

Legislative and Federal Update



BILINGUAL, IMMIGRANT, AND
REFUGEE EDUCATION DIRECTORS

MAY 16, 2014



BUDGET AND APPROPRIATIONS

Budget and Appropriations

Budget Control Act and Bipartisan Budget Act

- In 2011, the Budget Control Act lowered federal budget caps, resulting in Sequestration during FY 2013 to meet required spending levels
- In December 2013, Congress passed the Bipartisan Budget Agreement (BBA), raising the spending caps specifically for FY 2014 and FY 2015
- The higher spending caps mean there is little chance of additional sequestration cuts in FY 2014 and FY 2015
- The BBA allowed \$22.5 billion in additional funding for domestic programs over the previous year's sequestration level

Budget and Appropriations

FY 2014 Consolidated Appropriations Act (for school year 14-15)

- The higher spending caps in the BBA could have restored 87% of last year's sequestration cuts in the FY 2014 appropriations bill
- Congress had the discretion to fund programs at any level within the BBA caps
- This FY 2014 appropriations bill included only a 66% restoration for ED
- Title I and IDEA received an 83% restoration of their sequestration cut
- Title III received a 77% restoration (\$30 million more than last year; program total of \$723 million)
- A number of other programs were either frozen at or minimally increased from their sequestration level

Budget and Appropriations

FY 2015 Budget Request

- Obama Administration's proposed FY 2015 budget included a 1.9% increase for the Department of Education
- The Education budget included no formula grant increases for Title I, IDEA, or Title III
- The Administration renewed their Preschool-for-All proposal, requesting:
 - \$75 billion in mandatory funding over ten years
 - Doubling the Preschool Development Grants
 - Additional investments in Head Start and Home Visitation programs through HHS

Budget and Appropriations

FY 2015 Budget Request

- The Administration's budget also includes an expanded set of budget priorities over-and-above the BBA discretionary spending caps
- A \$56 billion Opportunity, Growth, and Security Initiative would supplement funding for ED programs, including Promise Neighborhoods, additional Preschool funding, and Education Technology
- Budget request also includes one-time \$5 billion mandatory request to support teachers and school leaders

Budget and Appropriations



Proposed Funding for Key Programs in FY 2015

Program	FY 2014	FY 2015 Proposal	Change from Previous Year
Title I	\$14.4 billion	\$14.4 billion	\$0
Title II-A Teacher Quality	\$2.35 billion	\$2.00 billion	- \$350 million
Title III – ELLs	\$723.4 million	\$723.4 million	\$0
IDEA Part B	\$11.5 billion	\$11.6 billion	+ \$100 million
School Improvement Grants	\$505.7 million	\$505.7 million	\$0



ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

Reauthorization of ESEA



Action on Capitol Hill

- Senate committee approved ESEA legislation in June 2013, with Democratic support only, and filed Committee Report on October 11th
- House committee approved ESEA legislation in June 2013, also on a party line vote, with no Democratic support
- House passed reauthorization on the floor in July 2013 on party line vote
- Senate floor consideration this Fall still unclear, but doubtful
- Prospects for conference committee and final enactment remain unlikely

Reauthorization of ESEA



HOUSE: ESEA Legislation

HR 5 Undermines Programs for Disadvantaged Students by Over-expanding Flexibility in Use of Funds

- Properly eliminates the AYP system and required SES and Transportation expenditures, **BUT**:
 - Allows funds generated by and appropriated for English language learners, Native American students, migrant students, and neglected and delinquent students could be spent on other students
 - Eliminates specific line item appropriations authority for English learners, Native American students, migrant students and neglected and delinquent students
 - Allows funds allocated to individual schools based on the number of low-income students to be spent on non-disadvantaged students without the current "schoolwide" requirement of a high poverty concentration
 - Fails to clearly link school intervention and improvement actions to the underachievement of traditional low-performing groups of students which is the original purpose of ESEA Title I
 - Increases the State set-asides from the Title I LEA formula grants by 150% -- over \$750 million
 - Creates a \$2 billion block grant for state departments of education with nearly unfettered State discretion over how the funds will be used and which schools and districts will or will not receive a grant

Reauthorization of ESEA

HOUSE: ESEA Legislation

House ESEA Reauthorization Bill (HR 5) Undercuts the Foundation and Integrity of ESEA Funding

- Freezes ESEA funding authority for the rest of the decade, preventing appropriations increases
- Allows States to cut state education aid without the loss of federal funding (eliminates Maintenance of Effort requirement)
- Allows offsetting of state cuts with local ESEA funds negating the add-on benefits of federal aid
- Potential House floor amendments on Title I formula ruled not “in order”
- House approved a Title I public school portability amendment on the floor (“follow the child” with Title I per-pupil allocations allowable at state discretion)

Reauthorization of ESEA

SENATE: ESEA Legislation

- Committee legislation did not meet the challenge of crafting a bill that accommodates higher academic benchmarks and represents an improvement over the current flexibility under ESEA waivers
- Properly eliminates the AYP system and required SES and Transportation expenditures, while:
 - maintaining a focus on subgroup accountability
 - restricting statistical gimmicks such as large N-sizes and confidence intervals
- Reform activities primarily driven from the state level, rather than the local level
- Replicates a four-tier, NCLB-like series of intervention levels

Reauthorization of ESEA



SENATE: ESEA Legislation

- Includes more accountability “cells”
 - New state-established performance targets by subgroup and grade level for achievement in specified subjects, growth in covered subjects, English proficiency growth, and graduation rates
 - With performance targets by subgroup AND grade level in specific subjects increases the prospect of schools being subject to increasing school accountability measures over time
 - “Sufficient growth” over a 3–year proficiency trajectory is unlikely to be attainable for large numbers of students who will be far away from the more rigorous proficiency levels under the Common Core standards
- Many new requirements and data collection provisions, including new cross-tabulation reporting requirements across subgroups

Reauthorization of ESEA



SENATE: ESEA Legislation

- The Title I program becomes a catch-all for activities with limited relationship to improving academic skills of disadvantaged students, including school mental health programs, behavior programs, pregnant and parenting teen programs, and school crisis management planning
- Increases state Title I set-aside from 4% to 6%
- Requires, but does not pay for, support and intervention activities in many non-Title I schools
- Requires English language services for recently-identified ELs, even after they graduate from high school
- Establishes six intervention models for the persistently lowest performing schools (“the bottom 5%”)

Reauthorization of ESEA



SENATE: ESEA Legislation

- Changes the current Title I Comparability of Services provision into a “Comparability of Expenditures” requirement, potentially costing some \$2 billion for Council school districts (based on the national data used in the U.S Department of Education’s 2011 Comparability Report and Policy Brief)
 - These new compliance costs are expected to have no impact on student achievement, since teacher salary expenditures have little to do with teacher effectiveness or academic performance.
- Potential formula amendment was not offered during the committee markup but is also pending for the Senate floor

ANY QUESTIONS?

