

**WHAT HAPPENED IN THE 113<sup>TH</sup> CONGRESS?  
A REPORT  
November 2014**

The National Alliance of Black School Educators continues to monitor the activities of the US Congress. "Hill work" is conducted on a regular basis.

We work with members of the House Education and the Workforce committee: John Kline (R-Mn), and George Miller (D-Cal) ranking member.

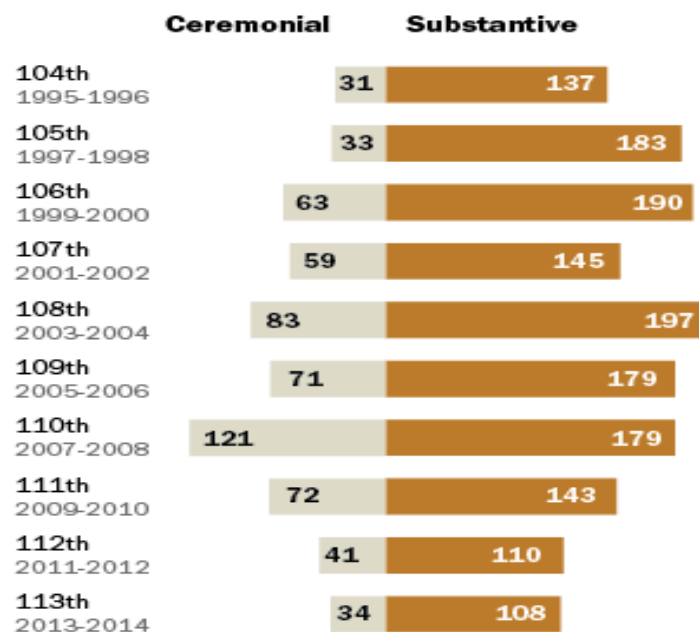
In the Senate, we work with members of the Health, Education, Labor and Pensions (HELP) committee. Senator Tom Harkin (D -Iowa) is chair and the ranking member is Lamar Alexander (R-Tn).

A summary of Congressional legislative Activities aligned with our Legislative Agenda is as follows:

Congress passed 34 ceremonial bills and 108 substantive bills totaling 142, the lowest in the past two decades (source: Pew Research Center, July 21, 2014).

### Congressional Productivity

*Laws enacted by each Congress in first 19 months of its two-year term, by type*



Note: Figures for the current (113th) Congress are as of July 29.

Source: Library of Congress' THOMAS website

## Secondary Act of 1965)

In early May 2013, we reported to the membership that the Senate efforts of Harkin and Alexander had bogged down over whether states should be required to set goals for student achievement as required by current law. The fundamental disagreement is within the context of the role of the federal government and where and when it intrudes in the state's role in the education of its citizens. The law is still in limbo as we go into the remaining days of the last session of the 113<sup>th</sup> Congress and as we face a One-party control of the 114th Congress.

Though the reauthorization of ESEA, 1965 is 13 years overdue, the clouds for Title I funding still remain under the leadership of Kline in the House and Alexander in the Senate. Page 41 of the Ryan budget (for example) would convert Title I A funding into a flexible block grant on the condition that states use that money on low-income children. However there is the caveat: States may let the funds follow the child. Shorthand, (many comment) for turning Title I monies into a free fall for vouchers and private schools.

ESEA is the largest bucket for Federal spending on education and it has always been up for seizing by private interests.

### Waivers

There is a continuing battle between the Republican leadership in Congress and the Obama administration's practice of granting waivers to states for ESEA. Lamar Alexander, (R TN) and John Kline (R-MN) are asking that the government accountability office study the administration policy on waivers.

They wrote: "In 2011, the department began issuing waivers to states regarding specific requirements of the No Child Left Behind Act, and to date, 42 states and the District of Columbia have received ESEA waivers. In order to receive these waivers the states were required to comply with a new set of requirements not authorized by Congress, related to standards and assessments, school accountability, and teacher and principal evaluation systems."

They continue: "However Congress has little information about how the department utilizes the date required of these and other states to grant, deny renew, revoke state waiver. Additionally Congress has little insight into how states are impacted by the time and cost associated with applying for and implementing these waiver requirements."

Kline and Alexander further wrote: "Finally, the department has recently altered various requirements for certain states regarding implementation time lines for teacher and principal evaluation systems. At the same time other states have had their waivers put on 'high risk' status and Washington (state) recently had its waiver revoked over issues related to teacher and principal evaluations systems. The department has provided no justifications for these seemingly contradictory decisions."

The 114<sup>th</sup> Congress's first session on ESEA will be centered around this argument as well as the USDOE's role in the guidance and regulations of ESEA.

## Vouchers

The National Alliance of Back School Educators has a long standing position (*See **The Best for Our Children***) on the use of tax payer's dollars that shift funds away from public schooling to private and parochial school use in the schooling of America's children.

The 46th annual PDK Gallup poll on the public's attitude confirms that a majority of Americans support public education and according to the poll 63% to 37% of Americans oppose school vouchers. The 2014 poll also showed that 77% of Democrats and 63% of Independents oppose vouchers while 52% of Republicans support vouchers.

However, the Voucher movement continues to be a major threat to adequate public school funding. It is increasingly powered by conservative state legislators and governors.

NABSE recognizes the "Soft" and "Hard" sell used in the arguments for vouchers as a subterfuge to use taxpayers dollars for private school education.

Jeff Bryant of Salon stated, "the vouchers, by whatever name, are being sold to the American people as a way to "rescue" students –especially those who live in poverty or have disabilities from "failing public schools so that so that they can attend a privately run school at the expense of taxpayers".

Continued marketing verbiage and spins argue tax payer money for education should "fund children /not school buildings"

Valerie Strauss of the Washington Post recently noted, "messaging behind the push for school vouchers has shifted from educational effectiveness to moral imperative. The academic argument no longer holds"; thus Strauss points out "proponents have shifted their rhetoric away from academic impact and instead highlight parents choice and other issues."

### Congressional Rumbblings

We can expect to see the voucher movement to advance as a result of the midterm elections (November 2014) Voucher proponents like Lamar Alexander (R-Tennessee), Tilils (R North Carolina) and Ron Paul (R-Ky) are leading proponents who serve on powerful Congressional committees that impact education.

They are now aided by Black organizations which include *The Black Alliance for Educational Options* and the *Alliance for School Choice* (AFC), chaired by Kevin Chavous. Funds for (AFC) organization are powered by the De Vos family of Michigan and other voucher think tanks.

## Education Science Reform Act

The Education Sciences Reform Act (ESRA) is the main federal law governing and promoting high-quality education research. The law, enacted in 2002, expired at the end of fiscal year 2008. In 2002 ESRA established the Institute of Education Sciences (IES), a semi-independent research arm of the Department of Education to conduct research on early childhood, elementary, and secondary education, special education, and higher education. It replaced the Office of Educational Research and Improvement (OERI).

In 2002 Congress reauthorized two additional laws within ESRA. The Educational Technical Assistance Act authorized the Comprehensive Centers and the Statewide Longitudinal Data Systems (SLDS) programs. The National Assessment of Educational Progress Authorization Act authorized the National Assessment of Educational Progress (NAEP), the largest nationally representative and continuing assessment of American students' knowledge of various subject areas (such as math, reading, science, writing, the arts, civics, economics, geography, U.S. history, and technology), and the National Assessment Governing Board (NAGB), which is the entity created to oversee the NAEP test and release of the results.

Since passage of ESRA, there has been broad bipartisan consensus that the quality of education research has increased dramatically. For the first time, IES required stringent standards to be applied to education research, much like those at the National Science Foundation and the National Institutes of Health. IES research has helped researchers and state and local leaders learn about important topics, such as teacher effectiveness, rural education, education technology, reading and math interventions school choice, and student achievement.

IES also conducts large-scale evaluations of federal education programs, including Titles I and II of the Elementary and Secondary Education Act (ESEA), the D.C. Opportunity Scholarship program, and various aspects of the Individuals with Disabilities Act (IDEA), to examine whether taxpayer dollars are being used effectively. In 2013 the Government Accountability Office (GAO) released a report examining several aspects of IES. The report found the agency has significantly improved the quality of education research over the last decade, but more could be done to ensure the relevance of its research and assess program dissemination efforts.

The Education and Workforce committee of the House reports that the Act, **If passed in the lame duck session of the Congress**, represents the first reauthorization of ESRA. The act proposes to strengthen IES by:

- Improving and streamlining the federal education research system.
- Increasing relevance of education research while maintain rigor.
- Promoting accountability for federal education programs.
- Maintaining independence from politics and bias.
- Protecting student and individual privacy.
- Continuing NAEP to measure student achievement.
- Establishing responsible authorization levels.

## The E Rate

This summer the federal communications commission voted to modernize the E rate: The program which provides schools online is with discounts support telecommunications and Internet connectivity.

The 18 year old E Rate program was revamped through approved changes in July, Chairman Tom Wheeler saw this action as a way to modernize the program.

The changes are as follows:

1. Adds an additional; 2,000,000,000 dollars to support WI-FI services with guaranteed funding for two years.
2. Moves the E-rate program to all broadband away from phone and pager technologies.
3. Launches a new proceeding to examine whether the current budget cap should be raise. Last cap set 16 years ago.
4. Senators Rockefeller (D-West Virginia) and Ed Markey (D-Massachusetts) raised several concerns during deliberations about the proposals' future funding.
5. Markey said, "While the need to promote Wi-Fi in all schools and libraries is more important than ever, it should not come at the expense of bringing broadband to the brick and mortar building itself."

## Immigration and Diversity Visas

The United States Government grants 50,000 permanent resident cards (green cards) each year to individuals from other countries with low rates of immigration to the United States. The Diversity Visa (DV) Lottery was established in the 1996 Immigration Act by the United States Congress to diversify the American population.

During the Senate's attempt to reform immigration, the Senate's bill deleted "diversity" visas which are often the only pathway for African and Caribbean immigrants to enter the United States. The Congressional Black Caucus brought the issue to light in this last session of congress. The diversity visa lottery in spite of serious protests of the CBC did not make it through several attempts at resolving immigration legislation.

If immigration legislation goes back on the table in the 114<sup>th</sup> Congress it is important to **NABSE's stand on immigration** that any comprehensive immigration bill opens the doors of opportunity for individuals from the continent of Africa and the Caribbean nations.

NABSE has chosen to support the Congressional Black Caucus' opposition to any bill that deletes the diversity visa on an annual basis. It is important to note what was left in the bill as to who comes into the country via DV lottery. The current version of the bill includes 20,000 visas for meat trimmers (pg. 817), 10,500 visas for Irish immigrants (pg. 734), 5,000 visas for Afghans (pg. 350), and visas for low skilled immigrant construction workers (pg. 803), and infrastructure repair immigrants (pg. 773), immigrant ski instructors (pg. 767), immigrant cruise ship repair workers (pg. 774) and a provision for Canadian snowbirds to stay in the U.S longer (pg. 742).

The phasing out of the diversity visa is countered by a merit based point system. CBC chair, Marsha Fudge, argues that this effort is not satisfactory to answer the troubling questions. “The point system is definitely not comparable – it’s not it. We had studied. Three different entities reviewed the merit based piece and all three have said in the short run there will be less people coming from the continent of Africa and the Caribbean and more. That’s probably going to be the first five years and it’s still no guarantee that even after that we’ll have any kind of future flow into the country. As far as we’re concerned, based on our own data, it is not a comparable piece.”

### **Work Innovative and Opportunity Act (WOIA)**

One bipartisan bill related to education passed both Houses.

President Obama signed into law the Work Innovative and Opportunity act (WOIA) on July 23, 2014. This is a rewrite of a jobs training bill that updates the 16- year - federal workforce program originally signed by President William Clinton in response to the changes of landscape. This is the only bipartisan bill related to education passed in this Congress with overwhelming bipartisan support.

It is instructive to know more about WOIA from the standpoint of Black educators. WOIA is designed to help young people and adult workers prepare for further education, find jobs and build skills for future employment.

Its implementation date is July 2015 and here are some key factors:

- High focus on providing training and helping participants prepare for post-secondary education.
- Greater focus on new pathways to address the needs of young adults who have been unsuccessful in finding sustained employment.
- Appropriate and proper training- strong support for implementation of innovative adult education models (example: integrating education training and career pathways.)

NABSE will monitor what happens and look at the regulation and guidance developed by the USDOE to make sure that regulations and guidance for enactment provide appropriate guidance. Low income individuals, and our out of school youth are a priority for these services.

We support the stand of CLAPS (Center for Law and Social Policy) who state “key to this is the ability to increase the capacity of workforce development and adult education systems to sustain the goal of WOIA”.

## Higher Education

Congress made progress on the reauthorization of the Higher Ed Act of 1965

Currently there are competing bills in the House and the Senate

Senate: Higher Ed Affordability ACT

*The Harkin bill focuses on four main goals:*

- Increasing college affordability
- helping struggling borrowers
- strengthening accountability
- improving transparency

Among other initiatives, the bill would create a state -- federal College Affordability Partnership; reinstate year -- round Pell grants to enable students to get their degrees faster; eliminate origination fees on federal direct loans; support community college and industry partnerships that promote innovation in higher education; expand access to dual enrollment and early college high school programs to help students earn college credit while they are in high school.

House Higher Ed Act

The house has advanced a package of three bills which focus on:

- competency-based education
- Overhaul will cost information and other data is provided perspectives college students
- require work counseling for federal student loans

Each of the above are in small scale proposals. Kline, the Minnesota Republican and chair of the House committee, defended this by saying he was trying to increase bipartisan support as the committee worked on rewriting the law.

## Federal Spending

Congress did not pass an appropriations bill or accept Obama's budget during the 113<sup>th</sup> Congress. It is clear that this will not happen during the Lame Duck session ending December 31<sup>st</sup>, 2014.

On January 1<sup>st</sup>, 2015 the 114<sup>th</sup> Congress begins its first session with Republicans in control of both Houses.

The National Alliance of Black School Educators maintains a membership in the professional organization: The Committee on Education funding (CEF). We are one of one hundred and twenty professional educational organizations in CEF. We were informed last week that according to various reports, appropriations staff are busy working away on a possible FY 2015 OMNIBUS FOR THE LAME DUCK SESSION. An omnibus would be better for education

since it provides an opportunity for at least some modest increases in programs, such as those included in the Senate subcommittee bill and/or the DeLauro bill (Title I, IDEA, Preschool Development Grants, Striving Readers. It is far better than a continuing resolution.

Programs effected are: Rural Ed, 21<sup>st</sup> century community learning centers, Indian education, Teacher quality State grants, Magnet schools assistance, English language acquisition, IDEA state grants, Career and technical education state grants, Adult basic and literacy education state grants, federal supplemental educational opportunity grants, Federal Work-Study, aid to HBCUs and other MSIs, TRIO, GEAR UP, and Head Start). A yearlong CR simply locks in current levels for all programs and essentially eliminates the ability for any increases. In addition, an omnibus provides an opportunity to update some policy issues.

### **NABSE's Legislative Committee**

LaRuth Gray Chair, Ellis Alexander (LA), Gerri Bohanan (MD), Eli Bracey (NC), Warletta Brookings (MI), Constance Collins (IL), Melody Dawson (TX), Kenneth Fells (International), Betty Gray (NC), Melvin Guider (TX), Sheila Harrison-Williams (IL), Linda Jackson (MI), Zona Jefferson (SC), Betty Maceo (OH), Stephen McCray (TN), Lois Hopson-Reeder (DC), Lloyd Sain (AK), Gregory Thornton (MD)