

# Senate HELP Committee ESEA Markup Cheat Sheet

June 11, 2013

	No Child Left Behind Act of 2001	Strengthening America's Schools Act of 2013 (Harkin)	Every Child Ready for College or Career Act (Alexander)	Obama Administration ESEA Flexibility (Waivers)
Standards and Assessments	<ul style="list-style-type: none"> <li>States must adopt reading, math, and science standards, but they do not have to be "college- and career-ready" standards.</li> <li>States test reading and math annually in grades 3-8 and once in high school. States must test science once in grades 3-5, 6-8, and 9-12.</li> <li>Assessments are summative and only test grade-level content.</li> </ul>	<ul style="list-style-type: none"> <li>States adopt reading and math standards aligned to college and career readiness by 2015. States must also have college- and career-ready science standards.</li> <li>Does not require higher education to sign off on state standards. States not required to adopt the Common Core.</li> <li>States test reading and math annually in grades 3-8 and once in high school. States must test science once in grades 3-5, 6-8, and 9-12. Tests must be aligned to the college- and career-ready standards by the 2015-16 school year.</li> <li>States granted flexibility to give one or multiple tests per year. Assessments can be adaptive, can include projects or extended performance tasks, and must identify the grade level at which students perform.</li> </ul>	<ul style="list-style-type: none"> <li>States must adopt reading, math, and science standards aligned to college and career readiness.</li> <li>States not required to adopt the Common Core, and the Department of Education is explicitly prevented from exercising any direction or control over states' content or achievement standards.</li> <li>States test reading and math annually in grades 3-8 and once in high school. States must test science once in grades 3-5, 6-8, and 9-12.</li> <li>Does not specifically address adaptive testing or a timeline for implementation of college- and career-ready standards and assessments.</li> </ul>	<ul style="list-style-type: none"> <li>States must adopt and demonstrate that they have college- and career-ready standards in reading and math. Science standards remain in place from NCLB.</li> <li>Standards must be common to a number of states (i.e. Common Core State Standards) or be approved by the state's higher education system to ensure they align with college and career readiness.</li> <li>NCLB testing schedule remains, but states must develop and administer college- and career-ready reading and math assessments by 2014-15.</li> <li>Does not specifically address adaptive testing.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>Schools must make adequate yearly progress (AYP) toward performance targets, with goal of 100% proficiency in math and reading by 2014.</li> <li>Achievement targets must be set for racial and ethnic subgroups, low-income students, students with disabilities, and English language learners. Subgroup performance is not reported if there are too few students to be statistically valid.</li> <li>Targets include student proficiency in reading and math and another indicator (high school graduation and attendance, typically).</li> <li>Safe harbor is the only provision for measuring school progress or student growth.</li> <li>States develop accountability systems that consider whether schools meet their performance targets and identify schools for improvement based on making or failing to make AYP for a number of years.</li> </ul>	<ul style="list-style-type: none"> <li>Schools must have ambitious performance targets – either those established in their waivers or other targets approved by the Department using 2014-15 baseline data.</li> <li>Achievement targets must be set for racial and ethnic subgroups, low-income students, students with disabilities, and English language learners. Subgroup performance is not reported if there are fewer than 15 students – no "super-subgroups" for reporting or federal accountability.</li> <li>Targets include student proficiency and growth in reading and math, high school graduation rates (not including GEDs), and student progress toward English language proficiency.</li> <li>States must measure individual student growth, using either a prescribed definition or an approved model.</li> <li>States develop accountability systems that consider proficiency, growth, and graduation rates by 2015-16 and identify at least three categories of schools: priority, focus, and those that miss performance targets for 2 years.</li> </ul>	<ul style="list-style-type: none"> <li>States do not need to establish performance targets for schools.</li> <li>Achievement data are reported for racial and ethnic subgroups, low-income students, students with disabilities, and English language learners – no "super-subgroups" for reporting.</li> <li>Reported achievement data must include student proficiency, the percent of students tested, and graduation rates, but does not specify an n-size for reporting.</li> <li>States may choose to measure student growth, but it is not required or defined. Further, the Department cannot "specify, prescribe, or define" any measure used to establish accountability systems – including sufficient growth, proficiency, college and career readiness, and graduation rates.</li> <li>States develop school rating systems for accountability purposes, including proficiency, achievement gaps, and graduation rates. No specific categories of schools are required.</li> </ul>	<ul style="list-style-type: none"> <li>States develop achievement targets for schools. They can design their own, reduce the percentage of students not proficient by 50% by 2017, or reach 100% proficiency by 2020.</li> <li>Achievement targets must be set for racial and ethnic subgroups, low-income students, students with disabilities, and English language learners. Subgroups can be combined into "super-subgroups" for accountability, but not for reporting.</li> <li>Targets must include student proficiency in reading and math, and states can create additional goals.</li> <li>States must measure individual student growth in reading and math, using an approved model.</li> <li>States develop accountability systems that consider proficiency, growth, and graduation rates by 2012-13 and identify at least two categories of low-performing schools and one category of high-performing schools: priority, focus, and reward schools. Achievement targets do not have to align with how schools are identified as priority or focus schools.</li> </ul>
School Improvement	<ul style="list-style-type: none"> <li>Sanctions begin for schools after two consecutive years of missing AYP in the same subject.</li> <li>School improvement activities are prescribed based on the number of years a school misses its targets: school choice, tutoring, corrective action, planning for restructuring, and implementing restructuring.</li> <li>Restructuring requires the most substantial changes in school governance and structure. Districts choose a school reform strategy from a prescribed menu of options, but can design "other" restructuring models.</li> </ul>	<ul style="list-style-type: none"> <li>The lowest 5% of Title I schools (based on achievement and growth, or a graduation rate below 60%) are priority schools. Districts implement a turnaround strategy for 3 years: transformation, turnaround, whole school reform, restart, or closure model. States can also design their own strategies. If a school is re-identified as priority, it must use the restart or closure option, or face a state takeover.</li> <li>The 10% of Title I schools with the largest achievement and graduation rate gaps are focus schools. Districts implement a data-driven correction plan. After six years as a focus school, a school becomes a priority school.</li> <li>Any Title I school failing to meet its achievement targets for 2 consecutive years must implement a locally-designed improvement plan. If it does not improve after 3 years, the school must implement a state-designed intervention.</li> </ul>	<ul style="list-style-type: none"> <li>States identify an unspecified percentage of Title I schools that require assistance for improvement based on their performance on state assessments, graduation rates, and other factors, as determined by the state.</li> <li>Districts develop a plan to improve these schools and must offer their students the option to transfer to another public school.</li> <li>No requirement to implement certain strategies for improvement or to identify any set number of schools for turnaround.</li> </ul>	<ul style="list-style-type: none"> <li>States must intervene to improve the bottom 15% of schools, in a way that aligns with certain "turnaround principles."</li> <li>Priority schools in the bottom 5% adopt and implement comprehensive turnaround strategies. These schools have low achievement, student growth, and graduation rates. Any of the four prescribed School Improvement Grant (SIG) strategies could be used, but are not required: transformation, turnaround, restart, or school closure.</li> <li>The next 10% of schools – focus schools – must also adopt a reform strategy, based on the turnaround principles and the schools' particular needs. These schools have large achievement gaps or struggling subgroups, including low graduation rates.</li> </ul>

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Teachers and Principals	<ul style="list-style-type: none"> <li>All teachers are required to be “highly qualified” by 2005-06. Highly qualified teachers must have a bachelor’s degree, full state certification or licensure, and subject matter competence.</li> <li>Low-income and minority children cannot be taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.</li> <li>Title II funds can be used for professional development, class-size reduction, and improving teacher quality.</li> </ul>	<ul style="list-style-type: none"> <li>Maintains “highly qualified teacher” definition, but states must create educator evaluation systems by 2015-16 that consider multiple measures of effectiveness including student achievement and growth, classroom observations, and other indicators. They must provide teachers meaningful feedback, include several performance levels, and provide for training of evaluators. Evaluations do not have to be used for personnel decisions.</li> <li>Teacher effectiveness measures – once developed – are used to measure equity in the distribution of effective educators.</li> <li>States can use Title II formula funds to develop teacher &amp; principal preparation academies authorized directly by the states, instead of traditional accreditors.</li> <li>2 competitive programs would recruit and train effective principals for low-income schools and teachers for high-needs subjects at high-needs schools.</li> <li>Teacher Incentive Fund permanently authorized. Grants awarded for merit pay for highly effective teachers in high-needs school and for improving teacher evaluations, reforming compensation, and developing human capital systems. Grants can be awarded to districts or state education agencies, directly or in partnership with a nonprofit.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates “highly qualified teacher” requirement.</li> <li>States not required to develop educator evaluation systems, but may use Title II funds to do so. States may also use Title II funds (directly or through a subgrant to a nonprofit or for-profit organization) to reform certification, licensing, or tenure systems; establish or expand alternative routes to teaching; improve recruitment and retention; develop performance-based pay or other teacher incentive programs; and provide professional development.</li> <li>Teacher Incentive Fund permanently authorized. Grants awarded for merit pay for highly effective teachers in high-needs schools. Grants can be awarded to districts or state education agencies, directly or in partnership with a nonprofit or for-profit.</li> </ul>	<ul style="list-style-type: none"> <li>Eliminates “highly qualified teacher” improvement plans.</li> <li>States must create educator evaluation systems that consider multiple measures of effectiveness including student growth, incorporate at least three performance levels, and are used for personnel decisions. The process is state-led, but allows for local variation as long as state guidelines are met.</li> <li>Teacher effectiveness measures can be used to verify teachers are distributed equitably in Title I and non-Title I schools or measures from current law could be used.</li> <li>No provisions for new programs related to principal and teacher recruitment, selection, preparation, placement, and retention.</li> </ul>
Program Funding and Requirements	<ul style="list-style-type: none"> <li>Title I funds distributed to states via four formulas based on a variety of factors (including total number of eligible children in a district, concentration of eligible children in a district, and state funding of education).</li> <li>Districts must demonstrate comparability of state &amp; local funding between Title I and non-Title I schools, but can do so through salary schedules or other average measures (masking inequities in actual teacher salaries between schools).</li> <li>Districts must demonstrate maintenance of effort from year to year, keeping their spending levels at a certain threshold, to receive federal funds.</li> <li>States must set aside the equivalent of 20% of Title I funds to use for transportation, school choice, and tutoring for Title I schools that do not make AYP at least two consecutive years.</li> <li>Title II funds cannot be less than states received in 2001 and are distributed to states based 65% on child poverty rate and 35% on total population of children.</li> </ul>	<ul style="list-style-type: none"> <li>Maintains Title I formulas but changes funding from districts to schools by lowering the threshold of students in poverty for high schools only from 75 to 50 percent and approving a feeder model.</li> <li>Closes the “comparability loophole” in Title I funding: Districts must ensure state and local funding, including actual teachers’ salaries, is the same across Title I and non-Title I schools.</li> <li>Keeps maintenance of effort in place.</li> <li>20% set-aside eliminated within Title I. States can combine these funds with other Title I funds to implement school improvement strategies in priority, focus, and other identified Title I schools.</li> <li>Hold harmless provision from 2001 removed from Title II state grant funding. Title II can only be used to reduce class sizes in PreK-3<sup>rd</sup> grade classrooms and at least 20% must go toward professional development in priority schools.</li> <li>Permanently authorizes: Race to the Top, Investing in Innovation (i3), Promise Neighborhoods, and an Advanced Research Projects Agency – Education (ARPA-ED).</li> <li>State Title I plans must be reviewed and approved by the Department of Education every four years – or any time a state makes significant changes to its standards, assessments, or accountability system. The approval process would involve a peer review.</li> </ul>	<ul style="list-style-type: none"> <li>Maintains Title I funding formulas, but states could elect to allocate Title I funds by the number of eligible children per district only. Funds could follow the child to any public school in the district.</li> <li>Does not change comparability requirements.</li> <li>Eliminates maintenance of effort, but maintains “supplement not supplant” rules that specify federal funds cannot replace state and local funds.</li> <li>20% set-aside is eliminated. States can combine these funds with other specific Title I program funds to implement school improvement strategies.</li> <li>Hold harmless provision from 2001 removed from Title II state grant funding, and formula updated to increase emphasis on states’ level of poverty (80% weight).</li> <li>Does not authorize any of the Obama administration’s education programs (Race to the Top, i3, Promise Neighborhoods, or School Improvement Grants [SIG]).</li> <li>Relies on assurances from states to ensure implementation of high-quality and rigorous standards, assessments, and accountability systems rather than evidence of state plans or policy.</li> </ul>	<ul style="list-style-type: none"> <li>No changes to: Title I formulas, comparability, maintenance of effort, or supplement not supplant rules. Title I schools allowed to operate a “schoolwide” program in a school with fewer than 40% of children in poverty if they are identified as a priority or focus school.</li> <li>20% set-aside is eliminated. States can combine these funds with other specific Title I program funds to implement school improvement strategies in priority and focus schools. SIG funds can be used in any priority school.</li> <li>No changes to Title II funding.</li> <li>Waivers valid for two years, with the possibility of renewal prior to the 2014-15 school year.</li> </ul>

For more information, contact Anne Hyslop ([hyslop@newamerica.net](mailto:hyslop@newamerica.net) or @afhyslop) and these additional resources from New America’s Education Policy Program

ESEA Reauthorization: <http://edmoney.newamerica.net/taxonomy/term/1753>

ESEA Flexibility: <http://edmoney.newamerica.net/taxonomy/term/2047>