Utah STATE OFFICE of Education

Leadership...Service...Accountability

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Sydnee Dickson, Deputy Superintendent

DATE: January 7, 2016

DISCUSSION: Every Student Succeeds Act (ESSA)

Background:
On December 10, 2015, the President signed the federal Every Student Succeeds Act (ESSA). The legislation reauthorizes the Elementary and Secondary Education Act and replaces the No Child Left Behind Act in place since 2002.

Key Points:
Staff from the Council of Chief State School Officers will present an overview of ESSA to the Board.

Anticipated Action:
The Board will receive the information and have the opportunity to ask clarifying questions about ESSA.

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Brad C. Smith, State Superintendent of Public Instruction

COMPARISON OF SELECT ELEMENTS OF ESEA PROPOSALS AND CONFERENCE REPORT

Current Law; H.R. 5, Student Success Act; Rep. Scott's Substitute Amendment; S. 1177, Every Child Achieves Act; Administration ESEA Waiver Package and Conference Report

December 1, 2015

Issue	Current Law	H.R. 5 Student Success Act (Passed House on July 8, 2015)	S. 1177: Every Child Achieves Act (Passed Senate on July 16, 2015)	Administration ESEA Waiver Package	Conference Report (Every Student Succeeds Act - ESSA)
Authorization Structure	Generally includes separate authorizations for separate programs, with the exception being the 21 programs authorized under one authorization of appropriations under the Fund for the Improvement for Education (Title V, Part D of current law)	Combines programs from current law under Titles I and III under one authorization and reserves amounts of funding through specific percentages for individual authorities. For example, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education and the Rural Education Achievement program all share one authorization of appropriations with specific percentage reservations for each authority. The bill authorizes funds for programs from 2016 through 2019 with the same specific authorization level for each of the years of the authorization period. Authorization levels for specific programs (with their percentage reservations): Programs under Title I: $16.245 billion • Main Title I program: 91.44% • Migrant Education: 2.45% • Neglected and Delinquent: 0.31% • English Language Acquisition: 4.6% • Rural School Achievement: .6% • Indian Education: 0.6% National Assessment of Title I: $710,000. Title II programs: $2.788 billion	Maintains separate authorizations for separate programs as under current law (not all programs are maintained). Authorization levels are such sums for the authorization period (2016-2021) for the following programs: Title I – Local Educational Agency Grants • State Assessments • Education of Migratory Children • Neglected and Delinquent • Federal Activities - Evaluations • School Intervention and Support (similar to prior SIG grants) Title II – Preparing, Training and Recruiting High Quality Teachers, Principals and other School Leaders • Fund for the Improvement of Teaching and Learning (formula grants to states) • Teacher and School Leader Incentive Program • American History and Civics Education • Literacy Education for All, Results for the Nation • Presidential and Congressional Academies for American History and Civics • Improving STEM Instruction and Student Achievement	No such provision.	Maintains the separately authorized large and medium formula grant programs in ESEA, including (among others) Title I, Migrant Education, Neglected and Delinquent, Title II (Teacher and Leader Quality), Title III (English Learners), Charter Schools, Indian Education, Impact Aid and others. In contrast to current law, many "small" ESEA programs are not separately authorized and instead would be funded through reservations of other programs/authorizations or their activities are funded through the Student Supports and Academic Achievement Grants authority. The authorization period for programs under the bill is FY 2017 through FY 2020. Effective dates include: • 10/1/2016 for competitive programs • 7/1/2016 for noncompetitive (formula) programs • School year 2017-2018 for Accountability requirements (sections 1111(c) and (d)) • FY 2017 appropriations for Impact Aid Multi year awards for programs which are authorized or are substantially similar to authorized programs continue through length of original award

CCSSO Council of Chief State School Officers

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		• Teacher Prep and Effectiveness (state and local formula grant): 75% • Teacher and Leader Flexible Grant: 25% Title III programs: • Charter Schools: $300 million • Magnet Schools: $91.6 million • Family Engagement Centers: $25 million • Local Academic Flexible Grant: $2.302 billion Impact Aid programs: • Property: $66.813 million • Basic Payments: $1.151 billion • Children with Disabilities: $48.316 million • Construction: $17.406 million • Facilities Maintenance: $4.835 million	• Comprehensive Center providing services for students at risk of not attaining full literacy skills due to a disability Title III – English Language Acquisition Title IV Safe and Healthy Students • Grants to States and Local Educational Agencies • Elementary School and Secondary School Counseling • 21st Century Community Learning Centers • Physical Education • Family Engagement in Education Title V – Empowering Parents and Expanding Opportunity through Innovation • Charter Schools – Grants to Support High Quality Charter Schools • Magnet School Assistance • Supporting High-Ability Learners and Learning (Javitz) • Ready-to-Learn Television • Innovative Technology Expands Children's Horizons (I-TECH) • Education Innovation and Research • Early Learning Alignment and Improvement • Literacy and Arts Education • Full-Service Community Schools • Promise Neighborhoods • Accelerated Learning (AP, IB, dual enrollment and early college high school) Title VI – Innovation and Flexibility		Multi-year awards for programs which are not authorized end after 2016 (regardless of award cycle). Secretary is provided "orderly" transition authority from NCLB to ESSA. Below is the authorization/reservation structure of the conference report. Unless otherwise noted as being funded through a reservation, a program listed below has a separate authorization of appropriations. Title I • Local Education Agency Grants (Part A) (within Part A States are required to reserve funds for School Improvement Activities (7%) and may reserve funds for Direct Student Services (up to 3%)) • State Assessments (within the State assessment program, up to 20% of funding is reserved for State and local assessment audits) • Education of Migratory Children • Neglected and Delinquent • Federal Activities – Evaluations. • Flexibility for Equitable Per-Pupil Funding (this is a demonstration authority for a limited number of LEAs, so not a program) Title II – Preparing, Training and Recruiting Teachers, Principals or Other School Leaders • Part A – State Grants • Part B contains all national activities and is split into four subparts funded through reservations:

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			• Rural Education Initiative
			
			Title VII – Indian Education
			• Native American and Alaska Native Language Immersion Schools and Programs
			
			Title VIII – Impact Aid
			
			McKinney-Vento Act – Homeless Education
			
			Title X – Other Programs
			• American Dream Accounts
					• Subpart 1 – Teacher and School Leader Incentive Program (2017-2019– 49.1%, 2020–47%)
					• Subpart 2--Literacy Education for All, Results for the Nation (2017-2019–34.1%, 2020–36.8%)
					• Subpart 3--American History and Civics Education (2017-2020–1.4%)
					• Subpart 4--Programs of National Significance (2017-2019–15.4%, 2020–14.8%) Programs of National Significance include the following:
					  ○ Supporting Effective Educator Development (not less than 74% of the subpart 4 allocation)
					  ○ School Leader Recruitment and Support (not less than 22% of the subpart 4 allocation)
					  ○ Technical assistance (not less than 2% of the subpart 4 allocation)
					  ○ STEM Master Teacher Corps (not more than 2% of the subpart 4 allocation)
					
					Title III – English Learners and Immigrant Students
					
					• State Grants for Language instruction for English Learners and Immigrant Students.
					
					Title IV – 21st Century Schools
					
					• Part A – Student Support and Academic Enrichment Grants

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					• Part B – 21st Century Community Learning Centers
					• Part C – Charter Schools
					• Part D – Magnet Schools
					• Part E – Statewide Family Engagement Centers
					
					• Part F – National Activities – Divided into 4 subparts and funded through reservations a follows:
					  ○ Subpart 1 – Education Innovation and Research - (2017-2018–36%, 2019-2020–42%)
					  ○ Subpart 2 – Community Support for School Success (2017-2018–36%, 2019–2020–32%)
					  ○ Subpart 3 – National Activity for School Safety ($5 million)
					  ○ Subpart 4 – Academic Enrichment - (2017-2018–28%, 2019-2020–26%) Made up of 3 sections. Secretary is required to fund each (but a minimum is not set):
					  ▪ Arts Education
					  ▪ Ready to Learn Programing
					  ▪ Javitz Gifted and Talented
					
					Title V – State Innovation and Local Flexibility
					• Transferability (authority – not a program)
					• Rural Education
					
					Title VI – Indian, Native Hawaiian, and Alaska Native Education
					
					Title VII – Impact Aid

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					Title VIII – ESEA General Provisions Title IX –McKinney-Vento Act and Other Provisions • Preschool Development Grants
Standards	All states are required to have academic content and achievement standards in mathematics, reading or language arts and science which must include four levels of performance: advanced, proficient, basic and below basic. U.S. Department of Education officers and employees are barred from any action that might mandate or control a state's, LEA's or school's instruction and standards.	All states are required to have academic content and achievement standards in mathematics, reading or language arts and science. The bill does not require the four levels of achievement as current law (below basic, basic, proficient and advanced). Standards are not required to be explicitly "college and career ready."	States must provide an assurance that they have adopted challenging academic content and achievement standards in mathematics, reading or language arts and science. The achievement standards would have to include not less than 3 levels of achievement. States must provide an assurance that the state's standards are aligned with: entrance requirements, without the need for remediation, for public IHEs in the state; the state's career and technical education standards; and the state's early learning guidelines as required under the Child Care and Development Block Grant Act (CCDBGA).	All states were required to have fully implemented college- and career-ready standards no later than the 2013-2014 school year. Under the waiver package, "implementing" college- and career-ready standards means that teaching and learning aligned with such standards is taking place in all public schools in the state for all students, including English Learners, students with disabilities and low-achieving students.	States must provide an assurance that they have adopted challenging academic content and achievement standards in mathematics, reading or language arts and science. The achievement standards would have to include not less than 3 levels of achievement. States must provide an assurance that the state's standards are aligned with: entrance requirements for credit-bearing coursework in the system of public higher education in the state and relevant State career and technical education standards
Standards and Assessments Related to Students with Disabilities	Two separate regulations apply to standards related to students with disabilities, alternative standards for students with the most significant cognitive disabilities (1% regulation) and modified achievement standards for other students with disabilities (2% regulation). In a state's accountability system, the scores of students with disabilities assessed against the 1% standards are limited to the number that is 1% of all students in a state. Scores of students with disabilities assessed against the 2% standards are limited to the number of students that is 2% of all students in a state.	Includes language that mirrors the 1% regulation except that it does <u>not</u> include the 1% cap. It does <u>not</u> statutorily authorize the 2% regulation. States that students with disabilities who take an alternate assessment are not precluded from being able to meet the requirements to receive a regular high school diploma.	Statutorily authorizes the 1% regulation, including a 1% cap on the number of students assessed using assessments against alternative standards for students with the most significant cognitive disabilities. Does not authorize the 2% regulation. Highlights the use of assistive technology as an accommodation for state assessments.	Continues the 1% regulation. Requires states to include students with disabilities in the regular assessment once states have developed their assessments based on college- and career-ready standards, essentially phasing out the 2% regulation and its assessment for states utilizing this authority.	Places a cap of 1% of the total number of all students in the State that can be assessed using alternative assessments for students with significant cognitive disabilities. The statutory language does not authorize an LEA cap on the administration of these assessments, but does require LEAs to submit information to the SEA justifying the need to exceed such cap. SEAs are required to provide additional oversight for LEAs which must submit this information. The overall authority to administer these assessments (and the 1% cap) is specifically subject to ESEA's waiver authority.

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English Language Proficiency Standards	Each state is required to have English language proficiency standards.	Maintains the requirement to have English language proficiency standards.	Maintains the requirement to have English language proficiency standards. Standards would have to be aligned with the challenging academic content and achievement standards under the bill.	Maintains the requirement to have English language proficiency standards. These standards would have to be aligned with any new CCR standards by the 2013-2014 school year.	Maintains the requirement to have English language proficiency standards. Standards would have to be aligned with the challenging State academic standards.
Assessments	Each state is required to have implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science Math and reading/English language arts are assessed annually in grades 3-8 and once in grades 10-12. Science is assessed once in each of the following grade spans: 3-5; 6-9; and 10-12. In order to make Adequately Yearly Progress (AYP), schools must assess at least 95% of each subgroup in their school.	Each state is required to have implemented a set of high-quality student academic assessments in mathematics, reading/English language arts and science. Assessment timelines from current law are maintained. Assessments may, at the state's discretion, measure individual student growth. Required assessments may be administered through a single annual assessment or through multiple assessments during the school year that are designed to result in a summative score. States may use computer-adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system. Permits local assessments to be used in lieu of state assessments under Title I, if the local assessments are state-approved, meet other Title I assessment	Each state is required to have assessments in math, reading/English language arts and science. Assessment timelines from current law are maintained. Assessments may, at the state's discretion, measure individual student growth. State systems can measure achievement through an annual summative assessment or multiple statewide assessments, the results of which would be required to be combined to produce a summative score. States may use computer-adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system. Does not specifically allow for local assessments to be used in lieu of state assessments. Requires states to set a limit on the amount of time devoted to state and local assessment administration.	Each State is required to have assessment in math, reading/English language arts, and science. Assessment timelines from current law are maintained.	Each state is required to have implemented a set of high-quality student academic assessments in math, reading or language arts, and science. Assessment timelines from current law are maintained. Assessments may, at the state's discretion, measure individual student growth. State systems can measure achievement through an annual summative assessment or multiple statewide assessments, the results of which would be required to be combined to produce a summative score. States may use computer-adaptive assessments and may measure a student's academic proficiency above or below grade level and use such scores in the state accountability system. Does not generally allow for the use of local assessments, except states may allow an LEA to use a nationally-recognized high school academic assessment in lieu of a state assessment as long as such assessment is aligned to the State's standards and meet other requirements.

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		requirements and provide comparable data across all LEAs in a state. Adds military-dependent students as a group for which assessments would have to be enabled to produce disaggregated data. Requires a state to enable assessments to disaggregate by status as a foster youth.	Prohibits assessments under Title I from assessing personal or family beliefs. Requires LEAs to publicly post on their websites information on state assessments, including subject matter, how much time students will spend on taking the assessment and the source of the requirement of the assessment. States are permitted to exclude English learners who have attended U.S. schools for less than 12 months from one administration of the reading/language arts state assessments;		Allows, but does not require, states to set a limit on the amount of time devoted to the aggregate amount of time devoted to assessment administration for each grade. Prohibits assessments under Title I from assessing personal or family beliefs. A State may exclude a recently arrived English Learner from one administration of the reading/ELA assessment or exclude the results of such English learner from the State's accountability system for the first year of enrollment.
Grants for Assessments	Authorizes grants to states for the development of the annual assessments for reading/English language arts and math and for enhanced assessment activities, such as those funding the development of the Common Core Assessments, English language proficiency assessments, pre-K assessments and greater accessibility on assessments for students with disabilities.	The bill eliminates the program authorizing funds for annual assessment development and enhanced assessment activities but permits the use of "Local Academic Flexible Grants" for that purpose.	Continues authorization for grants to states for the development of assessments with some modifications, including allowing states to use funds to refine science assessments in order to integrate engineering design skills and practices into such assessments. Also authorizes grants for enhanced assessments similar to current law. Includes language prohibiting funds to be used to mandate, direct, control, incentivize, or make financial awards conditioned upon a State developing an assessment common to a number of states. Authorizes funds for states and local educational agencies to audit their state and local assessment system with the goal of eliminating unnecessary assessments and streamlining assessment systems. This authority allows for the buying out of existing assessment contracts.	Not applicable	Continues authorization for grants to states for the development of assessments with some modifications, including allowing states to use funds to refine science assessments in order to integrate engineering design skills and practices into such assessments. Also authorizes grants for enhanced assessments similar to current law. Includes language prohibiting funds to be used to mandate, direct, control, incentivize, or make financial awards conditioned upon a State developing an assessment common to a number of states. Authorizes funds for states and local educational agencies to audit their state and local assessment system with the goal of eliminating unnecessary assessments and streamlining assessment systems. This authority allows for the buying out of existing assessment contracts.

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Innovative Assessment Pilot	No applicability	No applicability.	Includes Secretary authority to provide up to 7 states initial authority (with potential of expansion) to carry out innovative assessments such as competency-based, cumulative year-end assessments.	No applicability.	Includes Secretary authority to provide up to 7 states initial authority (with potential of expansion) to carry out innovative assessments such as competency-based, cumulative year-end assessments.
NAEP	States are required to provide an assurance that they will participate in 4th and 8th grade reading and mathematics assessments under the National Assessment of Education Progress (NAEP) if the Secretary pays for the costs of such assessments.	Maintains current law with respect to NAEP participation.	Maintains current law with respect to NAEP participation.	Maintains current law with respect to NAEP participation.	Maintains current law with respect to NAEP participation.
Opting Out of Assessments	No provisions on opt out. As noted above, requires 95% participation rate.	Permits the parents of a student to opt that student out of assessments for any reason, and provides that opted out students are not to be counted in the participation rate. Requires information to be provided on assessment participation policies.	States that nothing in Title I preempts state or local law with respect to a parental decision on assessment participation. Requires LEAs to provide parents, on request and in a timely manner, with information regarding state or local policy, procedures and parental rights regarding student participation in mandated assessments.	No change in statutory requirements.	States that nothing in the assessment section of Title I preempts state or local law with respect to a parental decision on assessment participation. Requires LEAs to provide parents, on request and in a timely manner, with information regarding state or local policy, procedures and parental rights regarding student participation in mandated assessments.
Title I State Plan Provisions	The Secretary is required to approve a Title I state plan within 120 days of its submission unless the Secretary determines it does not meet the statutory requirements. States must be provided an opportunity to revise and resubmit their plan.	Largely follows current law, except that the Secretary, the Secretary's staff or any federal employee may not participate in or influence the peer review process for state plans, except to provide technical information.	The Secretary is required to establish a peer-review process to assist in the review of state plans. The Secretary has 90 days to deem a state plan approved unless there is "substantial evidence" that the plan does not meet requirements. States are not required to submit their standards for review to the Secretary.	No applicability.	The Secretary is required to establish a peer-review process to assist in the review of state plans. The Secretary is required to approve a state plan not later than 120 days after submission unless the Secretary meets specific criteria in the bill in which to disapprove such plan. States are not required to submit their standards for review to the Secretary. State plans are in effect for the duration of the state's participation in Title I

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			State plans are in effect for 7 years or the duration of the state's participation in Title I (whichever is shorter). State plans must be available for 30 days prior to being submitted to the Secretary. States must provide an assurance that: 1. A foster child can remain in their school of origin; 2. An enrolling school immediately contacts a foster child's last school of origin to obtain relevant records; 3. An enrolling school enroll a foster child even if relevant records are not immediately available; and 4. The SEA appoints a point of contact to oversee these requirements and coordinate with child welfare agencies. Title I LEA plans require LEAs and child welfare agencies to coordinate on the provision of transportation for foster children to attend their school of origin. Failure to meet requirements of the state plan could result in withholding of all funds for state administration, compared to 25% in current law. In their state plans, states may include how they are using Title I funds to develop effective school libraries to improve student achievement and graduation.		State plans must be available for not less than 30 days prior to being submitted to the Secretary. Among other provisions, States must provide an assurance that: 1. A foster child can remain in their school of origin; 2. An enrolling school immediately contacts a foster child's last school of origin to obtain relevant records; 3. An enrolling school enroll a foster child even if relevant records are not immediately available; and 4. The SEA appoints a point of contact to oversee these requirements and coordinate with child welfare agencies. Title I LEA plans require LEAs and child welfare agencies to coordinate on the provision of transportation for foster children to attend their school of origin. Failure to meet requirements of the state plan could result in withholding of all funds for state administration, compared to 25% in current law. In their state plans, states must provide an assurance that certain data that can be cross tabulated by subgroup is provided publicly, which may include providing it through the state report card.

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			In their state plans, states may describe how they will provide early college high school opportunities. In their state plans, states must provide an assurance that certain data that can be cross tabulated by subgroup is provided publicly, which may include providing it through the state report card.		
Limitation on Secretary's Authority		Specifies that the Secretary does not have the authority to require a state, as a condition of approval of the state plan, to include in, or delete from, such plan one or more specific elements of the state's academic standards or state accountability system, or to use specific academic assessments or other indicators.	The bill includes a number of limitations on the Secretary in relation to Title I state plans. The Secretary may not require a state to: 1. Include or delete specific elements of a state's content or achievement standards; 2. Use a specific academic assessment instrument or item; 3. Set specific goals or timelines for use in a state's accountability system; 4. Assign a specific weight to any indicator in a state's accountability system; 5. Include or delete a criterion that has an impact on: standards, assessments, accountability (including goals and weights for indicators), student growth, other academic indicators and teacher and principal effectiveness or evaluation; and 6. Require data collection beyond data derived from federal, state and local reporting requirements and data sources.	No applicability	Includes many limitations to the authority of the Secretary, including: With respect to the state accountability system, may not add requirements or criteria that are inconsistent or outside of the scope of Title I-A or in excess of statutory authority granted to the Secretary; As a condition of the state plan or any waiver, the Secretary may not – • require a state to add new requirements; • require a state to add or delete specific elements to the standards; • prescribe goals of progress or measurements of interim progress that are set by states under the accountability system; • prescribe specific assessments or items to be used in assessments; • prescribe indicators that states must use; • prescribe the weight of measures or indicators; • prescribe the specific methodology states must use to differentiate or identify schools;

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					• prescribe school improvement strategies or exit criteria; • prescribe min. N-sizes; • prescribe any teacher or principal evaluation system; • prescribe any measures of teacher or principal effectiveness; • prescribe the way in which the State factors the 95% requirement into their accountability system. The Secretary is also not empowered to: • issue new non-regulatory guidance that seeks to provide explanation of the requirements under section 1111, • provide a strictly limited or exhaustive list for implementation purposes • purports to be legally binding or • requires new data collection beyond data from existing Federal, State and local reporting. The Secretary is also prohibited from defining a term that is inconsistent with or outside the scope of Title I, Part A.
Schoolwide Programs	Schools with 40% and higher levels of students from low-income families can operate a schoolwide programs	Same as current law.	Maintains general schoolwide eligibility at 40% poverty, but allows LEAs to permit schools with lower poverty percentages to operate schoolwide programs, if approved by the LEA and a needs assessment determines it would best meet the needs of students at that school. Permits the use of funds in schools with schoolwide programs for dual or concurrent	Same as current law.	Maintains general school wide eligibility at 40% poverty, but allows States to approve schools to operate a schoolwide program with a lower poverty percentage.

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			enrollment (high school and postsecondary) by students and teacher training for such purposes.		
Report Cards	Each state and LEA is required to publish report cards that include information on student achievement, graduation rates and the professional qualifications of teachers. Student achievement data must be disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency and status as economically disadvantaged. LEA report cards also contain information on the number of schools identified for school improvement and comparisons of achievement at individual schools to the LEA and state.	Maintains a requirement for state and LEA report cards. Requirements for state report cards include: 1. Student achievement (aggregated and disaggregated by gender, racial and ethnic group, English language proficiency status, migrant status, disability status, status as a student with a parent in the military, status as student in foster care and economically disadvantaged status); 2. Participation rate on assessments (aggregated and disaggregated, as above), including participation by students with disabilities in alternate assessments; 3. Adjusted cohort graduation rates for all public high schools and at a state's discretion, extended cohort graduation rate (for students graduating in five years or less and six years or less); 4. Performance of students (in the aggregate and disaggregated) on the state's "other academic indicator"; 5. Evaluation results of each public school under the state's accountability system; 6. English acquisition by English learners; and 7. If appropriate, as determined by the state, the number and percentage of teachers in each evaluation category	Maintains the requirement for state and LEA report cards. Elements included on the state report card include: 1. A concise description of the accountability system, including goals, indicators and weights of indicators used in such system; 2. For all students and the accountability subgroups (racial and ethnic groups, economically disadvantaged status, English proficiency status, gender and migrant status), plus homeless and foster youth, disaggregation on student achievement on the academic assessments; 3. For all students and the accountability subgroups, percentage of students assessed and not assessed; 4. For all students and, the accountability subgroups, information on the elementary school indicator and high school graduation rates used as part of a state's accountability system (with disaggregation on homeless and foster youth with respect to graduation rates); 5. Information on measures of school quality, such as climate and safety, discipline, school-based arrests and others; 6. Minimum number of students for subgroups to be included in accountability and reporting; 7. Professional qualifications of teachers, principals and other school leaders	Maintains the requirement for state and LEA report cards.	Maintains a requirement for state and LEA report cards. Elements included on the state report card include: • A concise description of the accountability system, goals, indicators and weights of indicators used in such system; • For all students and the accountability subgroups (racial and ethnic groups, economically disadvantaged status, English proficiency status, gender and migrant status), plus homeless and foster youth, and students with a parent in the military, disaggregation on student achievement on the academic assessments; • For all students and the accountability subgroups, percentage of students assessed and not assessed; • For all students and, the accountability subgroups, information on the elementary school indicator and high school graduation rates used as part of a state's accountability system (with disaggregation on homeless and foster youth with respect to graduation rates); • Information on acquisition of English proficiency by English learners; • Information on measures of school quality, or student success; • Progress of all students and subgroups on long term goals and measurements of interim progress under accountability system;

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		(see Teacher Evaluation section), so long as such reporting does not reveal personally identifiable information. LEAs must report on: 1. Information required under the state report cards; 2. How students in the LEA compare to students in the state as a whole; and 3. A school's evaluation results under the state accountability system. The main differences between current law and this bill are the inclusion of the adjusted cohort graduation rates and the exclusion of reporting on two-year trends in student achievement and the percentage of students not tested. In addition, because the bill eliminates the definition of highly-qualified teacher, the report card section instead reports on information on teacher evaluations.	disaggregated by high-poverty compared to low-poverty schools on certain categories, including the number, percentage and distribution of inexperienced teachers, principals and other school leaders; teachers with emergency credentials; teacher who are teaching out of subject; teachers who are ineffective (as determined by the state; and the annual retention rates of effective and ineffective teachers; 8. Performance of LEAs and schools in the state including the number and names of schools identified for intervention (see school improvement section); 9. For states that implement an educator evaluation system, the results of the evaluation system; 10. Per-pupil expenditures of federal, state and local funds, including actual personnel and non-personnel expenditures; 11. Number and percentage of students with significant cognitive disabilities that take an alternative assessment; 12. Information on acquisition of English proficiency by English learners; 13. Information that the state and each LEA reports under the Civil Rights Data Collection biennial survey; 14. Number and percentage of students attaining career and technical proficiencies; 15. Results on NAEP in grades 4 and 8 in reading and math; 16. Percentage of students who did not meet the annual state accountability system goals;		• Minimum number of students for subgroups to be included in accountability and reporting; • Percentage of all students and subgroups assessed and not assessed; • Information that the state and each LEA reports under the Civil Rights Data Collection biennial survey; • Professional qualifications of teachers, principals and other school leaders disaggregated by high-poverty compared to low-poverty schools on certain categories, including the number, percentage and distribution of inexperienced teachers, principals and other school leaders; teachers with emergency credentials; teacher who are teaching out of subject; • Per-pupil expenditures of federal, state and local funds, disaggregated by source of funds; • Number and percentage of students with significant cognitive disabilities that take an alternative assessment; • Results on NAEP in grades 4 and 8 in reading and math; • Starting in 2017, the rate at which students in high schools enroll in postsecondary education; and • Any additional information the state wishes to provide. Local report cards require all of the information reported on the state report cards with the exception of NAEP results as applied to the LEA and school and how the performance of each school's students compare to performance of the LEA and State as a whole.

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			17. The number and academic achievement of military-connected students; 18. A listing, for each Title I coeducational school in the state, of the school's interscholastic sports teams, and for each team, the number of participants (disaggregated by gender and race) and information on the season in which the team competed, whether the team participated in postseason competitions, the total number of events scheduled, expenditures, staff employed by the team and staff salaries; 19. Starting in 2017, the rate at which students in high schools enroll in postsecondary education; and 20. Any additional information the state wishes to provide. Local report cards require all of the information reported on the state report cards with the exception of NAEP results as applied to the LEA and school. States are also required to report similar information to that required on the state report card to the Secretary. Starting July 2017, the Secretary, through the Institute of Education Sciences, will transmit a national report card to the House and Senate committees. States, through the Title I state plan, are required to describe how they will assess the state system for collecting data for state report cards and provide support to minimize data		States are also required to report similar information to that required on the state report card to the Secretary. The Secretary is required to annually transmit a national report card to the House and Senate committees. States, through the Title I state plan, are required to describe how they will assess the state system for collecting data for state report cards and provide support to minimize data collection burden for LEAs for state report cards.

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			collection burden for LEAs for state report cards.		

Adequate Yearly Progress/ State Accountability	Each state is required to have a definition of AYP in place that sets annual measurable objectives (AMOs) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-1014 school year.
	
	In addition, secondary schools are required to include graduation rates and elementary schools are required to use an academic indicator in addition to the assessments results described above in their definitions of AYP.
		AYP is eliminated. States are required to develop an accountability system that is intended to ensure all public school students graduate from high school prepared for postsecondary education or the workforce. Elements of the accountability system include:
		1. Annual measures of student achievement of public school students (may include growth) using the assessments and other state-identified indicators;
		2. Annual evaluation and identification of the performance of each public school based on student achievement and the achievement of subgroups at each school (and achievement gaps); and
		3. A system for low-performing public schools receiving funds under Title I that requires LEAs to implement interventions in such schools (the term "low-performing" is not defined).
		
		The Secretary is not permitted to establish any criteria that specify, define or prescribe any aspect of a state's accountability system.
		
		The bill states that nothing contained in the bill should be construed to alter a state law giving parents rights with respect to schools that repeatedly did not make AYP. This likely refers to state parent trigger laws.
			AYP is replaced with a state-determined system containing certain parameters. States must establish state-designed goals for all students and subgroups of students that take into account the progress necessary for students to graduate high school prepared for postsecondary education or the workforce. Goals are set, at a minimum, on the following:
			1. Student academic achievement on the state assessments; and
			2. 4-year-adjusted cohort high school graduation rates (and, at state discretion, the extended-year rate).
			
			States must annually measure and report on several indicators that are factors in a state's accountability determinations. These indicators are:
			1. Achievement of all students and subgroups of students toward meeting goals using student achievement on state tests (which may include measures of growth);
			2. A statewide elementary/middle school academic indicator that is the same for all students and each subgroup of students;
			3. High school graduation (based on 4-year-adjusted cohort rates and may include an extended-year rate at state discretion)
			4. English language proficiency of English learners; and
			5. Another valid and reliable indicator of school quality, success or student supports, as determined appropriate by the state and that is applied to all LEAs and schools in the state, which may
				States are required to pick one of three AYP options:
				1. <u>Half to 100% in six years</u> – States would have to set new AMOs by subgroup that would cut the gap in half between where scores are now (2010-2011 assessment results) and 100% in six years.
				2. <u>100% proficiency by 2020</u> – States would be required to set new AMOs to get all students to 100% proficiency by 2020. They would use 2010-2011 school year performance as the starting point.
				3. <u>State-developed option</u> – States could develop their own AMOs on a different timeline than the previous two proposals. These AMOs would have to be ambitious but achievable
					The agreement replaces ESEA's current adequate yearly progress system with a State-defined index system with certain federally-required components.
					
					Goals – Under this system, States must establish "ambitious State-designed long term goals" with measurements of interim progress for all students and subgroups of students on:
					• Improved academic achievement on State assessments.
					• Graduation rates.
					• Progress in achieving English language proficiency for English learners (EL).
					
					State Index – The State-defined index must include the following indicators (measured for all students and subgroups, except for the EL proficiency indicator):
					• Academic Indicators
					  ○ Academic achievement based on the annual assessments and on the State's goals.
					  ○ A measure of student growth or other statewide academic indicator for elementary and middle schools.
					  ○ Graduation rates for high schools based on the State's goals.
					  ○ Progress in achieving English proficiency for English Learners in each of grades 3 through 8 and the same high school grade in which the State assesses for Math/ELA.
					• Measure of School Quality and Student Success

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		Permits "other measures of school success" to be part of a state's accountability system.	include: student readiness for postsecondary education or the workforce; career and technical education attainment, performance on college admissions exams and measures of college credit accumulation, student engagement; educator engagement; student, parent and teacher survey results; school climate and safety data; access to or success in advanced coursework; and other state-determined measures. States are required to establish a system of using **all** of these indicators to annually identify and differentiate among public schools in the state. The first three indicators (achievement toward goals using performance on state assessments, the elementary indicator and high school graduation rate) must be substantial factors in the process of identification and differentiation, with "substantial" defined by the state. The system must be designed to measure progress of at least 95% of all students and subgroups of students, and states must provide a clear explanation of how the state will factor meeting this 95% requirement into its identification and differentiation system. States are permitted to: • Exclude results from the accountability system of English learners who have attended U.S. schools for less than 12 months. • Include the results of students formerly identified as English learners in the		• At least one measure of school quality or student success (several examples are listed including student and educator engagement, access and completion of advanced coursework, postsecondary readiness, school climate and safety, and another State selected indicator). Based on the performance of schools and subgroups in schools on the indicators described above, States are required to "meaningfully differentiate" public schools in the State on an annual basis. "Substantial weight" is required to be given the Academic Indicators (described above) and these 4 indicators must, in the aggregate be given "much greater weight" in the differentiation process than any Measures of School Quality or Student Success (described above). While not specifically named as an indicator in the accountability system, States are required to annually measure the achievement of not less than 95% of all students and subgroups of students in public schools using Title I State assessments. States are permitted to and must provide a clear and understandable explanation of how the 95% assessment requirement will factor into the accountability system. Under the State's accountability system, for recently arrived English learners taking the reading/ELA assessment, a state may: • In the first year of enrollment exclude the results of such assessments;

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			accountability system as results of English learners for up to 4 years after they are no longer identified as such. The Secretary is prohibited from specifying, defining or prescribing: 1. Standards or measures used to establish, implement or improve standards or assessment items; 2. Specific goals for students in the accountability system; 3. Any measurement of student growth or the requirement to include growth in the accountability system; 4. Any specific benchmarks, targets or goals in the accountability system; 5. The specific weights of any indicators in the accountability system; 6. Any sort of definition of the terms "meaningfully" or "substantially"; 7. The methods used by states and LEAs to identify and differentiate among schools; 8. Any aspect of teacher or principal school evaluation or effectiveness; or 9. States determinations of the minimum number of students necessary to include in a subgroup for the purposes of disaggregation (i.e. n size).		• In the second year of enrollment, include a measure of student growth on such assessments; and • In the third and subsequent years of enrollment, include proficiency on such assessments. States are permitted to include a student in the EL subgroup for up to 4 years after the student is proficient in English for the purposes of the State accountability system.
School Improvement Structure/ Identification and Notification for Comprehensive Support and Improvement and Targeted	Each LEA must identify schools that do not make AYP for a certain number of years for school improvement, corrective action and restructuring. Schools are identified for school improvement after missing AYP for two years; for corrective action after missing AYP for four years; and for Restructuring after missing AYP for five years.	No federally defined system of school improvement or intervention. As described under the AYP/State Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools under which LEAs must implement interventions in such schools.	States are required to use the state-determined accountability system **(see above)** to identify schools for intervention and support. In addition, any school that has a low-income population of at least 40% may be identified, no matter how it does on the accountability measures. LEAs are required to conduct a review of identified schools and develop and implement	States are required to identify two main categories of schools: (1) focus schools and (2) priority schools. States under the waivers may identify reward schools. Priority Schools are the bottom 5% of schools in the state. For these schools, states would have to implement one of	Under the conference report, ESEA's identification for school improvement, corrective action, restructuring, public school choice and supplemental educational services is replaced with two categories: 1. Comprehensive Support and Improvement and 2. Targeted Support and Improvement.

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Support and Improvement		The bill does not include any defined percentage of low-performing schools that require interventions. Maintains provision in current law that prohibits school improvement activities from overriding collective bargaining agreements.	evidence-based intervention and support strategies (and a plan for such strategies) that are proportional to the identified needs of the school. As part of the implementation of evidence-based intervention and support strategies, LEAs are required to distinguish between the lowest performing schools and other identified schools (including those identified due to subgroups not meeting goals). All schools identified in need of intervention and support must implement an evidence-based intervention and support strategy and prioritize supports for schools most in need of support. States are also required to monitor and evaluate school intervention and support strategies by LEAs and use results of the evaluation to change or improve strategies. States are required to make technical assistance available to LEAs and are required to ensure LEAs carry out strategies in identified schools. Parents are required to receive notice when a school is identified with an explanation of what the identification means, the reasons for the identification, what the LEA or state is doing to address student achievement and other measures in the school, and an explanation of how parents can become involved and public school choice options (if implemented by the LEA). States are specifically authorized to develop strategies for LEAs to use in identified schools (in addition to LEA-identified strategies).	the four school turnaround models OR design a model based on a set of school turnaround principles. <u>Focus Schools</u> are the 10% of the schools in the state with the worst achievement gaps. Although schools are identified, there is not a federally defined set of interventions that would apply to these schools. <u>Reward Schools</u> – the top performing schools in the state. Among other approaches, such schools may receive visits from state officials, be honored, or receive monetary awards.	**Identification for Comprehensive Support and Improvement** – Beginning with school year 2017-2018 and at least once every 3 years, States must identify schools for "comprehensive support and improvement." States are also required to set exit criteria for schools that are identified to exit such status. Schools that meet the following criteria are required to be identified: • The 5% lowest performing in the State (as determined by the index and differentiation process). • High schools that graduate less than two-thirds of their students. • Schools for which a subgroup is consistently underperforming in the same manner as a school under lowest 5% category for a State-determined number of years. LEAs must develop comprehensive support and improvement plans for schools identified. Plans are required to include evidence-based interventions, be based on a school-level needs assessment, identify resource inequities, be approved by the school, LEA and State Educational Agency (SEA), and be periodically monitored and reviewed by the SEA. LEAs can forgo implementation of the improvement activities for schools with less than 100 students enrolled. SEAs may allow differentiated improvement activities for high schools that predominantly serve students returning to education after dropping out who are significantly off-track to graduate from high school. LEAs may provide students with the option to transfer to another public school,

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			Unlike current law, public school choice is optional for the LEA to implement for students in identified schools. LEAs choosing this option may use up to 5% of their Title I funds to support transportation related to public school choice.		including paying for transportation costs (up to 5% of their Title I allocation). After a state-determined period of years (not to exceed 4 years) States must take more rigorous state determined action if a school identified for comprehensive support and intervention has not met the exit criteria. **Notification of Targeted Support and Improvement** - In addition to identification for comprehensive support and improvement, the State must annually notify LEAs with schools which have "consistently underperforming" subgroups. Schools which are notified must develop and implement a "targeted support and improvement plan" to improve outcomes for subgroups which generated the notification. These plans must include evidence-based interventions and be approved and monitored by the LEA. In addition, if the plan is not successfully implemented after a LEA determined number of years, additional action must take place. Schools for which plans are developed where subgroup performance, on its own, would lead to identification for comprehensive support and improvement as in the lowest 5% must also identify resource inequities to be addressed through plan implementation. As with other schools which are identified, notification for target support and improvement will begin with the 2017-2018 academic year.
School Improvement Strategies	Under Restructuring, LEAs are required to adopt one of five alternative governance arrangements for such schools:	No such provision. No specific federally defined system of school improvement or intervention. As described under the AYP/State	The bill does not prescribe specific school improvement strategies. There is a prohibition stating that the Secretary cannot establish any criterion that	Priority schools would be required to implement one of the four school intervention models under the School Improvement Grant program or a state-designed intervention model based on	The conference report does not prescribe specific school improvement strategies.

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	1. Reopening the school as a charter school; 2. Replacing all or most of the school staff relevant to the failure to make AYP; 3. Operating the school under a private management company; 4. State takeover; and 5. Other major restructuring of the school's governance arrangement. Under the regulations for the School Improvement Grant (SIG) program, schools identified for assistance must implement one of four turnaround models: Turnaround Model, which would include, among other actions, replacing the principal and at least 50% of the school's staff, adopting a new governance structure, and implementing a new or revised instructional program. Restart Model, in which an LEA would close the school and reopen it under the management of a charter school operator, a charter management organization (CMO) or an educational management organization (EMO) that has been selected through a rigorous review process. School Closure, in which an LEA would close the school and enroll the students who attended the school in other, high-achieving schools in the LEA.	Accountability section above, states must develop, as part of their accountability system, a system for low-performing public schools in which LEAs must implement interventions in such schools.	specifies, defines or prescribes the school assistance strategies that states or LEAs use to assist identified schools or the weight of any indicator or measure that a state uses to identify schools.	a federally defined set of turnaround principals. The Administration defines turnaround principles as meaningful interventions designed to improve the academic achievement of students in priority schools. Specifically, the turnaround principles must require: 1. Reviewing the current principal's performance and replacing the principal if necessary; 2. Providing operational flexibility to the principal; 3. Reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; 4. Preventing ineffective teachers from transferring to these schools and providing professional development; 5. Redesigning the school day, wee, or year to include additional time for student learning and teacher collaboration; 6. Strengthening the school's instructional program based on student needs and ensuring that the instructional program is research-based, rigorous and aligned with state academic content standards; 7. Using data to inform instruction and for continuous improvement, including by providing time for collaboration on the use of data;	

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	Transformation Model, which would address each of four specific areas critical to transforming the lowest achieving schools including: • Developing teacher and school leader effectiveness, which would include evaluations that are based in significant measure on student growth to improve teachers' and school leaders' performance; • Comprehensive instructional reform strategies, which would include the use of: instructional programs that are vertically aligned from one grade to the next and individualized student data (such as from formative, interim and summative assessments) to inform and differentiate instruction; • Extending learning time and creating community-oriented schools, which would include providing: more time for students to learn core academic content by expanding the school day, the school week or the school year; more time for teachers to collaborate, including time for horizontal and vertical planning to improve instruction; more time or opportunities for enrichment activities for students; and ongoing mechanisms for family and community engagement;			8. Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that have an impact on student achievement, such as students' social, emotional and health needs; and 9. Providing ongoing mechanisms for family and community engagement.	

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	• Providing operating flexibility and sustained support, which would include: giving the school sufficient operating flexibility (including in staffing, calendars/time and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes; and ensuring the school receives technical assistance from the LEA, SEA or an external lead partner organization (such as a school turnaround organization or an EMO).				
Supplemental Educational Services (SES) and Public School Choice	Students in schools that have not made AYP for two consecutive years must be offered the ability to choose another public school, and the LEA must provide or provide for transportation. Students in schools that have not made AYP for three years must be offered free tutoring (supplemental educational services).	States are required to reserve 3% of their Title I allocation to provide competitive grants to LEAs to provide "direct student services" (tutoring and/or to pay for the costs of transportation associated with public school choice).	As described above, LEAs may but are not required to implement public school choice for students in identified schools. SES is not referenced or required under this bill.	States receiving flexibility from the Secretary would be permitted to waive the requirement to do supplemental educational services and public school choice.	States may reserve up to 3% of their Title I allocation to provide competitive grants to LEAs to provide "direct student services." The language largely follows the House bill although expands the types of activities which may be supported to include the ability for students to enroll in courses not otherwise available at their school, such as advanced placement as well as credit recovery and academic acceleration courses that lead to a regular diploma.
Title I State Set-Aside for School Improvement	States must reserve 4% of their Title I, Part A grant, of which 95% must be allocated to LEAs to assist schools identified for school improvement. The amount reserved by the State must not decrease the amount of funds received by LEAs in the prior year.	Increases the set-aside from 4% to 7% of a state's Title I program.	Largely maintains current law.	No applicability.	Increases the set-aside from 4% to 7% (or, if a greater amount, the sum of the prior set-aside in addition to the funds received by the State under 1003(g) in the prior fiscal year). Funds are for states to carry out a statewide system of technical assistance and support for LEAs. Note, that as under current law, the amount reserved by the State must not decrease the amount of funds received by each LEA in the prior year.

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High School Provisions	As mentioned in the AYP/state accountability section, graduation rates are required to be included as an additional indicator in state AYP definitions.	As mentioned in the AYP/State accountability section, AYP and its indicators are eliminated. As described in the Report Card section, states and LEAs are required, as part of their report cards, to report on the adjusted cohort (and, if applicable, the extended adjusted cohort) graduation rate of all public high schools in a state.	Graduation rates (including the 4-year-adjusted cohort graduation rates and extended-year adjusted graduation rates) are included in report cards and in the state-determined accountability system as described above.	No applicability.	The conference agreement maintained the provisions in the Senate bill.
Comparability	LEAs are permitted to receive funds under Title I, if state and local funds are used in Title I schools to provide comparable services to those in schools that are not receiving Title I.	Maintains existing comparability requirements.	Maintains existing comparability requirements.	Maintains existing comparability requirements.	Maintains existing comparability requirements.
Follow the Child State Option (Portability)/Equitable Funding Demonstration Program	No applicability.	SEAs are permitted to adopt a new method of allocating funds based on actual enrollment of eligible children at Title I schools. LEAs would be required once a year to determine the number of eligible children in their public schools. Eligible children would be defined as those children from families with income below the poverty line as determined via census data.	No applicability.	No applicability.	Portability provisions are not included in the Conference report. The conference report establishes a Flexibility for Equitable Per-Pupil Funding Demonstration Authority. Under this authority, the Secretary can enter into local flexibility agreements with not more than 50 local educational agencies in order to provide them with flexibility to consolidate eligible Federal funds and State and local education funding into a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.
Title I Formulas	Four formulas allocate Title I funds to states based on counts and concentrations of children from low-income families, state per-pupil spending on education, and, under the Equity and Effort (EFIG) formula, measures of state effort and equity in supporting education.	Leaves the four formulas in place, but makes very minor changes to the weights under the Targeted Grants and EFIG formulas.	Establishes a $17 billion trigger, that when reached would send Title I funds above that amount to states through one formula that is similar to the EFIG and Targeted Grants Formula, with the exception that such formula would utilize national average per-pupil spending on education rather than a state's	No applicability.	Makes technical and conforming changes to the four Title I formulas, but leaves these formulas in place with no significant structural change.

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			individual per-pupil spending as a factor in the formula.		
Teacher and Principal Evaluation	No such requirement.	LEAs (in states that are not adopting statewide teacher evaluation systems) would be allowed, but not required, to use Title II funds to develop and implement teacher evaluation systems. While the teacher evaluation system could be wholly defined by the LEA, the bill provides several elements of a system that may be included: 1. The use of student achievement data (from a variety of sources) as a "significant factor" in the evaluation, with the weight given to such data to be defined by the LEA; 2. The use of multiple measures; 3. The setting of two or more categories for rating teacher performance; 4. The use of the system in personnel decisions (as determined by the LEA); and 5. Input from parents, school leaders, teachers and other staff. LEAs would also be permitted to use their Title II funds to develop a school leader evaluation system States could also use funds under Title II to develop a statewide school leader and/or teacher evaluation system. The elements of such a system are not defined in the bill.	Under Title II, SEAs and LEAs are permitted to develop and implement teacher and principal evaluation systems that are based in part on evidence of student achievement.	Requires SEAs and LEAs to develop, adopt and implement teacher and principal evaluation and support systems. The system must: 1. Be used for continual improvement of instruction; 2. Differentiate between at least three performance levels; 3. Use multiple valid measures in determining performance levels, including as a significant factor, data on student growth and other measures of professional practice; 4. Be used to evaluate teachers and principals on a regular basis; 5. Provide feedback that identifies needs and guides professional development; 6. Be used to inform personnel decisions. In the request for flexibility, an SEA must include a plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by no later than the end of the 2011-2012 school year.	Similar provisions as the Senate bill.
Highly Qualified Teachers	All Teachers in Title I programs must be highly qualified. All states must have a plan in place to ensure that teachers	Eliminates any requirements related to highly qualified teachers and the definition of highly qualified teachers.	Eliminates any requirements related to highly qualified teachers and replaces them with a requirement for teachers working in Title I	Maintains the existing highly qualified definition, except that there would be no consequences for states, such as having to take over a LEAs	Similar provisions as in the Senate bill.

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	teaching in core academic subjects are highly qualified.		programs to meet applicable state certification and licensure standards. States are also required, as part of their state plan, to describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field and inexperienced teachers, principals or other school leaders. States are required to describe the measures they will use to evaluate and publicly report on this requirement.	professional development program, if not all of their teachers are highly qualified.	
Title II Structure	Under Part A, a program of formula grants to states is authorized with states making formula-based subgrants to LEAs. Also included is a separate authorization for a collection of National Activities (School Leadership, Early Childhood Educator Professional Development, etc.).	Authorizes two separate state formula grant programs: • *Supporting Effective Instruction* (Part A) – 75% of the appropriation – would provide formula grants to states, which would then make formula subgrants to LEAs. • *Teacher and School Leader Flexible Grant* (Part B) – 25% of the appropriation – would provide formula grants to states, which would make competitive subgrants to LEAs, IHEs and private nonprofit and for-profit organizations. Under both programs, provides a 1% set-aside for national technical assistance and evaluation activities.	Continues separate authorizations for state grants and national activities. Under Part A, authorizes a program of formula grants to states, which in turn would make formula-based subgrants to LEAs. Authorizes the following national activities: • Technical assistance (up to 20% of the National Activities appropriation); • Competitive grants for nontraditional preparation and certification programs, evidence-based professional development and enhancement, etc. (at least 40%); • Competitive grants for school leader recruitment and support (at least 40%).	No applicability.	Continues separate authorization for state grants and national activities. Maintains the Senate structure for Part A. Part B contains all national activities and is split into four subparts: • Subpart 1 – Teacher and School Leader Incentive Program (2017-2019–49.1%, 2020–47%) • Subpart 2 – Literacy Education for All, Results for the Nation (2017-2019–34.1%, 2020--36.8%) • Subpart 3 – American History and Civics Education (2017-2020–1.4%) • Subpart 4 – Programs of National Significance (2017-2019–15.4%, 2020–14.8%) Programs of National Significance include the following:

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					• Supporting Effective Educator Development (not less than 74% of the subpart 4 allocation); • School Leader Recruitment and Support (not less than 22% of the subpart 4 allocation); • Technical assistance (not less than 2% of the subpart 4 allocation); • STEM Master Teacher Corps which includes support for SEA/non-profit ability to provide effective professional development across the state (not more than 2% of the subpart 4 allocation)
Title II Federal-to-State Formula	For Part A, allocates 35% of funds based on each state's relative share of school-aged population and 65% based on each state's relative share of population of school-aged children living in poverty, except that no state may receive less than: 1. A "hold-harmless" amount equal to its combined allocation under two predecessor programs in FY 2001; or 2. 0.5% of the total.	For Part A, 50% of funds are allocated based on each state's share of all children and 50% on each state's share of children living in poverty. The bill includes a 0.5% small-state minimum and does not include the hold-harmless provisions in current law. For Part B, 100% of funds are allocated based on each state's share of all children with a 0.5% small-state minimum.	For Part A, 20% of funds are allocated based on each state's share of all children and 80% on each state's share of children living in poverty. Includes hold-harmless that phases out over 6 years.	No applicability.	For Part A, a formula change is phased in over 4 years. • In 2017, 35% of funds are allocated based on each state's share of all children and 65% on each state's share of children living in poverty; • In 2018, 30% of funds are allocated based on each state's share of all children and 70% on each state's share of children living in poverty; • In 2019, 25% of funds are allocated based on each state's share of all children and 75% on each state's share of children living in poverty; • In 2020, 20% of funds are allocated based on each state's share of all children and 80% on each state's share of children living in poverty. The conference report includes a hold harmless that phases out over 6 years.

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Title II State Set-Aside and Activities	Permits SEAs to reserve 2.5% for state-level activities. 18 separate activities authorized (reforming certification, teacher supports, alternative route programs, recruitment, professional development, etc.). Within the 2.5%, 1% of the state's allocation may be used for state administration. Sets aside 2.5% for Institution of Higher Education (IHE)-LEA partnership grants.	Part A: permits the SEA to reserve up to 5% for state-level activities (training and technical assistance, including the development of school leader evaluation systems, dissemination of evidence-based practices, professional development, activities to address teacher workforce shortages, etc.). Within the 5%, 1% may be used for administration. Part B: • 4% for "innovative" state-level activities (reforming certification, licensure and tenure; improving the quality of preparation programs; alternative routes; performance-based pay systems, etc.) • 3% for teacher and school leader preparation academies. • 1% for administration. Eliminates partnership grants.	Permits the SEA to reserve: • 1% for teacher and school leader preparation academies; • 1% for administration; • Remaining state-level funds, which would be capped at 5% total, except as described below for additional state-level activities – 21 activities authorized (reform of certification, licensure and tenure systems; development and implementation of teacher evaluation and support systems; residency programs, etc.) • Up to an additional 3% for additional activities for principals and other school leaders if setting aside this money will not reduce funding to LEAs. Eliminates partnership grants. Permits funds to be used for voluntary teacher licensure reciprocity across states.	Not applicable to the waiver states, except that those states and each of their LEAs, must develop and implement teacher and principal evaluation and support systems, as described above.	Permits the SEA to reserve: • 1% for administration; • Remaining state-level funds, which would be capped at 5% total, except as described below for additional state-level activities – 21 activities authorized (reform of certification, licensure and tenure systems; development and implementation of teacher evaluation and support systems; residency programs, etc.) Note: Not more than 2% of the State's 5% allotment may be used to establish or expand teacher, principal or other school leader preparation academies if it is allowable under state law, candidates are eligible for state financial aid to the same extent as participants in other state-approved teacher or principal preparation programs, and the state enables teachers, principals and other school leaders to teach and work in the state while enrolled in the preparation academy. • Up to an additional 3% for additional state activities for principals and other school leaders
Title II Within-State Formula	SEAs allocate subgrant funds to LEAs 20% based on total school-aged population and 80% school-aged population living in poverty. No LEA may receive less than it received under two predecessor programs in FY2001.	For Part A, SEAs allocate subgrant funds to LEAs 50% based on total school-aged population and 50% based on school-aged population living in poverty. The hold-harmless from current law is eliminated. Part B is competitive within the state.	Same formula as in current law, but deletes the hold harmless.	No applicability.	Same as the Senate bill.
Title II Local Uses of Funds	Authorizes multiple allowable activities, most related to improvement of teaching and school leadership. Specific activities include developing and implementing	Part A: authorizes the use of funds for the development and implementation of teacher evaluation systems that may use student achievement data; school leader	Specifies that all funds must be used for comprehensive evidence-based programs that are consistent with the principles of effectiveness and addresses the learning	Not applicable to the waiver states, except that LEAs in those states must develop and implement teacher and	Similar activities as the Senate bill, but there is no requirement for a needs assessment.

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	mechanisms to assist schools in recruiting highly qualified teachers, providing professional development and other activities to improve the quality of the teaching force. Also authorizes the use of funds for recruitment and hiring of teachers to reduce class sizes, particularly in the early grades.	evaluation systems; training educators to implement those systems; evidence-based, job-embedded professional development; any activities authorized under Part B; and (subject to a 10% cap) class-size reduction. Part B: authorizes comprehensive, evidence-based programs and activities that are consistent with the principles of effectiveness, including initiatives to assist in recruiting, hiring and retaining effective teachers and leaders; preparation academies; recruiting qualified individuals from outside education; and recruiting and training teachers to teach in dual-credit, dual-enrollment, AP and IB programs.	needs of all students. Provides an illustrative list of possible uses of funds, including developing or improving teacher and school leader evaluation and support systems that are based in part on student achievement, recruitment and retention initiatives; recruitment of mid-career professionals into education; high-quality professional development; residency programs; reform of preparation programs; and supporting the instructional services provided by school librarians. Authorizes the use of program funds for "reducing class size to an evidence-based level."	principal evaluation and support systems, as described above.	
Title II Principles of Effectiveness	Not included. The local application must describe how local activities will be based on a review of scientifically based research, but the law does not require that activities meet certain principles of effectiveness.	Part B local activities must: • Be based on an objective assessment of data on the need for programs and activities to increase educator effectiveness; • Reflect evidence-based research (or, in the absence of that research, "effective strategies in the field"); and • Include meaningful and ongoing consultation and input from teachers, school leaders and parents.	Local subgrant activities must: • Be based on an objective assessment of data on the need to increase the number of effective educators and ensure that low-income and minority students have access to effective educators and a high-quality instructional program; • Be based on established and evidence-based criteria aimed at ensuring that all students receive a high-quality education and that result in improved academic achievement; and • Include meaningful and ongoing consultation and input from teachers, school leaders, parents, IHEs, etc.	No applicability.	No comparable provisions.
Title II Accountability	Requires an LEA, that the SEA determines, after two years, is not making sufficient progress toward meeting program objectives (re: highly qualified teachers, percentage of	No comparable provisions.	No comparable provisions.	In waiver states, LEAs that do not meet their highly qualified teacher targets do not have to develop and implement improvement plans or enter into an	No comparable provisions.

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	teachers receiving high-quality professional development) to develop a plan for meeting specific annual objectives. After a third year of failing to make progress, the SEA and LEA must enter into an agreement on the LEA's use of program funds and the SEA must provide funds directly to one or more of the LEA's schools.			agreement with the SEA on the use of Title II funds.	
TIF	Appropriations bills have funded the Teacher Incentive Grant program. This program largely allows LEAs to operate alternative compensation models for teachers, including augmenting or basing teacher pay on academic performance.	Does not authorize TIF. See "Teacher and School Leader Flexible Grant" below. The bill repeals the Teacher Quality Partnership program authorized in the Higher Education Act. The bill creates a new "Teacher and School Leader Flexible Grant" authority under which funds are allocated to states by formula with eligible entities at the local level competing for funds for a variety of activities related to teachers and principals, including performance pay, certification reform, teacher residency programs and induction and mentoring programs. Eligible entities include an LEA or consortium of LEAs, an LEA in partnership with an IHE, a partnership between an LEA and a for-profit or non-profit organization or an LEA in partnership with any combination of an IHE or a for-profit or nonprofit organization.	Maintains a separate Teacher Incentive Fund program, renaming it the Teacher and School Leader Incentive Fund. This version of the program in this bill would maintain a focus on performance-based compensation systems and provide an expanded focus to include the implementation, improvement or expansion of human capital management systems for teachers, principals and other school leaders. These systems would have to be developed in collaboration with teachers, principals and other school leaders. Grantees can conduct several activities with grant funds, including developing or improving an evaluation system; conducting outreach on how to construct an evaluation system; providing principals and other school leaders with autonomy and authority to make budgeting, scheduling, and staffing decisions; paying through a differentiated salary structure; improving recruitment, selection and placement of effective teachers and school leaders; and instituting career advancement opportunities.	Not addressed in waiver package.	Similar provisions as in the Senate bill. See above for % allocation under national activities.

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RTTT	The American Reinvestment and Recovery Act of 2009 created the Race to the Top program (RTTT). This program provided competitive awards to states that agreed to institute a series of education reforms focused on college- and career-ready standards, improved teacher quality, better education data systems and improving school turnaround.	Does not authorize such program.	Does not authorize such program.	No applicability.	No applicability. Program is not authorized under the conference report.
i3	The American Reinvestment and Recovery Act of 2009 created the Investing in Innovation (i3) program. This program provided competitive awards to grants to develop and validate promising practices, strategies or programs with potential to improve student outcomes but for which efficacy has not yet been systematically studied.	Does not authorize such program. See the Local Academic Flexible Grant below.	Authorizes an i3-like "Grants for Education Innovation and Research" program to support the development, evaluation and scaling up of K-12 innovations.	No applicability.	The conference report reserves 36% of funds in FYs 2017 and 2018 and 42% in FY2019 of Title IV, Part F National Activities for the Education Innovation and Research Initiative. This initiative would provide grants to develop, create implement, replicate or scale entrepreneurial, evidence-based innovations and evaluate such innovations. Eligible entities include: • LEAs and SEAs (or consortia of these), • BIE, • nonprofits, and • consortiums of SEAs, LEAs, and nonprofits, businesses, educational service agencies or IHEs. Eligible entities can receive one of three grant types: • Early phase grants (for initiatives which research suggests has promise, • Mid-phase grants (for initiatives which have been implemented under an early-phase grant or similar initiative); and • Expansion Grants (for implementing initiatives which have produced sizeable important impacts).

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					There is a 10 percent matching requirement, unless waived by the Secretary.
Preschool Program	No applicability.	No such provision.	The Senate bill authorizes an Early Learning Alignment and Improvement Grants program. The purposes of this program are to assist States by: (1) More efficiently using existing Federal resources to improve, strengthen and expand early childhood education (2) Coordinating existing funding streams and delivery models (3) Improving access for low-income children to early childhood programs. ED in consultation with the Department of Health and Human Services (HHS) awards competitive grants to States. Priority is given to States which will focus on children ages 3 and 4 with family incomes below 130% of the poverty line. Grants are awarded to States for not more than a 3-year period and are not renewable, unless the State is proposing to carry out activities in rural areas and all other States that wish to receive a grant have done so and funds remain available. Each State receiving a grant must provide a 30 percent match (cash or in-kind). Grant funds may be used for: (1) Aligning Federal, State and local funding (2) Analyzing needs for expanded access (3) Developing or expanding partnerships to expand access, sharing best practices and maximizing parental choice (4) Developing or expanding Centers of Excellence	No such provision.	The conference report authorizes a Preschool Development Grants program. Funds are authorized through the Department of Health and Human Services (HHS) and the program is jointly administered by HHS and ED. ED is specifically prohibited from making taking any unilateral programmatic or regulation actions with respect to the operation of the program. The purposes of the program are: (1) Facilitation of collaboration and coordination among existing early childhood programs and improving transition into elementary school (2) Encouraging partnerships among early childhood providers (3) Maximizing parental choice among early childhood programs. Initial Grants States apply for one year competitive grants which may be renewed by the Secretary. States must match at least 30% of the grant amount (cash or in-kind). States use grants for the following activities: (1) Statewide needs assessment (2) Strategic plan development for collaboration, coordination and quality improvement activities (3) Maximizing parental choice among the existing programs and providers (4) Sharing best practices (5) After activities 1 and 2 are completed, improving overall quality of early childhood programs.

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			(5) Expanding programs if no high quality education and care is available. (6) Increasing the involvement of parents and family (7) Improving quality of programs.		Renewal Grants States can also apply for separate renewal grants if their initial grant has concluded, they received a preschool development grant previously (under the existing appropriations funded program), or HHS permits the State to apply directly. States must also provide a 30% match with these grants (cash or in-kind). Under renewal grants, a State may use grant funds to make subgrants for the following activities: (1) Addressing areas in need of improvement for programs (2) Expanding programs (3) Developing new programs
School Library Programs	Improving Literacy Through School Libraries – authorized grants to LEAs (in which at least 20% of students served are from families with incomes below the poverty line) to improve literacy skills and academic achievement by providing students with: • Increased access to up-to-date school library materials; • Well-equipped, technologically advanced school library media centers; and • Well-trained, professionally certified school library media specialists. Note: Last funded in FY 2010.	No such provision.	Title V, Part H continues activities currently implemented through the Innovative Approaches to Literacy (IAL) program under the Fund for the Improvement of Education that support national not-for-profit organizations or school libraries in providing books and childhood literacy activities to children and families living in high-need communities. Under Title V, Part H, funds are specifically authorized to support the development and enhancement of effective school library programs, including professional development for school librarians and providing books and up-to-date materials. Also includes the following provisions (among others) related to libraries: • The Title I state plan must include a description of how the SEA will assist LEAs in developing effective school	No applicability.	Title II, Part B, Subpart 2, Section 2226 continues activities currently implemented through appropriations legislation and authorizes Innovative Approaches to Literacy (IAL) that would promote literacy programs in low income communities. Funds are authorized for the development and enhancement of effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to high need schools. Also includes the following provisions related to libraries: • The Title I LEA Plan includes a description of how the LEA will assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

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			library programs, and the LEA plan must include a similar description. • Authorizes state and local uses of funds under Title II, Part A for "supporting the instructional services provided by effective school library programs" • Grants awarded to LEAs under Title II, Part C (Teaching of Traditional American History) must include a partnership with an institution of higher education, a nonprofit history or humanities organization, or a library or museum. • Uses of funds under Title II, Part D (Literacy for All, Results for the Nation) include coordination with school libraries in the development of literacy activities.		• Authorizes state and local uses of funds under Title II, Part A (Supporting Effective Instruction) for "supporting the instructional services provided by effective school library programs." • Uses of funds under Title II, Part B, Subpart 2 (Literacy Education for All, Results for the Nation) include coordination with, and professional development for school librarians. • Eligible entities under Title II, Part B, Subpart 2, Section 2232 (Presidential and Congressional Academies for American History and Civics) include libraries. • Authorizes states to use funds to assist LEAs with identifying and addressing technology readiness needs, including Internet connectivity and access to school libraries under Title IV, Part A (Student Support and Academic Enrichment Grants).
Local Academic Flexible Grant	No such provision.	The bill creates a new program funding two separate authorities: (1) Local Competitive Grant Program and (2) Awards to Nongovernmental entities to improve academic achievement. These authorities would be administered by states that receive formula allocations from the U.S. Department of Education. States would be permitted to reserve 17% of program funding for state-level activities, including paying for the costs of developing and administering the standards and assessments under Title I, administrative costs, monitoring and evaluation, technical assistance and sharing of evidence-based strategies.	No such provision.	No such provision.	The conference report authorizes a Student Support and Academic Enrichment grant program under a new Title IV that funds a wide range of activities and purposes. The program is authorized at $1.65 billion in FY 2017 and $1.6 billion in FY 2018 through 2020. Under this authority, .5% is reserved for the Bureau of Indian Education and the Outlying Areas, with 2% reserved for technical assistance and capacity building by the Secretary. Of the remainder, states which submit plans receive formula grants and allocate 95% to LEAs and reserve 5% for State level activities and administration. Among others, State level activities include:

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		States are required to use a portion of their reservations to award competitive grants to blended learning projects. Local Competitive Grant – This authority, funded with not less than 75% of each state's Local Academic Flexible Grant funds, would make awards to eligible entities to fund supplemental student support activities, such as tutoring, afterschool and extended day (but not athletics or in-school learning) and classroom support activities, such as subject-specific programs, adjunct teacher programs and parent engagement, but not class size reduction, construction or providing compensation or benefits to teachers, principals or school officials. Funds would be used for students who maintain enrollment in public schools. Any activity that is permitted under state law would be allowed to be funded under this authority. An eligible entity is defined as: 1. An LEA (or a consortium of LEAs) in partnership with a community-based organization (CBO), private-sector business entity or NGO; 2. A CBO in partnership with an LEA and, if applicable, a private-sector business entity or NGO; or 3. A private-sector business entity in partnership with an LEA and, if applicable, a CBO or NGO. Awards to Nongovernmental Entities to Improve Academic Achievement – This			• Monitoring of, and training technical assistance and capacity building for, LEAs. • Advanced Placement and International Baccalaureate test fee reimbursement as well as support for dual enrollment and early college high school programs (there is no separately authorized Advanced Placement program under the agreement, unlike current law). • Geography, Civics and well-rounded activities • Fostering safe, healthy and drug free environments. • Technology related activities. States are permitted to use funds received in FY 2017 to cover the fees of accelerated learning (AP and IB) examinations taken by low-income students in the 2016-2017 school year. LEAs receiving grants must submit an application and do a needs assessment (which must be conducted at least every 3 years). LEAs must provide assurance that funds will prioritized to schools that have the greatest needs, the most low-income children, or are identified under the accountability system or as persistently dangerous. With grant funds, LEAs are expected to fund activities in each of three categories: • Well-Rounded (at least 20% of funds), which include AP and IB test fee reimbursement, STEM, Arts and Computer Science. • Healthy Students (at least 20% of funds), which includes bullying and drug abuse prevention.

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		authority, funded with not less than 8% of each state's Local Academic Flexible Grant Funds, would provide funds to public or private organizations, CBOs and business entities for programs that improve public student achievement. Grantees would have to show evidence of how the program would improve student achievement and share evidence-based and other effective strategies with LEAs and others working with students. Entities receiving funds would be required to provide a 50% match.			• Technology (at least one activity, and a limitation is placed on the purchase of technology infrastructure).
Transferability/ Flexibility in Using Funds	Under current law, states (with the state share of funds) and LEAs (with the local share of funds) can generally transfer up to 50% of a program's allocation among certain programs. The only programs presently receiving funding to which this authority applies are Title I, Part A and Teacher Quality Grants (Title II, Part A). States or LEAs are not permitted to transfer funds out of Title I.	The bill allows states with the state share of funds and LEAs with the local share of funds to expend certain program funds on any state or LEA activity (respectively) authorized under certain programs. The following programs are generally affected by this authority: Title I School Improvement, Title I State Administration, the main Title I program, Migrant Education, Neglected and Delinquent, English Language Acquisition, Indian Education and a new combined rural education achievement program. The state share of the above programs can be used for any authorized activity under any of the same programs, except for the main Title I program and the Rural Education Achievement Program, in which state shares are not included in the state authority. The LEA share of the above programs can be used for any authorized activity under any of the same programs, except	The bill increases the transfer authority to 100% and limits it to Titles II (teachers and principals) and IV (healthy students).	No such provision.	The conference agreement makes several changes to transferability. At the SEA level, the conference report allows States, with the State share of program funds, to transfer any amount (up to 100%) of a program's share of funds between: • Title II (teacher and other school leaders), • Student Support and Academic Enrichment grant (Title IV, Part A), and • 21st Century Community Learning Centers State level activities (Section 4202(c)(3)). At the LEA level, the conference report allows LEAs to transfer any amount of the LEA portion of funds from programs between: • Title II, (teacher and other school leaders) • Student Support and Academic Enrichment grant (Title IV, Part A) States and LEAs may transfer funds into but not out of, the following programs: • Title I, Part A, • Migrant Education,

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		all authorities related to the main Title I program.			• Neglected and Delinquent, • English Language Learner State Grants and • Rural Education.
Maintenance of Effort (MOE)	Under most ESEA programs, states and/or LEAs must maintain the amount of state and/or LEA funding that is being expended in the prior fiscal year. Allows the Secretary to waive MOE in the event of natural disasters or precipitous decline in state resources.	Eliminates maintenance of effort (MOE) provisions from ESEA programs.	Maintains maintenance of effort (MOE) requirements and only allows reductions in MOE if a state has failed to meet MOE for 1 or more of the 5 immediately preceding fiscal years. Adds an additional authority for the Secretary to waive MOE in the event of a change in the organizational structure of an LEA.	No applicability.	The conference agreement maintains the Senate bill provisions.
STEM Education	Provides authorization for the Math and Science Partnership (MSP) Program.	Repeals the MSP program and does not include any separate funding stream for STEM education.	Authorizes the Improving Science, Technology, Engineering and Mathematics Instruction and Student Achievement program, which would provide formula grants to states for the improvement of STEM education. Adds technology, engineering and computer science to the definition of "Core Academic Subjects."	No applicability.	Repeals the MSP program. Includes a new authority for a STEM Master Teacher Corps, (authorized for under $2 million) which allows the Secretary to award grants to SEAs to develop such teacher corps, or to fund grants to SEAs or nonprofits in partnership with SEAs to support the implementation, replication, or expansion of effective STEM professional development across the State (not more than 2% of the subpart 4 allocation) As noted above, under Title IV grant funds, LEAs are expected to fund activities in each of three categories: • Well-Rounded (at least 20% of funds), which include AP and IB test fee reimbursement, STEM, arts and computer science. • Healthy Students (at least 20% of funds), which includes bullying and drug abuse prevention. • Technology (at least one activity, and a limitation is placed on the purchase of technology infrastructure

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					Specifies STEM and computer science professional development as uses of funds under Title II. Replaces current law "core academic subject" with a new term, "well-rounded education" which includes, among other subjects, STEM and computer science.
ESEA Waivers	States, LEAs or Indian tribes may request waivers of ESEA provisions. These waivers must demonstrate how they will increase the academic achievement of students. Waivers are not permitted for: • Allocations or distributions of funds to states, LEAs or other recipients • Maintenance of effort • Comparability • Supplement not Supplant • Private school participation • Parental participation and involvement • Civil rights • Charter School requirements • Prohibitions regarding state aid and religious worship or instruction • Prohibitions on using ESEA funds for the development and distribution of materials that encourage sexual activity or are legally obscene • Prohibitions on using ESEA funds to providing sex education or to distribute condoms • Selection of school attendance areas under Title I that are more	The Secretary must approve a waiver request within 60 days unless the Secretary determines and demonstrates that the waiver is of a restricted item, will not increase student academic achievement and does not provide for adequate evaluation. The bill also requires the Secretary to establish a peer review process for reviewing waiver requests and must use this peer review process if a waiver will not be approved. The bill also strikes the prohibition on waiving maintenance of effort since the bill strikes this requirement from the bill (see above). The bill limits the amount of time a waiver can be approved from four years to three years. The bill maintains current law limitations on what can be waived by the Secretary. Lastly, the bill prohibits the Secretary from putting various conditions on a	The Secretary is required to approve a waiver request within 90 days unless it does not meet the requirements of the waiver section. The Secretary is prohibited from disapproving a waiver request based on conditions outside the scope of the request. The Secretary is also prohibited from placing a condition, criterion or priority on a waiver request unless it involves a requirement under ESEA or is directly related to the waiver request. Provides that any requirement or condition of a waiver entered into prior to the enactment of ECAA shall be void if it is not a requirement of the reauthorized ESEA.	No applicability.	The conference report retains a modified version of ESEA waivers. Under the conference report, the Secretary has 120 days to approve a waiver request unless it does not meet the requirements of the wavier section. The Secretary is prohibited from disapproving a waiver request based on conditions outside the scope of the request. Requests for waivers by LEAs must be submitted through the State and approved by the State. The conference report maintains the list of prohibited wavier topics with conforming changes.

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	than 10% lower in poverty than those selected without a waiver	waiver request in order to approve such request.			
Department Staff	No applicability.	Requires the Secretary to: (1) Within 60 days of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each program that was in effect on the day before the passage of the Student Success Act and publish that information on the Department's website; (2) Within 60 days of the enactment of the bill, identify the number of employees who worked on or administered programs that were eliminated by the Student Success Act; (3) Within one year of the passage of the bill, reduce the number of Department of Education full-time-equivalent employees calculated under (2); and (4) Within one year of the enactment of the Student Success Act, report on how the Secretary reduced the number of employees as described under (3). Reporting is required on salaries of Department of Education employees.	Requires the Secretary to: (1) Within 90 days of the enactment of the ECAA, identify the number of Department employees who worked on or administered each program or project that was in effect on the day before the passage of the ECAA; (2) Within 90 days of the enactment of the ECAA, identify the number of full-time-equivalent employees who worked on or administered programs that were eliminated or consolidated by the ECAA; and (3) Within one year of the passage of the ECAA, prepare and submit a report to Congress on the number of employees who associated with each ESEA program, disaggregated by function; the number of employees associated with eliminated or consolidated programs; and how the Secretary dealt with the employment of employees whose programs had been eliminated or consolidated.	No applicability.	The conference report maintains the language from H.R. 5 with minor technical changes.
State Legislative and Gubernatorial	No such provision.	Requires state legislatures to specifically authorize a state to receive ESEA funds before the Secretary may allocate funds to such a state.	Requires the SEA to consult, in a timely and meaningful manner, with their Governor on the development of the state's Title I and II plans and consolidated state applications. Requires	No such provision.	The agreement requires SEAs to consult with their Governor on the development of State plans for Title I, Title II and the consolidated application authority. This consultation is

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Signoff on Participation			that the Governor have 30 days prior to submission of the plan to sign off. If the Governor does not sign off within that timeframe, the SEA submits the plan on its own.		required to occur during the development of a plan and prior to its submission. A Governor is provided 30 days to sign off on a plan. If the Governor does not sign off during this time period, the SEA will submit the plan to the Secretary for approval.
Criminal Background Checks/Aiding in Obtaining Employment in Sexual Misconduct Situations	No such provision.	Requires criminal background checks of employees and prohibits the employment of individuals who are required to register for sex offenses or have committed certain felonies in order for an LEA or SEA to be eligible for ESEA funds. Prohibits ESEA funds from being allocated to an SEA or LEA if such agency knowingly facilities the transfer of an employee that has engaged in sexual misconduct with a student.	Prohibits LEAs and their employees and contractors from helping an employee or agent of the LEA find a new job if the LEA disregards information that such employee or agent engaged in sexual conduct with a minor in violation of the law.	No such provision.	Requires States, SEAs or LEAs which receive ESEA funds to have laws regulations or policies which prohibit school employees, contractors or agents from aiding a school employee, contractor or agent in obtaining a new job if there is probably cause to believe or there has been sexual misconduct with a minor or student. Exception to this apply, including if no charges in an open case have been filed against an individual for 4 years and if a case on an individual has been closed. In addition, the conference report includes a Sense of Congress that calls for an end to confidentiality agreements between LEAs and child predators, a prohibition on the transferring predators to other schools, and reporting allegations of sexual misconduct to law enforcement.