

Federal Relations Report

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Well, they've done it! Both the Senate and the House have passed versions of the updated ESEA law. Now comes more work – conference committee work to hammer out a single piece of legislation that is acceptable to both the Senate and the House.

The two bills passed in the respective chambers have differences that need to be addressed:

Testing: The House bill requires testing in grades 3-8 in reading and math and once in high school plus science in certain grade spans. Districts have the option to develop local assessments if they can prove the results are compatible to state tests. The 95% rule still applies. The Senate bill is essentially the same, however, five states could try out new forms of assessment – for example competency-based or performance based assessments. The bill also encourages states to take a look at the number of tests that are required and eliminate duplicative or low-quality assessments.

Accountability: The House bill allows states to get out of AYP and the 2013-14 proficiency goals and develop their own systems of accountability. States would also have more room when it comes to what the accountability systems would look like, including whether or not to include student growth on standardized tests as a factor. The Senate bill would allow states to get out of AYP and develop their own accountability systems. State test results would figure into the systems, but states could decide on how much weight to give the tests. High School graduation rates and ELL proficiency rates would also have to be figured into the accountability systems. States would need to set goals for student achievement, but, there wouldn't be preset mandates from the Department of Education.

Standards; House bill: States must set challenging standards in reading and math. The Department of ED secretary is prohibited from coercing a state to adopt a particular set of standards. States will also be able to drop the Common Core standards with no penalty. The Senate bill: Essentially the same as the House indicating states must set challenging standards in reading and math and prohibiting the Secretary from using federal funds to entice states to adopt a particular set of standards.

Teacher Quality: States can use federal teacher quality funding to set up teacher evaluation systems, but it is not a requirement. The bill removes the Highly Qualified requirements and consolidates teacher quality programs. Essentially the same as the House, however, states would have to ensure equitable teacher distribution – I'm not sure what that means.

Low Performing Schools: House: Eliminate School Improvement Grant program – instead, states are to set aside 7% of their Title I money for school improvement. States would have to intervene in low performing schools, but, the bill does not address how this is to be done. Senate: Eliminates SIG program,, but includes other federal funding directed at low performing schools. The Department of Education would be prohibited from telling states or districts on how to fix struggling schools.

School Choice: States can choose how to offer school choice programs using Title I funds and includes Title I portability meaning federal funds for poor students could follow students to any public school, but not a private school. State would have to set aside 3% of the Title I funds for a competitive grant program that would allow districts to offer free tutoring. Senate: Allows students in low performing schools to transfer to a better performing school, but it is not mandated.

Funding Provisions: House: Repeals the maintenance of effort, but, keeps in place the supplement not supplant rule. Essentially keeps in place the current law when it comes to school wide Title I programs and makes a small adjustment in the Title I funding formula. Senate: Changes the formula for distributing Title I funds for disadvantaged children so there is less emphasis on population and more on poverty although this portion of the bill doesn't take effect until the Title I funding reaches \$17 billion (it's currently at \$14 billion) and this could be a while. It requires states to maintain the maintenance of effort, but gives states and districts more flexibility in how the required level of funding is met.

Federal Programs and Preschool: House: Merges programs for migrant, ELL and neglected and delinquent children with Title I. The bill eliminates 70 programs, for example Early State Family Literacy program. Many of these programs haven't been funded for several years. Senate: Maintains separate programs for disadvantaged, migrant, ELL and other special populations, but establishes for the first time a new preschool program as part of ESEA. The program is said to look a lot like the preschool development grants being proposed by the Obama administration.

There is still a lot of work to be done – and as always, a lot of political bickering to listen to – and remember, the campaigning has begun and there is only 15 months until Election Day!