



Education

STANDING COMMITTEE

NATIONAL CONFERENCE of STATE LEGISLATURES

NCSL Education Standing Committee News: May 2017

Federal Update

ESSA State Plan Peer Review Guidance

The Department of Education on March 28 released the Every Student Succeeds Act (ESSA) [state plan peer review criteria](#) for sections of the state plans that the statute identifies for peer review. As part of the state plan approval process, groups of peer reviewers read, analyze and make recommendations to the secretary regarding each plan. Peer reviewers include teachers, principals, parents, specialized instructional support personnel, State Educational Agencies (SEAs), Local Educational Agencies (LEAs) and community members as well as researchers familiar with the implementation of academic standards, assessments, accountability systems, the needs of disadvantaged students and low-performing schools. Sections identified for peer review include Title I, Part A; Title III, Part A; and the Education for Homeless Children and Youth Programs under the McKinney-Vento Act. Department staff will review all other sections for each plan submitted. The criteria outline a series of questions in a template that reviewers are directed to consider during this process, and their feedback is meant to inform the Secretary of what additional information, if any, is required of SEAs. The new guidance arrives just in time for use during consideration of state plans submitted for the first of two deadlines, April 3.

Special Education in the Supreme Court

The Supreme Court heard oral arguments for *Trinity Lutheran Church of Columbia, Inc. v. Comer* on April 19. The case centers around separation of church and state, but may hold implications for school voucher programs depending on how broadly the high court rules. The case began when a preschool associated with the Trinity Lutheran Church in Missouri applied for competitive grant funding to improve the infrastructure of the school's playground for safety purposes. The state

denied the church's otherwise viable application on the grounds that Missouri's constitution prohibits the use of public funds for religious purposes. In bringing the case against the state, the church claimed such exclusion amounted to religious discrimination, and a violation of the Equal Protection Clause and Free Exercise Clause under the U.S. Constitution. The case was heard during newest Justice Neil Gorsuch's first week on the bench after he was confirmed by a vote of 54-45 on April 7 using the "nuclear option" in the Senate. Because the decision rests on the legal use of public funds at private religious institutions, the decision could carry implications for school voucher programs that allow students to use public funds to attend private religious schools. A decision is expected in late June.

Executive Order: Federalism in Education

The President signed an [executive order](#) on April 26 directing Secretary DeVos to review and potentially adjust or eliminate regulations and guidance issued by the Department in previous years that can be considered an overstep of federal authority. The order provides the secretary and the department's Regulatory Review Task Force 300 days to submit a final report to the White House.

Congress Funded Through September

A number of [key education highlights](#) were included in the [spending package](#) passed by Congress on May 4 to fund the government at updated levels through the end of September, avoiding a government shutdown. The deal would increase Title I grants by \$100 million to a total of \$15.5 billion, which includes \$450 million for school improvement grants that are now consolidated within the Title I grants program. It would also increase special education state grants under the Individuals with Disabilities in Education Act (IDEA) by \$90 million for a total of \$12 billion and Head Start by \$85 million. Pell grants would be made eligible for summer programs at level funding. The package also includes increases for TRIO (Upward Bound, Talent Search, and Student Support Service), GEAR UP (**Gaining Early Awareness and Readiness for Undergraduate Programs**), Impact Aid and Twenty First Century Community Learning Centers, which are all targeted for cuts under the president's budget proposal as well.

The deal allocates \$400 million for the new Student Support Academic Enrichment Grants program. While this does increase funding for the consolidated programs by \$122 million over 2016 levels, the figure amounts to only 25 percent of authorized funding in the Every Student Succeeds Act (ESSA). The spending bill gives states the option to award the money to districts competitively, rather than by formula. The president and Congress will next begin work on appropriations for Fiscal Year 2018, which begins on Oct. 1. The president is expected to release

his full, detailed budget proposal the week of May 22, which will serve as a benchmark for Congress as it begins drafting spending measures for the next fiscal year.

School Lunch Standards Relaxed

Department of Agriculture (USDA) Secretary Sonny Perdue [announced](#) May 2 an interim final rule to relax food content standards in the National School Lunch Program. The requirements, first established in the 2010 Healthy, Hunger-Free Kids Act, made federal grants for meals conditional on reductions in calories, sodium and trans fat content and increases in fruit, vegetables and whole grains. The USDA will now allow states to grant exemptions on whole grains standards for the 2017-2018 school year and schools will not be required to meet more stringent low-sodium goals put in place by the act. Those goals would have required sodium levels in school lunches to average less than 1,230 mg in elementary schools, 1,360 mg in middle schools, and 1,420 mg in high schools. For the following school year, these levels would drop to 935 mg for elementary schools, 1,035 mg for middle schools, and 1,080 mg for high schools. Schools will also be allowed to serve 1 percent fat flavored milk. These changes are temporary, and the USDA has said it will "take all necessary regulatory actions to implement a long-term solution," and is currently working on guidance for the rule change expected to be issued soon.

The American Health Care Act and Special Education

The American Health Care Act passed the House by a vote of 217-213 on May 4 and is now headed to the Senate. The bill in part decreases funding for Medicaid by \$880 billion, or 25 percent, over 10 years. The decrease has some in the special education community concerned for its impact on states' abilities to cover the costs of special education services, [The New York Times](#) reports. If realized, the decrease may result in the federal government essentially transferring the burden of health care to states. To cover the gap, states may need to raise taxes, limit eligibility or cut services for students with disabilities. Competition for funding may also develop between schools and hospitals or clinics that serve Medicaid-eligible children. The bill is now headed to the Senate for approval, but members in that chamber have [indicated](#) a preference for starting work on their own bill.

New Research and Resources

A new blog series from the Learning Policy Institute seeks to elevate innovative and evidence-based district- and state-level initiatives, inform policy conversations, and contribute to an important national discussion on building a strong and stable teacher workforce. Read the first installment, [State Policymakers Respond to Teacher Shortages](#).

New and Upcoming Education Webinars

(Archived recording from May 5): [High-Quality Professional Learning for Teachers: What We Can Learn From Canada](#)

Effective ongoing professional learning for teachers is a key component to their success in the classroom. Learning Forward has for decades led work across the states in this area, creating state professional learning standards and advocating for high-quality, meaningful opportunities for teachers. Learning Forward recently commissioned [research into how Canada supports its teachers](#), since several Canadian provinces lead the world in student achievement. Experts from Learning Forward will discuss this research and how state policymakers can apply what they learned. Standing Committee members are welcome to listen in on this webinar for the International Education Study Group.

May 24 at 1 pm ET: [Preschool Effects: What the Research Does and Does Not Say](#)

Between 2002 and 2015, state spending on preschool programs nearly doubled from \$3.3 billion to \$6.2 billion. While mostly pointing to the positive educational benefits of high-quality preschool, some educational research has found the effects may fade out over time. This webinar aims to bring consensus answers from top early childhood education researchers to questions such as:

- Do preschool effects last?
- What does high-quality preschool look like and how much does it cost?
- Who benefits most from high-quality preschool?

Meet Your Education Standing Committee Officers



Senator Peggy Lehner, Vice Chair

Peggy Lehner has been in the Ohio Senate for the past six years and has served as Chairman of the Senate Education Committee during that entire time. She previously served in the Ohio House and spent 12 years on City Council in Kettering, Ohio. She is a member of the NCSL International Study Group, is vice chair of the NCSL Education Standing Committee and last year served as an Early Learning Fellow and participated in the Aspen Institutes Summer program on Equity in Education.



Senator David Sokola, Vice Chair

Senator Sokola has been the Senate Education Committee Chair in Delaware for over 20 years now, and education is an issue that remains very important to him. He is a member of the NCSL International Study Group, and serves as vice chair of the NCSL Education Standing Committee. Outside of his role as a legislator, Senator Sokola works full time as a senior lab technician for DuPont. He has been a certified spinning instructor for 15 years, and teaches classes at the YMCA.

NCSL will feature two education standing committee officers each month. [View the entire list here.](#)

Upcoming Meetings of the Education Standing Committee

- [2017 NCSL Legislative Summit | Boston, Mass. | Aug. 6-9](#)
- 2017 Capitol Forum | Hotel Del Coronado, Coronado, Calif. | Dec. 10-13, 2017

Questions about the NCSL education program newsletter? Contact [Madi Webster](#).



© National Conference of State Legislatures
Denver: 303-364-7700
Washington: 202-624-5400

[Unsubscribe](#) from these messages.

7700 East First Place, Denver, CO 80230