



Federal Update for South Carolina School Boards Association

December 7, 2018

Priorities for the 116th Congress

Individuals with Disabilities Education Act – Working with the South Carolina School Boards Association, NSBA plans to seize the opportunity of this new Congress to promote the reauthorization of the Individuals with Disabilities Education Act (IDEA). This law has not been reviewed for comprehensive updates since 2004 and will be a top priority for NSBA’s federal advocacy and legal teams to educate members of Congress and their staff about the need for reauthorization and [full funding](#) of the federal share of investments in IDEA. NSBA will advocate through congressional briefings and subsequent bipartisan legislation for this priority to not only examine areas of difficulty school districts have experienced; but, to highlight success stories about the benefits of special education to student achievement and inclusion. Widely agreed that IDEA needs to be re-focused on serving students in a collaborative atmosphere that allows flexibility for educators with the focus on improved student outcomes, areas NSBA seeks to address include early intervention and response to intervention (RTI) programming; greater collaboration between parents and schools in developing appropriate individual education plans (IEPs); alternative dispute resolution (ADR); unilateral placement; and, maintenance of effort.

For South Carolina, approximately 103,552 students (ages 3-21) are educated through IDEA, according to the U.S. Department of Education.¹

Title II Teacher Quality – Next year, the House and Senate education committees will focus on reauthorizing the Higher Education Act (HEA) as an immediate priority. Earlier this year, Ranking Member Bobby Scott of the Education and the Workforce Committee and others introduced the [Aim Higher Act](#) as an alternative to earlier legislation considered (the PROSPER Act). The Aim Higher Act would maintain the Public Service Loan Forgiveness program and critical teacher preparation programs (Title II), both of which are important tools for teacher recruitment and retention. NSBA has long advocated for these programs and will continue to do so in the 116th Congress.

While the Senate Committee on Health, Education, Labor and Pensions (HELP) has not introduced a specific bill for HEA reauthorization, we expect legislation soon. Moreover, with HEA reauthorization impacting school districts’ efforts for effective teachers and school leaders, this legislation will be a priority area for Senator Tim Scott of South Carolina, who is a member of the HELP Committee.

School Infrastructure – It is expected that the Education and Labor Committee will heighten efforts to complete legislation for school infrastructure repairs and modernization under the [Rebuild America’s](#)

¹ Source: U.S. Department of Education, ED*Facts* Data Warehouse (EDW): “IDEA Part B Child Count and Educational Environments Collection,” 2016-17. Data extracted as of July 12, 2017.

[Schools Act](#). This legislation was introduced in 2017 to invest \$100 billion in school infrastructure – specifically focused on improving access to high-speed broadband and school construction projects in underserved areas. Representative Joe Wilson of South Carolina is a member of the Education and the Workforce Committee and will be engaged in these discussions next year.

NSBA [supports](#) efforts to improve public school facilities and digital infrastructure for students. However, NSBA has expressed concerns that the Davis-Bacon requirement in the legislation would affect local school board governance over contracts and capital improvement projects, and has urged an exemption of this provision.

The next chairman of the Committee on Ways and Means will be leading Tax Reform 2.0 that is expected to contrast widely from last December’s Tax Cuts and Jobs Act. Reinstating advance refunding for municipal bonds in the federal tax code is a priority NSBA will continue to advocate before the Ways and Means and Senate Finance Committees, as advance refunding (or refinancing) of tax-exempt bonds has saved school districts millions of dollars in financing infrastructure investments and related operations. This measure could also be a part of the national infrastructure debate in the Senate Finance Committee that will be under new leadership, given the retirement of Chairman Orrin Hatch of Utah. From 2012-2017, school districts in South Carolina utilized more than 57 advance refunding measures that have resulted in lower finance costs for infrastructure and operations.

Congressman Tom Rice is a member of the Ways and Means Committee; and, Senator Tim Scott is a Senate Finance Committee member.

Net Neutrality – The next chairman of the House Energy and Commerce Committee has [announced](#) proceedings to reinstate the Federal Communications Commission’s 2015 Order on Net Neutrality that established requirements for Internet providers designed to support equal treatment of all web traffic. Earlier this year, NSBA advocated for the Senate’s bipartisan passage of S.J. Res. 52 to reverse the FCC’s decision and restore net neutrality, as shifting greater responsibility for policing broadband providers’ practices to school districts and other broadband customers will hamper, rather than expand, schools’ access to affordable and reliable high capacity broadband. Representative Jeff Duncan of South Carolina is a member of the Energy and Commerce Committee.

In addition to net neutrality, upcoming Energy and Commerce Committee priorities for national infrastructure include expanding broadband capacity. Also, with rural broadband deployment as a priority of the Senate Commerce Committee, there is opportunity for bipartisan consensus around digital infrastructure investments in rural education to close the digital divide.

FY2020-21 Federal Budget and Appropriations – The Senate Budget Committee will likely continue its push to adopt biennial budgeting, as [budget reform](#) has been explored in this Congress to address contentious areas such as sequestration (or across-the-board budget cuts) and the functionality of the budget and appropriations process. Senator Lindsey Graham is a member of the Senate Budget Committee.

Raising the overall budget caps is a central focus for both House and Senate Budget Committees next year, as more than \$120 billion in across-the-board cuts could occur in Fiscal Year 2020. Because of the terms of the 2011 Budget Control Act, budget cuts to education, social services for students/families and other programs could occur absent any actions to preempt another round of sequestration.

Perkins Career and Technical Education – As the recently enacted *Strengthening Career and Technical Education for the 21st Century Act* is implemented, leaders of the House and Senate education committees are continuing to target support for efforts to close the workforce skills gap that has attributed to more than six million unfilled jobs nationwide. Coordinated federal resources among agencies within the U.S. Departments of Education, Labor and Commerce to facilitate more apprenticeships and workforce development resources is a primary focus.

To address college- and career-readiness for students, the CTE reauthorization purposes alignment with the Every Student Succeeds Act (ESSA) for greater state/local flexibility to establish "high quality" programs and standards commensurate with the Workforce Innovation and Opportunity Act (WIOA) and the Indian Self-Determination and Education Assistance Act for coordinated programming and reporting.

The new law also requires disaggregated data reporting for student subgroups to help inform programmatic improvements for closing achievement gaps, similar to ESSA, and requires local grant recipients to conduct a comprehensive needs assessment with stakeholders every two years. For school districts, grant applications must address several areas including plans to acclimate students to CTE/career exploration in earlier "middle grades," effective academic and career counseling services, targeted services for at-risk students, and career readiness for students pursuing employment opportunities in non-traditional fields.

2020 Census – The upcoming Census is historic as this will be the first Census conducted primarily online. While this process may be more user-friendly for many participants, ensuring full participation for an accurate count will require targeted support, especially for rural areas. The U.S. Census Bureau is encouraging school districts and other units of government to establish and support [Complete Count Committees](#) to educate communities and promote the census through locally based outreach efforts.

Census data helps inform the allocation and distribution formulas for Title I grants for disadvantaged students, special education, career and technical education and many more federal education programs. In fact, the Census helps Congress determine how more than \$47 billion in funding is allocated for education and other programs supporting children, such as Medicaid and SNAP (Supplemental Nutrition Assistance Program).

The Census Bureau has state-specific education curricula available ([South Carolina](#)). Another data point that is useful in supporting CTE implementation and student apprenticeship opportunities is that South Carolina has approximately [105,959](#) business establishments, according to the Census Bureau.

FY2019 Appropriations Estimates for South Carolina *(as of November 19, 2018)*

Title I Grants - \$ 245.6 million

Special Education (IDEA) - \$186.8 million²

Impact Aid - \$1.45 million

Title II Supporting Effective Instruction State Grants - \$28.2 million

State Assessments - \$6.1 million

Title III English Language Acquisition - \$4.5 million

Title IV Student Support and Academic Enrichment State Grants- \$17.6 million

Career and Technical Education State Grants - \$21.4 million

NSBA is pleased to support the South Carolina School Boards Association in its federal advocacy efforts. Stay engaged for more updates as we prepare for the 116th Congress and the NSBA [Advocacy Institute](#) on January 27-29, 2019.

² For Special Education-Grants to States, 2018 allocations assume enactment of the Administration's proposed appropriations language that authorizes the U.S. Department of Education to calculate a State's allocation without regard to a reduction in funding in a prior year resulting from a failure to meet the maintenance of effort State financial support requirements in section 612 of the IDEA.