



Colorado Association  
of School Boards

## Quick Reference Guide on Federal Education Issues



**“Meeting the Needs  
of All Students”**



January 2011

### CASB Mission

*Advancing excellence in public education through effective  
leadership by locally elected boards of education.*

#### CASB believes:

- Control of public school systems is best directed by locally elected boards of education and not legislated at the state or federal level. Local school boards are elected by their communities to ensure accountability in meeting student needs, provide effective oversight of educational programs and determine the efficient use of resources. Any federal education requirements should be limited, fully funded and judiciously made.
- The federal government should not set achievement standards. The fundamental role of the federal government in education is to help ensure equal educational opportunity for each child by helping states and local school districts overcome economic and social barriers through research and targeted resources.

## SUMMARY

### Local Control

- Public school systems are best governed by locally elected boards of education.
- Federal education requirements should be limited, fully funded and judiciously made.

### Unfunded Mandates

- Federal funding is inadequate to meet the increased demands placed on school districts.
- Fully fund the 40 percent federal commitment under IDEA.

### Reauthorization of ESEA/NCLB

- The federal government should not set achievement standards.
- Substitute the Colorado Longitudinal Growth Model for current measurements of AYP judgments.
- Learning progress for special education students should be determined by IEPs.
- Flexibility is necessary when assessing the academic progress of English language learners.
- Hold all schools supported with public funds to the same accountability standards as traditional public schools.

The following is CASB's quick reference guide on key federal education issues based on resolutions adopted by the CASB Delegate Assembly. Topics covered are:

<b>Federal Funding – Unfunded Mandates</b>	5
• ESEA funding	5
• Special education	6
<b>Reauthorization of NCLB/ESEA</b>	7
• Longitudinal AYP judgments	7
• Flexibility for special education	8
• English language learners	9
• Highly qualified teachers	9

## FEDERAL FUNDING – UNFUNDED MANDATES

CASB supports full funding for federally mandated programs. Although funding through the American Recovery and Reinvestment Act (ARRA) has helped bridge budget shortfalls for Title I and IDEA, these programs remain underfunded in the regular appropriations process. School districts have great concern about how they are going to comply with the mandates of these programs when ARRA funding ends in September 2011.



Further, federal dollars are more efficient, effective and have longer-lasting effects when they are distributed by formula through states to local school districts, rather than by competitive grants, which often disadvantage those school districts most in need because of limited capacity for the grant-writing process. Further, CASB believes the federal government should not impose unfunded mandates on state and local school systems. Implementation of any federal program or other requirement not fully funded should become optional at the district level. The federal government should reimburse a local district for any lost revenue resulting from the implementation of federal activities or placement of federal facilities and/or personnel.

### ESEA Funding

Federal funding is inadequate to meet the increased demands placed on school districts. The Congressional Research Service calculates that if ESEA were fully funded (per specifications in federal law), it would amount to \$30.4 billion nationwide. Thus, the law is funded at only 41 percent of what it promised by its own definition. The tight state budget in Colorado, coupled with an inadequately funded federal mandate, makes it difficult for school districts to meet all the

increasing student performance demands. Congress should provide funding in an amount that covers the expense of implementing federal mandates. Current law places significant requirements on local school districts and has greatly expanded federal involvement in education decisions. While a corresponding increase in federal funding was promised to coincide with this new role, actual appropriations have fallen short of the original promise. The federal government's willingness to create new responsibilities without providing sufficient funding significantly increases the pressure on the district's operating budget to the detriment of other programs.

### Special Education

School districts subsidize the special education mandate because of insufficient state and federal funding. Under the Individuals with Disabilities Education Act (IDEA), the federal government committed to funding 40 percent of the cost per pupil for special education. However, the amount actually provided falls far short of this amount. The Colorado Department of Education estimates that in a typical year, federal funding covers approximately 19 percent of special education costs; Colorado funding covers approximately 20 percent; and Colorado districts pay for the remaining 61 percent of the cost of special education from their general fund. Although the amount paid by local districts across the country varies widely, the national average is around 40 percent, compared to 61 percent in Colorado. Because state and federal funding is insufficient to meet the costs of providing services to special education students, those costs must be subsidized from school districts general funds, which diverts resources needed to provide educational opportunities for all children. Instead of imposing new mandates on school districts, Congress should uphold its commitment to fund special education.



## REAUTHORIZATION OF NCLB/ESEA

CASB urges Congress to modify NCLB/ESEA to reflect a larger vision of the kind of education system needed to ensure students develop the 21st-century skills and abilities they will need to be successful in a global economy.

### Longitudinal AYP Judgments

The U.S. Department of Education approved the use of the Colorado Growth Model, a longitudinal model, in the federal NCLB pilot program to measure adequate yearly progress (AYP). This is an exciting and positive step, yet Congress needs to ensure that during the reauthorization of ESEA the federal government approves the use of longitudinal growth for measuring AYP. Longitudinal measures, such as the Colorado Growth Model provide a more realistic measure of academic growth over time for all students.



To truly “leave no child behind,” school districts must monitor all students’ progress, with judgments based on individual student growth. More emphasis on longitudinal growth will strengthen school accountability. Gauging the academic growth of each student on an annual basis is a more realistic accountability measure than the artificial, statistically unachievable requirement of 100 percent proficiency in reading and math by 2014 as required by NCLB.

- Longitudinal growth provides an early warning system. Monitoring longitudinal change allows school officials to answer the question, “How many and which students are on pace to reach targets?”

- All students should be measured against their growth in the previous year. Reports should show whether students performing at the unsatisfactory level are on pace to become proficient and whether all other students are on pace to maintain or improve upon their levels of performance.
- The federal government should provide support, not sanctions for low-performing schools.

### Flexibility for Special Education

Federal law should allow states flexibility (with accountability) to determine how best to assess and measure learning progress for special education students in accordance with their individual education plans.

State and federal laws governing special education recognize the vast array of special education student needs and place an emphasis on individualized services. NCLB contradicts a student’s individualized educational plan (IEP) and mandates that all special education students be administered the state standardized assessment, even if the IEP exempts a student from the test. Under these circumstances, special education students may be seen as “causing” a school or district to “fail” to make adequate yearly progress. This reaction could place the responsibility for achievement on special education students in a way that may cause more harm than good. The body of evidence to determine educational progress for special education students should include assessment aligned with instructional and grade levels designated by the IEP rather than the age of the student.

## English Language Learners

Federal law should provide flexibility in assessing the progress of English language learners (ELL) until they become proficient in English. Testing accommodations for ELL students should be supported with research to demonstrate that use of accommodations makes the test valid and reliable for ELL students.

The U.S. Department of Education is working with 24 states to develop valid assessments of reading and math for ELL students. However, no moratorium for AYP accountability is allowed during a time when states and the U.S. Department of Education are collaborating to figure out a more valid and reliable method to test ELL students. It is important that the accountability system not subject ELL students to arbitrary determinations or deadlines that do not reflect their individual needs. Most experts believe, and research suggests, that transition into the English language can take up to seven years. Current federal law does not allow for such accommodations.

## Highly Qualified Teachers

Congress should provide sufficient flexibility in implementation to account for the particular challenges small and rural school districts face in finding and retaining highly qualified teachers. In addition, many districts face challenges in attracting highly qualified special education teachers. Merely stating in law that there must be a highly qualified teacher in each classroom is not a solution.



Because of the regulatory burdens imposed by NCLB, it is difficult for the Colorado Department of Education to evaluate teacher license applications by NCLB's deadline of December 1. The federal government should allow a grace period for teachers to become highly qualified in districts where teaching positions are hard to fill.

## Colorado Federal Relations Network January 2011

**Jan Tanner**  
Colorado FRN Chair  
Colorado Springs District 11  
tannerjj@gmail.com

**Laurie Albright**  
Boulder Valley School District  
laurie.albright@dim.com

**Sean Ash**  
Weld RE-4 School District  
sean.ash@weldre4.k12.co.us

**Tom Balchak**  
Poudre R-1  
tbalchak@comcast.net

**Laura Boggs**  
Jefferson County Schools  
lboggs@jeffco.12.co.us

**Catherine Bullock**  
Academy 20  
catherine.bullock@asd20.org

**Mark Clark**  
Adams 12 Five Star Schools  
mark.clark@adams12.org

**Peter Cukale**  
Aurora Public Schools  
ppcukale@aps.k12.co.us

**Bill Faust**  
Bayfield 10 Jt-R  
bfaust@bayfield.k12.co.us

**Scott Gorsky**  
Englewood Schools  
gorskysb@mac.com

**Leslie Kiesler**  
Mesa County Valley SD 51  
lesliekiesler@yahoo.com

**Irene Neighbors**  
Kiowa C-2  
ineighbors@myawai.com

**Jim O'Brien**  
Cherry Creek Schools  
jbobrein@mac.com

**Theresa Pena**  
Denver Public Schools  
theresa\_pena@dpsk12.org

**Tom Strand**  
Colorado Springs District 11  
tomstrand19@yahoo.com

## Colorado Federal Relations Network January 2011 *(cont.)*

### Ex-Officio members

**Julie George, CASB**  
Director of Government  
Relations  
jgeorge@casb.org

**Jane Urschel, CASB**  
Deputy Executive Director  
jurschel@casb.org

**Ken DeLay, CASB**  
Executive Director  
kdelay@casb.org

**Gary Northup, CASB president**  
Re-1 Valley  
gary.casbpres@bresnan.net

**Rick Hammans**  
Chair, Legislative Resolutions  
Committee  
St. Vrain Valley Re-1J  
hammans\_rick@stvrain.k12.co.us

**Dale McCall**  
Colorado BOCES  
dale.mccall@wildblue.net

**Paula Stephenson**  
Colorado Rural Caucus  
ruralcaucus@comcast.net

### Council of School Board Attorneys

**Pat Richardson**  
Academy 20  
patricia.richardson@asd20.org



CASB is a non-partisan organization representing school board members from across Colorado. CASB does not have a political action committee nor does CASB endorse candidates.



**Colorado Association of School Boards**  
1200 Grant Street • Denver, Colorado 80203  
303.832.1000 • 800.530.8430 • Fax: 303.832.1086 • www.casb.org  
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