**House Passes ESEA Rewrite 218-213; Senate Debate Continues**

By Lauren Camera on July 8, 2015 7:30 PM Education Week

*Washington*

The U.S. House of Representative reconsidered and ultimately passed Wednesday a Republican-backed reauthorization of the Elementary and Secondary Education Act—though it's far from the measure that President Barack Obama may eventually sign into law when it's all said and done.

After considering 14 amendments, including a failed Democratic substitute, members passed theESEA rewrite, formally known as the Student Success Act, with a very close vote of 218-213. Twenty-seven Republicans crossed party-line to join the entire Democratic caucus in voting against the bill.

"We have an urgent responsibility to replace a flawed law with bold solutions," said Rep. John Kline, R-Minn., the education committee chairman and the bill's author. "That responsibility grows more urgent with each day."

Overall, the bill represents a dramatic departure from the current version of the federal K-12 law, the No Child Left Behind Act, and would turn much of the decisionmaking over to states.

It would eliminate the current accountability system, known as adequate yearly progress, and despite requiring states to intervene in schools that aren't performing well, it wouldn't tell states how to do so or how many schools to try to fix at a time. The measure would also allow states to set their own academic standards, and would prohibit the U.S. Secretary of Education from requiring states to adopt the Common Core State Standards, or any other set of standards.

While the bill would keep in place the current federal testing schedule and the requirement that states disaggregate student achievement data, Democrats argued those provisions aren't enough to protect the most disadvantaged students. They took particular exception to provisions in the bill that would allow Title I dollars for low-income students follow them to the school of their choice.

"In 1964 we enacted ESEA, recognizing the disparities and funding," said Rep. Bobby Scott, D-Va., the ranking member on the education committee who offered the Democratic substitute. "[This bill] violates the original purpose of ESEA, first by reducing funding [for programs], but also by changing the funding formula and taking it from poor areas and giving it to wealthier areas."

You can [**read more about the bill here**](http://blogs.edweek.org/edweek/campaign-k-12/2015/06/refresher_whats_in_the_house_e.html).

Despite the overwhelming support of the GOP, the bill's passage in the House wasn't easy. Leadership [**yanked the bill off the floor**](http://blogs.edweek.org/edweek/campaign-k-12/2015/02/house_leaders_officially_postp.html) mid-debate back in February amid waning support from Republicans and criticism from right-leaning policy think-tanks that the measure wasn't nearly conservative enough.

As an olive branch of sorts to those concerns, the Rules Committee, which decides how a bill is debated on the floor, gave the green light for four additional amendments to be debated Wednesday.

Two of those amendments specifically addressed what some Republicans had called shortcomings of the bill. One provision, offered by Rep. Matt Salmon, R-Ariz, would allow parents to opt their students out of the bill's testing requirements, and would exempt schools from including students that have opted out of the school's participation requirements. That proposal passed 251-178.

The other amendment, offered by Rep. Mark Walker, R-N.C., known as the A-PLUS Act,would have allowed states to opt out of federal accountability entirely and send funding under the current law back to states in the form of block grants. That proposal failed 195-235, which was ultimately a blessing for GOP leadership. Since the proposal was too conservative for many in their caucus, its inclusion in the bill would have lost them votes in what ended up being a very close call on final passage.

Democrats slammed both amendments, arguing they represent an even further rolling back of accountability for the most disadvantaged students.  
  
"Before No Child Left Behind was passed schools across the country would systemically exclude students from tests into order to inflate their tests scores," said Jared Polis, D-Colo. "This [opt-out] amendment ... would make it easier to once again exclude historically marginalized students from accountability systems."  
  
But Republicans underscored that these are the types of policies their constituents are begging for, policies that roll back the footprint of the federal government as much as possible.  
  
"This is exactly the type of policy and law we need in this country at this particular time because it puts the trust and responsibility back in the hands of the people and where it belongs," said Rep. Todd Rokita, R-Ind. "How arrogant for anyone to think that we here in Washington know better how to raise our children than those children's parents."

So where does it go from here? Well, probably not very far.

The [**White House issued a veto threat**](http://blogs.edweek.org/edweek/campaign-k-12/2015/02/white_house_issues_veto_threat_1.html) on the bill when it was first brought to the floor for debate in February, arguing that the measure represents a big step back on accountability, particularly for the poor and minority students that the federal K-12 law was designed to help.

"House Republicans have chosen to take a bad bill and make it even worse," U.S. Secretary of Education Arne Duncan said in a statement. "Instead of supporting the schools and educators that need it most, this bill shifts resources away from them. Instead of ensuring states and districts improve struggling schools and serve all students, it makes that optional."

Across the Capitol, the U.S. Senate is currently [**debating its version of an ESEA**](http://blogs.edweek.org/edweek/campaign-k-12/2015/07/day_one_of_senate_esea_debate_.html) reauthorization, known as the Every Child Achieves Act, one that is more palatable to the administration (though the White House has [**accountability concerns**](http://blogs.edweek.org/edweek/campaign-k-12/2015/07/white_house_calls_for_more_acc.html) with that measure as well).

Should the Senate pass its bill, the two chambers along with the White House would need to reconcile the two ESEA overhauls to come up with some sort of compromise that all parties could support.

Below is a list of amendments offered to the House bill Wednesday:

Amendments held over from the previous February debate that hadn't been voted on (Note: We are still updating some of these vote counts):

* Rep. Bennie Thompson, D-Miss.: Not allow the Student Success Act to go into effect until the Secretary of Education determines that its enactment will not reduce the college and career readiness of racial or ethnic minority students, students with disabilities, English-learners, and low-income students and provides written notification to Congress on such determination. **FAILED 189-241**
* Rep. Alan Grayson, D-Fla.: Would require the Secretary of Education to conduct an assessment of the impact of school start times on student health, well-being, and performance. **FAILED 198-228**
* Rep. Bobby Scott, D-Va.: (Democratic substitute) Would repeal Student Success Act and replace the bill text with a substitute amendment that provides robust funding levels, replaces the outdated, rigid mandates of the No Child Left Behind Act, and maintains civil rights and equity protections that ensure all students graduate from high school college- and career-ready. **FAILED 187-244**
* Reps. Jared Polis, D-Colo., Grace Meng, D-N.Y.: Would authorize (but not appropriate) funds for the Secretary of Education to provide grants for: early-childhood education scholarships, professional development and licensing credentials, or increased compensation for educators who have attained specific qualifications. **FAILED 205-224**
* Reps. Gwen Moore, D-Wis., Danny Davis, D-Ill., Frederica Wilson, D-Fla.: Would delay the implementation of a new Title II formula until the Secretary of Education determines that the implementation will not reduce funding for schools serving high percentages of students in poverty.
* Rep. Wilson: Would provide for school dropout prevention and reentry and provide grants to raise academic achievement levels for all students. **FAILED 192-236**
* Rep. Andre Carson, D-Ind.: Would advance assessments of student achievement and instructional practices, effective teacher preparation and continuing professional development, education administration, and international comparisons.
* Rep. Dave Loebsack, D-Iowa: Would support the expansion of the use of digital learning through competitive grants to partnerships to implement and evaluate the results of technology-based learning practices, strategies, tools, or programs at rural schools.**PASSED 218-213**
* Rep. Julia Brownley, D-Calif.: Would create a grant program for states to create or expand biliteracy seal programs to recognize student proficiency in speaking, reading, and writing in both English and a second language for graduating high school seniors.
* Rep. Wilson: Would provide for Intensive Care Reading Labs and for specialization of school staffing for the purposes of basic skills in language arts, mathematics, and science in grades 1-3 as allowable uses in block grant funding.
* Rep. Lee Zeldin, R-N.Y.: Would allow a state to withdraw from the Common Core State Standards or any other specific standards. **PASSED 373-57**
* Rep. Will Hurd, R-Texas: Would express the sense of Congress that students' personally identifiable information is important to protect as applied to current law and this act.**PASSED 242-2**

New amendments:

* Rep. Matt Salmon, R-Ariz.: Would allow parents to opt their students out of the testing requirements and exempt schools from including students that have opted out in the schools' participation requirements. **PASSED 251-178**
* Rep. Mark Walker, R-N.C.: Would send funding under the current law back to states in the form of block grants, and states would then be able to direct that funding to any educational purpose under state law (modeled after the A-PLUS Act). **FAILED 195-235**
* Rep. Todd Rokita, R-Ind.: Would set the authorization from fiscal year 2016 through 2019. **PASSED VIA VOICE VOTE**
* Rep. Jared Polis, D-Colo.: Would require states to have college- and career-ready standards and set performance, growth, and graduation rate targets for all student subgroups. The amendment also includes performance targets for English-language learners and students with disabilities.

*Andrew Ujifusa contributed to this story.*