Call to Action

While ESEA continues to be the focus of AASA’s advocacy efforts this summer, we are doing a special call-to-action this month for superintendent-championed legislation regarding IDEA’s maintenance of effort requirements. For years, superintendents, school business officials, special education directors and others, have lamented the rigidity of the maintenance of provisions in IDEA. The recession and its subsequent impact on school district finances brought to light the critical need for more flexibility in the federal statute.

In July, AASA successfully lobbied to have legislation introduced that would amend IDEA to grant districts additional exceptions to reduce the maintenance of effort requirements as long as the provision of special education services to students was not compromised. Rep. Walberg (R) of Michigan introduced the legislation, the Building on Local District (BOLD) Flexibility in IDEA Act (HR 2965) and we need YOUR help to attract additional co-sponsors in the House and companion legislation in the Senate.

What flexibilities are provided to districts under the BOLD Flexibility in IDEA Act?

Districts can reduce MoE if they can demonstrate that (1) they are increasing the efficiency of their special education programs and there is no impact on the provision of special education services to students or (2) the reduction in expenditures is related to
employment-related benefits provided to special education personnel (such as pay, retirement contributions, health insurance, etc) as long as the reduction does not result in a reduction in special education services to students.

Districts can also apply to the State for a waiver to reduce MoE if they are facing a serious financial crisis, but only if the districts provide evidence they are still providing FAPE to students.

Here are 5 Reasons Why This Bill Is Helpful to You:

Reason #1: District leaders have an obligation to leverage local education funding in a manner that best serves the maximum number of students. IDEA must provide districts with the flexibility to ensure they are not wrongly penalized for changes in their special education funding levels that in no way impact the provision of special education to students with disabilities.

Reason #2: Districts should be encouraged to “do more with less” and re-negotiate contracts with vendors, repurpose equipment, change staffing schedules, and find other budgetary efficiencies that do not compromise student services without jeopardizing the federal maintenance of effort requirements. School system leaders have a responsibility to provide academic services to their students as well as a fiduciary responsibility to allocate resources economically to the taxpayers in district. These flexibilities bring these two responsibilities into balance.

Reason #3: States that have enacted reforms that have changed the requirements for districts regarding their contributions to employee pensions or health care should be allowed to reduce IDEA MoE since these budgetary changes do not impact the provision of services to students.

Reason #4: When state and federal IDEA funding levels decline dramatically or a major economic crisis affects a community’s overall resources, districts must be allowed to apply for a waiver to the state to reduce IDEA MoE on an individualized, annual basis. Title I of ESEA enables districts to apply for a waiver when these unfortunate circumstances arise, and IDEA should be aligned to Title I to provide districts with the same flexibility.
Reason #5: Special education students are general education students first. Savings that districts realize in their local special education expenditures should be reallocated to the general education budget, so administrators can dedicate these resources in a manner that best serves all of their students. Artificially maintaining special education funding levels because of an inflexible federal requirement does not allow districts to efficiently allocate limited resources to serve the maximum number of students.

Please take a moment to reach out to your Congressional Delegation and ask them to support this important bill. Feel free to include our one-pager, which is available here.

USED Releases Guidance on Title I "Supplement not Supplant"

USED released guidance on the ‘supplement not supplant’ portion of the Title I formula in ESEA. ‘Supplement not supplant’ is a long-standing provision in Title I requiring that education funding from the federal government be in addition to—not in place of—funding that would otherwise be available from state and local funds. Center for American Progress and American Enterprise Institute released a pretty good primer on supplement/supplant in 2012. How the Supplement-Not-Supplant Requirements Can Work Against the Policy Goals of Title I reviews the origins of the provision and shares examples of how the rule impacts Title I program implementation. Current statute can substantially limit how LEAs may spend their Title I funds and the ways that Title I funding can support at-risk students. Compliance with supplement/supplant comes with administrative burden. While LEAs can operate school-wide Title I programs, the field continues to have some confusion about what can and cannot be done with Title I funds as it relates to running a school-wide program and being compliant with the supplement/supplant provision. The latest guidance seeks to clarify the confusion.

The guidance is a clarification for current law, though in our read it also aligns with proposed changes to ESEA. In a nutshell, the guidance highlights a compliance test that can be used in running a school wide program. Current law measures compliance with a cost-by-cost basis, meaning LEAs have to demonstrate that each cost is aligned with an activity they would not have administered with state or local funds. This test doesn’t fit in a school-wide model, and the guidance clarifies the compliance tests that can/should be used in that instance. For someone managing dollars (like a school system leader) this emphasis on the use of school-wide programs is more flexibility. For someone who is a program coordinator (Think: Title I program coordinator) this could be an increased burden. No longer looking at specific costs or services within Title I, this clarification gives more room to innovate; it makes it easier to try something new, and to step away from the status quo. Pages 4-6 offer good examples of
misconceptions about running school-wide programs, and pages 9-10 offer concrete examples of ways to calculate supplement/supplant in a school wide system.