

Education Policy Update

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NHSAA

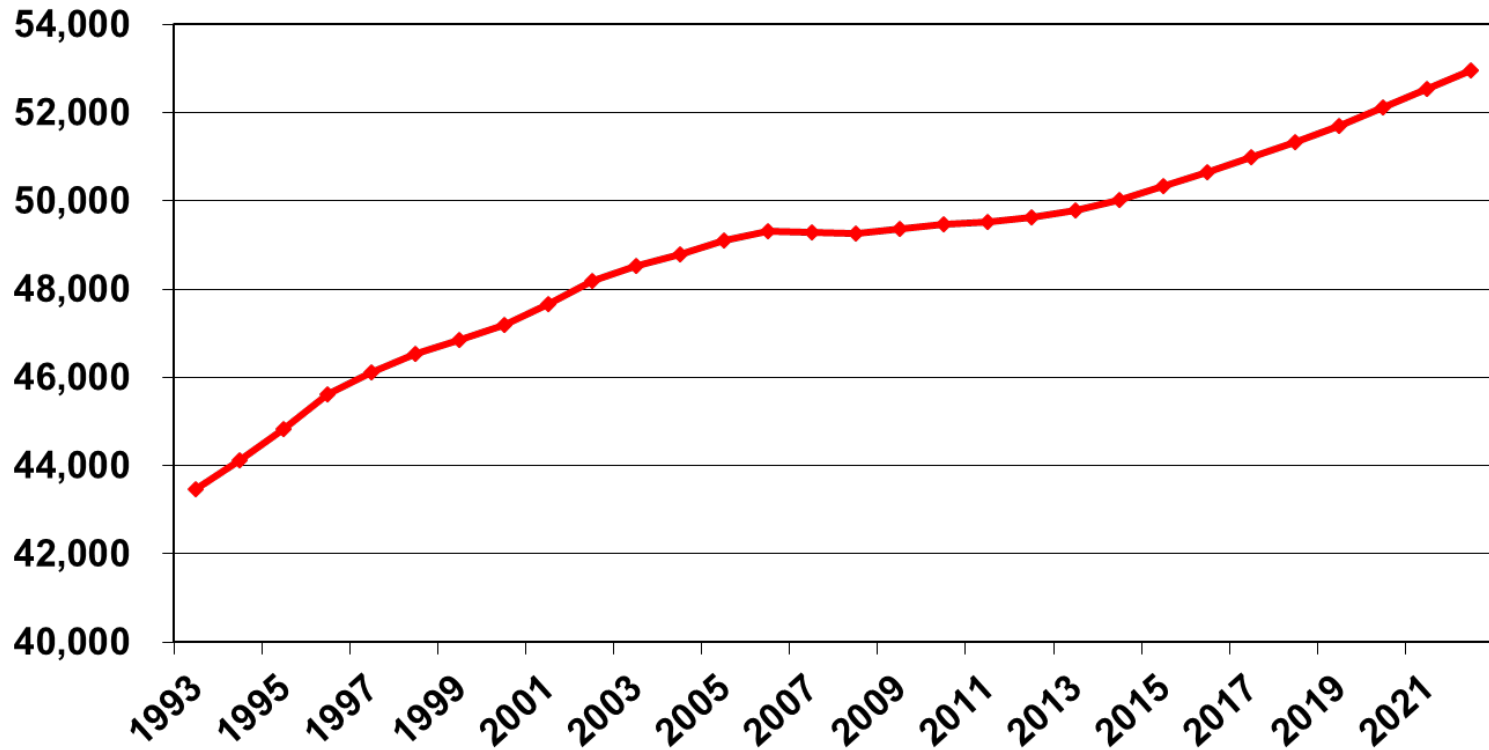
September 2015

Some Context

- It's 2015, and we are nearly 8 years into the effort to reauthorize ESEA. We are also nearly 8 years to the start of the greatest recession.
 - Collectively, that means that our nation's K-7 graders have spent the entirety of their K12 experience in a post-recession, broken NCLB climate.
- As of 2016, all of our K12 students will have been born in a different century than the teachers at the front of their classrooms.
- There is no larger employer in the US than the public school system. This has serious implications for leveraging policy change at the federal, state and local levels.

Rising K-12 Enrollments

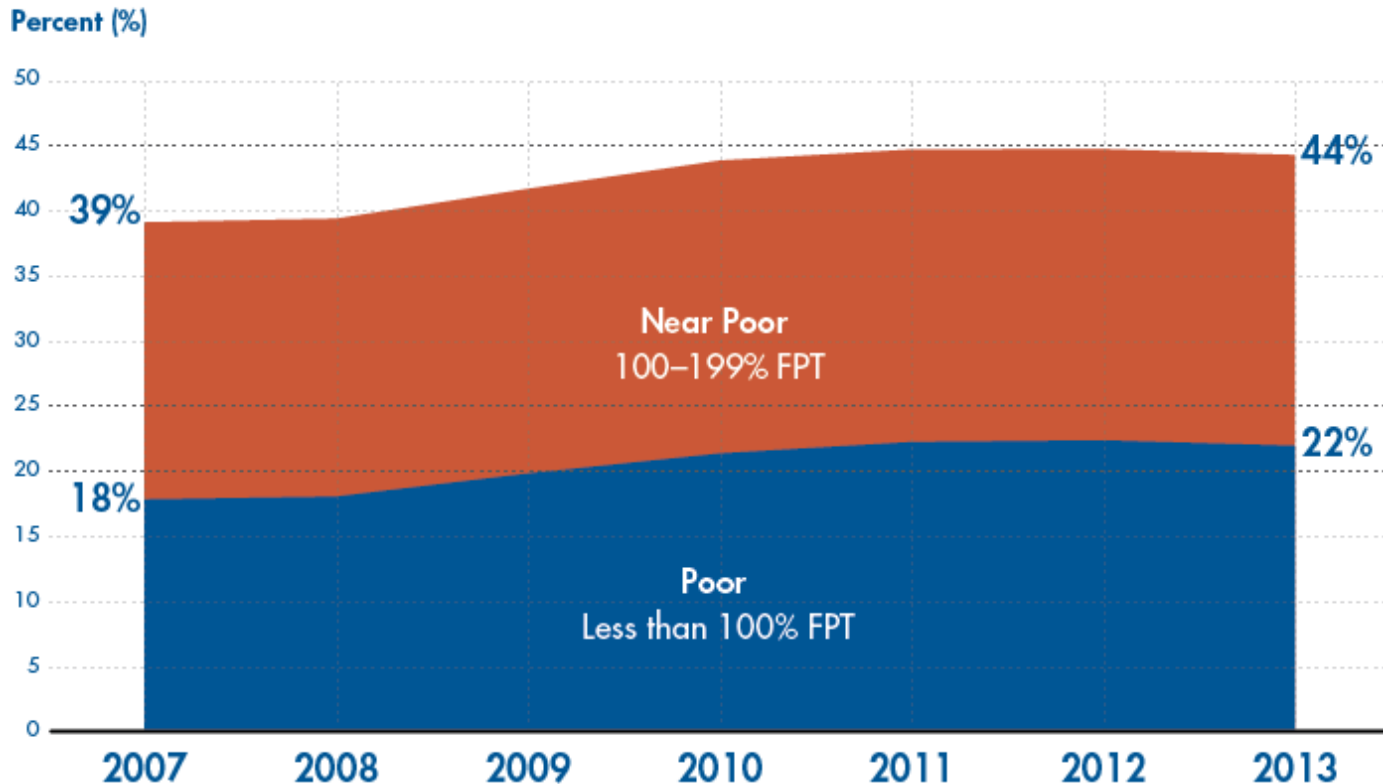
Public school enrollment (in thousands)



Source: CEF based on NCES *Projections of Education Statistics to 2022*

More Children in Poverty

Figure 2: Children living in low-income and poor families, 2007–2013



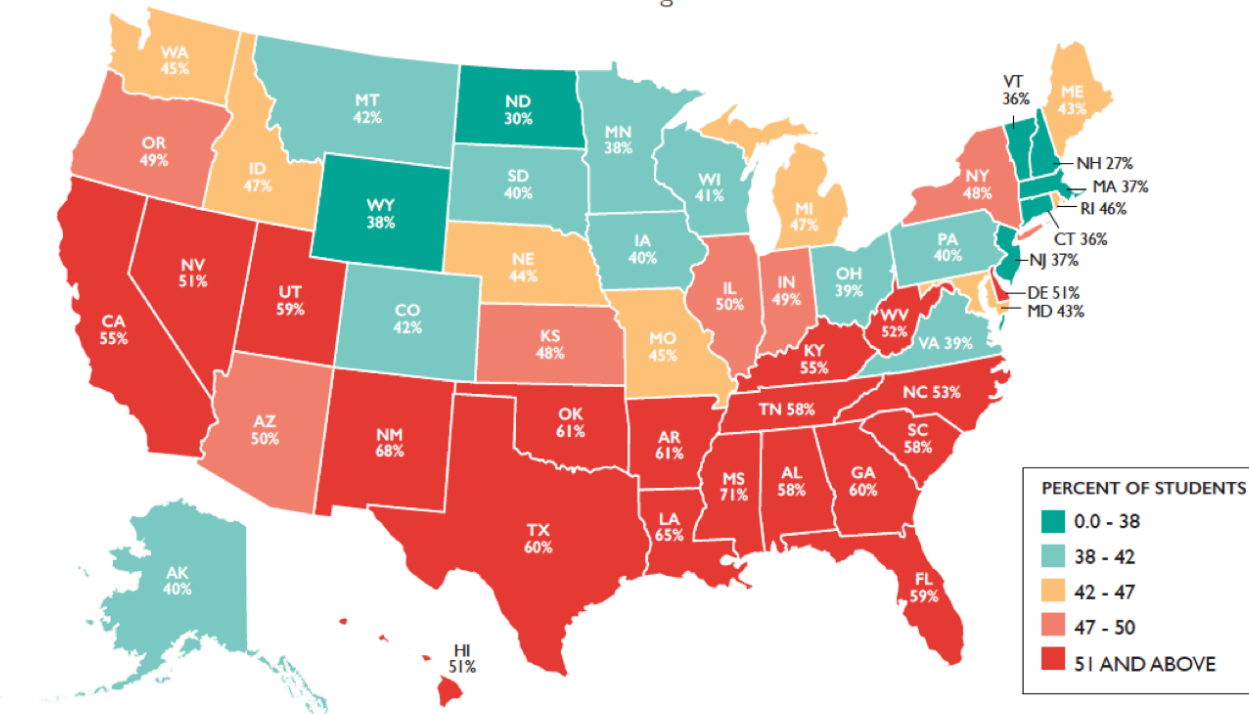
©National Center for Children in Poverty (www.nccp.org)

Basic Facts about Low-Income Children: Children under 18 Years, 2013

Majority of Public School Children are Low-Income

PERCENT OF LOW INCOME STUDENTS IN U.S. PUBLIC SCHOOLS 2013

National Average: 51%



SOUTHERN EDUCATION FOUNDATION | SOUTHERNEDUCATION.ORG

Data Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data

ESEA: Duncce & the Golden Child

- Both bills are significant improvement over current law
- House (simple majority, party line) v Senate (60, bipartisan)
- Timing (politics!) matter: White House up for grabs!

HOUSE

- Party Line vote, holding pattern
- Passed on Wednesday July 8

SENATE

- Bipartisan and Unanimous
- Ongoing!

ESEA Bills: What to Look For

- Both bills take pendulum of federal overreach and prescription and return it squarely to state and local autonomy
- Both bills are an improvement over current law
- Meat and potatoes, from an AASA point of view:
 - Standards, Assessment & Accountability
 - Restored balance between federal, state and local
 - Local/State Control
- Biggest advocacy wins are sometimes what is NOT in the bill:
 - Prescriptive accountability
 - Vouchers
 - Seclusion/Restraint
 - FERPA
 - Background checks
 - Expanded requirements re: equitable allocation of resources
 - School Discipline

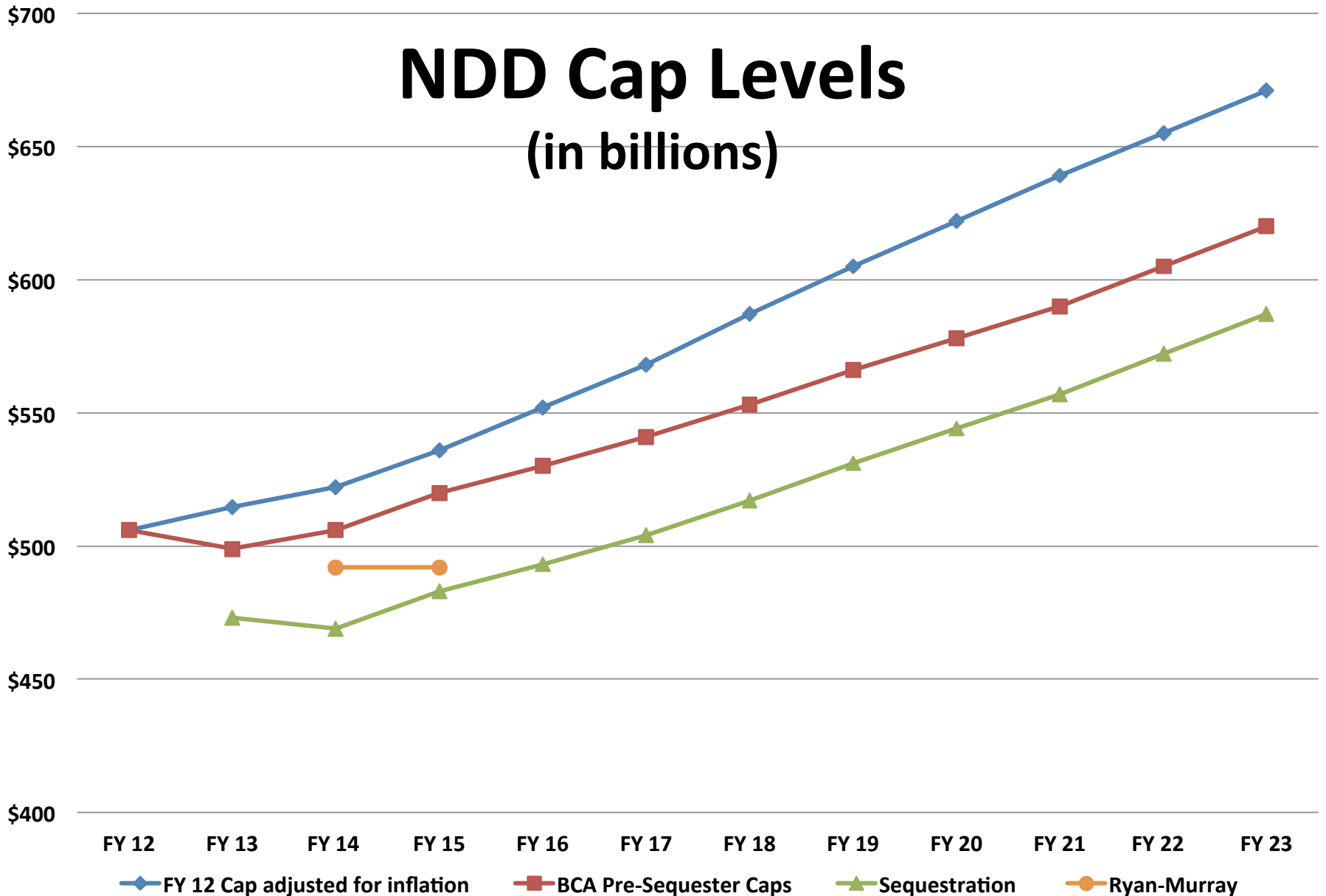
ESEA Bills: Looking to Conference

- High Stakes/AYP 2.0
 - ID Bottom 5%; high school ID; disagg/cross tab; increase flex for Sec
- Vouchers/Portability
- Student Data/Privacy
- Expanded data collection (under guise of equity)
- Discipline
- Title I Formula
- Resource Equity

ESEA Bills: Looking to Conference

- Expected conference activity in Oct, though increased rumor of stalling
- 2016 Elections: At some point, the 2016 election cycle becomes a complete vacuum
- Hastert Rule: Boehner cannot allow a floor vote on a bill unless a majority of the GOP supports the bill.
- Presidential Politics: How will Obama manage a bill that will significantly reign in administration's authority when it is the first ESEA bill to make it to the President's desk since 2001, a bipartisan bill from a Republican congress on an issue that is historically seen as a Democratic issue the year before a White House election

NDD Cap Levels (in billions)



Source: CEF Calculations based on CBO and OMB data

FY16 Appropriations

- House and Senate budget both passed budget resolutions
- **Budget:** While light on specifics for K12 education, the overall number is so low it is all but impossible to picture a scenario without cuts.
 - *Locks in the FY 2016 sequester level cap for nondefense discretionary (NDD) spending.*
 - *Slashing mandatory funding for Function 500 (Education, Training, Employment and Social Services) by \$162.1 billion over ten years.*
 - *Drastically cutting funding for NDD programs below the sequester caps starting in FY 2017. It slashes NDD spending by \$496 billion (-9.9%) over nine years.*
- **Appropriations:** At the program specific level, House LHHS bill cuts funding for USED by \$2.8 billion—more than sequester! This means most programs are at 2004 levels!

Federal Funding

- Sequester
 - Unless rescinded, sequestration cuts return in FY16
 - FY15 reality is such that most programs are still not to pre-sequester levels
 - Continued push to isolate cuts to non-defense discretionary
 - Important to keep the pressure on Congress to protect education funding, preferably through avoiding sequester, if not at least ensuring cuts are to ALL of the budget
- FY16 Update
 - Senate taking action on clean CR to run through Dec 11 (?)
 - Short term CR could would include miniscule across the board cut; hope to restore in final appropriations, with increased caps
 - House action to defund Planned Parenthood at center of threat of shutdown
 - Scenario of year-long CR brings across the board cuts

IDEA: Full Funding, Maintenance of Effort and Reauthorization

- AASA’s #1 legislative priority is full funding of IDEA
- IDEA’s MoE requirements are untenable, inequitable, and need to be modified
 - Treat IDEA MoE like that of Title I, both with ‘wiggle room’ and local waiver
 - Expand list of exceptions
 - Current provisions do not incentivize additional investments in special education when districts budgets improve
 - More flexibility is needed in IDEA to encourage districts to invest in special education when budgets are good, and ensure districts can utilize optimize efficiency when budgets aren’t as good
- Reauthorization: Jan 2016?
 - Fixing Due Process
 - Rate of due process continues to decrease, but not because system is working
 - Due process drives good teachers away from special education
 - Due process is incredibly costly

The BOLD Flexibility in IDEA Act

- 2 page bill with 2 parts
 - Local waiver
 - District applies to state for waiver to reduce MoE if they experience exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency
 - Must still comply with supplement/supplant
 - Must not be reducing special-ed disproportionately
 - 2 new exceptions
 - Can reduce if districts finds efficiencies, not impacting services for special-ed students
 - Can reduce if district makes changes to contribution level re pension, healthcare contributions or other employee benefits

Child Nutrition

- **Healthy School Meals Flexibility Act**
 - Introduced in bipartisan fashion in House and Senate
 - Would reduce whole grain requirement from 100% back to 50% and keep sodium limit at current level – Target 1
- **School Lunch Price Protection Act (S 1805)**
 - Prevent financially solvent school nutrition programs from being forced to raise meal prices, under the Paid Lunch Equity rule of the Healthy Hunger-Free Kids Act.
- **Healthy Hunger-Free Kids Act Reauthorization**
 - Movement likely in the Senate in July, House in the Fall
 - Likely changes: reduction in regulations, change to community eligibility threshold, repeal of paid meal equity

Child Nutrition: Priorities

– AASA priorities:

- 10 cent per meal increase in reimbursement
- Reduce whole grain requirements from 100% to 50%
- Keep sodium requirements at Target 1 – cancel increase to Target 2 and 3
- Allow any part of the reimbursable meal to be served a la carte
- Change fruit and vegetable from “must take” to “may take”

Perkins/CTE

- Administration's Perkins Blueprint
 - Removes the basic state grant guaranteed to any school district with a CTE program
 - Requires districts to partner with post-secondary institutions for Perkins funding
 - Creates a “Pay-to-Play” system for Perkins funding
 - Mandates a set-aside within current Perkins allocation for innovative programs
- Themes for Reauthorization
 - Common definitions for Perkins
 - Requirement for consortium application
 - Increased reporting requirements
 - Career counseling

Student Data & Privacy

- FERPA, COPPA, CIPA, but not in ESEA!
- Provide coherent and easy-to-understand guidance for parents and educators regarding FERPA, PPRA, and COPPA and their protections of the privacy and security of student data.
- Update definitions to address the realities of the digital age, making it possible to protect data while ensuring appropriate use of student data for legitimate educational needs and reforms.

Other Topics

- E-Rate
- Perkins
- Student Data & Privacy
- Charters
- Higher Education Act
- Affordable Care Act
- School Nutrition
- Early Learning
- Educational Broadband Services
- More?

Questions? Comments?

- Become an AASA Member.
- AASA Website: www.aasa.org
- AASA Policy Blog:
www.aasa.org/AASABlog.aspx
- AASA Advocacy on Twitter (next slide!)
- Annual AASA Advocacy Conference
- Weekly & Monthly Updates

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