

The Education Report

A weekly report of public policy issues in American Education from

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1. End-of-Session Legislative Update

With 4 weeks left until the mid-term elections and little work completed here in Washington, the House of Representatives threw in the towel on Wednesday night and went into recess until November 12th—the Senate followed suit late on Thursday. Both the House and the Senate will remain in what is called “pro-forma” session. That means Members can be called back to Washington at any time if progress is made on critical legislation. Before leaving town, the Congress did agree to allow the 13 agencies of the government to continue spending at the same rate as the previous year for all programs, by passing HJ RES 123, a so-called Continuing Resolution (CR). It will expire on November 22nd.

When the House and Senate return to Washington on November 12th, it will be to reorganize for the next Congress and to orient the newly elected members of Congress. It will also offer an opportunity to extend the CR until a later date. Though there is no commitment yet for a “lame duck” session by either body, it is anticipated that both the House and Senate will reconvene in early December for 2 weeks to try to work out agreements on several of the appropriations measures as well as the Homeland Security legislation. Education advocates are hopeful the FY 2003 Labor, Health and Human Services and Education appropriations bill will be on that list. Two other pieces of

unfinished business that could be addressed at that time are the National Science Foundation Doubling Act and the Child Abuse Prevention and Treatment Act.

Two interesting developments occurred this week—first, the Senate adopted legislation that puts so-called “pay-go” budget rules back into effect. This means any federal spending on entitlement programs that exceeds budget limits will have to be offset with cuts to specific programs. This would include tax measures. These rules do not effect discretionary spending. The absence of rules or spending limits means amendments to appropriations bills can be adopted with 51 votes—not the 60 vote count that a violation of the budget rules would require. Given the current make-up of the Senate, 60 votes in favor of anything is a tall order.

You will recall that Senator Edward Kennedy (D-MA) has been seeking co-sponsors for an amendment that would add \$4.5 billion in additional education spending to the Labor, Health and Human Services and Education appropriations bill. This would be over and above the \$2.5 billion above the President’s request for education that the Senate Appropriations Committee has already agreed to. The Kennedy amendment got a boost this week from 15 “new Democrats” (not the usual liberal suspects—Feinstein, Lieberman, Landrieu, Edwards, Bayh, Nelson, Graham, Breaux, Lincoln, Kohl, Carper, Carnahan, Clinton, Stabenow and Johnson, and one Republican, Senator Lincoln Chafee) who sent a letter to President Bush supporting the Kennedy proposal. Now, if Senator Kennedy has the opportunity to offer his education amendment to the LHHS appropriation bill, he has a good chance of getting the 51 votes he needs for passage.

2. Education Science Reform Act Goes to President Bush

After almost 4 years of difficult debate, the Congress adopted a conference report for H.R. 3801, a bill reauthorizing the Office of Educational Research and Improvement. From now on the agency will be known as the Academy of Education Sciences. This entity will include 3 national education centers focused on research, statistics and evaluation. Language is included that will sustain the current system of educational labs and research centers through periodic competitions. This new structure is designed to be more autonomous, and to enable the Department to better coordinate and improve federal research, therefore supporting activities that will “ensure better results for children”, according to Congressman Mike Castle (R-DE), the legislator who was most committed to passing this legislation.

In January, the Congress passed the No Child Left Behind Act, legislation that requires states, local school districts and other organizations receiving funding, to spend federal dollars only on initiatives that are supported by rigorous scientific research. It is a requirement that has challenged many districts and resulted in the need for more and higher caliber research in the field of education. Again, quoting Congressman Castle, “Today, schools invest untold time and resources in one education fad after another. Without sound science to back the claims of increased academic achievement, schools are often disappointed. Those who suffer most are the very ones we want to help—children achieving below grade level”. Advocates for increased funding for education research are hopeful that the reforms enacted by this legislation will result in

greater confidence in the research funded by the Department and therefore a much better federal investment in the new Academy.

A more comprehensive analysis of H.R. 3801 will be included in next week's Education Report.

3. Department of Education Awards Transition to Teaching Grants

Tuesday, The Department of Education announced 95 new grants under the Transition to Teaching program to help school districts recruit new teachers from other professions and those just out of college without formal teacher training. The grants, which totaled nearly \$35 million, recognize what Secretary Paige sees as the promise held by alternative means of teacher certification in getting quality teachers into the nation's classrooms.

"The projects funded today will help school districts be much more creative as they address the demand for teachers," said Secretary Paige of the five-year grants, which were primarily awarded to high-need school districts, state agencies, colleges and universities, national organizations, or partnerships.

Grant awardees may be involved with more than one school district, and may be located in more than one state. The Transition to Teaching grants are authorized under Title II of the Elementary and Secondary School Act. To view the list of grant winners, go to:

www.ed.gov/offices/OESE/SIP/programs/ttt.html .

4. ED Department Grants Awarded to BAEO and Hispanic Scholarship Fund for NCLB Public-Awareness Campaign

This past Tuesday, a \$600,000 Fund for the Improvement of Education grant was awarded to the Black Alliance for Educational Options (BAEO) by the Department of Education for the creation of a public information campaign to inform parents of the options available to them under the new No Child Left Behind Act provisions.

BAEO will use the grant to specifically target cities with high percentages of low-income black students and low-performing schools, cities such as Dallas, Detroit, Milwaukee and Philadelphia. The campaign aims to educate these communities about options available to parents of children coming from disadvantaged backgrounds under NCLB, specifically emphasizing the public school choice programs and the supplemental counseling and tutoring services.

Just yesterday, Secretary Paige announced a \$500,000 grant to the Hispanic Scholarship Fund and the Hispanic Scholarship Fund Institute that will fund a three-year initiative to get Hispanic parents more involved with K-12 schools in our nation's Latino communities.

The grant is from the Fund for the Improvement of Education (FIE), which is a part of the Office of Educational Research and Improvement (OERI).

For more information on the BAEO grant, visit www.baeo.org, or call 202-544-9870.

5. IDEA Paperwork Reduction Bill Introduced in the House

On October 9, Rep. Ric Keller (R-FL) introduced HR 5591, the “IDEA Paperwork Reduction Act of 2002.” Co-sponsored by Rep. John Boehner (R-OH), Chairman of the Committee on Education and the Workforce and Rep. Mike Castle (R-DE), Chairman of the Subcommittee on Education Reform, the bill would allow states to develop 3 year Individualized Education Programs (IEPs), instead of annual IEPs, with the consent of the parent. The bill authorizes the Secretary of Education to grant waivers of paper work requirements under IDEA for a period of up to 4 years to no more than 10 states. Other provisions would allow the local education agency to determine whether any member of the IEP Team may be excused from attending the IEP meeting and to conduct IEP meetings via conference call. The Secretary is required to develop and disseminate simplified and streamlined model documents for IEPs, procedural safeguards notices and prior written notice reporting requirements.

The reauthorization of IDEA will likely be at the top of the agenda for the House and Senate Education Committees when the 108th Congress convenes in January 2003. There does not appear to be enough time left in the 107th Congress for progress to be made on reauthorization.

6. National Council on Disability Begins ADA Policy Brief Series

The National Council on Disability (NCD) has begun an initiative in response to multiple Supreme Court decisions that have been detrimental to the Americans with Disabilities Act (ADA). Entitled “Righting the ADA,” this initiative will be comprised of a number of papers analyzing the court’s decisions and their impact, as well as legislative proposals for amending the ADA. To view the inaugural paper go to the NCD’s website at: <http://www.ncd.gov/newsroom/publications/rightingtheadada.html>

7. Special Education Transportation Costs Increase Significantly

In a report developed as part of the Special Education Expenditure Project (SEEP), the American Institute for Research found that it costs nearly 10 times more to transport students with disabilities to and from schools as it does to transport general education students. The annual average cost to transport a child with a disability is \$4418 compared to \$442 for students without disabilities. The total national special transportation services expenditure is \$3.7 billion; about 28 percent of the total US school transportation expenditure. Transportation for special education students accounts for about 7 percent of total national spending on special education services. The report, “What Are We Spending On Transportation Services for Students with Disabilities, 1999-2000,” can be viewed at www.sep.org/Docs/Transportation.PDF

8. Virtual School Forum

The American Youth Policy Forum held a forum Friday that examined Florida’s on-line high school education initiative, The Florida Virtual School (FLVS). “Florida Virtual

School: The Future of Learning?" featured presentations by Julie E. Young, the Executive Director of Florida Virtual School; Deborah Adams, Government Teacher, Florida Virtual School; and Ron Skinner, Project Director, Tech Counts, Education Week.

The Florida Virtual School was started in 1997 with the purpose of creating a quality alternative high school curriculum online. All classes are taught by state-certified, full-time teachers, and all courses meet Florida's state education standards requirements that are applied to traditional schools. FLVS was designed to provide additional educational opportunities to students who, for example, might have schedule conflicts at their traditional high school, have job or work responsibilities, need additional credits in order to graduate, or want to take courses not offered at their traditional high school. The FLVS does not intend to replace the traditional classroom environment. Only 6% of FLVS students take their entire course-load on-line. During the 2001-2002 school year, over 8,200 students enrolled in FLVS courses; nationally, 378,000 students are expected to enroll in virtual school programs for the 2003-2004 year.

According to Executive Director Young, these types of on-line learning programs qualify under the No Child Left Behind Act as supplemental services. The FLVS program touts a one on one teacher-student relationship, in which students interact with teachers over the phone, via chat rooms, e-mail and instant message. Progress and pace reports are issued to students and parents monthly, and the program has thus far achieved an 80% completion rate. FLVS has t been funded by the Florida state legislature, and has received over \$20 million in funding since the program's inception 6 years ago. The program is not yet compliant with accessibility requirements of the Americans with Disabilities Act, though it is pursuing being fully accessible.

For more information on FLVS, go to <http://www.flvs.net>. To view a national study of high school e-learning programs conducted by Education Week entitled "Tech Counts 2002," go to www.edweek.org/sreports/tc02/ .