



Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

TO: Members of the State Board of Education
FROM: Bernard J. Sadusky, Ed.D. *B.J.S.*
DATE: December 6, 2011
SUBJECT: Federal Update

PURPOSE:

The purpose of this agenda item is to update the State Board of Education on federal legislation affecting education, child care, libraries and vocational rehabilitation and to discuss priorities for the second session of the 112th Congress.

BACKGROUND:

Federal Fiscal Year 2012 Appropriations:

Congress has not yet passed an appropriations bill for federal fiscal year 2012 which began October 1, 2011. The current Continuing Resolution requires a 1.5% percent across-the-board cut for all programs. Forwarded-funded education programs typically exempted from these types of cuts are included this year. Since Title I, Title II, IDEA and Perkins Career and Tech programs are already advanced-funded into FY12, the CR rescinds 1.5% from these education programs that were already appropriated last April as part of the FY11 Full-Year CR.

Action in the House:

In a **draft** budget bill released in early October by the House Appropriations Committee, several education programs were proposed for elimination. Overall the draft House plan reduces funding for the Education Department by \$2.4 billion.

Six programs are increased:

- Title I grants to LEAS = +\$1 billion (+6.9%)
- Impact Aid Basic Support Payments = +\$35 million (+3.1%)
- Rural Education = +\$25.5 million (+14.6%)
- Indian Education = +\$5 million (+3.9%)
- IDEA Part B State grants = +\$1.223 billion (+10.7%)
- Regional Education Labs = +\$12.1 million (+21.1%)

31 programs are eliminated including, School Improvement Grants and Race to the Top.

Action in the Senate:

The Senate "marked up" an FY 2012 Appropriations bill. Under the Senate bill, the Department of Education sees an increase of \$80.5 million (+0.1%).

Tydings Amendment Waiver

After being extremely vigilant trying to get all ARRA funds expended by the September 30, 2011 deadline, the US Department of Education decided to provide states an opportunity to request a waiver of the Tydings Amendment, if necessary, to **extend through September 30, 2012** the period to **obligate FY 2009 regular and ARRA funds** under several ESEA State-administered formula programs. MSDE submitted a request and received approval for the waiver for the following programs: Title I, Part A Grants to Local Educational Agencies; Title I, Part A Grants to Local Educational Agencies (Recovery Act); Title IIB, Math Science Partnerships; Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program; Title II, Part D Enhancing Education Through Technology (Ed-Tech) State Program (Recovery Act); Title III, Part A English Language State Grants; and Title IV, Part A Safe and Drug Free Schools and Community Grants.

Senate ESEA Reauthorization

HELP Committee:

On October 20, 2011, following a 12-hour marathon session, the Senate HELP Committee approved the Harkin-Enzi ESEA reauthorization bill on a bipartisan vote (15-7). Republicans Enzi (WY), Alexander (TN) and Kirk (IL) joined all committee Democrats in voting for the measure. See Attachment 1 for a summary of the major provisions of the Senate Committee bill.

Subsequently, on November 8, the HELP Committee held a hearing on the draft bill as a concession to Senator Paul who used a parliamentary maneuver to try to delay the Committee's markup and vote over his belief that Committee members did not have sufficient time to review the bill and because the Committee has not held any ESEA hearings since he took office. Although the bill has passed an important hurdle, the future of the bill remains murky at best. Committee conservatives left the mark-up skeptical of the bill's substantive provisions and the likelihood that their concerns would be addressed on the Senate floor. It is also not clear that the Senate leadership will be able to find time to fit floor action into the Senate calendar before next year.

Quote to Note: *"If Congress doesn't act now, our inaction will transform the U.S. Secretary of Education into a waiver-granting czar over an unworkable law that has identified what he says may be as many as 80,000 'failing' public schools, a development even worse than provisions in this draft that would make him a chairman of a national school board,"* Sen. Lamar Alexander (R-TN).

Senate Republicans:

Additionally, Senate Republicans released a series of five draft bills related to ESEA Reauthorization. In general, the bills reduce the federal role in education and provide significant flexibility to states and local school districts. The bills are as follows: The Elementary and Secondary Education Amendments Act of 2011; The Teacher and Principal Improvement Act of 2011; Empowering Local Educational Decision Making Act of 2011 (companion to the State and Local Funding Flexibility Act passed by the House Education and the Workforce Committee); Empowering Parents through Quality Charter Schools Act of 2011 (companion to the bill passed by the House Education and the Workforce Committee); and The State Innovation Pilot Act of 2011. Summaries are attached for your review (See Attachment 2).

Federal Priorities:

This Board has traditionally supplied their position on reauthorization and other federal issues in its Federal Priorities document which is submitted to the Governor's office and included in the Governor's submission to the Maryland Congressional delegation. The document is generally due to the Governor's Washington Office in December or January. To date, the Governor's Washington Office has not indicated whether the Governor will submit a Federal Priorities document to the Maryland delegation for the second session of the 112th Congress. The primary purpose of the document is to provide the State's earmark requests to the delegation and, as it is quite likely there will be no earmarks in the next budget request, the Governor's Washington office is currently asking state agencies to wait for further direction. However, as discussions related to ESEA Reauthorization continue in Congress and with the availability of the Senate Committee bill, the Board may want to discuss updating its specific priorities for Reauthorization. Excerpts related to ESEA Reauthorization from the past two federal priorities submissions are attached for your reference. (See Attachment 3).

ACTION:

For information and discussion only.

Attachments