



H.R. 5 the Student Success Act

Detailed Bill Summary

The Elementary and Secondary Education Act (ESEA), currently known as the No Child Left Behind Act (NCLB), is in need of dramatic reform. When it was enacted more than 11 years ago, NCLB was heralded as groundbreaking, and in some ways it was. The expanded use of data helped superintendents, school leaders, and teachers identify students most in need of additional instruction and offered parents access to important information about the quality of their schools.

But we have now clearly identified the law's weaknesses. One-size-fits-all accountability metrics restrict states' and school districts' ability to appropriately gauge student learning and tailor curriculum to enable students to graduate high school prepared for postsecondary education or the workforce. Federally-prescribed interventions and turnaround strategies have not worked as imagined and are not producing the desired results in low-performing schools. The law's more than 80 programs impose tremendous paperwork and regulatory burdens on states and school districts, have demonstrated limited success in improving student achievement, and offer states and communities little flexibility in how they use federal dollars to meet their own unique needs. House and Senate inaction to reauthorize the law for the last six years has allowed the Obama Administration to circumvent Congress and impose its own vision of education reform on the nation, subjecting America's classrooms to possible oversight by the Department of Education. The Student Success Act offers a better way forward for education reform by:

- ✓ Returning responsibility for student achievement to states, school districts, and parents, while maintaining high expectations.
- ✓ Eliminating ineffective federal programs and investing limited taxpayer dollars wisely.
- ✓ Strengthening programs for schools and targeted populations.
- ✓ Supporting local efforts to measure teacher effectiveness.
- ✓ Engaging parents in their child's education.
- ✓ Supporting Impact Aid.
- ✓ Maintaining and strengthening long-standing protections for state and local autonomy.
- ✓ Providing services for homeless students.

Returning Responsibility for Student Achievement to States, School Districts, and Parents, While Maintaining High Expectations

The Student Success Act dramatically reduces the federal role in education by returning authority for measuring student performance and turning around low-performing schools to states and local officials. Across the country, states and school districts are leading efforts to reform the nation's troubled education system. As these bold reformers step up, the federal government can step back, limiting its role to ensuring parents have the information they need to judge the quality of their schools. The bill includes a number of key revisions to the current Title I program to increase state and local flexibility and restore local control of education.

- ✓ **Academic Standards:** Consistent with current law, the bill requires states to establish academic standards that apply to all students and schools in the state in reading, math, and science while allowing states to develop standards in other subjects at their discretion. Achievement standards used for judging student and school performance must align with content standards,

but the bill removes federal requirements mandating basic, proficient, and advanced levels of achievement. States are also allowed to establish alternate achievement standards aligned to content standards for students with the most significant cognitive disabilities. Finally, the bill incorporates the requirements for English proficiency standards into the main Title I program.

- ✓ **Academic Assessments:** Consistent with current law, the bill requires states to develop and implement a set of assessments for all students in the state in reading and math in each of grades 3-8 and once in high school, and in science once in each of the grade spans (grades 3-5, 6-9, and 10-12). States retain the option to develop assessments in other subjects at their discretion and have the flexibility to use multiple measures of student achievement. States must ensure their assessments include reasonable accommodations for students with disabilities, and are allowed to adopt alternate assessments for students with the most significant cognitive disabilities and computer adaptive assessments. The bill maintains requirements on disaggregating subgroup data, assessing the English proficiency of English learners, and ensuring 95 percent participation rates for all students and each subgroup.
- ✓ **Accountability:** The bill eliminates the federal Adequate Yearly Progress (AYP) metric and the unrealistic requirement that all students be proficient in reading and math by the end of the next school year. In their place, states are allowed to develop their own accountability systems that must comprise only three broad parameters:
 - Annually measure the academic achievement of all public school students against the state's academic standards (including growth toward the standards) using the statewide assessments in reading and math and other academic indicators.
 - Annually evaluate and identify the academic performance of each public school in the state based on student academic achievement, including the achievement of all students and achievement gaps between student subgroups.
 - Include a school improvement system implemented by school districts that includes interventions in poor performing Title I schools.
- ✓ **School Improvement:** The bill requires states to include, as part of their statewide accountability structure, a system of school improvement interventions implemented at the local level for Title I schools the state determines to be poorly performing. The legislation repeals the federally mandated school improvement, corrective action, and restructuring labels and interventions included in current law, giving states and districts maximum flexibility to develop appropriate turnaround strategies and rewards for their schools. The bill increases the state set-aside for school improvement to 7 percent (up from 4 percent), but eliminates existing local set-asides, meaning more Title I money will flow directly to school districts. Finally, the legislation eliminates the School Improvement Grants (SIG) program that the Secretary of Education used to create four unworkable turnaround models, instead dedicating those funds for the Title I program.
- ✓ **Parent Information:** The bill maintains the current requirement for annual report cards outlining academic achievement by school districts and states, but streamlines the data reporting to ensure meaningful information is easily available to parents and communities. States and districts must report disaggregated student achievement data on the state assessment and other academic indicators used in the statewide accountability system, participation rates on those assessments, the adjusted cohort graduation rate, each school's evaluation under the statewide accountability system, English language proficiency, and results on the 4th and 8th grade reading and mathematics National Assessment of Educational Progress (NAEP). The bill maintains parents' right to know their students' achievement levels, and moves the right to

know teacher qualifications from Title I to Title II of ESEA.

- ✓ **State Laws on Parent Authority:** The bill includes a provision stating that nothing in the law should be interpreted to impact state laws on parent exercise of authority over low-performing schools.
- ✓ **Funding Flexibility:** The bill allows states and school districts to use federal funds for special population programs for any activity authorized under any of the other programs. Instead of having to comply with a host of federal program requirements each dictating exactly how funds may be spent, state and local officials will be able to use federal funds to meet their own unique needs. While school districts will not be allowed to use Title I funds outside of those schools, they can move additional funding to low-income schools. The bill maintains separate funding streams for the Migratory Education, Neglected and Delinquent, English Language Acquisition, and Indian Education programs, but merges them into Title I.
- ✓ **Schoolwide Programs:** The bill eliminates the 40 percent poverty threshold for schoolwide programs, allowing all Title I schools to operate whole school reform efforts. This change will allow low-income schools greater flexibility to consolidate programs and focus their efforts on raising the achievement of all students.

Eliminating Ineffective Federal Programs and Investing Limited Taxpayer Dollars Wisely

The Student Success Act restores fiscal discipline and allows taxpayer dollars to be put toward more effective uses such as funding programs that have a proven track record of putting the needs of students first. This will streamline and simplify the federal role in public education so states, school districts, parents, and teachers are empowered to pursue innovative reforms that meet the needs of their students. The federal government operates more than 80 separate programs under current elementary and secondary education law. Despite the tripling of overall per pupil funding since 1964, national academic performance has not improved. The bill includes a number of important reforms across various titles to ensure that every taxpayer dollar is spent effectively and efficiently.

- ✓ **Authorization Levels:** The bill updates overall authorization levels for each of the fiscal years (FY) 2014-2019 to reflect the final funding amounts provided by Congress and the Department of Education for ESEA programs in FY 2013, while maintaining Title I programs at FY 2012 levels to better prioritize education spending. The amount authorized for all ESEA programs under the bill is lower than the Title I authorization for the last year it was authorized under current law.
- ✓ **Eliminated Programs:** The bill eliminates more than 70 existing elementary and secondary education programs, many of which have been deemed ineffective by the federal government, are too small to meaningfully improve student achievement, or have never been funded. This promotes a more focused, streamlined, transparent, and appropriate federal role in the nation's education system.
- ✓ **State and Local Innovation:** The bill creates a new Local Academic Flexible Grant to provide funds to states and school districts to support initiatives based on their unique priorities. While ensuring federal funds are spent to increase student achievement as part of in-school or after-school activities, states and school districts will have maximum flexibility to spend their resources on activities authorized under state law, including efforts to protect student safety. Instead of Washington bureaucrats making the decisions for superintendents, school leaders, and teachers, local officials will be able to make funding decisions based on what they know will

help improve student learning.

- ✓ Private Sector Initiatives: The bill requires states to reserve 10 percent of their Local Academic Flexible Grant to support state and local programs that operate outside of traditional public school systems. This infusion of private sector innovation will support states and districts in improving student achievement.
- ✓ State and Local Spending Decisions: The bill removes all “Maintenance of Effort” (MOE) requirements, allowing states and school districts to set their own funding levels for elementary and secondary education. The requirements are removed for four reasons:
 - Dictating how states and school districts spend their tax revenues as a condition of receiving federal funds is not an appropriate federal role.
 - MOE requirements assume that increased education spending improves educational outcomes. Decades of data prove this argument false.
 - MOE requirements provide disincentives for states and school districts to innovate and deliver better educational services more efficiently.
 - Data from the Department of Education show that, since enactment of NCLB, nearly every school district request to waive MOE provisions has been granted. The bill acknowledges this reality and eliminates the burden for districts.

At the same time, the legislation maintains the law’s “supplement, not supplant” requirements, which ensure federal dollars are used on top of state and local resources, protecting the traditional federal role in education. Maintaining these provisions will ensure states and districts will not be able to cut education spending dramatically and fill in the gaps with federal dollars.

- ✓ Department Bureaucracy: The bill requires the Secretary of Education to identify the number of full-time equivalent (FTE) employee positions associated with the eliminated or consolidated programs under the bill, and to reduce the department’s workforce by that number within approximately a year of the bill’s enactment.
- ✓ Program Evaluations: The bill directs the Secretary of Education to work through the Institute of Education Sciences (IES), the department’s main research arm, if the secretary chooses to exercise authority to reserve 0.5 percent of funds from each program for an evaluation. The bill requires the secretary to engage IES and relevant officials from the Department of Education in the development of a multi-year, comprehensive plan for carrying out evaluations, and submit that plan to Congress and the public for review and comment. This will help ensure program evaluations are coordinated, objective, and provide useful information regarding the effectiveness of federal education initiatives.
- ✓ Earmarks: The bill eliminates all of the current programs targeted to specific national organizations to comply with the House earmark ban.

Strengthening Programs for Schools and Targeted Populations

The Student Success Act maintains separate funding streams for the Migratory Education, Neglected and Delinquent, English Language Acquisition, Rural Education, and Indian Education programs, and strengthens each targeted population program to improve its performance.

- ✓ Education of Migratory Children: The bill provides a reservation of funds to continue the current program that assists states in supporting high-quality educational programs and services to address the unique educational needs of migratory children, including during summer or intersession periods. The legislation strengthens how migrant student counts are determined in

each state, basing state allocations on the average number of eligible migratory children from the previous three years and a count of the number of migratory children who receive services under summer or intersession programs. The bill also allows states, school districts, and other public and private entities to improve intrastate and interstate coordination and information exchanges regarding migratory children.

- ✓ **Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk:** The bill provides a reservation of funds to continue the current program that improves educational services for students in state and local correctional institutions or for those children who are transferring out of institutionalization. The legislation emphasizes receipt of a regular high school diploma to the extent feasible, and makes minor technical and clarifying changes to improve the operation of the program.
- ✓ **English Language Acquisition, Language Enhancement, and Academic Achievement:** the bill includes a reservation of funds to continue the current program that provides services to help non-English speakers learn English and meet state academic standards. The legislation incorporates accountability and reporting requirements for English learners into the Title I program to encourage greater alignment, while maintaining student achievement expectations for these students and public reporting of progress. The bill changes how the Secretary of Education determines immigrant student and English learner counts, to ensure states and school districts receive accurate and reliable data and stable funding. The bill eliminates the Improving Language Instruction Educational Programs, which have never been funded and are duplicative of the main program.
- ✓ **Rural Education:** The bill reserves funds for rural school districts and schools in both the Small Rural School Achievement (SRSA) Program and the Rural and Low-Income School (RLIS) Program. The legislation updates current locale codes, which determine eligibility of rural districts and schools under both programs, and includes a sliding scale hold-harmless formula for districts that become ineligible under the SRSA program because of the new codes. The bill allows school districts eligible for both the SRSA and RLIS programs to apply for funding under the program of their choice.
- ✓ **Indian Education:** The bill reserves funds to continue the current program that meets the unique educational and cultural needs of American Indian students and encourages Indian tribes, communities, and parents to participate in the education of their children. The legislation allows school districts and tribes applying for formula grants to do so in consortia to maximize the use of federal funds. The bill also eliminates the stand-alone definition of “core academic subjects” in the program to bring the program in line with the broader definition in the Act. The bill eliminates the Native Hawaiian Education and Alaska Native Education programs, which are duplicative of other services and funds provided to these populations. The bill also eliminates the Fellowships for Indian Students and the Improvement of Educational Opportunities for Adult Indians programs, which have not been funded since 1995. The legislation also eliminates the In-Service Training for Teachers of Indian Children Grant, the Gifted and Talented Indian Students program and the Grants to Tribes for Education Administrative Planning and Development program, which have never received federal funding.

Supporting Local Efforts to Measure Teacher Effectiveness

The Student Success Act updates federal teacher policy to reflect current state and local efforts to emphasize an educator’s ability to effectively motivate students and improve their academic achievement. Parents know the best teachers are those who keep students motivated and challenged in

the classroom. Instead of relying on bureaucratic and outdated provisions such as teacher credentials or tenure, states and school districts should have the tools to measure an educator's ability to help students excel in the classroom. The bill makes a number of important changes to Title II of current law to improve teacher quality.

- ✓ **Highly Qualified Teachers (HQT):** The bill repeals federal requirements that teachers be highly qualified, enabling federal, state, and local policies to move away from onerous and meaningless burdens to strategies that will reassure parents their students' teachers are effective in the classroom.
- ✓ **Teacher Evaluations:** The bill rewrites the main teacher quality program to support the development and implementation of state- or locally driven teacher evaluation systems. Unlike the Department of Education's Race to the Top plan or waiver package (which mandate specific requirements for school districts to follow), the bill sets five broad parameters that must be included in any teacher evaluation system. This gives greater flexibility to school districts or states to develop teacher evaluation systems that best meet the specific needs of their teachers and students. The evaluation systems must:
 - Make student achievement data, derived from a variety of sources, a significant part of the evaluation.
 - Use multiple measures of evaluation in assessing teacher performance.
 - Have more than two rating categories for the performance of teachers.
 - Make personnel decisions based on the evaluations, as determined by the district.
 - Seek input from parents, teachers, school leaders, and other staff in the school in developing the evaluation system.
- ✓ **Uses of Funds:** The bill allows states that have already developed statewide teacher evaluation systems to use teacher quality funds to work with their school districts to implement the system. Funds may also be used to train school leaders in how to evaluate teachers under the system; develop and implement school leader evaluation systems; provide evidence-based, job-embedded, and continuous professional development for teachers and school leaders focused on academic subjects or specific student populations; professional development for teachers to teach dual credit or dual enrollment courses; and provide support to teachers identified as in need of additional assistance. States and school districts can use teacher funds for class size reduction, but the bill caps this use at 10 percent. A substantial amount of teacher quality funds under current law are used to reduce class size, which evidence shows has little to no effect on student learning.
- ✓ **Teacher and School Leader Innovation:** The bill consolidates the remaining teacher quality programs, including the Teacher Quality Partnership Grant program authorized under the Higher Education Act, into a new Teacher and School Leader Flexible Grant. The program will award grants to states and school districts to increase student achievement through evidence-based innovative initiatives. School districts, solely or in partnership with institutions of higher education, can receive funding to:
 - Increase access to or develop alternative certification or licensure routes.
 - Recruit, hire, and retain effective teachers and school leaders.
 - Improve teacher preparation programs within the state.
 - Implement performance-based pay systems and differential incentive pay.
 - Create teacher or school leader advancement and multiple career paths.
 - Establish new teacher or school leader induction and residency programs.
 - Provide additional professional development activities or other evidence-based initiatives likely to increase teacher and school leader effectiveness.

- ✓ Teacher and School Leader Academies: The bill allows states to reserve up to 3 percent of their flexible grant to award funds to eligible entities for the establishment or expansion of teacher or school leader preparation academies.
- ✓ Teacher Liability: The bill maintains liability protections included in current law that protect school employees (including teachers, administrators, and school board members) acting to control, discipline, expel, or suspend a student or to maintain order in the classroom or school through reasonable actions.

Engaging Parents in their Child's Education

The Student Success Act recognizes that parents must play an active role in their child's education. The federal government currently operates a number of vital programs aimed at providing additional educational options for parents and students looking to escape low-performing schools, and assistance to those students in need of extra instructional support to be able to excel academically. The legislation drives these federal reform efforts down to the state and local level, and moves many of these programs from Title V of current law to a new Title III.

- ✓ Charter Schools: The bill reauthorizes the Charter School Program, which supports the start-up, replication, and expansion of high-quality charter schools. The legislation expands the entities eligible for funding to include additional statewide entities (charter school boards, governors, and charter support organizations) to foster greater charter school growth; encourages greater expansion and replication of proven, high-quality charter school models; and requires states to set-aside funding to focus on charter school authorizer quality.
- ✓ Direct Student Services: The bill requires states to set aside 3 percent of Title I money to provide competitive grants to school districts that wish to offer tutoring or public school choice to their students, including those in poor performing schools.
- ✓ Magnet Schools: The bill continues the current program that provides funds to support the development and implementation of innovative education methods and practices that increase choices in public education. The legislation makes minor changes to improve the operation of the program.
- ✓ Family Engagement Centers: The bill renames and makes improvements to the existing Parental Information and Resource Centers (PIRC) program, which helps implement family engagement policies, programs, and activities that lead to improvements in student academic achievement. The legislation strengthens partnerships among parents, teachers, school leaders, administrators, and other school personnel designed to meet the educational needs of children. The bill promotes the better sharing of effective strategies and increases coordination between states, family engagement centers, and parents.

Supporting Impact Aid

The Student Success Act strengthens the five existing Impact Aid programs, which reimburse school districts located near, or serving students from, military bases, federal lands, and Indian reservations for the loss of property taxes due to the presence of the federal government. Many of the bill's provisions were included in the FY 2013 National Defense Authorization Act, and expire in early 2015. The legislation makes such language permanent, and moves Impact Aid programs from Title VIII of current law to a new Title IV.

- ✓ Payments for Federal Property: The bill updates the formula by which school district allotments are determined for a district with federal property located within its boundaries that cannot be taxed. The new formula includes two parts. First, an eligible school district will get a foundation, or base payment, based on either 90 percent of the payment most recently received (FY 2009) or 90 percent of the average payment received from FY 2006-2009, whichever is higher. Second, the district will receive an additional payment using a calculated per acre value.
- ✓ Payments for Federally-Connected Children: The bill streamlines provisions for Heavily Impacted school districts, which are districts with high percentages of military, Native American, or other federally-connected children. The legislation standardizes eligibility criteria for these districts at 45 percent enrollment of federally-connected children, bases per pupil expenditure eligibility requirements on state averages rather than national averages, and allows federally-connected children to be counted in enrollment numbers in the case of open enrollment policies in a state. The bill also amends the Basic Support Payments formula to provide equal prorated payments greater than 100 percent of Learning Opportunity Threshold for eligible districts. Finally, the language allows school districts to continue to count children who have been relocated off-base due to renovation, rebuilding, or demolition after three years if the district continues to serve such children because of project delays, and simplifies the annual process for counting these children.
- ✓ Timely Payments: The bill requires the Secretary of Education to provide Impact Aid payments within three years. This addresses long-standing school district concerns regarding the lack of on-time payments from the Department of Education, as Impact Aid accounts for a substantial portion of the operating budgets for many of these districts.

Maintaining and Strengthening Long-Standing Protections for State and Local Autonomy

The Student Success Act restores and protects state and local autonomy over public education. Since taking office in 2009, the Obama Administration has successfully pushed the largest expansion of the federal role in education in the nation's history. The Secretary of Education has usurped Congressional authority to rewrite NCLB, coercing states into adopting common standards and assessments in exchange for temporary relief of the law's burdensome requirements. The legislation strengthens important protections for students, parents, communities, states, and school districts found in the General Provisions of ESEA. It also moves them from Title IX of current law to a new Title V.

- ✓ Secretary's Authority: The bill limits the authority of the Secretary of Education over decisions in the classroom. The legislation: (1) prohibits the secretary from imposing conditions on states and school districts, including the adoption of the Common Core State Standards, in exchange for a waiver of federal elementary and secondary education law or federal grant funds; (2) prevents the secretary from creating additional burdens on states and districts through the regulatory process, particularly in the areas of standards, assessments, and state accountability plans; (3) prohibits the secretary from demanding changes to state standards and influencing and coercing states to enter into partnerships with other states; and (4) outlines specific procedures the secretary must follow when issuing federal regulations and conducting peer review processes for grant applications, including publicly releasing the identity of peer reviewers, that will bring greater transparency.
- ✓ Private School Students: The bill strengthens provisions to ensure the participation of private school students and teachers in the programs funded under the Act. The legislation improves the consultation and negotiation processes to provide clearer procedures and faster notice for

private school officials. These changes will better protect access for private school students.

- ✓ **Military Recruiters:** The bill improves the military recruiting provisions in current law by ensuring recruiters have the same access to high schools as colleges and universities.

Providing Services for Homeless Students

The Student Success Act reauthorizes the Education for Homeless Children and Youths program of the McKinney-Vento Homeless Assistance Act, the primary federal program that provides funding to states and school districts to educate homeless children.

- ✓ **Improved Collaboration:** The bill places a greater emphasis on improved identification of homeless children and youth, and provides better collaboration and information sharing among federal and state agencies to provide services for homeless students.
- ✓ **School Stability:** The legislation strengthens provisions in current law to provide greater school stability and protections for homeless youth and parents.