



Federal Update

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Congress



Primary Task is Nominations



- Cabinet Nominations
 - Senate-confirmable administration posts
- Supreme Court nominee



Action on Regulations

- Congressional Review Act (CRA)
 - Allows Congress to reach back 60 legislative days
 - Resolution passed by House and Senate and signed by President overturns regulation
 - Responsible agency prohibited from ever issuing “substantially similar” on the same legislative language



Action on Regulations

- CRA Resolutions on:
 - ESSA Title I Accountability Regulations (H.J. Res. 57)
 - HEA Title II Teacher Preparation Regulations (H.J. Res. 58)



Appropriations

- Government currently running on Continuing Resolution (CR) through April 28th
 - Little appetite for big shifts in remaining months of 2017





Appropriations

- Budget and Appropriations process for FY 2018 starts early 2017
 - President preparing budget “outline” for Congress
 - Potential for across-the-board cuts of up to 10%
 - But little likelihood of targeted cuts
 - Title I, IDEA likely to be somewhat protected
 - Changes to sequestration?
 - Balancing of defense, entitlement, and non-defense discretionary spending



Tax Reform

- Expected that President will suggest tax credits for parents who send their children to private schools
 - Up to \$20 billion total
 - Will not come out of Title I/K-12 budget, but will have to be offset by other cuts to spending
 - Would require action by Congress



Policy Legislation

- All on the back burner:
 - Perkins
 - Higher Education Act
 - Child Nutrition Reauthorization
- Unlikely to see action:
 - Any changes to ESSA



The Administration





Overall Education Priorities

Equity → State autonomy/ parental choice



Potential Administrative Priorities

- Review/repeal of regulations, guidance
- Closing/shrinkage of Office of Civil Rights, others
- Reevaluation of charter school flexibilities
- Open up previously unutilized pieces of law, money



Potential Administrative Priorities

- Pushing for “States’ rights” and additional State responsibilities
 - Guidance on accommodating transgender students rescinded by ED/DOJ for two major reasons:
 - Administration disagreed with legal interpretation extending Title IX protections
 - Said that States and districts should be making this decision, not federal government



Who's Running the Place?

- Secretary of Education Betsy DeVos
 - Leadership roles still not filled
 - Current political staff (non-defined roles):
 - Ebony Lee (Bush admin/Gates Foundation)
 - Michael Brickman (WI Gov. Scott Walker, Fordham Inst.)
 - Jim Manning (Bush admin)
 - Josh Venable (FL Gov. Jeb Bush, Foundation for Educational Excellence)
 - Andrew Kossack (IN Supt. Tony Bennett, Foundation for Educational Excellence)
 - Handful of campaign, transition staff



Executive Orders

- Regulatory Pause (1/21)
 - Regulations which are final but not yet passed their effective date will be delayed for 60 days
 - i.e. to March 21st
 - Agencies are instructed to review for questions/ issues of law and policy, potentially delaying effective date further if necessary
 - ED: ESSA accountability and State plans, FERPA



Executive Orders

- Cutting Regulations (1/30)
 - For every new regulation issued, two must be revoked
 - Costs must be offset
 - Regulatory budget for agencies zeroed out
 - Questions:
 - Applies to regulations required by Congress?
 - Easy to circumvent?
 - Definition of Regulation?



Immigration Policy

- Area of significant potential action
- Closing off “visa waiver” program for select countries
- Increasing Customs and Border Control (CBP) staff
- Making detention and deportation a priority
- For now, no action expected on Deferred Action for Childhood Arrivals (DACA) individuals, but could change
- New immigration raids and proposals surrounding deportation of immigrants that have become a “public burden” expected to have a chilling effect on school attendance and program participation



ESSA Implementation

- Accountability regulations subject of Congressional CRA resolution
 - ED says it will issue new State plan template mid-March
 - Will contain only elements required under law
- Supplement, not supplant regulations withdrawn by ED
- Assessment regulations still applicable
- Most guidance documents (e.g. equitable services) still applicable
- Lots of uncertainty!



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