

Comparison of Key Provisions in Title I of ESEA			
Issue Area	Current ESEA Law--No Child Left Behind (NCLB)	Every Child Achieves Act of 2015 (S.1177)	H.R.5
Title I	Improving the Academic Achievement of the Disadvantaged	Improving basic programs operated by state and local educational agencies	Aid to Local Educational Agencies
Purpose	To ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.	To ensure that all children have a fair, equitable, and significant opportunity to receive a high-quality education that prepares them for postsecondary education or the workforce, without the need for postsecondary remediation, and to close educational achievement gaps.	To provide all children with the opportunity to graduate high school prepared for postsecondary education or the workforce.
Authorization of Appropriations (In Millions)	(Authorized for FY 2002) <ul style="list-style-type: none"> - Local Educational Agency Grants: \$13,500 - Education of Migratory Children: \$410 - Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or at-Risk: \$50 	<ul style="list-style-type: none"> - Local Educational Agency Grants: "such sums as may be necessary..." - State Assessments: "such sums as may be necessary..." - Education of Migratory Children: "such sums as may be necessary..." - Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk: "such sums as may be necessary..." 	<ul style="list-style-type: none"> - Part A: \$16,245 for each of the fiscal years 2016 through 2019. - Part B: \$0.71 for each of the fiscal years 2016 through 2019.
State Plans			
Input	State Plans must be submitted to the Secretary in consultation with LEAs, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents	State Plans must be submitted to the Secretary in conjunction with the Governor, LEAs, tribal representatives located in the state, teachers, principals and other school leaders, instructional support personnel, administrators, staff and parents. State Plans must be coordinated with other	State plans must be submitted to the Secretary in conjunction with LEAs, teachers, principals and other school leaders, instructional support personnel, administrators, other staff and parents.

	<p>State Plans must be coordinated with other programs under this Act, the Individuals with Disabilities Education Act (IDEA), the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act</p>	<p>programs under this Act, the Individuals with Disabilities Education Act (IDEA), the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act</p>	
<p>Secretarial Powers and Responsibilities in Peer Review Process</p>	<p>The Secretary has the power to</p> <ul style="list-style-type: none"> - Establish a peer review process - Appoint members that represent parents, teachers, state and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students - Approve State plans within 120 days of submission - Disapprove State plans <p>The Secretary does not have the authority to require a state to include, or delete from, such plan one or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items as a requirement for plan approval.</p>	<p>The Secretary has the power to</p> <ul style="list-style-type: none"> - Establish a peer review process - Establish multidisciplinary peer review teams and appoint members that represent state and local stakeholders that have practical classroom experience and have been a direct employee of a school, LEA or SEA in the past 5 years. - Publicize the selected list of peer reviewers - Ensure variation in peer review teams (same reviewers may not review all State plans) - Approve State plans within 90 days of its submission - Disapprove state plans, citing “substantial evidence” that demonstrates that the State plan does not meet requirements of this section 	<p>The Secretary has the power to</p> <ul style="list-style-type: none"> - Establish a peer review process - Establish multidisciplinary peer review teams and appoint members that represent state and local stakeholders that have practical classroom experience and have been a direct employee of a school, LEA or SEA in the past 5 years. - Ensure that 65 percent of peer review appointees are practitioners and 10 percent are representative of private sector employers. - Publicize the selected list of peer reviewers - Ensure variation in peer review teams (same reviewers may not review all State plans) - Approve State plans within 120 days of submission - Disapprove State plans, and be required to demonstrate how the State plan fails to meet

			requirements
Purposes of Peer Review	Not expressly mentioned	<p>The Peer Review Process is intended to</p> <ul style="list-style-type: none"> - maximize collaboration with each state - promote “effective implementation of the challenging State academic standards through State and local innovation” - provide public, timely and objective feedback to States to strengthen quality of State plans 	Not expressly mentioned.
Disapproval Process	<p>Prior to disapproving of a State plan, the secretary must</p> <ul style="list-style-type: none"> - notify the state in question - offer a revision opportunity - provide technical assistance to help the state meet the requirements - provide a hearing 	<p>Prior to disapproving of a State plan, the secretary must</p> <ul style="list-style-type: none"> - notify the state in question - give a detailed description of the requirements that the State plan fails to meet - If requested by the State, supply written resources such as comments, suggestions or concerns of the peer reviewers - Offer a 60 day revision opportunity - If requested by the state, provide technical assistance - Conduct a public hearing within 30 days of a resubmission <p>The Secretary may disapprove a State plan if the State does not revise and resubmit or if a resubmission is inadequate, provided the above process has been heeded</p>	<p>Prior to disapproving of a State plan, the secretary must</p> <ul style="list-style-type: none"> - notify the State in question - offer the State a revision opportunity - provide technical assistance - conduct a public hearing
Limits to Secretarial Power	Not expressly mentioned	The Secretary may not require a State to include in its plan specific elements of the challenging State academic standards or	The Secretary does not have the authority to require a State to include or delete specific elements of the

		<p>compel the State to adopt specific academic assessments or content.</p> <p>The Secretary may not require a state to set specific State-designed annual goals or specific timelines for such goals for all students.</p> <p>The Secretary does not have the authority to prescribes standards or measures that LEAs and SEAs use to establish State standards, assessments, state accountability systems, systems that measure academic growth, measures of other academic indicators, school personnel evaluation systems, or indicators of teacher, principal or other school leader effectiveness.</p> <p>The Secretary cannot define any terms (e.g. ‘substantially’, ‘meaningfully’).</p>	<p>State’s academic standards or State accountability system, or to use specific academic assessments.</p> <p>The Secretary and staff may not attempt to influence or participate in the peer review process.</p>
<p>Transparency</p>	<p>Not expressly mentioned.</p>	<p>State plans, peer review comments, determinations by the Secretary and public hearings must be made available to the public.</p> <p>Local education agencies must make information regarding state assessments available to parents, including subject matter, purpose for assessment, source of the requirement for the assessment, amount of testing time, assessment schedule, and any other information</p>	<p>State plans, names of peer reviewers, peer review comments and notes, determinations by the Secretary and public hearings must be made available to the public.</p>

		<p>regarding parental rights or procedure,</p> <p>Local Education Agencies must make available to parents information regarding student participation in any mandated assessments for that school year.</p> <p>States shall set a limit on the aggregate amount of time devoted to the administration of assessments.</p> <p>A Student Privacy Policy Committee will be established following the enactment of this Act that will assess the effectiveness of federal laws and enforcement mechanisms of student privacy and parental rights to student information.</p>	
<p>Challenging State Academic Standards and Assessments</p>	<p>States must, at a minimum, adopt standards in math, reading or language arts, and science. The standards must:</p> <ul style="list-style-type: none"> - specify what children are expected to know and be able to do - contain rigorous content - encourage the teaching of advanced skills - allow for the participation in applicable assessments of all students - allow for reasonable adaptations and accommodations for students with disabilities - allow for the inclusion of limited English proficient students 	<p>States must adopt standards in math, reading or language arts, science, and any other subjects as determined by the state. The standards must:</p> <ul style="list-style-type: none"> - apply to all public schools and public school children in the state - align with higher education institution entrance requirements without the need for remediation - align with relevant State career and technical education standards - align with early learning guidelines, as required by the Child Care and Development Block Grant Act of 1990 <p>States must report how subgroups of</p>	<p>States must adopt academic content standards and academic achievement standards in math, reading or language arts, and science, and any other subjects as determined by the state.</p> <p>States are not prohibited from withdrawing from the Common Core State Standards or any other specific standards, and no representative of the federal government may take action against a State that exercises this right.</p>

		<p>students are performing toward the standards.</p> <p>States must report rates of enrollment in postsecondary education for high school graduates' first academic year following secondary school completion.</p>	
<p>Consequences of Failure to Set Challenging State Academic Standards</p>	<p>Failure to meet deadlines regarding demonstration of implementation of challenging state academic standards will result in the Secretary withholding 25 percent of funds that would otherwise be distributed to the State.</p> <p>No extensions or waivers will be allowed</p>	<p>Failure to meet requirements may result in funds withheld by the Secretary for State administration.</p>	<p>Failure to meet requirements may result in funds withheld by the Secretary for State administration.</p>
<p>Accountability</p>	<p>Each State plan must demonstrate that the State has developed a single statewide accountability system. This system must ensure that all LEAs, public elementary schools, and public secondary schools make adequate yearly progress.</p> <p>The accountability system must:</p> <ul style="list-style-type: none"> - Be based on academic standards, taking into account the achievement of all public and elementary school and secondary school students - Used for all schools and LEAs in the state - Include sanctions and rewards to be used by the State to hold LEAs and schools accountable 	<p>Each State plan must demonstrate that the State has developed a single statewide accountability system. This system must be based on standards "to ensure all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation."</p> <p>The accountability system must:</p> <ul style="list-style-type: none"> - Establish annual reading, math and graduation goals for all students and student groups - Measure and report on academic achievement, success, English language proficiency of all English learners, academic progress of all student groups, and "any other valid 	<p>Each State plan must demonstrate that the State has developed a single statewide accountability system "to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation."</p> <p>The accountability system must:</p> <ul style="list-style-type: none"> - annually measure academic achievement of all public school students - annually evaluate and identify academic performance of each public school in the state <p>Assessments must be administered to</p>

		<p>and reliable indicator of school quality” as determined by the state</p> <ul style="list-style-type: none"> - Use success indicators to differentiate among public schools in the state, with clear explanation for public reporting. <p>State plans must also describe methods of data disaggregation, as well as the SEA’s plan to monitor LEAS and evaluate interventions as required for state-determined ‘lowest performing’ schools. The following must be described:</p> <ul style="list-style-type: none"> - N size - How n size was determined - How n size prevents release of personally identifiable data 	<p>no less than 95 percent of students, however:</p> <ul style="list-style-type: none"> - States must allow parents to opt their student out of assessments for any reason - States are not required to include such students in calculations of participation rate
<p>Adequate Yearly Progress</p>	<p>Each State plan must demonstrate adequate yearly progress of the State and LEAs.</p> <p>Adequate yearly progress is described as:</p> <ul style="list-style-type: none"> - Continuous and substantial improvement for all students - Includes measurable annual objectives for continuous improvement for key subgroups including the economically disadvantaged, students from major racial and ethnic groups, Students with disabilities, Students with limited English proficiency 	<p>Not required, though State plans must annually establish student goals, and measure and report on achievement and success.</p>	<p>Not required, though State plans must annually measure academic achievement and evaluate performance of each public school in the state.</p>

Students with Disabilities			
<p>Alternate Assessment: Conditions</p>	<p>Current law does not allow for alternate standards or assessment for students with disabilities.</p> <p>NOTE: The Department of Education released final regulations in December 2003 that established a 1 percent cap on the number of proficient and advanced scores of students with the most significant cognitive disabilities who take alternate assessments based on alternate achievement standards that may be counted in the calculation of adequate yearly progress.</p>	<p>States may adopt alternate standards for students with the most significant cognitive disabilities.</p> <p>Alternate assessment may be used if the state:</p> <ul style="list-style-type: none"> - Establishes and monitors IEC guidelines, (applied in determining whether disabilities justify alternate assessment) - Ensure that parents are informed that academic achievement will be based on alternate standards - Documents that these students are included (to the extent practicable) in general curriculum and in assessments aligned with general curriculum - Describes steps the State has taken to incorporate universal design for learning in alternate assessment - Ensures that regular and special education teachers and staff know how to administer assessment and make appropriate use of accommodations - Develops and promotes information on the use of appropriate accommodations in a way that promotes an increased number of 	<p>States may adopt alternate standards for students with the most significant cognitive disabilities through a documented and validated standards-setting process.</p> <p>Determination of whether an individual student’s achievement should be measured against alternate standards must be made separately for each student. Alternate standards must be aligned with State academic content standards, promote access to the general curriculum and reflect professional judgment.</p> <p>Alternate assessments may be used if the state:</p> <ul style="list-style-type: none"> - Establishes and monitors IEP guidelines, (applied in determining whether disabilities justify alternate assessment) - Ensures parents are informed that academic achievement will be based on alternate standards and whether participation in such assessments precludes the student from completing the

		<p>students with significant cognitive disabilities who are tested against challenging State academic achievement standards</p> <ul style="list-style-type: none"> - Ensures that students who take alternate assessments are not precluded from attempting to complete the requirements for a regular high school diploma <p>Prohibitions: A State shall not develop, or implement any alternate or modified academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements.</p> <p>The state must ensure that for each subject, the total number of students assessed in each such subject using the alternate assessment does not exceed 1 percent of the total number of all students in the State who are assessed.</p>	<p>requirements for a regular high school diploma</p> <ul style="list-style-type: none"> - Documents that these students are included (to the extent practicable) in general curriculum and in assessments aligned with general curriculum - Ensures that regular and special education teachers and staff know how to administer assessment and make appropriate use of accommodations
<p>Alternate Assessment: Characteristics</p>	<p>Current ESEA statutory law does not provide for alternate standards or assessments for students with disabilities. This occurs through regulations issued to provide for an alternate assessment on alternate academic achievement standards for students with the most significant cognitive disabilities in alignment with The Individuals with Disabilities Education Act.</p>	<p>Alternate assessment for students with disabilities must:</p> <ul style="list-style-type: none"> - Align with mainstream standards - Promote access to general curriculum - Reflect “professional judgment,” and highest degree of attainment possible. - Align with student individualized education programs (IEPs). 	<p>Alternate assessment for students with disabilities must:</p> <ul style="list-style-type: none"> - Align with mainstream standards - Support access to general curriculum - Reflect “professional judgment,” and highest degree of attainment possible. <p>Align with student individualized</p>

		<ul style="list-style-type: none"> - Align to ensure that a student who meets alternate academic achievement standards is on track for further education or employment. 	education programs (IEPs).
English Language Learners			
Inclusion in State Plans	<p>States must identify languages other than English that are present and must make efforts to develop assessments accordingly and as necessary.</p> <p>State plans must provide the assurance that LEAs will provide for an annual assessment of English proficiency of all ELLs.</p>	<p>States must identify languages other than English that are present and must make efforts to develop assessments accordingly and as necessary.</p> <p>State plans must provide the assurance that LEAs will provide for an annual assessment of English proficiency of all ELLs.</p>	<p>States must identify languages other than English that are present and must make efforts to develop assessments accordingly and as necessary.</p> <p>State plans must provide the assurance that LEAs will provide for an annual assessment of English proficiency of all ELLs.</p>
Standards and ELLs	<p>Each state must adopt language proficiency standards that align with the challenging state academic standards. The stipulations of “proficiency” standards must:</p> <ul style="list-style-type: none"> - include the four domains of speaking, listening, reading, and writing - address varying levels of proficiency 	<p>Each state must adopt language proficiency standards that align with the challenging State academic standards. The stipulations of “proficiency” standards must:</p> <ul style="list-style-type: none"> - include the four domains of speaking, listening, reading, and writing - address varying levels of proficiency <p>States are not required to submit proficiency standards to the Secretary for review or approval. The Secretary does not have the authority to “mandate, direct, control, coerce, or exercise any direction or supervision” over any of the challenging State academic standards adopted or implemented by the State. States are not prohibited from revising any standards.</p>	<p>Each State must adopt language proficiency standards that must:</p> <ul style="list-style-type: none"> - include the four domains of speaking, listening, reading, and writing - be aligned with the State’s academic content standards in reading or language arts

Accommodations	<p>English Language Learners may be provided with reasonable accommodations on assessment.</p> <p>States must provide assessments in the form that will yield the most accurate data, and may administer tests in the student’s native language.</p> <p>ELLs must be assessed in English, reading or language arts after having attended school in the U.S. for three or more years unless the LEAs determines continued alternate assessment would yield the most accurate data. These extra accommodations may not exceed 2 additional years.</p>	<p>English Language Learners may be provided with reasonable accommodations on assessment.</p> <p>States must provide assessments in the form that will yield the most accurate data, and may administer tests in the student’s native language.</p> <p>ELLs must be assessed in English, reading or language arts after having attended school in the U.S. for three or more years unless the LEAs determines continued alternate assessment would yield the most accurate data. These extra accommodations may not exceed 2 additional years.</p>	<p>English Language Learners may be provided with reasonable accommodations on assessment.</p> <p>States must provide assessments in the form that will yield the most accurate data, and may administer tests in the student’s native language.</p> <p>ELLs must be assessed in English, reading or language arts after having attended school in the U.S. for three or more years unless the LEAs determines continued alternate assessment would yield the most accurate data. These extra accommodations may not exceed 2 additional years.</p>
	<p>*For more information on language affecting English Language Learners, see Title III</p>	<p>*For more information on language affecting English Language Learners, see Title III</p>	<p>*For more information on language affecting English Language Learners, see Title III</p>

Assessment	NCLB Current Law	Every Child Achieves Act (S.1177)	H.R.5
Assurances	<p>Each State plan must provide an assurance that their assessment system:</p> <ul style="list-style-type: none"> - Assesses math and reading or language arts (at a minimum) - Align with challenging state academic standards - Provide information of student success - Enable results to be 	<p>Each State plan must provide an assurance that their assessment system:</p> <ul style="list-style-type: none"> - Assesses math, reading or language arts, and science (at a minimum) - Aligns with challenging state academic standards - Provides information of student success - Ensures technical quality - Involves multiple measures of 	<p>Each State plan must provide an assurance that their assessment system:</p> <ul style="list-style-type: none"> - Assesses math, reading or language arts, and science (at a minimum) - Provides information of student success and includes measures that assess higher-order thinking skills an understanding - Enable results to be disaggregated by subgroups unless the number of

	<p>disaggregated by subgroups (race, ethnicity, socioeconomic status, disability, English proficiency, gender, migrant status)</p> <ul style="list-style-type: none"> - Measure all students - provides data on attainment that is usable and consistent with relevant, nationally recognized professional and technical standards 	<p>achievement (at least 3)</p> <ul style="list-style-type: none"> - Produce valuable information for use by parents, teachers, principals or other school leaders. - Enable results to be disaggregated by subgroups unless the number of students in a subgroup category is of a number that would yield statistically unreliable information or would reveal personally identifiable information (subgroups: race, ethnicity, socioeconomic status, disability, English proficiency, gender, migrant status) - Results must be provided to the public in a manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities. - Produce annual student achievement data comparable among all LEAs within the State. 	<p>students in a subgroup category is of a number that would yield statistically unreliable information or would reveal personally identifiable information (subgroups: race, ethnicity, socioeconomic status, disability, English proficiency, gender, migrant status)</p> <p>The State assessment system must be administered at the discretion of the State:</p> <ul style="list-style-type: none"> - Through a single annual summative assessment - Through multiple assessments during the course of the academic year that result in a single summative score
<p>Accommodations</p>	<p>Reasonable adaptations and accommodations will be provided to students with disabilities and alternate assessments aligned with grade-level challenging State academic standards will be administered unless the State develops alternate assessment with alternate standards for students with the most significant cognitive</p>	<p>Reasonable adaptations and accommodations will be provided to students with disabilities and alternate assessments aligned with grade-level challenging State academic standards will be administered unless the State develops alternate assessment with alternate standards for students with the most significant cognitive disabilities.</p>	<p>Reasonable adaptations and accommodations will be provided to students with disabilities and alternate assessments aligned with grade-level challenging State academic standards will be administered unless the State develops alternate assessment with alternate standards for students with the most significant cognitive disabilities.</p>

<p>Assessment</p>	<p>disabilities.</p> <p>State-designed assessment systems must test students in the subjects of Math and English/Language Arts according to the following schedule:</p> <ul style="list-style-type: none"> - In each of grades 3-8 - At least once in grades 9-12 <p>State-designed assessment systems must test students in the subject of Science no less than once during:</p> <ul style="list-style-type: none"> - Grades 3-5 - Grades 6-9 - Grades 10-12 	<p>State-designed assessment systems must test students in the subjects of Math and English/Language Arts according to the following schedule:</p> <ul style="list-style-type: none"> - In each of grades 3-8 - At least once in grades 9-12 <p>State-designed assessment systems must test students in the subject of Science no less than once during:</p> <ul style="list-style-type: none"> - Grades 3-5 - Grades 6-9 - Grades 10-12 <p>Added by amendment: allows measurement of students below or above grade level via computer adaptive assessments</p> <p>Added by amendment: nothing should be construed as to supersede state or local law regarding opt-out</p> <p>Innovative Assessment Pilot:</p> <ul style="list-style-type: none"> - Competency-based, interim, cumulative, or performance-based assessment that combine into a summative score (and may include computer-adaptive tests) - Assessments that validate students' mastery of subject matter <p>Authority</p> <ul style="list-style-type: none"> - Initial period of 3 years 	<p>State-designed assessment systems must test students in the subjects of Math and English/Language Arts according to the following schedule:</p> <ul style="list-style-type: none"> - In each of grades 3-8 - At least once in grades 9-12 <p>State-designed assessment systems must test students in the subject of Science no less than once during:</p> <ul style="list-style-type: none"> - Grades 3-5 - Grades 6-9 - Grades 10-12
--------------------------	--	---	---

		<ul style="list-style-type: none">- May not exceed 7 SEAs in the initial period, and no more than 4 states can participate in a single consortium- Must meet all requirements of 1111(b)(2)(B) except requirements that the assessments be “the same academic assessment” and “administered to all public” school students as well as the annual requirement for reading and math assessments.	
--	--	---	--