

Victory!!!

NEW ESEA INCLUDES ED TECH PROVISIONS, HUGE WIN FOR ISTE MEMBERS

After 14 years of No Child Left Behind (NCLB), the House has just passed, and the Senate is poised to approve, the Every Student Succeeds Act (ESSA), which would essentially rewrite NCLB, returning a great deal of federal authority and power on educational issues to states. Should Congress approve this rewrite, President Barack Obama is expected to sign it into law, hopefully by year's end.

Although the new legislation will maintain NCLB's testing regime, it will eliminate federal standards (adequate yearly progress) and penalties (mandated turn-around programs), and will allow states to develop their own accountability standards and responses. While leaving much to the states, it will require that states at least address and provide support to the lowest achieving students and schools.

The new bill endeavors to provide a great deal of flexibility on how states and districts spend their federal education dollars by eliminating or consolidating individual, issue-focused programs and establishing block grants. When ESSA is signed into law, as many as 50 different K-12 programs will no longer exist.

Under the new bill, there will be no specific ed tech program like Enhancing Education Through Technology (EETT). Instead, ed tech has received preferred status in the new Title IV flexible block grant program, sized at \$1.65 billion annually. Ed tech might have received its own program, but staff decided to fold it into Title IV when it became clear that the new ed tech program would only have been sized at \$25 million to \$50 million annually.



At ISTE 2015, more than 800 dedicated advocates sent letters to Congress about the need to invest in digital learning and education.

Under this flex grant, each state will receive a Title I formula-based allocation, which each state will then re-allocate by Title I formula to school districts. Each school district that receives a formula allocation above \$30,000 must spend 20 percent of its grant on safe and healthy school programs (e.g., counseling, drug-free) and another 20 percent on "well-rounded" (e.g., civics, STEM, AP/IB) education programs. **The remaining 60 percent can be spent on technology, blended learning and professional development** (or any of the well-rounded or health/safety programs eligible for the flex grant). While not clear yet, it is possible that these funds could also be used to pay the salaries of ed tech personnel. No more than 15 percent of a district's dollars may be spent on devices, equipment, software and digital content. If a district receives an allocation below \$30,000, it can spend its funding on any of the flex grant's allowed activities, including technology, without worrying about the 20 percent set-asides for well-rounded and safe/healthy programs.

Financially, this puts ed tech in the position of being eligible for about \$1 billion in flex grant funds, \$150 million of which may be used for actual technology. This is a far cry

from the \$25 to \$50 million that might have been available for a stand-alone program with no guarantee that such funds would even be appropriated. There is a strong likelihood this flex grant will receive appropriations in the next funding cycle (FY17).

The new bill will allow districts to spend money on homework gap solutions such as hot spots. It also includes language authorizing the Department of Education to conduct a study of the number of students unconnected or under-connected in their homes.

ISTE CEO Brian Lewis said: *“ISTE entered into the Elementary and Secondary Education Act (ESEA) reauthorization process with a critical objective: the new ESEA must contain a meaningful and fundable K-12 education technology program to complement E-Rate-funded classroom connectivity and spur a renaissance in personalized learning. The final version of ESSA, which rewrites and revamps ESEA, more than meets this goal. Within ESSA, education technology occupies a large and prominent space in the \$1.65 billion Title IV flexible block grant, thereby allowing school districts to gain access to a large new funding resource that they can use for technology, digital content and related professional development.*

“Further, ISTE was extremely pleased that Congress heeded our cry and included within ESSA a “homework gap” study to determine how many of our students are unconnected or under-connected in their homes. We consider ESSA a big win for ISTE on all counts and are hopeful that this monumental piece of legislation is signed into law by year’s end.”

ANOTHER MIDNIGHT-HOUR BUDGET DEAL MIGHT BE NECESSARY TO STAVE OFF A GOVERNMENT SHUTDOWN

Just hours before former Speaker John Boehner’s (R-OH) last day in office, and as his gift to newly elected Speaker Paul Ryan (R-WI), Boehner managed to pull together a short-term budget deal that, in addition to preventing the government’s closure, established overall spending caps for the next two fiscal years. When the dust cleared, it became clear that

the deal promised substantially more funding for education programs than would have been allowed under the previous budget deal. At this writing, **Congress remains hard at work to complete its task of setting specific funding levels for individual programs before the stop-gap funding bill expires on December 11.**

ISTE, as a member of the Committee for Education Funding, worked hard on the ultimately successful campaign to raise the federal spending caps and thus increase funding for education. The ISTE message during the campaign was that these spending caps were preventing Congress from making robust investments in essential federal programs that boost the economy, including education.

The Boehner budget deal increased the non-discretionary spending caps (which fund all domestic spending programs, including education) for FY16 by \$25 billion and by \$15 billion in FY17. While education spending advocates had hoped these caps would translate into an additional \$10 billion in education spending in FY16, word has leaked out that education programs may receive only a little bit more than half of that sum. While a far cry from the \$1.4 billion to \$2.8 billion in cuts that education would have received without the Boehner budget deal, the approximately \$5.2 billion increase in education spending still may not restore to FY12 levels many of the education programs that sustained cuts over the past two years.

ISTE is continuing to advocate for increases in funding for federal programs that would support digital learning now that an omnibus negotiation is underway.

STUDENT DATA PRIVACY ON THE BACKBURNER, FOR NOW

Although House Education and the Workforce Chairman John Kline (R-MN) expressed interest in attaching a Federal Educational Records Privacy Act (FERPA) rewrite to ESSA, the final version of ESSA did not contain a new

FERPA or any other meaningful changes to federal privacy law. The purpose of the FERPA rewrite bill is to bring privacy laws into the digital age, ensuring that schools take appropriate steps to safeguard students' digital records and not just students' paper files. ISTE continues to monitor this bill's progress and has expressed concerns over potentially problematic provisions that would assess fines against schools for FERPA violations.

One useful provision, Representative Luke Messer's (R-IN) amendment to allow Title II funds for professional development for teachers about protecting student data, was added to the final ESSA bill.

All efforts to make changes to laws governing student data privacy appear to be on hold for the remainder of the year. However, with the arrival of 2016, it is expected that the FERPA rewrite and other legislation that would hold vendors accountable for misusing student data for commercial purposes will likely resurface. One bill, authored by Reps. Jared Polis (D-CO) and Messer (R-IN), would prohibit ed tech companies from selling student data and using data collected to target advertisements to students. The bill would also require vendors to be more transparent about their privacy policies, the type of information collected and with whom that information is shared. It would grant the Federal Trade Commission enforcement authority over the provisions contained in the bill. A Senate counterpart, introduced by Senators Richard Blumenthal (D-CT) and Steve Daines (R-MT), also exists and could move in 2016.

What do the privacy bills do?

	Kline/ Scott	Polis/ Messer	Blumenthal/ Daines
Impose Fines on Schools for Breach	√		
Prohibit Targeted Ads to Children	√	√	√
Grant FTC Enforcement Authority		√	√



AFFILIATE SPOTLIGHT

CALLING ALL AFFILIATES, CALLING ALL AFFILIATES!

This is **YOUR** section! Starting in the next issue of the ISTE Advocacy Newsletter, we will be shining a spotlight on the advocacy efforts of one or two affiliates as state legislative sessions begin to ramp up. The ISTE Advocacy Network wants to make sure affiliates that are doing an excellent job of advocacy—by holding a booth at their conference, revamping their advocacy platforms or leading the passage of sweeping ed tech legislation in their states—are given the spotlight they deserve. In order for us to share all of your wonderful news, we need to hear from you! Submissions should be sent to ISTE Chief External Relations Officer Craig Thibaudeau at cthibaudeau@iste.org.

A huge **THANK YOU** to all of the affiliates that participated in the 2015 Advocacy Survey. Your responses were tremendously helpful in determining how affiliates use the ISTE Advocacy Network to advance their own policy goals and helped us understand how to best

meet your advocacy needs in the coming year. Here is a brief overview of the results:

- Compared to 2014, twice as many affiliates used the ISTE Advocacy Network to send letters to their lawmakers in 2015.
- In 2014, 16 percent of affiliates utilized the “Take Action” page on the ISTE Advocacy Network, compared to 52 percent of affiliates who used the page to take action in 2015.
- The ESEA Timeline views on the ISTE Advocacy Network site increased by 28 percent in 2015.
- Advocacy efforts by affiliates to influence the topics of broadband/infrastructure to support digital learning in classrooms increased from 28 percent in 2014 to 32 percent in 2015.
- In 2015, 40 percent of affiliates engaged their members, an increase of 4 percent from 2014.
- In 2015, 44 percent worked with other state organizations to influence legislation, an increase of 8 percent from 2014.



JOIN THE ISTE ADVOCACY NETWORK COMMUNITY

With all of the changes happening in Washington that affect education, and in our effort to grow a more robust and active ISTE Advocacy Network, ISTE has launched a **new interactive advocacy community called the “ISTE Advocacy Network.”** As a member of the community, you will be empowered to change the future of education by taking actions like sending letters to Congress, participating in live discussions on hot topics and making your voice count in the advancement of education technology policy.

Joining is easy—just follow these simple steps:

- **Step 1:** Head Over to the [ISTE Advocacy Network Community](#)
- **Step 2:** Login or create a free ISTE account
- **Step 3:** [Join the conversation](#) to find out in real time what is happening with the new ESEA

See you next time!

We’re proud to share the first edition of the quarterly *ISTE Advocacy Newsletter*. This newsletter is a rich source of information pertaining to all things advocacy, including news about federal legislation impacting digital learning, coverage of state legislation, and our work with affiliates to influence state education technology policy.