# States Counterplan

## File Notes

The states counterplan is the “Avenging Angel of Death” on this year’s resolution. – Calum Matheson

The states counterplan can solve almost every topical affirmative and therefore is the best generic CP. The states CP has leagues of solvency advocates but often lacks a unified solvency advocate for all 50 states and relative territories. This is because; individual states or small clumps of states are generally the one’s legislating and implementing education policy. The literature base is so heavily states favored that in almost every 1AC you can cut a states counterplan advocate from the affirmative’s evidence.

Due to the historical precedent of states and education, the first question you should ask yourself before beginning research on a new AFF is whether it has a good fed key warrant.

The states counterplan is simple to grasp, but if you have any questions about the file you can email me at: calvinabdallah@gmail.com

## NEG – CPs Alphabetical

### General

#### Any modifications to accountability systems fall exclusively under the state’s authority

Bae et al, April 16, (Linda Darling-Hammond, Soung Bae, Channa M. Cook-Harvey, Livia Lam, Charmaine Mercer, Anne Podolsky, and Elizabeth Leisy Stosich, Palo Alto: Learning Policy Institute, 2016. "Pathways to New Accountability Through the Every Student Succeeds Act," <https://learningpolicyinstitute.org/sites/default/files/product-files/Pathways_New-Accountability_Through_Every_Student_Succeeds_Act_04202016.pdf>) CAA

LEARNING POLICY INSTITUTE | PATHWAYS TO NEW ACCOUNTABILITY THROUGH THE EVERY STUDENT SUCCEEDS ACT 4 An ideal accountability system should highlight and measure both the things that matter most for student success and those that provide the most useful data and incentives for school improvement. Thus, states should thoughtfully consider how each element of their accountability system creates incentives and opportunities to move school practices forward in ways that better ensure that all students are successful in their learning and their lives beyond school. Part of this process is identifying what kinds of conditions and practices have been found to lead to better outcomes for students. Those that have greater influence on student success should have special consideration as potential indicators. Furthermore, measures of learning should seek to capture the aspects of student performance that have greatest traction for later success—including those that evaluate higher-order thinking and performance capacities. Transparency is a critical component of any accountability system, as data drawn from wellchosen indicators provides public access to information while enabling more intelligent problem solving. Data dashboards using multiple measures can track information about inputs, processes, and outcomes to inform a diagnosis of what is and what is not working in schools and for which students. The data can be supplemented by school quality reviews that provide a qualitative look at school functioning. Such reviews can occur on a periodic basis for all schools or more frequently for schools in need of improvement to guide them in planning and developing new strategies. Our aim in this paper is to illuminate potential approaches to developing more balanced systems of support and accountability focused on educating young people so they can become productive, engaged citizens armed with the knowledge, skills, and dispositions to participate fully in our society. We examine how these approaches can take advantage of the new flexibility under ESSA, beginning with an overview of the law’s requirements and allowances for indicators, school identification, and evidence-based interventions. We then look more closely at the range of indicators that might be considered as evidence of learning, opportunities to learn, and student engagement. Next we discuss how these indicators could be used within a continuous improvement system and how they might be combined to identify schools for intervention and support. We close our paper with a discussion of research supporting evidence-based interventions that may be worth considering in a new accountability system. LEARNING POLICY INSTITUTE | PATHWAYS TO NEW ACCOUNTABILITY THROUGH THE EVERY STUDENT SUCCEEDS ACT 5 What Does ESSA Require and Allow? The concept of student learning under ESSA is much broader than it was under NCLB. States are required to implement assessments that measure “higher-order thinking skills and understanding.” The law explicitly allows the use of “portfolios, projects, or extended performance tasks” as well as adaptive assessments. In addition, states must use multiple measures of student and school performance in an accountability system they design. The act allows states wide latitude in selecting measures beyond the test scores and graduation rates that are required, limiting the authority of the Department of Education to influence decisions about indicators and how they are used. The law states that the Secretary of Education may not prescribe the indicators that states must use, the weight of measures or indicators, or the specific methodology used to differentiate or identify schools using these indicators. Thus, states have the opportunity to consider which indicators could best leverage improvements in teaching and learning.

#### The states should be the ones to work together to create standards for the curriculum

Bush, 3-6-2015, (Jeb Bush governor of Florida from 1999 to 2007 "Let states take the lead in education," <https://www.washingtonpost.com/opinions/let-states-take-the-lead-in-transforming-schools/2015/03/06/0c5ecbb8-c132-11e4-9ec2-b418f57a4a99_story.html?utm_term=.91c8a859006a>) CAA

Given all the challenges facing education reform, we need to remember who really should make the decisions about what happens in our schools: state and local authorities and, most important, parents. This tends to get lost in a lot of education policy debates, whether on school choice, accountability, teacher pay or standards. That’s why it is so important to finally tackle the reauthorization of the Elementary and Secondary Education Act (ESEA), the critical piece of legislation that sets out the role of the federal government in school funding and policy. The act has not been improved and reauthorized since it expired in 2007. Instead, the Obama administration has issued a patchwork of waivers and side deals, given out by fiat and without consistency. No wonder parents and state and local leaders question Washington’s motives when it comes to our schools. The federal government’s role in elementary and secondary education should be limited: It should work to create transparency so that parents can see how their local schools measure up; it should support policies that have a proven record; and it should make sure states can’t ignore students who need extra help. That’s it. The reauthorization process can define and clarify this role. Where the federal government maintains the power of the purse — as it does with Title I programs aimed at supporting students from disadvantaged backgrounds — Congress should direct it to let states use that funding in a flexible manner to meet the goal of the programs. For example, states should have the right to decide whether Title I funding should be used to create education savings accounts that parents can use to send their kids to the schools that best meet their needs. In short, the federal role should be subservient to the role of states. We are long overdue in setting the lines of authority so clearly. State efforts to raise standards have been muddied by the Obama administration. Federal funding has become a whipping stick to be used on local district leaders who are unwilling to go along with every program dreamed up in Washington. Fundamentally, the needed transformation of our education system will never be achieved by Washington. The best reform ideas begin at the state and local level. That’s where reform will succeed. In 1991, Minnesota led the way on creating charter schools. Massachusetts passed a reform bill on standards, accountability and choice in 1993 and became the nation’s top academic achiever. When I was governor, Florida began grading schools on an A-to-F scale in 1999 and offered dramatic school-choice options to parents. Now, 16 states grade their schools, 19 have choice programs and all but eight have charter school laws. These successes all have two things in common. The initiatives placed the needs of students first, and the federal government had nothing to do with them. That said, the federal government has a role in creating transparency to ensure that failure is unacceptable. Before the last reauthorization of ESEA in 2001, known as No Child Left Behind (NCLB), most states had no accountability system. They plowed billions of taxpayer dollars into education bureaucracies, often getting nothing in return. NCLB changed that by creating a common yardstick. Now, all states participate in the National Assessment of Educational Progress, a series of high-quality tests known as the Nation’s Report Card. The results give us an apples-to-apples comparison among states. Annual testing and reporting also force states to confront their failures, especially the substandard education often offered to disadvantaged children. NCLB is far from perfect. It doesn’t give states the flexibility they need, and the system can be gamed. But those flaws can be fixed in the reauthorization process. Most critically, we can use the reauthorization process to keep states and local districts in control of making vital decisions about standards, curriculum and academic content. States should also actively protect the privacy of student data; some states, such as Oklahoma, have already found the right solutions to that problem. Such control can work. We’ve seen more than 40 states voluntarily work together to create the Common Core standards for language arts and math. I support such rigorous, state-driven academic standards. Some states would rather set their own standards, and that’s appropriate, provided they are high standards. But no matter what, no state should be forced to adopt standards mandated by the federal government. These kinds of solutions don’t surprise me, because states have always been more effective at addressing policy challenges in our schools. The reauthorization effort being led by Sen. Lamar Alexander (R-Tenn.) and Rep. John Kline (R-Minn.) is making important progress in Congress. The key to success is this: If we are to move forward on education reform, the states and local authorities must be allowed to lead. And for that to happen, it should be made clear in law that the federal government should always be in the back seat.

**The ESSA results in federal overreach—the counterplan solves**

**Ryland and Burke 17** Anne Ryland and Lindsey Burke (Institute for Family, Community, and Opportunity at The Heritage Foundation). “School Rules: Lessons from the ESSA Regulatory Process.” Backgrounder. February 1st, 2017. <http://www.heritage.org/sites/default/files/2017-02/BG3189.pdf>

Although ESSA made some important changes in NCLB, such as eliminating the AYP and HQT mandates, it did not accomplish the important policy priorities of allowing states to make funding for Title I (which represents the bulk of spending under ESEA) portable, following low-income children to schools of choice; allowing states to **opt out of ESSA through the A-PLUS** provision; or recouping resources from programs and spending that have accumulated over the decades. Instead of accomplishing conservative policy priorities, ESSA maintained significant federal intervention in local school policy for years to come. Subsequent regulations have added to concerns that ESSA fails to limit federal intervention in education effectively. The Department of Education has granted itself wide latitude in interpreting the law so that the **regulations magnify ESSA’s failure to restore state and local control**, adding significant prescription concerning states’ obligations under the new law. A Heavy-Handed Rulemaking Process Of the rules that have been finalized, those concerning accountability under ESSA have been the most controversial. Based on feedback, the Department of Education made several changes in the proposed rules, but it did not substantially correct the prescriptive and overreaching nature of these regulations. These rules broadly address three topics: n Establishing requirements for new statewide accountability systems; n Establishing requirements for state, local education agency (LEA), and school report cards; and n Establishing requirements for the consolidated state plans.9 Examination of these regulations suggests that the new accountability and reporting requirements, although less punitive than NCLB’s, fail to reduce the regulatory burden on states and, in some respects, increase the burden. The regulations: n Require that each school be assigned a single summative performance rating based on a complicated set of indicators, n Dictate methods for intervention in struggling schools, and n Place new demands on schools in the form of increased data collection and reporting. In terms of state flexibility and autonomy, states are ostensibly given the freedom to build and report on a system of accountability that they design. Yet the regulations restrict state input to a single factor of negligible importance, ignoring statutory language and intent. Statewide Accountability Systems. ESSA requires each state to develop a single statewide accountability system that is based on its academic standards and assessments and is designed to improve student academic achievement and school success.10 According to the statute, the statewide accountability system must include:11 n Long-term goals and measurements of interim progress, n Four distinct accountability indicators, n Annual meaningful differentiation of schools, n Identification of schools for comprehensive and targeted support, n Improvement plans using evidence-based interventions, and n A process for ensuring the development and implementation of the above plans. A closer look at the four distinct accountability indicators and the annual meaningful differentiation of schools demonstrates the limited amount of latitude that states have in directing these systems. These sections also begin to illustrate the burden of data collection and reporting that is required in order to comply. Accountability Indicators. ESSA requires that each state must develop an accountability system built around the four key accountability indicators of school success: Academic achievement measured by proficiency on annual assessments; n An indicator related to student progress (for high schools, the graduation rate, and for elementary and middle schools, a measure of student academic growth); n Progress in English Language Learner proficiency; and n An indicator of choice (state-selected) which denotes school quality or student success. The statutory suggestions for this last stateselected indicator include (among others) student–teacher engagement, access to/completion of advanced coursework, postsecondary readiness, and school climate and safety. ESSA states at the end of its description of the new accountability system that “Nothing in this Act shall be construed to authorize or permit the Secretary…[to] add new criteria that are inconsistent with or outside the scope of this part; or be in excess of statutory authority granted to the Secretary.”12 However, the final regulations add a requirement for the chosen indicator to be shown by research to affect student learning: [The state-selected indicator must be] supported by research that high performance or improvement on such measures is likely to increase students’ learning (e.g., grade point average, credit accumulation, or performance in advanced coursework), or—for measures at the high school level—graduation rates, postsecondary enrollment, postsecondary persistence or completion, or career readiness.13 While this addition may seem innocuous, the requirement for research-supported indicators restricts state input considerably. Research often relies heavily on quantifiable data, such as students’ test scores, to draw inferences about student learning. This regulatory addition to the language of the statute threatens the little freedom and customization that ESSA gives the states and could promote a continued emphasis on uniform state assessments. Annual Meaningful Differentiation of School Performance and Identification of Schools. Regulatory overreach is also at issue with regard to ESSA’s requirement for annual meaningful differentiation of school performance. ESSA states: Nothing in this Act shall be construed to authorize or permit the Secretary—as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8401, to—prescribe—the weight of any measure or indicator used to identify or meaningfully differentiate schools [or] the specific methodology used by States to meaningfully differentiate or identify schools.14 Despite the statutory prohibition, the Department of Education’s rules require states to assign to each school a single summative rating based on the school’s performance on the four indicators. The proposed regulations further contravene ESSA’s methodology prohibition by prescribing that the summative rating and each of the indicators must be broken into three possible performance levels. Schools must be ranked on one of these three levels for the indicators and the summative rating, an overreach that continues “to be one of the most controversial elements of the regulations.”15 In order to interpret performance on indicators, states are instructed to establish a weighting system of their choosing. The statute specifies that “substantial weight” must be given to academic achievement, graduation/growth rates, and progress in English Language Learner proficiency and that these indicators, in the aggregate, must be afforded “much greater weight” than the stateselected indicator.16 However, the regulations go on to make abundantly clear that the state-selected indicator is more symbolic than substantial. As Michael J. Petrilli of the Thomas B. Fordham Institute expresses it, “the regulations set an arbitrary standard for the ‘other indicators of student success or school quality’—and then make sure those indicators won’t matter anyway.”17 To ensure that the balance of weighting is appropriate, the regulations require schools to show that performance on the state-selected indicator does not change the identity of schools that otherwise would have been flagged for comprehensive or targeted support and improvement—unless schools can also show that students are making demonstrable progress on an indicator that is given substantial weight. In other words, if a school were to receive a low rating based on performance on academic achievement, graduation rates, and English Language Learner proficiency, that school’s high performance on the state-selected indicator would not be enough to pull it out of underperformance status and change the fact that it had been flagged. The specificity and prescription of the regulations continue with the identification of underperforming schools. Although the statutory language gives some discretion to states with respect to how they define, identify, and support consistently underperforming schools and subgroups, the regulations offer specific timelines and complicated definitions that dictate how states must identify schools. Consolidated State Plans. ESSA states that: [T]he Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.18 Replacing the AYP requirements, the state plan is a comprehensive articulation of the plans and goals that each state must submit periodically for review by the Department of Education in order to receive federal funding. The statute makes clear that the state plan must include descriptions of standards and testing, the statewide accountability system, and the methods in place for supporting local education agencies in their work, but it leaves the minutiae of what must be reported to the states’ discretion. By contrast, the regulations released by the Department of Education dive into the specifics of things like “performance management” systems and “root cause” analyses. A performance management system includes a formal record of the state’s plan and the actionable processes of oversight for the plan. Each state is required to detail its system of performance management (including strategies, timelines, process of assisting LEAs, monitoring implementation of state and local plans, improving implementation of plans, and plans to provide technical assistance if necessary) for each required reporting element.19 Since there are approximately 40 categories that state agencies must record and report, both the Missouri Department of Elementary and Secondary Education and the Washington State Superintendent of Public Instruction calculated that this regulatory requirement of performance management systems for each reported element will result in “240 separate descriptions of their performance management systems, as well as additional performance information required under Sections 299.17(e) and 299.19(b). None of these descriptions are required under the statute.”20 Root cause analyses are supposed to use subgroup data to determine precisely why disad-vantaged students may consistently be receiving instruction from less experienced or less effective teachers if there is evidence of a discrepancy in teacher quality.21 While the goal of effective teachers for all students is appropriate, the specific regulatory demand for analyzing the distribution of teachers is not the way to achieve it. Not only is the reporting complex, but it also assumes that teachers with more experience or more certifications are automatically better teachers. ESSA’s statutory language already places new demands on states in terms of reporting on teacher quality and on how teachers are distributed across schools and districts. However, the regulations go further and require disaggregated data in multiple comparisons (statewide, within districts, between districts, within schools) if there is evidence that disadvantaged children have less access to experienced educators.22 While it is unclear whether these analyses will produce helpful insights for states, it is abundantly clear that the requirement will produce more burdensome and distracting paperwork for teachers and administrators. A better way to achieve effective teaching would be for states to remove state certification requirements, which have been shown to have little if any impact23 on teaching effectiveness, and allow alternative routes into the classroom. On the whole, the regulations governing the submission of consolidated state plans do little to clarify or simplify the complex structure of accountability and reporting that is demanded under ESSA’s statutory requirements. Rather, they introduce new requirements that extend far beyond the bounds of what is “absolutely necessary” for consideration of the consolidated state plan or consolidated state application. What Needs to Be Done Although Department of Education officials claim that ESSA and its attendant regulations are more flexible than NCLB, primarily due to a shift away from a counterproductive system of Adequate Yearly Progress mandates and Highly Qualified Teacher provisions, **ESSA maintains a bloated federal system that works against state educational autonomy both by prescribing what denotes quality education and accountability and by encumbering districts and local school leaders with copious reporting requirements**. In order to provide flexibility for states and districts under ESSA, Congress and the incoming Administration should: n Use the Congressional Review Act to rescind the accountability regulations under ESSA that were finalized on November 28, 2016, and n Advance legislative reforms in the near term, such as the A-PLUS Act, **to enable states to exit ESSA entirely.** Provided the Trump Administration halts or reverses the regulatory policymaking of President Obama’s Department of Education, school districts and states could receive some relief from this particular set of regulations. However, these regulations only add to existing concerns about ESSA’s inability to restore state and local control of education. The Department of Education assumed wide latitude in interpreting the law in a way that magnifies ESSA’s failure to limit federal intervention, adding significant prescription concerning states’ obligations under the new law. ESSA itself does not do enough to empower parents, teachers, and local districts and limit federal programs and spending. Its complexity continues to distract states and local school leaders from the real work of educating children based on local preferences and parental input.

#### It is ultimately up to the states to determine how to implement CCSS and challenge the standards as well as testing in the common core

Ulrich Boser and Catherine Brown, 2016, 1-14-2016, ("States' Commitment to Standards-Based Reform May Affect NAEP Scores for Low-Income Students, New CAP Analysis of NAEP Data Reveals," School Planning & Management, <https://webspm.com/articles/2016/01/14/standards-based-reform.aspx?admgarea=pr>) CAA

Washington, D.C.— A new report from the Center for American Progress finds that a state’s commitment to standards-based reform may have an impact on the performance of low-income students on the National Assessment of Educational Progress, or NAEP. The most recent round of NAEP data, which was released in October 2015, showed a massive gap between the states with the highest-performing low-income students and the states with the lowest. For instance, low-income students in Massachusetts scored 17 points higher in eighth-grade math than low-income students in Mississippi. “The initial release of the most recent NAEP scores stirred much controversy about the impact of standards-based reform and the Common Core State Standards on student outcomes,” said Ulrich Boser, Senior Fellow at CAP. “A closer look at the data, however, shows that low-income students in states that embraced standards-based reform posted better gains on the NAEP math and reading assessments than states that turned away from such reforms.” “One of the most important aspects of standards-based reforms such as the Common Core is that such standards raise expectations for all students,” said Catherine Brown, Vice President of Education Policy at CAP. “Improving testing practices and building instructional capacity are two ways that states can help their districts, schools, and teachers implement the Common Core standards and therefore raise the bar for student achievement.” CAP analyzed the NAEP data and used a regression analysis to examine the performance of low-income students on NAEP over time in relation to a state’s standards-based reform efforts, measuring the impacts of policy improvements on NAEP outcomes two years after the actual policy change was adopted in order to take into account time for the policies to be implemented. The report’s authors found that many states that have not fully embraced standards-based reform have shown low-income students falling behind on NAEP, while states that have thoughtfully pushed standards-based reform have shown clear gains for low-income students. From 2003 to 2015, states such as Kansas, Iowa, Idaho, Montana, and the Dakotas—all of which have been historically averse to standards-based reform—showed some of the lowest rates of growth in NAEP scores for low-income students. The analysis also showed that states and districts that have embraced standards-based reform and thoughtfully implemented it—such as the District of Columbia, Tennessee, Massachusetts, and Florida—posted some of the largest gains on NAEP for low-income students since 2003. CAP’s analysis also revealed that implementing standards-based reform significantly improved learning outcomes for low-income students in fourth-grade math and eighth-grade reading, with states typically seeing a jump in outcomes due to standards-based reform from 2003 to 2013. Finally, the authors noted that some states—such as Oklahoma and South Carolina—posted poor NAEP results but are nevertheless among those states looking to leave the Common Core. This push to abandon the Common Core is despite the fact that those two states generally have low levels of achievement, and their students are scoring below the national average in almost every tested subject area and grade level. The authors conclude that given these findings, states should remain dedicated to standards-based reform, such as the Common Core and its associated assessments, that raise expectations for all students. The authors note that improving testing practices and building instructional capacity for standards-based reform will help support educators to rise to the challenge of the Common Core.

**Afterschool STEM**

#### The states should take charge of stem education

The Atlantic interviewing Dr. Bertram, 10-17-2013, (Dr. Vince Bertram is the president and CEO of Project Lead the Way, a national nonprofit organization dedicated to STEM curriculum and teacher training. "The Innovators Who Are Transforming U.S. Education," <http://www.theatlantic.com/sponsored/chevron-stem/innovators-who-are-transforming-us-education/31/>) CAA

The new global economy demands a robust workforce, flush with technical know-how. Unfortunately, education in the United States of America has been failing to meet this need. According to the U.S. Department of Education, American students rank 17th in science and 25th in mathematics among industrialized nations. Despite encouraging signs that lucrative STEM jobs will be greater in number and more accessible than ever in the near future, a national Microsoft survey concluded that only 49 percent of American parents of K–12 students believe STEM education is being treated like a top educational priority. To combat this underachievement, organizational and individual entrepreneurs are changing this status quo with ideas that are shifting the way our country educates its children in the fields of science, technology, engineering and mathematics. Consider Vince Bertram, who was a high school principal who understood the state of STEM education in American classrooms and decided to do something about it. In 2001 and 2002, Bertram implemented the Project Lead The Way program in his Lafayette, Indiana high school. “What we were really focused on was that we had a high percentage of our kids dropping out of school [because] students didn’t have the skills and knowledge to be successful after high school,” Bertram said. “When Project Lead The Way was implemented, we just saw a transformation of our school.” Now, Bertram serves as the organization’s President and CEO. Project Lead The Way prepares American students to participate in the global economy by providing middle and high schools across the country with rigorous STEM education curriculums. PLTW’s curriculums are created jointly by teachers, university educators, engineering professionals and school administrators. This ensures that students have access to the equipment, methodology and hands-on experiences that prepare them for continued learning. “It fundamentally changes the classroom,” Bertram shares. “It’s not a teacher and a lecture as a disseminator of information; rather, it’s the teacher as a coach, a facilitator encouraging students.” It’s working. In more than 4,700 schools in all 50 states and the District of Columbia, Project Lead The Way is helping students perform better, preparing them for both college and careers, and narrowing the achievement gap. By training both students and teachers, PLTW helps ensure there is a strong pipeline of STEM-educated students waiting to fill the jobs of the future by focusing on the teaching of real-world skills that are necessary for any occupation. “What we really teach are problem solving, critical thinking, leadership and collaboration skills,” Bertram explains. “Those are the skills that we want students to acquire, so that they can apply those skills across any discipline, any career they choose.” In much the same way, Linda Kekelis of Techbridge is bringing much-needed STEM education to a subset of the American student body – girls. “We saw that there were so many opportunities for kids in our area,” explained Kekelis. “But knew that most of our students wouldn’t be finding their ways to those opportunities – not because they couldn’t, or they weren’t smart enough, but [because] they didn’t have opportunities or expectations or didn’t know about options like that.” While women consist of 48 percent of workers in all occupations, they only represent 23 percent of STEM workers in the United States. Dr. Kekelis, an expert in gender equity and teacher training, has helped Techbridge to provide 4,000 girls in grades 5-12 with after-school and summer programs, as well as the support networks to maintain their interest in pursuing science and math as a career path. What began as a single program at the Chabot Space & Science Center in Oakland, CA in 1999 is now a citywide movement, based in mentorship, to get young girls interested in pursuing science and mathematics for the rest of their lives. “We heard from our students that they wanted to make the world a better place, and they didn’t see how technology or engineering was compatible with that,” Kekelis said. “We started to introduce our girls to role models who could showcase career options in STEM.” Much like her colleague in Oakland, Dr. Cordelia Ontiveros, Associate Dean of the College of Engineering at California State Polytechnic University, Pomona, has spent her career bringing STEM education to underrepresented students. “We’ve been very successful working with our local schools and our local teachers to encourage additional numbers of Hispanic students to pursue a degree in engineering,” Ontiveros shares, adding that the number of female Hispanic freshmen at Pomona has doubled in the last two years. Dr. Ontiveros also engages with the next generation of engineering students through comprehensive outreach, including to schools that have implemented Project Lead The Way curriculums. About 100 of the 3,000 teachers trained to teach Project Lead The Way programs come from Pomona every year. Having worked with some of the largest engineering firms in the world, Dr. Ontiveros knows full well the value of a diversified engineering pipeline – and why enhancing the pipeline now will produce tangible benefits well into the future. “There are a lot of possibilities out there for [students], Ontiveros said. “Science, technology, engineering and math are all pathways where they can help improve the world around us, make an impact on the economy, and have a very rewarding career and a very rewarding life.” These innovators show the growth potential for American education, and ensure that American students have every door open to them as they prepare to fill the jobs that will move the country forward.

#### States can implement STEM education – Chicago, California, and New York are examples

Department of Education, 2015, (Twenty-two STEM and education professionals. " STEM 2026: A Vision for Innovation in STEM Education," <https://innovation.ed.gov/files/2016/09/AIR-STEM2026_Report_2016.pdf>) CAA

Another way to think of flexible and inclusive learning spaces in STEM 2026 is to reimagine where schools themselves are located. In the imaginings of one contributor to this project, the physical boundaries of teaching and learning among youth, educators, and experts in the field are blurred. Schools are better connected with workplace settings. Teaching and learning experiences and learning settings are enhanced as students, teachers, and workplace employees exchange knowledge and ideas in a variety of educational settings. CTE programs already are employing this type of approach. Many CTE programs apply hands-on and lab-based teaching and learning approaches that are designed to provide students with experiences that introduce them to the actual work and practice of STEM in a variety of occupations and job positions. For example, an IndustryWeek article offers a few examples of CTE programs that appear to be providing beneficial STEM learning experiences for students: [At] Linked Learning schools in California, at the MET schools in Rhode Island, and at Tech Valley High outside Albany, high school students complete internships in real workplaces, exploring fields as diverse as baking, engineering and biotechnology. Students have the opportunity to check out more than one profession so they can see how adults use their education in the workplace. This helps students stay motivated to earn a degree and introduces them to the behaviors and practices specific to the working world. (Nash-Hoff, 2013, para. 3) Some jurisdictions are building on the CTE model to create STEM pathways that are in direct alignment with in-demand STEM jobs and provide students with hands-on opportunities to explore STEM careers in these growing markets and be prepared to enter them. The Illinois Pathways initiative is one example of a state effort to build local-level public-private education partnerships organized around several industry-specific STEM Learning Exchanges, each of which comprises a network of education partners, businesses, industry associations, labor organizations, and other organizations. Programs of study vary, ranging from Energy to Agriculture, Food, and Natural Resources; Architecture and Construction; Manufacturing; and many others. Students in pathways courses are provided access to work-based learning experiences in the STEM Learning Exchange industry in which they are participating, including activities that develop career awareness, career exploration, career preparation, and on-the-job learning experiences and training. The time is ripe for rethinking the space of the classroom, including where and with whom STEM learning occurs, the role of work-based learning experiences in offering alternate spaces that can deepen understanding and content-knowledge in STEM, and how rapidly evolving technology can be leveraged to connect and empower students, educators, businesses, and communities in flexible and inclusive learning spaces. Innovative approaches to identifying and creating a wide array of learning settings can create new opportunities for engaging diverse learners in STEM teaching and learning environments that promote interest and cultivate STEM talent.

**Bilingual Education**

#### States funding ELL programs leads to equity, innovation, transparency, and predictability.

Millard, 2015, (Maria Millard is a policy analyst for the Education Commission of the States. " ELL Funding Trends in State Laws: State funding mechanisms for English language learners," http://www.ecs.org/clearinghouse/01/16/94/11694.pdf) CAA

Research is clear that English language learners (ELLs) perform better academically and achieve greater language proficiency when they have high-quality English language instruction.1 Like all supplemental services, these necessary supports require additional funding above the average per-student amount. The federal government provides grant funding to states through Part A of Title III to help ELLs with language acquisition and meeting content standards. While Title III dollars offer some support, a 2012 survey found that Title III officials and district administrators believe the funds are helpful but insufficient for ELL services. To address such shortages, 46 states allocate additional state funding dedicated to supporting ELLs. The mechanisms through which ELL funds are allocated can be confusing at best. Without a comprehensive understanding of school finance, it is difficult for policymakers to determine what changes are needed to better support their ELL students. Familiarity with ELL funding allows policymakers to evaluate their own funding models against those from other states, make adjustments and use their state funds to further drive innovation. This brief provides a clear and detailed description of the three ways in which states finance ELLs. Tables at the end of the document shows each state’s ELL funding mechanism. ELL funding mechanisms 46 states provide some additional funding for ELLs in three primary ways:  Formula Funding: 34 states fund ELL programs through their state’s primary funding formula. Of the states that use student weights in their formula, weights range from 9.6 percent (Kentucky) to 99 percent (Maryland) per ELL student.  Categorical Funding: Nine states fund ELL programs through a line in the budget that exists outside of the state’s primary funding formula.  Reimbursements: Three states reimburse districts upon submission of the costs of educating ELL students. Formula Funding Thirty-four states allocate money for ELLs through their state’s primary funding formula. Accounting for ELL students through adjustments in their formula provides equity, transparency and predictability to school districts. ELLs are accounted for in funding formulas three primary ways: weights, dollar amounts and teacher allocations.  Weights are applied evenly across a state’s school districts and are designed to provide fair levels of funding for all students. This model accounts for ELLs by multiplying a base funding amount per student (an amount deemed sufficient to educate a general education student to meet state standards) by an additional weighting factor. Weight factors vary depending on the perceived level of the student’s educational needs.2 Some states adjust their ELL weights based on student language proficiency levels or on the density of ELL students within a district. Weights for ELL students range from 9.6 percent (Kentucky) to 99 percent (Maryland).  Dollar amounts are used to account for ELL students in the formula by setting a single amount per ELL. Although this strategy may appear to be a categorical expenditure (explained in the next section), these dollar amounts are part of the formula, not separate.  Teacher allocations account for ELLs in their state’s primary funding formula through staffing costs. For example, Tennessee’s formula provides districts with funding for an additional teaching position for every 30 ELLs and an additional interpreter position for every 300 ELL students. Considerations Formula funding is a popular mechanism because funds tend to be more insulated from budgetary cuts. Formula funding is considered:  Predictable  Reliable  Transparent  Equitable  Simple Formula funding does not, however, always guarantee that the additional funds will be spent on ELLs. Most formulas do not contain mandates on how funds are spent. State formulas simply allocate funds to districts, and districts decide how ELL funds are used. State Example California’s Local Control Funding Formula is a new and simplified funding formula that weights ELLs rather than relying on categorical funding (explained in the next section). It is drawing national attention for being transparent and straightforward, and for empowering local districts to choose how to best spend their resources.3 Categorical Funding Nine states allocate funds for ELLs through categorical programs, which are provided outside of the state’s primary funding formula and allot money for specific programs through line items in the budget. State distribution of categorical funds is like the distribution of gift cards. For example, a district will get a designated allocation from the state that can only be spent on ELLs. Considerations States have been moving away from categorical funding in recent years. A 2008 analysis found that ELL funding was one of the most common categorical programs. Since then, 29 states have decreased their use of categorical funding generally, and ELLs are no longer one of the most common targets for categorical funds.4 States still using categorical funding for ELLs tend to do so because it guarantees that state funds earmarked for ELLs are being used accordingly. While categorical funding for ELLs ensures that districts spend money to support student language acquisition, opponents argue the funding is too narrowly directed and thereby limits district and school flexibility. Critics argue that decisions on how to most appropriately use funds are more easily determined at the local level.5 A challenge faced by districts is that the amount of funding received depends on ever-changing state budgets, thereby creating uncertainty. Categorical funding is considered:  Less transparent  More unstable and unpredictable  More complicated  Rule oriented  More paperwork State Example The Colorado Department of Education determines the amount of money for each district based on number of ELLs and the amount of state appropriations.

#### Seven States currently have major efforts promoting bilingual education in public schools, others are looking to follow

Farmer, (Liz Farmer has a Bachelor of journalism from UT Austin, 11-9-2016, "Bilingual Education Will Make a Comeback in California," <http://www.governing.com/topics/education/gov-california-bilingual-education-state-ballot-measure.html>) CAA

Nearly two decades after voters made California one of the most restrictive states for bilingual education in public schools, residents on Tuesday reversed that decision. In California -- which has the nation's highest rate of students who speak a non-English language at home -- fewer than 5 percent of public schools now offer multilingual programs. But by approving Proposition 58, school districts can now offer regular dual-language programs. In 1998, voters approved Prop. 227, a law passed amid anti-immigrant fervor that said students whose first language isn't English can only take one year of intensive English instruction before transitioning to English-only classes. Parents who wanted bilingual classes for their kids beyond that had to sign a waiver each year. Prop. 58 essentially repeals the waiver system but keeps intact the part of the law requiring proficiency in English. It cruised to victory Tuesday night by a nearly three-to-one margin. Critics of the waiver system said it creates a lot of inconsistency between school districts. For example, the San Diego Unified School District has dozens of dual-language programs in elementary schools, while Fresno Unified offers just a few even though its share of English learners is higher. Bilingual education, particularly for primary school children, has become increasingly popular among native English speakers over the past decade, said Santiago Wood, executive director of the National Association for Bilingual Education, which supported Prop. 58. That's primarily because studies have shown that a multilingual brain is nimbler and better able to deal with ambiguities and resolve conflicts. Some research shows multilingual people are even able to resist Alzheimer’s disease and other forms of dementia longer. California was one of four states -- the others are Arizona, Massachusetts and New Hampshire -- with laws constraining the use of bilingual education programs, according to the U.S. Department of Education. Meanwhile, seven states -- Delaware, Georgia, New Mexico, North Carolina, Rhode Island, Utah and Washington -- have launched major efforts to promote bilingual education in public schools in recent years. Utah, for example, started a program in 2008 that offered instruction half in English and half in either Chinese, French or Spanish. It started with kindergarten, and the intention was to add one grade to the program each year. Two years later, the program expanded beyond elementary schools, and by 2014, more than 25,000 students were enrolled in dual-language programs at 118 schools. Callifornia's proposal immediately impacts about 1.4 million students in public schools who are English learners. But given the increasing popularity for English-speaking students to enroll in dual-language immersion programs, the total number of students could be much higher. Prop. 58 was supported by the state's education establishment, major business groups and many of the state’s top politicians, including Gov. Jerry Brown. One of the most active campaigners against Prop. 58 was Ron Unz, a Silicon Valley entrepreneur who was a leading force behind the 1998 law. In numerous op-eds on the issue, Unz has said that the old system of sheltering non-English-speaking children in their own classes led to halted education development and frustrated parents. In fact, in 1996, a group of Latino immigrant parents in Los Angeles protested against their local elementary schools for ignoring their requests to teach their kids in only English. But supporters of Prop. 58 argued that the new proposal wouldn’t doom California back to the days when non-English-speaking students were languishing in Spanish-only classes. Instead, they point to scores of research that shows that bilingual education -- when executed effectively -- has benefits for all students because it stimulates the learning center of the brain. “For anyone today to not want to not recognize this as a fact of life and as a 21st Century pathway, it would be an act of folly,” said Wood. “Why not let your child be part of the larger world?”

#### Mobilizing within a local context allows for a more inclusive learning environment through ELL

Knight et al. February 2017, (David S. Knight, Elena Izquierdo, and David E. DeMatthews, Center for Education Research and Policy Studies. " IMPLEMENTATION, COST, AND FUNDING OF BILINGUAL EDUCATION IN TEXAS: LESSONS FOR LOCAL AND STATE POLICYMAKERS," http://www.utep.edu/education/cerps/\_Files/docs/briefs/cerps\_policybrief2\_bilingual\_education.pdf) CAA

# 12,747 districts analyzed

Summary and Policy Implications The studies described here offer policy implications for both local practitioners and state legislators. Part 1 provides important lessons for educators implementing dual language education models. One study of district-level administrative leadership demonstrates how superintendents can improve implementation of bilingual education by mobilizing key stakeholders within their local context. Another study showed how school leaders can use bilingual education models to support more inclusive learning environments. In Part 2, we report the findings from a study of the cost of implementing dual language programs. We found that the cost of dual language education ranges from $896 to $1,568 per student across schools, 18 Center for Education Research and Policy Studies representing an increase in costs of between 10% to 16%. Much of these costs resulted from start-up expenses that diminish after the first five to seven years of implementation. These findings suggest the need for state legislators to provide additional funding for districts that plan on implementing dual language education models or for those with high proportions of ELL students. Alternatively, state departments of education could provide special funding for implementation of bilingual education models. Part 3 reports the results of a study showing that districts in Texas with high proportions of ELL students receive less funding than otherwise similar low-ELL districts. For districts with similar proportions of students in poverty, enrollment size, and urbanicy, those with more ELL students receive slightly more state funding, but far less local funding than low-ELL districts. High-ELL districts in Texas choose higher local tax rates, on average, compared to otherwise similar low-ELL districts. This finding largely counters the myth that immigrant families or families of ELL students are less willing to support higher taxes for local school funding. Lower property values and insufficient state funding prevented high-ELL districts from receiving an equitable level of funding. Great Recession state funding cuts also disproportionately impacted high-ELL districts in Texas. At the same time, high-ELL districts passed fewer bonds, perhaps because the state does not equalize funding for bond repayments to the same extent as taxes for basic maintenance and operations. These findings suggest that increasing base funding for ELLs though weights or other mechanisms is necessary, but may not be sufficient for providing equitable learning opportunities. States need to protect the highest-need districts from fiscal crises in order to maintain stable learning environments. Moreover, as demonstrated by analyses of the Texas school finance system, equalizing only one part of the tax base (the M&O taxes), without 19 Center for Education Research and Policy Studies providing additional subsidies for bond repayments, will not necessarily close fiscal disparities between high- and low-ELL districts

**Broadband**

#### The states should implement broadband instead

Sunny Deye, 2-10-2017, (National Conference of State Legislatures, "Broadband Access for Education," <http://www.ncsl.org/research/education/expanding-broadband-access-for-education.aspx>) CAA

Current Internet connections in schools and libraries are becoming increasingly inadequate to support individualized technology-based learning for all students. While nearly all of the country’s schools and libraries are connected to the Internet at a basic level, educational use of computers, tablets, mobile devices and other online applications have increased the demand for higher-performance broadband connectivity. The federal E-rate program, launched in 1997, has provided a basic level of broadband connectivity to America’s schools and libraries, and the Federal Communications Commission is currently in the process of reforming and expanding the program. Since learning often takes place beyond these institutions, access to higher-performance broadband connectivity at home and at other non-school locations is also important. Policy Considerations – Broadband for Education State legislatures are acting to ensure that broadband access is thoughtfully deployed to meet both the needs of today’s learners, as well as the increasingly individualized, technology-enhanced learning needs of future generations. Previous efforts by federal and state policymakers have brought some level of Internet connectivity to nearly all the nation’s schools and libraries, but while the speed of the connections in many schools was acceptable for yesterday’s technologies, it is nowhere near adequate for today’s classrooms. The bandwidth required for today’s students to upload interactive media content, participate in online learning opportunities, and develop electronic portfolios of work far exceeds what was required a decade ago. Access to high-speed Internet in schools is particularly important for rural and low-income communities. When Internet connections in schools are too slow, and students don’t have access at home, students miss the benefits of educational technologies altogether. Increasingly, the learning that takes place in and out of a classroom is blurring, so that students are truly learning at any time, any place, and at any pace. States are looking to implement digital upgrades sufficient to move schools, homes, community centers, libraries and museums toward the full potential of Internet capability, so that all students will be able to use digital devices to enhance learning in multiple locations. Policy Questions to Consider What is the vision for learning that technology will be supporting? Bandwidth requirements depend on the role technology plays in supporting teaching, learning and assessment within districts and schools. Before making decisions about technology, schools and districts need to articulate how students will use technology to learn. Does the state have the broadband necessary for students to be able to use their computing devices at school and at home? Legislation, like Arizona’s SB 1488 (2014) and Louisiana’s SB 622 (2014), can appoint working groups to review the technological needs and availability of broadband within the state and make recommendations about standards, goals, strategies, timelines and cost estimates to meet both minimum and optimal standards. What resources are available to fund the transition? One of the most important resources available for the transition to sustainable broadband connectivity in schools is the Schools and Libraries Universal Service Support Program, also known as the E-rate program. The Federal Communications Commission’s E-rate program provides discounts of up to 90 percent to help elementary and secondary schools and eligible libraries connect to the Internet and maintain internal connections. The highest discounts are provided to high-poverty schools and libraries, and rural schools and libraries can also apply for higher discount rates. Is support available to help school districts leverage federal, state and public-private partnership programs that support their broadband needs? States are creating departments, commissions or other government structures to support broadband deployment to schools, homes, community centers, libraries and museums. For example, New Mexico SB 159 (2014) dedicates up to $10 million per year to correct education technology infrastructure deficiencies and tasks the Public School Capital Outlay Council with developing a methodology and standards for correcting the deficiencies. State Policy Approaches State legislatures are enacting policies that emphasize state and district planning, standards, methodology and funding to upgrade broadband and education technology infrastructure. Alabama HB 41 (2016) provides a process through which local school systems may begin installing sufficient, high-quality standards-based broadband WiFi infrastructure and, where possible, mobile digital devices to enable access to digital instructional materials and textbooks in electronic format; establishes the Alabama Ahead Oversight Committee; makes participation by local school systems voluntary. Rhode Island HB 6365 (2015) creates a nine member special legislative task force to undertake a comprehensive study and make recommendations for the implementation of a Broadband Strategic Plan for the State of Rhode Island. Arizona SB 1488 (2014) creates the Joint Committee on Broadband Expansion and Education Technology to review the availability of high-speed Internet access within the state, particularly in rural areas; the technological needs of school districts and charter schools in the state, including infrastructure, Internet connectivity, data security and information technology personnel; federal programs relating to Internet accessibility, including the federal E-rate program, and availability and access to federal monies, especially for rural districts; the development of high-speed Internet access in other states, including model governance structures; and the state’s current contracts for carrier services and telecommunications and the potential to offer incentives to expand Internet access throughout the state. Florida HB 5101 (2014) outlines the details of the state’s $40 million digital classroom allocation, including requiring the Department of Education to develop a five-year strategic plan for implementing technology in classrooms for learning and teaching. The plan will identify minimum technology requirements for hardware, devices, network security and bandwidth capacity and guidelines for the ratio of students to available devices. Louisiana SB 622 (2014) requires the Department of Education to develop and implement a statewide educational technology plan for public elementary and secondary schools. The plan is to include recommended standards for devices, Internet bandwidth, software applications and local network capacity; clear short-term and long-term goals and standards for school technology readiness; a realistic strategy, timeline and cost estimates to meet both minimum and optimal standards; and consideration of the technology needs of high-poverty and rural areas. Maryland HB 1388 (2014) requires the Department of Education to report on existing broadband speeds and connections in all public schools in the state. The bill also requires the department to report on each local school system’s plan to reach a broadband speed of 1 gigabyte per 1,000 students by FY 2020 through public and private efforts, and to offer classroom teachers support and training in the use of education technology tools. New Mexico SB 159 (2014) defines “education technology infrastructure” and dedicates up to $10 million per year from the Public School Capital Outlay Fund in FY 2014 through FY 2019 to correct education technology infrastructure deficiencies. It requires the Public School Capital Outlay Council to develop a methodology and standards for correcting education technology infrastructure deficiencies. Tennessee SB 2519 (2014) requires Local Education Agencies to survey students as to availability of Internet in their homes and to report results to the Department of Education. Georgia HB 283 (2013) establishes a grant program that offers incentives to use digital learning in K-12 classrooms, commits school systems to expand and pay for bandwidth for five years, and requires each school to demonstrate or develop a technology plan for student learning that includes professional development for staff.

#### States are implementing and will continue to implement broadband for education- State Educational Technology Directors Association

Dylan Scott, 5-21-2012, ("K-12 Education's Broadband Internet Needs Continue to Grow," <http://www.governing.com/blogs/view/gov-k-12-educations-broadband-internet-needs-continue-to-grow.html>) CAA

Digital textbooks, streaming video lectures and online class discussions: these are a few examples of how education in the 21st century is moving more to the virtual realm. But with that movement comes the need for faster and more reliable Internet connections for students and teachers, both inside and outside the classroom. According to a new report from the State Educational Technology Directors Association (SETDA), states and school districts have plenty of work left to meet those increasing demands. “It is a simple fact that access to high-speed broadband is now as vital a component of K-12 school infrastructure as electricity, air conditioning, and heating,” the authors wrote to open the report. They recounted several statistics that illustrate the shortcomings of most schools’ current digital capacity: Nearly 80 percent of schools say their current broadband connections are unable to meet their needs; About 67 percent of schools subscribe to Internet service below 25 megabytes-per-second (MBPS), half the speed recommended by SETDA; Residential broadband adoption has leveled at 65 percent since 2009, meaning a sizable portion of students (particularly those from low-income families) do not have access to high-speed Internet at home. These figures manifest in classrooms nationwide on a daily basis, according to SETDA: 78 percent of teachers who said they used online videos as part of their instruction reported disruptions or other problems with streaming. More broadly, as Governing reported in April, an estimated 18 million Americans live in areas that lack broadband access, and low-income families typically have fewer options and, as a result, face higher prices. The United States also ranked 25th in an international survey of download speeds. Reliance on Internet-based learning is likely to only increase in coming years: 56 percent of schools expect to adopt e-textbooks in the next two to three years. An estimated 1.8 million students participate at least part-time in online classes, according to the International Association of K-12 Online Learning. More than 30 states have already implemented some kind of online assessments, and the 45 states that have adopted the Common Core State Standards will be expected to be ready for virtual testing by the 2014-2015 school year. “School has gone from being a noun, a place where you go to learn, to a verb with a focus on learning,” said Holly Sagues, chief policy officer at the Florida Virtual School, during a discussion at the Brookings Institution earlier this month on digital learning. To remedy the broadband deficit and prepare for increasing usage, SETDA issued some connection speed targets and pointed to several state initiatives that demonstrate how states and localities can address the problem. By 2014-2015, the association is pushing for schools to acquire broadband access from an Internet provider of up to 100 MBPS per 1,000 students and teachers. By 2017-2018, the goal would be to increase the broadband width to more than 1,000 MBPS -- or 1 gigabyte-per-second (GBPS). Some policymakers have pursued statewide programs to address their schools’ growing Internet needs. In Utah, school districts and higher education institutions have coordinated with Internet providers to create the Utah Education Network, which will eventually connect all colleges and universities, public schools and public libraries on a statewide network. About 90 percent of the state’s K-12 schools are already linked to the network, and speeds range from 45 MBPS to 1 GBPS, in line with SEDTA’s recommendations. Maine and Nebraska have also established statewide broadband initiatives for educational entities. NetworkMaine is a collaboration between the Maine Department of Education, the Maine State Library, the Maine Office of Information Technology and the University of Maine System. More than 900 schools and libraries have joined the Maine School and Library Network, logging on at speeds between 10 MPBS and 1 GBPS, free of charge. Nebraska school districts (grouped into Educational Service Units or ESU’s) participate in broadband purchasing consortiums, allowing them to negotiate better prices for Internet service while ESU managers oversee the use distribution across the consortium. SETDA also urged state and local policymakers to push for continued federal funding to expand broadband access. The federal E-Rate program awarded nearly $60 million toward that goal between 1998 and 2012. The program also allows some school districts and public libraries to access discounts between 20 and 90 percent for high-speed Internet service. “To compete globally and develop the innovators our country needs to lead the world, all of our students must have access to adequate bandwidth in the classroom,” the report's authors concluded, “in the home, and wherever learning takes place, regardless of their economic status or geography.” View the full SETDA report below. Click here for GOVERNING Data’s interactive county-by-county map of broadband speeds and availability.

#### States actions spur private investment in broadband

Coalition for the New Economy, 1-5-2017, ("States To Consider Ways To Spur Private Broadband Investment," <http://www.coalitionfortheneweconomy.org/blog/2017/01/states-consider-ways-spur-private-broadband-investment/>) CAA

According to Watchdog.Org, in order to stimulate new private investment in broadband infrastructure, several state legislatures this year could consider plans to eliminate the sales tax on the equipment necessary to build and operate Internet networks. As Watchdog editor and reporter Johnny Kampis notes, 23 states already have taken this step. The Peach State is one place where lawmakers could consider eliminating the tax. Georgia Public Policy Foundation President Kelly McCutcheon said this move should be a no-brainer since the state exempts the raw materials used in manufacturing from the sales tax. McCutcheon told Kampis, “[T]he equipment used to build broadband networks should be no different” and noted that “economists agree you shouldn’t apply a sales tax to a business input.” McCutcheon also argued that the fact that Georgia levies a tax on telecom equipment while some of its neighbors do not puts the state “at a disadvantage when larger providers are looking to expand.” To illustrate, Watchdog cited a report from T-Mobile that found “that in a state with the tax … each dollar invested would purchase less than 92 cents of telecom equipment …” Dollars go much further in the 23 states without a tax. According to Kampis, the National Conference of State Legislatures also has recommended eliminating the sales tax on equipment. The NCSL noted that several states should consider reforms because they “have antiquated property tax systems that have not been modernized since the telecommunications industry evolved from a regulated monopoly marketplace.” Tax reforms also are popular in Alabama. According to Kampis, state Sen. Clay Scofield could reintroduce a bill in the state legislature that would exempt broadband telecom facilities from taxation for ten years. The bill also would “exempt materials or equipment used by those facilities from the state’s sales and use tax and offer an income tax credit equal to 10 percent of the investment in broadband network facilities.”

**Bullying**

**State laws define and address the issue of bullying**

**Cornell and Limber, 16** (Dewey G. Cornell, PhD, is a forensic clinical psychologist and Bunker Professor of Education in the Curry School of Education at the University of Virginia. Susan P. Limber, PhD, is a developmental psychologist and Dan Olweus Professor in the Department of Youth, Family, and Community Studies at Clemson University. February, 2016. American Pyschological Association. "Do U.S. laws go far enough to prevent bullying at school?," http://www.apa.org, <http://www.apa.org/monitor/2016/02/ce-corner.aspx>) CAA

Even though nearly all states require the development of school policies on bullying, we know little about their implementation or effectiveness. School policies must conform to legal requirements set forth in state antibullying laws, but should also reflect best practices informed by scientific research. In light of available evidence, we recommend that school policies on bullying include these core elements: **State laws should protect all students from peer victimization**, including harassment and bullying. The concept of bullying should be distinguished from peer aggression and harassment because of research evidence regarding its differential impact and the need for differentiated prevention and intervention measures. Legislative definitions of bullying should encourage schools to use science-based measures and interventions that distinguish bullying from other forms of peer victimization. Students and parents should be educated about bullying and provided with multiple means of seeking help for it. Given the reluctance of many children and youth to report bullying that they experience or witness, it is important that policies include provisions to increase the ease of reporting, such as anonymous reporting procedures. There should be a prompt and thorough investigation of suspected or reported bullying. As noted by the U.S. Department of Education Office for Civil Rights, this should include "immediate intervention strategies for protecting the victim from additional bullying or retaliation... notification to parents of the victim or reported victim of bullying and the alleged perpetrator, and, if appropriate, notification to law enforcement officials. "Bullying should not be categorized as a criminal behavior because it varies so widely in form and severity. In most cases, bullying can be handled appropriately with school disciplinary and counseling measures. However, bullying behaviors that also meet criteria for illegal behavior, such as assault or extortion, should be dealt with as deemed appropriate for the circumstances and severity of the behavior. When bullying behavior constitutes sexual harassment or a violation of civil rights in some other way, school authorities should be responsive to their legal obligations. Schools should not use zero-tolerance policies that assign harsh consequences for violating a school rule, regardless of the context or severity of behavior. Instead, **there should be graduated consequences for bullying that are appropriate to the context and severity of the behavior and characteristics of the student(s**). School policies should direct school staff to assess students who are bullied for possible mental health and academic problems and provide support and referrals for these students and their parents, as needed. **Policies also should direct staff to provide support and referrals for students who engage in bullying**. School policies should include provisions for training all staff to prevent, identify and respond appropriately to bullying. This training would include recognition of the overlap between bullying and illegal behavior. School policies should encourage the adoption of evidence-based strategies to guide prevention and intervention efforts. Schools should be leery of programs or strategies that are based on emotional appeals with no supporting evidence of effectiveness. In conclusion, school policies should reflect best practices informed by scientific research, and so we recommend greater reliance on evidence-based practices and rejection of disciplinary practices that are known to be ineffective. Because bullying behavior is so widespread and so varied in form and severity, reliance on criminal sanctions would be ill advised. A strategy that combines education, school-based interventions and policy reform leading to cultural change would seem most appropriate. We urge policymakers and legislators to affirm that public education is a right for all students and to recognize that bullying is an impediment to that right.

**Charter Schools**

#### Charter schools are controlled, organized, funded, and managed by the states

Thomsen 16, (Jennifer Thomsen from the Education Commission of the States is the trusted source for comprehensive knowledge and unbiased resources on education policy issues ranging from early learning through postsecondary education, January 25, 2016, " 50-State Comparison: Charter School Policies," https://www.ecs.org/charter-school-policies/) CAA

Charter schools are semi-autonomous public schools that operate under a written contract with a state, district or other entity (referred to as an authorizer or sponsor). This contract—or charter—details how the school will be organized and managed, what students will be expected to achieve, and how success will be measured. Many charter schools enjoy freedom from laws and regulations affecting other public schools, as long as they continue to meet the terms of their charters. At the present time, 43 states and the District of Columbia have charter school laws. Charter school laws vary from state to state, and often differ on several important factors, such as who is allowed to authorize charter schools, how authorizers and charter schools are held accountable for student outcomes, and whether the teachers in a charter school have to be certified. Education Commission of the States has researched charter school policies in all states to provide this comprehensive resource, updated in January 2016. Click on the questions below for 50-state comparisons showing how all states approach specific charter school policies. Or, choose to view a specific state’s approach by going to the individual state profiles page. 50-state comparisons Charter school basics Does the state have a charter school law? Does the state allow existing public schools to convert to charter schools? Does the state specify the charter schools or the students that may be given preference? Does the state have any caps on the number of charter schools? Who can authorize charter schools? Does the state specify who may apply to open a charter school? To whom can charter applicants apply? Is there a statewide authorizing body? Is there an appeals process for charter applicants? Does the state provide technical assistance to charter schools? Accountability for schools and authorizers Does the state require charter schools to submit annual reports? Does the state specify grounds for terminating or not renewing a school’s charter? Does the state provide an appeals process in the charter school renewal process? Has the state established standards for quality school authorizing that authorizers must meet? Does the state set a threshold beneath which a school must automatically be closed (where the authorizer must close it)? Does the state require the authorizer to report on the performance of their portfolio of schools? Are there sanctions in place for authorizers? Charter school autonomy Are the state’s standards and assessments applied to charter schools? What rules are waived for charter schools? Charter school finance How is the funding for a charter school determined? Through whom does a charter school receive its funding? Does the state provide start-up and/or planning grants to charter schools? Does the state provide direct facilities funding or other facilities assistance to charter schools? Does the state specify who must provide transportation to charter school students? Charter school teachers Do teachers in a charter school have to be certified? What sets teacher salaries? Does the state require school districts to grant teachers a leave of absence to teach in a charter school? Are charter schools bound by school district collective bargaining agreements? Do teachers in each of a state’s charter schools have equal access to the public school teachers’ retirement system? Cyber or virtual charters Does state law explicitly define or permit cyber/virtual charter schools? Is there additional oversight specific to cyber/virtual charter schools?

#### State laws and legislatures are necessary to ensure charter school quality

Shen, By Yilan Shen, February 2011, ("Charter Schools in the States: Charter School Finance," <http://www.ncsl.org/research/education/charter-schools-in-the-states-charter-school-fina.aspx>) CAA

Charter schools are growing rapidly nationwide. Since the first charter school law passed in Minnesota in 1991, forty states and the District of Columbia have passed laws allowing the publicly funded, privately managed and semi-autonomous schools of choice. Charter schools now educate more than 3 percent of all public school students, and the proportion of students enrolled continues to increase at more than 10 percent a year.1 As with traditional public schools, funding for charter schools varies significantly across states and districts.2 The central question in most debates about charter school funding is the level of funding. Some claim it is unfair that charters receive less funding per pupil than traditional public schools, while others argue that the different nature of charter schools justify lower funding. (Funding for charter school facilities is addressed in a separate NCSL brief.) How Are Charter Schools Funded? Charter schools are funded primarily by public money, similarly to the ways traditional public schools are funded. Public schools are funded by a combination of local and state funding; most local funds are raised through property taxes. This strategy historically has produced significant inequalities in the amount of funds available for school districts. Districts that contained less valuable real estate could not collect as much money through property taxes, even though their tax rates are sometimes significantly higher than wealthier districts. During the past 40 years, school finance reforms have shifted more of the funding burden onto states, which has resulted in funds being more equally distributed among districts.3 Almost every state, however, continues to allow some variation in district revenue based on local property taxes, while allocating state funds to districts based on the number and characteristics of students enrolled.4 The complex mix of state and local funding upon which traditional public schools rely explains some of the complexities in charters school funding. As publicly funded schools, charter schools receive money for the students they enroll. When a student enrolls in a charter school, the money follows him or her from the resident school district. A main difference between charNational Conference of State Legislatures By Yilan Shen and Alexander Berger February 2011 Charter Schools in the States Charter schools are publicly funded, privately managed and semi-autonomous schools of choice. They do not charge tuition. They must hold to the same academic accountability measures as traditional schools. They receive public funding similarly to traditional schools. However, they have more freedom over their budgets, staffing, curricula and other operations. In exchange for this freedom, they must deliver academic results and there must be enough community demand for them to remain open. The number of charter schools has continued to grow since the first charter law was passed in Minnesota in 1991. Some have delivered great academic results, but others have closed because they did not deliver on promised results. Because state laws enable and govern charter schools, state legislatures are important to ensuring their quality. This series provides information about charter schools and state policy topics, including finance, authorization, limits to expansion, teaching, facilities and student achievement. Charter School Finance Charter School Finance 2 National Conference of State Legislatures ter schools and traditional schools is that charters are granted budgetary autonomy in exchange for educational results. Defenders of traditional public schools are concerned that charter schools are taking money away from those schools. Simply having one less student does not proportionally decrease the burden on a district. It likely still needs the same number of teachers, other staff, the same facilities and the same instructional materials. However, losing students to a charter school or another traditional school have the same effects and traditional schools have always had to adjust to enrollment changes. If a student transfers from a traditional public school to a charter school, advocates argue the full amount of money that would have been spent for that student at the traditional public school should move to the charter school. Charter advocates hold that districts receive funds to educate a certain number of students. When that number declines, it makes sense that their funding also should decline. To give districts time to adjust to decreasing funding, some states have adopted “hold harmless” provisions. Allocating additional funds to districts that lose students to charter schools helps them adjust to lower funding levels. Massachusetts, for instance, provides extra funds to a district that loses a student to a charter school for six years, gradually decreasing the funding during that time. Over the six year period after a student moves to a charter school, the district will have received a total of more than twice the state’s annual per-pupil contribution.5 These types of provisions soften the effects of losing per-pupil revenue on traditional school districts. However, charter schools were originally envisioned to be drivers of competition. If the goal is to follow the original charter concept, some argue these provisions may dampen true competition. Types of Charter Funding Although charter schools in every state are funded based on the number of pupils they enroll, the amount of perpupil funding for charter schools can vary significantly within and across states. States have shaped three different types of funding formulas for charter schools—based on the student’s resident district, the authorizer or the statewide formula.6 One strategy funds charter schools based on the per-pupil revenue of districts in which their students reside. It is used in eight states. These states require districts to pass along a portion of both state and local funds.7 Because each student brings a portion of home district spending, a charter school could receive different amounts of money for different students. Conversely, the same amount of public funding will follow a student wherever he or she decides to enroll in a charter school. Thus, a student whose parents and neighbors are taxed at high local rates can carry a larger amount of funds anywhere in the state. The second type of formula is based on the per-pupil revenue of the authorizer. It is the most common formula as it is used in 29 states. In most cases, because authorizers are traditional school districts, this strategy is similar to the first. It diverges, however, when students attend charter schools outside their home district or when charter schools are authorized by non-district entities. For example, the authorizer can be an institution of higher education.

**Civic Education**

#### The lack of civic education within the NCLB proves that states are more equipped to implement civic education

Jamieson no date, (Kathleen Hall Jamieson, a Fellow of the American Academy since 2001, is the Elizabeth Ware Packard Professor in the Annenberg School for Communication and the Walter and Leonore Annenberg Director of the Annenberg Public Policy Center at the University of Pennsylvania, "American Democracy & the Common Good: The Challenges Facing Civic Education," https://www.amacad.org/content/publications/pubContent.aspx?d=1059) CAA

Bush observed, “A love of democratic principles must be taught.”24 And President Bill Clinton challenged “all our schools to teach character education, to teach good values and good citizenship.”25 In the past decade, a number of major initiatives have concentrated on enhancing educational quality at the elementary and secondary levels. Signed into law in January 2002, the No Child Left Behind Act (NCLB) focused on increased student proficiency in language arts and mathematics. In 2007, NCLB added student proficiency in science to its goals. In light of the long-lived perception that education should increase civic knowledge and enhance the capacities of citizenship, it is surprising that Title I of NCLB did not list civic education as a priority. That omission is seen by some as a sign that other priorities have displaced civic education on the public agenda. Reformers have been motivated by concerns that civic education is not as central to public schooling as it once was. They worry that the standards movement may have inadvertently made the delivery of high-quality civic education more difficult. The largest group responding to both of these concerns is the Civic Mission of the Schools (CMS) Coalition.26 In response to low levels of voting and civics knowledge among the young, in 2003 Carnegie Corporation of New York released The Civic Mission of Schools report27 and created the Campaign for the Civic Mission of Schools, “a coalition of 40 organizations committed to improving the quality and quantity of civic learning in American schools.” Both the 2003 report and its 2011 follow-up, Guardian of Democracy: Civic Mission of Schools,28 proposed agendas for action. Among the Campaign’s goals, along with college and career preparation, is reestablishing civic learning as one of the three principal purposes of American education. The CMS Coalition now includes more than sixty participating organizations and individuals representing groups concerned with civic learning, general education, civic engagement, policy-making, civil rights, and business. The 2003 Civic Mission of Schools report argued that schools should not only “help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives” but also work to ensure that students: Are informed and thoughtful. They have a grasp and an appreciation of history and the fundamental processes of American democracy; an understanding and awareness of public and community issues; an ability to obtain information when needed; a capacity to think critically; and a willingness to enter into dialogue with others about different points of view and to understand diverse perspectives. They are tolerant of ambiguity and resist simplistic answers to complex questions. Participate in their communities. They belong to and contribute to groups in civil society that offer venues for Americans to participate in public service, work together to overcome problems, and pursue an array of cultural, social, political, and religious interests and beliefs. Act politically. They have the skills, knowledge, and commitment needed to accomplish public purposes – for instance, by organizing people to address social issues, solving problems in groups, speaking in public, petitioning and protesting to influence public policy, and voting. Have moral and civic virtues. They are concerned for the rights and welfare of others, and are socially responsible, willing to listen to alternative perspectives, and confident in their capacity to make a difference.29 Since its inception in 2003, CMS has: Developed state-level campaign coalitions in each state. Developed an online database of more than two hundred civic-learning practice examples. The Civic Learning On-Line database contains best-practice examples of each of the six promising civic-learning practices of the Civic Mission of Schools report. Helped the CMS state affiliates pass nearly seventy pieces of supportive state legislation in thirty-five states during the 2004 to 2010 legislative sessions. Conducted a study of schools and school districts around the nation that are meeting their civic mission through employment of the six promising practices of the Civic Mission of Schools report. Participated in efforts to create common standards for social studies education. Elements of this reform agenda are controversial. As education scholars Wayne Ross and Perry Marker argue, “[R]eform efforts have brought to the fore the primary tensions in the field of social studies: 1) the relative emphasis on the cultural heritage of the dominant society versus the development of critical thought; and 2) conflicting conceptions of citizenship, that is, citizenship for social reproduction or social reconstruction.”30 It is not difficult to imagine political progressives favoring the development of “critical thought” and “social reconstruction” and conservatives championing the cultural heritage of the dominant society and citizenship for social reproduction. Political scientist Amy Gutmann provides a fair summary of the key points of disagreement when she writes: The first issue is whether civic education that is publicly mandated must be minimal so that parental choice can be maximal. The second issue concerns the way in which publicly subsidized schools should respond to the increasingly multicultural character of societies. The third issue is whether democratic education should try to cultivate cosmopolitan or patriotic sentiments among students.31 The heat generated by the controversy over content is evident in the Thomas B. Fordham Institute’s 2003 publication Where Did Social Studies Go Wrong?32 In the foreword to that work, Fordham Foundation President Chester E. Finn, Jr., laid the failures of social studies at the feet of the social studies establishment: Evidence also accumulated that, in the field of social studies itself, the lunatics had taken over the asylum. Its leaders were people who had plenty of grand degrees and impressive titles but who possessed no respect for Western civilization; who were inclined to view America’s evolution as a problem for humanity rather than mankind’s last, best hope; who pooh-poohed history’s chronological and factual skeleton as somehow “privileging” elites and white males over the poor and oppressed; who saw the study of geography in terms of despoiling the rain forest rather than locating London or the Mississippi River on a map; who interpreted “civics” as consisting largely of political activism and “service learning” rather than understanding how laws are made and why it is important to live in a society governed by laws.33 Evidence from a 2010 survey of social studies teachers calls Finn’s assessment into question. In a national random sample of 866 public high school teachers and an oversample of 245 Catholic and private high school instructors, 83 percent viewed the United States “as a unique country that stands for something special in the world”; 82 percent thought pupils should be taught to “respect and appreciate their country but know its shortcomings”; and only 1 percent wanted students to learn “that the U.S. is a fundamentally flawed country.”34 The ideological tensions at play here were also on display in the early 1990s, when those attempting to develop national guidelines for the teaching of American history faced off against critics, including National Endowment for the Humanities Chair Lynne Cheney, over the balance between focusing on past injustices and on narratives centered on traditional historical figures. In the broad sweep of things, efforts to expand the focus of textbooks have succeeded. As a result of challenges to traditional accounts that excluded the struggles of blacks and women, for example, the content of social studies texts has changed remarkably over the past half-century. In the 1940s, for example, Dred Scott was the only black individual featured more than once; by the 1960s, and even more so by the 1980s, texts contained a notable amount of multicultural and feminist content.35 Increasingly, textbook publishers have incorporated the aspiration that “students can learn about multiple viewpoints and competing narratives.”36 Still, clashes among competing views of social studies are so intense that education scholar Ronald Evans has labeled them the “social studies wars.”37 Even though social studies was ignored in NCLB, states have standardized their civics curricula “as part of the sweeping trend toward greater teacher accountability and systemized decision making.”38 Since 1989, when a national education summit convened by President George H.W. Bush made the case for common standards, every state has developed standards of learning in curricular areas including social studies, which is defined as the core academic area consisting of civics, history, economics, and geography. Influencing these deliberations were the two voluntary sets of social studies standards developed by the National Council for the Social Studies39 and the Center for Civic Education.40 However, as the states have revised their standards over the years, benchmarks have proliferated to the point that even the most skilled teacher would have difficulty meeting them within the available class time. In short, rather than improving the state of civic education, the standards movement may in some ways have undercut it. As the Guardian of Democracy report notes, “In social studies standards revisions . . . most states have added to the amount of material to be covered, rather than developing fewer and clearer standards that encourage an understanding of the vital importance of citizen engagement in our democracy.”41 Recognizing the problem, in June 2010 the National Governors Association Center for Best Practices and the Council of Chief State School Officers released a set of state-led education standards designed to reduce the number and increase the quality of the standards set in math and science. Since then, forty-seven states have agreed to implement the Common Core State Standards in those two subjects. Although acceptance by the states was voluntary, President Barack Obama’s Department of Education accelerated adoption by making it a criterion for entry into the federal Race to the Top education grant competition. Push back against the standards took two very different forms. Some argued that the math standards were problematic because they were lower than those in place in high-achieving states such as Massachusetts.42 Others contended that national standards would stifle innovation in the states and constituted an unconstitutional expansion of federal authority.

#### The states should be the ones to work together to create standards for the curriculum

Bush, 3-6-2015, (Jeb Bush governor of Florida from 1999 to 2007 "Let states take the lead in education," <https://www.washingtonpost.com/opinions/let-states-take-the-lead-in-transforming-schools/2015/03/06/0c5ecbb8-c132-11e4-9ec2-b418f57a4a99_story.html?utm_term=.91c8a859006a>) CAA

Given all the challenges facing education reform, we need to remember who really should make the decisions about what happens in our schools: state and local authorities and, most important, parents. This tends to get lost in a lot of education policy debates, whether on school choice, accountability, teacher pay or standards. That’s why it is so important to finally tackle the reauthorization of the Elementary and Secondary Education Act (ESEA), the critical piece of legislation that sets out the role of the federal government in school funding and policy. The act has not been improved and reauthorized since it expired in 2007. Instead, the Obama administration has issued a patchwork of waivers and side deals, given out by fiat and without consistency. No wonder parents and state and local leaders question Washington’s motives when it comes to our schools. The federal government’s role in elementary and secondary education should be limited: It should work to create transparency so that parents can see how their local schools measure up; it should support policies that have a proven record; and it should make sure states can’t ignore students who need extra help. That’s it. The reauthorization process can define and clarify this role. Where the federal government maintains the power of the purse — as it does with Title I programs aimed at supporting students from disadvantaged backgrounds — Congress should direct it to let states use that funding in a flexible manner to meet the goal of the programs. For example, states should have the right to decide whether Title I funding should be used to create education savings accounts that parents can use to send their kids to the schools that best meet their needs. In short, the federal role should be subservient to the role of states. We are long overdue in setting the lines of authority so clearly. State efforts to raise standards have been muddied by the Obama administration. Federal funding has become a whipping stick to be used on local district leaders who are unwilling to go along with every program dreamed up in Washington. Fundamentally, the needed transformation of our education system will never be achieved by Washington. The best reform ideas begin at the state and local level. That’s where reform will succeed. In 1991, Minnesota led the way on creating charter schools. Massachusetts passed a reform bill on standards, accountability and choice in 1993 and became the nation’s top academic achiever. When I was governor, Florida began grading schools on an A-to-F scale in 1999 and offered dramatic school-choice options to parents. Now, 16 states grade their schools, 19 have choice programs and all but eight have charter school laws. These successes all have two things in common. The initiatives placed the needs of students first, and the federal government had nothing to do with them. That said, the federal government has a role in creating transparency to ensure that failure is unacceptable. Before the last reauthorization of ESEA in 2001, known as No Child Left Behind (NCLB), most states had no accountability system. They plowed billions of taxpayer dollars into education bureaucracies, often getting nothing in return. NCLB changed that by creating a common yardstick. Now, all states participate in the National Assessment of Educational Progress, a series of high-quality tests known as the Nation’s Report Card. The results give us an apples-to-apples comparison among states. Annual testing and reporting also force states to confront their failures, especially the substandard education often offered to disadvantaged children. NCLB is far from perfect. It doesn’t give states the flexibility they need, and the system can be gamed. But those flaws can be fixed in the reauthorization process. Most critically, we can use the reauthorization process to keep states and local districts in control of making vital decisions about standards, curriculum and academic content. States should also actively protect the privacy of student data; some states, such as Oklahoma, have already found the right solutions to that problem. Such control can work. We’ve seen more than 40 states voluntarily work together to create the Common Core standards for language arts and math. I support such rigorous, state-driven academic standards. Some states would rather set their own standards, and that’s appropriate, provided they are high standards. But no matter what, no state should be forced to adopt standards mandated by the federal government. These kinds of solutions don’t surprise me, because states have always been more effective at addressing policy challenges in our schools. The reauthorization effort being led by Sen. Lamar Alexander (R-Tenn.) and Rep. John Kline (R-Minn.) is making important progress in Congress. The key to success is this: If we are to move forward on education reform, the states and local authorities must be allowed to lead. And for that to happen, it should be made clear in law that the federal government should always be in the back seat.

**Common Core (Reform)**

#### The states should be the ones who reform common core

Bush, 3-6-2015, (Jeb Bush governor of Florida from 1999 to 2007 "Let states take the lead in education," <https://www.washingtonpost.com/opinions/let-states-take-the-lead-in-transforming-schools/2015/03/06/0c5ecbb8-c132-11e4-9ec2-b418f57a4a99_story.html?utm_term=.91c8a859006a>) CAA

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#### It is ultimately up to the states to determine how to implement CCSS and challenge the standards as well as testing in the common core

Ulrich Boser and Catherine Brown, 2016, 1-14-2016, ("States' Commitment to Standards-Based Reform May Affect NAEP Scores for Low-Income Students, New CAP Analysis of NAEP Data Reveals," School Planning & Management, <https://webspm.com/articles/2016/01/14/standards-based-reform.aspx?admgarea=pr>) CAA

Washington, D.C.— A new report from the Center for American Progress finds that a state’s commitment to standards-based reform may have an impact on the performance of low-income students on the National Assessment of Educational Progress, or NAEP. The most recent round of NAEP data, which was released in October 2015, showed a massive gap between the states with the highest-performing low-income students and the states with the lowest. For instance, low-income students in Massachusetts scored 17 points higher in eighth-grade math than low-income students in Mississippi. “The initial release of the most recent NAEP scores stirred much controversy about the impact of standards-based reform and the Common Core State Standards on student outcomes,” said Ulrich Boser, Senior Fellow at CAP. “A closer look at the data, however, shows that low-income students in states that embraced standards-based reform posted better gains on the NAEP math and reading assessments than states that turned away from such reforms.” “One of the most important aspects of standards-based reforms such as the Common Core is that such standards raise expectations for all students,” said Catherine Brown, Vice President of Education Policy at CAP. “Improving testing practices and building instructional capacity are two ways that states can help their districts, schools, and teachers implement the Common Core standards and therefore raise the bar for student achievement.” CAP analyzed the NAEP data and used a regression analysis to examine the performance of low-income students on NAEP over time in relation to a state’s standards-based reform efforts, measuring the impacts of policy improvements on NAEP outcomes two years after the actual policy change was adopted in order to take into account time for the policies to be implemented. The report’s authors found that many states that have not fully embraced standards-based reform have shown low-income students falling behind on NAEP, while states that have thoughtfully pushed standards-based reform have shown clear gains for low-income students. From 2003 to 2015, states such as Kansas, Iowa, Idaho, Montana, and the Dakotas—all of which have been historically averse to standards-based reform—showed some of the lowest rates of growth in NAEP scores for low-income students. The analysis also showed that states and districts that have embraced standards-based reform and thoughtfully implemented it—such as the District of Columbia, Tennessee, Massachusetts, and Florida—posted some of the largest gains on NAEP for low-income students since 2003. CAP’s analysis also revealed that implementing standards-based reform significantly improved learning outcomes for low-income students in fourth-grade math and eighth-grade reading, with states typically seeing a jump in outcomes due to standards-based reform from 2003 to 2013. Finally, the authors noted that some states—such as Oklahoma and South Carolina—posted poor NAEP results but are nevertheless among those states looking to leave the Common Core. This push to abandon the Common Core is despite the fact that those two states generally have low levels of achievement, and their students are scoring below the national average in almost every tested subject area and grade level. The authors conclude that given these findings, states should remain dedicated to standards-based reform, such as the Common Core and its associated assessments, that raise expectations for all students. The authors note that improving testing practices and building instructional capacity for standards-based reform will help support educators to rise to the challenge of the Common Core.

**Eliminating School Rank**

#### States should create their own single index compiled of a mix of factors – leads to less suspensions for underprivileged students

John Fensterwald, 1-11-2016, ("Brown says it’s time to abandon API to judge schools’ performance," EdSource, <https://edsource.org/2016/brown-says-its-time-to-abandon-api-to-judge-schools-performance-essa/93170>) CAA

Members of the State Board of Education who favor replacing the three-digit Academic Performance Index with a “dashboard” of measurements highlighting school performance can count on the backing of Gov. Jerry Brown. The K-12 summary (pages 22-23) of Brown’s proposed 2016-17 state budget, released last week, stated, “The state system should include a concise set of performance measures, rather than a single index.” Brown said the new federal Every Student Succeeds Act creates the opportunity to design a “more accurate picture of school performance and progress” than in the past. But whether the state should or even can switch, under the new federal law, from a single index like the API to a more complex school improvement system will be a potentially contentious issue this year. Both approaches to accountability, the dashboard with multiple measures – such as test scores, high school graduation rates and an indicator of student readiness for college and jobs – and a single index compiled from a mix of factors, have strong advocates. The state board is in the process of drafting a new school accountability system and will continue the debate at its meeting on Wednesday (see agenda, Items 1 and 2). A state consultant, attorney Julia Martin, will outline how the state board may have to tailor its concept of school improvement to meet the requirements of the new federal law, which Congress passed and President Barack Obama signed last month as the successor to the No Child Left Behind Act. The API rates schools and districts on a scale of 200 to 1,000, based on standardized test results. The Legislature established it in 1999. But with the passage of the Local Control Funding Formula and the transition to the Common Core standards in English language arts and math, accompanied by a new set of state tests, the state board suspended calculating the API two years ago. While the board hasn’t yet voted of get rid of it, members, led by President Michael Kirst, appear inclined to. The Local Control Funding Formula, the school funding and accountability law that Brown proposed and the Legislature adopted in 2013, calls for a broader measure of school performance than the API, at least as currently constructed using test results. The funding law set eight priorities for school districts. They include student achievement, implementation of academic standards like the Common Core, parent involvement, student engagement and preparation for college and careers. The API is one of two dozen metrics that the law says districts must use as yardsticks of improvement. Test scores would continue to be a key measure in a new accountability system but not, Brown suggests, through the API. Which metrics to use? The state board’s challenge is to decide which of the many metrics in the funding law should be used in a statewide accountability system that will determine the schools and districts that need targeted assistance and the chronically poorly performing schools that require intervention. Examples of limited assistance might be helping schools better solicit parents’ ideas or reducing suspension rates for a subgroup of students. Related No Child Left Behind Rewrite Works For California Kirst, board member Sue Burr and the state board’s executive director, Karen Stapf Walters, advise Brown on education issues, so it’s not surprising that the governor would endorse the board’s basic approach to school improvement. But Kirst said Brown’s statement in the budget, recommending a “concise” number of metrics, provides new guidance to the board. And the governor has made clear his view of the API, he said. Kirst argues that boiling down achievement into an API number diverts attention from the key components – graduation and attendance rates or percentage of students admitted to college without need for remediation – that might comprise the future dashboard. But others counter that the API provides parents with a simple comparison of schools’ performance that they can use when deciding where to enroll their children. A school list without an index? How the new federal law is interpreted could decide the issue. The law is generally in sync with California’s approach to school accountability in requiring that states adopt multiple measures of performance: high school graduation rates, measures of English learners’ proficiency in English, test scores on standardized tests in math, English language arts and science, plus one other non-test measure of student achievement that states can choose. But the federal law also requires that every three years states identify the lowest-performing 5 percent of schools – about 500 schools in California – and monitor plans for improvement. The Every Student Succeeds Act doesn’t mandate using an index to rank the worst schools, but California will find it challenging to create a list without an index, said Christopher Cross, an education consultant from Danville who served as an assistant U.S. secretary of education for educational research and improvement during the administration of President George H.W. Bush. “It will be a tough road for California with regard to the 5 percent, and I don’t know how they can do it (without creating an index) in a way that is acceptable to the federal government and parents, too,” he said. “The creation of an index can factor in other measures, but in the final analysis it needs to lead to the identity of those schools that require extra supports.” Sign up for EdSource's daily newsletter Email Address Sign Up Brown has criticized judging a school on test scores alone. In 2011, he vetoed a bill that would have expanded the API to include multiple indicators. Calling it a “siren song of reform,” he wrote in his veto message, “Adding more speedometers to a broken car won’t turn it into a high-performance machine.” A year later, he did sign SB 1458, a simplified version of the bill that calls for expanding the API to include factors other than test scores for at least 40 percent of a school’s score. The latest statement reflects a further change in Brown’s thinking. And he said in the budget summary that his administration would support removing “outdated accountability components.” But the API is interwoven in dozens of laws on the books, like SB 1458, and programs whose supporters will be wary of changes. An example is the Open Enrollment Act, a 5-year-old underutilized law that requires the state annually to list the lowest-achieving 1,000 schools based on API scores. The law allows parents of children in those schools to transfer to better-performing schools in other districts that make spots available; few districts, however, have done so. Threatened with a lawsuit, the state Department of Education last month reluctantly reposted the list of schools from 2012-13, the last year of the API, with the caveat that parents should be wary of using an old list. That is not a solution, said Bill Lucia, president of the education advocacy group EdVoice. The Open Enrollment Act remains the law and the school list must be updated this year to avoid litigation, he said last week. Others, too, with an interest in the API will be closely watching the transition to a new school improvement system, and the ramifications of changing or abandoning the index.

#### State legislatures should be the ones to ban school ranks

Matthew Watkins, 4-5-2017, ("Texas senators mull eliminating Top 10 Percent Rule," Texas Tribune, <https://www.texastribune.org/2017/04/05/texas-senators-mull-eliminating-top-10-percent-rule/>) CAA

For the past two decades, one accomplishment has guaranteed students a spot in the University of Texas at Austin: Graduate near the top of your high school's class and you're in. On Wednesday, state senators discussed repealing that promise at a hearing of the Senate Higher Education Committee. Black and Hispanic leaders touted the rule as perhaps the most important tool in trying to level the playing field for minorities in college admissions. But some senators and school officials cast doubt on its usefulness in 2017 and questioned whether the Legislature should be mandating university admissions at all. "The Top 10 Percent Rule is a blunt instrument," said UT-Austin President Greg Fenves, quoting a recent legal opinion authored by U.S. Supreme Court Justice Anthony Kennedy. The rule is simple. Graduate in the top 10 percent of your Texas high school's class, and you get into any public university in the state. The one exception is UT-Austin, where the sheer number of top 10 percent applicants once threatened to overwhelm the school. In 2009, the Legislature amended the rule to cap the number of automatic admittees to the Austin school at 75 percent of incoming freshmen. That usually means that students in the top 7 or 8 percent get in automatically. But UT-Austin leaders have long complained about the policy's impact on their school. Three-fourths of the university's incoming students are evaluated solely on one metric — class rank. SAT scores, extracurricular activities and life circumstances are ignored. (The rule only really affects UT-Austin, since it's the only school with such a large share of automatically admitted students.) "Just taking the standard set of courses and getting good grades is an important factor," Fenves said. "It isn't the only factor." Committee members were discussing a bill by Sen. Kel Seliger, R-Amarillo, that would completely eliminate the program. Lawmakers have proposed such a change unsuccessfully in the past. Many suburban lawmakers loathe it, since the schools in their district are competitive and it might make it harder for their students to get into the flagship school. But the fact that Seliger, who is chairman of the higher education committee, is the author this time around likely improves its chances. Still, a complete repeal won't be easy. Democrats and some rural Republicans are fiercely protective of the rule, since it has given students in their districts access to UT-Austin that didn't exist before the rule was written. Lawmakers created the rule in 1997, a year after a federal appeals court ruling temporarily banned affirmative action in the state. The thinking behind it is that not all high schools are created equal. Schools in poor urban or rural areas tend to have fewer resources than the wealthy suburban schools. The poorer students come from less-educated families and tend to do worse on the SAT. Sometimes they can't afford extracurricular activities. But none of those disadvantages matter under the Top 10 Percent Rule. UT-Austin leaders, senators and higher education officials all acknowledged that the rule has helped rural students. The number of high schools that send students to Austin has gone up dramatically. But they said they were less sure of its impact on minorities. Hispanic enrollment at UT-Austin has increased significantly since the policy was put in place, but so has the number of Hispanic people in Texas. The Texas Tribune thanks its sponsors. Become one. Meanwhile, UT-Austin officials noted that they are committed to diversity and won't abandon it if the rule is repealed. The university fought a years-long legal battle to preserve the right to use affirmative action. Last year, the U.S. Supreme Court upheld the practice. "We need to bring together students with a diverse range of life experiences and perspectives," said UT-Austin Provost Maurie McInnis. McInnis said the school would also commit to keeping the rule in place for the next two admissions cycles, even if Seliger's bill became law. That would be done, she said, to avoid changing the rules at the last minute for current high schoolers. The hearing on the issue stretched into the early evening, with Sen. Royce West, D-Dallas, grilling UT-Austin officials on the effectiveness of the rule. Then, several black and Hispanic leaders urged the committee to keep the policy in place. "If it ain't broke, don't fix it," said former Sen. Gonzalo Barrientos, D-Austin, who helped come up with the rule in the 1990s. The group also included Claudia Hernandez, a graduate of Thomas Jefferson High School in Dallas, which is less than 1 percent white and more than 85 percent economically disadvantaged. Her single mother, who had just a sixth-grade education, stressed the importance of college but wasn't able to offer much help in getting there. Still, Hernandez finished near the top of her class, enrolled in UT-Austin, graduated and became a lawyer. If it hadn't been for the top 10 percent rule, she said, she might not have even applied. "I truly believe that if I wasn't in the top 10 percent, they would have just looked at my SAT scores and kicked me out," she said.

### ESSA

**The United States federal government should allow the states to opt-out of the Every Student Succeeds Act and use federal education funds for any educational purpose permitted by state law.**

**The ESSA results in federal overreach—the counterplan solves**

Ryland and Burke 17 Anne Ryland and Lindsey Burke (Institute for Family, Community, and Opportunity at The Heritage Foundation). “School Rules: Lessons from the ESSA Regulatory Process.” Backgrounder. February 1st, 2017. <http://www.heritage.org/sites/default/files/2017-02/BG3189.pdf>

Although ESSA made some important changes in NCLB, such as eliminating the AYP and HQT mandates, it did not accomplish the important policy priorities of allowing states to make funding for Title I (which represents the bulk of spending under ESEA) portable, following low-income children to schools of choice; allowing states to **opt out of ESSA through the A-PLUS** provision; or recouping resources from programs and spending that have accumulated over the decades. Instead of accomplishing conservative policy priorities, ESSA maintained significant federal intervention in local school policy for years to come. Subsequent regulations have added to concerns that ESSA fails to limit federal intervention in education effectively. The Department of Education has granted itself wide latitude in interpreting the law so that the **regulations magnify ESSA’s failure to restore state and local control**, adding significant prescription concerning states’ obligations under the new law. A Heavy-Handed Rulemaking Process Of the rules that have been finalized, those concerning accountability under ESSA have been the most controversial. Based on feedback, the Department of Education made several changes in the proposed rules, but it did not substantially correct the prescriptive and overreaching nature of these regulations. These rules broadly address three topics: n Establishing requirements for new statewide accountability systems; n Establishing requirements for state, local education agency (LEA), and school report cards; and n Establishing requirements for the consolidated state plans.9 Examination of these regulations suggests that the new accountability and reporting requirements, although less punitive than NCLB’s, fail to reduce the regulatory burden on states and, in some respects, increase the burden. The regulations: n Require that each school be assigned a single summative performance rating based on a complicated set of indicators, n Dictate methods for intervention in struggling schools, and n Place new demands on schools in the form of increased data collection and reporting. In terms of state flexibility and autonomy, states are ostensibly given the freedom to build and report on a system of accountability that they design. Yet the regulations restrict state input to a single factor of negligible importance, ignoring statutory language and intent. Statewide Accountability Systems. ESSA requires each state to develop a single statewide accountability system that is based on its academic standards and assessments and is designed to improve student academic achievement and school success.10 According to the statute, the statewide accountability system must include:11 n Long-term goals and measurements of interim progress, n Four distinct accountability indicators, n Annual meaningful differentiation of schools, n Identification of schools for comprehensive and targeted support, n Improvement plans using evidence-based interventions, and n A process for ensuring the development and implementation of the above plans. A closer look at the four distinct accountability indicators and the annual meaningful differentiation of schools demonstrates the limited amount of latitude that states have in directing these systems. These sections also begin to illustrate the burden of data collection and reporting that is required in order to comply. Accountability Indicators. ESSA requires that each state must develop an accountability system built around the four key accountability indicators of school success: Academic achievement measured by proficiency on annual assessments; n An indicator related to student progress (for high schools, the graduation rate, and for elementary and middle schools, a measure of student academic growth); n Progress in English Language Learner proficiency; and n An indicator of choice (state-selected) which denotes school quality or student success. The statutory suggestions for this last stateselected indicator include (among others) student–teacher engagement, access to/completion of advanced coursework, postsecondary readiness, and school climate and safety. ESSA states at the end of its description of the new accountability system that “Nothing in this Act shall be construed to authorize or permit the Secretary…[to] add new criteria that are inconsistent with or outside the scope of this part; or be in excess of statutory authority granted to the Secretary.”12 However, the final regulations add a requirement for the chosen indicator to be shown by research to affect student learning: [The state-selected indicator must be] supported by research that high performance or improvement on such measures is likely to increase students’ learning (e.g., grade point average, credit accumulation, or performance in advanced coursework), or—for measures at the high school level—graduation rates, postsecondary enrollment, postsecondary persistence or completion, or career readiness.13 While this addition may seem innocuous, the requirement for research-supported indicators restricts state input considerably. Research often relies heavily on quantifiable data, such as students’ test scores, to draw inferences about student learning. This regulatory addition to the language of the statute threatens the little freedom and customization that ESSA gives the states and could promote a continued emphasis on uniform state assessments. Annual Meaningful Differentiation of School Performance and Identification of Schools. Regulatory overreach is also at issue with regard to ESSA’s requirement for annual meaningful differentiation of school performance. ESSA states: Nothing in this Act shall be construed to authorize or permit the Secretary—as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8401, to—prescribe—the weight of any measure or indicator used to identify or meaningfully differentiate schools [or] the specific methodology used by States to meaningfully differentiate or identify schools.14 Despite the statutory prohibition, the Department of Education’s rules require states to assign to each school a single summative rating based on the school’s performance on the four indicators. The proposed regulations further contravene ESSA’s methodology prohibition by prescribing that the summative rating and each of the indicators must be broken into three possible performance levels. Schools must be ranked on one of these three levels for the indicators and the summative rating, an overreach that continues “to be one of the most controversial elements of the regulations.”15 In order to interpret performance on indicators, states are instructed to establish a weighting system of their choosing. The statute specifies that “substantial weight” must be given to academic achievement, graduation/growth rates, and progress in English Language Learner proficiency and that these indicators, in the aggregate, must be afforded “much greater weight” than the stateselected indicator.16 However, the regulations go on to make abundantly clear that the state-selected indicator is more symbolic than substantial. As Michael J. Petrilli of the Thomas B. Fordham Institute expresses it, “the regulations set an arbitrary standard for the ‘other indicators of student success or school quality’—and then make sure those indicators won’t matter anyway.”17 To ensure that the balance of weighting is appropriate, the regulations require schools to show that performance on the state-selected indicator does not change the identity of schools that otherwise would have been flagged for comprehensive or targeted support and improvement—unless schools can also show that students are making demonstrable progress on an indicator that is given substantial weight. In other words, if a school were to receive a low rating based on performance on academic achievement, graduation rates, and English Language Learner proficiency, that school’s high performance on the state-selected indicator would not be enough to pull it out of underperformance status and change the fact that it had been flagged. The specificity and prescription of the regulations continue with the identification of underperforming schools. Although the statutory language gives some discretion to states with respect to how they define, identify, and support consistently underperforming schools and subgroups, the regulations offer specific timelines and complicated definitions that dictate how states must identify schools. Consolidated State Plans. ESSA states that: [T]he Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.18 Replacing the AYP requirements, the state plan is a comprehensive articulation of the plans and goals that each state must submit periodically for review by the Department of Education in order to receive federal funding. The statute makes clear that the state plan must include descriptions of standards and testing, the statewide accountability system, and the methods in place for supporting local education agencies in their work, but it leaves the minutiae of what must be reported to the states’ discretion. By contrast, the regulations released by the Department of Education dive into the specifics of things like “performance management” systems and “root cause” analyses. A performance management system includes a formal record of the state’s plan and the actionable processes of oversight for the plan. Each state is required to detail its system of performance management (including strategies, timelines, process of assisting LEAs, monitoring implementation of state and local plans, improving implementation of plans, and plans to provide technical assistance if necessary) for each required reporting element.19 Since there are approximately 40 categories that state agencies must record and report, both the Missouri Department of Elementary and Secondary Education and the Washington State Superintendent of Public Instruction calculated that this regulatory requirement of performance management systems for each reported element will result in “240 separate descriptions of their performance management systems, as well as additional performance information required under Sections 299.17(e) and 299.19(b). None of these descriptions are required under the statute.”20 Root cause analyses are supposed to use subgroup data to determine precisely why disad-vantaged students may consistently be receiving instruction from less experienced or less effective teachers if there is evidence of a discrepancy in teacher quality.21 While the goal of effective teachers for all students is appropriate, the specific regulatory demand for analyzing the distribution of teachers is not the way to achieve it. Not only is the reporting complex, but it also assumes that teachers with more experience or more certifications are automatically better teachers. ESSA’s statutory language already places new demands on states in terms of reporting on teacher quality and on how teachers are distributed across schools and districts. However, the regulations go further and require disaggregated data in multiple comparisons (statewide, within districts, between districts, within schools) if there is evidence that disadvantaged children have less access to experienced educators.22 While it is unclear whether these analyses will produce helpful insights for states, it is abundantly clear that the requirement will produce more burdensome and distracting paperwork for teachers and administrators. A better way to achieve effective teaching would be for states to remove state certification requirements, which have been shown to have little if any impact23 on teaching effectiveness, and allow alternative routes into the classroom. On the whole, the regulations governing the submission of consolidated state plans do little to clarify or simplify the complex structure of accountability and reporting that is demanded under ESSA’s statutory requirements. Rather, they introduce new requirements that extend far beyond the bounds of what is “absolutely necessary” for consideration of the consolidated state plan or consolidated state application. What Needs to Be Done Although Department of Education officials claim that ESSA and its attendant regulations are more flexible than NCLB, primarily due to a shift away from a counterproductive system of Adequate Yearly Progress mandates and Highly Qualified Teacher provisions, **ESSA maintains a bloated federal system that works against state educational autonomy both by prescribing what denotes quality education and accountability and by encumbering districts and local school leaders with copious reporting requirements**. In order to provide flexibility for states and districts under ESSA, Congress and the incoming Administration should: n Use the Congressional Review Act to rescind the accountability regulations under ESSA that were finalized on November 28, 2016, and n Advance legislative reforms in the near term, such as the A-PLUS Act, **to enable states to exit ESSA entirely.** Provided the Trump Administration halts or reverses the regulatory policymaking of President Obama’s Department of Education, school districts and states could receive some relief from this particular set of regulations. However, these regulations only add to existing concerns about ESSA’s inability to restore state and local control of education. The Department of Education assumed wide latitude in interpreting the law in a way that magnifies ESSA’s failure to limit federal intervention, adding significant prescription concerning states’ obligations under the new law. ESSA itself does not do enough to empower parents, teachers, and local districts and limit federal programs and spending. Its complexity continues to distract states and local school leaders from the real work of educating children based on local preferences and parental input.

**Expanded School Year**

#### State school boards can implement longer school years- new York proves

Jennifer Davis, Cnn, 8-31-2012, ("We need a longer school year," CNN, <http://www.cnn.com/2012/08/31/opinion/davis-longer-school-year/index.html>) CAA

In America, summer holds a special place in our hearts: lazy afternoons, camping at the lake, warm evenings gazing at the moon. For children, especially, summer can unleash the free flow of discovery. For older children, summer often brings their first job. But this idyllic picture masks the reality that for too many children, particularly those from low-income families, languid summers can be educationally detrimental, and for families in which both parents work, summers are a logistical nightmare. Considerable research shows that the primary reason the achievement gap between poor children and their more affluent peers widens over the course of their school careers is the long break in learning over the summer. It's called summer slide. During the school year, disadvantaged children manage to catch up somewhat to more advantaged students. But during the summer, they lose those gains while their more advantaged peers -- whose parents can afford to arrange for summer enriching activities -- maintain theirs. And a persistent achievement gap among children only leads to economic and social gaps that continue into adulthood. These gaps destabilize our society. Surely, eliminating the long summer break by making our school year longer, at least for schools serving poor neighborhoods, seems a ready solution to a problem that has enormously negative implications. An analysis of charter schools in New York by economist Caroline Hoxby revealed that students are most likely to outperform peers, both in traditional district schools and at other charters, if they attend schools that are open at least 10 days more than the conventional year. Families with resources can often find educational summer programs and camps that broaden their children's skills and then figure out how to transport children to these activities. But even so, the question remains: Does it really make sense for children to be out of school for up to 12 weeks in the summer? Requiring students (and teachers, for that matter) to stay in school for more days is complicated and must overcome at least two significant obstacles. First, more days of school usually carries a price tag to cover costs of additional staff time, transportation and keeping buildings running. Second, although public attitudes are changing, overhauling such an ingrained institution as the long summer break won't be accomplished easily. The response to the first issue is to weigh the long-term costs of the summer break against the short-term costs of a longer school year. Balsz Elementary School District in Phoenix, for example, has extended its school year to 200 days, paying teachers 9% more to work the additional days. Since the longer year has been implemented, proficiency rates on state tests have risen, failure rates have fallen, and the achievement gap is disappearing. Clearly, the relatively small increase in budget yields large dividends for the students who attend. Students graduating middle school proficient in algebra and reading have opportunities open to them that are simply nonexistent for students at risk of failure. Then consider the Brooklyn Generation School in New York, which has developed a model in which the students in grades nine through 12 attend for 200 days, but the teachers, on staggered schedules, are there for only 180. That means they earn salaries equal to their peers throughout the city. There is no shortage of innovation that can bring the benefits of a longer year to students. And what of the idea that summer should be a time of respite from the stresses of school? There are two wrong notions wrapped up in this perspective. The first is that somehow summer is automatically a magical time for children. Such may be the case for children from middle- and upper-class homes, but for those whose families can't afford camp or other activities, summer is often a time of emptiness and tedium. As one Balsz fifth-grader, happy to be back at school in August, declared, "Sometimes summer is really boring. We just sit there and watch TV." The second, more significant, misperception is that school is automatically bereft of the excitement and joy of learning. On the contrary, as the National Center on Time and Learning describes in its studies of schools that operate with significantly more time, educators use the longer days and years to enhance the content and methods of the classroom. It provides more openings for hands-on learning, student collaboration and inquiry-based learning, where students push themselves to learn. Why shouldn't children have these same opportunities during the summer as they do in cooler months? It is true that just having more time, whether it's more days during the year or more hours during the day, does not guarantee a superior education. Educators must use that extra time well and be committed to addressing individual students' needs and not waver in their drive for excellence. Yet, we do know that teachers who lack sufficient time with students, and students who spend too much time away from productive learning, are fighting an uphill battle in an environment where we hold increasingly high expectations for our children. There is no reason to scale back these expectations. Our future as a nation depends upon having a well-informed, highly skilled work force and citizenry. We should expect our schools to furnish today's students with the education they will need to excel in our global society. But we must also be willing to provide schools the tools they need to ensure this outcome, including the flexibility to turn the lazy days of summer into the season of learning.

**Fund Arts**

#### The states should fund the arts

Americans for the Arts, 12-10-2015, ("Arts Education Policy and Funding," <http://www.americansforthearts.org/by-program/reports-and-data/legislation-policy/legislative-issue-center/arts-education-policy-and-funding>) CAA

The Issue: Arts Education Every child should have access to a well-rounded education that includes the arts. The work to ensure that the arts are part of standard K-12 school curriculum with the proper funding and resources is a key policy focus at Americans for the Arts. The U.S. Department of Education has begun a process to implement the new Every Student Succeeds Act (ESSA), and at the same time, 50+ state education agencies have started their administration of the new law. That is why we present both a Federal and State advocacy agenda below. Focus Towards Solutions At Federal & State Levels Americans for the Arts' CEO Bob Lynch and 8th grader Antonio Martin at the White House bill signing on December 10, 2015 In December 2015, Congress passed bipartisan legislation to reauthorize the Elementary and Secondary Education Act in landslide votes: 85-12 in the U.S. Senate and 359-64 in the U.S. House of Representatives. President Obama signed the bill into law in a ceremony attended by a number of education leaders from across the country, including Americans for the Arts President & CEO Robert L. Lynch. This long overdue authorization spans from FY 2017 through FY 2020, ushering in a new era of federal K-12 education policy with increased local control and state-level accountability, and also new opportunities for arts education. For instance, under current federal law, the arts are included as part of well-rounded education. In this respect, the arts continue to have equal billing with reading, math, science, and other disciplines. This designation is an acknowledgement of the relevance of the arts in a complete education and means that the arts may be an eligible expenditure of funds for federal education programs (such as Title I, teacher training, and school improvement). With the ESSA bill in place, arts education advocates will need to work with their state education leaders to ensure that the arts are a part of their state’s education policies (see below). For specific details of arts education policy principles supported by national arts education and education organizations, read our unified statement (pdf, 559 KB). Three priority issues for arts education advocacy at the federal level are: Ensuring well-rounded arts provisions in the new law (Every Student Succeeds Act; PL 114-95) are fully implemented Supporting funding for the Assistance for Arts Education program at the U.S. Department of Education at $30 million Supporting full funding the Student Support and Academic Enrichment grant program at its authorized level of $1.65 billion U.S. Department of Education Seal.

**Physical Education**

**State’s handle physical education better**

**Institute of Medicine, 13** (Institute of Medicine. 2013. Educating the Student Body: Taking Physical Activity and Physical Education to School. Washington, DC: The National Academies Press. doi:https://doi.org/10.17226/18314.) CAA

Classroom physical activity breaks are a relatively new approach to promoting physical activity during the school day. Consequently, research on policies that support or hinder the use of this approach is sparse. **For this approach to become more prevalent, supportive policies will be necessary, an observation supported by the fact that just one in four U.S. public elementary schools offered children and youth physical activity breaks apart from physical education and recess during the 2009-2011 school years** (Turner and Chaloupka, 2012). **Research clearly demonstrates the important role of state laws and school district policies in promoting physical activity opportunities in schools**. For example, **schools are more likely to meet physical education recommendations when state laws and school district policies mandate a specific amount of time for physical education classes** (Slater et al., 2012; see also Chapter 5). Currently, few if any school districts require that physical activity opportunities be provided throughout the school day or within the classroom (Chriqui et al., 2010). Therefore, research is needed to identify strategies for implementing classroom-based physical activity breaks and providing teachers with the skills and confidence necessary to engage students in these activities. In addition, questions remain about the optimal duration, timing, and programming (e.g., types of activities) for physical activity breaks (Turner and Chaloupka, 2012).

### Reparations

#### States should ordain and establish reparations as educational funding for the disenfranchisement of black people, sets a precedent for other racialized policy reparations

Jamelle Bouie, 5-22-2014, (Chief Political Correspondent. "How America Should Pay Reparations," Slate Magazine, <http://www.slate.com/articles/news_and_politics/politics/2014/05/reparations_should_be_paid_to_black_americans_here_is_how_america_should.html>) CAA

With “The Case for Reparations,” Ta-Nehisi Coates of the Atlantic sets slavery aside to focus on the long plunder of the 20th century, in which whites used coercion, violence, and government to exclude blacks from the bounty of American prosperity. The civil rights revolution of the 1960s was vital, but it wasn’t a panacea, and the problems of today—from the racial wealth gap to the crumbling ghettos of the Midwest—stem from the racist policies of our recent past. Or, as Coates puts it, “White supremacy is … a force so fundamental to America that it is difficult to imagine the country without it.” This is more than rhetoric. Black families paid taxes and black soldiers fought for democracy in Europe and the Pacific, but—from low-interest home loans to money for education—they were barred from the benefits of the G.I. Bill. Indeed, the same federal dollars that built the suburbs were used to keep blacks out of them. It was the federal government that “pioneered the practice of redlining,” writes Coates, “selectively granting loans and insisting that any property it insured be covered by a restrictive covenant—a clause in the deed forbidding the sale of the property to anyone other than whites. Millions of dollars flowed from tax coffers into segregated white neighborhoods.” At the same time, “legislatures, mayors, civic associations, banks, and citizens all colluded to pin black people into ghettos, where they were overcrowded, overcharged, and undereducated.” The case for reparations, in short, is straightforward. As a matter of public policy, America stole wealth from black people, denied them a shot at prosperity, and deprived them of equal citizenship. And that’s just the 20th century. If you go beyond that—to include all stolen income from the revolution to secession—the balance falls deep into the red. In 1860, translated to today’s terms, slaves represented a staggering $10 trillion in wealth, an incredible sum. If you include compound interest—to represent the compounding plunder of the next century—you are left with an implausibly large amount of money. Wisely, Coates doesn’t try to build a proposal for reparations. At most, he endorses a bill—HR 40—that would authorize a government study of reparations. Instead, his goal is to demonstrate the recent origins of racial inequality, the role of the federal government, the role of private actors, and the extent to which the nation—as a whole—is implicated. Even if your Irish immigrant grandparents never owned slaves, or even lived around black people, they still reaped the fruits of state-sanctioned—and state-directed—theft, through cheap loans, cheap education, and an unequal playing field. If anything, what Coates wants is truth and reconciliation for white supremacy—a national reckoning with our history. As he writes, “More important than any single check cut to any African American, the payment of reparations would represent America’s maturation out of the childhood myth of its innocence into a wisdom worthy of its founders.” Still, even if “no number can fully capture the multi-century plunder of black people in America,” there’s still value in imagining a concrete scheme for reparations, if only to have a sense of the bills we owe. And so, how would we accomplish the task? Would you attempt a massive transfer of wealth? Or would you try to compensate black communities with targeted policies? As a matter of public policy, America stole wealth from black people, denied them prosperity, and deprived them of equal citizenship. The “wealth option,” accomplished by cash payments, is what we tend to think when we hear “reparations.” In this scenario, the federal government would mail checks to individuals, either in a lump sum or spread out over time. There are a few, immediate concerns with this notion. First, who is eligible? Given the pervasiveness of anti-black prejudice, should it go to all black Americans—who, regardless of origin, deal with the burden of white supremacy—or should it go to the descendants of slaves, who share a unique disadvantage? And how do we determine lineage? Through self-reporting? Through a comprehensive census of black Americans? Genealogical records for slaves are so scarce that any method of selection will come with the risk of fraud, since for most, we can’t confirm with absolute certainty that a given person is a descendant of slaves. And even if we could agree on recipients, how much should individuals receive? A uniform sum or an amount based on your heritage, i.e., the more enslaved ancestors you have, the bigger your payment? Even with all of those questions, however, there’s a lot to recommend when it comes to cash benefits. For starters, it empowers individuals, families, and communities. They know what they need, and we should trust them to figure out their own interests over the long term. Yes, a cash scheme could never be fully fair, but that’s not the point; what we want is to heal injury and balance accounts, and on that score, it could work. On the other end is the policy approach. Instead of cash, the federal government would implement an agenda to tackle racial inequality at its roots. This agenda would focus on major areas of concern: housing, criminal justice, education, and income inequality. As for the policies themselves, they don’t require a ton of imagination. To break the ghettos and reduce the hyper-segregation of black life, the federal government would aggressively enforce the Fair Housing Act, with attacks on housing and lending discrimination, and punishment for communities that exclude low-income residents with exclusionary zoning. What’s more, it would provide vouchers for those who want to move, subsidized mortgages for those who want to own, and huge investments in transportation infrastructure, to break urban and rural isolation and connect low-income blacks to jobs in wealthier, whiter areas. On the education front, state governments could end education budgets based on local property taxes—which disadvantage poor communities and disproportionately hurt blacks—and the federal government could invest in school reconstruction, modernization, and vouchers—for parents who want their children in private schools—in addition to higher education subsidies for black Americans. These “in-kind” benefits have the virtue of freeing up disposable income, thus acting as de facto cash payments. It almost goes without saying that this move for policy reparations would include an end to the war on drugs, an end to mass incarceration, and a national re-evaluation of police procedures to reduce racial profiling.

**School Lunches**

**The States are the ones who regulate state lunches- Texas proves**

**Richards 11 (**Edward P. Richards (July 31, 2011), Louisiana State University, Baton Rouge, “Legal Strategies to Manage Obesity and Increase Physical Activity” Louisiana State University Program in Law, Science, and Public Health Working Paper No. 100, (2017). Available at SSRN: https://ssrn.com/abstract=1899357 or <http://dx.doi.org/10.2139/ssrn.1899357>) CAA

Schools have also been under pressure to increase the academic content of their curriculums, but economic and social constraints do not allow the lengthening of the school day. This puts pressure on schools to limit recess and physical education times. Budgetary pressures also limit the staff available to supervise students at recess and run physical education programs in some Legal Strategies to Manage Obesity and Increase Physical Activity 28 schools. Liability concerns have caused some schools to remove traditional playground equipment and limit access to playgrounds after school hours.56 Regulatory Authority The federal government directly regulates schools through laws such as the Rehabilitation Act and the Americans with Disabilities Act, both of which deal with treatment of disabled students. The federal government also regulates schools by attaching conditions to funds for programs such as federally subsidized school lunches. States regulate schools directly through laws passed by the legislature and indirectly through state agencies with regulatory authority over schools. For example, the Texas Department of Agriculture has authority over school nutrition programs in that state. The Department was able to establish administrative orders controlling many aspects of food service in public schools without requiring additional legislation. Since administrative orders, as opposed to regulations, do not usually require public notice and comment, they are much quicker to implement and may be easily modified as more is learned about the best approach to the problem being regulated. Private schools are also regulated by the state and federal governments, but generally face fewer regulations than public schools. Home schools are only minimally regulated in many states. As the states and the federal government develop obesity and physical activity regulations and guidelines for schools, they will need to determine if these will apply to all schools uniformly. Universities Universities have much less control over their students’ lives, but many do run dormitories and either provide food service on campus or regulate it through contracts with private food service providers. Universities can also require physical education courses for graduation, with some universities having significant fitness requirements. While K-12 schools have been the focus of inquiry for childhood nutrition, universities play an important role in the transition to independent living. Most universities collect health data on entering students, which could include reportable information about nutrition status. Additional information could be collected as part of physical education courses. Universities are very dependent on federal education funding, which could be a vehicle for regulating on-campus nutrition, requiring data collection, and encouraging physical education requirements.

**Summer food programs occurring now in the squo, expanding these programs solves the entirety of the AFF**

**FRAC 14** (Food Research and Action Center (July, 2014), “Facts: The Summer Food Service Program” http://frac.org/wp-content/uploads/sfsp\_fact\_sheet.pdf) CAA

#SFSP=Summer Food Service Program

Summer Meals Benefit Low-Income Children and Families • SFSP contributes to the healthy growth and development of low-income children by providing them with nutritious snacks and meals, often alongside recreational activities, to help address growing evidence of the risk of children gaining weight over the summer months. Reimbursable summer meals must meet federal nutrition standards and can provide an opportunity for children to access fresh fruits, vegetables, and whole grains to support a healthy diet. • Many SFSP sites also provide educational and enrichment activities in addition to meals, which enables children to learn and stay safe when school is out, mitigating the harmful effects of summer learning loss and ensuring that children are better able to learn when they return to school. • The meals served through SFSP draw children to the activities offered at sites and maintain their participation in a structured summer learning program. • Summer meals help parents stretch their food dollars at home during the summer months. Food budgets often increase due to the lack of access to school meals, but summer meal programs can also help mitigate child care costs due to the programming offered. It Pays to Serve Summer Meals • The SFSP reimbursements provide essential financial support to programs that serve low-income children when school is not in session. • For summer 2016, SFSP sponsors received $2.09 for each breakfast served, $3.69 per lunch or supper, and $0.87 per www.FRAC.org snack. Sponsors located in rural areas or those that prepare their own meals on-site receive a higher reimbursement — $2.13 per breakfast, $3.15 per lunch or supper, and $0.89 per snack. Lunch and supper cannot be reimbursed for the same day by the same site, except for camp and migrant sites. • Summer nutrition funding can add up. For example, a summer program serving breakfast and lunch up to 50 children for eight weeks (or a 40-day program) would receive approximately $11,560 in federal funding through SFSP or $11,760 if located in a rural area or self-prep site. By decreasing the costs per meal as the number of meals being served increases, a sponsor can maximize the total amount they can receive in federal funding to help support their overall program. • Programs that have been providing meals and snacks, but have not received federal funding through SFSP, can be reimbursed and use the money previously spent on food to serve additional children, offer more activities or hire additional staff. Lunch and supper cannot be reimbursed for the same day by the same site, except for camp and migrant sites. • School Food Authorities already participating in the School Breakfast Program, or the National School Lunch Program, and sponsors of the CACFP Afterschool Meal Program, can use the federal reimbursement funding from any other child nutrition program to support their operation of summer meals and vice versa. USDA Guidance Makes the Program Easier to Operate • States can create a simplified SFSP application and training process for afterschool programs that already participate in the CACFP Afterschool Meal Program, and for School Food Authorities that already participate in the School Breakfast Program or the National School Lunch Program. • Sponsors sign a permanent agreement with the state SFSP agency or an addendum to their existing agreement if they are already sponsoring the CACFP Afterschool Meal Program. • Private nonprofit sponsors can operate under the same rules as all other sponsors — there is no longer a cap on the number of sites or children served and sites do not have to be otherwise affiliated with the sponsor. • Sponsors can now use eligibility for reduced-price and free meals data from any month of the previous school year to qualify sites, in addition to annually updated census data — the American Community Survey. • Sponsors are no longer required to keep records and accounts separate from administrative and operating costs. Instead, sponsors simply follow a “meals times rates” formula that allows them to claim the maximum reimbursement. This change in accounting procedures dramatically reduces the paperwork involved in operating SFSP

### Neg international/ private sector spillover

#### Only states can send an international signal

Noah Feldman, 10-10-2008, (Professor of law at Harvard University "The Supreme Court’s Mixed Signals on International Law," Council on Foreign Relations, <https://www.cfr.org/interview/supreme-courts-mixed-signals-international-law>) CAA
\*edited for ableist rhetoric\*

. To the extent that countries are looking to see us comply with various international obligations, we’re saying that we’re less inclined to comply under various circumstances. That makes it more costly to enter into deals because the other side will want more assurance that we’re likely to comply. And it has reputational costs as well. But, you know, there are corresponding benefits, too. One has to make a judgment about whether it’s worth it or not. In my view, this is not the right cost-benefit analysis in this case, but there’s a reasonable view that it is worth the cost-benefit balance because an international tribunal can bind the United States in a way that is not responsive to democratic institutions within the United States. There’s something like fifty more of these international death-row cases, so are we seeing now states maybe stepping to the fore in the absence of Congressional action on this particular issue? What’s happening in this situation is that it’s the states that sentence these individuals to death and it’s the states that have the primary obligation to follow the international treaty, the Vienna Convention on Consular Relations [VCCR]. The states violated the VCCR and yet, it’s the United States as a country that’s been held to be in violation of the treaty, because it’s the country that’s the signatory to the treaty, not the individual states. So what you’re seeing here is what you might call one of the very great complexities associated with being a federal country ourselves. Our federal government through the president, according to our Supreme Court, now lacks the power to compel states to comply with our international treaty obligations. And that’s an anomalous situation vis-à-vis most other countries in the world because it’s the federal government that’s committed us to this treaty. Now, the majority would respond to that by saying, "Well, if Congress wants to, Congress can pass a law compelling states to comply with the treaty." And it’s a little unclear what the Supreme Court would say even if Congress did do that, but at least in theory that’s the next step. If Congress doesn’t want the states to be violating these international treaties and refusing to take into account what the international tribunals are saying, Congress should do something about it. Meanwhile, on the Guantanamo Bay-related ruling, what is the next step for the United States? I think symbolically what’s needed is a relatively rapid dispossession of the cases that [involve] people in Guantanamo. The Supreme Court has said they now have constitutional rights, so those constitutional rights need to be exercised. U.S. federal courts need to get involved in the job, as they are already beginning to do, of reviewing the legitimacy of these detentions, which has lasted in some cases for years. That’s where we’ll find out, when Guantanamo gradually is either emptied and closed, or alternatively, anyone who is detained there is being detained pursuant to evidence that the world can understand justifies their detention as prisoners of war or criminals or as whatever the charge may happen to be. The great difficulty with Guantanamo is it was perceived correctly as being a place where people were not being detained subject to rules. I don’t think the world thinks that you can’t detain suspected terrorists-the world thinks you can do that, but you have to do it pursuant to rules and to clear charges. The court’s ruling in June gave detainees the right to have federal judges review the reasons for their detention and also gave federal judges the power to release them. Now we have the first major follow-up to that with a federal judge this week ordering (PDF) the release of seventeen ethnic Uighur detainees [who are Chinese citizens], probably into the care of supporters in the United States. Is it correct for a federal judge to override the executive branch’s warnings that these men still pose a danger? Does this veer into violation of immigration laws? The government concedes that the seventeen Uighurs would not pose a danger to any other country. They’ve been in detention for seven years, despite the fact that there was not sufficient evidence to show they were enemy combatants. At some point, then, they need to be released from detention, and since nowhere else will take them, supervised release into the United States seems like the price we have to pay for having a constitution and the rule of law. As Judge [Ricardo M.] Urbina put it, the principle of the rule of law trumps the separation of powers. In fact, you have two presidential candidates who don’t want to see Guantanamo open much longer, but there’s this conundrum of where do you put the people, or where do you send the people who are there? Exactly, nobody wants Guantanamo to remain open. It’s a terrible symbol and at this point there is no constitutional advantage to it being in Guantanamo as opposed to in the United States. So, at a minimum you could bring everyone into the United States and close the Guantanamo facility, but then you still have to deal with the question of what do you do with people. Some of the people there may well in fact be people who were engaged one way or another in terrorist activity, or were aware of terrorist activity, and you’re going to have to do something about detaining them. You know, letting terrorists go, if they’re actually terrorists, is obviously not in anybody’s interest. Have these rulings complicated efforts by the first post-Bush administration to strike up a new international relationship and burnish the country’s image? Guantanamo helps because it means that the next administration won’t have to say that they’re shutting it down in rejection of Bush strategy; they can just say they’re following the Supreme Court’s ruling in some way. But, Medellin is difficult. It definitely makes it harder for the next president to demonstrate a kind of international compliance, because after all, in the Medellin case, President Bush actually ordered the states to comply with the judgment of the International Court of Justice, and the Supreme Court held that he lacked the authority to do that on his own. So, it makes it harder for the president.

### Neg responses to Medicaid DA

#### States will raise taxes to pay for Medicaid

Health Management Associates, 6-23-2017, ("States and Medicaid Provider Taxes or Fees," Henry J. Kaiser Family Foundation, <http://www.kff.org/medicaid/fact-sheet/states-and-medicaid-provider-taxes-or-fees/>) CAA

Medicaid is jointly financed by states and the federal government. Provider taxes are an integral source of Medicaid financing governed by long-standing regulations. All but one state (Alaska) reported a provider tax in FY 2016 (Figure 1). Under current regulations, states may not use provider tax revenues for the state share of Medicaid spending unless the tax meets three requirements: must be broad-based, uniformly imposed, and cannot hold providers harmless from the burden of the tax. Federal regulations create a safe harbor from the hold-harmless test for taxes where collections are 6.0 percent or less of net patient revenues.1 However, federal health reform legislation under consideration in the Senate as of June 2017 would phase down the maximum federally allowable safe harbor limit under the “hold-harmless” rule, beginning in fiscal year (FY) 2021, to 5.0 percent of net patient revenues by FY 2025. Figure 1: States with provider taxes or fees in place in FY 2016 This would restrict states’ ability to come up with the state share to finance Medicaid and could therefore shift additional costs to states. If states were not able to find additional funds to replace provider tax funding with other state sources, limits on provider taxes could result in program cuts with implications for Medicaid providers and beneficiaries. Since states use provider taxes differently, limits would have different effects across states. This fact sheet briefly highlights the role of provider taxes in states and the possible impact of limiting the use of these taxes. Data is based on findings from the 50-state Medicaid budget survey conducted in July 2016 by the Kaiser Commission on Medicaid and the Uninsured and Health Management Associates. HOW IS THE MEDICAID PROGRAM FINANCED? States and the federal government share in the financing of the Medicaid program. Under federal Medicaid law, the federal government pays between 50 and 74 percent of all the costs of providing services to beneficiaries under the program. These matching rates (FMAPs) vary across states based on the state’s per capita income in comparison to the national average (i.e., states with lower per capita income have higher matching rates). The remaining share of program funding comes from state and local sources. One of the ways states raise funds for their share of Medicaid spending is through provider taxes/fees. Eight states, of the 32 states (including DC) that have adopted the ACA Medicaid expansion, also indicated that they planned to use provider taxes/fees to fund the state share of the Medicaid expansion when the federal match dropped from 100% to 95% in January 2017.2 WHAT ROLE DO PROVIDER TAXES PLAY IN STATE FINANCING OF MEDICAID? Provider taxes are imposed by states on health care services where the burden of the tax falls mostly on providers, such as a tax on inpatient hospital services or nursing facility beds. Provider taxes have become an integral source of financing for Medicaid. For FY 2016, all but one state (Alaska) reported having at least one Medicaid provider tax and two-thirds of states reported three or more provider taxes (Table 1, Figure 1). States use the additional revenue collected by provider taxes in a number of ways to support Medicaid programs. For example, provider taxes help to support provider rate increases or to help mitigate provider rate cuts. States also have used funds collected from provider taxes to support the Medicaid program more broadly. For example, Colorado used some of the funds raised through their hospital provider fee to expand eligibility to parents and children. During economic downturns, when state tax revenues fall at the same time that demand for public services like Medicaid increases, states are more likely to impose or increase provider taxes to help fund the state share of Medicaid. In the past, states were able to use provider taxes and other state financing arrangements to enable states to receive higher effective federal matching rates than the statutory formula provides. However, legislation enacted in 1991 restricted the use of provider taxes to curb abusive practices. Under current regulations, states may not use provider tax revenues for the state share of Medicaid spending unless the tax meets three requirements: must be broad-based, uniformly imposed, and cannot hold providers harmless from the burden of the tax. Federal regulations create a safe harbor from the hold-harmless test for taxes where collections are 6.0 percent or less of net patient revenues.3 WHAT WOULD THE IMPACT OF LIMITING THE USE OF PROVIDER TAXES BE ON STATES? On June 22, 2017, the Senate released the “Better Care Reconciliation Act of 2017” which proposes a phase down of the provider tax safe harbor threshold from 6.0 percent to 5.0 percent of net patient revenues over 5 years beginning in 2021. The threshold would be reduced to 5.8 percent in 2021, 5.6 percent in 2022, 5.4 percent in 2023, 5.2 percent in 2024, and 5.0 percent in 2025 and beyond. The 2016 Kaiser Medicaid budget survey asked states to identify whether each of the provider taxes they reported exceeded 3.5 percent of net patient revenues and/or exceeded 5.5 percent of net patient revenues as of July 1, 2016. States indicated that over 3 in 10 provider taxes in use were above the 5.5 percent threshold. In the 2016 survey, 28 states estimated that at least one provider tax was above this 5.5 percent threshold (Figure 2) and 11 of these states reported 2 or more provider taxes/fees above this threshold4 (Table 1). Broken out by type of provider tax, 20 states reported having nursing facility taxes exceeding 5.5 percent of net patient revenues, 15 states reported having taxes on intermediate care facilities for the intellectually disabled exceeding 5.5 percent, and 6 states reported having hospital taxes exceeding 5.5 percent as of July 1, 2016 (Table 2). Figure 2: States with at least 1 provider tax or fee over 3.5% and over 5.5% net patient revenues Limitations on provider taxes would have a more notable impact in those states that are heavily dependent on provider tax revenues to fund their state share of Medicaid spending. If provider taxes are limited, states would need to increase state funds to maintain current programs or make program cuts. Such changes in available financing could have negative implications for providers and beneficiaries under the current operation of the program as well as for the implementation of the ACA.

#### Medicaid will lead to more inequality while costing state economies billions

Jim Demint, 3-18-2015 (Former U.S. Sen. "Why state Medicaid expansion hurts everyone," Heritage Foundation, <http://www.heritage.org/health-care-reform/commentary/why-state-medicaid-expansion-hurts-everyone>) CAA

We’ve heard a lot about how Obamacare’s Medicaid expansion will be costly to states in the long run. Yet this hasn’t stopped some governors, who know that taking more money from the federal government makes their budgets look good (in the short term), while making themselves appear compassionate. But we haven’t heard enough about how expanding Medicaid will cause permanent damage to America, our health care system and our citizens. For decades, government plans such as Medicare and Medicaid have typically paid doctors and hospitals less than private plans, and even less than the actual costs of the services in some cases. Health care providers covered their losses by raising prices to patients with private insurance. This “cost shifting” contributed to increases in the costs of employer and individual health insurance plans. As private health insurance became prohibitively expensive for many Americans, more became uninsured or covered by government plans. And as more participants in government plans strained state and federal budgets, the gap between payouts from Medicaid vs. private insurers became even larger. Today, fewer and fewer doctors will even accept new Medicaid patients because of low reimbursement. Medicaid patients in the future may not even be able to find a doctor. In Ohio, only around 40 percent of doctors have been taking new Medicaid patients, a number that is likely to fall in light of the “bump out” Medicaid payment ending. This has led to doctors lobbying the state government to cover the payment itself – over half a billion dollar hit to the state budget. As baby boomers expand Medicare rolls and Obamacare pushes more Americans into Medicaid, cost shifting and fewer enrollees will make private plans even more expensive – a vicious cycle that could someday destroy the private health insurance industry. And, as state governments make more of their citizens dependent on government health care, they also make themselves more dependent on the federal government. The Buckeye Institute recently reported that Ohio’s expansion rests upon a particularly shaky funding loophole to tax managed care organization (MCO) premiums while maximizing federal dollars. It’s a loophole on the verge of being closed by Washington, leaving Ohioans with an unaffordable Medicaid system and few funding mechanisms. You might think doctors and hospitals would be sounding the alarm, but think again. Doctors are divided, and hospitals are actually leading the lobbying for Medicaid expansion in every state. That’s because the hospitals think signing more people up for government-controlled coverage will give them easy reimbursement from taxpayers.. Those benefits, however, are outweighed by the long-term costs to keep the program running. When the money gets tight, doctors, patients and hospitals will be hurting. Seniors on Medicare will also have difficulty finding a doctor because of low reimbursement. Indeed, more physicians will eschew insurance plans altogether, opting to limit their practices to those patients who are able to pay directly. Since reimbursement from government programs already favors hospital-based services, more physicians will leave private practice to become employees of large hospital systems. Private physician practices will become increasingly hard to find. If federal and state governments do not change this destructive cycle, America’s health system will increasingly become a two-tier system in which people of means pay for their health care directly while everyone else waits in line for whatever they can get. All the same people who ruined America’s health care system through government intervention will fight to make sure everyone is forced into a government plan. As Ohioans debate Medicaid reauthorization, they face an expansion program 53 percent over budget for the first half of fiscal year 2015. Tying up state finances, raising taxes and further regulating the industry don’t solve the underlying problem. There are too many short-term thinkers in the health care debate. It’s time for proponents of Obamacare and the expansion of Medicaid to understand that they are anything but compassionate. They are dooming many Americans to second-rate health care.

#### Trump cutting Medicaid now

Penelope Wang, 1-26-2017 ("Donald Trump Wants to Radically Change Medicaid. Here's What the Program Actually Does.," Money, <http://time.com/money/4649499/donald-trump-wants-to-cut-medicaid-heres-what-the-program-actually-does/>) CAA

Most Americans give little thought to Medicaid, which is typically viewed as an entitlement program for the poor. But it's about to get a lot more attention. President Donald Trump is seeking to radically overhaul the $530 billion program by changing its funding—a move that could end up sharply reducing coverage and jeopardizing the financial security of many middle-class families. Contrary to popular belief, Medicaid is not just a benefit for low-income Americans. It's actually the nation’s largest health care program, covering 74 million enrollees, or about one in four Americans. Some 60% of Medicaid's spending is for the elderly and the disabled, many of whom come from middle-class households. Medicaid costs are funded jointly by the federal government and the states, with the feds paying about 57% of program's overall expenses. It's an open-ended commitment, meaning the federal government pays a certain percentage of each state's costs (the amounts vary) with no fixed dollar limit. If costs rise—a new drug charges a high price, say, or a virus breaks out—states get more money. Trump's plan would change all that by converting the federal funding to so-called block grants. With this approach, each state would get a set amount of money, which would be distributed as local governments see fit. In theory, this would give states more flexibility. Problem is, block-grant funding typically doesn’t keep up with rising costs. As a recent study by the left-leaning Center on Budget and Policy Priorities found, a similar House Republican budget plan for 2017 would slash federal Medicaid funding by 33% by the year 2026. The CBPP estimate did not include the impact of a repeal of the Affordable Care Act, another Republican goal. The ACA, also known as Obamacare, gave additional funding to states that expanded Medicaid eligibility. If that policy is reversed, some 11 million enrollees who signed up through the expansion would lose coverage. The block-grant approach (as well as a similar per capita cap plan) is backed by many Republicans lawmakers, including Rep. Tom Price, Trump’s nominee for Health and Human Services Secretary, who would oversee Medicaid and Medicare. In a recent Senate hearing, Price acknowledged that switching to block grants would mean ending guaranteed coverage under Medicaid. Cash-strapped states would end up limiting eligibility or requiring beneficiaries to pay more. The cost-sharing Medicaid model is being used now in Indiana, home state of Trump's nominee to run Medicare, where low-income beneficiaries must make monthly payments for coverage.

#### Even though states are in one of their worst fiscal conditions ever Medicaid funding will continue due to current laws

John W. Schoen, 7-11-2017 ("States in crisis: Embroiled in the worst budget battles since the Great Recession," CNBC, <http://www.cnbc.com/2017/07/11/states-in-crisis-the-worst-budget-battles-since-the-great-recession.html>) CAA

Energy states, including Alaska, Louisiana, Oklahoma and Wyoming, have seen tax revenues dry up since oil prices crashed in 2014. In 15 states tax revenues took a hit after lawmakers slashed income taxes, according to the Rockefeller Institute. The biggest drop came in Ohio after a 6.3 percent tax cut left the state with $1.1 billion less revenue in the latest fiscal year. Illinois has seen its revenues drop for two years straight after a temporary tax hike expired in 2015. The trickle-down effect The revenue shortfalls have forced states to tighten spending. At least 23 states had already made midyear budget cuts, totaling nearly $5 billion, even before the budget battles began this month. States are also bracing for the potential impact of new policies out of Washington that threaten to put great financial strain on their budgets. One of those changes is within the Republican-proposed health-care reform bill, which aims to slash government spending on Medicaid coverage. (The current program, the Affordable Care Act, had originally been created for low-income families and was expanded in 32 states.) Under current law, the federal government shares the cost with the states, which saw their Medicaid spending rise by a median 5.2 percent in fiscal 2017, according to the National Association of State Budget Officers. Medicaid spending is expected to rise by another 4.2 percent in fiscal 2018. More from America's Top States for Business: Connecticut is facing a business migration crisis New York is offering free college — California may be next 10 crumbling states most in need of Trump's $1 trillion infrastructure plan But if approved, the latest Republican health-care bill would slash Medicaid funding under the current law by some $772 billion over 10 years, according to the Congressional Budget Office. States are also proceeding even more cautiously than usual due to uncertainty about other possible changes in federal policy. One of those involves tax reform, and the possible loss of the federal income-tax deduction for state and local taxes. That would increase the effective cost of those taxes to state residents. States are also waiting for clearer signs about the prospects for increased federal spending on infrastructure, one of the few policies that has drawn bipartisan support in Congress. Despite that general agreement, there has been little progress on legislation to boost funding for state infrastructure projects.

### Education Commision of the States

#### Education Commission of the States is a framework in which states coordinate efforts

Paul Fain, 7-2-2014 ("Education Commission of the States takes on inconsistency in tracking remedial education," <https://www.insidehighered.com/news/2014/07/02/education-commission-states-takes-inconsistency-tracking-remedial-education>) CAA

 “Too many students now arrive at college ill-prepared for college level work,” Colorado’s Lt. Joe Garcia, who helped lead the commission’s work on the two reports, said in a written statement. “Knowing who they are, where they came from and how many are in need of remedial courses is step one to fixing this problem." Multiple Measures For the second report, Garcia and others on a steering committee tasked the commission with putting together a panel of experts to design remedial reporting standards that every state can use. They cautioned against “blunt” measures of comparison, and called for the use of multiple college readiness indicators. That request reflects recent research, chiefly from Bailey’s center, which has criticized colleges’ reliance on placement tests from the College Board and ACT. Those assessments place students into remediation who might be able to succeed in college level courses, the research found. And critics say community colleges rely too heavily on the high-stakes tests. ECS’s new “common framework for remedial reporting” requires the use of a wide range of mandatory variables for determining college readiness and tracking student progress in remediation. They include: High school grade point average Score on a national test Credit hours completed Course information and grades in both remedial and credit-bearing English and mathematics Students' demographic information This approach to reporting focuses attention on academic progress and student outcomes, the report said. “The framework is not intended to rank or grade state performance,” it said. “But rather to allow states to view the effectiveness of their policies in terms of student performance and view the comparable information across states.” Bailey said he supports the push to use multiple measures to determine college readiness. “I like the many aspects that they are considering,” he said, “although of course that could generate many numbers.” The two reports argue that the K-12 Common Core State Standards and assessments based on them will lead to “ways to measure college readiness across most states.” But given the loud backlash to the Common Core, that prediction might prove to be optimistic. Furthermore, Bailey cautioned against the use of a “sharp line” for determining college readiness. A broader set of metrics than a single assessment is an improvement, he said. But colleges should be given some flexibility in placement. One reason is that students’ goals can affect their odds of success in college-bearing course. For example, the Carnegie Foundation for the Advancement of Teaching’s Quantway and Statway math tracks have shown that students who are not headed into STEM fields can benefit from a heavier mix of statistics and less college-level algebra. The Lumina Foundation funded the ECS reports. Officials with the commission said states can improve their education systems from learning from each other. They hope the report and new standards begin a “national dialogue on how states can share information about student’s remediation needs.”

## AFF – Answers

### ESSA good

#### States have the ability to innovate with ESSA – leading to accountability and improvement

Bae et al, April 16, (Linda Darling-Hammond, Soung Bae, Channa M. Cook-Harvey, Livia Lam, Charmaine Mercer, Anne Podolsky, and Elizabeth Leisy Stosich, Palo Alto: Learning Policy Institute, 2016. "Pathways to New Accountability Through the Every Student Succeeds Act," <https://learningpolicyinstitute.org/sites/default/files/product-files/Pathways_New-Accountability_Through_Every_Student_Succeeds_Act_04202016.pdf>) CAA

In December 2015, President Obama’s signature reauthorized the 1965 Elementary and Secondary Education Act as the Every Student Succeeds Act (ESSA), which opened up new possibilities for how student and school success are defined and supported in American public education. One of the most notable shifts from ESSA’s immediate predecessor, the No Child Left Behind Act (NCLB), is that states have greater responsibility for designing and building their state accountability systems and for determining supports and interventions for schools and districts. For more than a decade, the federal government has attempted to drive student achievement through the use of targets and sanctions tied to a narrow definition of student success—i.e., student test scores in reading and math and, later, high school graduation rates. Although graduation rates improved during the NCLB era,1 concern has grown that test-based accountability has resulted in a narrowing of the curriculum through an emphasis on math and reading at the expense of untested subjects like science, history, art, and music.2 In addition, instruction has tended to focus on the format of the required multiple-choice tests. It has emphasized the recall and selection of right answers on tests of low-level skills at the expense of deeper analysis and problem-solving; research and inquiry; oral and written communications; and uses of technology and other tools to develop, evaluate, and use knowledge in real-world applications. Despite gains on state tests that were the focus of these accountability efforts, progress slowed on the National Assessment of Educational Progress (NAEP), where the rate of gain was about half that of the pre-NCLB era. And on the Program for International Student Assessment (PISA)—a more open-ended test that evaluates how students apply their knowledge and demonstrate their reasoning—U.S. performance declined in math, reading, and science between 2000 and 2012, both absolutely and in relation to other countries.3 Policymakers learned that the reliance on student test scores as a measuring stick for gauging school effectiveness did not always translate into schools that were teaching students the relevant skills needed to apply knowledge to real-world situations. Instead, in many cases, improved scores signaled the greater use of test-taking strategies, rather than more durable learning; sometimes, gains were also achieved by eliminating low-scoring students from the testing pool.4 ESSA marks an important move toward a more holistic approach to accountability by encouraging multiple measures of school and student success. This shift creates new opportunities for local innovation by giving states the opportunity to create new approaches to accountability and improvement. The law also gives state leaders the challenging responsibility of designing systems that can address enduring inequalities in student learning opportunities and outcomes.

#### Utilizing ESSA’s whole school whole student approach is key to solvency for funding aimed at students in poverty, ELLs, and students with special needs

Bae et al, April 16, (Linda Darling-Hammond, Soung Bae, Channa M. Cook-Harvey, Livia Lam, Charmaine Mercer, Anne Podolsky, and Elizabeth Leisy Stosich, Palo Alto: Learning Policy Institute, 2016. "Pathways to New Accountability Through the Every Student Succeeds Act," <https://learningpolicyinstitute.org/sites/default/files/product-files/Pathways_New-Accountability_Through_Every_Student_Succeeds_Act_04202016.pdf>) CAA

Pathways to New Accountability Through the Every Student Succeeds Act Introduction LEARNING POLICY INSTITUTE | PATHWAYS TO NEW ACCOUNTABILITY THROUGH THE EVERY STUDENT SUCCEEDS ACT 2 Principles for a New Accountability While the approach of NCLB was problematic, its intent was to ensure that the success of traditionally underserved students mattered as much as that of other students. Now, under ESSA, states are largely responsible for creating a system that supports the success of all students. Figuring out how to use the new flexibility to achieve both greater equity and deeper learning is the challenge for the new ESSA. ESSA eliminates NCLB’s Annual Yearly Progress (AYP) system. This system set unrealistic targets for improving student performance based solely on test scores in two subjects, attached to sanctions for failing to reach those targets, thereby focusing schools’ attention almost exclusively on those tests. States can now select indicators beyond those the federal government requires, including additional measures of student outcomes, school functioning, and students’ opportunities to learn. They can also establish goals and determine school interventions based on their own contexts rather than adhering to a one-size-fits-all nationwide metric. This transition could enable states to build systems of accountability that contain more robust measures of student learning and achievement aimed at preparing students for life after graduation; that provide educators with information to improve their practice; and most importantly, that support schools’ capacities to reflect on and adjust their efforts to support students and educators. This more expansive view of accountability systems is based on a perspective that accountability should be designed to help leverage improvement, not just to label or sanction schools. Given that there are multiple outcomes of schooling that we care about, and that outcomes can only be understood in relation to inputs and processes, a helpful accountability system will consider inputs, processes, and outcomes simultaneously, and enable its users to begin to understand the relationships among them, so that they can pursue useful changes. Furthermore, a productive accountability system should acknowledge that schools, districts, states, and the federal government bear different responsibilities for inputs, processes, and outcomes. Accountability strategies should be structured so that each level of the system is expected to wield the levers it controls to create equity and quality. Achieving an equitable school system that leads to meaningful, relevant, and engaging learning opportunities for all children will require, for example, that states and districts provide funding and other resources that target the schools and districts serving high populations of students who live in poverty, have special needs, or are English language learners. It will also require that states, districts, and schools undertake the different tasks—such as curriculum design, access to materials, and educator development—that will enable these students to develop much richer learning supported by quality instruction. A system that focuses on the whole child and the whole school requires a more comprehensive set of indicators that measure the range of skills and competencies students need to be successful upon graduating from high school. These include the mastery of core academic content; the ability to think critically, collaborate, and communicate; the development of academic mindsets; and the capacity for independent learning. The resources and conditions that support students’ opportunities to learn must also be included. When systems include information about school resources and supports, the staff can readily identify inequities and respond appropriately with supports to aid improvement. LEARNING POLICY INSTITUTE | PATHWAYS TO NEW ACCOUNTABILITY THROUGH THE EVERY STUDENT SUCCEEDS ACT 3 Professional Capacity Resource Accountability Meaningful Learning

#### ESSA is important because of the meaningful instruction curriculum which is linked to critical thinking skills and higher academic success

Bae et al, April 16, (Linda Darling-Hammond, Soung Bae, Channa M. Cook-Harvey, Livia Lam, Charmaine Mercer, Anne Podolsky, and Elizabeth Leisy Stosich, Palo Alto: Learning Policy Institute, 2016. "Pathways to New Accountability Through the Every Student Succeeds Act," <https://learningpolicyinstitute.org/sites/default/files/product-files/Pathways_New-Accountability_Through_Every_Student_Succeeds_Act_04202016.pdf>) CAA

LEARNING POLICY INSTITUTE | PATHWAYS TO NEW ACCOUNTABILITY THROUGH THE EVERY STUDENT SUCCEEDS ACT 41 • Authentic instruction. A number of studies have found positive influences on student achievement from what researchers call authentic instruction—that is, meaningful instruction, curriculum, and assessment that requires students to construct and organize knowledge, consider alternatives, apply disciplinary processes to content central to the discipline, and communicate effectively to audiences beyond the classroom and school.99 This is the kind of instruction called for in the new Common Core State Standards. For example, a study of more than 2,100 students in 23 restructured schools found significantly higher achievement on intellectually challenging performance tasks for students who experienced authentic instruction.100 Authentic instruction generally occurs through performance-based activities, including experiments, mathematical modeling, social science inquiry, and other projects requiring in-depth study, extensive writing, or public presentations. These activities can create high expectations throughout a school and encourage mutual teacher and student accountability for meeting expectations.101 • Professional community. Many researchers have identified the collaboration associated with a professional community of teachers as a key element of successful schools.102 Bryk, Camburn, and Louis define a professional community as teachers’ focus on student learning, collective responsibility for school improvement, de-privatized practice, reflective dialogue, and staff collegiality and collaboration.103 A professional community encourages teachers to take responsibility for student learning and provides them with tools to do so, through collaboration around learning problems and effective teaching practices. In their study of 24 restructured schools, Newmann and colleagues found that having a strong professional community of practice is one of three commonalities among schools achieving high levels of student learning.104 Other research suggests that a collegial professional environment for teachers produces stronger achievement and generates greater collective responsibility for school improvement and student learning.105 Conclusion The Every Student Succeeds Act provides an important opportunity to create new accountability strategies that seek to view students and schools more holistically. Taking advantage of this opportunity will require clarity about what the act permits and requires, as well as creativity in developing new measures, processes for school diagnosis and improvement, and evidence-based interventions that support deeper learning in contexts that further equity goals.

#### ESSA actually gives more power to the states and creates systems to support low performing schools

Alice-Ann Darrow 16, (Alice-Ann Darrow is Irvin Cooper Professor of music education and music therapy at Florida State University. " The Every Student Succeeds Act (ESSA): What It Means for Students With Disabilities and Music Educators," http://journals.sagepub.com/doi/pdf/10.1177/1048371316658327) CAA

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA) (P.L. 114-95), legislation which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA), and replaces the widely criticized No Child Left Behind Act (NCLB). ESEA is the primary federal law that authorizes federal spending to support K–12 schooling, and represents the nation’s commitment to equal education opportunity for all students, regardless of race, ethnicity, disability, English proficiency, or income. It is the most expansive federal education bill ever passed by the U.S. Congress. The bill was enacted as part of President Lyndon B. Johnson’s “War on Poverty,” due to his belief that equal access to education was vital to a child’s ability to lead a productive life. The ESEA has had numerous changes in its 50-year history (Essex, 2015). The ESEA was reauthorized in 2002 under President George W. Bush as No Child Left Behind (NCLB). Assessment and accountability provisions in NCLB were intended to bring increased attention to underperforming groups of students, including those with disabilities. The NCLB law was significant because it held schools accountable for how well students with disabilities performed in the general curriculum, as well as the goals in their Individualized Education Programs. NCLB required all public schools receiving federal funding to administer standardized tests annually to all students at select grade levels, including students with disabilities. In addition, it required that schools receiving Title I funding through the ESEA make “adequate yearly progress” in standardized test scores. NCLB’s federally prescribed requirements became increasingly under attack by parents, school administrators, and educators. Among the top concerns of NCLB critics were the cost of implementing its policies, the degree to which NCLB had narrowed curriculum only to subjects being tested, insistence on standardized testing as the only way to measure student progress, and intrusion of the federal government into an area that both the U.S. Constitution and tradition have left to the jurisdiction of the states (Holmes, 2010). ESEA was due for reauthorization in 2007, but because of congressional partisanship, its reauthorization was never acted on. Escalating opposition to NCLB, and the resulting role of federal government in education, eventually demanded the attention of States determine their own definition of progress, using multiple measures. States also determine how much weight to place on each measure, but a majority of the weight must be on academic indicators (test scores, graduation rates, etc.). School improvement Schools that did not make progress toward the federal goals were labeled failures; states were instructed to intervene in specific ways to address failing schools. Does not specifically authorize new money, but allows states and districts to direct a portion of Title 1 dollars for school interventions. School intervention funding Provided no additional dollars for school improvement. Does not specifically authorize new money, but allows states and districts to direct a portion of Title 1 dollars for school interventions. Teacher evaluation Not officially part of the NCLB but the Obama administration required states to establish teacher evaluation systems based in part on student test scores, in order to waive some of the law’s requirements. Allows, but does not require, states to evaluate teachers based on student achievement and use federal funds for that purpose. lawmakers. After various versions were offered, rejected, or revised, the ESSA ultimately passed both chambers of Congress with strong bipartisan support. Major Differences Between NCLB and ESSA The ESSA narrows the role of federal government and provides for more state- and district-led accountability, particularly in regard to testing. Though the testing essentials of NCLB remain—annual assessments in reading or language arts, math, and science from Grades 3 to 8 and once in high school—accountability now rests with states and districts. System supports for low performing schools also remain an important part of the ESSA. Low performing is defined as schools where one third or more of the students do not graduate. As with test accountability, states and districts will be responsible for determining what supports and interventions are implemented in low-performing schools. With the increasing improbability that students will make livable wages with only a high school education, one of the primary goals of ESSA is to fully prepare all students for success in college and careers. Bromberg and Theokas (2016) found that many students leave high school with a diploma, though without a path toward college or a career. Their research revealed that 47%, or nearly half, of American high school graduates complete neither a college- nor career-ready course of study. A college readiness curriculum is defined as the standard 15-course sequence required for entry at many public colleges, and a career-ready course of study is defined as three or more credits in a broad career field such as health science or business. ESSA requires that college and career counseling, as well as advanced coursework, be made available to all students, not just high achieving students or those in upper income neighborhood schools.

#### One unique benefit that is lost when we move away from the federal approach is the current structure that is helpful for students with disabilities

Alice-Ann Darrow 16, (Alice-Ann Darrow is Irvin Cooper Professor of music education and music therapy at Florida State University. "The Every Student Succeeds Act (ESSA): What It Means for Students With Disabilities and Music Educators," http://journals.sagepub.com/doi/pdf/10.1177/1048371316658327) CAA

States also determine how much weight to place on each measure, but a majority of the weight must be on academic indicators (test scores, graduation rates, etc.). School improvement Schools that did not make progress toward the federal goals were labeled failures; states were instructed to intervene in specific ways to address failing schools. Does not specifically authorize new money, but allows states and districts to direct a portion of Title 1 dollars for school interventions. School intervention funding Provided no additional dollars for school improvement. Does not specifically authorize new money, but allows states and districts to direct a portion of Title 1 dollars for school interventions. Teacher evaluation Not officially part of the NCLB but the Obama administration required states to establish teacher evaluation systems based in part on student test scores, in order to waive some of the law’s requirements. Allows, but does not require, states to evaluate teachers based on student achievement and use federal funds for that purpose. lawmakers. After various versions were offered, rejected, or revised, the ESSA ultimately passed both chambers of Congress with strong bipartisan support. Major Differences Between NCLB and ESSA The ESSA narrows the role of federal government and provides for more state- and district-led accountability, particularly in regard to testing. Though the testing essentials of NCLB remain—annual assessments in reading or language arts, math, and science from Grades 3 to 8 and once in high school—accountability now rests with states and districts. System supports for low performing schools also remain an important part of the ESSA. Low performing is defined as schools where one third or more of the students do not graduate. As with test accountability, states and districts will be responsible for determining what supports and interventions are implemented in low-performing schools. With the increasing improbability that students will make livable wages with only a high school education, one of the primary goals of ESSA is to fully prepare all students for success in college and careers. Bromberg and Theokas (2016) found that many students leave high school with a diploma, though without a path toward college or a career. Their research revealed that 47%, or nearly half, of American high school graduates complete neither a college- nor career-ready course of study. A college readiness curriculum is defined as the standard 15-course sequence required for entry at many public colleges, and a career-ready course of study is defined as three or more credits in a broad career field such as health science or business.Their research revealed that 47%, or nearly half, of American high school graduates complete neither a college- nor career-ready course of study. A college readiness curriculum is defined as the standard 15-course sequence required for entry at many public colleges, and a career-ready course of study is defined as three or more credits in a broad career field such as health science or business. ESSA requires that college and career counseling, as well as advanced coursework, be made available to all students, not just high achieving students or those in upper income neighborhood schools. The Public Policy Institute of California has provided the following comparison table that illustrates these and other changes in the law (Murphy & Warren, 2015) (Table 1). What ESSA Means for Students With Disabilities Organizations such as the Council for Exceptional Children, and publications such as Education Weekly and Disability Scoop, have monitored or reported the impact of ESSA on special education programs and students with disabilities. The general consensus is the new federal law, which grants significantly more power to states while continuing to require reporting from schools about the capabilities of their students, is a step in the right direction for all students, including those with disabilities. According to Diament (2015), the most significant change for students with disabilities is a cap on the number of students who can take alternate assessments to the general, gradelevel tests mandated for most students.

### STEM answers

#### Cross-agency priority only attainable through the federal government- key to sustained youth engagement

Handelsman et al, 2013, (Jo Handelsman, Associate Director for Science, Office of Science and Technology Policy; Joan Ferrini-Mundy, Assistant Director for Education and Human Resources, National Science Foundation. “STEM Education: CROSS-AGENCY PRIORITY GOAL," performance.gov, <https://www.performance.gov/content/stem-education>) CAA

CROSS-AGENCY PRIORITY GOAL STEM Education GOAL STATEMENT: Improve Science, Technology, Engineering and Mathematics (STEM) Education by implementing the Federal STEM Education 5-Year Strategic Plan, announced in May 2013, specifically: Improve STEM instruction Increase and sustain youth and public engagement in STEM Enhance STEM experience of undergraduate students Better serve groups historically under-represented in STEM fields Design graduate education for tomorrow’s STEM workforce Build new models for leveraging assets and expertise Build and use evidence-based approaches Improving STEM education is a priority for the President and this Administration. Advances in science, technology, engineering, and mathematics (STEM) have long been central to our Nation’s ability to manufacture better and smarter products, improve health care, develop cleaner and more efficient domestic energy sources, preserve the environment, safeguard national security, and grow the economy. For the United States to maintain its preeminent position in the world it will be essential that the Nation continues to lead in STEM, but evidence indicates that current educational pathways are not leading to a sufficiently large and well-trained STEM workforce to achieve this goal, nor is the U.S. education system cultivating a culture of STEM education necessary for a STEM-literate public. Thus it is essential that the United States enhance U.S. students’ engagement in STEM disciplines and inspire and equip many more students to excel in STEM fields. A number of Federal agencies place a high priority on STEM education and have developed education initiatives unique to their agency’s mission, needs, and resources. To better leverage Federal assets, expertise, and partnerships toward a goal of national importance, a cross agency priority to improve STEM education has been developed to increase agency coordination and use of evidence-based approaches to improve P-12 STEM instruction, increase and sustain youth and public engagement in STEM, enhance the STEM experience of undergraduate students, better serve groups historically underrepresented in STEM fields, design graduate education for tomorrow’s STEM workforce, build new models for leveraging assets and expertise, and build and use evidence-based approaches.

#### Perm solves best

Executive Office of the President, 2010, (Executive Report Executive Office of the President President’s Council of Advisors on Science and Technology (PCAST) “Report to the president Prepare and inspire: K-12 Education in Science, Technology, Engineering, and Math (STEM) for America’s Future,", https://nsf.gov/attachments/117803/public/2a--Prepare\_and\_Inspire--PCAST.pdf) CAA

THE FEDERAL GOVERNMENT HAS HISTORICALLY LACKED A COHERENT STRATEGY AND SUFFICIENT LEADERSHIP CAPACITY FOR K-12 STEM EDUCATION Over the past few decades, a diversity of Federal projects and approaches to K-12 STEM education across multiple agencies appears to have emerged largely without a coherent vision and without careful oversight of goals and outcomes. In addition, relatively little Federal funding has historically been targeted toward catalytic efforts with the potential to transform STEM education, too little attention has been paid to replication and scale-up to disseminate proven programs widely, and too little capacity at key agencies has been devoted to strategy and coordination. RECOMMENDATIONS 1. STANDARDS: SUPPORT THE CURRENT STATE-LED MOVEMENT FOR SHARED STANDARDS IN MATH AND SCIENCE The Federal Government should vigorously support the state-led effort to develop common standards in STEM subjects, by providing financial and technical support to states for (i) rigorous, high-quality professional development aligned with shared standards, and (ii) the development, evaluation, administration, and ongoing improvement of assessments aligned to those standards. The standards and assessments should reflect the mix of factual knowledge, conceptual understanding, procedural skills, and habits of thought described in recent studies by the National Research Council.

#### Working through the federal government allows for current funds to go into STEM education and for state cooperation

Executive Office of the President, 2010, (Executive Report Executive Office of the President President’s Council of Advisors on Science and Technology (PCAST) “Report to the president Prepare and inspire: K-12 Education in Science, Technology, Engineering, and Math (STEM) for America’s Future,", https://nsf.gov/attachments/117803/public/2a--Prepare\_and\_Inspire--PCAST.pdf) CAA

The Obama administration has made education reform one of its highest priorities. The American Recovery and Reinvestment Act of 2009 established four broad “assurances” to improve the K-12 education system, and the administration has worked to fulfill these assurances through competitive grantmaking. A historic, state-led initiative – led by the National Governors Association and the Council of Chief State School Officers – emerged in 2008 to forge clear, consistent, and higher standards for mathematics and English language arts education in grades K-12 that can be shared across states. These standards were recently released, and, as of the publication date of this report, 34 states and the District of Columbia had adopted them. There is also considerable interest in the adoption of similar standards for science, which will be essential for improving STEM education. Purpose of this Report In the fall of 2009, the President asked his President’s Council of Advisors on Science and Technology (PCAST) to develop specific recommendations concerning the most important actions that the administration should take to ensure that the United States is a leader in STEM education in the coming decades. In responding to this charge, PCAST decided to focus initially on the K-12 level. (A subsequent report will address STEM education at community colleges, four-year colleges, and universities.) ★ 5 ★ There have been a number of important reports related to STEM education over the past two decades, including landmark reports that have called attention to the problem, reviews of the research literature, and recommendations concerning principles and priorities. Our goal is not to redo the work of these excellent reports – indeed, we have relied heavily on their research and findings. Rather, the purpose of this PCAST report is instead to translate these ideas into a coherent program of Federal action to support STEM education in the United States that responds to current opportunities. The report examines the national goals and necessary strategies for successful STEM education. We examine the history of Federal support for STEM education and consider actions that the Federal Government should take with respect to improving leadership and coordination. Subsequent chapters discuss Standards and Assessments, Teachers, Technology, Students and Schools. Many of the recommendations in this report can be carried out with existing Federal funding. Some of the recommendations could be funded in part through existing programs, although new authorities may be required in certain cases. Depending on these choices, the new funding required to fully fund the recommendations could reach up to approximately $1 billion per year. This would correspond to the equivalent of roughly $20 per K-12 public school student; or 2 percent of the total Federal spending of approximately $47 billion on K-12 education; or 0.17 percent of the Nation’s total spending of approximately $593 billion on K-12 education. Not all of this funding must come from the Federal budget. We believe that some of the funding can come from private foundations and corporations, as well as from states and districts. Key Conclusions and Recommendations While the report discusses a range of conclusions and recommendations, we have sought to identify the most critical priorities for rapid action. Below, we summarize our two main conclusions and our seven highest priority recommendations. All of these recommendations are directed at the Federal Government, and in particular we focus our attention on actions to be taken by the Department of Education and the National Science Foundation as the lead Federal agencies for STEM education initiatives in K-12. Achieving the Nation’s goals for STEM education in K-12 will require partnerships with state and local government and with the private and philanthropic sectors. The Federal Government must actively engage with each of these partners, who must in turn fulfill their own distinctive roles and responsibilities. In this context, we are encouraged by the state-led collaborative efforts and by the creation of private groups, such as the recently formed coalition, Change the Equation. ★ 6 ★ CONCLUSIONS TO IMPROVE STEM EDUCATION, WE MUST FOCUS ON BOTH PREPARATION AND INSPIRATION To meet our needs for a STEM-capable citizenry, a STEM-proficient workforce, and future STEM experts, the Nation must focus on two complementary goals: We must prepare all students, including girls and minorities who are underrepresented in these fields, to be proficient in STEM subjects. And we must inspire all students to learn STEM and, in the process, motivate many of them to pursue STEM careers. THE FEDERAL GOVERNMENT HAS HISTORICALLY LACKED A COHERENT STRATEGY AND SUFFICIENT LEADERSHIP CAPACITY FOR K-12 STEM EDUCATION Over the past few decades, a diversity of Federal projects and approaches to K-12 STEM education across multiple agencies appears to have emerged largely without a coherent vision and without careful oversight of goals and outcomes. In addition, relatively little Federal funding has historically been targeted toward catalytic efforts with the potential to transform STEM education, too little attention has been paid to replication and scale-up to disseminate proven programs widely, and too little capacity at key agencies has been devoted to strategy and coordination.

### Foreign language answers

#### Title VI funding through the federal government provides professional development that ensures high quality foreign language instruction necessary for the D.O.D., F.B.I., and House Department.

Zehr, June 8, 2011, (Mary Ann Zehr was an assistant editor for Education Week specializing in foreign language and bilingual education. “Foreign-Language Programs Stung by Budget Cuts: Advocates voice concern over loss of key funding to train K-12 educators," Education Week, <http://www.edweek.org/ew/articles/2011/06/01/33language.h30.html>) CAA

The federal government has identified a huge demand for proficient speakers of foreign languages, but Congress substantially reduced funds to support the teaching of foreign languages to K-12 and college students in the budget deal struck for fiscal 2011. Foreign-language advocates say they are discouraged that while President Barack Obama and U.S. Secretary of Education Arne Duncan have stressed in speeches the importance of bilingualism, a pot of money that underwrites the cost of 14 higher education programs focused on foreign languages and international education—some of which provide crucial support to K-12 educators—will be cut by 40 percent in the current fiscal year. They’re relieved, though, that the $27 million Foreign Language Assistance Program authorized by the Elementary and Secondary Education Act, which gives grants directly for K-12 programs that teach languages deemed critical to U.S. security and economic needs, emerged from the budget talks unscathed. The 14 small programs in the Higher Education Opportunity Act of 2008 that support language and international education, authorized by the Title VI and Fulbright-Hays sections of the law, were funded at $126 million in fiscal 2010. They weren’t mentioned in the 2011 budget legislation approved by Congress in April, but a chart of the cuts in the 2011 budget posted on the website of the House Appropriations Committee said that those programs could receive a cut of $50 million, or 40 percent of their budgets. The final budget released last monthRequires Adobe Acrobat Reader showed the programs will be funded with nearly $76 million in fiscal 2011, which means that the U.S. Department of Education agreed to the 40 percent cut. It’s a big blow, the advocates say, and they’re lobbying Congress to restore the fiscal 2010 level of funding in the budget for fiscal year 2012, which begins Oct. 1. Justin Hamilton, a spokesman for the Education Department, wrote in an email, “We’re in one of the most difficult budget environments in recent memory” and that has resulted in “some painful cuts.” He added: “We’re committed to the mission of international education and will continue working to do all we can to make sure our students are prepared to successfully compete in a global economy.” Some advocates for language education say the most crucial of the higher education programs for K-12 teaching and learning of foreign languages is the authorization of money to pay for 15 language-resource centers at universities. Those centers received $5 million in 2010. The research, materials, and professional development the centers provide for precollegiate educators help improve the quality of foreign-language study, the advocates say. “With them being cut, I wonder what will be the concerted effort to provide high-quality resources, teacher training, development of curriculum, development of assessments, and having people who present on and write about the issues” in language education, said Joy Kreeft Peyton, a vice president of the Washington-based Center for Applied Linguistics. Heritage Languages The language-resource center housed at the University of California, Los Angeles, for instance, has formalized into a national initiative what had been primarily a volunteer effort to advance the bilingualism of heritage speakers, Ms. Peyton said. Heritage speakers are exposed to a language other than English while growing up but may not have developed full literacy or fluency in that language. The UCLA center started a journal on heritage languages, has held conferences about them, and offers summer institutes for teachers. And it has conducted research on how assessment of the language proficiency of heritage speakers should be different from that of native speakers or second-language learners, Ms. Peyton said. Marty Abbott, the director of education for the American Council on the Teaching of Foreign Languages, said: “There has been an emphasis in what the [Obama] administration has said about the importance of learning languages. We’re very confident those statements can be turned into action eventually.” She added: “We haven’t seen it yet.” Ms. Abbott said the budget cuts don’t make sense, given that the U.S. Department of Defense and other agencies need to hire a larger pool of linguists and other people who have high levels of proficiency in languages. She said having students begin to study foreign languages in elementary or secondary school, or even colleges, is key to meeting the demand. Miriam Kazanjian, a consultant for the Coalition for International Education, a group of more than 30 higher education associations that promotes the U.S. Department of Education’s foreign-language programs, said a number of the programs nested in Title VI of the Higher Education Act have K-12 components. Title VI authorizes money for 127 national resource centers as well as the 15 regional language-resource centers, for instance. Many of the programs have some kind of K-12 outreach, which typically is professional development for teachers or a section of a center’s website promoting resources for K-12 educators, Ms. Kazanjian said. Elaine E. Tarone is the director of the Center for Advanced Research on Language Acquisition at the University of Minnesota-Twin Cities, another of the language-resource centers authorized by the Higher Education Act. “We’re not big, but we think we’re effective,” she said about the language-resource centers. She cited studies not yet released by the Education Department that report on the effectiveness of language and international education programs authorized by the Higher Education Opportunity Act. One study, an evaluation of the effectiveness of the International Research and Studies Program, which supports the development of instructional materials in foreign languages and area studies and is one of the 14 programs authorized by Title VI and the Fulbright-Hays provisions, was conducted by the Bethesda, Md.-based J.B.L. Associates Inc. Gina Shkodriani, a researcher for the report, said in an email that the report was turned in to the Education Department in March 2009. A more recent evaluation of foreign-language programs financed by the Education Department was carried out by the Washington-based American Institutes for Research.

#### ED has clear authority over education issues like the affirmative and should implement foreign languages leads to precedent setting

National Research Council, 2007, (Committee to Review the Title VI and Fulbright-Hays International Education Programs, Mary Ellen O'Connell and Janet L. Norwood, editors, National Research Council " International Education and Foreign Languages: Keys to Securing America's Future," No Publication, <https://www.nap.edu/download/11841>) CAA

The initiative draws on evidence suggesting that mastery of these less commonly taught languages requires many years of study and that learning should begin at an early age. This initiative would provide resources for programs at the U.S. Department of State, the Department of Defense (DoD), the Office of the Director of National Intelligence, and ED, many of them aimed at increasing the number of teachers of critical languages or increasing the number of young students studying critical languages. Although the initiative has not yet been funded, several federal agencies have refocused the resources of existing programs toward these critical languages. When ED targeted resources toward critical languages under its Foreign Language Assistance Program (FLAP) (a program complementary to Title VI/FH that provides resources to elementary and secondary schools), outside groups expressed concern that such a narrow focus would be detrimental to the foreign language field. The critical, strategic world areas, and the languages people in those areas speak, are not always predictable. Having the capacity to respond to new and unanticipated challenges requires maintaining capacity in a broad range of languages. The committee concluded that, while greater infusion of foreign languages and cultural instruction is vitally needed in K-12 education, too narrow a focus on a small set of languages in either K-12 or higher education could be detrimental to the country. Although international education has begun to emerge as a concern in ED, strategic coordination either in the department or with other federal agencies has not. The Title VI/FH programs are not currently administered at the executive level at ED; there is no formal mechanism for coordination across programs; and functions and activities related to foreign languages and international education are scattered throughout the agency. And unlike DoD and the State Department, which place responsibility for the NSLI initiative with a senior executive staff person, ED’s efforts have been coordinated by a politically appointed adviser to the assistant secretary for postsecondary education. Finally, ED, as the federal agency with clear responsibility for education issues, should have a more visible presence in directing efforts aimed at education, particularly K-12 education. Recommendation: The Department of Education should consolidate oversight of its international education and foreign language programs under an executive-level person who would also provide strategic direction and consult and coordinate with other federal agencies. The position should be one that requires presidential appointment and Senate confirmation (12.1). The resources of ED should be coordinated with the resources of other programs. The Title VI/FH programs play a unique role among the array of federal programs by focusing on creating a broad infrastructure in higher education, whereas FLAP provides resources to K-12 education. DoD’s Defense Language Institute and the State Department’s Foreign Service Institute are designed to address specific governmental needs for particular language skills at specific points in time. DoD’s National Security Education Program targets critical languages and includes a government service requirement. All relevant federal agencies should have a formal mechanism to consider the range of national needs for area and international education and foreign languages and the appropriate balance between maintaining capacity in a range of languages and areas of the world and responding to immediate needs. The committee concludes that this is best accomplished through a regular, publicly available report to Congress. Recommendation: Congress should require the secretary of education, in consultation and coordination with the Departments of State and Defense, the Office of the Director of National Intelligence, and other relevant agencies to submit a biennial report outlining national needs identified in foreign language, area, and international studies, plans for addressing these needs, and progress made. This report should be made available to the public (12.2). To implement this recommendation most effectively, information on both needs and program accomplishments will need to be improved across government. For example, one of the primary criticisms directed at the Title VI/FH programs was that they do not produce graduates with sufficient levels of language proficiency. ED requires recipients of FLAS Fellowships and Doctoral Dissertation Research Abroad, the primary programs aimed at advanced language study by individual students, to provide, upon completion of their fellowship, self-ratings of their proficiency before and after their fellowship. However, there is no available evidence of the reliability or validity of these ratings, and the way it is implemented limits its use in assessing student’s proficiency. If self-assessment is to be maintained, a more reliable and valid approach should be developed. Recommendation: The Department of Education should stop using its current self-assessment approach and develop an alternative approach to measuring foreign language proficiency with demonstrated reliability and validity (5.2). At the same time, demand for proficiency assessment has increased and is likely to continue to increase, both to demonstrate the language results of select Title VI/FH programs and to determine the success of a range of new foreign language initiatives in government and in elementary and secondary education. Although ED has encouraged the development of other standardized assessments, these efforts have received limited funding, have been widely dispersed among the Title VI centers, and have not yet addressed many of the less commonly taught languages. Similarly, information and communication technology has made significant and continual progress; this progress provides unharnessed opportunities to advance foreign language assessment and instruction. Technology provides particular opportunities to advance instruction of less commonly taught languages—languages that are among the strengths of the Title VI/ FH programs and a subset of which are of particular current interest in the federal government. Investment in research and development that marries language instruction and assessment efforts with technology would benefit the range of federal agencies concerned with international education and foreign languages. It will also require coordinated effort by individuals with a range of specific areas of expertise. Recommendation: The federal government should contract for a new National Foreign Language Assessment and Technology Project. The initial focus of the project should be on the research and development needed to design and implement a range of new technology-based methods for (1) assessing language proficiency and (2) supporting language instruction through the development of common platforms (12.3). In general, meaningful data on program performance is lacking. Grantees must report extensive annual information via a web-based reporting system. However, technical issues with the system design, staffing limitations at ED that affect staff ability to ensure data quality and integrity, and widely held perceptions by grantees that the system is a burden without benefit, limit its use. Although the department recognizes many of these issues and has implemented system improvements to address several technical issues, there is no immediate plan to assess the relevance of performance measures or to make data fully available to grantees or to the public that might improve program transparency. Recommendation: The Department of Education should ensure that its new data system, the International Resource Information System, provides greater standardization, allows comparison across years and across programs, and provides information to all grantees and to the public (11.1). In addition, meaningful evaluations of outcomes and impacts are lacking. More rigorous, periodic evaluations are needed to ensure public accountability, inform the process of regular reauthorization, and advance continued departmental efforts to stimulate internationalization. Recommendation: The Department of Education should commission independent outcome and impact evaluations of all programs every 4 to 5 years (11.2). Unlike earlier years, when the Department of Education measured performance of all 10 Title VI programs using measures based on just two programs, they now have three measures approved by the Office of Management and Budget for most of the 10 programs (one has only two measures). These measures meet federal reporting requirements but appear to have little buy-in from grantees and capture only isolated aspects of the program. The measures used for the NRC program, for example, do not capture outreach activities emphasized by the department nor advanced language offerings. In general, in the recent past, there has been little effort to collaborate with universities to specify mutual goals, measures that address those goals, and promising approaches to best meet goals. Such collaboration requires the executive-level leadership mentioned earlier and could build on emerging efforts by program staff to take a broader view of the program, the collaborative networks developed by grantees of the largest programs, and the significant expertise that has developed in some universities. Universities must be ready partners willing to refine and direct their programs toward mutual goals. Recommendation: The Department of Education should work with universities to create a system of continuous improvement for the Title VI and Fulbright-Hays programs. The system would help develop performance indicators and other improvement tools and should include networks of similar centers (National Resource Centers, Language Resource Centers, Centers for International Business Education and Research) and university officials with overall responsibilities in language, area, and international studies (11.3). The Title VI/FH programs were created nearly 50 years ago, when the country’s economic, political, and military challenges were narrower than they are today. The mission of the programs has continually expanded to address national needs for internationalization across multiple systems without a concurrent increase in funding. As the programs face their next 50 years, they must be more closely aligned with other federal resources to ensure that resources operate in a complementary way and maximize achievement of multiple goals. They must implement efforts to achieve specific objectives more effectively (see the full list of recommendations in Box ES-3), must be held more accountable for performance via collaborative mechanisms between universities and ED, and must harness the opportunities and challenges presented by a world increasingly dominated by technology.

#### Federal bureaucracies including the State department and DOD are necessary to encourage higher level foreign language education.

National Research Council, 2007, (Committee to Review the Title VI and Fulbright-Hays International Education Programs, Mary Ellen O'Connell and Janet L. Norwood, editors, National Research Council " International Education and Foreign Languages: Keys to Securing America's Future," No Publication, <https://www.nap.edu/download/11841>) CAA

The broadest critique held that Title VI/FH programs have strayed from the original intent of Congress because, according to critics, funds have been diverted from language proficiency to area studies. In preparation for its tasks, the committee commissioned a legislative history of Title VI/FH and otherwise acquainted itself with the history of the various programs now subsumed under Title VI. The committee agrees, as reflected in several of its recommendations, that improving the language proficiency of those who might serve the nation in international careers is a key and ongoing responsibility of the programs. We do not, however, think that language preparation is somehow separate from cultural understanding, and our review of the history of Title VI suggests that Congress has consistently affirmed the interconnection between language preparation and area scholarship. This issue is discussed in detail in the report. A related criticism is that university-based language training is not sufficiently linked with the specific language needs of federal bureaucracies, such as the Departments of State and Defense and the intelligence agencies. As the report makes clear, the committee thinks that there is a productive division of labor between Title VI/FH programs, on one hand, and more targeted federal resources, such as the National Security Education Program, the Defense Language Institute, and the Foreign Service Institute, on the other, which are designated to address specific government personnel needs. Universities are best at taking the long view, which explains why between 2001 and 2003 Title VI centers offered instruction in 276 of the less commonly taught languages, while only 74 of these languages were being offered by the Defense Language Institute or the Foreign Service Institute. Because what languages are deemed critical changes in unpredictable ways, the nation benefits from the large pool of language expertise housed in universities. Finally, the critics claim, there is a pattern of bias in NRCs, with Middle Eastern studies being singled out for particular attention in this regard. Neither Congress nor ED included this issue in the committee’s charge. However, committee members familiar with the history of area studies did note that “bias” is a recurring charge, which has been voiced as vigorously by the left as by the right. It is in the nature of scholarship on America’s role in the world that at times research will be viewed as too critical and at other times it will be seen as lacking critical perspective. That said, the committee considers it beyond our charge to arrive at any definitive judgment on the issue. Finally, the committee’s charge was to review Title VI/FH programs at ED only. To minimize confusion, we emphasize that our charge does not include the Fulbright programs administered by the State Department. The report considers these and other federal programs that also are aimed at increasing foreign language and area expertise in terms of their possible overlap and the role each plays in addressing the need for international experts, but the focus of the report is on ED’s Title VI/FH programs. Similarly, although there is some discussion of ED’s Foreign Language Assistance Program, which provides resources to K-12, the report focuses on higher education, which is the mandate of the Title VI/FH programs. This report reviews the available evidence, including extant evaluations, public testimony, funding history, program monitoring data, and other program information, and presents the committee’s findings, conclusions, and recommendations in each of the eight areas specified by Congress on the basis of this evidence. It provides recommendations for strategies to enhance the effectiveness of the programs in the future, as well as further research to address the limitations of the current review. However, the limited evidence available in some cases precluded recommendations specific to individual programs or related to the relative contributions of the individual component programs. BRIEF HISTORY AND FEDERAL CONTEXT The Title VI/FH programs at ED have evolved over time, as national needs have shifted in response to changes in global politics and economics. The legislative history of Title VI charts the evolution of a temporary international education program into an enduring fixture on the federal stage. Over the past 50 years the national security emphasis of the programs decreased, and new programs were added to address changing national priorities. The international education programs originally created under the National Defense Education Act were incorporated into the Higher Education Act, thus expanding the programs beyond the training of specialists and emphasizing the importance of international studies as a matter of general educational importance. Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act, or Fulbright-Hays, created an overseas component to the otherwise domestically based international education programs under Title VI.

#### Federal funding for language education key

Friedman, 5-10-2015, (Amelia Friedman is the founder of the Student Language Exchange. "America's Lacking Language Skills," Atlantic, <https://www.theatlantic.com/education/archive/2015/05/filling-americas-language-education-potholes/392876/>) CAA

Educators from across the country gathered in Washington, D.C., this past Thursday to lobby in the interest of world languages. It was Language Advocacy Day, an annual event on Capitol Hill that is aimed at garnering more federal support for language education. As I sat in sessions and congressional conference rooms, I heard a persuasive urgency in these educators’ voices. Each year as national budget priorities are determined, language education is losing out—cuts have been made to funding for such instruction, including Title VI grants and the Foreign Language Assistance Program. And the number of language enrollments in higher education in the U.S. declined by more than 111,000 spots between 2009 and 2013—the first drop since 1995. Translation? Only 7 percent of college students in America are enrolled in a language course. Another challenge emerges when looking at the languages these students are learning, too. In 2013, roughly 198,000 U.S. college students were taking a French course; just 64, on the other hand, were studying Bengali. Yet, globally, 193 million people speak Bengali, while 75 million speak French. In fact, Arne Duncan, the U.S. education secretary, noted back in 2010 that the vast majority—95 percent—of all language enrollments were in a European language. This is just one indicator demonstrating the shortcomings and inequalities in language education today. Education is dominated by disputes over priorities, largely because of politics and limited funding. Some people, for example, think arts instruction is financial quicksand, while some believe that sports don’t belong in the schools. Others, meanwhile, even assert that schools’ emphasis on math could be holding students back. Language is another subject area whose importance is greatly debated. Advocates and educators disagree about whether it’s a worthwhile investment—whether it’s something that produces a greater return than, say, social studies. And within the realm of language, advocates clash over which ones should take precedence. Only 7 percent of college students in America are enrolled in a language course. Less than 1 percent of American adults today are proficient in a foreign language that they studied in a U.S. classroom. That’s noteworthy considering that in 2008 almost all high schools in the country—93 percent—offered foreign languages, according to a national survey. In many cases, as Richard Brecht, who oversees the University of Maryland’s Center for Advanced Study of Language, said on Thursday: “It isn’t that people don’t think language education important. It’s that they don’t think it’s possible.” Language proficiency is just as hard to build as it is to maintain. But the same could be said even about core subjects, such as math. Five years ago, I took Multivariable Calculus and Linear Algebra; now, I need a calculator to multiply four by seven. Still, my math classes taught me something more valuable than how to solve a complex equation: I learned skills that help me with the accounting, bookkeeping, research, and budget strategizing required in my day job. Like math, language-learning is shown to come with a host of cognitive and academic benefits. And knowing a foreign language is an undoubtedly practical skill: According to Mohamed Abdel-Kader, the deputy leading the DOE’s language-education arm, one in five jobs are tied to international trade. Meanwhile, the Joint National Committee for Languages reports that the language industry—which includes companies that provide language services and materials—employs more than 200,000 Americans. These employees earn an annual median wage of $80,000. Kirsten Brecht-Baker, the founder of Global Professional Search, recently told me about what she calls “the global war for talent.” Americans, she said, are in danger of needing to import human capital because insufficient time or dollars are being invested in language education domestically. “It can’t just be about specialization [in engineering or medicine or technology] anymore,” she said. “They have to communicate in the language.” The Joint National Committee for Languages advocates for integrating language education with subjects ranging from engineering to political science—anything, really. “Languages are not a side dish that’s extra, but it’s a side dish that complements other skills,” Hanson said. “You can use it to augment and fortify other skills that you have, and expand the application of these skills.” But students, especially those in college, are often discouraged from language courses or studying abroad because of stringent requirements in another subject matter. But perhaps educational institutions can address this challenge by integrating language into their other programs. One solution cited by advocates is dual-language instruction, in which a variety of subjects are taught in two languages, thereby eliminating the need to hire a separate language instructor. At the elementary level, these programs appear to have immediate impact on kids’ learning. Bill Rivers, one of the country’s most prominent language lobbyists, points to significant evidence that students in dual-language programs outperform their peers in reading and math by fourth grade—regardless of their race or socioeconomic status. And advocates say dual-language programs are cost-effective because they typically don’t require extra materials for the language instruction; a science textbook, for example, would simply be published in the target language. That means districts buy the same number of materials as they would without the language element. The same goes for the number of teachers needed—though those teachers need to be bilingual as well. “It isn’t that people don’t think language education important. It’s that they don’t think it’s possible.” Then there’s the question about what languages to offer. Roughly 7,000 languages are spoken worldwide, and it’d take a several lifetimes for any one person to learn them all. French and Spanish are often default offerings at institutions across the country, but beyond that, there’s a good deal of variability—and focuses have tended to change over time. Janet Ikeda, a Japanese-language professor whom I met on Thursday, put it like this: “Administrators are cutting established programs for what I call the ‘language du jour’.” She’s right. Americans learn certain languages when, for example, emergencies hit. Slavic languages during the Cold War. Middle Eastern ones during the “War on Terror.” The Modern Language Association has tracked data over seven decades showing the influence of international and domestic developments on language education. But these pop-up programs may be misguided: Learning a language in a non-immersive classroom setting takes years. So if schools are offering learning the “language du jour” today, it’s bound to be the “language d’hier” tomorrow. And then there’s the problem of teacher shortages. Even if schools embrace the various benefits of foreign-language instruction, finding qualified, experienced, and engaging, bilingual teachers in a crunch is tough. The language-policy analyst Rachel Hanson describes this as a big chicken-or-the-egg challenge in language education: “You can’t expand language education if you don’t have the pool of teachers to teach it,” she said. “And, if the students aren’t learning the language and becoming proficient, they won’t become teachers.” “It’s not a nice-to-have, languages are a need-to-have.” Today, schools are having a hard enough time finding instructors in traditionally taught languages. In fact, the average proficiency of language teachers is below that needed by the military, Hanson said. But efforts to recruit qualified teachers to address the nation’s language deficit often face the additional obstacle of developing programs focusing on less-traditional languages. The list of languages designated by the federal government as “critical” include ones that many Americans have probably never even heard of before. There are more people in the world who speak Javanese than there are those to speak German, for example, and more who speak Lahnda than who speak French. The country has faced shortcomings in language education for at least the past several years. Enrollments have been persistently low, as have proficiency levels; the same goes for non-Western language offerings. And with English as a lingua franca of trade and international politics, bilingualism has become less and less of a priority. True, many people speak English proficiently. But 19 million Americans and billions of people globally do not. “It’s not a nice-to-have,” Rivers said. “Languages are a need-to-have.”

### State Budgets

#### States highly dependent on federal funding for education- means the CP links to the net benefit

Mike Maciag, 5-22-2017, (Mike Maciag holds a master's degree in public administration from George Mason University. "How Much Do States Rely on Federal Funding?," <http://www.governing.com/topics/finance/gov-state-budgets-federal-funding-2015-2018-trump.html>) CAA

As Congress debates the budget, states are eagerly waiting to hear how it will affect them. Updated data from the Census Bureau's 2015 Annual Survey of State Government Finances published last week indicates that federal aid made up nearly a third of all states’ general fund revenues in fiscal year 2015. The single largest line items in states’ budgets include federal funding for transportation, Medicaid and other social assistance programs. The survey, which provides a detailed portrait of how states generate and spend money, suggests states' reliance on federal money varies greatly. Even larger discrepancies exist across individual areas of state government. We've compiled data below showing how much of each state's budget is tied to federal aid across select major spending areas. State Budgets Most Reliant on Federal Funding Overall Neighboring Louisiana and Mississippi are generally among the top recipients in federal aid year after year. That was true again in 2015: Federal intergovernmental revenues accounted for about 42 percent of their general fund revenues, the top shares nationally. Other states whose budgets are most dependent on the feds include Arizona (40 percent), Kentucky (40 percent), New Mexico (39 percent), Montana (39 percent) and Oregon (39 percent). That’s roughly twice as much as the least-reliant state budgets, which include North Dakota (18 percent) and Virginia (22 percent). 18% 18% 42% 42% Federal Share of FY15 General Revenue NOTE: Figures only reflect funds allocated directly to states, not those routed to localities and other recipients. Public Welfare Public welfare is the single largest source of federal funding, primarily driven by Medicaid costs. Federal aid made up nearly two-thirds (64 percent) of states’ public welfare general expenditures, according to the survey data. The share was highest -- more than 90 percent -- in New Mexico and Ohio. By comparison, federal revenues accounted for slightly less than half of public welfare spending in Colorado, Massachusetts, Rhode Island and Virginia. The Census Bureau’s classification of public welfare funding includes Medicaid, Temporary Assistance for Needy Families (TANF), child welfare services and a range of other assistance programs mostly for low-income individuals. It excludes school nutrition programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). State Federal Share Public Welfare Spending Public Welfare Federal Revenues Ohio 92.2% $19,421,982,000 $17,915,292,000 New Mexico 91.6% $5,610,951,000 $5,140,995,000 Arizona 86.8% $10,440,648,000 $9,059,993,000 Mississippi 86.8% $6,228,236,000 $5,408,268,000 Oregon 83.5% $10,039,321,000 $8,378,913,000 Nebraska 82.0% $2,626,032,000 $2,154,251,000 Montana 78.8% $1,545,178,000 $1,217,284,000 North Carolina 76.3% $13,568,795,000 $10,354,841,000 Alabama 75.1% $6,872,757,000 $5,164,076,000 Utah 74.8% $3,245,210,000 $2,427,673,000 Missouri 73.6% $8,399,342,000 $6,180,315,000 Vermont 73.5% $1,728,547,000 $1,269,932,000 Texas 73.1% $35,961,689,000 $26,290,465,000 Nevada 72.7% $3,779,343,000 $2,748,276,000 West Virginia 72.2% $4,393,172,000 $3,173,209,000 Michigan 70.5% $18,410,125,000 $12,972,450,000 Arkansas 70.1% $6,642,465,000 $4,655,923,000 Louisiana 69.1% $8,365,742,000 $5,780,223,000 Kentucky 68.4% $10,918,824,000 $7,463,883,000 Washington 66.1% $11,477,978,000 $7,589,903,000 Iowa 65.8% $6,223,107,000 $4,093,966,000 Indiana 65.6% $11,501,010,000 $7,542,372,000 South Carolina 65.5% $7,398,432,000 $4,847,911,000 Pennsylvania 65.2% $24,749,412,000 $16,140,303,000 New York 64.5% $58,344,171,000 $37,629,674,000 Maine 64.0% $2,917,467,000 $1,867,891,000 United States 63.9% $608,987,553,000 $389,307,449,000 North Dakota 63.5% $1,335,551,000 $848,243,000 Connecticut 62.4% $7,677,002,000 $4,787,763,000 Minnesota 62.1% $13,108,732,000 $8,146,419,000 Florida 61.1% $25,913,158,000 $15,825,260,000 Hawaii 59.9% $2,480,019,000 $1,485,789,000 Tennessee 59.7% $11,420,314,000 $6,822,232,000 South Dakota 58.7% $1,037,395,000 $608,848,000 Wisconsin 58.2% $10,227,923,000 $5,948,916,000 Idaho 57.5% $2,304,073,000 $1,324,117,000 Georgia 56.6% $12,197,038,000 $6,902,178,000 California 55.7% $109,031,702,000 $60,694,512,000 Maryland 55.7% $12,121,427,000 $6,756,623,000 New Jersey 55.5% $18,197,283,000 $10,090,972,000 Oklahoma 55.4% $6,502,889,000 $3,599,992,000 Alaska 54.0% $2,113,211,000 $1,141,234,000 Illinois 54.0% $22,671,203,000 $12,242,232,000 Kansas 53.4% $3,986,056,000 $2,127,138,000 New Hampshire 53.1% $2,112,515,000 $1,122,360,000 Delaware 51.0% $2,323,157,000 $1,184,125,000 Wyoming 50.5% $795,434,000 $401,450,000 Rhode Island 49.3% $2,672,489,000 $1,316,742,000 Colorado 48.8% $7,910,755,000 $3,857,129,000 Massachusetts 48.7% $18,790,185,000 $9,153,886,000 Virginia 48.5% $11,248,106,000 $5,451,007,000 SOURCE: Governing calculations of federal intergovernmental revenues, general expenditure data from 2015 Annual Survey of State Government Finances; U.S. Census Bureau Education Education-related programs make up the next-largest type of federal funding. Top sources include money for Head Start, the National School Lunch Program and language assistance initiatives. When it comes to total general education expenditures, federal funds nationally accounted for just 13 percent in fiscal 2015, as schools are primarily funded by various state and local taxes. The share was highest (20 percent) for Wyoming’s budget, followed by South Dakota, Georgia and Florida. Six other states relied on federal funding for less than one-tenth of education spending. State Federal Share Education Spending Education Federal Revenues Wyoming 20.4% $2,010,117,000 $410,903,000 South Dakota 17.6% $1,316,817,000 $232,018,000 Georgia 17.2% $17,864,354,000 $3,080,558,000 Florida 17.0% $25,347,156,000 $4,299,958,000 Illinois 17.0% $17,895,093,000 $3,034,490,000 Hawaii 16.7% $3,232,483,000 $539,767,000 New Hampshire 16.4% $1,331,713,000 $217,794,000 Arizona 16.2% $10,458,097,000 $1,696,780,000 Oregon 16.0% $8,292,900,000 $1,330,134,000 Mississippi 15.4% $5,791,535,000 $893,251,000 Iowa 15.1% $7,118,769,000 $1,072,332,000 Louisiana 15.0% $8,885,638,000 $1,331,730,000 Montana 14.7% $1,997,896,000 $294,532,000 Alabama 14.7% $10,786,908,000 $1,588,588,000 Texas 14.7% $52,321,669,000 $7,665,192,000 South Carolina 14.6% $9,225,130,000 $1,342,846,000 Tennessee 14.6% $10,260,470,000 $1,496,360,000 Rhode Island 14.5% $2,052,694,000 $296,890,000 Maryland 14.3% $12,145,924,000 $1,739,863,000 Idaho 13.9% $2,817,674,000 $391,733,000 Pennsylvania 13.6% $23,442,663,000 $3,176,999,000 Michigan 13.1% $24,211,552,000 $3,177,358,000 New Mexico 13.0% $5,825,058,000 $759,228,000 United States 13.0% $637,519,768,000 $82,643,630,000 Missouri 12.9% $9,629,687,000 $1,246,865,000 Washington 12.9% $17,087,813,000 $2,200,937,000 Oklahoma 12.9% $7,735,783,000 $997,717,000 Colorado 12.8% $10,824,727,000 $1,386,125,000 Maine 12.8% $2,081,683,000 $267,127,000 North Carolina 12.7% $20,020,108,000 $2,534,197,000 Kentucky 12.7% $9,681,710,000 $1,229,269,000 Wisconsin 12.5% $11,757,644,000 $1,465,387,000 West Virginia 12.3% $4,154,300,000 $511,623,000 Virginia 12.0% $15,834,457,000 $1,896,794,000 Utah 11.9% $7,371,045,000 $875,233,000 Massachusetts 11.6% $13,192,076,000 $1,524,788,000 New Jersey 11.5% $17,582,765,000 $2,018,127,000 California 11.4% $90,546,647,000 $10,292,071,000 New York 11.4% $42,460,614,000 $4,853,398,000 Ohio 11.2% $22,348,752,000 $2,503,862,000 North Dakota 11.2% $2,280,513,000 $255,864,000 Indiana 11.0% $14,865,806,000 $1,631,577,000 Alaska 10.5% $2,703,433,000 $284,122,000 Kansas 10.4% $6,999,820,000 $728,737,000 Arkansas 10.2% $7,638,610,000 $780,424,000 Vermont 9.9% $2,534,073,000 $249,850,000 Nevada 9.8% $4,738,862,000 $465,049,000 Minnesota 9.6% $14,305,318,000 $1,379,738,000 Connecticut 7.5% $7,874,421,000 $588,293,000 Delaware 7.4% $3,025,239,000 $222,475,000 Nebraska 5.1% $3,611,552,000 $184,677,000 SOURCE: Governing calculations of federal intergovernmental revenues, general expenditure data from 2015 Annual Survey of State Government Finances; U.S. Census Bureau Roads The federal government distributed $41.6 billion in roadway infrastructure and highway safety funding to states in fiscal 2015. Federal aid made up for more than half of what the Census categorizes as “highway” spending in eight states, led by Rhode Island and Wyoming. Meanwhile, it made up roughly one-fifth of spending in Massachusetts and Minnesota. Most of this funding comes from the Federal Highway Trust Fund. It doesn’t include grants related to transit systems.

#### State budgets are rigid and their credit scores are on the line

Matt Egan, 6-29-2017, ("How Illinois became America's most messed-up state," CNNMoney, <http://money.cnn.com/2017/06/29/investing/illinois-budget-crisis-downgrade/index.html>) CAA

Politicians are notorious for making promises they can't keep. But they really outdid themselves in Illinois -- and now the state is paying for it. Illinois is on the verge of becoming America's first state with a junk credit rating. The financial mess is the inevitable result of spending more on pensions and services than the state could afford -- then covering it up with reckless budget tricks. After decades of historic mismanagement, Illinois is now grappling with $15 billion of unpaid bills and an unthinkable quarter-trillion dollars owed to public employees when they retire. The budget crisis has forced Illinois to jack up property taxes so high that people are leaving in droves. Illinois may soon have to take the unprecedented step of cutting off sales of lottery tickets because the state won't be able to pay winners. It will get worse if lawmakers can't reach a budget compromise. The new fiscal year began Saturday without a spending deal, the third year in a row that America's fifth-largest state has failed to pass a constitutionally required budget. Related: Illinois races the clock to avoid a 'junk' rating "Illinois got to this financially treacherous place by ignoring the long-term consequences of short-term decision-making," said Laurence Msall, the president of Civic Federation, a budget watchdog organization. The budget crisis has crippled social services that survive on state money, hurting everything from mental health services and Meals on Wheels for homebound seniors to domestic violence support centers. "The most vulnerable citizens in Illinois are being hurt the most severely," Msall said. Related: Illinois could soon become America's first 'junk' state $251 billion pension time bomb While the budget impasse is throwing a spotlight on Illinois's dire financial situation today, the fiscal problems go back at least to the 1980s and involve politicians from both parties. The most glaring evidence is the enormous pension crisis. Rather than dealing with the problem, Illinois continued to reward the state's powerful unions with more generous benefits. The problem festered for so long that Moody's estimates Illinois has unfunded pension liabilities totaling $251 billion. To put that into context, that's more than the combined market value of four major Illinois companies: Boeing (BA), Caterpillar (CAT), United Continental (UAL) and Allstate (ALL). "The massive pension liability results from a chronic tendency to defer difficult decisions," said Ted Hampton, who as a senior credit officer at Moody's will help decide whether to downgrade Illinois into junk. Hampton said Illinois treated the pension fund as a "financial cushion" that could be relied on to provide fiscal relief. He also pointed to a tendency to delay paying bills and chronically underestimate spending needs. "All of these problems are governance and management weaknesses," Hampton said. That's a polite way of saying the political leaders broke the system. Experts said the turning point may have been 1995. At that point, Illinois already had one of the worst-funded pension systems in the United States. State leaders took action by adopting a 50-year plan to get the pension plans 90% funded. But that plan turned out to be badly flawed. The initial contributions were too modest, and Illinois didn't make the politically difficult choices of tax hikes or spending cuts to get the budget on a sustainable path. "It was one of the greatest pieces of chicanery ever pulled by a political system," said Ralph Martire, executive director at the Center for Tax and Budget Accountability, a think tank that promotes social and economic justice. Instead of reform, the compromise "codified the practice of underfunding the pension" and "intentionally" grew the shortfall by $45 billion, Martire said. Related: Illinois lottery winners may have to wait to collect their spoils Illinois is also notorious for using one-time financial tricks that masked the scale of its growing fiscal problems. "Republicans and Democrats would stand up and say they passed a balanced budget, but it wasn't -- and they knew it," said Diana Rickert, vice president of communications at the Illinois Policy Institute, a free market-oriented think tank. Rickert said either the politicians knew what they were doing, or they "don't know how math works." Lately, Illinois has been unable to reach a budget deal at all. Illinois has the distinction of being the first state ever to operate without a budget for more than a year, according to Msall. "Unfortunately, the gimmicks that have worked in the recent past are not sufficient enough to make up the gaping hole that exists now," Msall said. Problems could 'snowball' from here The Democratic-led legislature planned to return to work Saturday morning in hopes of reaching a budget deal that Republican Governor Bruce Rauner would sign. He has threatened to keep them in session "until they get the job done." That may not be enough to prevent Illinois from becoming America's first "junk" state. Moody's and S&P Global Ratings have indicated that failure to reach a budget deal will likely trigger a downgrade of Illinois's debt below investment grade. That means a downgrade could come any day. Getting cut to junk could make things even worse because it signals a heightened risk of default. Illinois's borrowing costs would probably go even higher, which would only make the budget problems worse. There's always the chance of a last-minute credible deal, but few are holding out much hope. "I don't know that Illinois is going to get its act together in days after literally decades of being irresponsible," said Rickert.

### 2AC Medicaid DA

#### Currently states are cutting education funding to pay for Medicaid- the counterplan would force a reverse

Harry Stein and Sundus Alfi, 6-6-2017, ("How Medicaid Cuts Could Hurt Education and Lead to Middle-Class Tax Hikes," Center for American Progress, <https://www.americanprogress.org/issues/economy/reports/2017/06/06/433621/medicaid-cuts-hurt-education-lead-middle-class-tax-hikes/>) CAA

The House of Representatives recently passed the American Health Care Act (AHCA), which would repeal the Affordable Care Act (ACA) and cut Medicaid by $834 billion over 10 years.1 Due to cuts in Medicaid, as well as other changes, the Congressional Budget Office (CBO) estimates that the AHCA would take health insurance from 23 million Americans by 2025.2 President Donald Trump supports this legislation despite pledging not to cut Medicaid.3 The AHCA is only the beginning. President Trump’s budget calls for $610 billion in additional Medicaid cuts over 10 years on top of the cuts in the AHCA.4 And previous budgets from House Republican leaders also recommended Medicaid cuts that exceed the cuts in the AHCA.5 The most significant impact of these Medicaid cuts would be the disruption of health care services for working families, seniors, children, and people with disabilities.6 States that want to avoid deep cuts in health programs would have to either raise taxes or cut other programs. This could lead to funding cuts for public schools and ultimately increase the tax burden for low- and middle-income families. In addition, federal Medicaid funding provides a significant boost to overall state economies.7 A weaker economy could lead to further cuts in education or other programs, as well as additional tax increases, as states strive to balance their budgets. Federal Medicaid cuts could take the form of block grants or per capita allotments. Under a block grant system, a predetermined amount of federal funding would be granted to states for their Medicaid programs. A per capita allotment would cap the federal funding given per enrollee.8 Fundamentally, both policies simply cut Medicaid since federal funding is generally reduced in either scenario. Recent analysis by the Center for American Progress found that Medicaid caps, such as those in the AHCA, could have caused 28 states to lose a combined $17.8 billion in federal Medicaid funding in 2011 if the AHCA’s per capita caps had been set in 2000.9 Ohio would have lost $848 million in federal funds, and Arizona would have lost $1.7 billion.10 Axios published CAP’s analysis for all states based on several different proposals for Medicaid per capita caps.11 Unlike the current formula for federal Medicaid grants to states, block grants or per capita allotments do not protect states from unpredictable events such as public health emergencies like disease outbreaks, increased health costs, or changes in technology—all of which could significantly increase program costs.12 The buzzword used by advocates of Medicaid block grants and per capita allotments is “flexibility,” but this really means that states would be on their own as the federal government shifts more Medicaid costs onto state budgets.13 States may cut education to close budget shortfalls caused by federal Medicaid cuts In state fiscal year 2015, federal Medicaid dollars accounted for 17.2 percent of total state expenditures.14 Federal funding for state Medicaid programs makes up a substantial share of state budgets, and states depend on this funding to adequately provide important health care services. States could respond to reduced federal Medicaid funds by cutting other important services, such as education, to compensate. States often cut their education spending—particularly higher education—to close budget shortfalls, which is what happened when the Great Recession placed a tremendous strain on state budgets. A CAP analysis of state higher education spending found that “29 of 50 [state] governments lowered their total level of direct support to public institutions between fiscal years 2008 and 2012.”15 Disinvesting in higher education has led to increases in tuition that primarily burden low- and middle-income students and families: In states with the highest levels of disinvestment, low-income students pay 18 percent more for community college and 14 percent more for public universities compared with the national average. For middle-income students in those states, community colleges cost 6 percent more than the national average, while public universities cost 4 percent more.16 Higher prices for education mean greater borrowing, higher debts, or students choosing not to go to college. Higher education cuts had a severe impact on students. From 2009 to 2011, Florida universities saw a tuition increase of 32 percent.17 Meanwhile, in Minnesota, 9,400 students lost their financial aid grants, and aid for the rest of the recipients was cut by 19 percent.18 Most states also cut K-12 education. As a result of the Great Recession, by the end of 2011, 34 states and the District of Columbia enacted cuts to K-12 education. In 2011 alone, Georgia cut $403 million in state funding for K-12 education, and Virginia’s biennial budget included a $700 million cut in K-12 education funding.19 Virginia’s budget also made permanent a $500 million cut in funding for 13,000 school staff members, affecting janitors, nurses, and psychologists.20 The aftermath of the Great Recession showed how state budget shortfalls can lead to education cuts, and it also illustrated how some changes in federal Medicaid funding can affect other sectors of state budgets, including education. During the Great Recession, the American Recovery and Reinvestment Act of 2009 (ARRA) provided a temporary increase in federal Medicaid funds to help mitigate state budget shortfalls caused by the economic downturn. The expiration of this boost in federal Medicaid funding provided a test case for what can happen to education spending when federal Medicaid funding declines and creates budget shortfalls. ARRA allocated an additional $87 billion for states’ Medicaid programs by adjusting the formula used to calculate how much Medicaid funding is provided to states.21 This was meant to prevent severe Medicaid cuts and alleviate states’ ongoing fiscal crisis due to the Great Recession. Originally set to expire at the end of 2010, enhanced Medicaid funding was eventually extended to June 30, 2011, relieving states of the budgetary shortfalls they were still facing.22 Before Congress officially passed the extension, many states based their budgets on the assumption that the enhanced Medicaid assistance would be extended. Some states even passed budget contingency plans for scenarios in which the extension was or was not granted.23 Mississippi, for example, developed a contingency plan that would undo $100 million in cuts to K-12 and higher education if Congress extended the increase in federal Medicaid funding.24 Noting the importance of extending the enhanced Medicaid funds, 219 members of Congress wrote a letter to House leaders urging the passage of the extension, claiming that “without this funding … the ensuing budget shortfall would have grave consequences for school funding.”

#### The impacts of Medicaid cuts would un-insure millions and lead to massive economic downturn

Bram Sable-Smith, 6-22-2017, ("Republicans' Proposed Medicaid Cuts Would Hit Rural Patients Hard," NPR.org, <http://www.npr.org/sections/health-shots/2017/06/22/533680909/republicans-proposed-medicaid-cuts-would-hit-rural-patients-hard>) CAA

For the hundreds of rural U.S. hospitals struggling to stay in business, health policy decisions made in Washington, D.C., this summer could make survival a lot tougher. Since 2010, at least 79 rural hospitals have closed across the country, and nearly 700 more are at risk of closing. These hospitals serve a largely older, poorer and sicker population than most hospitals, making them particularly vulnerable to changes made to Medicaid funding. "A lot of hospitals like [ours] could get hurt," says Kerry Noble, CEO of Pemiscot Memorial Health Systems, which runs the public hospital in Pemiscot County, one of the poorest in Missouri. Here's What We Know About The Senate GOP Health Care Bill POLITICS Here's What We Know About The Senate GOP Health Care Bill The GOP's American Health Care Act would cut Medicaid — the public insurance program for many low-income families, children and elderly Americans, as well as people with disabilities — by as much as $834 billion. The Congressional Budget Office has said that would result in 23 million more people being uninsured in the next 10 years. Even more could lose coverage under the budget proposed by President Trump, which suggests an additional $610 billion in cuts to the program. In Rural Alaska, A Young Doctor Walks To His Patient's Bedside SHOTS - HEALTH NEWS In Rural Alaska, A Young Doctor Walks To His Patient's Bedside That is a problem for small rural hospitals like Pemiscot Memorial, which depend on Medicaid. The hospital serves an agricultural county that ranks worst in Missouri for most health indicators, including premature deaths, quality of life and even adult smoking rates. Closing the county's hospital could make those much worse. And a rural hospital closure goes beyond people losing health care. Jobs, property values and even schools can suffer. Pemiscot County already has the state's highest unemployment rate. Losing the hospital would mean losing the county's largest employer. "It would be devastating economically," Noble says. "Our annual payrolls are around $20 million a year." All of that weighs on Noble's mind when he ponders the hospital's future. Pemiscot's story is a lesson in how decisions made by state and federal lawmakers have put these small hospitals on the edge of collapse. Pemiscot Memorial had plans for expansion and improvements that the county hospital was ready to make — and pay for — in 2005, before the state legislature slashed Medicaid rolls. Bram Sable-Smith/Side Effects Public Media Back in 2005, things were very different. The hospital was doing well, and Noble commissioned a $16 million plan to completely overhaul the facility, which was built in 1951. "We were going to pay for the first phase of that in cash. We didn't even need to borrow any money for it," Noble says while thumbing through the old blueprints in his office at the hospital. But those renovations never happened. In 2005, the Missouri legislature passed sweeping cuts to Medicaid. More than 100,000 Missourians lost their health coverage, and this had an immediate impact on Pemiscot Memorial's bottom line. About 40 percent of their patients were enrolled in Medicaid at the time, and nearly half of them lost their insurance in the cuts. Those now-uninsured patients still needed care, though, and as a public hospital, Pemiscot Memorial had to take them in. "So we're still providing care, but we're no longer being compensated," Noble says. And as the cost of treating the uninsured went up, the hospital's already slim margins shrunk. The hospital went into survival mode. The Affordable Care Act was supposed to help with the problem of uncompensated care. It offered rural hospitals a potential lifeline by giving states the option to expand Medicaid to a larger segment of their populations. In Missouri, that would have covered about 300,000 people. "It was the fundamental building block [of the ACA] that was supposed to cover low-income Americans," says Sidney Watson, a St. Louis University health law professor. In Missouri, Kerry Noble and Pemiscot Memorial became the poster children for Medicaid expansion. In 2013, Noble went to the state capital to make the case for expansion on behalf of the hospital. "Our facility will no longer be in existence if this expansion does not occur," Noble told a crowd at a press conference. More Rural Hospitals Are Closing Their Maternity Units SHOTS - HEALTH NEWS More Rural Hospitals Are Closing Their Maternity Units "Medicaid cuts are always hard to rural hospitals," Watson says. "People have less employer-sponsored coverage in rural areas and people are relying more on Medicaid and on Medicare." But the Missouri legislature voted against expansion. For now, the doors of Pemiscot Memorial are still open. The hospital has cut some costly programs — like obstetrics — outsourced its ambulance service and has skipped upgrades. "People might look at us and say, 'See, you didn't need Medicaid expansion. You're still there,' " Noble says. "But how long are we going to be here if we don't get some relief?" Relief for rural hospitals is not what is being debated in Washington right now. Under the GOP House plan, even states like Missouri that did not expand Medicaid could see tens of thousands of residents losing their Medicaid coverage.

#### [INPUT ECON COLLAPSE IMPACT]

### 1AR Medicaid tradeoff

#### Yes tradeoff

Rick Seltzer, 4-12-2017, ("Medicaid funding changes pressure state higher ed funding," , <https://www.insidehighered.com/news/2017/04/12/medicaid-funding-changes-pressure-state-higher-ed-funding>) CAA

When Republicans in the House of Representatives seemed to be nearing a vote on a health care reform bill last month, several prominent Democratic governors spoke out to criticize the proposed changes, arguing they would impose high costs on states. California Governor Jerry Brown said that the proposed changes would cost California $6 billion per year by 2020. New York Governor Andrew Cuomo said the federal reform bill would create a gap of almost $7 billion in the state’s budget because of changes to Medicaid reimbursements. Republicans did not bring their bill to the floor for a vote after they were unable to drum up enough support amid intense opposition. But even without changes, many states are shouldering a larger share of Medicaid costs than they have been over the last several years. They’re just doing it under existing law, the Patient Protection and Affordable Care Act, which President Obama signed and President Trump sought to repeal. The way the current law was designed, states' share of Medicaid costs is rising as the federal government pulls back on incentives it used to encourage them to expand the program. And when federal spending requirements for states grow, public funding for colleges and universities -- one of the largest so-called discretionary pots of money most states control -- tends to be the target. Consequently, the current law has drawn attention from higher education experts, because more spending requirements on states translates into more pressure on public funding for colleges and universities. “Some states are going to be left really holding the bag,” said George Pernsteiner, president of the State Higher Education Executive Officers association. “It will put them in a pinch if they don’t have a booming economy. That’s what I worry about.” The increased costs are connected to the federal funding mechanism underpinning the expansion of Medicaid, which covers many low-income children and adults and people with disabilities. States and the federal government share Medicaid costs under a patchwork of funding mechanisms, including the Federal Medical Assistance Percentage, or FMAP, which guarantees a minimum of $1 in federal matching funds for every $1 states spend on Medicaid. But the Affordable Care Act sought to entice states to expand Medicaid to cover adults with incomes of up to 138 percent of the federal poverty level. It did so by paying 100 percent of the costs of such Medicaid expansion -- but only for a limited time. The 100 percent federal match started in the 2014 calendar year but ended in January 2017, when it dropped to 95 percent. It is set to phase down to 90 percent in 2020 and remain at that level afterward. Washington, D.C., and 31 states expanded Medicaid in response to the Affordable Care Act. That means they are now seeing their share of Medicaid costs rising. When states adopted their budgets for the 2017 fiscal year, their share of Medicaid spending was expected to grow by 4.4 percent on average, according to an April report from the Kaiser Family Foundation. The increase was expected in large part because of the decrease in federal funding for Medicaid expansion. While 4.4 percent might not sound like an overwhelming increase, Medicaid spending is a massive portion of states’ budgets. Medicaid spending across all states totaled $509 billion in the 2015 fiscal year, according to the Kaiser Family Foundation. States paid 38 percent of the costs, with the federal government picking up the rest. That means states spent about $193.4 billion on Medicaid in 2015. That dwarfs state higher education appropriations, which totaled about $83.6 billion across the country in 2016-17. State legislators are essentially locked into spending on Medicaid. So when costs in that program rise, lawmakers have to either raise revenue through taxes and fees or find money in their discretionary budgets to reallocate. Higher education represents one of the few big-ticket discretionary items from which they can draw. “They’re going to get the money somewhere,” Pernsteiner said. “Where they make the cuts is higher ed.” Within individual states that expanded Medicaid, projections show costs mounting in coming years. Kentucky’s expenditures for Medicaid expansion are projected at $77.2 million for the 2016-17 fiscal year -- a year in which the federal match rate only falls below 100 percent for six months. The expenditures under current law are expected to rise to $180.1 million in 2018, $224 million in 2019 and $306.3 million in 2020, according to state projections. Kentucky is dealing with other budget pressures as well. By some estimates, the state has the worst-funded pension system of any state in the country -- even worse than Illinois and New Jersey. Many believe dealing with that issue will be a major drain on state coffers. The state’s Republican governor, Matt Bevin, has already shown a willingness to take funding that would have gone to higher education and put it toward pensions, said Robert L. King, president of the Kentucky Council on Postsecondary Education. Budget pressures add up, including from Medicaid, King said. “Because it’s a mandated expenditure, it gets paid,” King said. “So our universities have been taking cuts consistently for the last decade. I can’t tell you that they are directly caused by Medicaid, but it certainly is a contributing factor.” King has been watching trends between Medicaid funding and higher education funding since he was chancellor of the State University of New York System in the early 2000s. “I remember reading studies at the time that showed that there was a pretty straight-line correlation between the growth in Medicaid costs and the reduction in state support for higher education,” he said. A 2003 Brookings report found every new dollar in state Medicaid spending was related to a decline in higher education appropriations of about 6 cents to 7 cents. In West Virginia, which also expanded Medicaid eligibility under the Affordable Care Act, health-care costs were wrapped up in a long budget standoff that left leaders worried about higher education funding. State revenue has been declining with energy markets, causing stress on the budget and a possible pinch on higher education funding, according to a spokesman for West Virginia University. All of the pressures have real ramifications on the ground. West Virginia University’s president, E. Gordon Gee, issued a letter April 4 after the state’s Senate distributed a budget bill that would cut appropriations to the university by 15 percent. Such a cut would mean staff layoffs, increased tuition for students and major changes to other programs like the West Virginia University Extension Service and academic programs, Gee wrote. “Our university has already lost nearly $29 million in base reductions compared to 2011,” Gee wrote. “This additional reduction will be devastating to West Virginia University and all of the other four-year institutions in this state.” West Virginia lawmakers passed a budget Sunday at the end of their session that would cut higher education. But the budget did not follow a blueprint followed by the state’s governor, setting up a potential veto and extra session. Cutting Medicaid coverage wouldn’t necessarily alleviate all funding pressures on universities, either. West Virginia University’s health-care arm, WVU Medicine, is the largest health-care provider in the state. Cutting Medicaid coverage would mean fewer patients getting treatment, said Clay Marsh, the vice president for health sciences at West Virginia University. It would also mean more patients putting off care and receiving costly treatment in emergency rooms -- and providers often have to write off the cost of such services when patients can’t pay their bills. Marsh estimated that not covering patients who are currently covered under Medicaid expansion would result in a loss of about $20 million annually for WVU Medicine. “Some of the money that comes through the health-care delivery system comes back to the academic enterprise and educational enterprise to help train the state’s population,” Marsh said. “The expansion has been so powerful because we have such a large percentage of our population that has just started to be covered.” In theory, states could raise taxes to generate enough revenue to cover the cost of Medicaid expansion while also keeping funding for higher education stable. Eight governors proposed new or increased provider taxes to help pay for Medicaid spending growth, according to the Kaiser Family Foundation. But it’s not that simple, according to Iris Palmer, a senior policy analyst at the liberal-leaning think tank New America. “People can say you can increase taxes, but there are definitely states where increasing taxes is not a political option,” she said. “In places where they have very high tax rates like Illinois or Connecticut or California, they don’t have a lot of room to increase taxes to cover their additional spending, I would argue.” Experts believe the states that expanded Medicaid but have not fully recovered from the recession are generally in line for the biggest pinch to higher education budgets in coming years. Kentucky and West Virginia, with their energy-focused economies, are good examples. But they’re not the only ones. Oregon, for example, faces a $1.6 billion shortfall in its upcoming two-year budget cycle. About $1 billion of that comes from health-care costs, including reduced federal support for Medicaid expansion. Meanwhile, Oregon universities are expecting less state funding. Portland State University is proposing a 9 percent tuition hike and potentially $9 million in cuts because of lower state funding and other pressures like rising wage and benefit costs. Six of the state’s seven public universities plan to raise tuition by at least 5 percent, according to The Oregonian. Farther south on the West Coast, the California State University system is facing challenges if expensive changes to federal Medicaid funding proceed, said a spokeswoman, Toni Molle. “If ACA costs do shift to the state and the state chooses to fund health care over universities, it has that choice,” Molle said in an email. “It would not be our choice, but a choice that state lawmakers and the governor would have to make.” Meanwhile, there have been efforts in some states that did not expand Medicaid previously to do so now. Kansas lawmakers, for instance, narrowly missed approving an expansion this month after Governor Sam Brownback rejected a bill that would have expanded Medicaid and they fell a few votes short of overturning his veto. To some, the costs associated with Medicaid funding changes are just the latest in a long trend of competition for state resources playing out between health care and education. They believe the competition will continue into the future. “Health care is in a permanent competition with higher education,” said Anthony P. Carnevale, research professor and director of the Georgetown University Center on Education and the Workforce. “Higher ed has neither legal protection nor budgetary protection. It is the lone standing discretionary spending, except for prisons.” Carnevale said the future could turn into a grim picture where higher education loses enough resources at the margins that public colleges and universities can no longer expand access to new student populations or provide them with the support they need to graduate. Large public research universities with diverse funding streams will survive, and community colleges will, too. But other institutions in the middle -- those that depend on state revenue and tuition -- could die. Those institutions educate a large number of students. That would imperil the American form of higher education, where all students have access to a general education with liberal arts and elective courses, Carnevale said. “This is going to be a test of the American model,” Carnevale said. “It’s a test of the model on equity grounds, in particular, because it’s about a dual system that’s emerging that gives general education plus a major to more affluent and white people and more specific education to black, brown, working-class and low-income people.”

### 1AR I/L

#### Medicaid directly trades off with education, Medicaid cuts will demolish the U.S. economy

Dr. Molina CEO 3-9-2017, (Dr. Mario Molina is CEO of Molina Healthcare, which offers insurance through the Obamacare exchanges and contracts with the government for Medicaid. It operates in 13 states, "Medicaid cuts are ‘going to affect everyone,’ insurance CEO says," PBS NewsHour, <http://www.pbs.org/newshour/bb/medicaid-cuts-going-affect-everyone-insurance-ceo-says/>) CAA

WILLIAM BRANGHAM: So, let’s pick up where Judy and Julie Rovner left off and hear from an insurance executive whose business is focused on Medicaid patients and who is concerned about these potential changes. Dr. Mario Molina is CEO of Molina Healthcare, which offers insurance through the Obamacare exchanges and contracts with the government for Medicaid. It operates in 13 states. Welcome. MARIO MOLINA, CEO, Molina Healthcare: Thank you. WILLIAM BRANGHAM: So, you just heard the conversation about the changes that are — the proposed changes to Medicaid. And you obviously hav+e a lot of people under your umbrella who receive Medicaid. What’s your concern? MARIO MOLINA: Well, I’m very concerned about the long-term funding of the program. One of the members of Congress said yesterday, if you have Medicaid today, you’re going to have Medicaid tomorrow and things are going to be fine. But that’s only partially true, because, beginning in 2020, there are going to be major cuts to Medicaid, and people who have gotten coverage through the ACA may lose it. And people that have had coverage through traditional Medicaid may lose it as well. As you heard, the two biggest things in the state budget are Medicaid and education. And so you’re going to see competition between funding Medicaid and funding education. And so states are going to have the make cuts to one program or the other, or they’re going to have to raise taxes. But the burden for paying for health care for low-income people is being shifted to the states. WILLIAM BRANGHAM: The GOP, for years, not just with regards to Obamacare, has said that Medicaid is too big, costs the government too much, costs the states too much, and that they have to control these costs. What is your response to that? MARIO MOLINA: Well, you know, the CBO has looked at this. And they have found that the most cost-effective way of covering low-income people is actually through Medicaid. Medicaid accounts for 50 percent of all births in this country. One-third of all the children are covered under Medicaid, and it pays for half of long-term care. So it’s a big program that covers 72 million people. WILLIAM BRANGHAM: You obviously, I understand, have some concerns about what this means for the Obamacare exchanges and for the individual marketplace as well. What are your concerns in that regard? MARIO MOLINA: Well, right now, we cover about a million people under the marketplace. And these are people who are working, but their employers don’t offer them insurance. And they’re getting subsidies that allow them to purchase insurance. And they are going to be threatened. WILLIAM BRANGHAM: Obviously, there are a lot of other larger insurance companies, larger than yours, who have expressed a lot of concern with the exchanges. And what have you heard from them about their concerns? MARIO MOLINA: Well, most of the big insurance companies have gotten out. United is out. Aetna is getting out, Humana, Cigna. So the major insurance companies that you traditionally think of as employee — take care of employer-sponsored care are really not participating. This is being left to smaller insurers, those that focus on Medicaid, and many local companies like not-for-profits or Blue Cross or Blue Shield plans. WILLIAM BRANGHAM: I know you have been on the Hill and talking to a lot of members of Congress. What do you tell them when they’re in the midst of this debate right now? What have you been saying to them? MARIO MOLINA: Well, you know, we have been trying to educate them about what this is going to mean for the average American and then the ripple effects through the economy. So, for example, there was a study done by the University of Michigan that showed this was going to put about $400 million into the Michigan economy. That’s going to go away. And it’s going to have a ripple effect. Many smaller rural hospitals are likely to go out of business. And so, even if you have private insurance, you have difficulty getting access to care, because your community hospitals may be gone. The E.R. is going to be crowded with people who were insured and now have no place to go. So it’s going to affect everyone, regardless of what type of insurance you have. WILLIAM BRANGHAM: All right. Dr. Mario Molina, thank you very much. MARIO MOLINA: Thank you.

### 1AR Disease impact

#### Medicaid funding is key to providing medical education for underprivileged populations

Lederman, 5-24-2007, (Doug Lederman is one of the three founders of Inside Higher Ed. "Proposed Cutoff of Medicaid Funds," Inside Higher ED, <https://www.insidehighered.com/news/2007/05/24/medicaid>) CAA

Following through on an idea raised in President Bush's 2008 budget proposal, the Department of Health and Human Services issued proposed regulations Wednesday that would end federal matching funds paid to states for graduate medical education under the Medicaid program. The change, if carried out, would cost teaching hospitals and medical institutions about $1.8 billion over five years in federal reimbursements and possible even more, if states shift their own Medicaid spending away from graduate medical education because of the loss of the federal matching funds. The Association of American Medical Colleges vigorously opposes the proposed change and is working on several fronts to fight it. Sen. Richard Durbin (D-Ill.) is pushing legislation that would bar the human services department's Centers for Medicare & Medicaid Services from carrying out the change for one year; a provision to that effect could be passed in a supplemental appropriations bill that Congress is considering this week. For several decades, the federal government has, through its Medicare and Medicaid health insurance programs (for the elderly and the needy, respectively) provided funds to teaching hospitals and medical schools to help cover the costs of educating and training doctors. The funds are meant to pay for some of what it costs the hospitals for medical interns and residents to treat elderly and indigent patients. In Medicare, hospitals and schools are automatically reimbursed through a clear formula for their graduate medical education costs. The reimbursement system through Medicaid is optional, but 47 of the 50 states, plus the District of Columbia, provide some reimbursement to teaching hospitals and/or medical schools for graduate medical education, according to a 2006 survey prepared for the medical college association (Illinois, North Dakota and Texas are the exceptions). The report found that states provided about $3 billion in such support in 2005, and the federal government provides funds to match some of state-expended money, which the states use to encourage doctors to train in medically underserved areas, among other purposes. But in a notice published in Wednesday's Federal Register, HHS's Centers for Medicare and Medicaid Services said its officials had concluded that "we do not believe that it is consistent with the Medicaid statute to pay for GME activities." As a result, the agency said it was proposing to declare that "GME is not an allowable cost or payment for medical assistance under the approved Medicaid State Plan," making such funds ineligible for federal reimbursement within a year after a final rule is enacted. The notice estimates that the change would save the U.S. treasury $1.78 billion from 2008 to 20012. Lynne Davis Boyle, assistant vice president for government relations at the Association of American Medical Colleges, said the group's officials found it "kind of curious" that the federal agency -- having recognized graduate medical education as a reimbursable expense for more than 40 years -- is "now saying that the statute does not allow these payments." But Tim M. Henderson, a health-care researcher at George Mason University's Center for Health Policy Research & Ethics and author of the 2006 Medicaid report for the medical college group, said it was clear that the Health and Human Services agency was looking for ways to reduce spending under Medicaid. "I think they found this as a good target, and only recently became aware that this was a pot of money that they could conceivably tap." Henderson said the state and federal funds for graduate medical education amount to only about 7 percent of all Medicaid in-patient hospital expenditures nationwide. But the proportion is significantly higher -- at least double that -- in some states, including Minnesota, New York, Utah and Virginia. Henderson and Boyle both said it was possible if not likely that if the federal government were to eliminate its matching funds, some states would reconsider whether to continue to provide their own Medicaid money for graduate medical education. States are most inclined, of course, to spend their own money on uses that will draw additional funds from other sources, they said. Stacey Cyphert, the University of Iowa's senior assistant director and special adviser to the president for health sciences government relations, said in an e-mail message that upon an early review of the HHS plan, the university's hospitals and clinics would lose at least 23 percent of their Medicaid GME funding, or $3.9 million annually. Cyphert said it was too early to say how Iowa would consider replacing those funds. AAMC officials said they hoped Durbin's amendment would stop the Health and Human Services proposal in its tracks, at least for the time being. But they plan to oppose the proposed regulation in multiple other ways, as well.

#### Medicaid cuts make it impossible for states to respond to emerging diseases- outbreaks inevitable

Gibson 6-22, (Candace Gibson is a Staff Attorney in NHeLP’s Washington, D.C. office, where she focuses on reproductive health issues in Medicaid and in private insurance; 17, "How Per Capita Caps Harm the Prevention and Treatment of New Viruses," <http://www.healthlaw.org/issues/medicaid/health-reform-and-medicaid/how-per-capita-caps-harm-the-prevention-treatment-of-new-viruses#.WWQoQYTysQI>) CAA

If Congress enacts a per capita cap on Medicaid, states will have fewer resources to prevent and treat the spread of emerging diseases, such as the recent outbreak of Zika in the southern United States and Puerto Rico. In this issue brief, Staff Attorney Candace Gibson argues that proposed changes to Medicaid funding, specifically per capita caps and block grants, not only cut funding to the program, but also leave states vulnerable to unforseen public health crises. Using the recent Zika virus outbreak as a model, Gibson demonstrates how proposed per capita caps would be insufficient to cover the cost of treatment and prevention and render states unable to effectively fight new disease outbreaks.