



ISSUE BRIEF

Elementary and Secondary
Education Act

AUGUST 20, 2010

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Background

In 2007, Congress began the arduous process of reauthorizing the Elementary and Secondary Education Act (ESEA)—named the *No Child Left Behind Act* (NCLB) during the last reauthorization process. Following widespread calls for change from think tanks, business and industry, education groups, teachers, administrators, state and local policymakers and the public, the House and Senate committees that oversee education policy held a series of hearings on priorities for reauthorization. In addition, both chambers solicited recommendations from the education community and other stakeholders, and in August, 2007 the House Education and Labor Committee released a draft reauthorization bill. The Senate Health, Education, Labor, and Pensions (HELP) Committee followed suit in October, releasing a partial proposal.

Even while Senate HELP Committee Chairmen Ted Kennedy (D-MA), House Education and Labor Committee Chairman George Miller (D-CA) and the Bush Administration worked hard and expressed a sense of urgency regarding ESEA reauthorization, the 2008 presidential campaign and contentious Congressional elections made moving a bill difficult. While the draft bills won praise from some advocates, others were critical resulting in no clear consensus in the education community. The same was true on Capitol Hill, and ultimately, the draft bills lacked sufficient support from both Democrats and Republicans to move any further in the legislative process. Progress on the matter came to a complete halt. Subsequently, Senator Kennedy's health issues and completing the Higher Education Act reauthorization took precedence, and ESEA reauthorization was pushed forward as an issue for the 111th Congress to debate with a new President in the White House.

Action by the Administration and the 111th Congress

FISCAL YEAR 2011 BUDGET PROPOSAL

With the introduction on February 1, 2010 of President Obama's Fiscal Year 2011 budget for the Department of Education, Secretary of Education, Arne Duncan, made clear his vision for the reauthorization of the ESEA. Proposals that had been rumored or hinted at took sharp focus in the proposed spending plan that was put forward in February 2010 by the Administration. The Department's plan for ESEA builds on the priorities that were articulated in 2009 in the American Recovery and Reinvestment Act (ARRA)—highly qualified teachers for all students; data driven instruction; turning around low-performing schools; and more rigorous academic standards.

Through its proposed Fiscal Year 2011 budget, the Administration asserted its preference for:

- competitive funding versus formula grants;
- consolidation of small categorical programs into larger block grants for more general purposes; and
- a redesign of the current accountability system.

The President's budget proposal also requested a "billion dollar bonus" for ESEA programs if Congress completes its work on the reauthorization this fiscal year.

"THE BIG EIGHT"

In January, Secretary of Education Arne Duncan met with the "Big Eight" group of lawmakers charged with shaping federal K-12 policy. This includes Chairman Tom Harkin (D-IA), Ranking Member Mike Enzi (R-WY), Senator Chris Dodd (D-CT), Senator Lamar Alexander (R-TN), Chairman George Miller (D-CA), Ranking Member John Kline (R-MN), Congressman Dale Kildee (D-MI) and Congressman Mike Castle (R-DE). This meeting's agenda included discussing the Administration's vision for a new ESEA and invoking a sense of urgency around legislative action. Duncan came out of the meeting calling it a "home run" saying, "What you had was the Big Eight all say, let's do it, let's do it together, and let's try and work on it now." Subsequently, a series of ongoing, weekly meetings between staff from the White House, Department of Education, the House Committee on Education and Labor and the Senate HELP Committee began. The purpose of these meetings has been to review the outline for an ESEA reauthorization envisioned by the Department, as well as the priorities of Members, and build consensus.

ESEA BLUEPRINT

On March 13, the Obama Administration took another step forward in its commitment to "fix NCLB" in a bi-partisan fashion by releasing its *Blueprint for Reauthorizing ESEA* "to help states raise expectations of students and reward schools for producing dramatic gains in student achievement." In a statement accompanying the document, President Obama established a new goal for ESEA that every student graduates from high school well prepared for college and a career. This correlates to the President's often-stated goal

for the United States to once again lead the world in college completion by 2020. According to the President, “Every child in America deserves a world-class education... We must raise the expectations for our students, for our schools, and for ourselves.”

According to Secretary Duncan, the *Blueprint* encompasses three overarching goals: 1) setting a high bar for students and schools; 2) rewarding excellence and success; and 3) maintaining local control and flexibility. The *Blueprint* outlines changes to ESEA that provide incentives for states to adopt academic standards that prepare students to succeed in college and the workplace and create accountability systems that measure student growth toward meeting the goal that all children graduate and succeed in college. According to Duncan, “We’ve got to get accountability right this time. We want to get rid of prescriptive interventions.” Under the *Blueprint*’s ESEA, states would be able to measure individual students’ academic growth, versus current law’s practice of comparing different cohorts of students with each other. In addition, schools that fail to meet achievement targets would not be required to provide school choice or supplemental educational services (SES).

The *Blueprint* also expressly addresses science, technology, engineering, and mathematics (STEM) education. The proposal outlines a new program that would distribute funds to states, which would then distribute them at a local level via a second level of competitive grants for “implementing high-quality instruction in at least mathematics or science and may also include technology or engineering.”

Would-be awardees would use funds to: “Provide effective professional development for teachers and school leaders; high-quality state- or locally-determined curricula, instructional materials, and assessments; and interventions that ensure that all students are served appropriately. Subgrantees may use program funds to integrate evidence-based, effective mathematics or science programs into the teaching of other core academic subjects and for technology-based strategies to improve STEM education.”

Another key priority in the document is “meeting the needs of diverse learners.” According to the *Blueprint*, schools must support all students, by providing appropriate instruction and access to a challenging curriculum along with additional supports and attention where needed. This includes English Learners, students with disabilities, Native American students, homeless students, migrant students, rural students, and neglected or delinquent students.

CONGRESSIONAL ACTION

After the release of the *Blueprint*, the House and Senate held a series of hearings (over 15) on critical issues to the reauthorization process. A wide range of topics have been covered, including STEM education, teacher and school leaders, diverse learners (including English language learners and students with disabilities), innovation in education reform, assessment, school turnaround strategies, early childhood and educating the whole student. The Senate HELP Committee staff has also created 19 “discussion groups” on topics of interest to a variety of Members, and members of these

groups meet on a regular basis to share information, lay the groundwork for discussion and set priorities. The education community has also been invited to weigh in with both the House and Senate authorizing committees. Each solicited comments on how ESEA might be improved, and received hundreds of comments from stakeholders and other interested parties.

Conclusion

Chairman Miller remains determined to pass a bill out of Committee this year, and has publically expressed his desire to hold a Committee markup as early as September, with the hope of bringing a bill to the floor for a vote by the House of Representatives by the end of the year. In a July interview, Miller acknowledged that the timetable for action was “as soon as possible” versus a certain date, but said work would continue through August. He also noted that he had discussed ESEA and the surrounding issues with Education and Labor Committee Members and sensed a “different political chemistry” toward the reauthorization. Members of his own Democratic Caucus have urged Miller to wait until the 112th Congress for action.

Chairman Harkin also remains committed to getting a bill out of Committee, but it is clear that the House has done more work on actual draft language than the Senate. Senate staff working for Members on both sides of the aisle readily admit that the HELP Committee will not be able to complete action on a bill this year, but they continue to press forward in order to be ready to begin when a new Congress convenes in January of 2011.

Rumors are rampant that some constituency groups have been invited to meet with congressional staff to “review” draft language and discuss new ideas and new structures. However, the legislative calendar continues to wind down as November’s mid-term elections quickly approach. The education community will continue to press its various interests forward while trying to keep a close eye on the work of Congress. Nonetheless, long time education advocates and stakeholders continue to believe that real action on the reauthorization of ESEA will not occur until the 112th Congress.