

Elementary and Secondary Education Act Reauthorization

The Issue. The Elementary and Secondary Education Act (ESEA) of 1965 -- the largest federal program for elementary and secondary education -- is up for reauthorization. In FY 1998, Florida received over \$472 million in ESEA funds (\$362 million for Title I programs). Florida's objectives for the reauthorization are:

- a **more equitable share of the funding** in all programs, especially **Title I** and **Title VII** (Bilingual Education); and
- **greater flexibility** to realize program goals.

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Background. Title I, covered by the ESEA, provides federal funds to school districts to aid in the education of economically disadvantaged students. The 1994 ESEA Reauthorization, the Improving America's Schools Act (PL 103-382), focused on schoolwide programs in high poverty schools and required states to develop content and performance standards. The 1994 reauthorization gave local school districts greater flexibility to design and implement programs tailored to their students' particular needs. Other portions of Title I provide funds to state education agencies (SEAs) to support programs for family literacy, children of migrant workers, and neglected, abused, or at-risk children. The Title I distribution formula is based upon the number of children below the federal poverty level and is the basis for the distribution of other federal education program funds.

Current Status. The Clinton Administration would like to see the 1999 ESEA Reauthorization focus on: (1) targeting the Class-Size Reduction Program, Reading Excellence Act, education technology and after-school programs, with particular attention to disadvantaged children in the early years of schooling; (2) ensuring teacher quality by requiring challenging competency tests for

new teachers and reducing the number of teachers that are teaching "out of field"; and (3) increasing accountability by proposing a range of options including greater flexibility for school districts that are making adequate progress. The Administration's initiative also includes a provision which would allow for the withdrawal of ESEA funds from schools that are not performing up to federal standards.

State Concerns:

Award Title I Funds Competitively. Funds are allocated to SEAs on the basis of a formula, which includes the number of children below the federal poverty level and the number of children eligible for welfare (TANF). The Florida Department of Education (FDOE) believes that rather than disburse Title I funds based upon a formula, the Comprehensive School Reform Demonstration (CSRD) disbursement model should be used. Under CSRD, competitive grants are awarded to eligible school districts to support the implementation of effective research-based reform programs. In order to receive this grant, a school must apply for the funds and specifically describe a research-based comprehensive school reform program from the *Catalog of School Reform Models* towards which the funds will be used. Requiring

schools to plan the use of a research-based model will result in more efficient and effective use of Title I funds. A transitional period will be needed to phase in the new method.

Provide Greater Program Flexibility. Florida would like to see greater flexibility allowed to the states to pursue the goals outlined by the proposed 1999 Reauthorization. FDOE disagrees with the proposed provision that would allow withdrawal of ESEA funds from those schools that are not progressing, because the state is implementing an accountability program that is sufficient and federal requirements may detract from this effort.

Fairly Fund Bilingual Education. The state is concerned that Florida is not receiving its proportionate share of Title VII funds for Bilingual Education. Florida has the 4th largest population of students with limited English proficiency (LEP), but ranks 7th in receipt of Title VII funds. Florida should not be penalized because it emphasizes the teaching of required English skills as an addition to the student's native language.

Streamline Classification of Migrant Children. FDOE would like to see the costly and cumbersome process of classifying children as migrants for purposes of receiving federal funding streamlined.

Discontinue Regional Service Centers. Prior to 1994, each federal program, i.e., Title I, LEP, Title VII, etc., had its own Regional Service Center (RSC) which provided technical assistance to the states in implementing the program. As a result of the 1994 Reauthorization, all individual program RSCs were combined into several RSCs which serviced the states in a geographical area. Accordingly, Florida was assigned to RSC 14,

located in Atlanta, Georgia, which also services Puerto Rico and the Virgin Islands. FDOE believes that the funds used to operate these costly RSCs would be better spent if they flowed directly to the state and the state was allowed to decide the most appropriate use.

Count All Students Benefiting from Fifty Percent Threshold for Schoolwide Programs. FDOE agrees with the 50% threshold for schoolwide programs in the current law, which permits schools with 50% poor children to use Title I funds in combination with other federal, state, and local funds to upgrade the instructional program of the entire school. When Title I funds are used for the implementation of a schoolwide program, however, the amount of funds is calculated based on the Title I eligible students even though a greater number of students may be participating in the program. FDOE suggests that all children benefitting from these programs be counted in the formula for generation of funds.

Special Education - IDEA

The Issue. Enormous costs associated with implementing the Individuals with Disabilities Education Act (IDEA) are placing an increased burden on Florida. In 1975, the federal government committed to fund 40 percent of the costs for the Education and Handicapped Act, now known as IDEA. IDEA requires that services be provided to individuals with disabilities, ages 3-21. In Florida, 334,896 students with disabilities were served at a total cost of over **\$2.8 billion** in 1997-98. Of this, the federal contribution was **\$227 million (11 percent)**.

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State Concerns. In order to meet the costs of implementing IDEA, Florida is reallocating existing state funds from other programs, including education programs, and committing new funds to ensure that students with disabilities receive a free and appropriate public education, as required by the law. These enormous costs are placing an increased burden on Florida. This burden may be exacerbated by the United States Supreme Court decision in *Cedar Rapids Community School District v. Garret F*, Case No. 96-1793 (March 3, 1999), which held that IDEA required a school district to provide nursing services for a ventilator-dependent student during school hours.

Other state concerns include increased paperwork, inequities in student discipline policies, and overly prescriptive regulations associated with the 1997 reauthorization of IDEA.