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FILLING BUDGET HOLES: EVALUATING THE IMPACT OF ARRA FISCAL STABILIZATION FUNDS ON STATE FUNDING FORMULAS

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WORKING DRAFT: 01/26/10 NOT FOR CIRCULATION OR QUOTATION

This is a working draft of a paper prepared for the 2010 Equity Symposium, "Stimulating Equity? The Impact of the Federal Stimulus Act on Educational Equity," Teachers College, Columbia University, February 8-9, 2010.

Filling Budget Holes: Evaluating the Impact of ARRA Fiscal Stabilization Funds on State Funding Formulas

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Introduction

This paper analyzes the distribution of over \$39 billion in federal stimulus funds for education, known as "state fiscal stabilization funds" (SFSF), in eleven (11) states, and the impact of SFSF funds on the underlying K-12 school funding formulas in these states. The primary purpose of our research is to assess the extent to which states achieved the specific objectives established for the SFSF program in the American Recovery and Reinvestment Act of 2009 (ARRA): a) restoration of aid through states' designated "primary" funding formulas to the greater of the FY2008 or FY2009 levels; b) implementation any prior-enacted increases or equity or adequacy adjustments in those funding formulas; and c) maintenance of overall state support for K-12 education above the FY2006 "floor" established in ARRA.

Research Questions

Our research on ARRA focused on the specific statutory objectives established by Congress for SFSF program funds, and the extent to which states met those objectives in FY2010. Our main research questions are:

• Did states restore aid in designated "primary" funding formulas to the greater of the FY2008 or FY2009 level?

• Where applicable, did states implement previously planned increases or "equity and adequacy" adjustments in funding formulas?

• Did total state support for K-12 education remain above the FY2006 "maintenance floor"?

Our research also seeks to shed light on several related, and often asked, policy questions:

• In determining how to allocate SFSF program funds, did states define a deficit in state funding formula aid in order to address larger shortfalls in the overall state budget?

• What impact, if any, did SFSF program funds have on the fairness of school funding in the states, especially in districts with high concentrations of student poverty?

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• To what extent did the U.S. Department of Education (ED), in approving state applications, ensure states met the ARRA benchmarks and objectives for SFSF program funds?

• What lessons can be learned for future Congressional efforts to use federal funds to maintain and improve state support for K-12 education through state funding formulas?

Summary of Main Findings

State Compliance with ARRA Objectives for SFSF Program Funds

1. Several states did not restore K-12 formula aid to the greater of the FY2008 or FY2009 levels, and mid-year cuts may put more states below this level.

2. Four states had planned formula increases, but only two partially funded those increases. Further, in most states, SFSF program funds did not improve the fairness of the school funding formulas.

3. While states may have initially maintained K-12 support above the FY2006 maintenance floor, mid-year aid cuts may drop states below that level.

4. States continue to make additional K-12 aid cuts during FY2010, reducing K-12 aid levels below those in the approved SFSF applications.

Oversight of the SFSF Program

5. The state designated "primary" formulas represent only a portion of total state support for K-12 education, masking the underlying condition of the school funding in the states.

6. Most states used almost 70% the total SFSF allocation in FY2010, which raises serious concern about state compliance with ARRA objectives and benchmarks in FY2011.

7. The absence of a complete and reliable data source on state school funding formulas seriously hindered effective review of the states' SFSF submissions to ensure compliance with ARRA objectives.

8. Federal oversight of the SFSF program had serious shortcomings, resulting in a lack of assurance that states used SFSF funds to achieve the objectives and benchmarks in the ARRA statute.

The ARRA State Fiscal Stabilization Fund Program

The American Recovery and Reinvestment Act of 2009 (ARRA) provides states with three main streams of stimulus funding for K-12 education: 1) state fiscal stabilization funds (SFSF); 2) an increase in Title 1 program funds; and 3) an increase in special education (IDEA) funds. By far,

SFSF is the largest component of the ARRA stimulus funds for K-12 education, totaling \$39.7 billion nationwide. Congress established a specific allocation of SFSF funds to each state.

For each of the Fiscal Years (FY) 2009, 2010 and 2011, the ARRA directs states to distribute their allocation of SFSF program funds through the state's "primary" K-2 school funding formula to:

• Restore state formula aid to the greater of the FY08 or FY09 level; and

• Allow existing formula increases to be implemented and equity and adequacy adjustments to be phased-in, provided the formula increases or adjustments were enacted prior to October 1, 2008.²

The ARRA gave states, through the governors, the final authority to decide on the distribution of this unprecedented infusion of federal funds in the state finance systems, subject to ED approval. In addition to directing governors to distribute SFSF program funds to restore state formula aid to the greater of the FY2008 or 2009 level and phase-in prior-enacted formula increases, the ARRA also established FY2006 as a "maintenance floor" below which the states could not reduce total K-12 support in FY2010.³

In the first 6 months of 2009, states submitted applications to ED seeking approval to distribute SFSF program funds in FY2010. On a rolling basis, ED announced approvals of those applications by posting approved applications on the ED website. ED, however, did not issue any written decision explaining the basis for approving the state's application, or provide any rationale for accepting the aid calculations and distribution proposals presented by the states. ED did not deny the application of any state.

Research Method

Our research focused on the distribution of SFSF program funds through the respective school funding formulas of 11 states, as approved by ED. While we reviewed the data supplied by the states to ED in the SFSF applications, we also draw extensively on the states' public databases and financial reports on K-12 state aid and local revenue for the fiscal years at issue. By examining state-by-state data on the underlying school funding formulas, we sought to independently verify whether the states used SFSF program funds to achieve the K-12 benchmarks and objectives established in the ARRA.

Our research examined data in the following areas:

² P.L. 111-5, (H.R.1), February 17, 2009; 123 Stat. 115, as amended by P.L. 111-8 (H.R.1105), the Omnibus Appropriations Act, 2009; Div. A., Sec. 523; March 11, 2009; 123 Stat. 524, Title XIV, Section 14002(a).

³ The ARRA allowed states to designate which component of the funding formula is "primary" for purposes of distributing those funds. In addition, states were directed to exclude local revenue entirely from consideration.

The Underlying Condition of State Funding Formulas

Congress intended SFSF program funds to assist states in maintaining support for K-12 education in the face of overall budget shortfalls resulting from the economic recession. To accomplish this overall objective, Congress directed states to allocate SFSF funds through their K-12 school funding formulas. As a prerequisite to assessing whether states achieved the ARRA benchmark levels for state aid in FY2010, we examined the underlying conditions in the states with regard to: 1) the extent of the overall budgetary shortfalls experienced by the state; 2) the underlying condition of the state school funding formulas; and 3) the SFSF program funds made available to each state to support formula funding for FY2009 and FY2010, and the funds remaining for FY2011.

To set a baseline for the condition of the state school funding formulas, we use data and results from our forthcoming National Report Card on School Funding (NRC). Specifically, we apply each state's "fairness profile" from the NRC, which represents both the adjusted level of per pupil state and local revenue (funding) generated by the state's formula and, most importantly, the distribution of that funding to districts within the state, relative to concentrated student poverty. The NRC funding fairness metric is explained in Appendix A. We used our "fairness profile" for each state in our research sample to assess whether SFSF program funds had any positive impact on the underlying level and distribution of funding through the state formulas.

Since SFSF program funds are allocated through the distinct school funding formulas of the 50 states, and because the national recession has affected each state differently, we attempt to establish baseline data for each state relevant to evaluating whether the state's use of SFSF funds met the specific ARRA aid benchmark levels and objectives.

Primary State Formula Aid

The primary formula aid, as designated by the state in the SFSF application and which serves as a basis for the distribution of SFSF program funds, is analyzed from the years FY2006 through FY2010. This allows for a more in-depth tracking of state formula aid in all years relevant to the specific benchmarks for SFSF funds, i.e., the restoration to the greater of the FY2008 or FY2009 level, funding of prior-enacted formula increases, and maintenance of the FY2006 floor.

Allocation of SFSF Program Funds through Primary Formulas

From each state's approved SFSF application, the overall allocation of the state's SFSF program funds for FY2008, where applicable, and FY2009, is then added into the statewide allocation of formula aid for the relevant year. This calculation yields a total amount of state formula aid for each year, and provides the basis for assessing whether the state achieved the ARRA restoration objectives.

Total State Formula Support

We not only analyzed the aid provided through the state designated primary formula, but also the total level of state support for K-12 education provided through all elements of the state's

funding formula, including categorical aids for specific purposes or programs. This inquiry allows for a more thorough analysis of the effect of SFSF program funds on the overall levels of school funding provided by states to the districts in the relevant years.

Background: Underlying State Conditions

1. States experienced varied levels of overall budget and revenue declines from the national recession.

We first examined reported data on the extent of budget shortfalls and state revenue declines in the 11 states. This data allows us to explore several key contextual issues: whether states hardest hit by the recession were those making the greatest cuts to K-12 education funding; and whether states that rely more heavily on state general fund revenues imposed greater proportional cuts to total K-12 education spending. On the latter point, it might be expected that states heavily reliant on state revenue would cut more because state sales and income tax receipts tend to decline more rapidly than local revenues drawn from property taxes.

As shown in Table 1, recent data on projected revenue growth for FY2010 from the National Conference of State Legislatures (NCSL) shows that, among reporting states, New Jersey and Ohio projected the greatest decreases in revenues. Alabama and New York projected modest increases. As noted by NCSL, many of these estimates were generated several months prior and expectations may have since changed.

Table 1 also shows data from the Rockefeller Institute on quarterly revenue declines over previous year, same quarter revenues. For the April to June quarter, Colorado, New York and Massachusetts posted the greatest declines, with Washington, Alabama and Pennsylvania posting smaller though still significant declines. For the July to September quarter, Alabama posted a large decline, followed by Colorado and Georgia.

Recent data from the Government Accounting Office Report is also included in Table 1. GAO surveyed local education agencies (LEA) across selected states to determine the percentage of LEAs that expected to receive cuts to their funding or increases to their funding. The GAO found that districts in New Jersey, New York and Ohio were more likely to indicate an expectation of funding increases, whereas those in Georgia in particular where more likely to receive cuts. The GAO report, however, does not account for whether the districts receiving cuts or increase were larger or smaller districts, or whether the increases or cuts to funding were offset by increases or declines in enrollment. Further, the GAO report did not address the characteristics of the types of districts expecting cuts versus those expecting increases.

		Rockefeller Revenue Reports		GAO ARRA Report [d]	
State	NCSL State Projected Growth 2010[a]	Budget Decline (Total, April- June 2008- 2009)[b]	Budget Decline (Total, July- Sept. 2008- 2009)[c]	% LEAs Reporting Decrease 5% or More	% LEAs Reporting Increase 5% or More
Alabama	2.6%	13.5%	15.6%		
Colorado	1.3%	23.6%	13.6%	13%	15%
Georgia		17.1%	13.9%	39%	6%
Kansas	-1.8%	14.5%	10.4%		
Massachusetts		19.4%	10.0%	12%	11%
Nebraska	0.5%	13.2%	12.0%		
New Jersey	-3.5%	15.2%	9.6%	2%	29%
New York	2.9%	22.0%	9.2%	7%	15%
Ohio	-6.8%	14.9%	8.8%	4%	16%
Pennsylvania		13.4%	6.2%		
Washington	1.8%	8.0%	6.1%		

Table 1: Overall State Budget and Revenue Declines

[a] http://www.ncsl.org/default.aspx?TabId=18858#Total_Tax

[b] http://rockinst.org/pdf/government_finance/state_revenue_report/2009-10-15-SRR_77.pdf

[c] http://rockinst.org/pdf/government_finance/state_revenue_report/2010-01-07-SRR_78.pdf

[d] GAO-10-231, Dec. 2009, p. 46

2. The fairness of the underlying school funding formulas varies widely among states.

Table 2 shows the very different conditions in the underlying fairness of the school funding formulas in the 11 states. First, in terms of fiscal effort to fund public education, as measured by the share of gross state product dedicated to K-12 education, New Jersey, New York and Ohio rank relatively high, but Colorado, Washington and Nebraska rank much lower. In addition, the school funding systems in Nebraska, Pennsylvania and New Jersey are least dependent on state source revenues and more dependent on property tax revenues, where Alabama, Kansas and Washington are more dependent on state revenues. Pennsylvania is in the process of phasing-in an increase of state aid enacted in 2008 designed to improve the overall fairness of the state's funding formula.

Second, the overall funding level in our research sample ranges from states with high rankings – New Jersey, New York and Massachusetts, to states in the bottom half of the 50 states – Alabama, Colorado and Washington.

Most importantly, the distribution of state and local revenues to districts within the states, relative to concentrated student poverty, is widely varied. Massachusetts, Ohio and New Jersey have "progressive" funding formulas, that is, these states provide a systematically higher level of state and local revenues per pupil to higher poverty districts. The formulas in Alabama, Colorado, Kansas, New York and Pennsylvania are "regressive, meaning these states provide less revenue to higher poverty districts. Georgia, Nebraska and Washington have no appreciable difference in the funding levels to low and high poverty districts. Consequently, the formulas in these states are "neutral."

Table 2: Underlying Fairness of State Funding Formulas

			Funding Le		
State	% of GSP in K- 12 Education [a]	% of K-12 Funding from State [b]	Predicted State & Local Revenue at Average Poverty [c]	Rank FY2007	Within State Funding Distribution FY2007 [c]
Alabama	3.9%	57.2%	\$8,901	32	Regressive
Colorado	3.0%	43.9%	\$8,727	34	Regressive
Georgia	4.1%	45.1%	\$9,671	23	Neutral
Kansas	4.0%	57.2%	\$9,861	19	Regressive
Massachusetts	3.7%	43.4%	\$13,338	8	Progressive
Nebraska	3.5%	31.7%	\$9,563	24	Neutral
New Jersey	5.0%	38.6%	\$16,101	2	Progressive
New York	4.3%	45.3%	\$15,320	4	Regressive
Ohio	4.2%	42.3%	\$10,435	16	Progressive
Pennsylvania	4.1%	36.1%	\$11,623	11	Regressive
Washington	3.1%	61.6%	\$8,906	31	Neutral

[a] Based on 2007 total state and local revenues for local education agencies (U.S. Census Bureau - Fiscal Survey of Local Governments, Public Elementary and Secondary Finances) as a percent of 2007 Gross Domestic Product - State (<u>http://www.bea.gov/regional/gsp/</u>).

[b] U.S. Census Bureau - Fiscal Survey of Local Governments, Public Elementary and Secondary Finances

[c] Based on 3-year model of state and local revenues per pupil, controlling for regional variation in competitive wages, economies of scale, population density, and U.S. Census Poverty rates. Authors' forthcoming report "National Report Card on School Funding", more details available in Appendix.

These data underscore the most critical factor that must be considered when evaluating the impact of SFSF program funds, or any other federal funding streams, on school funding in the 50 states: "restoration" or "maintenance" of K-12 aid levels have a very different meaning across states, given the wide disparity in the fairness of the underlying funding formulas.

In Alabama, for example, restoration or even maintenance of state K-12 aid involves a funding formula that generates low funding levels, regressively distributed across districts relative to student poverty. In New Jersey, on the other hand, funding restoration or maintenance implicates an underlying funding structure at high levels, progressively distributed to districts within the state. The underlying condition of the state's funding system, in terms of both the overall funding level and the distribution of that funding across districts to address education needs resulting from concentrated poverty, are essential to assessing the impact of federal funding on states and local districts, especially given the relatively small federal share of overall K-12 education funding in the states.

Main Findings

State Compliance with ARRA Objectives for SFSF Program Funds

1. Several states did not restore K-12 formula aid to the greater of the FY2008 or FY2009 levels, and mid-year cuts may put more states below this level.

Table 3 examines whether the 11 states in our research sample met the ARRA objective of using SFSF program funds in FY2010 to restore K-12 formula aid to the greater of the FY2008 or FY2009 level.

Based on the most recent available data reported by the states, Alabama, Georgia, Kansas and Ohio did not restore formula aid to the greater of the FY2008 or FY2009 level with SFSF program funds. The remaining states met this benchmark, with New York providing the exact same aid level in FY 2010 as in FY2009.

With regard to those states that met the restoration benchmark, however, two qualifications must be considered. First, as discussed above, the ARRA restoration requirement is based on the primary formula aid level, and not total state aid support. This allows states to lower their restoration amount by 1) excluding from the calculation formula elements deemed by the state as not "primary," and 2) by also excluding K-12 aid not distributed directly through the state's funding formula, i.e., categorical and other grants-in-aid.

State	FY08 Primary Formula Aid	FY09 Primary Formula Aid	FY10 Primary Formula Aid, With SFSF Funds	Met Restoration Requirement [b]
Alabama	\$3,668,476,912	\$3,207,037,221	\$3,468,823,605	Ν
Colorado	\$3,152,505,151	\$3,398,815,158	\$3,648,656,551	Y
Georgia	\$6,582,917,725	\$6,253,281,714	\$6,405,783,470	Ν
Kansas	\$2,120,901,697	\$2,208,833,000	\$2,051,672,287	Ν
Massachusetts	\$3,725,343,327	\$3,948,496,062	\$4,041,701,404	Y
Nebraska	\$694,877,306	\$749,948,202	\$807,233,919	Y
New Jersey [a]	\$3,007,460,635	\$5,664,603,632	\$5,824,981,622	Y
New York	\$13,640,000,000	\$14,874,908,412	\$14,874,908,412	Y
Ohio	\$4,029,667,595	\$4,108,536,719	\$4,054,783,550	Ν
Pennsylvania	\$4,952,001,920	\$5,226,142,000	\$5,526,086,000	Y
Washington	\$4,608,524,104	\$4,596,146,519	\$4,907,563,214	Y

Table 3: State Restoration of Formula Aid to Greater of FY2008 or FY2009

Source: Individual State Education Department Financial Reporting. Table of state sources is available in Appendix.

[a] NJ changed its funding formula in FY09. The FY08 formula does not include court ordered aid to urban districts

[b] Mid-year cuts may change formula funding amount in FY10.

Second, states are continuing to impose aid cuts during the FY2010 fiscal year, or so-called "mid-year" aid reductions. While we have accounted for mid-year cuts in Massachusetts, Kansas, Alabama and Colorado, the full extent of such cuts in these and other states may not yet be publicly reported. Further, as discussed in more detail below, ED does not require states to amend their applications to address mid-year cuts, nor does it appear ED is monitoring the states

to in order to reassess whether they are no longer meeting the ARRA formula restoration and maintenance floor benchmarks as a result of those cuts.

2. Four states had planned formula increases, but only two partially funded those increases. Further, in most states, SFSF program funds did not improve the fairness of the school funding formulas.

We also examined whether SFSF program funds were used to implement formula increases or phase-in equity and adequacy adjustments in FY2010, as enacted prior to October 1, 2008. Between FY2006 and FY2010, Pennsylvania, New York, Ohio, Kansas and New Jersey each implemented substantive changes to their funding formulas that required aid increases. Formula aid increases were mandated in FY 2010 in Pennsylvania and New Jersey, while New York has another installment of a four-year phase-in of an equity and adequacy adjustment. Kansas had planned increases designed to improve the fairness of the state's formula in FY2007, FY2008 and FY2009.

New York did not follow through on the required phase-in of its equity and adequacy adjustment in FY2010. Instead, the state froze funding at the FY2009 level, using SFSF funds to do so. Funding is expected to be frozen again for FY2011, so any further phase-in of the required formula adjustments may be negated entirely.

Unlike New York, both Pennsylvania and New Jersey at least partially implemented planned increases to the primary formulas. Pennsylvania funded two-thirds of the FY2010 installment of a four-year plan to improve school funding fairness. This effort is particularly noteworthy given the underlying regressive condition of the state's formula, which the improvement plan is designed to address. New Jersey funded one-third, or \$150 million, of a \$450 million increase required under a new weighted student formula enacted in January 2008. But New Jersey's failure to fully fund the planned increase is tempered by the underlying progressive condition of the state's funding formula. Thus, even facing tough economic conditions and budget deficits, legislators and governors in these two states used SFSF program funds to increase state formula support to maintain and improve the fairness of their funding formulas.

Given the wide disparity in school funding fairness among states, any assessment of the impact of SFSF program funds on state formulas must be approached cautiously. Kansas, for example, responded to a 2005 court order declaring the formula unconstitutional by approving a 3-year plan to improve funding fairness, to be implemented in FY2007, FY2008 and FY2009. However, the state refused to fund the required FY2009 increase. More recently, further cuts in the foundation component of the formula – designated by the state as the primary formula for the SFSF program -- have reduced foundation funding levels below the FY2006 level, effectively nullifying the 3-year fairness plan. Table 4 shows the state's decision not only to skip the last of a three year required formula increase, but also to reverse course, and reduce base aid below the initial starting point:

Date	Base Aid per Weighted Pupil
FY2006 Baseline Year	\$4,257
FY2007 First Year of Remedy	\$4,316
FY2008 Second Year of Remedy Before Cuts	\$4,433
FY2009 Cuts	
Original (projected under remedy)	\$4,492
2/12/09 SB23 Rescission Bill	\$4,400
FY 2010 Cuts	
3/31/09 HB 2354	\$4,367
5/7/09 HB 2373	\$4,280
7/2/09 Governor allotment	\$4,218
11/23/09 Governor allotment	\$4,012

Source: Motion to re-open Montoy vs. State of Kansas

Table 5 examines whether the distribution of K-12 formula aid, supported by SFSF program funds, improved the fairness school funding in the 8 states that did not have a planned increase or adjustment in FY2010. Overall, we found that SFSF funds had no impact on the funding fairness, with the exception of Pennsylvania and New Jersey where, as discussed above, SFSF funds help support, at least partially, planned formula increases.

Of greater concern, however, is evidence states may have used SFSF funds to implement aid cuts that disproportionately impacted higher poverty districts. In Alabama, cuts to primary formula aid have been roughly proportionate across districts regardless of poverty rate, but in Kansas, aid cuts have been significantly larger for higher poverty districts than for lower poverty ones. In Georgia, reductions in primary formula aid appear to be proportionate, but the state also substantially cut a separate aid component used for matching additional local effort. This cut would appear to adversely affect poor rural districts with weak local property tax base. In Nebraska, the K-12 funding formula was slated to increase in FY2010, but the state altered the primary aid formula, redefining "need" such that the greatest per pupil increases will occur for the lowest poverty suburban districts, while poorer urban districts will receive negligible additional funding.

	PI	Planned Increase [a]			
State	New Formula	Was there a Planned Increase?	Met Planned Increase Requirement	Improved Fairness?	Comments [b]
Alabama	N	N	NA	Ν	Cuts flat with respect to poverty.
Colorado	Ν	Ν	NA	Ν	Maintained current distribution patterns.
Georgia	Ν	Ν	NA	Ν	Cuts to equalization aid reduced support for poor rural districts. QBE Changes flat with respect to poverty.
Kansas	N	Y (through FY09)	N	Ν	Cuts systematically higher in higher poverty districts. 2008-09 planned increase never implemented.
Massachusetts	N	N	NA	Ν	Maintained current distribution patterns.
Nebraska	Y	Ν	NA	Ν	Altered formula to drive increased funding to low poverty suburbs.
New Jersey	Y	Y	Partial	Y	Partially implemented planned, phase-in formula increase.
New York	Y	Y	Ν	Ν	Did not fund planned increase
Ohio	Y	NA	NA	Partial?	New formula creates split in funding increases among poorer districts.
Pennsylvania	Y	Y	Partial	Y	Partially implemented planned, phase-in formula increase.
Washington	N	N	NA	Y	Maintained current distribution patterns.

Table 5: Planned Formula Increases and Improvements in Funding Fairness

[a] By "planned increase" we are referring to: a) those that are specifically part of the phase in of a new formula or b) those that are part of a judicially mandated remedy. We do not include planned increases tied to inflationary increases, etc.

[b] Based on analysis of district-by-district funding formula revenue estimates as documented more thoroughly in forthcoming individual state case studies.

3. While states may have initially maintained K-12 support above the FY2006 maintenance floor, mid-year aid cuts may drop states below that level.

We had significant difficulty determining whether states did not reduce total state support for K-12 education below the FY2006 level. We encountered differences between the FY2006 floor given by the states in the SFSF applications, and the levels publicly reported in their school finance databases. It appears that all states did not drop total support below the FY2006 maintenance floor from our analysis of their financial reports.

The wide discrepancies between the data reported by the states on their SFSF applications and the levels in their financial reports raise serious questions whether states have met the ARRA maintenance requirement.

The absence of clear standards on how to calculate the maintenance floor, and the lack of complete and timely data on the state funding formulas, impair our ability to reach any credible conclusion on this critical issue. We are also concerned with the wide latitude given to states to comply with the maintenance requirement. This may have allowed states to selectively cut aid and give the appearance of remaining above the floor in the SFSF applications while, in reality, they actually reduced aid below that level.

	State Floor from SFSF Application	Total Sta			
State	FY06	FY06	FY09	FY10	 Met Floor Requirement
Alabama	\$3,330,427,191	\$3,467,083,026	\$3,742,905,004	\$3,856,008,518	Y
Colorado	\$2,870,089,261	\$3,039,602,110	\$3,618,256,158	\$3,917,478,771	Y
Georgia	\$7,207,931,010	\$5,914,535,181	\$7,012,461,088	\$7,018,210,472	Y
Kansas	\$1,873,334,002	\$2,202,044,352	\$2,736,736,137	\$2,419,212,917	Y
Massachusetts	\$3,288,931,062	\$3,755,287,063	\$4,534,883,591	\$4,724,220,941	Y
Nebraska	\$700,594,282	\$700,594,282	\$839,390,581	\$933,850,728	Y
New Jersey	\$8,748,700,000	\$6,939,077,636	\$7,782,778,893	\$7,930,342,303	Y
New York	\$19,859,480,902	\$16,246,000,000	\$21,117,209,451	\$22,338,328,904	Y
Ohio	\$7,505,633,924	\$6,322,306,006	\$6,642,929,666	\$6,633,831,593	Y
Pennsylvania	\$4,492,184,000	\$8,496,384,000	\$9,140,726,000	\$9,350,234,000	Y
Washington	\$5,416,249,403	\$5,706,138,720	\$6,689,367,539	\$6,640,046,733	Y

Source: Individual State Education Department Financial Reporting. Table of state sources is available in Appendix.

4. States continue to make additional K-12 aid cuts during FY2010, reducing K-12 aid levels below those in approved SFSF applications.

As discussed above, states continue to make mid-year aid cuts, dropping the levels of support below those in the approved SFSF applications. These cuts may also drop aid levels below the ARRA restoration and maintenance floor benchmarks for the SFSF program. ED, however, does not required states to amend their applications to reflect mid-year aid reductions, nor obtain approval in advance of the cuts.

To provide some picture of the scale and scope of these mid-year cuts, the following is list reported by the National Council of State Legislatures of post-enactment cuts in state K-12 support:

- Alabama: Post-enactment of the budget, the Governor has ordered a proration of 7.5% for the FY 2010 K-12 education budget.
- Georgia: Post-enactment of the budget, the governor has ordered 3% cut from state funding to K-12 schools. Some school districts have implemented three teacher furloughs days. The Dept. of Education will have furloughed its employees five days before the year's end. Enacted budget cuts \$241 million from the education budget. Additional cuts totaling \$191 million are expected throughout FY2010. Enacted budget cuts the amount of the bonuses for teachers who attained national board certification in half, saving the state \$7.2 million.
- Kansas: Post-enactment of the budget, the governor announced an additional funding cut of \$36 million to K-12 education. (additional subsequent cuts noted above)
- New York: Post-enactment of the budget, the governor proposed cutting school aid by \$686 million for the remainder of the school year (an average of 3% per district).⁴
- Ohio: Post-budget enactment measure, the governor and lawmakers approved a plan that will delay a 4.2 % income tax reduction which will avert \$850 million in budget cuts to both K-12 and higher education.⁵

Oversight of the SFSF Program

5. The state designated "primary" formulas represent only a portion of total state support for K-12 education, masking the underlying condition of the school funding in the states.

Table 7 addresses the total level of state support for K-12 education provided by the 11 states, compared to the aid levels in the formula component designated as "primary" in the SFSF program applications. This data is collected from the states' individual school funding databases.

It is important to differentiate between components of the state funding formulas for several reasons. ARRA requires states to use SFSF funding only to support the portion of the formula identified by the state as primary." States were given a great degree of leeway in defining which elements of the funding formula were "primary" for SFSF program purposes. Because ARRA does not contain a uniform definition for the primary formula, the primary aid formulas differ by state and, most importantly, the share of total K-12 state aid that runs through a state's primary aid formula varies widely across states. In some states, special education aid, any and all categorical funds, as well as any additional supplemental funding raised by local communities and matched by the state may be excluded from the primary aid formula.

⁴ New York's Governor recently proposed a 5% school aid cut in his proposed FY2011 budget. Paterson Seeks Huge Cuts, New York Times, January 19, 2010.

⁵ <u>http://www.ncsl.org/?tabid=17242</u>

As shown in Table 7, the levels of state formula aid not identified as primary is substantial in some states. Put differently, only 69% and 70% of total state formula aid in Washington and New York were captured by the primary formula for purposes of distributing SFSF program funds. This then allowed the states to limit the aid levels in the calculations for restoration and maintenance floor benchmarks under the ARRA.

The fact that the designated primary formula aid does not account for all K-12 state formula aid also allowed states to mask the underlying conditions and fairness of their school funding formulas. While more research is needed in this area, several examples illustrate this point. In Kansas and Alabama, the foundation aid formulas provide a modestly progressive distribution of aid across school districts relative to student poverty. But, because the underlying formula also allows additional local revenue to be raised, along with other special revenue, the funding formulas in both states shifted to a regressive condition in FY2007. Similarly, in Georgia, the Quality Basic Education formula drives foundation aid (based on teacher unit calculations) in higher levels to higher poverty settings. But the state formula has a second pot of funding equalization aid - which is used to supporting raising additional local revenue in districts with low taxable property wealth - many of which are poor rural county districts. If the state maintains QBE aid, but cuts dramatically equalization aid (as it did), then some districts with sufficient local capacity will still be able to raise additional revenues, but low tax base, poor rural districts will suffer. If only QBE is considered the primary formula aid, the impact of these cutbacks to poor rural districts is not accounted for in the state's application for SFSF program funds.

State	FY09 Total State Support	FY09 Primary Formula Aid	Primary Aid as % of Total Aid
Alabama	\$3,742,905,004	\$3,207,037,221	86%
Colorado	\$3,618,256,158	\$3,398,815,158	94%
Georgia	\$7,189,930,584	\$6,095,350,529	85%
Kansas	\$2,736,736,137	\$2,208,833,000	81%
Massachusetts	\$4,534,883,591	\$3,536,496,064	78%
Nebraska	\$839,390,581	\$749,948,202	89%
New Jersey	\$7,782,778,893	\$5,664,603,632	73%
New York	\$21,117,209,451	\$14,874,908,412	70%
Ohio	\$8,776,031,069	\$6,697,843,246	76%
Pennsylvania	\$9,140,726,000	\$5,226,142,000	57%
Washington	\$6,689,367,539	\$4,596,146,519	69%

Table 7: Total State Support and Primary Formula Aid

Source: Individual State Education Department Financial Reporting

6. Most states used almost 70% of their SFSF allocation in FY2010, which raises serious concern about state compliance with ARRA objectives and benchmarks in FY2011.

The ARRA allocated SFSF program funds to support state K-12 formula aid for three years: FY2009, FY2010 and FY2011. In administering the program, ED did not require states to apportion the allocation over the three fiscal years, and to provide assurance of maintaining

funding levels over this period. Instead, ED gave states discretion to decide on the allocation over the three fiscal years.⁶

Table 8 shows the SFSF program funds used to support primary formula aid in FY2009 and FY2010, and the funds remaining for FY2011. States decided to use the majority of the funds in FY2010. Nine states have one-third of the SFSF allocation left to use in FY2011, while Alabama has only 10% left. Of these remaining allocations, states must decide how to apportion between K-12 education and higher education, so the SFSF funds actually available to support K-12 education is even less. As states continue to face significant budget shortfalls, there will be substantially less SFSF funds to support the states K-12 formulas in the coming year.

		K-12 Restora	K-12 Restoration Amount [b]		Amount Remaining for K-12 and Institutions of Higher Education [c]	
State	Initial Education SFSF Allocation [a]	FY09	FY10	Dollars	Percent	
Alabama	\$596,355,871	\$358,868,782	\$0	\$59,635,587	10%	
Colorado	\$621,878,397	\$0	\$89,018,044	\$205,219,871	33%	
Georgia	\$1,260,799,095	\$680,416,795	\$233,286,548	\$416,063,701	33%	
Kansas	\$367,422,833	\$0	\$251,374,101	\$121,249,535	33%	
Massachusetts	\$813,303,212	\$322,000,000	\$167,649,350	\$268,390,060	33%	
Nebraska	\$233,955,926	\$0	\$93,668,750	\$77,205,456	33%	
New Jersey	\$1,088,335,774	\$60,798,186	\$956,743,712	\$359,150,805	33%	
New York	\$2,468,557,791	\$0	\$2,340,490,457	\$814,624,071	33%	
Ohio	\$1,463,709,963	\$0	\$399,374,237	\$483,024,288	33%	
Pennsylvania	\$1,558,797,939	\$0	\$654,747,000	\$747,973,000	48%	
Washington	\$819,946,848	\$362,000,000	\$357,338,000	\$270,582,460	33%	

Table 8: State Allocation of SFSF Funds FY2009, FY2010 and FY2011 (Remaining)

[a] SFSF State Allocation Data. Amount includes funds for elementary and secondary education (K-12) as well as institutions of higher education. (http://www.ed.gov/programs/statestabilization/sfsf-state-allocations.pdf)

[b] States' SFSF Application (http://www.ed.gov/programs/statestabilization/resources.html). Revised applications in CO, GA, and MA. [c]Application for Funding for Phase II of the Education Fund under the SFSF Program

(http://www.ed.gov/programs/statestabilization/applicant.html)

Note: Allocation of funds as reported in SFSF application often does not match States' allocation of funds as reported on their financial statements.

7. The absence of a complete and reliable data on state school funding formulas seriously hindered effective review of the states' SFSF submissions to ensure compliance with ARRA objectives.

As previously discussed, ED gave states wide discretion calculate the aid levels in the SFSF program applications critical to determining whether they were using SFSF funds to comply with the restoration and maintenance floor benchmarks established by Congress for state support of K-12 education. ED also did not require states to submit detailed data on the operation of their funding formulas that would permit independent verification of the states submissions.

⁶ ED Letter to Education Law Center, July 8, 2008 (on file).

The implementation of the SFSF program underscores a longstanding deficiency at the federal level: the lack of uniform standards for maintaining and reporting school finance data by the states, along with the absence of any national repository of such data. In the case of the SFSF program, this deficit impaired effective federal oversight of the states use SFSF program funds consistent with ARRA objectives and benchmarks. In short, states were able to utilize substantial amounts of federal stimulus funds intended to support K-12 education without an appropriate and commensurate level of oversight and accountability.

8. Federal oversight of the SFSF program had serious shortcomings, resulting in a lack of assurance that states used SFSF funds to achieve the objectives and benchmarks in the ARRA statute.

Under the ARRA, ED was given the responsibility to review and approve state applications for SFSF program funds under the objectives and benchmarks established by Congress. We found several shortcomings in federal oversight of this program:

• ED initially made public the state applications only after approval. Following complaints about the review process, ED posted the application upon submission, but did not establish any procedures and timeframes for the public to comment on the applications.⁷

• ED did not issue any written decision on the state applications. Instead, only the final applications, as approved, were made public. As a result, the public was not informed of the reasons for approving the applications, including an explanation of how the respective applications meet the ARRA objectives and benchmarks for SFSF funds.

• We found no evidence that ED conducted any analysis of the state's basic determinations in the application, including: a) the funding amounts presented for key ARRA benchmark years; b) the appropriateness of the states designation of the "primary" formula for distribution of SFSF program funds; and c) the amounts for the FY2006 maintenance floor. Put differently, it does not appear that ED, in considering state applications, made efforts to independently analyze critical data and other information presented by the state, or examine the underlying condition and fairness of the state's funding formula. This level of investigation and review is essential to hold states accountable for using SFSF funds consistent with Congressional objectives and benchmarks. More rigorous oversight would also ensure states do not use these funds to further undermine school funding fairness in the states, especially as to districts with high concentrations of student poverty.

Recommendations

The SFSF program represents the first time Congress has utilized state funding formulas as a vehicle for the delivery of federal funds to support K-12 public education in the 50 states. State funding formulas account for over 90% of all school funding in the U.S., and, as the states in our research sample show, there is wide disparity in the fairness of those funding formulas. Thus, the experience of using SFSF funds to support these funding formulas offers important lessons for future federal efforts to improve school funding in the states.

⁷ ED Letter to Public Advocates, July 17, 2009; Letter to Education Law Center, July 9, 2009 (on file).

Our research identifies several recommendations that Congress should consider when providing federal funding to states to support K-12 education:

• *Clear Objectives and Benchmarks:* The statutory objectives for the SFSF program work at cross-purposes. On the one hand, Congress wanted states to restore state formula support to the greater of the FY2008 or FY2009 levels and implement formula increases, yet on the other set the FY2006 level as the maintenance of effort floor. Future federal funding should be tied to a single set of clear benchmarks for states formula support.

• *Development of a National School Funding Database:* accurate, complete and timely data on the operation of state funding formulas is essential to determine whether specific statutory objectives and benchmarks for states use of federal funds are being met and, more importantly, to assess the impact of federal funds on the fairness of state funding formulas.

• *Submission of Complete Data:* The ARRA focused only on a portion of the state formulas, which allowed states to leave other funding streams out of the application process, including state categorical aids and local revenue. In order to receive any federal funds, states should be required to present longitudinal data on all elements of the state's formula, including data on the distribution to districts, relative to poverty. Without a complete picture of the state's funding formula, neither ED nor the public can have any understanding of the impact of the federal funds on the state as a whole and, more importantly, on local districts.

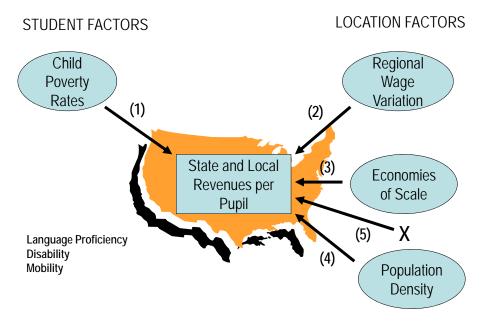
• *Transparent Procedures:* The ARRA had no basic procedural requirements for the SFSF program, quite striking given the substantial amount of federal funds involved. Future federal efforts should require an open, transparent process for states to file applications for funding, and for thorough review, including the opportunity for public comment. The ED should also be required to issue decisions explaining the bases for the decision and the reasons why the state has demonstrated compliance with statutory benchmarks and objectives.

Appendix

A Note on State School Funding Fairness:⁸

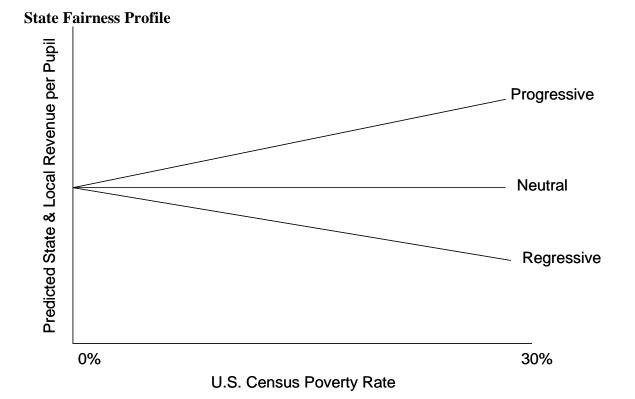
A school funding *Fairness Profile* is first established for each state. The *Fairness Profile* is based on a statistical model of the most recent 3 years of available data on state and local revenues of public school districts provided by the US Census Bureau. The statistical model adjusts for differences in state and local revenue that are associated with (a) regional variation in competitive wages, (b) size and locale of school districts (controlling for higher costs of remote, small rural districts), (c) differing rates of student poverty across states and districts and (d) different rates of children classified with disabilities across states. The model is used to project what a district enrolling over 2,000 students in a labor market with average labor costs, would have in state and local revenue per pupil if the district had 0% poverty, up through 30% poverty based on census poverty rates. Census poverty rates are roughly equivalent to XXXX federal free/reduced lunch rates.

The data elements that comprise the statistical model used to establish the state *Fairness Profile* is as follows:



The *Fairness Profile* yields a slope of state and local revenue distributed by each state's school funding formula, relative to district poverty concentration, as follows:

⁸ The *Finance Profile* is for each state from a forthcoming "National Report Card on School Funding" to be published by the authors of this paper.



Data Sources

		Т	otal State Funds	Primary Formula Aid		
State	Fiscal Year	Description	Source	Description	Source	
AL	2006-2007		Annual Report 2006-07 Alabama Dept of Education (http://www.alsde.edu/AllReportCards/07_ Annual_Report.pdf, p.28)		Annual Report 2006-07 Alabama Dept of Education (http://www.alsde.edu/AllReportCards/07_Annual_ Report.pdf)	
	2008	Funding Allocations: Total State Funds	FY08 Foundation Program, Final State Totals Report (provided by Alabama Dept. of Ed)	Foundation Program – Educational Trust Fund (ETF)	FY08 Foundation Program, Final State Totals Report (provided by Alabama Dept. of Ed)	
	2009-2010		FY10 Foundation Program, Final State Totals Report (http://www.alsde.edu/general/FY2010_ State_Allocation.pdf)		FY10 Foundation Program, Final State Totals Report (http://www.alsde.edu/general/FY2010_State_All ocation.pdf)	
CO	2006-2010	Formula Support (as described in next columns) + Categorical Programs	Colorado General Assembly, Budget in Brief. (http://www.state.co.us/gov_dir/leg_dir/jbc /apprepts.htm)	State Share	School Finance Funding, District by District Tables, http://www.cde.state.co.us/cdefinance/sfdetails.htm,	
GA	2006-2010	"Total State Funding on this allotment sheet"	QBE004 State Allotment Sheet <u>http://app.doe.k12.ga.us/ows-</u> <u>bin/owa/qbe_reports.public_menu?p_fy=2</u> <u>000</u>	QBE (Quality Basic Education Act) Formula Earnings	http://app.doe.k12.ga.us/ows- bin/owa/qbe_reports.public_menu?p_fy=2000 - QBE004 State Allotment Sheet	
KS	2006-2008	"State Aid Total"	General and Supplemental State Aid Report, <u>http://www.ksde.org/Default.aspx?tabid=1</u> <u>870</u>	General State Aid	General and Supplemental State Aid Report, http://www.ksde.org/Default.aspx?tabid=1870	
	2009-2010	General State Aid, All Funds, + Special Education Aid	Kansas Budgets Approved by Legislature: State, Local & Federal Support of Elementary & Secondary Education in Kansas. Provided by Kansas Department of Education	General State Aid, All Funds	Kansas Budgets Approved by Legislature: State, Local & Federal Support of Elementary & Secondary Education in Kansas. Provided by Kansas Department of Education	
MA	2006-2010	Total State Support	Board of Education's ESE Budget Request, http://finance1.doe.mass.edu/doe_budget/.	Chapter 70 Aid	Chapter 70 Aid and Net School Spending Requirements http://finance1.doe.mass.edu/chapter70/	
NE	2006-2009	Total State Aid Calculated	http://ess.nde.state.ne.us/SchoolFinance/St ateAid/PreviousStateAidCertifications.htm	Equalization Aid	http://ess.nde.state.ne.us/SchoolFinance/StateAid/Pr eviousStateAidCertifications.htm	
	2010		http://ess.nde.state.ne.us/SchoolFinance/St ateAid/Default.htm		http://ess.nde.state.ne.us/SchoolFinance/StateAid/D efault.htm	
NJ	2006-2008	 Total State Aid Payment, 	State Aid Summaries, http://www.nj.gov/education/stateaid/	Core Curriculum Aid	State Aid Summaries, http://www.nj.gov/education/stateaid/	
	2009-2010		State Aid Summaries, http://www.nj.gov/education/stateaid/	Equalization Aid	State Aid Summaries, http://www.nj.gov/education/stateaid/	
NY	2006	General Support for Public	A Primer on State Aid to School Districts,	General Purpose Aid	A Primer on State Aid to School Districts,	
	2007	- Schools (exc. Debt service)	http://www.oms.nysed.gov/faru/Primer/pri	Flex Aid	http://www.oms.nysed.gov/faru/Primer/primer_cove	
	2008		mer_cover.html	Foundation Aid	r.html	
	2009-2010	Total aid w/ bld, re-bl,	NY DOE, Formula Runs		NY DOE, Formula Runs	

		excel			
ОН	2006-2010	Total State Foundation Aid	SF3 State Report, July #1 Payment http://www.ode.state.oh.us/GD/Templates/ Pages/ODE/ODEDetail.aspx?page=3&Top icRelationID=1001&ContentID=10849&C ontent=71331	Formula Aid	SF3 State Report, July #1 Payment http://www.ode.state.oh.us/GD/Templates/Pages/O DE/ODEDetail.aspx?page=3&TopicRelationID=10 01&ContentID=10849&Content=71331
РА	2006-2007	Support of Public Schools	Line Item Enacted Budget, http://www.portal.state.pa.us/portal/server. pt/gateway/PTARGS_0_113914_336508_ 0_0_18/2006_07lineitemappropriations.pd f	Basic Education Funding	Line Item Enacted Budget, http://www.portal.state.pa.us/portal/server.pt/gatewa y/PTARGS_0_113914_336508_0_0_18/2006_07lin eitemappropriations.pdf
	2008		Summary of State Appropriations for Education Governor's Budget - February 2009, http://www.pdeinfo.state.pa.us/education_ budget/cwp/view.asp?a=3&Q=70878&edu cation_budgetNav= 4865 &education_bud getNav=		Summary of State Appropriations for Education Governor's Budget - February 2009, http://www.pdeinfo.state.pa.us/education_budget/cw p/view.asp?a=3&Q=70878&education_budgetNav= 4865 &education_budgetNav=
	2009-2010		2009-10 Enacted Budget, http://www.budget.state.pa.us/portal/server .pt?open=512&objID=4566&&level=1&cs s=L1&mode=2		2009-10 Enacted Budget, http://www.budget.state.pa.us/portal/server.pt?open =512&objID=4566&&level=1&css=L1&mode=2
WA	2006-2010	Account 3100 Estimated Funding + Amount Due for other Aids (Food Services, Student Achievement, Special Ed, Special Needs, Transportation, Special Ed Excess Costs, Full Day Kindergarten, Middle School Vocational, Math & Science Prof. Devel.)	State Summary Apportionment Report, http://www.k12.wa.us/safs/data/statesumm aryrpt2.asp	Account 3100 Estimated Funding, "Total Amount to be Paid Sept-Aug in Acct 3100"	State Summary Apportionment Report, http://www.k12.wa.us/safs/data/statesummaryrpt2.a sp