



Lamar Alexander of Tennessee - Chairman



The Every Student Succeeds Act, signed into law Dec. 10, is “the largest devolution of federal control to states in a quarter-century.”

The Every Student Succeeds Act *Returning Control to States and Local School Districts*

Background:

- ❖ The Elementary and Secondary Education Act (ESEA) of 1965 is the primary source of federal aid to K-12 education.
- ❖ There have been 12 major reauthorizations of the ESEA, with the most recent reauthorization occurring in 2002 with the No Child Left Behind Act (NCLB) of 2001.
- ❖ According to the Congressional Research Service, “NCLB initiated a major expansion of federal influence on several aspects of public K-12 education, primarily with the aim of increasing the accountability of public school systems and individual public schools for improving achievement outcomes of all students, especially the disadvantaged.”
- ❖ The *Every Student Succeeds Act* restores responsibility to states and districts for their local schools by providing increased flexibility to design and implement their education programs and systems, while also strictly prohibiting the U.S. Department of Education from dictating to states what standards to adopt, what accountability systems to implement, how to identify schools or teachers that need improvement, or how to use federal, state or local funds to operate their local schools.

The *Every Student Succeeds Act* scales back the federal role in education that was significantly expanded with the passage of NCLB and the Secretary’s use of conditional waivers.

Under NCLB and Waivers

- Effective federal mandate to adopt

Under the *Every Student Succeeds Act*

- ✓ Strict prohibition on mandating Common

For more information about the “Every Student Succeeds Act”
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Peter Oppenheim at peter_oppenheim@help.senate.gov or call 202-224-6770.

Common Core standards and aligned assessments.

- Federal goal of 100% proficiency in reading and math for all students and subgroups by 2014 -15.
- Federal Adequate Yearly Progress mandate to determine whether schools are succeeding or failing.
- Federal-determined models for intervening in failing schools.
- Federal definition and requirement that all teachers must be Highly Qualified.
- Teacher evaluation mandate.

Core or any particular standards or assessments.

- ✓ State-determined goals and timelines for all students and subgroup achievement.
- ✓ State-established accountability systems to determine whether schools are succeeding or failing.
- ✓ State and locally-determined actions for intervening in identified schools.
- ✓ States to determine certification and licensure requirements of teachers.
- ✓ Allows, but does not require, States to develop teacher evaluation systems.

The *Every Student Succeeds Act* takes unprecedented steps to rein in the ability of the U.S. Secretary of Education to interfere with state and local decisions, making it clear that states and locals, and not the Federal government, are responsible for K-12 education.

- ❖ The Secretary is prohibited from interfering with State standards, including by:
 - Mandating, directing, controlling, coercing, or exercising any direction or supervision over the academic standards adopted or implemented by a State;
 - Requiring a State to submit any academic standards for review, approval, or certification; or
 - Attempting to influence, incentivize, or coerce State adoption of the Common Core standards, any standards common to a significant number of States, or assessments aligned with such standards.
- ❖ The Federal government is prohibited from interfering with a State, local school district, or school's specific instructional content, standards, assessments, curricula, or program of instruction, including by:
 - Mandating, directing, or controlling such items through any grant, contract, or cooperative agreement;
 - Conditioning, incentivizing, or prioritizing the use of any federal funding for such items, or the approval of any State plan or waiver; or
 - Mandating, directing, or controlling a State, local school district, or school's allocation of State or local resources.
- ❖ The Secretary is prohibited from interfering with State accountability systems, including by prescribing:
 - The goals States establish for all students or any subgroup of students;
 - The assessments that States or local educational agencies use;
 - The indicators and weights of indicators that States use;
 - Any requirement to measure student growth;
 - How states annually differentiate and identify schools;
 - The strategies that States or local school districts use to improve schools;
 - The minimum number of students included in a subgroup;
 - Any aspects or parameters of teacher and principal evaluation systems.
 - Any non-regulatory guidance that provides a strictly limited or exhaustive list for how to implement accountability systems or purports to be legally binding;
 - The collection of data beyond existing Federal, State, and local requirements;

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- A definition of any term that is inconsistent with or outside the scope of Title I-A; or
- Any regulation on state accountability that adds new requirements or criteria that are inconsistent with, outside the scope of, or is in excess of authority that the law grants to the Secretary.

The *Every Student Succeeds Act* further reinforces State and local governance of educational programs and decisions.

- ❖ The Secretary is prohibited from exercising any governance or authority over school administration, including the development and expenditure of school budgets outside of what is specifically authorized in the law;
- ❖ The Secretary is prohibited from issuing any non-regulatory guidance without first considering input from state and local stakeholders; and
- ❖ Representatives of States, local school districts, parents, teachers, and principals must be included in the development, implementation and review of state and local plans.