The education community is looking hopefully to the 114th Congress to finally reauthorize the Elementary and Secondary Education Act (ESEA), which celebrates its 50th anniversary this year and is seven years overdue for renewal. The most recent reauthorization, the No Child Left Behind Act (NCLB), was enacted in 2002 and is roundly criticized as being woefully out of date. Many of its notable components were made even more obsolete by waivers granted to a majority of states by the U.S. Department of Education.

In addition, several other education laws have expired and are in need of updating and rewriting, including the Higher Education Opportunity Act (HEA), the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Career and Technical Education Act.

During the 113th Congress, the House and Senate made some progress toward ESEA reauthorization, but the session ended with the law unchanged and waivers issued by the secretary of education from some of the law's more onerous requirements in place in 42 states. The House passed the Student Success Act (H.R.5), which would have significantly shifted education authority and decision making back to the states. The Senate education committee passed the Strengthening America's Schools Act (S.1094), which would have maintained robust federal involvement in accountability, teacher evaluation, and school-improvement strategies.

The GOP sweep in last fall's midterm elections gives Republicans control of both the Senate and the House. Senate leadership changes mean there will be new education policy directions and funding priorities. Congressional Republicans can be expected to coordinate legislative actions in an effort to expedite the legislative process and produce legislative results. But Republicans will need at least a few Democrats to support the bill in order to meet the threshold of votes necessary to bring legislation to the Senate floor and overcome a potential presidential veto.

EDUCATION COMMITTEE LEADERSHIP

SENATE

The longtime chairman of the Senate Committee on Health, Education, Labor and Pensions (HELP), Tom Harkin (D-IA), retired last year. With the Republican takeover of the Senate, the committee is now led by Sen. Lamar Alexander (R-TN), former governor, college president, and U.S. secretary of education. Alexander has already indicated his strong desire to move quickly to reauthorize ESEA and will base his rewrite on the bill he proposed last year (S.1101) as the GOP alternate to Harkin's bill (S.1094). Among Alexander's priorities will be returning control of education decision making to the states and providing flexibility in the use of federal funds.

The ranking Democrat on the committee is Sen. Patty Murray (D-WA), a strong education champion with a good history of working with Republicans and achieving compromise on tough issues so that all parties feel that they have been heard and treated fairly. Murray's recent role as chairwoman of the Senate Budget Committee provided her with the experience of managing legislative negotiations and compromise and resulted in a good reputation with her colleagues on both sides of the aisle. Murray will lead committee Democrats in working with Republicans to achieve a bipartisan ESEA rewrite.

HOUSE

The House Education and the Workforce Committee will continue to be led by Chairman John Kline (R-MN), who was the driving force in moving H.R.5 through the House in the 113th Congress. Like Alexander, Kline is committed to early action on ESEA renewal, and he will focus on reducing the federal role in education, streamlining education programs (elimination and consolidation), and ensuring school district leaders have a greater say in how to leverage federal funds. Unfortunately, Kline's bill did not receive any Democratic support in 2013, but he remains optimistic about the possibility of finding common ground this year.
The House also lost a strong education champion last year with the retirement of Rep. George Miller (D-CA), who had both chaired and served as the ranking Democrat of the House education committee. Rep. Bobby Scott (D-VA) will succeed Miller as the new ranking Democrat on the committee. Until now, Scott’s priorities have been more focused on college access and juvenile justice. But, as ranking member, he will assume the mantle of House Democratic education leader and hopes to work closely with Kline to develop an ESEA bill that both sides can support.

**ESEA REAUTHORIZATION**

Crafting a bill that will pass both the Senate and the House and also be acceptable to the White House may seem like an insurmountable challenge given the lack of progress to date. The federal role in education, or the extent to which federal law dictates state, district, and school policies, is the most contentious issue dividing policymakers. Regardless of what that role is determined to be, there will be changes to ESEA—hopefully ones that reflect the good work of dedicated educators over the last decade.

Both Sen. Alexander and Rep. Kline have indicated that they want to move ESEA reauthorization before addressing other major education bills. The Senate education committee is likely to hold a couple of hearings on related issues prior to moving forward with the ESEA bill. The House education committee will have several new members to educate on ESEA and other education topics prior to moving forward.

**SENATE**

Sen. Tom Harkin, the education committee chairman, shepherded his Strengthening America’s Schools Act (S.1094) through the committee in 2013. However, like the House bill, it passed on a strictly party-line vote. Alexander, the committee’s ranking Republican, cordially agreed to disagree with Harkin on the bill, with the hope of additional and robust debate if the legislation were to be considered on the Senate floor. It was not.

Now that Alexander is the education committee chairman, he will lead this year’s efforts, which are likely to start with the “Every Child Ready for College or Career Act” (S.1101) that he proposed as an alternative to Harkin’s bill in the 113th Congress. Like Kline’s ESEA bill, S.1101 would have eliminated the adequate yearly progress (AYP) requirement and required states to create their own accountability systems, based at least in part on student growth, identify low-performing schools, and create their own plans for school improvement. Unlike Kline’s bill, however, S.1101 would not have required states to create teacher evaluation systems, but any such systems they did create would have had to rely in part on evidence of student achievement.

Although Alexander’s bill would have eliminated or consolidated many education programs, it also would have created a new program to improve students’ safety and mental and physical health and establish supportive school environments. Many of S.1101’s provisions that support educators apply only to teachers of core subjects, but the bill would also have expanded the number of subjects considered to be core to 15, including physical education, technology, engineering, and music. In addition, S.1101 would have allowed Title I funds to follow a child to any public school in the district. This concept of portability is a high priority for Republicans this year and is likely to be included in any ESEA reauthorization.

**HOUSE**

House passage of H.R.5 in 2013 was an important milestone because it marked the first time a bill to overhaul NCLB was considered or approved on the House floor since the existing law was enacted in 2002. This bill is likely to be the starting point for House legislation in the 114th Congress. Unfortunately, the bill was a highly partisan effort, opposed on the House floor by all House Democrats because of its partisan nature and by 12 Republicans who were against it because they believe it did not go far enough in transferring education decision making authority back to the states.

H.R.5 would have eliminated NCLB’s onerous AYP requirement and given states the authority to create their own accountability and school-improvement systems. The bill would have required states to evaluate teachers based on multiple measures, including student achievement. States could then have used the results for personnel decisions. It also would have made Title I funds portable by allowing the funds to follow students to the public schools of their choice.

In an effort to rein in the authority of the U.S. secretary of education, the bill would have explicitly barred the secretary from incentivizing states to adopt the Common Core State Standards.
Kline’s bill (H.R.5) would have maintained annual testing requirements in English language arts and math in grades 3–8 and once in high school, and it would have also required testing in science once each in grades 3–5, 6–9, and 10–12. But, given the recent, highly public debate about overtesting, there is now a GOP move to reconsider all testing requirements, and this year’s House ESEA bill may allow states even more discretion to determine how they will hold schools accountable for student performance. H.R.5 would also have eliminated 70 individual programs—many of which support well-rounded education—and locked in education funding under ESEA at post-sequester levels for the duration of the reauthorization. One of the bill’s signature features was the unprecedented flexibility it would have provided to districts in their use of federal education dollars. It would have combined programs for English language learners, migratory children, students in correctional institutions, and students in rural schools and rolled them into Title I, effectively allowing districts to shift money among any of these programs within Title I.

**OBAMA ADMINISTRATION WAIVERS**

Waivers from several of NCLB’s more challenging provisions are in place for 42 states as well as a group of districts in California known as CORE (California Office to Reform Education). An additional 33 states have had their waivers extended by the Department. These waivers provide relief from some of the law’s requirements, such as meeting AYP, the 100 percent student proficiency deadlines, and the highly qualified teacher and school-improvement requirements. In return, states and districts have adopted college- and career-ready standards and have begun implementing new teacher evaluation systems, among other reforms.

Although U.S. Secretary of Education Arne Duncan has said that the Department considers ESEA reauthorization to be a high priority, the waivers have reduced the urgency for reauthorization among state leaders, and there has been little apparent political push from the White House or the Department to get it accomplished. Indeed, many have come to accept that the waivers are a regulatory reauthorization of the law in lieu of congressional action. Congressional education leaders on both sides of the aisle have indicated their dislike of the waivers and have included language in ESEA bills to curtail Duncan’s authority with regard to standards and other areas. But the longer the waivers stay in place, the more firmly rooted the reforms become in state law and district practice, and the more difficult it will be to make changes that may be required under ESEA reauthorization.

Although the waivers have provided some relief, they are not an ideal process for reforming education policy and practice, and the waiver granted to the group of California districts has raised significant questions about the federal–state governance relationship in educational policymaking.

**EDUCATOR PREPARATION AND HIGHER EDUCATION**

Consistent with its goal of improving teacher quality and enhancing state accountability, the U.S. Department of Education proposed changes late last year to teacher prep programs that focus on strengthening the data-collection requirements in HEA. Current requirements are criticized for requiring too much data about teacher prep program applicants’ qualifications because this data does little to inform whether the programs are effective. If adopted, the regulations would require states to determine program quality at least in part by how well K–12 students perform on standardized tests. The proposal would also require the use of these same test results to rate teacher prep programs. Neither Sen. Alexander nor Rep. Kline has formally commented on these administration-backed changes, but, given the amount of controversy that has been raised about the overuse of standardized test scores, Congress is likely to pay at least some attention to these regulations.

The Obama administration also fulfilled another step toward its promise to help families make decisions about higher education by proposing a new system to rate all U.S. colleges and universities. With the goal of directing the $150 billion spent annually by federal financial aid programs to higher-rated schools, the proposed system is strongly opposed by the higher-education community and congressional Republicans. College representatives criticize the plan for trying to oversimplify the value of a university system and college education. Congressional GOP leaders decry the proposal as another example of the U.S. Department of Education’s overreach and
intrusion into the education marketplace. Kline would like to see colleges and universities provide more financial information to prospective applicants, but providing data is a far cry from saying one institution has more value than another. This is likely to be a controversial topic when Congress begins the process of reauthorizing HEA.

**EARLY EDUCATION**

President Obama has made early education a high priority in his second-term agenda and announced a sweeping early education plan to provide universal preK in his 2014 State of the Union address. The plan came with a huge price tag: $75 billion over 10 years. More recently, he held an early education summit in December of last year during which philanthropic and other organizations made commitments to help fund access to high-quality early education for more children and scale up innovative high-quality programs. Obama also continues to prioritize federal funding to increase access to and quality of preschool programs. Congress recently approved $250 million for preschool development grants in its FY2015 funding bill.

Although legislation to improve early learning was introduced last year by Sen. Harkin and Rep. Miller, neither Chairman Kline nor Sen. Alexander are expected to support such legislation, particularly since they are intent on shrinking, not expanding, the federal government’s role in education. Kline has also been focused on ensuring that existing federal programs that support early education are effective before committing additional resources to their improvement.

**FEDERAL EDUCATION FUNDING AND SEQUESTRATION**

Sequestration was originally proposed in 2010 as a threat of across-the-board cuts to federal programs that was supposed to force lawmakers to agree to reduce the federal deficit with a sensible and balanced approach of spending cuts and tax increases. Unfortunately, Congress’ inability to do so then triggered sequestration, thus requiring the federal budget to be cut by $109 billion each year, from 2013 to 2023, with cuts equally divided between defense and nondefense programs. The significance of sequestration is that unless other areas of the federal budget are reduced, there is no room for education funding to grow.

The first round of sequestration cuts took effect in March 2013, cutting five percent from all federal education programs (including $727 million from Title I, $621 million from IDEA, and $400 million from Head Start). Most federal education programs are forward funded, so these cuts hit education programs in the 2013–2014 school year. Congress agreed to a budget deal in late 2013 to avert the effects of sequestration for FY2014 and FY2015, but this relief expires at the end of September and Congress will be required to create budgets for the foreseeable future that stay within the limits imposed by sequestration. Thus, there will be little room for future education funding increases, and further cuts are possible.

**CURRENT YEAR FUNDING**

Late last year, Congress passed a “CRomnibus” bill that funds most government agencies through the end of the current fiscal year. For most agencies, the bill serves as an omnibus, but for one agency, the Department of Homeland Security, the bill serves as a short-term continuing resolution (funding will stay at FY2014 levels until the GOP can address potential changes in February). Federal education programs are essentially level funded through September, with very slight increases in Title I and IDEA, and new funding has been made available for high-quality preschool programs. Congress chose to eliminate further funding for Race to the Top and reiterated that School Improvement Grant money can be spent on new state-developed turnaround strategies.