

LEGISLATIVE UPDATE 10

January 12, 2008

REAUTHORIZATION STOPS – BUDGET PASSES

1. Although House Education and Labor Chairman Miller (D) and ranking member McKeon (R) did their best at a bipartisan effort to renew NCLB with a publicly released draft, 3 major factors apparently stopped the movement towards reauthorization. These three factors are: an unpopular proposal to reform the law's accountability system, a weakened President, and the lack of a supporting appropriations bill. What this means is that we will now have two or more years of the current law. As Bruce Hunter of AASA said, we "would rather have two or more years of bad legislation than six years of terrible legislation."
2. Three crucial issues of accountability have remained unresolved: 1. Use of multiple measures; 2. Use of locally designed tests, and 3. a change in NCLB's 2014 proficiency standards. Until these accountability issues are resolved, it is difficult for a renewal of the law to move forward.
3. Another key issue that has not been resolved is the proposed two tiered system of school improvement. The two tiered system allows schools that missed one or two subgroups to forgo supplemental services and school choice. Schools that did not make AYP two years or more are treated differently than schools that did not make AYP for less than 2 years.
4. But, if you look at the past three reauthorizations of the Elementary and Secondary Education Act (ESEA), Congress was one year late in 1988 and 1994. In 1999, when President Bush signed the ESEA law, called NCLB, it was over two years behind schedule. And if this NCLB law is not reauthorized until we have a new President, it will have followed the renewal path of NCLB.
5. On December 26, 2007, the President signed into law H.R. 2764 which provides the appropriations for Labor, HHS, and Education. The initial education budget was passed by the House and Senate Conferees. It was then vetoed by the President on November 13, 2007. After the President's veto, subsequent negotiations between the Congress and the President resulted in many of the Democratic increases for education being reduced or eliminated.
6. Some winners for education were Title I targeted funds and Title I school improvement set aside funds. The clear losers were Reading First which was reduced by 60% and Title V which was eliminated.

Title V, formally called Chapter 2, was originally a Republican program under Ronald Reagan which gave schools the most flexibility in the use of funds and it is now gone. "You figure it out!"