



# 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 Originally enacted in 1965, the law established federal policy and authorized federal funding to assist states and local school districts to improve the academic performance of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.

### THE OBAMA ADMINISTRATION AND THE 111<sup>TH</sup> 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 college and career-ready is welcomed.

#### OFFICE OF ADVOCACY

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.

Additionally, the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce held hearings on major areas of the federal law, and committee staff members began bipartisan discussions regarding draft language on selected provisions. However, the realities of pending legislation and limited remaining floor time resulted in the deferral of ESEA reauthorization to the 112th Congress.

## **NSBA POSITION**

In March 2010, NSBA 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. This effort resulted in the development of nearly forty specific recommendations ([www.nsba.org/ESEARecommendations.pdf](http://www.nsba.org/ESEARecommendations.pdf)). Congressional adoption of our recommendations would:

- Ensure states and local school districts have greater overall flexibility to make educationally sound decisions, and be free of mandates that unnecessarily or counterproductively hinder school districts from achieving their goals (e.g. 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).
- Ensure high-quality, valid and reliable assessments for all students, including English language learners and students with disabilities.
- 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.
- Permit the use of growth models and other measures of student achievement that more accurately reflect student and school performance.
- 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.
- Provide states and school districts support and ensure flexibility to establish programs to enhance teacher/principal quality focusing on preparation, recruitment, retention and evaluation.
- 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.
- 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.

NSBA's recommendations are expected to be well-received during the 112<sup>th</sup> Congress. With newly elected members in the Republican-controlled United States House of Representatives and nearly one-third of the Democratic-controlled United States Senators in their first term, NSBA will lobby for congressional support with the strong engagement of our local school board members in their respective states and congressional districts. Additionally, NSBA will lobby House and Senate education committee members who have primary jurisdiction over education legislation and maintain our presence before House and Senate education committee formal hearings on various issues under ESEA. Therefore, local school board 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 maximum flexibility to schools and school districts in addressing their unique circumstances.
- Conduct formal oversight hearings regarding significant federal regulations/policies, such as the Supplemental Priorities for Competitive Grant Programs, impacting K-12 education to ensure that actions by the Executive Branch are within its authority.
- 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 reauthorization is not completed by June 2011.

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