

# Federal Update

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# Agenda



- Congressional Context
- Funding
  - FFY 2017
  - FFY 2018
- ACA and Medicaid
- School Choice
- ESSA
- Supreme Court Rulings
- Other Bills

## 4 1<sup>st</sup> Session of the 115<sup>th</sup> Congress

- Convened in January 2017
- Reconvene July 11<sup>th</sup> after July 4<sup>th</sup> recess
- August district work period) end of July
  - House in session under end of July
  - Senate announced they will work first 2 weeks in July
- Congress reconvenes September 5<sup>th</sup>
- Scheduled adjournment – TBD



### U.S. Senate

52 Republicans  
46 Democrats  
2 Independents

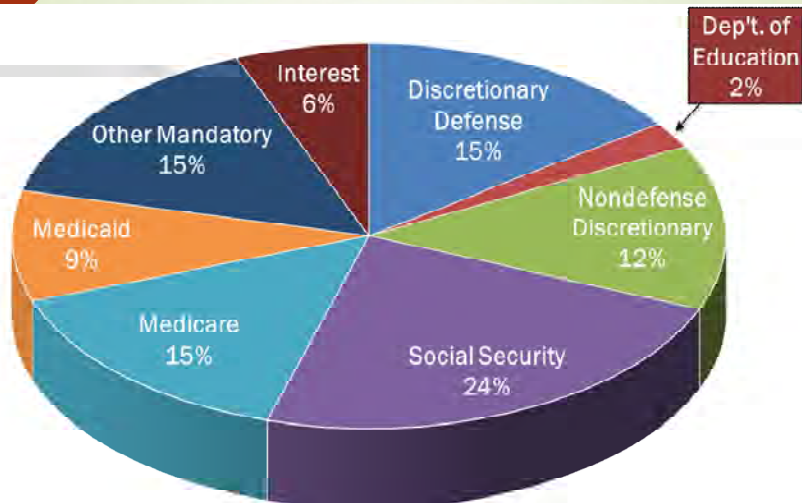


### U.S. House of Representatives

240 Republicans  
194 Democrats  
1 vacancy

As of 7/11/17 from  
[pressgallery.house.gov](http://pressgallery.house.gov)

### Fiscal Year 2016 Outlays



Source: CEF based on CBO and OMB data

## AND NOW THE BAD NEWS

**CUTS  
POSSIBLE  
...Deeper  
in FFY 2018**



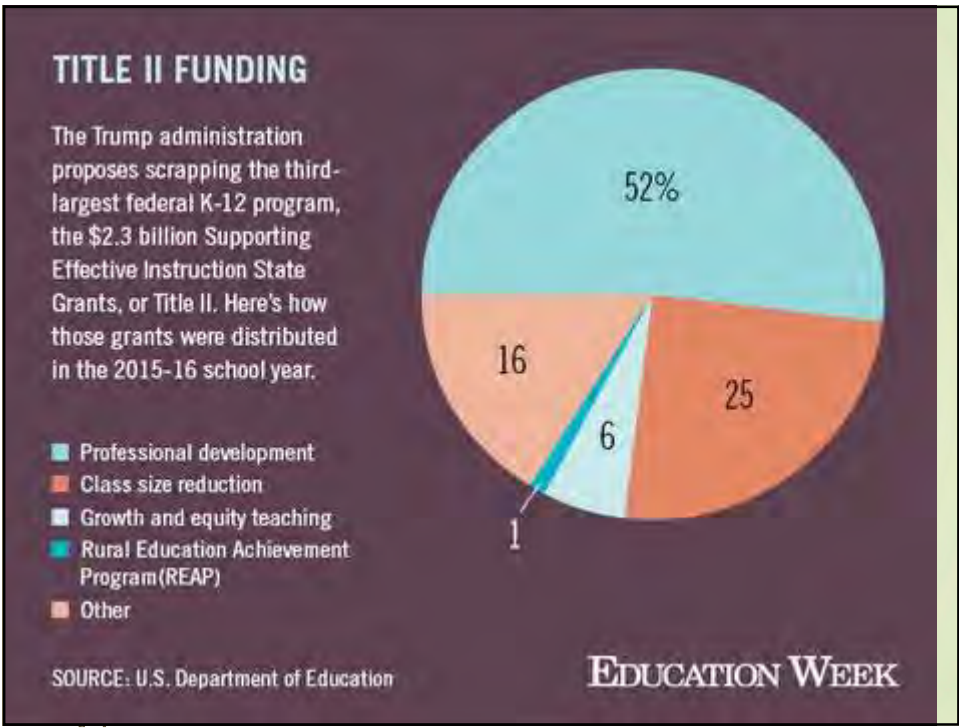
## President's Budget for FFY 2018

- ▶ Requests \$59 B for **Department of Education**
- ▶ \$9 billion (or 13%) cut from the FFY 2017
- ▶ Request includes \$1.4 B for new investments in **public charter schools and private school voucher** programs
  - ▶ \$250 million plus optional portability for new Title I for LEAs
- ▶ Generally freezes for **IDEA programs**
- ▶ Includes an \$800 B decrease for **Medicaid** that will directly affect the available funds for IDEA services.

## President's Budget (cont)

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- Would **eliminate 22 Education programs** including
  - [Preschool Development Grant](#);
  - [21st Century Program](#) (before and after school and summer programs);
  - Title II of ESSA that supports effective instruction; and
  - [Jacob K. Javits Gifted and Talented Students Education Program](#)
- Would cut \$72 B over ten years from the [Social Security Disability Insurance](#) (SSDI) and [Supplemental Security Income](#) (SSI) programs.
- Would also cut the **Supplemental Nutrition Assistance Program (SNAP)** by more than 25% over those 10 years.
- Would eliminate the [Social Services Block Grant](#) (SSBG), \$1.7 B and Newborn Hearing Screening Program



## Appropriations for IDEA

	FFY 2017 Final	FFY 2018 President's Proposal
IDEA 619 Preschool	\$367.5 million	\$367.5 million
IDEA Part C	\$457.7 million	\$457.7 million
Part B 611	\$12 billion	\$11.89 billion

## Appropriations for Early Learning

	FFY 2017 Final	FFY 2018 President's Proposal
Child Care Development Block Grant	\$2.756 Billion	\$2.761 Billion
Head Start & EHS	\$9.151 Billion	\$9.168 Billion
21 <sup>st</sup> Century Learning Centers	\$1.192 Billion	-0-

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## House Appropriations FFY 2018

- ▶ LHHS-ED Subcommittee **mark-up** July 13<sup>th</sup>
- ▶ **\$5 B cut** from FFY 2017 – little detail
- ▶ Bill is **\$5 Billion below the 2011 Budget Caps**
- ▶ **Cuts** to MH and Sub Abuse, 20<sup>th</sup> Century, etc
- ▶ **Eliminates** Special Olympics, Title II, HIV, new Literacy program, Teen Pregnancy, etc.
- ▶ **Small increases** for NIH, ESSA Title IV-A, IDEA Part B-611, Head Start and Child Care
- ▶ **Freezes** for Title I, IDEA Part C and 619, Preschool Grants, etc.

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## Where Are We Now?



- ▶ Final Funding must be in place by September 30, 2017
- ▶ May end up with a Continuing Resolution (CR) to keep the government in operation
- ▶ Unless an Omnibus Bill is agreed to by all
- ▶ Very few days left in this session
- ▶ These funds will be allocated to states under IDEA in July 2018

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## IDEA Full Funding Act Introduced – H.R. 2902

- Introduced in June 2017 by Representative Jared Huffman (D-CA) – 21 co-sponsors
- Chris Van Hollen (D-MD) expected to introduced the Senate version soon
- Provides mandatory funding that puts the federal government on a 7-year glide path to reach the 40% of the additional costs associated with educating students with disabilities.
- Currently, the federal government funding is at 15% of those additional costs.
- Supports Part B 611 increases only - Part C, Preschool 619 and Part C are not included in the bill.

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## Debt Ceiling Needs to Be Raised

- Ceiling Reached in March
- Treasury has begun taking "extraordinary measures" to delay the U.S. government from defaulting
- Treasury asked House Speaker Ryan to lift the debt ceiling 'at its first opportunity.'
- Summer is expected REAL DEADLINE







## Musical Interlude to Put Us in the Right Mood

<https://youtu.be/eYE023CrMo4?t=147>



## The Affordable Care Act Repeal/Replace - House

- Passed in June
- Repeals/replaces ACA and cuts Medicaid by \$880 Billion
- Biggest concern is per capita caps and/or block grants – historically, Fed pays approximately 63%
- Repeals mandatory Medicaid coverage for children ages 6-19 over 100% of the federal poverty level – 5 million could lose coverage
- Impact on special education and early intervention is 'ginormous'

## The Affordable Care Act Repeal/Replace -Senate

- ▶ Bill #1 – done secretly – DOA and Bill #2 – nope
- ▶ Senate delayed vote until after July 4<sup>th</sup> recess.
- ▶ Bill #3 – maintains tax increase on wealthy and maintains Medicaid cuts and caps
- ▶ Senate to stay in two extra weeks in August
- ▶ CBO score on Monday & vote expected Thursday
- ▶ All Democrats oppose and are definite NOs
- ▶ 2 Republicans (Collins and Paul) are Nos
- ▶ Need one more NO or bill will pass

## School Choice

- ▶ When we talk about school choice what are we talking about?





## Public School Choice

- Flexible school boundaries
- Magnet schools
- Public charter schools (virtually all charter schools are public)
  - The type of charter school affects its responsibilities
- Flexible programs (e.g., programs only offered at certain schools)



## Non-Public School Choice, aka Vouchers

- Tuition tax credits exist in 17 states
  - Process diverts taxes owed to a state to charitable donations that are bundled and given to parents
- Giving voucher outright to parents for child to attend private school (e.g., proposed Title I portability)
- Educational savings accounts
- DC voucher program currently only federal voucher program

## Secretary DeVos on Choice

- In House hearing, refused to say that schools accepting vouchers cannot discriminate
- In Senate hearing, she insisted they would have to comply with federal nondiscrimination laws. BUT...
  - What does IDEA say?
  - And which nondiscrimination laws apply?

## ESSA Update

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- **Now:** States developing ESSA plans, which include:
  - Assessment & accountability systems (Title I)
  - Supporting Effective Instruction (Title II)
  - Well-Rounded Education (Title IV)
- **April/September 2017:** States submit ESSA plans
  - 16 states and District of Columbia submitted state plans
  - Initial feedback to [Delaware](#), [Nevada](#), and [New Mexico](#)
- **2017-2018:** Transition year for many States
- **2018-2019:** Full Implementation



## ESSA Implementation

- Administration repealed accountability regulation
- Assessment reg still in place
- Biggest special ed issues:
  - 1% cap and
  - 1% alternate diploma

[Federal ESSA Webpage](#)



## Other Issues to Think About in ESSA

- ESSA eliminated highly qualified teacher provision and changed comparable provision in IDEA
- Socio-emotional issues/school climate
- School rankings
- Title IV-A: new block grant but will it be funded?



## What Was That IDEA?

- Repeat after me:  
IDEA reauthorization is not happening any time soon
- But note NASDSE's Principles for Reauthorization at [www.nasdse.org](http://www.nasdse.org)
- ITCA is in process of developing Preliminary Recommendations for IDEA
- Department just published conforming technical changes to regulations (ESSA) and to statute (Rosa's Law)



## Other Hot Button Education Issues

- House has passed career and tech ed reauthorization
- Repeal of teacher preparation regs
- Data privacy was a big issue in the last Congress – FERPA is out of date and out of synch with HIPPA
- Online learning – huge issue
- Personalized learning



## ESSA May Impact IDEA Reauthorization

- ▀ High standards for SWD
- ▀ Stakeholder engagement (apparently no longer important in ESSA)
- ▀ More flexibility
- ▀ Limitations on Secretary's authority



## Supreme Court Cases

- ▀ The Court heard two special ed cases this term:
  - ▀ Fry v. Napoleon Community Schools
  - ▀ Endrew F. v. Douglas County School District
- ▀ Plus
  - ▀ Trinity Lutheran Church of Columbia, Inc. v. Comer

## Home Visiting

- ▶ MIECHV, initially authorized in the ACA, set to expire September 30, 2017
- ▶ H.R. 2824, the *Increasing Opportunity through Evidence-Based Home Visiting Act*, introduced with a five-year extension at the current annual allocation of \$400 million.
- ▶ Bill also includes modifications to the program.
- ▶ An analysis of the modifications in the bill is [available here](#).
- ▶ Home Visiting Coalition  
<http://homevisitingcoalition.com>

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## Home Visiting Coalition: National Day of Action

- ▶ Wednesday, July 12, 2017
- ▶ To demonstrate commitment to seeing the Maternal, Infant, and Early Childhood Home Visiting program (MIECHV) reauthorized for five years, in its current form, with an increase in funding to \$800 million a year.
- ▶ Home Visiting Coalition sent a letter to members of Congress signed by hundreds of organizations urging MIECHV's reauthorization, protection, and expansion.
- ▶ *Politico* full-page ad highlighting the letter and its message.
- ▶ Called for tweeting and emailing Senators and members of Congress.



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## Early Hearing Detection and Intervention Act (EHDI)

- Almost completed by last Congress
- Since 1999 funded to provide federal funds for state grants to develop infant hearing screening and intervention programs.
- S. 652 (awaiting Senate action) and H.R. 1539 (referred to Subcommittee) introduced in March 2017
- Leading sponsors are Senators Rob Portman (R-OH) and Tim Kaine (D-VA), and Representatives Brett Guthrie (R-KY) and Doris Matsui (D-CA).

## NEW: The First Five Years Fund National Poll for 2017

- 79% of voters (bipartisan) want Congress and the administration **to work together to improve the quality** of child care and preschool, and make it **more affordable** for parents.
- 58% of voters say that Congress and the president are not giving early childhood education the attention it deserves.
- 85% of voters say there should be **increased funding** for child care that directly supports **greater access to quality programs for low- and middle-income children** while their parents work or attend school.

There is strong support for essential investments in quality early childhood education from birth through age five

- 89%** Important Making early education and child care more affordable for working families to give children a strong start.
- 86%** Important Helping states and local communities build better preschool services for parents and making them more accessible to children from low- and middle-income families.
- 78%** Important Providing voluntary home visiting and parent education programs that help first-time parents support their child's early learning, health, and emotional development.
- 78%** Important Making available high-quality learning programs for infants and toddlers to give them a strong start on developing school-ready knowledge and social skills.

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## How To Reach Us

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## Questions? Discussion

