

# ESEA Reauthorization: Where Things Stand and What's Next



**Both chambers have now passed their versions of a rewrite of the Elementary and Secondary Education Act. NEA supported the Senate bill and opposed the House bill. A conference committee will work to present a negotiated bill to both chambers.**

## THE SENATE BILL, S. 1177

**Provides more opportunity for all students, including for the first time, indicators of school success or student support to help identify and begin closing opportunity gaps**

- ▶ Requires state-designed accountability systems to include at least one indicator of school success or student support—such as access to advanced coursework, school climate and safety, bullying, fine arts, regular physical education, and counselors or nurses—to ensure that states report on opportunity gaps and take action to close them
- ▶ Requires the use of multiple measures of student success in elementary, middle, and high school

**Includes less focus on, and a decoupling of, the high-stakes associated with standardized tests, so students have more time to learn and teachers have more time to teach**

- ▶ While continuing to require annual tests in grades 3-8 and once in high school, the bill eliminates NLCB's rigid system of Adequate Yearly Progress (AYP) aimed at 100 percent proficiency, annual measurable objectives (AMOs), and supplemental services requirements in deference to state defined goals
- ▶ Creates a pilot program for state-designed assessment systems that allow for local assessments driven by teaching and learning, not accountability alone, and allows all states that meet the criteria to participate
- ▶ Incorporates the SMART Act to provide funding for states to audit and streamline assessment systems, eliminate unnecessary and duplicative assessments, and improve the use of assessments
- ▶ Maintains the right of parents and guardians to opt their children out of statewide academic assessments where state and local policies allow them to do so; the Senate adopted an amendment that also requires school districts to inform parents of state or local testing / opt out policies
- ▶ Requires states to set a cap limiting the time students spend taking annual tests

**Empowering educators with a greater voice in educational and instructional decisions**

- ▶ Moves decision-making to the people who know the names of the students they educate while maintaining supports that ensure zip codes do not determine the quality of education

- ▶ Incentivizes supports and interventions that are tailored to local needs while preserving the historic federal role in protecting the most vulnerable: children of poverty, students with disabilities, and English-language learners
- ▶ Recognizes that the one-size-fits-all approach does not work, and calls for committees of practitioners that includes educators, parents and community constituents to work together to improve their local schools
- ▶ Includes paraeducator qualification requirements and requires paraeducator voice in multiple relevant sections of the bill, including as it relates to professional development
- ▶ Includes no federal requirement for teacher evaluations, prohibits the federal government from mandating teacher evaluations or defining teacher effectiveness
- ▶ Expands the reach of collective bargaining to cover educator provisions in Title II, including all of professional development provisions and the Teacher Incentive Fund; includes multiple references to organizations representing educators

#### **Additional notable provisions in the bill**

- ▶ Provides greater access to early childhood education by authorizing alignment and improvement grants to improve coordination of current funding
- ▶ Establishes full service community schools program to promote additional ways to serve the needs of the whole child, including wraparound services and supports for children in high-need communities.
- ▶ Takes some new steps toward adding transparency and accountability provisions to charter schools by requiring input from parents and community members on the implementation and operation of charter schools; and requiring the Secretary to respond to Department of Education Office of Inspector General reports expressing concerns about inadequate oversight and monitoring of federal funds.
- ▶ Continues “maintenance of effort” funding requirements so that states and districts do not cut education investments

## **THE HOUSE BILL, H.R. 5**

### **Decouples the high-stakes associated with standardized tests and provides more local flexibility**

- ▶ Like the Senate bill, while it continues to require annual tests in grades 3-8 and once in high school, it eliminates NLCB’s rigid system of Adequate Yearly Progress (AYP) aimed at 100 percent proficiency, annual measurable objectives (AMOs), and supplemental services requirements in deference to state defined goals
- ▶ Eliminates the arbitrary one-percent cap on alternative assessments for students with cognitive disabilities and allows the IEP team to make the most appropriate assessment decisions
- ▶ School districts can apply to use locally-designed assessments to meet requirements of state accountability plans

- ▶ Like the Senate bill, incorporates the SMART Act to provide funding for states to audit and streamline assessment systems, eliminate unnecessary and duplicative assessments, and improve the use of assessments
- ▶ Requires school districts to inform parents of opt out policies, allows parents to opt their child out of assessments required under ESEA, and protects schools from federal punishment under the 95 percent student participation rule when parents choose to opt out their child

#### **Positive educator provisions**

- ▶ Includes no federal requirement for teacher evaluations
- ▶ Like the Senate bill, continues paraeducator qualification requirements
- ▶ Includes protection of collective bargaining agreements for educators

#### **Overall negatives in the bill**

- ▶ Includes Title I portability, which would allow limited federal funds to follow the student, the first step to vouchers. It would dilute the impact of Title I, harm students attending Title I schools, create overly burdensome administrative and accounting headaches for local school districts, and do nothing to address the failure to fund Title I adequately
- ▶ Eliminates “maintenance of effort” funding requirements, triggering a race to the bottom in state and local investment in education; and slashes authorization levels by noting that funding for *all* ESEA programs would be lower than the Title I authorization from the last year it was authorized
- ▶ Is silent on identifying opportunity and resource gaps and pushing states to take steps to close these gaps, or ensure *all* students have access to the programs and supports needed to help them succeed
- ▶ Merges Title III into Title I, which likely will lead to a loss of targeted focus on helping English Language Learners
- ▶ Does not add any new accountability or transparency provisions to the charter school sector
- ▶ Caps the use of Title II funds that can be used to reduce class sizes

## **WHAT'S NEXT?**

Staff from the Senate HELP Committee and House Education and the Workforce Committee have begun negotiations on some titles and now the key leaders of both committees are beginning to engage on the bill. While difficult issues will need to be negotiated, the contours of final bill can be seen. Given the need for the bill to be bipartisan and crafted in a way that President Obama would sign it, the Senate-passed bill is much more likely to provide the majority of the framework for a final bill.

However, given the significant differences between the two bills, not to mention the numerous significant challenges outside of ESEA that Congress faces this fall (budget deal, debt ceiling, transportation bill and more) there remains a significant need for educators to continue to make sure Members of Congress keep

students front and center in this process to complete the best opportunity in more than a decade to get a bill to the president's desk.