

THE ROLE OF THE FEDERAL GOVERNMENT IN PUBLIC EDUCATION PART TWO

In the September unit meeting about the role of the federal government in public education, we reviewed some of the historical background leading up to the policies now in place. In addition, we discussed the efficacy of having common core standards which would be consistent across the country. For the second unit on this topic, we will be discussing three major areas in which the federal government has been involved and may have ongoing policy: equity and funding of public schools; the role of the federal government in funding special needs populations; and early childhood education. Because a great deal of material is to be covered in a limited amount of time, it is imperative that members review it ahead of time. We will be answering the remainder of consensus questions, which are attached, as well as reviewing the first three general questions to determine if minds have been changed after the two discussion sessions. It might be helpful to bring the June and September every member material to use as reference. We look forward to having an informed and lively discussion before coming to consensus. For the June 2011 and September 2011 materials, please visit www.lwvjeffco.org under Program.

THE ROLE OF THE FEDERAL GOVERNMENT IN PUBLIC EDUCATION: EQUITY AND FUNDING

Public school funding comes from many sources – federal, state and local taxes as well as grants provided by governmental and nongovernmental agencies. The federal government adds less than 10 percent to local education budgets, yet it contributes significantly to the rules for how the funding is used. The United States invests five percent of the GDP in public education. Nearly half of the K-12 education funding in the United States is intended to come from the states, drawn from a combination of income taxes, fees and other taxes. However, some states resemble Illinois, where the state's share is only 27 per cent. The remainder usually comes from local property taxes.

Congress passed the Elementary and Secondary School Act (ESEA) in 1965, embodying President Johnson's education plan. Initially, ESEA was intended to provide additional resources to districts serving high concentrations of low-income families. There was to be little federal involvement in how the resources were utilized by state and local education authorities. As a result of disagreements about the causes of educational inequalities, ESEA funds eventually were allocated to support a wide variety of programs in local school systems, including teaching innovations, cultural and social enrichment programs, library improvements, parental involvement activities, nutrition programs, and social and medical services. ESEA did not provide general federal aid to public schools, instead it provided "categorical" support – aid that was targeted to a specific population. While school districts generally appreciate receiving the financial assistance, they frequently bemoan the loss of local control over their schools.

EQUITY

States that rely heavily on property taxes to fund education tend to have large inequities in school funding, which mirror the inequity of wealth in society-at-large. Hurst (2007) Inequities in school funding reflect housing patterns. During the past 50 years since *Brown vs. Board of Education*, schools have become re-segregated (Ladson-Billings, 2006). Currently, three-fourths of the students of color attend schools that are predominately non-white.

ADEQUACY

Since, 1990, rather than looking at equity, most lawsuits have focused on adequacy—whether a state is providing local districts with just enough funding and resources to give all students a basic education. Odden and Picus (2008) developed a model calculating the cost of an adequate education. They defined an adequate education as one that includes factors such as a full-day kindergarten, core class sizes of 15 for grades K-3, 25 for grades 4-6, and specialist teachers. The cost of an adequate education varies. For instance, more money is needed to educate students from impoverished communities and students with special needs.

FUNDING PRIORITIES

Inadequate school funding has a long-lasting impact. For instance, Darling-Hammond (2010) noted that dropouts cost the country at least \$200 billion a year in lost wages and taxes, plus the costs of social services and crime. Since the 1980s, the US has spent three times more on the prison system than on education. Data show that the national average for educating a child is \$9500, while it costs \$43,000 per year to keep a person incarcerated. With five percent of the world's population in the United States, we house 25 percent of the world's criminals (Kang & Hong, 2008).

NO CHILD LEFT BEHIND (NCLB)

In 2001, President George W. Bush signed the reauthorization of Elementary and Secondary Education Act, “No Child Left Behind,” which was intended to close achievement gaps, particularly for minority children. However, data from the National Assessment of Educational Progress (NAEP) reveal that scores were higher in math and reading for minority students before NCLB. One provision of NCLB permitted parents to remove a student from a low-performing school and transfer to another, better performing school. They would receive a voucher to pay some of the cost of attending another school – public or private. Additionally, courts and education agencies stepped in to “remediate.” The sanctions imposed by NCLB had the effect of punishing or threatening punishment to low-performing schools and teachers. A study (Reeve, 2009) showed that threatening public schools and teachers with punishment had harmful effects on students who remained in the public schools. Furthermore, many (Holland, 2011) argue that the NCLB goal of 95 percent of students meeting state standards in reading and math by 2014 is unrealistic.

Supporters of NCLB appreciate the increase in accountability for schools and teachers, as well as the focus on low scoring sub-groups. Critics of NCLB decry the lack of federal funding for many of the act’s mandates, the emphasis on penalties, the reliance on standardized tests, and the lack of attention to advanced students and to subjects such as science, social studies and the arts.

One goal of NCLB has been to offer choice to parents whose children attend poorly performing schools. However, large-scale studies of students with vouchers have revealed little difference in their performance compared to public school students with similar backgrounds, and having vouchers has not raised the performance of the most-needy students (Rouse & Barrows, 2009).

Race to the Top (RttT)

Race to the Top was signed into law by President Barack Obama in 2009. This program shifted the basis of awarding funds to emphasize competition. Competitive grants reward reform planned in the winning states. Funding is flexible as long as states demonstrate grant dollars are aligned with the agenda outlined in their winning applications. Only twelve states have received funding through RttT.

Two of the requirements met by states that received RttT funding were (1) improving teacher and principal effectiveness based on student performance, and (2) lifting the cap on the number of charter schools that could be created.

While both these funding requirements can be effective, neither is foolproof, and each addresses only one part of the problems schools face. For instance, research studies show that promising increased pay based on teacher effectiveness is not an effective incentive. Furthermore, research shows that evaluating teacher performance based only on student scores on standardized tests is problematic. (Springer et. al. 2010).

Although there is no question that some charter schools are effective, they have not been the panacea many expected. They were originally proposed as an opportunity for educators to test research-supported methods for reaching hard-to-educate children, and some have done quite well. However, a large-scale study funded by pro-charter advocates revealed that only 17 percent of 2,403 charter schools had significantly more growth in test scores compared to traditional public schools, and, in fact, 37 percent showed significantly less growth (Center for Research on Education Outcomes, 2009). Furthermore, many charter schools do not admit and/or retain students who need increased support, e.g., students from impoverished communities and students with special needs.

Recommendations for the Federal Government to Promote Equity

Instead of relying on either a carrot or a stick approach, Linda Darling-Hammond (2010) has speculated about what would happen if Americans spent more money on public education and on societal changes to promote equity. She presented evidence that demonstrated how Finland and South Korea have realized profound national changes in education since the 1970s. With publicly-financed education, Finland has focused on equitable funding for schools and extensive preparation for teachers, all of whom receive 2-3 years of quality graduate education financed by the government. In South Korea, 100 per cent of teachers are certified. Clearly these approaches require systemic changes – not quick fixes of separate problems. Children must have secure housing, food, and health care in order to be prepared to learn each day. Schools must be equitably funded. In order to recruit, prepare, and support a strong teaching force in America, our country must refuse to continue to hire minimally-trained teachers and paying the lowest salaries to teachers in the poorest districts. Instead all school districts need to be able to recruit top candidates for teaching positions, as well as, recruiting highly qualified educational administrators.

Adapted from: LWVUS The Education Study Background Papers, 2011: *The Role of the Federal Government in Public Education: History of Federal Efforts Related to Equity in Public Schooling*

For more information go to:

http://www.lwv.org/AM/Template.cfm?Section=Public_Education&CONTENTID=17608&TEMPLATE=/CM/ContentDisplay.cfm

THE ROLE OF THE FEDERAL GOVERNMENT IN PUBLIC EDUCATION: LEGISLATION AND FUNDING FOR THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS

In 1965, the Elementary and Secondary Education Act (ESEA) was passed by Congress. ESEA was the center of President Johnson's War on Poverty and was influenced by the Civil Rights Act of 1964. The children who were covered by ESEA in 1965 included those who were disabled and covered by an amendment to the original ESEA (Title IV – Aid to handicapped children). Since then, ESEA has undergone many reauthorizations but has remained an umbrella law to fight the war on poverty by providing funds for education of identified disadvantaged children through discretionary grants.

Prior to 1975, laws were passed (Section 504 of the Rehabilitation Act) to protect disabled individuals from discrimination due to disability. In addition, the Family Educational Rights and Privacy Act gave parents access to all information maintained by a school district regarding their students. The education of disabled children was funded by a separate law: the Education for All Handicapped Children Act of 1975 (EAHCA). The law was reauthorized in 1990 and became the Individuals with Disabilities Education Act (IDEA). IDEA was reauthorized in 1996 with additions to include special needs students in state and national assessments and placement in the least restrictive environment (LRE). Regular classroom teachers were required to take part in an Individual Education Plan (IEP) team. In 2001, No Child Left Behind (NCLB) became the title of the Elementary and Secondary Education Act. This reauthorization covered:

- children living in poverty
- children in rural areas
- children who are Native Americans
- children who are neglected and delinquent
- children who are migrants
- children who are homeless
- children who are learning English
- children impacted by disasters
- children who are disabled

The latest reauthorization in 2004 was called the Individuals with Disabilities Education Improvement Act (IDEIA). School districts are required to provide more instruction and interventions to help prevent enrollment in special education.

IDEIA has four sections that cover the Free and Appropriate Education (FAPE) of 6.6 million disabled children who are age 0-21.

- Part A (General Provisions)
- Part B (Assistance for Education of All Children with Disabilities)
- Part C (Infants and Toddlers with Disabilities)
- Part D (National Activities to Improve Education of Children with Disabilities)

The upcoming reauthorization of ESEA, also known as, *A Blueprint for Reform*, will influence how IDEIA is administered and practiced. It outlines priority items for legislation to fund FAPE of those children included in the *No Child Left Behind Act of 2001*. It remains to be seen if the *Blueprint* has predicted the funding needed to ensure all of these children receive the education they deserve.

MANDATES IN SPECIAL EDUCATION FUNDING

Funding requires adherence to the federal mandates. The most important mandate is the zero-reject policy, under which no child is turned away from educational services. To qualify for special education service, a student must be classified with one (or more) of 13 disabilities now covered by IDEIA.

The definition of "a child with a disability" is found in the United States Code, Title 29 1401(3) (A):

3) *The term 'child with a disability' means a child— (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) Who, by reason thereof, needs special education and related services.*

The largest group is comprised of students diagnosed with specific learning disabilities; 39% of students served by IDEA have this disability. The federal government demands that states submit plans for the distribution of monies to local agencies for direct instructional programming that adhere to federal mandates. Under each state's laws, an Individualized Educational Program (IEP) is constructed for each child receiving services. The purpose of an IEP is to assure the student of a free and adequate education (FAPE), as required by law. The child is to be placed in the least restrictive environment (LRE) for education.

In order to qualify for federal funds, state and local agencies are bound to federal guidelines to specify identification procedures and the placement of disabled children, migrant, homeless or neglected children. State grant applications for federal funds must include a plan for distribution of the funds to local education agencies (LEAs), as well as sufficient time for the general public to review and comment on the state plan. LEAs receive allotments from the state for their district special education needs. The shortfall in funding then needs to be addressed by the local education agencies.

Current Funding Challenges

Federal Underfunding: *The Education for All Handicapped Children Act (1975)* included legislation for funding local programs through state distribution of 40 percent of the cost. "Full funding" (40 percent) has never happened; the actual amount has varied. There were federal funds covering from 8 to 10 percent of the cost to states ten years ago, according to Katsiyannis, et al. (2001). The FY 2012 U.S. Department of Education Budget lists 17 percent as the current figure, with an estimated \$1,765 cost per pupil. The allotment has increased 1.7 percent in the FY 2012.

Increasing enrollment: Special education enrollment has grown, from **3.8 million** in 1973 to **6.6 million** in 2011 (13% of all students enrolled in public schools. Federal special education support increases for FY 2012 are held at 1.7 percent over FY 2011.

Maintenance of effort: Because of severe financial straits, more states are applying for waivers to the spending requirement by the federal government for special education funding. The waiver, called a Maintenance of Effort (MOE) has not been easily obtained and involves holding a spending pattern based on the previous year. Waivers were given to Iowa, West Virginia, and Kansas last year; waivers are pending for New Jersey, South Carolina and Alabama (Shah, 2011).

Inclusion and training: Currently, ninety-five percent of disabled children are educated in inclusive classrooms, the rest being educated in separate classes, institutions, or at home. An increase in inclusion practices is a strong possibility for fund-strapped districts (Shah, 2011). The balancing act – attention to finances, while providing for children's needs – continues to be precarious. It is also critical to provide teachers with quality in-service training.

Adapted from: LWVUS The Education Study Background Papers, 2011: *The Role of the Federal Government in Public Education: Legislation and Funding for the Education of Children Who Are Disadvantaged*

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ROLE OF THE FEDERAL GOVERNMENT IN PUBLIC EDUCATION

WHERE ARE WE NOW AND THE IMPACT UPON EARLY CHILDHOOD EDUCATION

UNESCO's World Conference on Early Childhood Care and Education, September 2010, produced findings that indicated early childhood care and education is more than preparation for transition to formal schooling. It places early childhood policies within a broader context of social development. It requires an integrated approach to early childhood care, development and learning.

The National Association for Education of Young Children (NAEYC)(1992) creates standards and guidance for early childhood providers across the country. The organization stresses that "programs must be comprehensive in nature, and developmentally appropriate for children so that both age specific and individual characteristics are addressed and designed to meet the needs of children and families served." Its position statements promote and endorse an integrated, well-financed system of early care and education for the learning and development of all children, including those living in poverty.

Poverty is the key issue that differentiates children coming to our schools in kindergarten. The poorest of the children who come to our public schools have spent no time at all in school-like settings during the first five years of their lives. By the time children enter kindergarten dramatic socioeconomic and environmental school readiness gaps are deeply entrenched. The gap surfaces as early as age 18 months and widens throughout early childhood. Currently more than one in five children living in the United States lives in a family whose income falls below the federal poverty line. Hardly any state has been immune.

One of the first early childhood education initiatives in the United States was the Head Start Program, which began in 1965 under the authorization of the Elementary and Secondary Education Act (ESEA). Head Start programs, funded by the US Department of Health and Human Services, provide children from low income families and children in some at-risk categories access to early education.

Some additional early childhood federal programs are:

- Early Head Start: Program beginning prenatally and covering children to age 3 and their families who qualify for Head Start competitive grants.
- Early Reading First: Language/literacy grants for schools and pre-school programs for low-income families
- Even Start: Integrates early childhood education, adult education, and family literacy, from birth through 7
- IDEA: Special education preschool grants and state grants program
- IDEA: Special education grants for disabled infants from birth to age two and their families

The Child Care and Development Fund made available \$5 billion to states, territories, and tribes in fiscal year 2010. This program, authorized by the Child Care and Development Block Grant Act, Section 418 of the Social Security Act, assists low income families, those receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education.

Currently, forty states and the District of Columbia offer state-funded prekindergarten programs, and these are aligned to their state standards. However, the federal government's predominant commitment with Head Start benefits only the poorest children and serves only half of those who are eligible.

What to do? Those in favor of more federal involvement in early childhood education point out that inequality in the development of human capabilities produces negative social and economic outcomes at every level and can be prevented by the proper investment in people. Early childhood education, particularly for disadvantaged children and their families, levels the playing field to provide equal opportunities for success. Those opposed to more federal involvement emphasize the fact that education has traditionally been a local and state issue. They feel that federal involvement will add to the list of unfunded mandates, will be too expensive and will take money from the already stressed local budgets for K-12.

Adapted from: LWVUS The Education Study Background Papers, 2011: *The Role of the Federal Government in Public Education: Early Childhood Education, Equity and Funding*

For more information go to:

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GENERAL CONSENSUS QUESTIONS

These questions apply to the overall focus of the study.

1. The current role of the federal government in public education is
Much too small Too small About right Too large Much too large
2. What should be the role of the federal government in public education? (Rank)
 - a. To ensure that all students preK-12 receive a quality education.
 - b. To develop accountability measures that will study the progress of all students so that they achieve adequate yearly progress.
 - c. To mandate Common Core Standards for all students K-12.
 - d. To monitor state efforts for funding
 - e. To measure teacher effectiveness through test data.
3. A quality public education is important to perpetuate a strong and viable democracy.
Strongly Agree Agree No consensus Disagree Strongly Disagree

FUNDING AND EQUITY CONSENSUS QUESTIONS

This part of the study deals more with the traditional federal involvement in public education and how it has evolved.

1. In the past most of the Elementary and Secondary Education Act (ESEA) funding has been non-competitive based on need. All/Any Schools that prove they fall under the federal guidelines for funding receive those funds. However, competitive grants are now being proposed to states/districts who meet certain federal requirements, such as Race to the Top. Which would be appropriate: (choose one)
 - a. Non-competitive funding for all applicants meeting requirements
 - b. A combination of non-competitive and competitive grants
 - c. Competitive grants only
 - d. No federal funding
2. If the federal government's role is the concern of the "common good" then: (choose one)
 - a. Mandates only should be sanctioned.
 - b. Mandates and funding should both be provided.
 - c. Funding should be provided through grants only.
 - d. A combination of funded mandates and grants should apply.
 - e. No mandates should be required and limited grants for innovation available.
3. Equity in public education means equitable access to: (Rank order)
 - a. high quality teaching/learning
 - b. adequate and current learning materials
 - c. clean and well maintained physical facilities
 - d. food and health care
 - e. safe and secure neighborhoods
 - f. secure housing

4. Currently Elementary and Secondary Education Act (ESEA) funding is considered “categorical” rather than for general use. This means that it can only be used with special populations for special purposes. ESEA should remain targeted toward poverty and special needs.

Strongly agree Agree No consensus Disagree Strongly disagree

5. The federal government has a role in supporting early childhood education, birth to 5, for all children.

Strongly agree Agree No consensus Disagree Strongly disagree

6. Federal support for early childhood education programs (e.g. Head Start, Title I, Special Education, Early Start) should include funding for parent education and support regarding child development, child health and nutrition, and access to other supportive services, such as mental health as needed.

Strongly Agree Agree No consensus Disagree Strongly Disagree

7. This funding should be extended to :

All children Only those with special needs Special needs first

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