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## ED Review

...a bi-weekly update on U.S. Department of Education activities relevant to the Intergovernmental and Corporate community and other stakeholders

**December 22, 2017 (Happy Holidays!)**

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### WORKING IN THE DMV

While in the Washington, D.C., area this past week, Secretary DeVos maintained a full schedule of events.

First, as part of [Computer Science Education Week](#) (December 4-10), she visited [Moorefield Station Elementary School](#) in northern Virginia, participating in a computer coding lesson with students and a roundtable discussion with educators. The Secretary also reviewed elementary class projects, including animated graphics, web pages about world explorers, and coding that controlled robots.

Second, she hosted two Rethink School Summits, bringing together education leaders, innovators, and entrepreneurs from around the country who are demonstrating how student-centric models can improve student achievement. The [higher education summit \(video\)](#) featured sessions titled “Beyond Seat Time -- Exploring higher education innovations utilizing technology focused on competency-based progression,” “Job Ready -- Partnering with industry to prepare today’s students with tomorrow’s jobs,” and “Breaking the Mold -- Traditional institutions of higher education responding in non-traditional ways.” The [K-12 education summit \(video\)](#) featured sessions titled “Attaining Each Child’s Unique Potential,” “Shifting the Paradigm,” and “Customizing Learning.” Both summits were streamed live on C-SPAN and Facebook.

Third, the Secretary delivered the [commencement address](#) at the University of Baltimore’s fall commencement ceremonies. “The natural instinct is to join in the chorus of conflict, to raise your voice louder, to promote your profile and ostracize others,” she explained. “Too many assume that those who are the loudest are leaders and those who stay quiet are followers. But we will not solve the significant and real problems our country faces if we cannot embrace this paradox of silence. We will do well to first listen, study, ponder, then speak to genuinely engage those with whom we disagree. Voices that are quiet at first grow in strength, while those who rush to shout are humbled.”

The Secretary was also scheduled to testify before the House Education and the Workforce Committee on “the policies and priorities of the U.S. Department of Education.” However, the hearing was [postponed](#).

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### BORROWER DEFENSE PROCESS

Concerning borrower defense to repayment (BDR) claims, after careful review to ensure a fair and efficient process, the Department unveiled an [improved discharge process](#). “We have been working to get this right for students since day one,” stressed Secretary DeVos. “No fraud is acceptable, and students deserve relief if the school they attended acted dishonestly. This improved process will allow claims to be adjudicated quickly and harmed students to be treated fairly. It also protects taxpayers from being forced to shoulder massive costs that may be unjustified.”

For pending claims, no changes were made to the existing approval criteria. Claims that previously would have been approved will still be approved today. However, rather than taking an “all or nothing” approach to discharge, the new process will provide tiers of relief to compensate former Corinthian College students based on damages incurred. Students whose current earnings are less than 50% of their peers from a passing gainful employment (GE) program will receive full relief. Students whose earnings are at 50% or more of their GE program peers will receive proportionally tiered relief to compensate the difference and make them whole.

Additionally, to mitigate for how long it has taken to adjudicate claims, the Department will apply a credit to interest that accrues on loans starting one year after the borrower defense application is filed. The principle of relief based on value of education received is consistent with the legal authorization of BDR under the *Higher Education Act* and the existing BDR regulation, adopted during the Clinton Administration. Similar concepts for partial relief were proposed by the Obama Administration in its October 2016 regulation.

The Department has approved for discharge 12,900 pending claims submitted by former Corinthian students, and 8,600 pending claims have been denied. These actions includes claims that have been received during the Trump Administration. The remaining pending claims will be adjudicated systematically under this newly announced discharge process.

The BDR regulation is currently under [negotiated rulemaking](#), which began November 13.

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## SCHOOL AMBASSADOR FELLOWS

The Department announced the availability of the [online application](#) for the 2018-19 [School Ambassador Fellowship Program](#). The agency designed the program to enable outstanding teachers, principals, counselors, librarians, and other school-based professionals that interact with students on a daily basis to bring their expertise to the Department and expand their knowledge of the national dialogue about education. In turn, fellows facilitate the learning and input of other educators and community members. As in previous years, applicants may choose to apply as Washington Fellows -- a full-time appointment where fellows are based in residence at the agency’s headquarters in Washington, D.C. -- or as Campus Fellows -- a part-time appointment where fellows collaborate with the agency while maintaining their regular school responsibilities in their home communities. The application closes January 31, 2018, at 5 p.m. Eastern Time.

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## REGULATORY RESET

The Trump Administration’s [Unified Agenda of Regulatory and Deregulatory Actions](#) details the actions administrative agencies plan to issue in the near and long term. Released by the White House Office of Information and Regulatory Affairs (OIRA), the agenda represents the Administration’s next step in fundamental regulatory reform and a reorientation toward reducing regulatory burden on the American people. By amending and eliminating regulations that are deemed ineffective, duplicative, or obsolete, the Administration can promote economic growth and innovation and protect individual liberty ([President’s remarks](#), [press briefing with OIRA Administrator](#), and [deregulation fact sheet](#)).

Among the highlights pertaining to education (see full list [here](#)):

- Borrower Defense and Gainful Employment -- With negotiated rulemaking committees working on new regulations, the Department estimates proposing for public comment a new Borrower Defense to Repayment (BDR) rule in May 2018 and a new Gainful Employment rule in June 2018.
- Significant Disproportionality -- The Department intends to seek public comment on delaying for two years a regulation concerning the identification of children with disabilities.
- Title I -- The Department proposes to amend regulations implementing programs under Title I of the *Every Student Succeed Act* (ESSA).

- Title IX -- The Secretary plans to propose new Title IX regulations governing campus sexual assault in March 2018.
- Year-Round Pell Grants -- The Department plans to issue regulations to make technical changes needed to carry out the restoration of year-round Pell Grants in May 2018.

The agenda recognizes that reform will take time and require rigorous analysis, public input, and careful consideration of a variety of important legal and social values.

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## RURAL REVIEW

In accordance with Section 5005 of the ESSA, Secretary DeVos seeks information from the public regarding how the Department can improve upon its consideration of the unique needs of rural schools and districts as it develops and implements policies, programs, and procedures (see [preliminary report](#) and [blog post](#)). The Secretary intends to use this information in issuing a final report, as required under ESSA, describing the steps the Department will take to increase the participation of rural schools and districts in the development and execution of its initiatives. Comments must be received no later than February 20.

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## ODDS AND ENDS

- On December 8, President Trump [signed into law](#) the *Further Continuing Appropriations Act, 2018*, providing funding at approximately the Fiscal Year 2017 level through today for the ongoing work of the federal government, including education.
- Separately, Secretary DeVos announced [\\$10.4 million in additional funds](#) to assist students at over 900 institutions of higher education (IHEs) affected by the recent hurricanes. Federal Work-Study (FWS) Program funds will be distributed to IHEs located in Federal Emergency Management Agency (FEMA)-declared disaster areas impacted by the storms, as well as IHEs across the nation that have enrolled a significant number of students from the impacted areas. Legislation passed in the wake of the hurricanes -- the *Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017* -- provided the flexibility for the Department to award supplemental funds to affected IHEs and students.
- Congress is working on [further disaster assistance](#) for the hurricanes and California wildfires, including \$2.9 billion for education recovery.
- The President recently announced his [intent to nominate](#) Frank Brogan to be Assistant Secretary for Elementary and Secondary Education. Brogan has served as a teacher, assistant principal, principal, college president, university system chancellor, and lieutenant governor. He was the first member of his family to attend college -- earning a bachelor's degree in education from the University of Cincinnati and a master's degree in education from Florida Atlantic University.
- Moreover, the Senate Health, Education, Labor, and Pensions (HELP) Committee approved and advanced to the full Senate the previous nominations of [Mitchell Zais](#) to be Deputy Secretary of Education, [James Blew](#) to be Assistant Secretary for Planning, Evaluation, and Policy Development, and [Johnny Collett](#) to be Assistant Secretary for Special Education and Rehabilitative Services.
- Secretary DeVos penned a special [Education Week commentary](#) following the Department's release of a [question-and-answer document](#) on the U.S. Supreme Court's *Endrew F. opinion*.
- The Department's Policy and Program Studies Service (PPSS) released a high school issue brief on [personalized learning plans](#), which involves students setting learning goals based on personal, academic, and career interests with the close support of school personnel or other individuals who help guide them. PPSS has released 11 [high school briefs](#) since the starts of the year. They focus on strategies to engage students and keep them on track for graduation.
- Don't miss these new studies from the Department's National Center for Education Statistics (NCES): ["Beginning College Students Who Change Their Majors Within 3 Years of Enrollment,"](#) ["Participation in High School Career and Technical Education and Postsecondary Enrollment,"](#) and ["How Principals in Public and Private Schools Use Their Time."](#)

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## QUOTE TO NOTE

“Your learning should be a life-long pursuit. This pursuit requires three challenges of character I’m going to posit today: the challenge to be thoughtful, the challenge to be selfless, and the challenge to persevere.... These three charges will serve you well no matter where you go and what you do. They’ll add contour and texture to the work you do, the family you raise, and the life you lead. Embracing them will help you leave your unique imprint on the world..... It has been said that thoughts become words. Words become actions. Actions become habits. Habits become character. And character becomes destiny. Today marks an opportunity to turn words into action for the sake of your destiny -- and of ours.”

-- Secretary Betsy DeVos (12/18/17), delivering the [commencement address](#) at the University of Baltimore

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## UPCOMING EVENTS

The John F. Kennedy Center for the Performing Arts invites classrooms of students of up to 30 students to participate at the fifth-annual [ED Games Expo](#) in Washington, D.C., on January 8, 2018. This is a hands-on event for students to try-out new technologies while meeting with their developers. It will feature more than 100 learning games and other technologies by over 70 developers. The games and technologies will be appropriate for students of all ages and cover areas in reading and writing; science, technology, engineering, and math (STEM); social studies; and social and behavioral development. During the day, all classes will attend a session titled “So You Want to be a Game Developer” and be assigned to play or use a specific set of grade-level appropriate technologies.

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