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K-12 Education Overhaul

This Fact Sheet deals with HR 5 , Student Success Act, which the House will consider on Thursday.

The bill reauthorizes the Elementary and Secondary Education Act (ESEA; PL 89-10) through 2019 and makes fundamental changes to many of its programs, eliminating current national school accountability requirements and goals created by the 2001 No Child Left Behind Act (PL 107-110) and requiring states to develop their own accountability systems.

It modifies the purpose of the Title I program — which distributes funds to low-income schools — merging in several specialized programs and giving states flexibility to use that money for other purposes. It eliminates more than 70 other programs, consolidating many into two new flexible grant programs, and requires states to develop teacher evaluation programs tied to student achievement. Authorized levels total \$22.9 billion a year — about equal to total post-sequestration funding for FY 2013.

Republicans argue that the measure would return control of education to states and local jurisdictions. Democrats contend that it would turn back the clock on equity and accountability in public education. The administration on Wednesday night announced its opposition to the bill and threatened a veto.

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Section I

Background & Summary

The Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) was enacted as part of President Lyndon B. Johnson's "War on Poverty." Although states have constitutional authority over education within their boundaries, ESEA gives the federal government a voice in state education policy by providing funding for elementary and secondary education. If states want to receive federal funding, they must conform with the federal requirements that accompany that money.

The main goal of ESEA remains to establish educational equity for children from low-income households and areas. State public schools are primarily funded based on local property taxes. As a result, children living in wealthy areas generally attend schools that receive better funding than children living in poorer areas. Because better funding influences quality of education in many different ways — more experienced teachers, smaller class sizes, better facilities and textbooks — providing federal funds to help even out differences in school funding has been perceived as a way to help low-income students achieve better lives through an education that leads to better job prospects.

ESEA has been reauthorized seven times since 1965. Each reauthorization has made changes to education policy, but the central goal of improving education opportunities for economically disadvantaged students has remained. Over time, students from other groups have been identified as potentially requiring extra help: those in ethnic minorities, such as Native Americans; those who are English-language learners; those who have cognitive disabilities; those whose parents are migrant workers, and whose schooling is therefore often interrupted or inconsistent; and those who are homeless.

Accountability Requirements

The 1994 ESEA reauthorization, the Improving America's Schools Act (PL 103-382), established key standards for states and local school districts that receive federal funding under the law, under which they were to become accountable for increasing student performance. The most recent reauthorization, the 2001 No Child Left Behind Act (NCLB; PL 107-110), further developed these accountability provisions, but it has drawn more criticism than praise.

The NCLB law launched an ambitious effort to hold schools more accountable for student performance by requiring states to test student progress regularly in reading, math and science, and by implementing penalties for schools that don't meet targets. Its policies quickly became unpopular in states, which charged that the law was too focused on punishing schools that did not meet testing goals and set an unrealistic target of 100% student proficiency in reading and math by 2014. And it had the unintended consequence of states lowering their academic standards to enable more students to pass the required tests. NCLB expired in 2008, and ESEA programs have been funded by yearly appropriations since then.

In August 2011, Education Secretary Arne Duncan — citing reports that up to 80% of the nation's public schools were likely to fall short of their test score targets — announced a waiver process by which states could opt out of the adequate yearly progress (AYP) requirements of NCLB. In return, the states seeking these waivers would agree to education standards set by the Education Department that matched criteria the administration used in its Race to the Top grant competition, including revamped accountability standards, higher academic standards and teacher evaluation systems based in part on student test scores.

As of late June 2013, waivers had been granted for 37 states and the District of Columbia.

Debate Over New Policy Directions

Despite criticism of NCLB, one aspect of the law everyone agrees has been beneficial is the mandatory reporting of student test scores, disaggregated by school, school district, gender, ethnicity, disability, English-language learner and income level, among other criteria. This disaggregation by subgroup has allowed a better understanding of which students lag behind and encouraged the development of programs that target the needs of those children. Making this information available to the public has also been lauded, as parents now have solid information upon which to base education choices made for their children.

An aspect of NCLB that is universally criticized is the requirement that schools meet AYP. Everyone agrees that requiring 100% of students to meet standards by a certain year is unworkable and that NCLB causes teachers to "teach to the test" rather than truly educate students and teach them to think critically. But criticism of the law largely bifurcates after that, with Democrats criticizing the fact that the academic standards required under NCLB were set individually by states and did not require minimum achievement levels nationwide, and Republicans criticizing the fact that the federal government can dictate certain aspects

of interventions required to address problems at poorly performing schools rather than leaving education under the control of states. Republicans call for the federal government to significantly reduce its role in public education.

Recent Actions

The Senate Health, Education, Labor and Pensions Committee in June approved its version (S 1094) of an ESEA reauthorization by a 12-10 vote. That Democratic bill would largely retain the federal government's role but give school districts more flexibility in creating their own student accountability systems. It also requires evaluation systems for teachers and principals and interventions for failing schools.

The administration on Wednesday, July 17, announced its opposition to the House bill and threatened a veto, saying it represents "a significant step backwards in the effort to help our nation's children and their families prepare for their futures." Specifically, the White House objected that it "would not support state efforts to hold students to standards that will prepare them for college and careers; would not support our international economic competitiveness; would virtually eliminate accountability for the growth and achievement of historically underserved populations; would fail to support meaningful improvement and reforms at the nation's lowest-performing schools; would eliminate maintenance-of-effort requirements, which could reduce overall investment in public education; and would not reauthorize key administration priorities, including effective initiatives like Race to the Top, Investing in Innovation and Promise Neighborhoods."

Summary of HR 5

The bill generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) through FY 2019, but it eliminates the current national school accountability system and goals created by the 2001 No Child Left Behind Act (NCLB; PL 107-110) and provides for states to develop their own accountability systems, in an effort to significantly reduce the federal government's role in the public education system.

It modifies the purpose of the Title I program, which distributes funding to schools and school districts that have a high percentage of students from low-income families, merging in several specialized programs and giving states flexibility to use that money for any purpose included under the title. It eliminates more than 70 other programs and modifies teacher training programs to provide for state and local development of teacher evaluation programs that would be tied to student achievement and be used for hiring and compensation decisions. It also reauthorizes and expands the charter school program and includes other provisions to increase parental choice, including the requirement that 3% of a state's Title I funds be used to move students to high-performing schools or provide them with high-quality tutoring.

According to the Congressional Budget Office (CBO), the bill would authorize the appropriation of \$22.9 billion in 2014 and \$114.3 billion over the 2014-18 period. CBO estimates that implementing the measure would have discretionary costs of \$85.6 billion over the 2014-18 period, assuming appropriation of the estimated amounts. The committee in its report says that authorized funding for Title I programs is maintained at the FY 2012 level, while authorizations for most other programs in the bill are near FY 2013 post-sequester levels — which would put the bill's overall authorization below the most recent authorization for Title I alone (for FY 2007, the last year of authorizations under No Child Left Behind).

Academic Standards and Assessments

The bill continues general requirements that states and local school districts receiving federal education funding establish academic standards for students and be accountable for academic achievement, but it eliminates the requirements added by NCLB in 2001 that annual progress be made on reading and math proficiency (the Adequate Yearly Progress standard) and that students be 100% proficient in reading and math by 2014.

Instead, states are required to develop their own accountability systems that must include state-proposed actions for intervening in schools that perform poorly in assessments — although there is no requirement that the interventions be used or that schools be improved.

As under current law, the bill requires states to assess how well schools are doing at ensuring that their students meet these academic standards, requiring states to test students at specified periods. It also retains current requirements regarding the disaggregation of assessment data on the basis of subgroups, as well as the requirement that this information be publicly available.

Cognitively Disabled Students

The bill continues to allow states to establish alternative achievement standards for students with cognitive disabilities, but it removes the current cap of 1% on the number of students allowed to be assessed under such alternative standards — meaning that all cognitively disabled students could be assessed under alternative standards rather than the standards that apply to the general student population.

Title I Program Modifications

The bill significantly modifies Title I by incorporating several programs from other titles of the law and by providing states and local school districts with greater flexibility to use funding for various activities, and by redefining its purpose in statute.

It consolidates into Title I several education programs for special populations that are currently authorized under other titles of the ESEA: Education of Migratory Children; Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At-Risk; Indian Education, Rural Education Achievement Program; and English Language Acquisition, Language Enhancement and Academic Achievement.

Funding Flexibility

The bill allows states and school districts to use the federal funds allocated for the above special-population programs, except rural education, for any of the other programs and activities under Title I.

It repeals or eliminates more than 70 existing elementary and secondary education programs, including many from Title I. The funding for those eliminated Title I programs would remain for use by states and local school districts for projects and activities of their choosing within the bill's new Title I.

It also eliminates the existing 40% poverty threshold requirement for schoolwide programs — thereby allowing Title I funds to be used for schoolwide programs that benefit all students at all schools.

Maintenance of Effort

The bill repeals the maintenance-of-effort requirement necessary for receiving federal education funding for Title I programs. (Currently, districts must spend at least 90% of what they spent in the previous year in non-federal money.)

Teacher Quality & Evaluation

The bill eliminates the current federal definition of a "highly qualified teacher," and it rewrites the existing Teacher and Principal Training and Recruiting Fund to instead provide federal funds to support state development and implementation of their own teacher evaluation systems that focus on how effective teachers are in the classroom, rather than the training a teacher has received.

Among other things, states must seek input from parents, teachers, school leaders and other school staff when developing a teacher evaluation system, and the system and evaluation must incorporate student achievement data. The committee in its report says it intends for these evaluation systems to be used to make personnel decisions involving teacher recruitment, hiring, placement, retention, compensation, professional development, tenure, promotion and dismissal.

The measure also consolidates existing Title II teacher quality programs — those that are not teacher evaluation programs — into a new Teacher and School Leader Flexible Grant program, through which grants are awarded to states and school districts to increase student achievement through evidence-based initiatives. It reserves up to 3% of the flexible grant funds for establishing or expanding teacher or school leader preparation academies.

Parental Choice & Charter Schools

The bill includes numerous provisions intended to increase parental involvement in the education of their children, and to provide parents with more choices for that education.

The measure reauthorizes through FY 2019 the charter school program established under ESEA and amends it to support the startup, replication and expansion of charter schools and to consolidate facility financing assistance programs.

It replaces the current charter school grant program with a program awarding grants to states and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter school models. (The bill's charter school provisions are similar to legislation passed by the House in 2011 by a vote of 365 to 54.)

New Flexible Grant Program

The bill consolidates most of the more than 30 programs in Title V of the ESEA law, Promoting Informed Parental Choice and Innovative Programs, into a new Local Academic Flexible Grants program.

Under the new program, states would receive funding through a formula and offer competitive grants to school districts, in partnership with nongovernmental entities, to support programs or projects that provide supplemental student support activities such as tutoring or after-school programs, or student-focused activities such as extended-learning-time programs, parent engagement, or core academic subject initiatives.

Other Choice & Parental Involvement Programs

The bill requires that states set aside 3% of their annual Title I allocation to award grants to local school districts to provide "direct student services" that may include high-quality tutoring or moving a student to a high-performing school. This mandate replaces existing requirements that struggling schools provide students with supplemental education services such as tutoring and after-school academic services.

It also reauthorizes ESEA's Magnet School program, as well as the existing Parental Information and Resource Centers, which are renamed as Family Engagement Centers.

Education Department Authorities

The bill includes a number of provisions that impose limits on the authority of the Education Department.

It prohibits the department from imposing conditions on states in exchange for a waiver from ESEA requirements. Included is an explicit prohibition against requiring states to adopt the Common Core State Standards — a set of grade-level benchmarks developed by the National Governors Association and Council of Chief State School Officers for what students should know in both reading and math for kindergarten through high school.

The measure modifies the regulatory process that the department must follow in issuing new regulations, providing for longer review periods for public comment, creating a new review period for Congress, requiring the Education secretary to estimate "the proposed regulatory burden" prior to a regulation being made final, and requiring old and duplicative regulations to be repealed.

It also requires the secretary of Education to identify the number of full-time equivalent (FTE) employee positions that are associated with the elimination or consolidation of federal programs under the bill, and to reduce the department's workforce by that number.

Other Provisions

The measure also includes provisions that do the following:

- **Impact Aid** — Reauthorizes and modifies the Impact Aid program, which provides direct funding to school districts to make up for the loss of property taxes because the federal government owns large amounts of nearby land.

- **Homeless Children** — Reauthorizes the Education for Homeless Children and Youths program of the McKinney-Vento Homeless Assistance Act (PL 100-77), the primary federal law that provides funding to states and school districts to educate homeless children and youth.

References

See CQ Weekly, pp. 1054 , 1099 and 1154 .

Section II

Academic Standards & Assessments, Education Department Authority

This section describes the provisions of HR 5 , the Student Success Act, that deal with academic standards, assessments and accountability, and certain authorities of the Education Department.

The bill generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) through FY 2019, but it eliminates the current national school accountability system and goals created by the 2001 No Child Left Behind Act (NCLB; PL 107-110) and provides for states to develop their own accountability systems, including how to improve poor performing schools.

It allows states to evaluate all students with cognitive disabilities under alternative assessment standards, and to educate them under an alternative curriculum rather than the general curriculum, and includes a number of provisions that limit the authority of the Education Department and requires the department to reduce its workforce to reflect a reduction in federal programs and responsibilities.

Academic Standards & Assessments

The bill continues general requirements that states and local school districts receiving federal education funding establish academic standards for students and be accountable for academic achievement (which were first added to ESEA by the 1994 reauthorization; PL 103-382), but it eliminates the requirements added by the NCLB Act in 2001 that annual progress be made on reading and math proficiency and that students be 100% proficient in reading and math by 2014. Instead, states would develop their own accountability systems.

Academic & Achievement Standards

As under current law, the bill requires states to establish academic standards that apply to all students and schools in the subjects of reading, math and science. States could also develop standards in additional subjects at their discretion.

Achievement standards used for judging student and school performance would have to align with such content standards. States can enter into voluntary partnerships with one other to set achievement standards, and use federal funds to finance such efforts. However, the Education Department would be prohibited from requiring such state partnerships, and also could not offer such partnerships as a way for a state to meet other federal conditions.

The measure repeals the current requirement that achievement standards be divided into basic, proficient and advanced levels of achievement.

School Assessments

Also as under current law, the bill requires states to assess how well schools are doing at ensuring their students meet these standards.

States must test students at specified periods — assessing reading and math in each of grades three through eight and once in high school, and assessing science once during each of three designated grade spans (grades three through five, six through nine, and ten through twelve).

The bill repeals the adequate yearly progress (AYP) standards, which is the requirement that every public school make progress each year towards the goal of having 100% of its students be proficient at reading and math by 2014.

Instead, it requires that states develop and implement a statewide accountability system that will result in students graduating from high school prepared for postsecondary education and the workforce. State accountability systems must include the three following elements: Annually measure the academic achievement of all public school students against the state's academic standards; annually evaluate and identify the academic performance of each public school based on the achievement of all students and the achievement gaps between subgroups; and develop a school improvement system implemented at the district level that requires intervention in poorly performing schools that receive funds under Title I of ESEA.

As under current law, that assessment data and data on students' English language proficiency must be disaggregated on the basis of subgroups and be made publicly available by states and each school district through an annual "report card."

States must ensure that 95% of all students within each subgroup participate in the assessments.

Standards for Cognitively Disabled Students

The bill continues to allow states to establish alternative achievement standards for those students with cognitive disabilities, and it requires states to ensure their assessments include reasonable accommodations for students with disabilities.

However, the measure removes the current cap of 1% for the number of students allowed to be assessed under such alternative standards — meaning that all cognitively disabled students could be assessed under alternative standards rather than the standards that apply to the general student population.

The bill provides that cognitively disabled students who qualify for alternative assessment be included in the general curriculum to the extent practicable; under current law, these students must be fully included in the general curriculum.

It also permits states to preclude those disabled students who qualify for alternative assessment from receiving regular high school diplomas.

School Interventions

The bill requires states to include, in the statewide accountability systems they develop, their own state-proposed actions for intervening in schools that perform poorly in assessments — although there would be no requirement that they be used or schools be improved.

It does not include any federal standards for identifying low-performing schools or taking actions to improve them, and it repeals the currently required school intervention and restructuring mechanisms set by the 2001 NCLB law. The committee in its report says that by repealing the federal requirements it would give "states and districts maximum flexibility to develop appropriate school improvement strategies and rewards for their schools."

The bill eliminates the School Improvement Grants program, under which the Education Department created four models for turning around poor performing schools under the president's Race to the Top program. It also increases from 4% to 7% the Title I state funding set-aside for school improvement activities; however, it eliminates the requirement that a certain percentage of local funding be set aside for school improvement.

Other Provisions

The bill directs states to provide technical assistance to school districts in implementing the bill's requirements, including implementation of standards, assessments, and new systems for accountability and school improvement.

Education Department Authority

The bill includes a number of provisions that limit the authority of the Education Department, and it requires the department to reduce its workforce to reflect a reduction in federal programs and responsibilities.

The measure prohibits the department from imposing conditions on states and school districts in exchange for a waiver from ESEA requirements. The committee in its report says it believes the secretary "should have the authority to provide waivers of certain

statutory and regulatory requirements to states and school districts affected by unexpected and unforeseen circumstances or to implement important reforms to improve student achievement," but that the bill "properly prohibits the secretary from using the waiver authority to place new mandates or requirements on states and school districts."

To further clarify the limits of the federal government with regard to education, according to the committee report, it also consolidates and "strengthens" various existing prohibitions on the Education Department. Specifically, it prohibits the secretary from establishing a national curriculum, supporting a national test for students, or requiring particular academic standards, whether directly or indirectly through grants or other means.

Included is an explicit prohibition against requiring states to adopt the Common Core State Standards — a set of grade-level benchmarks for what students should know in both reading and math for kindergarten through high school. The Common Core Standards were developed by the National Governors Association and the Council of Chief State School Officers in an effort to set common achievement standards among states.

Modify Regulatory Process

The bill modifies the regulatory process the department must follow in issuing new regulations, which the committee report says is intended to "help reduce excessive federal regulation on states, school districts, principals, and teachers [and] prevent the Secretary of Education from compounding the burden of federal regulations already on the books."

Specifically, it provides for longer review periods for public comment, creates a new review period for Congress, requires the Education secretary to estimate "the proposed regulatory burden" prior to a regulation being made final, and requires old and duplicative regulations to be repealed.

It also describes the procedures the department must use in conducting peer review processes for grant applications, including the release of the identity of grant reviewers.

Program Evaluations

The measure allows the Education Department to reserve 0.5% of funds from each program in order to evaluate the program. If the department chooses to do this, however, it must work with the Institute of Education Sciences to develop a multi-year, comprehensive plan for evaluations. That plan must be submitted to Congress and to the public for review and comment

Reduce Federal Workforce

The bill requires the Secretary of Education to identify the number of full-time equivalent (FTE) employee positions that are associated with the elimination or consolidation of federal programs under the bill, and to reduce the department's workforce by that number.

Under the measure, the Secretary must within two months of enactment identify the number of such employees, and by a year later reduce the department's workforce accordingly.

Section III

Title I Program Funding & Modifications

This section describes the provisions of HR 5 , the Student Success Act, that deal with funding and modifications to the education law's Title I program and other federal education programs.

The bill generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) through FY 2019, including the Title I program, which distributes funding to schools and school districts that have a high percentage of students from low-income families. But it modifies the purpose of Title I and merges several specialized programs into Title I, giving states flexibility to use that money for any purpose while also repealing the requirement that states and school districts maintain a certain level of education funding. It also eliminates more than 70 other elementary and secondary education programs and allows states and local school districts to expend the merged funding stream on any Title I programs at any Title I school.

The committee in its report says that authorized funding for Title I programs is maintained at the FY 2012 level while authorizations for most other programs in the bill are near FY 2013 post-sequester levels — which would put the bill's overall authorization below the most recent authorization for Title I alone (for FY 2007, the last year of authorizations under the No Child Left Behind Act; PL 107-110).

Title I Policy Changes

Since its enactment in 1965, the emphasis of the ESEA law has been to provide federal funding for programs that address educational inequity — particularly in Title I (Improving the Academic Achievement of the Disadvantaged), which primarily distributes funds to schools and school districts that have a high percentage of students from low-income families.

The bill significantly modifies Title I by incorporating several programs from other titles of the law and by providing states and local school districts with greater flexibility to use the funding for various programs, and by redefining its purpose in statute.

Under the measure, Title I would be renamed "Aid to Local Educational Agencies" with its "purpose clauses" reduced from 12 to the following four: to meet the educational needs of low-achieving children in the nation's highest-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children; to close the achievement gaps between high- and low-performing children and

different subgroups; to provide parents with opportunities to participate in their children's education; and to encourage evidence-based education reform (all these policies are present in some form in the law's current statement of purpose).

Dropped from the statement of purpose would be the following: ensuring high-quality academic assessments and accountability systems; ensuring that funding is spent where it is most needed; holding schools, local educational agencies and states accountable for the achievement of all students; providing an enriched and accelerated educational program; and providing staff with substantial opportunity for professional development.

Title I Programs & Funding

The bill consolidates into the Title I program several education programs for special populations that are currently authorized under other titles of the ESEA: Education of Migratory Children; Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At-Risk; Indian Education; Rural Education Achievement Program; and English Language Acquisition, Language Enhancement and Academic Achievement (which provides support for teaching the English language to recent immigrants and other nonnative speakers).

The measure repeals or eliminates more than 70 existing elementary and secondary education programs, including many from Title I (see below). The funding for those eliminated Title I programs would remain for use by states and local school districts for projects and activities of their choosing within the bill's new Title I.

This new Title I would be authorized at \$16.7 billion a year through FY 2019 — with 91% (an estimated \$15.2 billion) of the authorized funding to be used for traditional Title I support of schools and districts with large numbers of low-income children and other activities in support of local school districts. This portion of Title I funding would be renamed "Improving Basic Programs Operated by Local Educational Agencies." CBO estimates that Congress originally appropriated about \$14.5 billion for similar activities in FY 2013, which was reduced to \$13.8 billion by sequestration.

Under the measure, the remaining 9% of the annual authorization would be allocated as follows:

- **English Language Acquisition and Enhancement** — 4.4% (CBO says the FY 2013 appropriation was about \$730 million, which was reduced to just under \$700 million by sequestration).
- **Education of Migratory Children** — 2.4% (or about \$400 million; the FY 2013 appropriation was \$395 million, which was reduced to about \$375 million by sequestration).

- **Rural Education** — 1.1% (or \$180 million; the FY 2013 appropriation was \$180 million, which was reduced to about \$170 million by sequestration).
- **Indian Education** — 0.8% (or about \$130 million; available funding in FY 2013 is about \$130 million).
- **Neglected, Delinquent or At-Risk Children and Youth** — 0.3% (or about \$50 million; available funding in FY 2013 is about \$50 million).

The measure also authorizes \$3 million annually through FY 2019 for programs designed to assess the effectiveness of Title I.

Funding Flexibility

In addition to giving states and school districts the discretion to use funds from eliminated Title I programs as they choose, the measure allows them to use the federal funds allocated for the above special-population programs, except rural education, for any of the other programs and activities under Title I.

It also eliminates the existing 40% poverty threshold requirement for schoolwide programs — thereby allowing Title I funds to be used for schoolwide programs that benefit all students at all schools. Under current law, only eligible schools with a poverty level of at least 40% may use Title I funds for schoolwide programs that benefit all students; for schools where the percentage of students living in poverty is less than 40%, Title I funds must be spent on programs specifically targeting those low-income students.

The committee in its report says that the panel "heard from countless state and local school officials asking Congress to remove barriers to spending and let local officials spend federal funds on problems they know exist, rather than spending money on Washington priorities that do not benefit their schools or districts," and that many local officials said that "navigating the burdensome rules and reporting requirements of the more than 80 federal programs often results in . . . resources being diverted from the mission of teaching and learning." Giving states and local school districts the flexibility to use those funds for other purposes, the committee says, will allow them to fund activities they believe will increase student academic achievement.

Repeal State/Local Funding Requirements

The bill repeals current "maintenance of effort" funding requirements that state and local school districts must meet as a condition of receiving Title I federal education funding.

Maintenance of effort (MOE) requirements are intended to ensure that state and local school districts do not decrease the level of state or local funding that they provide for education so that federal dollars will be used to supplement or increase funding for program activities, instead of supplanting or replacing state and local funds. Currently, local school districts must spend at least 90% of what they spent in the previous year in non-federal money. The measure retains language in current law stating that federal funds should "supplement, not supplant" local funds.

Subpopulation Program Modifications

The bill modifies how migrant student counts are determined in each state, basing state allocations on the average number of eligible migratory children from the previous three years and a count of the number of migratory children who receive services under summer or intersession programs. It also includes provisions to help allow states, school districts and other public and private entities improve intrastate and interstate coordination and information exchanges regarding migratory children.

The measure changes the locale codes used to determine rural education program eligibility for rural districts and schools. For districts that become ineligible for funding, the measure provides a sliding scale hold-harmless formula to provide for continued funding.

It also allows school districts and tribes applying for formula grants under the Indian Education program to do so in consortia to maximize the use of federal funds, and it eliminates a number of other Indian education programs — including the Native Hawaiian and Alaska Native Education programs, the Fellowships for Indian Students, Improvement of Educational Opportunities for Adult Indians, In-Service Training for Teachers of Indian Children Grant, Gifted and Talented Indian Students, and Grants to Tribes for Education Administrative Planning and Development programs.

Private School Participation

The bill includes provisions intended to improve consultation between private schools and school districts regarding disadvantaged students who attend private schools and the school's eligibility for Title I funding.

The committee notes that equitable participation of private school students has been a part of ESEA since its creation in 1965 but that communication between private schools and school districts has been difficult. Therefore, the measure clarifies consultation requirements in an effort to ensure that disadvantaged students at private schools will receive the services to which they are entitled. It also allows private schools to request

that services be provided on a schoolwide basis and requires the creation of a private school ombudsman at state educational agencies to serve as the primary point of contact for questions regarding the equitable participation of private schools.

Program Terminations

The bill repeals or eliminates more than 70 existing elementary and secondary education programs from Title I and other titles of the ESEA. The funding for those eliminated Title I programs would remain for use by states and local school districts for projects and activities of their choosing within the bill's new Title I, while funding for consolidated programs in other titles would be used to create flexible grant programs for those other purposes.

The committee in its report says that many of the programs to be eliminated by the bill have never been funded, are too small to meaningfully improve student achievement or have been deemed ineffective by the federal government.

In addition to those previously mentioned, programs that would be eliminated include Student Reading Improvement Grants, including Reading First, Early Reading First, Even Start Family Literacy and Improving Literacy through School Libraries; Comprehensive School Reform; and Close Up Fellowship. The Javits Gifted and Talented Students Education Act, which provides for gifted and talented students who live in poverty, would be terminated, and the definition of gifted and talented would be removed from statute.

It also eliminates current Title IV of ESEA, 21st Century Schools. Programs in this title fall into three main categories, one of which — Safe and drug-free schools and communities — encompasses programs to prevent drug abuse and violence in and around schools. Some of those programs, such as Safe and Drug Free State Grants and mentoring programs, have not been funded for years, while others, like national Safe and Drug Free programs, were funded at reduced levels in FY 2012 and 2013. Another category, 21st Century Community Learning Centers, support learning activities for school-aged children during non-school hours and literacy-related activities for their families.

Other programs that would be eliminated under the measure include those for highly qualified teacher requirements and professional development (see Section IV). According to the committee, the measure also eliminates all current programs targeted to specific national organizations in order to comply with the House's earmark ban.

Impact Aid

The bill reauthorizes and modifies the Impact Aid program, which provides direct funding to school districts affected by the presence of the federal government. The program reimburses districts located near, or serving students from, military bases, federal lands and Indian reservations for the loss of property taxes because the government owns the land.

Authorization Level

The measure authorizes \$1.2 billion a year through FY 2019. About 93% of that amount would go toward basic support payments for school districts, with the other 7% each year to be used to construct and maintain schools in such federally connected areas. For FY 2013, Congress appropriated almost \$1.3 billion for the Impact Aid program, which was reduced by sequestration to a little more than \$1.2 billion, according to CBO.

Program Modifications

The measure makes permanent certain provisions included in the FY 2013 Defense Authorization Act (PL 112-239) regarding impact aid; those provisions are currently scheduled to expire in 2015.

Specifically, it changes the formula for calculating how much impact aid a school district receives. Under the measure, each eligible school district would receive a base payment that is based either on 90% of the impact aid payment most recently received (FY 2009) or the average of payments received from FY 2006-09, whichever is greater. Districts would also receive an additional payment using a calculated per-acre value.

It streamlines provisions for Heavily Impacted school districts, which are districts with high percentages of military, Native American or other federally connected children. The legislation standardizes eligibility criteria for these districts at 45% enrollment of federally connected children, bases per pupil expenditure eligibility requirements on state average expenditures rather than national average expenditures, and maintains the tax rate requirement for eligible districts of at least 95% of the average tax rate for general fund purposes of comparable districts in the state.

It also requires that the Education Department make impact aid payments within three years. The committee report notes that many school districts have expressed concern about the lack of on-time payments and that not having the funding is hurting school districts with a high percentage of federally connected students since Impact Aid often represents a substantial portion of their operating budget.

McKinney-Vento Homeless Assistance Act

The bill reauthorizes the Education for Homeless Children and Youths program of the McKinney-Vento Homeless Assistance Act (PL 100-77), which is the primary federal law that provides funding to states and school districts to educate homeless children and youth.

It authorizes \$62 million a year through FY 2019 for the program. For FY 2013, Congress appropriated \$65 million for the education of homeless children, which CBO says was reduced by sequestration to about \$62 million.

The measure modifies the program to place greater emphasis on identifying homeless children and youth, to improve collaboration and information sharing among federal and state agencies, and to provide greater school stability and protections for homeless youth and parents.

Section IV

Teacher Quality, Charter Schools & Other Provisions

This section describes the provisions of HR 5 , the Student Success Act, that deal with teacher evaluation, charter schools and parental involvement.

The bill generally reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA; PL 89-10) through FY 2019 but modifies teacher training programs to provide for state and local development of their own, individual teacher evaluation programs that would be tied to student achievement and be used for decisions regarding hiring, dismissal and compensation. Other teacher support programs are consolidated into a new flexible grant program. It also reauthorizes and expands the charter school program and includes other provisions to increase parental choice, including the requirement that 3% of a state's Title I funds be used to move students to high-performing schools or provide them with high-quality tutoring.

Teacher Quality & Evaluation

The bill significantly rewrites Title II of ESEA, which deals with teacher training and evaluations, modifying federal programs to promote state and local efforts to develop their own teacher evaluation systems and quality standards rather than requiring them to comply with federal standards.

It authorizes \$2.4 billion annually for these activities through FY 2019, with 75% of the funding (about \$1.8 billion) to be used for state grants for the development of teacher evaluation systems and the remaining 25% (about \$600 million) to be used for a new Teacher and School Leader Flexible Grant program that would include a consolidation of federal teacher-quality programs. CBO estimates that Congress originally appropriated about \$2.5 billion and \$150 million, respectively, for similar activities in FY 2013, which was reduced by sequestration to \$2.3 billion and \$140 million.

The measure maintains existing teacher liability protections. School employees, including teachers, administrators and board members, when acting to discipline, control, suspend or expel a student, are protected from prosecution as long as they use reasonable actions.

However, it eliminates certain collective bargaining rights for teachers with respect to programs funded by federal dollars under ESEA. It also eliminates teacher professional development as a required use of Title I funds but continues to allow it as an eligible use.

Teacher Evaluations

The bill eliminates the current federal definition of a "highly qualified teacher," and it rewrites the existing Teacher and Principal Training and Recruiting Fund to instead provide federal funds to support state development and implementation of their own teacher evaluation systems that focus on how effective teachers are in the classroom rather than the training a teacher has had.

Under current law, in order to be deemed a highly qualified teacher, public school teachers must hold at least a bachelor's degree, have obtained full state certification or passed the state teacher licensing examination and must hold a license to teach. Teachers who are new to the profession must also demonstrate subject area knowledge. The committee in its report says that "instead of relying on teacher credentials or tenure requirements, which provide little information about a teacher's ability to help students excel in the classroom, the legislation ... requires the development and implementation of state- or locally driven teacher evaluation systems that measure an educator's success in increasing student achievement."

In developing state and local teacher evaluation systems using the federal funds, states must include the following five elements:

- Student achievement data must be a significant part of the teacher evaluation;
- Multiple measures of evaluation must be used to assess teacher performance.
- The evaluation system must have more than two rating categories.
- The evaluations must be used when making personnel decisions.
- The state must seek input from parents, teachers, school leaders and other school staff when developing the evaluation system.

The bill requires local education agencies to implement teacher evaluation systems within three years of enactment. The committee report says that "to be meaningful, teacher evaluation systems should be used to reward good teachers and remove ineffective teachers from the classroom." According to the committee, "the systems should be used to make personnel decisions involving educator recruitment, hiring, placement, retention, compensation, professional development, tenure, promotion and dismissal."

The measure maintains the right of parents to know their children's teachers' professional qualifications and leaves up to states and school districts the decision as to whether parents have a right to see their children's teachers' evaluations.

Uses of Funding

In addition to using the state grants to develop and implement teacher evaluation systems, the measure also allows the funds to be used to train school leaders in evaluating teachers; develop and implement school leader evaluation systems; provide professional development for teachers and school leaders; and provide support to teachers identified as in need of additional assistance.

Once a state has a teacher evaluation system in place, the measure allows the funds provided through state grants to be used for activities that support teacher evaluation and that help improve teacher effectiveness. State grants can be used to train school leaders to evaluate teachers under the system and to develop and implement school leader evaluation systems. They can be used to provide evidence-based, job-embedded professional development on subject-based courses, on specific student populations or on specific student needs. State grants may also be used to support teachers identified by the evaluation as in need of additional assistance, and up to 10% of the funds could be used to help reduce class size.

The bill changes the formula used to calculate the allotment of funds available to states and local school districts for teacher evaluations. Under the measure, for both states and school districts, 50% of the funding is provided on the basis of the total population of elementary and secondary school students and 50% is provided based on the number of those students living in poverty. (In current law, the allotment at the state level is based 65% on the number of students living in poverty and 35% on the total number of students. For local school districts, the allotment is based 80% on students in poverty and 20% on the total population.)

Teacher and School Leader Flexible Grant Program

The bill consolidates teacher quality programs in Title II — those that are not teacher evaluation programs — into a new Teacher and School Leader Flexible Grant program through which grants are awarded to states and school districts to increase student achievement through evidence-based initiatives.

The committee in its report says it believes "a single consolidated program that provides greater flexibility to states, school districts and other eligible entities in the use of federal teacher quality funds is preferable to the existing system of small programs that cater to certain constituencies and have very limited benefit for classroom instruction."

Under the measure, eligible uses of the grant funds include activities to:

- Develop alternative licensure or certification routes.
- Recruit, hire and retain effective teachers and school leaders.
- Implement performance-based pay systems and differential pay incentive.
- Create teacher and school leader advancement and multiple career paths.
- Establish new teacher or school leader induction and teacher residency programs.
- Provide additional professional development activities or initiatives to increase teacher effectiveness.

Entities other than local school districts may apply to states for grants to pursue evidence-based, innovative initiatives focused on increasing the effectiveness of teachers and school leaders. If the entity applying for the grant is not a school district, it must partner with the school district to ensure that the funds are used to improve student achievement.

The bill reserves up to 3% of the flexible grant funds for establishing or expanding teacher or school leader preparation academies. Teacher candidates who progress through these academies must receive clinical training in the classroom from an accomplished mentor and are allowed to complete the academy only after demonstrating that they are effective educators.

Parental Choice & Involvement

One of the stated goals of the bill is to increase parental involvement in the education of their children and to provide parents with more meaningful choices for that education. To that end, the measure reauthorizes and amends the Charter School program and the Magnet School program, and it also reauthorizes and renames parental resource centers. These programs are located in current law under Title V of ESEA.

Charter School Program

The bill reauthorizes through FY 2019 the charter school program established under ESEA and amends it to support the startup, replication and expansion of charter schools and to consolidate facility financing assistance programs. It replaces the current charter school grant programs with a program awarding grants to states and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter school models.

The bill authorizes \$300 million annually through FY 2019 for the Charter Schools and Credit Enhancement for Charter School Initiatives. In FY 2013, Congress appropriated \$255 million for charter schools, an amount that was reduced to \$240 million by sequestration, according to CBO. No funding was provided for credit enhancement.

(The bill's charter school provisions are similar to legislation passed by the House in 2011 by a vote of 365 to 54.)

High-Quality Charter Schools

The bill replaces the current charter school grant program with a program awarding grants to state entities, including state educational agencies, state charter school boards or governors, and, through them, subgrants to charter school developers to open new charter schools and expand and replicate high-quality charter schools. (Under current law, only state educational agencies are allowed to apply for grants for charter schools. The measure opens the competition for subgrants to other entities.)

Under the measure, state entities that receive these grants must use 90% of the funds to provide subgrants to eligible applicants to open new charter schools, open replicable, high-quality charter school models or expand high-quality charter schools. The remaining 10% are to be used for technical assistance to carry out those activities, and to work with authorized public chartering agencies to improve authorizing quality.

The bill modifies the application requirements for state entities requesting a grant to emphasize the expansion and replication of high-quality charter school models, the inclusion of all students, the educational needs of students with disabilities and English-language learners, and a high degree of autonomy for schools over budgets and operations. It gives priority in providing funds to states that:

- Have an appeals process for the denial of a charter school application if entities other than the state education agency are allowed to be public chartering agencies.

- Do not impose caps on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools.
- Ensure equitable financing for charter schools and students.
- Support full-, blended-, or hybrid-online charter school models.
- Use charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.
- Partner with an organization experienced in developing management organizations to support charter school development.
- Support and monitor charter schools.

When considering subgrant applications, states must consider whether the applicant has solicited input from parents and members of the community; has a plan to recruit students traditionally underserved by charter schools, such as students with disabilities or English-language learners; has considered transportation needs; and whether the applications granted will support diverse charter school models, including charter schools for rural areas.

Charter Schools Facilities Assistance

The bill reserves 15% of the funding for the Charter School Program to be used for facilities assistance and revises grant programs that provide financial assistance for charter schools to allow the acquisition and renovation of facilities for school use. It consolidates the existing credit enhancement program and the state facilities aid program.

Under the credit enhancement grant program, the bill requires the Education Department to award grants to approved public and private nonprofit entities that demonstrate innovative methods for helping charter schools address the costs of acquiring, constructing and renovating facilities by improving the availability of loans or bond financing.

Under the per-pupil facilities aid program, the bill requires the department to make grants on a competitive basis to states to pay for the federal share of establishing or administering aid programs where a state makes payments on a per-pupil basis to charter schools in order to provide financing for charter school facilities.

The bill revises the per-pupil facilities aid program (under which the department makes competitive matching grants to states to provide per-pupil financing to charter schools) to allow states to partner with organizations to provide up to 50% of the state share of funding for the program. States also could receive more than one program grant, so long as the amount of the grant funds provided to charter schools increases with each successive grant.

National Activities

The bill reserves 5% of the funding for charter schools for national activities and requires the Education Department to use no less than 50% of those reserved funds to provide grants on a competitive basis for the startup, replication and expansion of charter schools. The grants are to be awarded to applicants that want to open a charter school in a state that did not apply for or receive a high-quality charter school grant or in a state that received a grant but is in the fourth or fifth year of its grant period. The remaining money reserved for national activities is to be used for technical assistance for state entities, disseminating best practices and evaluating the impact of the charter school program.

School Choice & Tutoring

The bill requires that states set aside 3% of their annual Title I allocation to award grants to local school districts to provide "direct student services" that may include high-quality tutoring or moving a student to a high-performing school. This mandate would replace existing requirements that struggling schools provide students with supplemental education services such as tutoring and after-school academic services.

Under the measure, states must award these grants to geographically diverse local school districts, including those in suburban, rural and urban areas. If there is not enough money, priority must be given to funding school districts with the greatest number of low-performing schools.

School districts that apply for these grants must ensure that parents receive enough information to make meaningful choices for their students, that there is enough space in their system for public school choice options to be available and that a variety of providers of tutoring services is selected. Local school districts would determine the eligibility criteria to be used in identifying which students may take advantage of these services.

Local school districts could use up to 1% of their grant for outreach and communications regarding options to parents and students and up to 2% of their grant for the costs of administering the program. The remainder of the funding must be used to pay for the high-quality academic tutoring or for transporting students to high-performing schools.

Local Academic Flexible Grants & Other Programs

The bill consolidates most of the more than 30 programs in Title V of the ESEA law, Promoting Informed Parental Choice and Innovative Programs, into a new Local Academic Flexible Grants program.

Under the new program, states would receive funding through a formula and offer competitive grants to school districts, in partnership with nongovernmental entities, to support programs or projects that provide supplemental student support activities, such as tutoring or after-school programs, or student-focused activities, such as extended-learning-time programs, parent engagement or core academic subject initiatives. The funds could also be used to improve student safety (the measure eliminates the law's current Title IV, 21st Century Schools, which provides funds for that purpose.)

States must reserve 10% of their Local Academic Flexible Grant to award grants to nongovernmental entities, including businesses and community-based organizations such as museums, to support programs outside of the public school system that will benefit students in public schools. Under the program, nongovernmental entities would be required to provide a 50% match, and the project must help to increase academic achievement.

Before grants are awarded to school districts or nongovernmental entities, states could reserve 15% of their Flexible Grant funding for statewide activities, including to support the development and implementation of academic assessments, to administer the flexible grant program, to increase academic achievement and to share best practices across the state.

Magnet School Program

The measure extends the Magnet School program, authorizing \$92 million a year through FY 2019. Congress appropriated \$95 million for magnet schools in 2013, which was reduced to \$90 million by sequestration, according to CBO.

Family Engagement Centers

The bill reauthorizes the existing Parental Information and Resource Centers (PIRC) program and renames them as Family Engagement Centers, which are "intended to help strengthen family engagement through assistance to states, school districts, teachers and families." The committee says it believes that "sharing proven models amongst practitioners and providing effective direct services will support parents in helping their children find success in the classroom."

The measure authorizes \$25 million a year through FY 2019 for these centers. No funding was provided for PIRC in FY 2013.

Section V

Arguments For and Against the Bill

This section summarizes arguments being made by supporters and opponents of HR 5 , the Student Success Act.

Arguments FOR the Bill

Supporters of the bill argue that it is needed to reduce the federal government's intrusion into education, empower parents, support effective teachers and restore local control over education. They also tout the reduced funding levels authorized by the measure and changes involving cognitively disabled students.

The bill replaces the federal one-size-fits-all accountability metrics that restrict states' ability to tailor curriculum and gauge student learning — instead empowering states to develop and implement individual standards and accountability systems that are more closely aligned with local priorities. The federally prescribed interventions and turnaround strategies set by law have not worked as envisioned and are not producing the desired results in low-performing schools. If anything, the federal standards have proved counterproductive, as evidenced by the universally despised adequate yearly progress (AYP) requirement. These and other operational flaws reaffirm the need for greater authority and flexibility to be returned to states and local school districts so they can effectively address the unique circumstances and innovations needed to improve student achievement and to close the achievement gap within their local school populations.

Repealing and consolidating the many education programs to combine funding streams will allow states and school districts to target money where it is most needed and can do the most good, as well as help to reduce the federal footprint in education. This restructuring will provide school districts the freedom to distribute federal funds based on the unique needs of their own student populations, allowing superintendents and principals to target funds to support a better classroom experience. Consolidating programs also decreases duplicative administrative efforts in applying for and managing money from different accounts, helping cut through the bureaucratic red tape that now stifles classroom innovation.

Restricting the Education Department's waiver authority will finally put the brakes on the Obama administration's expansion of the federal role in education, which is already the largest in history. Using waivers, the department has usurped congressional authority to rewrite No Child Left Behind (NCLB) and has coerced states into adopting common standards and assessments in exchange for temporary relief of the law's burdensome requirements. The bill will put a stop to any further executive overreach.

School choice and parental involvement would also be restored and strengthened by the bill. The administration's waiver authority has prevented parents from moving children from failing schools, but by setting aside Title I funds for transporting children to high-performing schools, parents will once again have a choice. And by reauthorizing and expanding the charter school program, parents will have even more options for their children, hundreds of thousands of whom are currently on waiting lists for charter schools across the nation.

Students will also benefit from more-effective and better-motivated teachers because of the measure's teacher evaluation provisions. Current teacher policies, most notably the federal government's "Highly Qualified Teacher" mandate, value a teacher's credentials over his or her ability to boost student learning. By evaluating teachers on the effectiveness of the teacher in the classroom and the ability of the teacher to improve student achievement, rather than on credentials and seniority, schools and children will benefit from the most motivated and effective teachers.

The bill's program authorization levels will restore fiscal discipline and allow taxpayer dollars to be put toward the most effective uses, such as programs with a proven track record of putting the needs of students first. Federal education funding has tripled since 1965, while student achievement has remained relatively flat. The funding amounts authorized by the bill reflect what Congress has provided for ESEA programs in FY 2013. Given the government's continued tight budgetary situation, extending funding at those levels will be more than sufficient for the streamlined federal role in education that the bill envisions.

State and local governments are similarly experiencing tight budgetary times, justifying the elimination of the unwarranted maintenance-of-effort (MOE) requirement under which the federal government mandates that local jurisdictions maintain certain spending levels on education. Not only is it wrong for the federal government

to dictate how states and school districts spend their tax revenues, but MOE also incorrectly assumes that increased education spending improves education outcomes. Repealing MOE will return control to state governments and enable state and local policymakers to once again set their own budget priorities. Since enactment of NCLB, every state requesting a MOE waiver has received one; there is no reason that MOE should continue, particularly since the bill maintains "supplement, not supplant" language that ensures that states and districts won't be able to dramatically cut education spending and fill in gaps with federal funding.

Finally, cognitively disabled students will be able to receive more individualized and effective support. The bill gives local education teams serving disabled students the freedom to develop individual goals better-suited to each student's unique needs and abilities, rather than having goals dictated by the federal government. By providing for alternative assessments for such students, teachers and parents who know the students best will have more say, and schools will be empowered to make decisions based on what is best for the student rather than what is best for the school's assessment standings.

The federal government has unsuccessfully experimented in education for decades, with marginal results at best. It is time to significantly roll back the federal footprint from local schools and return control over education to the state and local level by passing the bill.

Arguments AGAINST the Bill

Opponents of the bill argue that it erodes the historical federal role in public education — targeting resources to marginalized student populations in order to ensure equity of opportunity for all students — because it does not require states to use federal funds to help students most in need, does not require adequate academic standards or school accountability, and does not adequately fund education or support teachers.

It eliminates nearly all federal requirements included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps and help to improve struggling schools. The nation cannot meet high expectations for students without holding those managing the funds accountable for producing results. NCLB already encouraged states to lower academic achievement goals because

schools needed to ensure that 100% of their students would meet the goals. This bill allows states to set even lower goals and then does not require that any students meet them.

The bill directly undermines the purpose of the original 1965 education law — to promote education equity — by no longer targeting Title I funds toward the lowest-performing students and schools. Instead, localities are allowed to spend federal funds on any school, regardless of the relative wealth or poverty of students and regardless of whether or not the school is low-performing. States, in submitting the required plans for the federal money, are not even being asked to demonstrate how they intend to ensure equity of opportunity for students.

It also intentionally weakens teachers in a variety of ways — including by eliminating required funding for professional development, removing certain collective bargaining rights and eliminating the highly-qualified-teacher requirements and replacing them with an evaluation system that is primarily based on student achievement in the classroom. Teacher effectiveness should be based on more than just student test scores. And although teachers are to be evaluated on their effectiveness in the classroom, with personnel decisions to be based on that evaluation, there is no requirement that states use federal funds to help teachers improve their classroom performance.

Setting the ESEA authorization level at the FY 2013 post-sequester funding level locks in almost \$1.3 billion in cuts compared with the FY 2012 level of funding — a cut of more than 5%. That level will hit schools serving low-income students the hardest, with the likelihood that many middle and high schools will never receive any funding since the need is so high at their feeder elementary schools. And these cuts would come at a time when enrollments have increased, more children are living in poverty, and schools and students have already endured deep state and local budget cuts.

Removing the maintenance-of-effort (MOE) requirement will also hurt schools by triggering a "race to the bottom" where federal funding will be used to make up decreases in state and local funding. School districts must assume primary fiscal responsibility for efforts to provide a free public education to all students with supplemental assistance from the federal government. If MOE is eliminated, student needs will no longer be

reliably met and there will be an effort to eliminate similar requirements from Individuals with Disabilities Education Act (IDEA) and other laws that provide federal funding to states during their next reauthorizations.

Particularly disturbing is the bill's lowering of standards and services for the cognitively disabled. Not only does the bill lift the cap on the percentage of cognitively disabled students that are allowed to use alternative assessments for academic achievement — thus opening the door to assess all disabled students in this manner — but it also no longer requires that cognitively disabled students be included in regular curriculum or a course of study that leads to graduation. Reform of ESEA must sustain the spirit of NCLB: to close the achievement gap so that no child is left behind, including the disabled. The disabled have made great strides in academic achievement since NCLB; they should not be intentionally left behind again.

The elimination of the highly-qualified-teacher requirements also disproportionately affects cognitively disabled students. The highly-qualified-teacher requirements determine whether regular and special education teachers and other staff enlisted to administer statewide assessments are properly trained. Moreover, the bill eliminates all requirements that entering teachers meet minimum qualifications, which will lift a protection for many students with disabilities — who are often placed in classrooms with new, entering teachers.

Finally, the bill promotes charter schools but fails to address long-standing, significant issues of transparency and accountability to students, parents and taxpayers in the charter sector. Charter schools are public schools and should be held to the same accountability standards as all public schools, including disclosure of their finances, the identity of their governing board members, and the managers and owners of the school or entity that owns the school. Moreover, the reporting requirements for charter schools should incorporate the same public reporting as the state requires for traditional public schools regarding the academic achievement of students and the qualifications of teachers.

The federal government has a strong interest in public education because equal access to a quality education is a hallmark of equal opportunity in this nation. Education provides for economic mobility and financial security; equal access to education is grounded in civil rights,

economic and national security concerns. This bill undermines the federal role in supporting a strong public education system, and it should be soundly rejected.

Note: The arguments presented above are not House Action Reports' arguments, nor do they represent our evaluation of the measure. As indicated, they are arguments that supporters are making on behalf of the measure and that opponents are making against it. House Action Reports attempts only to summarize the arguments on both sides as cogently as possible.