

Federal Legislative Report



GREAT NEWS!

On Wednesday (12/2) the House voted to pass the Elementary and Secondary Education Act (ESEA) Reauthorization Conference Committee Report named the Every Student Succeeds Act (ESSA)/S. 1177 by a vote of 359-64. Every member of the Illinois Delegation voted in favor of the legislation. This show of bipartisanship, especially in the considerably more conservative House, is unprecedented in this past decade of extreme partisan divisiveness.

The Senate is expected to take the measure up on Tuesday (12/8) and it is expected to pass by a wide margin. Then the legislation will head to the President's desk where it is anticipated that he will sign it before the holidays. Advocacy does not end there though. With the new law comes new regulations. Because ESSA returns to states and local districts more flexibility in key areas such as testing and accountability, local stakeholder input into the regulatory process over the coming months will be exceedingly important.

Though no legislation is perfect, this is a drastic improvement from No Child Left Behind (NCLB). Here are some highlights:

- One of the most important pieces included in ESSA is specific legislative language on protecting local governance. The legislation addresses potential federal overreach through non-regulatory means and requires local stakeholder (e.g., school board) input at the federal level prior to issuing such guidance.
- Most of the new provisions will go into effect for the 2017-2018 school year. The 2016-2017 school year will be considered transitional. The legislation covers Fiscal Years 2017-2020, essentially a four-year authorization.
- Illinois' State Plan under ESSA will generally be developed by ISBE, in consultation with education stakeholders. The Plan will then be submitted to the U.S. Department of Education where another team of stakeholders, appointed by the Department, will review and approve the Plan.
- ESSA retains annual testing for grades 3-8 in reading and math, and once in high school. Science testing will remain at three assessments, one per grade span. To address concerns about over-testing, the ESSA permits states to set targets for total time spent on testing, and states and school districts may use federal funds to audit their testing systems and eliminate redundant or unnecessary tests.
- States still must test 95 percent of their students, but states are free to craft their own opt-out law.

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- AYP is out and will be replaced by state-defined long-term goals that are “ambitious” and include measures of interim progress.
- NCLB-defined sanctions and prescribed interventions are out. Instead, the state will identify schools in need of “comprehensive support and improvement.” Criteria for identifying these schools will include performance in the bottom 5 percent of Title I schools that fail to graduate more than one third of its students and schools with consistently underperforming subgroups. Once identified, a school improvement plan will be developed by the district in collaboration with community stakeholders.
- The Title I funding formula will not change under ESSA. There was a push by a coalition of states to do that during the amendment process, which would have had a devastating effect on Illinois.
- ESSA requires the continuation of Maintenance of Effort (MOE) where a state’s fiscal effort per student, or aggregate expenditures, for free public education must be at least 90 percent of those from the preceding fiscal year.
- Title I portability, essentially Title I vouchers, was not included in the final ESSA.

Call to Action

Senator Kirk was the only Illinois legislator on the Conference Committee, so please call and thank him for his hard work.

Senator Kirk – 202/224-2854

Contact both Senators Kirk and Durbin and ask them to vote yes.

Senator Durbin – 202/224-2152

Call your House members and thank them for voting yes. They often hear from constituents only when they are unhappy, so please thank them for their vote and the positive effect this will have on kids.

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