

Good afternoon,

Below Please find the March 27, 2019 Federal Advocacy & Public Policy Report covering the most recent updates from Washington, D.C. regarding the Individuals with Disabilities Education Act, efforts to reauthorize the Higher Education Act, child nutrition, and current status of the Fiscal Year 2020 budget appropriations. If there is any area I can assist you, please do not hesitate to contact me.

I thank you for all you do to advocate on behalf of public education!

Kind Regards,

J.T. Kessler
Government Relations Specialist, VSBA

Congress

House and Senate Reconvene

Following a week of adjournment, Congress returned to Washington, D.C. this week with a bipartisan focus on the Individuals with Disabilities Education Act and with hearings regarding the Administration's Fiscal Year 2020 budget request to Congress for the U.S. Department of Education. NSBA expects the next congressional state/district work period (April 15-29) to include a significant focus on education issues, with the FY2020 budget and appropriations, continued negotiations about how to update the Higher Education Act, as well as other pending committee issues such as child nutrition and seclusion and restraint. NSBA is engaged in these and other [priorities](#) and will continue to apprise you as this work unfolds.

NSBA Supports Introduction of the IDEA Full Funding Act

On March 26, Senators Chris Van Hollen (D-MD) and Pat Roberts (R-KS) and Representatives Jared Huffman (D-CA), John Katko (R-NY), Joe Neguse (D-CO), David McKinley (R-WV), Dean Phillips (D-MN), Brian Fitzpatrick (R-PA), Kurt Schrader (D-OR), and Glen Thompson (R-PA) introduced the IDEA Full Funding Act (S.866 and H.R. 1878). More than 130 representatives have co-sponsored this legislation.

This bicameral, bipartisan legislation would establish a 10-year plan towards fully funding the federal share of investments in the Individuals with Disabilities Education Act. The current federal share is less than 15 percent, even though Congress originally promised to fund 40 percent of the cost of educating students with disabilities in 1975.

NSBA and other education groups have expressed [strong support](#) for the IDEA Full Funding Act and urge swift passage of this legislation along with the commensurate appropriations.

“This legislation will establish a clear path towards fully achieving the federal share of resources needed to address the unique needs of almost seven million students with disabilities,” said Thomas J. Gentzel, Executive Director and CEO of the National School Boards Association. “Full funding and modernization of IDEA is one of NSBA’s top priorities to help ensure our country’s students with disabilities receive the access and supports they need to succeed as productive, contributing, engaging members of society. The IDEA Full Funding Act will authorize a course for a stronger federal commitment to address equity in education and support local innovations, such as those for early learning and interventions, special educator teams and student transitions--all of which are essential to effectively serving students with disabilities and their families.”

Through the [“It’s Time for a Great IDEA!”](#) advocacy campaign, NSBA is highlighting the critical need for the federal government to fulfill a long overdue promise to provide equal access to public education for all children in the United States. This grassroots effort is guided by these five principles:

1. High Expectations and Accountability, Not Bureaucratic Procedures, Deliver Positive Outcomes for Students with Disabilities.
2. Effectively Serving Students with Disabilities and their Families is a Shared Financial Responsibility.
3. Positive Engagement and Collaboration with Families Helps Students with Disabilities.
4. The Success of Students with Disabilities Depends on Access to Effective Teachers and Other Special Education Professionals.
5. Expanded Supports Directed at the Youngest Students with Disabilities Will Place More Learners on an Earlier Path Toward Academic Life and Success.

NSBA appreciates the grassroots engagement of each state association in support of the IDEA campaign.

House Education and Labor Committee Hearings Address School Nutrition and Higher Education

The House Education and Labor Committee's Subcommittee on Civil Rights and Human Services held a hearing regarding "Growing a Healthy Next Generation: Examining Federal Child Nutrition Programs." Subcommittee Chairwoman Suzanne Bonamici (D-OR) and Ranking Member James Comer (R-KY) agreed that children need nutritious meals in order to succeed academically. NSBA worked closely with the Committee to prepare for the hearing. Witnesses highlighted the need for additional nutrition funding, increased program flexibility, and additional efforts to streamline unnecessarily burdensome paperwork. Witnesses also noted the need for additional time to implement new regulations, so that schools and districts are able to comply. NSBA helped to inform witness testimony and [advocated](#) NSBA's priorities with Committee members. The witnesses' complete written testimony can be found [here](#).

The House Education and Labor Committee also met for a hearing titled "The Cost of College: Student Centered Reforms to Bring Higher Education Within Reach." The discussion was the first of five Higher Education Act hearings the committee expects to complete by May. Chairman Bobby Scott (D-VA) said the hearing's purpose was to begin finding common ground on the HEA reauthorization process, including learning about possible solutions aimed at halting increases in college costs, restoring the purchasing power of Pell grants, expanding Pell eligibility, making college student loans less expensive and easier to pay off, and providing additional support for low income students, including work study. Witnesses discussed states' disinvestment in higher education over the last several decades, the predatory practices of for-profit schools, and the benefits of wraparound services that help struggling students get the resources they need to help them graduate ready for work. The witness's complete written testimony can be found [here](#).

In NSBA's advocacy for HEA reauthorization, we have noted the following concerns to the House and Senate education committees pertinent to addressing teacher shortages, including those applicable to special education.

"School board members from across the United States report to NSBA that they need greater access to highly effective educators and help with retaining them. Board members frequently tell us that shortages are not only pronounced in rural and low-income communities, but across many communities in high-need subjects and areas, such as special education. NSBA's 2018 Survey of school board members revealed that "addressing potential teacher shortages" is among their top priorities in preparing the class of 2030.

"Our members noted that the success of students with disabilities depends on access to effective teachers and other special education professionals. Unfortunately, many of their communities face a troubling shortage of special education teachers and other specialized instructional support personnel. The Education Week Research Center recently published data showing that the number of special education teachers dropped 17% from 420,817 in 2005-06 to 347,739 in 2015-16 (the most recently available data). Given this shortfall, NSBA believes that the next HEA must:

- Focus on creating, at scale, a national cadre of highly effective educators to serve students with disabilities;
- Provide incentives to attract high-performing students to the profession;
- Ensure educator preparation programs deliver more sophisticated training in special education; and,
- Promote partnerships with school districts to provide targeted professional development and other supports to help special education teachers and professionals succeed at their unique and challenging positions.”

NSBA has initiated a dialogue among education groups to improve Title II programs for teacher preparation in the Higher Education Act regarding recommendations to Congress. The goal for this dialogue is to yield results for better assistance to school districts and states working to attract, support and retain effective educators.

Fiscal Year 2020 Budget: Secretary DeVos Testifies Before Appropriators

On March 26, U.S. Secretary of Education Betsy DeVos [testified](#) before the House Appropriations Subcommittee on Labor, Health & Human Services, Education and Related Agencies to discuss the Department’s Fiscal Year 2020 budget request to Congress. On Thursday, March 28, Secretary DeVos is scheduled to testify before the Senate Appropriations Subcommittee on Labor, Health & Human Services, Education and Related Agencies at 10:00 am.

Proposed Program Eliminations: The Department’s budget request includes a proposed cut of almost \$9 billion, and would eliminate 29 programs including Title II funding under the Every Student Succeeds Act for effective instruction/professional development for educators (\$2 billion), ESSA Title IV funding for Student Support and Academic Achievement that includes funds for school safety (\$1.7 billion), 21st Century Community Learning Centers for afterschool programs (\$1.2 billion), and Impact Aid federal properties payments to school districts with non-taxable federal properties within their boundaries (\$74.3 million).

In addition to NSBA’s initial budget summary from March 11, the following are a few areas NSBA is highlighting regarding the congressional hearings with Secretary DeVos.

Individuals with Disabilities Education Act: Even though the Administration’s FY2020 budget request would provide the same amount of funding for the Individuals with Disabilities Education Act (IDEA Part B grants to states and school districts) as FY2019, the federal investment in IDEA would decrease from approximately 15 percent to 13 percent of the national average per pupil expenditure. According to the U.S. Department of Education, the average federal investment for each student educated through IDEA is approximately \$1,770 for FY2019, and would decline to \$1,758 in FY2020 if the program is level-funded. The Department also expects another increase in the IDEA child count from 6.9 million to seven million.

Title I Grants: The budget request would maintain \$15.9 billion in funding for Title I programs that serve approximately 25 million students. However, the Department is proposing to increase the Title I set-aside for direct student services from three percent to five percent “to encourage States to leverage Title I funds to support expanded educational options for disadvantaged students, including the option for students in schools identified for improvement to transfer to a higher-performing school.” The Department also states that funds can be used for tutoring, advanced placement, and career and technical education coursework that leads to an industry-recognized credential.

Perkins Career and Technical Education/Apprenticeships: The Administration is requesting \$1.3 billion to expand career and technical education programs, with a special allocation of \$20 million on STEM fields, including computer science. In addition to the focus on STEM, the CTE proposal includes a request that Congress pass legislation to double the fee for H-1B Visas under the American Competitiveness and Workforce Improvement Act. The increased revenue would provide additional funding for job training grants administered by the U.S. Department of Labor to support apprenticeships, according to the budget request.

For the U.S. Department of Labor's budget request, the Administration is asking Congress to cut hundreds of millions of dollars from federal workforce programs, including apprenticeships initiatives (that would otherwise be funded by the proposed increases in H-1B Visa fees). Despite the Administration's identification of workforce development as a national need, the request seeks steep reductions in Job Corps programs that help disadvantaged youth gain access to training opportunities.

NSBA has expressed [opposition](#) to these proposed cuts. A [report](#) by NSBA's Center for Public Education shows that "[a]cross the country high schools are providing different programs -- such as career pathways and certifications -- to acquaint teenagers with workplace demands. Yet we seem to be short on a potentially effective strategy -- apprenticeships -- and how students may benefit from such programs." CPE cites research showing that "[m]odern apprenticeships have been shown to produce" lower youth unemployment, high-skilled workers that meet industry needs, and meaningful lifelong learning.

Education Freedom Scholarships: The Department's proposal for Education Freedom Scholarships announced February 28, to provide a new tax credit of \$50 billion over ten years to support private or public school choice, is included in the budget request that would allocate \$5 billion per year for a new federal tax credit for individual or corporate donations to state-authorized scholarship-granting organizations to be used for private school tuition, afterschool tutoring, extra courses, and certain public school expenses.

NSBA [opposes](#) efforts such as this latest proposal that encourage disinvestment in the success of our local public school districts and communities. This latest effort to divert public dollars away from public schools and communities is an expansion of the federal role in public education, and contrary to the intent of Congress in the Every Student Succeeds Act (ESSA). Furthermore, the proposal ignores the fundamental reality that most public school districts already offer students a wide range of choices, with concentrations in specific areas such as the arts or STEM subject areas, advanced placement courses, magnet schools, charter schools authorized by local school boards, and other public specialty schools.

For FY2020, NSBA urges Congress to reject these proposed cuts and instead strengthen federal investments in IDEA, Title I, and workforce readiness such as apprenticeship programs. NSBA is urging Appropriations Committee members on both sides of the Capitol to ask questions about these and other priorities, including the Department's decision to seek elimination of funding for ESSA Title II and Title IV. We have suggested questions for these hearings covering special education, school safety, educational choice, teacher shortages and related areas.

Notable New Education Legislation

- [H.R.1733](#) To direct the Secretary of Labor to enter into contracts with industry intermediaries for purposes of promoting the development of and access to apprenticeships in the technology sector, and for other purposes. **Sponsor:** [Rep. Moulton, Seth \[D-MA-6\]](#)
- [H.R.1691](#) To require the Secretary of Education to provide assistance to the immediate family of elementary or secondary school staff members killed in an act of violence while performing school duties. **Sponsor:** [Rep. Hastings, Alcee L. \[D-FL-20\]](#)
- [H.R.6](#) American Dream and Promise Act of 2019 **Sponsor:** [Rep. Roybal-Allard, Lucille \[D-CA-40\]](#)
- [H.R.1676](#) To amend the Elementary and Secondary Education Act of 1965 to expand access to school-wide arts and music programs, and for other purposes. **Sponsor:** [Rep. Velazquez, Nydia M. \[D-NY-7\]](#)
- [H.R.1662](#) To direct the Secretary of Education to establish a pilot program to provide grants to secondary schools for assistive technology devices and assistive technology services and to create programs to benefit students with autism or apraxia, and for other purposes. **Sponsor:** [Rep. Marchant, Kenny \[R-TX-24\]](#)

- [H.R.216](#) Expressing support for designation of March 2019 as Music in Our Schools Month. **Sponsor:** [Rep. Velazquez, Nydia M. \[D-NY-7\]](#)
- [S.784](#) A bill to amend the Elementary and Secondary Education Act of 1965 to expand the military student identifier program to cover students with a parent who serves in the reserve component of the Armed Forces. **Sponsor:** [Sen. Klobuchar, Amy \[D-MN\]](#)
- [S.760](#) A bill to enable registered apprenticeship programs to better serve veterans, and for other purposes. **Sponsor:** [Sen. Peters, Gary C. \[D-MI\]](#)
- [S.752](#) A bill to amend the Higher Education Act of 1965 to provide for teacher and school leader quality enhancement and to enhance institutional aid. **Sponsor:** [Sen. Kaine, Tim \[D-VA\]](#)

The Administration

White House Announces Goals for Higher Education Act Reauthorization

As the House and Senate education committees are holding a series of hearings on higher education this spring to prepare for reauthorization of the Higher Education Act, the White House recently weighed in on this process by releasing the President's proposed HEA reauthorization [principles](#). The President's goals largely focus on financial aid issues, but also include an emphasis on policies with K12 implications including expanding student access to additional dual and concurrent enrollment opportunities.

U.S. Department of Education Invites Comments on ESSA Title I-A Equitable Services

The Department of Education has extended the time for the public to file comments responding to a request for input on a [draft document](#) titled "Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families – Updated Non-Regulatory Guidance (2019)." Comments are due on April 9. The document consolidates and updates information previously included in multiple materials that were designed to support states, school districts, and private school officials in the implementation of the equitable services requirements under Title I, Part A of ESEA.

U.S. Department of Education Will No Longer Enforce ESEA Restriction on Religious Organizations

The Department of Education has [announced](#) that it will "no longer enforce a restriction barring religious organizations from serving as contract providers of equitable services solely due to their religious affiliation." ESEA sections 1117(d)(2)(B) and 8501(d)(2)(B) require equitable services providers to be independent of any religious organization. The U.S. Department of Education, in consultation with the US Department of Justice, found this to be unconstitutional because it categorically excludes religious organizations solely on their religious identity. The Department states these provisions "run counter to the U.S. Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017) that, under the Free Exercise Clause of the First Amendment of the U.S. Constitution, otherwise eligible recipients cannot be disqualified from a public benefit solely because of their religious character." The policy letter signed by the Education Secretary regarding this topic is available [here](#).

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Have you registered for the VSBA Hot Topic Conference yet?