



## Elementary and Secondary Education Act

**Reauthorization:** At this time, both the House and Senate have passed their ESEA reauthorization proposal out of their respective authorizing committee. The House bill was also passed out of the full chamber. The House bill is the Student Success Act (HR 5). The Senate bill is Strengthening America's Schools Act (S 1094). Both bills are partisan in nature, and there are significant philosophical differences between the way the House and Senate attempt to update and improve the broken, outdated components of current law. While neither bill has yet made it to the full floor, the House bill is anticipated to be voted on within the next two weeks (no timeline for the Senate bill). AASA endorsed the House bill and opposes the Senate bill, working instead to amend the bill with proposals that mirror that of Senator Alexander's Republican substitute amendment. *The legislative priority is for Congress to complete reauthorization in the best and most effective way that addresses the shortcomings of current law while improving federal education policy to support ever-evolving education practices.*

Both bills are an improvement over current law, but have drastically different philosophical approaches to the role of federal government in education. The House bill is a significant improvement. The Senate bill is much less of an improvement. The House bill operates under the assumption that state and local education agencies are best positioned to make policy decisions for schools, and as such returns virtually all control of standards, assessment and accountability to the state and local level. The Senate bill, on the other hand, retains a pretty far-reaching role for the federal government in education policy: they prescribe higher standards and define the accountability matrix (including prescriptive turn around models). Regardless of which chamber you are advocating in, or what side of the aisle, the most important message for Congress to hear is that they **MUST** conclude ESEA reauthorization this year.

The chart on the next page provides a concise side-by-side of what each bill requires. Moving forward, the points of concerns for the bills include:

- Both Bills: Preferential treatment for charter schools. All schools receiving public funding should face the same reporting and accountability requirements and regulations. If it is burdensome for charters, it is most likely burdensome for traditional schools, as well.
- Senate: AASA/AESA is opposed to the bill as a whole, as it retains a role for federal government that is both too large and too prescriptive. The lack of flexibility provided for states without waivers is extremely limited and if implemented as written would not represent a very significant change from current law. In a more detailed look, the bill also includes problematic measures related to Foster Children and Comparability, along with the codification of Race to the Top and i3. AASA/AESA supports current law.
- House: AASA/AESA is opposed to proposed changes related to Maintenance of Effort and Equitable Participation (we support current law), along with a proposed funding cap for Title I. The House bill includes public school portability provisions. While this 'slid' through in the House negotiations, it will be unacceptable moving forward; we oppose public school portability, especially when it is a consolation for a defeated voucher provision.

### **Talking Points:**

- AASA/AESA supports HR 5, the Student Success Act. AASA/AESA neither endorse nor oppose S 1094; rather, the groups urge the Senate to move forward with a comprehensive bipartisan bill.
- Urge your Senators and Representative to keep the pressure on their respective chambers' education committee to move forward with ESEA reauthorization.
- Articulate to your Congressional delegation that the presence of—or apparent support for—the administration's waivers does not lessen or reduce the need to prioritize complete reauthorization of current law, which is badly broken and now FIVE YEARS past due.

**Waivers:** USED has provided flexibility/granted waivers within ESEA in 4 different areas: ESEA flexibility, teacher evaluation/testing waiver, Title I 15% Rollover waiver, and Sequestration & Title I Supplement/Supplant waiver. See the chart on the final page for an overview of all four waivers.

	<b>HR 5 (SSA)</b>	<b>S 1094 (SASA)</b>
<b>Assessments &amp; Standards</b>	States have two years to adopt science, math and ELA standards	States have until 2015 to adopt college/career readiness standards
	States test annually in math and ELA; test once per grade span in science	States test annually in math and ELA; test once per grade span in science
	Includes growth models, multiple assessments, and computer adaptive assessments	Tests must align to college/career ready standards by 2015-16 school year
	IEPs determine use of alternative assessments for kids with disabilities	Includes growth models, multiple assessments, and computer adaptive assessments
<b>Accountability</b>	States determine accountability system.	Must establish performance targets.
	Continues data disaggregation by racial and ethnic subgroups, as well as low-income students, students with disabilities and English Language Learners.	Must create targets for racial/ethnic subgroups, low-income students, students with disabilities and English language learners.
	Reported achievement data will include proficiency, percent tested, graduation rates, and student progress toward English Language proficiency.	Targets must include student proficiency, growth, and graduation rates.
	Requires 4 year graduation rate; allows for 5, 6, and 7 year calculation.	State accountability system MUST include proficiency, growth and graduation rates by 2015-16, and must identify three categories of schools.
<b>REAP</b>	Reauthorizes REAP; updates locale codes and eligibility. Does not adjust sliding scale. Does not update poverty indicator.	Reauthorizes REAP; Updates locale codes, program eligibility and sliding scale. Does NOT switch poverty indicator.
<b>Ed Tech</b>	Does NOT include stand alone education technology program to support infrastructure and professional development related to ed tech.	Creates ed tech program that supports both infrastructure build out and professional development.
<b>School Improvement</b>	Leaves decisions related to identification and intervention to the state and local education agencies.	Dictates who the state will identify and how intervention will play out.
		States will rank all schools based on student achievement and identify the lowest 5% as priority schools.
		Priority schools must use a prescribed turnaround strategy (transformation, turnaround, closure, restart, whole school reform or state-created)
<b>School Leadership</b>	Eliminates HQT	Maintains highly qualified teacher requirements.
	States must implement teacher evaluation system within 3 years that uses multiple measures.	States must implement teacher evaluation system that uses multiple measures (including student achievement) by 2015-16 school year
	Creates block grant out of existing teacher prep-related grants to support professional development	Teacher effectiveness measures will be used to evaluate equitable distribution of effective teachers

	Creates new grant to support variety of activities, including alternative pathways, career ladders, recruitment/retention, and other professional development	
<b>Funding</b>	Does NOT codify Race to the Top and Investing in Innovation	Codifies Race to the Top and Investing in Innovation
	Makes no changes to comparability calculation.	Closes comparability loophole; requires inclusion of teacher salaries in the calculation
	Eliminates Maintenance of Effort	Makes no changes to Maintenance of Effort
	Eliminates Supplemental Education Services and related set-aside. Includes 3% set aside for enrichment related activities, which may include SES and/or other expanded learning opportunities	Eliminates Supplemental Education Services and related set-aside
	Establishes funding caps for Title I formula	Authorizes programs to be funded with 'such sums'
	Consolidates funds for ELL, migrant students, neglected/delinquent students, rural students and Indian students. Allows LEAs to move money within/between these programs.	
<b>Charters</b>	Fails to ensure that all public schools face the same reporting, accountability and compliance requirements	Fails to ensure that all public schools face the same reporting, accountability and compliance requirements
	Provides charter schools with flexibilities not afforded to other public schools.	Provides charter schools with flexibilities not afforded to other public schools.

<b>Waiver</b>	<b>Description</b>
<b>ESEA Waiver</b>	As part of the Administration's conditional waivers, 39 states (to date) have received flexibility in 11 problematic areas of current law in exchange for implementing higher academic standards, a teacher evaluation system, and a differentiated accountability system.
<b>Teacher Evaluation and Testing Waiver</b>	USED sent a letter to all 50 state chief state school officers, outlining increased flexibility for states to postpone using student growth on state tests as a factor in staffing decisions. In particular, the waiver would allow states to delay the timeline one year, to the 2016-17 school year. The waiver would also allow those states implementing field tests associated with the new online assessments in the 2013-14 school year to administer either the statewide test OR the field test, as a way to avoid double testing. Accountability levels would be frozen at the 2012-13 level.
<b>Title I 15% Carryover Waiver</b>	USED issued a letter to all chief state school officers related to waivers from the Title I 15% carryover limit; allow states to apply for a blanket waiver so they can grant LEAs flexibility to carryover more than 15% of their FY12 Title I funds, in recognition of the impact of sequestration. Specifically, it allows a waiver to be granted more than once every three years, which is the current statutory limit.
<b>Title I Supplement/Supplant &amp; Sequester Flexibility</b>	USED sent a letter to state Title I Directors clarifying that if a district/school were to use local funds to cover the cuts in federal Title I funding dues to sequestration and then replace those local funds with Title I funds in future years, that district/school would

not be in violation of the 'supplement, not supplant' requirements.