

COMPARISON OF SELECT ELEMENTS OF ESEA PROPOSALS

Current Law; H.R. 5, Rep. Kline Bill (Student Success Act); Rep. Scott's Committee Substitute Amendment; Sens. Alexander and Murray Bill (Every Child Achieves Act);
and Administration ESEA Waiver Package
April 13, 2015

Issue	Current Law	H.R. 5 Kline ESEA Bill (Passed House Committee on February 11, 2015)	Scott ESEA Substitute Amendment in House Committee	Alexander/Murray ESEA bill (Released April 7, 2015)	Administration ESEA Waiver Package
Authorization Structure	Generally includes separate authorizations for separate programs, with the exception being the 21 programs authorized under one authorization of appropriations under the Fund for the Improvement for Education (Title V, Part D of Current law)	<p>Combines programs from current law under Titles I and III under one authorization and reserves amounts of funding through specific percentages for individual authorities. For example, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education, and the Rural Education Achievement program all share one authorization of appropriations with specific percentage reservations for each authority.</p> <p>The bill authorizes funds for programs from 2016 through 2021 with the same specific authorization level for each of the years of the authorization period.</p> <p>Authorization levels for specific programs (with their percentage reservations):</p> <p>Programs under Title I: \$16.245 billion</p> <ul style="list-style-type: none"> • Main Title I program: 91.44% • Migrant Education: 2.45% • Neglected and Delinquent: 0.31% • English Language Acquisition: 	Maintains separate authorizations for separate programs as under current law (not all programs are maintained). Generally authorizes programs with a specific funding level in the first authorization year and such sums in the out years (for example, the main Title I program is authorized at \$30 billion in the first year of the authorization). It authorizes a new State Preschool program similar to Administration proposals and the Strong Start Act from the 113 th Congress.	<p>Maintains separate authorizations for separate programs as under current law (not all programs are maintained).</p> <p>Authorization levels are such sums for the authorization period (2016-2021) for the following programs:</p> <p>Title I -- Local Educational Agency Grants</p> <ul style="list-style-type: none"> • State Assessments • Education of Migratory Children • Neglected and Delinquent • Federal Activities - Evaluations • School Intervention and Support (similar to prior SIG grants) • National Assessment of Title I <p>Title II – Preparing, Training and Recruiting High Quality Teachers, Principals and other School Leaders</p> <ul style="list-style-type: none"> • Fund for the Improvement of Teaching and Learning (formula grants to states) • American History and Civics Education • Literacy Education for All, Results for the Nation • Presidential and Congressional Academies for American History and Civics <p>Title III -- English Language Acquisition</p>	No such provision.

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		4.6% <ul style="list-style-type: none"> Rural School Achievement: .6% Indian Education: 0.6% National Assessment of Title I: \$710,000. Title II programs: \$2.788 billion <ul style="list-style-type: none"> Teacher Prep and Effectiveness (state and local formula grant): 75% Teacher and Leader Flexible Grant: 25% Title III programs: <ul style="list-style-type: none"> Charter Schools: \$300 million Magnet Schools: \$91.6 million Family Engagement Centers: \$25 million Local Academic Flexible Grant: \$2.302 billion Impact Aid programs: <ul style="list-style-type: none"> Property: \$66.813 million Basic Payments: \$1.151 billion Children with Disabilities: \$48.316 million Construction: \$17.406 million Facilities Maintenance: \$4.835 million 		Title IV Safe and Healthy Students Grants to States and Local Educational Agencies Title IV – Empowering Parents and Expanding Opportunity through Innovation <ul style="list-style-type: none"> Charter Schools – Grants to Support High Quality Charter Schools Charter School Facility Financing National Activities Magnet School Assistance Title VI – Innovation and Flexibility <ul style="list-style-type: none"> Rural Education Initiative Title VII – Indian Education Title VIII – Impact Aid Title X – Homeless Education	
Standards	All states are required to have academic content and achievement standards in reading/English language arts, math and science. Establishes four levels of performance under the	All states are required to have academic content and achievement standards in reading/English language arts, math and science. The bill does not require the four levels of achievement as current law (below basic, basic, proficient and	All states are required have developed both college and career ready (CCR) academic content and achievement standards by the 2015-2016 school year in reading/English language arts, math and science. Standards are required to be either: <ul style="list-style-type: none"> Validated through a written affirmation 	States must provide an assurance that they have adopted challenging academic content and achievement standards in math, reading/English language arts and science. The achievement standards would have to include not less than 3 levels of achievement.	All states are required to have fully implemented college and career ready standards no later than the 2013-2014 school year. Under the waiver package, “implementing” college- and career-ready standards means that teaching and learning aligned with such standards is taking place

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	<p>standards: advanced, proficient, basic, and below basic.</p> <p>U.S. Department of Education officers and employees are barred from any action which might mandate or control a State's, LEAs, or schools instruction and standards.</p>	<p>advanced). Standards are not required to be explicitly "college and career ready."</p>	<p>from the state's public institutions of higher education that graduating students are ready for placement in credit-bearing, non-remedial courses and state career and technical education standards; <u>or</u></p> <ul style="list-style-type: none"> State-developed and voluntarily adopted by a "significant" number of states. <p>Establishes three levels of performance under the standards: advanced, on-target, and catch-up.</p> <p>Growth Standard: Each state must adopt student growth standards for grades in which students are assessed. The minimum growth standard for students who are advanced or on-target is a rate of academic growth that would keep a student at such a standard for not less than three years. For students at the catch-up level, growth is required at a rate that would allow them to reach the on-target level of performance in three years or four years, as determined by the state.</p>	<p>States must provide an assurance that the state's standards are aligned with: entrance requirements, without the need for remediation for public IHEs in the state; the state's career and technical education standards; and the state's early learning guidelines as required under the Child Care and Development Block Grant Act (CCDBG).</p>	<p>in all public schools in the state for all students, including English Learners, students with disabilities, and low-achieving students.</p>
Standards and Assessments Related to Students with Disabilities	<p>Two separate regulations apply to standards related to students with disabilities, alternative standards for students with the most significant cognitive disabilities (1% regulation) and modified achievement standards for other students with disabilities (2% regulation). In a state's accountability system, the scores of students with disabilities assessed against the 1% standards are limited to the number that is 1% of all</p>	<p>Includes language that mirrors the 1% regulation except that it does <u>not</u> include the 1% cap. It does <u>not</u> statutorily authorize the 2% regulation.</p>	<p>Statutorily authorizes the 1% regulation, including the 1% cap.</p> <p>Prohibits the establishment of any other (except the 1% standards and assessments) alternate or modified achievement standards for any subgroup of students.</p>	<p>Statutorily authorizes the 1% regulation, including a 1% cap on the number of students assessed using assessments against alternative standards for students with the most significant cognitive disabilities. Does not authorize the 2% regulation.</p>	<p>Continues the 1% regulation. Requires states to include students with disabilities in the regular assessment once states have developed their assessments based on college and career ready standards, essentially phasing out the 2% regulation and its assessment for states utilizing this authority.</p>

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	students in a state. Scores of students with disabilities assessed against the 2% standards are limited to the number of students that is 2% of all students in a state.				
English Language Proficiency Standards	Each state is required to have English language proficiency standards.	Maintains the requirement to have English language proficiency standards.	Maintains the requirement to have English language proficiency standards. These standards would have to be aligned with any new CCR standards.	Maintains the requirement to have English language proficiency standards. Standards would have to be aligned with the challenging academic content and achievement standards under the bill.	Maintains the requirement to have English language proficiency standards. These standards would have to be aligned with any new CCR standards by the 2013-2014 school year.
Early Learning Guidelines and Early Grade Standards	No applicability	No applicability.	An SEA shall develop, in collaboration with other state agencies responsible for early care and education, early learning standards for preschoolers.	Challenging academic content and achievement standards would have to be aligned with state early learning guidelines required under CCDBG.	No applicability.
Assessments	<p>Each state is required to have assessments in math, science, and reading/English language arts. Math and reading/English language arts are assessed annually in grades 3 – 8 and once in grades 10-12. Science is assessed once in each of the following grade spans: 3 – 5; 6 – 9; and 10-12. In order to make AYP, schools must assess at least 95% of each subgroup in their school.</p> <p>States are required to provide an assurance that they will participate in 4th and 8th grade reading and mathematics assessments under the National Assessment of Education Progress (NAEP) if</p>	<p>Each state is required to have assessments in math, reading/English language arts, and science in the same grades and with the same frequency as current law. Assessments may, at the state's discretion, measure individual student growth.</p> <p>Required assessments may be administered through a single annual assessment or through multiple assessments during the school year that are designed to result in a single summative score.</p> <p>States may use computer-adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system.</p>	<p>Each state is required to have assessments in English language arts, math and science aligned to CCR standards by the 2016-2017 school year. Assessment timelines from current law for these subjects are maintained with the exception that tests in high school must be administered no earlier than the 11th grade.</p> <p>SEAs with at least 10,000 English learners (at least 25 percent of which speak the same language other than English) must have their CCR assessments in this other language.</p>	<p>Requires states to measure the annual academic achievement of all students in math, science and reading/English language arts. Math and reading/English language arts are assessed annually in grades 3 – 8 and once in grades 9-12. Science is assessed once in each of the following grade spans: 3 – 5; 6 – 9; and 10-12.</p> <p>State systems can measure achievement through an annual summative assessment or multiple statewide assessments, the results of which would be required to be combined to produce a summative score.</p> <p>Maintains current law with respect to NAEP participation.</p> <p>Does not specifically allow for local assessments to be used in lieu of state assessments as under original discussion draft released by Senator Alexander.</p>	<p>Maintains the assessment timelines of current law for math, reading/English language arts, and science.</p> <p>Maintains current law with respect to NAEP participation.</p>

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	<p>the Secretary pays for the costs of such assessments.</p> <p>An assessment program is authorized for the development of the annual assessments for reading/English language arts and math and for enhanced assessment activities, such as those funding the development of the Common Core Assessments, English language proficiency assessments, preK assessments and greater accessibility on assessments for students with disabilities.</p>	<p>Maintains current law with respect to NAEP participation.</p> <p>The bill eliminates the program authorizing funds for annual assessment development and enhanced assessment activities but permits the use of “Local Academic Flexible Grants” for that purpose.</p> <p>Adds military-dependent students as a group for which assessments would have to be enabled to produce disaggregated data.</p> <p>Permits a state to delay, for the purposes of the accountability system under the bill, the inclusion of English learners who have attended U.S. schools in the case of reading or language arts for 2 years and in the case of math for 3 years.</p>		<p>Includes Secretary authority to provide up to 5 states initial authority (with potential of expansion) to carry out innovative assessments such as competency-based, cumulative year end assessments.</p>	
Title I State Plan Provisions	<p>The Secretary is required to approve a Title I state plan within 120 days of its submission unless the Secretary determines it does not meet the statutory requirements. States must be provided an opportunity to revise and resubmit their plan.</p>	<p>Largely follows current law, except that the Secretary, the Secretary’s staff or any federal employee may not participate in or influence the peer review process for state plans, except to provide technical information.</p> <p>Specifies that the Secretary does not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State’s academic</p>	<p>Secretarial plan approval largely mirrors current law with the following additions with respect to charter schools:</p> <p>Charter Schools: SEAs are required to establish:</p> <ul style="list-style-type: none"> • A system of periodic evaluation and certification of public chartering agencies using nationally recognized standards; <u>or</u> • A statewide independent chartering agency that meets such standards. <p>In addition, SEAS have to establish requirements for:</p>	<p>The Secretary is required to establish a peer-review process to assist in the review of state plans.</p> <p>The Secretary has 90 days to deem a state plan approved unless there is “substantial evidence” that the plan does not meet requirements.</p> <p>The bill includes a number of limitations on the Secretary in relation to Title I state plans. The Secretary can’t require a state to:</p> <ol style="list-style-type: none"> 1. Include or delete specific elements of a 	<p>No applicability.</p>

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		standards or State accountability system, or to use specific academic assessments or other indicators.	<ol style="list-style-type: none"> 1. Annual filing and public reporting of independently-audited financial statements; 2. Adoption and enforcement of school employee compensation and conflict of interest guidelines; 3. Legally binding charter or performance contracts between each charter school and the school's authorized chartering agency; and 4. Developing and implementing interventions, revocations or closure of charter schools that don't meet these requirements. 	<ol style="list-style-type: none"> 2. Use a specific academic assessment instrument or items; 3. Set specific goals or timelines for use in a state's accountability system; 4. Assign a specific weight to any indicator in a state's accountability system; 5. Include or delete criterion that impacts: standards, assessments, accountability (including goals and weights for indicators), student growth, other academic indicators and teacher and principal effectiveness or evaluation; and 6. Require data collection beyond data derived from federal, state and local reporting requirements and data sources. <p>States are not required to submit their standards for review to the Secretary.</p> <p>State plans are in effect for 7 years or the duration of the state's participation in Title I (whichever is shorter).</p> <p>Failure to meet requirements of the state plan could result in withholding of all funds for state administration, compared to 25% in current law.</p>	
Schoolwide Programs	Schools with 40% and higher levels of students from low income families can operate a schoolwide programs	Current Law	Current Law	Maintains general school-wide eligibility at 40% poverty, but allows LEAs to permit schools with lower poverty percentages to operate school wide programs if approved by the LEA and a needs assessment determine it would best meet the needs of	Current Law

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Report Cards	Each state and LEA is required to publish report cards that include information on student achievement, graduation rates, and the professional qualifications of teachers. LEA report cards also contain information on the number of schools identified for school improvement and comparisons of achievement at individual schools to the LEA and state.	Maintains a requirement for state and LEA report cards. Requirements for state report cards include: <ol style="list-style-type: none"> 1. Student achievement (aggregated and disaggregated by subgroups); 2. Participation rate on assessments (aggregated and disaggregated); 3. Adjusted cohort graduation rates for all public high schools and at a state's discretion, extended cohort graduation rate (for students graduating in five years or less and six years or less); 4. Evaluation results of each public school under the state's accountability system; 5. English acquisition by English learners; and 6. Number and percentage of teachers in each evaluation category (see Teacher Evaluation section), so long as such reporting does not reveal personally identifiable information. LEAs must report on: <ol style="list-style-type: none"> 1. Information required under the state report cards; 2. How students in the LEA compare to students in the state as a whole; and 	Maintains a requirement for state and LEA report cards. Requirements for state report cards include: <ol style="list-style-type: none"> 1. Student achievement (aggregated, disaggregated and cross-tabulated by subgroups) at each achievement level, on student growth, the four-year adjusted cohort graduation rate, state-established equity indicators (see the accountability section), the percentage not taking assessments, and the two-year trends in achievement and growth in each subject area and grade level; 2. Comparison between actual achievement levels and growth of each subgroup and performance and growth targets; 3. Number and percentage of students taking assessments for students with the most significant cognitive disabilities, and achievement information at each achievement level and on student growth by grade and subject; 4. Number and achievement of English learners on English language proficiency assessments; 5. Information on the performance of LEAs on school improvement and the number and name of each school improvement school, and information on the outcomes of the equity indicators; 6. Professional qualifications of teachers in the state; 7. Information on teacher effectiveness, as determined by the state; 8. Clear and concise description of the state's accountability system; and 9. Outcomes related to the quality charter 	students at that school. Maintains the requirement for state and LEA report cards. Elements included on the state report card include: <ol style="list-style-type: none"> 1. A concise description of the accountability system, including goals, indicators and weights of indicators used in such system; 2. For all students and subgroups (plus homeless and foster youth), disaggregation on student achievement on the academic assessments; 3. For all students and subgroups percentage of student assessed and not assessed; 4. For all students and subgroups, information on the postsecondary academic indicator and high school graduation rates used as part of a state's accountability system; 5. Information on other indicators or measure of school quality, such as climate and safety, discipline, school-based arrests and others; 6. Minimum number of students for subgroups to be included in accountability and reporting; 7. Professional qualifications of teachers, principals and other school leaders disaggregated by high poverty compared to low poverty schools on certain categories; 8. Performance of LEAs and schools in the state including the number and names of schools identified for intervention (see school improvement 	Maintains the requirement for state and LEA report cards.

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		<p>3. A school's evaluation results under the state accountability system.</p> <p>The main differences between current law and this bill are the inclusion of the adjusted cohort graduation rates and the exclusion of reporting on two-year trends in student achievement and the percentage of students not tested. In addition, because the bill eliminates the definition of highly-qualified teacher, the report card section instead reports on information on teacher evaluations.</p>	<p>authorizing standards required under the bill (see Title I plan section).</p> <p>LEAs must report on:</p> <ol style="list-style-type: none"> 1. Information required under the state report cards; 2. The number and percentage of schools identified for school improvement and how long the schools have been identified; 3. Per pupil expenditures, including personnel and non-personnel costs; 4. The number and percentage of students who have been: removed from the four-year adjusted cohort rate used for graduation rate calculation purposes and enrolled in high school for more than four years but have not graduated; 5. Comparison on the achievement of students in the LEA and each school compared to the state as a whole (and the LEA as a whole for schools); and 6. Information on the number of military-connected students served by the LEA and their academic achievement compared to all students in the LEA. 	<p>section);</p> <ol style="list-style-type: none"> 9. For states that implement an evaluation system, the results of the evaluation system; 10. Per-pupil expenditures of federal, state and local funds, including actual personnel and non-personnel expenditures; 11. Number and percentage of students with significant cognitive disabilities that take an alternative assessment; 12. Information on acquisition of English proficiency by English learners; 13. Information that the state reports under the Civil Rights Data Collection biennial survey; 14. Results on NAEP in grades 4 and 8 in reading and math; 15. Percentage of students who did not meet the annual state accountability system goals; 16. Any additional information that the state wishes to provide. <p>Local report cards require all of the information reported on the State report cards with the exception of NAEP results as applied to the LEA and school.</p> <p>States are also required to report similar information that is required on the state report card to the Secretary.</p> <p>Starting July 2017, the Secretary, through the Institute of Education Sciences, will transmit a national report card to the House and Senate Committees.</p>	

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Adequate Yearly Progress/ State Accountability	<p>Each state is required to have a definition of adequate yearly progress in place that sets annual measurable objectives (AMOs) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-1014 school year.</p> <p>In addition, secondary schools are required to include graduation rates and elementary schools are required to an academic indicator in addition to the assessments results described above in their definitions of AYP.</p>	<p>AYP is eliminated. States are required to develop an accountability system that is intended to ensure all public school students graduate from high school prepared for postsecondary education or the workforce. Elements of the accountability system include:</p> <ol style="list-style-type: none"> 1. Annual measures of student achievement of public school students (may include growth) using the assessments and other state identified indicators; 2. Annual evaluation and identification of the performance of each public school based on student achievement and the achievement of subgroups at each school (and achievement gaps); and 3. A system for low-performing public schools receiving funds under Title I that requires LEAs to implement interventions in such schools (the term “low-performing” is not defined). <p>The Secretary is not permitted to establish any criteria that specify, define, or prescribe any aspect of a state’s accountability system.</p> <p>The bill states that nothing contained in the bill should be construed to alter a state law giving parents rights with respect to schools that repeatedly did not make AYP. This likely refers to state parent trigger laws.</p>	<p>AYP is replaced with the following structure:</p> <p>States are required to demonstrate the development of an accountability system by the 2016-2017 school year with the following elements:</p> <ol style="list-style-type: none"> 1. Annual measurement of academic achievement of all students, including subgroups in public schools on the achievement and growth standards and graduation rates in high schools. 2. Goals and targets – multi-year goals and annual performance and growth targets must be established separately for each subgroup and expect “accelerated” gains from subgroups that are the furthest away from college and career readiness. Performance targets must be set separately for each subgroup and for LEAs and schools for each grade level in English language arts and math to meet the multi-year state-determined goals, as approved by the Secretary. Growth targets must be established to ensure that all students and subgroups of students meet the growth requirements (see standards section). Graduation rate goals and targets must be set with a goal of not less than 90 percent graduation. 3. Equity indicators that are used to diagnose school challenges and measure progress for schools in the improvement system – <ol style="list-style-type: none"> a. Academic learnings (rigorous coursework completion, such as AP or IB, enrollment in arts courses, and success on end-of-course or performance-based assessments); b. Student engagement (attendance, suspension and expulsion, bullying 	<p>AYP is replaced with a state determined system containing certain parameters. States must annually establish state-designed goals for all students and subgroups of students that take into account the progress necessary for students to graduate high school prepared for postsecondary education or the workforce. Goals are set, at a minimum:</p> <ol style="list-style-type: none"> 1. Student academic achievement on the state assessments and 2. 4 year adjusted cohort high school graduation rates. <p>States must annually measure and report on several indicators that are factors in a State’s accountability determinations. These indicators are:</p> <ol style="list-style-type: none"> 1. Achievement of all students and subgroups of students towards meeting goals; 2. Student achievement on state tests (which may include measure of growth); 3. One state wide measure of postsecondary readiness; 4. High school graduation (based on 4 year adjusted cohort rates and may include an extended year rates at State discretion) 5. English language proficiency of English 	<p>States are required to pick one of three AYP options:</p> <ol style="list-style-type: none"> 1. <u>Half to 100% in six years</u> – States would have to set new AMOs by subgroup that would cut the gap in half between where scores are now (2010-2011 assessment results) and 100% in six years. 2. <u>100% proficiency by 2020</u> – States would be required to set new AMOs to get all students to 100% proficiency by 2020. They would use 2010-2011 school year performance as the starting point. <p><u>State developed option</u> – States could develop their own AMOs on a different timeline than the previous two proposals. These AMOs would have to be ambitious but achievable</p>

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		Permits “other measures of school success” to be part of a state’s accountability system.	<p>and harassment incidents, and student surveys);</p> <ul style="list-style-type: none"> c. Student advancement (on-time promotion rates and credit accumulation, course failure, postsecondary and workforce entry); d. Student health and wellness e. Educator quality (teacher attendance, vacancies, turnover and rates of qualified/effective teachers); and f. School climate (up-to-date materials and technology, school safety, condition of facilities, and family and community engagement). <p>4. Annual differentiation on performance and condition of schools based on:</p> <ul style="list-style-type: none"> a. Achievement measured against the standards; b. Whether a school meets the performance and growth targets; and c. To a “lesser” extent, data on the equity indicators. <p>Subgroup size (n size) for accountability and reporting cannot exceed 15 students.</p> <p>The 95% assessment requirement by subgroup is maintained. A school or LEA that doesn’t test 95% of each of its subgroups will not be considered as meeting their performance goals and targets.</p> <p>A state may average achievement data with the previous school year for determining whether performance targets have been met.</p> <p>Transition provisions: the bill includes provisions to</p>	<p>learners; and</p> <p>6. At the state’s discretion, other valid and reliable indicators of school quality, which may include: student engagement; teacher engagement; student, parent and teacher survey results; school climate and safety data; and other state-determined measures.</p> <p>States are required to establish a system of using all of these indicators to annually identify and differentiate among public schools in the state. The first 4 indicators (achievement toward goals, student achievement, postsecondary readiness indicator and high school graduation rate) must be substantial factors in the process of identification and differentiation, with “substantial” defined by the state.</p> <p>The system must be designed to measure progress of at least 95% of all students and subgroups of students and states must provide a clear explanation of how the state will factor meeting this 95% requirement into its identification and differentiation system.</p> <p>States are permitted to exclude results from the accountability system of English learners who have attended U.S. schools for less than 12 months. States are permitted to include the results of students formerly identified as English learners in the accountability system as results of English learners for up to 2 years after they are no longer identified as such.</p>	

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			<p>be used for a 2 year period to transition states from existing accountability systems to the accountability systems under the bill. Components include:</p> <ul style="list-style-type: none"> • Administering prior assessments and reporting their results; • Establishing a new baseline for performance targets when new assessments are implemented; • Delaying the identification of new, persistently low-achieving schools or schools in need of improvement for one year after the implementation of new assessments, meaning these new identifications would not start until assessment results of the 2017-2018 school year are finalized. 	<p>The Secretary is prohibited from specifying, defining or prescribing:</p> <ol style="list-style-type: none"> 1. Standards or measures used to establish, implement or improve standards or assessment items; 2. Specific goals for students in the accountability system; 3. Any measurement of student growth or the requirement to include growth in the accountability system; 4. Any specific benchmarks targets or goals in the accountability system; 5. The specific weights of any indicators in the accountability system; 6. Any sort of definition of the terms meaningfully or substantially; 7. The methods used by states and LEAs to identify and differentiate among schools; 8. Any aspect of teacher or principal school evaluation or effectiveness; or 9. States are required as part of their accountability system to determine the minimum number of students necessary to include in a subgroup for the purposes of disaggregation (i.e. N size). 	
School	Each LEA must identify	No federally defined system of school	Schools are reviewed on an annual basis and	States are required to use the state-	States are required to identify two main

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Improvement Structure	schools which do not make AYP for a certain number of years for school improvement, corrective action, and restructuring. Schools are identified for school improvement after missing AYP for two years; for corrective action after missing AYP for four years; and for Restructuring after missing AYP for five years.	improvement or intervention. As described under the AYP/State Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools in which LEAs must implement interventions in such schools. The bill does not include any defined percentage of low-performing schools that require interventions.	grouped into three categories of schools based on whether the schools meet the performance targets, growth targets and graduation rate goals and are making progress on the equity indicators (see accountably section above). Based on this review, schools are identified as reward schools, schools in need of support, or high-priority schools. <u>Reward Schools</u> – schools that have the highest performance in the state or have made the most academic progress over at least the most recent two-year period. <u>Schools in Need of Support</u> – schools that have not met one or more performance targets for any subgroup in the same grade and subject for two consecutive years. <u>High-Priority Schools</u> – schools that have the lowest performance in the LEA and state using achievement, growth and graduation rate data and data on the equity indicators. High schools with a 4 year adjusted cohort graduation rate below 67 percent are automatically included. For schools in need of support and high-priority schools, the equity indicators are used to diagnose challenges and measure school progress. Schools in need of improvement and high priority schools both have to form a school improvement team and develop and implement a school improvement plan. School improvement teams for high-priority schools must have an external partner as a member. The team may use a planning period to develop and	determined accountability system (see above) to identify schools for intervention and support. LEAs are required to conduct a review of identified schools and develop and implement evidence-based intervention and support strategies (and a plan for such strategies) that are proportional to the identified needs of the school. As part of the implementation of evidence-based intervention and support strategies, LEAs are required to distinguish between the lowest performing schools and other identified schools (including those identified due to subgroups not meeting goals). All schools identified in need of intervention and support must implement an evidence-based intervention and support strategy and prioritize supports for schools most in need of support. States are also required to monitor and evaluate school intervention and support strategies by LEAs and use results of the evaluation to change or improve strategies. States are required to make technical assistance available to LEAs and are required to ensure LEAs carry out strategies in identified schools. Parents are required to receive notice when a school is identified with an explanation of what the identification means, the reasons for the identification, what the LEA or state is doing to address student achievement and	categories of schools: (1) focus schools, and (2) the priority schools. At state option, a state may identify reward schools. <u>Priority Schools</u> are the bottom 5% of schools in the state. For these schools, states would have to implement one of the four school turnaround models OR design a model based on a set of school turnaround principles. <u>Focus Schools</u> are the 10% of the schools in the state with the worst achievement gaps. Although schools are identified, there is not a federally-defined set of interventions that would apply to these schools. <u>Reward Schools</u> – the top performing schools in the state. Among other approaches, such schools may receive visits from state officials, be honored, or receive monetary awards.

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			<p>implement the school improvement plan (the planning period can be no longer than one school year).</p> <p>This plan would describe the activities taken to implement the plan, why the school did not make its targets, and the challenges identified by the equity indicators; the necessary evidence-based strategies to improve instruction; an analysis of the staffing, budget, curriculum, time, and other resources necessary to implement the plan; the roles and responsibilities of the SEA, the LEA and school in the plan; and the plan for evaluating implementation of the plan.</p> <p>Schools that are identified as high-priority schools (in addition to the plan requirements described above) must have these additional elements addressed in their school plan:</p> <ol style="list-style-type: none"> 1. School-wide factors, such as high expectations, school climate, staff commitment to the plan, and clear benchmarks and targets; 2. Organization of the school and alignment of the school's resources to allow for having a common planning time for teachers, redesigning the school day or calendar, and having flexible school periods; 3. Increased teacher and school leader effectiveness through: replacing the principal or demonstrating that the principal has the sufficient skills and capacity, screening all existing staff, offering bonuses to attract effective teachers, and professional development and supports; 4. Improved curriculum and instruction through: increasing access to rigorous and advanced course work, increasing access to 	<p>other measures in the school, an explanation of how parents can become involved and public school choice options (if implemented by the LEA).</p> <p>States are specifically authorized to develop strategies for LEAs to use in identified schools (in addition to LEA identified strategies).</p> <p>Unlike current law, public school choice is optional for the LEA to implement for students in identified schools. LEAs choosing this option may use up to 5% of their Title I funds to support transportation related to public school choice.</p>	

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			contextualized learning opportunities, and collecting and using data for instruction; 5. Academic and social supports through intensive interventions, personalizing the learning experience, tutoring, extended learning and credit recovery, multi-tier systems of supports, and universal design for learning; 6. Engagement of community and family members; and 7. Control over governance policies, staffing and compensation.		
School Improvement Strategies	Under Restructuring, LEAs are required to adopt one of five alternative governance arrangements for such schools: 1. reopening the school as a charter school; 2. replacing all or most of the school staff relevant to the failure to make AYP; 3. operating the school under a private management company; 4. state takeover; and 5. other major restructuring of the school's governance arrangement. Under the regulations for the School Improvement Grant (SIG) program, schools identified for assistance must implement one of four turnaround models:	No such provision. No specific federally-defined system of school improvement or intervention. As described under the AYP/State Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools in which LEAs must implement interventions in such schools.	If a school in need of support has implemented their plan for three years without meeting the goals and targets identified in the plan or their improvement indicators, the SEA or LEA shall determine whether the school should partner with an external partner to implement a revised school improvement plan. If a high-priority school has not demonstrated progress on the goals and targets identified in the plan for three years, the LEA, in collaboration with the SEA, shall determine whether to implement school closure or replacement plans for the school, or require state take-over of the school. A similar decision must be made after five years of the implementation of such a plan.	The bill does not prescribe specific school improvement strategies. There is a prohibition stating that the Secretary cannot establish criterion that specifies, defines or prescribes the school assistance strategies that states or LEAs use to assist identified schools or the weight of any indicator or measure that a state uses to identify schools.	Priority schools would be required to implement one of the four school intervention models under the School Improvement Grant program or a State-designed intervention model based on a federally-defined set of turnaround principals. The Administration defines turnaround principles as meaningful interventions designed to improve the academic achievement of students in priority schools. Specifically the turnaround principles must require: 1. Reviewing the current principal's performance and replacing the principal if necessary; 2. Providing operational flexibility to the principal; 3. Reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; 4. Preventing ineffective teachers from transferring to these schools; and

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	<p>Turnaround Model, which would include, among other actions, replacing the principal and at least 50% of the school's staff, adopting a new governance structure, and implementing a new or revised instructional program.</p> <p><u>Restart Model</u>, in which an LEA would close the school and reopen it under the management of a charter school operator, a charter management organization (CMO), or an educational management organization (EMO) that has been selected through a rigorous review process.</p> <p><u>School Closure</u>, in which an LEA would close the school and enroll the students who attended the school in other, high-achieving schools in the LEA.</p> <p><u>Transformation Model</u>, which would address each of four specific areas critical to transforming the lowest-achieving schools including:</p> <ul style="list-style-type: none"> • <u>Developing teacher and school leader effectiveness</u> which would include 				<p>providing professional development;</p> <ol style="list-style-type: none"> 5. Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration; 6. Strengthening the school's instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with state academic content standards; 7. Using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data; 8. Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs; and 9. Providing ongoing mechanisms for family and community engagement.

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	<p>evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance;</p> <ul style="list-style-type: none"> • <u>Comprehensive instructional reform strategies</u> which would include the use of: instructional programs that are vertically aligned from one grade to the next; and individualized student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction; • <u>Extending learning time and creating community-oriented schools</u> which would include providing: more time for students to learn core academic content by expanding the school day, the school week, or the 				

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	<p>school year; more time for teachers to collaborate, including time for horizontal and vertical planning to improve instruction; more time or opportunities for enrichment activities for students; and ongoing mechanisms for family and community engagement;</p> <ul style="list-style-type: none"> • <u>Providing operating flexibility and sustained support</u> which would include: giving the school sufficient operating flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes; and ensuring the school receives technical assistance from the 				

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	LEA, SEA, or an external lead partner organization (such as a school turnaround organization or an EMO).				
Supplemental Educational Services (SES) and Public School Choice	Students in schools which have not made AYP for two consecutive years must be offered the ability to choose another public school and the LEA must provide or provide for transportation. Students in schools which have not made AYP for three years must be offered free tutoring (supplemental educational services).	States are required to reserve 3% of their Title I allocation to provide competitive grants to LEAs to provide “direct student services” (tutoring and/or to pay for the costs of transportation associated with public school choice).	No such provision	As described above, LEAs may but are not required to implement public school choice for students in identified schools. SES is not referenced or required under this bill.	States receiving flexibility from the Secretary would be permitted to waive the requirement to do supplemental educational services and public school choice.
Title I State Set-Aside for School Improvement	States must reserve 4% of their Title I, Part A grant of which 95% must be allocated to LEAs to assist schools identified for school improvement.	Would increase the set-aside from 4% to 7% of a state’s Title I program. Including the reservation for competitive grants to LEAs for tutoring and public school choice, the total state reservation is 10% of Title I.	Maintains current law.	Largely maintains current law.	No applicability.
High School Provisions	As mentioned in the AYP/state accountability section, graduation rates are required to be included as an additional indicator in state AYP definitions	As mentioned in the AYP/State accountability section, AYP and its indicators are eliminated. As described in the Report Card section, states and LEAs are required, as part of their report cards, to report on the adjusted cohort (and, if applicable, the extended adjusted cohort) graduation rate of all public	As mentioned in the AYP/State accountability section, high schools with less than a 67% graduation rate are automatically designated as high-priority schools.	Graduation rates (including the 4-year adjusted cohort graduation rates and extended-year adjusted graduation rates) are included in report cards and in the state determined accountability system as described above.	No applicability.

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		high schools in a state.			
Comparability	LEAs are permitted to receive funds under Title I, if state and local funds are used in Title I schools to provide comparable services to those in schools which are not receiving Title I.	Maintains existing comparability requirements.	Within five years after the date of enactment of the bill, LEAs that receive Title I funding must be able to demonstrate to the state that their combined state and local per-pupil expenditures (which would include actual personnel and actual non-personnel expenditures) in each Title I school are not less than the average such amount at non-Title I schools in the LEA. LEAs are permitted to meet this requirement for five years after the date of enactment of the bill by filling teacher vacancies with new teachers who improve the comparability calculation described above.	Maintains existing comparability requirements.	Maintains existing comparability requirements.
Highly Qualified Teachers	All Teachers in title I programs must be highly qualified. All states must have a plan in place to ensure that teachers teaching in core academic subjects are highly qualified.	Eliminates any requirements related to highly-qualified teachers and the definition of highly qualified teachers.	Includes a new definition of “qualified” that maintains some elements of the existing highly-qualified definition. It eliminates an express requirement for “qualified” teachers to be state-certified and instead says qualified teachers must meet all requirements under state law. It adds that new teachers must pass a teacher performance assessment in states that require such an assessment. It specifically permits, at the discretion of the state, new teachers who are in alternative-route certification programs (but have not yet completed such programs) to be defined as qualified if such teacher is supervised by a mentor teacher. The bill maintains a requirement for demonstration of subject matter knowledge. It grandfathers in any “highly-qualified” teacher before the passage of the bill as “qualified.”	Eliminates any requirements related to highly qualified teachers and replaces them with a requirement for teachers working in Title I programs to meet applicable state certification and licensure standards. States are also required, as part of their state plan, to describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out of field and inexperienced teachers, principals or other school leaders. States are required to describe the measures they will use to evaluate and publicly report on this requirement.	Maintains the existing highly qualified definition, except that there would be no consequences for states, such as having to take over a LEAs professional development program, if not all of their teachers are highly qualified.
Follow the Child State Option (Portability)	No applicability	SEAs are permitted to adopt a new method of allocating funds based on actual enrollment of eligible children at Title I schools. LEAs would be required once a year to determine the number of eligible children in their	No applicability	No applicability	No applicability

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		public schools. Eligible children would be defined as those children from families with income below the poverty line as determined via census data.			
Teacher and Principal Evaluation	No such requirement	<p>LEAs (in states that are not adopting statewide teacher evaluation systems) would be allowed, but not required, to use Title II funds to develop and implement teacher evaluation systems. While the teacher evaluation system could be wholly defined by the LEA, the bill provides several elements of a system that may be included:</p> <ol style="list-style-type: none"> 1. The use of student achievement data (from a variety of sources) as a "significant factor" in the evaluation, with the weight given to such data to be defined by the LEA; 2. The use of multiple measures; 3. The setting of two or more categories for rating teacher performance; 4. The use of the system in personnel decisions (as determined by the LEA); and 5. Input from parents, school leaders, teachers and other staff. <p>LEAs would also be permitted to use their Title II funds to develop a school leader evaluation system</p> <p>States could also use funds under Title II to develop a statewide school</p>	LEAs receiving Title II formula grants would be permitted to use Title II funds to develop and implement teacher and principal evaluation systems. SEA and LEA applications for funds are required to describe such systems, if any, in the state or LEA and use the results of such systems for various activities.	Under Title II, SEAs and LEAs are permitted to develop and implement teacher and principal evaluation systems that are based in part on evidence of student achievement.	<p>Would require SEAs and LEAs to develop, adopt, and implement teacher evaluation and support systems. The system would be required to:</p> <ol style="list-style-type: none"> 1. Be used for continual improvement of instruction; 2. Differentiate between at least three performance levels; 3. Use multiple valid measures in determining performance levels, including as a significant factor, data on student growth, and other measures of professional practice; 4. Be used to evaluate teachers and principals on a regular basis; 5. Provide feedback that identifies needs and guides professional development; 6. Be used to inform personnel decisions. <p>In the request for flexibility an SEA must include a plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by no later than the end of the 2011-2012 school year.</p>

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		leader and/or teacher evaluation system. The elements of such a system are not defined in the bill.			
TIF	Appropriations bills have funded the Teacher Incentive Grant program. This program largely allows LEAs to operate alternative compensation models for teachers, including augmenting or basing teacher pay on academic performance.	Does not authorize TIF. See “Teacher and School Leader Flexible Grant” below. The bill repeals the Teacher Quality Partnership program authorized in the Higher Education Act. The bill creates a new “Teacher and School Leader Flexible Grant” authority under which funds are allocated to states by formula with eligible entities at the local level competing for funds for a variety of activities related to teachers and principals, including performance pay, certification reform, teacher residency programs, and induction and mentoring programs. Eligible entities include an LEA or consortium of LEAs, an LEA in partnership with an IHE, a partnership between an LEA and a for-profit or non-profit organization, or an LEA in partnership with any combination of an IHE or a for-profit or nonprofit organization.	Authorizes a Teacher and Leader Innovation Fund to (1) improve teacher evaluation systems and the interventions and personnel decisions resulting from such systems; and (2) improve teacher and school leader compensation and career-development systems.	Maintains a separate Teacher Incentive Fund program, renaming it the Teacher and School Leader Incentive Fund. This version of the program in this bill would maintain a focus on performance-based compensation systems and provide an expanded focus to include the implementation, improvement or expansion of human capital management systems for teachers, principals and other school leaders. These systems would have to be developed in collaboration with teachers, principals and other school leaders. Grantees can conduct several activities with grant funds, including developing or improving an evaluation system, conducting outreach on how to construct an evaluation system, providing principals and other school leaders with autonomy and authority to make budgeting, scheduling, and staffing decisions, paying through a differentiated salary structure, improving recruitment, selection and placement of effective teachers and school leaders, and instituting career advancement opportunities.	Not addressed in waiver package.
RTTT	The American Reinvestment and Recovery Act of 2009 created the Race to the Top program (RTTT). This program provided competitive awards to states that agreed to institute a series of	Does not authorize such program.	Does not authorize such program.	Does not authorize such program.	Not applicable to the waiver package.

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	education reforms focused on college and career ready standards, improved teacher quality, better education data systems, and improving school turnaround.				
i3	The American Reinvestment and Recovery Act of 2009 created the Investing in Innovation (i3) program. This program provided competitive awards to grants to develop and validate promising practices, strategies, or programs with potential to improve student outcomes but for which efficacy has not yet been systematically studied.	Does not authorize such program. See the Local Academic Flexible Grant below.	Permits up to 30 percent of a \$750 million authorization to be used to fund the identification, development, evaluation and expansion of innovative, evidence-based practices programs and strategies (similar to the existing i3 initiative.) Also permits up to 5 percent of such authorization to be used to carry out an ARPA-ED initiative.	Does not authorize such program.	Not applicable to the waiver package.
School Library Programs	Improving Literacy Through School Libraries – Authorized grants to LEAs (in which at least 20% of students served are from families with incomes below the poverty line) to improve literacy skills and academic achievement by providing students with: <ul style="list-style-type: none"> • Increased access to up-to-date school library materials; • Well-equipped, technologically advanced school library media centers; and 	No such provision.	Does not include a stand-alone school library program, but includes the following provisions related to libraries: <ul style="list-style-type: none"> • Required State Planning Grant activities (under Title V, Part D, Subpart 2 – Grants to Support Comprehensive Literacy Education) include reviewing reading, writing, or other literacy resources and programs, such as school library programs...to identify any literacy needs and gaps in the State. • State Implementation Grant Applications (under Title V, Part D, Subpart 2 – Grants to Support Comprehensive Literacy Education) must include a description of how the SEA will strengthen partnerships among schools, libraries, local youth serving agencies, and 	Does not include a stand-alone school library program, but includes the following provisions related to libraries: <ul style="list-style-type: none"> • Authorizes state and local uses of funds under Title II, Part A for “supporting the instructional services provided by school librarians.” • Grants awarded to LEAs under Title II, Part C (Teaching of Traditional American History) must include a partnership with an institution of higher education; a nonprofit history or humanities organization or a library or museum. • Uses of funds under Title II, Part D 	No applicability.

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	<ul style="list-style-type: none"> Well-trained professionally certified school library media specialists. <p>Note: Last funded in FY 2010.</p>		<p>programs, in order to improve literacy for all children and youth.</p> <ul style="list-style-type: none"> State Use of Grant Funds (under Title V, Part D, Subpart 4 – Transforming Education Through Technology Grants) must be used to ensure that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology for curriculum redesign; formative and summative assessment administration, data analysis, and to personalize learning; improve student technology literacy; expand the range of supports and accommodations available to English-language learners and students with disabilities; and ongoing professional development. Local Subgrant Use of Funds (under Title V, Part D, Subpart 4 – Transforming Education Through Technology Grants) must be used to carry out digital age professional development opportunities for teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the effective use of modern information and communication technology tools and digital resources to deliver instruction, curriculum and school classroom management. 	<p>(Literacy for All, Results for the Nation) include coordination with school libraries in the development of literacy activities.</p>	
Local Academic Flexible Grant	No such provision.	The bill creates a new program funding two separate authorities: (1) Local Competitive Grant Program; and (2) Awards to Nongovernmental entities to improve academic achievement.	Not applicable. The bill maintains separate 21 st Century Community Learning Centers, the Parental Information and Resource Centers program (renamed the Family Engagement in Education program), Striving Readers, and State Technology Grants, and creates a Well-Rounded education	No such provision.	No such provision.

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		<p>These authorities would be administered by states that receive formula allocations from the U.S. Department of Education. States would be permitted to reserve 17% of program funding for state-level activities, including paying for the costs of developing and administering the standards and assessments under Title I, administrative costs, monitoring and evaluation, technical assistance, and sharing of evidence-based strategies. States are required to use a portion of their reservations to award competitive grants to blended learning projects.</p> <p><u>Local Competitive Grant</u> – This authority, funded with not less than 75% of each state’s Local Academic Flexible Grant funds, would make awards to eligible entities to fund supplemental student support activities, such as tutoring, afterschool and extended day (but not athletics or in-school learning) <u>and</u> classroom support activities, such as subject-specific programs, adjunct teacher programs, and parent engagement, but not class size reduction, construction, or providing compensation or benefits to teachers, principals, or school officials. Funds would be used for students who maintain enrollment in public schools. Any activity that is permitted under state law would be allowed to be</p>	<p>authority to fund various activities such as civic and economic education, foreign language education, arts education, and gifted and talented programs.</p>		

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		<p>funded under this authority.</p> <p><u>An eligible entity is defined as:</u></p> <ol style="list-style-type: none"> 1. An LEA (or a consortium of LEAs) in partnership with a community-based organization (CBO), private-sector business entity or NGO; 2. A CBO in partnership with an LEA and, if applicable, a private-sector business entity or NGO; or 3. A private-sector business entity in partnership with an LEA and, if applicable, a CBO or NGO. <p><u>Awards to Nongovernmental Entities to Improve Academic Achievement –</u> This authority, funded with not less than 8% of each state's Local Academic Flexible Grant Funds, would provide funds to public or private organizations, CBOs, and business entities for programs that improve public student achievement. Grantees would have to show evidence of how the program would improve student achievement and share evidence-based and other effective strategies with LEAs and others working with students. Entities receiving funds would be required to provide a 50% match.</p>			
Transferability/ Flexibility in Using Funds	Under current law, states (with the state share of funds) and LEAs (with the local share of funds) can generally	The bill allows states with the state share of funds and LEAs with the local share of funds to expend certain program funds on any state or LEA	Maintains current law.	The bill increases the transfer authority to 100% and limits it to Titles II (teachers and principals) and IV (healthy students).	No such provision.

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	transfer up to 50% of a program's allocation among certain programs. The only programs presently receiving funding for which this authority applies to are Title I, Part A and Teacher Quality Grants (Title II, Part A). States or LEAs are not permitted to transfer funds out of Title I.	<p>activity (respectively) authorized under certain programs. The following programs are generally impacted by this authority: Title I School Improvement, Title I State Administration, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education, and a new combined rural education achievement program.</p> <p>The state share of the above programs can be used for any authorized activity under any of the same programs, except for the main Title I program and the Rural Education Achievement Program, in which state shares are not included in the state authority.</p> <p>The LEA share of the above programs can be used for any authorized activity under any of the same programs, except all authorities related to the main Title I program.</p>			
Maintenance of Effort (MOE)	Under most ESEA programs, states and/or LEAs must maintain the amount of state and/or LEA funding that is being expended in the prior fiscal year. Allows the Secretary to waive MOE in the event of natural disasters or precipitous decline in State resources.	Eliminates maintenance of effort (MOE) provisions from ESEA programs.	Maintains these provisions.	Maintains maintenance of effort (MOE) requirements and only allows reductions in MOE if a state has failed to meet MOE for 1 or more of the 5 immediately preceding fiscal years. Adds an additional authority for the Secretary to waive MOE in the event of a change in the organizational structure of an LEA.	No applicability.
STEM	Provides authorization for the	Repeals the MSP program and does	Authorized "Grants to Support STEM Education"	Repeals the MSP program and does not	No applicability.

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Education	Math and Science Partnership (MSP) Program.	not include any separate funding stream for STEM education.	which includes STEM Master Teacher Corps and formula grant for STEM activities to States.	include any separate funding stream for STEM education. Adds technology, engineering, and computer science to the definition of "Core Academic Subjects."	
ESEA Waivers	States, LEAs or Indian tribes may request waivers of ESEA provisions. These waivers must demonstrate how they will increase the academic achievement of students. Waivers are not permitted for: <ul style="list-style-type: none"> • Allocations or distributions of funds to states, LEAs or other recipients. • Maintenance of effort • Comparability • Supplement not Supplant • Private school participation • Parental participation and involvement • Civil rights • Charter School requirement • Prohibitions regarding state aid and religious worship or instruction • Prohibitions on using ESEA funds for the development and distribution of materials that encourage sexual activity or are legally 	<p>The Secretary must approve a waiver request within 60 days unless the Secretary determines and demonstrates that the waiver is of a restricted item, won't increase student academic achievement and does not provide for adequate evaluation.</p> <p>The bill also requires the Secretary to establish a peer review process for reviewing waiver requests and must use this peer review process if a waiver will not be approved.</p> <p>The bill also strikes the prohibition on waiving maintenance of effort since the bill strikes this requirement from the bill (see above).</p> <p>The bill limits the amount of time a waiver can be approved from four years to three years.</p> <p>The bill maintains current law limitations on what can be waived by the Secretary.</p> <p>Lastly, the bill prohibits the Secretary from putting various conditions on a waiver request in order to approve such request.</p>	No changes to current law.	The Secretary is required to approve a waiver request within 90 days unless it does not meet the requirements of the waiver section. The Secretary is prohibited from disapproving a waiver request based on conditions outside the scope of the request. The Secretary is also prohibited from placing a condition, criterion or priority on a waiver request unless it involves a requirement under ESEA or is directly related to the waiver request.	No applicability.

Issue	Current Law	H.R. 5 Kline ESEA Bill (Passed House Committee on February 11, 2015)	Scott ESEA Substitute Amendment in House Committee	Alexander/Murray ESEA bill (Released April 7, 2015)	Administration ESEA Waiver Package
	obscene <ul style="list-style-type: none"> • Prohibitions on using ESEA funds to providing sex education, or distribute condoms • Selection of school attendance areas under Title I that are more than 10% lower in poverty than those selected without a waiver 				
Impact on Existing ESEA Waivers of the States	No applicability.	No applicability.	No applicability.	No applicability.	No applicability.
Department Staff	No applicability.	Within 60 days of the enactment of Student Success Act, the Secretary shall: <ol style="list-style-type: none"> (1) Identify the number of Department employees who worked on or administered each program that was in effect on the day before the passage of the Student Success Act and publish that information on the Department's website; (2) Identify the number of employees who worked on or administered programs that were eliminated by the Student Success Act; (3) Within one year of the passage of the Student Success Act, reduce the number of 	No applicability.	No applicability.	No applicability.

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		<p>Department of Education full-time equivalent employees calculated under (2); and</p> <p>(4) Within one year of the enactment of the Student Success Act, report on how the Secretary reduced the number of employees as described under (3).</p> <p>Reporting is required on salaries of Department of Education employees.</p>			
Voluntary Participation in ESEA	Not addressed.	<p>States that do not receive, or opt out of receiving, ESEA funds do not have to carry out any requirements under ESEA.</p> <p>Adds a Sense of Congress that states and LEAs maintain control over curriculum and assessments. The findings associated with this Sense of Congress assert that Race to the Top (RTTT), RTTT assessments and ESEA waivers have influenced, incentivized, and coerced SEAs to implement Common Core State Standards.</p> <p>Prohibits the Secretary from imposing any requirements not explicitly authorized under ESEA or issuing regulations without first “consulting local stakeholders and fairly addressing their concerns.”</p>	Not addressed.	No applicability.	No applicability.
State Legislative Signoff on	No such provision.	Requires state legislatures to specifically authorize a state to receive ESEA funds before the	No such provision.	No such provision.	No such provision.

Issue	Current Law	H.R. 5 Kline ESEA Bill (Passed House Committee on February 11, 2015)	Scott ESEA Substitute Amendment in House Committee	Alexander/Murray ESEA bill (Released April 7, 2015)	Administration ESEA Waiver Package
Participation		Secretary may allocate funds to such a state.			
Criminal Background Checks	No such provision.	Requires criminal background checks of employees and prohibits the employment of individuals who are required to register for sex offenses or have committed certain felonies in order for an LEA or SEA to be eligible for ESEA funds.	No such provision.	No such provision.	No such provision.