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MEMORANDUM

TO: Interested Parties
FROM: Penn Hill Group
DATE: November 9, 2016
SUBJECT: 2016 Election and Federal Education Policy

Twenty-four hours ago, the 2016 election narrative was almost unanimous. Hillary Clinton would be the next President, the U.S. Senate majority would switch to the Democrats or be a tie, and Republicans would lose at least a dozen seats in the U.S. House of Representatives.

None of the predictions ultimately prevailed.

This morning, Donald Trump won a decisive electoral college victory. Republicans will retain the Senate majority and House Republicans lost just a handful of seats to retain a solid majority.

There will be much written in the coming days on what this historic election may mean in the broader context of our nation's future. This memo, however, is focused on the potential impact on the education and workforce landscape. While these issues are not likely to be front and center on Trump's agenda, the staffing decisions being made in the next several months could have a profound impact on education policy. Also impactful will be how Trump responds to pressing issues like the ongoing discussions related to appropriations and the fate of many education-related regulations, particularly those related to the implementation of the Every Student Succeeds Act (ESSA) and higher education.

The Next 60 days

Donald Trump has a herculean task over the next 60 days to begin putting in place the next Administration. White House staff, Cabinet Secretaries, subcabinet officials – some 4,000 in all – will be named by the incoming President in the coming days and weeks. Unlike Hillary Clinton, who had a long bench of policy experts from her prior political life ready to step in, Donald Trump will rely on a much smaller network of key players, particularly when it comes to issues around education.

To date, those key education players have included:

- *Bill Evers* – A research fellow at the Hoover Institution and a member of the Institution's Koret Task Force on K-12 Education, focusing on issues including testing, accountability, and school finance. Evers also served as assistant secretary of education for policy at the U.S. Department of Education (ED) from 2007 to 2009. He was also senior adviser to Secretary of Education Margaret Spellings during 2007. Prior to that, he served in Iraq as a senior adviser for education to Administrator L. Paul Bremer of the Coalition Provisional Authority, served on the California State Commission for the Establishment of Academic Content and Performance Standards, and served on the Santa Clara County Board of Education.

- *Gerard Robinson* – A resident fellow at the American Enterprise Institute (AEI), where he works on education policy issues including choice in public and private schools, regulatory development and the implementation of K-12 laws, the role of for-profit institutions in education, prison education and reentry, rural education, and the role of community colleges and Historically Black Colleges and Universities (HBCUs) in adult advancement. Before joining AEI, Robinson served as Commissioner of Education for the State of Florida and Secretary of Education for the Commonwealth of Virginia. He also served as president of the Black Alliance for Educational Options.
- *Rob Goad* – Served for five years as a senior education advisor to Representative Luke Messer (R-IN). His issue areas included a focus on K-12 issues, particularly school choice.

It is worth noting that, given the background of some of these key players, AEI, the Heritage Foundation and the Hoover Institution are likely to play a large role in shaping education policy and may effectively serve as the Republican's version of the Center for American Progress (CAP), which played a major role in shaping the Clinton campaign agenda, including around education, and would have continued to play that role had Secretary Clinton won the election.

One of the first major insights into Trump's education and workforce agenda will be his selection of a Secretary of Education and a Secretary of Labor.

Prior to the election, many names were being circulated as potential selections as Secretary of Education. This list included former Presidential candidate Ben Carson, who was on the stage with Trump last night during his victory speech. Trump has previously noted that he is very interested and impressed with Carson's views on education. While it seems quite possible that Ben Carson will be part of the Trump Administration, there are several other positions for which he may also be considered, including U.S. Department of Health and Human Services (HHS) Secretary or Surgeon General.

Other names that have been floated publicly include Bill Evers and Gerard Robinson (both mentioned above), Tony Bennett and Rep. Messer. There has also been some discussion around the possibility of Trump selecting a relative outsider, such as someone from the business community, to fill this position.

With regard to the Department of Labor, where there has been considerably less public conjecture, Victoria Lipnic, commissioner of the Equal Employment Opportunity Commission since 2010, has been mentioned for Secretary. She also served as an Assistant Secretary of Labor for Employment Standards from 2002 until 2009, and was reportedly considered by Mitt Romney's 2012 campaign for the post.

One thing is guaranteed, in the coming days, many new names will emerge on lists compiled by pundits and what often seems to be the case is that many, if not all, will be wrong.

Beyond the Secretary of Education and the Secretary of Labor, Trump will have to fill other key jobs within both Departments, including Deputy and Under Secretary, and Assistant Secretaries, as well as positions in the White House Domestic Policy office and Office of Management and Budget (OMB) – all of which are crucially important to the consideration of education and workforce policies moving forward. At this time, it is simply too early to guess who will ultimately fill many of these positions, but many names will begin to emerge in the coming days.

Lame Duck Session

Congress returns next week for a “lame duck” session and will be consumed with three things: the make-up of the next Administration as the transition begins, the make-up of the GOP leadership of the House, and how to deal with the final Fiscal Year (FY) 2017 spending bills.

Leadership

Speaker Paul Ryan (R-WI) faced criticism among some conservative Republicans for not standing squarely behind Trump during the campaign, but it is not at all clear if Republicans are ready to find another Speaker, or who else would have the ability to get the votes necessary to successfully challenge Speaker Ryan. At this point, the odds are likely in Speaker Ryan’s favor, but his fate should become more clear in the coming days.

There will be other key leadership races to watch as well, including one that could impact education policy in the Senate, where there is speculation that newly re-elected Senator Patty Murray (D-WA), currently the top Democrat on the Senate Health, Education, Labor, and Pensions (HELP) Committee, could decide to move up the Leadership ranks and ultimately give up her HELP slot to Senator Bernie Sanders (I-VT).

Education Committees

In the House, where there is traditionally a significant turnover of Members, Representative Virginia Foxx (R-NC) will likely become the Chair of the House Education and the Workforce Committee, replacing the retiring Representative John Kline (R-MN). Rep. Foxx has expressed strong support for Trump’s stance on a far more limited Federal role in education, but has been a strong advocate for workforce preparation and strengthening higher education. While very conservative, she has shown a pragmatic side on the Committee and proven her ability to drive a bipartisan consensus, most notably around the passage of the Workforce Innovation and Opportunity Act (WIOA), ESSA, and shepherding several smaller bipartisan higher education bills through Committee.

Representative Bobby Scott (D-VA), who was reported to be the leading candidate for appointment to the Senate in the event of a Clinton/Kaine victory, will now stay as ranking member of the Committee.

Other members of the Committee, including Subcommittee chairs and ranking members, will be determined over the course of the next several months.

The HELP Committee will continue to be led by Chairman Lamar Alexander (R-TN), and Sen. Murray will continue as ranking member although, as noted above, it’s possible she fills a leadership role, which could impact her ability to remain as ranking member. Chairman Alexander is likely to be the leading GOP legislator on education issues in Congress and he and his staff are likely to be heavily relied upon by the new Administration for advice and guidance. The Committee membership will likely remain similar with only some turnover, including Senator Mark Kirk (R-IL), who lost his re-election bid, and Senator Barbara Mikulski (D-MD), who retired.

Appropriations

On the appropriations front, the FY17 Continuing Resolution (CR) runs through Dec. 9th after which Congress will need to pass the remaining appropriations bills or attempt another CR.



The outlook for a resolution before December 9th is certainly impacted by the results of the election. Even before the election, a small group of Republicans were pushing for a CR into next year, perhaps to the end of March 2017. With the Republicans in control next year, there will be a growing chorus of members pushing this strategy – in order to have the opportunity to get more of what they want by working with the new Administration.

However, there are some who argue that the Republicans may also want to “clear the decks” for the next Administration so as not to begin next Congress with the spillover of some of these controversial issues, and be forced to attempt to finalize negotiations on the FY2017 budget while also working to craft their own budget for FY2018. This will all shake out in the coming weeks.

Outlook for Specific Programs

Regarding education funding for specific programs, we expect a mixed outcome. For most education programs, we expect level funding, or perhaps slight inflationary increases, as has been the case in recent years. However, we do believe that the final FY17 appropriations bill is likely to take a significant amount from the surplus that exists in the Pell Grant program, in order to add much needed funding to the Labor/HHS/Education portion of the Omnibus.

We believe that, in large part, funding from the Pell surplus will ultimately be divided up between the following activities: National Institutes of Health (NIH) funding (with a significant increase), the restoration of the Summer Pell program, and the Elementary and Secondary Education Act (ESEA) Title IV block grant, which we suspect will be funded in the \$400-\$500 million range. However, a bill negotiated with a Trump Administration could change the funding level for Title IV and other programs.

There will also be some other clear winners and losers when it comes to funding levels for individual programs and initiatives. For example, one of President Obama’s signature programs, Promise Neighborhoods, could face an uphill battle for funding in a final appropriations bill. However, programs associated with school choice -- such as charter school grants -- and more flexible pots of funding -- such as the new Title IV block grant, Title I, and the Individuals with Disabilities Education Act (IDEA) -- could see even a bit more of an increase, particularly if the appropriations are kicked into next year and there’s a seat at the table for the new Administration.

We also believe that the FY17 appropriations bill, for the first time in a while, may include a few key riders on education policy, designed to block or significantly scale back President Obama’s regulatory initiatives, particularly those on teacher preparation and potentially supplant, not supplant – again, particularly in the event of appropriations getting kicked to next year.

Other Lame Duck Issues

In addition to possibly finalizing the FY17 appropriations bills, there will also continue to be efforts to push for the confirmation of Supreme Court Justice Merrick Garland, as well as to finalize approval of the Trans Pacific Partnership Agreement (TPPA). Neither had a chance of passing even had Clinton won, and now there’s not even a prayer.

On a much smaller scale, there are a few “under the radar” issues that remain to be resolved in the education policy world, most notably the reauthorizations of the Perkins Career and



Technical Education Act (CTE), the Institute of Education Sciences (IES) and the Education Sciences Reform Act (ESRA), and the reauthorization of the Institute of Museum and Library Services (IMLS).

Regarding the final disposition of the CTE and ESRA re-authorizations, it's very hard to be optimistic. On CTE, the House was able to muster bipartisan support for passage of its bill a few months ago and, in an unusual departure from the norm, it's actually the Senate that is unable to act in a bipartisan manner. While there are a handful of key differences between the House and Senate bills, the biggest disagreement revolves around how much authority the Secretary of Education will have over State CTE standards and state programs. Senate Republicans, led by HELP Committee Chairman Alexander, are very concerned with what they believe to be ED's overreach on ESSA regulations, and have vowed to continue to clamp down on the Secretary's authority in every education bill they can. Meanwhile, Senate Democrats continue to fight for the Secretarial authority as a check over wayward states. With neither side willing to budge on this point, and little time remaining to come to agreement, draft and pass a bill that the House, Senate and President can all agree upon, we are not optimistic about final passage of this relatively routine authorization bill before this Congress adjourns.

Unfortunately, the situation is much the same for the ESRA reauthorization. Here, the Senate more or less passed a nearly identical bill to the one passed by the House in the previous Congress and is just waiting for the House to pass its own bill again. This time around, the bill has drawn the ire of a small band of social conservative groups concerned about issues like Federal support of research on topics like social and emotional learning and concerns regarding education privacy and statewide longitudinal data systems. This bill is not a high priority for Republicans or Democrats, and there has yet to be a big push on either side, or within the Administration, to get this bill to the finish line.

The bill reauthorizing the Institute of Museum and Library Services (IMLS) has not drawn any controversy at this point, and still stands a chance of making its way through the process over the next few weeks.

The "First 100 Days"

As noted above, education is not likely to be front and center on Trump's "First 100 days" – which may instead be focused on an effort to repeal Obamacare and, if consistent with his campaign, will also focus on immigration, taxes, trade and international policies.

However, there are many education issues that a new White House and ED will be faced with in the first 100 days.

We do note however, that with Republican majorities continuing in both chambers, there is the potential to consider key priorities through reconciliation, and to some degree through the appropriations process, without getting 60 votes in the Senate. This is the most likely way to make a run at Obamacare and taxes, and has been used in the past with regard to student loans and other higher education issues.

FY18 Budget – Trump will need to develop an FY18 budget, set funding priorities and outline any new initiatives, which would likely include his campaign proposals to:

- Direct \$20 billion of current Federal education spending toward school choice policies which allow states to fund efforts around public or private school choice, magnet schools and charter schools; and,
- Focus on reducing the cost of college and student debt through loan repayment simplification and Federal tax breaks.

Budget Reconciliation – Both the new Administration and congressional Republican leaders will have to determine if they want to use budget reconciliation to advance policy and spending priorities. Senator Mitch McConnell (R-KY) has already signaled his desire to advance with a repeal of the Affordable Care Act (ACA) in the new Congress. Absent budget reconciliation (which by itself can't eliminate all of the ACA), it may prove difficult to move significant legislation due to the threat of a Democratic filibuster in the Senate. As we have seen in past years, reconciliation can often pull in higher education issues.

Regulations – As with any new Administration, Trump will certainly issue a moratorium on any new regulations being proposed and require a review of all recent regulations.

This process could significantly impact regulations currently in progress, including those tied to the recent passage of ESSA, higher education regulations including borrower defense, state authorization and program integrity, as well as regulations from the Labor Department on issues like overtime.

In addition to pulling back on current regulations, it is also possible that the new Administration builds upon what has been a vastly expanded executive role in shaping policy through regulations – such as the No Child Left Behind (NCLB) waivers that Obama used to drive priorities like teacher evaluations and the state adoption of college and career standards. While unlikely in the first 100 days, there is the possibility that a Trump Administration uses these same powers to significantly reduce the role of the Federal government in education programs and promote a few of his key issues, such as school choice and income-based repayment of student loans.

Legislation – The respective House and Senate education committees are likely to begin next Congress by attempting to tackle issues they were (or are) unable to do this year (i.e. CTE, ESRA, IMLS). However, the major focus next year will be the reauthorization of the Higher Education Act (HEA). This effort will build upon those over the past several years, and it is likely that as the new Administration begins work on the FY18 budget, some of these higher education issues will begin to be debated – although any comprehensive reauthorization will be well into next year at the earliest.

Oversight – The Trump Administration will also have to decide what it will do with respect to maintaining what has been increased oversight by the Obama Administration related to consumer protection and civil rights.

ED's Office for Civil Rights (OCR) has opened hundreds of investigations focused on Title IX violations, many of which will be unresolved heading into a new Administration. The new administration will need to determine if it will continue to pursue these and other investigations.

The Last Gasp of Policy from President Obama and the 114th Congress



Finally, in addition to what is happening in Congress and the transition to a new President, it is important to note that the Obama Administration has not finished issuing regulations, particularly those coming out of ED. While it is true that regulations do not technically carry the full force of law and can be overturned by Congress and/or replaced by the new Administration, it is fair to say that this Administration will attempt to leave its regulatory mark on education policy to a more significant extent than any that preceded it.

And there is still more to come. In just the last few months on higher education, ED has issued regulations and guidance, and launched other new initiatives that include a new college report card, a host of new reporting requirements and responsibilities for accreditors, a Borrower Defense to Repayment regulation that is likely to have a significant impact for years to come, and a teacher preparation regulation. State authorization for distance education providers is the last major higher education regulation expected from ED prior to the new President taking office. In the K-12 policy world, final ESSA regulations are on their way on key topics like supplement, not supplant, state plans and accountability, and assessments.

It is hard to overstate the impact that some of these regulations have had on Federal education policy, at least in the short term. This is especially true on higher education policy where President Obama’s regulations have dramatically scaled back the for-profit education industry to the point where it is hardly recognizable when compared to the days before the Administration took office. But the regulations’ impact has not been limited to just for-profits, as accreditors, lenders, and institutions of all types have also felt the impact of additional ED oversight and will be feeling the effect of these regulations for many years to come.

On K-12 issues, while the Administration has been very active, their long-term impact is much less clear, as the rules have not yet been finalized and more implementation work remains, and there appears to be a much great chance that the Trump administration will put its own mark on ESSA implementation. That said, in the next few weeks the Obama Administration will issue its final ESSA regulations, which will at the very least provide the framework for implementation of this new law for the first year or two of its existence. However, Senator Alexander and Chairman Kline have said they could pursue a Congressional Review Act (CRA) to overturn these regulations, and given that this will be done in a Republican Congress with a Republican President, a CRA could be successful. They could also decide to pursue a CRA on any regulations that have not been final for 60 legislative days before the start of the new Administration, which includes teacher preparation and Borrower Defense to Repayment.

Penn Hill Group Crystal Ball – Federal Education Policy Winners and Losers

ISSUE	TRENDING	OUR TAKE
Big Picture		
Conventional Wisdom		<ul style="list-style-type: none"> • Wouldn't want to be a pollster or a prognosticator and have to explain myself today
Bipartisanship		<ul style="list-style-type: none"> • Fewer and fewer moderates left in either the House or the Senate • Both parties will have internal divisions to resolve • Liberals in Congress likely to push against working with incoming Trump Administration



ISSUE	TRENDING	OUR TAKE
Education Funding		<ul style="list-style-type: none"> While cutting spending was not a top campaign priority, President-elect Trump did signal a desire to “downsize” the U.S. Department of Education. While this may not translate to less funding for core education programs, ED is likely to see less funding than under an Obama or Clinton Administration
Higher Education		
Debt-Free College		<ul style="list-style-type: none"> Was major priority for Secretary Clinton, but not for President-elect Trump, who is focused on improving repayment options for student loans Debt-free college was never popular with the GOP in Congress, though both Trump and congressional Democrats will want to address “college affordability” in a higher education reauthorization in some way
Gainful Employment		<ul style="list-style-type: none"> President-elect Trump is much less likely to retain and fully enforce regulations – to sighs of relief from for-profits and community colleges that have been caught in their web
Fix the FAFSA		<ul style="list-style-type: none"> Major bipartisan support, the question is exactly what the fix is, and when it gets done
Summer Pell		<ul style="list-style-type: none"> Bipartisan initiative that could find its way into FY17 final budget and beyond pending larger FY17 spending decisions
Accreditation Reform		<ul style="list-style-type: none"> Bipartisan support for taking action Little agreement on specifics
Loan Repayment Plan Simplification		<ul style="list-style-type: none"> Large bipartisan margins of support, including possible support from an incoming Trump Administration – and possible saver in the budget process
For-Profit Education		<ul style="list-style-type: none"> Trump Administration unlikely to conduct the same oversight or regulation of for-profit higher education as the Obama Administration did over the last 8 years However, Congressional Democrats likely to continue their focus on for-profits
Passage of Campus Sexual Assault		<ul style="list-style-type: none"> This issue does not seem to be receding from the news, and the demand for bipartisan action is likely to increase Top issue for Ranking Member Murray
Unit Record		<ul style="list-style-type: none"> Paul Ryan and Senator Marco Rubio (R-FL) join Democrats in supporting Will Trump, Foxx and Alexander get on board?
Accountability in Higher Education		<ul style="list-style-type: none"> What goes around comes around: after NCLB accountability became a dirty word in K-12; in Higher Ed, “NCLB-ish” accountability measures have been put on the table by both parties in Congress, and by the former Bush (and soon to be former) Obama Administrations

ISSUE	TRENDING	OUR TAKE
		<ul style="list-style-type: none"> • Trump campaign suggested support for risk sharing and more accountability for accreditors and college endowments, but questions remain on specific proposals
Elementary and Secondary Education		
Assessments		<ul style="list-style-type: none"> • Role of tests scaled back in reauthorization of ESEA, as focus on “multiple measures” increases • State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) can use ESEA funds to audit their state and local accountability systems with the goal of eliminating unnecessary assessments • Increasing “opt out” efforts in several States
Multiple Measures/Social Emotional Learning		<ul style="list-style-type: none"> • Concerns among Republicans as to whether social-emotional learning is appropriate from the Federal level, despite States looking to add concept to ESEA accountability systems
Obama Supplement, Not Supplant Regulation		<ul style="list-style-type: none"> • Congressional GOP and some Democrats strongly oppose and will attempt to block at every turn • Look for congressional Democrat support to continue to waver as Obama leaves office and the real impact sinks in and unions and school groups ramp up complaints • Trump Administration likely to join congressional GOP in opposition to regulation
Computer Science		<ul style="list-style-type: none"> • The lack of computer science graduates continues to get attention and the demand for action increases, but Trump not nearly as close to technology community as either Obama or Clinton
Student Privacy		<ul style="list-style-type: none"> • With every privacy breach, the pressure will build to pass a law to protect children’s data, especially in schools • Is it even possible to pass a bill that can be supported by the technology sector, researchers, schools and parents and that actually addresses rapidly changing education delivery systems?
ESEA Title IV-A Funding		<ul style="list-style-type: none"> • House Republicans have finally found a program for which it can support big funding increases • Not nearly as big of a priority for the congressional Democrats but likely to be supported by an incoming Trump Administration
Charter Schools		<ul style="list-style-type: none"> • Bipartisan support, support from the incoming Trump Administration • One of the issues that will continue to split Democrats
School Choice		<ul style="list-style-type: none"> • Candidate Trump embraced public and private school choice and proposed a \$20 billion new program
Competency-Based Education		<ul style="list-style-type: none"> • Bipartisan support leads to continued Federal support and experimentation with this concept

ISSUE	TRENDING	OUR TAKE
Teacher Evaluation		<ul style="list-style-type: none"> • Hardly anyone leftover from Obama and Bush Administrations to continue support • Few, if any, in the incoming Congress or Administration are likely to advance this concept in the coming year • President-elect Trump raised tenure reform as an issue; could push for teacher evaluation as part of that potential effort.
Accountability in K-12		<ul style="list-style-type: none"> • Surest way to kill a K-12 proposal is to say its accountability provisions look like NCLB • Recent reauthorization of ESEA signaled decreased support for stringent accountability in federal K-12 laws
Other Programs		
Early Childhood Education		<ul style="list-style-type: none"> • Not a specific priority for incoming Trump Administration, although child care support has been a campaign plank • Issue largely loses its momentum with defeat of Secretary Clinton in Presidential race
CTE		<ul style="list-style-type: none"> • Might be one of few relatively easy bipartisan reauthorizations available • Currently no major policy changes are being contemplated; does that change with new Congress and Administration?
ESRA		<ul style="list-style-type: none"> • Lots of bipartisan support for education research, but not able to get this across the finish line • A few thorny issues must be addressed to get this done, including privacy and social emotional provisions
Passage of School Lunch		<ul style="list-style-type: none"> • Incoming Trump Administration and departure of Obama Administration may enable Congress to move on from school nutrition standards battles
Support for Museums and Libraries		<ul style="list-style-type: none"> • While support has been increasing in Congress, including the likely bipartisan reauthorization of the Museum and Library Services Act, work must be done to educate the incoming Trump Administration about museum and library programming.

FEDERAL POLICY LANDSCAPE – EDUCATION AND JOB TRAINING

From a big-picture perspective, Congress completed work on, and President Obama signed, legislation to reauthorize ESSA and the Older Americans Act during the 114th Congress. Looking forward (for the remainder of the 114th Congress and beyond):

- The outlook for FY17 education and job training funding is still up in the air pending any possible decisions in the upcoming lame duck session of Congress;
- Significant authorizing statutes have had their authorizations expire, or will expire, including HEA, CTE, Head Start, child nutrition, juvenile justice and IDEA; and,

- The House and Senate Committees began work on, but will probably not complete, reauthorization legislation during the 114th Congress that could be reintroduced and considered early in the 115th Congress (in the event that they are not considered during the lame duck), including MLSA, CTE, the Child Nutrition Act, the Juvenile Justice and Delinquency Prevention Act and ESRA.

CURRENTLY AUTHORIZED	
Expiration	Legislation
FY2020	<ul style="list-style-type: none"> • Workforce Investment and Opportunity Act (WIOA) • Adult Education and Family Literacy Act • Rehabilitation Act • Elementary and Secondary Education Act (ESEA) • Child Care and Development Block Grant (CCDBG) Act
FY2019	<ul style="list-style-type: none"> • Older Americans Act
EXPIRED AUTHORIZATIONS	
Expiration	Legislation
FY2016	<ul style="list-style-type: none"> • Museum and Library Services Act
FY2014	<ul style="list-style-type: none"> • Higher Education Act
FY2012	<ul style="list-style-type: none"> • Carl D. Perkins Career and Technical Education Act • Head Start Act • Native American Programs Act
FY2011	<ul style="list-style-type: none"> • Title II of the Higher Education Act (<u>Note: the rest of HEA expired in FY 2014</u>)
FY2010	<ul style="list-style-type: none"> • Assistive Technology Act • Child Nutrition Act, which includes the Richard B. Russell National School Lunch Act • Individuals with Disabilities Education Act (IDEA) (<u>Note: Part B [Grants to States] is permanently authorized</u>) • Welfare Reform, through Temporary Assistance for Needy Families (TANF)
FY2009	<ul style="list-style-type: none"> • Special Olympics Sport and Empowerment Act
FY2008	<ul style="list-style-type: none"> • Abandoned Infants Assistance Act • Child Abuse Prevention and Treatment Act (CAPTA) • Education Sciences Reform Act (Institute for Education Sciences) • Educational Technical Assistance Act • Family Violence Prevention and Services Act • National Assessment of Educational Progress (NAEP) Authorization Act
FY2007	<ul style="list-style-type: none"> • Developmental Disabilities Assistance and Bill of Rights Act • Juvenile Justice and Delinquency Prevention Act
FY2003	<ul style="list-style-type: none"> • Community Services Block Grant (CSBG) Act
FY1996	<ul style="list-style-type: none"> • National Environmental Education Act (NEEA)
FY1993	<ul style="list-style-type: none"> • National Foundation on the Arts and Humanities Act

BUDGET AND APPROPRIATIONS – In the near term, Congress must decide how they will address funding for the Federal government for FY17.

- **Continuing Resolution (CR)** – On September 29, 2016, President Obama signed [P.L. 114-223](#) to provide continuing appropriations for the Federal government for FY17 and full-year funding for the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act (including funds to support Zika response and preparedness). P.L. 114-223 includes four divisions:



- *Continuing Appropriations¹ Act, 2017* – Provides continuing appropriations to Federal agencies through December 9, 2016, or the enactment of specified appropriations legislation. The CR funds most projects and activities at the FY16 levels, with the inclusion of an across-the-board reduction of 0.496 percent to most programs. It's important to note that a final CR or appropriations legislation will actually determine the allocations of programs.
- *Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017* – Provides FY17 appropriations to the Department of Defense (DOD) for military construction, military family housing, the U.S. share of the North Atlantic Treaty Organization Security Investment Program, and base closures and realignments.
- *Zika Response and Preparedness* – Provides FY16 supplemental appropriations to the Departments of Health and Human Services (HHS) and State to respond to the Zika virus.
- *Rescissions of Funds* – Rescinds specified unobligated balances from various programs and agencies, including funds that were provided for the Economic Development Administration, National Oceanic and Atmospheric Association (NOAA), Homeland Security, U.S. Customs and Border Protection, U.S. Coast Guard, Federal Emergency Management Agency (FEMA), Affordable Care Act, Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT) and the U.S. Department of State.

Note: See Appendix for a funding comparison of select programs under the FY2017 Labor, Health and Human Services, Education, and Related Agencies Appropriations Legislation.

IMPLEMENTATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) –

The reauthorization of ESEA, which was originally passed in 1965 as part of the “War on Poverty,” was signed into law by President Obama on December 15, 2015 (P.L. 114-95). Currently, the Obama Administration is in the process of finalizing regulations and issuing guidance (see table below) to help guide implementation of the law.

While the new law was drafted and approved in a bipartisan manner, there have been concerns raised on both sides of the aisle with regard to the scope of ED’s regulatory efforts on ESEA implementation. From the Republican side, some have raised concerns that ED is overstepping its authority and diminishing State and local control of programming under ESEA, while, on the Democrat side, there have been calls for ED to go further in ensuring that disadvantaged students are provided adequate support and protections under the updated law. Accordingly, we expect that both the House and Senate authorization committees will continue to monitor implementation issues and hold oversight hearings during the 115th Congress to help ensure the new law is implemented according to congressional intent. In addition, the incoming Trump Administration will undoubtedly begin to put their mark on the implementation of this law.

The table below provides a status update along with links to background information on proposed regulations and guidance issued to date on ESEA:

¹ The CR prevents a government shutdown that would otherwise occur when FY2017 began on October 1, 2016, because eleven of the twelve FY2017 regular appropriations bills that fund the Federal government have not been enacted (excluding the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 included in P.L. 114-223).

ED – ESEA Regulations	Status	Background Information
NPRM – Supplement, Not Supplant under Title I	<ul style="list-style-type: none"> • NPRM released September 6, 2016 • Public comments due November 7, 2016 • Final Regulations Pending 	<ul style="list-style-type: none"> • NPRM • ED Fact Sheet • ED Webinar
NPRM – Academic Assessments (Title I, Part A)	<ul style="list-style-type: none"> • NPRM released July 11, 2016 • Public comments due September 9, 2016 • Final Regulations Pending 	<ul style="list-style-type: none"> • NPRM • ED Fact Sheet • ED Webinar
NPRM – Innovative Assessment Demonstration Authority (Title I, Part B)	<ul style="list-style-type: none"> • NPRM released July 11, 2016 • Public comments due September 9, 2016 • Final Regulations Pending 	<ul style="list-style-type: none"> • NPRM • ED Fact Sheet • ED Webinar
NPRM – Accountability and State Plans	<ul style="list-style-type: none"> • NPRM released May 31, 2016 • Public comments due August 1, 2016 • Final Regulations Pending 	<ul style="list-style-type: none"> • NPRM • ED Fact Sheet • ED Accountability Chart • ED Accountability Webinar • ED State Plans Webinar
ED – ESEA Guidance	Status	Background Information
GUIDANCE – Student Support and Academic Enrichment Program (Title IV, Part A)	<ul style="list-style-type: none"> • Final Guidance released October 21, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – ESSA Early Learning Guidance	<ul style="list-style-type: none"> • Final Guidance released October 20, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – Schoolwide Programs	<ul style="list-style-type: none"> • Final Guidance released September 29, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – Supporting Educators (Title II, Part A)	<ul style="list-style-type: none"> • Final Guidance released September 27, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – English Learners	<ul style="list-style-type: none"> • Final Guidance released September 23, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – Evidence	<ul style="list-style-type: none"> • Final Guidance released September 16, 2016 	<ul style="list-style-type: none"> • Guidance
GUIDANCE – Homeless Students	<ul style="list-style-type: none"> • Final Guidance released July 27, 2016 	<ul style="list-style-type: none"> • Guidance • ED Fact Sheet • ED: Homeless Student Rights and Protections
GUIDANCE – Children in Foster Care	<ul style="list-style-type: none"> • Final Guidance released June 23, 2016 	<ul style="list-style-type: none"> • Guidance • ED/HHS Webinar

IMPLEMENTATION OF THE WORKFORCE INVESTMENT AND OPPORTUNITY ACT

(WIOA) – WIOA supports workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants to improve the quality of the workforce, reduce welfare dependency, and enhance productivity and competitiveness. While Congress completed work on, and President Obama signed, legislation to replace the Workforce Investment Act with WIOA in 2014, Congress included technical amendments to update the Act under P.L. 114-18, the WIOA Technical Amendments Act, during the 114th Congress. In brief, P.L. 114-18 revised requirements for local workforce development areas involved in statewide workforce investment activities and also amended the Rehabilitation Act of 1973. We expect that both the House and Senate authorization committees will continue to monitor implementation issues and hold oversight hearings during the 115th Congress to help ensure WIOA is implemented according to congressional intent. The incoming Department of Labor (DOL) will shape how these regulations and the statute are implemented in coming years.



On August 19, 2016, DOL released the final WIOA regulations along with background information:

DOL – WIOA Regulations	Status	Background Information
FINAL REGULATIONS – WIOA	<ul style="list-style-type: none"> Final Regulations released August 19, 2016 	<ul style="list-style-type: none"> Final Regulations DOL Fact Sheet

REAUTHORIZATION LEGISLATION – There remains a significant backlog of scheduled reauthorizations that will be difficult to complete, in totality, during the 115th Congress. Accordingly, Congress will likely prioritize reauthorizations to complete work on the most pressing needs.

- Higher Education Act (HEA)** – Originally passed in 1965 and signed into law by President Lyndon B. Johnson, HEA governs the administration of Federal student and institutional aid programs. While Congress has not yet begun significant work on a comprehensive reauthorization of HEA (which expired in FY2014), there have been efforts to update higher education policies outside of comprehensive reauthorization legislation. Legislation considered in the House included:

 - H.R. 3178, the Strengthening Transparency in Higher Education Act, which amends section 132 (Transparency in College Tuition for Consumers) of HEA to ensure published transparency data includes information on more than just first-time students; repeals the College Navigator, the College Affordability and Transparency Lists, the State Higher Education Spending Chart, and the Multi-year Tuition Calculator; directs the Secretary to develop and make publicly available a College Dashboard website that includes aggregated information on enrollment, completion, cost, financial aid, and faculty; directs the Secretary to publish disaggregated rates for various student groups; directs the Secretary to coordinate with other Federal agencies to ensure all published higher education data is consistent with information available on the College Dashboard; sets minimum requirements for net price calculators regarding their design, placement on institutions’ websites, and information required to be included; prohibits any personally identifiable information provided by users on institutional net price calculators from being sold or made available to third parties; and provides funds for ED to maintain the College Navigator website (passed the House on July 11, 2016).
 - H.R. 3179, the Empowering Students Through Enhanced Financial Counseling Act, which amends Title IV (Student Assistance) of HEA to modify loan counseling requirements for an institution of higher education that participates in Federal student aid programs. The bill requires entrance and annual counseling; expands the required recipients of such annual counseling to include Federal Pell Grant recipients and parent PLUS Loan borrowers; revises and expands exit counseling information requirements to include an outstanding loan balance summary, the anticipated monthly payments under standard and income-based repayment plans, an explanation of the grace period preceding repayment, the option to pay accrued interest before it capitalizes, the right to request an annual credit report, and loan servicer contact information; directs ED to maintain a consumer-tested online counseling tool that provides annual and exit counseling; and requires the Institute of Education Sciences (IES) to study the impact and effectiveness of exit counseling, annual counseling, and the online counseling tool (passed the House on July 11, 2016).



- H.R. 5528, the Simplifying the Application for Student Aid Act, which amends Title IV (Student Assistance) of HEA to require ED to use tax information from the second preceding tax year to determine a student's financial aid eligibility; requires data sharing between ED and the Internal Revenue Service (IRS), pursuant to taxpayer consent; revises the annual adjustment percentage calculation used to determine the total maximum Federal Pell Grant award by measuring inflation over the most recent fiscal year instead of calendar year; and requires ED to develop and maintain a consumer-tested technology tool to allow a Federal financial aid applicant to complete and submit electronic forms using a mobile device (passed the House on July 11, 2016).
- H.R. 5529, the Accessing Higher Education Opportunities Act, which amends Title V (Developing Institutions) of HEA to expand grant activities under the Hispanic Serving Institutions program to include support programs that facilitate student advancement to doctoral degree programs in health care occupations; and developing or expanding access to dual or concurrent enrollment programs and early college high school programs (passed the House on July 11, 2016).
- H.R. 5530, the HBCU Capital Financing Improvement Act, gives the Secretary the authority to provide financial counseling as well as technical assistance to institutions to apply, qualify for, and maintain capital improvement loans; and amends section 347 (HBCU Capital Financing Advisory Board) to require the advisory board to report annually to Congress and provide an overview of all the loans made and any administrative or legislative recommendations to improve the program (passed the House on July 11, 2016).

While the Senate did not consider any significant higher education legislation during the 114th Congress, Sen. Alexander released three staff “white papers” and asked for feedback on the issues they discuss related to reauthorization HEA: accreditation, risk sharing, and the collection of consumer information. In addition:

- Senators Alexander and Michael Bennet (D-CO) introduced S. 108, the Financial Aid Simplification and Transparency Act of 2015, to simplify the financial aid process. In brief, S. 108 seeks to simplify the Federal student aid process by eliminating the Free Application for Federal Student Aid (FAFSA) and replacing it with two questions to determine eligibility. The bill also allows for year-round Pell Grants (summer Pell), increases communications to borrowers on what to expect during repayment of their loans, and simplifies repayment options; and
- Senators Angus King (I-ME) and Richard Burr (R-NC) introduced S.85, the Repay Act of 2015, to amend Title IV (Student Assistance) of HEA to direct the Secretary to carry out a simplified income-driven repayment program for students who become new borrowers of Federal Direct Loans on or after July 1, 2015. In brief, the bill provides for a new set of simplified repayment options; provides tax forgiveness for individuals exercising Total Permanent Disability to discharge their loans; directs the Secretary to require servicers to provide borrowers with information regarding their loan repayment options and offer to enroll borrowers in alternative plans for which they are eligible; and requires GAO to study the feasibility of simplifying the process for enrolling in, and verifying annual eligibility for, the simplified income-driven repayment program and to provide recommendations for the efficient administration of income-based repayment programs.

In addition, ED recently finalized and proposed the following HEA regulations:



ED – HEA Regulations	Status	Background Information
FINAL REGULATIONS – Teacher Preparation and TEACH Grants	<ul style="list-style-type: none"> Final Regulations released October 12, 2016 	<ul style="list-style-type: none"> Final Regulations ED: Improving Teacher Preparation
FINAL REGULATIONS – Defense to Repayment	<ul style="list-style-type: none"> Final Regulations released November 1, 2016 	<ul style="list-style-type: none"> Final Regulations ED Fact Sheet ED Press Release
NPRM – Program Integrity (State Authorization for Distance Education)	<ul style="list-style-type: none"> NPRM released July 25, 2016 Public comments due August 24, 2016 Final Regulations Pending 	<ul style="list-style-type: none"> NPRM ED Press Release Release/Background

- Early Childhood Education** – While reauthorization of Head Start (which expired in FY12) was not considered during the 114th Congress, early learning programming remained a priority for the Obama Administration and Congress included early learning activities under ESEA and authorized the Preschool Development Grants program.
 - Budget Request* – President Obama’s FY17 budget request included:
 - \$75 billion over ten years in mandatory funding for the Preschool for All initiative to support the implementation of preschool programs for four-year-olds from low- and moderate-income families. This proposal was also included as part of the FY15 and 2016 budget requests; and
 - \$350 million for the Preschool Development Grants program (now contained in the HHS budget request because of its placement in that agency through the reauthorization of ESEA), a \$100 million increase over FY16.
 - Early Learning Under ESEA* – While the primary focus of ESEA is on elementary and secondary students, the new law provides increased support for early learning activities in a number of places, including support for preschool programming under Title I, Part A; expansion of the Charter Schools Program to include early childhood students; and the authorization of the Preschool Development Grants program.
 - Under the Preschool Development Grants program, funds are authorized through HHS and the program is jointly administered by HHS and ED. The purposes of the program are to: (1) facilitate collaboration and coordination among existing early childhood programs and improve transition into elementary school; (2) encourage partnerships among early childhood providers; and (3) maximize parental choice among early childhood programs.

As noted above, ED released [guidance](#) on early learning activities under ESEA on October 20, 2016.

- Head Start Performance Standards* – While no action was taken to reauthorize Head Start during the 114th Congress, HHS did release updated final Performance Standards for the program on September 6, 2016.



- *Child Care and Development Block Grant (CCDBG)* – While CCDBG was reauthorized during the 113th Congress, HHS released final regulations on the updated law on September 30, 2016.

HHS – Regulations	Status	Background Information
FINAL REGULATIONS – Head Start Performance Standards	<ul style="list-style-type: none"> • Final Regulations released September 6, 2016 	<ul style="list-style-type: none"> • Final Regulations • HHS Fact Sheet • HHS FAQ
FINAL REGULATIONS – CCDF (based on the Child Care and Development Block Grant Act of 2014)	<ul style="list-style-type: none"> • Final Regulations released September 30, 2016 	<ul style="list-style-type: none"> • Final Regulations • HHS Fact Sheet • HHS Webinar

- **Career and Technical Education (CTE)** – The Carl D. Perkins Career and Technical Education Act (which expired in FY12) supports students in acquiring academic, technical, and employability skills to succeed in postsecondary education and in-demand careers. Both the House and Senate began work on reauthorizing CTE during the 114th Congress:
 - On September 13, 2016, the House passed H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, by a vote of 405-5. In brief, H.R. 5587 would provide more flexibility for States and local communities in the use of Federal resources; support innovative learning opportunities (including through community partnerships); modify and streamline performance measures; and eliminate the authority of the Secretary to withhold funding from States and eligible agencies for failure to meet 90 percent of their adjusted levels of performance after one year and instead requires States to develop performance improvement plans.
 - On the Senate side, Senator Alexander released a discussion draft of legislation to reauthorize CTE, a committee markup was scheduled, but later postponed. No additional formal action was taken on the bill by the Senate HELP Committee. Senator Alexander and HELP Committee Republicans wanted to include limitations on the Secretary’s regulatory authority similar to restrictions included under reauthorization of ESEA, but Senate Democrats did not agree.
- **Child Nutrition** – The Federal government supports child nutrition programs that include the School Breakfast, National School Lunch, Child and Adult Care Food, Summer Food Service, and the Fruit and Vegetable programs, as well as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
 - On May 18, 2016, the House Committee on Education and the Workforce reported H.R. 5003, the Improving Child Nutrition and Education Act of 2016, by a partisan vote of 20-14. H.R. 5003 was introduced by Representative Todd Rokita (R-IN) and amends the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966 and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). For child nutrition programs, the bill makes policy changes that: require the Department of Agriculture to review school meal regulations every three years; increase reimbursement rates for the School Breakfast Program; increase the eligibility threshold for participation in the Community Eligibility Provision that permits schools in high poverty areas to serve all meals free of charge; permit States to provide summer meals away from a congregate site; and revise application verification requirements for the school meal programs. For WIC, the bill: permits commercial availability and participant demand to



be considered when amending the list of supplemental foods; and modifies the competitive bidding and contract award process for infant formula and infant foods.

- On January 20, 2016, the Senate Agriculture Committee unanimously reported S. 3136, the Improving Child Nutrition Integrity and Access Act of 2016. Among other issues, S. 3136 allows summer food sponsors that are not schools to provide meals and snacks to children after school during the school year; authorizes a six State pilot program that would allow summer food sponsors to provide a third meal; waives the congregate program requirement when operating summer meals in select rural, high poverty areas, and when existing sites face severe weather or safety concerns; largely keeps the existing nutrition standards in place with modifications for whole grain and sodium standards; provides funding for school equipment grants and establishes a loan program; replaces the requirement that schools increase their school lunch fees gradually each year (if the fee is below the free lunch reimbursement rate) with a requirement that districts provide non-Federal revenue, which can include school lunch fees and other sources of funds, to cover that difference; and redesigns the verification process for school meals.
- **Education Sciences Reform Act (ESRA)** – ESRA authorizes the principal education research, statistics, and evaluation activities of ED through the Institute of Education Sciences (IES). A companion measure, the Educational Technical Assistance Act, authorizes the Comprehensive Centers and the State Longitudinal Data Systems program.
 - On December 17, 2015, the Senate passed S. 227, the Strengthening Education through Research Act, by unanimous consent. Among other activities, S. 227 would require IES to identify research topics focused on improving access to and the quality of early childhood education, strengthening elementary and secondary schools, and increasing access to and completion of postsecondary education; strengthen privacy provisions to ensure that personally identifiable information collected by IES is secure and protected; and streamline and reduce duplication within the Federal education research system, by authorizing the consolidation or elimination of Federal research laboratories and centers that are not effective, reducing the number of Comprehensive Centers from 22 to 17, and increasing coordination between laboratories and centers.
 - A similar bill (H.R. 4366) passed the House by voice vote on May 8, 2014. The Senate HELP Committee passed S. 227, a bill virtually identical to H.R. 4366 that was developed as a bipartisan agreement between the House and Senate, on February 4, 2015. During the 114th Congress, the House did not consider the legislation because of Republican concerns related to “social and emotional” learning; the Statewide Longitudinal Data Systems (SLDS) Grant program, and a desire to move the bill along with the Family Educational Rights and Privacy Act (FERPA).
- **Juvenile Justice** – The Juvenile Justice and Delinquency Prevention Act is the principal program through which the Federal government sets standards for juvenile justice systems at the State and local levels, providing direct funding for States, research, training, and technical assistance, and evaluation.
 - On September 14, 2016, the House Committee on Education and the Workforce reported H.R. 5963, the Supporting Youth Opportunity and Preventing Delinquency Act of 2016, by a bipartisan voice vote. In brief, H.R. 5963 would prioritize evidence-based strategies in juvenile systems; increase oversight of Federal activities through updates to

the Coordinating Council on Juvenile Justice and Delinquency Prevention; require the Administrator to issue an annual plan for research and evaluation in order to better understand juveniles, their experiences and needs, with emphasis on reentry, mental and behavioral health, and the conditions in secure confinement settings; and restructure the existing local delinquency prevention grant program to allow localities to better assess and respond to the unmet needs within the community.

- On December 15, 2015, the Senate Judiciary Committee reported S.1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, by unanimous consent. Among other provisions, S. 1169 would require States to implement plans to ensure fairness and reduce racial and ethnic disparities in the detention of juveniles; enhance requirements for separating juveniles from contact with adults; require the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to report annually on policies and procedures to eliminate dangerous practices and unreasonable use of restraints in the detention of juveniles; require the establishment of a uniform method of data collection and technology for evaluating data on juvenile recidivism on an annual basis; and require GAO to conduct and report on a comprehensive analysis and evaluation of the performance of the OJJDP and a comprehensive audit and evaluation of selected grant recipients, including a review of internal controls to prevent fraud, waste, and abuse of funds.
- **Museum and Library Services Act (MLSA)** – In 1996, Congress passed the MLSA and created the Institute of Museum and Library Services (IMLS) within the National Foundation on the Arts and Humanities. IMLS supports the full range of the nation’s 123,000 libraries, including public, academic, research, special and tribal, and the full range of the nation’s 35,000 museums, including art, history, science and technology, children’s museums, historical societies, tribal museums, planetariums, botanic gardens and zoos.
 - On September 22, 2016, Senators Jack Reed (D-RI), Susan Collins (R-ME), Thad Cochran (R-MS) and Kirsten Gillibrand (D-NY) introduced S. 3391, the Museum and Library Services Act of 2016, a bipartisan bill to reauthorize the MLSA and build on the Federal commitment to library and museum programming administered by IMLS. S. 3391 updates current law to better reflect the role that libraries and museums play in communities across the country, maintains current law authorization levels and is endorsed by the major museum and library associations.
 - No action on MLSA reauthorization has taken place in the House, but historically, MLSA authorization has not been contentious.
- **America COMPETES Act** – The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act (COMPETES Act) covers a wide range of activities under various Federal agencies and offices that support programs and activities in physical sciences and engineering research and in science, technology, engineering, and mathematics (STEM) education, among other things.
 - On May 20, 2015, the House passed H.R. 1806, the America COMPETES Reauthorization Act of 2015 by a partisan vote of 217-205. H.R. 1806, which is under the jurisdiction of the Committee on Science, Space and Technology in the House, would reauthorize civilian research programs in the National Science Foundation (NSF), the National Institute of Standards and Technology (NIST), the Department of Energy (DOE), and the Office of Science and Technology Policy. In addition, H.R. 1806



prioritizes basic research with targeted investments while staying within the cap set in law by the Budget Control Act for FY2016. Note that concerns about specific funding levels and provisions related to research at the National Science Foundation (NSF) under H.R. 1806 have been raised by Democrats.

- On June 29, 2016, the Senate Committee on Commerce, Science, and Transportation reported S.3084, the American Innovation and Competitiveness Act. Among other provisions, S. 3084: reaffirms NSF's merit-based peer review of intellectual merit and broader impacts criteria as the best way to fund research that is "scientifically and societally relevant;" directs cybersecurity research and updates for networking and information technology research and development; requires NSF to evaluate the potential for mid-scale projects across the disciplines; and establishes an interagency STEM Education Advisory Panel to evaluate the effectiveness of existing federally-funded STEM programs and to consider ways to improve the STEM workforce pipeline.
- **Individuals with Disabilities Education Act (IDEA)** – IDEA is the Federal law that provides funding to States to help ensure that children with disabilities receive a free appropriate public education, and guarantees this through due-process and procedural protections. Funding for IDEA enjoys wide bipartisan support, in spite of the fact that the authorization expired in FY2010.
 - There has been little focus by the current Administration and Congress on a comprehensive reauthorization of IDEA; accordingly, legislation was not considered in the House or Senate during the 114th Congress.

OTHER POLICY ISSUES

- **Computer Science**

- *Budget Request* – President Obama's FY17 budget request contained two proposals related to computer science:
 - \$4 billion over 3 years for a Computer Science for All State Grants program that would advance State efforts to offer rigorous coursework, especially to students in under-resourced schools. This program would be funded with mandatory spending.
 - \$100 million for a Computer Science for All Development Grants program aimed at providing high-quality instruction in computer science, especially in underserved schools and to populations who have been historically been underserved in science, technology, engineering and mathematics (STEM).
- *Appropriations* – Neither the House or Senate FY17 appropriations bills contained stand-alone funding for computer science activities. However, both the House and Senate committees noted that the newly authorized Student Support and Academic Enrichment Grants program under ESEA authorizes a range of activities to support well-rounded educational opportunities, including computer science. The House and Senate also included report language on computer science activities in their bills:
 - House Report Language – "The Committee recognizes the importance of funding K-12 computer science education to enhance American competitiveness. Only about one quarter of all the K12 schools in the United States offer high-quality computer

science instruction that includes programming and coding. Supporting education in the science, technology, engineering, and mathematics (STEM) fields, particularly computer science, will help to ensure that our nation continues to lead in innovation...”

- **Senate Report Language** – “The Committee notes that funds available under this program (Student Support and Academic Enrichment Grants) may be used for local activities that may include programs that build skills in STEM, including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods...”
- **ED Guidance** – As noted above, ED released [guidance](#) for the Student Support and Academic Enrichments Grants program under ESEA that highlights the ability to use funds for computer science activities, including professional development that can be supported under the program as part of a “well-rounded” education.
- **Student Privacy** – While student privacy legislation was not considered in either the House or Senate, there was significant discussion of student privacy issues during the 114th Congress, including legislation introduced in both chambers.
 - On April 29, 2015 Representatives Messer and Jared Polis (D-CO) introduced H.R. 2092, the Student Digital Privacy and Parental Rights Act of 2015. The bill is largely based on the Student Data Privacy Pledge, which was signed by 124 education technology companies, and the Student Online Personal Information Protection Act, signed into law in California on September 29, 2014. The bill would prevent entities that operate a school service – not including educational agencies or institutions – from using personally identifiable information (PII) for targeted advertising, selling PII, or collecting, generating, using or disclosing covered information other than for a K-12 purpose. The bill also requires such entities to take specific steps to ensure the security of student data, including establishing a process to delete student data following a request from the agency or institution or from the student’s parent. The Federal Trade Commission (FTC) is designated as the enforcement agency under this legislation. A violation of the requirements of the bill is to be treated by the FTC as unfair or deceptive practices. The FTC is required to consult with the Secretary of Education in implementing and enforcing the legislation.
 - Senators Steve Daines (R-MT) and Richard Blumenthal (D-CT) introduced S. 1788, the SAFE KIDS Act, on July 16, 2015. In brief, S. 1788 would prohibit the operator of a school’s internet or online service from using the information they collect to produce targeted advertising, create a personal profile of a student, and from selling the information to a third party. Operators would be required to receive consent from the educational agency, institution, or program regarding any personal information to be collected, and would be required to provide a means for parents to access personal information. It would also require third party recipients of student data to maintain the security procedures prescribed in the bill and provide assurances they will not further disclose information. Like H.R. 2092, the SAFE KIDS Act would be enforced by the FTC under the Federal Trade Commission Act.
 - Representatives Kline, Scott, Rokita and Marcia Fudge (D-OH) introduced H.R. 3157, the Student Privacy Act, on July 22, 2015. In brief, H.R. 3157 would amend the Family Educational Rights and Privacy Act of 1974 (FERPA) to update date the definition of an

education record in order to ensure that student information connected through classroom technology is protected; prohibit schools or independent entities from using a student's education record to market products or services to students; reaffirm parents' right to access their child's education record and opt out of sharing their student's directory information; strengthen security requirements for storing and gaining access to student education records; and provide parents with greater transparency about what student information schools determine can be used, collected, and shared for educational purposes.

APPENDIX

Funding Comparison of Select Programs under the FY2017 Labor, Health and Human Services, Education, and Related Agencies Appropriations Legislation
(in millions)

DEPARTMENT OF EDUCATION	FY2016 Funding Level	FY2017 Request	FY2017 Senate	FY2017 House
Office of Elementary and Secondary Education				
Title I (Grants to LEAs)	\$14,909.8	\$15,359.8	\$15,409.8	\$15,359.8
School Improvement Grants (SIG)	\$450.0	\$0.0	\$0.0 ²	\$0.0
Comprehensive Literacy State Development Grants (Striving Readers)	\$190.0	\$190.0	\$190.0	\$160.0
Improving Teacher Quality State Grants	\$2,349.8	\$2,250.0	\$2,055.8	\$1,949.8
Mathematics and Science Partnerships	\$152.7	\$0.0	\$0.0	\$0.0
21 st Century Community Learning Centers	\$1,166.6	\$1,000.0	\$1,050.0	\$1,166.6
State Assessments Grants	\$378.0	\$403.0	\$378.0	\$300.0
Comprehensive Centers	\$51.4	\$55.4	\$51.4	\$48.4
Promise Neighborhoods	\$73.2	\$128.0	\$73.2	\$63.2
Office of Innovation and Improvement				
Education Innovation and Research (formerly i3)	\$120.0	\$180.0	\$120.0	\$0.0
STEM Master Teacher Corps	\$0.0	\$10.0	\$0.0	\$0.0
Teacher and School Leader Incentive Grants	\$230.0	\$250.0	\$213.0	\$200.0
Supporting Effective Educator Development (SEED)	\$94.0	\$100.0	\$87.0 ³	\$53.7
School Leader Recruitment and Support	\$16.3	\$30.0	\$16.3	\$0.0
Charter Schools Program	\$333.1	\$350.0	\$343.1	\$333.1
Advanced Placement (AP)	\$28.4	\$0.0	\$0.0	\$0.0
Ready-to-Learn Television	\$25.7	\$25.7	\$25.7	\$25.7
Arts in Education	\$27.0	\$27.0	\$27.0	\$0.0
Innovative Approaches to Literacy	\$27.0	\$27.0	\$27.0	\$0.0
Student Support and Academic Enrichment Grants (Block Grant)	\$0.0	\$500.0	\$300.0	\$1,000.0
Office of English Language Acquisition				
English Language Acquisition	\$737.4	\$800.4	\$737.4	\$737.4
Office of Special Education and Rehabilitative Services				
IDEA Part B – (Grants to States)	\$11,912.8	\$11,912.8	\$11,952.8	\$12,412.8
IDEA Part C – (Infants and Families)	\$458.5	\$503.5	\$458.5	\$458.5
Parent Training and Information Centers	\$27.4	\$27.4	\$27.4	\$27.4
Office of Career, Technical, and Adult Education				
CTE State Grants	\$1,117.6	\$1,192.6	\$1,117.6	\$1,117.6
Adult Education State Grants	\$582.0	\$582.0	\$582.0	\$582.0
Federal Student Aid				
Pell Grant Discretionary Funding	\$22,475.3	\$22,475.3	\$22,475.3	\$21,165.3
Pell Grant Maximum (with mandatory add-on)	\$5,815.0	\$5,935.0	\$5,935.0	\$5,935.0
Office of Postsecondary Education				
Strengthening Institutions	\$86.5	\$86.5	\$86.5	\$86.5
Strengthening HBCUs	\$244.7	\$244.7	\$244.7	\$244.7
Strengthening Historically Black Graduate Institutions	\$63.3	\$63.3	\$63.3	\$63.3

² The Senate and House bills do not include funding for the SIG program. Consistent with ESSA, the Committee recommendation eliminates this program and consolidates the funding into Title I grants to LEAs.

³ SEED was formerly funded as a set-aside of the Title II Teacher Quality State Grants program. ESSA authorized SEED as a separate program and the Committee recommendation is consistent with that authorization.



DEPARTMENT OF EDUCATION	FY2016 Funding Level	FY2017 Request	FY2017 Senate	FY2017 House
First in the World	\$0.0	\$100.0	\$0.0	\$0.0
Federal TRIO Programs	\$900.0	\$900.0	\$900.0	\$960.0
GEAR UP	\$322.7	\$322.7	\$322.7	\$344.7
Institute of Education Sciences				
Research, Development and Dissemination	\$195.0	\$209.3	\$190.0	\$154.5
Statistics	\$112.0	\$125.4	\$112.0	\$103.1
Regional Educational Laboratories	\$54.4	\$54.4	\$54.4	\$54.4
NAEP	\$149.0	\$149.0	\$149.0	\$129.0
Special Education Research	\$54.0	\$54.0	\$54.0	\$49.3
Statewide Longitudinal Data Systems	\$34.5	\$81.0	\$34.5	\$27.2
Proposed Legislation (Discretionary)				
Stronger Together	n/a	\$120.0	\$0.0	\$0.0
Next Generation High Schools	n/a	\$80.0	\$0.0	\$0.0
Computer Science for All Development Grants	n/a	\$100.0	\$0.0 ⁴	\$0.0

LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES	FY2016 Funding Level	FY 2017 Request	FY2017 Senate	FY2017 House
Department of Labor				
WIOA (Adult, Dislocated Worker, and Youth Funding)	\$2,930.6	\$3,078.7	\$2,636.0	\$2,849.7
Job Corps	\$1,689.1	\$1,754.6	\$1,709.9	\$1,700.3
Department of Health and Human Services				
Head Start (including Early Head Start)	\$9,168.0	\$9,601.7	\$9,203.0	\$9,309.7
CCDBG	\$2,761.0	\$2,961.7	\$2,786.0	\$2,801.0
NIMH	\$1,519.0	\$1,519.0	\$1,620.0	\$1,599.7
NICHD	\$1,338.0	\$1,338.0	\$1,396.0	\$1,373.4
Preschool Development Grants	\$250.0	\$350.0	\$250.0 ⁵	\$250.0
Corporation for National and Community Service				
CNCS Total Funding	\$1,094.9	\$1,096.8	\$1,030.3	\$1,081.7
AmeriCorps State and National	\$386.0	\$386.0	\$386.0	\$386.0
Social Innovation Fund	\$50.0	\$50.0	\$0.0	\$50.0
Institute of Museum and Library Services (IMLS)				
IMLS Total Funding	\$230.0	\$230.0	\$231.0	\$230.0
Library Services and Technology Act (LSTA)	\$182.9	\$182.4	\$183.3	\$183.1
Grants to States	\$155.8	\$154.8	\$156.1	\$155.9
Native American Library Services	\$4.1	\$3.8	\$3.8	\$4.1
National Leadership: Libraries	\$13.1	\$13.7	\$13.4	\$13.1
Laura Bush 21 st Century Librarian	\$10.0	\$10.0	\$10.0	\$10.0
Museum Services Act (MSA)	\$29.8	\$30.2	\$30.4	\$29.7
Museums for America	\$21.1	\$20.2	\$20.3	\$21.1
Native American/Hawaiian Museum Services	\$0.9	\$0.9	\$0.9	\$0.9
National Leadership: Museums	\$7.7	\$9.1	\$9.1	\$7.7
African American History Culture Act	\$1.4	\$1.4	\$1.4	\$1.4

⁴ The Senate and House bills do not include funding for Computer Science for All Development Grants proposal as proposed by the Administration. However, the both Committee reports noted the Student Support and Academic Enrichment Grants program authorizes a range of activities to support well-rounded educational opportunities including computer science.

⁵ ESSA moved this program from the Department of Education to HHS.

