

Good morning AASA advocacy networks! It is with a smile that I can send you this information. As you know, the House and Senate education committee staff have been working on an Elementary and Secondary Education Act (ESEA) framework, a proposal to reconcile the differences that exist between the House and Senate ESEA proposals, as passed this summer.

This write up is longer than usual and is two-fold: The first half details what we know about the framework and the second half is a call to action. At this point, the proposal is something that AASA would endorse, should the outline mirror what is in the statute. The call to action is designed to support your advocacy—your outreach to your entire Congressional delegation—as a way to educate them on the importance of supporting an ESEA reauthorization and why this proposal is a very strong starting point.

NREAC/AASA has worked with hill staff, reporters and advocates to piece together what we know about what is (and isn't!) in the proposal. The summary here within is subject to change, given that this is based on conversations and summaries, and there is not yet an actual bill.

**TOPLINE:** This conference framework is an improvement over current law. It takes the pendulum of federal overreach and prescription—rampant in current law—and returns autonomy and flexibility to the state/local level/ With this flexibility comes great responsibility, as state and local education agencies will have a much more explicit say in the structure—and ultimate success—of their accountability workbooks. The framework represents a compromise between the very partisan (Republican) House bill and the bi-partisan Senate bill. IN reconciling those differences, a very basic way to look at this framework is as ‘somewhere in between a very conservative House bill and the moderate Senate compromise’.

#### WHAT TO DO:

- Contact each of your Congressional offices. Urge them to support ESEA reauthorization. You can use the Congressional Directory shared by AASA or find your member of Congress here: <http://aasa.org/legislative-action-center/#> (Scroll to “Find Your Elected Officials”)
- Talking Points: You can craft your own talking points or a summary of the proposal based on the content in this memo. You can also refer to some of these more general talking points:
  - Reauthorization is crucial to providing the nation’s schools with relief from current law, which is both broken and lacking in the flexibility states and local school districts need to support student learning and achievement
  - This proposal is a strong step in the right direction because it restores a more proper balance between federal, state and local government in public education.
  - This framework takes the pendulum of federal overreach and prescription and places it more squarely in the area of state and local expertise and autonomy.
  - This effort recognizes the importance of empowering state and local leaders to use their professional knowledge and proximal location to make the decisions necessary to successfully adhere to their educational missions.
  - This is not a perfect bill, but it gets far more right than it gets wrong, and our nation’s schools and students deserve a complete reauthorization and to be free from the limited, conditional nature of ESEA waivers.

## DETAILS:

- The framework maintains annual assessment, meaning testing every child in grades 3-8 in math and ELA each year and once in high school, and three assessments in science (one per grade span). < >: You have to high standards. The state and locals make a decision. There is no federal role or incentivization for a specific set of standards. The state can choose Common Core, can use Common Core but call it 'UnCommon Core', can acquire another set of generated standards or can work to make their own standards. < >: This is where a lot of the 'whittling back' of federal overreach can be found:

These plans would go into effect for the 17-18 school year. The 15-16 school year would be the last year states and LEAs would have to submit data as currently required. This means that the 16-17 year could serve as a soft/trial run for all or pieces of the new/proposed state accountability workbook.

- States must continue to disaggregate data by student sub group and must continue to calculate graduation rates using the adjusted cohort graduate rate as established in the 2008 regulations.
- There are two additional buckets in accountability that will trigger action:
  - States must identify and intervene in schools in the bottom 5% and in high schools that graduate less than 67% of their students. States will generate this list every three years, and states will establish the exit criteria (meaning if you can improve student learning/achievement in one year, you could—if the state structures it this way—be off the list in one year, rather than being stuck there for three).
  - States must include provisions related to intervention in consistently underperforming schools. For LEAs in this bucket, as determined by the state the LEA will come up with a plan for improvement. The state will determine the number of years an LEA with this designation can go without showing improvement, and then the state will require additional supports/intervention. There are NO prescribed turn around models; states and LEAs determine those options/combinations.
- The state accountability plan must include sub-group performance targets. This is NOT annual measurable objectives in that the data on these targets is merely reported; it triggers no action. That is, a school that struggles to meet these targets will NOT trigger intervention. These targets will be long-term and interim, and must include targets for graduation rates, reading and math scores and English Language proficiency for English Language Learners.
- The accountability construct empowers state and local education agencies to shape their accountability workbooks in a way that diminishes continued over reliance on high-stakes, one-time standardized testing. In designing an accountability workbook, academic factors must represent more than half (at least 51%) of all indicators, meaning that up to 49% of the accountability construct can be focused on whole-child and other critical, non-academic, indicators.

- Title I:
  - School Improvement Grants are consolidated into Title I. The funds previously available under SIG will flow through the regular Title I formula. Of the previous Sig allocation, 7% of those funds will remain available to states, who must move at least 95% of that 7% to schools for innovation. States can choose whether to allocate these innovation dollars through competition or formula.
  - The framework does include a weighted student formula for Title I. This proposal will allow an LEA to aggregate its state and local dollars with its federal dollars (From Titles I-IV) This pilot program will apply to 50 LEAs, who can use these pooled dollars and design their own allocation formula in a manner that allows them to better target dollars to the neediest schools. This is NOT portability. This pilot will NOT change allocations at the state or district level. Rather, it allows districts greater authority over where the dollars flow in their schools. There is a requirement LEAs participating in this pilot demonstrate that needy schools receive at least as much under the weighted formula as they did before the pilot.
    - We anticipate Republicans will tout this as ‘backpack funding’ or portability. While this is an increase in local control of spending, it is at the district level. True portability would have the money follow the child to the school of their choice regardless of actual need or levels of concentration, and the placement of that child would be determined by the family. In this pilot, the LEA is the entity allocating the dollars and will factor in concentrations of poverty with the added caveat of ensuring that the neediest schools don’t see an exodus of funding. This is in stark contrast to actual portability, where dollars would be diluted to a per-pupil level and allocated blindly to the schools based on enrollment, not concentration of poverty.
- Maintenance of Effort is IN. The House bill had eliminated this critical element and we are pleased to see that state and local education agencies will continue to have to invest at least 90% of what they did the year before in order to receive federal dollars.
- The Title I formula will be unchanged. Both the House and Senate proposals included formula rewrites, neither of which made it through. This means that Title I dollars will continue to be allocated in a manner that allows larger, but less poor, districts to receive a higher allocation of Title I dollars per child than their actual concentration of poverty would indicate. That said, we are OK with the status quo because we had reservations about what a compromised formula rewrite would look like.
  - We are fairly confident the bill will include a requirement for Congress to do a study of the Title I formula, taking a very critical look at the issue of number and percentage weighting, and its impact on small, large, urban and rural schools. This is the exact research we have been advocating with in our efforts on the Title I formula and we are pleased to see formal movement by Congress.
  - Precedent in ESEA reauthorization would include an update of the quintiles in the Title I formula. The quintiles are the enrollment ‘buckets’, where each threshold represents approximately 20% of the nation’s students. We had deep reservations about updating the quintiles without reworking the formula, because the threshold for the upper bound would have fallen by 10,000, meaning that more larger (but not necessarily poorer!) districts could max out under number weighting, further exacerbating the impact of inequitably allocating dollars away from smaller, poorer schools. No update of the quintiles reinforces the pressure to accurately address the very real, but unintended, consequences of the current formula.

- Rural Education:
  - NREAC/AASA helped pen the original Rural Education Achievement Program (REAP) in 2001, and we are pleased to see that the changes we have long advocated are reflected in this bill. In a reauthorization that consolidated and eliminated many programs, it is wonderful to see REAP remain as a stand-alone program.
  - The US Education Department will have to do a study to evaluate how they are <not> serving rural schools.
  - Also, Rural School Consolidated Grant Applications are in, meaning that small, rural schools can coordinate to submit consolidated applications. This may be through their local education service agency.
- Funding Caps: The bill includes funding caps, though those numbers are written to the Bipartisan Budget Act of 2015, which would be there is room for small increases in the years of this authorization. This authorization is for four years.
- Early Education: ESEA will now include an early education component. This will be administered jointly through the Health/Human Services Department and US Education Department, with HHS acting as the fiscal agent. This program is in addition to Head Start and Child Care Development Bloc Grants.
- Alternate Assessment: AASA's preferred position was no cap on alternate assessments. That is, we think that the local IEP team is best positioned to determine which students qualify for/need an alternate assessment. We are pleased with the compromise in the framework. Alternate assessments will be capped at 1% at the STATE level. Local IEP teams will work to make their determinations as driven by IDEA. There are explicit prohibitions on both the Secretary and the state from forcing a local cap (as in current practice). LEAs will have an alternate assessment rate determined by need and the state is responsible for monitoring LEAs individually to determine the overall state level. Should a state find it has an alternate assessment rate above 1%, the state can pursue a waiver.
- Student Privacy: FERPA is out. The proposed commission to analyze/study student data and privacy is also out. That is, no student data/privacy reauthorization reference in this bill.
- School Climate: Programs in Title IV are consolidated into a bloc grant. This bloc grant will be formula to state and formula to local. LEAs must use at least 20% of this allocation for well-rounded education and at least 20% for safe/healthy programming. Technology is an allowable use in this title. Spending on technology devices/equipment/software would be capped at 5%, but LEAs could use up to 60% of their grant under this program for technology-related activities, including training teachers to use technology, blended learning, personalized learning, buying content, etc.
- Foster Care: Foster care provisions are what was included in the Senate bill, which in my understanding is that any additional transportation costs to be incurred would be assumed by the LEA only if they were being reimbursed by the child welfare agency, agreed to share the costs with child welfare or if the district decided to cover those costs.
- Expanded Data Collection Under Title IX (Gender Equity): Eliminated.
- Title II Formula: The Title II formula WILL be revamped. It uses the Senate-adopted version, with tweaks to change the poverty population to a sliding scale, and to include the ramp down/hold harmless.
- Background Checks: The framework includes language related to the unfavorable practice of 'pass the trash' but stops short of the high level of prescription and redundancy with current state/local practice that had been considered. This is language we are ok with.

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- **CALL TO ACTION:** When it comes to advocacy on this proposal and the related legislation, we subscribe to ‘better safe than sorry’. We strongly encourage you to reach out to the entirety of your Congressional delegation (your Representative and both Senators) to urge them to support the conference proposal to reauthorize ESEA. Top-line talking points are embedded below, and we can share a Congressional Directory with email addresses for the education staffer in each office as well as phone numbers. When it comes time for the final rush, it is important to email not only the education staffer (they are the ones who inform the boss of the policy) but also to call the front desk (the interns are inundated with calls and are merely tallying Yes and No).

You can see, based on a quick review of our conference letter alone, that this proposed framework includes many NREAC/AASA priorities. This proposal is a significant improvement over current law and we are comfortable with supporting it moving forward and anticipate that we will be in a position to support the legislation, pending final review (The devil is always in the detail).

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**Questions?** Contact Noelle Ellerson, Associate Executive Director, Policy & Advocacy ([nellerson@aasa.org](mailto:nellerson@aasa.org))