

February 2017 Federal Update

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Questions will be taken at the end of the presentation.

New Leadership at the U.S. Department of Education

Secretary DeVos

Mrs. Betsy DeVos was confirmed as Secretary of Education on February 7, 2017 in a historic vote. Vice President Pence cast the tie-breaking vote confirming her as the Secretary of Education. This has never happened before in history.

Many of the nominations for cabinet-level positions in the Trump administration have been controversial with the Dems fighting back by securing long debate times that often go overnight – including for DeVos.

The President has reiterated his support for DeVos and his frustration on how she was treated throughout the process.

DeVos Agenda: TBD

- With having been in office only a week, Secretary DeVos is just settling in.
- School vouchers and other forms of school choice as well as supporting charter schools will be high on her PK-12 agenda.
- Trimming, streamlining, cutting at the Department of Education (in line with President's campaign promise)
 - Examining, auditing, and reviewing all programs at the Department
 - Figuring out the core mission of the Department
 - Supporting the role of the state departments of education

She has been silent on higher education

115th Congress

U.S. Senate and the U.S. House of Representatives reconvened on January 3, 2017.

House Leadership

Speaker Paul Ryan (R-WI)

Majority Leader Kevin McCarthy (R-CA)

Majority Whip Steve Scalise (R-LA)

Democratic Leader Nancy Pelosi (D-CA)

Democratic Whip Steny H. Hoyer (D-MD)

Senate Leadership

Majority Leader Mitch McConnell (R-KY)

Assistant Republican Leader John Cornyn (R-TX)

Democratic Leader Charles Schumer (D-NY)

Democratic Whip Richard Durbin (D-IL)

U.S House of Representatives

Committee on Education and the Workforce

Republicans

[Rep. Virginia Foxx](#), North Carolina (Chair)

[Rep. Joe Wilson](#), South Carolina (Vice Chair)

[Rep. Duncan Hunter](#), California

[Rep. David P. Roe](#), Tennessee

[Rep. Glenn Thompson](#), Pennsylvania

[Rep. Tim Walberg](#), Michigan

[Rep. Brett Guthrie](#), Kentucky

[Rep. Todd Rokita](#), Indiana

[Rep. Lou Barletta](#), Pennsylvania

[Rep. Luke Messer](#), Indiana

[Rep. Bradley Byrne](#), Alabama

[Rep. Dave Brat](#), Virginia

[Rep. Mike D. Bishop](#), Michigan

[Rep. Glenn Grothman](#), Wisconsin

[Rep. Elise Stefanik](#), New York

[Rep. Rick Allen](#), Georgia

[Rep. Jason Lewis](#), Minnesota

[Rep. Francis Rooney](#), Florida

[Rep. Paul Mitchell](#), Michigan

[Rep. Tom Garrett](#), Virginia

[Rep. Lloyd Smucker](#), Pennsylvania

[Rep. Drew Ferguson](#), Georgia

Vacancy

Democrats

[Rep. Robert C. "Bobby" Scott](#) (*Ranking Member*),
Virginia

[Rep. Susan Davis](#), California

[Rep Raul M. Grijalva](#), Arizona

[Rep. Joe Courtney](#), Connecticut

[Rep. Marcia Fudge](#), Ohio

[Rep. Jared Polis](#), Colorado

[Rep. Gregorio Sablan](#), Northern Mariana Islands

[Rep. Frederica S. Wilson](#), Florida

[Rep. Suzanne Bonamici](#), Oregon

[Rep. Mark Takano](#), California

[Rep. Alma S. Adams](#), North Carolina

[Rep. Mark DeSaulnier](#), California

[Rep. Donald Norcross](#), New Jersey

[Rep. Lisa Blunt Rochester](#), Delaware

[Rep. Raja Krishnamoorthi](#), Illinois

Vacancy

Vacancy

U.S. Senate Committee on Health, Education, Labor, and Pensions

Republicans

[Lamar Alexander \(TN\)](#) **Chairman**

[Michael B. Enzi \(WY\)](#)

[Richard Burr \(NC\)](#)

[Johnny Isakson \(GA\)](#)

[Rand Paul \(KY\)](#)

[Susan Collins \(ME\)](#)

[Bill Cassidy, M.D. \(LA\)](#)

[Todd Young \(IN\)](#)

[Orrin Hatch \(UT\)](#)

[Pat Roberts \(KS\)](#)

[Lisa Murkowski \(AK\)](#)

[Tim Scott \(SC\)](#)

Democrats

[Patty Murray \(WA\)](#) **Ranking Member**

[Bernie Sanders \(VT\)](#)

[Robert P. Casey, Jr \(PA\)](#)

[Al Franken \(MN\)](#)

[Michael F. Bennet \(CO\)](#)

[Sheldon Whitehouse \(RI\)](#)

[Tammy Baldwin \(WI\)](#)

[Christopher S. Murphy \(CT\)](#)

[Elizabeth Warren \(MA\)](#)

[Tim Kaine \(VA\)](#)

[Maggie Hassan \(NH\)](#)

Appropriations for FY17 & Starting the FY18 process

FY17 Appropriations Process Update

A Continuing Resolution (CR) for FY17 was passed through April 28, 2017.

Before midnight on April 28:

Previously there was an expectation of an omnibus to close out FY17 reflecting key items from President Trump's Budget Request. However, it is looking more and more like a CR.

President Trump's budget request will be late this year, as it is with all incoming new administrations.

The Fiscal Year 2018 process will be unfolding concurrently.

Budget Resolutions

A Budget Resolution sets the fiscal policy for the Congress as agreed upon by the House and Senate. This is not signed into law and not legally binding.

The Budget Resolution for FY17 was not completed in 2016 (the House did pass one, but the Senate did not).

However, a FY17 Budget Resolution was completed on Jan.13, 2017, with reconciliation instructions to enact savings and/or changes in revenue through the repeal of Obamacare.

The intention is to initiate reconciliation in the FY18 Budget Resolution as well, focusing on other programs and opportunities.

Budget Process

The Congress is engaging in the standard budget process for Fiscal Year 2018. The first step is to complete a Budget Resolution for FY18 by April 15 (can be earlier).

The expected FY18 budget resolution will also contain reconciliation instructions on various ways to enact savings or change revenue structures.

The Budget Resolution sets the topline number to the appropriations committee as well as the numbers for the individual appropriations subcommittees.

Then the appropriations process starts.

Challenges

Budget Control Act of 2011 caps on spending for FY18 – expect cuts since a budget deal was crafted for FY16 & FY17.

Battle on keep defense discretionary and non-defense discretionary (includes education funding) at parity. GOP has talked of raising cap for defense, but not for non-defense discretionary funds.

Rules of the House: new rules as committees to look at & execute transitioning mandatory programs to discretionary programs – augments the pressure on cutting programs or severely cutting funding to programs.

Congressional Review Act: Teacher Preparation Program Regulations

Only 3 Ways to Stop a Final Rule

Congressional Action

Legal Action

Re-opening the ENTIRE regulatory process.

(Takes years; remember, these regulations took 5 years to craft from start to finish.)

Congressional Review Act

- The law gives Congress the power to overturn certain final rules within a certain time frame with the approval of the president.
 - Approximately 1500 rules fall into this category
 - Congress must be selective – not very much time on the calendar to act
 - May 8 (approximately) is the deadline for **all** CRA action – if not signed into law by this date then the regulations are NOT rescinded and stay in place
- If regulations are rescinded via CRA then the agency or department cannot offer “significantly similar” regulations to replace the rescinded regulations.

The Congressional Review Act: The Politics

The Republican Congress is determined to overturn Obama regulations via the CRA in many agencies on many issues, including financial regulations, environmental regulations, and even education regulations.

As a counter point, there are many organizations beginning the work to stop the use of the CRA to repeal regulations.

The CRA is seen by the Democrats as a blunt instrument being wielded too many times. Therefore, they oppose using the CRA to rescind regulations.

Prior to this Congress, the CRA had only been used once successfully in over 20 years.

The Education CRA's: the Political Scene

There are 2 education regulations on the table to be CRA'd:

- The teacher prep regulations

- The ESSA accountability and state plans regulations

The more controversial of the two is the ESSA regulations.

But recall that Democrats are opposed to using the CRA as a tool to rescind many regulations.

It is complicated/messy.

You also have “red-state Dems” who might vote for a CRA, depending on many factors, including constituent opinions.

You could see Republicans vote against a CRA depending on many factors, including constituent opinions. (more unlikely)

CRA and the Teacher Prep Regulations: The U.S. House of Representatives

Representative Brett Guthrie (R-KY), Chairman of the House Committee on Education and the Workforce Subcommittee on Higher Education and Workforce Training, introduced House Joint Resolution 58 to rescind the teacher prep regs on February 1, 2017 with 2 cosponsors: Rep. Virginia Foxx (R-NC) and Rep. Pete Sessions (R-TX).

This resolution passed the House on February 7, 2017 with a vote of [240-181](#) (Roll Call Vote 85). Five Democrats voted in support.

You can read the Floor debates in the [Congressional Record](#) (links to congress.gov)

CRA and the Teacher Prep Regulations: The U.S. Senate

No resolution has been introduced to this date.

However, there is intention to move on a CRA to rescind the teacher prep regs. There is a lot of politics at play here.

BUT your Senators need to hear from you!

<http://bit.ly/AACTERegsAlertOne>

2 clicks, 5 minutes or less

Open to ANYONE

REMEMBER

You should refer to your faculty or staff handbook to review the policies around contacting elected officials using your work email, work address, and job title. If this is prohibited, then please submit using a personal email and home address (you can still communicate to elected officials about issues relating to the profession as a private citizen).

AACTE ACTION ALERTS

AACTE's inaugural Action Alert was on the use of the Congressional Review Act to rescind the teacher preparation program regulations.

As the process unfolds, we might ask you to do this again with a more specific ask in the letter.

Regardless of party or committee assignments or leadership position your Members of Congress need to hear from you.

Action Alerts are a good way to start engaging, but not the only way to advocate. Follow-up emails and meetings are helpful on any issue!

Constituent Voices

Remember, Members of Congress and other elected officials are beholden to their constituents.

You vote them in, you can vote them out.

Elected officials need to hear from YOU on the regs & the CRA.

Do not doubt that someone else, perhaps not of the same perspective as you, IS contacting your elected officials and making her or his voice heard on these issues.

Don't let party affiliation stop you.

You want your elected officials to make informed decisions about the future of educator preparation. *Be that voice!*

Senate Staff Contact and/or Relationship?

There is still more to do once you have engaged through the AACTE Action Alert system on this issue.

If you have the contact information of the Education Legislative Assistant (Ed LA) or some other staffer in the office of your Senators, write them an email to update them and let them know you sent in a letter (a different set of staffers handle the mail & each office has its own mail system). You could include:

- Your comments on the initial and supplemental NPRM's
- [Coalition statement](#) on the regs from last fall
- AACTE [overview of the regs](#) and [concerns document](#)
- Other pertinent information that you might have from your institution or you PK-12 partners

Why Participate in the Action Alerts?

Constituent communications are logged and Members of Congress are required to answer.

The more communication on an issue causes the issue to be flagged by staff, alerting those up the ranks in the office.

Members of Congress act and take positions based on communication from constituents.

Staff have to research the issue to respond to constituents or prep the boss.

The Action Alerts will be used to engage the Congress on issues important to educator preparation – not just the teacher prep regs! It's one way to make your voice heard, and an excellent start to advocacy & engagement.

Why Engage and Advocate? Members of Congress

From Members of Congress:

“If it is not important enough for constituents to communicate to me about it, it’s not important enough for me to take action on it.”

“I need to hear from constituents to support my leadership on this issue.”

“Happy to help, except my constituents are silent on this issue. It’s not yet important enough for me to expend political capital on this. When I hear enough from them, we’ll move.”

“I cannot buck the party without being able to say that my constituents are beating on my door about this issue.”

Why Engage and Advocate? Congressional Staff

“I would be happy to take this up the flagpole for you, but I checked – we’ve not heard from constituents on this.”

“Thanks for updating me & for the resources. We’ve still not heard from constituents that this is a problem for them. Given other priorities, we will hold on action for now. ”

“I am sure this will be a real problem for us, but our schools of education are silent on this right now. Any idea why?”

What Happens When You Do Reach Out:

Issue: the teacher prep regs

2016:

“We wrote a letter to the Department of Education in June based on a meeting the Senator had with constituents. What else can we do to help?”

2017:

“Yes, I have heard about the regs – our constituents are concerned. I have been following it. I assume you are looking for support for a CRA?”

Implementation of ESSA

The process continues despite the threat of Congress rescinding certain regulations which are part of the implementation of ESSA.

Department's ESSA Webpage

To stay updated on the latest that is released from the U.S. Department of Education, it is recommended to monitor the Department's [resources webpage](#), which contains a vast amount of information on rulemaking and implementation.

Consolidated State Plan

States will submit their Consolidated State Plans **by either April 3 or September 18, 2017**. Included in the CSP:

[How it will spend Title II-A money](#) – the allotment to the state to support teacher & school leaders (and teacher preparation).

The state will need to define various terms in their state plan including:

- Effective teacher
- Inexperienced teacher
- Out-of-field teacher

The state will need to describe in its consolidated plan aspects related to educator prep, including *the state's system to ensure adequate preparation of new educators*, as well as how the state plans to ensure *equitable distribution of teachers*.

GET AT THE TABLE!

Stakeholder engagement is required by law for developing state and local plans.

- Check in with your state chapter to see what they are doing.
- Find out the process in your state & how far along it is.
- Create partnerships and plans on what you would like to implement.

If you are not at the table than most likely you are on the menu.

Your Actions and Engagement

February 2017 Key Advocacy Actions

<http://bit.ly/AACTERegsAlertOne>

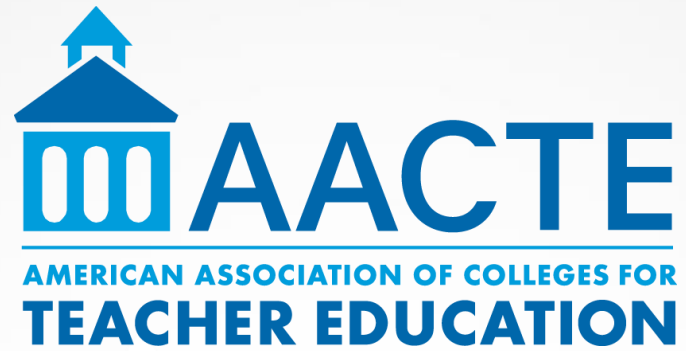
Share this link FAR AND WIDE, please.

ESSA – Stakeholder and Title II engagement with K-12 and higher education colleagues – what opportunities are you creating across the state or with your LEA?

[Explore the AACTE Advocacy Center](#) to learn how to follow up on your CRA email from the Action Alerts and stay engaged.

Resources

- [Advocacy Center](#)
- Advocacy Guides – more to come!
- AACTE Action Alerts <http://bit.ly/AACTERegsAlertOne>
- Blogs – Ed Prep Matters
- Tweets - @AACTE, @Koolbeck
- Websites on state and federal policy
- Documents posted in resource library
- Monthly Federal update webinars
 - 2 days of the week
 - 2 different times to accommodate time zones
- Webinars on advocacy campaigns & immediate action needs



Questions?

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