

ESEA Reauthorization Proposals in the 114th Congress: Selected Key Issues

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Summary

The Elementary and Secondary Education Act (ESEA) was last amended by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). During the 114th Congress, to date, the House Education and the Workforce Committee has considered and ordered reported a bill that would reauthorize the ESEA. More specifically, the Student Success Act (H.R. 5) was ordered reported on February 11, 2015, based on a strictly partisan vote of 21-16. No action on an ESEA reauthorization bill has been taken this Congress in committee or on the floor in the Senate.

H.R. 5 would make several changes to the ESEA, most notably in five key areas that have garnered substantial congressional interest:

1. **Accountability for student achievement:** H.R. 5 would modify current accountability requirements related to student achievement, including eliminating the requirement to determine adequate yearly progress (AYP) and the requirement to apply a specified set of outcome accountability provisions to all schools, regardless of the extent to which they failed to make AYP. The bill would continue to require that states have standards and assessments for reading, mathematics, and science. H.R. 5 would require that state assessments measure student academic achievement, but measuring student growth would be optional. Similar to current law, H.R. 5 would require that reading and mathematics be included in each state's accountability system, and would permit states to include science or other subjects in their accountability systems. H.R. 5 would not require that specific actions be taken to address issues in low-performing schools, nor would it require that a certain number or percentage of schools be identified as low performing.
2. **Distribution of Title I-A grants to local educational agencies (LEAs) and schools.** H.R. 5 would establish a new option for distributing Title I-A funds to LEAs and schools. The U.S. Department of Education would continue to calculate grants to LEAs as it does under current law, but once the grant amounts were provided to states, states would have the option to recalculate each LEA's grant amount based on the number of public school children in each LEA who are from a family with an income below 100% of the poverty level based on the most recent data available from the Department of Commerce. LEAs would then distribute Title I-A funds to all public schools that enroll at least one child that meets this criterion.
3. **Maintenance of effort.** H.R. 5 would eliminate maintenance of effort (MOE) requirements from the ESEA. In order to receive funding under several ESEA programs, including Title I-A, LEAs are required to provide, from state and local sources, a level of funding (either aggregate or per pupil) for public education in the preceding year that is at least 90% of the amount provided in the second preceding year. The intent for including MOE requirements in the ESEA since its enactment in 1965 is for state and/or local effort to be substantially maintained so that federal funds provide a net increase in overall educational spending. Without these requirements, state and local funding for public education could be reduced by more than 10% each year.
4. **Teacher quality requirements:** H.R. 5 would eliminate current requirements related to "teacher quality," which focus largely on ensuring the equitable

distribution of qualified teachers and that teachers possess a baccalaureate degree, full state teaching certification, and demonstrated subject-matter knowledge in the areas in which they teach. H.R. 5 would make the development and implementation of teacher and school leader evaluation systems an optional use of Title II-A funds and would not require these systems to include student achievement data.

5. **Targeted support for elementary and secondary education versus the use of a block grant:** H.R. 5 would not retain numerous programs authorized under current law and would greatly expand the use of block grant funding.

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Introduction

The Elementary and Secondary Education Act (ESEA) was last amended by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). Appropriations for most programs authorized by the ESEA were authorized through FY2007.¹ As Congress has not reauthorized the ESEA, appropriations for ESEA programs are currently not explicitly authorized. However, because the programs continue to receive annual appropriations, appropriations are considered implicitly authorized.

During the 114th Congress, to date, the House Education and the Workforce Committee has considered and ordered reported a bill that would reauthorize the ESEA. More specifically, the Student Success Act (H.R. 5) was ordered reported on February 11, 2015, based on a strictly partisan vote of 21-16. No action on an ESEA reauthorization bill has been taken this Congress in committee or on the floor in the Senate.

H.R. 5 would make several changes to current law, most notably in five key areas that have garnered extensive congressional interest: (1) accountability for student achievement, (2) distribution of Title I-A grants to LEAs and schools, (3) maintenance of effort, (4) teacher quality requirements, and (5) targeted support for elementary and secondary education versus the use of a block grant. In addition, H.R. 5 would eliminate some existing programs, while creating new programs.

This report examines major features of H.R. 5 with respect to current law. The report begins by discussing the approach that H.R. 5 takes toward reshaping the ESEA in key areas. Next, the report considers the ESEA by title and part to examine how the ESEA would be reconfigured under H.R. 5. This is followed by an examination of proposed program authorizations included in H.R. 5. The report does not aim to provide a comprehensive summary of H.R. 5 or of technical changes that would be made by the bill.

For the purposes of this report, a program is considered to be a new program if the program is a newly proposed program or is a substantively changed or reconfigured existing program (e.g., multiple aspects of a program are changed, such as the purpose of the program, distribution of funds, uses of funds, or eligible recipients of funds). Programs included in H.R. 5 are considered to be similar to programs in current law if they are substantively similar in purpose, recipients, and activities. The tables in this report refer to these programs as being “retained” by the bill. For example, the Title II-A program is considered to be retained in H.R. 5, despite proposed changes to the formula used to allocate funds to states and in the uses of funds. On the other hand, the block grant program created under H.R. 5 is considered a new program, as it differs from the current Innovative Programs block grant program in numerous ways including program purposes, funding to subgrantees, and allowable activities. Concurrently, the block grant program under current law is considered to be “not retained” under H.R. 5.

¹ The General Education Provisions Act (GEPA) provided a one-year extension of ESEA program authorizations. GEPA provides that, “The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization of such program” (20 U.S.C. 1226a). As Congress did not pass legislation to reauthorize the ESEA by the end of the 2005 calendar year, the program authorizations were automatically extended through FY2008.

ESEA Flexibility Provided by the Administration

While Congress has not enacted legislation to reauthorize the ESEA, on September 23, 2011, President Obama and the Secretary of Education (hereinafter referred to as the Secretary) announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain the included waivers. The waivers exempt states from various academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB. State educational agencies (SEAs) may also apply for optional waivers related to the 21st Century Community Learning Centers program and the use of funds, determinations of adequate yearly progress (AYP), and the allocation of Title I-A funds to schools.² However, in order to receive the waivers, SEAs must agree to meet four principles established by the U.S. Department of Education (ED) for “improving student academic achievement and increasing the quality of instruction.” The four principles, as stated by ED, are: (1) 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.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in current law. As of February 2015, ED had approved ESEA flexibility package applications for 42 states and the District of Columbia and was reviewing applications from other states.³ If Congress continues to work on ESEA reauthorization during the 114th Congress, it is possible that provisions included in any final bill may be similar to or override the waivers and principles established by the Administration.

The remainder of this report focuses only on current law and does not compare the provisions in H.R. 5 with the provisions included in the ESEA flexibility package.⁴

² Since the announcement of the ESEA flexibility package, ED has made additional waivers available to states. For example, states may request a waiver to delay the implementation of any personnel consequences for teacher and school leaders that are related to the new state assessments for up to one year. They may also request a waiver to avoid “double-testing” students during the transition from their current assessments to their new assessments aligned with college- and career-ready standards. Related to the testing of students, a state may also request a waiver for schools to retain their accountability designation for an additional year, during which they would continue to implement the same interventions. For more information, see the policy letter sent to the Chief State School Officers by Secretary Duncan on June 18, 2013, available online at <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>.

³ ED is currently reviewing applications for Iowa and Wyoming. Washington had an approved ESEA flexibility package but lost its approval in 2014 for failure to meet the second of the four principles established by ED. (See <http://www2.ed.gov/policy/eseaflex/secretary-letters/wad6.html> for more information.) Approved state applications and pending applications are available at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.

⁴ For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by Rebecca R. Skinner and Jody Feder.

Brief Summary of Reauthorization Approaches in Key Areas

This section of the report examines the reauthorization approaches taken by H.R. 5 in five key areas: (1) accountability for student achievement, (2) distribution of Title I-A grants to LEAs and schools, (3) maintenance of effort, (4) teacher quality requirements, and (5) targeted support for elementary and secondary education versus the use of a block grant. For each of the five areas, a brief discussion of the treatment of the issue under current law is included, followed by a summary of how H.R. 5 would address the issues.

Accountability for Student Achievement

Under NCLB, a series of comprehensive standards-based accountability requirements were enacted. States, local educational agencies (LEAs), and schools must comply with these requirements in order to receive Title I-A funds. The key features of these requirements are discussed below. This is followed by a brief discussion of how H.R. 5 would treat each of these requirements.

- **Standards.** At a minimum, each state must adopt challenging academic content and challenging student academic achievement standards in mathematics and reading/language arts (hereinafter referred to as reading) for each of grades 3-8 and for one grade in grades 10-12. States must also adopt content and achievement standards for science for at least three grade levels (grades 3-5, grades 6-9, and grades 10-12). States may choose to adopt standards for other subject areas.
- **Assessments.** All states must develop and implement annual assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. In addition, each state must develop and administer science assessments aligned with content and achievement standards once in grades 3-5, grades 6-9, and grades 10-12.
- **Annual measurable objectives (AMOs).** States must develop AMOs that are established separately for reading and mathematics assessments, are the same for all schools and LEAs, identify a single minimum percentage of students who must meet or exceed the proficient level on the assessments that apply to the “all students group” and each subgroup for which data are disaggregated,⁵ and ensure that all students will meet or exceed the state’s proficient level of achievement on the assessments based on a timeline established by the state. The timeline must incorporate concrete movement toward meeting an “ultimate goal” of all students reaching a proficient or higher level of achievement by the end of the 2013-2014 school year.

⁵ For accountability determinations, provided minimum group sizes are met, data must be disaggregated for economically disadvantaged students, limited English proficient students, students with disabilities, and students in major racial and ethnic groups as determined by the state. These specified demographic groups are often referred to as subgroups. For reporting purposes, if minimum group sizes are met, data must be disaggregated for the aforementioned subgroups as well as by gender and migrant status.

- **Adequate yearly progress (AYP).** AYP is determined based on three components: student academic achievement on the required state reading and mathematics assessments, with a focus on the percentage of students scoring at the proficient level or higher; 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated for AYP determinations; and 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 the all students group and any subgroup for which data are disaggregated. AYP must be determined separately and specifically not only for all students but also for all subgroups for which data must be disaggregated within each school, LEA, and state.
- **Consequences based on performance.** States are required to identify LEAs, and LEAs are required to identify schools, for program improvement if the LEA or school failed to meet the state AYP standards for two consecutive years. LEAs or schools that fail to meet AYP standards for additional years are required to take a variety of actions.⁶ For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice to students, develop a school improvement plan, and use Title I-A funds for professional development. Failure to make AYP for an additional year results in a school also having to offer supplemental educational services (SES). LEAs are required to reserve 20% of their Title I-A funds for transportation for public school choice and for SES. Schools that fail to make AYP for an additional year continue to do all of the aforementioned activities and enter into corrective action. Under corrective action, they are required to take one of several statutorily specified actions, including replacing school staff, changing the curriculum, extending the school year or school day, limiting management authority at the school level, working with an outside expert, or restructuring the schools' internal organization. Subsequent failure to make AYP requires a school to plan for and, ultimately, implement restructuring. Restructuring involves the continuation of the aforementioned activities and implementation of an alternative governance structure, such as converting to a charter school. It should be noted that these consequences are applied regardless of the extent to which a school failed to make AYP in a given year but consequences need only be applied to schools receiving Title I-A funds.
- **Limited English proficient (LEP) students.**⁷ In addition to the aforementioned requirements, all LEP students must be annually assessed to determine their level of English proficiency with respect to reading, writing, speaking, and listening.
- **Students with disabilities.** Current law requires that students with disabilities be included in the annual state assessments using reasonable adaptations and accommodations. Through regulations, ED has established other options for students with disabilities to participate in state assessments and accountability

⁶ A school or LEA identified for improvement can exit this status by making AYP for two consecutive years. If a school or LEA makes AYP for one year, the school or LEA remains at its current improvement status level. If a school or LEA fails to make AYP the next year, it moves to the next level of consequences.

⁷ Current law uses the term "limited English proficient" students. H.R. 5 refers to these students as English learners.

systems, most notably alternate assessment based on alternate achievement standards (AA-AAS) and alternate assessment based on modified achievement standards (AA-MAS). AA-AAS is intended to be used for students with the most significant cognitive disabilities.⁸ While there are no restrictions on the number of students who can participate in AA-AAS, there are restrictions placed on how assessment results are included in a state's accountability system. The number of proficient and advanced scores derived from students participating in AA-AAS cannot exceed 1% of all tested students at the LEA or state level. Students with disabilities who are unlikely to reach grade-level proficiency within the current school year may participate in AA-MAS. Similar to AA-AAS, there are no restrictions on the number of students who may participate in AA-MAS, but the number of proficient and advanced scores derived from students participating in AA-MAS cannot exceed 2% of all tested students at the LEA or state level.⁹

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Similar to current law, states would be required to adopt content and achievement standards for mathematics, reading, science, and any other subject as determined by the state. Assessments for mathematics and reading would have to be aligned with these standards and be administered in each of grades 3-8 and once in grades 9-12. Science assessments would have to be aligned with state standards and would continue to be administered at least once in grades 3-5, 6-9, and 10-12. States would have the discretion to administer a single annual summative assessment or multiple assessments throughout the school year that result in a single summative score. Assessments would have to provide data on student academic achievement. States would have the option of also using assessments to measure student academic growth. States would also be permitted to use computer adaptive assessments that could measure student proficiency and growth against grade level standards, as well as above and below those standards.

Each state would be required to implement a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation. However, states would no longer be required to establish AMOs or determine AYP. In addition, there would be no "ultimate goal" with associated consequences toward which states, LEAs, and schools must work. H.R. 5 would require that assessments be administered to not less than 95% of all students and not less than 95% of the members of each subgroup included for accountability purposes.¹⁰ The bill would require that high school graduation rates be reported. The state accountability system would be required to annually evaluate and identify the academic performance of each public school based on (1) student academic achievement against the state standards, which may include measures of growth toward meeting such standards, using the aforementioned required mathematics and reading

⁸ For more information about assessments for students with disabilities and ESEA requirements, see CRS Report R42070, *The Education of Students with Disabilities: Alignment Between the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act*, by Rebecca R. Skinner and Kyrie E. Drago.

⁹ The Secretary has proposed to amend current regulations to no longer authorize a state to implement AA-MAS. It is unclear when the Secretary will take final action on the proposal. (For more information on the proposed changes, see <http://www.regulations.gov/#!documentDetail;D=ED-2012-OESE-0018-0001>.) It should be noted that states that have received approval for the ESEA flexibility package are no longer permitted to implement AA-MAS.

¹⁰ H.R. 5 would retain the same subgroups that are identified in current law for accountability purposes. H.R. 5 would create a new subgroup for reporting purposes only. The new subgroup would include students with a parent who is an active duty member of the Armed Forces.

assessments and other valid and reliable academic indicators related to student achievement as identified by the state; (2) the overall performance and achievement gaps as compared to the performance of all students in the school for each subgroup for which data are disaggregated for accountability purposes; and (3) other measures of school success.

The bill would eliminate current outcome accountability requirements. States would not be required to identify a specified percentage or number of schools as low-performing. However, they would be required to establish a system for school improvement for low-performing public schools receiving Title I-A-1 (Grants to LEAs) funds that would be implemented by LEAs and be designed to address the weaknesses of such schools. While public school choice and SES would no longer be required, the bill would create a new reservation of funds for direct services to students under Section 1003A. That is, states would be required to reserve 3% of the total amount received by the state under Title I-A-1 (Grants to LEAs) to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring that is designed to help increase student academic achievement.

With respect to English learners, each state would be required to establish English language proficiency (ELP) standards that are derived from the four recognized domains of reading, writing, speaking, and listening. The ELP standards would have to be aligned with the state's academic content standards in reading.¹¹ English learners would continue to be assessed annually to determine their level of English proficiency in reading, writing, speaking, and listening.

H.R. 5 would continue to allow students with the most significant cognitive disabilities to participate in AA-AAS. The bill does not provide for the continued student participation in AA-MAS. With respect to student participation in AA-AAS, as under current law and regulations, there would be no limit on the number of students who could participate in AA-AAS. However, there would also be no limitations on how these students are included in the state accountability system for accountability determinations. That is, there would be no caps on student participation in AA-AAS related to accountability determinations at the LEA or state levels.

Distribution of Title I-A Grants to LEAs and Schools

In addition to the aforementioned accountability requirements associated with Title I-A, Title I-A is also the largest program in the ESEA, funded at \$14.4 billion in FY2015. Under current law, ED determines Title I-A grants to LEAs based on four separate funding formulas.¹² After calculating grants, ED provides each state with information on the grants calculated for LEAs in the state. The state then makes adjustments to the grant amounts, including reserving funds for administration and school improvement. After making adjustments to the grant amounts calculated by ED, the state then provides funds to the LEAs. The LEAs, in turn, distribute funds to schools, often on the basis of the percentage of children in each school eligible for free or reduced-price lunch.

¹¹ Under Title III-A of current law, states are required to develop standards for English proficiency that are aligned with the four recognized domains of reading, writing, speaking, and listening and that are also aligned with state academic content and achievement standards under Title I-A.

¹² The four funding formulas include Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG). For more information about how grants are determined under Title I-A, see CRS Report RL34721, *Elementary and Secondary Education Act: An Analytical Review of the Allocation Formulas*, by Rebecca R. Skinner.

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Under H.R. 5, a new option for distributing funds from the state level to LEAs and from LEAs to schools would be available. This option is often referred to as the “state option” or “Title I portability.” Under the state option, Title I-A LEA grants would be calculated by ED using the four formulas prescribed by current statute. However, once the grants were calculated, each state would have the option to reallocate the total amount of Title I-A funds that were “earned” by the LEAs in the state under the current law formulas using a new formula. States would be permitted to redistribute all of the Title I-A funds received to LEAs based on each LEA’s share of enrolled eligible children. An eligible child would be defined as a child from a family with an income below 100% of the poverty level based on the most recent data available from the Department of Commerce.¹³ LEAs would, in turn, distribute the funds received to individual public schools in the LEA based on each school’s share of enrolled eligible children. That is, any LEA or any public school that enrolled at least one eligible child would receive Title I-A funds under the state option. This is significantly different than current law under which LEAs must meet various criteria to receive a Title I-A grant and funds are generally provided to schools with relatively high percentages of students eligible for free or reduced-price lunch.¹⁴

It should be noted that if a state chose to implement the state option, the amount of funding received by the state under Title I-A would not change. Rather, Title I-A funds would shift only among the LEAs in a given state. As the state option would use different criteria for determining LEA grant amounts than under current law, a given LEA could receive a substantial increase or decrease in its grant amount in comparison to the amount the LEA would receive under current law. Similarly, schools could also see changes in their grant amounts relative to what they may receive under current law should a state choose to implement the state option.

Maintenance of Effort

Maintenance of effort (MOE) requirements have been included in the ESEA since its enactment in 1965.¹⁵ Under current law, in order for LEAs to receive funds under Title I-A and several other formula grant programs, they must meet MOE requirements. MOE requires that LEAs provide, from state and local sources, a level of funding (either aggregate or per pupil) in the preceding year that is at least 90% of the amount provided in the second preceding year for public elementary and secondary education.

In general, the ESEA MOE requirements apply to LEAs, not states, and are enforced by state educational agencies (SEAs).¹⁶ The requirement is based on a comparison of total (i.e., not program-specific) state and local expenditures for public K-12 education in the preceding fiscal year to those for the second preceding fiscal year. The requirement can be calculated on either an aggregate or a per pupil basis, whichever is more favorable to the LEA.

¹³ Currently, most schools do not have data available on the number of children from families with an income below 100% of the poverty level.

¹⁴ For more information on how Title I-A grants are made to schools, see CRS Report R40672, *Education for the Disadvantaged: Analysis of Issues for the ESEA Title I-A Allocation Formulas*, by Rebecca R. Skinner.

¹⁵ P.L. 89-10, Section 207(c)(2).

¹⁶ The one exception is the ESEA Title I-A Education Finance Incentive Grant (EFIG) allocation formula, that has a separate, state-level MOE requirement (Section 1125A(e)).

If an LEA fails to meet the ESEA's MOE requirement, it does not lose all eligibility for grants under the affected ESEA programs, rather funding is to be reduced proportionally, based on the extent to which the requirement is not met. For example, if state and local public K-12 education expenditures in the preceding year are equal to 85.5% of the amount for the second preceding year—i.e., 95% of the required 90% level—then the ESEA grant is to be reduced by 5%. When this occurs, the required level of spending for the succeeding year's calculation is based on the full 90% level of expenditures, not the actual level of spending. Further, the ESEA's MOE requirement can be waived by the Secretary in cases of “(1) exceptional or uncontrollable circumstances, such as a natural disaster; or (2) a precipitous decline in the financial resources of the local educational agency.”¹⁷

Based on data provided by ED,¹⁸ since the enactment of NCLB in 2002, ED has received 778 requests from LEAs to waive MOE. Of these requests, 71% were approved.¹⁹ In addition, less than 10% of the LEAs that requested a waiver or were approved for a waiver requested a second waiver. According to ED, about 25% of the requests received since 2002 were from LEAs that did not maintain effort in the July 1, 2009, to June 30, 2010, period, the first full MOE year after the recession began in the fall of 2008. During the 2012-2013 school year (most recent data available), there were over 18,000 LEAs in the 50 states and the District of Columbia.²⁰ Based on the data provided by ED, it appears that a relatively small proportion of these LEAs requested an MOE waiver from 2002 through 2014.

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H.R. 5 would eliminate the MOE provisions included in the ESEA. This would allow states and LEAs to receive ESEA funds without any requirements related to their level of spending for public K-12 education. As states and LEAs currently are able to increase their spending by any amount or decrease their spending by up to 10% each year, the one new option that the elimination of MOE permits is for states and LEAs to decrease their spending for public education by more than 10% each year. It is not possible to know how many states and LEAs would choose to reduce their funding for public education by more than 10% each year.

Teacher Quality Requirements

With the enactment of NCLB, new requirements were included in Title I-A to ensure an equitable distribution of highly qualified teachers across schools and establish minimum professional standards for what constitutes a highly qualified teacher. NCLB also authorized programs to support efforts to meet the teacher quality requirements, as well as systems that reward teacher performance. These provisions are described below, followed by a discussion of how H.R. 5 would amend them.

- **Distribution.** Current law requires that states ensure Title I schools provide instruction by highly qualified instructional staff and take specific steps to ensure

¹⁷ Section 9521(c).

¹⁸ Unpublished data were provided to CRS in December 2014 and February 2015.

¹⁹ This is the number of MOE requests and percentage of MOE waivers granted as of November 18, 2014.

²⁰ Data provided by ED, National Center for Education Statistics, Elementary/Secondary Information System.

that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

- **Newly hired teachers.** Each LEA receiving Title I-A funds must ensure that all newly hired teachers teaching in a program supported by such funds be highly qualified.
- **Highly qualified teacher (HQT).** The definition of an HQT has two basic components involving professional credentials and subject-matter knowledge. First, to be deemed highly qualified, a teacher must possess a baccalaureate degree and full state teaching certification. Second, a teacher must demonstrate subject-matter knowledge in the areas that she or he teaches. The manner in which teachers satisfy the second component depends on the extent of their teaching experience and the educational level at which they teach.
- **Deadline.** Each state receiving Title I-A funds was required to have a plan to ensure that, by no later than the end of the 2005-2006 school year, all public school teachers teaching in core academic subjects²¹ within the state met the definition of an HQT.²² The plan was required to set annual measurable objectives to meet this deadline.
- **Support.** The Teacher and Principal Training and Recruitment Fund (Title II-A) provides formula grants to support state and local efforts to meet ESEA teacher quality requirements.
- **Performance.** The Teacher Incentive Fund (Title V-D) supports competitive grants for high-need schools to develop and implement performance-based teacher and principal compensation systems that must consider gains in student academic achievement and classroom evaluations conducted multiple times during each school year, among other factors.

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H.R. 5 would eliminate current requirements regarding the equitable distribution of highly qualified teachers. H.R. 5 would allow states to provide technical assistance to LEAs that choose to develop or implement evaluation systems for teachers or school leaders. LEAs would be allowed to use Title II-A funds for the development and implementation of teacher or school leader evaluation systems. Use of student achievement data in such systems is not required.

H.R. 5 would retain formula grant funding under Title II-A; however, the enrollment and poverty elements used for determining allocations would be modified. The bill would eliminate the hold harmless for state grants and for certain LEA grants. Specifically, the new enrollment and poverty elements would only be used in a fiscal year in which the Secretary certified to Congress that high poverty LEAs²³ would not receive a smaller grant amount in such fiscal year than in

²¹ Current law defines core academic subjects as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

²² All states established an HQT plan. These plans are available online at <http://www2.ed.gov/programs/teacherqual/hqtplans/index.html>.

²³ H.R. 5 does not define which LEAs would be classified as LEAs serving a high percentage of students with incomes below the poverty line.

FY2015. Without such certification, funds would be allocated according to current law. The bill would also scale back allowable activities, while allowing funds to be used for activities that support the development and implementation of state and local evaluation systems for teachers.

Targeted Support Versus Block Grant

Under current law, the ESEA includes several formula grant programs that provide grants to states, LEAs, or other entities (e.g., Indian tribes). These programs provide aid to support specific student populations (e.g., disadvantaged students, limited English proficient students), provide additional aid to entities based on their location (i.e., rural LEAs), or provide funds for a specific set of activities (e.g., those related to literacy or school safety). The ESEA also contains numerous competitive grant programs, which generally receive less funding than formula grant programs. The competitive grant programs included in the ESEA address issues such as school counseling, arts education, physical education, and magnet schools. As shown in **Table 1**, many of the competitive grant programs and some of the formula grant programs included in the ESEA are no longer funded.

H.R. 5

H.R. 5 would retain some, but not all, of the existing formula grant programs and would eliminate most competitive grant programs (see **Table 1**). However, H.R. 5 includes a new block grant program (the Local Academic Flexible grant) that would be authorized annually at \$2.3 billion and would provide formula grants to states. In contrast, the Innovative Programs grant program, the block grant included under current law, was last authorized at \$600 million and last funded at \$99 million in FY2007. The new block grant would be designed to support activities aiming to improve academic achievement and student engagement and protect student safety, and would afford states and eligible entities (which include LEAs) considerable flexibility in how funds are used.

Under the new block grant program, states would be required to use at least 75% of the funds received to award competitive grants²⁴ to eligible entities which include partnerships of LEAs, community-based organizations (CBOs), institutions of higher education (IHEs), business entities, and nongovernmental entities.²⁵ All partnerships would be required to include at least one LEA. In addition, the state would be required to use not less than 8% of the funds received to award competitive grants to nongovernment entities.²⁶ States may reserve not more than 17% of the funds received for state activities and administration. For instance, in addition to using funds for administrative costs, SEAs could use funds for developing standards and assessments, administering assessments, monitoring and evaluating programs and activities receiving funding,

²⁴ All eligible entities that submit an application that meets the statutory requirements would receive a grant of at least \$10,000.

²⁵ A single LEA is not eligible to apply for a grant. An LEA must apply in partnership with a CBO, IHE, business entity, or nongovernmental agency. A consortium of LEAs must also partner with at least one of the aforementioned types of organizations. A CBO or IHE must apply in partnership with an LEA and may also partner with a business entity or nongovernmental entity. Similarly, a business entity must apply in partnership with an LEA, and may also partner with a CBO, IHE, or nongovernmental agency.

²⁶ The bill specifies that nongovernmental entities include public or private organizations, community-based or faith-based organizations, and business entities. Nongovernment entities are not required to enter into a partnership with an LEA or other entity.

providing training and technical assistance, implementing statewide academic focused programs, sharing evidence-based and other effective strategies, and awarding grants for blended learning projects.

Grants to LEAs and other eligible entities could be used for (1) supplemental student support activities (e.g., before or after school activities, summer school activities, tutoring, expanded learning time) but not athletics or in-school learning activities; and (2) activities to support students (e.g., academic subject specific programs, adjunct teacher programs, extended learning time programs, parent engagement) but not class-size reduction, construction, or staff compensation. All eligible entities that submitted an application that meets the requirements of the grant application process would receive a grant of at least \$10,000. An LEA may only receive one grant award per year, but the grant may support multiple projects.

Grants to nongovernmental entities must be used for a program or project to increase the academic achievement of public school students attending a public elementary or secondary school. Grantees must non-federal matching funds equal to not less than 50% of the grant amount.

It is possible that funds provided under this program could be used to support activities that previously received ESEA support, but which would no longer have a targeted funding stream under H.R. 5. However, there is no way to know whether a state or an LEA would receive the same amount of funding, less funding, or more funding under the proposed block grant program as it would if programs that would be eliminated under H.R. 5 were retained.

Structural Orientation of H.R. 5, as Reported, as Compared With Current Law

Table 1 provides a structural orientation by ESEA title and part of how H.R. 5 would modify current law based primarily on line-item amounts for ESEA programs included in appropriations tables.²⁷ This list of “programs” does not take into account the number of programs, projects, or activities that may be funded under a single line-item appropriation, so the actual number of ESEA programs, projects, or activities being supported through appropriations is not shown. Current ESEA programs under which the federal government provides grants to the initial grantee (as opposed to a subgrantee) by formula are noted in the table.

The table provides appropriations information for FY2015. It also indicates where H.R. 5 would place a given program in a reauthorized ESEA if the program is retained. It should be noted that an indication that a program would not be retained does not mean that all of the activities authorized under current law for the program would be eliminated. The activities may be continued under a different program. For example, while H.R. 5 would no longer retain many of the current ESEA programs, it would include a block grant program under which funds could potentially be used for similar activities as were permitted or required under some programs that would not be retained.

²⁷ **Table 1** also includes all 21 subparts of Title V-D, the Fund for the Improvement of Education (FIE).

At the same time, an indication that a program would be retained does not mean that it would be retained without changes. For example, while H.R. 5 would retain a state grant program focused on teachers like Title II-A of the ESEA, the bill would modify the formula used to award grants and would change the uses of funds.

Table 1. ESEA Programs Included in Line-Item Appropriations Tables and Their Treatment Under H.R. 5

Current Law			Treatment Under H.R. 5, as Ordered Reported
Program	Statutory Citation	FY2015 Appropriation (\$ in thousands)	
School Improvement Grants (formula grant)	Title I, Section 1003(g)	\$505,756	Would not be retained
Title I-A Grants to Local Educational Agencies (LEAs; formula grant)	Title I-A	\$14,409,802	Would be retained as Title I-A-1
Reading First (formula grant)	Title I-B-1	\$0	Would not be retained
Early Reading First	Title I-B-2	\$0	Would not be retained
Even Start (formula grant)	Title I-B-3	\$0	Would not be retained
Improving Literacy through School Libraries	Title I-B-4	\$0	Would not be retained
Migrant Education Program (formula grant)	Title I-C	\$374,751	Would be retained as Title I-A-2
Neglected and Delinquent (formula grant)	Title I-D	\$47,614	Would be retained as Title I-A-3
National Assessment of Title I	Title I-E (Section 1501)	\$710	Would be retained as Title I-B
Striving Readers	Title I-E (Section 1502)	\$160,000	Would not be retained
Close Up Fellowships	Title I-E (Section 1504)	\$0	Would not be retained
Comprehensive School Reform	Title I-F	\$0	Would not be retained
Advanced Placement	Title I-G	\$28,483	Would not be retained
School Dropout Prevention ^a	Title I-H	\$0	Would not be retained
Teacher and Principal Training and Recruiting Fund (Grants to States, LEAs, and Eligible Partnerships; formula grant)	Title II-A	\$2,349,830	Would be retained as Title II-A (Supporting Effective Instruction)
School Leadership	Title II-A-5 (Section 2151(b))	\$16,368	Would not be retained
Advanced Credentialing	Title II-A-5 (Section 2151(c))	\$0	Would not be retained

Current Law			Treatment Under H.R. 5, as Ordered Reported
Program	Statutory Citation	FY2015 Appropriation (\$ in thousands)	
Math and Science Partnerships (formula grant) ^b	Title II-B	\$152,717	Would not be retained
Transition to Teaching	Title II-C-1-B	\$13,700	Would not be retained
National Writing Project	Title II-C-2	\$0	Would not be retained
Civic Education (We the People)	Title II-C-3 (Section 2344)	\$0	Would not be retained
Cooperative Education Exchange (Civic Education)	Title II-C-3 (Section 2345)	\$0	Would not be retained
Teaching of Traditional American History	Title II-C-4	\$0	Would not be retained
Educational Technology	Title II-D	\$0	Would not be retained
Ready to Learn Television	Title II-D-3	\$25,741	Would not be retained
English Language Acquisition (formula grant)	Title III-A	\$737,400	Would be retained as Title I-A-4
Safe and Drug Free, State Grants (formula grant)	Title IV-A-1	\$0	Would not be retained
Safe and Drug Free, National Programs	Title IV-A-2	\$70,000	Would not be retained
Alcohol Abuse Reduction	Title IV-A-2 (Section 4129)	\$0	Would not be retained
Mentoring Programs	Title IV-A-2 (Section 4130)	\$0	Would not be retained
21 st Century Community Learning Centers (formula grant)	Title IV-B	\$1,151,673	Would not be retained
Innovative Programs (block grant, formula grant)	Title V-A	\$0	Would not be retained ^c
Charter School Grants	Title V-B-1	\$253,172 ^d	Would be retained as Title III-A-1
Charter School Facilities Incentive Grants	Title V-B-1 (Section 5205(b))	(included in Charter School Grants)	Would be retained as Title III-A-1
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	(included in Charter School Grants)	Would be retained as Title III-A-1
Voluntary Public School Choice	Title V-B-3	\$0	Would not be retained

Current Law			Treatment Under H.R. 5, as Ordered Reported
Program	Statutory Citation	FY2015 Appropriation (\$ in thousands)	
Magnet Schools Assistance	Title V-C	\$91,647	Would be retained as Title III-A-2
Fund for the Improvement of Education, National Programs	Title V-D-1	\$38,000	Would not be retained
Teacher Incentive Fund ^e	Title V-D-1	\$230,000	Would not be retained
Preschool Development Grants	Title V-D-1	\$250,000	Would not be retained
Promise Neighborhoods ^e	Title V-D-1	\$56,754	Would not be retained
Academies for American History and Civics	Title V-D-1	\$0	Would not be retained
Elementary and Secondary School Counseling	Title V-D-2	\$49,561	Would not be retained
Character Education	Title V-D-3	\$0	Would not be retained
Smaller Learning Communities	Title V-D-4	\$0	Would not be retained
Reading is Fundamental	Title V-D-5	\$0	Would not be retained
Javits Gifted and Talented	Title V-D-6	\$10,000	Would not be retained
Star Schools Program	Title V-D-7	\$0	Would not be retained
Ready to Teach	Title V-D-8	\$0	Would not be retained
Foreign Language Assistance	Title V-D-9	\$0	Would not be retained
Carol M. White Physical Education Program	Title V-D-10	\$47,000	Would not be retained
Community Technology Centers	Title V-D-11	\$0	Would not be retained
Exchanges with Historic Whaling and Trading Partners	Title V-D-12	\$0	Would not be retained
Excellence in Economic Education	Title V-D-13	\$0	Would not be retained
Grants to Improve the Mental Health of Children, Mental Health Integration in Schools	Title V-D-14 (Section 5541)	\$0	Would not be retained
Grants to Improve the Mental Health of Children, Foundations for Learning	Title V-D-14 (Section 5542)	\$0	Would not be retained

Current Law			Treatment Under H.R. 5, as Ordered Reported
Program	Statutory Citation	FY2015 Appropriation (\$ in thousands)	
Arts in Education	Title V-D-15	\$25,000	Would not be retained
Parental Assistance and Local Family Information Centers	Title V-D-16	\$0	Would not be retained ^f
Combating Domestic Violence	Title V-D-17	\$0	Would not be retained
Healthy, High-Performance Schools	Title V-D-18	\$0	Would not be retained
Grants for Capital Expenses of Providing Equitable Services for Private School Students	Title V-D-19	\$0	Would not be retained
Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition	Title V-D-20	\$0	Would not be retained
Women's Educational Equity Act	Title V-D-21	\$0	Would not be retained
Grants for State Assessments and Enhanced Assessment Instruments (formula and competitive grants) ^g	Title VI-A-1 (Section 6111)	\$378,000	Would not be retained
Small, Rural School Achievement Program (formula grant)	Title VI-B-1	\$84,920	Would be retained as Title I-A-5-A
Rural and Low-Income School Program (formula grant)	Title VI-B-2	\$84,920	Would be retained as Title I-A-5-B
Indian Education, Grants to LEAs (formula grant)	Title VII-A-1	\$100,381	Would be retained as Title V-A-1
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VII-A-2	\$17,993	Would be retained as Title V-A-2
Indian Education, National Activities	Title VII-A-3	\$5,565	Would be retained as Title V-A-3
Native Hawaiian Student Education	Title VII-B	\$32,397	Would be retained as Title V-C
Alaska Native Student Education	Title VII-C	\$31,453	Would be retained as Title V-B

Current Law			Treatment Under H.R. 5, as Ordered Reported
Program	Statutory Citation	FY2015 Appropriation (\$ in thousands)	
Impact Aid, Payments Relating to Federal Acquisition of Real Property (formula grant)	Title VIII (Section 8002)	\$66,813	Would be retained as Title IV, Section 4002
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments; formula grant)	Title VIII (Section 8003(b))	\$1,151,233	Would be retained as Title IV, Section 4003(b)
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities; formula grant)	Title VIII (Section 8003(d))	\$48,316	Would be retained as Title IV, Section 4003(d)
Construction (formula and competitive grant) ^h	Title VIII (Section 8007)	\$17,406	Would be retained as Title IV, Section 4007
Facilities Maintenance	Title VIII (Section 8008)	\$4,835	Would be retained as Title IV, Section 4008
New Programs Included in H.R. 5			
Teacher and School Leader Flexible Grant	na	na	Would be included as Title II-B
Family Engagement in Education Programs	na	na	Would be included as Title III-A-3
Local Academic Flexible Grant (block grant)	na	na	Would be included as Title III-B

Source: Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110) and H.R. 5. FY2015 appropriations information for all was provided by the U.S. Department of Education, Budget Service.

Notes: An indication that a program would be retained does not mean that the program would not be modified or have its name changed. An indication that a program would not be retained does not mean that all of the activities authorized under current law would be eliminated. They may be included in a different program.

- a. This program is also referred to as the High School Graduation Initiative.
- b. This is a formula grant program when appropriations equal or exceed \$100 million. Otherwise, competitive grants are made to eligible partnerships.
- c. H.R. 5 would create a new block grant program.
- d. The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) required that up to \$11,000,000 of the amount appropriated for the Charter School Program be used for Charter School Facilities Incentive Grants and at least \$13,000,000 be used for Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation.
- e. This program was enacted through appropriations language using authority available to the Secretary under ESEA Title V-D-1.
- f. H.R. 5 would create a new program focused on family engagement in education.
- g. The majority of funds are provided to states through formula grants. A relatively small portion of the funds are provided to states through Grants for Enhanced Assessment Instruments, a competitive grant program.

- h. Under this program, 40% of funds appropriated are to be awarded by formula and 60% are to be awarded through competitive grants. In recent years, appropriations bills have directed that all the funds be used either for formula or competitive grants.

Comparison of ESEA Authorizations of Appropriations Under Current Law and H.R. 5

Table 2 examines specific ESEA program authorizations included in current law²⁸ compared with those included in H.R. 5.²⁹ Overall, current law includes 46 specific authorizations compared with 16 in H.R. 5. It should be noted that a single authorization may apply to more than one program.

Table 2 was designed to show the actual number of explicit ESEA program authorizations included in current law and H.R. 5. In order to make this table more useful, however, the table notes whether proposed statutory language indicated that certain programs would receive a specific share of a given authorization. For example, H.R. 5 includes only one authorization for Title I-A, but proposed statutory language would provide a specified share of that authorization to multiple, individual programs.

For each authorization included in H.R. 5, the same amount is authorized for each fiscal year from FY2016 through FY2021. That is, the authorization level is the same for FY2016 as it is for FY2021.

The total authorized level in H.R. 5 for the ESEA is \$23.2 billion. FY2015 appropriations for ESEA under current law are \$23.1 billion. The total ESEA authorization for the last year for which current law had authorizations specified was \$28.9 billion. It should be noted that an authorization of an appropriation is only an authorization (i.e., authority to appropriate). Congress can and does enact appropriations at funding levels that differ from authorization levels.

Table 2. Specific Program Authorizations Under ESEA and Treatment Under H.R. 5

Current Law			Authorization Under H.R. 5, as Reported, for FY2016 through FY2021 ^a
Program	Statutory Citation for Program	FY2007 Authorization ^b	
School Improvement Grants	Title I, Section 1003(g)	Such sums	Would not be authorized
Title I-A Grants to Local Educational Agencies (LEAs): Basic Grants, Concentration Grants, and Targeted Grants	Title I-A	\$25,000,000,000 (for all four grants, including Education Finance Incentive Grants, see below)	Would receive 91.44% (\$14,854,577,047) of a single authorization for programs serving special populations under Title I-A ^c

²⁸ FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.

²⁹ H.R. 5 also includes an authorization of appropriations for the McKinney-Vento Homeless Education program. The authorization would be for \$65,042,000 for each of FY2016 through FY2021. These authorizations of appropriations are not included in the discussion of ESEA authorizations of appropriations, as the McKinney-Vento Homeless Education program is not an ESEA program.

Current Law			Authorization Under H.R. 5, as Reported, for FY2016 through FY2021 ^a
Program	Statutory Citation for Program	FY2007 Authorization ^b	
Title I-A Grants to LEAs: Education Finance Incentive Grants (EFIG)	Title I-A	Such sums (but included in total authorization amount for Title I-A as well, see above)	Would be included in the authorization for the other Title I-A Grants to LEAs (see above)
Reading First	Title I-B-1	Such sums	Would not be authorized
Early Reading First	Title I-B-2	Such sums	Would not be authorized
Even Start	Title I-B-3	Such sums	Would not be authorized
Literacy Through School Libraries	Title I-B-4	Such sums	Would not be authorized
Migrant Education	Title I-C	Such sums	Would receive 2.45% (\$398,006,494) of a single authorization for programs serving special populations under Title I-A ^c
Neglected and Delinquent	Title I-D	Such sums	Would receive 0.31% (\$50,360,005) of a single authorization for programs serving special populations under Title I-A ^c
Evaluation and Demonstration	Title I-E, Section 1501 and 1502	Such sums	National Assessment would be authorized at \$710,000
Close Up Fellowships	Title I-E, Section 1504	Such sums	Would not be authorized
Comprehensive School Reform	Title I-F	Such sums	Would not be authorized
Advanced Placement	Title I-G	Such sums	Would not be authorized
Dropout Prevention	Title I-H	Such sums	Would not be authorized
Teacher Quality State Grants	Title II-A	Such sums	Would receive 75% (\$2,091,267,000) of a single authorization for teacher and principal programs under Title II ^d
Teacher Quality National Programs	Title II-A	Such sums	Would not be authorized
Mathematics and Science Partnerships	Title II-B	Such sums	Would not be authorized
Transitions to Teaching	Title II-C-1	Such sums	Would not be authorized
National Writing Project	Title II-C-2	Such sums	Would not be authorized
Civic Education	Title II-C-3	Such sums	Would not be authorized
Teaching of Traditional American History	Title II-C-4	Such sums	Would not be authorized
Education Technology	Title II-D-1 and 2	Such sums	Would not be authorized

Current Law			Authorization Under H.R. 5, as Reported, for FY2016 through FY2021 ^a
Program	Statutory Citation for Program	FY2007 Authorization ^b	
Ready-to-Learn Television	Title II-D-3	Such sums	Would not be authorized
English Language Acquisition and Instruction	Title III-A and B	Such sums	Would receive 4.6% (\$747,277,498) of a single authorization for programs serving special populations under Title I-A ^c
Emergency Immigrant Education	Title III-B-4	Such sums	Would not be authorized
Safe and Drug-Free Schools and Communities State Grants	Title IV-A-1	Such sums	Would not be authorized
Safe and Drug-Free Schools and Communities National Programs	Title IV-A-2	Such sums	Would not be authorized
21 st Century Community Learning Centers	Title IV-B	\$2,500,000,000	Would not be authorized
Innovative Programs (block grant)	Title V-A	\$600,000,000	Would not be authorized ^e
Charter Schools	Title V-B-1	Such sums	\$300,000,000
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	No authorization ^f	Would be authorized as part of the authorization for the Charter Schools program (see above)
Voluntary Public School Choice	Title V-B-3	\$100,000,000	Would not be authorized
Magnet Schools	Title V-C	Such sums	\$91,647,000
Fund for the Improvement of Education	Title V-D ^g	\$675,000,000	Would not be authorized
National Assessment of Educational Progress	na ^h	Such sums	Would not be authorized
State Assessments	Title VI-A-1	Such sums	Would not be authorized
Rural Education Achievement Program	Title VI-B	Such sums	Would receive 1.2% ⁱ (\$194,941,956) of a single authorization for programs serving special populations under Title I-A ^c
Indian Education Grants to LEAs	Title VII-A-1	Such sums	\$105,921,000

Current Law			Authorization Under H.R. 5, as Reported, for FY2016 through FY2021 ^a
Program	Statutory Citation for Program	FY2007 Authorization ^b	
Indian Education Special Programs and National Activities	Title VII-A-2 and 3	Such sums	\$24,858,000
Education for Native Hawaiians	Title VII-B	Such sums	\$34,181,000
Alaska Native Education	Title VII-C	Such sums	\$33,185,000
Impact Aid Federal Property	Title VIII, Section 8002	Such sums	\$63,813,000
Impact Aid Basic Support Payments	Title VIII, Section 80003(b)	Such sums	\$1,151,233,000
Impact Aid Children with Disabilities	Title VIII, Section 8003(d)	Such sums	\$48,316,000
Impact Aid Construction	Title VIII, Section 8007	Such sums	\$17,406,000
Impact Aid Facilities Maintenance	Title VIII, Section 8008	Such sums	\$4,835,000
New Authorizations Included in H.R. 5			
Teacher and School Leader Flexible Grant	na	na	Would receive 25% (\$697,089,000) of a single authorization for teacher and principal programs under Title II ^d
Family Engagement in Education	na	na	\$25,000,000
Local Academic Flexible Grant (block grant)	na	na	\$2,302,287,000

Source: Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110) and H.R. 5.

Notes: Proposed authorizations were aligned with authorizations included in current law if the proposed authorizations would authorize programs that are similar to those included in current law. It should be noted that the lack of a proposed authorization for a particular program does not necessarily mean that required or allowable activities under that program may no longer be supported. “Such sums” means “such sums as may be necessary.” It should be noted that H.R. 5 would authorize appropriations for the McKinney-Vento Homeless Education program. This authorization of appropriations of \$65,042,000 is not discussed in this report, as this program is not part of the ESEA.

na: Not applicable.

- The same amount is authorized for each program for FY2016 through FY2021.
- FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.
- Under H.R. 5, five programs would share a single authorization. These programs include Improving Basic Programs Operated by LEAs, Migrant Education, Neglected and Delinquent, English Language Acquisition, and Rural Education. The total authorization of appropriations for each of FY2016 through FY2021 would be for \$16,245,163,000. Each of the five programs would receive a share of the overall, single authorization. The individual shares are noted in the table.

- d. Under H.R. 5, the Teacher Quality State Grants program and the Teacher Preparation and Effectiveness program would share a single authorization. The total authorization for FY2013 would be \$2,441,549,000.
- e. H.R. 5 would authorize a new block grant program.
- f. The Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation program had a separate authorization for FY2002 and FY2003 only. It has continued to receive appropriations each fiscal year.
- g. Under current law, a single authorization under Title V-D covers programs included in Title V-D-I through Title V-D-21. Title V-D-I provides the Secretary with the authority to support “nationally significant programs.”
- h. NAEP is not an ESEA program; rather, it is authorized under the National Assessment of Educational Progress Authorization Act. However, as participation in NAEP is a requirement for states to receive funding under ESEA Title I-A if the Secretary pays for the test administration, current law included an authorization of funds for NAEP. H.R. 5, while still requiring states to participate in NAEP if the Secretary pays for the test administration in order to receive funds under Title I-A-I, does not include an authorization of funds for NAEP.
- i. The Small, Rural School Achievement Program would receive 0.6% (\$97,470,978) of the total amount authorized for Title I-A. The Rural and Low-Income School Program would also receive 0.6% (\$97,470,978) of the total amount authorized for Title I-A. Under current law, appropriations provided for rural education are divided evenly between these two programs per Section 6234.

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