



## Education STANDING COMMITTEE

NATIONAL CONFERENCE of STATE LEGISLATURES

### NCSL Education Standing Committee News: April 2017

#### Federal Update

Education Secretary Betsy DeVos [issued](#) a revised template for state education plans under the Every Student Succeeds Act (ESSA) on March 13. Considering education regulations from the previous administration have been under review, the department sought to revise the original state plan template to reflect only what is "absolutely necessary," according to the statute. The new template no longer contains the requirement that State Education Agencies (SEA) provide evidence of consultation with a wide range of stakeholders, including state legislators, before submitting a plan to the Department of Education. Now, "each SEA may, but is not required to, include supplemental information such as...its efforts to consult with and engage stakeholders when developing its consolidated state plan." NCSL remains committed to ensuring stakeholder engagement as detailed in a coalition [letter](#) on March 21.

President Donald Trump on March 16 released his first budget outline, "[America First: A Budget Blueprint to Make America Great Again](#)," a 64-page proposal known as a "skinny budget." While the outline lacks details, it communicates a 13 percent reduction in spending for the Department of Education. The budget increases investments in public and private school choice by \$1.4 billion compared to 2017, amounting to an annual total of \$20 billion, or an estimated \$100 billion when including matching state and local funds. The proposal maintains \$13 billion in funding for Individuals with Disabilities Education Act (IDEA) and safeguards the Pell Grant program with level funding. The budget eliminates the \$732 million Federal Supplemental Educational Opportunity Grant program, reduces funding for Federal TRIO and GEAR UP programs and eliminates or reduces "over 20 categorical programs that do not address national needs, duplicate other programs, or are more appropriately supported with State, local, or private funds." These include Striving Readers, Teacher Quality Partnership, Impact Aid Support Payments for Federal Property, and International Education programs.

The U.S. Supreme Court [ruled unanimously](#) in *Endrew F. v. Douglas County School District* that schools must do more than provide a "merely more than de minimis" education program to students with disabilities, effectively expanding the scope of students' special education rights. The "de minimis" language struck down by the SCOTUS ruling had been set forth in a 2008 opinion written by Judge Neil Gorsuch in Denver's 10<sup>th</sup> Circuit U.S. Court of Appeals. The high court's decision was handed down on March 22, the same day as Gorsuch's confirmation hearing in the Senate Judiciary Committee. When questioned, Gorsuch said, "If I was wrong ... I was wrong because I was bound by circuit precedent, and I'm sorry... The Supreme Court is our boss, and we respect their last word, they are final."

The president signed House Joint Resolution (HJR) 58 on March 27. The measure blocks [NCSL-opposed regulations](#) on teacher preparation programs, issued by the Obama administration. NCSL commented that the regulation "goes beyond the statutory requirement of the Higher Education Act (HEA) and fails to recognize the authority of states and localities to govern education." NCSL issued a letter in support of [HJR 58](#) and its companion, [SJR 26](#). The president also signed HJR 57, a measure that would nullify a final rule issued by the Department of Education relating to accountability and state plans under the Every Student Succeeds Act (ESSA). The vote in the Senate was cast along party lines, with lone Republican Rob Portman, R-Ohio, voting against. The House had passed the measure 240 to 181 in early February.

## State Policy Update

In March 2016, North Carolina became the first and only state to pass a law (H.B. 2) restricting which public bathrooms and locker rooms transgender people can use. Last Thursday, North Carolina passed a compromise bill to repeal H.B. 2. Under the new law (H.B. 142) local governments and schools are prohibited from regulating who can use showers, changing areas and multi-stall bathrooms.

In the 2017 legislative session, at least 16 other states have introduced legislation that would restrict access to multiuser restrooms, locker rooms, and other sex-segregated facilities on the basis of a definition of sex or gender consistent with sex assigned at birth or "biological sex."

March was a busy month for school choice legislation in states. Kentucky [enacted HB 520](#) becoming the 45th state to allow charter schools. In Virginia, Governor Terry McAuliffe [vetoed a handful](#) of school choice bills that had come out of the legislature. Pending private school choice legislation advanced closer to approval in Arkansas, Minnesota, Mississippi, Missouri, New Hampshire, Oklahoma, Tennessee, and West Virginia. So far in 2017, at least 31 states have introduced legislation to create or expand private school choice. Visit NCSL's [new Interactive Guide to School Choice](#) to find out the many forms of school choice that states currently have in place.

Introduced [Colorado Senate Bill 103](#) proposes to focus on preschool-third grade as a strategy for turnaround schools.

After months of conversations and input from stakeholder groups, the [Colorado legislature](#) has [introduced a bill](#), House Bill 1287, that would create a bold new vision for education by 2030, including rethinking education funding.

## New Research and Resources

### [State Higher Education Financing Models](#)

Part of the Midwestern Higher Education Commission's Affordability Series, this brief highlights policy design principles in four areas of financing higher education: year-to-year stability of funding, balance between funding for institutions and financial aid programs, tuition-free community college, and allocation of funds across public colleges and universities.

### [Characteristics and postsecondary pathways of students who participate in acceleration programs in Minnesota](#)

This report reviews a cohort of Minnesota high school graduates' use of acceleration programs (i.e. dual enrollment, Advanced Placement courses, International Baccalaureate courses, etc.). Roughly half of the students in the 2011 graduating cohort participated in at least one acceleration program. Participation in acceleration programs was associated with higher rates of college readiness and enrollment in Minnesota colleges. However, lower income and racial/ethnic minority students were less likely to participate in acceleration programs.

### [STEM Ready America](#)

This new compendium from 40 authors presenting bold and persuasive evidence—as well as real-world examples of effective practices, programs, and partnerships—on how science, technology, engineering and mathematics (STEM) knowledge and skills are preparing young people to be successful in school today and the workforce tomorrow.

### [Investing in Title II-A: Strengthening School and Teacher Leadership Making the Most of the Every Student Succeeds Act](#)

Education First developed a [resource deck](#) to help state policymakers, district leaders, advocates and funders make the most of ESSA Title II-A funding to strengthen school and teacher leadership. Education First reviewed 28 draft ESSA plans to create this resource deck that highlights the trends across plans, features examples of innovative states and includes strategies and resources for states.

## New Resources from NCSL

Social-emotional learning (SEL), sometimes known as character education or the acquisition of non-cognitive skills, refers to the process through which students acquire and apply the knowledge, attitudes, and skills necessary to think critically, work in teams, manage emotions, maintain relationships, set and meet positive goals, and make responsible decisions. Social-emotional learning complements academic learning, and both are critical for students to be prepared for college and careers in the 21st century. Check out this [new resource on SEL](#) legislation and standards across the states.

### [Supreme Court Rejects Nominee Gorsuch's View of Special Education Law](#)

The U.S. Supreme Court's decision in *Endrew F. v. Douglas County School District* might be construed as bad timing for Supreme Court nominee Judge Neil Gorsuch.

### [DeVos Issues Revised ESSA State Plan Template](#)

Education Secretary Betsy DeVos issued a revised template for state education plans under the Every Student Succeeds Act.

### [Graduation Rates Improve, But College and Career Readiness Remains Elusive](#)

In the fall of 2016, the U.S. celebrated a fifth straight year of record-high national graduation rates, at an all-time high of 83.2 percent.

### [New Report Estimates "Hidden" Costs of Higher Education Spending](#)

States collectively spent \$77.7 billion total in higher education in academic year 2014. This is slightly more than the federal government's own \$75 billion in higher education spending, which includes \$30.4 billion provided by the Pell Grant program .

## Upcoming Webinar - Register Now!

### May 5: [High-Quality Professional Learning for Teachers: What We Can Learn From Canada](#)

Learning Forward recently commissioned research into how Canada supports its teachers, since several Canadian provinces lead the world in student achievement. Experts from Learning Forward will discuss this research and how state policymakers can apply what they learned. This webinar is one in an on-going series for the [NCSL International Education Study Group](#), but is open to all committee members.

## Meet Your Education Standing Committee Officers



### **Pad McCracken, Staff Co-Chair**

Pad McCracken is a research analyst with Montana Legislative Services. He has staffed the Senate Education and Cultural Resources Committee the past three sessions and staffed Montana's decennial School Funding Interim Commission during the 2015-2016 Interim. In former lives, Pad taught high school English in western Colorado and central Washington and served as the Teen Services Librarian at the public library in Helena, Montana.



### **Rachel Gudgel, Staff Co-Chair**

Rachel S. Gudgel is the Director of the New Mexico Legislative Education Study Committee, a bipartisan, bicameral permanent interim committee of the New Mexico Legislature that focuses solely on public education issues. In addition to supporting the education committees during legislative session, Gudgel works closely with the appropriation committees as they develop the annual budget for public schools and the New Mexico Public Education Department. She graduated cum laude from the University of New Mexico (UNM) School of Law in 2004 and cum laude from UNM in 2000 with a Bachelor of Science in Biology. She is a licensed attorney in good standing in New Mexico.

NCSL will feature two education standing committee officers each month. [View the entire list here.](#)

## Upcoming Meetings of the Education Standing Committee

- Spring Education Standing Committee Meeting | Denver, Colo. | April 21-13 (see attached agenda and [click here](#) to register)
- [2017 NCSL Legislative Summit | Boston, Mass. | Aug. 6-9](#)
- 2017 Capitol Forum | Hotel Del Coronado, Coronado, Calif. | Dec. 10-13, 2017

Questions about the NCSL education program newsletter? Contact [Madi Webster](#).



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