

CALIFORNIA SENATE OFFICE OF RESEARCH

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Federal Update

PROGRESS REPORT: REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Despite years of false starts and unfinished attempts to reauthorize the federal Elementary and Secondary Education Act (ESEA), Congress made progress on a reauthorized ESEA last week.

WHAT IS THE ELEMENTARY AND SECONDARY EDUCATION ACT?

ESEA originated in 1965 as a vehicle for federal funding to states to support disadvantaged students. Most of the funding authorized by ESEA is under its Title I, which is intended to help schools address the needs of low-income students. California schools receive more than a billion dollars annually in funds linked to ESEA. The most recent version of ESEA, also known as the No Child Left Behind Act (NCLB), came under criticism for including a rigid timeline and lofty goals for student achievement—goals that have led to most schools being labeled as failures. Despite those criticisms, NCLB also has been lauded by some school and civil rights groups for focusing on the achievement of subgroups of students—English learners, low-income students, and ethnic groups. This focus on subgroups has shed light on a persistent achievement gap between all students and particular subgroups: low-income students, Latino students, African-American students, certain groups of Asian students, English learners, and students with disabilities.

WHERE DOES REAUTHORIZATION STAND?

Both the House and Senate have developed reauthorization bills. However, to date, only the Senate bill appears to have bipartisan authorship and support, and the Senate bill authors appear to be negotiating with the Obama Administration. The Senate version is the Every Child Achieves Act, S. 1177. Floor debate on the bill began on July 8, 2015. A number of Senate floor amendments are pending on the bill, and these amendments will be voted on during the coming days. An analysis of the bill, as it was

adopted by the Senate Health, Education, Labor, and Pensions Committee (prior to adoption of the Senate floor amendments), as well as the committee's press release, are available here:

<http://www.help.senate.gov/chair/newsroom/press/alexander-murray-full-senate-to-begin-debate-on-bipartisan-bill-to-fix-no-child-left-behind-on-tuesday-july-7>

http://www.help.senate.gov/imo/media/The_Every_Child_Achieves_Act_of_2015--summary.pdf

The House passed its version of the bill, H.R. 5, the Student Success Act, on July 8, 2015. A link to a summary of that bill with floor amendments can be found here:

<https://www.govtrack.us/congress/bills/114/hr5/summary>

Summaries of the bill as it passed the House Committee on Education and the Workforce (without floor amendments) can be found here:

<http://edworkforce.house.gov/studentsuccessact/>

http://edworkforce.house.gov/uploadedfiles/hr_5_detailed_bill_summary.pdf

WHAT IS THE DIFFERENCE BETWEEN THE HOUSE AND THE SENATE BILLS?

The House bill and the most recent version of the Senate bill contain a number of similarities but also some major differences:¹

- **Standards:** Both bills require states to establish challenging academic standards. The Senate bill prohibits the federal government from determining or approving state standards. Similarly, the House bill prohibits the Secretary of Education from imposing conditions on states and school districts (including the adoption of the Common Core State Standards) in exchange for a waiver of the federal ESEA law).

¹ This analysis is based on information contained in the bill summaries posted on the corresponding congressional committee Web sites.

- **Testing:** Both bills maintain the current federal requirement for annual testing in reading and math in grades 3 through 8 and once in high schools, as well as science tests given three times between grades 3 and 12. In addition, both bills require states to disaggregate testing data by student subgroups (low-income students, students of color, English learners, and students with disabilities).
- **Accountability:** Both bills require states to adopt accountability systems that comply with broad federal parameters, including the consideration of subgroup achievement. Under both bills, states must use the federally required tests in their accountability systems. Both bills prohibit the federal government from mandating, prescribing, or defining the specific steps districts must take to improve schools.
- **State Implementation Plans:** The Senate bill requires the U.S. Secretary of Education to approve a state plan within 90 days of its submission, unless the U.S. Department of Education can present substantial evidence that the plan doesn't meet ESEA requirements.
- **Teachers:** Both bills eliminate the former NCLB definition of a "highly qualified teacher." The Senate bill allows, but does not require, states to develop teacher evaluation systems. The House bill allows, but does not require, states and school districts to include certain parameters (such as the use of student achievement data) in their teacher evaluation systems.
- **Title I Portability:** The House bill contains a "Title I portability" provision giving states the option of allowing Title I money to follow a child to his or her public or charter school of choice. The Senate bill does not contain such a provision.
- **Funding:** The House bill removes all state maintenance of effort requirements from ESEA. It also eliminates and consolidates a number of elementary and secondary education programs. Under the House bill, the Secretary of Education is required to report annually on the reduced need for federal education spending, commensurate with the reduced federal mandates under a reauthorized ESEA.

For more information about the differences between the two bills, see the following Congressional Research Services report, "ESEA Reauthorization Proposals in the 114th Congress: Selected Key Issues."

<http://www.titlei.org/c/titlei/files/Association/Resources/ESEA%20Reauthorization%20Proposals%20in%20the%20114th%20Congress%20Selected%20Key%20Issues.pdf>

WHAT IS THE PRESIDENT’S POSITION ON THE BILLS?

The President has issued a “Statement of Administration Policy,” outlining his position on the Senate bill. A link to that document is below.

https://www.whitehouse.gov/sites/default/files/omb/legislative/sap/114/saps1177s_20150707.pdf

While the document lauds the bill’s commitment to challenging academic standards, transparency and local flexibility, it notes that “the Administration strongly urges revisions during Senate consideration of S. 1177 that would strengthen school accountability to close troubling achievement and opportunity gaps, including by *requiring interventions and supports in the lowest-performing five percent of schools, in other schools where subgroups of students are not achieving, and in high schools where too many students do not graduate*” [emphasis added]. In addition, the document urges changes that would (1) ensure the federal Department of Education has the authority to implement ESEA and protect at-risk students, and (2) cap the amount of time spent annually on standardized testing.

Written by Leonor Ehling. The California Senate Office of Research is a nonpartisan office charged with serving the research needs of the California State Senate and assisting Senate members and committees with the development of effective public policy. The office was established by the Senate Rules Committee in 1969. For more information, please visit <http://sor.senate.ca.gov> or call (916) 651-1500.
