



# ESEA Reauthorization Proposals in the 112<sup>th</sup> Congress: Comparison of Major Features

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## Summary

The Elementary and Secondary Education Act (ESEA) was last amended by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110). During the 112<sup>th</sup> Congress, both the House and Senate have considered legislation to reauthorize the ESEA. On October 20, 2011, the Senate Health, Education, Labor, and Pensions (HELP) Committee considered and ordered reported the Elementary and Secondary Education Reauthorization Act of 2011 (S. 3578; S.Rept. 112-221) by a bipartisan vote of 15-7. The House Education and Workforce Committee considered and ordered reported two bills that together would provide for a comprehensive reauthorization of the ESEA: (1) the Student Success Act (H.R. 3989, H.Rept. 112-458), and (2) the Encouraging Innovation and Effective Teachers Act (H.R. 3990; H.Rept. 112-459 Part 1). Both bills were ordered reported on February 28, 2012, on strictly partisan votes (23-16 in each case). It is unclear whether S. 3578 or H.R. 3989 and H.R. 3990 will be considered on the Senate or House floors, respectively.

S. 3578 and H.R. 3989 and H.R. 3990 would take different approaches to reauthorizing the ESEA, most notably in three key areas:

1. **Accountability for student achievement:** Both S. 3578 and H.R. 3989 would modify current accountability requirements related to student achievement, including eliminating the requirement to determine adequate yearly progress (AYP) and the requirement to apply a specified set of outcome accountability provisions to all schools, regardless of the extent to which they failed to make AYP. While both bills would continue to require that states have standards for, and assess students annually in, reading and mathematics, only S. 3578 would continue to require states to have standards and assessments in science. S. 3578 would require various interventions to be implemented in certain low achieving schools, while H.R. 3989 would not require specific actions to be taken in low performing schools.
2. **Teacher quality versus teacher effectiveness:** S. 3578 would retain requirements related to “teacher quality” unless a state met several requirements related to teacher performance evaluation, including using student achievement as part of the teacher evaluation process. H.R. 3989 and H.R. 3990 would eliminate current “teacher quality” requirements but would require local educational agencies to implement teacher performance evaluation systems based, in part, on student achievement.
3. **Targeted support for elementary and secondary education versus the use of a block grant:** Each bill would consolidate some existing competitive grant programs, but H.R. 3989 and H.R. 3990 would consolidate a greater number of programs than S. 3578. At the same time, S. 3578 would create several new targeted grant programs, while H.R. 3990 would greatly expand the use of block grant funding.

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## Introduction

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

During the 112<sup>th</sup> Congress, both the House and Senate have considered legislation to reauthorize the ESEA. On October 20, 2011, the Senate Health, Education, Labor, and Pensions (HELP) Committee considered and ordered reported the Elementary and Secondary Education Reauthorization Act of 2011 (S. 3578; S.Rept. 112-221) by a bipartisan vote of 15-7. The House Education and Workforce Committee considered and ordered reported two bills that together would provide for a comprehensive reauthorization of the ESEA: (1) the Student Success Act (H.R. 3989, H.Rept. 112-458), and (2) the Encouraging Innovation and Effective Teachers Act (H.R. 3990; H.Rept. 112-459 Part 1). Both bills were ordered reported on February 28, 2012, on strictly partisan votes (23-16 in each case). It is unclear whether S. 3578 or H.R. 3989 and H.R. 3990 will be considered on the Senate or House floors, respectively.

S. 3578 and H.R. 3989 and H.R. 3990 would take different approaches to reauthorizing the ESEA, most notably in three key areas: (1) accountability for student achievement, (2) teacher quality versus teacher effectiveness, and (3) targeted support for elementary and secondary education versus the use of a block grant. In addition, both the HELP Committee and Education and Workforce Committee bills would eliminate existing programs, while creating new programs.

This report examines major features of S. 3578, H.R. 3989, and H.R. 3990 with respect to current law.<sup>2</sup> The report begins by discussing the approach that each bill takes toward reshaping the ESEA in key areas. Next, the report provides a structured orientation by ESEA title and part to how the ESEA would be reconfigured under each bill. Then it more thoroughly summarizes the major proposals in the aforementioned bills, focusing on those aspects of the bills that would fundamentally change a portion of current law. The report does not aim to provide a comprehensive summary of these bills or of technical changes that would be made by each measure. The report concludes with an appendix that examines the proposed program authorizations included in each bill. As H.R. 3989 and H.R. 3990 would collectively provide for a

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

<sup>2</sup> This report focuses on a comparison between current law and S. 3578, H.R. 3989, and H.R. 3990. It does not examine how the various ESEA reauthorization proposals would compare with the ESEA flexibility package being offered to states by the U.S. Department of Education (ED). The ESEA flexibility package allows states to waive many of the current accountability requirements included in current law in exchange for states meeting four principles established by ED. For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*, by Rebecca R. Skinner and Jody Feder.

comprehensive reauthorization of the ESEA, beginning with the structured orientation to how the bills would change the ESEA, they are considered as if they are one bill.

For the purposes of this report, a program is considered to be a new program if the program is a newly proposed program or is a substantively changed or reconfigured existing program (e.g., changes multiple aspects of a program, such as the purpose of the program, distribution of funds, uses of funds, or eligible recipients of funds). Programs included in the ESEA reauthorization bills are considered to be similar to programs in current law if they are substantively similar in purpose, recipients, and activities. The tables in this report refer to these programs as being “retained” by a particular bill. For example, the Advanced Placement program is considered to be retained under S. 3578, as the new program (Accelerated Learning) would be substantively similar to the program included in current law, despite the inclusion of new funding to support tests administered under the International Baccalaureate program. On the other hand, the block grant program created under H.R. 3990 is considered a new program, as it differs from the current Innovative Programs block grant program in numerous ways including program purposes, funding to subgrantees, and allowable activities. Concurrently, the current law block grant program is considered to be “not retained” under H.R. 3990.

It should be noted that an indication that a particular program or activity would not be included in a particular bill does not mean that all of the activities authorized under current law for the program would be eliminated. The activities may be continued under a different program. For example, while H.R. 3989 and H.R. 3990 would no longer retain many of the current ESEA programs, H.R. 3990 would include a block grant program under which funds could potentially be used for similar activities as were permitted or required under some programs that would not be retained. The uses of funds under the proposed block grant program are discussed in this report. Similarly, if an existing program or activity is not specifically mentioned as allowable under a new program, it should not be assumed that funds could not be used to support such programs or activities. It is beyond the scope of this report to discuss proposed programs or activities in great detail. At the same time, an indication that a program would be “similar to current law” does not mean that it would be retained without changes. As previously discussed, this report focuses on major changes that would be made to current law, so there may be additional changes made to a program or activity that are not highlighted in this report.

## **Brief Summary of Reauthorization Approaches in Key Areas**

This section of the report examines the reauthorization approaches taken by S. 3578, H.R. 3989, and H.R. 3990 in three key areas: (1) accountability for student achievement, (2) teacher quality versus teacher effectiveness, and (3) targeted support for elementary and secondary education versus the use of a block grant. For each of the three areas, a brief discussion of the treatment of the issue under current law is included, followed by a summary of how S. 3578, H.R. 3989, and H.R. 3990 would address the issues.

### **Accountability for Student Achievement**

Under NCLB, a series of comprehensive standards-based accountability requirements were enacted. States, local educational agencies (LEAs), and schools must comply with these

requirements in order to receive Title I-A funds. The key features of these requirements are discussed below. This is followed by a brief discussion of how S. 3578 and H.R. 3989<sup>3</sup> would treat each of these requirements.

- **Standards.** At a minimum, each state must adopt challenging academic content and challenging student academic achievement standards in mathematics and reading/language arts (hereinafter referred to as reading) for each of grades 3-8 and for one grade in grades 10-12. States must also adopt content and achievement standards for science for at least three grade levels (grades 3-5, grades 6-9, and grades 10-12). States may choose to adopt standards for other subject areas.
- **Assessments.** All states must develop and implement yearly assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. In addition, the state must develop and administer science assessments aligned with content and achievement standards once in grades 3-5, grades 6-9, and grades 10-12
- **Annual measurable objectives (AMOs).** States must develop AMOs that are established separately for reading and mathematics assessments, are the same for all schools and LEAs, identify a single minimum percentage of students who must meet or exceed the proficient level on the assessments that applies to the all students group and each subgroup for which data are disaggregated,<sup>4</sup> and must ensure that all students will meet or exceed the state's proficient level of achievement on the assessments based on a timeline established by the state. The timeline must incorporate concrete movement toward meeting an "ultimate goal" of all students reaching a proficient or higher level of achievement by the end of the 2013-2014 school year.
- **Adequate yearly progress (AYP).** AYP is determined based on three components: student academic achievement on the required state reading and mathematics assessments, with a focus on the percentage of students scoring at the proficient level or higher; 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated; and performance on another academic indicator, which must be graduation rates for high schools. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all three indicators for the all students group and any subgroup for which data are disaggregated. AYP must be determined separately and specifically not only for all students but also for all subgroups for which data must be disaggregated within each school, LEA, and state.
- **Consequences based on performance.** States are required to identify LEAs, and LEAs are required to identify schools, for program improvement if the LEA or school failed to meet the state AYP standards for two consecutive years. LEAs or

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<sup>3</sup> For the purposes of this discussion, all of the relevant accountability provisions are included in H.R. 3989.

<sup>4</sup> Provided minimum group sizes are met, data must be disaggregated for economically disadvantaged students, limited English proficient students, students with disabilities, and students in major racial and ethnic groups as determined by the state. These specified demographic groups are often referred to as subgroups. For reporting purposes, if minimum group sizes are met, data must be disaggregated for the aforementioned subgroups as well as by gender and migrant status.

schools that fail to meet AYP standards for additional years are required to take a variety of actions. For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice to students, develop a school improvement plan, and use Title I-A funds for professional development. Failure to make AYP for an additional year results in a school also having to offer supplemental educational services (SES). LEAs are required to reserve 20% of their Title I-A funds for transportation for public school choice and for SES. Schools that fail to make AYP for an additional year continue to do all of the aforementioned activities and enter into corrective action. Under corrective action, they are required to take one of several statutorily specified actions, including replacing school staff, changing the curriculum, extending the school year or school day, or working with an outside expert. Subsequent failure to make AYP requires a school to plan for and, ultimately, implement restructuring. Restructuring involves the continuation of the aforementioned activities and implementation of an alternative governance structure, such as converting to a charter school. It should be noted that these consequences are applied regardless of the extent to which a school failed to make AYP in a given year but consequences need only be applied to schools receiving Title I-A funds.

### **S. 3578**

S. 3578 would retain similar requirements related to standards and assessments; however, all states would be required to develop college and career ready standards in reading and mathematics, and assessments would have to be aligned with these new standards. States would have the discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. They would no longer be required to establish AMOs, but they would be required to determine whether students were on-track to being college- and career-ready by the time they graduated from high school. The bill would also eliminate the concept of AYP. It would require that assessments be administered to not less than 95% of all students and not less than 95% of the members of each subgroup for which data are disaggregated. The bill would also require that high school graduation rates be reported. While no specific consequences are associated with failing to meet the participation rate requirement, schools with relatively low graduation rates may be subject to interventions. In addition, while states would be required to determine whether students are on-track to being college- and career-ready, there would be no “ultimate goal” with associated consequences toward which states, LEAs, and schools must work.

With respect to “consequences,” states would be required to identify “persistently low-achieving schools,” which would include the lowest performing 5% of elementary and secondary schools (not including high schools) based on assessment results, the lowest 5% of high schools based on graduation rates and assessment results, and all other high schools with less than a 60% graduation rate. These schools would be required to implement a transformation, strategic staffing, turnaround, whole school reform, restart, or closure model, or other strategies approved by the Secretary. The bill would require that public school choice be offered to students attending these schools. There would be no requirement to offer SES. The bill would also require states to identify “achievement gap schools.” These would be the 5% of elementary and secondary schools (not including high schools) and 5% of high schools that are not identified as persistently low achieving but have the largest achievement gap among subgroups or the lowest performance by

subgroup with respect to being college and career ready or graduation rates. LEAs would be required to develop an intervention plan for these schools.

### **H.R. 3989**

Under H.R. 3989, states would be required to adopt content and achievement standards for mathematics and reading and any other subject as determined by the state. Assessments would have to be aligned with these standards and be administered in each of grades 3-8 and once in grades 9-12. The state would no longer be required to have science standards or aligned assessments. States would have the discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score. States would no longer be required to establish AMOs. The bill would also eliminate the concept of AYP. It would require that assessments be administered to not less than 95% of all students and not less than 95% of the members of each subgroup for which data are disaggregated. The bill would also require that high school graduation rates be reported. In addition, there would be no “ultimate goal” with associated consequences toward which states, LEAs, and schools must work.

The bill would eliminate current outcome accountability requirements. States would be required to include a system for school improvement for public schools receiving Title I-A-1 funds that would be implemented by LEAs and includes implementing interventions that are designed to address such schools’ weaknesses. While public school choice and SES would no longer be required, the bill would create a new reservation of funds, however, for direct services to students under Section 1003A. States would be required to reserve 3% of the total amount received by the state under Title I-A-1 (Grants to LEAs) to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring that is designed to help increase student academic achievement.

## **Teacher Quality and Performance**

With the enactment of NCLB, new requirements were included in Title I-A to ensure an equitable distribution of highly qualified instruction across schools and establish minimum professional standards for what constitutes a highly qualified teacher. NCLB also authorized programs to support efforts to meet the teacher quality requirements as well as systems that reward teacher performance. These provisions are described below followed by a discussion of how S. 3578, H.R. 3989, and H.R. 3990 would amend them.

- **Distribution.** Current law requires that states ensure Title I schools provide instruction by highly qualified instructional staff and take specific steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.
- **Newly hired teachers.** Each LEA receiving Title I-A funds must ensure that all newly hired teachers teaching in a program supported by such funds be highly qualified.
- **Highly qualified teacher (HQT).** The definition of an HQT has two basic components involving professional credentials and subject-matter knowledge. First, to be deemed highly qualified, a teacher must possess a baccalaureate degree and full state teaching certification. Second, a teacher must demonstrate

subject-matter knowledge in the areas that she or he teaches. The manner in which teachers satisfy the second component depends on the extent of their teaching experience and the educational level at which they teach.

- **Deadline.** Each state receiving Title I-A funds was required to have a plan to ensure that, by no later than the end of the 2005-2006 school year, all public school teachers teaching in core academic subjects<sup>5</sup> within the state met the definition of an HQT.<sup>6</sup> The plan was required to set annual measurable objectives to meet this deadline.
- **Support.** The Teacher and Principal Training and Recruitment Fund (Title II-A) provides formula grants to support state and local efforts to meet ESEA teacher quality requirements.
- **Performance.** The Teacher Incentive Fund (Title V-D) supports competitive grants for high-need schools to develop and implement performance-based teacher and principal compensation systems that must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year, among other factors.

### **S. 3578**

S. 3578 would retain similar requirements to those in current law regarding the equitable distribution of teachers with some adjustments in determining whether teachers are equally distributed. Most notably, states would be required to use at least two of five measures of teacher quality and performance including the percentage and distribution of teachers who (1) are HQT, (2) are inexperienced, (3) have not completed a preparation program, (4) are teaching out-of-field, or (5) are rated in the highest and lowest categories under an approved teacher evaluation system. The bill would also retain a similar definition of HQT and require each LEA receiving Title I-A funds to meet the requirement for all teachers in core academic subjects as defined in current law.

The bill would provide an exception to the HQT requirement for LEAs in a state that has fully implemented an approved teacher evaluation system. Such LEAs would be required to meet the HQT requirement with respect to new core subject matter teachers only. An approved teacher evaluation system is defined in a manner that is similar to the definition currently used in the Teacher Incentive Fund. An approved evaluation system must be based “in significant part” on student academic achievement, involve classroom observations, provide meaningful feedback, establish multiple performance categories, use multiple measures, inform professional development, and include training for evaluators. The bill would retain the Title II-A formula grant program with modest amendments.

### **H.R. 3989 and H.R. 3990**

H.R. 3989 would eliminate current requirements regarding the equitable distribution of instructional quality and highly qualified teachers. In addition, under H.R. 3990, as a condition of

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<sup>5</sup> Current law defines core academic subjects as, English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

<sup>6</sup> All states established an HQT plan. These plans are available online at <http://www2.ed.gov/programs/teacherqual/hqtplans/index.html>.

receiving Title II-A funds, LEAs would be required to have a teacher evaluation system in place that uses student achievement as a “significant factor,” is based on multiple measures, involves more than two performance categories, and is used to make personnel decisions within three years of enactment.

H.R. 3990 would retain formula grant funding under Title II-A; however, the enrollment and poverty elements used for allocation would be modified. The bill would also curtail allowable activities largely to those that support the development and implementation of state and local evaluation systems for teachers.

## **Targeted Support Versus Block Grant**

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

The HELP Committee and the Education and Workforce Committee have proposed fundamentally different approaches with respect to how to continue to provide funding through the ESEA. In general, S. 3578 would retain several competitive grant programs and create new programs to support activities that are currently supported under either formula or competitive grant programs that would otherwise be eliminated. H.R. 3989 and H.R. 3990 would eliminate some formula grant programs and most competitive grant programs included in current law but would include a block grant program<sup>7</sup> whose funding could potentially be used to support similar activities to those that are supported under programs slated for elimination. The divergent approaches taken by these bills with respect to targeted support and block grants are discussed in more detail below.

### **S. 3578**

S. 3578 would retain most of the current formula grant programs, while eliminating several competitive grant programs (see **Table 1**). It would add several targeted grant programs that would broadly support similar activities as those supported under programs being eliminated. For example, the bill would add a new literacy program; a new science, technology, engineering, and mathematics program; a program to support a well-rounded education which would fund subject-matter specific activities (e.g., arts, economics); and a program focused on student well-being. The bill would not include a block grant program.

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<sup>7</sup> A federal education block grant is a form of aid generally provided to state educational agencies (SEAs) and LEAs to assist them in addressing broad education purposes. For general information about block grants, see CRS Report R40486, *Block Grants: Perspectives and Controversies*, by Robert Jay Dilger and Eugene Boyd.

## **H.R. 3989 and H.R. 3990**

H.R. 3989 and H.R. 3990 would retain some, but not all, of the existing formula grant programs and would eliminate most competitive grant programs (see **Table 1**). However, H.R. 3990 includes a new block grant program (the Local Academic Flexible grant) that would be authorized at \$2.7 billion and would provide formula grants to states. In contrast, the Innovative Programs grant program, the block grant included under current law, was last authorized at \$600 million and last funded at \$99 million in FY2007. The new block grant program would afford states considerable flexibility in how funds are used.

Under the new block grant program, states would be required to use at least 75% of the funds received to award competitive grants<sup>8</sup> to eligible entities which include partnerships of LEAs, community-based organizations (CBOs), business entities, and nongovernmental entities.<sup>9</sup> All partnerships are required to include at least one LEA. In addition, the state would be required to use not less than 10% to award competitive grants to nongovernment entities.<sup>10</sup> States could use funds for state level activities as well. For instance, SEAs could use funds to develop standards and assessments, to administer assessments, to monitor and evaluate programs and activities receiving funding, to provide training and technical assistance, for statewide academic focused programs, to share evidence-based and other effective strategies, and for administrative costs. Grants to LEAs and other eligible entities could be used for either (1) supplemental student support activities (e.g., before or after school activities, tutoring, expanded learning time) but not in-school learning activities; and (2) activities to support students (e.g., academic subject specific programs, extended learning time programs, parent engagement) but not class-size reduction, construction, or staff compensation. Nongovernmental entities must use funds for a program or project to increase the academic achievement of public school students attending a public elementary or secondary school. Thus, it is possible that funds provided under this program could be used to support activities that previously received ESEA support, but which would no longer have a targeted funding stream under H.R. 3989 or H.R. 3990. However, there is no way to know whether a state or an LEA would receive the same amount of funding, less funding, or more funding under the proposed block grant program as it would if programs that would be eliminated under H.R. 3989 and H.R. 3990 were retained.

## **Structural Orientation of the ESEA Reauthorization Proposals**

**Table 1** provides a structural orientation by ESEA title and part of how S. 3578, H.R. 3989, and H.R. 3990 would modify current law based primarily on line-item amounts for ESEA programs

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<sup>8</sup> All eligible entities that submit an application that meet the statutory requirements would receive a grant of at least \$10,000.

<sup>9</sup> A single LEA is not eligible to apply for a grant. An LEA must apply in partnership with a CBO, business entity, or nongovernmental agency. A consortium of LEAs must also partner with at least one of the aforementioned types of organizations. A CBO must apply in partnership with an LEA, and may also partner with a business entity or nongovernmental entity. Similarly, a business entity must apply in partnership with an LEA, and may also partner with a CBO or nongovernmental agency.

<sup>10</sup> The bill specifies that nongovernmental entities include public or private organizations, community-based or faith-based organizations, and business entities. Nongovernment entities are not required to enter into a partnership with an LEA or other entity.

included in appropriations tables, as well as the individual programs included under the Fund for the Improvement of Education. This list of “programs” does not take into account the number of programs, projects, or activities that may be funded under a single line-item appropriation, so the actual number of ESEA programs, projects, or activities being supported through appropriations is not shown. Current ESEA programs under which the federal government provides grants to the initial grantee (as opposed to a subgrantee) by formula are noted on the table.

The table provides appropriations information for FY2012.<sup>11</sup> It also indicates where S. 3578, H.R. 3989, and H.R. 3990 would place a given program in a reauthorized ESEA if the program is retained. It should be noted that an indication that a program would not be retained does not mean that all of the activities authorized under current law for the program would be eliminated. The activities may be continued under a different program. For example, while H.R. 3989 and H.R. 3990 would no longer retain many of the current ESEA programs, H.R. 3990 would include a block grant program under which funds could potentially be used for similar activities as were permitted or required under some programs that would not be retained. In addition, if an existing ESEA program would not be retained but a new, targeted program would address similar broad purposes (e.g., literacy, dropout prevention), this has been noted in the table.

At the same time, an indication that a program would be retained does not mean that it would be retained without changes. For example, while both S. 3578 and H.R. 3990 would retain a state grant program focused on teachers like Title II-A of the ESEA, both bills would modify the formula used to award grants and would change the uses of funds. In addition, an indication that a program would be retained does not mean that it would be retained under the same name. For example, the Advanced Placement program in current law would be retained as the Accelerated Learning program under S. 3578. The program would be expanded to include International Baccalaureate programs and exams.

**Table I. ESEA Programs Included in Line Item Appropriations Tables and Their Treatment Under S. 3578, H.R. 3989, and H.R. 3990**

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
School Improvement Grants (formula grant)	Title I, Section 1003(g)	\$533,552	Would be retained as Title I-A, Section 1116(d) <sup>a</sup>	Would not be retained
Title I-A Grants to Local Educational Agencies (LEAs): Basic Grants, Concentration Grants, and Targeted Grants (formula grant)	Title I-A	\$14,516,457	Would be retained as Title I-A	Would be retained as Title I-A-I

<sup>11</sup> All FY2012 appropriations include the across-the-board rescission except funding for the Troops-to-Teachers program.

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Reading First (formula grant)	Title I-B-1	\$0	Would not be retained <sup>b</sup>	Would not be retained
Early Reading First	Title I-B-2	\$0	Would not be retained <sup>b</sup>	Would not be retained
Even Start (formula grant)	Title I-B-3	\$0	Would not be retained <sup>b</sup>	Would not be retained
Improving Literacy through School Libraries	Title I-B-4	\$0	Would not be retained	Would not be retained
Migrant Education Program (formula grant)	Title I-C	\$393,236	Would be retained as Title I-C	Would be retained as Title I-A-2
Neglected and Delinquent (formula grant)	Title I-D	\$50,231	Would be retained as Title I-D	Would be retained as Title I-A-3
National Assessment of Title I	Title I-E	\$3,194	Would not be retained <sup>c</sup>	Would be retained as Title I-B
Striving Readers	Title I-E (Section 1502)	\$159,698	Would not be retained	Would not be retained
Close Up Fellowships	Title I-E (Section 1504)	\$0	Would not be retained	Would not be retained
Comprehensive School Reform	Title I-F	\$0	Would not be retained	Would not be retained
Advanced Placement	Title I-G	\$26,949	Would be retained as Title I-B-2 <sup>d</sup>	Would not be retained
School Dropout Prevention <sup>e</sup>	Title I-H	\$48,810	Would not be retained <sup>f</sup>	Would not be retained
Teacher and Principal Training and Recruiting Fund (Grants to States, LEAs, and Eligible Partnerships; formula grant)	Title II-A	\$2,466,567	Would be retained as Title II-A	Would be retained as Title II-A
School Leadership	Title II-A-5 (Section 2151(b))	\$29,107	Would be retained as Title II-A-5	Would not be retained
Advanced Credentialing	Title II-A-5 (Section 2151(c))	\$0	Would not be retained	Would not be retained
Math and Science Partnerships (formula grant) <sup>g</sup>	Title II-B	\$149,716	Would not be retained	Would not be retained

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Troops-to-Teachers	Title II-C-1-A	\$15,000	Would transfer the program out of the ESEA to 10 U.S.C. 58 <sup>h</sup>	Would transfer the program out of the ESEA to 10 U.S.C. 58 <sup>h</sup>
Transition to Teaching	Title II-C-1-B	\$26,054	Would not be retained	Would not be retained
National Writing Project	Title II-C-2	\$0	Would not be retained	Would not be retained
Civic Education (We the People)	Title II-C-3 (Section 2344)	\$0	Would not be retained	Would not be retained
Cooperative Education Exchange (Civic Education)	Title II-C-3 (Section 2345)	\$0	Would not be retained	Would not be retained
Teaching of Traditional American History	Title II-C-4	\$0	Would not be retained	Would not be retained
Educational Technology	Title II-D	\$0	Would be retained as Title II-D	Would not be retained
Ready to Learn Television	Title II-D-3	\$27,193	Would be retained as Title IV-H	Would not be retained
English Language Acquisition (formula grant)	Title III-A	\$732,144	Would be retained as Title III-A	Would be retained as Title I-A-4
Safe and Drug Free, State Grants (formula grant)	Title IV-A-1	\$0	Would not be retained	Would not be retained
Safe and Drug Free, National Programs	Title IV-A-2	\$64,877	Would not be retained	Would not be retained
Mentoring Programs	Title IV-A-2 (Section 4130)	\$0	Would not be retained	Would not be retained
21 <sup>st</sup> Century Community Learning Centers (formula grant)	Title IV-B	\$1,151,673	Would be retained as Title IV-E	Would not be retained
Innovative Programs (block grant, formula grant)	Title V-A	\$0	Would not be retained	Would not be retained <sup>i</sup>
Charter School Grants	Title V-B-1	\$255,036	Would be retained as Title V-D	Would be retained as Title III-A-1
Charter School Facilities Incentive Grants	Title V-B-1 (Section 5205(b))	Included as part of the Charter School Grants <sup>j</sup>	Would not be retained	Would not be retained

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	Included as part of the Charter School Grants <sup>j</sup>	Would be retained as Title V-D	Would be retained as Title III-A-1
Voluntary Public School Choice	Title V-B-3	\$0	Would be retained as Title V-E	Would not be retained
Magnet Schools Assistance	Title V-C	\$99,611	Would be retained as Title V-C	Would be retained as Title III-A-2
Fund for the Improvement of Education, National Programs	Title V-D-1	\$40,823	Would be retained as Title IV-I <sup>k</sup>	Would not be retained
Teacher Incentive Fund	Title V-D-1	\$299,433	Would be retained as Title II-C	Would not be retained
Academies for American History and Civics	Title V-D-1	\$0	Would not be retained	Would not be retained
Promise Neighborhoods <sup>d</sup>	Title V-D-1	\$59,887	Would be retained as Title IV-F	Would not be retained
Elementary and Secondary School Counseling	Title V-D-2	\$52,296	Would not be retained	Would not be retained
Character Education	Title V-D-3	\$0	Would not be retained	Would not be retained
Smaller Learning Communities	Title V-D-4	\$0	Would not be retained	Would not be retained
Reading is Fundamental	Title V-D-5	\$0	Would not be retained	Would not be retained
Javits Gifted and Talented	Title V-D-6	\$0	Would not be retained	Would not be retained
Star Schools Program	Title V-D-7	\$0	Would not be retained	Would not be retained
Ready to Teach	Title V-D-8	\$0	Would not be retained	Would not be retained
Foreign Language Assistance	Title V-D-9	\$0	Would not be retained	Would not be retained
Carol M. White Physical Education Program	Title V-D-10	\$78,693	Would not be retained	Would not be retained

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Community Technology Centers	Title V-D-11	\$0	Would not be retained	Would not be retained
Exchanges with Historic Whaling and Trading Partners	Title V-D-12	\$0	Would not be retained	Would not be retained
Excellence in Economic Education	Title V-D-13	\$0	Would not be retained	Would not be retained
Grants to Improve the Mental Health of Children, Mental Health Integration in Schools	Title V-D-14 (Section 5541)	\$0	Would not be retained	Would not be retained
Grants to Improve the Mental Health of Children, Foundations for Learning	Title V-D-14 (Section 5542)	\$0	Would not be retained	Would not be retained
Arts in Education	Title V-D-15	\$24,953	Would not be retained	Would not be retained
Parental Assistance and Local Family Information Centers	Title V-D-16	\$0	Would be retained as Title IV-G	Would not be retained <sup>1</sup>
Combating Domestic Violence	Title V-D-17	\$0	Would not be retained	Would not be retained
Healthy, High- Performance Schools	Title V-D-18	\$0	Would not be retained	Would not be retained
Grants for Capital Expenses of Providing Equitable Services for Private School Students	Title V-D-19	\$0	Would not be retained	Would not be retained
Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition	Title V-D-20	\$0	Would not be retained	Would not be retained
Women's Educational Equity Act	Title V-D-21	\$0	Would not be retained	Would not be retained

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Grants for State Assessments (formula and competitive grants) <sup>m</sup>	Title VI-A-1 (Section 6111)	\$389,214 <sup>n</sup>	Would be retained as Title I-A-3	Would not be retained
Small, Rural School Achievement Program (formula grant)	Title VI-B-1	\$89,596	Would be retained as Title VI-B-1	Would be retained as Title I-A-5-A
Rural and Low-Income School Program (formula grant)	Title VI-B-2	\$89,596	Would be retained as Title VI-B-2	Would be retained as Title I-A-5-B
Indian Education, Grants to LEAs (formula grant)	Title VII-A-1	\$105,921	Would be retained as Title VII-A-1	Would be retained as Title I-A-6-A
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VII-A-2	\$18,986	Would be retained as Title VII-A-2	Would be retained as Title I-A-6-B
Indian Education, National Activities	Title VII-A-3	\$5,872	Would be retained as Title VII-A-3	Would not be retained
Native Hawaiian Student Education	Title VII-B	\$34,181	Would be retained as Title VII-B-1	Would not be retained
Alaska Native Student Education	Title VII-C	\$33,185	Would be retained as Title VII-B-2	Would not be retained
Impact Aid, Payments Relating to Federal Acquisition of Real Property (formula grant)	Title VIII (Section 8002)	\$66,947	Would be retained as Title VIII, Section 8002	Would be retained as Title IV, Section 4002
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments; formula grant)	Title VIII (Section 8003(b))	\$1,153,540	Would be retained as Title VIII, Section 8003(b)	Would be retained as Title IV, Section 4003(b)

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities; formula grant)	Title VIII (Section 8003(d))	\$48,413	Would be retained as Title VIII, Section 8003(d)	Would be retained as Title IV, Section 4003(d)
Construction (formula and competitive grant) <sup>o</sup>	Title VIII (Section 8007)	\$17,441	Would be retained as Title VIII, Section 8007	Would be retained as Title IV, Section 4007
Facilities Maintenance	Title VIII (Section 8008)	\$4,845	Would be retained as Title VIII, Section 8008	Would be retained as Title IV, Section 4008
<b>New programs included in S. 3578</b>				
Secondary School Reform	na	na	Would be included as Title I-B-I	na
Teacher Pathways to the Classroom	na	na	Would be included as Title II-B	na
Improving Literacy Instruction and Student Achievement	na	na	Would be included as Title IV-A	na
Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement	na	na	Would be included as Title IV-B	na
Increasing Access to a Well-Rounded Education	na	na	Would be included as Title IV-C	na
Successful, Safe, and Healthy Students	na	na	Would be included as Title IV-D	na
Programs of National Significance	na	na	Would be included as Title IV-I	na
Race to the Top	na	na	Would be included as Title V-A	na
Investing in Innovation	na	na	Would be included as Title V-B	na

Current law			Treatment under S. 3578	Treatment under H.R. 3989 and H.R. 3990
Program	Statutory Citation	FY2012 Appropriation (\$ in thousands)		
<b>New programs included in H.R. 3989 and H.R. 3990</b>				
Teacher Preparation and Effectiveness	na	na	na	Would be included as Title II-B
Family Engagement in Education Programs	na	na	na	Would be included as Title III-A-3
Local Academic Flexible Grant (block grant)	na	na	na	Would be included as Title III-B

**Source:** Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 3578, H.R. 3989, and H.R. 3990. FY2012 appropriations information for all programs except the Troops-to-Teachers program is available from the U.S. Department of Education, Budget Service and justifications. FY2012 appropriations for the Troops-to-Teachers program are available from the *Fiscal Year 2013 Budget Estimates: Department of Defense Dependents Education (DoDDE)*, available online at [http://comptroller.defense.gov/defbudget/fy2013/budget\\_justification/pdfs/01\\_Operation\\_and\\_Maintenance/O\\_M\\_VOL\\_I\\_PARTS/O\\_M\\_VOL\\_I\\_BASE\\_PARTS/DoDDE\\_OP-5.pdf](http://comptroller.defense.gov/defbudget/fy2013/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_I_PARTS/O_M_VOL_I_BASE_PARTS/DoDDE_OP-5.pdf).

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

- a. S. 3578 would include a School Improvement Fund program which would be similar to the School Improvement Grant program in terms of providing formula grants to states which would subsequently provide competitive grants to local entities for school improvement activities. However, the formula used to award grants to states, the local entities that could receive grants, and the specific school improvement activities for which funds could be used would be modified.
- b. S. 3578 would create a new, comprehensive literacy program for early learning through high school that would include a parent component.
- c. Funds for evaluation of Title I would be available under Section 9601 which would permit the Secretary to reserve funds to evaluate the program.
- d. The program would be expanded to include funding for similar activities related to the International Baccalaureate program.
- e. This program is also referred to as the High School Graduation Initiative.
- f. S. 3578 would include a new program that focuses on secondary school reform that would address issues related to high school dropouts.
- g. This is a formula grant program provided appropriations equal or exceed \$100 million. Otherwise, competitive grants are made to eligible partnerships.
- h. Chapter 58 of Title 10 of the U.S. Code addresses benefits and services for members being separated or recently separated from the armed forces.
- i. H.R. 3990 would create a new block grant program.
- j. At least \$22,957,000 of the amount appropriated for the Charter School Program was required to be used for Charter School Facilities Incentive Grants and Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation.
- k. S. 3578 would move the authority included in the Fund for the Improvement of Education, National Programs (Title V-D-1) to Programs of National Significance. It should be noted that the uses of funds under

Programs of National Significance could allow grantees to continue to carry out several of the activities currently included in other subparts of Title V-D.

- l. H.R. 3990 would create a new program focused on family engagement in education.
- m. The majority of funds are provided to states through formula grants. A relatively small portion of the funds are provided to states through Grants for Enhanced Assessment Instruments, a competitive grant program.
- n. About \$9 million of the amount made available for State Assessment Grants is awarded to states through a competitive grant process.
- o. Under this program, 40% of funds appropriated are to be awarded by formula and 60% are to be awarded through competitive grants. In recent years, appropriations bills have directed that all the funds be used either for formula or competitive grants.

## **Comparison of Key Features of ESEA Reauthorization Proposals with Current Law**

**Table 2** compares S. 3578, H.R. 3989, and H.R. 3990 to current law. It provides a more detailed description of specific features of each bill. It is arranged thematically, focusing on key issues that have arisen during the reauthorization process. The themes are as follows:

- Overall structural and funding issues
- Accountability
- Title I-A
- Other issues related to special populations/areas
- Teachers, principals, and school leadership
- Science, technology, engineering, and mathematics (STEM) education
- Flexibility and choice
- Other program areas addressed by current law
- Programs currently authorized outside of the ESEA and proposed for inclusion in the ESEA
- General provisions
- Key changes included in ESEA reauthorization bills to non-ESEA programs/acts

No attempts were made to provide a comprehensive analysis of each of the bills or to compare S. 3578 with H.R. 3989 and H.R. 3990.

**Table 2. Comparison of Major Features of S. 3578, H.R. 3989, and H.R. 3990 to Current Law**

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
<b>Overall Structural and Funding Issues</b>			
General structure	<p>The ESEA has nine titles:</p> <p>Title I: Improving the Academic Achievement of the Disadvantaged</p> <p>Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals</p> <p>Title III: Language Instruction for Limited English Proficient and Immigrant Students</p> <p>Title IV: 21<sup>st</sup> Century Schools</p> <p>Title V: Promoting Informed Parental Choice and Innovative Programs</p> <p>Title VI: Flexibility and Accountability</p> <p>Title VII: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VIII: Impact Aid</p> <p>Title IX: General Provisions</p>	<p>Would have nine titles:</p> <p>Title I: Ensuring College and Career Readiness for All Students</p> <p>Title II: Supporting Excellent Teachers and Principals</p> <p>Title III: Language and Academic Content Instruction for English Learners and Immigrant Students</p> <p>Title IV: Supporting Successful, Well-Rounded Students</p> <p>Title V: Promoting Innovation</p> <p>Title VI: Promoting Flexibility; Rural Education</p> <p>Title VII: Indian, Native Hawaiian, and Alaska Native Education</p> <p>Title VIII: Impact Aid</p> <p>Title IX: General Provisions</p>	<p>Would have five titles:</p> <p>Title I: Aid to Local Educational Agencies</p> <p>Title II: Teacher Preparation and Effectiveness</p> <p>Title III: Parental Engagement and Local Flexibility</p> <p>Title IV: Impact Aid</p> <p>Title V: General Provisions</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
New programs and program repeals	Not applicable.	Would retain many of the programs in current law or replace them with a new program that supports activities similar to those in current law. Would add a new secondary school reform program; a new teachers program; a new literacy program; a new science, technology, engineering, and mathematics program; a “well-rounded” education program; and a program focused on student health and safety. Would authorize the Race to the Top (RTTT) and Investing in Innovation (i3) programs under ESEA. Would transfer authority for the Troops-to-Teachers program to the Secretary of Defense and move the program to 10 U.S.C. 58. <sup>a</sup>	Would retain compensatory education programs, teacher grants, the Charter School program, the Magnet School program, and the Impact Aid program. Would repeal many programs included in current law. Would add a new program for teachers, a new parent and family engagement program, and a new block grant program. The latter would allow funds to be used for some of the same purposes as current law programs that would be eliminated. Would transfer authority for the Troops-to-Teachers program to the Secretary of Defense and move the program to 10 U.S.C. 58. <sup>a</sup>
Authorization and funding levels	ESEA programs were authorized through FY2007 and were automatically extended through FY2008 by the General Education Provisions Act (GEPA). Most ESEA programs were authorized at “such sums as may be necessary” for FY2007. Only five programs had specified FY2007 authorization levels. For these five programs, the FY2007 authorizations totaled \$28.9 billion.	Would include 36 separate authorizations <sup>b</sup> that would authorize all ESEA programs at “such sums as may be necessary” for FY2012 and each of the 4 succeeding fiscal years.	Would include 12 separate authorizations totaling \$24.0 billion for FY2013. The amounts authorized for FY2014 through FY2018 would be determined by increasing the FY2013 authorization amount by a percentage equal to the percentage of inflation as determined by the Consumer Price Index for the calendar year ending prior to the beginning of that fiscal year.
<b>Accountability</b>			
Standards	Requires each state to adopt challenging academic content and challenging student academic achievement standards in at least mathematics, reading/language arts (hereinafter referred to as reading), and science. States may choose to adopt standards for other subject areas.	Would require the state to adopt “college and career ready” academic content and achievement standards in reading and mathematics. The state would also be required to adopt science standards that are “aligned with the knowledge and skills needed to be college and career ready.”	Would require states to adopt content and achievement standards for mathematics and reading and any other subject as determined by the state. The state would no longer be required to have science standards.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Assessments	Requires all states to develop and implement yearly assessments aligned with content and achievement standards in reading and mathematics for grades 3-8 and one grade in grades 10-12. Also requires science assessments aligned with content and achievement standards to be administered once in grades 3-5, grades 6-9, and grades 10-12.	Similar to current law. Would provide states with discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score.	Similar to current law but would require mathematics and reading assessments to be administered at least once in grades 9-12 (as opposed to at least once in grades 10-12 under current law). Would not require science assessments to be administered. Would provide states with discretion to administer a single annual summative assessment or multiple assessments administered throughout the school year that result in a single summative score.
English language proficiency standards and assessments	Under Title III-A, requires English language proficiency (ELP) assessments to be aligned with state developed Title III-A ELP standards that must be aligned with Title I-A academic content standards.	Would require ELP assessments to be aligned with state developed Title I-A ELP standards that must be aligned with academic content standards in reading.	Would require ELP assessments to be aligned with state developed ELP standards that must be aligned with academic content standards in reading.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Assessments for students with disabilities	<p>The ESEA requires that academic assessments measure the achievement of all children, including students with disabilities. The statute requires the use of “alternative assessments” provided in the same manner as those provided under the Individuals with Disabilities Education Act (IDEA; P.L. 108-446). The statute does not, however, address how to incorporate scores from “alternative assessments” in the accountability system.</p> <p>ESEA regulations have addressed the development and use of two types of alternate assessments for students with disabilities:</p> <p>(1) States are permitted to develop alternate assessments based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities. The number of proficient scores based on AA-AAS used within the accountability system may not exceed 1% of all students.</p> <p>(2) States are permitted to develop alternate assessments based on modified achievement standards (AA-MAS) for other students with disabilities. The number of proficient scores based on AA-MAS used within the accountability system may not exceed 2% of all students.</p>	<p>Would authorize (but not require) the development of alternate assessments aligned with alternate academic standards for students with the most significant cognitive disabilities. Would limit the use of alternative assessments in state accountability systems by continuing to limit the percentage of scores used within the accountability system to 1% of all students.</p> <p>Would not authorize the development or use of alternate assessments aligned with modified achievement standards for other students with disabilities.</p>	<p>Would authorize (but not require) the development of alternate assessments aligned with alternate academic standards for students with the most significant cognitive disabilities. Would not limit the use of alternate assessments in the accountability system.</p> <p>Would not authorize the development or use of alternate assessments aligned with modified achievement standards for other students with disabilities.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Funding for assessments	Provides formula grants to states for state assessments required by the ESEA. Also provides competitive grants to states (or consortia of states) for related assessment activities (e.g., to improve existing assessments or develop new assessments beyond the requirements of the ESEA).	Similar to current law.	Would not provide formula grants for state assessments or competitive grants for related assessment activities.
Annual measurable objectives (AMOs)	For accountability purposes, states must develop AMOs that are established separately for reading and mathematics assessments, are the same for all schools and LEAs, identify a single minimum percentage of students who must meet or exceed the proficient level on the assessments that applies to the all students group and each subgroup for which data are disaggregated, <sup>c</sup> and must ensure that all students will meet or exceed the state's proficient level of achievement on the assessments based on a timeline established by the state. The timeline must incorporate concrete movement toward meeting an "ultimate goal" of all students reaching a proficient or higher level of achievement by the end of the 2013-2014 school year.	Would eliminate AMOs. Would require that a determination be made regarding how well students are mastering the material included in the state's content standards (basic, on-track, advanced levels). There would be no specifically required "ultimate goal" with respect to student performance.	Would eliminate AMOs. There would be no requirement that states establish performance targets. There would be no specifically required "ultimate goal" with respect to student performance.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Adequate yearly progress (AYP)	<p>AYP is determined based on three components: student academic achievement on the required state reading and mathematics assessments, with a focus on the percentage of students scoring at the proficient level or higher; 95% student participation rates in assessments by all students and for any subgroup for which data are disaggregated;<sup>c</sup> and performance on another academic indicator, which must be graduation rates for high schools. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on all three indicators for the all students group and any subgroup for which data are disaggregated. AYP must be determined separately and specifically not only for all students but also for all subgroups for which data must be disaggregated within each school, LEA, and state.</p>	<p>Would eliminate the determination of AYP. Would require that assessments be administered to not less than 95% of all students and not less than 95% of each subgroup for which data are disaggregated. Would also require that high school graduation rates be reported. While no specific consequences are associated with failing to meet the participation rate requirement, schools with relatively low graduation rates may be subject to interventions (see outcome accountability discussion).</p>	<p>Would eliminate the determination of AYP. Would require that assessments be administered to not less than 95% of all students and not less than 95% of each subgroup for which data are disaggregated. Would also require that high school graduation rates be reported. No specific consequences are included with respect to participation rates or high school graduation rates.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Measuring AYP and student growth	<p>Under current law, the primary model for determining whether a school or LEA has met the AYP requirements based on assessment performance is the group status model. Such models set threshold levels of performance, expressed as a percentage of students scoring at a proficient or higher level on state assessments of reading and mathematics, which must be met by all students as a group, as well as students in designated demographic subgroups, in order for a public school or LEA to make AYP. Current law also includes a secondary model of AYP, a “safe harbor” provision, under which a school or LEA may make AYP if, among student groups who did not meet the primary AYP standard, the percentage of students who are not at the proficient or higher level declines by at least 10%. Regulations permit states to request a waiver to determine AYP based on a growth model.<sup>d</sup></p>	<p>Would no longer require AYP to be calculated. However, the state accountability system would be required to measure individual academic achievement and could measure individual student growth. Would require the determination of performance for the all students group and each subgroup for which data are disaggregated.</p>	<p>Would no longer require AYP to be calculated. However, would require state assessments to measure individual student academic growth and proficiency in addition to performance by the “all students” group and subgroups for which data are disaggregated.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Outcome accountability under Title I-A	<p>States are required to identify LEAs and LEAs are required to identify schools, for program improvement if the LEA or school failed to meet the state AYP standards for two consecutive years (Section 1116). LEAs or schools that fail to meet AYP standards for additional years are required to take a variety of actions. For example, schools that fail to meet AYP for two consecutive years are identified for school improvement and must offer public school choice, develop a school improvement plan, and use Title I-A funds for professional development. Failure to make AYP for an additional year<sup>e</sup> results in a school also having to offer supplemental educational services (SES). LEAs are required to reserve 20% of their Title I-A funds for transportation for public school choice and for SES. Schools that fail to make AYP for an additional year continue to do all of the aforementioned activities and enter into corrective action. Under corrective action, they are required to take one of several statutorily specified actions, including replacing school staff, changing the curriculum, extending the school year or school day, or working with an outside expert. Subsequent failure to make AYP requires a school to plan for and, ultimately, implement restructuring. Restructuring involves the continuation of the aforementioned activities and implementation of an alternative governance structure, such as converting to a charter school. It should be noted that these consequences are applied regardless of the extent to which a school failed to make AYP in a given year but consequences need only be applied to schools receiving Title I-A funds.</p>	<p>Would no longer require consequences to be applied to all low-performing schools that fail to meet certain levels of performance overall or for subgroups. Would require the state to identify “persistently low-achieving schools,” which would include the lowest performing 5% of elementary and secondary schools (not including high schools) based on assessment results, the lowest 5% of high schools based on graduation rates and assessment results on reading and mathematics assessments, and all other high schools with less than a 60% graduation rate. These schools would be required to implement a transformation, strategic staffing, turnaround, whole school reform, restart, or closure model, or other strategies approved by the Secretary. Would require that public school choice be offered to students attending these schools. Would also require states to identify “achievement gap schools.” These would be the 5% of elementary and secondary schools (not including high schools) and 5% of high schools that are not identified as persistently low achieving but have the largest achievement gap among subgroups or the lowest performance by subgroup with respect to being college and career ready or graduation rates. Would require LEAs to develop an intervention plan for these schools.</p>	<p>Would eliminate current outcome accountability requirements related to identifying schools and LEAs based on specific performance measures and subsequently requiring a specific set of consequences to be applied to school and LEAs based on their performance. Would require the state accountability system to include a system for school improvement for public schools receiving Title I-A-I funds that would be implemented by LEAs and includes implementing interventions that are designed to address such schools’ weaknesses. Would create a new reservation of funds, however, for direct services to students. States would be required to reserve 3% of the total amount received by the state under Title I-A-I (Grants to LEAs) to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring that is designed to increase student academic achievement.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Rewards for schools and LEAs based on performance	Each state participating in ESEA Title I-A is required to establish an Academic Achievement Awards Program for purposes of making academic achievement awards to schools that have either significantly closed academic achievement gaps between student subgroups or exceeded their AYP requirements for two or more consecutive years. States may also give awards to LEAs that have exceeded their AYP requirements for two or more consecutive years. Under Academic Achievement Awards Programs, states may recognize and provide financial awards to teachers or principals in schools that have significantly closed the academic achievement gap or that have made AYP for two consecutive years. States may fund Academic Achievement Awards for schools and LEAs by reserving up to 5% of any Title I-A funding that is in excess of the state's previous-year allocation. <sup>f</sup>	Would not retain current law requirements. Would provide states with the option of identifying and rewarding high-performing public schools through the Blue Ribbon Schools program. The state's blue ribbon schools would be required to be the top 5% of the state's elementary and secondary schools, as designated by the state, based on various criteria such as the percentage of students who are on track to college and career readiness in language arts and mathematics or, in the case of high schools, graduation rates. The state may choose to provide blue ribbon schools with increased autonomy over their budget, staffing, and time, and allow the schools to use their ESEA funds for any purpose allowed under the act. The state may reserve not more than 0.5% of its Title I-A funds to make competitive grants to LEAs that serve one or more blue ribbon schools. LEAs would be required to use these funds to provide awards to such schools.	Would not require awards to be provided to schools, LEAs, teachers, or principals based on student academic achievement.
School Improvement Grants (SIG; Section 1003(g))	Provide formula grants to states which subsequently make competitive grants to LEAs to provide assistance to schools consistent with Section 1116 (see previous discussion on outcome accountability). Regulatory language specifies which types of schools have priority to be served and specific interventions (i.e., turnaround model, transformation model, restart model, and closure model) that must be used in certain types of schools.	Would eliminate the current SIG program, but would create a similar program, the School Improvement Fund, under Title I-A, Section 1116. The new program would provide formula grants to states (using a different formula than under current law) which would subsequently award competitive grants to eligible entities (e.g., LEAs) for school improvement activities for persistently low-achieving or achievement gap schools.	Would not be retained.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
School improvement reservation	States are permitted to reserve not more than 4% of the total amount the state receives under Title I-A for school improvement activities, provided that no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision.	Same as current law.	Would permit states to reserve up to 7% of the total amount the state receives for Title I-A-I for school improvement activities. The requirement that this reservation of funds not result in an LEA receiving a smaller Title I-A grant than it did during the prior fiscal year would apply in FY2014 and subsequent fiscal years. It would not apply in FY2013.
Commission on Effective Regulation and Assessment Systems for Public Schools	Not applicable.	Would authorize a new commission on effective regulation and assessment systems for public education as part of ESEA. Among other tasks, the commission would examine federal, state, and local regulatory requirements on elementary and secondary education; make recommendations on how to align and improve such federal, state, and local requirements; examine the quality and purpose of current federal, state, and local assessment requirements; and make recommendations to improve and align assessment systems. The Commission would report findings to the Secretary, the members of authorizing committees, and the public.	Not applicable.
<b>Title I-A</b>			

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Title I-A formulas	Title I-A funds are allocated to LEAs using four formulas: Basis Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG). Statutory language specifies how funds are to be distributed under each formula.	Similar to current law.	Would specify that appropriations in excess of the FY2001 level must be divided evenly between Targeted and EFIG grants. This would codify annual appropriations language that has specified that funds in excess of the FY2001 appropriation for Title I-A be divided evenly between Targeted and EFIG Grant. While funds in excess of the FY2001 level have been appropriated this way for several years, the requirement is not currently in the statutory language authorizing the Title I-A program.
Comparability	Comparability provisions require that services provided with state and local funds in schools participating in Title I-A must be comparable to those in non-Title I-A schools of the same LEA. The provisions (Section 1120A(c)) are intended to provide that schools in the LEA that receive Title I-A funds also receive equivalent levels of state and local funds as are provided to public schools in the LEA that are not participating in Title I-A. Comparability is measured only with respect to the public schools within the same LEA. In determining whether an LEA is complying with comparability requirements, an LEA is able to make the determination without including staff salary differentials for years of employment.	Would require comparability determinations to demonstrate that the combined state and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) in each school served under Title I-A in a given LEA were not less than the average combined state and local per-pupil expenditure for non-Title I-A schools in the same LEA.	Similar to current law.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Title I-A and foster care	Children living in foster care are included in the child counts used to determine LEA Title I-A grants. At the school level, children in foster care may benefit from Title I-A if they are enrolled in a school that receives Title I-A funds.	Would include new provisions addressing services for foster children and youth. Among other things, the bill would create a new program under ESEA Title I-A to ensure that foster children and youth have improved access to education and related services. <sup>h</sup>	Similar to current law.
<b>Other Issues Related to Special Populations/Areas</b>			
Education of migratory children	For the purposes of the Migrant Education Program, migratory workers are defined as individuals who made a qualifying move in the preceding 36 months to obtain temporary or seasonal employment in production or initial processing (no more than 12 months in duration) work in agriculture, dairy, or fishing.	Would expand the definition of a migratory worker to include (a) individuals who seek or engage in temporary or seasonal employment in agriculture, dairy, or fishing following a qualifying move; (b) work in food processing up to the point of initial commercial sale; and (c) temporary or seasonal employment of no more than 15 months in duration.	Similar to current law.
Neglected, Delinquent, and At-Risk Youth	Formula grants are provided to states to support educational services at state institutions for neglected or delinquent children and youth. Requires states to reserve a portion of their Title I-A funds for subgrants to LEAs to support educational services for neglected or delinquent children and youth in locally-operated correctional facilities or attending community day programs.	Similar to current law.	Similar to current law.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Education for limited English proficient (LEP) students accountability provisions	Bases accountability system on three annual measurable achievement objectives (AMAOs) for Title III served students that measure progress in learning English, attainment of English language proficiency, and whether LEP students are making AYP.	Would eliminate the current system of AMAOs and address accountability for all English Learner (EL) students in the state's Title I-A accountability system through measures of EL students' attainment of, and progress toward, higher levels of English language proficiency and disaggregation of other measures for the EL subgroup.	Would eliminate the current system of AMAOs and address accountability for EL students in the state defined Title I-B accountability system, which includes reporting achievement gaps for the EL subgroup.
English Language Acquisition (Title III-A) formula	For appropriations of at least \$650 million, Part A <sup>i</sup> provides formula grants to states based on data from either the American Community Survey (ACS) or state data for the number of LEP students and number of immigrant students, whichever ED deems to be more reliable.	Would allow ED to use either ACS data, state data, or a combination of the two data sources to determine the number of EL students for use in calculating formula grants to states.	Would allow ED to use either ACS data, state data, or a combination of the two data sources to determine the number of EL students for use in calculating formula grants to states.
Identifying and exiting LEP students to/from language acquisition programs	Title III-A does not require SEAs to establish uniform statewide criteria for identifying and exiting LEPs from Title III-A programs.	Would require SEAs to establish uniform statewide criteria for identifying and exiting ELs from Title III-A programs.	Similar to current law.
Rural Education	Two programs in the ESEA provide funds specifically to meet the needs of rural LEAs. The Small Rural School Achievement (SRSA) program (Title VI-B-1) awards formula grants to eligible LEAs. Initial grant amounts must be at least \$20,000 and not more than \$60,000. Final grant amounts are "offset" by funds received from certain other ESEA programs. The Rural Low-Income School (RLIS) program (Title VI-B-2) awards formula grants to states; states must award subgrants to eligible LEAs either by formula or competitively. LEAs <b>eligible</b> for SRSA funds are not eligible for RLIS funds.	Would increase the SRSA minimum grant amount to \$25,000 and maximum amount to \$80,000 if the appropriation exceeds \$211,723,832. Would allow LEAs eligible for both SRSA and RLIS funds to choose whether to participate in one or the other program (not both). Would update the "locale codes" used to determine rural eligibility under both programs.	Would make LEAs that <b>receive</b> SRSA funds ineligible for RLIS funds. Would update the "locale codes" used to determine rural eligibility under both programs.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Education for Indians	<p>ESEA supports the education of Indian students through several mechanisms: (1) set-asides to Bureau of Indian Education (BIE) schools from several formula grant programs; (2) a formula grant program (Title VII-A-1) for schools serving Indian students; (3) several competitive grant programs that support Indian education; (4) the National Advisory Council on Indian Education (NACIE) that advises the Secretary on ED programs affecting Indian children or adults; and (5) competitive grant programs for which BIE schools are eligible as LEA or for which the BIE is eligible as an SEA.</p> <p>Subjects BIE schools to most Title I-A accountability provisions.</p>	<p>For the formula grant program for schools serving Indian students, eligibility would be expanded to tribal organizations; tribes operating non-public, non-BIE schools; and tribes representing one-third of a public school's Indian enrollment rather than one-half of the public school's Indian enrollment.</p> <p>Would authorize a new competitive program to fund Native American language programs and a study of SEA/LEA/tribal collaboration for Indian academic achievement.</p> <p>Would make BIE schools eligible for funding under the new STEM and literacy programs, under certain circumstances.</p> <p>Would strike several competitive grant programs that support Indian education, which have not been funded since FY1995.</p> <p>Would not specify accountability provisions for BIE schools.</p>	<p>Under the formula grant program for schools serving Indian students, the threshold for tribes to apply for grants would be lowered from representing at least one-half of the public school's Indian enrollment to one-third.</p> <p>Would make BIE schools eligible for a set-aside under the proposed Teacher and School Leader Flexible Grant and the Local Academic Flexible Grant.</p> <p>Would strike several competitive grant programs that support Indian education, including those that have not been funded since FY1995.</p> <p>Would not specify accountability provisions for BIE schools.</p>
Education for Native Hawaiians	<p>ESEA authorizes the Native Hawaiian Education Council and Island Councils to help coordinate and guide educational services available to Native Hawaiians. ESEA also authorizes competitive grants to Native Hawaiian organizations and organizations that operate programs for Native Hawaiians to promote the educational achievement of Native Hawaiians, including in the Hawaiian language.</p>	<p>Similar to current law.</p> <p>Repair and renovation of public schools would be added to the list of activities under the competitive grant program. More precise application and reporting requirements would be required of competitive grant recipients.</p>	<p>Would eliminate the program for Native Hawaiians.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Education for Alaska Natives	Provides grants to support the unique educational and culturally related academic needs of Alaska Native children.	Similar to current law.	Would eliminate the program for Alaska Natives.
<b>Teachers, Principals, and School Leadership</b>			
Highly qualified teachers	All core subject teachers must possess certain teaching credentials and demonstrate instructional knowledge and abilities.	Similar to current law except that, in a state that has fully implemented an approved teacher and principal evaluation system, only new teachers must be highly qualified.	Would repeal the highly qualified teacher requirement.
Distribution of teacher quality	Requires each state to ensure Title I schools provide instruction by highly qualified instructional staff and take specific steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.	Would retain similar requirements for the equitable distribution of teachers; however, in determining whether teachers are equitably distributed, states must use at least two of five measures of teacher quality and performance including the percentage and distribution of teachers who (1) are highly qualified teachers, (2) are inexperienced, (3) have not completed a preparation program, (4) are teaching out-of-field, or (5) are rated in the highest and lowest categories under an approved teacher evaluation system.	Would eliminate the requirement regarding the equitable distribution of teacher quality.
Teacher and principal performance	The Teacher Incentive Fund (Title V-D) supports competitive grants for high-need schools to develop and implement performance-based teacher and principal compensation systems that must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year, among other factors.	Similar to current law, but would codify many program details that currently exist in regulation. Would require funds be used to reform teacher and principal evaluation systems in addition to compensation systems. These evaluation systems must be based in significant part on student academic achievement, involve classroom observations, provide meaningful feedback, establish multiple performance categories, use multiple measures, inform professional development, and include training for evaluators.	Within three years of enactment, LEAs would be required to have an evaluation system in place that uses student achievement as a significant factor, based on multiple measures, involve more than two performance categories, and used to make personnel decisions.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Title II-A formulas	Title II-A funds are allocated to states and subgranted to LEAs based on the total number of students and the number of students in poverty according to the following ratios: for states 35% and 65% and for LEAs 20% and 80%.	Similar to current law.	Similar to current law but would amend both state and LEA formulas; both grants would be based on 50% of the total number of students and 50% of the number of students in poverty.
<b>Science, Technology, Engineering, and Mathematics (STEM) Education</b>			
STEM Education	Under current law, the Math and Science Partnerships (MSP) program (Title II-B) awards formula grants to states based on each states' share of the school age population; states award competitive subgrants to partnerships between high-need LEAs and STEM departments at institutions of higher education. Funds may be used to provide subject-matter professional development, promote teaching skills, operate summer teacher workshops, and recruit new teachers, among other activities to improve STEM teaching.	Would eliminate the MSP program and create a new program called "Improving Science, Technology, Engineering, and Math Instruction and Student Achievement" that would award competitive grants to states (formula grants when appropriations are at least \$500 million). States must award subgrants to high-need LEAs that are required to match at least 15% of the award with non-federal funds. Funds would be used to improve instruction, engagement, and achievement gaps in STEM subjects.	Would not retain the MSP program or authorize funding specifically for STEM education.
Education technology	The Ed Tech program (Title II-D) provides formula grants to states to improve student academic achievement through the use of technology in elementary and secondary schools with the goal of every student becoming technologically literate by eighth grade. States distribute grants to LEAs by formula and through a competitive process. Funds may be used for various purposes, including acquiring and maintaining new applications of technology, acquiring connectivity linkages, and providing professional development.	Similar to current law.	Would not retain the Ed Tech program or authorize funding specifically for education technology.

<b>Provision</b>	<b>Current law</b>	<b>S. 3578</b>	<b>H.R. 3989 and H.R. 3990</b>
Advanced Research Projects Agency – Education (ARPA-ED)	Not applicable.	Would amend the Department of Education Organization Act to authorize the establishment of ARPA-ED. <sup>1</sup> ARPA-ED would provide funding for research and development in educational technology to improve student achievement. The Secretary would appoint a Director of ARPA-ED who would carry out projects, “tailored to the purposes of ARPA-ED and not constrained by other Department-wide administrative requirements that could detract from achieving program results.” For example, the Director would have special hiring authority for scientific personnel and flexibility in providing compensation.	Not applicable.

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Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
<b>Flexibility and Choice</b>			
Block grants	<p>Innovative Programs authorized under Title V-A is informally referred to as the "education block grant" program. Program purposes include support of educational reform, implementation of reform and improvement programs based on scientifically based research, support of educational innovation and improvement, assistance to meet the educational needs of all students, and assistance to improve educational performance. The program provides formula grants to states, which subsequently provide formula grants to LEAs. LEAs must use their grants to meet locally determined educational needs, as selected from a list of 27 innovative education assistance activities. The program was last funded in FY2007 at \$99 million.</p>	<p>Would not include a block grant program.</p>	<p>Would create a new block grant program that would provide formula grants to states. States would be required to use at least 75% of the funds received to award competitive grants to partnerships of LEAs, community-based organizations, business entities, and nongovernmental entities and not less than 10% to award competitive grants nongovernment entities. SEAs could use funds to develop standards and assessments, to administer assessments, to monitor and evaluate programs and activities receiving funding, to provide training and technical assistance, for statewide academic focused programs, to share evidence-based and other effective strategies, and for administrative costs. Grants to LEAs and other eligible entities could be used for either (1) supplemental student support activities (e.g., before or after school activities, tutoring, expanded learning time) but not in-school learning activities; and (2) activities to support students (e.g., academic subject specific programs, extended learning time programs, parent engagement) but not class-size reduction, construction, or staff compensation. Nongovernmental entities must use funds for a program or project to increase the academic achievement of public school students attending a public elementary or secondary school. The program would be authorized at \$2.7 billion.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
School choice	<p>Current law includes several mechanisms that support school choice. Under Title I-A, students attending schools that have failed to make AYP for two consecutive years or more are provided with public school choice. LEAs are required to reserve an amount equal to 20% of their Title I-A funds to support transportation for public school choice and for SES. Title V provides funding for the Charter School program which supports the planning and implementation of charter schools, as well the dissemination of information about charters schools; the Charter School Facilities Incentive Grant program, which is designed to incentivize states to provide per-pupil funding for charter school facilities; the Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation; the Public School Choice program which encourages the development and implementation of public school choice programs at the LEA and state levels; and the Magnet School program.</p>	<p>Would no longer require LEAs to reserve funds for public school choice under Title I-A. Would retain the Charter School program and the Credit Enhancement program. Would not provide funds for the Charter School Facilities Incentive Grant program. Would retain the Public School Choice program and the Magnet School program.</p>	<p>Would no longer require LEAs to reserve funds for public school choice under Title I-A-I. Would provide a reservation of state funds under Title I-A-I for direct activities that would include support for public school choice and tutoring. Would retain the Charter School program and the Credit Enhancement program. Would not provide funds for the Charter School Facilities Incentive Grant program. Would not retain the Public School Choice program, but would retain the Magnet School program.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Flexibility provisions	<p>Contains multiple flexibility authorities including the authority to operate a schoolwide program under Title I-A, flexibility for LEAs receiving funds under the Rural Education Assistance Programs (Title VI-B), state- and local-flex authority (Title VI-A-3), and transferability authority (Title VI-A-2). With respect to current transferability authority, states may transfer up to 50% of the nonadministrative funds allotted to the state for state-level activities to Title I, Teacher and Principal Training and Recruiting Fund, Ed Tech, Safe and Drug-Free Schools and Communities, 21<sup>st</sup> Century Community Learning Centers (21<sup>st</sup> CCLC), and Innovative Programs. Most LEAs are also permitted to transfer up to 50% of funds available for local activities to all of the aforementioned programs except 21<sup>st</sup> CCLC. LEAs that have been identified for improvement may only transfer 30% of their funds. LEAs in corrective action may not transfer any funds. All states and LEAs are prohibited from transferring funds out of Title I-A.</p>	<p>Would retain schoolwide programs and would modify flexibility for LEAs receiving assistance under REAP to provide additional flexibility. More specifically, the REAP provisions would be modified to refer to general transferability authority that would be provided under the bill (discussed below). Would eliminate state- and local-flex authority. Would modify the transferability authority available under current law in several ways. Under this new authority, a state would be permitted to transfer up to 100% of funds allotted for state-level activities to use to carry out state-level activities in any other ESEA state formula grant program. However, states would be prohibited from transferring funds awarded under Titles I, III, VII, and VIII. Similarly, LEAs would be permitted to transfer up to 100% of funds allocated for local-level activities to any ESEA grant program under which grants are distributed by formula to LEAs. LEAs would also be prohibited from transferring funds awarded under Titles I, III, VII, and VIII. A special provision would apply to LEAs that receive assistance under REAP. While the same general provisions and restrictions would apply, these LEAs would be permitted to transfer funds to any ESEA program that awards formula grants to LEAs or states.</p>	<p>Would retain schoolwide programs and modified flexibility for LEAs receiving assistance under REAP. Would eliminate state- and local-flex authority. Would replace the transferability authority available under current law with new authority. Under this new authority, states would be permitted to use any funds provided for states activities under Section 1003 for school improvement, under Section 1004 for state administration, or under the Migrant Education program, Neglected and Delinquent program, or the English Language Acquisition program to carry out any state activity authorized or required under any of the aforementioned activities as well as Special Programs and Projects to Improve Educational Opportunities for Indian Children. Similarly, LEAs would be permitted to use any funds provided to carry out local activities under the Migrant Education program, Neglected and Delinquent program, English Language Acquisition program, or Indian Education Grants to LEAs to carry out any local activity authorized or required by school improvement (Section 1003), Title I-A-I Grants to LEAs, or any of the aforementioned programs from which funds could be used.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
<b>Other Program Areas Addressed by Current Law</b>			
Literacy	The Striving Readers program is currently the only federal funding stream devoted solely to literacy programs. <sup>k</sup> It is funded through demonstration authority. It provides funds for competitive grants to states, who then subgrant funds to eligible local entities. Funding supports initiatives to improve literacy instruction in high need schools. Prior to FY2010, the program was focused on adolescent literacy; beginning with FY2010, Congress changed the program’s purposes through appropriations language to address comprehensive literacy for children from birth through grade 12.	This bill would provide a specific authorization for a literacy program that would be titled Improving Literacy Instruction and Student Achievement. The program would fund comprehensive literacy plans that provide high quality literacy instruction for children from early childhood through grade 12. If funding were equal to or greater than \$500 million, the majority of funding would be allocated by formula as implementation grants to states; otherwise these grants would be awarded to states competitively. States would subgrant the majority of funding to eligible local entities. Five percent of program funding would be set aside for competitive one year state planning grants, irrespective of the program’s funding level.	Would not retain the Striving Readers program or authorize funding specifically for education technology. The aforementioned block grant program could be used to support academic subject specific programs.
School Dropout Prevention (Title I-H)	Awards competitive grants to states and LEAs with above average dropout rates. Funds may be used for dropout prevention and school re-entry programs at high schools and middle schools that feed into them.	Would replace this program with an “Improving Secondary Schools” program that would award competitive grants to LEAs with low graduation rates. Funds would be used to identify potential dropouts, support credit recovery and school re-entry, and provide professional development for middle and high school teachers and leaders.	Would not be retained.
Promise Neighborhoods	Funded through demonstration authority. Provides competitive grants to assist distressed communities. Funds are used to provide comprehensive services within a geographic area to improve the education and developmental outcomes of children and youth.	Similar to current law.	Would not be retained.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
School safety	<p>The Safe and Drug Free Schools and Communities Act program authorizes funding for state formula grants, and competitive grants for national activities. It supports programs to prevent violence in and around schools, and to prevent or reduce drug and alcohol use. Since FY2010, appropriations have only been provided for national activities.</p>	<p>Would authorize a program titled Successful, Safe, and Healthy Students. (ESEA Title IV-D) The purpose of the program would be to promote physical and mental health, prevent school violence and harassment, reduce substance abuse, and promote safe and supportive schools. Funding would be used to provide grants to states. Funds would be awarded by formula to states if funding is \$500 million or greater; otherwise funding would be awarded competitively.</p>	<p>Would not retain the existing program or authorize funding specifically for school safety.</p>
Afterschool and before school programs	<p>The 21<sup>st</sup> Century Community Learning Centers program (21<sup>st</sup> CCLCs; Title IV-A) provides formula grants to states; states then competitively subgrant funds to eligible local entities. Funds are to be used for before- and after-school, and summer school programs, that advance student academic achievement.</p>	<p>Would amend the allowable uses of program funds to include expanded learning time programs. Includes more detailed language on program requirements. Would also expand the priorities states are to consider in choosing local subgrant recipients.</p>	<p>Would not retain the existing program and would not include a separate program that addresses before- and after-school programming. The aforementioned block grant program could be used for supplemental student support activities, including before, after, or summer school activities.</p>
Well-rounded education	<p>Current law does not have a program dedicated to providing a “well-rounded education” to students. Rather, there are several programs included in the ESEA (but not necessarily funded) that address many of the same areas that the proposed Well-Rounded Education program under S. 3578 would address. For example, Title V-D of current law includes the Arts in Education program, Excellence in Economic Education program, Foreign Language Assistance program, and Carol M. White Physical Education program.</p>	<p>Would provide funds to SEAs working in partnership with one of more other entities, such as an LEA or another SEA, to improve student achievement by “giving students increased access to high-quality instruction for a well-rounded education.” The “covered subjects” that could be addressed by the program would include arts, civic and government, economics, environmental education, financial literacy, foreign languages, geography, health education, history, physical education, and social studies.</p>	<p>Would not include a separate program focused on a well-rounded education. The aforementioned block grant program could be used to support academic subject specific programs.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Parent and family involvement	<p>Current law includes numerous provisions related to parent involvement, most notably those included in Section 1118, which focuses specifically on parent involvement, and Section 1116, which addresses parental notification requirements. Other relevant provisions are included in Title I-A, such as requiring SEAs to collect and disseminate information on effective parent involvement practices and publish report cards that detail information on student performance at the state, LEA, and school levels. Other programs such as Even Start, 21<sup>st</sup> CCLCs, and Parental Assistance and Local Family Information Centers (PIRCs, Title V-D-16) also support parent involvement. The latter provides training, information, and support to parents, teachers, principals, LEAs, and SEAs with respect to implementation of effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement.</p>	<p>Would retain many, but not all of the current parent involvement provisions. Would retain the PIRCs program.</p>	<p>Would eliminate most of the non-Title I-A programs that include a focus on parent involvement. Would create the Family Engagement in Education Programs which would provide technical assistance and training to SEAs and LEAs in the implementation of systematic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement. The aforementioned block grant program could be used to support parent engagement.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Impact Aid	Impact Aid (ESEA Title VIII) compensates LEAs for the “substantial and continuing financial burden” resulting from federal activities. These activities include federal ownership of certain lands as well as the enrollment in LEAs of children of parents who work and/or live on federal land; for example, children of parents in the military and children living on Indian lands. Under current law, the following payments are made: Payments for Federal Property (Section 8002), Basic Support Payments (Section 8003(b)), Payments for Children with Disabilities (Section 8003(d)), Construction (Section 8007), and Facilities Maintenance (Section 8008).	Would retain all payments, but would substantially alter the formulas used to determine grants under Sections 8002, and 8003(b).	Would retain all payments, but would substantially alter the formulas used to determine grants under Sections 8002 and 8003(b), and would change the eligibility requirements for Section 8007.

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Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
<b>Programs Currently Authorized Outside of the ESEA and Proposed for Inclusion in the ESEA</b>			
Race to the Top	<p>The ESEA does not currently authorize the Race to the Top (RTTT) program. The RTTT program was established under Section 14006 of the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). The program has been continued through appropriations acts.</p> <p>The RTTT program provides competitive grants to states to support education reform efforts in four areas: (1) standards and assessments; (2) data systems; (3) recruiting, developing, rewarding, and retaining effective teachers and school leaders; and (4) turning around low-performing schools. Grants are also available to LEAs to personalize instruction for all students, focusing on the relationship between teachers and students.</p>	<p>Would authorize RTTT as part of the ESEA. Program would be similar to the current program. Competitive grants would be awarded to states and LEAs. In addition to the four areas of education reform targeted by the current program, the proposed program would include a focus on creating, expanding, and replicating high-performing public charter schools; creating new, innovative, and highly autonomous public schools; providing more equitable state and local resources to high-poverty schools; and improving school readiness.</p>	<p>Would not authorize the RTTT program as part of ESEA.</p>
Investing in Innovation	<p>The ESEA does not currently authorize the Investing in Innovation program (i3). The i3 program was established under Section 14007 of the ARRA. The program has been continued through appropriations acts.</p> <p>The i3 program provides competitive grants to LEAs and eligible partnerships for the purpose of promoting innovative practices that may improve student achievement, close achievement gaps, decrease dropout rates, increase graduation rates, or increase college enrollment and completion rates.</p>	<p>Would authorize i3 as part of the ESEA. Program would be similar to current law. Would also allow the Secretary to reserve funds appropriated for the i3 program to carry out activities of the Advanced Research Projects Agency – Education (ARPA-ED).</p>	<p>Would not authorize the i3 program as part of ESEA.</p>

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
<b>General Provisions</b>			
Maintenance of effort (MOE)	Permits an LEA to receive funding under several ESEA programs for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of the LEA and state with respect to the provision of free public education by the LEA for the preceding year was not less than 90% of the combined fiscal effort or aggregate expenditures of the second preceding fiscal year.	Same as current law.	Would eliminate all MOE requirements.

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Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
Secretarial waiver authority	Section 9401 grants the Secretary the discretion to issue waivers of any statutory or regulatory requirement of the ESEA at the request of an SEA, LEA, Indian tribe, or school (through an LEA) that receives funds under an ESEA program provided certain conditions are met. There are some restrictions on the provisions that may be waived. For example, the Secretary may not waive fiscal accountability requirements or parental participation requirements.	Same as current law.	Would modify current secretarial waiver authority in several ways, including (1) requiring the Secretary to grant requested waivers, if certain conditions are met (e.g., the waiver request includes a plan that “reasonably demonstrates” that the waiver will improve instruction and academic achievement); (2) requiring the Secretary to use a peer review process prior to denying a waiver request; and (3) requiring the Secretary to approve a waiver not more than 60 days after the waiver was requested, unless: (i) the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, (ii) the requesters asks for a waiver of provisions over which the Secretary does not have waiver authority, (iii) the request fails to demonstrate that student academic achievement would be enhanced, or (iv) the request does not provide for adequate evaluation of the waiver implementation. Would prohibit the Secretary from requiring or imposing new or additional requirements that are not specified in the act in exchange for receipt of a waiver.

Provision	Current law	S. 3578	H.R. 3989 and H.R. 3990
General prohibitions	Section 9526 includes general prohibitions on the use of funds provided under the ESEA related to the developing or distributing materials, programs, or courses of instruction that promote or encourage sexual activity; distributing or aiding in the distribution of obscene materials to minors; providing sex education or HIV-education, unless the instruction is age appropriate and includes the health benefits or abstinence; and operating a contraceptive distribution program in schools.	Same as current law.	Would add three additional prohibitions on the use of ESEA funds: (1) funds could not be used for construction, renovation, or repair of any school facility unless authorized under the act; (2) funds could not be used for medical services, drug treatment, or rehabilitation except under specific circumstances; and (3) funds could not be used for transportation unless authorized under the act.
<b>Key Changes Included in ESEA Reauthorization Bills to Non-ESEA Programs/Acts</b>			
Homeless Education	The Education for Homeless Children and Youth Program provides formula grants to states to help ensure that all homeless children and youth have equal access to the same free appropriate public education that is provided to other children and youth. Allows ESEA Title I-A funds to be used for transportation only in very limited circumstances for <i>formerly</i> homeless students.	Would change the program’s definition of homeless by removing “awaiting foster care” from the definition due to the creation of a new foster care program under Title I-A that would improve access to education and related services for foster children and youth. Would expand the allowable uses of ESEA Title I-A funding for homeless education to include transportation to the school of origin and funding for local liaisons.	Would expand the allowable uses of ESEA Title I-A funding for homeless education to include transportation for homeless students to their school of origin.

**Source:** Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 3578, H.R. 3989, and H.R. 3990.

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

- a. The Troops-to-Teachers program assists eligible armed services members obtain teaching certification or licensure. Under the program, the Secretary of Education is required to transfer necessary funds to the Secretary of Defense and to enter into an agreement with the Secretary of Defense regarding program administration. In recent years, appropriations for this program have been provided through the Department of Defense appropriations act. Chapter 58 of Title 10 of the U.S. Code addresses benefits and services for members being separated or recently separated from the armed forces.
- b. The bill includes a single authorization for all of Impact Aid and five separate authorizations for each of the individual programs included under Impact Aid. It is unclear why the general authorization is needed if each of the individual programs has its own authorization.

- c. Provided minimum group sizes are met, data must be disaggregated for economically disadvantaged students, limited English proficient students, students with disabilities, and students in major racial and ethnic groups as determined by the state. These specified demographic groups are often referred to as subgroups. For reporting purposes, if minimum group sizes are met, data must be disaggregated for the aforementioned subgroups as well as by gender and migrant status.
- d. Under growth models, the achievement of the same students is tracked from year-to-year. This type of model is not explicitly mentioned in the ESEA statute, however, it is authorized in regulations promulgated by ED. Using waiver authority available to the Secretary under Section 9401, the Secretary is able to approve state's use of growth models.
- e. Schools enter improvement status after they fail to make AYP for two consecutive years. Schools can exit improvement status by making AYP for two consecutive years. If a school identified for improvement, corrective action, or restructuring makes AYP for one year, it remains at its current designation for improvement. If it fails to make AYP the next year, it continues to move through the increasingly severe outcome accountability actions (e.g., moves from school improvement to corrective action).
- f. States may fund teacher and principal awards by reserving such sums as necessary from the amount received under ESEA Title II-A-I.
- g. Annual appropriations language has specified that funds in excess of the FY2001 appropriation for Title I-A be divided evenly between Targeted and EFIG Grants, but this requirement is not included in the statutory language authorizing the Title I-A program.
- h. The bill would also change the definition of homeless in the Education for Homeless Children and Youth (EHCY) program by striking children who are "awaiting foster care placement" from the definition of homeless. This would mean that children "awaiting foster care placement," as defined by each state, would no longer be eligible for services under EHCY.
- i. Under current law, if appropriations for Title III are below \$650 million, Title III-B provides competitive grants to LEAs, institutions of higher education, and community-based organizations to provide language instruction programs. Since the enactment of the No Child Left Behind Act (NCLB; P.L. 107-110), appropriations for Title III have never fallen below \$650 million. Therefore, Title III-B has never been in effect. Both S. 3578 and H.R. 3989 would eliminate the current Title III-B provisions.
- j. All eligible entities that submit an application that meet the statutory requirements would receive a grant of at least \$10,000.
- k. While no longer funded, the following literacy programs are included under current law: Reading First for students in grades K-3; Early Reading First for preschoolers; Even Start Family Literacy program; and the Literacy through School Libraries program.
- l. ARPA-ED would be modeled after the Defense Advanced Research Projects Agency (DARPA), which was proposed by the Eisenhower Administration and established in February 1958 by P.L. 85-325.

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

**Table A-1** examines specific program authorizations included in current law<sup>12</sup> compared with those included in S. 3578, H.R. 3989, and H.R. 3990. Overall, current law included 46 specific authorizations compared with 36 in S. 3578<sup>13</sup> and 12 in H.R. 3989 and H.R. 3990. It should be noted that a single authorization may apply to more than one program. **Table A-1** was designed to show the actual number of explicit authorizations included in current law and each of the bills. In order to make this table more useful, however, if proposed statutory language indicated that certain programs receive a specific share of a given authorization, this has been indicated on the table as well. For example, H.R. 3989 includes only two authorizations, but proposed statutory language would provide a specified share of one of those authorizations to multiple, individual programs.

A new program authorization under S. 3578, H.R. 3989, or H.R. 3990 should not be interpreted to mean that the program was not authorized under current law. For example, S. 3578 would include separate authorizations for Teacher Incentive Fund (TIF) grants and for Promise Neighborhoods. Both of these programs are currently funded and were enacted through appropriations language using general authority available to the Secretary under the Fund for the Improvement of Education (FIE; Title V-D-1). Under current law, there is only one authorization for FIE that encompasses 21 subparts, including Title V-D-1, without specifying a share of the authorization for a given subpart. Therefore, under current law, separate authorizations are not listed for the TIF or Promise Neighborhoods program.

In general, all of the authorizations included in S. 3578 are for “such sums” for FY2012 and each of the four succeeding fiscal years (i.e., through FY2016). H.R. 3989 and H.R. 3990 specify authorization amounts for FY2013 only. The amounts authorized for FY2014 through FY2018 would be determined by increasing the FY2013 authorization amount by a percentage equal to the percentage of inflation as determined by the Consumer Price Index for the calendar year ending prior to the beginning of that fiscal year.

Given that most of the authorizations in current law and all of the authorizations in S. 3578 are for “such sums as may be necessary,” it is not possible to calculate the total amount authorized across current law and the ESEA reauthorization bills. With that said, the total authorized level in H.R. 3989 and H.R. 3990 is \$24.0 billion. FY2012 appropriations for ESEA under current law are \$23.3 billion. It should be noted that an authorization of an appropriation is only an authorization. Congress can and does enact appropriations at funding levels that differ from authorization levels.

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<sup>12</sup> FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.

<sup>13</sup> The bill includes a single authorization for all of Impact Aid and five separate authorizations for each of the individual programs included under Impact Aid. It is unclear why the general authorization is needed if each of the individual programs has its own authorization.

**Table A-1. Specific Program Authorizations Under ESEA and Treatment Under S. 3578, H.R. 3989, and H.R. 3990**

Current law			Authorization under S. 3578 for FY2012 through FY2016	Authorization under H.R. 3989 and H.R. 3990 for FY2013 <sup>a</sup>
Program	Statutory Citation for Program	FY2007 Authorization <sup>b</sup>		
School Improvement Grants	Title I, Section 1003(g)	Such sums	Would be authorized at such sums <sup>c</sup>	Would not be authorized
Title I-A Grants to Local Educational Agencies (LEAs) <sup>d</sup> : Basic Grants, Concentration Grants, and Targeted Grants	Title I-A	\$25,000,000,000 (for all four grants, including Education Finance Incentive Grants; see below)	Would be authorized at such sums	Would receive 91% (\$15,153,108,880) of a single authorization for programs serving special populations under Title I-A <sup>d</sup>
Title I-A Grants to LEAs: Education Finance Incentive Grants (EFIG)	Title I-A	Such sums (but included in total authorization amount for Title I-A as well, see above)	Would be authorized at such sums	Would be included in the authorization for the other Title I-A Grants to LEAs (see above) <sup>d</sup>
Reading First	Title I-B-1	Such sums	Would not be authorized	Would not be authorized
Early Reading First	Title I-B-2	Such sums	Would not be authorized	Would not be authorized
Even Start	Title I-B-3	Such sums	Would not be authorized	Would not be authorized
Literacy Through School Libraries	Title I-B-4	Such sums	Would not be authorized	Would not be authorized
Migrant Education <sup>d</sup>	Title I-C	Such sums	Would be authorized at such sums	Would receive 2.4% (\$399,642,432) of a single authorization for programs serving special populations under Title I-A <sup>d</sup>
Neglected and Delinquent <sup>d</sup>	Title I-D	Such sums	Would be authorized at such sums	Would receive 0.3% (\$49,955,304) of a single authorization for programs serving special populations under Title I-A <sup>d</sup>
Evaluation and Demonstration	Title I-E, Section 1501 and 1502	Such sums	Would not be authorized <sup>e</sup>	National Assessment would be authorized at \$3,194,000
Close Up Fellowships	Title I-E, Section 1504	Such sums	Would not be authorized	Would not be authorized
Comprehensive School Reform	Title I-F	Such sums	Would not be authorized	Would not be authorized
Advanced Placement	Title I-G	Such sums	Would be authorized at such sums <sup>f</sup>	Would not be authorized

Current law			Authorization under S. 3578 for FY2012 through FY2016	Authorization under H.R. 3989 and H.R. 3990 for FY2013 <sup>a</sup>
Program	Statutory Citation for Program	FY2007 Authorization <sup>b</sup>		
Dropout Prevention	Title I-H	Such sums	Would not be authorized <sup>c</sup>	Would not be authorized
Teacher Quality State Grants	Title II-A	Such sums	Would be authorized at such sums	Would receive 75% (\$2,241,052,500) of a single authorization for teacher and principal programs under Title II <sup>h</sup>
Teacher Quality National Programs	Title II-A	Such sums	Would not be authorized	Would not be authorized
Mathematics and Science Partnerships	Title II-B	Such sums	Would not be authorized	Would not be authorized
Transitions to Teaching	Title II-C-1	Such sums	Would not be authorized	Would not be authorized
National Writing Project	Title II-C-2	Such sums	Would not be authorized	Would not be authorized
Civic Education	Title II-C-3	Such sums	Would not be authorized	Would not be authorized
Teaching of Traditional American History	Title II-C-4	Such sums	Would not be authorized	Would not be authorized
Education Technology	Title II-D-1 and 2	Such sums	Would be authorized at such sums	Would not be authorized
Ready-to-Learn Television	Title II-D-3	Such sums	Would be authorized at such sums	Would not be authorized
English Language Acquisition and Instruction <sup>d</sup>	Title III-A and B	Such sums	Would be authorized at such sums	Would receive 4.4% (\$732,677,792) of a single authorization for programs serving special populations under Title I-A
Emergency Immigrant Education	Title III-B-4	Such sums	Would not be authorized	Would not be authorized
Safe and Drug-Free Schools and Communities State Grants	Title IV-A-1	Such sums	Would not be authorized	Would not be authorized
Safe and Drug-Free Schools and Communities National Programs	Title IV-A-2	Such sums	Would not be authorized	Would not be authorized
21 <sup>st</sup> Century Community Learning Centers	Title IV-B	\$2,500,000,000	Would be authorized at such sums	Would not be authorized

Current law			Authorization under S. 3578 for FY2012 through FY2016	Authorization under H.R. 3989 and H.R. 3990 for FY2013 <sup>a</sup>
Program	Statutory Citation for Program	FY2007 Authorization <sup>b</sup>		
Innovative Programs (block grant)	Title V-A	\$600,000,000	Would not be authorized	Would not be authorized <sup>i</sup>
Charter Schools	Title V-B-1	Such sums	Would be authorized at such sums	\$300,000,000
Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation	Title V-B-2	No authorization <sup>i</sup>	Would be authorized at such sums as part of the Public Charter Schools authorization	Would be authorized as part of the authorization for the Charter Schools program (see above)
Voluntary Public School Choice	Title V-B-3	\$100,000,000	Would be authorized at such sums	Would not be authorized
Magnet Schools	Title V-C	Such sums	Would be authorized at such sums	\$99,611,000
Fund for the Improvement of Education	Title V-D	\$675,000,000	Would not be authorized	Would not be authorized
National Assessment of Educational Progress <sup>k</sup>	na <sup>k</sup>	Such sums	Would be authorized at such sums	Would not be authorized
State Assessments	Title VI-A-1	Such sums	Would be authorized at such sums	Would not be authorized
Rural Education <sup>d</sup>	Title VI-B	Such sums	Would be authorized at such sums	Would receive 1.1% (\$183,169,448) of a single authorization for programs serving special populations under Title I-A
Indian Education Grants to LEAs <sup>d</sup>	Title VII-A-1	Such sums	Would be authorized at such sums under a single authorization for Title VII	Would receive 0.6% (\$99,910,608) of a single authorization for programs serving special populations under Title I-A
Indian Education Special Programs and National Activities <sup>d</sup>	Title VII-A-2 and 3	Such sums	Would be authorized at such sums under a single authorization for Title VII	Special Programs would receive 0.2% (\$33,303,536) of a single authorization for programs serving special populations under Title I-A <sup>l</sup>
Education for Native Hawaiians	Title VII-B	Such sums	Would be authorized at such sums under a single authorization for Title VII	Would not be authorized

Current law			Authorization under S. 3578 for FY2012 through FY2016	Authorization under H.R. 3989 and H.R. 3990 for FY2013 <sup>a</sup>
Program	Statutory Citation for Program	FY2007 Authorization <sup>b</sup>		
Alaska Native Education	Title VII-C	Such sums	Would be authorized at such sums under a single authorization for Title VII	Would not be authorized
Impact Aid Federal Property	Title VIII, Section 8002	Such sums	Would be authorized at such sums	\$66,947,000
Impact Aid Basic Support Payments	Title VIII, Section 8003(b)	Such sums	Would be authorized at such sums	\$1,153,540,000
Impact Aid Children with Disabilities	Title VIII, Section 8003(d)	Such sums	Would be authorized at such sums	\$48,413,000
Impact Aid Construction	Title VIII, Section 8007	Such sums	Would be authorized at such sums	\$17,441,000
Impact Aid Facilities Maintenance	Title VIII, Section 8008	Such sums	Would be authorized at such sums	\$4,845,000
<b>New authorizations included S. 3578</b>				
Pathways to College	na	na	Would be authorized at such sums	na
Principal Recruitment and Training	na	na	Would be authorized at such sums	
Teacher Pathways to the Classroom	na	na	Would be authorized at such sums	na
Teacher Incentive Fund <sup>m</sup>	na	na	Would be authorized at such sums	na
Improving Literacy Instruction and Student Achievement	na	na	Would be authorized at such sums	na
Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement	na	na	Would be authorized at such sums	na
Increasing Access to a Well-Rounded Education	na	na	Would be authorized at such sums	na
Successful, Safe, and Health Students	na	na	Would be authorized at such sums	na
Promise Neighborhoods <sup>m</sup>	na	na	Would be authorized at such sums	na

Current law			Authorization under S. 3578 for FY2012 through FY2016	Authorization under H.R. 3989 and H.R. 3990 for FY2013 <sup>a</sup>
Program	Statutory Citation for Program	FY2007 Authorization <sup>b</sup>		
Parent and Family Information Resource Centers (PIRCs) <sup>n</sup>	na	na	Would be authorized at such sums	na
Programs of National Significance	na	na	Would be authorized at such sums	na
Race to the Top	na	na	Would be authorized at such sums	na
Investing in Innovation	na	na	Would be authorized at such sums	na
<b>New authorizations included in H.R. 3989 or H.R. 3990</b>				
Teacher Preparation and Effectiveness	na	na	na	Would receive 25% (\$747,018,000) of a single authorization for teacher and principal programs under Title II <sup>h</sup>
Family Engagement in Education	na	na	na	\$25,000,000
Local Academic Flexible Grant (block grant)	na	na	na	\$2,677,476,000

**Source:** Table prepared by CRS, based on CRS analysis of the Elementary and Secondary Education Act (most recently amended by P.L. 107-110), S. 3578, H.R. 3989, and H.R. 3990.

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

na: Not applicable.

- a. The amounts authorized for FY2014 through FY2018 would be determined by increasing the FY2013 authorization amount by a percentage equal to the percentage of inflation as determined by the Consumer Price Index for the calendar year ending prior to the beginning of that fiscal year.
- b. FY2007 was the last year for which ESEA programs had authorizations included in statutory language. While ESEA programs are no longer authorized, they continue to receive annual appropriations. This is considered an implicit authorization of the programs.
- c. S. 3578 would include a School Improvement Fund program which would be similar to the School Improvement Grant program in terms of providing formula grants to states which would subsequently provide competitive grants to local entities for school improvement activities. However, the formula used to award grants to states, the local entities that could receive grants, and the specific school improvement activities for which funds could be used would be modified.
- d. Under H.R. 3989, six programs would share a single authorization. These programs include Improving Basic Programs Operated by LEAs, Migrant Education, Neglected and Delinquent, English Language Acquisition,

- Rural Education, and Indian Education. The total authorization for FY2013 would be for \$16,651,768,000. Each of the six programs would receive a share of the overall, single authorization. The individual shares are noted in the table.
- e. Section 9601 would permit the Secretary to reserve funds appropriated for each categorical program and demonstration project for evaluation purposes.
  - f. The program would be expanded to include funding for similar activities related to the International Baccalaureate program.
  - g. S. 3578 would authorize a new program that focuses on secondary school reform that would address issues related to high school dropouts.
  - h. Under H.R. 3990, the Teacher Quality State Grants program and the Teacher Preparation and Effectiveness program would share a single authorization. The total authorization for FY2013 would be \$2,988,070,000.
  - i. H.R. 3990 would authorize a new block grant program.
  - j. The Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, and Renovation program had a separate authorization for FY2002 and FY2003 only. It has continued to receive appropriations each fiscal year.
  - k. NAEP is not an ESEA program, rather it is a program included in the Education Sciences Reform Act. However, as participation in NAEP is a requirement for states to receive funding under ESEA Title I-A if the Secretary pays for the test administration, current law included an authorization of funds for NAEP. S. 3578 would include an authorization for NAEP. H.R. 3989, while still requiring states to participate in NAEP if the Secretary pays for the test administration, does not include an authorization of funds for NAEP.
  - l. No funds would be authorized for National Activities.
  - m. This program is currently funded under ESEA. It was enacted through appropriations language using authority available to the Secretary under ESEA Title V-D-1. Current law contains a single authorization for all of Title V-D, which includes numerous programs. None of the programs has a separate authorization.
  - n. Under current law, this program does not have its own authorization. Rather, it is authorized under the authorization for the Fund for the Improvement of Education.

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