

The Re-Authorization of ESEA

E.S.E.A., the Elementary and Secondary Education Act, originally passed in 1965, has been re-authorized and amended a number of times up to the most recent iteration, known as No Child Left Behind.

After multiple attempts to revise and re-authorize the law since 2003, it appears that this is the year it will happen. Senate Education Committee Chair Alexander and House Education Committee Chair Kline have vowed to complete the process by April.

Lily Eskelsen Garcia, our NEA President has said if we **MUST** influence Congress to get the law right this time, since it is probable that we will all retire working under the new version!

We are looking for the following changes:

1. A “dashboard” or “report card” containing more complete, valuable, and realistic indicators of student progress. We want *success* indicators, such as:
 - Graduation rates
 - College acceptance rates
 - Local assessments
 - Resources, money, but also beyond simply dollars
 - Class sizes
 - Availability of the arts and athletics
 - Availability of libraries and information about how well stocked those libraries are
 - Availability of recess
2. Information on how all schools measure up to the best performing schools, because we believe that the children in the vulnerable schools are not being given opportunities to learn. We want to close the resource opportunity gap!
3. We want the data to be in the hands of educators who can use it to help their students!

The House version of the re-authorization is **H.R. 5**. We opposed HR.5 as introduced, however, five amendments of the 126 originally submitted were either submitted at our suggestion or supported by the NEA. All five were included in the final bill!!!! Three of them are specifically intended to provide more time for learning.

- Allowing local tests to be substituted for state tests
- All states will audit the number of tests given
- Parental notification for opt out
- Restoration of collective bargaining rights
- Restoration of Paraprofessional qualifications

The House has already completed H.R. 5 and it was scheduled to be voted upon on the day that they separated the immigration language from the funding for Homeland Security. Final consideration was postponed, but is expected to be voted upon in the spring.

Senate Chair Lamar Alexander and ranking Majority member Patty Murray intend to bring a bi-partisan bill to the floor. The mark up on the bill will be on April 14 and 15. Shortly thereafter, before the end of April, the bill will move to the Senate floor.

After both houses pass their own version the Conference Committee will meet to reconcile them and send the bill to the President. We must continue to press the House to insist that their ideas remain in the final bill.

As a separate item of concern, there has been a proposal to allow "portability" of Title I funds, meaning that if and when a student moves from one District to another, they take the Title I money with them. The amount of money on average is \$20,000+, although individual students may not actually "cost" that much to educate. The District left behind will lose that average amount.

It is very important for members of Congress to hear from us what our students and communities need. Just as we are telling our state representatives to defy the Governor and we will stand behind them, we must also tell our members of Congress that we back our friends. It isn't enough for one or two of us to get a positive response from our member of Congress. Our representatives must hear again and again that this is a crucial law and our concern is for the welfare of our students. They must get it right this time!

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There are three easy ways to contact your Congressperson and our Senators:

Call 1866 331-7233, the Opportunity Hotline, to connect with the Senate. When you call you will be provided with a phone connection to the Senators' offices.

Text 83224 and type in the word "students" in the subject line. When you do, you will receive a request for your zip code.

Contact Congress by sending them to GetESEArigh.com where you will have the opportunity to email, call or tweet your Members of Congress

Of course we can always send e-mails, tweet, use other social media avenues, or make our own phone calls directly to our representatives.

You can access a complete recording of the tele-townhall on Education Votes.

Any questions or ideas you'd like to share? Email them at FixESEA@nea.org.

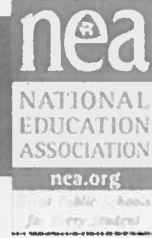
**Please use your communication networks to spread this very urgent message.
The time is short, so Congress must hear from us repeatedly, now.**



► ESEA/NCLB UPDATE

news you can use

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Rate of progress on NAEP generally slowed after NCLB went into effect

A detailed analysis of pre- and post-NCLB scores and gaps on the National Assessment of Educational Progress (NAEP) suggests that the rate of progress of these tests generally slowed or stagnated after NCLB took effect. According to the analysis by Monty Neill of FairTest, published in the *Washington Post*.

- The rate of progress on NAEP at grades 4 and 8 was generally faster in the decade before NCLB took effect than since. That is a consistent trend both overall and for individual demographic groups, including blacks, English Language Learners (ELLs) and students with disabilities.
- Score gaps in 2012 were no narrower and often wider than they were in 1998 and 1990.
- The slowdown in math was pronounced, especially at grade 4.
- In many cases, the rate of gain slowed even more after 2007.
- Score gains slowed after NCLB for ELLs, while score gaps increased between ELLs and non-ELLs.
- In three of four grades/tests, scores for students with disabilities flattened or declined, while gaps with whites remained unchanged or widened.
- Scores for high school students have stagnated. NAEP scores were highest for blacks, and gaps the narrowest, in 1988. Hispanic scores and gaps have stagnated since NCLB.

Neill states that these failures should be considered carefully by Congress, particularly in light of the "steep price for NCLB's testing fixation," including curriculum narrowing and teaching to the test.

Senate plans ESEA markup week of April 13

Senate Health, Education, Labor and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA) announced that the HELP committee plans to consider and markup ESEA reauthorization legislation the week of April 13. NEA updates on the reauthorization, and information on how educators can help ensure that a Senate bill promotes opportunity for all and more time for students to learn, can be found at NEA's Legislative Action Center.

Local competency tests to partially replace state standardized tests in NH pilot

The Department of Education (ED) granted a partial two-year waiver of NCLB's annual statewide testing policies for four local educational agencies (LEAs) in New Hampshire. The waiver will allow the districts to pilot the Performance Assessment of Competency Education (PACE). Through the pilot program, the LEAs will administer the district assessments and report the results for locally developed performance tasks and common performance tasks in grades K-12 for reading/language arts, mathematics, and science aligned to the state standards. In addition, the pilot districts must continue to

administer annual statewide assessments, but only once in elementary, middle, and high school respectively. There is a possibility of expansion of the pilot if it is successful.

Nebraska to apply for NCLB waiver

Nebraska's Board of Education voted to request a waiver from NCLB's requirements at a March 6 meeting that also approved changes to the state's school rating system, according to news accounts. Nebraska is one of only two states that never applied for a waiver (some states have applied and withdrawn their requests). A copy of Nebraska's draft waiver request, which has been released by the Board of Education for comment, can be found on the Board of Education waiver [site](#).

ED takes steps to protect privacy of student data

ED took new steps to protect student data, releasing [model terms of service guidance](#) designed to cover online education service providers and a [teacher training video](#) on student privacy. "Reading and understanding terms of service agreements is tough, even for lawyers," said Kathleen Styles, ED's chief privacy officer in a [statement](#) on the release. "We hope this guidance will help school officials identify privacy-friendly apps and online services and avoid providers that might abuse student information." Among the recommendations in the guidance, according to ED:

- **Marketing and Advertising:** Terms of service agreements should be clear that data may not be used to create user profiles for the purposes of targeting students or their parents for advertising and marketing, which could violate privacy laws.
- **Data Collection:** Agreements should include a provision that limits data to only what is necessary to fulfill the terms.
- **Data Use:** Schools and districts should restrict data use to only the purposes outlined in the agreement.
- **Data Sharing:** While providers can use subcontractors, schools and districts should be made aware of these arrangements, and subcontractors should be bound by the limitations in the terms of service.

Broad coalition issues principles on use of student data

On March 10, the Data Quality Campaign and the Consortium for School Networking released a set of [Student Data Principles](#) supported by NEA and more than 30 education organizations. These principles complement new Department of Education guidance regarding term of service agreements, but go further by addressing basic guidelines for the use and safeguarding student information.

Among the themes in the principles:

- Rules regarding data collection, use, and maintenance should be clear and publicly available.
- Because maintaining student data privacy is a shared responsibility, everyone with access to student data should be aware of those rules, and be trained in the effective and ethical use and protection of data.
- Data collection and use should be limited, and used to support student learning and success. Student data should be used to inform and not replace the professional judgment of educators.
- Any educational institution with the authority to collect and maintain student personal information should maintain security that reflects industry best practices, and have systems in place to address the possible misuse of data, or security breaches.

In addition to NEA, other supporters of the principles include education stakeholders such as school superintendents and chief state school officers, school business officials, school principals, state boards of education, school boards, National PTA, and multiple education technology organizations.

Take Action

As the Senate HELP committee prepares to consider an ESEA reauthorization bill, tell Senators to finally get ESEA right after a decade of high-stakes NCLB tests and punishments by passing a bill that promotes opportunity for all and more time for learning instead of testing.