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

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
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.