

TO: AASA Members

FROM: Noelle Ellerson, Associate Executive Director, Policy & Advocacy

RE: Senate HELP Committee Adopts Every Child Achieves Act (ESEA Reauthorization)

DATE: April 16, 2015

Earlier this afternoon, the Senate Health, Education, Labor and Pensions Committee passed-by UNANIMOUS CONSENT—the *Every Child Achieves Act of 2015* (ECAA). ECAA is the committee’s bipartisan comprehensive reauthorization of the Elementary and Secondary Education Act (ESEA), currently known as No Child Left Behind.

The bill numbered some 600 pages long, and a filed manager’s amendment was equally long. Senators filed 87 amendments, 57 of which were considered and 29 ultimately updated. The core issue for AASA in reauthorizing ESEA was to restore an appropriate balance between federal, state and local autonomy by pulling back the federal overreach and prescription rampant in current law.

Our attentions were focused on standards, accountability and assessment. There are other areas where we advocated changes and improvements. Failure to get standards, accountability and assessments correct, though, would have made it nearly impossible for AASA to endorse. By and large, this approach paid off: while the bill preserves standards, accountability and assessments, the granular detail of all three is left to the state/local level to craft and define, those people most closely working to implement said programs, and those with professional education experience. A summary:

* Standards: Under ECAA, all 50 states must establish challenging academic standards for all students.
* Accountability: ECAA eliminates 100% proficiency, annual measurable objectives, adequate yearly progress, supplemental education services (and the 20% set-aside) and the highly qualified teacher requirements. The bill still requires states to rank schools (based on achievement), to identify those in need of intervention/improvement, and to describe/determine the turnaround/improvement models they will use. The bill preserves the data disaggregation under current law.
* Assessments: ECAA preserves current law, with testing required of every student in ELA and math in grades 3-8 (and once in high school) along with grade span testing in science.
* A note on funding: AASA was deeply concerned with efforts related to portability/vouchers and funding caps. While we had a favorable outcome on both in this Senate bill, it is to be noted that while there are NOT prescriptive funding caps in place, there are expanded allowable uses and block grants. Collectively, this can be a perfect storm for defunding public education. Allowing finite dollars for more uses undermines all programs. Further, the final bill includes an amendment for early education. While AASA strongly supports increased opportunity and quality in early education, we will be aggressive in ensuring that ESEA funding is not siphoned off for early education. Early education and K12 are complementary to each other, and should not be in a positon of ‘funding one at the expense of the other’.

Also of note from the base bill:

* Clarifies the various areas in existing law where early education is an allowable use.
* Allows use of multiple measures throughout the K‐12 spectrum
* Preserves statute related to maintenance of effort, supplement/supplant and comparability. AASA was opposed to elimination of MoE (as in the House bill) or a defeated Senate amendment to modify the comparability calculation.)
* Reauthorizes the Rural Education Achievement Program (REAP).
* Does NOT include Title I portability or vouchers.
* Does NOT include funding caps.
* Maintain the 1% cap on use of alternate assessment.
* Bill allows Title II to be used for class-room reduction, but adds requirement that it be to an ‘evidence-based’ level.
* Title II and Title IV (quickly summarized as professional development and school climate programs) are block-granted. Recipients are free to move funds within/between the programs, consistent with stated allowable uses. Recipients can also use said funds for Title I purposes.
  + Notably absent, the base bill does NOT include a stand-alone education technology program. AASA strongly advocated for reinstatement of this program, which was accomplished through amendment.
* Like the House bill, and largely in response to Secretary Duncan’s creative interpretation of regulatory authority, the bill includes explicit language to reign in Secretary of Education's autonomy/authority, including not requiring/incentivizing/prescribing/defining standards (ie, Common Core).
* Amendments: The Committee adopted 29 amendments, many of which reinstated programs that were eliminated or consolidated in the base bill. They are summarized here, and a comprehensive list of all amendments as filed can be found in the ‘Related AASA ECAA Resources’ section at the bottom of this memo.
  + Student Funding Formula: Would allow a pilot project for 25 schools to consolidate local, state and federal funding to create a single school funding system based on weighted per-pupil allocation for low-income and disadvantaged students. AASA was opposed to this amendment, as aspects of it are a ‘foot in the door’ to the broader comparability calculation concerns.
  + Career and Technical Education Reporting: Would expand report card requirements to include the number and percentage of students attaining career and technical proficiencies.
  + Physical Education: Reinstates the physical education program to provide grants to improve physical education programs.
  + Testing: Provides competitive grants to states to work with institutions of higher education to improve the quality of state assessments, to develop/improve assessments for students with disabilities, to measure student growth over time, and to evaluate student achievement through new assessments (including competency-based models, computer adaptive testing or portfolios).
  + Data Collection: A grant to support state work to assess data collection systems and to change/improve the systems in order to decrease burden on LEAs.
  + Education Technology: Reinstates a dedicated education technology plan, by providing grants to SEAs and LEAs to use technology to improve the college and career ready skills of teachers and school leaders.
  + GREAT Act: Grant funds to create teacher/principal academies.
  + Financial Literacy: Includes financial literacy and federal financial aid awareness in LEA activities.
  + Rural Education: Would require the secretary of education to engage in outreach to rural school districts regarding opportunity to apply for competitive grants. Also allows rural LEAs to submit consolidated program plans through their ESAs.
  + Innovation: Provides grants to develop, implement, replicate, or scale up rigorous testing of evidence-based, field-initiated innovations to improve student achievement.
  + Title II Hold Harmless Provision: Two amendments. The first restored the ‘hold harmless’, which was eliminated in the base bill. The second amendment modified the reinstated hold harmless to a ramp down, mandating a 14.29% reduction each year over 7 years.
  + Title II Formula: Adjusts the weighting mechanism in the formula to account more directly for concentrations of poverty.
  + Ready to Learn Television: Provides grants to develop, produce and distribute education and instructional video programming for preschool and elementary school students and their parents.
  + School Discipline: Creates a grant program for LEAs that wish to reduce exclusionary discipline practices in elementary and secondary schools.
  + Assessment Pilot: Strengthens the innovative assessment and accountability pilot program.
  + Assessments: Determines that academic assessments will evaluate if a child is on grade level and what grade level they perform at, and clarifies that nothing would prohibit the use of state computer adaptive assessments.
  + School Counseling: Reinstates the current Elementary and Secondary School Counseling program in Title IV.
  + Native Language Instruction: Reinstates the grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction.
  + Advanced Placement: Reinstates the grant program to pay for AP/IB tests and to create/support accelerated learning programs.
  + STEM: Improves STEM instruction and achievement, authorizes the STEM Master Teacher Corps.
  + Parent/Guardian Rights: Clarifies that nothing in federal law preempts state/local law regarding parent/guardian decision on child’s participation in statewide academic assessments.
  + Gifted and Talented: Reinstates the Javits Gifted/Talented Student Education Act.
  + 21st Century Community Learning Centers: Reinstates the 21stCC program, allowing for extended learning opportunities (both extended day and after school).
  + Physical/Mental Abuse: Amends Title I to ensure state policy works to reduce threats of physical/mental abuse related to seclusion/restraint.
  + Military Disaggregation: Amends Title I to allow for data collection for military-connected students.
  + Project SERV: Provides education-related services to LEAs and institutes of higher ed dealing with a violent or traumatic crisis.
  + Early Education: Amends Title V to authorize early learning alignment and improvement grants. This is a dedicated early education program within ESEA. AASA will be following closely to ensure that additional funds are made available.
  + Literacy and Arts: Amends Title V to establish a program for literacy and arts education.

**What’s Next?** The Senate will need to consider this bill on the full floor. At this point, we have been told that the timeline is ‘before Memorial Day’. We anticipate some bruising debate related to vouchers and portability. The time to have conversations with your Senators is now. Floor amendment votes are won in the weeks before the vote, when we take meetings to highlight what we like in the bill and what we would like to see changed (or, in the case of vouchers, kept OUT of the bill). We will have a full call to action, complete with talking points, as the event draws near.

Related AASA ECAA Resources:

* ESEA [Side-by-side](http://aasa.org/uploadedFiles/Policy_and_Advocacy/files/AASA%20ESEA%202015%20Side%20by%20Side%20040915.xlsx): Current Law, Student Success Act (HR5) and ECAA
* AASA [Memo & Analysis](http://aasa.org/uploadedFiles/Policy_and_Advocacy/files/Senate%20ESEA%20Notes%20040715.docx)
* AASA [letter of support](http://aasa.org/uploadedFiles/Policy_and_Advocacy/files/AASA%20Senate%20ESEA%20041315.pdf)
* AASA [summary of filed amendments](http://aasa.org/uploadedFiles/Policy_and_Advocacy/files/Senate%20ESEA%20Master%20Amendments%20BACKUP.xlsx)
* AASA [letter on amendments as filed](http://aasa.org/uploadedFiles/Policy_and_Advocacy/files/AASA%20Senate%20ESEA%20Amends%20041415.pdf)
  + See next page for roster of adopted amendments with sponsor and AASA position.

**Questions?** Please contact Noelle Ellerson via email at [nellerson@aasa.org](mailto:nellerson@aasa.org).

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| **Title** | **Sponsor** | **Topic** | **Summary** | **AASA Position** | **Outcome** |
| Title 6.1 | Bennet | Weighted student funding | Would create a pilot program that gives LEAs the flexibility to consolidate federal, state, and local funding to create a single school funding system based on weighted per pupil allocation for low-income and disadvantaged students. | **Oppose** | Adopted |
| Title 1.2 | Baldwin | Reporting | Would require the reporting of the number and percentage of students attaining career and technical proficiencies on state, local, and school report cards. | **Neutral** | Adopted |
| Title 4.1 | Baldwin | Physical education | Would provide grants to LEAs and CBOs to improve physical education programs. | **Neutral** | Adopted |
| Title 1.1 | Baldwin (Cassidy, Casey, Whitehouse, Franken,Warren) | Testing | Would provide competitive grants to states to work with institutions of higher ed to improve the quality, validity or reliability of state assessments; to develop or improve assessments for students with disabilities; to measure student growth over time; to evaluate student achievement through new assessments, such as competency-based models, computer adaptive test, or portfolios. States can also use funding under this section to audit their state assessments. | **Support** | Adopted |
| Title 5.1 | Baldwin (Hatch) | I-TECH (Innovative technology expands children's horizons) | Would provide grants to SEAs, LEAs, and schools to use technology to improve college and career ready, skills of teachers and school leaders, and increase effectiveness of entire education system. | **Support** | Adopted |
| Title 1.4 | Bennet | Data collection | SEAs would assess its data collection system for collecting data from LEAs and change the system in order to decrease the burden on LEAs | **Support** | Adopted |
| Title 2.2 | Bennet | GREAT Act (teacher/principal prep academies) | Would allow funds to be used to create teacher and principal preparation academies. | **Neutral** | Adopted |
| Title 4.2 | Bennet | Financial literacy | Would include financial literacy and federal financial aid awareness in LEA activities | **Neutral** | Adopted |
| Title 9.1 | Bennet (Collins) | Rural education | Would require the secretary of education to engage in outreach to rural school districts regarding opportunity to apply for competitive grants; allows rural LEAs to submit consolidated pans through their ESA | **Support** | Adopted |
| Title 5.1 | Bennet (Hatch) | Innovation and research | Would provide grants to SEAs, LEAs, consortiums of states, or LEAs and SEAs working with a nonprofit, business, CMO, or institution of higher ed to develop, implement, replication, or scaling up of rigorous testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students. | **Neutral** | Adopted |
|  | Burr |  | Modifies Casey 4.3 by mandating a 14.29 percent reduction each year over 7 years | **LATE Addition** | Adopted |
| Title 2.1 | Burr (Bennet) | Teachers and leaders | Adjusts Title I formula to increase weight of poverty factor | **Neutral** | Adopted |
| Title 2.1 | Casey (Baldwin, Franken) | Ready-to-Learn Television | Would provide grants to develop, produce and distribute education and instructional video programming for preschool and elementary school students and their parents. | **Neutral** | Adopted |
| Title 2.3 | Casey (Baldwin, Murphy, Mikulski) | Hold harmless provision | Would restore hold harmless provision for formula grant under Title II, part A. | **Neutral** | Adopted |
| Title 4.3 | Casey (Murphy) | School discipline | Would create a grant program for LEAs that wish to reduce exclusionary discipline practices in elementary and secondary schools. | **Neutral** | Adopted |
| Title 1.1 | Collins (Sanders) | Assessment Pilot | Innovative Assessment and Accountability Pilot | **Support** | Adopted |
| Title 1.1 | Franken | Assessment | Academic assessments will evaluate if student is on grade level; what grade level they perform at; rule of construction to not prohibit state computer adaptive assessments. | **Support** | Adopted |
| Title 4.1 | Franken | School Counseling | reinstate the existing Elementary and Secondary School Counseling program in Title IV | **Support** | Adopted |
| Title 7.1 | Franken | Native Language Bill | To establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction | **Neutral** | Adopted |
| Title 2.1 | Franken (Cassidy) | Accelerate Learning | Grant programs to pay for AP/IB tests and to create/support accelerated learning programs and ensuring access, quality staff | **Support** | Adopted |
| Title 2.2 | Franken (Kirk, Murray, Baldwin) | STEM Instruction and Student Achievement | Improving STEM instruction/achievement; STEM Master Teacher Corps | **Neutral** | Adopted |
| Title 1.1 | Isakson | Parent/Guardian Rights | Nothing in federal law preempts state/local law re: parent/guardian decision on child's participation in statewide academic assessments | **Neutral** | Adopted |
| Title 2.1 | Mikulski | Javits | Amends Title II to include the Javits Gifted/Talented Students Education Act of 2015 | **Neutral** | Adopted |
| Title 4.1 | Murkowski (Franken, Sanders, Cassidy, Collins and Baldwin) | 21st Century Community Learning Centers | Amends Title IV to reinstate 21st Century Learning Communities, allows extended learning time AND after-school | **Support** | Adopted |
| Title 1.3 | Murphy | Physical/Mental Abuse | Amends Title I to ensure state policy works to reduce threats of physical/mental abuse related to seclusion/restraint | **Oppose** | Adopted |
| Title 1.1 | Murray | Military Disaggregation | Amends Title I to allow for data collection for military-connected students | **Neutral** | Adopted |
| Title 4.1 | Murray | Project SERV | Provides education-related services to LEAs and institutes of higher ed dealing with a violent or traumatic crisis | **Neutral** | Adopted |
| Title 5.1 | Murray (Isakson, Casey, Kirk) | Early Education | Amends Title V to authorize early learning alignment and improvement grants | **Neutral** | Adopted |
| Title 5.3 | Whitehouse (Casey, Collins, Warren) | Literacy and Arts Education | Amends Title V to establish a program for literacy and arts education | **Neutral** | Adopted |