



NAESP Advocacy Update

Politics and Policy Report January 2017

The following report contains “Top Notes!”, or a brief summary of key developments and issues, as well as discussion about education politics and policy on Capitol Hill and in the Obama Administration covering December 2016 through the reconvening of Congress this past week.

Top Notes!

In Congress...

- This week Members of the 115th Congress were sworn in after reconvening on Tuesday. In December, Congress passed a Continuing Resolution to fund the government through April 2017 at current spending levels. With a new Administration, it is also unlikely to have the regular budget submission in February – we may not see a clearer picture on the budget outcomes for the remaining months in FY 2017 until then. See the appropriations and budget resolution discussion below for more information.
- President-elect Trump has nominated Betsy DeVos as Secretary of Education, a well-known school choice advocate from Michigan. At a rally recently held in Michigan, the incoming secretary indicated her priorities will be 1) local control; 2) listening to parents; and 3) school choice. See more [here](#). The Senate Health, Education, Labor and Pensions (HELP) Committee has scheduled the formal confirmation hearing for Ms. DeVos next week on January 11th at 10 am. See below for additional discussion about the incoming secretary and the confirmation process politics.

The Administration...

- The U.S. Department of Education released [the public final regulations](#) under Part B of the [Individuals with Disabilities Education Act \(IDEA\)](#), aimed at promoting equity by targeting widespread disparities in the treatment of students of color with disabilities.
- The U.S. Department of Education has announced the final [accountability](#) rules for ESSA. NAESP has prepared a summary (provided to this report as an attachment). In addition, numerous other guidance documents related to ESSA have been issued on use of funds and requirements. All are noted or linked below.

- Interested applicants for the School Ambassador Fellowship (which now includes the Principal Ambassador Fellowship) are invited to participate in a one-hour informational webinar on **Monday, January 9, 2016, from 8:00-9:00 p.m.** Eastern time. You can register [here](#). The goal of this webinar is to help educators understand the application process, provide insights into the experiences by hearing from Fellow Alums, and allow for prospective applicants to ask questions of Fellow alums.

NAESP Updates...

- To help principals directly engage in the ESSA discussions across states and districts, NAESP will be releasing a comprehensive set of materials **in partnership with the American Institutes for Research (AIR) “Principals Action Plan for the Every Student Succeeds Act: Providing all Students with a Well-Rounded and Complete Education”**. This policy and action guide will help principals engage in deeper advocacy around ESSA at the state and local level using research and a theory of action surrounding what is needed in schools to provide a well-rounded education for every student. Stay tuned for the release of this important publication. NAESP will hold a special training session for Federal Relations Coordinators on use of the tools and materials in advocacy.
- NAESP’s National Leaders Conference will be held March 26-29, 2017 in Washington, DC. All state leaders are invited to attend!

Congressional Update and the 115th Session

Confirmation hearings for cabinet-level secretaries nominated by the incoming Trump Administration and the budget process will dominate discussion in Congress over the coming weeks.

Fiscal Year 2017 Education Appropriations and the Budget

After failing to approve any appropriations bills prior to the end of the federal fiscal year and again in the lame duck session in December, Congress passed a Continuing Resolution (CR) to fund government operations at current levels through April 28th. Senate and House Appropriations Committee staffers are now beginning to work on a package of spending bills – or a small number of “minibus” measures – that may be necessary to fund the entire federal government through September 30, 2017.

To avoid a government shutdown in the spring, Congress must complete the spending process or approve another temporary spending legislation to buy more time for negotiations. NAESP is working hard to secure a strong funding commitment for programs that fall under the Every Student Succeeds Act (ESSA), such as Title I, Title II and Title IV, Student Support and Academic Enrichment Block Grants, which fund technology and programs to provide “well-rounded” educational opportunities.

Republicans on the Hill have just launched a budget resolution process, which will impact several key mandatory and discretionary programs. The budget is key to Republican plans to repeal Obamacare, because it will include budget reconciliation instructions — a powerful procedural tool that allows the House and Senate to pass legislation addressing fiscal policy with a simple majority that cannot be filibustered by Senate Democrats. Last week, the Senate [budget resolution](#) for fiscal year 2017 was put forward and includes reconciliation instructions intended to provide a fast track for repealing parts of the Affordable Care Act (ACA). It directs the committees with primary jurisdiction over health care (Senate Finance and Senate HELP, and House Ways and Means, and House Energy and Commerce Committees) to report legislation by January 27th that reduces the deficit by at least \$1 billion (the total could be much larger, and could include gross increases and gross decreases as long as the net savings are at least \$1 billion). The budget also calls for a reserve fund to allow for future legislation to repeal and replace Obamacare.

The budget proposal impacts education spending as it contains slightly higher levels than what we expect will play out in the final negotiations. The discretionary spending figures provided in the resolution are set at the cap levels, and mandatory spending at current law levels. With little question, Republicans are expected to cut this discretionary spending as the budget resolution is just a short-term means to an end — providing reconciliation protection for a measure to repeal parts of the ACA. The spending levels in this budget resolution will be replaced by a fiscal year 2018 budget resolution later this spring, but these figures are what NAESP will start with as the 2017 advocacy agenda is developed and launched at the National Leaders Conference in March.

Budget discussions will be in full swing this week with the Senate allowed up to 50 hours of debate, which has started and will likely conclude next Tuesday, followed by the so-called “[vote-a-rama](#)” (check out this page for a quick parliamentary procedure tutorial!) beginning on Wednesday. During this time, amendments are quickly offered, lightly (if at all) debated, and then voted on. It’s likely that Republicans will offer amendments to cut spending. Once the Senate passes the budget resolution, the House is expected to consider the measure, perhaps finishing on January 13th because the House is not in session the following week (except for the inauguration on January 20th) and committees need to report their reconciliation recommendations by the January 27th deadline. More to come as the budget debate unfolds next week.

Potentially Volatile DeVos Confirmation Hearing Scheduled for Jan 11th

Along with a slew of other cabinet-level secretaries who have been nominated (see this helpful Trump Administration nominee [tracker](#)), Betsy DeVos, the billionaire philanthropist tapped to run the U.S. Education Department, will be the topic of a confirmation hearing scheduled by the Senate HELP Committee next week. The media has heavily scrutinized DeVos’ record as the “Four Star General of the Voucher Movement” and her considerable wealth that has been used to influence education policy and advocacy around school choice, including expanding charter schools through public financing and other voucher efforts in many states outside of Michigan, her home state.

DeVos and the long history of advocating for vouchers stems from her role as head of All Children Matter (ACF), a non-profit advocacy organization, which claims a win/loss record of 121 to 60, including the defeat of 17 incumbents who were against school vouchers, and the successful election of four pro-voucher governors. DeVos chairs the ACF, which has lobbied Congress and Presidential candidates to allow Title I money to be used for school vouchers, and worked to get voucher programs enacted in Wisconsin, Ohio and Michigan. In recent weeks, Democrats have questioned her credibility after reporting that the All Children Matter Political Action Committee was fined over \$5 million in Ohio for knowingly disregarding state campaign finance law and has failed to this day to pay the fine, that she failed to properly pay property taxes on her \$7.8 million compound on 100 acres in Ada Township, near Grand Rapids, MI, and several other sensational stories, such as the DeVos family involvement in a back-door “Prayer Circle” scheme to skirt the tax code by encouraging people to “pray” for policies instead of lobby, and her brother, Erik Prince, is under investigation by the U.S. Department of Justice for attempting to broker military services to foreign governments and possible money laundering.

As part of the confirmation process, DeVos was required to file a litany of financial and political disclosures with lawmakers ahead of the hearing next Wednesday, which lists her political contributions over the last five years totaling \$5.3 million. The lengthy list of donations takes up 10 pages of the 23-page disclosure document (as released by the Senate education committee late Thursday).

Highly-charged politics and reporting aside (don’t forget the number of Obama officials who contributed to Democrat lawmakers and their agenda), on Friday several Democrat lawmakers began calling for additional information about DeVos and her financial record in order to uncover potential conflicts of interest. In addition, Democrats have called for a delay on all confirmation hearings until background checks and financial disclosures are completed by the Office of Government Ethics. The ethics office, in coordination with the Education Department, is responsible for identifying any conflicts of interest that DeVos might have and striking an agreement with her to recuse herself from certain decisions to avoid future conflicts. Despite the concern and opposition by Democrats, Republicans are likely to move forward with all of the hearings, including to confirm DeVos, as noted by the Senate Majority Leader, Mitch McConnell (R-KY).

NAESP submitted the following questions to the HELP Committee in hopes to hear directly from Ms. DeVos about her plans and vision for policies that would support student outcomes through educational opportunities, and effective teaching and leading.

- Over the past decade, a large body of evidence has amassed that now proves principals are second only to effective teachers when it comes to improving student achievement, particularly in struggling schools. What is your vision for empowering leadership in the school building and helping every school have an effective principal?

- The bipartisan Every Student Succeeds Act (ESSA) places a new emphasis on supporting school leadership through increased professional development, mentoring, residency, and other evidence-based programs that support the recruitment and retention of effective school leaders. Given the extensive research that shows principals are second only to effective teachers when it comes to improving student achievement, what will you do as Secretary of Education to improve the pipeline for school leadership and provide the support school leaders need to stay in the profession and lead school change and improvement efforts that establish a positive culture so they stay in their schools long enough to increase student achievement?
- As a matter of priority, what is your view of how to help public schools systemically meet the needs of every child? What are the interventions and supports that you believe are necessary for schools to improve in providing a well-rounded education per ESSA?

Should these questions or a similar line of questioning not surface during the hearing, NAESP will be submitting questions or the record. While NAESP does not typically take a position on appointed officials, NAESP will be monitoring the confirmation hearing and respond to statements that may be made by the incoming secretary that are deleterious to schools and the future of public education, including the privatization of public education, through policies and programmatic efforts.

Repeal of Key Regulations and the Congressional Review Act

Congressional Republicans have vowed to repeal the ACA as noted above in the 115th Session – along with other regulations that have been issued as so-called “midnight rules and regulations” by the Obama Administration during the final days in office. However, Congressional leaders and the incoming Trump Education Department will likely have to hammer out their intended strategy for undoing the Obama administration education policies that many Republican lawmakers have railed against. Congress could block policies by attaching a “rider” on funding bills that will keep the government funded beyond April 28th, when current government appropriations expire; issue completely new rulemaking that would replace current regulations; or use a law known as the Congressional Review Act (CRA), which allows Congress 60 legislative days, starting from the date the rule is submitted to Congress and published in the Federal Register, to overturn new federal regulations by submitting something called a “joint resolution of disapproval.”

If the resolution is signed by the president, the CRA says the rule in question cannot take effect — and furthermore, it may not be issued in “substantially the same form” again unless Congress authorizes it with a new law. Legislative days are spread over the course of the calendar and by all accounts, the current 2017 calendar would allow lawmakers to act by May.

Several Republican education leaders have signaled that the House will indeed take up the CRA to undo several regulations – in education and otherwise, just after the nomination hearings. For education, several sources have confirmed at least the top two on their target list: the teacher preparation regulations; and ESSA rules related to accountability, possibly Supplement Not Supplant. The Senate Republican Policy Committee released a [CRA list](#) that includes “State and Local Education Accountability” in reference to regulations issued for K-12 schools under ESSA, and the “department’s final rules are too prescriptive, conflict with congressional intent, and violate explicit prohibitions on the secretary’s authority to regulate”.

Interested readers may access the Final Rule on teacher preparation (including the Department's response to public comments) [here](#) and the Department's description of the rules [here](#).

NAESP will be monitoring movement on the Hill that will undo these regulations.

CTE Reauthorization

Beyond the budget and priorities to undo certain regulations, both the House and Senate continue to work on legislation to reauthorize the Perkins Career and Technical Education Act. The House education committee unanimously approved a bipartisan reauthorization bill (H.R. 5587) and the full House approved the bill in September. However, negotiations to put the bill over the finish line have stalled with the Senate HELP Committee after lawmakers disagreed about certain prohibitions on the secretary in the final bill. Finalizing the bill this year would set the stage for the House and Senate education committees to turn their attention to other education matters in 2017, including the reauthorization of the Higher Education Act (HEA).

HEA Reauthorization

Education leaders in Congress, including Senator Lamar Alexander (R-TN), Chairman of the Senate HELP Committee, and Virginia Foxx (R-NC) have said that reauthorization of HEA is a top priority and the committees will be working to address the law. The last reauthorization took place in 2008. The Senate may take the first step in the process and follow a similar track to the ESSA reauthorization where a “discussion draft” is released, likely late spring or early summer. In addition to funding priorities related to the budget and appropriations process, NAESP will include HEA reauthorization and key provisions to support teachers and principals as part of the 2017 National Leaders Conference agenda in March.

Outgoing Obama Administration Activity

The Obama Administration has focused on issuing a long list of guidance and regulatory-related documents during its final days in office. Below is a list of documents, events and other information on key ESSA and other policies that have been addressed as the outgoing Administration officials wrap up their time in office.

As noted above, a full summary of the ESSA-related final rules on accountability is attached in a separate document to this report. Following are links to NEW guidance documents released this past week on three ESSA issues:

- [Grad Rates](#)
- [Report Cards](#)
- [State Plans](#)

As previously reported, the following are ESSA-related guidance already issued:

<u>Title I Schoolwide</u>	<u>Early Learning</u>	<u>Title II, Part A - Supporting Educators</u>
<u>Title IV - Well-Rounded</u>	<u>Disproportionality</u>	<u>STEM Education</u>
<u>Foster Care</u>	<u>Evidence-Base</u>	<u>ESSA Transition Technical Assistance and Resources</u>
<u>Homeless Students</u>	<u>English Learners</u>	<u>Stakeholder Engagement</u>
<u>Students with Disabilities and ADHD</u>	<u>Tribal Consultation</u>	

Articles, Studies and Other Useful Info

- Read Secretary John King’s exit memo [Exit Memo](#) “Giving Every Student a Fair Shote”.
- The National Association of State Boards of Education released a [new guide](#) titled “Opportunities in ESSA for Improving Early Education.”
- The National Center for Education Statistics released a report titled “[Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2013-14.](#)” The report shows that the per pupil spending in public elementary and secondary schools across the U.S. increased by 1.4% in 2014.
- “Trump Transition Tracker” – If you ever can’t recall the name of one of those nominated or named for a position in the next Administration, The Hill has a useful [tracker](#) you can check.
- The Education Commission of the States released a report titled “[ESSA: Mapping Opportunities for the Arts.](#)” This special report highlights the ways that states and districts can engage the arts in the ongoing work of the Every Student Succeeds Act.