

Thompson & Horton Report to TSA on Federal activities: May 8, 2019

Last visit to D.C. was April 29 and 30, 2019 where we discussed the following with members of the Texas Delegation and USDOE:

- **Texas set to lose \$ ¼ Billion in special ed money for violating STATE MOE. LEA effect unknown.** We met with Asst. Sec. Collette and Kim Richey to discuss options. They are optimistic regarding the provisions in HB 3 would handle it in the future. They are negotiating with TEA on a resolution.
- Lots of Higher Ed issues....many bills dealing with loans, a few dealing with loan forgiveness. Foxx admits Loan Forgiveness program is not working. Of over 38,000 requests for forgiveness, only about 250 have been granted.
- House had hearing on seclusion and restraint. We were asked to testify and declined. Bill expected but hasn't been filed yet. Will have criminal and civil penalties and will affect all students.
- USDOE expected to publish higher ed rules soon which may deal with Title IX.
- Title IX comments being reviewed now. No known date of publishing and adopting proposed rules.
- Trump budget for Education- Dead on Arrival-see below.
- School infrastructure still alive- We signed on in support. Over 25% chance of passing.
- Several IDEA bills to fully fund at 40% level. Over 60 sponsors and is bi-partisan. Would mean extra \$ Billion for Texas. We are seeking co-sponsors from Texas.
- Investing for the People Act. HR 2021. Increases spending caps currently in effect. –Passed out of House Budget Committee
- Department of Education's delay on implementing Rules re significant disproportionality of kids in special ed held illegal by DC judge. USDOE will not appeal. We had supported the delay in order to further study effects. Our contacts at USDOE have asked for our input on questionnaire to the state commissioners which will be used to evaluate due diligence on implementation.
- DeVos, Brady and Cruz still pushing tax credits for private school parents. We may want to consider letter in opposition.

Other Developments:

- On April 30, the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies (Labor/HHS) held a markup of its fiscal year (FY) 2020 Labor/HHS appropriations bill. The bill was reported out from the Subcommittee on a partisan voice vote. The bill includes an allocation of \$75.9 billion for the U.S. Department of Education (USED), an increase of \$4.4 billion over FY2019 levels. The House Appropriations Committee will consider the bill on May 8. However, on April 29, Senate Appropriations Committee Chairman Richard Shelby (R-AL) will be waiting to move forward on FY2020 appropriations bills until there is an agreement on overall spending levels also known as spending caps.
- House plans to bring H.R.6, the "Dream and Promise Act," to the floor this month have stalled, and the fate of the bill is uncertain. The bill would combine the DREAM Act, which provides a path to citizenship for children brought here without documentation, along with a proposal to allow some immigrants with the ability to apply for citizenship. The bill is on hold while

Democrats work through intraparty disagreements on the bill. In April, House Majority Leader Steny Hoyer (D-MD) had stated he hoped to bring the bill to the floor during the May work period.

- Senators Tim Kaine (D-VA) and Sheldon Whitehouse (D-RI) wrote a letter to U.S. Department of Education (USED) Secretary Betsy DeVos urging the Department to "correct missteps" taken in implementing the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) program. The Senators urged the Secretary to implement a comprehensive strategy that would result in an increase in approval rates for loan relief under the program. The Senators request that the Secretary, within 30 days of receiving the letter, inform Senate authorizing and appropriations committees of the plan the Department will take to improve the program.
- House Education and Labor Committee Chairman Bobby Scott (D-VA) addressed state education leaders during the Council of Chief State School Officers (CCSSO) annual legislative conference. During his address, the Chairman expressed that many ESSA state plans are "falling short" of expectations and is "disappointed" that states are ignoring subgroup performance. "State systems of differentiation that allow schools to receive top state rankings by supporting the highest performing students while at the same time historically disadvantaged students continue to fail - those programs do not live up to the promise of ESSA." Chairman Scott once again argued that USED Secretary DeVos approved plans that did not comply with ESSA's "equity guardrails." Further, the Chairman urged state education leaders to improve transparency for resource allocation and be "thoughtful and purposeful" in identifying struggling schools.
- The House Budget Committee passed H.R.2021, the "Investing for the People Act of 2019." The bill, which raises the discretionary spending caps for defense and nondefense spending, was passed 19-17 along mostly party lines – three Democrats voted against the bill. The bill would increase non-defense, discretionary spending caps to \$631 billion for FY2020 and \$646 billion for FY2021. A \$631 billion non-defense, discretionary cap level of FY2020 would be an increase of \$34 billion over the final non-defense, discretionary cap for FY2019.
- The Senate HELP Committee held a hearing titled, "Reauthorizing HEA: Addressing Campus Sexual Assault and Ensuring Student Safety and Rights." This was the second hearing the Committee has held focused on the reauthorization of the Higher Education Act. The hearing focused on how colleges and universities can adhere to Title IX, as it relates to preventing and investigating sexual assault on college campuses. Senators focused their questioning mostly on a proposed Title IX rule released by USED last year, specifically on the issues of due process, cross-examination, and the definition of sexual assault.

- Senate HELP Committee Ranking Member Patty Murray (D-WA) issued a press release highlighting that USED did not approve a single “borrower defense” claim to provide relief for students cheated or defrauded by predatory colleges, and predominantly by for-profit schools, in the last three months of 2018. Ranking Member Murray specifically noted that in October 2018, a federal court ordered USED to implement protections for defrauded students, yet the delays continue. The Department responded that it hasn’t adjudicated any more claims because of “ongoing litigation and the prioritization of the implementation of the borrower defense to repayment” regulations finalized by the Obama administration.
- Funding appropriations...Following are comparisons of the enacted FY 2018 appropriation, the Trump administration FY 2019 budget request, the enacted FY 2019 appropriation, the Trump administration's FY 2020 budget request, and the House Appropriations Committee FY 2020 proposal for selected U.S. Department of Education programs. All figures have been rounded.

	FY 2018 enacted level, Pub. L. No. 115- 141	<u>Trump administration FY 2019 budget request</u>	<u>FY 2019 enacted level, Pub. L. No. 115- 245</u>	<u>Trump administration FY 2020 budget request</u>	<u>House Appropriations Committee Labor-HHS- Education panel FY 2020 bill</u>
IDEA Part B Grants to States	\$12.3 billion	\$12 billion	\$12.4 billion	\$12.4 billion	\$13.4 billion
IDEA Part C	\$470 million	\$459 million	\$470 million	\$470 million	Not specified
Title I, Part A	\$15.8 billion	\$15.5 billion	\$15.9 billion	\$15.9 billion	\$16.9 billion
Title I, Part C Migrant	\$375 million	\$375 million	\$375 million	\$375 million	Not specified
Title I, Part D Neglected and Delinquent	\$48 million	\$48 million	\$48 million	\$48 million	Not specified
Parent Information Centers (IDEA National Activities)	\$27 million	\$27 million	\$27 million	\$27 million	Not specified
Career and Technical Education	\$1.2 billion	\$1.1 billion	\$1.3 billion	\$1.3 billion	Not specified

Education for Homeless Children and Youths	\$85 million	\$77 million	\$94 million	\$94 million	Not specified
Title II Supporting Effective Instruction State Grants	\$2.1 billion	\$0	\$2.1 billion	\$0	\$2.6 billion
Teacher and School Leader Incentive Grants	\$200 million	\$0	\$200 million	\$200 million	Not specified
Impact Aid	\$1.4 billion	\$1.3 billion	\$1.4 billion	\$1.4 billion	\$1.5 billion
Title IV, Part A Student Support and Academic Enrichment Grants	\$1.1 billion	\$0	\$1.2 billion	\$0	\$1.3 billion
21st Century Community Learning Centers	\$1.2 billion	\$0	\$1.2 billion	\$0	\$1.3 billion
Title V, Part B Rural Education	\$181 million	\$176 million	\$181 million	\$181 million	\$181 million
Charter School Grants	\$400 million	\$500 million	\$440 million	\$500 million	Not specified
State Assessments	\$378 million	\$369 million	\$378 million	\$378 million	\$378 million
English Language Acquisition	\$737 million	\$737 million	\$737 million	\$737 million	\$980 million
Office for Civil Rights	\$117 million	\$107 million	\$125 million	\$125 million	\$130 million
School Safety National Activities	\$90 million	\$43 million	\$95 million	\$200 million	\$120 million
Promise Neighborhoods	\$78 million	\$0	\$78 million	\$0	Not specified
Institute of Education Sciences	\$613 million	\$521 million	\$615 million	\$522 million	\$650 million

- *Source: White House and congressional FY 2019 budget documents, Trump administration FY 2020 budget request summary, House Appropriations Committee FY 2020 Labor, HHS, Education appropriations draft bill.*

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Significant bills we have discussed with leaders:

S. 468: Teachers and School LEADERS Act

Sponsor: Sen. John Cornyn [R-TX]

Introduced

Feb 13, 2019

H.R. 1364: Child Care for Working Families Act

Sponsor: Rep. Robert “Bobby” Scott [D-VA3]

Introduced

Feb 26, 2019

S. 461: HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act

Sponsor: Sen. Tim Scott [R-SC]

H.R. 865: Rebuild America’s Schools Act of 2019

Sponsor: Rep. Robert “Bobby” Scott [D-VA3]

S. 752: PREP Act of 2019

Sponsor: Sen. Timothy “Tim” Kaine [D-VA]

Introduced

Mar 12, 2019

S. 866: IDEA Full Funding Act

Sponsor: Sen. Chris Van Hollen [D-MD]

Introduced

Mar 26, 2019

H.R. 1878: IDEA Full Funding Act

Sponsor: Rep. Jared Huffman [D-CA2]

Introduced

Mar 26, 2019

H.R. 1554: REDI Act

Sponsor: Rep. Brian Babin [R-TX36]

Introduced

Mar 6, 2019

S. 924: Jenna Quinn Law (Recognizing Child Abuse)

Sponsor: Sen. John Cornyn [R-TX]

Introduced

Mar 28, 2019