

American Association of School Administrators
1986 Legislative Agenda

I. BACKGROUND

The American Association of School Administrators, as the representative of more than 17,000 local school superintendents and their central administrative staff, believes it is uniquely qualified to provide important local insights to members of Congress as they develop the nation's agenda for education, the very foundation of our society and our most critical investment in the future.

With that end in mind, the AASA Federal Policy and Legislation Committee and the AASA Legislative Action Corps met on January 29-31, 1986, to prepare the Association's federal legislative priorities for the 2nd session of the 99th Congress.

Those priorities are identified as falling into six categories which will be expanded on in this document. The categories are:

- A. Existing Programs which are due to be reauthorized
- B. New Legislative Initiatives
- C. Church/State Issues
- D. Currently Authorized Education Programs not Requiring Congressional Action
- E. Currently Authorized Programs in Departments other than Education
- F. Funding Issues

Each program or proposed program was examined separately by the AASA panels and specific policy statements regarding each are made in the agenda. Through its legislative agenda AASA hopes to inform members of Congress about issues of concern to the professionals who head the local education team.

II. RATIONALE FOR FEDERAL INVOLVEMENT

- A. The FPL Committee and the Legislative Action Corps identified four basic reasons for the involvement of the federal government in education. Besides the rationale for involvement, the policy committees have also identified a caveat on the limits of federal involvement in elementary and secondary education. The rationale for involvement and the caveat on limiting federal involvement follow:
 - 1. The first rationale for federal involvement in education is to promote equal educational opportunity for all students from the very youngest at pre-school age to adults who interrupted their education and want to be reconnected with their local schools. There are a number of federal programs aimed at improving equal opportunity, such as ECIA Chapter 1, services for the handicapped, Head Start, Follow Through, desegregation assistance, adult education and bilingual education. The large equity programs, Chapter 1 and education for the handicapped, were identified as the top-priority programs by the AASA policy committees.

2. A second reason for federal involvement in elementary/secondary education is to provide leadership for improvement. The federal government provides leadership through research it sponsors, through data it acquires, and through demonstrations which identify methods of improving the quality of education. Sponsoring research and data collection to explain and help point the way for education is an important and relatively inexpensive federal role.
3. A third rationale for the involvement of the federal government in elementary/secondary education is to help individuals become productive citizens contributing to the national economy. Vocational education is the major program that elementary and secondary schools offer to help prepare young people for future employment. There are other programs, however, that are important in helping people get into the work force. One such program which may be considered in the 99th Congress would be extended daycare services for children whose parents work and who would not be at home after school.
4. A fourth reason for federal involvement in elementary/secondary education is to replace tax dollars lost at the local level because of federally owned or operated installations, non-taxable installations within the school district, or to reimburse school districts for costs incurred because of federal policy. Impact aid as payment for local taxes foregone is an example of this funding priority; another example would be funding for immigrant education where federal immigration policy allows non-English-speaking students into the country.

B. A Caveat

The AASA Federal Policy and Legislation Committee and the Legislative Action Corps suggest a caveat limiting the federal role in elementary/secondary education. That caveat is that the federal government ought not to involve itself in local curriculum decisions or local employment decisions except where constitutional guarantees of equity are concerned. The federal government has issued regulations for Section 439 of the General Education Provisions Act (GEPA) that would allow direct intervention by the U.S. Department of Education in local curriculum choices should citizens complain that schools were trying "new and unproven teaching methods". There is no definition for "new and unproven teaching methods," and even if there were a definition, there is no list of "new and unproven teaching methods," so the federal government would intervene based on citizen complaints on a case-by-case basis into the instructional practices in school districts around the country. AASA opposes such federal involvement as an overextension of the federal role in education.

III. LEGISLATIVE AGENDA FOR 1986 -- ISSUES/PROGRAMS/PROPOSED LEGISLATION

A. Reauthorizations

1. Chapter 1 of the Education Consolidation and Improvement Act (ECIA)

Background: Chapter 1 was revised in 1981 when the Education Consolidation and Improvement Act was passed. It is due to be reauthorized by Congress in fiscal year (FY) 1987.

Positions:

- o It is anticipated that Chapter 1 will serve less than 40 percent of eligible students in the 1986-87 school year. Federal funding sufficient to extend service to all qualified students, particularly those in primary grades, is imperative.
- o Unnecessary federal regulations, mandates, and procedures should be eliminated; new ones should be discouraged.
- o Parent involvement remains an important part of a strong Chapter 1 program and should be encouraged for school districts. However, parent involvement should be structured to meet the needs and circumstances of each school district.
- o Since the Education Department has provided no guidance to school districts attempting to implement the Aguilar v. Felton decision, Congress is encouraged to provide clarification and direction, supportive of LEA's, concerning the provision of equitable services to children in non-profit private schools.
- o School districts need flexibility to provide other services, such as writing and speaking skills to children who have made significant gains in the traditional Chapter I services of reading and math.

2. Chapter 2 of the Education Consolidation and Improvement Act

Background: When the Education Consolidation and Improvement Act was enacted in 1981, the 28 existing categorical programs were rolled into a single block grant called ECIA Chapter 2. AASA has subsequently explored some lingering administrative issues concerning the implementation of Chapter 2.

Positions:

- o AASA strongly supports the continued funding of ECIA Chapter 2 block grants as a major vehicle for innovation and improvement of American education.
- o Chapter 2 state funding formulas for high-cost students should be distributed only to those private schools that qualify under the state high-cost criteria.

- o The U.S. Department of Education should require private schools participating in ECIA Chapter 2 to sign assurances of compliance with Title VI, Title IX, and Section 504.
- o The Department of Education should implement the report language from the technical amendments requiring states to include concentrations of economically disadvantaged students among factors in the state high-cost formulas.
- o Chapter 2 guidelines should specify the audit standards which will apply, such as those found in the General Education Provision Act (GEPA). The Inspector General's Office must not be allowed to audit school districts on one standard while the Department of Education fails to provide guidelines to school districts clarifying those standards.

3. Education of the Handicapped

Background: The discretionary programs which operate under P.L. 94-142 are scheduled to be reauthorized in FY 1986 or, if an automatic one-year extension is invoked, in FY 1987. Sen. Lowell Weicker (R-CT), chairman of the Senate Subcommittee on the Handicapped, is eager to reauthorize these programs in FY 1986, and has included in his reauthorization bill--S.2294--two new provisions aimed at early childhood intervention. The first provision would create a new state grant program to provide early intervention services for handicapped children from birth through age 2. The second provision would mandate services under P.L. 94-142 beginning at age 3.

Positions:

- o AASA believes the mandatory extension of services to children below school age is a commendable goal, but such a mandatory extension should not be undertaken until the federal share (40%) of currently mandated programs is met and the cost of additional mandates is fully funded.
- o AASA strongly supports education of the handicapped but has been troubled by the administrative burden and the amount of paperwork involved in special education. Further, AASA is alarmed at the diminishing state and federal financial support for special education services while federal regulation continues to mount.
- o The federal share on special education funding would meet the 40 percent share of excess cost contemplated when P.L. 94-142 was passed. Currently, the federal share is between 8 and 9 percent of total excess cost; thus, a 500 percent increase in funding is required. Congress should comply with its obligations under P.L. 94-142 and fund the 40 percent of excess costs.

- o A new definition of "related services" should be developed. The new definition should differentiate between education services and health services, and schools should bear the financial burden only for education services.
- o The concept of "least restrictive environment" should be redefined as "an appropriate education environment".
- o A new definition of learning disabilities is required. The proportion of students now defined as learning disabled has grown enormously in the last few years. That growth must be checked by a new definition of students who do, in fact, have a learning disability.
- o The federal government should work with the states to eliminate regulatory and administrative burden in special education wherever possible.

4. Title V of the Higher Education Act

Background: In the next decade, there will be a severe teacher shortage, particularly of elementary school teachers. Because teacher education is a vital concern to AASA members and Title V of the Higher Education Act concerns federal support for teacher education, AASA has determined that it should comment on the reauthorization of this act.

Positions:

- o Because of the problems of teacher supply and a shortage of technical personnel, the President should appoint a Commission on Educational and Technical Manpower Needs for the 21st Century. This commission would report to the Congress and the nation in 1987 regarding the nation's technical and educational manpower needs. The commission should conduct demographic surveys of mathematics, science and technology-oriented education programs at all levels of education. The commission should identify for the President and Congress the role that the federal government should play in addressing manpower needs in promoting more effective educational training programs, and in insuring the adequacy of facilities to implement scientific, technical and educational programs at the elementary/secondary and higher educational levels.

5. The National Institute of Education

Background: The American Association of School Administrators is alarmed that the National Institute of Education and its successor, the Office of Educational Research and Improvement have been used to make statements and support research based on a political agenda, rather than on education-related topics.

AASA feels that research is essential to the improvement of education and urges that the Education Department research be removed from the political arena to focus the national research on improving education practices at the local level. AASA urges the new Office of Educational Research and Improvement to improve the quality and quantity of applied research as well as the diffusion of the results of that research to school administrators.

Positions:

- o AASA strongly supports the reauthorization of the Education Department's research function and the development of a broadly derived long-term research agenda focusing on local school improvement.
- o The Department of Education should develop a professionally strong, independent Office of Educational Research and Improvement (O.E.R.I) with institutional capacity to withstand political trends and pressures.
- o The main thrust of O.E.R.I must be to sponsor research that is directly tied to the needs of local schools. Emphasis should be placed on curriculum, instruction, and administration.
- o AASA supports the continuation of the existing educational research labs and centers supported by O.E.R.I and urges those labs and centers to develop their research agendas with the input of local school administrators.

6. School Lunch/Breakfast

Background: The 99th Congress is in the process of reauthorizing the school Lunch/Breakfast Programs.

Positions:

- o The school lunch program should be extended, but the level of support should return to that of 1981, before cuts were made in the program.
- o Congress should not put school districts in the position of being investigative agencies, responsible for seeking information about family income or occupation. Income verification puts the school in the position of investigator/policeman rather than teacher/helper.
- o If Congress considers changing the use of commodities as the basis of the program, AASA feels Congress should allow local option between commodities or other options, such as a commodity letter of credit. Local option will allow administrators and school boards to review their positions and options for making the greatest savings and operating the best School Lunch/Breakfast programs.

7. Headstart and Follow-Through

Background: The Headstart and Follow-Through programs are scheduled to be reauthorized by the 99th Congress. They are vital programs which positively address the problem of increasing numbers of single parent families and the despair of persons trapped in the welfare system.

Positions:

- o AASA continues to support Headstart and Follow-Through as valuable federal initiatives for assisting disadvantaged youngsters to realize their educational potential.

B. New Legislation Which Has Been or May Be Proposed in the 99th Congress

1. Tax Reform

President Reagan proposed early in the 99th Congress that there be a comprehensive revision of the U.S. Tax Code. The Administration called for a more simplified structure, including lower tax rates on individuals and corporations and the closing of some tax expenditures or "loopholes." The President also indicated that any tax reform bill coming out of Congress must be "revenue neutral"; that is, it must not raise any more revenue nor any less revenue than what is raised under the current law.

In December 1985, the House passed H.R. 3838, a revenue neutral tax reform bill. The Senate will work on tax reform in 1986. The following are key issues in tax reform for school administrators:

a. State and Local Tax Deductibility

Background: President Reagan proposed eliminating the individual taxpayer deduction for taxes paid to state and local governments. Since the federal government has continued to reduce funding for education during the past five years, more of the burden for supporting education has fallen on state and local taxpayers. Elimination of this deduction would hamper state and local efforts to improve the quality of education. H.R. 3838, as passed by the House, retains state and local tax deductibility.

Positions: AASA remains adamantly opposed to any change in the current federal income tax deduction for state and local taxes. Without this keystone in our federal system, local schools face a highly insecure financial future.

b. Taxation of Educational Fringe Benefits

Background: The President's 1985 tax reform proposal would have eliminated a tax deduction for educational and other employee-paid fringe benefits. In H.R. 3838, as passed in

1985 by the House, employer-provided fringe benefits are not taxed.

Positions:

- o AASA feels that education fringe benefits should not be taxed as income and that teachers and others who are required to take courses to remain certified should be permitted to make deductions for those classes. This is necessary to their employment responsibilities.
- o AASA further feels that Congress, in taxing fringe benefits of educators, needs to be very well aware that one of the tradeoffs for the traditionally low salaries in the field of education (both for teachers and administrators) is fringe benefits.

c. Pensions and 403(b) Tax-Sheltered Annuities

Background: Under present law, lump sum distributions from qualified pension plans may be eligible for special 10-year forward income averaging. Also under current law, persons with 403(b) tax sheltered annuity plans may contribute up to 25 percent of their income to such plans, and they may withdraw their contributions before retirement with no penalty other than normal taxes.

Under H.R. 3838, the special 10-year forward income averaging for lump sum pension distributions would be eliminated.

In addition, the annual contribution limit for 403(b) tax sheltered annuity plans would be \$7,000. Each dollar a person contributes to a tax sheltered annuity would offset the maximum allowable IRA contribution that person could make in that year. Finally, early withdrawals from 403(b) plans would be subject to a 15 percent penalty.

Positions: AASA supports retention of the current tax laws governing lump sum pension distributions and 403(b) tax sheltered annuities. If these provisions were to be altered, thus reducing the modest pension tax benefits now enjoyed by underpaid educators, our nation would be assisting in driving away from this critical profession those upon whom our hope for the future of our children rests. A further basis for this position stems from the fact that a number of state pension plans are woefully inadequate, and IRA's and tax-sheltered annuities represent the only real opportunity to provide for an independent retirement.

d. Arbitrage Rules for Tax Exempt Bond Sales

Background: Current law permits school districts to invest bond sale proceeds for up to three years, during which time they may freely use the investment earnings. H.R. 3838

would require that after six months any investment earnings must be returned to the federal treasury.

Positions: AASA stands firmly behind the arbitrage rules in current law. The House proposal would cripple the ability of local schools to provide long-term financing at a reasonable cost for vital local projects.

e. Business Tax Credit

Background: The Council of the Great City Schools has been working with the business community to seek support for a tax credit for businesses which donate personnel time, equipment, or cash to school districts for certain purposes specified by those school districts. It is a measure to provide specific resources to school districts in areas of greatest need from the private sector.

Positions:

- o AASA supports the efforts of the Council of the Great City Schools to develop a business tax credit. Although the exact form of such credit is not now defined, we stand ready to work with the Council and other educational organizations to develop new linkages to the private sector and to develop new local resources for education.

f. "Revenue Neutrality"

Background: Thus far leaders in both the House and Senate have indicated they intend to produce a tax reform bill that will be "revenue neutral" and raise no more tax revenue, as the President requested. The Council of Chief State School Officers has indicated they favor a tax increase to reduce the deficit, although they have taken no position on the type of tax. The Council has invited AASA's Federal Policy and Legislation Committee to meet with them in April to discuss this issue.

Positions:

- o AASA urges Congress to reconsider, in light of its new Gramm-Rudman deficit reduction law, the concept of revenue neutrality in the tax reform bill. If the federal government is not taking in enough revenue to forgo the cuts in education expressed in the Administration's FY 87 budget and in the anticipated across-the-board Gramm-Rudman cuts for FY 87, then AASA is not opposed to fair and equitable tax increases to help meet the Gramm-Rudman deficit targets.
- o AASA accepts the invitation of the Council of Chief State School Officers to meet on this important issue.

2. Vouchers

Background: A voucher plan has been included in the last four Administration budgets. In November 1985 U.S. Education Secretary William Bennett proposed the the Chapter I program be converted to a voucher system. Legislation to carry out this goal was then introduced in the U.S. Senate by Sen. Orrin Hatch (S.1876) and in the House of Representatives by Rep. Pat Swindall (H.R. 3821).

Positions:

- o AASA opposes any voucher plan, whether it entails using existing federal programs as a source of funding for the vouchers or entails using a new voucher program with a new source of funding. We particularly oppose the current administration plan because:

Vouchers would harm public education by transferring money to private schools at a time when federal resources for education are shrinking.

Vouchers to aid poor parents is not the Administration's primary goal.

Vouchers do not cover enough of the costs of private education to give the poorest families a meaningful choice.

3. Awarding Attorneys' Fees to Plaintiffs in Special Education Cases

Background: In August 1984, the Supreme Court in Smith v. Robinson established that in cases in which the type of services rather than access to services was the issue in question, the plaintiffs were not entitled to attorneys' fees under P.L. 94-142, the Education for All Handicapped Children Act. However, plaintiffs who are denied access to services and enter into litigation can still get attorneys' fees under Section 504 of the Rehabilitation Act of 1973. Legislation (S.415), which would authorize the awarding of reasonable attorneys' fees to prevailing parties in administrative and court hearings, passed both Houses of Congress in 1985.

Positions:

- o AASA opposes attorneys' fees on process cases where access to services is not a question.
- o AASA urges Congress to study the ramifications of this attorneys' fees bill to see if it will encourage more litigation or cause local schools to incur more costs for special education than they now incur.
- o AASA urges Congress to examine other ways of providing attorneys for persons who are unable to afford attorneys and wish to enter into litigation on special education. However, access to attorneys should only be guaranteed when a parent is bringing a case in federal court and the school district is also using the services of an attorney.
- o The Congress also should consider the state role in attorneys' fees, because if a state appeals process approves a local decision, the state should bear some or all of the cost of attorneys.
- o Congress should explore the use of mediation to settle disputed appeals decisions.

4. Asbestos Inspection and Removal

Background: New legislation is developing in the House which would replace the U.S. Environmental Protection Agency's (EPA) confusing and unfairly applied regulations that govern the inspection and abatement of asbestos in schools. A bill has been drafted in consultation with AASA and other education organizations and has incorporated some changes which address our concerns.

Positions:

- o AASA is pleased that the provisions of the bill would be administered by state governments rather than the EPA.
- o While AASA does not agree with proposals to fine school districts in asbestos enforcement cases, we do endorse the suggestion that any fines levied against a district be turned back to that district to carry out inspection and abatement activities.
- o AASA approves of the Asbestos School Hazard Abatement Act (ASHAA) authorization increases contained in the bill, and we agree with its provision to recirculate ASHAA loan repayments into new ASHAA loans and grants.
- o AASA understands that the bill will also require that either the state or the EPA issue a final statement of compliance to those districts which fulfill the requirements of the bill. We support that provision.

- o AASA is deeply concerned over the problem of insurability of asbestos inspection and abatement contractors, and appreciates the Florio bill's study of this serious obstacle to addressing the asbestos question in many districts.
- o AASA remains concerned that legislation in this area may impose further mandates and provide no funds to carry them out.
- o AASA will work with staff to further refine the bill in the House, and we will work with members of the Senate to ensure that whatever passes Congress is equitable and helpful to schools.

5. Reform of Department of Education Audit Policies

Background: The 98th Congress nearly enacted a measure to reform the way that the Department of Education conducts its audits. Those audits have been a topic of considerable dispute within the education community for a number of years, because the Department of Education employs different audit standards than do other federal agencies and the audit standards do not match the code of civil procedures commonly used in the federal courts.

Positions:

- o AASA strongly supports the reform of the audit procedures of the Department of Education to include the concept of substantial compliance, to put the burden of proof on the federal government, and to provide school systems the right of discovery; that is, when a school system asks what evidence the Department of Education has of an audit exception, the Department must provide specific evidence rather than merely pointing to the total evidence of the program under consideration.
- o Congress should not utilize the audit reform to let states shift their responsibilities to local school districts. Most federal programs are set up with the state agency responsible for monitoring and review. For states to shift responsibility for audit exceptions to local school systems would require that Congress then eliminate the state role in federal programs.

6. School Improvement

Background: U.S. Reps. Augustus Hawkins and William Goodling have introduced legislation which would dedicate half of each state education agency's Chapter 2 setaside money for effective schools programs and would take \$2 million from Chapter 2 and \$1 million from adult education to develop an adult literacy training grant program. States which already fund an effective schools effort would be able to count those dollars against the required Chapter 2 effective schools setaside amount.

Positions:

- o AASA strongly supports efforts to explore ways to provide new federal funds to schools to improve the quality of instruction. We believe that such initiatives must be supported through new funds and not through funds redirected from existing federal education programs.
- o Among the items which should be considered in such a bill is the need for local control and flexibility, because the needs of local school districts to improve schools vary from school district to school district.

7. The Civil Rights Restoration Act of 1986

Background: This legislation would essentially overturn the federal government's interpretation of the Grove City decision, which narrowed the scope of the anti-sex bias law, Title IX of the Education Amendments of 1972. The House bill, H.R. 700, was amended by the Education and Labor Committee in 1985 to exempt religious institutions from Title IX and to ensure that schools receiving federal funds need not pay for student or employee abortions. The House Judiciary Committee rejected the Education and Labor Amendments, and the bill remains stalled in the House Rules Committee. The Senate companion to H.R. 700, S.43, was the subject of a fall 1985 hearing in the Labor and Human Resources Committee.

Positions:

- o AASA supports the concepts in the Civil Rights Bill of 1985 as originally introduced.

8. Child Care/Extended Day Care

Background: The 98th Congress passed a small (\$5 million) pilot latchkey program to assist schools and community-based organizations to provide extended daycare services to children who do not have adult supervision before or after the school day because their parents are working. This program is up for reauthorization in 1986 and is included in the Head Start Reauthorization Bill which has passed the House.

Positions:

- o AASA strongly supports the concept of extended daycare and early childhood education. It is clear that local schools are becoming more involved in the delivery of these services. However, The exact nature of the schools' role has not yet been defined, and it is unclear what the federal role should be in assisting schools as they attempt to provide child care services. While AASA supports reauthorization of the small existing pilot program, it is not sufficient to address the rapidly growing problem. Congress should conduct a thorough study of child care needs and quickly develop a national response.

- o Since adequate federal funds are not likely in the current budget climate, AASA encourages the federal government to use its resources to develop and disseminate successful child care/extended daycare models.

9. School Repair and Renovation

Background: In the 98th Congress, the House of Representatives passed a bill to provide \$750 million to schools for repair and renovation of school facilities. That bill never passed the Senate. However, in the past, a number of public works bills have included schools as eligible recipients of school repair and renovation projects.

Positions:

- o If Congress provides funds to create jobs by repairing public facilities, public schools should be included among those public facilities. School renovation and maintenance funds should be included as a separate title in such a bill, and all school districts - whether independent or dependent - should be eligible for funds under this title rather than having dependent school districts included under the title for general city government.
- o All projects funded in LEAs for renovation and repair should be consistent with the existing state and local laws guiding capital improvement in public schools.
- o The age of the building should be included as one of the criteria for need in funding such projects.

10. Unemployment Insurance Payments

Background: A number of school districts have incurred extraordinary costs in the last few years due to the nature of unemployment costs for teachers who are laid off work in the spring but rehired in the fall, or who are substitute teachers employed on a part-time basis only during the regular school year.

Positions:

- o Unemployment payments should go only to teachers who actually lose their positions and not to those who are rehired in the fall.
- o Unemployment paid during the summer months to teachers who are dismissed in the spring but are rehired in the fall should be recoverable by school districts if the person collecting those payments is reemployed by the same school district.

- o Substitute teachers who are not under a full-time agreement should not be eligible for unemployment insurance in the summer, because that is the normal break for school districts, and those teachers have not been under a full-time contract in the districts.

11. National Diffusion Network

Background: The National Diffusion Network (NDN) has been in existence for a number of years. Although the legislative authority for the National Diffusion Network was terminated when Chapter 2 was enacted, NDN was rolled into the block grant. NDN has been kept alive over the past three years through the discretionary funds provided by the Secretary of Education.

Positions:

- o AASA supports reauthorization of the National Diffusion Network. because diffusion of promising practices in education is important in the area of school improvement.

12. Timber Reserve

Background: Under current federal legislation, any business or industry which harvests timber on a national forest must pay a 25 percent royalty which is returned to the county where the timber is found. One-half of that 25 percent goes to school districts as a payment in lieu of taxes, and the other half goes to county road construction.

Positions:

- o AASA opposes any change in the law which would cause schools to receive less money from the timber reserve funds.

13. Drop Out Prevention

Background: With reports indicating that 28 percent of the nation's 17-and 18-year olds fail to complete high school, AASA believes the problem of high school dropouts is a growing threat to our country that must be addressed at the national level.

- o The Council of Great City Schools has drafted a dropout prevention bill which was introduced by U.S. Rep. Charles Hayes (D-IL) in the House and by Sen. Arlen Specter (R-PA) in the Senate.
- o Sen. Lawton Chiles (D-FL) has introduced similar legislation designed to provide competitive grants to local and state education agencies and consortia of local districts with plans for early intervention to prevent dropouts.

Positions

- o AASA intends to work closely with both the Council of Great City Schools and with Sen. Chiles to secure passage of legislation that will assist school districts in their efforts to prevent at-risk young people from dropping out of high school.

14. Gifted and Talented Education

Background: Both the House and Senate are considering modest bills to develop programs aimed at educating gifted and talented students. The only bill to be approved by a committee is H.R.3263, the Gifted and Talented Children and Youth Act of 1985, which was passed on to the full House Education and Labor Committee on May 12 by the Elementary, Secondary and Vocational Education Subcommittee. Introduced by Rep. Mario Biaggi (D.-NY), H.R.3263 would authorize \$10 million in FY'87 (and unspecified sums in four succeeding years) for discretionary grant programs to enable states, school districts, higher education institutions and their public and private nonprofit groups to compete for funds which would support: the identification and education of gifted and talented students, preservice and inservice training for teachers of the gifted and talented, and the research and model development activities of a new National Center for the Education of the Gifted and Talented.

Positions

- o AASA favors the enactment of federal legislation designed to support local efforts to identify and provide educational support for gifted and talented young people. The students are indeed "exceptional children" and care must be taken not to overlook their gifts and talents, lest they become disenchanted with education and either tune out their schooling or drop out of school altogether.

B. CHURCH/STATE ISSUES

1. School Prayer

Background: In the 98th Congress, a constitutional amendment on school prayer was considered and defeated in the Senate, and a silent prayer provision was passed by the House to be added to an education reauthorization bill. That provision did not become law. In the 99th Congress, the Senate defeated an amendment to allow states to implement silent prayer laws, and the Senate Judiciary Committee approved a constitutional amendment that would permit voluntary silent prayer in public schools.

Positions:

- o AASA strongly supports the continued separation of church and state and opposes attempts by the federal government to dictate to local school districts on matters of religion.

2. Tuition Tax Credits

Background: The tuition tax credit issue was voted on in the Senate in the 98th Congress and was defeated 59-36. The Administration states in its FY '87 budget for the Education Department that it will resubmit tuition tax credits legislation to Congress in 1986.

Positions:

- o AASA strongly opposes tuition tax credits, because they violate the Establishment Clause in the Constitution, because they are economically unsound in these times, and because they would result in a shift of federal resources from public schools to private schools.

3. Equal Access

Background: The 98th Congress enacted as Title VIII of the Education for Economic Security Act, an equal access law mandating the inclusion of religious activities in public secondary school extracurricular programs. The constitutionality of this law is being challenged in the Supreme Court, and AASA has filed an amicus brief in support of the court challenge.

Positions:

- o AASA continues to strongly oppose equal access as an unneeded and unwarranted federal intrusion into local decision-making about who has access to local school facilities and under what circumstances.

D. Existing Education Programs Not Up for Reauthorization

1. Vocational Education

Background: Vocational education was reauthorized in the 98th Congress. The reauthorization simplified the bill and directed a greater portion of the funds to school districts serving handicapped and disadvantaged children. In its FY '87 budget, the Reagan Administration proposes that vocational education funding be cut by nearly one-half of its FY '86 level.

Positions:

- o AASA supports vocational education. The federal role in vocational education must be modified to make federal funds more effective in assisting school districts prepare students for employment in an economy which may require

retraining several times in the course of a person's work experience.

- o Within each state, federal vocational education funds should be distributed to local schools on a formula based on factors such as employment needs, percentage of unemployed in a school district, the number of disadvantaged in a school district, and total enrollment in the district.
- o AASA supports the provisions in the new Carl D. Perkins Vocational Education Act making it easier for recipients to purchase equipment, especially those recipients serving large numbers of disadvantaged students.
- o Federal vocational education legislation should encourage joint ventures with the private sector, especially in economically depressed areas.
- o Federal vocational education and legislation should encourage cooperation between school districts and other federal programs, such as JTPA. However, coordination does not mean that JTPA governing boards should have administrative control over school-based projects.

2. Bilingual Education

Background: The 98th Congress reauthorized bilingual education with only minor modifications.

Positions:

- o AASA continues to support language development programs which focus on developing competency in English for students who have limited English proficiency.
- o Funding for bilingual education should be distributed to local school districts on a formula basis rather than through competitive grants. The formula should be based on the number of students in each school district with limited English proficiency.
- o Funding for bilingual education should continue to flow from the U.S. Department of Education directly to local school districts rather than through state departments of education.
- o Local school districts should have the discretion to select among several approaches to improve the English competency of students. Among those approaches are transitional bilingual education (THE), English as a second language (ESL), immersion, and other appropriate approaches.
- o There should be no limit on the number of years a school district is eligible for funding under bilingual education. Eligibility should be determined by the presence of children who have limited English proficiency, and not by

the number of years a school district has received bilingual funding.

- o Bilingual education should not seek to eliminate cultural diversity among students. Rather, the program should focus on developing the students' proficiency in English while incorporating a respect for and awareness of diverse cultures.

3. Impact Aid

Background: Impact aid was reauthorized in the 98th Congress. The reauthorization clarified the various categories of students as well as funding priorities and formulas, so the appropriations committees do not have to establish funding definitions and priorities each year.

Positions:

- o Impact aid funding should continue to include "B" students, retaining the definition of "B" students which provides the highest possible funding. All sections of impact aid should be fully funded rather than receive only partial funding for school districts serving some arbitrary percentage of students.

4. Adult Education

Background: Adult education was reauthorized by the 98th Congress with no substantial changes in the program.

Positions:

- o Adult education continues to have the strong support of AASA. We see it as particularly important in helping reconnect adults who did not complete their education back into the educational system. Those who have dropped out of school can become literate, more productive members of society through adult education.
- o Congress should not require any increase in the local match or state match for adult education.

5. Immigrant Education

Background: Immigrant Education was enacted in the 98th Congress. The new program serves both documented and undocumented immigrants who have been in schools in the United States for less than three complete school years. Immigrant education is a formula program which provides up to \$300 per student, depending on the level of funding and the number of students identified.

Positions:

- o AASA strongly supports immigrant education and urges Congress to continue funding this program.

6. Magnet Schools

Background: The 98th Congress enacted a new magnet schools program to assist local school districts which wish to use magnet schools as part of the desegregation plan. The Magnet Schools Program provides funding based on competitive grants issued by the Department of Education.

Positions:

- o AASA strongly supports the Magnet Schools Program as now authorized.

7. Leadership in Education Administration Development (LEAD)

Background: The LEAD Act is an AASA initiative which was enacted in the 98th Congress through our efforts and those of Senator John Chafee (R-RI) and Representative Tom Petri (R-WI). LEAD was passed as an amendment to the Headstart Reauthorization Act. Its purpose is to provide funds to each state for the establishment of technical assistance centers for the inservice training of local school administrators. In the FY '86 Education Appropriations Act, LEAD received its first appropriation of \$7.5 million. The Education Department has proposed, in the President's FY '87 budget, that LEAD's FY '86 funding be rescinded, and that no funds be provided for the program in FY '87.

Positions:

- o Funding for the LEAD technical assistance centers is an absolute priority for AASA. Efforts to improve quality and bring about excellence in education must begin with the administrative team in our schools. LEAD offers vital support for that important beginning.

8. Math and Science Education

- Background: The 98th Congress passed the Education for Economic Security Act to improve the quality of math and science education. That act was reauthorized in 1985 for FY' 86 through FY' 88, which ends September 30, 1987.

Positions:

- o Under the provisions of the current law, AASA feels that the distribution of funds should be reviewed by Congress to drive a greater percentage of the total funds to the local school district where Congress wishes improvements to be made. If funding remains below \$100 million, the program should be changed from formula grants to competitive grants

for local staff development.

- o Federal funds should not restrict local options in the use of funds, if other local and state funds are available to meet state and local training and planning needs. Therefore, Congress needs to review the priorities in this bill and do away with the provisions requiring a state waiver to change the use of funds.
- o There should be broad local discretion to determine which teachers are trained, how training services are to be delivered, and how other planning support activities will be carried out.
- o A federal role in improving math and science education should also include the improvement of math and science facilities and equipment.
- o The federal statute should return the strong evaluation component to determine how well services are delivered and how services might be modified to improve them further.

E. Programs in Other Federal Agencies That Also Affect Education

1. The Job Training Partnership Act (JTPA)

Background: JTPA was passed in 1982 to replace the Comprehensive Employment Training Act (CETA). According to the Act, 40 percent of the funds is to be directed to serving disadvantaged youth, and 8 percent of the funds is to be distributed to school-based programs.

Positions:

- o JTPA performance standards mitigate against participation by schools because schools serve a younger clientele and schools incur a penalty for low placement rates that are typical among younger people. JTPA also has not worked well for schools, because the funding available to them is frequently low. In many areas, the only funds available to schools are for summer youth programs.

2. Refugee Assistance

Background: Refugee assistance was originally authorized for Southeast Asians, and then also for Cuban and Haitian refugees. The program is operated through the Department of Health and Human Services (HHS), which has an agreement to share 50 percent of appropriated funds with the Department of Education to go to school districts serving refugees. This is not a formula program; each school district makes application based on its needs. In FY '86 the education funds amounted to only a few million dollars.

Positions:

- o AASA continues to support refugee assistance and believes Congress should continue to provide funds as long as refugees are allowed into the country.

3. Natural Gas/Energy

Background: The initial energy program was the schools and hospitals energy program which AASA was instrumental in having passed. Since that time, a number of school districts have faced continued problems because their energy costs have risen out of proportion to the rest of their budget and to revenues. The FY '86 appropriation for this program is \$47 million.

Positions:

- o AASA strongly supports continued funding for The Schools and Hospitals Act, and feels that Congress should restore funding to the 1981 level.
- o If Congress enacts new energy legislation, AASA urges that a provision be made for allowing school districts to aggregate their billing for energy costs. Currently, in most of the country, each individual school site is billed as a separate customer. Thus, the school districts pay a much higher rate than other customers using the same total amount of energy because they are not allowed to aggregate their bills. Congress should provide local school districts the option of aggregating their bills and seeking a lower rate, dependent on the terms attached to that lower rate.
- o Congress should provide local schools the option of using contract carriage to seek their own supply of natural gas if available.

F. Funding Issues

1. Budget

Background: The continuing rise in the federal budget deficits under this Administration made it necessary in October 1985 for Congress to approve an extension of the federal debt ceiling to \$2 trillion.

Faced with this uncomfortable task, members of the House and Senate sought ways to demonstrate that despite rising deficits for which they had voted, they favor operating under a balanced budget. Taking advantage of this climate, Senators Phil Gramm (R-TX) and Warren Rudman (R-NH) offered an amendment to the normally routine debt ceiling extension resolution. Their amendment proposed setting annual deficit targets which would decrease incrementally each of the next five fiscal years, until a balanced budget would be reached by 1990. If Congress failed to meet those targets, Gramm-Rudman called for an automatic across-the-board cutting process that would slash all

discretionary spending programs (roughly one quarter of the federal budget) in October of each year. All education programs fall in the discretionary category. The Gramm-Rudman amendment was overwhelmingly adopted in both the House and Senate and was signed into law by President Reagan in December.

Under Gramm-Rudman, all non-exempt discretionary federal programs (which, again, include all education programs) are to be cut 4.3 percent on March 1, 1986. While a special U.S. District Court has ruled the automatic cutting provision of Gramm-Rudman unconstitutional, and the Supreme Court will make a final ruling on that point by July, the budget adopted by Congress for FY '87 still must achieve a deficit of \$144 billion. The FY '86 deficit stands at approximately \$209 billion.

The FY '87 budget proposed by the President would cut education spending by 18 percent. He has insisted that the Gramm-Rudman deficit target be reached by spending cuts, not by raising taxes.

Positions:

- o AASA believes that education must be recognized by Congress as a national priority that can no longer afford to be shortchanged through cuts and freezes in funding at the federal level. Every cut and freeze from Washington means that costs go up and services are reduced at the local school level.

- o While we recognize that FY '87 will be a difficult budget year, AASA feels strongly that no education program should be cut to lower the deficit. AASA also believes the following programs should be given fixed percentage increases each year for the next five years, so that by 1991 the same level of services provided to students by these programs in 1980 will again be achieved. Those programs are: Chapter 1, Education for the Handicapped, the School Lunch Program, Impact Aid, Chapter 2, Asbestos School Hazard Abatement, Indian Education, Vocational Education, Bilingual Education, Math/Science Education, Adult Education, Magnet Schools, Immigrant Education, Leadership in Educational Administration Development (LEAD), Headstart and Follow-Through, National Institute of Education and the National Center for Education Statistics.

AASA Bottom-Line Appropriations Recommendations

<u>Elementary/Secondary</u>	<u>Actual FY '86 Appropriation</u>	<u>Bottom-Line FY '87 Recommendations (FY '86 + 3.9%)</u>	<u>Change</u>
Chapter 1	\$3,688,163,000	\$3,832,163,000	\$+144,000,000
Chapter 2			
Block grant	500,000,000	519,500,000	+19,500,000
Secretary's discre- tionary fund	28,909,000	30,036,000	+1,127,000
Education of the Handi- capped	1,410,410,000	1,465,410,000	+55,000,000
Impact Aid	692,500,000	719,507,000	+27,007,000
Vocational Education	849,648,000	882,784,000	+33,136,000
Bilingual Education	139,115,000	144,540,000	+5,425,000
Math/Science	45,000,000	46,755,000	+1,755,000
Adult Education	101,963,000	105,940,000	+3,977,000
Magnet Schools	75,000,000	77,925,000	+2,925,000
Immigrant Education	30,000,000	31,170,000	+1,170,000
Leadership in Educational Administration	7,500,000	7,792,000	+292,000
Follow-Through	7,500,000	7,792,000	+292,000
Indian Education	<u>67,071,000</u>	<u>69,687,000</u>	<u>+ 2,616,000</u>
 Total, Elementary/ Secondary	 <u>\$7,642,779,000</u>	 <u>\$7,941,001,000</u>	 <u>\$+298,222,000</u>
 <u>Research and Statistics</u>			
NIE	\$ 51,231,000	\$ 53,229,000	\$+ 1,998,000
NCES	<u>8,747,000</u>	<u>9,088,000</u>	<u>+ 341,000</u>
Total, Research and Statistics	<u>\$ 59,948,000</u>	<u>\$ 62,317,000</u>	<u>+ 2,369,000</u>
 <u>Programs in other Agencies</u>			
School Lunch	3,070,000,000	3,189,730,000	+119,730,000
Asbestos School Hazard Abatement	50,000,000	51,950,000	+1,950,000
Head Start	<u>1,087,000,000</u>	<u>1,129,393,000</u>	<u>+42,393,000</u>
 Total, Programs in other Agencies	 <u>\$4,207,000,000</u>	 <u>\$4,371,073,000</u>	 <u>+\$164,073,000</u>