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**TO:** Members of the State Board of Education  
**FROM:** Nancy S. Grasmick *Nancy*  
**DATE:** October 27, 2009  
**RE:** Federal Update

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## **PURPOSE**

The purpose of this agenda item is to update the State Board of Education on federal legislation affecting education, child care, libraries and vocational rehabilitation.

## **BACKGROUND**

Congress has not yet passed an appropriations bill for federal fiscal year 2010 which began October 1, 2009. They have passed a Continuing Resolution that will be in effect until October 31 which continues to fund federal programs at the 2009 level. The Continuing Resolution was signed by the President on October 1.

On September 24, US Secretary of Education Arne Duncan gave a speech entitled "ESEA Reauthorization: Why We Can't Wait" which begins to lay out USDE's priorities for the reauthorization of ESEA. USDE is holding Listening and Learning sessions over the next couple months at their Washington, D.C. headquarters where education stakeholders are invited to share their thoughts on reauthorization.

## **EXECUTIVE SUMMARY**

### **NCLB Reauthorization**

This Board has traditionally supplied their position on reauthorization and other federal issues in its Federal Priorities document which is submitted to the Governor's office and included in the Governor's submission to the Maryland Congressional delegation. This usually occurs in December or January.

The speech delivered by Secretary Duncan on September 24 is attached for your reference (see Attachment 1). The themes that seem to be recurring for this Administration include:

- Getting great teachers and principals into underperforming schools
- Restoring the status of educators as professionals and compensating them accordingly
- Using data to drive instruction and teacher evaluation
- A testing and accountability system that accurately and fairly measures student growth and encourages educators to work with all children including the gifted and the struggling
- A broad curriculum that includes the arts, sciences and history
- Increasing learning time

### **Federal Appropriations**

President Obama released his full education budget in May, 2009. The full House passed its federal fiscal year 2010 education budget on July 24th. The Senate Appropriations Committee passed its federal fiscal year 2010 education budget on July 30, but it has not yet been voted on by the full Senate. Federal Fiscal Year 2010 started on October 1, 2009. The FY 2010 budget reflects the priorities of this Administration and is an indicator of some of the things we might expect to see in the reauthorization of the Elementary and Secondary Education Act (ESEA). Action to date on select education programs in the federal FY 2010 budget is shown in Attachment 2.

New programs proposed in the President's budget that Congress does not seem willing to fund at this point in time include:

- Title I Early Childhood grants (\$500 million) which would encourage LEAs to use a portion of their Title I Grants to start or expand Title I preschool programs, and
- The Early Learning Challenge Fund (\$300 million) which was a central component of the President's Zero-to-Five initiative, to provide grants to SEAs for the development of State plans and infrastructure to raise the quality of publicly funded early learning programs.

New programs proposed in the President's budget that will probably be funded include:

- The High School Graduation Initiative which will probably be funded at the requested amount of \$50 million to provide assistance to LEAs to test and implement strategies for increasing the graduation rate, particularly in those high schools (and their feeder schools) with unacceptably low graduation rates.
- Teach for America which will probably be funded for \$15 - \$20 million to expand efforts by Teach for America, Inc. to recruit, select, train, and support outstanding recent college graduates who commit to serve as teachers for at least 2 years in high-need schools and districts in low-income urban and rural communities.
- Promise Neighborhoods which will probably be funded at the requested amount of \$10 million to provide competitive, 1-year planning grants to non-profit, community-based organizations to support the development of plans for comprehensive neighborhood

programs, modeled after the Harlem Children's Zone. The concept behind the initiative is that providing both effective schools and strong systems of support to children and youth in poverty including meeting their health, social services, and educational needs, will offer them the best hope for a better life. Grantees that develop promising plans and partnerships would be eligible to receive implementation grants the following year.

The status of programs slated for elimination in the President's budget is as follows:

- Even Start (\$66 million): The House restored, but the Senate Committee eliminated.
- Safe and Drug-Free Schools (\$295 million): Both the House and Senate Committee eliminated.

Additions proposed by Congress:

- The Senate Committee has included \$700 million for school renovation in its version of the FY 2010 budget.

A more comprehensive analysis of the federal budget will be provided to the Board after the budget is finalized.

### **ACTION**

For information only, no action required at this time.

Attachments



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**Reauthorization of ESEA: Why We Can't Wait**

Secretary Arne Duncan's Remarks at the Monthly Stakeholders Meeting

**FOR RELEASE:**

September 24, 2009

Speaker sometimes deviates from text.

**MORE RESOURCES****Press release**

Good morning and thank you so much for coming today.

As you know, this is the first of a series of public conversations our department is holding here in DC on reauthorization of the Elementary and Secondary Education Act.

This is the next phase of our Listening and Learning tour that has taken me to about 30 states and scores of schools. I have spoken with students, parents and educators all across America.

I heard their voices—their expectations, hopes and dreams for themselves and their kids. They were candid about their fears and frustrations. They did not always understand why some schools struggle while others thrive. They understood profoundly that great teaching and school leadership is the key to a great education for their kids.

Whether it's in rural Alaska or inner-city Detroit, everyone everywhere shares a common belief that education is America's economic salvation.

They see education as the one true path out of poverty—the great equalizer that overcomes differences in background, culture and privilege. It's the only way to secure our common future in a competitive global economy.

Everyone wants the best for their children and they are willing to take greater responsibility. Nobody questions our purpose.

But when it comes to defining the federal role in an education system that has evolved over a century-and-a-half—from isolated one-room schoolhouses to urban mega districts—there's a lot of confusion, uncertainty, and division.

People want support from Washington but not interference. They want accountability but not oversight. They want national leadership but not at the expense of local control.

As a former superintendent, I can tell you that I rarely looked forward to calls from Washington.

And now that I'm here I'm even more convinced that the best solutions begin with parents and teachers working together in the home and the classroom.

Our role in Washington is to support reform by encouraging high standards, bold approaches to helping struggling schools, closing the achievement gap, strengthening the field of education, reducing the dropout rate and boosting college access. All of this must lead to more students completing college.

ESEA dates back to 1965 and it has undergone a lot of changes over the years, though none as dramatic as the 2002 version known as No Child Left Behind.

Few laws have generated more debate. Few subjects divide educators so intensely.

Many teachers complain bitterly about NCLB's emphasis on testing. Principals hate being labeled as failures. Superintendents say it wasn't adequately funded.

And many parents just view it as a toxic brand that isn't helping children learn.

Some people accuse NCLB of over-reaching while others say that it doesn't go far enough in holding people accountable for results.

I will always give NCLB credit for exposing achievement gaps, and for requiring that we measure our efforts to improve education by looking at outcomes, rather than inputs.

NCLB helped expand the standards and accountability movement. Today, we expect districts, principals and teachers to take responsibility for the academic performance of their schools and students. We can never let up on holding everyone accountable for student success. That is what we are all striving for.

Until states develop better assessments—which we will support and fund through Race to the Top—we must rely on standardized tests to monitor progress—but this is an important area for reform and an important conversation to have.

I also agree with some NCLB critics: it unfairly labeled many schools as failures even when they were making real progress—it places too much emphasis on absolute test scores rather than student growth—and it is overly prescriptive in some ways while it is too blunt an instrument of reform in others.

But the biggest problem with NCLB is that it doesn't encourage high learning standards. In fact, it inadvertently encourages states to lower them. The net effect is that we are lying to children and parents by telling kids they are succeeding when, in fact, they are not.

We have to tell the truth, and we have to raise the bar. Our failure to do that is one reason our schools produce millions of young people who aren't completing college. They are simply not ready for college-level work when they leave high school.

Low standards also contribute to the nation's staggeringly high dropout rate. When kids aren't challenged they are bored—and when they are bored they quit. Students everywhere echo what 9th grader Teton Maggie told me on a reservation in Montana—adults simply don't expect enough of him and his peers.

In my view, we should be tight on the goals—with clear standards set by states that truly prepare young people for college and careers—but we should be loose on the means for meeting those goals.

We must be flexible and accommodating as states and districts—working with parents, non-profits and other external partners—develop educational solutions. We should be open to new ideas, encourage innovation, and build on what we know works.

We don't believe that local educators need a prescription for success. But they do need a common definition of success—focused on student achievement, high school graduation and success and attainment in college.

We need to agree on what's important and how to measure it or we will continue to have the same old adult arguments—while ignoring children.

So there's a lot about NCLB and American education, more broadly, that needs to change.

Over the coming months the administration will be developing its proposal for reauthorization. Before we do, however, we want to hear from you. We want your input.

Many of you represent key stakeholders. Many of you have expertise. And I know that you all have opinions. Now's the time to voice them.

You also share our commitment to children and to ensuring that when they grow up they are able to compete in the global economy of the future.

As I've travelled, there's a real and growing concern I've heard from parents that their children will be worse off than they are. The only way to address their concern is by improving education. We must educate our way to a better economy.

A few statistics tell the story:

- 27% of America's young people drop out of high school. That means 1.2 million teenagers are leaving our schools for the streets.
- Recent international tests in math and science show our students trail their peers in other countries. For 15-year-olds in math, the United States ranks 31st.
- 17-year olds today are performing at the exact same levels in math and reading as they were in the early 1970's on the NAEP test.
- And just 40% of young people earn a two-year or four-year college degree.
- The US now ranks 10th in the world in the rate of college completion for 25- to 34-year-olds. A generation ago, we were first in the world but we're falling behind. The global achievement gap is growing.

We don't need another study. We must stop simply admiring the problem. We need action.

The president has challenged us to boost our college completion rate to 60% by the end of the next decade.

We want to be first in the world again and to get there we cannot waste a minute. Every year counts. Every class counts. Every child counts.

And so the work of reauthorizing ESEA begins in states and districts across America—among educators and policy makers, parents and community leaders. This work is as urgent as it is important.

Our task is to unite education stakeholders behind a national school reform movement that reaches into every town and city—and we need your help to do it.

In the coming weeks, two people who are developing our proposal will convene these conversations—Assistant Secretary for Planning, Evaluation and Policy Development Carmel Martin—and Assistant Secretary for Elementary and Secondary Education Thelma Melendez. I will attend as often as possible as will other members of our team.

To begin to frame the conversation, I want to take you back to two years before the original ESEA was passed in 1965.

I want to take you back to 1963—to a jail cell in Birmingham, Alabama where a courageous young Black preacher fighting to end segregation was illegally confined for three days after being arrested for leading non-violent protests in the city.

He had nothing to pass the time except for local newspapers—one of which ran an open letter from several White clergymen urging patience and faith and encouraging Blacks to take their fight for integration out of the streets and into the courts.

That preacher wrote a response to those White clergymen in the margins of that newspaper. It was Martin Luther King's Letter from Birmingham Jail—one of the most powerful and moving pieces of writing I have ever read.

It ran almost 7000 words and eloquently made the case for non-violent civil disobedience—precisely because state and local governments continued to drag their feet in integrating schools and communities and the judicial path would take too long.

This was nine years after the Supreme Court ruled that segregated schools violated the constitution, but most minorities were still isolated in their own classrooms. Many still are today and we must work together to change that.

The Birmingham letter explained why Blacks could not wait for judges across America to hear their cases and issues their rulings.

Blacks had been waiting for centuries and—with Dr. King's leadership—they would wait no longer.

Even many of King's allies in the civil rights movement—like Roy Wilkins of the NAACP and Thurgood Marshall who would later serve on the Supreme Court—were urging the legal route—in part to avoid confrontations for fear that they would lead to violence—as they eventually did in Birmingham.

King had to convince them as well, that they could not wait. As he told them, justice too long delayed is justice

denied. Opportunity too long delayed is opportunity denied. Quality education too long delayed is education denied.

Now I mention this because we are now in our fifth decade of ESEA—nearly half a century of education reform and direct federal involvement in this state and local issue.

We've had five decades of reforms, countless studies, watershed reports like A Nation At Risk, and repeated affirmations and commitments from the body politic to finally make education a national priority.

And yet we are still waiting for the day when every child in America has a high quality education that prepares him or her for the future.

We're still waiting to get a critical mass of great teachers and principals into underperforming schools located in underserved communities, where our failure to educate has in fact perpetuated cycles of poverty and social failure.

We're still waiting for a testing and accountability system that accurately and fairly measures student growth and uses data to drive instruction and teacher evaluation.

We're still waiting for America to replace an agrarian 19th century school calendar with an information age calendar that increases learning time on a par with other countries.

We're still waiting and we cannot wait any longer.

Despite some measurable progress in narrowing achievement gaps, boosting college enrollment and developing innovative learning models, we are still waiting for the day when we can take success to scale in poor as well as wealthy communities—in rural, urban and suburban communities.

For too many of our children—the promise of an excellent education has never materialized. We remain complacent about education reform—distracted by tired arguments and divided by the politics of the moment.

We can't let that happen. In this new century and in this global economy, it is not only unacceptable to delay and defer needed reforms—it's self-destructive. We can't allow so much as one more day to go by without advancing our education agenda.

Our shared goals are clear: higher quality schools; improved student achievement; more students going to college; closing the achievement gap; and more opportunities for children to learn and succeed.

We need to bring a greater sense of urgency to this task—built around our collective understanding that there is no more important work in society than educating children and nothing should stand in our way—not adult dysfunction, not politics, and not fear of change. We must have the courage to do the right thing.

And to those who say that we can't do this right now—we need more time to prepare and study the problem—or the timing and the politics isn't right—I say that our kids can't wait and our future won't wait.

When the ministers in Birmingham told King his protests were untimely King responded: "I have yet to engage in a direct action campaign that was 'well-timed.'"

This is our responsibility and our opportunity and we can't let it slip away. We have to get this done and we have to get it right.

The President has talked a lot about responsibility. He's challenged parents and students to step up and do more. He's challenged teachers and principals to step up and do more.

He's called on business and community leaders and elected officials at every level of government to step up and do more.

Education is everyone's responsibility—and you who represent millions of people across this country with a direct stake in the outcome of reauthorization—have a responsibility as well—to step up and do more.

It's not enough to define the problem. We've had that for 50 years. We need to find solutions—based on the very best evidence and the very best ideas.

So today I am calling on all of you to join with us to build a transformative education law that offers every child the education they want and need—a law that recognizes and reinforces the proper role of the federal government to support and drive reform at the state and local level.

Let's build a law that respects the honored, noble status of educators—who should be valued as skilled professionals rather than mere practitioners and compensated accordingly.

Let us end the culture of blame, self-interest and disrespect that has demeaned the field of education. Instead, let's encourage, recognize, and reward excellence in teaching and be honest with each other when it is absent.

Let us build a law that demands real accountability tied to growth and gain both in the individual classroom and in the entire school—rather than utopian goals—a law that encourages educators to work with children at every level, the gifted and the struggling—and not just the tiny percent near the middle who can be lifted over mediocre bar of proficiency with minimal effort. That's not education. That's game-playing tied to bad tests with the wrong goals.

Let us build a law that discourages a narrowing of curriculum and promotes a well-rounded education that draws children into sciences and history, languages and the arts in order to build a society distinguished by both intellectual and economic prowess. Our children must be allowed to develop their unique skills, interests, and talents. Let's give them that opportunity.

Let us build a law that brings equity and opportunity to those who are economically disadvantaged, or challenged by disabilities or background—a law that finally responds to King's inspiring call for equality and justice from the Birmingham jail and the steps of the Lincoln Memorial.

Let us build an education law that is worthy of a great nation—a law that our children and their children will point to as a decisive moment in America's history—a law that inspires a new generation of young people to go into teaching—and inspires all America to shoulder responsibility for building a new foundation of growth and possibility.

I ask all of us here today—and in school buildings and communities across America—to roll up our sleeves and work together and get beyond differences of party, politics and philosophy.

Let us finally and fully devote ourselves to meeting the promises embedded in our founding documents—of equality, opportunity, liberty—and above all—the pursuit of happiness.

More than any other issue, education is the civil rights issue of our generation and it can't wait—because tomorrow won't wait—the world won't wait—and our children won't wait.

Thank you.

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DEPARTMENT OF EDUCATION FISCAL YEAR 2010 BUDGET  
SELECT PROGRAMS  
CONGRESSIONAL ACTION

Attachment II

(In thousands of Dollars)	2009	2010	2010	2010
Program	Appropriation	President's Budget	House	Senate Committee
<b>OFFICE OF ELEMENTARY AND SECONDARY EDUCATION (OESE)</b>				
<i>Education for the Disadvantaged</i>				
Title I-A Grants	14,492,401	12,992,401	14,492,401	13,792,401
School Improvement State grants (Title I, 1003g)	545,633	1,515,633	545,633	545,633
Title I Early Childhood grants (ESEA I-E section 1502)	0	500,000	0	0
Early Learning Challenge fund (ESEA V-D, subpart 1)	0	300,000	0	0
Early Reading First (ESEA I-B-2)	112,549	162,549	127,549	0
Striving Readers (ESEA I-E, section 1502)	35,371	370,371	146,000	262,920
Reading First State grants (ESEA 1-B-1)	0	0	0	0
Even Start (ESEA 1-B-3)	66,454	0	66,454	0
School renovation	0	0	0	700,000
High School graduation initiative (ESEA I-H)	0	50,000	50,000	50,000
<i>School Improvement Programs</i>				
Improving teacher quality State grants (IIA)	2,947,749	2,947,749	2,947,749	2,947,749
Mathematics and science partnerships (IIB)	178,978	178,978	183,978	178,978
Educational technology State grants (ESEA II-D-1 and 2)	269,872	100,000	100,000	100,000
21st century community learning centers (ESEA IV-B)	1,131,166	1,131,166	1,181,166	1,131,166
Javits gifted and talented education (ESEA V-D, subpart 6)	7,463	0	7,463	7,463
<b>OFFICE OF INNOVATION AND IMPROVEMENT</b>				
Teacher Incentive fund grants (ESEA V-D-1)	97,270	487,270	445,864	300,000
Teach for America (HEA II-F)	0	15,000	15,000	20,000
Charter schools grants (Part B-1)	216,031	268,031	256,031	256,031
Advanced placement (ESEA I-G)	43,540	43,540	43,540	43,540
Arts in education (ESEA V-D subpart 15)	38,166	38,166	40,166	40,000
Promise Neighborhoods (ESEA V-D, subpart I)	0	10,000	10,000	10,000

DEPARTMENT OF EDUCATION FISCAL YEAR 2010 BUDGET  
SELECT PROGRAMS  
CONGRESSIONAL ACTION

Attachment II

(In thousands of Dollars)	2009	2010	2010	2010
Program	Appropriation	President's Budget	House	Senate Committee
<b>OFFICE OF ENGLISH LANGUAGE ACQUISITION</b>				
<i>English language Acquisition (ESEA III, Part A)</i>	730,000	730,000	760,000	750,000
<b>OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES (OSERS)</b>				
<i>Special Education</i>				
(a) Grants to States (IDEA-B-611)	11,505,211	11,505,211	11,505,211	11,505,211
(b) Preschool grants (IDEA-B-619)	374,099	374,099	374,099	374,099
(c) Grants for infants and families (IDEA-C)	439,427	439,427	439,427	439,427
<i>Rehabilitation Services and Disability Research</i>				
Vocational rehabilitation State grants:				
Grants to States (RA Title I-A, sections 110 and 111)	2,938,522	3,047,247	3,047,247	3,047,247
<b>OFFICE OF VOCATIONAL AND ADULT EDUCATION (OVAE)</b>				
Career and Technical education (Carl D. Perkins (CTEA):				
Tech prep education State Grants (Title II)	102,923	102,923	102,923	102,923
<b>OFFICE OF POSTSECONDARY EDUCATION</b>				
<i>Higher Education</i>				
Teachers for a competitive tomorrow (America COMPETES ACT VI, Subtitle A, Part I):				
(a) Baccalaureate STEM and foreign language teacher training (Sec. 6113)	1,092	1,092	0	1,092
(b) Masters STEM and foreign language teacher training (Sec. 6114)	1,092	1,092	0	1,092
<b>INSTITUTE OF EDUCATION SCIENCES</b>				
Statewide data system (ETAA section 208)	65,000	65,000	65,000	65,000