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Special Report: Comparison of K-12 NCLB And ESSA Education Laws

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Three days after taking office in January 2001 President George W. Bush announced *No Child Left Behind* (NCLB), his framework for bipartisan education reform. NCLB secured passage less than a year later on January 8th, 2002. NCLB reauthorized the Elementary and Secondary Education Act of 1965 (ESEA) and increased the role of the federal government in ensuring accountability for States, school districts, and schools. It also created greater choice for parents and students, particularly for those attending low-performing schools, and more flexibility for States and local educational agencies in the use of Federal education dollars. Finally, NCLB emphasized the importance of reading and ensuring that every child can read by the end of third grade.

NCLB increased accountability by requiring States to implement statewide standards and annual testing for all grades 3-8. These results were then to be broken out by poverty, race, ethnicity, disability, and limited English proficiency to ensure that no group is left behind. Schools that failed to make Adequate Yearly Progress (AYP) were subject to corrective action and restructuring measures. Schools that excelled were eligible for State Academic Achievement Awards.

NCLB created greater choice for parents and students by offering students in low-performing schools the opportunity to attend a better public school within the school district. The district had to provide transportation to the new school and use five percent of its Title I funds for this purpose. This provided an additional incentive to low-performing schools to avoid losing students as they would lose the portion of their annual budgets associated with those students.

NCLB increased flexibility in the use of Federal education funds in exchange for strong accountability for results. The NCLB Act allowed States and local educational agencies (LEAs) to transfer up to 50 percent of the funding they received under four major State grant programs (Teacher Quality State Grants, Educational Technology, Innovative Programs, and Safe and Drug-Free Schools) to any one of the programs, or to Title I. States and LEAs could also enter

into performance agreements with the Secretary of Education in exchange for the ability to consolidate different types of federal funds and use them for any educational purpose.

To accomplish the reading goal, NCLB increased Federal investment in scientifically based reading instruction programs in the early grades under a "Reading First" initiative. The Reading First State Grant program made 6-year grants to States, which made competitive subgrants to local communities. Local recipients administered screening and diagnostic assessments to determine which students in grades K-3 were at risk of reading failure. NCLB also created an Early Reading First program that made competitive 6-year awards to LEAs to support early language, literacy, and pre-reading development of preschool-age children, particularly those from low-income families.

Over the years, NCLB faced a lot of criticism for creating a new "tough guy" role for federal government in education. Under NCLB all children and all schools were held to the same timeline for meeting Adequate Yearly Progress, regardless of varying levels of resources. The transfer policy was also seen as more of a punitive rather than problem solving solution. Schools that continued to fail to meet AYP lost students and their associated funding, were required to pay for tutoring services, and later had to choose from a list of corrective actions including changing curriculum or lengthening the school day. However, the most feared sanction, restructuring, did seem to have a positive impact on schools. After five years of failing to meet AYP, schools were supposed to write a restructuring plan that would take place in year six. The most common strategy was replacing the principal. This led not only to improved student performance but also improved teacher satisfaction surveys.

The Every Student Succeeds Act (ESSA) became law on December 10th, 2015, reauthorizing and amending the Elementary and Secondary Education Act of 1965 (ESEA), and replacing NCLB. The bill largely shifts authority from the federal government to the states and districts. This will give local officials more flexibility in determining what it means for a school to be successful and how and when to intervene in schools that fail to meet expectations. The testing in grades 3-8 will remain and the data will continue to be broken out based on the same demographics. However, while under the NCLB Act this data was used to see if schools were meeting the national goal of 100% proficiency in math and reading by 2014, the new bill requires each state to set their own goals. The states will also decide what to do with schools that do not meet these goals, with the exception of the lowest-performing five percent of schools where the State will have to get a plan for intervention approved by the federal government.

The bill also includes grants for providing language instruction educational programs, improving low-performing schools, and developing programs for American Indian and Alaska Native students. The bill provides rural school districts with increased flexibility in using federal funding. It also revises the Impact Aid formula. ESSA will also combine two existing charter school programs into one program that includes grants for high-quality charter schools, facilities financing assistance, and replication and expansion.

Concerns with ESSA include a "Pay for Success" program that allows investors to put money

into programs and make profits when a specific goal is reached, teacher preparation academies that are written to support non-traditional and non-university programs, and finally the requirement of states to fund equitable services for children in private and religious schools who are deemed eligible.

ESSA has caused some excitement in California, which has been creating its own education policy for the last few years. The Board of Education suspended the state's Academic Performance Index, a measure of rating schools based on test scores, in favor of a system that looks at different factors including college readiness, dropout rates, suspensions, and school climate.

For more information see:

<https://www.congress.gov/bill/114th-congress/senate-bill/1177>

<http://www2.ed.gov/nclb/overview/intro/execsumm.html>

<http://www.npr.org/sections/ed/2015/10/27/443110755/no-child-left-behind-what-worked-what-didnt>

<http://www.latimes.com/local/education/la-me-edu-no-child-left-behind-replacement-essa-passes-senate-california-school-rating-plans-20151209-story.html>

<https://www.washingtonpost.com/news/education/wp/2015/11/30/how-schools-would-be-judged-under-every-student-succeeds-the-new-no-child-left-behind/>

<https://www.washingtonpost.com/news/answer-sheet/wp/2015/12/07/the-successor-to-no-child-left-behind-has-it-turns-out-big-problems-of-its-own/>