

# LEGISLATIVE UPDATE 11

March 7, 2008

1. Senator Kennedy's staff reported earlier that they will be releasing a draft NCLB bill. Prominent issues are said to be multiple measures, SES provisions, and funding. When congressional staffers met with the NCLB Commission, the staffers were unable to provide definitive dates for release.

2. Margaret Spellings released a letter on January 18, 2008 addressing the recent decision by the United States Court of Appeals for the 6<sup>th</sup> Circuit that NCLB is an unfunded mandate. Margaret disagreed with their decision and provided guidance to school districts while it works its way through the courts. NAACP has filed a brief in support of the USDE.

3. President Bush released his last budget proposal:

Increase Title I Local Grants for 2009- 10 by 2.9% from \$13.9 billion to \$14.3 billion;  
Restore Reading First to \$1 billion;

Eliminate funding for education and technology grants under the Perkins Career and Technical Education Act and create new programs that would provide parents with \$1.1 billion in Scholarships (vouchers);

Create a 300 million dollar program that would offer parents in restructured schools vouchers to attend another school;

Alter the 21st Century Community Learning Centers program so that 800 million would provide low-income parents portable dollars for after school programs;

Drug and Safe Free Schools would be reduced by 100 million;

Title II Teacher Quality grants would be reduced by 100 million;

Striving Readers would increase to 100 million;

Charter School Grants would go from 25 million to 236 million.

This proposed budget will not pass as it is. Unfortunately this type of proposed budget does not help the passage of NCLB.

4. House Appropriations Committee Chairman Obey (D-WI) told Secretary Spellings in late February that the White House must compromise on President's Bush's Bill for FY 2009 or else the Committee will wait until a new administration is in control to take action on education appropriations. Obey is hoping Bush will be flexible or otherwise the process will be an "eight-month waste of time."

5. Prospects for reauthorization appear to be dimmer for many education watchers while consensus is growing that the speed and shape of reauthorization will have to come from the next presidential administration. Ranking Republican Member of the House Education and Labor Committee, Howard "Buck" McKeon has not had a substantive conversation about NCLB with the Democratic Chairman Miller since October.

6. Secretary Spellings doubts the law will be reauthorized in 2008: "I hope it will get done. I don't know. But I certainly am not going to put all my eggs in one basket," she said while in Texas.

7. Meanwhile the United States Department of Education (USDE) staff continues to focus on monitoring compliance of the current legislation.

Some findings for the 2006 - 2007 year of the 17 states monitored were:

16 of 17 states were not in compliance with equitable services to private school children, teachers and families;

13 of 17 states were not in compliance with set-aside and within district allocation rules;

12 of 17 states were not in compliance with supplemental education service requirements;

13 of 17 states were not in compliance with parental involvement requirements;

12 of 17 states did not have report cards that contained all the required components; and

10 of 17 states did not have all components of the state's accountability workbook in place.

If the USDE staff focused its efforts on providing technical assistance and producing timely guidance to states and school districts, more states would be in compliance.