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# Reauthorization of the Elementary and Secondary Education Act: Highlights of the Every Student Succeeds Act

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## Summary

The Elementary and Secondary Education Act (ESEA) was last comprehensively 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. 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.

Congress has actively considered reauthorization of the ESEA during the 114<sup>th</sup> 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.

**Table 1** in this report highlights key provisions included in the ESSA and provides some context regarding the treatment of similar provisions in current law, where applicable. The major areas considered in this examination include the following:

- overall structural and funding issues;
- Title I-A accountability;
- Title I-A formulas;
- teachers, principals, and school leaders;
- flexibility and choice; and
- general provisions.

**Table 2** depicts the proposed structure of the ESEA under the ESSA and includes all authorizations of appropriations for FY2017 through FY2020. **Table 3** provides examples of programs authorized under current law that would not be retained by the ESSA.

The report does not aim to provide a comprehensive summary of ESSA or of technical changes that would be made by the bill.

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## Introduction

The Elementary and Secondary Education Act (ESEA) was last comprehensively 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.<sup>1</sup> 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 114<sup>th</sup> Congress, the House Education and the Workforce Committee reported the Student Success Act (H.R. 5), which would provide for a comprehensive reauthorization of the ESEA. The bill was subsequently passed on the House floor on July 8, 2015, based on a strictly partisan vote of 218-213. The Senate Health, Education, Labor, and Pensions (HELP) Committee reported the Every Child Achieves Act of 2015 (ECAA; S. 1177), which would also provide for a comprehensive reauthorization of the ESEA. S. 1177 was subsequently passed on the Senate floor on July 16, 2015, based on a bipartisan vote of 81-17. 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.

This report highlights key provisions included in the ESSA and provides some context regarding the treatment of similar provisions in current law, where applicable. **Table 1** highlights key provisions in the bill. An emphasis has been placed on issues that have received the most attention during the reauthorization process, including Title I-A accountability and formula issues and Title II-A formula issues. **Table 2** depicts the proposed structure of the ESEA under the ESSA and includes all authorizations of appropriations for FY2017 through FY2020. The table also indicates whether a comparable program was included in current law.<sup>2</sup> **Table 3** provides examples of programs authorized under current law that would not be retained by the ESSA. The report does not aim to provide a comprehensive summary of ESSA or of technical changes that would be made by the bill.

## ESEA Flexibility Provided by the Administration

*As Congress had 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*

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<sup>1</sup> 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 authorizations of appropriations for the programs were automatically extended through FY2008. While appropriations for ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of appropriations for the programs.

<sup>2</sup>An indication that a program is also included in current law does not mean that the program would not be modified or have its name changed under the ESSA.

flexibility requirements that were enacted through NCLB. State educational agencies (SEAs) may also apply for optional waivers related to the 21<sup>st</sup> 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. 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 December 2015, 42 states, the District of Columbia, and Puerto Rico had approved ESEA flexibility applications, and ED was reviewing applications from other states.

The ESSA would terminate all waivers associated with the ESEA flexibility package on August 1, 2016.

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

## Highlights of the ESSA

**Table 1** highlights similarities and differences between the ESSA and current law. As previously discussed, areas of the ESSA that have received the most congressional interest are given a more in-depth review in the table. The major areas considered include the following:

- overall structural and funding issues;
- Title I-A accountability;
- Title I-A formulas;
- teachers, principals, and school leaders;
- flexibility and choice; and
- general provisions.

No attempts, however, were made to provide a comprehensive analysis of the ESSA.

**Table I. Comparison of Highlights of the Every Student Succeeds Act to Current Law**

Provision	Current Law	Every Student Succeeds Act Conference Report
<b>Overall Structural and Funding Issues</b>		
General structure of the ESEA	<p>The ESEA has nine titles:</p> <p>Title I: Improving the Academic Achievement of the Disadvantaged</p> <p>Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals</p> <p>Title III: Language Instruction for Limited English Proficient and Immigrant Students</p> <p>Title IV: 21<sup>st</sup> Century Schools</p> <p>Title V: Promoting Informed Parental Choice and Innovative Programs</p> <p>Title VI: Flexibility and Accountability</p> <p>Title VII: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VIII: Impact Aid</p> <p>Title IX: General Provisions</p>	<p>Would have eight titles:</p> <p>Title I: Improving the Academic Achievement of the Disadvantaged</p> <p>Title II: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders</p> <p>Title III: Language Instruction for English Learners and Immigrant Students</p> <p>Title IV: 21<sup>st</sup> Century Schools</p> <p>Title V: Flexibility and Accountability</p> <p>Title VI: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VII: Impact Aid</p> <p>Title VIII: General Provisions</p>
New programs and program repeals	Not applicable.	<p>Would retain most formula grant programs funded in FY2015, the Charter School program, the Magnet School program, and the Impact Aid program. Would repeal many programs included in current law. Would add several new programs including a family engagement program and a block grant program. The latter would allow funds to be used for some of the same purposes as many current law programs that would be eliminated.</p>
Authorization and funding levels	<p>ESEA programs were authorized through FY2007 and were automatically extended through FY2008 by the General Education Provisions Act (GEPA). Most ESEA programs were authorized at “such sums as may be necessary” for FY2007. Only five programs had specified FY2007 authorization levels. For these five programs, the FY2007 authorizations totaled \$28.9 billion.</p>	<p>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. For FY2017, the total authorization of appropriations for ESEA programs would be \$24.2 billion.<sup>a</sup> The total authorization of appropriations would increase each year of the authorization period, reaching \$25.7 billion in FY2020.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
<b>Title I-A Accountability</b>		
Standards	Requires each state to adopt challenging academic content and challenging student academic achievement standards in mathematics, reading/language arts (hereinafter referred to as reading), and science. States may also choose to adopt standards for other subject areas.	Would require states to adopt challenging academic content standards and aligned academic achievement standards (collectively referred to as challenging state academic standards) in reading, mathematics, science, and any other subject determined by the state. The achievement standards would be required to include at least three levels of achievement. States would also be required to demonstrate that the 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.
Assessments	Requires all states to develop and implement yearly assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. Also requires science assessments aligned with content and achievement standards to be administered once in grades 3-5, grades 6-9, and grades 10-12.	Would require all states to administer reading and mathematics assessments in each of grades 3-8 and at least once in grades 9-12. Would also require all states to administer science assessments at least one time during grades 3-5, grades 6-9, and grades 10-12. Would require that all assessments be aligned with state academic standards. States would be permitted to administer a single summative assessment or administer multiple statewide interim assessments during the course of a school year that results in a single summative score that provides valid, reliable, and transparent data on student achievement or growth. Would specifically allow an LEA to use a nationally recognized high school academic assessment that has been approved by the state in lieu of the aforementioned high school state assessments. Would permit states to develop and administer computer adaptive assessments, which may measure a student's level of academic performance above and below a student's grade level, provided it measures a student's performance against the state academic standards for the student's grade.

Provision	Current Law	Every Student Succeeds Act Conference Report
Standards and assessments for students with disabilities	<p>The ESEA requires that academic assessments measure the achievement of all children, including students with disabilities. The statute requires the use of “alternative assessments” provided in the same manner as those provided under the Individuals with Disabilities Education Act (IDEA; P.L. 108-446). The statute does not, however, address how to incorporate scores from “alternative assessments” in the accountability system.</p> <p>ESEA regulations have addressed the development and use of two types of alternate assessments for students with disabilities:</p> <p>(1) States are permitted to develop alternate assessments based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities. The number of proficient scores based on AA-AAS used within the accountability system may not exceed 1% of all students.</p> <p>(2) States are permitted to develop alternate assessments based on modified achievement standards (AA-MAS) for other students with disabilities. The number of proficient scores based on AA-MAS used within the accountability system may not exceed 2% of all students.</p>	<p>Would permit a state to adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided various requirements are met, such as having the student’s individualized education program (IEP) designate that the alternate standards will be used for a specific student.</p> <p>Would allow a state to administer alternate assessments aligned with the state academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities provided that the total number of students assessed in each subject using the alternate assessments does not exceed 1% of the total number of all students in the state who are assessed in such subject. Would prohibit the Secretary and SEA from imposing a cap on the percentage of students taking the alternate assessment at the LEA level. However, if an LEA administers the alternate assessment to more than 1% of its students, it would be required to submit information to the SEA justifying the need for more than 1% of its students to take such assessment. The SEA would be required to provide “appropriate oversight” of any LEA that assesses more than 1% of its students using the alternate assessment. SEAs would be permitted to seek a waiver from the Secretary if the overall 1% state cap is exceeded.</p>
English language proficiency (ELP) standards and assessments	<p>Under Title I-A, requires all LEAs to provide for an annual assessment of English proficiency.</p> <p>Under Title III-A, requires states to establish standards that raise the level of English proficiency and that must be aligned with Title I-A academic content standards. Requires subgrantees to provide for an annual assessment of English proficiency.</p>	<p>Would require each Title I-A state plan to ensure that the state has adopted English language proficiency standards that are derived from the four domains of speaking, listening, reading, and writing; address the different proficiency levels of English learners; and are aligned with the challenging state academic standards.</p> <p>Would require each state plan to demonstrate that LEAs in the state will provide for an annual assessment of English proficiency of all English learners in the schools served by the LEA and that such assessments will be aligned with the state’s English language proficiency standards.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
Testing caps	Not applicable	Would include a provision giving states the option to establish a cap on the amount of time devoted to the administration of assessments for each grade.
Funding for assessments	Provides formula grants to states for state assessments required by the ESEA. Also authorizes competitive grants to states (or consortia of states) for related assessment activities (e.g., to improve existing assessments or develop new assessments beyond the requirements of the ESEA).	Would continue to provide formula grants to states for state assessments. Of the funds provided, states would be permitted to reserve up to 20% of their funds to conduct an assessment system audit. Would continue to authorize competitive grants to states if appropriations exceed a trigger amount specified in statutory language.
Subjects included in state accountability system for accountability determinations (as opposed to reporting purposes)	Under current law, only reading and mathematics must be included in state accountability systems. States may choose to include additional subject areas.	Similar to current law.
Student subgroups included for accountability determinations (as opposed to reporting purposes)	Provided a state-determined minimum group size is met, data must be disaggregated for accountability determinations for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. These specific demographic groups are often referred to as “subgroups.”	Similar to current law.

Provision	Current Law	Every Student Succeeds Act Conference Report
Annual measurable objectives (AMOs) and long-term goals	<p>For accountability purposes, 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 applies to the “all students group” and each subgroup for which data are disaggregated, and must 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.</p>	<p>Would eliminate the AMOs. States would be required to establish long-term goals, including measures of interim progress toward those goals, for all students and separately for each subgroup in the state for (1) academic achievement as measured by proficiency on the required state reading and mathematics assessments, (2) four-year adjusted cohort graduation rates, and (3) an extended-year adjusted cohort graduation rate, if a state chooses to use such an additional measure. The long-term goals established for subgroups that are behind on the required measures would be required to take into account the improvement needed to make significant progress in closing statewide proficiency and graduate rate gaps. In addition, for English learners states would be required to establish goals for increases in the percentage of such students achieving English language proficiency within a state-determined timeline. Unlike current law, states would not be required to establish their long-term goals based on a requirement that all students reach a proficient or higher level of achievement within a certain timeframe.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
Adequate yearly progress (AYP) and performance indicators	<p>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; 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.</p>	<p>Would eliminate AYP. Would require states to annually measure all students and each subgroup on specified indicators:</p> <ul style="list-style-type: none"> <li>(1) Based on the aforementioned long-term goals, academic achievement as measured by proficiency on reading and mathematics assessments for all public schools and, at the state’s discretion, student growth on the assessments for public high schools.</li> <li>(2) For public elementary schools and secondary schools that are not high schools either a measure of student growth or another valid and reliable statewide indicator that allows for “meaningful differentiation” of school performance.</li> <li>(3) For public high schools based on the aforementioned long-term goals, the four-year adjusted cohort graduation rate and, if applicable, the extended-year adjusted cohort graduation rate.</li> <li>(4) For public schools, progress in achieving English proficiency by English learners as measured by the required English language proficiency assessment in each of grades 3 through 8 and the grade in grades 9-12 that students are assessed on the reading assessment.</li> <li>(5) At least one additional indicator of school quality or student success that allows for meaningful differentiation in school performance and is valid, reliable, comparable, and statewide.<sup>b</sup></li> </ul>
Determining whether AYP has been met and meaningfully differentiating schools	<p>Under current law, the primary model for determining whether a school or LEA has met the AYP requirements based on assessment performance is the group status model. Such models set threshold levels of performance, expressed as a percentage of students scoring at a proficient or higher level on state assessments of reading and mathematics, which must be met by all students as a group, as well as students in designated demographic subgroups, in order for a public school or LEA to make AYP. Current law also includes a secondary model of AYP, a “safe harbor” provision, under which a school or LEA may make AYP if, among student groups who did not meet the primary AYP standard, the percentage of students who are not at the proficient or higher level declines by at least 10%. Regulations permit states to request a waiver to determine AYP based on a growth model.</p>	<p>Would require each state to establish a system for annually meaningfully differentiating public schools based on all of the aforementioned indicators for all students and for each subgroup of students. The state would be required to assign a weight to each of the aforementioned indicators with substantial weight given to indicators (1) through (4). In the aggregate, “much greater weight” would be required to be assigned to indicators (1) through (4) than is afforded to the indicators selected under (5) in the aggregate. In addition, the state would have to include differentiation of any school in which any subgroup is consistently underperforming (as defined by the state) “based on all indicators” and the system for meaningfully differentiating.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
Outcome accountability under Title I-A	<p>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 (Section 1116). LEAs or schools that fail to meet AYP standards for additional years are required to take a variety of actions.<sup>c</sup> For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice, 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), which is usually provided as after school academic tutoring. 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, or working with an outside expert. 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.</p>	<p>Based on the aforementioned system of meaningful differentiation, the state would be required to develop a methodology to identify schools for comprehensive support and improvement beginning with school year 2017-2018 and at least once every three school years after. Identified schools must include:</p> <ol style="list-style-type: none"> <li>(1) at least the lowest-performing 5% of all schools receiving Title I-A funds,</li> <li>(2) all public high schools failing to graduate one third or more of their students,</li> <li>(3) schools required to implement additional targeted support (see below) that have not improved in a state-determined number of years, and</li> <li>(4) additional statewide categories of schools, at the state's discretion.</li> </ol> <p>For schools identified for comprehensive support and improvement, LEAs would be required to develop a plan in consultation with stakeholders (including school staff and parents) to improve school outcomes.<sup>d</sup> As part of this plan, the LEA would have the option to offer public school choice. Schools that failed to improve within a state-determined number of years (but no more than four years) would be subject to more rigorous state determined action. In addition to identifying schools for comprehensive support and improvement, states would also be required to identify, based on the state's system of meaningfully differentiating schools, any school in which a subgroup of students is consistently underperforming for targeted support and intervention. Each of these schools would be required to develop and implement a plan to improve student outcomes.<sup>e</sup> Additional action would be required if implementation of the plan is unsuccessful after a number of years as determined by the LEA. If a school has a subgroup that would otherwise be identified for comprehensive support and improvement if the subgroup were treated as a school, the school would be required to do additional targeted support and intervention activities.<sup>f</sup> If a school is required to do the latter and does not improve within a state-determined number of years, the state would be required to identify the school for comprehensive support and intervention.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
Student participation rate and accountability	As previously discussed, a school cannot make AYP if less than 95% of the all students group or less than 95% of any subgroup for accountability purposes do not participate in the assessment.	Would require the state to annually measure the achievement of not less than 95% of all students and 95% of students in each subgroup who are enrolled in public schools. In addition, when determining student performance on the reading and mathematics assessment, at least 95% of all such students (all students and subgroups) must be included in the denominator of the calculation to determine the percentage of students who are proficient with respect to reading or mathematics. At the same time, the ESSA would also include a provision stating that nothing related to the assessment requirements included in Section 1111(b)(2) should be construed as preempting state or local law regarding a parent's decision to not have the parent's child participate in the state assessments.
Student subgroups included for reporting purposes (as opposed to accountability purposes)	Provided a state-determined minimum group size is met, data must be disaggregated and reported for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, students with limited English proficiency, students by migrant status, and students by gender.	Similar to current law. For some requirements, reporting would also be required by homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces.
Supplemental educational services and public school choice	As previously mentioned, LEAs are required to reserve 20% of their Title I-A funds for transportation for public school choice and for SES.	Would permit states to reserve up to 3% of the total amount of Title I-A funds received by the state to make competitive grants to LEAs for direct student services such as advanced courses, career and technical education, credit recovery, Advanced Placement and International Baccalaureate test fees, transportation to support public school choice, and high-quality academic tutoring.
School Improvement Grants (SIG)	Provides formula grants to states which subsequently make competitive grants to LEAs to provide assistance to schools consistent with Section 1116 (see previous discussion on outcome accountability). Regulatory language specifies which types of schools have priority to be served and specific interventions (i.e., turnaround model, transformation model, restart model, closure model) that must be used in certain types of schools.	Would not retain the SIG program.

Provision	Current Law	Every Student Succeeds Act Conference Report
School improvement reservation	States are required to reserve 4% of the total amount the state receives under Title I-A, provided that no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision.	Would require states to reserve the greater of 7% of the total amount the state receives under Title I-A or the sum of the amount that the state reserved for school improvement and received under the SIG program for FY2016. <sup>g</sup> Beginning in FY2018, the state would only be permitted to reserve the full amount of funds for school improvement if no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision. For FY2016 and FY2017, states would be able to reserve the full amount for school improvement regardless of whether it results in reduced LEA grant amounts.
<b>Title I-A Formulas</b>		
Title I-A formulas	After reserving funds 1% of Title I-A funds for the Bureau of Indian Education (BIE) and the Outlying Areas, Title I-A funds are allocated to LEAs using four formulas: Basis Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG). Statutory language specifies how funds are to be distributed under each formula. Additionally, from the funds reserved for the BIE and Outlying Areas, up to \$5 million is reserved for competitive grants to the Outlying Areas and Palau.	Would alter the Title I-A formulas to reserve 0.7% for the BIE and 0.4% for the Outlying Areas for a total reservation of 1.1% prior to determining grants to LEAs. Of the funds allocated to the Outlying Areas, \$1 million would be taken off the top for a grant to Palau. The competitive grant to the Outlying Areas and Palau would be eliminated. These formula changes would only be implemented if the total amount of funds available to make grants to states after implementing these provisions would be at least as much as the total amount of funds available to make grants to states in FY2016. <sup>h</sup>
Portability of funds	Not applicable.	While H.R. 5 (Student Success Act) 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, ESSA would not include a provision providing for the portability of Title I-A funds.
<b>Teachers, Principals, and School Leaders</b>		
Highly qualified teachers	Under current law, to be deemed “highly qualified” a teacher must possess a bachelor’s degree, hold full state teaching certification (i.e., must not have had any certification requirements waived on an emergency, temporary, or provisional basis), and demonstrate subject-matter knowledge in each subject they teach.	Would repeal the provision defining the term “highly qualified.”

Provision	Current Law	Every Student Succeeds Act Conference Report
Qualifications for teachers and paraprofessionals	States and LEAs that receive funding under Title I-A must ensure that all teachers teaching in core academic subjects are highly qualified. LEAs that receive funding under Title I-A must ensure that all paraprofessionals working in programs supported with Title I-A funds have completed at least two years of college, hold an associate's (or higher) degree, or met a rigorous standard of quality.	Would require that states and LEAs receiving funds under Title I-A ensure that all teachers and paraprofessionals working in programs supported with Title I-A funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.
Parents right-to-know	At the beginning of each school year, each LEA that receives Title I-A funds must notify the parents of each student attending a Title I school served by the LEA of their right to request information on their child's educators including: certification status, educational attainment, and (if applicable) qualifications of paraprofessionals providing services to the child.	Similar to current law.
Educator effectiveness	No provision in current law.	Would require that states receiving funds under Title I-A make public any methods or criteria used to measure teacher, principal, or other school leader effectiveness.
Distribution of teacher quality	Requires each state to describe the specific steps it will take to ensure Title I schools provide instruction by highly qualified instructional staff, including the 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. Requires each state to describe the measures it will use to evaluate and publicly report on progress to ensure an equitable distribution of teacher quality.	Would require that states and LEAs receiving funds under Title I-A describe how low-income and minority children enrolled in Title I-A schools will not be served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. Would require states to describe the measures they will use to evaluate and publicly report on progress to ensure an equitable distribution of teacher quality.
Title II-A state grant allocation	After a series of reservations for specified purposes, Title II-A funds are awarded to the 50 states, the District of Columbia, and Puerto Rico according to a base guarantee and funding formula. The base guarantee is equal to the amount each state received in FY2001 under three antecedent programs. 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 (i.e., 35% of the excess is allocated according to the school-age population and 65% is allocated according to the school-age population living in poverty). Current law further provides that each state is assured no less than 0.5% of the excess.	Would amend the reservations, base guarantee, and formula factors. Reservations for the Bureau of Indian Education and Outlying Areas would remain, while the set-aside for national activities would be funded through a separate authority. That is, the ESSA would reduce each state's base guarantee 14.29 percentage-points for each year between FY2017 and FY2022, resulting in the elimination of the base guarantee beginning in FY2023. Would amend current formula weights gradually over four fiscal years. Would reduce the share of funds allocated according to population from the current 35% to 30% in FY2018, 25% in FY2019, and 20% in FY2020 and subsequent fiscal years. Would increase the share of funds allocated according to poverty from the current 65% to 70% in FY2018, 75% in FY2019, and 80% in FY2020 and subsequent fiscal years. Would retain the minimum state grant of 0.5%.

Provision	Current Law	Every Student Succeeds Act Conference Report
Teacher and principal compensation	Under broad authority provided in Title V-D-I, the Teacher Incentive Fund 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, as well as classroom evaluations conducted multiple times during each school year, among other factors.	Would explicitly authorize the Teacher and School Leader Incentive Program under Title II, Part B to provide competitive grants to states and LEAs (alone or in partnership with nonprofit organizations) to develop and implement performance-based teacher and principal compensation systems for high-need schools that must consider gains in student academic achievement.
Training for math and science teachers	Provides formula funds to states to support professional development for math and science teachers under Title II-B, Mathematics and Science Partnerships.	Would repeal this program.
Teacher recruitment	Provides competitive grants to states and high-need LEAs (alone or in partnership with nonprofit organizations or institutions of higher education) to support recruitment of mid-career professionals into teaching under Title II-C, Transition to Teaching program.	Would authorize similar activities under the Title II-A program.

Provision	Current Law	Every Student Succeeds Act Conference Report
<b>Flexibility and Choice</b>		
Block grants	<p>Innovative Programs authorized under Title V-A is informally referred to as the “education block grant” program. Program purposes include support of educational reform, implementation of reform and improvement programs based on scientifically based research, support of educational innovation and improvement, assistance to meet the educational needs of all students, and assistance to improve educational performance. The program provides formula grants to states, which subsequently provide formula grants to LEAs. LEAs must use their grants to meet locally determined educational needs, as selected from a list of 27 innovative education assistance activities. The program was last funded in FY2007 at \$99 million.</p>	<p>Would authorize a new block grant program, Student Support and Academic Enrichment Grants, to provide all students with access to a well-rounded education, improve school conditions for student learning, and 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 based on their share of Title I-A funds from the prior fiscal year. States would subsequently allocate at least 95% of the funds received to LEAs based on their share of Title I-A funds relative to other LEAs in the same state. Each LEA would receive a minimum of \$10,000. LEAs receiving a grant of at least \$30,000 must use at least 20% of their grant for activities to support a well-rounded education, at least 20% for activities to support safe and healthy students, and some of their funds for one or more activities to support the effective use of technology.</p>
School choice	<p>Current law includes several mechanisms that support school choice. Under Title I-A, students attending schools that have failed to make AYP for two consecutive years or more are provided with public school choice. LEAs are required to reserve an amount equal to 20% of their Title I-A funds to support transportation for public school choice and for SES. Title V provides funding for the Charter School program, which supports the planning and implementation of charter schools, as well as the dissemination of information about charter schools; the Charter School Facilities Incentive Grant program, which is designed to incentivize states to provide per-pupil funding for charter school facilities; the Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation; the Public School Choice program, which encourages the development and implementation of public school choice programs at the LEA and state levels; and the Magnet School program, which provides grants to LEAs to establish and operate magnet schools that are operated under a court-ordered or federally approved voluntary desegregation plan.</p>	<p>Would continue to allow LEAs to choose to implement public school choice in schools identified for comprehensive support and intervention. Funds to support public school choice would be available through Title I-A school improvement funds and direct student services funds. Would retain all three charter school programs included in current law and the Magnet School program. The Public School Choice program would not be retained.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
Flexibility provisions	<p>Contains multiple flexibility authorities related to the use of funds provided under various ESEA programs, including the authority to operate a schoolwide program under Title I-A, flexibility for LEAs receiving funds under the Rural Education Assistance Programs (REAP; Title VI-B), state- and local-flex authority (Title VI-A-3), and transferability authority (Title VI-A-2). With respect to current transferability authority, states may transfer up to 50% of the nonadministrative funds allotted to the state for state-level activities to Title I, Teacher and Principal Training and Recruiting Fund, Ed Tech, Safe and Drug-Free Schools and Communities, 21<sup>st</sup> Century Community Learning Centers (21<sup>st</sup> CCLC), and Innovative Programs. Most LEAs are also permitted to transfer up to 50% of funds available for local activities to all of the aforementioned programs except 21<sup>st</sup> CCLC. LEAs that have been identified for improvement may only transfer 30% of their funds. LEAs in corrective action may not transfer any funds. All states and LEAs are prohibited from transferring funds out of Title I-A. In general, entities that meet the requirements to use available flexibility authority may do so without additional approval.</p>	<p>Would permit states to transfer up to 100% of the nonadministrative funds allotted to the state under Title II-A, the block grant program, or 21<sup>st</sup> Century Community Learning Centers among these programs or to Title I-A, Migrant Education, Neglected and Delinquent, English Language Acquisition, and one other program.<sup>i</sup> Similarly, LEAs could transfer up to 100% of funds under Title II-A or the block grant program between these programs or to Title I-A, Migrant Education, Neglected and Delinquent, English Language Acquisition, and one other program.<sup>i</sup> States and LEAs would be prohibited from transferring funds from Title I-A, Migrant Education, Neglected or Delinquent, English Language Acquisition, and one other program<sup>i</sup> to any other program.</p>

Provision	Current Law	Every Student Succeeds Act Conference Report
<b>General Provisions</b>		
Maintenance of effort (MOE)	Permits an LEA to receive funding under several ESEA programs for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of the LEA and state with respect to the provision of free public education by the LEA for the preceding year was not less than 90% of the combined fiscal effort or aggregate expenditures of the second preceding fiscal year. The Secretary may waive this requirement due to exceptional or uncontrollable circumstances (e.g., natural disaster) or a precipitous decline in the financial resources of the LEA. This is known as the maintenance of effort (MOE) requirement.	Would retain all of the MOE provisions included in current law. However, if an LEA failed to meet its MOE requirement but had met the requirement for the five immediately preceding fiscal years, the LEA would not have its funding reduced. In addition, the ESSA would include “a change in the organizational structure of the local educational agency” as a second example of exceptional or uncontrollable circumstances for which the Secretary may grant a waiver of the MOE requirements. <sup>j</sup>
Secretarial waiver authority	Section 9401 grants the secretary the discretion to issue waivers of most statutory and regulatory requirements of the ESEA at the request of an SEA, LEA, Indian tribe, or school (through an LEA) that receives funds under an ESEA program, provided certain conditions are met. There are some restrictions on the provisions that may be waived. For example, the Secretary may not waive fiscal accountability requirements or parental participation requirements.	Would provide the Secretary with the discretion to issue waivers of most statutory and regulatory requirements of the ESEA at the request of an SEA or Indian tribe. LEAs would need to submit their requests to their SEA, which would submit the request to the Secretary if the SEA approves the LEA’s waiver request. Schools would continue to submit their waiver requests to their LEA. If the LEA determines the waiver to be “appropriate,” the LEA would then submit the waiver to the SEA for approval and subsequent submission to the Secretary. Current restrictions on provisions that may be waived would be retained. Additional limitations would be added that would prevent the Secretary from requiring any SEA, LEA, school, or Indian tribe, as a condition of approval of a waiver request, to include specific academic standards (e.g., Common Core State Standards), use specific assessments, or include or delete from the waiver request any specific elements related to state academic standards, assessments, accountability systems, or teacher and school leader evaluations systems.

Provision	Current Law	Every Student Succeeds Act Conference Report
Prohibitions	<p>Section 9526 includes general prohibitions on the use of funds provided under the ESEA related to developing or distributing materials, programs, or courses of instruction that promote or encourage sexual activity; distributing or aiding in the distribution of obscene materials to minors; providing sex education or HIV-education, unless the instruction is age appropriate and includes the health benefits of abstinence; and operating a contraceptive distribution program in schools.</p> <p>Current law also includes other prohibitions such as a prohibition against an officer or employee of the federal government mandating, directing, or controlling a state's, LEA's, or school's curriculum, program of instruction, or allocation of state or local resources, or mandating the spending of funds or incurring of costs not covered under the ESEA. There is also a prohibition against the federal government endorsing, approving, or sanctioning any curriculum and a prohibition related to federal approval of academic content or achievement standards with the exception of Title I-A provisions. Other prohibitions address, for example, federally sponsored testing, national testing or certification for teachers, building standards, and the development of a nationwide database of personally identifiable information on individuals involved in ESEA data collections or studies.</p>	<p>Would continue to include prohibitions similar to those in current law and include additional prohibitions such as prohibitions related to state standards, assessments, accountability systems in Title I, and the Common Core State Standards.</p>
Common Core State Standards	<p>Current law does not include any provisions requiring or incentivizing states to implement the Common Core State Standards.</p>	<p>Would include provisions that prohibit the Secretary from influencing, incentivizing, or coercing states to adopt the Common Core State Standards. Additionally, would prohibit the Secretary from conditioning or incentivizing (1) the receipt of any grant, contract, or cooperative agreement; (2) the receipt of any priority or preference under such grant, contract or cooperative agreement; or (3) the receipt of a waiver upon a state, LEA, or school's adoption or implementation of the Common Core State Standards. In addition, while prohibitions exist in current law related to federal involvement in school curriculum, The ESSA would include language specifically prohibiting ED from endorsing, approving, developing, requiring or sanctioning any curriculum, including any curriculum aligned to the Common Core State Standards.</p>

**Source:** Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act, as amended, and the Every Student Succeeds Act (ESSA; S. 1177) conference report.

- a. The ESSA would also include authorizations of appropriations for two non-ESEA programs: Preschool Development Grants and the McKinney-Vento Homelessness Education program.

- b. With respect to the additional indicator(s), the state would be required to use the same indicator for each grade span. Examples of measures that may be used include measures of student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, and school climate and safety. A state would be permitted to select any indicator that meets the relevant requirements.
- c. Schools enter improvement status after they fail to make AYP for two consecutive years. Schools can exit improvement status by making AYP for two consecutive years. If a school identified for improvement, corrective action, or restructuring makes AYP for one year, it remains at its current designation for improvement. If it fails to make AYP the next year, it continues to move through the various levels of outcome accountability actions (e.g., moves from school improvement to corrective action).
- d. The plan must be informed by all of the aforementioned indicators; include evidence-based interventions; be based on a school-level needs assessment; identify resource inequities; be approved by the school, LEA, and SEA; and be monitored and periodically reviewed by the SEA.
- e. The plan must be informed by all of the aforementioned indicators, include evidence-based interventions, be approved by the LEA, and be monitored by the LEA.
- f. A school identified for additional targeted support must identify resource inequities.
- g. It should be noted that the ESSA appears to contain a circular reference with regard to this provision. Based on the effective date of changes to non-competitive programs, the changes to the Title I-A formula would take effect on July 1, 2016, which is when ED initially determines FY2016 Title I-A grants. However, the school improvement reservation would be based on the greater of (1) 7% of the total amount of Title I-A funding for the current fiscal year received by the state or (2) the amount the state reserved for school improvement and the amount received under the SIG program for FY2016. Thus, it is somewhat unclear how the amount that must be reserved in FY2016 would be determined.
- h. It should be noted that the ESSA appears to contain a circular reference with regard to this provision. Based on the effective date of changes to non-competitive programs, the changes to the Title I-A formula would take effect on July 1, 2016, which is when ED initially determines FY2016 Title I-A grants. However, the comparison used to determine whether a level or increased funding amount is available to states (which must occur to trigger the implementation of the changes to the Title I-A formula) is based on the amount of funding available for state grants in FY2016. Seemingly, the only logical comparison that could be made in FY2016 would be to compare the amount of funding that would be available to states under current law with the new Title I-A formula provisions included in the ESSA. As the set-aside for the BIE and Outlying Areas is larger under the ESSA, there would be less funding available for state grants in FY2016 under the ESSA than under current law. Thus, it appears that Title I-A grants would continue to be made based on current law for FY2016. While ED would need time to examine this issue in greater detail, in informal communications with CRS, ED staff indicated that this is the approach that would probably be taken in FY2016.
- i. There is a provision that would allow states to transfer funds to “Part B,” but the provision does not specify the applicable title.
- j. The MOE requirements that apply to states receiving EFIG would also be changed in similar ways.

## Structure of the ESSA

**Table 2** depicts the structure of the ESSA by title. For each program with an authorization of appropriations, the amount authorized is provided for FY2017 through FY2020. The table also indicates whether the program is a new program or one that is similar to a program included in current law. An indication that a program is also included in current law does not mean that the program is being retained without changes. For example, while the ESSA would retain Title II-A, a state grant program focused on teachers, it would modify the formula used to award grants and the uses of funds.

**Table 2. ESEA Programs That Would Have Authorizations of Appropriations in the ESSA**

Program	Title	Section Authorizing Appropriations	FY2017	FY2018	FY2019	FY2020	Program Inclusion in Current Law
Title I-A Local Educational Agency Grants	Title I-A	Section 1002	\$15,012,317,605	\$15,457,459,042	\$15,897,371,442	\$16,182,344,591	Included in current law as Title I-A.
State Assessment Grants	Title I-B	Section 1002	\$378,000,000	\$378,000,000	\$378,000,000	\$378,000,000	Included in current law as Title VI-A.
Migrant Education Program	Title I-C	Section 1002	\$374,751,000	\$374,751,000	\$374,751,000	\$374,751,000	Included in current law as Title I-C.
Neglected and Delinquent	Title I-D	Section 1002	\$47,614,000	\$47,614,000	\$47,614,000	\$47,614,000	Included in current law as Title I-D.
Teacher and Principal Training and Recruiting Fund (Grants to States, LEAs, and Eligible Partnerships)	Title II-A	Section 2003	\$2,295,830,000	\$2,295,830,000	\$2,295,830,000	\$2,295,830,000	Included in current law as Title II-A.
Teacher and School Leader Incentive Program	Title II-B-1	Section 2003	49.1% (\$230,220,362) of a single authorization for national activities under Title II-B. <sup>a</sup>	49.1% (\$230,220,362) of a single authorization for national activities under Title II-B. <sup>a</sup>	49.1% (\$230,361,488) of a single authorization for national activities under Title II-B. <sup>a</sup>	47.0% (\$229,908,960) of a single authorization for national activities under Title II-B. <sup>a</sup>	Included in current law as the Teacher Incentive Fund based on authority available under Title V-D-1. <sup>b</sup>
Literacy Education For All <sup>c</sup>	Title II-B-2	Section 2003	34.1% (\$159,888,276) of a single authorization for national activities under Title II-B. <sup>a</sup>	34.1% (\$159,888,276) of a single authorization for national activities under Title II-B. <sup>a</sup>	34.1% (\$159,986,288) of a single authorization for national activities under Title II-B. <sup>a</sup>	36.8% (\$180,013,824) of a single authorization for national activities under Title II-B. <sup>a</sup>	Included in current law as Striving Readers based on authority available under Title I-E, Section 1502.

Program	Title	Section Authorizing Appropriations	FY2017	FY2018	FY2019	FY2020	Program Inclusion in Current Law
Presidential and Congressional Academies for American History and Civics program (Academies for American History and Civics)	Title II-B-3, Section 2232	Section 2003	26.0% <sup>d</sup> of 1.4% (\$1,706,725) of a single authorization for national activities under Title II-B. <sup>a</sup>	26.0% <sup>d</sup> of 1.4% (\$1,706,725) of a single authorization for national activities under Title II-B. <sup>a</sup>	26.0% <sup>d</sup> of 1.4% (\$1,707,772) of a single authorization for national activities under Title II-B. <sup>a</sup>	26.0% <sup>d</sup> of 1.4% (\$1,780,572) of a single authorization for national activities under Title II-B. <sup>a</sup>	Included in current law as Title V-D-1.
National Activities	Title II-B-3, Section 2233	Section 2003	74.0% <sup>e</sup> of 1.4% (\$4,857,603) of a single authorization for national activities under Title II-B. <sup>a</sup>	74.0% <sup>e</sup> of 1.4% (\$4,857,603) of a single authorization for national activities under Title II-B. <sup>a</sup>	74.0% <sup>e</sup> of 1.4% (\$4,860,580) of a single authorization for national activities under Title II-B. <sup>a</sup>	74.0% <sup>e</sup> of 1.4% (\$5,067,780) of a single authorization for national activities under Title II-B. <sup>a</sup>	Not included in current law. <sup>f</sup>
Programs of National Significance (includes Supporting Effective Educator Development Grant Program, the School Leadership Recruitment and Support Grant Program, Technical Assistance and National Evaluation, and the STEM Master Teacher Corps Grant Program)	Title II-B-4	Section 2003	15.4% (\$72,207,609) of a single authorization for national activities under Title II-B. <sup>a</sup>	15.4% (\$72,207,609) of a single authorization for national activities under Title II-B. <sup>a</sup>	15.4% (\$72,251,872) of a single authorization for national activities under Title II-B. <sup>a</sup>	14.8% (\$72,396,864) of a single authorization for national activities under Title II-B. <sup>a</sup>	Current law includes some of these programs, such as the Supporting Effective Educator Development program and School Leader Recruitment and Support program in Title II-A-5.

Program	Title	Section Authorizing Appropriations	FY2017	FY2018	FY2019	FY2020	Program Inclusion in Current Law
English Language Acquisition	Title III	Section 3002	\$756,332,450	\$769,568,267	\$784,959,633	\$884,959,633	Included in current law as Title III-A and B.
Student Support and Academic Enrichment Grants	Title IV-A	Section 4112	\$1,650,000,000	\$1,600,000,000	\$1,600,000,000	\$1,600,000,000	Not included in current law. <sup>g</sup>
21 <sup>st</sup> Century Community Learning Centers	Title IV-B	Section 4206	\$1,000,000,000	\$1,100,000,000	\$1,100,000,000	\$1,100,000,000	Included in current law as Title IV-B.
Charter Schools (includes Grants to Support High-Quality Charter Schools, Facilities Financing, and National Activities)	Title IV-C	Section 4311	\$270,000,000	\$270,000,000	\$300,000,000	\$300,000,000	Included in current law as Title V-B. <sup>h</sup>
Magnet Schools	Title IV-D	Section 4409	\$94,000,000	\$96,820,000	\$102,387,150	\$108,530,379	Included in current law as Title V-C.
Family Engagement in Education Programs	Title IV-E	Section 4506	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	Not included in current law. <sup>i</sup>
Grants for Education Innovation and Research	Title IV-F-I	Section 4601	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>j</sup>	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>j</sup>	42.0% (\$90,611,220) of a single authorization for national activities under Title IV- F. <sup>j</sup>	42.0% (\$90,611,220) of a single authorization for national activities under Title IV- F. <sup>j</sup>	Not included in current law. <sup>k</sup>

Program	Title	Section Authorizing Appropriations	FY2017	FY2018	FY2019	FY2020	Program Inclusion in Current Law
Community Support for School Success (includes both Full-Service Community Schools and Promise Neighborhoods)	Title IV-F-2	Section 4601	36.0% (\$70,466,760) of a single authorization for national activities under Title IV- F.j	36.0% (\$70,466,760) of a single authorization for national activities under Title IV- F.j	32.0% (\$69,037,120) of a single authorization for national activities under Title IV- F.j	32.0% (\$69,037,120) of a single authorization for national activities under Title IV- F.j	Included in current law as Full-Service Community Schools and Promise Neighborhoods, respectively, based on authority available under Title V-D-1. <sup>b</sup>
National Activities for School Safety, including Project School Emergency Response to Violence program (Project SERV) <sup>l</sup>	Title IV-F-3	Section 4601	\$5,000,000 reservation from a single authorization for national activities under Title IV- F.j	\$5,000,000 reservation from a single authorization for national activities under Title IV- F.j	\$5,000,000 reservation from a single authorization for national activities under Title IV- F.j	\$5,000,000 reservation from a single authorization for national activities under Title IV- F.j	Included in current law as Title IV-A-2.
Academic Enrichment (includes Assistance for Arts Education, Ready to Learn Programming, and Supporting High-Ability Learners and Learning)	Title IV-F-4	Section 4601	28.0% (\$54,807,480) of a single authorization for national activities under Title IV- F.j	28.0% (\$54,807,480) of a single authorization for national activities under Title IV- F.j	26.0% (\$56,092,660) of a single authorization for national activities under Title IV- F.j	26.0% (\$56,092,660) of a single authorization for national activities under Title IV- F.j	Included in current law in Title V-D-15, Title II-D-3, and Title V-D-6, respectively. <sup>m</sup>
Rural Education Achievement Program <sup>n</sup>	Title V-B	Section 5234	\$169,840,000	\$169,840,000	\$169,840,000	\$169,840,000	Included in current law as Title VI-B.
Indian Education Grants to LEAs	Title VI-A-1	Section 6152	\$100,381,000	\$102,388,620	\$104,436,392	\$106,525,120	Included in current law as Title VII-A-1.

<b>Program</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>Program Inclusion in Current Law</b>
Indian Education Special Programs	Title VI-A-2	Section 6152	\$17,993,000	\$17,993,000	\$17,993,000	\$17,993,000	Included in current law as Title VII-A-2.
Indian Education National Activities	Title VI-A-3	Section 6152	\$5,565,000	\$5,565,000	\$5,565,000	\$5,565,000	Included in current law as Title VII-A-3.
Education for Native Hawaiians	Title VI-B	Section 6205	\$32,397,000	\$32,397,000	\$32,397,000	\$32,397,000	Included in current law as Title VII-B.
Alaska Native Education	Title VI-C	Section 6304	\$31,453,000	\$31,453,000	\$31,453,000	\$31,453,000	Included in current law as Title VII-C.
Impact Aid Federal Property	Title VII, Section 7002	Section 7014	\$66,813,000	\$66,813,000	\$66,813,000	\$71,997,917	Included in current law as Title VIII, Section 8002.
Impact Aid Basic Support Payments	Title VII, Section 7003(b)	Section 7014	\$1,151,233,000	\$1,151,233,000	\$1,151,233,000	\$1,240,572,618	Included in current law as Title VIII, Section 8003(b).
Impact Aid Children with Disabilities	Title VII, Section 7003(d)	Section 7014	\$48,316,000	\$48,316,000	\$48,316,000	\$52,065,487	Included in current law as Title VIII, Section 8003(d).
Impact Aid Construction	Title VII, Section 7007	Section 7014	\$17,406,000	\$17,406,000	\$17,406,000	\$18,756,765	Included in current law as Title VIII, Section 8007.
Impact Aid Facilities Maintenance	Title VII, Section 7008	Section 7014	\$4,835,000	\$4,835,000	\$4,835,000	\$5,210,213	Included in current law as Title VIII, Section 8008.
Evaluations of Title I Programs	Title VIII-G	Section 1002	\$710,000	\$710,000	\$710,000	\$710,000	Included in current law as Title I-E, Section 1501.
<b>TOTAL Authorization</b>	na	na	\$24,205,408,630	\$24,718,613,504	\$25,231,819,617	\$25,745,024,723	na

**Source:** Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act, as amended, and the Every Student Succeeds Act (ESSA; S. 1177) conference report.

**Notes:** An indication that a program is also included in current law does not mean that the program would not be modified or have its name changed under the ESSA. It should be noted that ESSA would also include authorizations of appropriations for two non-ESEA programs. For the McKinney-Vento Homeless Education program, the authorization of appropriations would be \$85 million for each fiscal year from FY2017 through FY2020. For Preschool Development Grants, the authorization of appropriations would be \$250 million for each fiscal year from FY2017 through FY2020.

- a. The total authorization of appropriations for Title II-B is \$468,880,575 for each of FY2017 and FY2018 and \$489,168,000 for each of FY2019 and FY2020.
- b. The Title V-D-I authority under current law is used to authorize several programs including Full-Service Community Schools, Promise Neighborhoods, and the Teacher Incentive Fund (TIF).
- c. Title II-B-2 authorizes both Comprehensive Literacy State Development Grants and the optional Innovative Approaches to Literacy Grant Program.
- d. The ESSA would require that not less than 26% of the available funds be used for the Presidential and Congressional Academies for American History and Civics program. For the purposes of this report, it was assumed that 26% would be used for this program.
- e. The ESSA would require that not more than 74% of the available funds be used for national activities related to American history, civics and government, and geography instruction. For the purposes of this report, it was assumed that 74% would be used for this purpose.
- f. Under current law, several civic education programs are authorized under Title II-C-3. While funds under the proposed national activities programs could be used for some of the same purposes as authorized under current law, the programs are not the same.
- g. Title V-A of current law authorizes a block grant program, Innovative Programs. The block grant program that would be included in the ESSA is substantially different than the block grant program included in current law.
- h. The proposed Facilities Funding Assistance program is included in current law as Charter School Facilities Incentive Grants (also known as the Per-Pupil Facilities Aid Program) and the Credit Enhancement to Assist Charter School Facility Acquisition, Construction, and Renovation program.
- i. The Parental Information and Resource Centers (PIRCs) authorized in current law under Title V-D-16 include some of the same activities included in the proposed Family Engagement in Education Programs.
- j. The total authorization of appropriations for Title IV-F is \$200,741,000 for each of FY2017 and FY2018 and \$220,741,000 for each of FY2019 and FY2020. The amount of funding available for the programs authorized under Title IV-F-1, Title IV-F-2, and Title IV-F-4 is based on the total amount of funding available for Title IV-F after reserving \$5 million for Title IV-F-3.
- k. While the ESEA does not include a similar program, the proposed Grants for Education Innovation and Research program is similar to the Investing in Innovation (i3) program that was originally authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5) under the State Fiscal Stabilization Fund (Title XIV).
- l. The Secretary must use a portion of the funds reserved under national activities for Project SERV. Funds may also be used to carry out other activities “to improve students’ safety and well-being.”
- m. While the ESSA would retain an arts education program, there are differences between the proposed program and current law. For example, current law specifically addresses grants for the John F. Kennedy Center for the Performing Arts and for Very Special Arts. Neither of these organizations would be specified in ESSA, but they would be eligible to compete for grants.
- n. The Small, Rural School Achievement Program would receive 50% of the total amount authorized for Title V-B. The Rural and Low-Income School Program would also receive 50% of the total amount authorized for Title V-B. Under current law, appropriations provided for rural education are also divided evenly between these two programs per Section 6234.

## ESEA Programs That Would No Longer Be Authorized Under ESSA

**Table 3** provides examples of programs authorized under current law that would not be authorized under the ESSA. Activities supported by some of the programs that would no longer be authorized, however, may be required or allowable uses of funds under programs that would be authorized under the ESSA. For example, under the Student Support and Academic Enrichment Grants program (block grant program), LEAs could use funds to support counseling programs, create safe school environments, provide physical education, and support the use of technology; and states and LEAs could use funds to reimburse low-income students for the costs of accelerated learning examination fees, such as Advanced Placement (AP) exams.

This is not intended to be a comprehensive list of all programs authorized under current law that would no longer be authorized. Rather, this list is based primarily on programs that have been included as line-items on appropriations tables in recent years and would not continue to be authorized by the ESSA.

**Table 3. Selected Programs Authorized Under the ESEA But Would Not Be Authorized Under the ESSA**

Program	Title	FY2015 Appropriation
School Improvement Grants (SIG) <sup>a</sup>	Title I, Section 1003(g)	\$505,756,000
Reading First	Title I-B-1	\$0
Early Reading First	Title I-B-2	\$0
Even Start	Title I-B-3	\$0
Improving Literacy through School Libraries	Title I-B-4	\$0
Close Up Fellowships	Title I-E, Section 1504	\$0
Comprehensive School Reform	Title I-F	\$0
Advanced Placement	Title I-G	\$28,483,000
School Dropout Prevention <sup>b</sup>	Title I-H	\$0
Math and Science Partnerships	Title II-B	\$152,717,000
Transition to Teaching	Title II-C-1-B	\$13,700,000
National Writing Project	Title II-C-2	\$0
Cooperative Education Exchange	Title II-C-3, Section 2345	\$0
Teaching of Traditional American History	Title II-C-4	\$0
Educational Technology (Ed-Tech)	Title II-D	\$0
Safe and Drug Free, State Grants	Title IV-A-1	\$0
Safe and Drug Free, National Programs	Title IV-A-2	\$70,000,000
Alcohol Abuse Reduction	Title IV-A-2, Section 4129	\$0
Mentoring Programs	Title IV-A-2, Section 4130	\$0
Innovative Programs <sup>c</sup>	Title V-A	\$0
Voluntary Public School Choice	Title V-B-3	\$0

Program	Title	FY2015 Appropriation
Elementary and Secondary School Counseling	Title V-D-2	\$49,561,000
Character Education	Title V-D-3	\$0
Smaller Learning Communities	Title V-D-4	\$0
Reading is Fundamental	Title V-D-5	\$0
Star Schools Program	Title V-D-7	\$0
Ready to Teach	Title V-D-8	\$0
Foreign Language Assistance	Title V-D-9	\$0
Carol M. White Physical Education Program	Title V-D-10	\$47,000,000
Community Technology Centers	Title V-D-11	\$0
Exchanges with Historic Whaling and Trading Partners	Title V-D-12	\$0
Excellence in Economic Education	Title V-D-13	\$0
Grants to Improve the Mental Health of Children, Mental Health Integration in Schools	Title V-D-14, Section 5541	\$0
Grants to Improve the Mental Health of Children, Foundations for Learning	Title V-D-14, Section 5542	\$0
Parental Assistance and Local Family Information Centers <sup>d</sup>	Title V-D-16	\$0
Combating Domestic Violence	Title V-D-17	\$0
Healthy, High-Performance Schools	Title V-D-18	\$0
Grants for Capital Expenses of Providing Equitable Services for Private School Students	Title V-D-19	\$0
Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition	Title V-D-20	\$0
Women's Educational Equity Act	Title V-D-21	\$0

**Source:** Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act, as amended, and the Every Student Succeeds Act (ESSA; S. 1177) conference report.

**Notes:** An indication that a program would not be retained in the ESSA does not mean that all of the activities authorized under current law would be eliminated. Similar activities may be required or allowable activities under a program that would be authorized by the ESSA. This is not intended to be a comprehensive list of all programs authorized under current law that would no longer be authorized.

- a. Under current law, school improvement activities are funded through SIG and a state set aside from Title I-A funds. Under ESSA, school improvement would continue to be funded through a state set aside from Title I-A.
- b. This program is also referred to as the High School Graduation Initiative.
- c. The ESSA would create a new block grant program.
- d. The ESSA would create a new program focused on family engagement education.

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