisions about what services to purchase, what equipment to buy to fulfill the general broad obligations laid out in that law," Brogan said.

President Donald Trump and DeVos have stoked an intense debate since the Valentine's Day school shooting in Parkland, Fla., over whether teachers should be armed, arguing that those who are trained should be allowed to do so in communities that back the effort.

Critics argue that Congress didn't intend for the money to be used for guns. Sen. Chris Murphy (D-Conn.), for instance, said on the Senate floor last week that "DeVos "allowing federal funds to be used to arm teachers is in direct contravention of federal law."

But Senate HELP Committee Chairman Lamar Alexander (R-Tenn.) has said that Congress had already allowed states and school districts to decide whether to use federal money to buy guns.

The grant program falls under the Every Student Succeeds Act, the sweeping K-12 law which replaced No Child Left Behind. Brogan said the law provides about \$1 billion in annual funding for various school needs, including 20 percent specifically set aside for school safety.

Since the shootings, DeVos has chaired a federal school safety commission expected to make recommendations later this year on how to make schools safer.

A draft of the section on training reviewed by the AP said the commission recommends that states and communities determine "based on the unique circumstances of each school" whether to arm its security personnel and teachers.

### **School Safety Panel Will Recommend Best Practices in Report**

*(Courtesy of the Associated Press)*

A federal panel convened after the deadly school shooting in Parkland, Florida, will issue a series of best practices to make schools safer, including recommendations on arming teachers, a senior Education Department official told The Associated Press. Age restrictions on gun purchases also are being considered.

Frank Brogan, assistant secretary of elementary and secondary education, also said the agency will let states decide whether they want to use federal grants to purchase firearms for schools or train personnel, despite strong criticism from Democrats and education groups who argue the funds are intended for academics, not guns.

In the department's first comprehensive account of the panel's work, Brogan told the AP on Thursday that arming educators "is a good example of a profoundly personal decision on the part of a school or a school district or even a state." Trump and Education Secretary Betsy DeVos have said that schools may benefit from having armed teachers and should have that option.

Brogan cited the "school marshal" program in Texas where school employees can volunteer to carry weapons on campuses after undergoing training. Educators from some remote rural schools also told the panel that they rely on armed school personnel because the police may take too long to arrive. Others, however, argued that arming teachers is dangerous and could make schools feel like prisons.

An early draft of the commission's report recommends that states and communities determine "based on the unique circumstances of each school" whether to arm its security personnel and teachers to be able to respond to violence. The draft's section on training school personnel was reviewed by AP.

That approach, the draft says, "can be particularly helpful" in rural districts where the nearest police unit may be far away. Other recommendations included employing school resource officers and ensuring they worked closely with the rest of the school staff.

Brogan emphasized that there is no one-size-fits-all approach to school safety and that states and local jurisdictions had leeway to decide for themselves how to approach it.

If a state does decide to equip schools with firearms, it will be able to use Title IV federal grants for their school needs. Brogan said the Every Student Succeeds Act, a bipartisan law that shifts education authority to states, provides about \$1 billion in annual funding for various school needs, including 20 percent specifically set aside for school safety.

"The people at the local level who've been there for years could make the decisions about what services to purchase, what equipment to buy to fulfill the general broad obligations laid out in that law," he said.

The debate arose earlier this month after a small rural school district in Oklahoma and the state of Texas asked the department to clarify what the funds can be used for.

"The position is: You have the language ... the language was written specifically to and always interpreted to mean "this is your money,"" Brogan said.

Democratic lawmakers and teachers blasted the idea, accusing the Trump administration of acting in the interests of the National Rifle Association, and several congressmen called for legislation that would prohibit the use of those funds for guns.

Brogan also clarified that the commission will tackle gun control as instructed by the White House. DeVos had told a Senate hearing in June that the panel will not look at guns "per se," causing confusion. Brogan said the commission will consider age restrictions for gun purchases, as well as whether people with mental health problems who are likely to harm themselves and others can possess weapons.

Brogan said the panel will produce a tool kit “that provides recognized best practices, not just the shiny new object on school safety, but what people are already doing that seems to be showing a track record of success that can be put out there in inventory fashion.”

“You cannot do that with a uniform approach to this thing because the country is so very different, place to place, school to school, state to state,” Brogan said. “There is no one way to make schools safe.”

Besides recommendations on arming and training school staff, the research and best practices identified by the panel will include suggestions on equipping schools with magnetometers and other safety tools, character development programs and the impact of video games and movies on violent behavior. The report will be issued in “very late fall or by the end of the year,” Brogan said.

The commission was created by President Donald Trump in March after 17 people were killed in the shooting at Marjory Stoneman Douglas High School in Parkland, Florida. The panel is chaired by DeVos and also consists of the heads of the departments of Justice, Health and Human Services and Homeland Security. The body has conducted a number of listening sessions, school visits and meetings over the summer, but experts have been skeptical about what it may accomplish.

Andy Rotherham of Bellwether Education Partners, a national nonprofit education consultancy and research group, and a former Clinton administration official, predicted that the commission’s impact will be “next to nothing.”

“It will be dismissed most charitably as incomplete and less charitably as a smoke screen to avoid taking on hard issues,” Rotherham said. “This whole exercise is just incomplete.”

Martin West, an education professor at Harvard University, said that federal commissions are usually put together to build consensus around hot topics and then provide recommendations that will be accepted widely. He gave the current commission credit for “making a good faith effort” to listen to suggestions from various groups, but said its very design — the lack of critical voices and experts — undermines its credibility.

“That gives people who are skeptics another reason to ignore the commission’s findings,” West said.

## **Proposed Changes in Borrower-Defense Rules Would Make It Tougher for Defrauded Students to Get Debt Relief**

*(Courtesy of the Chronicle of Higher Education)*

It may soon get much harder for students who have been defrauded by their colleges or universities to seek and receive relief from repaying their federal student loans.

The U.S. Department of Education on Wednesday [released proposed regulations](#) for student-loan forgiveness that many experts said would leave defrauded borrowers high and dry while making it easier for institutions to practice predatory behavior. The experts also said the rules would make it more difficult for students to get debt relief if their college or university closed abruptly.

The regulations, which are now open for 30 days of public comment, cover what’s known as “borrower defense,” a type of student-loan forgiveness granted to borrowers who were misled by their college or whose college broke certain laws.

The proposed new regulations mark a sharp departure from borrower-defense rules [introduced in 2016](#) by the Obama administration after the collapse of the for-profit Corinthian Colleges Inc. In 2017, a month before the Obama rules were slated to take effect, the department [delayed the regulations and announced plans to revise them](#).

The scope of the revision came as no surprise. Last year Betsy DeVos, the education secretary, said that under the previous rules, “all one had to do was raise his or her hands to be [entitled to so-called free money](#).” The department said the goal of the new rules would be to “enable students to make informed decisions prior to college enrollment, rather than to rely on financial remedies after the fact when lost time cannot be recouped and new educational opportunities may be sparse.”

The new regulations are in line with the department’s previous efforts to deregulate higher education and give colleges more power.

The new rules would not only spell out how much relief is available to borrowers, but also narrow who is eligible for it and restrict the time window in which borrowers may apply for such relief. Under the new regulations, the budget for borrower-defense relief and loan forgiveness in the case of an abrupt institutional closure would drop by \$12.7 billion next year.

In arguably the biggest change, students applying for borrower defense would need to prove that their college had knowingly misled them or had demonstrated “a reckless disregard for the truth,” according to an overview published by the department. Under the previous rule, borrowers were entitled to forgiveness regardless of the college’s intent. Experts said the shift could make it nearly impossible for students to succeed in a borrower-defense claim, particularly as the department rolls back efforts to investigate predatory behavior.

“The issue is that they’re simultaneously raising the bar and lowering their ability to collect evidence that would support that bar,” said Clare McCann, deputy director for federal higher-education policy at New America and a former policy adviser in the Education Department. “Borrowers are going to be asked to have some kind of evidence before they apply, and I think that just ultimately, if the department isn’t doing those investigations, it’s not clear to me how anyone would ever have evidence of intent.”

## **Trump Picks Former New York Public University Chief to Oversee Higher Education Policy**

*(Courtesy of POLITICO)*

President Donald Trump plans to nominate Robert King, a top Kentucky higher education official and the former head of the State University of New York system, for assistant secretary of education for postsecondary education, the White House announced today.



King has served since 2009 as president of the Kentucky Council on Postsecondary Education, the statewide coordinating agency for higher education and adult education in the state. He announced his retirement from the role earlier this year.

Between 2000 and 2005, King served as chancellor of the State University of New York, the largest public university system in the country. He previously was a top aide to former New York Gov. George Pataki, whom the New York Times described as King's close friend. King, a Republican, also served for three terms in the state legislature and was executive of Monroe County.

The assistant secretary of education for postsecondary education is the last remaining Senate-confirmable position at the Education Department that hasn't been filled, aside from two positions that the Trump administration plans to consolidate or eliminate.

Diane Jones, a senior adviser to Education Secretary Betsy DeVos, has been serving as the acting assistant secretary for postsecondary education and has also taken on the responsibilities of undersecretary of education.

### **ESSA Update: Homeless Set-Aside**

*(Courtesy of the U.S. Department of Education)*

In a [letter to Elementary and Secondary Education Act \(ESEA\) and McKinney-Vento Homeless Assistance Act state coordinators](#), the Department outlines key changes the Every Student Succeeds Act (ESSA) made regarding the Title I homeless set-aside. In particular, the ESSA requires LEAs to reserve Title I funds necessary to provide educationally related support services to homeless children and youth regardless of whether they attend a Title I school. The ESSA does not require an LEA to reserve a specific amount -- only that the amount be sufficient to serve homeless children and youth in shelters and other locations. Also, as authorized by Congress prior to the ESSA, an LEA may continue to use a portion of the reservation to fund a local homeless liaison's salary and expenses and defray the excess cost of school of origin transportation.

### **Women's Bureau Visits Apprenticeship Investments Across the Country**

*(Courtesy of the Women's Bureau, U.S. Department of Labor)*

This summer, the Women's Bureau visited the 2017 Women in Apprenticeship and Nontraditional Occupations (WANTO) grant recipients to hear firsthand how pre-apprenticeship and apprenticeship programs are helping women secure good, family-sustaining jobs. For example, Jessica Wilhelm, a pre-apprentice from West Virginia Women Work, is planning on putting her strong math skills to work as a millwright.

The Women in Apprenticeship and Nontraditional Occupations (WANTO) grant helps to expand pathways for women to enter in, and lead in, all industries.

The WANTO grant program will award at least \$994,000 to community-based organizations to encourage women's employment in underrepresented occupations and pre-apprenticeship and apprenticeship programs. Grants will be awarded to up to six recipients. Organizations applying must provide one or more of the following types of technical assistance:

- Developing pre-apprenticeship, apprenticeship, or nontraditional skills training programs to prepare women for those careers;
- Providing ongoing orientations for employers, unions, and workers on creating a successful environment for women to succeed in those careers; and
- Setting up support groups and facilitating networks for women to improve their retention.

In 2017, the Women's Bureau [awarded grants](#) to the following entities:

[Aroostook County Action Program, Inc.](#)

[West Virginia Women Work, Inc.](#)

[Full Employment Council, Inc.](#)

[Career Training Institute](#)

The 2018 grants are administered by the Department's Women's Bureau and the Employment and Training Administration.

### **Justice Department Files Brief Opposing Diversity**

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

On August 31, 2018, the U.S. Department of Justice [filed an amicus brief](#) opposing Harvard's equal opportunity admissions policy in a case brought by Ed Blum – who has an agenda to eliminate any laws and policies that seek to address our nation's legacy of racial discrimination. “The Sessions Justice Department's intervention in this case opposes constitutionally sound strategies that colleges and universities are using to expand educational opportunity for students of all backgrounds. This is one more example of the administration's contempt for efforts to build a more inclusive, just society,” [said Vanita Gupta](#), president and CEO of The Leadership Conference. “It is now backing Edward Blum's longstanding political agenda to undermine diversity in education and opportunity for millions of young people. In filing this brief, the Sessions Justice Department has once again abdicated its responsibility to enforce the law and protect the civil rights of all people in America.”

## **Congress**

### **Senate Advances FY19 Appropriations Bill That Includes Key Education and Workforce Programs**

*(Courtesy of Advance CTE)*

On August 23, the Senate voted 85-7 to pass their FY19 Defense and Labor, Health and human Services, Education and Related Agencies Appropriations bills together (often called a “minibus”). Prior to its passage, over 300 amendments to the bill were filed on a wide range of topics and more than 50 were incorporated into the final bill. Some of the education-related amendments included in the final bill were: an amendment by Senators Heller (R-NV) and Klobuchar (D-MN) to require the U.S. Secretary of Education to send Congress a report on the coordination across some agencies on Science, Technology, Engineering and Math (STEM) programs for secondary students; an amendment by Senators Reed (D-RI) and Murkowski (R-AK) to require that the Comptroller General of the United States to submit a report about the condition public schools in the U.S.; an amendment by Senators Wicker (R-MS) and Peters (D-MI) about the need to expand computer science education; and an amendment by Senators Cassidy (R-LA) and Cantwell (D-WA) about the need to make funding for coding courses a top priority for students in grades K-12.

Overall, the bill included a \$541 million increase (over the FY18 level) for the U.S. Department of Education and level-funding (at the FY18 level) for the U.S. Department of Labor. The Senate bill includes level funding for the following programs at the FY18 level: Perkins Basic State Grants, the Workforce Innovation and Opportunity Act (WIOA), and Supporting Effective Instruction State Grants authorized under Title II of the Every Student Succeeds Act (ESSA). The Senate bill includes increases for the following programs: Student Support and Academic Enrichment grants authorized under Title IV-A of ESSA, Apprenticeship Grants and Adult Education and Family Literacy State Grants.

Differences between the House and Senate Labor, Health and Human Services, Education and Related Agencies FY19 appropriations bills will need to be resolved before FY19 allocations for education and workforce programs will be finalized.