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Congress Offers School Renovation Plans

Pending House and Senate school renovation proposals share an overall objective — jolting the economy while reducing the backlog of repairs to crumbling school buildings — but contain stark differences that Congress will have to reconcile if President Barack Obama is to have the bill on his desk on Inauguration Day.

These school renovation proposals are integrated into mammoth economic stimulus plans put forth by each body over the last few months (H.R. 7110 and S. 3689, respectively). The

consensus in Washington is not whether, but how, Congress will distribute a possibly unprecedented amount of money to repair highways and bridges, upgrade water and sewer systems, and repair local schools.

These early stimulus plans — currently stalled due to Bush administration opposition — will be the building blocks of a broader proposal expected soon from Obama, who has urged dramatic action to wrest the country from a prolonged economic downturn.

The House school repair plan emphasizes speed: 60 days to parcel out around \$3 billion in school renovation grants to every Title I-eligible local educational agency (LEA) through the well-established Title I formula. The Senate's method for

See *School Stimulus*, p. 2

Rising Foreclosures Strain Services for Homeless Students

The national foreclosure crisis is forcing more students into homelessness at a time when the chief education program aimed at homeless youth is underfunded and struggling for recognition.

That was one of several issues raised at the recent annual conference of the National Association for the Education of Homeless Children and Youth (NAEHCY) in Washington, D.C.

The McKinney-Vento Homeless Assistance Act guarantees students from homeless families the right to stay in the school they're attending regardless of changes in resi-

dence, although many families and school districts are unaware of the legislation.

According to studies by the NAEHCY, more than 300 school districts reported a rise in homeless children due to the foreclosure crisis. During the 2007-2008 school year, many districts saw double-digit increases in homeless students. Some districts saw more new homeless students in a month than they did in the entire previous year.

"How many people are seeing increases in homeless students?" asked Barbara Duffield, the NAEHCY's policy director, during one packed

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distributing its proposed pot of \$2.5 billion, on the other hand, stresses need over speed, requiring states to craft a competitive program that takes into account LEAs' identified repair backlog, fiscal capacity and other criteria.

Alfred Campos, a federal lobbyist with the National Education Association (NEA), said congressional staff and members of the incoming Obama administration are hammering out an economic stimulus plan that helps address the "urgent needs of our ailing schools."

As behind-the-scenes wrangling continued in December, the *Title I Monitor* parsed the details of the school repair plans (see side-by-side comparison, page 6). There are pros and cons to each approach, said educational experts, advocates and others, although the Senate plan, in particular, shows signs of hasty drafting and may not be in sync with Obama's priorities.

Senate Bill Mirrors Old Clinton Plan

Much of the Senate's language is lifted straight from the last major school infrastructure bill, a \$1.2 billion measure pushed through Congress in December 2000 by President Bill Clinton as one of the last acts of his administration. Newly elected President George W. Bush had no interest in renewing the program, so the \$1.2 billion infusion of funds was a one-time event.

The problem with cribbing from the Clinton program is that it was slow. Aside from LEAs' relative

distribution of low-income children — figures that are generated each year by the Census Bureau for the Title I program — states must evaluate each applicant's facility needs, its "fiscal capacity" (that is, ability to raise school repair money on its own) and ability to maintain the repairs.

Under the Clinton program, it was not uncommon for states to take more than a year to award the money, which works against the current objective of stimulating the economy on an emergency basis.

Gordon Beck, director of school facilities and organization with Washington State's Office of Public Instruction, said the Senate's list of funding criteria is "intimidating," especially if states are expected to move the money out to districts in rapid fashion to stimulate the economy.

Both the House and the Senate would distribute funds to states according to their relative share of Title I grants for school year 2008 (see projected allocations, page 5). This can be achieved almost instantly. But the House carries the formula approach a step farther, awarding funds according to each LEA's proportionate share of 2008 Title I funds, adjusted so no LEA gets less than \$5,000. In contrast to the Senate plan, the state role is confined mainly to distributing the money.

But the House emphasis on speedy allocation presents its own problems, said Beck. The U.S. Department of Education (ED) has 30 days to allocate funds to the states; states then have 30 days to distribute funds to LEAs. This requirement doesn't leave much time to ramp up a complicated program.

"All you can just about do is identify who the qualifying districts are ... and then say, 'OK, well, you have this much money available to do it,'" he said.

Green Schools

Speed is not the only major difference between the two plans. The Senate bill limits eligible activities to urgent building repairs, such as asbestos removal and improved access for individuals with disabilities. The House bill would authorize a huge laundry list of improvements, from energy modifications to technology upgrades.

Perhaps the most noteworthy difference is the House bill's emphasis on fostering energy-efficient "green" schools. Twenty-five percent of every grant would be earmarked for upgrades and repairs to improve energy efficiency, using standards like the LEED Green Building Rating System, a nationally recognized benchmark.

The House emphasis on green renovations concerned Beck because such requirements add to the

See *School Stimulus*, p. 5

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School Modernization Bills — House vs. Senate Comparison

Dollars in thousands. Assumes both bills appropriate \$10 billion for ease of comparison. One percent of each bill is reserved for the outlying areas and BIA schools. Numbers may not add due to rounding.

	House Formula		Senate Formula	
	Dollars	Percentage	Dollars	Percentage
United States	\$9,900,000	100%	\$9,900,000	100%
Alabama	\$154,871	1.56%	\$150,225	1.52%
Alaska	\$27,957	0.28%	\$49,500	0.50%
Arizona	\$197,753	2.00%	\$191,820	1.94%
Arkansas	\$103,828	1.05%	\$100,713	1.02%
California	\$1,222,609	12.35%	\$1,185,931	12.00%
Colorado	\$97,439	0.98%	\$94,516	0.96%
Connecticut	\$83,168	0.84%	\$80,673	0.82%
Delaware	\$27,622	0.28%	\$49,500	0.50%
D.C.	\$34,038	0.34%	\$49,500	0.50%
Florida	\$472,298	4.77%	\$458,129	4.64%
Georgia	\$321,175	3.24%	\$311,540	3.15%
Hawaii	\$31,908	0.32%	\$49,500	0.50%
Idaho	\$33,582	0.34%	\$49,500	0.50%
Illinois	\$427,479	4.32%	\$414,655	4.20%
Indiana	\$177,841	1.80%	\$172,506	1.75%
Iowa	\$52,334	0.53%	\$50,764	0.51%
Kansas	\$68,629	0.69%	\$66,570	0.67%
Kentucky	\$150,091	1.52%	\$145,588	1.47%
Louisiana	\$212,194	2.14%	\$205,829	2.08%
Maine	\$37,082	0.37%	\$49,500	0.50%
Maryland	\$138,352	1.40%	\$134,201	1.36%
Massachusetts	\$167,941	1.70%	\$162,903	1.65%
Michigan	\$379,458	3.83%	\$368,074	3.72%
Minnesota	\$91,354	0.92%	\$88,614	0.90%
Mississippi	\$134,830	1.36%	\$130,785	1.32%
Missouri	\$162,077	1.64%	\$157,215	1.59%
Montana	\$31,346	0.32%	\$49,500	0.50%
Nebraska	\$43,358	0.44%	\$49,500	0.50%
Nevada	\$58,118	0.59%	\$56,375	0.57%
New Hampshire	\$27,491	0.28%	\$49,500	0.50%
New Jersey	\$206,381	2.08%	\$200,190	2.03%
New Mexico	\$81,437	0.82%	\$78,994	0.80%
New York	\$882,901	8.92%	\$856,414	8.67%
North Carolina	\$258,058	2.61%	\$250,316	2.53%
North Dakota	\$24,284	0.25%	\$49,500	0.50%
Ohio	\$368,333	3.72%	\$357,283	3.61%
Oklahoma	\$106,805	1.08%	\$103,601	1.05%
Oregon	\$100,747	1.02%	\$97,724	0.99%
Pennsylvania	\$406,995	4.11%	\$394,785	3.99%
Rhode Island	\$38,128	0.39%	\$49,500	0.50%
South Carolina	\$147,965	1.49%	\$143,526	1.45%
South Dakota	\$29,895	0.30%	\$49,500	0.50%
Tennessee	\$172,057	1.74%	\$166,895	1.69%
Texas	\$935,129	9.45%	\$907,075	9.18%
Utah	\$43,195	0.44%	\$49,500	0.50%
Vermont	\$23,650	0.24%	\$49,500	0.50%
Virginia	\$162,718	1.64%	\$157,836	1.60%
Washington	\$138,074	1.39%	\$133,932	1.36%
West Virginia	\$71,686	0.72%	\$69,535	0.70%
Wisconsin	\$143,239	1.45%	\$138,942	1.41%
Wyoming	\$22,681	0.23%	\$49,500	0.50%
Puerto Rico	\$367,418	3.71%	\$356,395	3.61%

School Stimulus (continued from p. 2)

overall cost of any repair. Beck also wondered if the school construction industry was even ready for the green revolution, which requires sophisticated knowledge of installation requirements, new products and highly trained workers.

“It’s sort of the government the same old way: you know, here’s free money, go out and do good things, get it going now, and yet [the feds then say], ‘Oh, you’re going to have to jump through all these things to get there,’” Beck said. “I know as a state administrator we have a lot of local school districts that are tired of that.”

But Beck made clear that no matter what type of program Congress crafts, states need the assistance and appreciate the support. “We would do whatever we have to do” to get the funds out to LEAs, he said.

In any case, continuing signals from the incoming Obama administration make clear that green renovations and technology improvements will be an important part of the final package. “My economic recovery plan will launch the most sweeping effort to modernize and upgrade school buildings that this country has ever seen,” Obama said in his Dec. 6 weekly national address. “We will repair broken schools, make them energy efficient and put new computers in our classrooms.”

Too Small?

Given the scope of Obama’s promises, the Senate and House figures discussed to date are likely to be far surpassed in the final bill.

“Education infrastructure is really, really important to our future and I think it’s getting short-shrift with only \$3 billion or \$2.5 billion in this bill,” said Mary Filardo, executive director of the 21st Century School Fund, a nonprofit organization based in the nation’s capital. “It’s minuscule compared to the level of need to modernize and upgrade for the kind of performance we need out of kids and teachers.”

The group, which issued a briefing paper called “Good Buildings, Better Schools” in April on the need for close to \$20 billion in public school infrastructure investments, es-

See *School Stimulus*, p. 6

School Stimulus (continued from p. 5)


timated in a November memo that an infusion of at least \$10 billion could support as many as 250,000 construction-sector jobs.

“Public schools are massive infrastructure in this country and they really should be thought of as part of the infrastructure spending,” Filardo said.

The organization has not advocated for federal school facility money for years, partly because it felt states had to step up first, but also because there was no way to gauge need nationally. These new bills help remedy that by requiring states to develop public school facility inventories “to begin to monitor this enormous infrastructure investment.” Otherwise, Filardo said, “there would be no accountability associated with” the dollars.

Bruce Hunter, associate executive director at the American Association of School Administrators (AASA), said funding should be “on the order of \$10 [billion] or \$20 billion” and be freed up to use

for constructing school buildings, including portable classrooms.

Campos, the federal lobbyist, said it’s possible that the final school modernization package could contain tax credits in addition to grants. But he expected that the emphasis on speed would remain because of the federal goal to repair not just dilapidated schools, but the rickety economy as well. 

— Erika Fitzpatrick

For More Information

The House and Senate school modernization proposals are part of larger bills considered in the 110th Congress. Visit <http://thomas.loc.gov> and search for the bills by number, H.R. 7110 and S. 3689. Be sure to get the version of H.R. 7110 as “engrossed or agreed to by the House.”

- Visit <http://www.21csf.org> for more on the 21st Century Fund.
- Visit <http://www.nea.org/lac> for information from the NEA Legislative Action Center.
- Visit <http://www.aasa.org> for more on AASA.

School Renovation: Comparison of House and Senate Stimulus Plans

	House — 21st Century Green High-Performing Public School Facilities	Senate — School Renovation Grants
Total Amount (through Sept. 30, 2009)	\$3 billion.	\$2.5 billion.
Allocation of Funds to State Educational Agencies (SEAs)	One percent of funds is reserved for assistance to outlying areas and for payments to the Department of the Interior, which will distribute funds to schools funded by the Bureau of Indian Affairs (BIA).	Same reservation as the House for outlying areas and the BIA, except that the respective secretaries must use measures of need (as determined by the relevant department) to distribute the funds.
	From the remainder, each SEA receives an amount proportionate to what it received under part A of Title I in fiscal 2008.	Same as the House, except that the minimum allocation for states with small populations — normally a little more than 0.25 percent — is boosted to 0.5 percent of the total national appropriation. This would shift about 2.8 percent of the total appropriation to these states.
Reallocation of Funds	No provision for reallocation.	ED may reallocate to other SEAs funds not asked for or used by a SEA.
Uses of Funds — State Administrative Costs	States may reserve up to 1 percent, with no total dollar limit expressed.	No more than 1 percent, or \$1 million — whichever is less — may be used for grant administration.
	States may use funds to provide local educational agencies (LEAs) with technical assistance; to develop, within six months, a public school facility inventory that details the modernization, renovation and repair needs of, energy use by and carbon footprint of schools; and to develop a school energy efficiency quality plan.	States must use a portion of funds to establish or support a state-level database of public school facility inventory, condition, design and utilization.
	No provision for transfer of administrative funds to another state agency responsible for financing of school facilities.	If an SEAs transfers the funds to another state entity that is normally responsible for educational facility financing, SEAs must also transfer an amount equal to 0.75 percent of the state’s grant for the agency’s administrative costs.
Eligibility for Subgrants	Every LEA that received Title I funds in 2008 will receive funds. Eligible LEAs include the Recovery School District of Louisiana and the New Orleans Public Schools.	Any LEA, although the statute establishes certain preferences, as described below.

	House — 21st Century Green High-Performing Public School Facilities	Senate — School Renovation Grants
Eligibility of Charter Schools	<p>Charter schools must meet the criteria for the Public Charter School program (§5210 of No Child Left Behind [NCLB]), which, among other criteria, requires that schools not charge tuition, be nonsectarian and comply with federal antidiscrimination laws.</p> <p>Charter schools that are LEAs under state law are eligible for allocations. Charter schools are considered eligible public school facilities.</p>	<p>Charter schools must meet the criteria in §5210 of NCLB.</p> <p>There are no other statements explicitly authorizing charter schools to receive funds, but there are no statutory grounds for excluding them from eligibility.</p>
Allocation of Funds to LEAs	Each LEA, as long as it meets provisions of its state plan, may receive amounts in proportion to the amount it received under part A of Title I for fiscal 2008, although no such LEA may receive less than \$5,000.	Other than administrative funds, SEAs (or the other applicable "state entity") must distribute 100 percent of funds to LEAs in the form of competitive grants according to eligibility rules set forth below.
Allocation Schedule	U.S. Department of Education must allocate funds to states within 30 days of enactment, and states must suballocate funds to LEAs within 30 days of receiving notice of allocation from federal government.	None.
Criteria for Awarding Grants	None, other than submission of an acceptable application.	<ul style="list-style-type: none"> Percentage of children aged 5-17 years from families, inclusive, in LEA. This is the same Census count as used for Title I purposes. (There is an apparent drafting error that muddies this criterion, but it seems clear that this is the Senate's intent.) Need for school repair and renovation as demonstrated by public school facility conditions of LEA. LEA's fiscal capacity to meet its school repair and renovation needs without assistance, including ability to raise funds through local bonds. For charter school repair or renovation, the extent to which the school can access project funding through financing methods available to other public schools or state LEAs. Likelihood of maintaining a renovated facility in good condition. <p>These criteria are identical to those that were used for the 2000 Clinton school modernization program.</p>
Suballocation Minimums	Minimum of \$5,000 for each eligible LEA.	<p>Program establishes the following two funding pools:</p> <ul style="list-style-type: none"> "High-need" LEAs, defined as those with at least 20 percent poverty or at least 20,000 low-income students. This definition is the same as the first of the two definitions used for determining "high need" under the Title II teacher training program. "Rural" LEAs, with the determination of which LEAs are rural left up to the state, using the common state definition and objective data. <p>Subgrantees in each of these pools must receive, in the aggregate, a percentage of the total state grant equal to the relative share of total Title I funds received by these LEAs in 2008.</p> <p>If any funds are left, any LEA may compete for a subgrant. This includes high-need and rural LEAs that did not receive a grant from the one of the two regular pools.</p>
Match	None.	States must require LEAs to provide a local match, the amount of which may be determined using a sliding scale taking into account the relative poverty of the population served by the LEA. It is not clear what the term "population served by the LEA," means, i.e., the children in the LEA, or the entire population, including adults, in the LEA's service area.

	House — 21st Century Green High-Performing Public School Facilities	Senate — School Renovation Grants
Uses of Funds	<p>Funds are for modernizing, renovating or repairing public school facilities based on the need for such improvements to be safe, healthy, high performing and technologically up to date.</p> <p>Specifically, funds may be used for:</p> <ul style="list-style-type: none"> • repairing, replacing or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems or components of such systems, windows or doors, including security doors; • repairing, replacing or installing heating, ventilation, air conditioning systems or components of such systems (including insulation), including indoor air quality assessments; • bringing public schools into compliance with fire, health and safety codes, including professional installation of fire/life safety alarms; and • modernizations, renovations and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures. • School facilities modifications that bring public school facilities into compliance with the Americans with Disabilities Act (ADA) of 1990 or section 504 of the Rehabilitation Act of 1973, as long as these modifications are not the primary use of the grant. • Asbestos or polychlorinated biphenyls abatement or removal. • Measures to reduce or eliminate human exposure to lead-based paint hazards and reduce or eliminate human exposure to mold or mildew. • Upgrading or installing educational technology infrastructure to give students access to up-to-date educational technology. • Modernization, renovation or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy. • Improvements to building infrastructure to accommodate bicycle and pedestrian access. • Renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal or biomass, such as wood pellet systems or components of such systems. • Other modernization, renovation or repair of public school facilities to — <ul style="list-style-type: none"> - improve teachers' ability to teach and students' ability to learn; - ensure the health and safety of students and staff; - make them more energy efficient; or - reduce class size. <p>Environmental remediation related to all of the above.</p>	<p>School repair and renovation is limited to one or more of the following uses:</p> <ul style="list-style-type: none"> • Emergency repairs or renovations to public school facilities to ensure the health and safety of students and staff, including <ul style="list-style-type: none"> - repairing, replacing or installing roofs, windows, doors, electrical wiring, plumbing systems or sewage systems; - repairing, replacing or installing heating, ventilation or air conditioning systems (including insulation); and - bringing public schools into compliance with fire and safety codes. • School facilities modifications that bring public school facilities into compliance with the Americans with Disabilities Act of 1990 or section 504 of the Rehabilitation Act of 1973. • Asbestos abatement or removal. • Renovations and repairs of charter schools.

	House — 21st Century Green High-Performing Public School Facilities	Senate — School Renovation Grants
Green Schools	<p>LEAs must use 25 percent of funds for modernization, renovation or repairs that are certified, verified or consistent with energy certification programs outlined below or by equivalent programs adopted by the state or another jurisdiction with authority over the LEA:</p> <ul style="list-style-type: none"> • <i>LEED Green Building Rating System</i>, a third-party certification program and nationally accepted benchmark for the design, construction and operation of high-performance green buildings.¹ • <i>Energy Star</i>, a joint program of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy helping consumers save money and protect the environment through energy-efficient products and practices.² • <i>CHPS (Collaborative for High Performance Schools) Criteria</i>, a green-building rating program developed by CHPS to facilitate the design, construction and operation of high-performance schools functioning in environments that are not only energy and resource efficient, but also healthy, comfortable, well-lit and containing quality education amenities.³ • <i>Green Globes</i>, a private organization that provides tools for assessing and rating buildings for environmental design.⁴ 	None.
Impermissible Uses	<ul style="list-style-type: none"> • Maintenance costs connected with projects constructed in whole or in part with these federal funds. • Stadiums or other facilities used for athletic or other events that charge admission to the general public. <p>Although “new construction” is not explicitly banned, it is clearly not authorized under the terms of the program, which states that the purpose is to “modernize, renovate and repair” public schools.</p>	<ul style="list-style-type: none"> • Maintenance costs connected with projects constructed in whole or in part with these federal funds. • New facilities construction. • Stadiums or other facilities used for athletic or other events that charge admission to the general public.
Supplement Not Supplant	<p>Funds must supplement, not supplant, “the amount of funds that would, in the absence of such federal funds,” be available for modernization, renovation or repair of public schools.</p> <p>This is an unusually sweeping supplement-not-supplant provision.</p>	Funds must supplement, not supplant nonfederal funds, with the notable exclusions of costs associated with ADA/ Rehabilitation Act compliance.
Prohibition Regarding Offsetting State Aid	<p>States may not consider grants awarded under this program to determine an LEA’s eligibility for, or amount of, other state aid regarding free public education.</p> <p>This is identical to a stricture under the Impact Aid program.</p>	None.
Full and Open Competition for Contracts	If the LEA carries out the work through a contract, it must ensure the participation of the maximum number of qualified bidders — including small, minority and women-owned businesses — through full and open competition.	Same.
Davis-Bacon Wage Rates	LEAs are subject to Davis-Bacon wage requirements for any contract over \$2,000.	None.
Domestic Iron and Steel	LEAs must use U.S.-produced iron and steel, unless it would increase the cost by more than 25 percent, with exceptions for cost and other factors; insufficient quality of iron or steel can be obtained from U.S. sources; or it would be against the public interest.	None.

	House — 21st Century Green High-Performing Public School Facilities	Senate — School Renovation Grants
Reporting	<p>LEAs must report to SEAs (which in turn report to ED) describing the projects for which funds were used, including the following information:</p> <ul style="list-style-type: none"> • Number of public and charter schools. • Total amount an LEA received and the amount spent, including for modernization, renovation and repair of charter schools. • Number of public schools in the agency with metro-centric locale codes of 41, 42 or 43 — rural-fringe, -distant or -remote — and the percentage of funds used for projects at such schools. • Number of public schools in the LEA eligible for schoolwide programs — institutions located in very high-poverty areas — and the percentage of funds used for projects at such schools. • Cost of each “green standards” project and any expected resulting academic, energy or environmental benefits. • If flooring was installed, whether it was low or no-VOC (volatile organic compounds), whether it was made from sustainable materials and its cost effectiveness. • Total number of contracts and amount of contracts awarded to local, small, minority-owned, women-owned and veteran-owned businesses. <p>ED is required to report Congress on the full array of topics related to grant spending by Dec. 31, 2010.</p>	<ul style="list-style-type: none"> • States must require LEAs to report how they used the repair and renovation funds. • States must report to ED how the funds were used by Dec. 31, 2010.
Technical Assistance	ED and the secretaries of Energy and EPA must provide states and school districts with best practices related to school renovation, health and academic achievement, energy efficiency and environmental protection.	None.

¹See the U.S. Green Building Council, <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222>.

²See http://www.energystar.gov/index.cfm?c=about.ab_index.

³See <http://www.chps.net/overview/index.htm>.

⁴See <http://www.greenglobes.com/about-why.asp>.

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On January 20th, President-elect Barack Obama will take office, and one of the first things he has pledged to do is sign a \$500 billion “economic recovery” bill that is currently being drafted by Congress. The funding package will include billions in grants for school modernization and renovation. Although details on the bill are changing daily, the broad outlines are becoming clear, and they will be clearer yet when Congress returns after the New Year.

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