

SR214, As Adopted by Senate, October 20, 2016

Senator Pavlov offered the following resolution:

Senate Resolution No. 214.

A resolution to urge the President and Congress of the United States to curb and clarify the role and authority of the U.S. Department of Education as it relates to the "supplement not supplant" provisions in the Every Student Succeeds Act.

Whereas, The federal Every Student Succeeds Act (ESSA) requires that federal Title I funding to low-income students supplements, rather than supplants, state and local dollars. This provision is intended to keep local school districts from using federal Title I dollars as a replacement for state and local dollars in low-income schools; and

Whereas, To enforce this provision, the U.S. Department of Education has proposed burdensome regulations to require school districts to show that average per-pupil state and local spending in Title I schools is at least equal to the average spending in non-Title I schools. The rules allow several different options for districts to calculate spending and demonstrate compliance with "supplement not supplant"; and

Whereas, The proposed regulations exceed the legal authority of the department and blatantly trample on explicit statutory prohibitions. Specific prohibitions in the "supplement not supplant" provisions include subdivision 1118(b)(4), which says, "Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate state and local funds to each school receiving assistance under this part"; and

Whereas, School district personnel have complained that the proposed regulations would be unworkable. The School Superintendents Association (AASA) stated that the proposed regulation "glosses over the realities of school finance, the reality of how and when funds are allocated, the extent to which districts do or do not have complete flexibility, the patterns of teacher sorting and hiring, and the likelihood that many students would experience the rule, as drafted, in a way that undermines true efforts aimed at increasing education equity"; now, therefore, be it

Resolved by the Senate, That we urge the President of the United States to direct the U.S. Department of Education to stop its federal overreach as it relates to the "supplement not supplant" provisions of the Every Student Succeeds Act; and be it further

Resolved, That we memorialize Congress to enact legislation that clarifies the Department of Education's role and authority as it pertains to "supplement not supplant" provisions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the U. S. Department of Education as public comment on proposed rules.