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The Every Student Succeeds Act (ESSA) and ESEA Reauthorization: Summary of Selected Key Issues

Congress has actively considered reauthorization of the Elementary and Secondary Education Act (ESEA) during the 114th Congress, passing comprehensive ESEA reauthorization bills in both the House (Student Success Act; H.R. 5) and the Senate (Every Child Achieves Act of 2015; S. 1177). Both chambers agreed to a conference to resolve their differences. On November 19, 2015, the conference committee agreed to file the conference report of the Every Student Succeeds Act (ESSA) by a vote of 39-1. On December 2, 2015, the House agreed to the conference report based on a bipartisan vote of 359-64. The ESEA was last comprehensively reauthorized by the No Child Left Behind Act (NCLB; P.L. 107-110).

The ESSA would provide for a comprehensive reauthorization of the ESEA. This In Focus is intended to provide basic information about some of the issues that have drawn substantial congressional interest during the reauthorization process.

Title I-A Grant Allocation Formulas

Title I-A authorizes federal aid to local educational agencies (LEAs) and states for the education of disadvantaged students. The Title I-A grant program is the largest grant program in the ESEA. One notable change to the Title I-A formulas that the ESSA would make is to increase the set-aside for the Bureau of Indian Education (BIE) and Outlying Areas from 1.0% to 1.1%. This change would only be implemented if the total amount of funds available to make grants to states would be at least as much as the total amount of funds available to make grants to states in FY2016. While H.R. 5 would have allowed states to change the distribution of funds at the LEA and school level to provide funds to every LEA and public school with a child living in a family with income below the federal poverty line, commonly referred to as the portability of Title I-A funds, the ESSA would not include a provision providing for the portability of Title I-A funds.

Accountability

Similar to current law, under ESSA provisions, states receiving Title I-A funds would still be required to have academic standards in reading/language arts (hereafter referred to as reading), mathematics, and science. Unlike current law, states would be required to demonstrate that these standards are aligned with entrance requirements for credit-bearing coursework in the state's system of public higher education and relevant state career and technical education standards. States would continue to be required to administer assessments aligned with the standards in reading and mathematics in each of grades 3-8 and once during high school and to administer assessments aligned

with the standards in science once in grades 3-5, grades 6-9, and grades 10-12.

The ESSA would substantially change the accountability system that states would be required to implement to gauge student performance. Of note, states would have greater latitude in establishing systems for performance goals, measures of progress, and consequences that would be applied to schools for low performance. It is likely that a much smaller group of schools would be subject to accountability consequences under the ESSA than under current law.

Under current law, states are required to develop annual measurable objectives (i.e., performance goals) for student performance on reading and mathematics assessments, leading to the statutory requirement that all students be proficient in reading and mathematics by the end of the 2013-2014 school year. These proficiency goals are used in the determination of adequate yearly progress (AYP). AYP is determined based on three components: (i) student academic achievement on the required state reading and mathematics assessments; (ii) 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated (economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency); and (iii) performance on another academic indicator, which must be graduation rates for high schools. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all three indicators for all students and each subgroup for which data are disaggregated, assuming a minimum group size is met. Schools and LEAs that fail to make AYP for two consecutive years or more are required to take a variety of actions (school improvement, corrective action, restructuring). The consequences are the same for each school regardless of the extent to which the school failed to make AYP in a given year, but the consequences need only be applied to a school receiving Title I-A funds.

Under the ESSA, the AYP system would be replaced. States would be required to establish long-term goals, including measures of interim progress toward those goals, for performance on the reading and mathematics assessments, high school graduation rates, and the percentage of English learners achieving English language proficiency. States would then be required to annually measure the performance of all students and each subgroup of students in schools based on the aforementioned measures and at least one other measure for elementary and secondary schools that are not high schools and at least one indicator of school quality or student success.

State identification of schools for comprehensive support and improvement would be based on the meaningful differentiation of schools' performance using all of the required indicators. States would be required to identify (i) at least the lowest-performing 5% of all schools receiving Title I-A funds, (ii) all public high schools failing to graduate one-third or more of their students, (iii) schools required to implement additional targeted support (see below) that have not improved in a state-determined number of years, and (iv) additional statewide categories of schools, at the state's discretion. The LEAs in which schools are identified for comprehensive support and improvement would be required to work with stakeholders to develop a plan to improve school outcomes that, among other requirements, must include evidence-based interventions. If a school does not improve within a state-determined number of years (no more than four years), the school would be subject to more rigorous state-determined actions.

States would be required to identify, for targeted support and improvement, any school in which a subgroup of students is consistently underperforming. Each of these schools would be required to develop and implement a plan to improve student outcomes. Schools in which one or more subgroups was performing at the same level as schools identified for comprehensive support and improvement would be identified for additional targeted support and improvement activities. If a school that is required to do the latter does not improve within a state-determined number of years, the state would be required to identify the school for comprehensive support and improvement.

Title II-A Grant Allocation Formula

The Title II-A program provides formula grants to states that may be used for a variety of purposes related to the recruitment, retention, and professional development of K-12 teachers and school leaders. Under current law, state grants are determined based primarily on the amount of funding each state received in FY2001 under three antecedent programs. This is commonly referred to as the base guarantee. Any excess funding is then allocated by formula among the states based on each state's share of the total school-age population (age 5 to 17) and the school-age population living in poverty. These populations account for 35% and 65% of the formula, respectively. The ESSA would reduce each state's base guarantee by 14.29 percentage points each year from FY2017 through FY2022, resulting in the elimination of the base guarantee beginning in FY2023. The ESSA would also shift the percentage of funds allocated by population and poverty from 35% and 65%, respectively, to 20% and 80%, respectively, by FY2020.

Other Teacher-Related Issues

The ESSA would eliminate the requirement that teachers be "highly qualified," requiring instead that they meet applicable state certification and licensure requirements. In addition, the ESSA would continue to support competitive grants to states and LEAs to develop and implement performance-based teacher and principal compensation systems that take into account gains in student academic achievement for staff working in high-need schools.

Block Grant

The ESSA would no longer authorize several programs authorized under current law. However, it would authorize a new block grant program, Student Support and Academic Enrichment Grants, which could be used to support activities that were supported by some of the eliminated programs, such as counseling, physical education, and educational technology. The purpose of the new block grant program would be to provide all students with access to a well-rounded education, to improve school conditions for student learning, and to improve the use of technology in order to improve the academic achievement and digital learning of all students. Formula grants would be made to states, and states would subsequently make formula grants to LEAs. Each LEA would receive a minimum grant amount of \$10,000.

Common Core State Standards

Current law does not include any provisions requiring or incentivizing states to implement the Common Core State Standards. However, many states are currently implementing these standards, and some agreed to implement them as a way to gain eligibility for Race to the Top Grant funds or to receive approval for the ESEA flexibility package, which provided waivers of many of the educational accountability requirements in current law in exchange for states meeting principles established by the Administration. The ESSA would include multiple provisions that prohibit the Secretary from influencing, incentivizing, or coercing states to adopt the Common Core State Standards.

Authorization of Appropriations

The ESSA would include 25 authorizations of appropriations each year for FY2017 through FY2020 for ESEA programs. In some cases, multiple programs would share a single authorization of appropriations. The total authorization of appropriations for ESEA programs would be \$24.2 billion in FY2017, \$24.7 billion in FY2018, \$25.2 billion in FY2019, and \$25.7 billion in FY2020.

Related CRS Reports

CRS Report R44297, *Reauthorization of the Elementary and Secondary Education Act: Highlights of the Every Student Succeeds Act*, by Rebecca R. Skinner and Jeffrey J. Kuenzi

CRS Report R43916, *ESEA Reauthorization Proposals in the 114th Congress: Selected Key Issues*, by Rebecca R. Skinner and Jeffrey J. Kuenzi

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