

Congress Faces Range of Education Issues in Next Session

ESSA regulations may get scrutiny

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With President-elect Donald Trump waiting in the wings, the Republican majority in Congress will have the opportunity to tackle a host of education issues when its next session begins in 2017, from funding for disadvantaged and special education students and college access and affordability issues, to student-data privacy and career and technical education.

At the same time, there will be significant turnover in some key positions: In addition to Trump's selection of school choice advocate Betsy DeVos to be education secretary, the House education committee will have a new leader, Rep. Virginia Foxx, R-N.C.

But what's probably at the top of the list for leading GOP lawmakers is deciding which regulations from President Barack Obama's administration pertaining to the **Every Student Succeeds Act** they may wish to overturn through the Congressional Review Act. Sen. Lamar Alexander, R-Tenn. and the Senate education committee chairman, has indicated his intent to toss out final ESSA rules from the Obama administration if he decides they go beyond the scope of the law.

The outgoing administration has yet to release final ESSA spending regulations that could shift more state and local money to disadvantaged students. If it does before leaving office, the odds are that GOP lawmakers—many of whom have said the proposal represents federal overreach—would use the review act to get rid of them.

Fate of Final Rules

Less certain is the fate of final ESSA accountability and testing regulations the department released in recent weeks, as well as rules on teacher preparation the administration released in October.

The future of the accountability regulations will be closely watched by states and districts, whose input could be a big factor in whether Republicans move to toss them and possibly start a new

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round of rulemaking. The year-old law, the successor to the No Child Left Behind Act, is due to kick in for the 2017-18 school year.

"People are anxious to get going," said Michele McLaughlin, the president of the Knowledge Alliance, an advocacy and policy-research group.

Congress also already has a running start or has expressed clear interest in a number of specific policy areas. Earlier this year, bills to reauthorize the Carl D. Perkins Career and Technical Education Act and the Juvenile Justice and Delinquency Prevention Act breezed through the House of Representatives with overwhelming bipartisan support, only to stall in the Senate. Both could have a relatively easy path through Congress starting next year.

"There's a decent chance [DeVos] would be interested in CTE," said Sasha Pudelski, an assistant director of AASA, the Schools Superintendents Association. She cited the involvement by DeVos and her husband in an aviation-focused charter school in Michigan.

"And I think Congress came pretty far [on passing a CTE bill]," Pudelski said. "I anticipate that will not be a difficult bill to pass next year."

But one of the education policy areas that could be at the top of the list for many members of Congress isn't about public schools.

DeVos, the prominent GOP donor who is Trump's education secretary nominee, is best known for her work to expand school choice. She does not have significant experience dealing with policies affecting colleges and universities. But Alexander, the chairman of the Senate education committee, used the Nov. 23 news of her selection to signal his interest in reauthorizing the Higher Education Act.

In a statement, the senator said DeVos' work with Congress would provide "an opportunity to clear out the jungle of red tape that makes it more difficult for students to obtain financial aid and for administrators to manage America's 6,000 colleges and universities." The HEA is now three years overdue for renewal.

Leadership Direction

Alexander's omission of school choice in his initial public reaction to DeVos' nomination could mean he's more interested in revamping the higher education law than in pushing a major school choice plan like the \$20 billion voucher program Trump proposed during the campaign. (Alexander previously proposed a "Pell Grants for Kids" bill to allow states to redirect federal aid to school choice programs.)

"DeVos is not experienced in [higher education]. The senator is absolutely experienced in this. That's to his advantage," said David DeSchryver, the senior vice president and co-director of Whiteboard Advisors, a consulting organization. "The majority of the work is going to be in higher education."

In a statement, Sheridan Watson, Foxx's spokeswoman, said the North Carolina Republican "would like to see the next [Higher Education Act] reauthorization focus on increasing transparency, improving the accessibility and affordability of postsecondary education, reforming the accreditation

process, and encouraging innovation in the classroom."

Watson added that reauthorizing the Perkins Career and Technical Education law and the Child Nutrition Act would also be top priorities for Foxx in the next Congress.

Right now, Foxx leads the subcommittee on higher education and workforce training. In 2014 she helped shepherd through a reauthorization of the Workforce Innovation and Opportunity Act.

Rep. Luke Messer, R-Ind., an education committee member, said in an interview last month that he was optimistic that reauthorization of the Family Educational Rights and Privacy Act would get consideration, given productive bipartisan work on the issue of student-data privacy over the last two years. Messer crafted a bill with Rep. Jared Polis, D-Colo., to overhaul federal law governing student-privacy issues.

"They just have so much on their plate that they're going to be focused on," Pudelski said of lawmakers.

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