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## Educational Accountability and Reauthorization of the ESEA

Federal policies aiming to improve the effectiveness of schools have historically focused on inputs, such as supporting class-size reduction and compensatory programs or services for disadvantaged students. Over the last two decades, however, interest in developing federal policies that focus on student outcomes has increased. The No Child Left Behind Act of 2001 (NCLB; P.L. 107-110), which comprehensively reauthorized the Elementary and Secondary Education Act (ESEA), included several such provisions. NCLB marked a dramatic expansion of the federal role in supporting standards-based instruction and test-based accountability.

The 114<sup>th</sup> Congress is actively considering legislation that would reauthorize the ESEA. One of the most complex issues that Congress is considering during the reauthorization process is how, if at all, to modify existing accountability requirements and what the federal role in educational accountability should be.

### NCLB and the Evolving Federal Role in Education Accountability

Requirements related to reading and mathematics standards and assessments were first included in Title I-A of the ESEA through amendments made by the Improving America's Schools Act (IASA; P.L. 103-382) of 1994. The NCLB expanded on these Title I-A provisions to require annual testing in several grades, include science as a tested subject, require accountability for subgroup performance, and add specific performance targets and consequences when targets are not met. Title I-A authorizes federal grants to local educational agencies (LEAs) and is the largest source of federal support for public elementary and secondary education.

The NCLB requires states participating in Title I-A to develop and adopt standards and assessments in mathematics and reading each year in grades 3-8 and once in high school, and in science once in grades 3-5, 6-9, and 10-12. The 17 required annual assessments must be aligned with the state's academic content and achievement standards and include at least three levels of performance (advanced, proficient, and basic). These standards generally apply to all students. State accountability plans were required to incorporate concrete movement toward meeting an ultimate goal of all students reaching a proficient or higher level of achievement in reading and mathematics by the end of the 2013-2014 school year.

Under NCLB provisions, performance on assessments is one indicator used to determine whether schools and LEAs are making "adequate yearly progress" (AYP) toward meeting performance standards. The AYP requirements identify schools and LEAs where performance is

inadequate so that these inadequacies may be addressed. AYP standards under the NCLB must be applied to all public schools, LEAs, and states that receive Title I-A grants. However, consequences for failing to meet AYP standards for two consecutive years or more need only be applied to schools and LEAs participating in Title I-A.

Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all indicators for the "all students" group and any subgroup for which data are disaggregated. When Title I-A schools do not make AYP for two or more consecutive years, they become subject to a range of increasingly severe performance-based accountability requirements.

### Educational Accountability Post-NCLB

Since the ESEA was last comprehensively reauthorized by NCLB, recent developments have taken place that possibly played a role in changes made to state accountability systems: (1) the development and release of the Common Core State Standards (CCSS); (2) the Race to the Top (RTT) State Grant competition and RTT Assessment Grant competition; and (3) the ESEA flexibility package provided by the Department of Education (ED) to states with approved applications.

Under the provisions of the ESEA, states have had the flexibility to select their own standards and assessments. This flexibility has led to the development of different accountability systems in each state. Concerns related to the diversity of accountability systems and consistent expectations for students, among other issues, spurred a movement led by the National Governors Association and the Council of Chief State School Officers to develop the CCSS. State adoption of the CCSS is voluntary.

While the federal government did not have a role in developing the CCSS, the Administration has incentivized the adoption and implementation of the standards through RTT Grants, and the ESEA flexibility package. It is not possible to assess how many states would have adopted the CCSS in the absence of these incentives.

RTT Grants were initially authorized under the State Fiscal Stabilization Fund (SFSF) included in the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). Under the RTT State Grant program, grantees agreed to implement reforms, including enhancing standards and assessments. ED specified that participating states had to adopt "internationally-benchmarked standards and assessments that prepare students for success in college and the workplace." While they were still under development at the time the RTT State Grant competition was announced, the CCSS was one set of standards that states could use to meet this requirement. States were also evaluated on the

extent to which they demonstrated a commitment to improving the quality of their assessments as evidenced by participation in a consortium of states that “is working toward jointly developing and implementing common, high-quality assessments ... aligned with the consortium’s common set of K-12 standards.”

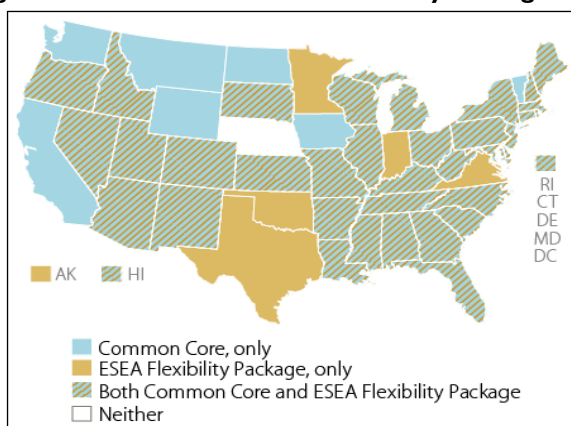
ED administered a separate grant competition to award RTT Assessment Grants to two consortia of states. Both winning consortia use the CCSS as the common standards to which their assessments will be aligned. States were able to indicate whether they were going to participate in a consortium to develop assessments aligned with common standards in the RTT State Grant applications.

In 2011, the Administration announced the availability of an ESEA flexibility package for states. The package provided waivers that exempt states from various NCLB requirements related to academic accountability, teacher qualifications, and funding flexibility. In order to receive the waivers, states must agree to meet four principles established by ED: (1) adopting college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden. The CCSS could be used to meet the adoption of college- and career-ready standards requirement.

To receive a waiver for assessments, a state must develop and administer, “annual, statewide, aligned, high-quality assessments, and corresponding academic achievement standards, that measure student growth in at least grades 3-8 and once in high school.” One way a state educational agency (SEA) may demonstrate compliance with the “high-quality assessments” requirements is by participating in a state consortium funded by RTT Assessment Grants.

**Figure 1** indicates which states have adopted the CCSS or have an approved state application for the ESEA flexibility package.

**Figure 1. CCSS and the ESEA Flexibility Package**



**Source:** Prepared by CRS based on The Common Core State Standards Initiative State Map, and ED, ESEA Flexibility Map.

## Teacher Issues

Policymaking at the federal level reflects a growing belief that improving educational outcomes depends greatly upon increasing the quality of classroom instruction. In enacting the NCLB, Congress also amended Title I-A to establish a requirement that all teachers in core academic subjects be highly qualified. States are also required to take steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

Over the past several years, Congress and the Administration, in particular, have become increasingly interested in teachers’ performance in the classroom and the effectiveness of their instruction. This has led to such federal efforts as the Teacher Incentive Fund program. The RTT State Grant program also focused on this issue. ED developed the first federal definition of an “effective teacher” and required grantees to measure a teacher’s effectiveness based, in part, on student growth in achievement and to use this measure within an overall teacher evaluation system that would inform recruitment, development, rewards for, and retention of teachers. Similar requirements were included in the principles that states had to agree to meet to receive approval of their application for the ESEA flexibility package.

## Selected ESEA Accountability Reauthorization Issues

- **State standards:** Congress may consider whether to require states to adopt college- and career-ready standards.
- **State assessments:** Congress may consider whether the federal testing footprint needs to be made smaller.
- **Performance targets:** Congress may consider whether to continue to require states to establish goals for student performance (as is required under current law and the ESEA flexibility package).
- **Low-performing schools:** Congress may consider whether a certain number or percentage of schools must be identified as low performing and whether any specific actions must be taken with respect to low-performing schools.
- **Teachers:** Congress may consider whether to require states to develop teacher evaluation systems, based in part on student achievement, or provide states with the opportunity to use ESEA funds to develop such systems.

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