



## Research

# Senate Action: What to know about the Every Child Achieves Act

CHAD MILLER | APRIL 14, 2015

Chairman Lamar Alexander (R-TN) and Ranking-Member Patty Murray (D-WA), leaders of the Senate Health Education Labor and Pensions Committee (HELP), introduced a bill last week to reauthorize the Elementary and Secondary Education Act (ESEA). The Committee is [scheduled](#) to mark up the bill this week, and the Senate may consider the bill this summer. The [Every Child Achieves Act \(ECAA\)](#) is the product of months of bipartisan negotiations that the authors hope will break the log-jam that has stalled ESEA's reauthorization for eight years. The 600 page bill includes a number of reforms to all ten titles of ESEA, but below are a few notable takeaways.

## Student Testing

Despite Senator Alexander [hinting](#) at the possibility of eliminating federal requirements for annual testing, the ECAA continues to mandate annual assessments. The assessments apply to math and English/language arts in grades 3 through 8 and once in high school. For science the assessments would occur once in grades 3 through 5, and once in grades 6 through 8, as well as once in high school. However, it also affords states the option of using one summative test or a number of short term formative assessments that can be combined to reflect a single summative assessment. This is likely a welcomed policy change for those school districts already using such measures to inform daily instruction. Also retained in the ECAA is the requirement to disaggregate assessment data for subgroups of students, including minorities, low-income students, English-learners, and those with disabilities, considered by many as the sole redeeming quality of the No Child Left Behind Act – the current iteration of ESEA.

## Accountability System

The ECAA provides states the freedom to design and establish accountability systems without federal requirements or consequences. This would be a substantial shift from the current federal policies which call for punitive and prescriptive actions when schools fail to meet adequate yearly progress (AYP) in closing achievement gaps and ensuring every student is proficient in English, math, and science. These systems would give school districts the responsibility for designing evidence-based interventions for low performing schools, with technical assistance from the states. The federal government would be prohibited from mandating, prescribing, or defining the specific steps school districts and states must take to improve those schools. States would be required to monitor interventions implemented by school districts and take steps to further assist school districts if interventions are not effective<sup>[1]</sup>.

## State Education Standards

There is little debate that states should establish clear and consistent guidelines for what students should know

and be able to do at each grade level in math and English language arts in order to graduate high school with the ability to succeed in college and the workforce. Many, including the [business sector](#), consider it imperative that states take action by adopting rigorous academic standards to ensure a strong economy. Still, for conservatives, the defining principle when adopting academic standards is that the states themselves would have the fundamental responsibility and right to establish them. The ECAA recognizes this responsibility by prohibiting the federal government from determining or approving state academic standards, and specifically names the Common Core State Standards Initiative as an example of prohibited federal overreach.

## **Title I Portability**

Not included in the ECAA is a provision that would allow for federal funding to be used at any public school of choice, including charter schools – commonly known as [Title I portability](#). This idea, which dates back to the Reagan Administration, has gained momentum in recent months – particularly among conservatives who view federalism and choice as the way to provide equality for disadvantaged students in a system that consigns them to inferior schools with records of persistent failure. The omission of this policy is likely the result of the bipartisan negotiations, but given the history of support for such policies by the likes of Chairman Alexander, Senator Burr and other non-committee Republicans, it's likely to come back up during the legislative process.

## **Charter School Programs**

The legislation strengthens and streamlines the Charter Schools Programs (CSP) by consolidating state start-up grants and facilities aid grants into one program while adding and authorizing, for the first time, grants for the replication and expansion of high performing charter schools. This would be a victory for parents and students, since the additional funding for replication and expansion would ensure the growth of high performing charter schools that have demonstrated success in improving academic achievement, particularly amongst disadvantaged students. However, questions and concerns have been expressed as to whether Charter Management Organizations (CMOs) will squeeze out funding for new innovative up-start charter schools when CMOs are allowed to 'double dip' in both state start up grants and replication and expansion grants.

## **Redefining Core Subjects**

One note of interest, is that the ECAA expands the definition of 'core academic subjects' which has historically included English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. The updated definition now includes computer science, music, and physical education, and any other subject as determined by the state or local educational agency. This can be interpreted as a victory by those who have claimed that NCLB has precipitated the narrowing of curriculum leading to the elimination of the arts in some schools.

## **Early Childhood Education**

Perhaps one of the most anticipated changes, albeit woefully inadequate for early childhood education advocates, is the allowance of ESEA funds for the purpose of early education programs. Specifically, the ECAA would allow funds from title I (programs to support disadvantaged students), title II (programs to support teachers and school leaders), and title III (programs serving English language learners) to be used to strengthen and expand early childhood education programs. Historically, these funds have been restricted for use in elementary, middle, and high schools.

## Amending the Draft

The [Student Success Act](#) (SSA), which has a formidable contingent of [support](#) but has still fallen short on the votes needed to pass the House, is viewed as a baseline for what Congressional Republicans are seeking in a reauthorization. And if the [rhetoric](#) from Representative Bobby Scott (D-VA), and left-leaning organizations such as Council of Great City Schools, National Council of La Raza, National Education Association, and The Education Trust is any indication, the ECAA as drafted will change quite a bit (if not scuttled altogether) through the legislative process. Here are a few changes to watch for:

## Targeted Assistance vs. Funding Flexibility

A key provision in Chairman Kline's SSA replaces the maze of targeted federal dollars with a single Local Academic Flexible Grant, which supporters view as providing states and school districts the needed flexibility to improve student learning. However, the ECAA and some organizations that describe themselves as advocates for the disadvantaged view such measures as diluting and or diverting federal funds away from intended purposes. These groups, as the Education Trust stated in a [press release](#), are "pleased that the [Senate bill] maintains targeting of federal dollars to the districts and schools serving the highest concentrations of low-income students." Given the support amongst conservatives and the battle cry of 'local control' it's likely that we will see amendments offered that provide for funding flexibility.

## School Choice and Federal Funds that Follow the Student

Given Chairman Alexander's history of support and advocacy, consider, for example, his [Scholarship for Kids Act](#), provisions for school choice seems glaringly absent from the ECAA. Add to that the fact that Senator Tim Scott (R-SC), self-described champion of choice and author of the CHOICE Act (*Creating Hope and Opportunity for Individuals and Communities through Education*), sits on the Committee and you have the makings of an amendment that would establish a new funding stream for school choice programs. Or we could see an amendment that calls for the portability of title I funds to ensure students have the option to choose a school that best fits their educational needs.

## Conclusion

The key provisions described above, and the two descriptions of likely amendments, are just a drop in the bucket when it comes to the number of issues up for debate when the ECAA is marked up in committee (and if by some procedural miracle is given full consideration on the Senate floor). The last time ESEA was reauthorized, the debate in the Senate lasted for seven weeks and 150 amendments were offered. That reauthorization pushed the number of programs to 89 up from 55 authorized in the then current law, while the price tag ballooned to \$33 billion up from the \$19 billion presented in President Bush's plan and \$23 billion in the House's version. Should the ECAA survive this gauntlet in the Senate, the legislative process would still be

far from finished. The more conservative House of Representatives would have to put their mark on the legislation, potentially crippling the ability to reach the 60 vote minimum required for cloture in the Senate. It is clear that the law needs to be replaced. Everyone from the president to governors to school leaders agree that the current law has become unworkable. Most state leaders agree that the Obama Administration's waivers have added to the confusion and increased federal burdens. An updated version of the law would ensure that every child has access to an excellent education.

*Committee Summary of the Every Child Achieves Act 2015*

[http://www.help.senate.gov/imo/media/The\\_Every\\_Child\\_Achieves\\_Act\\_of\\_2015-summary.pdf](http://www.help.senate.gov/imo/media/The_Every_Child_Achieves_Act_of_2015-summary.pdf)