

<u>Issue</u>	<u>Current Law</u>	<u>House: H.R. 5 – “The Student Success Act” (Passed by U.S. House of Representatives, July 2015)</u>	<u>Senate: S. 1177 – “The Every Child Achieves Act” (Passed by U.S. Senate, July, 2015)</u>	<u>NSBA’s Position</u>
Local School Board Governance		<p>Sec. 6531 in H.R. 5 affirms the authority and flexibility that states and local school districts need to facilitate local innovation & student achievement, without placing undue burdens on districts that would adversely impact effective governance.</p>	<p>Amendment #2079 introduced by Senator Deb Fischer (R-NE), which was agreed to by a voice vote on the Senate floor for inclusion in S. 1177, would clarify the appropriate federal role in education and affirm local school board governance. It would ensure that local school boards have a stronger voice in the regulatory and guidance processes. This tripartisan amendment is cosponsored by Senator Angus King (I-ME) and Senator Jon Tester (D-MT).</p> <p>The following provisions of this bill are also pertinent to effective local school board governance:</p> <p>Section 1111 of Title I regarding state education plans, academic standards and specific types of assessments; Section 1113 of Title I that affirms state and local decisions for school intervention and support strategies; Section 2101 of Title II which prohibits federal mandates on evaluation systems and respective definitions of teacher, principal or other school leader effectiveness; Section 4105 of Title IV that prohibits federal mandates on principles of effectiveness utilized by school districts for safe and healthy schools; and, Section 6301 of Title VI and Section 9527 of Title IX that prohibit federal mandates, incentives, endorsements or required certification regarding instructional content, academic standards, assessments and curriculum.</p>	<p>NSBA supports local governance provisions of both measures.</p> <p>See NSBA Resolution #3 (Local School Board Governance, Flexibility and Efficiency)</p>

ESEA Reauthorization: Comparison

Source: Penn Hill Group & NSBA – July 24, 2015

<p>ESEA Funding</p>	<p>Generally includes separate authorizations for programs.</p>	<p>The bill authorizes level funding for each fiscal year from 2016 through 2019.</p> <p>This change from 2021 to 2019 came from the Rokita (R-IN) & Grothman (R-WI) amendment No. 45 which sets the authorization from fiscal year 2016 through 2019.</p>	<p>Authorization of appropriations throughout the bill reads, “there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.”</p> <p>Amendment #2247 introduced by Senator Richard Burr (R-NC), which was agreed to by a roll call vote of 59-39 on the Senate floor for inclusion in S. 1177, would amend the allocation of funds under subpart 2 of part A of title I.</p> <p>The current law uses four formulas for distributing money to states, this amendment would switch to one formula which will not use state average per-pupil expenditures and will instead use national per-pupil expenditures. The new formula would distribute the Title I funds by multiplying the number of less wealthy children by the national per-pupil expenditure. The idea behind the amendment is that retooling the formula would make funding more equitable. Though some states who would lose money with the change required a hold harmless clause be set up so that their states wouldn’t lose money.</p>	<p>NSBA seeks to ensure a modernized version of ESEA that is fully supported by federal investments in Title I, which is the cornerstone of ESEA.</p> <p>See NSBA's Core Resolution 1(a), and also Resolutions 8, 9 and 10.</p> <p>(FYI - As we noted during the Advocacy Institute, there are projections for increased student enrollment. However, this factor is not reflected in the House and Senate ESEA bills, as each would authorize level funds.)</p>
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Maintenance of Effort (MOE)

Under most ESEA programs, states and/or Local Education Agencies (LEAs) must maintain a certain percentage of state and/or LEA funding that is being expended in the prior fiscal year. See section 9521 of current law for more information.

The bill does not include a requirement for MOE.

Maintains maintenance of effort (MOE) requirements and only allows reductions in MOE if a state has failed to meet MOE for 1 or more of the 5 immediately preceding fiscal years. Adds an additional authority for the Secretary to waive MOE in the event of a change in the organizational structure of an LEA. See Title IV, Section 9108.

NSBA has concerns about the exclusion of MOE requirements, which help ensure that each level of government meets responsibilities for education investments. See [NSBA's Beliefs and Policies Article I, Section 2, titled: "State and Local Financing of Education."](#)

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<p>School Choice:</p> <p>- Charter Schools</p> <p>- Vouchers</p>	<p>Students in schools which have not made AYP for two consecutive years must be offered the ability to choose another public school and the LEA must provide, or provide for, transportation. Students in schools which have not made AYP for three years must be offered free tutoring (supplemental educational services).</p> <p>Charter Schools: Each state is responsible for developing a single statewide accountability system, challenging academic standards, and a method for measuring the AYP of schools which sets the same high academic standards for all public elementary and secondary students in the state. Based on a state's law/constitution, a charter school could be both a public school and a school district which would make the charter subject to the related NCLB provisions.</p> <p>Vouchers: N/A</p>	<p>The bill would support state options for Title I portability, allowing public school choice within a district.</p> <p>Charter Schools: The bill includes provisions to increase the number of charter schools, based on the House-passed legislation from 2014 (H.R. 10, which NSBA opposed).</p> <p>Vouchers: The bill does not include provisions for vouchers to non-public schools.</p>	<p>This bill states that a school district may provide the option to transfer to another public school within the district. This would apply to students in public schools that are in need of assistance for improving student academic achievement and any other measures determined appropriate by the state. [Sec.1114].</p> <p>Charter Schools: The bill would authorize programs for charter school startups, replication, and facilities. Of the funds made available for charter schools, 12.5 percent would go for facilities programs, not less than 25 percent would go for national activities, and all remaining funds would support grants to states, public chartering agencies, LEAs, and charter management organizations for charter school start-ups, expansions and replications. Eligible state entities receiving grants (SEAs, state charter school boards, governors and charter school support organizations) would make subgrants to charter school developers. See Title V, section 5102.</p> <p>Vouchers: Provisions not included.</p>	<p>NSBA opposes privatization (vouchers, tuition tax credits and non-locally authorized charter schools). See NSBA Resolution #7 and the recent op-ed by NSBA Executive Director Thomas J. Gentzel, published by the Huffington Post on January 27, 2015. NSBA supports charter schools approved by local school boards.</p> <p>NSBA has concerns about how portability could affect resources between Title I schools and non-Title I schools.</p>

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<p>Testing (AYP)</p>	<p>Each state is required to have a definition of adequate yearly progress (AYP) in place that sets annual measurable objectives (AMOs) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-2014 school year.</p> <p>In addition, secondary schools are required to include graduation rates and elementary schools are required to include an academic indicator (social studies performance, on-time grade promotion) in addition to the assessment results described in their definitions of AYP.</p>	<p>AYP is eliminated. States are required to develop an accountability system that includes the following:</p> <ol style="list-style-type: none"> 1. Annually measures student achievement of public school students (including growth). 2. Requires each state accountability system to use state academic achievement standards and assessments in math and reading or language arts to evaluate academic performance of each public school annually. 3. Includes a system for low performing public schools receiving funds under Title I that requires LEAs to implement interventions in such schools (the term low performing is not defined). States would be provided with a two-year timeline to implement the requirements related to standards, assessments, and accountability systems. <p>The Secretary is not permitted to establish any criteria that</p>	<p>States would have to “describe” their single, statewide accountability system as opposed to providing an assurance that the state has developed and is implementing a system.</p> <p>In addition, when annually identifying and differentiating among public schools in the state, the system must take into account student academic achievement from assessments and other measures as determined by the state; and any additional measures or indicators determined by the state, as well as achievement gaps; overall performance of all students and subgroups; and graduation rates.</p> <p>The draft adds the 4-year adjusted cohort graduation rates and extended-year adjusted graduation rates to the measurement requirement of a state’s accountability system.</p> <p>Adds a limitation on the Secretary of “indicators of teacher, principal, and other school leader effectiveness.”</p>	<p>NSBA supports the elimination of AYP in both the House and the Senate versions.</p>

Testing (AYP) cont.

specifies, defines, or prescribes any aspect of a state's accountability system.

The bill states that nothing contained in the bill should be construed to alter a state law giving parents rights with respect to schools which repeatedly did not make AYP. This likely refers to state parent trigger laws.

Permits "other measures of school success" to be part of a state's accountability system.

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<p>Testing (Assessments)</p>	<p>Each state is required to have assessments in math, science, and reading/English language arts. Math and reading/English language arts are assessed annually in grades 3 – 8 and once in grades 10-12. Science is assessed once in each of the following grade spans: 3 – 5; 6 – 9; and 10-12. In order to make AYP, schools must assess at least 95% of each subgroup in their school.</p> <p>States are required to provide an assurance that they will participate in 4th and 8th grade reading and mathematics assessments under the National Assessment of Education Progress (NAEP) if the Secretary pays for the costs of such assessments.</p> <p>An assessment program is authorized for the development of the annual assessments for reading/English language arts and math and for enhanced assessment activities, such as those funding the</p>	<p>Each state is required to have assessments in math, reading/English language arts, and science in the same grades and with the same frequency as current law. Assessments must measure individual student growth.</p> <p>Required assessments may be administered through a single annual assessment or through multiple assessments during the school year that are designed to result in a single summative score.</p> <p>States may use computer adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system.</p> <p>Maintains current law with respect to NAEP participation.</p> <p>The bill eliminates the program authorizing funds for annual assessment development and enhanced assessment activities but permits the use of “Local</p>	<p>Requires states to measure the annual academic achievement of all students in math, science and reading/English language arts. Math and reading/English language arts are assessed annually in grades 3 – 8 and once in grades 9-12. Science is assessed once in each of the following grade spans: 3 – 5; 6 – 9; and 10-12.</p> <p>State systems can measure achievement through an annual summative assessment or multiple statewide assessments, the results of which would be required to be combined to produce a summative score.</p> <p>Maintains current law with respect to NAEP participation.</p> <p>Includes Secretary authority to provide up to 5 states initial authority (with potential of expansion) to carry out innovative assessments such as competency-based, cumulative year end assessments.</p> <p>Adds a provision for information on the number of military-connected students except that such information shall not be used for school or local educational agency accountability purposes. Sections 1111(b)(3) State Plans and Peer Review and Secretarial Approval & 1114 (School Identification, Interventions and Supports).</p>	<p>NSBA supports efforts to ensure that student performance is appropriately and accurately measured. No single assessment should be the basis for measuring the performance of a student, school or district for the purpose of creating rewards or imposing sanctions. Any assessment system should use multiple, ongoing assessment measures. The state and federal government should provide resources and technical assistance to districts to evaluate assessment data and allow greater use of data-driven decision making in the adjustment of curriculum and instructional practice.</p> <p>See NSBA’s Belief and Policy on Student Assessments, Article IV, Section 3.11.</p>

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<p>Testing (Assessments) cont.</p>	<p>development of the Common Core Assessments, English language proficiency assessments, pre-K assessments and greater accessibility on assessments for students with disabilities.</p>	<p>Academic Flexible Grants” for that purpose.</p> <p>Would provide flexibility to localities by providing States with the authority to allow local educational agencies to administer their own, locally designed academic assessment system, in place of the State-designed academic system. The same requirements as laid out by this Act for State-designed academic assessments would also apply to any locally designed academic assessment to allow LEAs to develop their own local assessments was adopted.</p> <p>Would allow SEAs and eligible entities to use Local Academic Flexible Grant funds to audit and streamline assessment systems, eliminates unnecessary assessments, and improves the use of assessments.</p> <p>Would allow states to withdraw from the Common Core State Standards or any other state standards without any penalty from the U.S. Secretary of Education.</p>	<p>Senator Baldwin’s (D-WI) amendment was passed by a voice vote and would allow SEAs and eligible entities to use Local Academic Flexible Grant funds to audit and streamline assessment systems, eliminates unnecessary assessments, and improves the use of assessments.</p>
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Parents would be allowed to opt their student out of the testing required under this bill and would exempt schools from including students that have opted out in the schools' participation requirements.