



ISSUE BRIEF

REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

BACKGROUND

The *Elementary and Secondary Education Act* (ESEA), last reauthorized on January 8, 2002 as the *No Child Left Behind (NCLB) Act*, is the major federal law supporting K–12 public education in America. Originally enacted in 1965, the law established federal policy and authorized federal funding to assist states and local school districts to improve the academic performance of all students enrolled in public schools regardless of economic status, race, ethnicity, proficiency in English or disability. NCLB was scheduled to be reauthorized in 2008. However, the provisions of the law continue to be extended through the congressional appropriations process – including its many flaws.

The *No Child Left Behind (NCLB) Act* requires states to:

- Establish rigorous academic standards.
- Conduct annual assessments at specific grade levels with at least a 95 percent participation rate.
- Implement a comprehensive accountability system that includes extensive data collection and public reporting on student and school performance.
- Direct formal sanctions against Title I schools and their school districts for failing to meet proficiency targets in reading and math.
- Establish new qualification requirements for teachers and paraprofessionals beyond the standards previously established by many states.

Although the intent of Congress was to improve academic achievement by all students, with particular emphasis on English language learners (ELL), students in poverty, and students with disabilities, the design of the current accountability framework is seriously flawed. Unfortunately, what has evolved is a measurement framework that bases its assessment of school quality on a student's performance only on a *single assessment*, (an invalid standard for measuring student progress), and mandates a series of overbroad sanctions that have not proven to have significant impact on improving student or school performance compared to other options.

NSBA POSITION

NSBA has developed a comprehensive, strategic framework for reauthorizing ESEA that would improve the quality of educational services while ensuring maximum authority and flexibility to local school districts that provide such services, and urges Congress to enact legislation that would:

- (1) Ensure states and local school districts have greater flexibility to make educationally sound decisions, and be free of mandates that unnecessarily or counterproductively hinder school districts from achieving their goals (i.e., mandating the expansion of charter schools and standardized tests as a measure of accountability; and conditioning federal funding on the adoption of state-led common core standards).
- (2) Replace the current accountability system which does not accurately or fairly report student, school, or school district performance.
- (3) Ensure high-quality, valid, and reliable assessments for all students, including English language learners and students with disabilities.

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- (4) Support the use of multiple measures of academic achievement that will more accurately determine students' knowledge and performance that reflect the kind of well-rounded education necessary to be successful in the 21st Century economy, as opposed to judging success on their performance on a single assessment.
- (5) Permit the use of growth models and other measures of student achievement that more accurately reflect student and school performance.
- (6) Facilitate strategic interventions that are designed at the local or state level and are targeted to students and schools most in need, rather than impose ineffective and costly sanctions.
- (7) Provide support to states and school districts and ensure their flexibility to establish programs to enhance teacher/principal quality focusing on preparation, recruitment, retention, and evaluation.
- (8) Support efforts by school districts, through a separate funding stream, to develop, expand, coordinate, and enhance the quality and availability of voluntary preschool programs for all 3- and 4-year old children.
- (9) Fully fund the law, along with other federal assistance programs that are critical to successfully achieving the goals of the new law, and limit the expansion of competitive grants where such expansion would result in level funding of formula-based grants so critical to students in poverty.

If the reauthorization is not completed by June 2011, NSBA urges Congress to provide for temporary relief to schools and school districts from federally mandated sanctions that are costly and produce minimum results in improving academic performance until ESEA is reauthorized.

Additionally, NSBA urges Congress to conduct formal oversight hearings regarding significant federal regulations—such as the Supplemental Priorities for Competitive Grant Programs, which impacts K–12 education—to ensure that actions by the Executive Branch are within its authority.

THE OBAMA ADMINISTRATION AND THE 111th CONGRESS

On March 29, 2010 the U.S. Secretary of Education released the U.S. Department of Education's *Blueprint for the Reauthorization of ESEA*, outlining in very broad terms, proposed changes to the current law. The *Blueprint* provided a comprehensive set of initiatives by which the federal government intends to support local school districts to raise student performance and close the achievement gap for academically-struggling students in our public schools. Additionally the *Blueprint*, which would shift in emphasis from being more punitive to more supportive, is indeed a more constructive shift. Furthermore, the renewed emphasis on all students graduating from high school and college career-ready is welcomed.

NSBA voiced support for the overall concept and recognition of the need to overhaul the current law but opposes some of the more specific recommendations. For example, NSBA opposes recommendations in the *Blueprint* that: (1) place greater emphasis on competitive grants while level funding Title I formula-based grants; (2) condition Title I funding (or any major federal funding) to the adoption of state common core standards; (3) mandate specific models to turnaround performing schools that are not evidenced-based; (4) expand the overemphasis on charter schools; and (5) continue the overemphasis on standardized tests.

In our view, these White House and Congressional actions have resulted in unprecedented federal investments in public education, but also have resulted in new and proposed federal eligibility requirements that create new expectations on the part of states and local school districts.

ESEA in the 112th CONGRESS

With the convening of the 112th Congress, there was a shift in the House leadership given the Republican majority following the November 2010 elections. Representative John Kline (R-MN) became the new Chairman of the House Education and the Workforce Committee, and Representative George Miller (D-CA) became the new Ranking Member. Republicans now have 23 members and the Democrats have 17 members. However, 13 of the Republicans are new members to the committee. The Senate Health, Education, Labor and Pensions Committee is chaired by Senator Tom Harkin (D-IA), with Senator Michael Enzi (R-WY) continuing as Ranking Member.

In recognition of the new 112th Congress, on January 7, NSBA forwarded a letter to the respective Chairmen and Ranking Members reaffirming our urgency in reauthorizing the Elementary and Secondary Education Act (ESEA). NSBA specifically urged Congress to:

- Complete the reauthorization before the First Session of the 112th Congress adjourns, and preferably suggesting June 30, 2011, which would ensure that local school districts could begin the 2011–2012 school year under the new law;
- Enact legislation and request the U.S. Secretary of Education to modify regulations that would provide temporary relief to schools and local school districts from implementing costly restructuring sanctions if ESEA is not completed by June 30, 2011; and
- Conduct formal oversight hearings regarding the implementation of new federal regulations and administration policies impacting K–12 education to ensure that actions by the executive branch do not overreach into the authority vested in the legislative branch of government.

Additionally, on February 28, 2011, NSBA forwarded to each member of Congress its recent publication, *Public Education and the 112th Congress: A New Framework to Support Local School Boards in Achieving Academic Excellence for All Students*, which focuses on a broad range of local school board concerns, including the reauthorization of ESEA. This document has been well received by members of Congress and their staffs as NSBA’s lobbying efforts continue.

Both Chairman Kline of the House Committee on Education and the Workforce and Chairman Harkins of the Senate Committee on Health, Education, Labor, and Pensions (HELP) continue to voice their support for ESEA reauthorization during the 112th Congress.

The House Committee on Education and the Workforce has held several hearings to provide an opportunity for its new members to hear first hand the concerns and challenges facing local schools and school districts on the implementation of the current law. Chairman Kline has indicated that the House committee will address key issues in separate bills, with the expectation that the final bill would incorporate these various bills.

The Senate HELP Committee has not held formal hearings to date. However, Chairman Harkins has indicated his strong support for a Senate bill by spring with a full Senate vote by mid-summer, given their extensive work during the 111th Congress.

LOCAL SCHOOL BOARD ACTIONS

NSBA will continue its lobbying efforts for ESEA reauthorization with the strong engagement of our local school board members in their respective states and congressional districts, and maintain our presence at House and Senate congressional hearings on various components of ESEA. Therefore, local school members urge Congress to:

- Reauthorize ESEA, incorporating the recommendations offered by local school board members that would improve the quality and delivery of educational services while maintaining flexibility to schools and school districts in addressing their unique circumstances.
- Enact legislation or request the U.S. Secretary of Education to modify regulations that would provide temporary relief to local school districts from implementing costly restructuring sanctions if ESEA is not completed by June 2011.
- Conduct a formal oversight hearing regarding significant federal regulations issued by the U.S. Department of Education to ensure that actions by the Executive Branch are within its authority.

For further information, contact Reginald M. Felton, director of federal relations at 703-838-6782, or by e-mail at rfelton@nsba.org.