

The Education Report

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Prospects for Action on FY03 Labor-HHS-Education Appropriations Prior to Elections Continue to Decline

Prospects for action on FY 2003 Labor-HHS-Education Appropriations before recess for the 2002 Congressional elections continue to decline. The Senate Appropriations Committee approved its bill, S. 2766, on July 18th, but the bill has yet to appear on the Senate floor. The House has not passed or even marked up a Labor-HHS-ED bill in subcommittee because many believe that the bill introduced by Appropriations Committee Chairman Bill Young (R-FL), H.R. 5320, does not spend enough on education.

With the current fiscal year set to expire on Monday, September 30th, the House and Senate are expected to consider and pass a continuing resolution (CR), H. J. Res. 111, later today. The CR would continue FY02 funding-levels for federal departments and agencies for which no FY03 appropriations have been made through October 4th. A second CR providing FY02 funding-levels through Friday, October 11th is also expected. Many in the education community fear that if Congress does not complete action on a FY03 Labor-HHS-ED Appropriations bill by Oct. 11th, it will approve a long-term CR that holds the Department of Education to FY02 spending levels.

House Democrats Release Report on the Lack of Resources for NCLB in Bush's FY03 Education Budget

On Monday, the Democratic Staff of the House Appropriations Committee released a report entitled "All Rhetoric, No Resources: Why the FY2003 Bush Education Budget Will Leave Millions of Children Behind." The 18-page report claims that while President Bush has been busily visiting classrooms and reading to children at many of the nation's schools over the last year in support of the No Child Left Behind Act, he and his administration have effectively stopped the growth of federal education funding in the FY03 budget.

The NCLB Act, as authorized, continued the trend of growth in federal monetary support for education that has grown from 6.6% of the total cost of elementary and secondary education in 1996 to 8% support this year. It was estimated that if appropriations levels remained on the target set by NCLB, the federal government's funding would most likely

exceed 13%. The NCLB Act also authorized significant funding increases in certain key areas on top of the promised general increase in federal education funding. However, the report points out that shortly after Bush signed the NCLB into law back in January, he proposed a budget that “holds aid to local schools virtually flat” (3). Despite rising levels of students in the nation’s school systems who are in danger of being left behind (students from low income and low education households, students with insufficient English language skills and students with disabilities), the majority of whom would greatly benefit from the proposed Title I funding, the report says that Bush has proposed cutting the proposed growth of Title I by 82%.

As far as the NCLB English Education, Homeless Children, After School Centers and Teacher Training programs, the report indicates Bush has proposed freezing the funding for those initiatives at current FY02 levels, which ends up, as a result of inflation and increased enrollments, eliminating eligible students and teachers and cutting significant funding for these specific programs. The report goes on to say that President Bush’s budget significantly cut the growth of federal payments to cover the cost of educating children with disabilities to only two thirds the level Congress has committed to over the last three years.

The report highlights how improving the quality and the access to school libraries has been linked to better test scores in reading, and yet the President’s budget calls for only 5% of the level promised under NCLB for the Literacy Through School Libraries Program. In addition, Bush proposed cutting comprehensive school reform by \$75 million, or 24% of the comprehensive school reform grants of last year.

To read the full report and the various tables of statistics that accompany it, go to www.house.gov/appropriations_democrats.

Senate Committee Endorses S. 2969

In what may be their final mark-up for the year, the Senate HELP Committee met yesterday in the Capitol to consider several education and health bills. First on the list for consideration was S.2969, the Education Sciences Reform Act of 2002, the reauthorization of OERI. On a voice vote the bill was quickly adopted. S. 2969 is the companion measure to H.R. 3801, which passed in the House of Representatives earlier this year. The Senate bill differs in several key and significant ways by including the following provisions that the House did not address:

- 1.) The creation of a National Center for Knowledge Utilization within the Agency
- 2.) Specific authorization for the Regional Educational Laboratories
- 3.) Specific authorization for the Comprehensive Regional Assistance Centers program
- 4.) Specific authorization for the Clearinghouse for Educational Facilities and the Eisenhower Clearinghouse for Math and Science Education

5.) Specific topic driven authorization for the ERIC clearinghouses

In the interest of time, the Congress will attempt to resolve differences between the two bills prior to Senate floor action. After 4 years of debate, most members believe the time has come to reach agreement on this legislation. In light of the new requirements of the no Child left Behind Act to invest federal resources only in programs that can evidenced scientifically based research regarding their effectiveness, the work of OERI has taken on added importance for LEAs, SEAs and local schools.

Senate HELP Committee Hears Testimony on Internet Education

The Senate Health, Education, Labor and Pensions Committee held a hearing Thursday morning to examine the benefits and challenges of web-based education. It was a preliminary hearing that provided basic information about web-based education as it pertains to higher education and next year's reauthorization of the Higher Education Act (HEA). The hearing also follows the recent introduction of S. 1445 September 21st, which is Senator Enzi's Internet Equity and Education Act of 2001.

The witnesses present at the hearing were Mr. Steve Shank of Capella University, Minneapolis, MN; Mr. Robert Mendenhall, President and CEO of Western Governor's University; Dr. Frank Mayadas of the Alfred P. Sloan Foundation; and Ms. Cornelia Ashby of the GAO office.

The only two Senators present at the hearing were Senator Enzi (R-WY) and Senator Wellstone (D-MN). Senator Wellstone apologized profusely for having to leave the hearing prematurely to attend a Foreign Relations hearing on Iraq, which left Senator Enzi the lone representative of the Committee to listen to the panelists' testimony and ask questions.

Senator Wellstone opened the hearing by stating his belief in the utter importance of education as a necessary tool that both ensures the health of our economy and our security, and that it is the necessary basis of our nation's democracy. The Senator said he was eager to learn about how quality education has been expanded to give better access to non-traditional and distance learning students. Senator Wellstone acknowledged he hoped quality distance learning, Internet-based programs would gain specific government support in next year's HEA reauthorization hearings, as long as distance learning programs adhere to the same, long-established standards of intellectual rigor of campus-based, accredited programs.

Senator Enzi stated that he understood the importance of distance learning first hand; his wife recently earned a Master's degree from participating in a web-based program. He emphasized that this was a core hearing, and the testimony would prove very helpful when HEA reauthorization hearings begin.

Mr. Shank told the committee that there are currently 2.2 million students enrolled in at least one web-based instructional program; 120,000 students are currently enrolled in

fully Internet based higher education programs, and that number is expected to increase to 1.5 million by 2010. Mr. Shank, as did all the other panelists, stressed that federal financial assistance for on-line learning is very important, and that current Title IV language is too restrictive when it comes to aid for on-line education students. He asked that the focus be on the success of learning outcomes rather than on the vehicle through which that learning takes place.

Ms. Ashby and the GAO had been asked by the Senate to investigate distance-learning institutions, Title IV, and the likelihood of Title IV fraud in web-based education. Ms. Ashby reported that Title IV aid is important to distance learning programs, and that 31% of those who applied for aid this year from such programs received aid. She acknowledged that making Title IV less restrictive to include more on-line programs would mean that a system of internal controls would have to be implemented to ensure quality at aid-eligible programs, and that the accreditation process would have to be monitored and approved to avoid new cases of fraud.

Dr. Mayada reiterated earlier testimony when he said that distance, web-based learning works; the evidence is there that proves it works; and government aid should be made available for such programs based upon a demonstration of quality and not on the mode of delivery.

Mr. Mendenhall recommended eliminating the 50% rule under Title IV that makes program participants ineligible for federal aid if more than 50% of classes offered in their program are distance-learning courses, and he suggested that distance learning language be included in the HEA reauthorization. He also asked that the demonstration program that the Department of Education implemented to help on-line distance learning programs qualify for aid be made permanent next year in the reauthorized HEA bill.

Mr. Mendenhall was the only witness to mention the importance of distance-learning, on-line education programs in meeting the provisions of NCLB. Under NCLB, teachers and paraprofessionals are required to receive increased training in order to meet the “highly qualified” provisions of the law. Without such web-based programs, teachers and paraprofessionals would have severely limited options to obtain such training.

House Holds Hearing on Small Businesses and People with Disabilities

On September 24, the House Committee on Small Business held a hearing on small businesses, employment and people with disabilities. Chaired by Rep. Donald Manzullo R-16th/IL), the Committee heard testimony from Assistant Secretary of the Office of Disability Employment Policy in the US Department of Labor, Roy Grizzard; Honorable Tony Coelho, former Member of Congress; Ms. Janet Fiore, CEO of The Sierra Group, Inc. in Pennsylvania; Mr. Phil Kosak, President of Carolina Fine Snacks in North Carolina; Mr. Sanford Lupovitz, President of RIBI Security in Rhode Island and others.

In introductory remarks, Rep. Jim Langevin (D-RI) noted that the purpose of the hearing was to highlight how small businesses can tap into an untapped workforce resource; persons with disabilities. He noted that there are 25 million small businesses in the country and that they create 2 out of 3 of all new jobs. They employ 54% of the workforce and represent 99% of all employers. People with disabilities experience an unemployment rate of 70%. Ten million Americans of working age with disabilities are unemployed.

Phil Kosak summed up the problem by saying that this is a marriage waiting to happen --- people with disabilities need jobs and small business owners need good employees. At Carolina Fine Snacks, Mr. Kosak has virtually eliminated turnover, re-training needs, lateness and absenteeism by increasingly relying on employees with disabilities so that over half of his workforce is now people with disabilities. He actively seeks employees from the state vocational rehabilitation program.

Tony Coelho talked about the critical importance of having the Small Business Administration actively engaged with its network of small businesses in promoting the benefits of employees with disabilities and dispelling the myths, including the misnomer that accommodations are expensive. To date the Small Business Administration has been unengaged and resisted efforts to get them engaged. Both Mr. Kosak and Mr. Lupovitz indicated that there had been virtually no cost to the company in providing accommodations to employees. Every employee needs some kind of accommodation, Mr. Kosak noted. Apparently many employers fear an increase in worker compensation costs if they employ people with disabilities. Mr. Coelho recommended that the Committee commission a definitive study on this issue, as he believes that workers comp costs do not increase.

Ms. Fiore described the importance of technology in enabling people with disabilities to effectively perform job duties. Witnesses agreed that people with disabilities want to be taxpayers, but much work needs to be done in dispelling myths and providing information to employers about the effectiveness of workers with disabilities.

When asked what legislative recommendations they had, panelists suggested increasing funds for transition services under IDEA and increasing funding for Vocational Rehabilitation services.

House Committee Asks for Input on Higher Ed Act Reauthorization

The Higher Education Act of 1965 is up for reauthorization during the 108th Congressional session. As a result, the House Committee on Education and the Workforce has issued a request for proposals regarding the Act's reauthorization. Specifically, the Committee is looking for input and suggestions that would help to expand access to higher education. The letter suggested a number of proposals that would be of particular interest to the committee, such as those that address accountability

in using federal funds, the rising costs of higher education, and the academic preparations for higher education.

The letter asked for all detailed policy proposals and necessary background information to be submitted to the Committee no later than December 31, 2002. An Internet link has been set up that provides a sample layout of how the Committee would like to receive proposals, and it can be found on the Committee website. Proposals may be submitted via e-mail to HEA@mail.house.gov, or individual ideas may be passed along at <http://edworkforce.house.gov/issues/107th/education/highereducation/heacomments/>.

Further questions should be directed to Kathleen Smith or George Conant of the Majority Staff at 202-225-6558, or Suzanne Palmer or James Kvaal of the Minority Staff at 202-226-2068.

Secretary Paige Concludes National No Child Left Behind Tour in New York

On Wednesday of this week, Secretary of Education Rod Paige made the final stop of his national tour promoting the No Child Left Behind Act at the Samuel Gompers Vocational and Technical High School in Bronx, New York. Joining the Secretary was New York City Mayor Michael Bloomberg and Cablevision President and CEO James L. Dolan. The New York City school system and Cablevision have teamed up to bring the latest technologies into many of the city's classrooms, and its partnership has garnered the Secretary's praise. Paige noted that public-private partnerships such as the New York City-Cablevision project are necessary in order to ensure that the promise of leaving no child behind is kept.

While at the school, Paige watched a Cablevision Power to Learn interactive demonstration used to help teachers in the classroom to both better their lesson plans and to better connect parents and the community to the classrooms. Cablevision currently has plans to install Broadband Internet access in 5,000 New York City schools and libraries.

Over \$700 million was authorized in 2002 for such technology partnerships and initiatives under the Enhancing Education through Technology program in No Child Left Behind.

Since Secretary Paige's tour started in April in Albuquerque, New Mexico, he has made 25 school visits nation wide to educate the country about the important changes brought about by the passage of NCLB.

Alliance for Excellent Education Releases "Every Child Should Graduate"

The Alliance for Excellent Education released a report Tuesday entitled "Every Child Should Graduate: A Framework for an Excellent Education for Every Middle and High School Student." It addresses the pressing concern over the future of our nation's

productivity, a future that is at risk largely due to the low academic level many of today's middle and high school students achieve. According to the report, approximately 6 million middle and high school students are likely to drop out of high school due to poor performance levels. Nearly 25% of high school students do not read at the designated "basic level," and less than 50% of all eighth graders in urban schools graduate in 5 years.

The report asks Congress to implement a research-based "framework" to ensure that adolescent literacy is greatly improved, to provide a \$4,000 annual tax credit to those highly qualified, successful educators who work in high-poverty, high-crime schools, to create a college plan for all ninth graders in schools designated as "high-need," and to make the learning atmosphere in such schools smaller and thus more individualized.

The Alliance told *USA Today* that the number of jobs requiring a college degree will grow by nearly 25% by 2008, while the demand for jobs requiring only a high school diploma will only grow about 9% in that same period.

The report is available on the Alliance for Excellent Education website, at www.all4ed.org/learn/every.html.

Policy Briefing on New Harvard Civil Rights Project Publication:
"Racial Inequity in Special Education"

Authors of "Racial Inequity in Special Education" presented their findings at a briefing for Congressional staff and policy stakeholders on September 23. Responding to the presentations by researchers Daniel Losen and Darren Woodruff were congressional staffers Roberto Rodriguez from the Senate Health, Education, Labor and Pensions Committee chaired by Sen. Edward M. Kennedy (D-MA) and Charles Hokanson from the House Education and the Workforce Committee chaired by Rep. Charles Boehner (R-OH).

Acknowledging that the over-representation of minority students in the disability categories of emotional disturbance and mental retardation is not a new issue, presenters provided a comprehensive set of new data analyses. Key highlights of data presented include:

- African American students are twice as likely as white students to be classified as emotionally disturbed;
- African American students are almost three times as likely as white students to be classified as mentally retarded;
- Minority students are almost twice as likely as white students to be educated in a separate more segregated setting;
- African American students with disabilities are three times more likely to be suspended as their white counterparts;

- African American students with disabilities are over 4 times more likely to be placed in a correctional institution than their white counterparts;
- The graduation rate for African American students classified as emotionally disturbed is 27% compared to 48% for white students classified as emotionally disturbed.

Presenters noted that schools are quick to remove minority special education students (via suspension or alternative placement) from the general or special education setting rather than seek early intervention for behavioral and academic support in the child's existing placement. They highlighted that disproportionality is a cultural problem as well as a leadership problem. They recommended that policy directions include increased accountability for student progress, monitoring of suspensions, expulsions, non-inclusive placements and funding for teacher training, behavior intervention/supports, student counseling and mentoring programs.

Roberto Rodriguez listed Sen. Kennedy's top three priorities for IDEA reauthorization as adequate enforcement of the law; improving the quality of personnel so that all personnel serving students with disabilities, including special education teachers, are highly qualified; and improving transition services to ensure that when young people leave high school they go on to employment and post secondary education. Charles Hokanson highlighted the Committee's interest in ensuring that an effective early intervention system is in place so that students do not have to wait to fail before receiving intensive services.

For more information about the book and other work of the Harvard Civil Rights Project, visit the website www.law.harvard.edu/civilrights