



EDUCATION COMMITTEE FEDERAL INFORMATION ALERT

New Year, New Bills: Kline Introduces Accountability, Teacher Effectiveness Legislation

On Friday, January 6, Representative John Kline (Minnesota), chair of the House Education and Workforce Committee, introduced two pieces of legislation intended to address accountability and teacher effectiveness issues as part of the Committee's consideration of reauthorization of the Elementary and Secondary Education Act (ESEA). The bills are part of Chairman's Kline's plan to reauthorize ESEA with bills addressing specific parts of education reform, not through comprehensive reauthorization legislation.¹ The last incarnation of ESEA, No Child Left Behind (NCLB), is 10 years old and more than four years overdue for reauthorization. Chairman Kline's legislation, like the Senate Health Education and Labor ESEA reauthorization bill and like the U.S. Department of Education's waiver program, scraps NCLB's signature Adequate Yearly Progress (AYP) matrix. However, the bills introduced by Chairman Kline go beyond the Senate legislation and the waiver program in a number of ways, including permitting broad flexibility with federal funding, ending maintenance of effort as a requirement for receiving federal education funds, removing the "highly qualified teacher" requirement established by NCLB, and repealing federally-mandated interventions for low-performing schools.

Ranking Minority Member of the Committee, Representative George Miller (California), who had previously announced that bipartisan discussions about reauthorization had broken off, said that the draft measures failed to hold schools accountable for improving student achievement. Unless the bill attracts Democratic support, Congressional action to reauthorize ESEA will probably not happen. Senator Tom Harkin (Iowa), who chairs the Senate Health, Education, Labor and Pensions Committee, has said he doesn't want to move the Senate proposal to the Senate floor unless he sees bipartisan legislation come out of the House.

Major provisions of the two bills are described below, based on House Education and Workforce-provided summaries.

¹ The House Education and Workforce Committee passed three pieces of ESEA-related legislation last year. One of those bills, H.R. 2218, the "Empowering Parents through Quality Charter Schools Act," was passed by the full House of Representatives on a bipartisan vote this past June. This bill and two bills that passed the Committee (H.R. 2445, the "State and Local Funding Flexibility Act" and H.R. 1891, the "Setting New Priorities in Education Spending Act.") are incorporated in the Chairman's new bills.

Student Success Act

Academic and achievement standards Similar to current law, the bill requires states to establish academic standards applying to all students and schools in reading and math (states could develop standards in other subjects at their discretion). Achievement standards would be aligned with these academic standards, but the bill removes the federal requirements for basic, proficient, and advanced levels of achievement. States could establish alternate achievement standards aligned to content standards for students with the most significant disabilities.

Academic assessments Like current law, the bill requires states to develop and implement a set of annual assessments in reading and math, although it drops the requirement that states administer assessments in science. The assessments would be given annually in grades 3-8 and once in high school, as in current law, and requirements for disaggregating data are maintained.

Accountability The bill replaces Adequate Yearly Progress (AYP) with a state-determined accountability system. States must annually measure the academic achievement of all students against state standards (including growth toward standards); annually evaluate and identify the academic performance of each public school, including achievement gaps between student subgroups; and include a system for school improvement implemented by school districts that includes interventions in poorly performing Title 1 schools.

Highly Qualified Teachers The bill removes federal requirements around teachers and paraprofessionals and the requirement that teachers be highly qualified.

Funding Flexibility Similar to H.R. 2445, the "State and Local Funding Flexibility Act," passed in July by the Committee, the bill allows school districts to use funds across certain programs to tailor initiatives to local needs. The bill maintains separate funding streams for Migrant Education, Neglected and Delinquent, English Language Acquisition, Rural Education, and Indian Education programs, but merges them into Title 1, and allows states and school districts to use formula funds received under those programs for activities authorized in any of the other programs. The bill also eliminates the 40 percent poverty threshold for schoolwide programs, allowing Title 1 schools to operate whole school reform efforts with Title 1 money. (This provision is also part of the waiver program.)

Funding The bill limits education funding authorizations to FY 2012 appropriated levels, and sets potential funding increases consistent with inflation. It removes all state and local maintenance of effort requirements.

Other The bill prevents the U.S. Secretary of Education from creating additional burdens on states and districts through the regulatory process, particularly in the areas of standards, assessments, and state accountability plans; prohibits the Secretary from supporting efforts around the state standards; and outlines procedures that the Secretary must follow when conducting a peer review process for grant applications.

Encouraging Innovation and Effective Teachers Act

The bill mandates teacher evaluation. It sets out five broad parameters to be included in any teacher evaluation system. School districts must develop evaluation systems that:

- Make student achievement data a significant part of the evaluation
- Use multiple measures of evaluation in assessing teacher performance
- Have more than two rating categories for the performance of teachers
- Make personnel decisions based on the evaluations
- Seek input from parents, teachers, school leaders and other staff in the school in development

States could only use 10% of teacher quality funds for class size reduction.

The bill also builds on the charter school bill previously passed by the house, which allows federal charter school funds to be used for replication and expansion of charter schools, and strengthens the existing Magnet School and Parent Information and Resource Center programs. The Setting New Priorities in Education Spending Act, like H.R. 1891, the “Setting New Priorities in Education Spending Act,” eliminates more than 70 existing elementary and secondary education programs.

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