

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020



Is it Really All About The Money?

Federal Funding of Special Education

Panelists



Sarah Abernathy
Deputy Executive Director,
Committee for Education Funding



Myrna Mandlawitz, M.ED., J.D.
Policy Consultant, MRM Associates

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020



#SELS2020

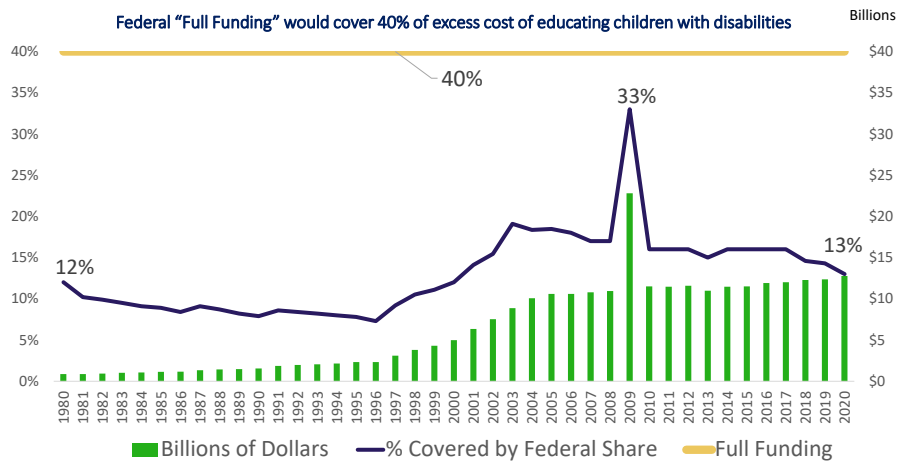




Part 1, The Big Picture: Federal Education Spending

**Follow CEF @edfunding
 #5Cents4edfunding
 #HearOurEdStories
 www.cef.org**

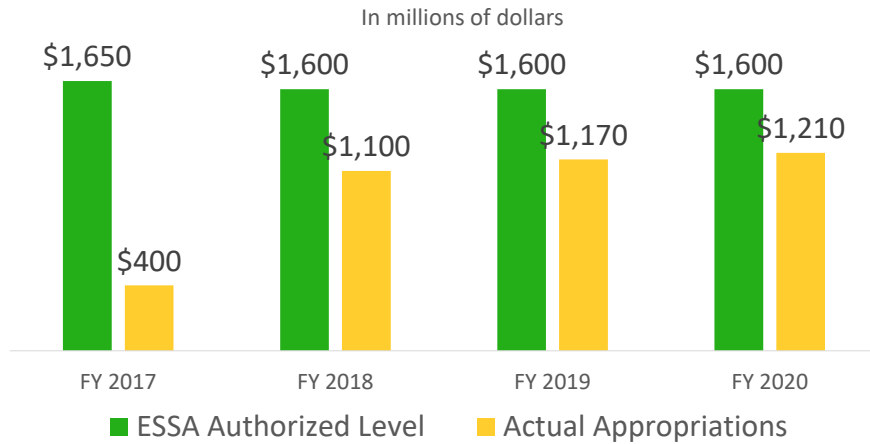
Special Education: Federal Share Falling Further Below “Full Funding” Even as Dollars Increase, Compounding Cost Burden to State and Local Budgets



Source: CRS and ED funding history

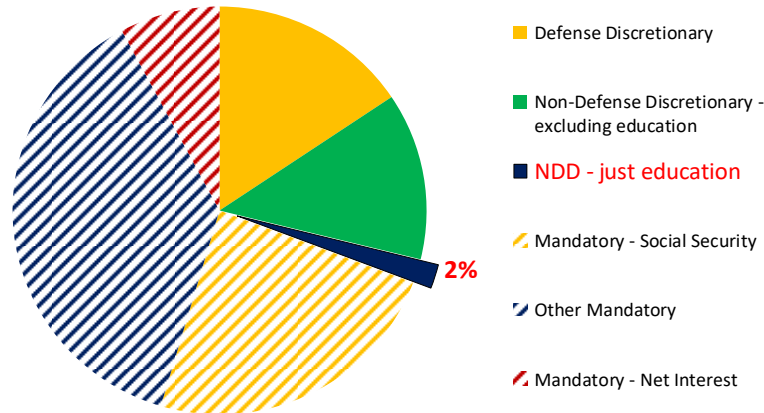
1/30/20

Student Support and Academic Enrichment Grants (Title IV-A): Funding Appropriated Has Always Been Below Authorized Level



Education Accounts for Less Than 2% of All Federal Spending

2021 President's Budget Outlays by Category

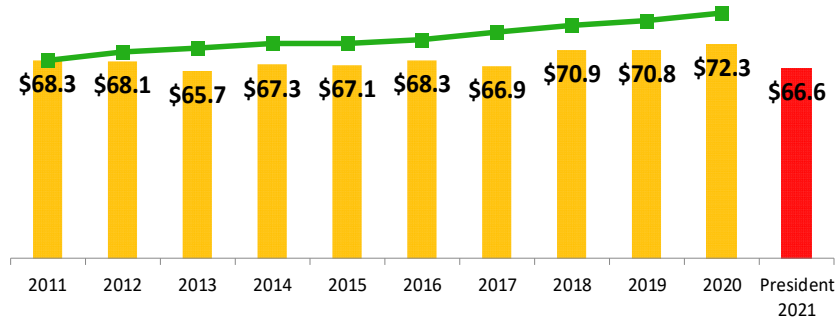


5¢ Makes Sense! #5Cents4Edfunding

SOURCE: CEF based on FY2021 OMB Budget

President's Education Budget is Below 2011 Level: Is \$13 Billion Below in Inflation-Adjusted Terms

(Department of Education Discretionary Funding in Billions of Dollars)

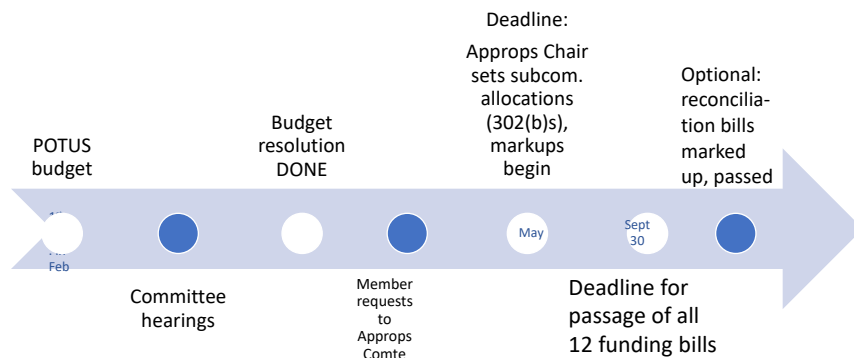


■ ED funding ■ 2011 Level in 2019 Constant Dollars

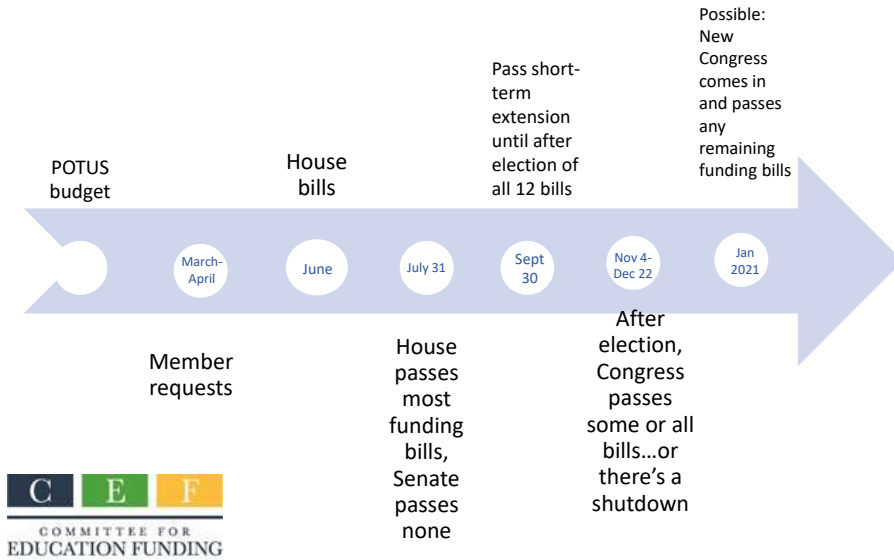


2017, 2019, & 2020 totals reflect rescissions of Pell Grant funds

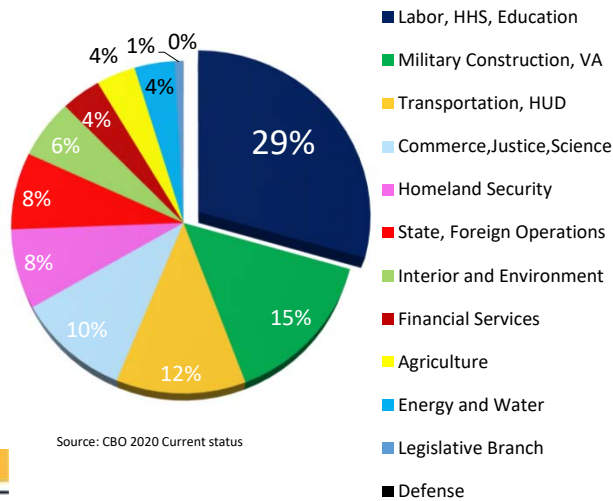
Congressional Budgeting Timeline



This Year's Possible Budgeting Timeline

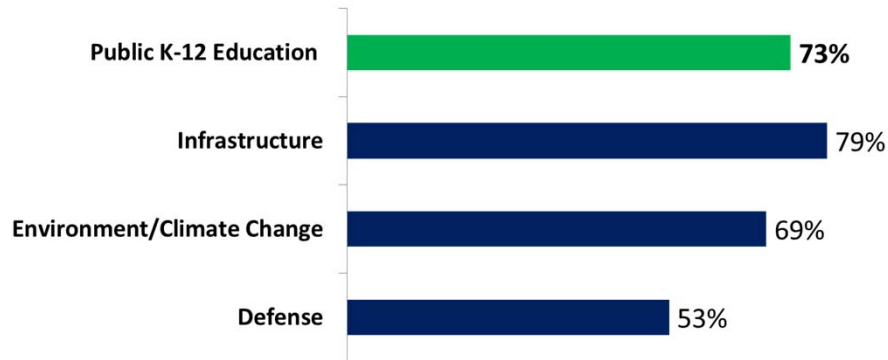


Labor-HHS-Education Bill is 29% of Non-Defense Discretionary (NDD) Funding



Increasing Federal Funding for Public K-12 Education is One of Americans' Highest Priorities

Percentage Saying it is an "Extremely Important Priority" to Increase Funding for the Following:



Source: POLITICO/Harvard poll conducted December 4-9, 2018

What Can You Do?

- Ask your 3 Members of Congress to increase education funding
- Tell them why education funding matters to you, your school, your community. #HearOurEdStories
- Give real life examples of how more funding would help
- Follow CEF on Twitter [@edfunding](https://twitter.com/edfunding) for alerts
- Get resources, social media toolkits, funding data on CEF's website: www.cef.org
- Take care of yourself!





Follow CEF @edfunding
#HearOurEdStories
#5Cents4edfunding
www.cef.org

Part 2, The Details: Congress's Current Education Funding Agenda

Myrna Mandlawitz, Esq.
CASE Policy/Legislative Consultant



CARES Act (P.L. 116-136): Education \$\$

- Education Stabilization Fund - \$30.75 billion:
 - Elementary/Secondary School Education Relief fund (ESSERF): \$13.2 billion.
 - Governor’s Emergency Education Relief fund (GEER): \$3 billion.
 - Higher Education Emergency Relief fund (HEERF): \$14 billion.
 - Remaining 2% for states with highest incidence, BIE, and outlying areas.



CARES Act: ESSERF

- Grant to SEAs using Title I formula.
 - At least 90% of grant to LEAs (Title I formula).
 - *No dedicated funding for IDEA or other programs.*
- “Allowable uses”:
 - Any uses under ESEA, IDEA, Perkins, etc.
 - Addressing needs of vulnerable students, including SwD.
 - COVID-specific.



CARES Act: Equitable Services

- ESEA, Title I-A, §1117: Private school \$.
 - Based on # of *low-income* children in private schools in LEA attendance area.
- Dept of Education Guidance: CARES Act “ES” \$\$ based on # of *all* private school students.
- Now “Interim Final Rule.”
- Significant loss to public schools!



Next Congressional \$\$ Action

Contexts for more education \$\$:

- Cost of reopening schools.
- Projected loss of 2 million education jobs over next 3 years.
- Declining state/local revenues.
- Push for dedicated program \$\$ (IDEA, ESEA).



Next Action: HEROES Act

- House D bill (H.R. 6800); passed 5/15/20.
- \$100.15 B. State Fiscal Stabilization Fund.
 - K-12: \$58 billion distributed on Title I formula.
 - State to LEA on Title I formula.
 - Same allowable uses as CARES Act.
 - Higher Ed: \$27 billion.
- Clarifies equitable services in CARES Act.



HEROES Act: IDEA

- No dedicated funding.
- State's application: "...assurances that all SwD are afforded...full rights under IDEA, including all rights and services...in IEPs."
- \$\$ to students to attend private schools only if LRE *and* LEA maintains responsibility for FAPE.



Next Action: CCCERA

- Coronavirus Child Care & Education Relief Act - Senate D bill.
 - Negotiation starting point?
- New investments in CARES Act funds:
 - ESSERF: + \$175 billion.
 - GEER: + \$33 billion.
 - HEERF: + 132 billion.



CCCERA: Dedicated Funding

- IDEA:
 - Part B, \$11 billion.
 - Preschool, \$400 million; Part C, \$500 million.
 - Assurance of “full rights” under IDEA & 504.
- Title I - \$12.4 billion.
- McKinney-Vento: \$500 million.
- Perkins CTE: \$1 billion.
- E-Rate: \$4 billion.



CCCERA: Other Provisions

- Equitable Services: Overturns Dept of Education interpretation & requires Dept follow statute (ESEA, Title I, §1117).
- Secretarial discretionary funding eliminated.
 - Under CARES, discretionary microgrants directly to families - \$180 million.



More on Dedicated IDEA Funding

Supporting Children with Disabilities During COVID-19 Act (S. 4100;
Senators Murphy, D-CT, Hassan, D-NH, Van Hollen, D-MD)

- “Emergency” funding for IDEA:
 - Part B: \$11 billion.
 - Preschool: \$400 million.
 - Part C: \$500 million.
 - Personnel Development: \$300 million.
 - Assistive Technology Act: \$55 million.



Keeping Public \$\$ in Public Education: Legislation

- CARES Act
 - Secretary's microgrants.
 - Secretary's interpretation of Equitable Services.
- "Education Freedom Scholarships":
 - \$50 billion/10 years tax credit for donations to SSOs for K-12.
 - In president's FY 2021 budget request.
 - Now recommends for next COVID-19 package.



Keeping Public \$\$ in Public Education: Supreme Court

Espinoza v. MT Dept of Revenue (6/30/20)

- MT S.Ct. invalidated tax credit program based on "no aid" provision.
- U.S. S. Ct. (5-4 decision): MT voucher program must fund private religious schools if it funds secular private schools.
- Opens door for suits across the country.
 - 37 state constitutions have "no aid" provisions.
 - Case already in Maine.



For More Information...

- [*The Impact of COVID-19 on State Funding: State by State Analysis*](#) (Learning Policy Institute).
- [*What will It Cost to Reopen Schools*](#) (AASA and ASBO International).
- [*Analysis of HEROES Act funding and loss of education jobs*](#) (National Education Association).
- [*Reopening Schools During a Time of Triple Crisis: Financial Implications*](#) (American Federation of Teachers).
- [*Hassan & Murphy: ...\\$11 Billion for Students With Disabilities — in the Next COVID-19 Relief Bill.*](#)



Questions?



Sarah Abernathy
Deputy Executive Director,
Committee for Education Funding



Myrna Mandlawitz, M.ED., J.D.
Policy Consultant, MRM Associates

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020

#SELS2020



SELS FY 2021 Appropriations

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020

- No less than \$14 billion for IDEA's Part B Section 611 State Grant Program
- \$684 million to fund IDEA's Part B Section 619 Pre-School Program
- \$975 million for IDEA's Part C Early Intervention Program
- \$254 million for IDEA's Part D Program
- \$70 million to fund the National Center for Special Education Research
- \$32 million for the Jacob K. Javits Gifted and Talented Students Education Act

#SELS2020



SELS Emergency Funding Asks

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020

- Prioritize a one-time \$12.5 billion appropriation of emergency funding targeted to the Individuals with Disabilities Education Act (IDEA)
 - \$11.3 billion for Part B
 - \$500 million for Part C
 - \$400 million for Section 619
 - \$300 million for Part D
- Support emergency funding to States to bolster state budgets and avoid massive cuts to schools

#SELS2020



Full Funding of IDEA

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020

- Support and co-sponsor H.R.1878 and S.866 IDEA Full Funding Act (Part B)
- Support and co-sponsor H.R. 4107, Funding Early Childhood is the Right IDEA outcomes and results

#SELS2020



Keeping Public \$ in Public Ed

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020

- Using public funds for private education is contrary to the best interests of students and their families, the public school system, local communities, and taxpayers.
- Oppose the use of public funds for families to access private education through:
 - private school vouchers
 - tuition tax credits
 - direct tuition payments
 - taxpayer savings accounts
 - any other means

#SELS2020



Questions?

Special
Education
Legislative
Summit **2020**
Virtual | July 13-24, 2020



Kuna Tavalin
Senior Policy and Advocacy Advisor,
Council for Exceptional Children
kunat@cec.sped.org



Dr. Kevin Rubenstein,
Policy Committee Chair,
Council for Administrators of Special Education
KRubenstein@elmhurst205.org

#SELS2020

