

COMPARISON OF SELECT ELEMENTS OF ESEA PROPOSALS

Current Law, Sen. Harkin ESEA bill (Strengthening America's Schools Act), Sen. Alexander Bill (Every Child Ready for College or Career Act),
Rep. Kline Bill (Student Success Act), and Administration Waiver Package

June 10, 2013

Issue	Current Law	Harkin ESEA Bill	Alexander ESEA Bill	Kline ESEA Bill	Administration Waiver Package
Authorization Structure	Generally includes separate authorizations for separate programs, with the exception being the 21 programs authorized under one authorization of appropriations under the Fund for the Improvement for Education (Title V, Part D of Current law)	Maintains separate authorizations for separate programs as under current law (not all programs are maintained). Programs are authorized at such sums without specific authorization levels for 2014 through 2018.	Maintains separate authorizations for separate programs as under current law (not all programs are maintained). Authorization levels are the same amount for each year of the authorization period (2014-2018).	Combines multiple programs under a limited number of authorizations, reserving amounts of funding through specific percentages for individual authorities. For example, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education, and the Rural Education Achievement program all share one authorization of appropriations with specific percentage reservations for each authority. The bill authorizes funds for programs from 2014 through 2019 with a specific authorization level for 2014 that is the same for each of the years of the authorization period. Authorization levels for specific programs (with their percentage reservations): Programs under Title I: \$16.652 billion <ul style="list-style-type: none"> • Main Title I program: 91% • Migrant Education: 2.4% • Neglected and Delinquent: 0.3% • English Language Acquisition: 4.4% • Rural Achievement Education: .5% • Indian Education: 0.6% National Assessment of Title I: \$3.03 million Title II programs: \$2.441 billion <ul style="list-style-type: none"> • Teacher Prep and Effectiveness (State and local formula grant): 75% 	No such provision.



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				<ul style="list-style-type: none"> • Teacher and Leader Flexible Grant: 25% <p>Title III programs:</p> <ul style="list-style-type: none"> • Charter Schools: \$300 million • Magnet Schools: \$91.6 million • Family Engagement (PIRCs): \$25 million • Local Academic Flexible Grant: \$2.055 billion <p>Impact Aid programs:</p> <ul style="list-style-type: none"> • Property: \$63.074 million • Basic Payments: \$1.093 billion • Children with Disabilities: \$45.881 million • Construction: \$16.529 million • Facilities Maintenance: \$4.591 million 	
Standards	All states are required to have academic content and achievement standards in reading/English language arts, math and science. Establishes four levels of performance under the standards: advanced, proficient, basic, and below basic.	<p>All states are required to adopt college and career ready (CCR) academic content standards by December 31, 2014 and achievement standards by the beginning of the 2015-2016 school year in math and reading/English language arts.</p> <p>Standards must be aligned with – course work required by public IHEs in the state and career and technical education standards; <u>or</u> standards that are state developed and voluntarily adopted by a “significant” number of states.</p> <p>States are also required to demonstrate that they have adopted academic content and achievement standards in science by December 31, 2014 and may choose to include such standards in the accountability system.</p>	<p>States must provide an assurance that they have adopted academic content and achievement standards in math, reading/English language arts and science.</p> <p>States must provide an assurance that the state’s standards are aligned with – entrance requirements, without the need for remediation, for IHEs in the state; the state’s performance measures under the Perkins Act (CTE).</p>	All states are required to have academic content and achievement standards in reading/English language arts, math and science. The bill does not require the four levels of achievement as current law (below basic, basic, proficient and advanced). Standards are not required to be “college and career ready” nor is there any reference to common standards or standards adopted by a significant number of states.	All states are required to have fully implemented college and career ready standards no later than the 2013-2014 school year. Under the waiver package, “implementing” college- and career-ready standards means that teaching and learning aligned with such standards is taking place in all public schools in the state for all students, including English Learners, students with disabilities, and low-achieving students.
Standards and	Two separate regulations apply to	Statutorily authorizes the 1% regulation,	Statutorily authorizes the 1% and 2%	Includes language that closely mirrors the	Continues the 1% regulation. Requires



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Assessments Related to Students with Disabilities	standards related to students with disabilities, alternative standards for students with the most significant cognitive disabilities (1% regulation) and modified achievement standards for other students with disabilities (2% regulation). In a state's accountability system, the scores of students with disabilities assessed against the 1% standards are limited to the number that is 1% of all students in a state. Scores of students with disabilities assessed against the 2% standards are limited to the number of students that is 2% of all students in a state.	including the 1% cap. Prohibits other alternative or modified standards (other than the those established by the 1% regulation) from being developed or implemented for use under Title I. Prohibits more than 1% of the total number of students in each grade in the state from being assessed through the alternate assessment (the 1% assessments). Requires separate determinations on whether students should be assessed via the alternate assessment for each subject.	regulation but removes the cap on the scores of students with disabilities that can be included for accountability purposes.	1% regulation except that it does not include the 1% cap. Does not statutorily authorize the 2% regulation.	states to include students with disabilities in the regular assessment once states have developed their assessments based on college and career ready standards, essentially phasing out the 2% regulation and its assessment for states utilizing this authority.
English Language Proficiency Standards	Each state is required to have English language proficiency standards.	English language proficiency standards (revised to be consistent with CCR standards) must be updated no later than one year after the adoption of the CCR standards.	Maintains the requirement to have English language proficiency standards. These standards would have to be aligned with the academic content and achievement standards.	Maintains the requirement to have English language proficiency standards.	Maintains the requirement to have English language proficiency standards. These standards would have to be aligned with any new CCR standards by the 2013-2014 school year.
Early Learning Guidelines and Early Grade Standards	No applicability	A state that uses Title I, Part A funds for early childhood education must provide an assurance that the state will establish or certify the existence of early learning guidelines (for infants, toddlers and preschool age children) and early grade standards (for kindergarten through 3 rd grade students) no later than December 31, 2015.	No applicability.	No applicability.	No applicability.
Assessments	Each state is required to have assessments in math, science, and reading/English language arts. Math and reading/English language arts are assessed annually in grades 3 – 8 and once in grades 10-12. Science is assessed once in each of the following grade spans: 3 – 5; 6 – 9; and 10-12. In order to make AYP,	Requires adoption of assessments aligned to CCR standards by the 2015-2016 school year. Maintains annual testing in grades 3 through 8 and once in grades 10 through 12 for math, reading/English language arts, and once in each of the following grade spans for science: 3 –5, 6 –9 and 10–12. Assessments must be designed to measure growth in addition to proficiency. Assessments must be designed to produce student achievement data that can be	States are required to provide an assurance that they will assess annually in grades 3 through 8 and once in grades 9 through 12 for math, and reading/English language arts. Current law requirements for testing once in each grade span for science are also maintained. Maintains current law with respect to NAEP participation.	Each state is required to have assessments in math, reading/English language arts, and science in the same grades and with the same frequency as current law. Assessments must measure individual student growth. Required assessments may be administered through a single annual assessment or through multiple assessments during the school year that	Maintains the assessment timelines of current law for math, reading/English language arts, and science. Maintains current law with respect to NAEP participation.

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	<p>schools must assess at least 95% of each subgroup in their school.</p> <p>States are required to provide an assurance that they will participate in 4th and 8th grade reading and mathematics assessments under the National Assessment of Education Progress (NAEP) if the Secretary pays for the costs of such assessments.</p> <p>An assessment program is authorized for the development of the annual assessments for reading/English language arts and math and for enhanced assessment activities, such as those funding the development of the Common Core Assessments, English language proficiency assessments, preK assessments and greater accessibility on assessments for students with disabilities.</p>	<p>used in teacher and principal evaluation.</p> <p>Maintains current law with respect to NAEP participation.</p> <p>Sets an “N” size of 15 by requiring disaggregation for subgroups of students that are larger than 15.</p> <p>Maintain current law requirement to assess at least 95% of all students and each subgroup of students.</p>		<p>are designed to result in a single summative score.</p> <p>States may use computer adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system.</p> <p>Maintains current law with respect to NAEP participation.</p> <p>The bill eliminates the program authorizing funds for annual assessment development and enhanced assessment activities but permits the use of “Local Academic Flexible Grants” for that purpose.</p>	
<p>Title I State Plan Provisions</p>	<p>The Secretary is required to approve a Title I state plan within 120 days of its submission unless the Secretary determines it does not meet the statutory requirements. States must be provided an opportunity to revise and resubmit their plan.</p>	<p>Largely follows current law.</p>	<p>The Secretary is required to approve a Title I state plan within 45 days of submission unless the Secretary presents a “body of substantial, high-quality education research” that demonstrates the plan does not meet requirements or won't be effective. As under current law, states must be provided an opportunity to revise and resubmit their plan.</p> <p>The bill includes a number of limitations on the Secretary in relation to Title I state plans. The Secretary can't require a state to:</p> <ul style="list-style-type: none"> include or delete specific elements of a state's content or achievement standards; use a specific academic assessment 	<p>Largely follows current law, except that the Secretary, the Secretary's staff, or any Federal employee may not participate in or influence the peer review process for state plans, except to provide technical information.</p>	<p>No applicability.</p>

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			instrument or items; include or delete criterion that impacts: standards, assessments, accountability, student growth, other academic indicators, and teacher and principal evaluation; and collect, publish, or transmit data to the Department of Education that is not expressly required under ESEA.		
Report Cards	Each state and LEA is required to publish report cards that include information on student achievement, graduation rates, and the professional qualifications of teachers. LEA report cards also contain information on the number of schools identified for school improvement and comparisons of achievement at individual schools to the LEA and state.	Maintains the requirement for state, LEA and school report cards. New report card elements include: <ol style="list-style-type: none"> 1) a concise description of the state's accountability system; 2) a comparison of a school's assessment data compared to the state average; 3) separate reporting by academic growth as compared to static achievement; 4) students with the most significant cognitive disabilities who take the alternate assessment; 5) the number of students who are English learners and their performance on English proficiency assessments; 6) the rate of enrollment in IHEs by the 2013-2014 school year; 7) by the 2014-2015 school year, the rate of student remediation of high school graduates enrolled in IHEs; 8) by the 2015-2016 school year, evaluation results of teachers and principals; 9) discipline data for students; 10) passage of college credit worthy coursework such as AP and IB; 11) data on the academic performance, enrollment, and graduation of pregnant and parenting students; 12) the incidence of school violence, bullying and drug abuse, and related matters; 13) average class size by grade; 	Maintains the requirement for state and LEA report cards. Largely requires reporting of the same information as current law with the addition of: <ol style="list-style-type: none"> per-pupil expenditure information by Federal, state, and local funding source for each LEA and school, and for states that implement teacher and principal evaluation systems, evaluation results of these educators, except for personally identifiable information on individual teacher or principals. The bill also includes a prohibition on sharing "student educational records and information" without the "informed explicit consent" of a student's legal guardian with any: <ol style="list-style-type: none"> individual or governmental entity; LEA or SEA Any third party contractor Exceptions for these prohibitions include emergency situations and where a student doesn't have a legal guardian or is part of a court proceeding regarding child abuse or neglect.	Maintains a requirement for state and LEA report cards. Requirements for state report cards include: <ol style="list-style-type: none"> 1. Student achievement (aggregated and disaggregated by subgroups); 2. Participation rate on assessments (aggregated and disaggregated); 3. Adjusted cohort graduation rates for all public high schools and at a state's discretion, extended cohort graduation rate (for students graduating in five years or less and six years or less); 4. Evaluation results of each public school under the state's accountability system; 5. English acquisition by English Learners; and 6. Number and percentage of teachers in each evaluation category (see Teacher Evaluation section), so long as such reporting does not reveal personally identifiable information. LEAs must report on: <ol style="list-style-type: none"> 1. Information required under the state report cards; 2. How students in the LEA compare to students in the state as a whole; and 3. A school's evaluation results under the state accountability system. 	Maintains the requirement for state and LEA report cards.

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		<p>14) the number of LEAs in the state that implement positive behavioral interventions and supports;</p> <p>15) the number of students receiving early intervention services and the impact of such on identification for services under IDEA;</p> <p>16) the number of LEAs in the state that implement school-based mental health programs.</p> <p>Reporting on student achievement (disaggregated by subgroup) and graduation rates would still be required, with graduation rate data being reported for each high school as defined as in the bill as the 4-year adjusted cohort rate and the cumulative graduation rate.</p> <p>Requires data on school report cards to be cross-tabulated across subgroups.</p> <p>Equity Report Card: LEAs would be required to provide the following information to parents through electronic means:</p> <ol style="list-style-type: none"> 1) Student achievement data disaggregated by subgroups (also required in the state/LEA/school report cards); 2) School funding by source - Federal, state, and local; 3) Graduation rates (also required in state/LEA/school report cards); 4) Data on educational opportunity, including pre-k and full day kindergarten access and AP and IB opportunities; 5) Information on school climate (some of which is also required in state/LEA/school report cards). 		<p>The main differences between current law and this bill are the inclusion of the adjusted cohort graduation rates rather than graduation rates not based on this definition, and the exclusion of reporting on two-year trends in student achievement and the percentage of students not tested. In addition, because the bill eliminates the definition of highly qualified teacher, the report card section instead reports on information on teacher evaluations.</p>	
Adequate	Each state is required to have a	AYP is replaced with the following structure:	AYP is replaced with a largely state	AYP is eliminated. States are required to	States are required to pick one of three

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<p>Yearly Progress/ State Accountability</p>	<p>definition of adequate yearly progress in place that sets annual measurable objectives (AMOs) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-1014 school year.</p> <p>In addition, secondary schools are required to include graduation rates and elementary schools are required to an academic indicator in addition to the assessments results described above in their definitions of AYP.</p>	<p>States are required to have demonstrated at the beginning of the 2014-2015 school year that the state has developed and implemented a statewide accountability system that:</p> <ul style="list-style-type: none"> Measures student academic growth, with “sufficient growth” defined as performing at grade level: <ul style="list-style-type: none"> within three years; before the end of the students grade span; or another model approved by the Secretary; <p>Differentiates LEAs and schools by academic achievement, growth;</p> <p>Establishes one of the following sets of performance targets:</p> <ul style="list-style-type: none"> Those adopted by the state pursuant to that state’s ESEA waiver agreement; As approved by the Secretary, a goal to make annual progress toward reaching the achievement level of the highest performing 10 percent of schools in the state within a “specified reasonable time period;” Another set of performance targets that are “equally ambitious” that are approved by the Secretary. <p>Transition provisions: The bill includes provisions designed to transition states from existing accountability systems under ESEA waivers (or current law) to the accountability systems under the bill. Components include:</p> <ul style="list-style-type: none"> Maintaining corrective action requirements under current law; Establishing a new baseline for 	<p>determined system. States must annually measure academic achievement of public schools towards the state’s standards and identify and differentiate based on this achievement. The identification and differentiation must take into account:</p> <ul style="list-style-type: none"> Achievement gaps; Overall performance of all students and subgroups; Graduation rates. <p>For Title I schools, states must have a system for annually identifying schools that need improvement strategies and providing assistance to LEAs to develop and implement these strategies.</p> <p>The bill maintains the 95% by subgroup assessment requirement and also the measurement of high school graduation by subgroup.</p> <p>Similar to the state plan section, the bill prohibits the Secretary from establishing any criterion that impacts how SEAs or LEAs establish, implement, or improve standards, assessment, accountability, student growth, or teacher or principal evaluation.</p>	<p>develop an accountability system which:</p> <ol style="list-style-type: none"> Annually measures student achievement of public school students (including growth) using the assessments; Annually evaluates and identifies the performance of each public school based on student achievement and the achievement of subgroups at each school (and achievement gaps); Includes a system for low-performing public schools receiving funds under Title I that requires LEAs to implement interventions in such schools (the term low-performing is not defined). <p>States would be provided with a two-year timeline to implement the requirements related to standards, assessments, and accountability systems.</p> <p>The Secretary is not permitted to establish any criteria that specifies, defines, or prescribes any aspect of a state’s accountability system.</p> <p>The bill states that nothing contained in the bill should be construed to alter a state law giving parents rights with respect to schools which repeatedly did not make AYP. This likely refers to state parent trigger laws.</p>	<p>AYP options:</p> <ol style="list-style-type: none"> <u>Half to 100% in six years</u> – States would have to set new AMOs by subgroup that would cut the gap in half between where scores are now (2010-2011 assessment results) and 100% in six years. <u>100% proficiency by 2020</u> – States would be required to set new AMOs to get all students to 100% proficiency by 2020. They would use 2010-2011 school year performance as the starting point. <u>State developed option</u> – States could develop their own AMOs on a different timeline than the previous two proposals. These AMOs would have to be ambitious but achievable

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		<p>performance targets;</p> <ul style="list-style-type: none"> • Delaying for two full school years after the date of enactment of SASA for the identification of priority, focus, and other schools. <p>The period of time covered by these transition provisions is two years from the date of enactment of SASA.</p>			
School Improvement Structure	<p>Each LEA must identify schools which do not make AYP for a certain number of years for school improvement, corrective action, and restructuring. Schools are identified for school improvement after missing AYP for two years; for corrective action after missing AYP for four years; and for Restructuring after missing AYP for five years.</p>	<p>States are required to identify three main categories of schools beginning with the 2015/2016 school year: (1) Local Interventions schools; (2) Focus schools; and (3) Priority Schools.</p> <p><u>Local Interventions Schools</u> are schools which for two consecutive years do not meet the same performance target for the same subgroup. These schools are required to develop, in collaboration with their LEA, a locally designed intervention.</p> <p><u>Focus Schools</u> are 10% of schools with the greatest achievement gaps among their subgroups compared to the state average and the 10% of high schools with the greatest graduation rate gaps compared to the state average. Focus schools are schools that meet these criteria which are not priority schools. A state may request a waiver of making this identification if such schools are performing at a "satisfactory level." LEAs of the focus schools must develop a corrective plan to improve performance of low performing subgroups. Focus schools are identified as such for a three year period.</p> <p><u>Priority Schools</u> are the lowest achieving 5% of elementary schools in the state, 5% of high schools in the state, any public high school with a graduation rate of less than 60%, and any</p>	<p>Similar to the provisions of the state accountability system, LEAs are required to identify schools for improvement strategies based on student achievement, graduation rates, and other indicators the state may require. LEAs are required to develop school improvement strategies, but the specific contents of these strategies are not required (there is a suggested list of strategies).</p>	<p>No Federally defined system of school improvement or intervention. As described under the AYP/State Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools in which LEAs must implement interventions in such schools.</p> <p>The bill does not include any defined percentage of low-performing schools that require interventions.</p>	<p>States are required to identify two main categories of schools: (1) focus schools, and (2) the priority schools. At state option, a state may identify reward schools.</p> <p><u>Priority Schools</u> are the bottom 5% of schools in the state. For these schools, states would have to implement one of the four school turnaround models OR design a model based on a set of school turnaround principles.</p> <p><u>Focus Schools</u> are the 10% of the schools in the state with the worst achievement gaps. Although schools are identified, there is not a federally-defined set of interventions that would apply to these schools.</p> <p><u>Reward Schools</u> – the top performing schools in the state. Among other approaches, such schools may receive visits from state officials, be honored, or receive monetary awards.</p>

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		<p>focus school that has been identified as such for six consecutive years. A state may request a waiver of making this identification if such schools are performing at a "satisfactory level." LEAs of priority schools must do a needs analysis to determine intervention strategies. LEAs must select one of the school improvement strategies to be implemented in each priority school.</p>			
<p>School Improvement Strategies</p>	<p>Under Restructuring, LEAs are required to adopt one of five alternative governance arrangements for such schools:</p> <ol style="list-style-type: none"> 1. reopening the school as a charter school; 2. replacing all or most of the school staff relevant to the failure to make AYP; 3. operating the school under a private management company; 4. state takeover; and 5. other major restructuring of the school's governance arrangement. <p>Under the regulations for the School Improvement Grant (SIG) program, schools identified for assistance must implement one of four turnaround models: <u>Turnaround Model</u>, which would include, among other actions, replacing the principal and at least 50% of the school's staff, adopting a new governance structure, and implementing a new or revised instructional program.</p> <p><u>Restart Model</u>, in which an LEA would close the school and reopen</p>	<p>Priority Schools must adopt one of the following strategies:</p> <ol style="list-style-type: none"> 1. <u>Transformation Strategy</u> – Replacing the principal (if the principal has served for more than two years); requiring instructional staff and school leadership to reapply for their jobs; and requiring hiring of instructional and leadership staff to be done by mutual consent. 2. <u>Turnaround Strategy</u> – Replacing the principal (if the principal has served for more than two years); and screening all teachers in the school and retaining not more than 65% of them. 3. <u>Whole School Reform Strategy</u> – Implementing an evidence based strategy in partnership with an external provider which has had at least a 'moderate' level of evidence that their program will have a statistically significant effect on student outcomes. 4. <u>Restart Strategy</u> – Convert the school to a public charter school, magnet school, or innovative school, or close and reopen the school as a public charter school; and ensure the school serves the same grade levels as the original school and enrolls any former student of the original school. 5. <u>School Closure Strategy</u> – Close the school and enroll students in other public schools, including paying for transportation to the new school. 	<p>No specific school improvement strategies are required.</p>	<p>No such provision.</p> <p>No Federally defined system of school improvement or intervention. As described under the AYP/State Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools in which LEAs must implement interventions in such schools.</p>	<p>Priority schools would be required to implement one of the four school intervention models under the School Improvement Grant program or a State-designed intervention model based on a federally-defined set of turnaround principals.</p> <p>The Administration defines turnaround principles as meaningful interventions designed to improve the academic achievement of students in priority schools. Specifically the turnaround principles must require:</p> <ol style="list-style-type: none"> 1. Reviewing the current principal's performance and replacing the principal if necessary; 2. Providing operational flexibility to the principal; 3. Reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; 4. Preventing ineffective teachers from transferring to these schools; and providing professional development; 5. Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration; 6. Strengthening the school's

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	<p>it under the management of a charter school operator, a charter management organization (CMO), or an educational management organization (EMO) that has been selected through a rigorous review process.</p> <p><u>School Closure</u>, in which an LEA would close the school and enroll the students who attended the school in other, high-achieving schools in the LEA.</p> <p><u>Transformation Model</u>, which would address each of four specific areas critical to transforming the lowest-achieving schools including:</p> <ul style="list-style-type: none"> • <u>Developing teacher and school leader effectiveness</u> which would include evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance; • <u>Comprehensive instructional reform strategies</u> which would include the use of: instructional programs that are vertically aligned from one grade to the next; and individualized student data (such as from formative, interim, and summative assessments) to inform 	<p>6. <u>State Developed Option</u> –States can develop a strategy that is approved by the Secretary of education.</p> <p>Rural schools are permitted to modify one element of each of these strategies.</p> <p>States may apply to the Secretary for waivers of the provisions of the turnaround strategies that require the replacement or firing of principals.</p> <p>Schools which are identified for a second or more times as priority schools must implement the restart and school closure strategies in these subsequent re-identification periods.</p>			<p>instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with state academic content standards;</p> <p>7. Using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;</p> <p>8. Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and</p> <p>9. Providing ongoing mechanisms for family and community engagement.</p>

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	<p>and differentiate instruction;</p> <ul style="list-style-type: none"> • <u>Extending learning time and creating community-oriented schools</u> which would include providing: more time for students to learn core academic content by expanding the school day, the school week, or the school year; more time for teachers to collaborate, including time for horizontal and vertical planning to improve instruction; more time or opportunities for enrichment activities for students; and ongoing mechanisms for family and community engagement; • <u>Providing operating flexibility and sustained support</u> which would include: giving the school sufficient operating flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes; and ensuring the school receives technical assistance from the LEA, SEA, or an external lead partner organization (such as a school turnaround 				

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Supplemental Educational Services (SES) and Public School Choice	Students in schools which have not made AYP for two consecutive years must be offered the ability to choose another public school and the LEA must provide or provide for transportation. Students in schools which have not made AYP for three years must be offered free tutoring (supplemental educational services).	Students in priority schools must be offered the ability to choose another public school in the local educational agency, unless it is prohibited by state law. Funds are NOT reserved for transportation costs.	LEAs may provide students in schools identified with the option to transfer to another public school. If the LEAs provide this option, as under current law, transportation to such school must be provided for the student.	States are required to reserve three percent of their Title I allocation to provide competitive grants to LEAs to offer tutoring and or to pay for the costs of transportation associated with public school choice.	States receiving flexibility from the Secretary would be permitted to waive the requirement to do supplemental educational services and public school choice.
State Set-Aside for School Improvement	States must reserve 4% of their Title I, Part A grant of which 95% must be allocated to LEAs to assist schools identified for school improvement.	States may reserve up to 6% of their Title I, Part A grant of which 90% must be allocated to LEAs to assist schools with their school improvement activities under section 1116	Maintains 4% reservation and 95% allocation procedures in current law.	Would increase the set-aside from 4% to 7% of a state's Title I program. Including the reservation for competitive grants to LEAs for tutoring and public school choice, the total state reservation is 10% of Title I.	No applicability
High School Provisions	As mentioned in the AYP/state accountability section, graduation rates are required to be included as an additional indicator in state AYP definitions	As mentioned in the state AYP/State accountability section, AYP and its indicators are eliminated. In addition, the bill expands ESEA's focus on high schools through several provisions: As described in the School Improvement Structure section: 1. High schools with large graduation rate gaps are defined as focus schools separate from elementary schools 2. All high schools with less than a 60% graduation rate, regardless of whether they receive Title I funding, are defined as priority schools. As described in the Report Card section, state and local report cards are required to report: 1. for each high school, student graduation rates using the 4-year cohort and cumulative graduation rate definitions; 2. the rate of enrollment in IHEs; and 3. by the 2013-2014 school year, the rate of student remediation of high school	No applicability	As mentioned in the AYP/State accountability section, AYP and its indicators are eliminated. As described in the Report Card section, states and LEAs are required, as part of their report cards, to report on the adjusted cohort graduation rate of all public high schools in a state.	No applicability.

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Comparability	LEAs are permitted to receive funds under Title I, if state and local funds are used in Title I schools to provide comparable services to those in schools which are not receiving Title I.	graduates enrolled in IHEs. The bill requires LEAs which receive Title I funding to demonstrate to the state that their combined state and local per-pupil expenditures (which would include actual personnel and actual non-personnel expenditures) in each Title I school are not less than the average such amount at non-Title I schools in the LEA. LEAs which fail to accomplish this must develop a plan to enact this policy.	Maintains existing comparability requirements.	Maintains existing comparability requirements.	Maintains existing comparability requirements.
Highly Qualified Teachers	All Teachers in title I programs must be highly qualified. All states must have a plan in place to ensure that teachers teaching in core academic subjects are highly qualified.	Maintains the highly qualified requirement (including guidance and regulatory changes since the passage of NCLB), with the following exceptions: 1. LEAs in states which have fully implemented the bill's teacher and principal evaluation requirements (referred to as "professional growth and improvement system") only have to comply with highly qualified teacher requirements for "new" teachers. 2. Small, rural, and remote schools may provide instruction through a highly qualified teacher via distance education. 3. HQT requirements do not apply to teachers of American Indian, Alaska Native or Native Hawaiian language or culture or a teacher who is a native elder.	Eliminates any requirements related to highly qualified teachers and replaces them with a requirement for teachers working in Title I programs to meet applicable state certification and licensure standards.	Eliminates any requirements related to and the definition of highly qualified teachers.	Maintains the existing highly qualified definition, except that there would be no consequences for states, such as having to take over a LEAs professional development program, if not all of their teachers are highly qualified.
Follow the Child State Option	No applicability	No applicability	SEAs are permitted to adopt a new method of allocating funds based on actual enrollment of eligible children at Title I schools. LEAs would be required once a year to determine the number of eligible children in their public schools. Eligible children would be defined as those children from families with income below the poverty line as determined via census data. States would provide Title I allocations to LEAs based on the number of eligible children attending public schools and LEAs	No applicability	No applicability

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			would provide Title I allocations to public schools based on the number of eligible children.		
Teacher and Principal Evaluation	No such requirement	<p>LEAs under Title II must provide an assurance that they have implemented a “professional growth and improvement system” (teacher and principal evaluation). Such a system consists of:</p> <p>For principals:</p> <ul style="list-style-type: none"> Is based in significant part on evidence of improved student academic achievement, growth, and English language proficiency of English learners, and may include other measures. <p>For Teachers:</p> <ul style="list-style-type: none"> Is based in significant part on evidence of improved student academic achievement and growth that is limited to evidence based or externally validated measures; Observations of classroom teaching; Other measures such as student surveys. <p>Evaluation systems that have been approved by the Secretary under the ESEA waiver authority do not need to be modified.</p> <p>Nothing alters or affects the rights, remedies, and procedures afforded school or district employees in Federal, state and local laws, including collective bargaining agreements.</p>	Under Title II, SEAs and LEAs are permitted to develop and implement teacher and principal evaluation systems. Such systems, if developed and implemented by an SEA or LEA, would have to be based in significant part on evidence of student achievement.	<p>LEAs (in states which are not adopting statewide teacher evaluation systems and as a condition of receiving Teacher Preparation and Effectiveness formula grants) would be required to develop and implement teacher evaluation systems that:</p> <ol style="list-style-type: none"> Use student achievement data (from a variety of sources) as a “significant factor” in the evaluation, with the weight given such data to be defined by the LEA; Use multiple measures; Have more than two categories for rating teacher performance; Are used to make personnel decisions (as determined by the LEA); and Are based on input from parents, school leaders, teachers and other staff. <p>LEAs in states which are developing and implementing a statewide teacher evaluation system would be required to participate in such a system. Statewide evaluation systems would be required to meet the same requirements (on a state level) as those required of LEA evaluation systems.</p> <p>LEAs in states which are not implementing a statewide school leader evaluation may use their LEA allocations for the development and implementation of a school leader evaluation system.</p>	<p>Would require SEAs and LEAs to develop, adopt, and implement teacher evaluation and support systems. The system would be required to:</p> <ol style="list-style-type: none"> Be used for continual improvement of instruction; Differentiate between at least three performance levels; Use multiple valid measures in determining performance levels, including as a significant factor, data on student growth, and other measures of professional practice; Be used to evaluate teachers and principals on a regular basis; Provide feedback that identifies needs and guides professional development; Be used to inform personnel decisions. <p>In the request for flexibility an SEA must include a plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by no later than the end of the 2011-2012 school year.</p>
TIF	Appropriations bills have funded	Authorizes the Teacher Incentive Fund program	Maintains a separate Teacher Incentive	Does not authorize TIF. See “Teacher and	Not addressed in waiver package. The

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	the Teacher Incentive Grant program. This program largely allows LEAs to operate alternative compensation models for teachers, including augmenting or basing teacher pay on academic performance.	and incorporates the teacher and principal evaluation requirements for TIF grantees as described above.	Fund program.	School Leader Flexible Grant" below. The bill repeals the Teacher Quality Partnership program authorized in the Higher Education Act. The bill creates a new "Teacher and School Leader Flexible Grant" authority under which funds are allocated to states by formula with eligible entities at the local level competing for funds for a variety of activities related to teachers and principals, including performance pay, certification reform, teacher residency programs, and induction and mentoring programs. Eligible entities include an LEA or consortium of LEAs, an LEA in partnership with an IHE, a partnership between an LEA and a for-profit or non-profit organization, or an LEA in partnership with any combination of an IHE, or a for-profit or nonprofit organization.	2014 Administration budget would combine TIF with other teacher quality programs as part of a new Teacher and Leader Innovation Fund.
RTTT	The American Reinvestment and Recovery Act of 2009 created the Race to the Top program (RTTT). This program provided competitive awards to states that agreed to institute a series of education reforms focused on college and career ready standards, improved teacher quality, better education data systems, and improving school turnaround.	Authorizes the Race to the Top (RTTT) program.	Does not authorize such program.	Does not authorize such program.	Not applicable to the waiver package, but the Administration's 2014 budget seeks funding for this program.
i3	The American Reinvestment and Recovery Act of 2009 created the Investing in Innovation (i3) program. This program provided competitive awards to grants to develop and validate promising practices, strategies, or programs with potential to improve student	Authorizes the Investing in Innovation program (i3). Up to 30% of i3 funding may be reserved for a new ARPA-ED program – (Advanced Research Projects Agency). Would fund research into education technology, learning systems and educational tools.	Does not authorize such program.	Does not authorize such program. See the Local Academic Flexible Grant below.	Not applicable to the waiver package, but the Administration's 2014 budget seeks funding for this program.

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	outcomes but for which efficacy has not yet been systematically studied.				
Local Academic Flexible Grant	No such provision.	No such provision.	No such provision.	<p>The bill creates a new program funding two separate authorities: (1) Local Competitive Grant Program, and (2) Awards to Nongovernmental entities to improve academic achievement. These authorities would be administered by states which receive formula allocations from the U.S. Department of Education</p> <p><u>Local Competitive Grant</u> – This authority, funded with not less than 75% of each state's Local Academic Flexible Grant funds, would make awards to eligible entities to fund supplemental student support activities, such as tutoring, afterschool and extended day (but not athletics or in-school learning), <u>and</u> classroom support activities, such as subject specific programs, adjunct teacher programs, and parent engagement, but not class size reduction, construction, or providing compensation or benefits to teachers, principals, or school officials. Funds would be used for students who maintain enrollment in public schools. <u>An eligible entity is defined as:</u></p> <ol style="list-style-type: none"> 1. an LEA (or a consortium of LEAs) in partnership with a CBO, private sector business entity, or NGO; 2. a CBO in partnership with an LEA and, if applicable, a private sector business entity or NGO; or 3. a private sector business entity in partnership with an LEA and, if applicable, a CBO or NGO. <p><u>Awards to Nongovernmental Entities to Improve Academic Achievement</u> – This</p>	No such provision.

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				<p>authority, funded with not less than 10% of each state's Local Academic Flexible Grant Funds, would provide funds to public or private organizations, CBOs and business entities for programs that improve public student achievement. Grantees would have to show evidence of how the program would improve student achievement and share evidence-based and other effective strategies with LEAs and others working with students.</p>	
<p>Transferability/ Flexibility in Using Funds</p>	<p>Under current law, states (with the state share of funds) and LEAs (with the local share of funds) can generally transfer up to 50% of a program's allocation among certain programs. The only programs presently receiving funding for which this authority applies to are Title I, Part A and Teacher Quality Grants (Title II, Part A). States or LEAs are not permitted to transfer funds out of Title I.</p>	<p>The bill increases the transfer authority to 100% and limits it to Titles II (teachers and principals) and formula programs under the Supporting Successful Well-Rounded Students Title of the bill.</p>	<p>The bill increases the transfer authority to 100% and limits it to Titles II (teachers and principals) and IV (healthy students).</p>	<p>The bill allows states with the state share of funds and LEAs with the local share of funds to expend certain program funds on any state or LEA activity (respectively) authorized under certain programs. The following programs are generally impacted by this authority: Title I School Improvement, Title I State Administration, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education, and a new combined rural education achievement program.</p> <p>The state share of the above programs can be used for any authorized activity under any of the same programs, except for the main Title I program and the Rural Education Achievement Program which state shares are not included in the state authority.</p> <p>The LEA share of the above programs can be used for any authorized activity under any of the same programs, except all authorities related to the main Title I program.</p>	<p>No such provision.</p>
<p>Maintenance</p>	<p>Under most ESEA programs,</p>	<p>Maintains these provisions.</p>	<p>Strikes Maintenance of Effort provisions.</p>	<p>Eliminates maintenance of effort provisions</p>	<p>No applicability.</p>



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of Effort	states and/or LEAs must maintain the amount of state and/or LEA funding that is being expended in the prior fiscal year.			from ESEA programs.	
ESEA Waivers	<p>States, LEAs or Indian tribes may request waivers of ESEA provisions. These waivers must demonstrate how they will increase the academic achievement of students. Waivers are not permitted for:</p> <ul style="list-style-type: none"> • Allocations or distributions of funds to states, LEAs or other recipients. • Maintenance of effort • Comparability • Supplement not Supplant • Private school participation • Parental participation and involvement • Civil rights • Charter School requirement • Prohibitions regarding state aid and religious worship or instruction • Prohibitions on using ESEA funds for the development and distribution of materials that encourage sexual activity or are legally obscene • Prohibitions on using ESEA funds to providing sex education, or distribute condoms • Selection of school attendance areas under Title I that are more than 10% lower in poverty than those selected without a waiver 	No changes to current law.	The Secretary is required to approve a waiver request within 60 days unless it does not meet the requirements of the waiver section. The Secretary is prohibited from disapproving a waiver request based on conditions outside the scope of the request.	<p>The Secretary must approve a waiver request within 60 days unless the Secretary determines and demonstrates that the waiver is of a restricted item, won't increase student academic achievement and does not provide for adequate evaluation</p> <p>The bill also requires the Secretary to establish a peer review process for reviewing waiver requests and must use this peer review process if a waiver will not be approved.</p> <p>The bill also strikes the prohibition on waiving maintenance of effort since the bill strikes this requirement from the bill (see above).</p> <p>The bill limits the amount of time a waiver can be approved from four years to three years.</p> <p>The bill maintains current law limitations on what can be waived by the Secretary.</p> <p>Lastly, the bill prohibits the Secretary from putting various conditions on a waiver request in order to approve such request.</p>	No applicability.
Impact on	No applicability	Existing ESEA waivers awarded to states are	No applicability	No applicability	No applicability

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Existing ESEA Waivers of the States		no longer operable after the expiration of the existing period covered by the waiver.			
Department Staff	No applicability	No applicability	No applicability	<p>Within 60 days of the enactment of Student Success Act, the Secretary shall:</p> <ol style="list-style-type: none"> (1) Identify the number of Department employees who worked on or administered each program that was in effect on the day before the passage of the Student Success Act and publish that information on the Department's website; (2) Identify the number of employees who worked on or administered programs that were eliminated by the Student Success Act; (3) Within one year of the passage of the Student Success Act, reduce the number of Department of Education full-time equivalent employees calculated under (2); (4) Within one year of the enactment of the Student Success Act, report on how the Secretary reduced the number of employees as described under (3). 	No applicability