



ESEA Reauthorization Proposals in the 113th Congress: Comparison of Major Features

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Summary

The Elementary and Secondary Education Act (ESEA) was last amended by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). During the 113th Congress, both the House and Senate have considered legislation to reauthorize the ESEA. On June 12, 2013, the Senate Health, Education, Labor, and Pensions (HELP) Committee considered and ordered reported the Strengthening America's Schools Act (S. 1094) by a strictly partisan vote of 12-10. The House Education and Workforce Committee also considered and ordered reported a bill that would reauthorize the ESEA. On June 19, 2013, on a strictly partisan vote of 23-16, the Success for All Students Act (H.R. 5) was ordered reported. It is unclear whether S. 1094 or H.R. 5 will be considered on the Senate or House floors, respectively.

S. 1094 and H.R. 5 would take different approaches to reauthorizing the ESEA, most notably in three key areas:

1. **Accountability for student achievement:** Both S. 1094 and H.R. 5 would modify current accountability requirements related to student achievement, including eliminating the requirement to determine adequate yearly progress (AYP) and the requirement to apply a specified set of outcome accountability provisions to all schools, regardless of the extent to which they failed to make AYP. Both bills would continue to require that states have standards and assessments for reading, mathematics, and science, and would require that assessments measure student proficiency and growth. Both bills would require that reading and mathematics be included in each state's accountability system, and would permit states to include science or other subjects in their accountability systems. S. 1094, but not H.R. 5, would require states to establish "ambitious and achievable" annual performance targets for the state, local educational agencies (LEAs), and public schools for each subject area and grade level that is assessed for accountability purposes. Performance targets would have to be established for student proficiency and student growth, as well as for English language proficiency for English learners and high school graduation rates. The Secretary would have to approve all performance targets. S. 1094 would require various interventions to be implemented in certain low-achieving schools, while H.R. 5 would not require that specific actions be taken to address issues in low-performing schools.
2. **Teacher quality versus teacher effectiveness:** Both S. 1094 and H.R. 5 scale back (or, in the case of H.R. 5, eliminate) existing teacher quality requirements, and each bill introduces requirements pertaining to how teachers' performance is evaluated. H.R. 5 would eliminate current requirements related to "teacher quality," which focus largely on ensuring the equitable distribution of qualified teachers and that teachers possess a baccalaureate degree and full state teaching certification, as well as demonstrated subject-matter knowledge in the areas in which the teacher teaches. S. 1094 would retain these requirements for new teachers and for all teachers until approved teacher evaluation systems are in place. S. 1094 would require all LEAs that receive Title II-A funds to develop and implement teacher and principal evaluation systems, known as professional growth and improvement systems. H.R. 5 would also require LEAs that receive Title II-A funds to develop and implement a teacher evaluation system but would not include school leaders in required evaluation systems. Under both bills, staff

being evaluated would have to be evaluated based, in part, on student achievement.

3. **Targeted support for elementary and secondary education versus the use of a block grant:** Each bill would consolidate some existing competitive grant programs, but H.R. 5 would consolidate a greater number of programs than S. 1094. At the same time, S. 1094 would create several new targeted grant programs, while H.R. 5 would greatly expand the use of block grant funding.

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Introduction

The Elementary and Secondary Education Act (ESEA) was last amended by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). Most programs authorized by the ESEA were authorized through FY2007.¹ As Congress has not reauthorized the ESEA, ESEA programs are currently not explicitly authorized. However, because the programs continue to receive annual appropriations, they are considered implicitly authorized.

During the 113th Congress, both the House and Senate have considered legislation to reauthorize the ESEA. On June 12, 2013, the Senate Health, Education, Labor, and Pensions (HELP) Committee considered and ordered reported the Strengthening America's Schools Act (S. 1094) by a strictly partisan vote of 12-10. The House Education and Workforce Committee also considered and ordered reported a bill that would reauthorize the ESEA. On June 19, 2013, on a strictly partisan vote of 23-16, the Success for All Students Act (H.R. 5) was ordered reported. It is unclear whether S. 1094 or H.R. 5 will be considered on the Senate or House floors, respectively.

S. 1094 and H.R. 5 would take different approaches to reauthorizing the ESEA, most notably in three key areas: (1) accountability for student achievement, (2) teacher quality versus teacher effectiveness, and (3) targeted support for elementary and secondary education versus the use of a block grant. In addition, both the HELP Committee and Education and Workforce Committee bills would eliminate existing programs, while creating new programs.

This report examines major features of S. 1094 and H.R. 5 with respect to current law.² The report begins by discussing the approach that each bill takes toward reshaping the ESEA in key areas. Next, the report provides a structured orientation by ESEA title and part of how the ESEA would be reconfigured under each bill. Then it more thoroughly summarizes the major proposals in the bills, focusing on those aspects of the bills that would fundamentally change a portion of current law. The report does not aim to provide a comprehensive summary of these bills or of technical changes that would be made by each measure. The report concludes with an appendix that examines the proposed program authorizations included in each bill.

For the purposes of this report, a program is considered to be a new program if the program is a newly proposed program or is a substantively changed or reconfigured existing program (e.g., multiple aspects of a program are changed, such as the purpose of the program, distribution of

¹The General Education Provisions Act (GEPA) provided a one-year extension of ESEA program authorizations. GEPA provides that, "The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization of such program" (20 U.S.C. 1226a). As Congress did not pass legislation to reauthorize the ESEA by the end of the 2005 calendar year, the program authorizations were automatically extended through FY2008.

² This report focuses on a comparison between current law and S. 1094 and H.R. 5. It does not examine how the various ESEA reauthorization proposals would compare with the ESEA flexibility package being offered to states by the U.S. Department of Education (ED). The ESEA flexibility package allows states to waive many of the current accountability requirements included in current law in exchange for states meeting four principles established by ED. For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by Rebecca R. Skinner and Jody Feder.

funds, uses of funds, or eligible recipients of funds). Programs included in the ESEA reauthorization bills are considered to be similar to programs in current law if they are substantively similar in purpose, recipients, and activities. The tables in this report refer to these programs as being “retained” by a particular bill. For example, the Advanced Placement program is considered to be retained under S. 1094, as the new program (Accelerated Learning) would be substantively similar to the program included in current law, despite change in the use of funds to support tests administered under the International Baccalaureate program. On the other hand, the block grant program created under H.R. 5 is considered a new program, as it differs from the current Innovative Programs block grant program in numerous ways including program purposes, funding to subgrantees, and allowable activities. Concurrently, the block grant program under current law is considered to be “not retained” under H.R. 5.

It should be noted that an indication that a particular program would not be included in a particular bill does not mean that all of the activities authorized under current law for the program would be eliminated. The activities may be continued under a different program. For example, while H.R. 5 would no longer retain many of the current ESEA programs, H.R. 5 would include a block grant program under which funds could potentially be used for similar activities as were permitted or required under some programs that would not be retained. The uses of funds under the proposed block grant program are discussed in this report. Similarly, if an existing program or activity is not specifically mentioned as allowable under a new program, it should not be assumed that funds could not be used to support such programs or activities. It is beyond the scope of this report to discuss proposed programs or activities in great detail. At the same time, an indication that a program would be “similar to current law” does not mean that it would be retained without changes. As previously discussed, this report focuses on major changes that would be made to current law, so there may be additional changes made to a program or activity that are not highlighted in this report.

Recent ESEA Flexibility Provided by the Administration

While Congress has not enacted legislation to reauthorize the ESEA, on September 23, 2011, President Obama and the Secretary announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain the included waivers. The waivers exempt states from various academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB. State educational agencies (SEAs) may also apply for optional waivers related to the 21st Century Community Learning Centers program and the use of funds, determinations of adequate yearly progress (AYP), and the allocation of Title I-A funds to schools.³ However, in order to receive the

³ ED recently announced three new optional waivers for states that had their applications for the ESEA flexibility package approved. These states may request a waiver to delay the implementation of any personnel consequences for teacher and school leaders that are related to the new state assessments for up to one year (until the 2016-2017 school year at the latest). They may also request a waiver to avoid “double-testing” students during the transition from their current assessments to their new assessments aligned with college- and career-ready standards. Related to the testing of students, a state may also request a waiver for schools to retain their accountability designation for an additional year, during which they would continue to implement the same interventions. For more information, see the policy letter sent to the Chief State School Officers by Secretary Duncan on June 18, 2013, available online at <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>.

waivers, SEAs must agree to meet four principles established by the U.S. Department of Education (ED) for “improving student academic achievement and increasing the quality of instruction.” The four principles, as stated by ED, are: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden. The waivers apply to school years 2011-2012, 2012-2013, and 2013-2014. States have the option to apply for a one-year waiver extension for the 2014-2015 school year.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in current law. As of June 2013, ED had approved ESEA flexibility package applications for 39 states and the District of Columbia and was reviewing applications from several other states.⁴ If Congress continues to work on ESEA reauthorization during the 113th Congress, it is possible that provisions included in any final bill may be similar to or override the waivers and principles established by the Administration.

The remainder of this report focuses only on current law and does not compare the provisions in H.R. 5 or S. 1094 with the provisions included in the ESEA flexibility package.⁵

Brief Summary of Reauthorization Approaches in Key Areas

This section of the report examines the reauthorization approaches taken by S. 1094 and H.R. 5 in three key areas: (1) accountability for student achievement, (2) teacher quality versus teacher effectiveness, and (3) targeted support for elementary and secondary education versus the use of a block grant. For each of the three areas, a brief discussion of the treatment of the issue under current law is included, followed by a summary of how S. 1094 and H.R. 5 would address the issues.

Accountability for Student Achievement

Under NCLB, a series of comprehensive standards-based accountability requirements were enacted. States, local educational agencies (LEAs), and schools must comply with these requirements in order to receive Title I-A funds. The key features of these requirements are discussed below. This is followed by a brief discussion of how S. 1094 and H.R. 5 would treat each of these requirements.

- **Standards.** At a minimum, each state must adopt challenging academic content and challenging student academic achievement standards in mathematics and reading/language arts (hereinafter referred to as reading) for each of grades 3-8 and for one grade in grades 10-12. States must also adopt content and achievement standards for science for at least three grade levels (grades 3-5,

⁴ Approved state applications and pending applications are available at <http://www.ed.gov/esea/flexibility/requests>.

⁵ For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by Rebecca R. Skinner and Jody Feder.

grades 6-9, and grades 10-12). States may choose to adopt standards for other subject areas.

- **Assessments.** All states must develop and implement annual assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. In addition, each state must develop and administer science assessments aligned with content and achievement standards once in grades 3-5, grades 6-9, and grades 10-12.
- **Annual measurable objectives (AMOs).** States must develop AMOs that are established separately for reading and mathematics assessments, are the same for all schools and LEAs, identify a single minimum percentage of students who must meet or exceed the proficient level on the assessments that applies to the “all students group” and each subgroup for which data are disaggregated,⁶ and ensure that all students will meet or exceed the state’s proficient level of achievement on the assessments based on a timeline established by the state. The timeline must incorporate concrete movement toward meeting an “ultimate goal” of all students reaching a proficient or higher level of achievement by the end of the 2013-2014 school year.
- **Adequate yearly progress (AYP).** AYP is determined based on three components: student academic achievement on the required state reading and mathematics assessments, with a focus on the percentage of students scoring at the proficient level or higher; 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated; and performance on another academic indicator, which must be graduation rates for high schools. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all three indicators for the all students group and any subgroup for which data are disaggregated. AYP must be determined separately and specifically not only for all students but also for all subgroups for which data must be disaggregated within each school, LEA, and state.
- **Consequences based on performance.** States are required to identify LEAs, and LEAs are required to identify schools, for program improvement if the LEA or school failed to meet the state AYP standards for two consecutive years. LEAs or schools that fail to meet AYP standards for additional years are required to take a variety of actions.⁷ For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice to students, develop a school improvement plan, and use Title I-A funds for professional development. Failure to make AYP for an additional year results in a school also having to offer supplemental educational services (SES). LEAs are required to reserve 20% of their Title I-A funds for transportation for

⁶ For accountability determinations, provided minimum group sizes are met, data must be disaggregated for economically disadvantaged students, limited English proficient students, students with disabilities, and students in major racial and ethnic groups as determined by the state. These specified demographic groups are often referred to as subgroups. For reporting purposes, if minimum group sizes are met, data must be disaggregated for the aforementioned subgroups as well as by gender and migrant status.

⁷ A school or LEA identified for improvement can exit this status by making AYP for two consecutive years. If a school or LEA makes AYP for one year, the school or LEA remains at its current improvement status level. If a school or LEA fails to make AYP the next year, it moves to the next level of consequences.

public school choice and for SES. Schools that fail to make AYP for an additional year continue to do all of the aforementioned activities and enter into corrective action. Under corrective action, they are required to take one of several statutorily specified actions, including replacing school staff, changing the curriculum, extending the school year or school day, limiting management authority at the school level, working with an outside expert, or restructuring the schools' internal organization. Subsequent failure to make AYP requires a school to plan for and, ultimately, implement restructuring. Restructuring involves the continuation of the aforementioned activities and implementation of an alternative governance structure, such as converting to a charter school. It should be noted that these consequences are applied regardless of the extent to which a school failed to make AYP in a given year but consequences need only be applied to schools receiving Title I-A funds.

S. 1094

S. 1094 would retain similar requirements related to standards and assessments; however, all states would be required to develop college and career ready standards in reading, mathematics, and science, and assessments would have to be aligned with these new standards. States would have the discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. Assessments would have to provide data on student proficiency and growth. States would be permitted to use computer adaptive assessments that could measure student proficiency and growth against grade level standards, as well as above and below those standards. S. 1094 would require that assessments be administered to not less than 95% of all students and not less than 95% of the members of each subgroup for which data are disaggregated.

Each state's accountability system would have to include the subjects of reading and mathematics and could include science or any other subject selected by the state. Each state accountability system would be required to have at least three categories of student performance which must include (1) students who are meeting or exceeding state academic standards; (2) students whose proficiency in a subject is below grade level but who are achieving sufficient growth; and (3) students whose proficiency is below grade level and are not achieving sufficient growth. Each state would also be required to establish "ambitious and achievable" annual performance targets for the state, LEAs, and public schools in the state for each subject area and grade level that is assessed for accountability purposes instead of AMOs. States would be permitted to use: (a) the performance standards adopted under the ESEA flexibility package offered to the states by the Administration; (b) standards that set a goal for every public school to meet the achievement level of the highest-performing 10% of schools in the state, provided that annual progress toward that goal within a specified "reasonable time period" is required, and accelerated progress for students at the lowest levels or student achievement is required; or (c) performance targets that are equally ambitious as the other two options. Performance targets would have to be developed for student proficiency, student growth, English language proficiency for English learners, and high school graduation rates. The Secretary would have to approve all performance targets that had not already been approved through the ESEA flexibility package. AYP determinations would no longer have to be made.

With respect to "consequences," states would be required to identify "lack of improvement" schools, "focus" schools, and "priority" schools. Lack of improvement schools would include schools that have failed to meet the same subgroup performance target for the preceding three

consecutive years. These schools would have to work with the SEA to implement a state-approved intervention based on best practices within the state. A school would be identified as a focus school if it has not been identified as a priority school and (1) is in the 10% of schools with the greatest achievement gaps among subgroups as compared to the statewide average or (2) is a public high school that is in the 10% of schools with the greatest graduation rate gaps among such subgroups, as compared to the statewide average. These schools would be required to develop and implement a “measurable and data-driven” correction plan. A school would be identified as a priority school if it is in the lowest-achieving 5% of elementary schools, is in the lowest-achieving 5% of secondary schools, is a public high school with a graduation rate of less than 60%, or has been identified as a focus school for the six preceding consecutive years. Each LEA serving a priority school would be required to implement several activities including a needs analysis in the school, a statutorily specified intervention strategy (i.e., transformation strategy, turnaround strategy, whole school reform strategy, restart strategy and school closure strategy), and public school choice. SES would no longer be required.

H.R. 5

Under H.R. 5, states would be required to adopt content and achievement standards for mathematics, reading, science, and any other subject as determined by the state. Assessments would have to be aligned with these standards and be administered in each of grades 3-8 and once in grades 9-12. States would have the discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. Assessments would have to provide data on student performance and growth. States would also be permitted to use computer adaptive assessments that could measure student proficiency and growth against grade level standards, as well as above and below those standards. States would no longer be required to establish AMOs. The bill would eliminate the concept of AYP. It would require that assessments be administered to not less than 95% of all students and not less than 95% of the members of each subgroup for which data are disaggregated. The bill would require that high school graduation rates be reported. In addition, there would be no “ultimate goal” with associated consequences toward which states, LEAs, and schools must work.

The bill would eliminate current outcome accountability requirements. States would not be required to identify a specified percentage or number of schools as low-performing. However, they would be required to establish a system for school improvement for low-performing public schools receiving Title I-A-1 (Grants to LEAs) funds that would be implemented by LEAs and be designed to address the weaknesses of such schools. While public school choice and SES would no longer be required, the bill would create a new reservation of funds for direct services to students under Section 1003A. That is, states would be required to reserve 3% of the total amount received by the state under Title I-A-1 (Grants to LEAs) to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring that is designed to help increase student academic achievement.

Teacher Quality and Performance

With the enactment of NCLB, new requirements were included in Title I-A to ensure an equitable distribution of highly qualified instruction across schools and establish minimum professional standards for what constitutes a highly qualified teacher. NCLB also authorized programs to support efforts to meet the teacher quality requirements, as well as systems that reward teacher

performance. These provisions are described below, followed by a discussion of how S. 1094 and H.R. 5 would amend them.

- **Distribution.** Current law requires that states ensure Title I schools provide instruction by highly qualified instructional staff and take specific steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.
- **Newly hired teachers.** Each LEA receiving Title I-A funds must ensure that all newly hired teachers teaching in a program supported by such funds be highly qualified.
- **Highly qualified teacher (HQT).** The definition of an HQT has two basic components involving professional credentials and subject-matter knowledge. First, to be deemed highly qualified, a teacher must possess a baccalaureate degree and full state teaching certification. Second, a teacher must demonstrate subject-matter knowledge in the areas that she or he teaches. The manner in which teachers satisfy the second component depends on the extent of their teaching experience and the educational level at which they teach.
- **Deadline.** Each state receiving Title I-A funds was required to have a plan to ensure that, by no later than the end of the 2005-2006 school year, all public school teachers teaching in core academic subjects⁸ within the state met the definition of an HQT.⁹ The plan was required to set annual measurable objectives to meet this deadline.
- **Support.** The Teacher and Principal Training and Recruitment Fund (Title II-A) provides formula grants to support state and local efforts to meet ESEA teacher quality requirements.
- **Performance.** The Teacher Incentive Fund (Title V-D) supports competitive grants for high-need schools to develop and implement performance-based teacher and principal compensation systems that must consider gains in student academic achievement and classroom evaluations conducted multiple times during each school year, among other factors.

S. 1094

S. 1094 would retain an HQT definition similar to that in current law and require each LEA receiving Title I-A funds to ensure that all teachers in core academic subjects be HQT. The bill would only apply this requirement to new teachers for LEAs with approved teacher evaluation systems.

For the first year after enactment, S. 1094 would retain requirements similar to those in current law regarding the equitable distribution of teachers. For each year after the first year, the bill would require states to provide for the equitable distribution of teachers so that poor and minority

⁸ Current law defines core academic subjects as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

⁹ All states established an HQT plan. These plans are available online at <http://www2.ed.gov/programs/teacherqual/hqtplans/index.html>.

children are not taught at higher rates than other children by “teachers with the lowest ratings in the State professional growth and improvement system.”¹⁰

S. 1094 would require states participating in Title II-A to ensure that all LEAs that receive Title II-A funds are implementing teacher and principal evaluation systems, known as professional growth and improvement systems. These systems would have to provide meaningful feedback to teachers and principals, include multiple categories of performance, evaluate teachers and principals on a regular basis, be aligned with professional development activities, be developed and implemented with teacher and principal involvement, and provide training for the evaluators responsible for conducting classroom and school observations. Principal evaluations would be required to be based “in significant part” on evidence of improved student academic achievement and growth and student outcomes, as well as evidence of providing strong instructional leadership and support to teachers and other staff. Principal evaluations may also include other measures of principal performance (e.g., parent and family engagement). Teacher evaluations would be required to be based “in significant part” on evidence of improved student academic achievement and growth “that is limited to evidence-based or externally validated measures,” classroom observations, and other measures (e.g., student perception surveys). These systems would be similar to the teacher evaluation system currently used in the Teacher Incentive Fund competitive grant program. S. 1094 would require states to provide technical assistance to LEAs receiving Title II-A funds to support the design and implementation of professional growth and improvement systems. LEAs must implement these systems no later than the 2015-2016 school year.

S. 1094 would retain the Title II-A formula grant program; however, the current hold harmless provision for state grants would be eliminated¹¹ and LEA grants would be held to at least 90% of the previous year allotment. The bill would require that at least 20% of Title II-A funds be used for professional development in “priority” and “focus” schools. Allowable uses include most activities provided under current law as well as the development and implementation of professional growth and improvement systems.

H.R. 5

H.R. 5 would eliminate current requirements regarding the equitable distribution of instructional quality and highly qualified teachers. The bill would require states that receive Title II-A funds to either develop and implement a statewide teacher evaluation system or ensure that each LEA receiving Title II-A funds will implement a teacher evaluation system within three years of enactment of H.R. 5. The teacher evaluation system would be required to use student achievement data from multiple sources as a “significant factor” in determining a teacher’s evaluation, use multiple evaluation measures, have more than two performance categories, be used to make personnel decisions, and be based on input from parents, school leaders, teachers, and other staff. The teacher evaluation system would be similar to those required by the Teacher Incentive Fund. H.R. 5 would not require the evaluation system to include school leaders.

¹⁰ The bill would require that implementation of LEA professional growth and improvement systems “shall not be later than the 2015-2016 school year.”

¹¹ For additional information about the Title II-A formula under current law, see CRS Report R41267, *Elementary and Secondary School Teachers: Policy Context, Federal Programs, and ESEA Reauthorization Issues*, by Jeffrey J. Kuenzi.

H.R. 5 would retain formula grant funding under Title II-A; however, the enrollment and poverty elements used for allocation would be modified and the hold harmless for state and LEA grants would be eliminated.¹² The bill would also scale back allowable activities principally including activities that support the development and implementation of state and local evaluation systems for teachers.

Targeted Support Versus Block Grant

Under current law, the ESEA includes several formula grant programs that provide grants to states, LEAs, or other entities (e.g., Indian tribes). These programs provide aid to support specific student populations (e.g., disadvantaged students, limited English proficient students), provide additional aid to entities based on their location (i.e., rural LEAs), or provide funds for a specific set of activities (e.g., those related to literacy or school safety). The ESEA also contains numerous competitive grant programs, which generally receive less funding than formula grant programs. The competitive grant programs included in the ESEA address issues such as counseling, arts education, physical education, and magnet schools. As shown in **Table 1**, many of the competitive grant programs and some of the formula grant programs included in the ESEA are no longer funded.

The HELP Committee and the Education and Workforce Committee have proposed fundamentally different approaches with respect to how to continue to provide program funding through the ESEA. In general, S. 1094 would retain several competitive grant programs, eliminate others, and create new programs to support activities that are currently supported under either formula or competitive grant programs that would be eliminated. H.R. 5 would eliminate some formula grant programs and most competitive grant programs included in current law but would include a block grant program¹³ whose funding could potentially be used to support similar activities to those that are supported under programs slated for elimination. The divergent approaches taken by these bills with respect to targeted support and block grants are discussed in more detail below.

S. 1094

S. 1094 would retain most of the current formula grant programs, while eliminating several competitive grant programs (see **Table 1**). It would add several targeted grant programs that would broadly support similar activities as those supported under some of the programs being eliminated. For example, the bill would add a new literacy program; a new science, technology, engineering, and mathematics (STEM) program; a program to support a well-rounded education, which would fund subject-matter specific activities (e.g., arts, economics); and a program focused on student well-being. The bill would not include a block grant program.

¹² Ibid.

¹³ A federal education block grant is a form of aid generally provided to state educational agencies (SEAs) and LEAs to assist them in addressing broad education purposes. For general information about block grants, see CRS Report R40486, *Block Grants: Perspectives and Controversies*, by Robert Jay Dilger and Eugene Boyd.

H.R. 5

H.R. 5 would retain some, but not all, of the existing formula grant programs and would eliminate most competitive grant programs (see **Table 1**). However, H.R. 5 includes a new block grant program (the Local Academic Flexible grant) that would be authorized annually at \$2.1 billion and would provide formula grants to states. In contrast, the Innovative Programs grant program, the block grant included under current law, was last authorized at \$600 million and last funded at \$99 million in FY2007. The new block grant would be designed to support activities aiming to improve academic achievement and protect student safety, and would afford states and eligible entities (which include LEAs) considerable flexibility in how funds are used.

Under the new block grant program, states would be required to use at least 75% of the funds received to award competitive grants¹⁴ to eligible entities which include partnerships of LEAs, community-based organizations (CBOs), business entities, and nongovernmental entities.¹⁵ All partnerships would be required to include at least one LEA. In addition, the state would be required to use not less than 10% to award competitive grants to nongovernment entities.¹⁶ States could use funds for state level activities as well. For instance, in addition to using funds for administrative costs, SEAs could use funds for developing standards and assessments, administering assessments, monitoring and evaluating programs and activities receiving funding, providing training and technical assistance, implementing statewide academic focused programs, and sharing evidence-based and other effective strategies. Grants to LEAs and other eligible entities could be used for (1) supplemental student support activities (e.g., before or after school activities, summer school activities, tutoring, expanded learning time) but not athletics or in-school learning activities; and (2) activities to support students (e.g., academic subject specific programs, adjunct teacher programs, extended learning time programs, parent engagement) but not class-size reduction, construction, or staff compensation. Nongovernmental entities must use funds for a program or project to increase the academic achievement of public school students attending a public elementary or secondary school. Thus, it is possible that funds provided under this program could be used to support activities that previously received ESEA support, but which would no longer have a targeted funding stream under H.R. 5. However, there is no way to know whether a state or an LEA would receive the same amount of funding, less funding, or more funding under the proposed block grant program as it would if programs that would be eliminated under H.R. 5 were retained.

¹⁴ All eligible entities that submit an application that meet the statutory requirements would receive a grant of at least \$10,000.

¹⁵ A single LEA is not eligible to apply for a grant. An LEA must apply in partnership with a CBO, business entity, or nongovernmental agency. A consortium of LEAs must also partner with at least one of the aforementioned types of organizations. A CBO must apply in partnership with an LEA and may also partner with a business entity or nongovernmental entity. Similarly, a business entity must apply in partnership with an LEA, and may also partner with a CBO or nongovernmental agency.

¹⁶ The bill specifies that nongovernmental entities include public or private organizations, community-based or faith-based organizations, and business entities. Nongovernment entities are not required to enter into a partnership with an LEA or other entity.

Structural Orientation of the ESEA Reauthorization Proposals

Table 1 provides a structural orientation by ESEA title and part of how S. 1094 and H.R. 5 would modify current law based primarily on line-item amounts for ESEA programs included in appropriations tables, as well as the individual programs included under the Fund for the Improvement of Education. This list of “programs” does not take into account the number of programs, projects, or activities that may be funded under a single line-item appropriation, so the actual number of ESEA programs, projects, or activities being supported through appropriations is not shown. Current ESEA programs under which the federal government provides grants to the initial grantee (as opposed to a subgrantee) by formula are noted in the table.

The table provides appropriations information for FY2013.¹⁷ It also indicates where S. 1094 and H.R. 5 would place a given program in a reauthorized ESEA if the program is retained. It should be noted that an indication that a program would not be retained does not mean that all of the activities authorized under current law for the program would be eliminated. The activities may be continued under a different program. For example, while H.R. 5 would no longer retain many of the current ESEA programs, it would include a block grant program under which funds could potentially be used for similar activities as were permitted or required under some programs that would not be retained. In addition, the table notes when an existing ESEA program would not be retained but a new, targeted program would address similar broad purposes (e.g., literacy, dropout prevention).

At the same time, an indication that a program would be retained does not mean that it would be retained without changes. For example, while both S. 1094 and H.R. 5 would retain a state grant program focused on teachers like Title II-A of the ESEA, both bills would modify the formula used to award grants and would change the uses of funds. In addition, an indication that a program would be retained does not mean that it would be retained under the same name. For example, the Advanced Placement program in current law would be retained as the Accelerated Learning program under S. 1094. The program would be expanded to include International Baccalaureate programs and exams.

Table 1. ESEA Programs Included in Line-Item Appropriations Tables and Their Treatment Under S. 1094 and H.R. 5

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
School Improvement Grants (formula grant)	Title I, Section 1003(g)	\$505,756	Would be retained as Title I-A, Section 1116(f) ^a	Would not be retained

¹⁷ All FY2013 appropriations (except those for the Troops-to-Teachers program) account for sequestration and the across-the-board reduction.

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Title I-A Grants to Local Educational Agencies (LEAs): Basic Grants, Concentration Grants, and Targeted Grants (formula grant)	Title I-A	\$13,760,219	Would be retained as Title I-A	Would be retained as Title I-A-1
Reading First (formula grant)	Title I-B-1	\$0	Would not be retained ^b	Would not be retained
Early Reading First	Title I-B-2	\$0	Would not be retained ^b	Would not be retained
Even Start (formula grant)	Title I-B-3	\$0	Would not be retained ^b	Would not be retained
Improving Literacy through School Libraries	Title I-B-4	\$0	Would be retained as Title IV-A-2	Would not be retained
Migrant Education Program (formula grant)	Title I-C	\$372,751	Would be retained as Title I-C	Would be retained as Title I-A-2
Neglected and Delinquent (formula grant)	Title I-D	\$47,614	Would be retained as Title I-D	Would be retained as Title I-A-3
National Assessment of Title I	Title I-E (Section 1501)	\$3,028	Would not be retained ^c	Would be retained as Title I-B
Striving Readers	Title I-E (Section 1502)	\$151,378	Would not be retained ^b	Would not be retained
Close Up Fellowships	Title I-E (Section 1504)	\$0	Would not be retained	Would not be retained
Comprehensive School Reform	Title I-F	\$0	Would not be retained	Would not be retained
Advanced Placement	Title I-G	\$28,483	Would be retained as Title I-B-2 ^d	Would not be retained
School Dropout Prevention ^e	Title I-H	\$46,267	Would not be retained ^f	Would not be retained
Teacher and Principal Training and Recruiting Fund (Grants to States, LEAs, and Eligible Partnerships; formula grant)	Title II-A	\$2,337,830	Would be retained as Title II-A	Would be retained as Title II-A

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
School Leadership	Title II-A-5 (Section 2151(b))	\$27,584	Would be retained as Title II-A-5	Would not be retained
Advanced Credentialing	Title II-A-5 (Section 2151(c))	\$0	Would not be retained	Would not be retained
Math and Science Partnerships (formula grant) ^g	Title II-B	\$141,902	Would not be retained ^h	Would not be retained
Troops-to-Teachers	Title II-C-1-A	not available ⁱ	Would not be retained	Would not be retained
Transition to Teaching	Title II-C-1-B	\$24,691	Would not be retained	Would not be retained
National Writing Project	Title II-C-2	\$0	Would not be retained	Would not be retained
Civic Education (We the People)	Title II-C-3 (Section 2344)	\$0	Would not be retained	Would not be retained
Cooperative Education Exchange (Civic Education)	Title II-C-3 (Section 2345)	\$0	Would not be retained	Would not be retained
Teaching of Traditional American History	Title II-C-4	\$0	Would not be retained	Would not be retained
Educational Technology	Title II-D	\$0	Would be retained as Title II-D	Would not be retained
Ready to Learn Television	Title II-D-3	\$25,771	Would be retained as Title IV-I	Would not be retained
English Language Acquisition (formula grant)	Title III-A	\$693,848	Would be retained as Title III-A	Would be retained as Title I-A-4
Safe and Drug Free, State Grants (formula grant)	Title IV-A-1	\$0	Would not be retained ⁱ	Would not be retained
Safe and Drug Free, National Programs	Title IV-A-2	\$61,484	Would not be retained ^k	Would not be retained
Alcohol Abuse Reduction	Title IV-A-2 (Section 4129)	\$0	Would not be retained	Would not be retained
Mentoring Programs	Title IV-A-2 (Section 4130)	\$0	Would not be retained	Would not be retained
21 st Century Community Learning Centers (formula grant)	Title IV-B	\$1,091,564	Would be retained as Title IV-F	Would not be retained

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Innovative Programs (block grant, formula grant)	Title V-A	\$0	Would not be retained	Would not be retained ^l
Charter School Grants	Title V-B-1	\$241,507	Would be retained as Title V-D	Would be retained as Title III-A-1
Charter School Facilities Incentive Grants	Title V-B-1 (Section 5205(b))	(included in Charter School Grants) ^m	Would be retained as Title V-D	Would be retained as Title III-A-1
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	(included in Charter School Grants) ^m	Would be retained as Title V-D	Would be retained as Title III-A-1
Voluntary Public School Choice	Title V-B-3	\$0	Would be retained as Title V-E	Would not be retained
Magnet Schools Assistance	Title V-C	\$91,647	Would be retained as Title V-C	Would be retained as Title III-A-2
Fund for the Improvement of Education, National Programs	Title V-D-1	\$38,687	Would be retained as Title IV-J ⁿ	Would not be retained
Teacher Incentive Fund ^o	Title V-D-1	\$283,771	Would be retained as Title II-C	Would not be retained
Academies for American History and Civics	Title V-D-1	\$0	Would not be retained	Would not be retained
Promise Neighborhoods ^o	Title V-D-1	\$56,754	Would be retained as Title IV-G	Would not be retained
Elementary and Secondary School Counseling	Title V-D-2	\$49,561	Would not be retained	Would not be retained
Character Education	Title V-D-3	\$0	Would not be retained	Would not be retained
Smaller Learning Communities	Title V-D-4	\$0	Would not be retained	Would not be retained
Reading is Fundamental	Title V-D-5	\$0	Would not be retained	Would not be retained
Javits Gifted and Talented	Title V-D-6	\$0	Would not be retained	Would not be retained
Star Schools Program	Title V-D-7	\$0	Would not be retained	Would not be retained

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Ready to Teach	Title V-D-8	\$0	Would not be retained	Would not be retained
Foreign Language Assistance	Title V-D-9	\$0	Would not be retained	Would not be retained
Carol M. White Physical Education Program	Title V-D-10	\$74,577	Would not be retained ⁱ	Would not be retained
Community Technology Centers	Title V-D-11	\$0	Would not be retained	Would not be retained
Exchanges with Historic Whaling and Trading Partners	Title V-D-12	\$0	Would not be retained	Would not be retained
Excellence in Economic Education	Title V-D-13	\$0	Would not be retained	Would not be retained
Grants to Improve the Mental Health of Children, Mental Health Integration in Schools	Title V-D-14 (Section 5541)	\$0	Would not be retained	Would not be retained
Grants to Improve the Mental Health of Children, Foundations for Learning	Title V-D-14 (Section 5542)	\$0	Would not be retained	Would not be retained
Arts in Education	Title V-D-15	\$23,648	Would not be retained	Would not be retained
Parental Assistance and Local Family Information Centers	Title V-D-16	\$0	Would be retained as Title IV-H	Would not be retained ^p
Combating Domestic Violence	Title V-D-17	\$0	Would not be retained	Would not be retained
Healthy, High-Performance Schools	Title V-D-18	\$0	Would not be retained	Would not be retained
Grants for Capital Expenses of Providing Equitable Services for Private School Students	Title V-D-19	\$0	Would not be retained	Would not be retained

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition	Title V-D-20	\$0	Would not be retained	Would not be retained
Women's Educational Equity Act	Title V-D-21	\$0	Would not be retained	Would not be retained
Grants for State Assessments and Enhanced Assessment Instruments (formula and competitive grants) ^a	Title VI-A-1 (Section 6111)	\$368,900 ^c	Would be retained as Title I-A-4	Would not be retained
Small, Rural School Achievement Program (formula grant)	Title VI-B-1	\$84,920	Would be retained as Title VI-B-1	Would be retained as Title I-A-5-A
Rural and Low-Income School Program (formula grant)	Title VI-B-2	\$84,920	Would be retained as Title VI-B-2	Would be retained as Title I-A-5-B
Indian Education, Grants to LEAs (formula grant)	Title VII-A-1	\$100,381	Would be retained as Title VII-A-1	Would be retained as Title I-A-6-A
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VII-A-2	\$17,993	Would be retained as Title VII-A-2	Would be retained as Title I-A-6-B
Indian Education, National Activities	Title VII-A-3	\$5,565	Would be retained as Title VII-A-3	Would not be retained
Native Hawaiian Student Education	Title VII-B	\$32,397	Would be retained as Title VII-B-1	Would not be retained
Alaska Native Student Education	Title VII-C	\$31,453	Would be retained as Title VII-B-2	Would not be retained
Impact Aid, Payments Relating to Federal Acquisition of Real Property (formula grant)	Title VIII (Section 8002)	\$63,445	Would be retained as Title VIII, Section 8002	Would be retained as Title IV, Section 4002

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments; formula grant)	Title VIII (Section 8003(b))	\$1,093,203	Would be retained as Title VIII, Section 8003(b)	Would be retained as Title IV, Section 4003(b)
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities; formula grant)	Title VIII (Section 8003(d))	\$45,881	Would be retained as Title VIII, Section 8003(d)	Would be retained as Title IV, Section 4003(d)
Construction (formula and competitive grant) ^s	Title VIII (Section 8007)	\$16,529	Would be retained as Title VIII, Section 8007	Would be retained as Title IV, Section 4007
Facilities Maintenance	Title VIII (Section 8008)	\$4,591	Would be retained as Title VIII, Section 8008	Would be retained as Title IV, Section 4008
New Programs Included in S. 1094				
Centers of Excellence in Early Childhood	na	na	Would be included as Title I-A, Section 1132	na
Improving Secondary Schools	na	na	Would be included as Title I-B-1	na
Teacher Pathways to the Classroom	na	na	Would be included as Title II-B	na
Improving Literacy	na	na	Would be included as Title IV-A-1	na
Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement	na	na	Would be included as Title IV-B-1	na
STEM Master Teacher Corps Program	na	na	Would be included as Title IV-B-2	na
Increasing Access to a Well-Rounded Education	na	na	Would be included as Title IV-C-1	na
Financial Literacy Education	na	na	Would be included as Title IV-C-2	na

Current Law			Treatment under S. 1094	Treatment under H.R. 5
Program	Statutory Citation	FY2013 Appropriation (\$ in thousands)		
Successful, Safe, and Healthy Students	na	na	Would be included as Title IV-D	na
Programs of National Significance	na	na	Would be included as Title IV-J	na
Race to the Top	na	na	Would be included as Title V-A	na
Investing in Innovation	na	na	Would be included as Title V-B ^c	na
College Information Demonstration Program	na	na	Would be included as Title V-F	na
New Programs Included in H.R. 5				
Teacher and School Leader Flexible Grant	na	na	na	Would be included as Title II-B
Family Engagement in Education Programs	na	na	na	Would be included as Title III-A-3
Local Academic Flexible Grant (block grant)	na	na	na	Would be included as Title III-B

Source: Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 1094, and H.R. 5. FY2013 appropriations information for all programs except the Troops-to-Teachers program is available from the U.S. Department of Education, Budget Service.

Notes: An indication that a program would be retained does not mean that the program would not be modified or have its name changed. An indication that a program would not be retained does not mean that all of the activities authorized under current law would be eliminated. They may be included in a different program.

- a. S. 1094 would include a School Improvement Fund program, which would be similar to the School Improvement Grant program in terms of providing formula grants to states that would subsequently provide competitive grants to local entities for school improvement activities. However, the formula used to award grants to states, the local entities that could receive grants, and the specific school improvement activities for which funds could be used would be modified.
- b. S. 1094 would create a new, comprehensive literacy program for early learning through high school that would include a parent component.
- c. Funds for evaluation of Title I would be available under Section 9601, which would permit the Secretary to reserve funds to evaluate the program.
- d. The program would be expanded to include funding for similar activities related to the International Baccalaureate program.
- e. This program is also referred to as the High School Graduation Initiative.
- f. S. 1094 would include a new program that focuses on secondary school reform and that would address issues related to high school dropouts.

- g. This is a formula grant program when appropriations equal or exceed \$100 million. Otherwise, competitive grants are made to eligible partnerships.
- h. S. 1094 would create a new science, technology, engineering, and mathematics (STEM) program.
- i. No data were readily available from the U.S. Department of Defense on the final FY2013 appropriation amount for the Troops-to-Teachers program.
- j. S. 1094 would create a new program entitled Successful, Safe, and Healthy Students, which would promote physical and mental health, prevent school violence and harassment, reduce substance abuse, and promote safe and supportive schools.
- k. S. 1094 would create a new program entitled Successful, Safe, and Healthy Students, which would promote physical and mental health, prevent school violence and harassment, reduce substance abuse, and promote safe and supportive schools. The Secretary would be permitted to reserve funds for technical assistance and evaluation only.
- l. H.R. 5 would create a new block grant program.
- m. At least \$21,756,000 of the amount appropriated for the Charter School Program is required to be used for Charter School Facilities Incentive Grants and Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation.
- n. S. 1094 would move the authority included in the Fund for the Improvement of Education, National Programs (Title V-D-1) to Programs of National Significance. It should be noted that the uses of funds under Programs of National Significance could allow grantees to continue to carry out several of the activities currently included in other subparts of Title V-D.
- o. This program was enacted through appropriations language using authority available to the Secretary under ESEA Title V-D-1.
- p. H.R. 5 would create a new program focused on family engagement in education.
- q. The majority of funds are provided to states through formula grants. A relatively small portion of the funds are provided to states through Grants for Enhanced Assessment Instruments, a competitive grant program.
- r. In recent years, about \$9 million of the amount made available for State Assessment Grants has been awarded to states through a competitive grant process for Grants for Enhanced Assessment Instruments.
- s. Under this program, 40% of funds appropriated are to be awarded by formula and 60% are to be awarded through competitive grants. In recent years, appropriations bills have directed that all the funds be used either for formula or competitive grants.
- t. The Investing in Innovation program would include a reservation of funds for the Advanced Research Projects Agency-Education (ARPA-ED).

Comparison of Key Features of ESEA Reauthorization Proposals with Current Law

Table 2 compares S. 1094 and H.R. 5 to current law. It provides a more detailed description of specific features of each bill. It is arranged thematically, focusing on key issues that have arisen during the reauthorization process. The themes are as follows:

- Overall structural and funding issues;
- Accountability;
- Title I-A;
- Other issues related to special populations/areas;
- Teachers, principals, and school leadership;

- Science, technology, engineering, and mathematics (STEM) education;
- Flexibility and choice;
- Other program areas addressed by current law;
- Programs currently authorized outside of the ESEA and proposed for inclusion in the ESEA;
- General provisions; and
- Key changes included in ESEA reauthorization bills to non-ESEA programs/acts.

No attempts were made to provide a comprehensive analysis of each of the bills or to compare S. 1094 with H.R. 5.

Table 2. Comparison of Major Features of S. 1094 and H.R. 5 to Current Law

Provision	Current Law	S. 1094	H.R. 5
Overall Structural and Funding Issues			
General structure of the ESEA	<p>The ESEA has nine titles:</p> <p>Title I: Improving the Academic Achievement of the Disadvantaged</p> <p>Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals</p> <p>Title III: Language Instruction for Limited English Proficient and Immigrant Students</p> <p>Title IV: 21st Century Schools</p> <p>Title V: Promoting Informed Parental Choice and Innovative Programs</p> <p>Title VI: Flexibility and Accountability</p> <p>Title VII: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VIII: Impact Aid</p> <p>Title IX: General Provisions</p>	<p>Would have ten titles:</p> <p>Title I: College and Career Readiness for All Students</p> <p>Title II: Supporting Teacher and Principal Excellence</p> <p>Title III: Language and Academic Content Instruction for English Learners and Immigrant Students</p> <p>Title IV: Supporting Successful, Well-Rounded Students</p> <p>Title V: Promoting Innovation</p> <p>Title VI: Promoting Flexibility; Rural Education</p> <p>Title VII: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VIII: Impact Aid</p> <p>Title IX: General Provisions</p> <p>Title X: Commission on Effective Regulation and Assessment Systems for Public Schools</p>	<p>Would have five titles:</p> <p>Title I: Aid to Local Educational Agencies</p> <p>Title II: Teacher Preparation and Effectiveness</p> <p>Title III: Parental Engagement and Local Flexibility</p> <p>Title IV: Impact Aid</p> <p>Title V: General Provisions</p>

Provision	Current Law	S. 1094	H.R. 5
New programs and program repeals	Not applicable.	<p>Would retain many of the programs in current law or replace them with a new program that supports activities similar to those in current law. Would add a new program related to early childhood education; a new secondary school reform program; a new teachers program; a new literacy program; a new science, technology, engineering, and mathematics program; a “well-rounded” education program; and a program focused on student health and safety. Would authorize the Race to the Top (RTTT) and Investing in Innovation (i3) programs under ESEA.</p>	<p>Would retain compensatory education programs, teacher grants, the Charter School program, the Magnet School program, and the Impact Aid program. Would repeal many programs included in current law. Would add a new program for teachers, a new parent and family engagement program, and a new block grant program. The latter would allow funds to be used for some of the same purposes as current law programs that would be eliminated.</p>
Authorization and funding levels	<p>ESEA programs were authorized through FY2007 and were automatically extended through FY2008 by the General Education Provisions Act (GEPA). Most ESEA programs were authorized at “such sums as may be necessary” for FY2007. Only five programs had specified FY2007 authorization levels. For these five programs, the FY2007 authorizations totaled \$28.9 billion.</p>	<p>Would include 39 separate authorizations^a that would authorize all ESEA programs at “such sums as may be necessary” for FY2014 and each of the 4 succeeding fiscal years.</p>	<p>Would include 12 separate authorizations totaling \$22.8 billion for each fiscal year from FY2014 through FY2019.</p>

Provision	Current Law	S. 1094	H.R. 5
Accountability			
Standards	<p>Requires each state to adopt challenging academic content and challenging student academic achievement standards in at least mathematics, reading/language arts (hereinafter referred to as reading), and science. States may choose to adopt standards for other subject areas.</p>	<p>Would require states to adopt “college and career ready” academic content and achievement standards in reading and mathematics. The state would also be required to adopt science standards that are “aligned with the knowledge and skills needed to be college and career ready.” Each state must demonstrate that its reading and mathematics standards are aligned with credit-bearing coursework, without the need for remediation, at public institutions of higher education in the state; relevant state career and technical education standards and performance measures under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270); and appropriate career skills or standards that are state-developed and voluntarily adopted by a “significant number” of states. If a state wanted to include science standards in its accountability system, the science standards would also have to meet the aforementioned requirements. Would allow states to adopt “high-quality” standards in other subjects and use them as part of their accountability system.</p>	<p>Would require states to adopt content and achievement standards for mathematics, reading, science, and any other subject as determined by the state.</p>

Provision	Current Law	S. 1094	H.R. 5
Assessments	Requires all states to develop and implement yearly assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. Also requires science assessments aligned with content and achievement standards to be administered once in grades 3-5, grades 6-9, and grades 10-12.	Similar to current law. Would provide states with discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. Would require assessments to measure both achievement and student growth. ^b Would allow students to be assessed, in part, based on portfolios, projects, or extended tasks. Would allow the use of computer adaptive assessment to measure student performance and growth against grade level standards, as well as above and below grade level standards.	Similar to current law but would require mathematics and reading assessments to be administered at least once in grades 9-12 (as opposed to at least once in grades 10-12 under current law). Would provide states with discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. Would require assessments to measure both achievement and student growth. Would allow the use of computer adaptive assessment to measure student performance and growth against grade level standards, as well as above and below grade level standards.

Provision	Current Law	S. 1094	H.R. 5
English language proficiency (ELP) standards and assessments	<p>Under Title I-A, requires all LEAs to provide for an annual assessment of English proficiency.</p> <p>Under Title III-A, requires states to establish standards that raise the level of English proficiency and that must be aligned with Title I-A academic content standards. Requires subgrantees to provide for an annual assessment of English proficiency.</p>	<p>Under Title I-A, would require ELP assessments to be aligned with state developed Title I-A ELP standards that must be aligned with college and career-ready academic content standards in reading so that achieving English language proficiency based on the ELP standards would indicate a sufficient knowledge of English to allow the state to “validly and reliably” measure a student’s achievement on the state reading assessment without any interventions designed to support English learners (ELs). In addition, among other requirements, the standards must identify not less than four levels of English proficiency and must address the different proficiency levels of ELs, while setting high expectations regarding the academic achievement and linguistic proficiency for English learners at all levels.</p> <p>Under Title III-A, would require the state to adopt high-quality ELP standards and matching ELP assessments that identify at least four levels of English proficiency and that are aligned with the Title I-A “college and career ready” standards. Would require subgrantee schools to provide for an annual assessment of English proficiency.</p>	<p>Under Title I-A, would require ELP assessments to be aligned with state developed ELP standards that must be aligned with academic content standards in reading.</p> <p>Under Title I-A-4, would require subgrantees and subgrantee schools to provide for an annual assessment of English proficiency.</p>

Provision	Current Law	S. 1094	H.R. 5
Standards and assessments for students with disabilities	<p>The ESEA requires that academic assessments measure the achievement of all children, including students with disabilities. The statute requires the use of “alternative assessments” provided in the same manner as those provided under the Individuals with Disabilities Education Act (IDEA; P.L. 108-446). The statute does not, however, address how to incorporate scores from “alternative assessments” in the accountability system.</p> <p>ESEA regulations have addressed the development and use of two types of alternate assessments for students with disabilities:</p> <p>(1) States are permitted to develop alternate assessments based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities. The number of proficient scores based on AA-AAS used within the accountability system may not exceed 1% of all students.</p> <p>(2) States are permitted to develop alternate assessments based on modified achievement standards (AA-MAS) for other students with disabilities. The number of proficient scores based on AA-MAS used within the accountability system may not exceed 2% of all students.</p>	<p>Would authorize (but not require) the development of alternate assessments aligned with alternate academic standards for students with the most significant cognitive disabilities. Would limit the use of alternative assessments in state accountability systems by continuing to limit the percentage of scores used within the accountability system to 1% of all students.</p> <p>Would not authorize the development or use of alternate assessments aligned with modified achievement standards for other students with disabilities. Would explicitly prohibit the development or implementation of any modified achievement standard.</p>	<p>Would authorize (but not require) the development of alternate assessments aligned with alternate academic standards for students with the most significant cognitive disabilities. Would not limit the use of alternate assessments in the accountability system.</p> <p>Would not explicitly authorize or prohibit the development or use of alternate assessments aligned with modified achievement standards for other students with disabilities.</p>
Early learning guidelines and early grade standards	Not applicable.	Would require the development of early learning guidelines for young children, as well as standards for grades kindergarten through three aligned with the college and career ready content and achievement standards for grades three and higher. ^c	Not applicable.

Provision	Current Law	S. 1094	H.R. 5
Funding for assessments	Provides formula grants to states for state assessments required by the ESEA. Also provides competitive grants to states (or consortia of states) for related assessment activities (e.g., to improve existing assessments or develop new assessments beyond the requirements of the ESEA).	Similar to current law.	Would not provide formula grants for state assessments or competitive grants for related assessment activities. Funds available under the block grant (see below) could be used to develop or implement state assessments.
Subjects included in state accountability system for accountability determinations (as opposed to reporting purposes)	Under current law, only reading and mathematics must be included in state accountability systems. States may choose to include additional subject areas.	Similar to current law.	Similar to current law.

Provision	Current Law	S. 1094	H.R. 5
Annual measurable objectives (AMOs)	<p>For accountability purposes, states must develop AMOs that are established separately for reading and mathematics assessments, are the same for all schools and LEAs, identify a single minimum percentage of students who must meet or exceed the proficient level on the assessments that applies to the “all students group” and each subgroup for which data are disaggregated,^d and must ensure that all students will meet or exceed the state’s proficient level of achievement on the assessments based on a timeline established by the state. The timeline must incorporate concrete movement toward meeting an “ultimate goal” of all students reaching a proficient or higher level of achievement by the end of the 2013-2014 school year.</p>	<p>Would eliminate AMOs. Would require that a determination be made regarding how well students are mastering the material included in the state’s content standards. Would require the state to establish at least three categories of students, which must include: (1) students who are meeting or exceeding state academic standards; (2) students whose proficiency in a subject is below grade level but who are achieving sufficient growth; and (3) students whose proficiency is below grade level and are not achieving sufficient growth. Would require each state to establish “ambitious and achievable” annual performance targets for the state, LEAs, and public schools in the state for each subject area and grade level that is assessed. Would allow states to use: (a) the performance targets adopted under the ESEA flexibility package offered to the states by the Administration; (b) standards that set a goal for every public school to meet the achievement level of the highest-performing 10% of schools in the state, require annual progress toward that goal within a specified “reasonable time period,” and ensure accelerated progress for students at the lowest levels of student achievement; or (c) performance targets that are equally ambitious as the other two options. Performance targets would have to be developed for student proficiency, student growth, English language proficiency for ELs, and high school graduation rates. Would require all performance targets to be approved by the Secretary.</p>	<p>Would eliminate AMOs. There would be no requirement that states establish performance targets. There would be no specifically required “ultimate goal” with respect to student performance.</p>

Provision	Current Law	S. 1094	H.R. 5
Adequate yearly progress (AYP)	<p>AYP is determined based on three components: student academic achievement on the required state reading and mathematics assessments, with a focus on the percentage of students scoring at the proficient level or higher; 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated;⁴ and performance on another academic indicator, which must be graduation rates for high schools. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all three indicators for the all students group and any subgroup for which data are disaggregated. AYP must be determined separately and specifically not only for all students but also for all subgroups for which data must be disaggregated within each school, LEA, and state.</p>	<p>Would eliminate the determination of AYP. Would require that assessments be administered to not less than 95% of all students and not less than 95% of each subgroup for which data are disaggregated. Would also require that high school graduation rates be reported but would not require an additional academic indicator for elementary or middle schools. While no specific consequences are associated with failing to meet the participation rate requirement, schools with relatively low graduation rates may be subject to interventions (see outcome accountability discussion).</p>	<p>Would eliminate the determination of AYP. Would require that assessments be administered to not less than 95% of all students and not less than 95% of each subgroup for which data are disaggregated. Would also require that high school graduation rates be reported but would not require an additional academic indicator for elementary or middle schools. No specific consequences are included with respect to participation rates or high school graduation rates.</p>

Provision	Current Law	S. 1094	H.R. 5
Measuring AYP and student growth	<p>Under current law, the primary model for determining whether a school or LEA has met the AYP requirements based on assessment performance is the group status model. Such models set threshold levels of performance, expressed as a percentage of students scoring at a proficient or higher level on state assessments of reading and mathematics, which must be met by all students as a group, as well as students in designated demographic subgroups, in order for a public school or LEA to make AYP. Current law also includes a secondary model of AYP, a “safe harbor” provision, under which a school or LEA may make AYP if, among student groups who did not meet the primary AYP standard, the percentage of students who are not at the proficient or higher level declines by at least 10%. Regulations permit states to request a waiver to determine AYP based on a growth model.^e</p>	<p>Would no longer require AYP to be calculated. However, the state accountability system would be required to measure individual academic achievement and individual student growth. Would require the determination of performance for the all students group and each designated subgroup for which data are disaggregated.</p>	<p>Would no longer require AYP to be calculated. However, would require state assessments to measure individual student academic growth and proficiency in addition to performance by the all students group and designated subgroups for which data are disaggregated.</p>

Provision	Current Law	S. 1094	H.R. 5
Outcome accountability under Title I-A	<p>States are required to identify LEAs, and LEAs are required to identify schools, for program improvement if the LEA or school failed to meet the state AYP standards for two consecutive years (Section 1116). LEAs or schools that fail to meet AYP standards for additional years are required to take a variety of actions. For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice, develop a school improvement plan, and use Title I-A funds for professional development. Failure to make AYP for an additional year results in a school also having to offer supplemental educational services (SES). LEAs are required to reserve 20% of their Title I-A funds for transportation for public school choice and for SES. Schools that fail to make AYP for an additional year continue to do all of the aforementioned activities and enter into corrective action. Under corrective action, they are required to take one of several statutorily specified actions, including replacing school staff, changing the curriculum, extending the school year or school day, or working with an outside expert. Subsequent failure to make AYP requires a school to plan for and, ultimately, implement restructuring. Restructuring involves the continuation of the aforementioned activities and implementation of an alternative governance structure, such as converting to a charter school. It should be noted that these consequences are applied regardless of the extent to which a school failed to make AYP in a given year but consequences need only be applied to schools receiving Title I-A funds.</p>	<p>Would no longer require current outcome accountability requirements be implemented. Would require the state to identify “lack of improvement” schools, “focus” schools, and “priority” schools. Lack of improvement schools would include schools that have failed to meet the same subgroup performance target for the preceding three consecutive years. These schools would have to work with the SEA to implement a state-approved intervention based on best practices within the state. A school would be identified as a focus school if it has not been identified as a priority school and (1) is in the 10% of schools with the greatest achievement gaps among subgroups, as compared to the statewide average or (2) is a public high school that is in the 10% of schools with the greatest graduation rate gaps among such subgroups, as compared to the statewide average. These schools would be required to develop and implement a “measurable and data-driven” correction plan. A school would be identified as a priority school if it is in the lowest-achieving 5% of elementary schools, is in the lowest-achieving 5% of secondary schools, is a public high school with a graduation rate of less than 60%, or has been identified as a focus school for the preceding six consecutive years. Each LEA serving a priority school would be required to implement several activities, including a needs analysis in the school, a statutorily specified intervention strategy, and public school choice. Would no longer require SES or a 20% reservation of funds for choice or SES.</p>	<p>Would eliminate current outcome accountability requirements related to identifying schools and LEAs based on specific performance measures and subsequently requiring a specific set of consequences to be applied to schools and LEAs based on their performance. Would not require states to identify a specified percentage or number of schools as low performing. Would require the state accountability system to include a system for school improvement for public schools receiving Title I-A-I (Grants to LEAs) funds that would be implemented by LEAs and includes implementing interventions that are designed to address such schools’ weaknesses. Would no longer require LEAs to reserve 20% of their funds for public school choice and SES. Would create a new reservation of funds, however, for direct services to students. States would be required to reserve 3% of the total amount received by the state under Title I-A-I to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring that is designed to increase student academic achievement.</p>

Provision	Current Law	S. 1094	H.R. 5
Rewards for schools and LEAs based on performance	<p>Each state participating in ESEA Title I-A is required to establish an Academic Achievement Awards Program for purposes of making academic achievement awards to schools that have either significantly closed academic achievement gaps between student subgroups or exceeded their AYP requirements for two or more consecutive years. States may also give awards to LEAs that have exceeded their AYP requirements for two or more consecutive years. Under Academic Achievement Awards Programs, states may recognize and provide financial awards to teachers or principals in schools that have significantly closed the academic achievement gap or that have made AYP for two consecutive years. States may fund Academic Achievement Awards for schools and LEAs by reserving up to 5% of any Title I-A funding that is in excess of the state's previous-year allocation.^g</p>	<p>Would not retain current law requirements. Would provide states with the option of identifying and rewarding high-performing public schools through the Blue Ribbon Schools program. The state's blue ribbon schools would be required to be the top 5% of the state's elementary and secondary schools, as designated by the state, based on various criteria such as the percentage of students who are proficient or advanced in language arts and mathematics or, in the case of high schools, graduation rates. The state may choose to provide blue ribbon schools with increased autonomy over their budget, staffing, and time, and allow the schools to use their ESEA funds for any purpose allowed under the act.^h The state may reserve not more than 0.5% of its Title I-A funds to make competitive grants to LEAs that serve one or more blue ribbon schools. LEAs would be required to use these funds to provide awards to such schools. Schools receiving funds would be required to use the funds to improve student achievement and provide technical assistance to the lowest-achieving schools that are in the closest geographical region of the state.</p>	<p>Would not require awards to be provided to schools, LEAs, teachers, or principals based on student academic achievement.</p>

Provision	Current Law	S. 1094	H.R. 5
School Improvement Grants (SIG; Section 1003(g))	Provides formula grants to states which subsequently make competitive grants to LEAs to provide assistance to schools consistent with Section 1116 (see previous discussion on outcome accountability). Regulatory language specifies which types of schools have priority to be served and specific interventions (i.e., turnaround model, transformation model, restart model, and closure model) that must be used in certain types of schools.	Would eliminate the current SIG program but would create a similar program, the School Improvement Fund, under Title I-A, section 1116(f). The new program would provide formula grants to states (using a different formula than under current law) which would subsequently award competitive grants to eligible entities (e.g., LEAs) for school improvement activities in schools identified as priority schools.	Would not be retained.
School improvement reservation	States are permitted to reserve not more than 4% of the total amount the state receives under Title I-A for school improvement activities, provided that no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision.	Would permit states to reserve not more than 6% of the total amount the state receives under Title I-A for school improvement activities, provided that no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision.	Would permit states to reserve up to 7% of the total amount the state receives for Title I-A-I for school improvement activities. The requirement that this reservation of funds not result in an LEA receiving a smaller Title I-A grant than it did during the prior fiscal year would apply in FY2015 and subsequent fiscal years. It would not apply in FY2014.

Provision	Current Law	S. 1094	H.R. 5
<p>Reports to parents and the public regarding school, LEA, and state performance</p>	<p>Under current law, each state is required to disseminate an annual state report card that includes information on student achievement at each proficiency level that is disaggregated by race, ethnicity, disability status, English proficiency, and economically disadvantaged status, as well as by gender and migrant status; a comparison of each of the subgroups against the state's AMO; the percentage of students not tested; 2-year trend data in student achievement; information on other indicators used to determine AYP; graduation rates; performance of LEAs in making AYP, including the number and names of schools identified for improvement under Section 1116; and professional qualifications of teachers, the percentage of teachers with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers. The state is permitted to include other information, such as school violence data. Each LEA must disseminate an annual report card that includes information for the LEA and each school served by the LEA, including data on the number and percentage of schools identified for improvement under Section 1116(c) and how long the schools have been so identified and data on student achievement. LEAs are permitted to include other information of their report cards, regardless of whether the state included the information on the state report card.</p>	<p>Would require the state to prepare and disseminate an annual report card for the state, each LEA, and each school. Would require data on student achievement (e.g., 3-year trends in achievement and student growth, graduation rates, postsecondary enrollment and the need for remediation), as well as several other data elements to be included on school report cards (e.g., discipline data, data on pregnant and parenting students, school violence data, and data on sports teams at coeducational schools). State and LEA report cards would be required to include many of the same data elements and to provide information on military-connected students and their academic achievement. State report cards would have to disaggregate data for foster children (if appropriate). LEA report cards would have to include information regarding all assessments administered annually. Each LEA would also be required to develop an "equity report card" for each school. The report card would be required to include information such as student achievement data, school funding by source, graduation rates, data regarding "educational opportunity participation," and data on school climate. Would require the Secretary to issue an annual report card to the relevant authorizing committees on the status of elementary and secondary education in the United States, as well as a biennial report based on national and state-level data.</p>	<p>Would continue to require annual state report cards to be publicly disseminated. The report cards would continue to report on student performance, participation rates on assessments, any other measures of student academic achievement included in the state's accountability system, graduation rates, the academic performance of each public school (i.e., student academic achievement, overall performance, and achievement gaps), the acquisition of English proficiency by English learners, the number and percentage of teachers in each teacher performance rating category used by the state, and results on the National Assessment of Educational Progress. Would allow the state to include additional information.</p> <p>Would continue to require LEAs to disseminate an annual LEA report and a report card for each school served by the LEA that includes the same types of data required on the state report card. Would also require the LEA report card to include data on how students in the LEA compared with students in the state overall on academic indicators.</p>

Provision	Current Law	S. 1094	H.R. 5
Competency-based assessment	Not applicable.	Would establish the Competency-Based Assessment and Accountability Demonstration Authority. Would allow the Secretary to provide SEAs or consortia of SEAs the authority to incorporate competency-based assessment into their state accountability systems.	Not applicable.
Commission on Effective Regulation and Assessment Systems for Public Schools	Not applicable.	Would establish a Commission on Effective Regulation and Assessment Systems for Public Schools as part of ESEA. Among other tasks, the Commission would examine federal, state, and local regulatory requirements on elementary and secondary education; make recommendations on how to align and improve such federal, state, and local requirements to improve performance and innovation; examine the quality and purpose of current federal, state, and local assessment requirements; and make recommendations to improve and align assessment systems. The Commission would report findings to the Secretary, the members of authorizing committees, and the public.	Not applicable.

Provision	Current Law	S. 1094	H.R. 5
Title I-A			
Title I-A formulas	Title I-A funds are allocated to LEAs using four formulas: Basis Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG). Statutory language specifies how funds are to be distributed under each formula.	Similar to current law.	Would specify that appropriations in excess of the FY2001 level must be divided evenly between Targeted and EFIG grants. This would codify annual appropriations language that has specified that funds in excess of the FY2001 appropriation for Title I-A be divided evenly between Targeted and EFIG Grants. While funds in excess of the FY2001 level have been appropriated this way for several years, the requirement is not currently in the statutory language authorizing the Title I-A program.
Comparability	Comparability provisions require that services provided with state and local funds in schools participating in Title I-A must be comparable to those in non-Title I-A schools of the same LEA. The provisions (Section 1120A(c)) are intended to provide that schools in the LEA that receive Title I-A funds also receive equivalent levels of state and local funds as are provided to public schools in the LEA that are not participating in Title I-A. Comparability is measured only with respect to the public schools within the same LEA. In determining whether an LEA is complying with comparability requirements, an LEA is able to make the determination without including staff salary differentials for years of employment.	Would require comparability determinations to demonstrate that the combined state and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) in each school served under Title I-A in a given LEA were not less than the average combined state and local per-pupil expenditure for non-Title I-A schools in the same LEA.	Similar to current law.

Provision	Current Law	S. 1094	H.R. 5
Other Issues Related to Special Populations/Areas			
Education of migratory children	<p>For the purposes of the Migrant Education Program, migratory workers are defined as individuals who moved in the preceding 36 months to obtain temporary or seasonal employment in agriculture, dairy, or fishing.</p> <p>Funds are allocated to states based on their FY2002 amounts and a formula for additional funds using the number of migratory youth and state per-pupil expenditures.</p>	<p>Would amend the definition of a migratory worker to (a) allow only migratory fishers to move small distances within geographically large districts; (b) give migratory children a one-year period in which to follow the qualifying move of a parent or spouse; (c) explicitly include agricultural work that is the processing of raw agricultural products; (d) explicitly include agricultural and fishing work until the point of the initial commercial sale; (e) explicitly include work that is raw food processing up to the point of initial commercial sale; and (f) include individuals who move to seek temporary or seasonal employment in agriculture, dairy, or fishing.</p> <p>Funds would be allocated to states based on a formula using the number of migratory youth and state per-pupil expenditures.</p>	<p>Would amend the definition of a migratory worker to include individuals who move to seek temporary or seasonal employment in agriculture, dairy, or fishing.</p> <p>Funds would be allocated to states based on a formula using the number of migratory youth and state per-pupil expenditures.</p>
Neglected, Delinquent, and At-Risk Youth	<p>Formula grants are provided to states to support educational services at state institutions for neglected or delinquent children and youth. Requires states to reserve a portion of their Title I-A funds for subgrants to LEAs to support educational services for neglected or delinquent children and youth in locally-operated correctional facilities or attending community day programs.</p>	<p>Similar to current law.</p>	<p>Similar to current law.</p>

Provision	Current Law	S. 1094	H.R. 5
Education for limited English proficient (LEP) students accountability provisions	Bases the Title III-A accountability system on three annual measurable achievement objectives (AMAOs) for Title III served students that measure (1) progress in learning English, (2) attainment of English language proficiency, and (3) whether LEP students are making AYP.	Would eliminate the current system of AMAOs and address accountability by (a) including in the Title I-A accountability system annual performance targets for the number of ELs who are on track to achieving English proficiency based on the ELP standards within five years; (b) requiring states to include ELP assessment results in the Title II state designed professional growth and improvement system; and (c) requiring each school, eligible entity, and state to achieve a Title III-A approved target for the percentage of Title III ELs who are making progress in achieving English proficiency within five years.	Would eliminate the current system of AMAOs.
English Language Acquisition (Title III-A) formula	For appropriations of at least \$650 million, Part A ⁱ provides (a) a set-aside for Native American and Alaska Native children in school and (b) formula grants to states based on data from either the American Community Survey (ACS) or state data for the number of LEP students and number of immigrant students, whichever ED deems to be more reliable.	Would allow ED to use ACS data, state data, or a combination of the two data sources to determine the number of EL students for use in calculating formula grants to states.	Would (a) eliminate the set-aside for Native American and Alaska Native children in school and (b) allow ED to use ACS data, state data, or a combination of the two data sources to determine the number of EL students for use in calculating formula grants to states.
Identifying and exiting LEP students to/from language acquisition programs	Title III-A does not require SEAs to establish uniform statewide criteria for identifying and exiting LEPs from Title III-A programs.	Title III-A would require SEAs to establish and implement a statewide Title III-A framework with at least four levels of English proficiency for identifying, entering, and exiting ELs.	Similar to current law.

Provision	Current Law	S. 1094	H.R. 5
Rural Education	<p>Two programs in the ESEA provide funds specifically to meet the needs of rural LEAs. The Small Rural School Achievement (SRSA) program (Title VI-B-1) awards formula grants to eligible LEAs. Initial grant amounts must be at least \$20,000 and not more than \$60,000. Final grant amounts are “offset” by funds received from certain other ESEA programs. The Rural Low-Income School (RLIS) program (Title VI-B-2) awards formula grants to states; states must award subgrants to eligible LEAs either by formula or competitively. LEAs <i>eligible</i> for SRSA funds are not eligible for RLIS funds.</p>	<p>Would increase the SRSA minimum grant amount to \$25,000 and maximum amount to \$80,000 if the appropriation exceeds \$211,723,832. Would allow LEAs eligible for both SRSA and RLIS funds to choose whether to participate in one or the other program (not both). Would update the “locale codes” used to determine rural eligibility under both programs.</p>	<p>Would make LEAs that receive SRSA funds ineligible for RLIS funds. Would update the “locale codes” used to determine rural eligibility under both programs.</p>

Provision	Current Law	S. 1094	H.R. 5
Education for Indians	<p>ESEA supports the education of Indian students through several mechanisms: (1) set-asides to Bureau of Indian Education (BIE) schools from several formula grant programs; (2) the Title VII-A-I formula grant program for schools serving Indian students; (3) several competitive grant programs that support Indian education; (4) the National Advisory Council on Indian Education (NACIE) that advises the Secretary on ED programs affecting Indian children or adults; and (5) competitive grant programs for which BIE schools are eligible as LEAs or for which the BIE is eligible as an SEA.</p> <p>Subjects BIE schools to most Title I-A accountability provisions.</p>	<p>Would provide set-asides to BIE schools or make the BIE eligible as a state for several but not all formula grant programs.</p> <p>For the Title VII-A-I program, eligibility would be expanded to Indian organizations, private tribally operated schools, and Indian community-based organizations. Would increase the minimum grant amounts from the current range of \$3,000 to \$4,000 and increase it to \$10,000 to \$15,000. Would expand the list of allowable activities to include Native American language immersion and restoration programs.</p> <p>Would eliminate several competitive grant programs that support Indian education, including those that have not been funded since FY1995. Would authorize a new competitive program to fund the improvement of academic success for students through Native American language and authorize a study of SEA/LEA/tribal collaboration.</p> <p>Would not specify accountability provisions for BIE schools.</p>	<p>Would provide set-asides to BIE schools for several formula grant programs.</p> <p>Under the formula grant program for schools serving Indian students, the threshold for tribes to apply for grants would be lowered from representing at least one-half of the public school's Indian enrollment to one-third.</p> <p>Would strike several competitive grant programs that support Indian education, all of which have not been funded since FY1995.</p> <p>Would not specify accountability provisions for BIE schools.</p>

Provision	Current Law	S. 1094	H.R. 5
Education for Native Hawaiians	Current law authorizes the Native Hawaiian Education Council and Island Councils to help coordinate and guide educational services available to Native Hawaiians. Current law also authorizes competitive grants to Native Hawaiian organizations and organizations that operate programs for Native Hawaiians to promote the educational achievement of Native Hawaiians, including in the Hawaiian language.	<p>Would eliminate the Island Councils and give more duties to the Education Council.</p> <p>Would amend the grant award priorities. Would add support for the repair and renovation of public schools and support for charter schools serving high concentrations of Native Hawaiian students.</p>	Would eliminate the program for Native Hawaiians.
Education for Alaska Natives	Provides grants to organizations that support the education of Alaska Natives to support the unique educational and culturally related academic needs of Alaska Native children.	Would eliminate the specification of particular grantees and awards.	Would eliminate the program for Alaska Natives.
Teachers, Principals, and School Leadership			
Highly qualified teachers	All core subject teachers must possess certain teaching credentials and demonstrate instructional knowledge and abilities.	Similar to current law except that, in a state that has fully implemented an approved professional growth and improvement system, only new teachers must be highly qualified.	Would repeal the highly qualified teacher requirement.
Distribution of teacher quality	Requires each state to ensure Title I schools provide instruction by highly qualified instructional staff and take specific steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.	Would retain similar requirements for the equitable distribution of teachers for the first year after enactment; in subsequent years, would require that poor and minority children are not taught at higher rates than other children by “teachers with the lowest ratings in the State professional growth and improvement system.”	Would eliminate the requirement regarding the equitable distribution of teacher quality.

Provision	Current Law	S. 1094	H.R. 5
Teacher and principal performance	<p>The Teacher Incentive Fund (Title V-D) supports competitive grants for high-need schools to develop and implement performance-based teacher and principal compensation systems that must consider gains in student academic achievement, as well as classroom evaluations conducted multiple times during each school year, among other factors.</p>	<p>Would require states participating in Title II-A to ensure that all LEAs that receive Title II-A funds were implementing teacher and principal evaluation systems, known as professional growth and improvement systems by the 2015-2016 school year. These systems would have to provide meaningful feedback to teachers and principals, include multiple categories of performance, evaluate teachers and principals on a regular basis, be aligned with professional development activities, be developed and implemented with teacher and principal involvement, and provide training for the evaluators responsible for conducting classroom and school observations. Principal evaluations would be required to be based “in significant part” on evidence of improved student academic achievement and growth and student outcomes, and evidence of providing strong instructional leadership and support to teachers and other staff. Principal evaluations may also include other measures of principal performance. Teacher evaluations would be required to be based “in significant part” on evidence of improved student academic achievement and growth, classroom observations, and other measures. These systems would be similar to the teacher evaluation system currently used in the Teacher Incentive Fund competitive grant program. Would require states to provide technical assistance to LEAs receiving Title II-A funds to support the design and implementation of professional growth and improvement systems.</p>	<p>Would eliminate current requirements regarding the equitable distribution of instructional quality and highly qualified teachers. Would require states that receive Title II-A funds to either develop and implement a statewide teacher evaluation system or ensure that each LEA receiving Title II-A funds will implement a teacher evaluation system within three years of enactment of H.R. 5. The teacher evaluation system would be required to use student achievement data from multiple sources as a “significant factor” in determining a teacher’s evaluation, use multiple evaluation measures, have more than two performance categories, be used to make personnel decisions, and be based on input from parents, school leaders, teachers, and other staff. The teacher evaluation system would be similar to those required by the Teacher Incentive Fund. Would not require the evaluation system to include school leaders. Would not retain the Teacher Incentive Fund program.</p>

Provision	Current Law	S. 1094	H.R. 5
Title II-A formulas	Title II-A funds are allocated to states and subgranted to LEAs based on the total number of students and the number of students in poverty according to the following ratios: for states 35% and 65% and for LEAs 20% and 80%.	Similar to current law.	Similar to current law but would amend both state and LEA formulas; both grants would be based on 50% of the total number of students and 50% of the number of students in poverty.
Science, Technology, Engineering, and Mathematics (STEM) Education			
STEM Education	Under current law, the Math and Science Partnerships (MSP) program (Title II-B) awards formula grants to states based on each states' share of the school-age population; states award competitive subgrants to partnerships between high-need LEAs and STEM departments at institutions of higher education. Funds may be used to provide subject-matter professional development, promote teaching skills, operate summer teacher workshops, and recruit new teachers, among other activities to improve STEM teaching.	Would eliminate the MSP program and create a new program called "Improving Science, Technology, Engineering, and Math Instruction and Student Achievement" that would award competitive grants to states (or by formula grants when appropriations are at least \$500 million). States must award subgrants to high-need LEAs, which would be required to match at least 15% of the award with non-federal funds. Funds would be used to improve instruction, engagement, and achievement gaps in STEM subjects. Would create a STEM Master Corps program that would, among other purposes, attract and retain effective STEM teachers, particularly in high-need schools, by providing them with additional compensation, instructional resources, and instructional leadership roles.	Would not retain the MSP program or authorize funding specifically for STEM education.

Provision	Current Law	S. 1094	H.R. 5
Education technology	The Ed Tech program (Title II-D) provides formula grants to states to improve student academic achievement through the use of technology in elementary and secondary schools with the goal of every student becoming technologically literate by eighth grade. States distribute grants to LEAs by formula and through a competitive process. Funds may be used for various purposes, including acquiring and maintaining new applications of technology, acquiring connectivity linkages, and providing professional development.	Similar to current law.	Would not retain the Ed Tech program or authorize funding specifically for education technology.
Advanced Research Projects Agency-Education (ARPA-ED)	Not applicable.	Would amend the Department of Education Organization Act to authorize the establishment of ARPA-ED. ^j ARPA-ED would provide funding for research and development in educational technology to improve student achievement. The Secretary would appoint a Director of ARPA-ED who would carry out projects, “tailored to the purposes of ARPA-ED and not constrained by other Department-wide administrative requirements that could detract from achieving program results.” For example, the Director would have special hiring authority for scientific personnel and flexibility in providing compensation. Would provide up to 30% of the funds authorized for the Investing in Innovation program to support ARPA-ED, provided the amount reserved would not exceed \$100 million.	Not applicable.

Provision	Current Law	S. 1094	H.R. 5
Flexibility and Choice			
Block grants	<p>Innovative Programs authorized under Title V-A is informally referred to as the "education block grant" program. Program purposes include support of educational reform, implementation of reform and improvement programs based on scientifically based research, support of educational innovation and improvement, assistance to meet the educational needs of all students, and assistance to improve educational performance. The program provides formula grants to states, which subsequently provide formula grants to LEAs. LEAs must use their grants to meet locally determined educational needs, as selected from a list of 27 innovative education assistance activities. The program was last funded in FY2007 at \$99 million.</p>	<p>Would not include a block grant program.</p>	<p>Would create a new block grant program to support activities to improve academic achievement and protect student safety. Would provide formula grants to states. Would require states to use at least 75% of the funds received to award competitive grants^k to partnerships of LEAs, community-based organizations, business entities, and nongovernmental entities and not less than 10% to award competitive grants to nongovernment entities. SEAs could reserve not more than 15% of the funds received to develop standards and assessments, to administer assessments, to monitor and evaluate programs and activities receiving funding, to provide training and technical assistance, for statewide academic focused programs, to share evidence-based and other effective strategies, and for administrative costs. Grants to LEAs and other eligible entities could be used for (1) supplemental student support activities (e.g., before or after school activities, tutoring, expanded learning time) but not in-school learning activities; and (2) activities to support students (e.g., academic subject specific programs, extended learning time programs, parent engagement), but not class-size reduction, construction, or staff compensation. Nongovernmental entities must use funds for a program or project to increase the academic achievement of public school students attending a public elementary or secondary school. The program would be authorized annually at \$2.1 billion.</p>

Provision	Current Law	S. 1094	H.R. 5
School choice	<p>Current law includes several mechanisms that support school choice. Under Title I-A, students attending schools that have failed to make AYP for two consecutive years or more are provided with public school choice. LEAs are required to reserve an amount equal to 20% of their Title I-A funds to support transportation for public school choice and for SES. Title V provides funding for the Charter School program, which supports the planning and implementation of charter schools, as well as the dissemination of information about charters schools; the Charter School Facilities Incentive Grant program, which is designed to incentivize states to provide per-pupil funding for charter school facilities; the Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation; the Public School Choice program, which encourages the development and implementation of public school choice programs at the LEA and state levels; and the Magnet School program.</p>	<p>Would no longer require LEAs to reserve funds for public school choice under Title I-A. However, would require an LEA to provide students enrolled in a school identified as a priority school with the option to enroll in another public school served by the LEA that has not been identified as a priority school. Would retain the Charter School program and the Credit Enhancement program. Would allow funds remaining after making grants under the Credit Enhancement program to be used for other charter school facilities purposes, including a per-pupil facilities aid program. Would retain the Public School Choice program and the Magnet School program.</p>	<p>Would no longer require LEAs to reserve funds for public school choice under Title I-A-1. Would provide a reservation of state funds under Title I-A-1 for direct activities that would include support for public school choice and tutoring. Funds would subsequently be provided to LEAs through competitive grants. Would retain the Charter School program and support similar activities as those included under the Credit Enhancement and the Facilities Incentive Grant programs. Would not retain the Public School Choice program but would retain the Magnet School program.</p>

Provision	Current Law	S. 1094	H.R. 5
Flexibility provisions	<p>Contains multiple flexibility authorities related to the use of funds provided under various ESEA programs, including the authority to operate a schoolwide program under Title I-A, flexibility for LEAs receiving funds under the Rural Education Assistance Programs (REAP; Title VI-B), state- and local-flex authority (Title VI-A-3), and transferability authority (Title VI-A-2). With respect to current transferability authority, states may transfer up to 50% of the nonadministrative funds allotted to the state for state-level activities to Title I, Teacher and Principal Training and Recruiting Fund, Ed Tech, Safe and Drug-Free Schools and Communities, 21st Century Community Learning Centers (21st CCLC), and Innovative Programs. Most LEAs are also permitted to transfer up to 50% of funds available for local activities to all of the aforementioned programs except 21st CCLC. LEAs that have been identified for improvement may only transfer 30% of their funds. LEAs in corrective action may not transfer any funds. All states and LEAs are prohibited from transferring funds out of Title I-A. In general, entities that meet the requirements to use available flexibility authority may do so without additional approval.</p>	<p>Would retain schoolwide programs and eliminate some of the flexibility provisions under REAP but provide new flexibility specific to rural LEAs under new transferability authority (discussed below). Would eliminate state- and local-flex authority. Would modify the transferability authority available under current law in several ways. Under this new authority, a state would be permitted to transfer up to 100% of funds allotted for state-level activities to carry out state-level activities in any other ESEA state formula grant program. However, states would be prohibited from transferring funds awarded under Titles I and III. Similarly, LEAs would be permitted to transfer up to 100% of funds allocated for local-level activities to any ESEA grant program under which grants are distributed by formula to LEAs. LEAs would be prohibited from transferring funds awarded under Titles I, III, VII-A, and VIII. A special provision would apply to LEAs that receive assistance under REAP that would allow these LEAs to transfer ESEA funds from one formula program to another but not out of Title I, III, VII-A, or VIII.</p>	<p>Would retain schoolwide programs and modified flexibility for LEAs receiving assistance under REAP. Would eliminate state- and local-flex authority. Would replace the transferability authority available under current law with new authority. Under this new authority, states would be permitted to use any funds provided for states activities under Section 1003 for school improvement, under Section 1004 for state administration, or under the Migrant Education program, the Neglected and Delinquent program, or the English Language Acquisition program to carry out any state activity authorized or required under any of the aforementioned activities, as well as Special Programs and Projects to Improve Educational Opportunities for Indian Children. Similarly, LEAs would be permitted to use any funds provided to carry out local activities under the Migrant Education program, the Neglected and Delinquent program, the English Language Acquisition program, or Indian Education Grants to carry out any local activity authorized or required by under section 1003 for school improvement, Title I-A-1 Grants to LEAs, or any of the aforementioned programs from which funds could be used.</p>

Provision	Current Law	S. 1094	H.R. 5
Other Program/Issue Areas Addressed by Current Law			
Literacy	<p>The Striving Readers program is currently the only federal funding stream devoted solely to literacy programs. It is funded through demonstration authority. It provides funds for competitive grants to states, who then subgrant funds to eligible local entities. Funding supports initiatives to improve literacy instruction in high-need schools. Prior to FY2010, the program was focused on adolescent literacy; beginning with FY2010, Congress changed the program's purposes through appropriations language to address comprehensive literacy for children from birth through grade 12.</p>	<p>This bill would provide a specific authorization in Title IV for a literacy program that would be titled Improving Literacy Instruction and Student Achievement. The program would fund comprehensive literacy plans that provide high quality literacy instruction for children from birth through grade 12. If funding were equal to or greater than \$500 million, the majority of funding would be allocated by formula as implementation grants to states; otherwise, these grants would be awarded to states competitively. States would subgrant the majority of funding to eligible local entities. Five percent of program funding would be set aside for competitive one-year state planning grants, irrespective of the program's funding level.</p>	<p>Would not retain the Striving Readers program or authorize funding specifically for literacy. The aforementioned block grant program could be used to support academic subject specific programs.</p>
School libraries	<p>Title I-B, subpart 4 authorizes grants to LEAs to improve the services provided by school libraries. If annual appropriations are less than \$100 million, competitive grants to LEAs are made directly by ED. LEAs use these funds to acquire up-to-date library resources, acquire and use technology and enhance internet linkages, provide professional development, and extend school library hours. This program was most recently funded (at \$19 million) in FY2010.</p>	<p>Would create a program in Title IV titled Improving Literacy and College and Career Readiness Through Effective School Library Programs. This program would be modeled on the school library program currently authorized under Title I-B.</p>	<p>Would not retain the Improving Literacy through School Libraries program or authorize a new libraries program.</p>

Provision	Current Law	S. 1094	H.R. 5
Early childhood education	Under current law, preschool students are eligible to be served under various ESEA programs, including Title I-A, Striving Readers, and 21 st Century Community Learning Centers.	Similar to current law for those programs that would be retained. Would create a new program in Title I-A titled Centers of Excellence in Early Childhood. Subject to the availability of appropriations, the Secretary of ED and the Secretary of HHS would jointly award bonus grants to early childhood programs that are designated as Centers of Excellence. At least one bonus grant would be awarded per state. Bonus grants would be used to disseminate best practices for achieving early academic success and would support a variety of additional activities to improve early childhood education programs and services.	Similar to current law for those programs that would be retained. The aforementioned block grant program could potentially be used to support early childhood education activities, depending on state law.
Foster care	Children living in foster care are included in the child counts used to determine LEA Title I-A grants. At the school level, children in foster care may benefit from Title I-A if they are enrolled in a school that receives Title I-A funds.	Would include a new provision addressing services for foster children and youth. The bill would create a new program in Title I-E to ensure that foster children and youth have improved access to education and related services. ^m	Similar to current law.
School Dropout Prevention (Title I-H)	Awards competitive grants to states and LEAs with above average dropout rates. Funds may be used for dropout prevention and school re-entry programs at high schools and middle schools that feed into them.	Would replace this program with an “Improving Secondary Schools” program that would award competitive grants to LEAs with low graduation rates. Funds would be used to identify potential dropouts, support credit recovery and school re-entry, and provide professional development for middle and high school teachers and leaders.	Would not be retained.

Provision	Current Law	S. 1094	H.R. 5
Promise Neighborhoods	Funded through demonstration authority. Provides competitive grants to assist distressed communities. Funds are used to provide comprehensive services within a geographic area to improve the education and developmental outcomes of children and youth.	Similar to current law.	Would not be retained.
School safety	The Safe and Drug Free Schools and Communities Act program authorizes funding for state formula grants and competitive grants for national activities. It supports programs to prevent violence in and around schools and to prevent or reduce drug and alcohol use. Since FY2010, appropriations have only been provided for national activities.	Would authorize a program titled Successful, Safe, and Healthy Students. (ESEA Title IV-D). The purpose of the program would be to promote physical and mental health, prevent school violence and harassment, reduce substance abuse, and promote safe and supportive schools. Funding would be used to provide grants to states. Funds would be awarded by formula to states if funding is \$500 million or greater; otherwise, funding would be awarded competitively. Includes an increased emphasis on access to mental health services for students, and includes new language defining harassment.	Would not retain the existing program or authorize funding specifically for school safety. The aforementioned block grant program could be used to support school safety activities.
Student Non-discrimination Provisions	Not applicable.	Would add new provisions in Title IV stating that perceived sexual orientation or gender identity shall not cause any student to “be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity if any part of the program or activity received Federal financial assistance.”	Not applicable.

Provision	Current Law	S. 1094	H.R. 5
Afterschool and before school programs	The 21 st Century Community Learning Centers program (21 st CCLCs; Title IV-A) provides formula grants to states; states then competitively subgrant funds to eligible local entities. Funds are to be used for before- and after-school and summer school programs that advance student academic achievement.	Would amend the allowable uses of program funds to include expanded learning time programs. Includes more detailed language on program requirements. Would also expand the priorities states are to consider in choosing local subgrant recipients.	Would not retain the existing program and would not include a separate program that addresses before- and after-school or summer school programming. The aforementioned block grant program could be used for supplemental student support activities, including before, after, or summer school activities.
Well-rounded education	Current law does not have a program dedicated to providing a “well-rounded education” to students. Rather, there are several programs included in the ESEA (but not necessarily funded) that address many of the same areas that the proposed Well-Rounded Education program under S. 1094 would address. For example, Title V-D of current law includes the Arts in Education program, Excellence in Economic Education program, Foreign Language Assistance program, and Carol M. White Physical Education program.	Would provide funds to SEAs working in partnership with one of more other entities, such as an LEA or another SEA, to improve student achievement by “giving students increased access to high-quality instruction for a well-rounded education.” The “covered subjects” that could be addressed by the program would include arts, civics and government, economics, environmental education, financial literacy, foreign languages, geography, health education, history, music, physical education, and social studies.	Would not include a separate program focused on a well-rounded education. The aforementioned block grant program could be used to support academic subject specific programs.
Financial literacy	Current law authorizes the Excellence in Economic Education program, which provides a competitive grant to a national nonprofit to improve student understanding of personal finance and economics. The program was last funded in FY2011.	Would provide competitive grants to SEAs to integrate financial literacy education into all schools eligible to receive Title I-A grants and to provide professional development related to the teaching of financial literacy in core academic subjects to secondary school teachers who teach financial literacy or entrepreneurship.	Would not include a separate program focused on a financial literacy. The aforementioned block grant program could be used to support academic subject specific programs.

Provision	Current Law	S. 1094	H.R. 5
College information	Not applicable.	Would create a new demonstration program to increase student awareness of and access to postsecondary education by providing cost-effective, semi-customized information to all secondary students at high-need schools.	Not applicable.
Parent and family involvement	<p>Current law includes numerous provisions related to parent involvement, most notably those included in Section 1118, which focuses specifically on parent involvement and requires the development of a school parental involvement policy, and Section 1116, which addresses parental notification requirements. Under Section 1118, LEAs receiving \$500,000 or more under Title I-A are required to reserve 1% of their funds for parent involvement activities. Other relevant provisions are included in Title I-A, such as requiring SEAs to collect and disseminate information on effective parent involvement practices and publish report cards that detail information on student performance at the state, LEA, and school levels. Other programs such as Even Start, 21st CCLCs, and Parental Assistance and Local Family Information Centers (PIRCs, Title V-D-16) also support parent involvement. The latter provides training, information, and support to parents, teachers, principals, LEAs, and SEAs with respect to implementation of effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement.</p>	<p>Would require the development of a parent and family engagement plan, including establishing quantifiable benchmarks for goals and an annual review of the benchmarks. Would require that a needs assessment be conducted to inform the development of the plan. Would require an annual survey be conducted to determine the needs of parents and families, to identify strategies to support school-family interactions, determine the level of parent and family engagement in the school, determine the level of school leader engagement with parents and families, identify barriers to engagement, and determine “perceptions about the school’s conditions for learning.” Would require that an end-of-year survey be conducted to determine whether the needs identified on the aforementioned survey were met through the parent and family engagement plan. Would increase the reservation for parent involvement from 1% to 2% for LEAs that received at least \$500,000 in Title I-A funding. Would retain the PIRCs program.</p>	<p>Would eliminate most of the non-Title I-A programs that include a focus on parent involvement. Would create the Family Engagement in Education Programs, which would provide technical assistance and training to SEAs and LEAs in the implementation of systematic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement. The aforementioned block grant program could be used to support parent engagement.</p>

Provision	Current Law	S. 1094	H.R. 5
Impact Aid	<p>Impact Aid (ESEA Title VIII) compensates LEAs for the “substantial and continuing financial burden” resulting from federal activities. These activities include federal ownership of certain lands, as well as the enrollment in LEAs of children of parents who work and/or live on federal land; for example, children of parents in the military and children living on Indian lands. Under current law, the following payments are made: Payments for Federal Property (Section 8002), Basic Support Payments (Section 8003(b)), Payments for Children with Disabilities (Section 8003(d)), Construction (Section 8007), and Facilities Maintenance (Section 8008).</p>	<p>Would retain all payments, but would alter Section 8002 provisions related to former LEAs and the calculation of foundation payments. Would make substantial changes to the formulas used to determine grants under Section 8003(b), particularly related to heavily impacted LEAs. Would modify military housing provisions included in Section 8003.</p>	<p>Would retain all payments, but would alter Section 8002 provisions related to former LEAs. Would make substantial changes to the formulas used to determine grants under Section 8003(b), particularly related to heavily impacted LEAs. Would modify military housing provisions included in Section 8003. Would change the eligibility requirements for receiving a grant under Section 8007.</p>
Programs Currently Authorized Outside of the ESEA and Proposed for Inclusion in the ESEA			
Race to the Top	<p>The ESEA does not currently authorize the Race to the Top (RTTT) program. The RTTT program was established under Section 14006 of the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). The program has been continued through appropriations acts.</p> <p>The RTTT program provides competitive grants to states to support education reform efforts in four areas: (1) standards and assessments; (2) data systems; (3) recruiting, developing, rewarding, and retaining effective teachers and school leaders; and (4) turning around low-performing schools. Grants are also available to LEAs to personalize instruction for all students, focusing on the relationship between teachers and students.</p>	<p>Would authorize RTTT as part of the ESEA. Program would be similar to the current program. Competitive grants would be awarded to states and LEAs. In addition to the four areas of education reform targeted by the current program, the proposed program would include a focus on creating, expanding, and replicating high-performing public charter schools; creating new, innovative, and highly autonomous public schools; providing more equitable state and local resources to high-poverty schools; and improving school readiness.</p>	<p>Would not authorize the RTTT program as part of ESEA.</p>

Provision	Current Law	S. 1094	H.R. 5
Investing in Innovation	<p>The ESEA does not currently authorize the Investing in Innovation program (i3). The i3 program was established under Section 14007 of the ARRA. The program has been continued through appropriations acts.</p> <p>The i3 program provides competitive grants to LEAs and eligible partnerships for the purpose of promoting innovative practices that may improve student achievement, close achievement gaps, decrease dropout rates, increase graduation rates, or increase college enrollment and completion rates.</p>	<p>Would authorize i3 as part of the ESEA. Program would be similar to current law. Would also allow the Secretary to reserve funds appropriated for the i3 program to carry out activities of the Advanced Research Projects Agency – Education (ARPA-ED).</p>	<p>Would not authorize the i3 program as part of ESEA.</p>
General Provisions			
Maintenance of effort (MOE)	<p>Permits an LEA to receive funding under several ESEA programs for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of the LEA and state with respect to the provision of free public education by the LEA for the preceding year was not less than 90% of the combined fiscal effort or aggregate expenditures of the second preceding fiscal year.</p>	<p>Same as current law.</p>	<p>Would eliminate all MOE requirements.</p>

Provision	Current Law	S. 1094	H.R. 5
Secretarial waiver authority	Section 9401 grants the Secretary the discretion to issue waivers of any statutory or regulatory requirement of the ESEA at the request of an SEA, LEA, Indian tribe, or school (through an LEA) that receives funds under an ESEA program, provided certain conditions are met. There are some restrictions on the provisions that may be waived. For example, the Secretary may not waive fiscal accountability requirements or parental participation requirements.	Same as current law.	Would modify current secretarial waiver authority in several ways, including: (1) requiring the Secretary to grant requested waivers, if certain requirements are met (e.g., the waiver request includes a plan that “reasonably demonstrates” that the waiver will improve instruction and academic achievement); (2) requiring the Secretary to use a peer review process prior to denying a waiver request; and (3) requiring the Secretary to approve a waiver not more than 60 days after the waiver was requested, unless: (i) the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, (ii) the requester asks for a waiver of provisions over which the Secretary does not have waiver authority, (iii) the request fails to demonstrate that student academic achievement would be enhanced, or (iv) the request does not provide for adequate evaluation of the waiver implementation. Would prohibit the Secretary from requiring or imposing new or additional requirements that are not specified in the act in exchange for receipt of a waiver.

Provision	Current Law	S. 1094	H.R. 5
Prohibitions	<p>Section 9526 includes general prohibitions on the use of funds provided under the ESEA related to developing or distributing materials, programs, or courses of instruction that promote or encourage sexual activity; distributing or aiding in the distribution of obscene materials to minors; providing sex education or HIV-education, unless the instruction is age appropriate and includes the health benefits of abstinence; and operating a contraceptive distribution program in schools.</p> <p>Current law also includes other prohibitions such as a prohibition against an officer or employee of the federal government mandating, directing, or controlling a state's, LEA's, or school's curriculum, program of instruction, or allocation of state or local resources, or mandating the spending of funds or incurring of costs not covered under the ESEA. There is also a prohibition against the federal government endorsing, approving, or sanctioning any curriculum and a prohibition related to federal approval of academic content or achievement standards with the exception of Title I-A provisions. Other prohibitions address, for example, federally sponsored testing, national testing or certification for teachers, building standards, and the development of a nationwide database of personally identifiable information on individuals involved in ESEA data collections or studies.</p>	Same as current law.	<p>Would add three additional prohibitions on the use of ESEA funds: (1) funds could not be used for construction, renovation, or repair of any school facility, unless authorized under the act; (2) funds could not be used for medical services, drug treatment, or rehabilitation except under specific circumstances; and (3) funds could not be used for transportation, unless authorized under the act.</p> <p>Would add new prohibitions against federal mandates, direction, or control, including any requirement, direction, or mandate to adopt the Common Core State Standards or any other academic standards common to a "significant number" of states. Would modify existing prohibitions in various ways, including by adding prohibitions related to the Common Core State Standards.</p>

Provision	Current Law	S. 1094	H.R. 5
Reduction in ED staff	Not applicable.	Not applicable.	Would require the Secretary to identify the number of ED employees who work on or administer each ED program or project as it was in effect prior to the enactment of H.R. 5. Would require the Secretary to identify the number of full-time equivalent (FTE) employees who work on or administer programs that were eliminated or consolidated since the date of enactment of H.R. 5. Would require the Secretary to reduce ED staff by the number of FTE employees that were determined to work on or administer programs that were eliminated or consolidated since the date of enactment of H.R. 5 within one year of such enactment date.

Key Changes Included in ESEA Reauthorization Bills to Non-ESEA Programs/Acts

Homeless Education	The Education for Homeless Children and Youth Program provides formula grants to states to help ensure that all homeless children and youth have equal access to the same free appropriate public education that is provided to other children and youth. Allows ESEA Title I-A funds to be used for transportation only in very limited circumstances for <i>formerly</i> homeless students.	Would eliminate the exemptions in current law to the prohibition against segregating homeless students in separate schools or separate locations within schools. Would increase the minimum formula allocation to states from \$150,000 to \$300,000. Would change the program's definition of homeless by removing "awaiting foster care" from the definition, due to the creation of a new foster care program under Title I-E that would improve access to education and related services for foster children and youth. Would expand the allowable uses of ESEA Title I-A funding for homeless education to include transportation to the school of origin and funding for local liaisons.	Similar to current law.
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Source: Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 1094, and H.R. 5.

Notes: An indication that a program would be retained does not mean that the program would not be modified or have its name changed. An indication that a program would not be retained does not mean that all of the activities authorized under current law would be eliminated. They may be included in a different program.

- a. The bill includes a single authorization for all of Impact Aid and five separate authorizations for each of the individual programs included under Impact Aid. Only the five separate authorizations were included in the count of authorizations, as the overall authorization for the program is done “in accordance” with the five individual authorizations.
- b. With respect to student growth, the assessments would be required to determine the number of years of academic growth the student attains each year. It is unclear how this requirement would be met at the high school level for reading and mathematics or for science when assessments are not required to be administered annually.
- c. It appears that S. 1094 may require two sets of standards to be developed for third grade.
- d. Provided minimum group sizes are met, data must be disaggregated for economically disadvantaged students, limited English proficient students, students with disabilities, and students in major racial and ethnic groups as determined by the state. These specified demographic groups are often referred to as subgroups. For reporting purposes, if minimum group sizes are met, data must be disaggregated for the aforementioned subgroups, as well as by gender and migrant status.
- e. Under growth models, the achievement of the same students is tracked from year to year. This type of model is not explicitly mentioned in the ESEA statute, however, it is authorized in regulations promulgated by ED. Using waiver authority available to the Secretary under Section 9401, The Secretary is able to approve a state’s use of growth models.
- f. Schools enter improvement status after they fail to make AYP for two consecutive years. Schools can exit improvement status by making AYP for two consecutive years. If a school identified for improvement, corrective action, or restructuring makes AYP for one year, it remains at its current designation for improvement. If it fails to make AYP the next year, it continues to move through the increasingly severe outcome accountability actions (e.g., moves from school improvement to corrective action).
- g. States may fund teacher and principal awards by reserving such sums as necessary from the amount received under ESEA Title II-A-1.
- h. This could allow schools, for example, to use their Title I-A funds for non-Title I-A purposes.
- i. Under current law, if appropriations for Title III are below \$650 million, Title III-B provides competitive grants to LEAs, institutions of higher education, and community-based organizations to provide language instruction programs. Since the enactment of the No Child Left Behind Act (NCLB; P.L. 107-110), appropriations for Title III have never fallen below \$650 million. Therefore, Title III-B has never been in effect. Both S. 1094 and H.R. 5 would eliminate the current Title III-B provisions.
- j. ARPA-ED would be modeled after the Defense Advanced Research Projects Agency (DARPA), which was proposed by the Eisenhower Administration and established in February 1958 by P.L. 85-325.
- k. All eligible entities that submit an application that meet the statutory requirements would receive a grant of at least \$10,000.
- l. While no longer funded, the following literacy programs are included under current law: Reading First for students in grades K-3; Early Reading First for preschoolers; Even Start Family Literacy program; and the Literacy through School Libraries program.

- m. The bill would also change the definition of homeless in the Education for Homeless Children and Youth (EHCY) program by striking children who are “awaiting foster care placement” from the definition of homeless. This would mean that children “awaiting foster care placement,” as defined by each state, would no longer be eligible for services under EHCY.

Appendix. Comparison of Program Authorizations Included in ESEA Reauthorization Proposals with Current Law

Table A-1 examines specific program authorizations included in current law¹⁸ compared with those included in S. 1094 and H.R. 5. Overall, current law includes 46 specific authorizations compared with 39 in S. 1094¹⁹ and 12 in H.R. 5. It should be noted that a single authorization may apply to more than one program. **Table A-1** was designed to show the actual number of explicit authorizations included in current law and each of the bills. In order to make this table more useful, however, the table notes whether proposed statutory language indicated that certain programs would receive a specific share of a given authorization. For example, H.R. 5 includes only one authorization for Title I-A, but proposed statutory language would provide a specified share of that authorization to multiple, individual programs.

A new program authorization under S. 1094 or H.R. 5 should not be interpreted to mean that the program is not authorized under current law. For example, S. 1094 would include separate authorizations for Teacher Incentive Fund (TIF) grants and for Promise Neighborhoods. Both of these programs are currently funded and were enacted through appropriations language using general authority available to the Secretary under the Fund for the Improvement of Education (FIE; Title V-D-1). Under current law, there is only one authorization for FIE that encompasses 21 subparts, including Title V-D-1, without specifying a share of the authorization for a given subpart. Therefore, under current law, separate authorizations are not listed for the TIF or Promise Neighborhoods program.

In general, all of the authorizations included in S. 1094 are for “such sums” for FY2014 and each of the four succeeding fiscal years (i.e., through FY2018). For each authorization included in H.R. 5, the same amount is authorized for FY2014 through FY2019. That is, the authorization level is the same for FY2014 as it is for FY2019. It should be noted that the bills do not authorize programs for the same period of time.

Given that most of the authorizations in current law and all of the authorizations in S. 1094 are for “such sums as may be necessary,” it is not possible to calculate the total amount authorized across current law and S. 1094. With that said, the total authorized level in H.R. 5 is \$22.8 billion. FY2013 appropriations for ESEA under current law are \$22.1 billion.²⁰ The total ESEA authorization for the last year for which current law had authorizations specified was \$28.9 billion. It should be noted that an authorization of an appropriation is only an authorization (i.e.,

¹⁸ FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.

¹⁹ The bill includes a single authorization for all of Impact Aid and five separate authorizations for each of the individual programs included under Impact Aid. It is unclear why the general authorization is needed if each of the individual programs has its own authorization.

²⁰ The ESEA total does not include funding for the Troops-to-Teachers program for FY2013, as no data were readily available from the Department of Defense on the final FY2013 appropriations amount for the program. The Race to the Top and Investing in Innovation programs would be incorporated into the ESEA under S. 1094 but not under H.R. 5. If FY2013 appropriations for these programs were added to FY2013 ESEA appropriations, the combined appropriations level would be \$22.8 billion.

authority to appropriate). Congress can and does enact appropriations at funding levels that differ from authorization levels.

Table A-1. Specific Program Authorizations Under ESEA and Treatment Under S. 1094 and H.R. 5

Program	Current law		Authorization under S. 1094 for FY2014 through FY2018 ^a	Authorization under H.R. 5 for FY2014 through FY2019 ^{a,b}
	Statutory Citation for Program	FY2007 Authorization ^c		
School Improvement Grants	Title I, Section 1003(g)	Such sums	Would be authorized at such sums ^d	Would not be authorized
Title I-A Grants to Local Educational Agencies (LEAs) ^e : Basic Grants, Concentration Grants, and Targeted Grants	Title I-A	\$25,000,000,000 (for all four grants, including Education Finance Incentive Grants, see below)	Would be authorized at such sums	Would receive 91.055% (\$15,162,266,442) of a single authorization for programs serving special populations under Title I-A ^e
Title I-A Grants to LEAs: Education Finance Incentive Grants (EFIG)	Title I-A	Such sums (but included in total authorization amount for Title I-A as well, see above)	Would be authorized at such sums	Would be included in the authorization for the other Title I-A Grants to LEAs (see above) ^e
Reading First	Title I-B-1	Such sums	Would not be authorized	Would not be authorized
Early Reading First	Title I-B-2	Such sums	Would not be authorized	Would not be authorized
Even Start	Title I-B-3	Such sums	Would not be authorized	Would not be authorized
Literacy Through School Libraries	Title I-B-4	Such sums	Would be authorized at such sums	Would not be authorized
Migrant Education ^e	Title I-C	Such sums	Would be authorized at such sums	Would receive 2.37% (\$394,646,878) of a single authorization for programs serving special populations under Title I-A ^e
Neglected and Delinquent ^e	Title I-D	Such sums	Would be authorized at such sums	Would receive 0.305% (\$50,787,889) of a single authorization for programs serving special populations under Title I-A ^e
Evaluation and Demonstration	Title I-E, Section 1501 and 1502	Such sums	Would not be authorized ^f	National Assessment would be authorized at \$3,028,000
Close Up Fellowships	Title I-E, Section 1504	Such sums	Would not be authorized	Would not be authorized

Current law			Authorization under S. 1094 for FY2014 through FY2018 ^a	Authorization under H.R. 5 for FY2014 through FY2019 ^{a,b}
Program	Statutory Citation for Program	FY2007 Authorization ^c		
Comprehensive School Reform	Title I-F	Such sums	Would not be authorized	Would not be authorized
Advanced Placement	Title I-G	Such sums	Would be authorized at such sums ^g	Would not be authorized
Dropout Prevention	Title I-H	Such sums	Would not be authorized ^h	Would not be authorized
Teacher Quality State Grants	Title II-A	Such sums	Would be authorized at such sums	Would receive 75% (\$1,831,161,750) of a single authorization for teacher and principal programs under Title II ⁱ
Teacher Quality National Programs	Title II-A	Such sums	Would be authorized at such sums as part of the authorization for Title II-A ⁱ	Would not be authorized
Mathematics and Science Partnerships	Title II-B	Such sums	Would not be authorized	Would not be authorized
Transitions to Teaching	Title II-C-1	Such sums	Would not be authorized	Would not be authorized
National Writing Project	Title II-C-2	Such sums	Would not be authorized	Would not be authorized
Civic Education	Title II-C-3	Such sums	Would not be authorized	Would not be authorized
Teaching of Traditional American History	Title II-C-4	Such sums	Would not be authorized	Would not be authorized
Education Technology	Title II-D-1 and 2	Such sums	Would be authorized at such sums	Would not be authorized
Ready-to-Learn Television	Title II-D-3	Such sums	Would be authorized at such sums	Would not be authorized
English Language Acquisition and Instruction ^e	Title III-A and B	Such sums	Would be authorized at such sums	Would receive 4.4% (\$732,677,748) of a single authorization for programs serving special populations under Title I-A
Emergency Immigrant Education	Title III-B-4	Such sums	Would not be authorized	Would not be authorized
Safe and Drug-Free Schools and Communities State Grants	Title IV-A-1	Such sums	Would not be authorized	Would not be authorized

Current law			Authorization under S. 1094 for FY2014 through FY2018 ^a	Authorization under H.R. 5 for FY2014 through FY2019 ^{a,b}
Program	Statutory Citation for Program	FY2007 Authorization ^c		
Safe and Drug-Free Schools and Communities National Programs	Title IV-A-2	Such sums	Would not be authorized	Would not be authorized
21 st Century Community Learning Centers	Title IV-B	\$2,500,000,000	Would be authorized at such sums	Would not be authorized
Innovative Programs (block grant)	Title V-A	\$600,000,000	Would not be authorized	Would not be authorized ^k
Charter Schools	Title V-B-1	Such sums	Would be authorized at such sums	\$300,000,000
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	No authorization ^l	Would be authorized at such sums as part of the Public Charter Schools authorization	Would be authorized as part of the authorization for the Charter Schools program (see above)
Voluntary Public School Choice	Title V-B-3	\$100,000,000	Would be authorized at such sums	Would not be authorized
Magnet Schools	Title V-C	Such sums	Would be authorized at such sums	\$91,647,000
Fund for the Improvement of Education	Title V-D	\$675,000,000	Would not be authorized ^m	Would not be authorized
National Assessment of Educational Progress ⁿ	na ⁿ	Such sums	Would be authorized at such sums	Would not be authorized
State Assessments	Title VI-A-1	Such sums	Would be authorized at such sums	Would not be authorized
Rural Education Achievement Program ^e	Title VI-B	Such sums	Would be authorized at such sums	Would receive 1.08% (\$179,839,084) of a single authorization for programs serving special populations under Title I-A ^e
Indian Education Grants to LEAs ^e	Title VII-A-1	Such sums	Would be authorized at such sums under a single authorization for Title VII-A and Title VII-B-1	Would receive 0.59% (\$98,245,425) of a single authorization for programs serving special populations under Title I-A ^e

Current law			Authorization under S. 1094 for FY2014 through FY2018 ^a	Authorization under H.R. 5 for FY2014 through FY2019 ^{a,b}
Program	Statutory Citation for Program	FY2007 Authorization ^c		
Indian Education Special Programs and National Activities ^e	Title VII-A-2 and 3	Such sums	Would be authorized at such sums under a single authorization for Title VII-A and Title VII-B-I	Special Programs would receive 0.2% (\$33,303,534) of a single authorization for programs serving special populations under Title I-A ^o
Education for Native Hawaiians	Title VII-B	Such sums	Would be authorized at such sums under a single authorization for Title VII-A and Title VII-B-I	Would not be authorized
Alaska Native Education	Title VII-C	Such sums	Would be authorized at such sums	Would not be authorized
Impact Aid Federal Property	Title VIII, Section 8002	Such sums	Would be authorized at such sums	\$63,445,000
Impact Aid Basic Support Payments	Title VIII, Section 80003(b)	Such sums	Would be authorized at such sums	\$1,093,203,000
Impact Aid Children with Disabilities	Title VIII, Section 8003(d)	Such sums	Would be authorized at such sums	\$45,881,000
Impact Aid Construction	Title VIII, Section 8007	Such sums	Would be authorized at such sums	\$16,529,000
Impact Aid Facilities Maintenance	Title VIII, Section 8008	Such sums	Would be authorized at such sums	\$4,591,000
New Authorizations Included in S. 1094				
Centers of Excellence in Early Childhood	na	na	Would be authorized at such sums	na
Pathways to College	na	na	Would be authorized at such sums	na
Teacher Pathways to the Classroom	na	na	Would be authorized at such sums	na
Teacher Incentive Fund ^p	na	na	Would be authorized at such sums	na
Improving Literacy Instruction	na	na	Would be authorized at such sums	na
Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement	na	na	Would be authorized at such sums	na

Current law			Authorization under S. 1094 for FY2014 through FY2018 ^a	Authorization under H.R. 5 for FY2014 through FY2019 ^{a,b}
Program	Statutory Citation for Program	FY2007 Authorization ^c		
Increasing Access to a Well-Rounded Education and Financial Literacy	na	na	Would be authorized at such sums	na
Successful, Safe, and Healthy Students	na	na	Would be authorized at such sums	na
Promise Neighborhoods ^p	na	na	Would be authorized at such sums	na
Parent and Family Information Resource Centers (PIRCs) ^q	na	na	Would be authorized at such sums	na
Programs of National Significance ^m	na	na	Would be authorized at such sums	na
Race to the Top	na	na	Would be authorized at such sums	na
Investing in Innovation	na	na	Would be authorized at such sums	na
College Information Demonstration Program	na	na	Would be authorized at such sums	na
New Authorizations Included in H.R. 5				
Teacher and School Leader Flexible Grant	na	na	na	Would receive 25% (\$610,387,250) of a single authorization for teacher and principal programs under Title II ⁱ
Family Engagement in Education	na	na	na	\$25,000,000
Local Academic Flexible Grant (block grant)	na	na	na	\$2,055,709,000

Source: Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 1094 and H.R. 5.

Notes: Proposed authorizations were aligned with authorizations included in current law if the proposed authorizations would authorize programs that are similar to those included in current law. It should be noted that the lack of a proposed authorization for a particular program does not necessarily mean that required or allowable activities under that program may no longer be supported. In addition, a new authorization for a program does not necessarily mean that the program does not exist under current law. It is possible that a program may be authorized under current law under a broad authorization (e.g., Fund for the Improvement of Education) and would have a program specific authorization under an ESEA reauthorization bill. “Such sums” means “such sums as may be necessary.” It should be noted that both S. 1094 and H.R. 5 would authorize

appropriations for the McKinney-Vento Homeless Education program. These authorizations are not discussed in this report, as this program is not part of the ESEA.

na: Not applicable.

- a. It should be noted that S. 1094 and H.R. 5 do not authorize programs for the same period of time.
- b. The same amount is authorized for each program for FY2014 through FY2019.
- c. FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.
- d. S. 1094 would include a School Improvement Fund program which would be similar to the School Improvement Grant program in terms of providing formula grants to states who would subsequently provide competitive grants to local entities for school improvement activities. However, the formula used to award grants to states, the local entities that could receive grants, and the specific school improvement activities for which funds could be used would be modified.
- e. Under H.R. 5, six programs would share a single authorization. These programs include Improving Basic Programs Operated by LEAs, Migrant Education, Neglected and Delinquent, English Language Acquisition, Rural Education, and Indian Education. The total authorization for FY2013 would be for \$16,651,767,000. Each of the six programs would receive a share of the overall, single authorization. The individual shares are noted in the table.
- f. Section 9601 would permit the Secretary to reserve funds appropriated for each categorical program and demonstration project for evaluation purposes.
- g. The program would be expanded to include funding for similar activities related to the International Baccalaureate program.
- h. S. 1094 would authorize a new program that focuses on secondary school reform that would address issues related to high school dropouts.
- i. Under H.R. 5, the Teacher Quality State Grants program and the Teacher Preparation and Effectiveness program would share a single authorization. The total authorization for FY2013 would be \$2,441,549,000.
- j. The Principal Recruitment and Training Program that would be included in S. 1094 is similar to the School Leadership authorized under national activities. However, S. 1094 would not continue to authorize any of the other national activities currently authorized under current law. S. 1094 would authorize other national activities but these activities would be authorized under the authorization for Title II-A, subparts 1, 2, 3, and 4.
- k. H.R. 5 would authorize a new block grant program.
- l. The Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation program had a separate authorization for FY2002 and FY2003 only. It has continued to receive appropriations each fiscal year.
- m. Under current law, a single authorization under Title V-D covers programs included in Title V-D-1 through Title V-D-21. Title V-D-1 provides the Secretary with the authority to support "nationally significant programs." S. 1094 would continue to provide similar authority to the Secretary through the Programs of National Significance program. In addition, the Teacher Incentive Fund and Promise Neighborhoods, two programs that are currently authorized based on Title V-D-1 authority, would receive their own authorizations in S. 1094. In addition, Parental Assistance and Local Family Information Centers (Title V-D-16) would also have a separate authorization under S. 1094.
- n. NAEP is not an ESEA program; rather, it is a program included in the Education Sciences Reform Act. However, as participation in NAEP is a requirement for states to receive funding under ESEA Title I-A if the Secretary pays for the test administration, current law included an authorization of funds for NAEP. S. 1094 would include an authorization for NAEP. H.R. 5, while still requiring states to participate in NAEP if the Secretary pays for the test administration in order to receive funds under Title I-A-1, does not include an authorization of funds for NAEP.
- o. No funds would be authorized for National Activities.

- p. This program was enacted through appropriations language using authority available to the Secretary under ESEA Title V-D-1. Current law contains a single authorization for all of Title V-D, which includes numerous programs. None of the programs has a separate authorization.
- q. Under current law, this program does not have its own authorization. Rather, it is authorized under the authorization for the Fund for the Improvement of Education.

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