

## **WHAT HAPPENED IN THE FIRST SESSION OF THE 113TH CONGRESS?**

Except for a bipartisan compromise on the student loan bill, Congress did not pass a single education bill during the 113th Congress's first session

### Student's Financial Access to College

The final votes were a rare example of bipartisanship. The House voted 392-31. The White House lobbied for it before the Senate approved it 81-18.

It means that more students will pay low interest on loans they take out this year because all rates are at historic lows. Under the new loan system, interest rates on all student loans will be based on the 10-year treasury points for under graduate loans. There is an add-on of 3.6 points for graduate loans and 4.6 points that graduate students and parents of undergraduates can borrow. The interest rate on graduate loans will be 5.4 percent next year and PLUS loans 6.41 percent.

### ESEA Reauthorization

All other education bills ran into bipartisan gridlock including ESEA. The House passed a replacement for the reauthorizing of the Elementary Secondary Education Act of 1965.

The bill named the Student Success Act (H.R.5) passed with “NO” votes from 12 Republicans as well all of the Democrats. The conventional wisdom is that the bill faces a hard road forward. The Senate passed a very different version out of committee.

The only two organizations from the education sector to support H.R.5 were the National School Boards Association and the American Association of School Administrators.

The National Alliance of Black School Education joined with collegial organization (including but not limited to) CEC Education Trust, AFT, NEA, (The Schott Foundation) to raise very serious and specific concerns about elements of the bill.

The most egregious and pernicious, however, was the *Cantor Amendment* which passed at the last minute on the floor.

Most of our concerns mirror those as outlined by other organizations. They include:

#### Maintenance of Effort

By removing the maintenance of effort requirement which has been a basic tenant of every ESEA since the original, the Student Success Act reverses the historic role of the federal government in making certain that Title I does or is not used by states to support their commitments but rather supports students. H.R.5 fails to close the comparability loophole.

#### CANTOR(R-VA) AND Bishop (R-Utah) amendment on Title I Portability

The Cantor/Bishop amendment passed on a "voice vote" thus making it impossible for NABSE'S membership to be able to discern which members of Congress voted for the amendment. The amendment "public school

choice” has alarming implications within the context of the original intent of Title I funding: targeting concentrations of poverty.

It evades and erodes the purpose of the statutory language of the authorization of ESEA in 1965, 1988, 1994 the statute reads:

"In recognition of the special educational needs of children of low - income families and the impact that concentration of low income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low -income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to **meet special educational needs of educationally deprived children by** helping such children succeed in the regular program of the local educational agency, attain grade level proficiency and improve achievement in basic and more advanced skills. These purposes shall be accomplished through such means as supplemental educational programs, school wide programs and the increased involvement of parents in their children's education."

It is incongruous that as the 60th anniversary of *Brown vs. Board of Education of Topeka, Ks*, approaches in 2014, that an amendment can pass that fails to address issues of access and equity for America's public schools which serve as the benchmark for American Democracy.

In the end, it is the judgment of NABSE that this portability bill is a pathway to national vouchers using Title 1 monies. Paraphrasing: *If it walks like a voucher, talks like a voucher, it is a voucher.* **Whether public or private, whether portable or not vouchers mean only a few can benefit at the expense of many.**

Accountability

Bill H.R.5 appears to "live" in the space of States rights. NABSE understands and supports federal language that maintains state's "statutory and constitutional" role of responsibility for its citizens' education at the local level. However we advocate that states and local institutions be held accountable for all of America's children's civil rights and their access to equity. The patchwork accountability system that H.R.5 sets up does just the opposite.

### Sequestration/Appropriations

**Since Congress has made no movement to relieve the burden of sequestration on our schools, many started the 2013-2014 school year** with budgets that have stagnated their spending on behalf of children and families and are struggling to add any innovations.

Because the American public cannot seem to get an appropriation bill out of Congress at this time, it is speculated that we are in for another round of cuts. The senate adopted an above-sequester funding level for the L. H. H. S. appropriation bill for FY 14. The House has yet to mark up its stand alone L. H. H. S. appropriations (the bill that funds education). Although that mark up was scheduled for mid July, that event was canceled and has yet to be rescheduled. At this point, it is all but certain that Congress is on track for yet another continuing resolution. Between the philosophical differences in the House and Senate budgets (namely, the Senate resolves sequestration while the House does NOT and the HOUSE budget cuts further) and since Congress has been late with its appropriation bills over the past several years yet another CR is not surprising

## The All Children Are Equal Act

The National Alliance of Black School Educators advanced a bill in partnership with AASA and the Rural Trust. Led by the efforts of Marty Strange the bill sought to “fix the broken nature of the weighted formula in Title I.” (Noelle Ellerson of AASA) We are including excerpts from Marty Strange's full account of what happened with ACE in this Congress as follows:

Congressman Glenn “GT” Thompson has been solid in the battle to end the discriminatory effects of number weighting in the Title I formula. So has Congresswoman Louise Slaughter who became the lead Democrat on ACE.

There has been some encouraging signs this year. For one, the Education Department started giving us runs of data on ACE impact. They are much quicker than CRS, and since their computers run the real numbers, they are more likely to be accurate in estimating the impacts of a change. After all, they have to write the programs that would implement ACE. ACE was offered as an amendment to the Student Success Act, H.R.5, the Republican leadership’s re-write of No Child Left Behind.

Congressman Thompson was asked by Republican majority committee staff to withdraw ACE from committee consideration because they did not want any Republican amendments offered. Republican amendment proposals would undermine the unified message the leadership wanted to show in support of HR 5. If Thompson withdrew ACE at the committee level, he was assured by Republican committee staff that Committee Chairman John Kline would support giving ACE a vote on the floor of the full House when HR 5 came up for consideration.

The Council of Great City Schools, a who’s who list of urban school districts that benefit from number weighting, was finally forced into open action. Using the Department of Education data, they compiled a list of school districts that would lose “significant” amounts of funding (it looks like that means over \$100,000, in aggregate over the four years of the ACE phase down of number weighting) *and are represented by a Republican.*

Significantly, they did not indicate what the net effect of ACE would be on all the school districts in any congressional district. In fact, many of the Republican members of Congress who appeared on the CGCS list actually represent a congressional district that, when all school districts are considered, is major net winner under ACE.

Thompson pushed ahead with his request for a floor vote on ACE amendment. The House Rules Committee is the final arbiter of which amendments to any bill can be considered on the House floor. The Committee met Wednesday (July 17) to determine amendments that would be considered “in order” on HR 5.

Congressman Thompson appeared before the Committee and argued that his bipartisan amendment “would simply dial back the effects of number weighting applied to these formulas, leveling out the effect over four years, reaffirming that all children should be treated equally under the law. Congress has a responsibility to address this as we look towards reauthorization of ESEA.”

Congresswoman Slaughter, the top Democrat on the Rules committee also made a strong statement of support.

For his part, Chairman Kline simply said that no amendments that create winners and losers should be included in the rules committee order.

The Rules committee, whose votes are not recorded, did not include ACE in the HR.5 order.

## **The Road Ahead**

Disappointing as this is, the collaborative partners continue to make progress. ACE rocked the boat in both parties this year. This year there was no doubt but that key House leaders in both parties were keenly aware of the number weighting issue and its bipartisan nature. More clearly than ever, the combination of small districts and moderate sized high-poverty

urban districts threatened the secrecy of privilege that the largest urban and low-poverty suburban districts have enjoyed under number weighting.

It helps immensely that other organizations like the Children's Defense Fund and the Center for American Progress continue to speak out about the travesty of the unfair formula used to administer Title 1 funds.

NABSE is disappointed that the H.R.5.

- Includes drastic cuts to education funding. Removes accountability provisions that ensures all students receive adequate education.
- The bill allows states to establish weak accountability systems that would not require performance targets for student performance or consequences if schools do not improve.
- Lowers standards for students with disabilities by allowing states to establish a separate and unequal track for students.
- Reduces equity by shifting funds for teacher training away from vulnerable schools districts and by allowing funding to go elsewhere.
- Focuses parent involvement on "choice" and expands funding for charter schools; focuses parent education centers on "helping parents choose" charters and vouchers as opposed to helping vulnerable parents become truly empowered to impact their children's social and academic growth.

While H.R.5 contains some positive provisions as a whole it erodes the historical federal role in public education-to be an enforcer of equity of opportunities, resources and actions that level the playing field. This is disappointing at a time when poor and disadvantaged students and their families need it the most.

**Excellence is undermined if Equity is ignored.**

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