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NCSL Education Standing Committee News: March 7, 2017

Federal Update: New Secretary, New Day for Federal Regulations

The Senate voted to confirm Betsy DeVos as Secretary of Education on Feb. 7. It marked the first time in history that the vice president was needed to cast the tie-breaking vote on a U.S. Cabinet nominee as Republican Senators Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine) withheld their support. As one of her first acts as Secretary of Education, DeVos clarified on Feb. 10 in a letter to chief state school officers her intention to implement and enforce the statutory requirements of the Every Student Succeeds Act (ESSA).

According to the letter, the department is reviewing the regulatory requirements of consolidated state plans as reflected in the current template and will develop a revised template detailing only what is "absolutely necessary," as outlined in ESEA statute, by March 13. The department will still accept state plans on April 3 or September 18 of this year, as communicated to State Education Agencies in November 2016. On Feb. 22, DeVos also [issued new Title IX guidelines](#) withdrawing guidelines released by the Obama administration last year that required school districts to allow transgender students to use the bathroom consistent with their gender identity. DeVos' announcement says the old guidelines had given rise to legal questions and the issue was best resolved at the state level. NCSL's blog piece on the Supreme Court case on transgendered bathroom rights can be found [here](#), and NCSL's legislative tracking on the issue is available [here](#).

[H.J. Res. 58](#), sponsored by Higher Education and Workforce Development Subcommittee Chairman Brett Guthrie (R-Ky.), passed the House on Feb. 7 and will next be considered by the Senate. The measure, which is a resolution of disapproval, would block U.S. Department of Education regulations regarding institutions of teacher preparation that were finalized in October 2016. NCSL recently [sent a letter in support of the resolution](#) to the subcommittee and had previously called on the department to withdraw both the proposed rule and a subsequent reopening of the proposed rule. [H. J. Res. 57](#), introduced by Early Childhood, Elementary, and Secondary Education Subcommittee Chairman Todd Rokita (R-Ind.), also passed the House on the same day and will next be considered by the Senate. The resolution blocks a regulation implementing accountability provisions in the Every Student Succeeds Act.

In keeping with a common practice of new presidents, the new administration is late providing its budget to Congress. A presidential budget proposal is technically due the first Monday in February, but it is common for new presidents to miss the deadline by two or three months after providing initial details in late February. President Donald Trump indicated in a budget meeting at the White House Feb. 22 that he plans to release a rough budget blueprint by mid-March. Though the Senate confirmed

Rep. Mick Mulvaney (R-S.C.) as Director of the Office of Management and Budget on Feb. 16, the Trump administration has yet to establish the policy team central to crafting the proposal. A relatively timely budget will remain a priority given a series of spending deadlines expected this spring.

Contact [Michelle Exstrom](#) or [Lucia Bragg](#) for more information on federal education news.

State Policy Update: States Tackle Key Education Issues

Digital literacy refers to fluency in the use and security of interactive digital tools and searchable networks. This includes the ability to use digital tools safely and effectively for learning, collaborating and producing. Digital citizenship is a broader term that often incorporates the concept of digital literacy. Digital citizenship is defined as the norms of appropriate, responsible behavior when using technology. States including Arizona, California, Connecticut, New Mexico and West Virginia have introduced digital literacy / digital citizenship legislation in 2017. For more info, see NCSL's LegisBrief, [Promoting Digital Literacy and Citizenship in School](#), and these NCSL [online resources](#).

At least 29 states have introduced **private school choice** legislation so far in 2017. A number of states are considering voucher-type programs with near universal eligibility. Check out NCSL's school choice resources [here](#).

Fourteen states have introduced legislation in the 2017 session 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." Of the 12 states with legislation still pending, eight states are considering policy options specific to public schools. Learn more [here](#).

NCSL's [2017 P-3 Tracking](#) page covers **preschool through third grade** issues including, but not limited to: preschool finance and access, school readiness, dual language learners, early STEM education, literacy and numeracy, family engagement and more. So far in 2017, NCSL is watching trends in legislation on:

- DLL/ELL students: assessment (including progress, proficiency, validity and reliability, accommodations and exemptions, native language testing), funding multipliers (increases and decreases), state seals of biliteracy, revising reclassification procedures, dual language program funding and accountability data disaggregation
- Literacy and numeracy: third grade reading (including adding and removing retention requirements), early identification and intervention (including individualized learning plans), dyslexia, additional reading instructors/assistants and educational technology for blended learning
- Teachers: certifications specific to early childhood education, bilingual teachers and para-educators, and compensation and professional development

New Research

[Achieve](#), a national nonprofit working to increase college and career readiness, recently published a [new report](#) that takes a comprehensive look at states' publicly reported student performance data against college- and career-ready indicators in all 50 states and D.C.

The Southern Regional Educational Board's educator effectiveness team recently released [a paper](#) analyzing the research, summarizing state policies and offering considerations for recruiting and retaining effective school principals.

A [new report](#) from The Pew Charitable Trusts provides a comprehensive view of federal and state higher education tax provisions, examines how they are connected across levels of government, and, when possible, catalogues their costs.

Learning Policy Institute recently released a [series of research reports](#) that discuss the current teacher shortage crisis and discuss policy strategies for state to consider.

New Resources from NCSL

NCSL recently released an [interactive guide to school choice](#) in the states. Don't miss this comprehensive new resource covering charters, magnet schools, open enrollment, state turnaround districts, vouchers, scholarship tax credits and education savings accounts.

NCSL's new podcast, [Our American States](#), recently featured [No Time To Lose](#), the culminating report of a two-year legislative study of top performing countries in education and what the states can learn from them. Listen to the podcast [here](#), and [download a PDF of the report here](#).

NCSL's new webpage, [A Legislator's Guide to Workforce Data](#), dives into the different types of data states are collecting on education and ties to the workforce. This data can help answer questions legislators, parents and students have about the employment of degree earners in the state, where there are emerging fields and where there are shortages of qualified workers.

NCSL's new legisbrief [Promoting Digital Literacy and Citizenship in School](#) and [web resources on digital literacy](#) explore the definitions, variances and state policy on digital literacy and digital citizenship. States including Arizona, California, Connecticut, New Mexico and West Virginia have introduced digital literacy / digital citizenship legislation in 2017.

There are significant gaps in children's academic abilities when they enter kindergarten, which can persist throughout their educational careers. NCSL's new webpage on [School Readiness and Transitions](#) provides detailed maps, research, legislative summaries and resources for lawmakers to learn about where their state stands and how to begin closing these gaps.

NCSL recently updated our [hot topics webpage](#) on school leadership. This page links to outside news stories, reports, opinion pieces and other material dealing with school leadership.

In January, Education Week released its new report, "**Quality Counts 2017: Under Construction – Building on ESSA's K-12 Foundation.**" The 21st edition of the annual report examines the challenges and opportunities policymakers face in putting the Every Student Succeeds Act into practice. Watch a recording on NCSL's webinar on the report [here](#).

In December 2016, the Organisation for Economic Co-operation and Development (OECD) released the latest results of the Programme for International Student Assessment (PISA) test of 15-year-olds' knowledge and skills in 72 countries and economies across the world. NCSL hosted a webinar with Andreas Schleicher from OECD to discuss the U.S. ranking on the test and policies and practices we might consider to close the performance gap. Click [here](#) to watch this event.

Meet Your Education Standing Committee Officers



Representative Robert Behning, Co-Chair

Representative Behning has served in the Indiana State Legislature since 1992, representing House District 91. He was born and raised in Indianapolis and has been a proud Hoosier his entire life. He was a small business owner for 34 years. In 1976, he received a Bachelor of Science degree from Indiana University. He currently serves as the chair of the Indiana House Education Committee and is an NCSL Early Learning Fellow and a member of NCSL's International Education Study Group.



Representative Alice Peisch, Co-Chair

Representative Peisch has served in the Massachusetts House of Representatives since 2003, representing the 14th Norfolk District and Precinct 4. Prior to her service in the legislature, Representative Peisch was active in Wellesley's municipal government. Representative Peisch received an A.B. from Smith College in 1976, a J.D. from Suffolk University in 1979, and a MPA from Harvard's Kennedy School of Government in 2009. She currently serves as the House Chair of the Massachusetts Joint Committee on Education and is an NCSL Early Learning Fellow and a member of NCSL's International Education Study Group.

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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Denver: 303-364-7700
Washington: 202-624-5400