

[H.R. 5, Student Success Act](#)

FLOOR SITUATION

On Wednesday, July 8, 2015, the House will complete consideration of [H.R. 5](#), the *Student Success Act*, under a [structured rule](#). The House began consideration of H.R. 5 pursuant to a rule on February 25, 2015. The Committee of the Whole House debated the bill, considered amendments made in order under that rule, and rose on February 27 leaving the bill as unfinished business. The new rule provides for the consideration of four additional amendments. In addition, there were ten amendments made in order under the previous rule on which recorded votes were ordered but not taken.

SUMMARY

H.R. 5 reauthorizes the Elementary and Secondary Education Act (ESEA) for each of the fiscal years (FY) 2016 to 2021 at the FY 2015 funding levels. Title I funding is held at the FY 2012 level to ensure priorities are met. The total amount of spending authorized for all ESEA programs is less than Title I funding authorized for FY 2007, the last authorization year for *No Child Left Behind*.

The bill eliminates more than 65 existing programs authorized in current law. It further directs the Secretary of Education to: (1) identify those full time employee positions associated with elimination or consolidation and (2) reduce the Department of Education workforce by a corresponding amount. The bill collapses funding from most of those programs into one funding stream - the Local Academic Flexible Grant - to provide states and school districts with more flexibility with federal funds. The program also requires that 10 percent of the funds be reserved to support private sector initiatives to improve student achievement.

H.R. 5 removes the maintenance of effort requirement and allows states and communities to set their own funding levels. The bill maintains separate funding for migrant education, neglected and delinquent students, English Language Acquisition programs, and rural education, but restructures these funding sources into Title I. Separate funding is also maintained for Indian Education, Alaska Native Education, and Native Hawaiian Education.

H.R. 5 repeals the Adequate Yearly Progress (AYP) requirement and the federally-prescribed school improvement and turnaround intervention programs. Under the legislation, states would create their

own academic standards, assessments, and accountability mechanisms to measure school performance. The bill repeals the Highly Qualified Teacher (HQT) requirement and directs states and school districts to implement state and locally driven teacher evaluation systems. The bill consolidates most of the teacher quality programs authorized in current law into one Teacher and School Leader Flexible Grant program. Furthermore, the bill removes the definition for “core academic subjects” in order to clarify that federal funds can be used to support all academic subjects.

H.R. 5 gives states the option of allowing Title I funds to follow low-income students to the traditional public or charter school of the parent’s choice, in order to ensure that low-income students receive their fair share of Federal dollars. The bill further reauthorizes the Charter School Program and supports expansion and replication of high quality charter schools to provide additional choices to parents.

H.R. 5 continues the Magnet School and Parent Information Resource Center programs. The bill also strengthens the five existing programs within the Impact Aid Program, including making those provisions that were included in the FY 2013 NDAA permanent. These programs are set to expire in early 2018. The bill moves Impact Aid Programs from Title VIII to Title IV.

H.R. 5 maintains and protects state and local autonomy by: (1) prohibiting the Secretary from imposing conditions, including conditions involving Common Core and other state standards and assessments; (2) preventing the Secretary from creating additional burdens on states and school districts through the regulatory process; (3) prohibiting the Secretary from demanding changes to state standards and coercing states to enter into partnership with other states; and (4) outlining specific procedures the Secretary must follow when issuing federal regulations and conducting the peer review process.

H.R. 5 also requires the Institute of Education Sciences to contract with an economist with expertise in workforce and government efficiency to produce an annual report on the reductions in the federal role resulting from the passage of H.R. 5. Consequently, IES would be directed to recommend to the House and Senate Budget and Appropriations Committees commensurate reductions in federal spending.

Finally, the bill reauthorizes *the McKinney-Vento Homeless Assistance Act*, the primary law that provides funding to states and school districts to educate homeless children and youth. The bill strengthens the process for identifying homeless children and youth and provides better collaboration and information-sharing among federal and state agencies for services.

Similar [legislation](#) passed on July 19, 2013 by a vote of [221 to 207](#). The Senate did not act on the House-passed bill in the 113th Congress.

BACKGROUND

The original *Elementary and Secondary Education Act* was enacted and signed into law in 1965. Originally authorized through 1970, the ESEA had been routinely reauthorized from 1965 until the early 2000s. The most recent authorization came in 2002, when Congress reauthorized ESEA through the *No Child Left Behind Act of 2001* (NCLB). ESEA provides Federal funding to elementary and secondary schools, primarily to supplement state and local funding for disadvantaged students. ESEA has not been reauthorized since NCLB expired in 2007.

First, with Race to the Top, originally funded through the *American Recovery and Reinvestment Act*, and then through waivers of ESEA law, the Administration has used grant funds and some regulatory flexibility to coerce states into adopting the Common Core and various other policies preferred by the Administration.

Titles in the Current ESEA:

The crux of the Elementary and Secondary Education Act is Title I, which authorizes funding to public schools in order to educate low-income students.¹ Title I is intended to provide schools with the resources they need to strengthen educational programs and improve academic achievement.²

NCLB required states that receive Title I funding to administer yearly state-wide assessments in reading and math, and assessments once every three years in science. Schools were held accountable for making Adequate Yearly Progress (AYP) based mostly on the percentage of students testing as “proficient” on the annual reading and math assessments. Title I schools who repeatedly failed to meet AYP standards were subject to a series of Federally-prescribed school improvement interventions. NCLB also required that all teachers teaching “core academic subjects” be “highly qualified”.³ This means that they must hold at least a bachelor’s degree, a teaching certification, and have demonstrated subject-area knowledge in the subject they teach.

Title II is primarily concerned with preparing, training, and recruiting quality teachers. Funds are used to set up programs that fulfill this goal.⁴ Title III addresses the allocation of funds toward providing language instruction for those with limited proficiency as well as for immigrant students. Title IV addresses funding for school safety, and how states can receive federal funding to implement programs that address safety. It also provides opportunities for communities to establish or expand activities in community learning centers to improve opportunities for “academic enrichment”.⁵

Title V is established as the innovations component of ESEA. Title V is intended to support local education reform efforts, provide funding to agencies that implement positive reform programs, to support programs promoting the start-up of public charter schools, and to develop programs to improve student, school and teacher performance.⁶ Title VI funds state development of academic assessments and includes the Rural Education Initiative, which provides funding to rural school districts to help meet the unique needs of rural communities.⁷ Title VII provides grants for Indian, Native Hawaiian, and Alaska Native education.

Title VIII of ESEA addresses the Impact Aid Program. Impact Aid is established to assist local school districts that have lost property tax revenue due to the presence of tax-exempt Federal property within their school boundaries. In 2003, \$1.19 billion was allocated to school districts whose tax base was affected this way. Schools are able to use most impact aid funds in any manner they choose in accordance with their local or state requirements.⁸

¹ Note: ESEA establishes a low-income threshold for Title I schools at 35 percent. See: <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf> (115 Stat. 1470)

² <http://nces.ed.gov/fastfacts/display.asp?id=158>

³ http://edworkforce.house.gov/uploadedfiles/short_bill_summary_-_student_success_act.pdf

⁴ <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

⁵ <http://www2.ed.gov/policy/elsec/leg/esea02/pg55.html#sec4201>.

⁶ <http://www2.ed.gov/policy/elsec/leg/esea02/pg57.html>.

⁷ <http://www2.ed.gov/policy/elsec/leg/esea02/pg93.html>.

⁸ <http://www2.ed.gov/about/offices/list/oese/impactaid/whatisia.html>.

COST

The Congressional Budget Office (CBO) [estimates](#) that H.R. 5 would authorize funding of \$23.3 billion in 2016 and \$116.5 billion over the 2016 to 2020 period. Implementing the bill would have discretionary costs of \$87.7 billion over the 2016 to 2020 period, assuming appropriation of the estimated amounts. Enacting the bill would have no effect on direct spending or revenues.

AMENDMENTS

The rule makes in order the following four additional amendments:

- 1) [Rep. Todd Rokita \(R-IN\)](#)—The amendment sets the authorization from fiscal year 2016 through 2019.
- 2) [Rep. Mark Walker \(R-NC\)](#)—The amendment adds A-PLUS, which would send funding under NCLB back to states in the form of block grants, and states would then be able to direct that funding to any education purpose under state law.
- 3) [Rep. Matt Salmon \(R-AZ\)](#)—The amendment allows parents to opt their student out of the testing required under this bill and exempts schools from including students that have opted out in the schools' participation requirements.
- 4) [Rep. Jared Polis \(D-CO\)](#)—The amendment requires states to have college and career-ready standards and set performance, growth, and graduation rate targets for all student subgroups. The amendment also includes performance targets for English language learners and students with disabilities.

Recorded votes were ordered, but not taken, on the following ten amendments that were made in order under the previous rule:

- 1) [Rep. Lee Zeldin \(R-NY\)](#)—The amendment allows a State to withdraw from the Common Core Standards or any other specific standards.
- 2) [Rep. Will Hurd \(R-TX\)](#)—The amendment expresses the sense of Congress that students' personally identifiable information is important to protect as applied to current law and this act.
- 3) [Rep. Alan Grayson \(D-FL\)](#)—The amendment requires the Secretary of Education to conduct an assessment of the impact of school start times on student health, well-being, and performance.
- 4) [Rep. Frederica Wilson \(D-FL\)](#)—The amendment provides for school dropout prevention and reentry and provides grants to raise academic achievement levels for all students.
- 5) [Rep. Andre Carson \(D-IN\)](#)—The amendment advances assessments of student achievement and instructional practices, effective teacher preparation and continuing professional development, education administration, and international comparisons. The amendment supports development of a national research strategy to ensure that students, particularly at risk students, have effective teachers and are being prepared for the future.

- 6) [Rep. Julia Brownley \(D-CA\)](#)—The amendment creates a grant program for states to create or expand biliteracy seal programs to recognize student proficiency in speaking, reading, and writing in both English and a second language for graduating high school seniors.
- 7) [Rep. Dave Loebsack \(D-IA\)](#)—The amendment supports the expansion of the use of digital learning through competitive grants to partnerships to implement and evaluate the results of technology-based learning practices, strategies, tools, or programs at rural schools.
- 8) [Rep. Jared Polis \(D-CO\)](#)—The amendment authorizes funds for the Secretary of Education to provide grants for: early-childhood education scholarships, professional development and licensing credentials, or increased compensation for educators who have attained specific qualifications. Requires each state that desires a grant to include a description of its comprehensive early childhood professional development system in its application, and grant recipients must maintain their fiscal effort for the activities supported by the grant funds for a fiscal year at levels equal to or greater than their fiscal effort for such activities during the preceding fiscal year. The amendment was submitted by Rep. Grace Meng (D-NY), but was offered during debate by Rep. Jared Polis (D-CO).
- 9) [Rep. Bennie Thompson \(D-MS\)](#)—The amendment requires that The Student Success Act shall not go into effect until the Secretary of Education determines that its enactment will not reduce the college and career readiness of racial or ethnic minority students, students with disabilities, English learners, and low-income students and provides written notification to Congress on such determination.
- 10) [Rep. Bobby Scott \(D-VA\)](#)—This amendment repeals H.R 5 and replaces the bill text with a substitute amendment.

STAFF CONTACT

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