

## ESEA REWRITE: A PRECONFERENCE CHEAT SHEET

The U.S. Senate and House of Representatives have passed their own bills to overhaul the Elementary and Secondary Education Act. Now they'll have to reconcile differences between those two versions before anything can reach President Barack Obama. Here's how the bills compare in key policy areas, and how they stack up against the No Child Left Behind Act—the current law—and the Obama administration's NCLB waivers. *BY ALYSON KLEIN*

**KEY:** ■ Point of Conflict ■ Notable Shift From Current Law and/or Waivers

No Child Left Behind Act:

Waivers:

House Bill:

Senate Bill:

### TESTING

- States must test students in grades 3 through 8, and once in high school, in reading and mathematics, plus science in certain grade spans.
- States must make public test results as well as disaggregated achievement data for subgroups of students.
- Districts can offer local assessments in place of state tests as long as they prove the tests are comparable. In practice, no state was able to clear this bar, although Nebraska tried.
- Ninety-five percent of students must participate in tests, or schools will be considered as not meeting achievement targets.
- States must test students in grades 3 through 8 in reading and math, and once in high school, plus science in certain grade spans.
- States must make public test results as well as disaggregated achievement data for subgroups of students.
- Districts can offer local assessments instead of state tests as long as they prove the tests are comparable. The U.S. Department of Education must sign off on local testing pilots. New Hampshire recently got permission to do this.
- Ninety-five percent of students must participate in tests, or schools will not meet achievement targets.
- Also known as the **Student Success Act**
- States must test students in grades 3 through 8 in reading and math, and once in high school, plus science in certain grade spans.
- States must make public test results as well as disaggregated achievement data for subgroups of students.
- Districts could offer local assessments in place of state tests as long as they prove the tests are comparable. The local tests would have to be included in the state's plan for using federal Title I money for low-income students, which requires approval from the U.S. Department of Education.
- Parents could decide to opt their children out of tests without any penalties for their schools.
- States and districts could get rid of assessments that are duplicative or of low quality.
- Also known as the **Every Child Achieves Act**
- States must test students in grades 3 through 8 in reading and math, and once in high school, plus science in certain grade spans.
- States must make public test results as well as disaggregated achievement data for subgroups of students.
- Up to five states could get permission from the Education Department to try out new forms of assessments.
- States and districts could get rid of any assessments that are duplicative or of low quality.

### ACCOUNTABILITY

- States must set annual goals for student achievement, with the ultimate aim of bringing every student to the proficiency level on state tests by the 2013-14 school year. As it turned out, no state got all of its students over that bar.
- States are required to set smaller, annual student achievement goals, both for particular subgroups of students and for the student population as a whole.
- Schools that fall behind on these goals are considered as not making "adequate yearly progress," or AYP.
- States are allowed to get out of AYP and the 2013-14 deadline for getting all students to proficiency, as long as they come up with another ambitious goal, approved by the Education Department.
- States could choose to: reduce the achievement gap between subgroups of at-risk students and all students by half within six years; achieve 100 percent proficiency for all subgroups by 2020; come up with some "other," but still very rigorous, accountability method.
- States have to include the results of reading and math tests in their accountability systems, but can bring in other factors, such as Advanced Placement course-taking, student surveys, and school climate.
- AYP would be eliminated and states would develop their own accountability systems.
- States would have flexibility in developing their accountability systems, including whether or not to include student growth on standardized tests as a factor.
- State systems would have to consider overall school performance, and the performance of particular subgroups of students.
- AYP would be eliminated and states would develop their own accountability systems.
- State test results would have to figure into accountability systems, but states could decide how much weight to give to them.
- States would have to factor high school graduation rates and English-language proficiency into their accountability systems.
- States could include other measures in their accountability systems, such as "grit."
- States would have to set goals for student achievement, but there wouldn't be any pre-prescribed federal goals.

### STANDARDS

- States must set "challenging" academic standards and measure students' progress toward meeting them.
- States have to adopt standards that would prepare students for higher education and the workforce.
- States could either choose to go with the Common Core State Standards, or develop their own standards, as long as state institutions of higher education agreed that the standards were rigorous enough to get students ready for college and careers.
- States would have to set challenging academic standards in reading and math.
- The U.S. Secretary of Education would be prohibited from "coercing" a state to adopt a particular set of standards, including the common core.
- States could ditch the common core, with no penalties.
- States would have to set challenging academic standards in reading and math.
- The U.S. Secretary of Education would be prohibited from using federal funding to entice states to adopt a particular set of standards, including the common core.

### TEACHER QUALITY

- States have to ensure that all teachers are "highly qualified," meaning they have a bachelor's degree in the subject they are teaching and state certification.
- States are supposed to ensure that "highly qualified" teachers are evenly distributed among schools with high concentrations of poverty and wealthier schools.
- Districts that don't meet the requirements for highly qualified teachers can get out of developing plans to fix this, as long as the state begins implementing a teacher-evaluation system that takes student outcomes on state tests into account.
- Evaluation systems have to "meaningfully differentiate" among teachers, including at least three different levels of performance.
- Would eliminate the "highly qualified" teacher requirements and consolidate other teacher-quality programs.
- States could choose to use federal teacher-quality funding to set up teacher evaluations.
- Would eliminate the "highly qualified" teacher requirements and let states decide what constitutes teacher quality.
- States could use federal teacher-quality funding to set up teacher evaluations.
- States would have to tackle equitable teacher distribution.

### LOW-PERFORMING SCHOOLS

- Schools that continually fail to meet achievement targets face increasingly serious sanctions, including a requirement to offer school choice and free tutoring.
- Schools that underperform for years can face state takeover and be shut down, turned into charters, or subjected to other serious interventions.
- States must identify 15 percent of their schools for significant interventions.
- The bottom 5 percent of schools are designated as "priority" schools and have to put in place dramatic turnaround strategies, such as extending learning time, getting rid of half the staff, removing the principal, and revamping instruction to focus heavily on student data.
- States can come up with their own interventions—with the U.S. Secretary of Education's approval—for another 10 percent of "focus" schools, including schools with big achievement gaps, low graduation rates and other problems.
- Would eliminate the School Improvement Grant program, which offers formula grants to states to fix up low-performing schools.
- States would be required to set aside 7 percent of their own Title I money for school improvement.
- States would be required to intervene in Title I schools that aren't performing well, but the bill doesn't tell them how to do so, or how many schools to try to fix at a time.
- Would get rid of the School Improvement Grant program, but would include other federal funding directed at low-performing schools.
- School districts would be in charge of figuring out how to fix those schools, with help from states.
- States would have to monitor district turnarounds, and step in if low-performing schools aren't getting any better.
- The federal government would be prohibited from telling states or districts how to fix struggling schools.

KEY:

Point of Conflict

Notable Shift From Current Law and/or Waivers

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## SCHOOL CHOICE

- Schools that fail to make AYP for two years in a row must allow students to transfer to a better-performing school. After three years, they must offer free tutoring.
- Districts have to set aside 20 percent of their Title I funds for disadvantaged students to pay for these fixes.
- States can elect to continue offering students the opportunity to transfer to a better-performing school. By and large, most waiver states chose not to go this route.
- States could choose to offer school choice using Title I funding for disadvantaged students.
- Includes "Title I portability," which means federal funding for poor students could follow children to any public school, but not to a private school, if states choose.
- States would have to set aside 3 percent of their Title I funds for a competitive-grant program that would allow districts to offer school choice or free tutoring.
- States could allow students in low-performing schools to transfer to a better-performing school.

## FUNDING PROVISIONS

- States have to keep their own spending to a certain level in order to tap federal funds, called "maintenance of effort."
- Federal money can't replace state and local dollars.
- If 40 percent of a school's population is in poverty, the school can use federal Title I money with all its students. Otherwise, Title I funds have to be targeted to low-income students who are at risk of struggling academically.
- Schools that are designated as low-performing can use federal Title I funds for the disadvantaged with all their students—even if less than 40 percent of the students are in poverty.
- Would repeal maintenance of effort.
- Would keep the prohibition on federal money replacing state and local dollars.
- If 40 percent of a school's population is in poverty, the school could use federal Title I money with all its students.
- Would make a small change to the Title I formula, but stop short of sweeping changes to how the dollars are distributed.
- Would change the formula for distributing Title I dollars so that there's less of an emphasis on population. The changes wouldn't kick in until the Title I program, now funded at more than \$14 billion, reaches \$17 billion.
- Would keep in place "maintenance of effort."
- Would give states and school districts more flexibility in how they meet their required levels of funding.
- Schools that get Title I funds would be required to target them to low-income, academically at-risk students, unless 40 percent of their students are in poverty. Schools can get flexibility in this area, if needed.

## FEDERAL PROGRAMS AND PRESCHOOL

- Authorizes a wide range of programs, including separate funding streams for disadvantaged students, English-language learners, migrant students, after-school programs, education technology, and other areas. There's no separate funding stream for preschool.
- No changes to the number of programs authorized under the NCLB law.
- Would merge programs aimed at migrant students, English-language learners, and neglected or delinquent children with the much larger Title I program for disadvantaged students.
- Districts could use the funds for any activity allowed under those programs.
- No money could be transferred out of Title I schools, but funds could go to other low-income schools.
- Would get rid of, or consolidate, nearly 70 programs.
- Would maintain separate programs for disadvantaged students, migrant students, English-language learners, and other special populations.
- Would eliminate some federal programs, but also create a preschool program for the first time in ESEA.