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ML Strategies 2018 Outlook: Education

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While education issues are expected to be major priorities in Congress throughout 2018, Congressional leadership left town last year still unable to come to an agreement on the funding of Cost Sharing Reductions (CSRs) and the Deferred Action for Childhood Arrivals (DACA). Funding for the Children's Health Insurance Program (CHIP), was only extended through March of 2018. Therefore, we anticipate that health care and immigration issues will be priorities when Congress returns in January, and that education matters will continue to move forward throughout the year. Higher education, especially, will be important to watch at the beginning of 2018 because education groups, colleges and universities continue to work to understand the repercussions of the passage of the largest tax reform package in thirty years. In addition to tax reform changing the way university endowments and student financial aid packages function, a revamp of the Higher Education Act is likely to be brought to the floor of the House in the first quarter of 2018.

Higher Education

It is expected that four major education laws, including the reauthorization of the Higher Education Opportunity Act (HEOA), the Perkins Act, and the Individuals with Disabilities Opportunity Act (IDEA) will be taken up by Congress within the next two years. This past summer, the House unanimously passed **H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act** (the Carl D. Perkins Career and Technical Education Act (ACT)) by voice vote. The law, last reauthorized by Congress in 2006, is meant to support and increase the quality of technical education across the country. Reauthorization is expected to focus on alignment with the Workforce Innovation and Opportunity Act (WIOA) and other employment laws. This law has the potential to be the bridge between Medicaid beneficiaries and the new work requirements being imposed by states. It is also related to the Higher Education Act in that these two laws couple together to promote issues including the expansion of job training apprenticeship opportunities, student financial aid, individualized learning and work-study programs.

In the fall of 2017, House Committee on Education and the Workforce Chairwoman Virginia Foxx introduced a plan to overhaul the Higher Education Act. **H.R. 4508, or "Promoting Real Opportunity, Success, and Prosperity through Education Reform Act" (PROSPER),** was marked up by the House

Committee on Education and the Workforce in December 2017 and is currently in the process of being reviewed by the Senate Committee on Health, Education, Labor, and Pensions (HELP). The legislation highlights student apprenticeship programs, international education, post-secondary programs for students with disabilities, supporting the more global use of technology and student financial assistance programs.

Every Student Succeeds Act

Reauthorized in 2015, **The Every Student Succeeds Act (ESSA),** continues to be implemented at state and local levels. Regulatory implications to the law persist, and states are waiting to see if their new state plans have been approved by the U.S. Department of Education. The Department of Education has recently begun to respond to the individual state plans. Of the 34 states and Puerto Rico that submitted plans last fall, 25 have received comments back. States including Hawaii, Kentucky, Nebraska, New Hampshire, and Wisconsin received their feedback letters just prior to the holiday break. Florida, for example, has asked the Department for more time to resubmit its ESSA plan based on comments it received. The feedback and other guidance received from the Department, as well as the approval of state plans will continue throughout 2018, and it will be important to review the final approved plans to determine the impact they will have at the state level on districts, schools, teachers, and students. Outstanding issues that must still be addressed as states begin to implement ESSA include school accountability for student learning, how to measure student progress and success, and the use of new and innovative testing methods.

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) of 2004 is a reauthorization possibility, much to the chagrin of the advocacy community. Due to the controversial and emotionally charged nature of this legislation, many advocates and legislators would prefer to continue funding and not reauthorize the legislation at this time. However, issues such as vouchers and the recent Supreme Court decision

(Endrew F. v. Douglas County School District) regarding the standard of education for children with disabilities may drive the reauthorization. Areas of reauthorization focus will include: (1) transition planning and supports from school to adult life, (2) increased attention to school to work programs, including apprenticeship programs, (3) better alignment of vocational rehabilitation with prevocational experiences, (4) increasing better access to technology for students with disabilities, (5) strengthening early childhood programs around inclusive environments, and (6) the use of vouchers for out of district placements and private school placements.

Going Forward

Throughout 2018, we expect to see other changes to education. The newly passed tax bill will allow tax-advantaged college savings plans (529s) to cover up to $10,000 per year in K-12 public, private and religious school expenses. It will be important to watch how states implement this new change in law. DACA will also be important to monitor. The American Immigration Council has estimated that 65,000 undocumented immigrants graduate from high school each year, and that at least 10,000 graduate from college annually. States who educate the most beneficiaries, including California, New York, Florida, and Texas, stand to lose significant amounts federal funding, should Dreamers be deported. A decision from Congress on this matter is expected by March. So keep an eye out on these issues, and don't forget that Congress will continue its legislative work on education in 2018.

Committee staff in both the House and Senate will continue to work on Higher Education and Perkins reauthorization language. Senator Lamar Alexander, the Chair of the HELP Committee recently noted that his committee's first order of business after the New Year would be to mark up its own version of Higher Education. The Department of Education has also signaled that they are looking at changes in Higher Education related to student loans and gainful employment requirements. Given that Perkins reauthorization and Higher Education have been on the list of issues that the House Education and Workforce Committee have been working on over the past year, these bills, along with the implementation of ESSA and a renewed focus on IDEA will be legislative priorities for Congress in 2018.

We will be focused on issues within all of the aforementioned bills, including apprenticeship programs, pre-employment transition for students in middle and secondary school, as well as the increased need for updated technologies across IDEA, ESSA, and Higher Education. With an administration and House GOP majority that have openly advocated for work requirements in Medicaid, it will be very important to look at apprenticeship programs and other transition program models that are law to see how aspects of these programs can be aligned and strengthened within each piece of legislation that Congress works to reauthorize in the coming year.

Authors