

The Education Report

A weekly report of public policy issues in American Education from

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On July 24th, the House Education and the Workforce Committee held a hearing to discuss the Department of Education's implementation of the "No Child Left Behind Act". Chairman John Boehner (R-OH) emphasized that no child in America should be written off as un-teachable and no school should be written off as incapable of producing results. Under Secretary Eugene Hickok testified before the committee and informed them on what the Department of Education has been doing to ensure successful implementation of the law.

Guidance for Reading First, Teacher Quality State Grants, Language Acquisition State Grants, Comprehensive School Reform, Enhancing Education through Technology, 21st Century Community Learning Centers, and on Title I issues like teacher quality are all available on the Department's website: <http://www.ed.gov>. Guidance for other key Title I provisions, such as adequate yearly progress, accountability, and teacher qualifications will be published in the *Federal Register* during the week of July 29th.

Secretary Paige has written a Dear Colleague letter to State and Local leaders outlining the AYP provision in the NCLB. Highlights from this letter are posted on the Department's website: <http://www.ed.gov/PressReleases/07-2002/07242002.html>.

A comprehensive report detailing this hearing is in the making and will be delivered to you next week.

House Appropriations Update

The House Labor-HHS-Education appropriations bill is still facing a difficult road ahead. The latest information indicates that the House subcommittee may mark-up the President's Budget request as the initial bill. The Labor-HHS-Education Subcommittee mark-up of the bill is scheduled for September 5th, but many believe that that the date will be pushed back.

Under the President's proposed budget, the majority of funding increases would be in the National Institutes of Health (NIH). If any other programs are to receive additional funds, they would have to be offset with cuts from the NIH. Also, the President's budget might not have enough votes to pass the House due to the lack of funding for several programs. Even if the bill passes the House and goes to conference with the senate,

crafting a final compromise bill would be difficult since the House allocation for the Labor-HHS-Education bill is \$129.9 billion and the current Senate bill appropriates \$134.29 billion.

House Education and the Workforce Committee Holds Hearing on School Vouchers

On July 23rd, the House Education and the Workforce Committee held a hearing entitled “What’s Next for School Choice?” The hearing focused on the DC school voucher legislation proposed by House Majority Leader Richard Armey (R-TX) (H.R. 5033), but expanded into a debate on the merits of school voucher programs in general. Testifying at the hearing were: House Majority Leader Richard Armey; Dean of The Catholic University of America Law School, Douglas Kmeic; Vice President and Legal Director of People for the American Way, Elliot Minberg; President of the District of Columbia Congress of Parents and Teachers, Linda Moody; parent from Cleveland, Ohio, Roberta Kitchen; and parent from Washington DC, Tamiko Williams.

In opening statements, Committee Chairman John Boehner (R-OH) stated that along with tutoring and afterschool programs, school choice presents an important part of the President’s No Child Left Behind initiative. The recent Supreme Court decision (Simmons-Harris v. Zelman) has allowed the Committee to begin to more closely examine the merits of school voucher programs.

Ranking Democrat George Miller’s (D-CA) statement emphasized that while many believe voucher funding does not come at the expense of public school funding, money comes from somewhere. Voucher programs use funds that could be used instead to better public schools. Miller reminded the Committee that many of the accountability measures in No Child Left Behind can and will be ignored in private schools. In general, Miller advocated that instead of funding voucher programs, Congress should fully fund the No Child Left Behind Act.

Rep. Armey explained that voucher programs do not stop schools from improving; they simply give poor parents the ability to give their children the best education possible. In the question and answer portion, Chairman Boehner clarified that accountability in private schools is determined by parental choice. If anything is deemed inadequate in a private school, students can simply change schools.

When questioning Rep. Armey, Rep. Miller said that many students with behavioral problems, physical disabilities and learning disabilities would not be accepted to private schools in a voucher program because of the difficulty and the additional costs incurred when teaching these students. Rep. Miller also emphasized that each dollar of funding could be more effectively spent on the entire school district rather than approximately two percent of the DC school population that would receive a voucher under Rep. Armey’s bill. In a recent referendum, 89 percent of DC voters voted against a voucher program. Rep. Miller asked why Congress should impose a program that DC residents

do not want. In a response that infuriated Rep. Miller, Armev replied “I can win it on the floor.”

Other testimony was split between the two sides of the voucher debate. The basic arguments in favor of vouchers were that they give parents the ability to give their children the best education possible by allowing them to choose which school their children attend. Parents offered heartbreaking testimonials on the struggles to educate their children.

Moody, Minberg and the Democratic members of the Committee echoed the notion that “vouchers do not fix schools.” Public dollars should be spent on school reform that benefits all, not just a few lucky students, they argued. They also noted that research has yet to indicate that vouchers produce any statistically significant increase in academic achievement. Opponents of vouchers advocate fully funding No Child Left Behind, allowing school choice amongst public schools, and continually reforming public schools.

Testimonies are available at:

<http://edworkforce.house.gov/hearings/107th/fc/fchearings.htm>

Appeals Court Rules that Private School Receiving Voucher Students is Not a State Actor

In another closely watched court decision involving school vouchers, the First Circuit Court of Appeals ruled that the Maine Central Institute (a private secular school) is not a state actor even though it receives state funds through its voucher program. The voucher program allows students who do not have a local public high school to have their private school tuitions financed by the state. The case, Logiodice v. Trustees of Maine Central Institute (MCI) involves a disciplinary incident where the student involved claims that the school violated his right to due process in a disciplinary matter. The court ruled that MCI is not a state actor and legal recourse could only occur if the school’s behavior was “widespread and did not allow student to appeal their punishments.” In a dissent, judge Kermit Lopez wrote “For all practical purposes, MCI is the public high school of [Main School Administrative District] No. 53 and should be treated as such when it disciplines a publicly funded student in a manner that arguably contravenes the due process guarantees of the 14th Amendment.”

Grants Applications for “Schools for a New Millennium” to be Accepted

The National Endowment for the Humanities is offering grants of up to \$100,000 each to aid K-12 teachers in using digital technologies to teach humanities-oriented subjects. The grants can also be used to develop teacher development programs in combining technology and the humanities or develop partnerships with local postsecondary

institutions, libraries, museums or other institutions. Grant applications are due October 1st.

For more information, visit www.neh.gov/grants/guidelines/milschools.html or call 202-606-8380.

Department of Education to Accept Local-Flex Applications

The Department of Education has announced in the Federal Register that it will accept applications for the Local Flexibility Demonstration Program. The Department can make Local-Flex agreements with no more than three local education agencies (LEAs) in each state. To be eligible, LEAs need to receive formula grants from state educational agencies (SEAs) that allow consolidation. LEAs in the following states are eligible for Local-Flex agreements: Alaska, Arkansas, California, Connecticut, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Main, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Applications are due September 17th, applicants are encouraged to let the Department know (via e-mail to localFlex@ed.gov) that they intend to apply by August 19th.

For more information, visit: www.ed.gov/legislation/FedRegister/announcements/2002-3/071902a.html

Final Local-Flex Application Criteria Announced

The Department of Education has released the final application criteria for those applying for Local-Flex agreements. The criteria addressed comments made on the initial criteria announced on February 22nd. Applications must include:

- Baseline academic data
- Specific, measurable academic goals
- Strategies for meeting goals and the general purposes of the consolidated programs

Applications will be selected on:

- Identification of the need for the local-flex agreement
- Quality of the educational goals
- Quality of the local-flex plan
- Adequacy of the resources

For more information, visit:

<http://www.ed.gov/legislation/FedRegister/announcements/2002-3/071902b.html>

States Cope with Fiscal Deficits by Cutting Spending

A recent National Conference of State Legislatures report found that with many states facing steep fiscal deficits in FY 02 and FY 03, State legislatures have chosen to cut state expenditures instead of raise taxes. To cope with FY 02 deficits, 29 states instituted across-the-board budget cuts. In general, higher education suffered the majority of education related cuts, but 12 states cut some K-12 spending during FY 02. Eleven states are expected to, or already have, cut K-12 budgets for FY 03.

For more information, visit: www.ncsl.org/programs/press/2002/pr020724a.htm and www.ncsl.org/programs/fiscal/presbta02.htm

Final Report Issued on Annenberg Challenge Program

The Annenberg Foundation recently released its final report on its eight-year Annenberg Challenge program. The Foundation, valued at \$1.1 billion, is one of the largest privately funded organizations aimed at improving public schools. The foundation seeks to improve inner-city schools, rural schools and encourage arts education. Executive Director of Brown University's Annenberg Institute for School Reform, Warren Simmons, said that the commitment "did not work miracles, but it frequently beat the odds and helped public schools do better." One of the key lessons learned was "even large gifts like ours are no substitute for adequate, equitable and reliable funding."

For more information on the organization and the final report, visit www.annenbergfoundation.org

107th CONGRESS, 2nd SESSION

TENTATIVE SENATE CALENDAR 2002/ NON-LEGISLATIVE PERIODS
Tom Daschle, Majority Leader

August 5 - September 2	Senate not in session (August Recess)
September 2	Labor Day
September 3 (Tues.)	Senate reconvenes
September 16 (Mon.)	Yom Kippur (NO VOTES)
October 4	Target adjournment