



NCLB CONFERENCE COMMITTEE: KEY ISSUES TO CONSIDER

The U.S. House and Senate have each passed bills (H.R.5¹ and S.1177², respectively) to update and replace the No Child Left Behind Act (NCLB), the nation's foremost K-12 education law. As the next step in the legislative process, a House-Senate conference committee must now reconcile the differences between the two bills to present one final package to the president for his signature. This *Policy Points* highlights some of the more contentious issues that conference committee negotiations must resolve.



ASSESSMENTS

The House and Senate bills maintain NCLB's testing requirements; these include math and English testing annually in grades 3–8 and once in high school, and science testing at least once during grades 3–5, grades 6–9, and grades 10–12. Both bills, however, include language that addresses the amount of time students spend preparing for and taking tests.

H.R.5:

- Allows districts (subject to state approval) to use their own assessments *in lieu of* state assessments, as long as the district tests produce a single summative score and data that is comparable to the state tests.
- Excludes student opt outs when determining if schools meet the required 95 percent participation rate on state tests.

S.1177:

- Requires districts to inform parents of their rights regarding student participation in any federally mandated assessments.
- Requires each state to establish a limit on the amount of time (as a percentage of the state's annual instructional time) students spend on required assessments for each grade, and to notify parents if that time is exceeded.

Because H.R.5 and S.1177 approach some issues in the same way, educators can assume that the final bill will address these issues in a similar manner. Some areas of alignment are:

- ✓ **EXPANDING** the definition of educator professional development (PD) to include high-quality induction programs for new teachers and principals, and ongoing, rigorous PD opportunities for all educators.
- ✓ **ELIMINATING** NCLB's Highly Qualified Teacher requirements.
- ✓ **LIMITING** the authority of the U.S. secretary of education over standards, assessments, and curriculum.



ACCOUNTABILITY

H.R.5 and S.1177 both eliminate NCLB's Adequate Yearly Progress requirements and end NCLB's prescriptive approach to corrective actions, which includes mandated school choice, supplemental services, restructuring, and closure. Neither bill sets federal performance targets.

Both bills require states to create school accountability systems. Although the bills require these systems to include measures of student performance on annual state tests, they differ in their approach to measures beyond test scores. Ultimately, S.1177 supports a multimetric accountability approach more than H.R.5.

H.R.5:

- Allows states' accountability systems to include measures of school success beyond test scores.
- Does *not* require states to establish performance targets for students or student subgroups.

S.1177:

- Requires states' accountability systems to include high school graduation rates and an additional state-selected indicator (such as student engagement or school climate and safety) for elementary and middle schools.
- Requires states to set performance targets for specific student subgroups: race and ethnicity, socioeconomic status, English language learners, students with disabilities, homeless students, students of military families, and students in foster care.



TITLE I FUNDING

The federal Title I program directs funds to districts and schools with large proportions of socioeconomically disadvantaged students to support an equitable education for all students.

H.R.5:

- Significantly alters the distribution of Title I funds under the concept of "portability," which allows federal funds to follow eligible students to any public school. This could result in a significant loss of funding to schools currently receiving Title I funds.

S.1177:

- Changes the Title I funding formula for any funds above \$17 billion (current funding is \$14.5 billion) to provide higher allocations for states and districts with higher concentrations of poverty.

Q

What will happen with the NCLB waivers if the president signs a new bill into law?

A

The new law would replace NCLB's waiver requirements; however, it would not automatically void the policies and practices that states put in place to receive waivers.



WELL-ROUNDED EDUCATION

To best prepare them for college, careers, and citizenship, all students need access to a wide variety of rigorous courses, as well as services and programs that support the whole child.

H.R.5:

- Eliminates 70 programs that support a well-rounded education including Arts in Education, Physical Education Program, and Elementary and Secondary School Counseling. However, H.R.5 creates a new block grant that schools can use to support activities that improve student academic achievement and engagement and protect student safety.

S.1177:

- Maintains almost all of the individual programs in the current law that support a well-rounded education and creates a new state formula grant—Safe and Healthy Students—through which districts can seek funding for a variety of activities, including student mental health, physical activity, school climate and safety, and bullying prevention.

For more information visit
www.ascd.org/esea-compare.

SOURCES

1. The Student Success Act, H.R.5, 114th Cong. (2015). Retrieved from <http://www.gpo.gov/fdsys/pkg/BILLS-114hr5pcs/pdf/BILLS-114hr5pcs.pdf>
2. 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>