

# ELEMENTARY AND SECONDARY EDUCATION ACT

## Comparison of Pending Changes



Congress is currently considering sweeping changes to the Elementary and Secondary Education Act (ESEA),<sup>1</sup> with bills having passed both the U.S. House of Representatives (H.R.5<sup>2</sup>) and the U.S. Senate (S.1177<sup>3</sup>). This chart provides a breakdown of pending changes compared to current law and highlights ASCD's position on key provisions.

## STANDARDS

<b>Current Law</b>	<b>H.R.5, Student Success Act Passed House July 8, 2015, 218-213</b>	<b>S.1177, Every Child Achieves Act Passed Senate July 16, 2015, 81-17</b>	<b>ASCD Position</b>
Requires state standards in reading, math, and science at all grade levels.	Requires states to adopt standards in reading, math, and science.  Allows states to withdraw from the Common Core standards and other “specific standards” without repercussion from the federal government.	Requires states to provide assurances that they have adopted challenging academic standards in reading, math, and science with three levels of achievement.	Believes that each student deserves access to a credible, comprehensive, and well-rounded education that includes instruction in all academic content areas. States' standards, accountability systems, and public reporting of student performance must reflect these subjects.
Allows states to develop standards in other content areas.	Allows states to adopt standards in other subjects.  Reiterates the authority of states and districts over curriculum, assessments, and programs of instruction, referring explicitly to ESEA waivers that “coerced states into accepting the Common Core State Standards and aligned assessments.”	Allows states to adopt standards in other subjects.  Prohibits secretarial authority to “mandate, direct, control, coerce, or exercise any direction or supervision over ... standards [i.e., the Common Core standards].”	
Requires states to apply the same academic standards to all schools and children.	Same as current law, but allows states to adopt alternate academic standards for students with disabilities.	Same as current law, but allows states to adopt alternate standards for students with the most significant cognitive disabilities.	

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## ASSESSMENTS

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
Requires state testing in reading and math annually in grades 3–8 and once in high school.	Same as current law, but with the following changes: <ul style="list-style-type: none"> <li>• Allows states to use a single annual summative assessment or multiple assessments throughout the school year.</li> <li>• Allows districts to use their own assessments in lieu of state assessments, as long as the district versions are approved by the state and produce data comparable among all districts in the state.</li> </ul>	Same as current law, but with the following changes: <ul style="list-style-type: none"> <li>• Allow states to use a single, annual summative assessment or multiple statewide assessments throughout year that result in one summative score.</li> <li>• Requires districts to inform parents of their rights regarding student participation in mandated state assessments.</li> <li>• Requires states to limit the aggregate amount of time students spend on assessments for each grade. Parents must be notified if that time is exceeded.</li> <li>• Requires states and districts to conduct a one-time audit of all assessments, and then use the results to develop a plan to streamline assessment systems.</li> </ul>	
Requires state testing in science annually in grade spans 3–5, 6–8, and 10–12.	Same as current law.	Same as current law.	Recommends a two-year moratorium on using state assessments for high-stakes purposes to avoid the unintended and undesirable consequences of overtesting, narrowed curricula, and too little focus on untested subjects and concepts.
Allows states to develop assessments in other subjects.	Same as current law.	Same as current law.	
Requires states to provide reasonable adaptations and accommodations for students with disabilities.  Allows states to administer alternate tests to students with disabilities; however, these alternate tests may be used by no more than 1% of the total number of students being assessed.	Requires states to provide accommodations for students with disabilities.  Allows states to administer alternate tests for students with disabilities, with no limits on how many students take the alternate assessments.	Requires states to provide accommodations for students with disabilities.  Allows states to administer alternate tests for students with disabilities; however, these alternate tests may be used by no more than 1% of the total number of students being assessed.	
Requires states to administer assessments to at least 95% of students and 95% of each student subgroup.	Same as current law, but exempts from the 95% requirements students who “opt out” of federally required tests.	Requires states to measure the annual progress of at least 95% of all students but notes specifically that this requirement does not preclude state laws allowing parents to opt out of assessments.	
Requires districts to annually assess all students with limited English language proficiency.	Same as current law.	Same as current law.	
Requires states and districts receiving Title I-A funds to annually administer National Assessment of Educational Progress tests in grades 4 and 8 in reading and math.	Same as current law.	Same as current law.	

## ACCOUNTABILITY

Current Law	H.R.5, Student Success Act	S.1177, Every Child Achieves Act	ASCD Position
<p>Required that 100% of students be proficient in reading and math by the end of school year 2013–14.</p> <p>Requires that schools make adequate yearly progress (AYP) for all students and for subgroups for which data are disaggregated.</p>	<p>Eliminates the proficiency and AYP requirements.</p> <p>Prohibits the secretary from prescribing any aspect of the accountability system.</p>	<p>Requires states to create their own accountability systems that</p> <ul style="list-style-type: none"> <li>• Annually measure student performance in reading and math,</li> <li>• Annually measure school performance, and</li> <li>• May include other measures of school success.</li> </ul> <p>Makes optional the use of graduation rates for accountability purposes.</p> <p>Does not require states to establish performance goals for student subgroups.</p>	<p>Standardized test scores alone should never be used to evaluate students, educators, or schools.</p> <p>A new multimetric accountability model is needed that should</p> <ul style="list-style-type: none"> <li>• Incorporate all subjects,</li> <li>• Include nonacademic factors,</li> <li>• Use multiple measures of performance,</li> <li>• Promote continuous improvement and support, and</li> <li>• Report community-level data to highlight shared responsibility for student success.</li> </ul> <p>Although states should be given flexibility and autonomy to design and implement their own accountability systems, certain benchmarks should be collected and reported at each grade span to ensure schools meet minimum performance thresholds.</p>
<p>Establishes student subgroups for accountability and data disaggregation, including students who are economically disadvantaged, have limited English language proficiency, have disabilities, and belong to major racial and ethnic groups as determined by the state.</p>	<p>Same as current law, with two additional subgroups for accountability and data reporting: students with parents in the military and students in foster care.</p>	<p>Same as current law, with three additional subgroups for data reporting only: homeless students, students with parents in the military, and students in foster care.</p>	<p>Public reporting of student achievement data in disaggregated formats would allow transparency, promote equity, hold appropriate stakeholders accountable, and ensure shared responsibility for student success.</p>

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## ACCOUNTABILITY

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
<p>Requires publicly available annual state report card that includes</p> <ul style="list-style-type: none"> <li>• Data on student achievement at each grade level disaggregated by subgroup,</li> <li>• Comparison of state's actual achievement to its objectives,</li> <li>• Percentage of students not tested,</li> <li>• State's achievement trends over the course of two years,</li> <li>• Other indicators used to determine AYP,</li> <li>• Graduation rates,</li> <li>• Information on teacher quality, and</li> <li>• Other information as determined by the state.</li> </ul>	<p>Require publicly available annual state report card that includes</p> <ul style="list-style-type: none"> <li>• Student performance disaggregated by subgroup,</li> <li>• Student participation in assessments,</li> <li>• Graduation rates,</li> <li>• Performance of English language learners,</li> <li>• Other information as determined by the state, and</li> <li>• Educator evaluation results for states that have evaluation systems.</li> </ul>	<p>Requires the state report card to also include school evaluation results.</p>	<p>Requires the state report card to also include</p> <ul style="list-style-type: none"> <li>• A description of the state accountability system,</li> <li>• Student performance on other academic indicators,</li> <li>• Indicators of school climate, safety, and discipline,</li> <li>• Educator qualifications and distribution information,</li> <li>• CTE proficiency,</li> <li>• National Assessment of Educational Progress results, and</li> <li>• Information on military-connected students.</li> </ul> <p>State report cards should be made publicly available to provide aggregated data on student and school performance. Public, user-friendly reporting of all education and student achievement data in disaggregated formats, including resource allocations and funding levels, will allow transparency, promote equity, and empower all interested parties to hold appropriate entities accountable for their responsibilities to children.</p>

## SCHOOL IMPROVEMENT

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
<p>Triggers corrective action for schools that fail to meet AYP in consecutive years, with annually escalating interventions.</p> <p>Requires states to reserve up to 4% of Title I-A funds to be available through the School Improvement Grant program.</p>	<p>Requires states to create and implement their own strategies for school improvement (as part of their accountability systems) for schools the state determines to be low performing.</p> <p>Eliminates the School Improvement Grant program but requires states to reserve 7% of Title I-A funds for school improvement activities, unless doing so causes a district to receive less Title I-A funding than in the previous year.</p>	<p>Requires districts to create a system for identifying schools in need of improvement and states to provide technical assistance in developing improvement strategies. States may design improvement systems that districts may use.</p> <p>Eliminates the School Improvement Grant program, but requires states to reserve up to 4% of Title I-A funds for school improvement activities through formula grants that assist the lowest-performing schools.</p>	<p>States and districts should be allowed flexibility to implement improvement strategies, such as a whole child approach, and educator professional development should be a crucial component of such strategies.</p>

## TEACHER AND LEADER EFFECTIVENESS

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
<p>Requires 100% of teachers in core academic subjects to be "highly qualified," which is defined as follows:</p> <ul style="list-style-type: none"> <li>• Existing teachers must have a bachelor's degree, demonstrate subject-matter knowledge in the areas they teach, and hold a certification or license in the subject they teach.</li> <li>• New teachers must have a bachelor's degree and pass subject-matter tests.</li> </ul>	Eliminates the "highly qualified" teacher requirements.	Eliminates the "highly qualified" teacher requirements.	Each student should have access to highly effective teachers in every subject and discipline. Effective teaching leads to ongoing student achievement and growth; is based on evidence; and incorporates knowledge and skills into planning and preparation, classroom management, instruction, and subject content.
Requires state plans to provide assurance that all teachers and paraprofessionals working in programs supported by Title I-A funds meet state certification and licensure requirements.	Requires paraprofessionals to have completed two years of postsecondary study, have at least an associate's degree, and can demonstrate knowledge in reading, writing, and math.	Same as current law.	
Requires schools receiving Title I-A funds to ensure that poor and minority children are not taught by inexperienced, unqualified, or out-of-field teachers at higher rates than other children.	Eliminates the equitable distribution requirement.	Maintains the equitable distribution requirement, but moves it from the state plan to the district plan and replaces "unqualified" with "ineffective."	
Defines professional development as activities that improve teachers' knowledge in the subjects they teach, enable them to become highly qualified, are aligned with content standards, and advance understanding of instructional strategies, etc.	<p>Updates the definition of professional development to include ongoing, job-embedded activities that are</p> <ul style="list-style-type: none"> <li>• Focused on improving effectiveness,</li> <li>• Included within broader school improvement plans,</li> <li>• Developed with educator input, and</li> <li>• Evaluated regularly.</li> </ul>	<p>Updates the definition of professional development to ensure ongoing, job-embedded activities that are</p> <ul style="list-style-type: none"> <li>• Provided to all school staff, including paraprofessionals,</li> <li>• Included within broader school improvement plans,</li> <li>• Personalized, collaborative, and data driven,</li> <li>• Developed with educator input, and</li> <li>• Evaluated regularly.</li> </ul>	All educators should receive a stepped induction into the profession, time to reflect on and refine their practice, and personalized professional development that recognizes their strengths and allows them to grow.
Requires states to provide scientifically based professional development for teachers of core academic subjects.	Expands access to professional development under Title II to include teachers of all subjects, not just core subjects as under current law, as well as school leaders, administrators, and other school staff.		
Requires schools to use Title II funds to prepare, recruit, and retain teachers and principals. Allocates Title II funds to states based on 35% of a state's school-age population and 65% of its school-age population living in poverty.	<p>Changes the Title II formula to 50% based on school-age population and 50% school-age population living in poverty, as long as districts that serve a high percentage of families living below the poverty line would not receive a smaller grant than in FY15.</p> <p>Creates a new Teacher and School Leader Flexible Grant that provides broad flexibility to improve educator effectiveness, including the creation of teacher or school leader preparation academies.</p>	<p>Changes the Title II formula to 20% based on school-age population and 80% school-age population living in poverty.</p> <p>Creates a new Fund for the Improvement of Teaching and Learning, which provides broad flexibility to improve educator effectiveness, and maintains the Teacher Incentive Fund while expanding it to school leaders.</p> <p>Provides specific support to recruit and train STEM teachers.</p>	

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## TEACHER AND LEADER EFFECTIVENESS

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
Does not require teacher evaluations; however, requires states that received NCLB waivers to create or improve their teacher evaluation systems.	Does not require teacher evaluation systems, but if schools use Title II funds to create district evaluation systems, they must be based in "significant" part on student achievement data derived from a variety of sources, use multiple measures, and establish more than two categories of performance ratings.	Does not require teacher evaluation systems, but if schools use Title II funds to create or change evaluation systems, they must be based "in part" on student achievement and on multiple measures.  Precludes the secretary from prescribing any aspect of educator evaluation systems or measures of effectiveness.	Educator evaluations should include multiple measures, assess educators only on the subjects they teach, and ultimately aim to enhance practice.

## WELL-ROUNDED EDUCATION

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
Includes a variety of programs and funding authority to support a well-rounded education, including Arts in Education, Elementary and Secondary School Counseling, the Physical Education Program, and 21st Century Community Learning Centers.	Eliminates 70 individual programs, including those that support the arts, physical education, after-school programs, and school counseling.  Creates the Local Academic Flexible Grant (authorized at \$2.3 billion annually), intended to support a broad range of activities that improve student achievement and engagement while protecting student safety.	Maintains individual programs that support a well-rounded education (arts, physical education, after-school programs, school counseling, violence prevention, advanced placement, International Baccalaureate or dual enrollment, and STEM).  Creates the Safe and Healthy Students block grant for states, with a focus on student mental health, school climate, and parent and community engagement.  Creates new civic learning and American history grant program.	Access to a wide variety of subjects, as well as nonacademic supports, is crucial to preparing students for college, careers, and citizenship.
Defines core academic subjects as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.	Eliminates the definition of core academic subjects.	Same as current law, but adds music, health, physical education, engineering, technology, computer science, and career technical education as core subjects.	

## FEDERAL EDUCATION FUNDING

<b>Current Law</b>	<b>H.R.5, Student Success Act</b>	<b>S.1177, Every Child Achieves Act</b>	<b>ASCD Position</b>
Provides Title I-A funding to states through four separate funding formulas: Basic, Concentration, Targeted, and Education Finance Incentive Grants. Total Title I-A FY15 funding \$14.5 billion.  Requires each state to make specific adjustments to grant amounts, including administrative and reserved allocations, before providing funds to districts.	Allows portability of Title I-A funds: districts may distribute funds to individual public schools based on each school's share of enrolled eligible children.  Defines an "eligible child" as a child from a family with an income below 100% of the poverty level.  Locks in education funding at post-sequestration levels for four years.	Adds a fifth funding formula—the new Equity Grant Formula—that aims to provide more funds based on the poverty factor rather than the population factor. The new formula would only be implemented if overall Title I funding exceeds \$17 billion.  Allows 100% transferability between Title II (educator supports) and Title IV (safe and healthy students) funds and from Titles II and IV into Title I.	Flexibility in the use of federal education funds is essential for states and districts to best meet the needs of their students. A robust federal investment will ensure that all students receive a high-quality education.
Requires districts to show maintenance of effort; that is, districts may not reduce funding to schools by more than 10% from the previous year. If they do, the federal government reduces the education funding proportionally.	Eliminates maintenance of effort requirement.	Same as current law, but without penalizing districts that fail to meet their maintenance of effort requirement, as long as they met the requirement for the previous five years.	Supports the maintenance of effort requirement.
Supplement not supplant: states and districts are prohibited from using federal funds to provide services or support activities for which state and/or local funds are currently used.	Same as current law.	Allows districts to use federal funds for non-schoolwide programs if they can demonstrate that the method used to allocate funds ensures the school receives all of the state and local funds it would have received absent Title I-A funds.	

### References

1. No Child Left Behind Act of 2001, Public Law 107-110. (2002). Retrieved from <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>
2. The Student Success Act, H.R.5, 114th Cong. (2015). Retrieved from <http://www.gpo.gov/fdsys/pkg/BILLS-114hr5pcs/pdf/BILLS-114hr5pcs.pdf>
3. Every Child Achieves Act of 2015, S.1177, 114th Cong. (2015). Retrieved from <http://www.gpo.gov/fdsys/pkg/BILLS-114s1177es/pdf/BILLS-114s1177es.pdf>

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