



March 26, 2013

Dear Member,

Annual Conference Call for Presentations

AESA's Annual Conference will be held in San Antonio, TX on December 4-7 at the JW Marriott Hill Country just north of San Antonio. The theme, ESAs in a 2.0 World, is promising to connect us with great information, great presenters, and great opportunities. If you would like to submit a breakout presentation for consideration, please do so by May 1st. [You can do that here.](#)

Legislative Update

AESA's legislative liaison Noelle Ellerson has a detailed update on federal legislation.

ESEA: Nothing has changed as it relates to ESEA reauthorization efforts. Both committees are working on their proposals but have yet to indicate a timeline for actual action.

- On the waiver front, two updates: additional states submitted waiver applications and the potential of direct-to-district waivers.
- On March 1, three additional states (Pennsylvania, Texas, and Wyoming) submitted waiver applications. That makes the current counts: 34 states (and the District of Columbia) with waivers; 11 states with applications pending; and three states (Montana, Nebraska, and Vermont) opting out altogether.
- While the Department has expressed concern over their capacity to process district-level waivers, they continue to fuel the flames when it comes to district waivers. In a hearing in February, when asked point blank if he planned to offer district waivers, the Secretary did not say no. While he indicated the preference was to work with states, USED is in discussions with a group of 10 schools in California trying to work out district waivers. Stay tuned.

Forest Counties: In a full Senate Energy and Natural Resources Committee hearing last week Mr. Tidwell Chief of the Forest Service informed the committee that the 2012 Secure Rural School Counties Act payments made in the beginning of 2013 are subject to sequestration. His specific comments detailed that the 5.1 percent amounts to 16.7 million dollars. It is not at all certain how the forest service might actually recover funds that have already been distributed; as we learn more, we will keep you informed.

Education Technology and E-Rate:

- Representative Miller introduced the [Transforming Education Through Technology Act](#) (HR 521). While this legislation isn't expected to be much more than a messaging

bill, it represents an important change in momentum. The House is the chamber that, last Congress, passed an ESEA bill without education technology. This bill is sponsored by the Ranking Member of the Committee and ups the ante in terms of ensuring that education technology is included in any bill the House considers moving forward. Current co-sponsors include Bordallo (GU), Brownley (CA), Green (TX), Peters (CA), and Sablan(MP). Reach out to your member and encourage them to sponsor the bill.

- E-Rate: Lots of moving pieces!
 - First, thank you to everyone who weighed in with their Senators in advance of this month's Senate FCC Oversight hearing. Chairman Rockefeller's office reached out to tell me that they heard the supts had weighed in heavily on the importance of E-Rate, the need to protect the program and provide additional funding. Thank you!
 - Second, major changes in leadership: In the last three days, both Chairmen Genachowski and MacDowell acknowledged they will be leaving the FCC without finishing their terms. This opens up two chairs and comes at a time when the FCC is heavily focused on increasing the efficiency and reach of E-Rate, with a keen eye to the burden of online assessments. The upside of having two vacancies (one from each side of the aisle) is that it makes it more likely the nominations go through smoothly, since each party has a nomination they want confirmed.
 - Changes to E-Rate: The FCC is taking a hard look at ways to improve E-Rate, ways to make it more efficient. By efficient, they mean streamlining the application process, reducing administrative burden and programmatic considerations, including a look at the eligible services list. I will be reaching out to gauge your feedback on what ideas do and do not work in the next few weeks.
 - Funding for E-Rate: The FCC is expected to announce (by early April) a proposal to direct additional funds (potentially several billion) to E-Rate over the next few years. This is in part a response to the administration's deep concern with schools ability to administer the online tests. I have been meeting with the FCC (on the phone and in person) at least once a week, with even more coalition calls. When this moves, it will be quick. I will rely heavily on the help of advocacy networks (including this one!) to help flood the FCC with responses to the proposal.
 - Vacant USAC Seat: Late last fall, AASA'S Executive Director, Daniel Domenech, was nominated for a seat on the USAC Board, which oversees E-Rate. AESA Executive Director Lee Warne endorsed Dan Domenech's nomination. We anticipate that vacancy will be filled by April.

School Nutrition: Two items:

- In February, the USDA issued regulations related to competitive food sales in schools, including proposed limits on fundraisers. Noelle Ellerson will be filing comments in the next week arguing that the USDA has little room to regulate an area for which they provide no federal resources.
- For the 2012-13 school year, USDA had lifted the weekly cap on protein and whole grain servings for the school nutrition meal patterns. Earlier this month, USDA announced an extension of the cap lifting through the 2013-14 school year.

Budget: It's a long one! Both the House and Senate last week considered their chambers' respective budget proposal for FY14. This update includes a quick overview of what is in each budget (relying heavily on links to budget committee resources) and then summarizes where we are in terms of votes.

- [Overview and Analysis of House and Senate Budgets](#) (External Sources, Great Charts)
- **Background on House Budget Proposal:** You can read the [committee report](#) on the budget proposal, which details proposed policy changes assumed in the budget.

Many of the changes relate to higher education, though there is one with K-12 implications: ***"Eliminate Ineffective and Duplicative Federal Education Programs.*** *The current structure for K-12 programs at the Department of Education is fragmented and ineffective. Moreover, many programs are duplicative or are highly restricted, serving only a small number of students. Given the budget constraints, Congress must focus resources on programs that truly help students. The budget calls for reorganization and streamlining of K-12 programs and anticipates major reforms to the Elementary and Secondary Education Act, which was last reauthorized as part of the No Child Left Behind Act. The budget also recommends that the committees of jurisdiction terminate and reduce programs that are failing to improve student achievement and address the duplication among the 82 programs that are designed to improve teacher quality."*

- The Ryan budget isn't that drastically different in its framework than last year's budget proposal. I wrote an [initial analysis](#) earlier this month and included a [quick comparison](#) to the Murray budget earlier this week.
- Status of House FY 14 Budget: The House passed their budget by a vote 221-207. No Democrats voted for it and 10 Republicans voted against the measure. The House had previously voted down for Budget Alternatives.
 - [Democratic Substitute](#), as introduced by Representative VanHollen
 - [Congressional Black Caucus](#) alternative
 - [Congressional Progressive Caucus](#) alternative
 - [Republican Study Committee](#) alternative
- Final Status of Senate 14 Budget: For the first time in four years, the Senate adopted a budget resolution. After more than 13 hours of debate, including consideration of more than 70 amendments, the Senate passed Sen.Con.Res 8, its budget proposal for FY14. The final vote (50-49) came very early Saturday morning. The details of the budget available in a [previous blog post](#). Four Democrats (Baucus, Begich, Hagan and Pryor) voted against the budget. The IDEA and Impact Aid amendments were not voted on. Here is an overview of the education-related amendments that were covered:
 - Senator Murray introduced an amendment that was the Ryan House budget (defeated 40-59).
 - Alexander's Title I portability (Voucher) amendment was defeated 39-60, with six Republicans (Blunt, Collins, Fischer, Kirk, Moran and Murkowski) voting against the proposal.
 - Senator Baucus' amendment to create the Office of Rural Education Policy at USED was adopted.
 - Senator Lee's amendment relating to Payment in Lieu of Taxes (PILT) payments was adopted. The amendment supports PILT reauthorization, and would impact 1,900 counties in 49 states.

- **Bottom line?** The differences between the House/Ryan budget and the Senate/Murray budget are significant, both in terms of overall funding level, addressing sequestration, and policy framework. This means we are, essentially, on course for another series of continuing resolutions. If I were a betting woman, and I am not, I would bet against Congress finishing its annual budget/appropriations work without using a CR. And that's without considering Congress' rather abysmal track record for completing budget and appropriations work on time.

Appropriations:

Congress concluded its work for FY13, the fiscal year that started in October and provides federal funds for your schools in the 2013-14 school year. The final measure covers the remaining half of the fiscal year and comes six months late. Succinctly, Congress did (half) its job, six months late.

The Senate version of the final CR was adopted by the House and went to the President for signing. The final package retains sequestration and level funds education at FY12 levels. This means all federal education funds will be level funded and then cut by sequestration. Please note that Head Start did receive a \$33.5 million increase. Unfortunately, education was funded as a year-long CR, meaning there was not room to advocate for programmatic increases. All programs will operate under FY12 terms and conditions. Our friends at CEF compiled a [chart](#) detailing funding levels for all education programs. There are a few anomalies to make note of in sections 1513 and 1514.

~1513 provides \$3 million under the Safe Schools and Citizenship account to support educational agencies impacted by school violence.

~1514 clarifies that USED can adjust state allocations for IDEA such that the states are not penalized multiple times for a single infraction of maintenance of effort. While this still fails to provide direct relief to districts from MoE pressure of IDEA (especially in the context of sequestration), the additional funds that can flow to states does have a trickle-down benefit to local education agencies, whose states will now not be subject to multiple financial penalties.

- **School Safety:** On 3/12, the Senate Judiciary Committee backed 14-4 an amended measure that would authorize \$40 million for each of fiscal 2014-2023 for school security, under the Justice Department's existing Community Oriented Policing Services Secure Our Schools grant program that allows schools to install tip lines, surveillance equipment, metal detectors and other safety measures. The original legislation would have authorized \$100 million. AASA, AESA, NREAC, AND NREA sent a letter in support of the legislation.

- [Issue Brief](#)
- Text of [Legislation](#)
- [Section-By-Section](#)