



FEDERAL LEGISLATIVE UPDATE

January 9, 2018

TO: Membership
FROM: Noelle Ellerson Ng, Legislative Liaison
DATE: January 9, 2018
RE: January Advocacy Update

- **Appropriations:** The current continuing resolution runs out January 19 and we will likely see one more short-term CR (into February) before Congress completes its final FY18 package. Calculations here are impacted by other policies that need to be resolved/addressed, and whether Congress does so in conjunction with the approps bill. These conversations include raising the caps, the looming debt ceiling, another round of emergency funding, DACA, and the tax bill, among others. We do NOT have a read on implications for education funding. We won't have those numbers until we know our overall allocation, and we can't know that until the funding deal is final and we see if Congress raised the caps and if they maintained parity between defense and non-defense discretionary programs. We would not recommend planning on any funding increases from the federal level and in fact believe that level funding will be a win, though cuts are more likely. Congress will continue its work to reconcile the differences between their proposed spending levels, which are significant when it comes to education: The House cuts USED by \$2.2 billion; the Senate provides a nominal \$29 million increase. The funding conversations will hopefully include a resolution for the lack of funding currently available for CHIP and Secure Rural Schools. An additional wrinkle related to the FY18 effort is the ongoing dialogue about raising the funding caps. Without explicit effort to raise the funding caps, Congress will be bound to the FY18 funding cap, which is BELOW FY17. Carrying over from previous years, the conversation about raising the caps raises debate about the size of the increase, how (or if) to pay for the increase, and whether or not to maintain parity between defense and non-defense discretionary funding (AESAs supports parity). Defense hawks want to provide a funding increase for defense, but not non-defense discretionary funding, which is where education dollars fall. Democrats are committed to parity. We have to see how this plays out.
- **Tax Bill:** Last month, Congress passed and the President signed into law the tax bill. The final bill provided tax cuts to the wealthy and corporations. AESAs opposed the tax bill for its negative implications for public education. You can [read our analysis](#) of the house and senate bills. Our opposition to the bill fell into four buckets: the cap on state and local tax deductions (SALT-D); the expansion of 529 programs to pay for private K12 tuition; the changes to school bonds and financing; and the reliance on deficit funding. Our opposition is detailed in [various blog posts](#).
- **Network Neutrality:** AESAs does not have a position on network neutrality, but we are following the recently adopted rescission of neutrality because they will likely impact the ability of schools to fully access any web based content, curriculum or app if it is relegated to a lower tier. Further, we have to consider the changes in coordination with the impact of proposed changes to ERate and Lifeline. Collectively, the FCC leadership is demonstrating they are not committed to ensuring continued equity and access to affordable connectivity. Senators [wrote a letter](#) expressing their opposition to the change.
- **Secure Rural Schools:** A bipartisan group of 35 senators [sent a letter](#) to the White House and Senate leadership urging action on SRS funding. The likely vehicles are either the next round of emergency funding or the final appropriations package. We have a [call to action on the blog](#), please contact your delegation!
- **Perkins:** Senate Republicans are meeting to talk through their Perkins CTE priorities. Alexander has indicated he wants to move Perkins out of Committee prior to taking up HEA.
- **IDEA:** The Department is expected to delay the implementation of IDEA regulations on significant disproportionality. These regulations were issued in December 2016 and AESAs had many concerns with the financial and administrative impact of the regulations. We support any delay. Our concerns with regulations can be found [here](#).

- **HEA:** After a 14-hour markup, the House education and workforce committee passed the PROSPER Act to reauthorize the Higher Education Act. It eliminates all of the teacher preparation and incentive programs from HEA. First, it eliminates Title II, the teacher preparation part of HEA. This includes the Teacher Quality Partnership grants and data reporting requirements for teacher preparation programs. Second, it eliminates TEACH grants going forward. Third, it eliminates the public service loan forgiveness program. These changes would raise costs and exacerbate teacher shortages.
- **Reports**
 - Title I Report: NREAC and AASA were the lead organizations for the data and analysis behind our collaborative push to rewrite the Title I formula in ESSA to reflect actual concentrations of poverty (not mere presence of poverty). While we were not successful in getting the formula rewritten to be driven by percentage weighting (not number weighting) we did secure report language that requires the government to examine the existing formula and how they are (or aren't) truly allocating the dollars to schools based on depths of poverty. The reports were due in June of 2017. In October, I was told the final draft was at USED for review. This week I heard that USED is delaying the release of the report because of the delay in timeline for the implementation of the fiscal transparency requirement in ESSA, where states have to detail school and district expenditures. I have no idea why they are linking the two; they are distinct and separate provisions.
 - Rural Report: A preliminary draft of the rural report by USED is attached. They are seeking comment on the report by February 18, 2018.
- **Other Resources**
 - ESSA Fiscal Transparency Webinar: On December 5, AESA pushed out an AASA hosted a webinar on the upcoming ESSA fiscal transparency reporting requirements, what it will mean for schools, and how they can/should prepare. You can access an archive of that webinar [here](#).
 - ESSA Stakeholder Engagement: CCSSO released [Let's Continue This Conversation: How to Turn New Stakeholder Connections into Long-Term Relationships](#). As the implementation of the Every Student Succeeds Act (ESSA) begins, now is the time to reiterate your commitment and turn these new connections into long-term relationships by establishing sustainable ways to continue to listen to, inform and learn from your stakeholders. This guide is intended to help states assess the engagement strategies used during the ESSA development stage, identify the ones to sustain or refine, and develop a long-term plan that will continue to create opportunities for stakeholders to be heard on this and other education issues.
 - Transition to Supplement, Supplant: USED [released a document](#) to state education agencies regarding the timeline for compliance with the supplement, not supplant (SNS) requirements in ESSA. We share it here for your reference, and so you know what has been shared with your state agency.
- **Public Education Week:** Looking for a positive way to start 2018? Participate in Public Schools Week! We are celebrating the diversity and success of our public schools between February 5th and February 9th. More information coming soon, but spread the word that this is happening. Strengthening America's public schools is the best way to ensure our children's future success and our country's prosperity. Communities are stronger and schools are better when we all work together to support public education and we are excited that fifty national organizations have come to together to sign this joint statement in support of public education that will be introduced into Congress on February 6th. AESA and AASA wants you and your colleagues, parents, and community members to join us in lifting up the great things happening in your school and district. Use the hashtags #PublicSchoolsWeek and #LovePublicEducation and share why your school community is doing a great job educating kids and preparing them to thrive in the future. And, check out our webpage, www.lovepubliceducation.org.