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## ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) REAUTHORIZATION: *Four Necessary Fixes*

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The Leadership Conference on Civil and Human Rights is committed to a reauthorized Elementary and Secondary Education Act (ESEA) that preserves the critical federal protections of that law and builds on the lessons of the past to ensure greater academic progress for all students.

Recently, different versions of the long overdue ESEA reauthorization were passed out of both houses of Congress. The House passed a partisan bill, the Student Success Act (H.R. 5) sponsored by Chairman John Kline, R. Minn. The Senate passed a bipartisan bill, the Every Child Achieves Act (S.1177) sponsored by Chairman Lamar Alexander, R. Tenn., and Ranking Member Patty Murray, D. Wash.

Although the Senate bill is stronger than the House proposal and includes some important protections for students, there is still much more that must be improved. **As Congress heads into the conference process where a joint House and Senate bill will be developed, it is important that the conference committee address the four main concerns regarding the Senate version of the bill.** These priorities are vital to ensuring an equitable education for students of color, low-income students, students with disabilities, and English learners. In order for our children to be served, there are four significant areas of concern that must be addressed, including:

- **Accountability for student outcomes**, especially subgroup performance, is not strong enough in the bill. State accountability systems must be required to identify, intervene in, and support schools when all students or groups of students are behind or are not making academic progress.
  - We applaud maintaining the requirement for college- and career-aligned state standards, statewide annual assessment, disaggregated student achievement (including the 1 percent cap on using alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities), and goals for achievement and high school graduation.
  - Without meaningful accountability systems that require states and school districts to intervene, however, students can continue to fall behind without any changes made in the school to meet their needs. Our responsibility to support all students requires an expectation of *action*, not just reporting.
- **Additional data about groups of students** are needed to help us understand how all of our students are doing and what their needs might be.
  - The bill does not require schools to report disaggregated data in a way that can be cross-tabulated by gender and disability status across major racial and ethnic groups. For example, without this cross-tabulation we will not be able to see how African-American girls or Latino students with disabilities are doing compared

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- with White girls or Latino students without disabilities – which will hamper our ability to address the unique challenges of these groups of students.
- The bill also does not require the further disaggregation of Asian American students, which means that the high performance of some Asian American students could hide the struggles of other students, especially the children of Southeast Asian refugees.
- **The equitable distribution of critical educational resources** is foundational to ensuring equal educational opportunity. The bill does not require action to address reported disparities.
- We appreciate that the existing targeting of Title I funds to students, schools, and districts in the greatest need was maintained and that the portability provision was excluded from this bill. We also believe that the new transparency around per-pupil expenditures, school climate and discipline, and access to qualified and effective teachers, principals, and other school leaders will help to identify disparities in educational opportunity.
  - The bill does not require states to remedy the often vast disparities between resources available in wealthy school districts and those in poor districts that contribute to the persistent achievement gaps between students, whether per-pupil funding, equitable school climates, qualified and effective teachers, early childhood education, rigorous courses, or instructional technology.
  - The bill does not close the comparability loophole, which excludes real salary costs from calculations of expenditures, and therefore does not ensure that Title I funds are supplemental to an equitable base of state and local funding within school districts.
- **The Secretary of Education's role is overly limited** in the bill, which will undermine the implementation, oversight, and enforcement of the law.
- While there are fewer limitations on the secretary's authority than were included in Alexander's discussion draft, there remains insufficient federal oversight to ensure that the law is faithfully executed as Congress intends.
  - The bill does not sufficiently allow the secretary to adequately review state plans and monitor state actions that may be discriminatory or exacerbate educational inequities. Further, it creates excessive hurdles to developing the types of regulations necessary for states, districts, and schools to implement the law. Without these authorities, there will be no way to know if policies are being implemented consistent with the law.