



CRS Issue Statement on Elementary and Secondary Education

Rebecca R. Skinner, Coordinator
Specialist in Education Policy

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The primary issue of concern to the Congress in elementary and secondary education is how to improve the effectiveness of the nation's schools in raising the achievement level of all students, particularly those who are disadvantaged by living in areas of concentrated poverty, or have disabilities or limited proficiency in the English language, or are Indians, Native Hawaiians, or Alaska Natives. The low levels of proficiency attained by many of these students is often associated with social and economic problems ranging from an ongoing cycle of poverty in some communities to diminished international economic competitiveness for the nation.

The federal government has employed a variety of strategies to support the education of elementary and secondary students in the United States. These include compensatory education programs, in which federal funding is provided to support the education of disadvantaged students; civil rights statutes, which prohibit discrimination among students according to criteria such as race, color, national origin, or sex, and which require that a free appropriate public education be made available to students with disabilities; standards-based reforms, under which recipients of federal education funding are required to implement challenging educational standards and assessments; and market-based reforms, which permit parents to signal their educational preferences by choosing their children's schools with the expectation that competition in the educational marketplace will be an impetus for broader school improvement.

The federal government plays an increasingly influential role in the nation's public elementary and secondary education system. While the federal contribution to total public K-12 education revenues is only about 9%, most of these funds are targeted on relatively high need localities and schools, where the federal share is often much greater than this average. The No Child Left Behind Act of 2001 (NCLB; P.L. 107-110), that amended the Elementary and Secondary Education Act (ESEA), requires all public schools in states participating in the largest ESEA program (Education for the Disadvantaged – Title I, Part A) to meet a wide range of accountability requirements in areas such as assessments, adequate yearly progress (AYP) standards, consequences for schools and local educational agencies (LEAs) failing to meet AYP standards, teacher and paraprofessional qualifications, and reporting to parents and the public. The authorization for appropriations for ESEA programs expired at the end of FY2008 and consideration of ESEA reauthorization legislation is likely to be the primary means by which the 111th Congress will address concerns about the quality of elementary and secondary education.

Accompanying the many requirements of the ESEA are a number of aid programs providing approximately \$25 billion per year to states and LEAs. While total ESEA funding rose significantly in the period immediately following adoption of the NCLB, there have been debates over a large gap between the authorized and appropriated level of funding, and over how these funds are distributed among states and LEAs. The largest ESEA programs provide aid for the education of disadvantaged students attending relatively high poverty schools, support the hiring and professional development of teachers, finance services for the education of limited English proficient students, support more specific activities such as after-school services for students, and provide aid to LEAs educating large numbers of federally connected students (such as children in military families). Overall, federal funding for elementary and secondary education programs administered by the U.S. Department of Education (ED), including ESEA, the Individuals with Disabilities Education Act (IDEA), and career and technical education, is approximately \$39 billion per year.

In considering elementary and secondary education legislation, Congress has been examining how such legislation will interact with and impact on another large federal program serving mainly elementary and secondary school children—the Individuals with Disabilities Education

Act. The most recent IDEA reauthorization legislation (P.L. 108-446) interrelates significant IDEA requirements with requirements under ESEA as amended by the NCLB. For example, P.L. 108-446 includes specific provisions for how special education teachers meet ESEA highly qualified teacher requirements. In addition, ED has issued ESEA regulations that modify rules for determining AYP for students with the most significant cognitive disabilities and for other IDEA-eligible students with “persistent academic difficulties.”

Congress has also increasingly become concerned about the role of early childhood education and care in raising academic achievement and other desired student outcomes. Research has indicated the importance of quality early childhood education and care, particularly for disadvantaged students, in improving cognitive functioning, school readiness, and social behavior. As part of ESEA reauthorization, Congress may consider how the federal government might encourage and provide assistance to states in their efforts to improve the quality of early childhood education and care, enhance professional development, establish statewide standards for early childhood programs, implement data tracking systems to make program accountability and monitoring more feasible, and increase collaboration and coordination among all early childhood services in the states or in each state.

The specific major federal legislative issues in elementary and secondary education surround the substance, impact, and implementation of major ESEA requirements regarding staff qualifications, performance reporting, standards, assessments, AYP determinations, and corrective actions that are to be applied to schools and LEAs that fail to meet AYP requirements for two or more consecutive years, as well as program funding and the intersection between ESEA and IDEA. There is substantial debate over the appropriateness and effectiveness of the current federal strategy emphasizing test-based accountability, with assistance and a variety of sanctions targeted on public schools and LEAs that fail to meet performance standards. Questions likely to be addressed by the Congress are grouped below by major issue area.

Accountability Issues

- Are adequate yearly progress (AYP) requirements appropriately focused on improving education for disadvantaged student groups and identifying low-performing schools? Are they appropriately focused on LEP/ELL students and students with disabilities? Should the 2014 goal of universal proficiency embodied in these requirements be modified?
- Have the *program improvement*, *corrective actions*, and *restructuring* requirements specified under the ESEA for schools and LEAs that fail to meet AYP standards for two consecutive years or more been effectively implemented, and have they significantly improved achievement levels among students in the affected schools? Is there much consistency in the corrective actions undertaken across LEAs? Should federal accountability efforts continue to rely on sanctions as the primary motivating factor for improving student achievement, or should there be greater emphasis on technical and other assistance to schools where performance is deemed to be inadequate? Should there be expanded differentiation of consequences for schools and LEAs that fail to make AYP to varying degrees and for different population groups?
- Should the ultimate goal of having all students be proficient in reading and mathematics by the end of the 2013-2014 school year be revisited? To what extent has the achievement gap among students of different races/ethnicities,

- income levels, English language proficiency, and disability status been reduced since the enactment of NCLB? What are the consequences of having an increasing number of schools each year being identified for improvement or advancing along the outcome accountability continuum?
- What has been the impact of the substantial expansion of standards-based *assessments* of student achievement required under the ESEA, and should these requirements be expanded further to include additional subjects and/or grade levels?
 - What is the current status of assessments being used for AYP purposes? How have states modified those assessments over time? What do we know about the costs of developing assessments? What have been the problems with developing assessments (e.g., determining reliability and validity)? What are the specific assessment issues related to students with disabilities and ELLs? Is there a different role for NAEP in these discussions?
 - Should *test-based accountability* continue to be the primary reform strategy of the ESEA; what have been the systemic effects of this approach; and should a broader range of outcome measures (“multiple measures”) be used to judge the performance of public schools and LEAs? Can federal efforts to raise aggregate achievement levels and reduce achievement gaps among student groups be effective if they continue to focus on schools alone, or should the focus be broadened to include efforts to improve the health, housing, and personal security status of disadvantaged children and youth, as well as educational resource equity and adequacy?
 - Included in the ARRA was a new program, the State Fiscal Stabilization Fund (SFSF). The SFSF provided substantial federal funding to assist states in maintaining funding for elementary and secondary education and public institutions of higher education. The program also provided an unprecedented level of funding for the Secretary of Education to award competitive grants through the Race to the Top (RTTT) competition and the Investing in Innovation (i3) program. Priorities for these programs, as well as for the second round of the SFSF state grants, are being viewed as potential indicators of the Administration’s ESEA reauthorization proposal. How do these priorities differ from current requirements under the ESEA? Are the priorities at odds with what is currently required? In what ways is the Administration breaking new ground with respect to federal education policy?
 - Nationwide, there is renewed interest in developing college- and career-readiness standards, common standards in reading and mathematics, and associated assessments. Formally, these efforts are being led by the National Governors’ Association and the Chief Council of School State Officers, not the federal government. However, the Secretary has announced that \$350 million of the \$4.35 billion available for RTTT grants will be set aside for a separate competition to support states in developing the next generation of assessments. How do the efforts to develop common standards and assessments fit with current actions being taken by ED? What role could they play in ESEA reauthorization? Should incentives be offered to states to adopt common standards and assessments, and to what extent should adoption and implementation be voluntary?

- Given the increased interest in growth models and linking teacher performance to student performance, what are the current data capabilities of states to address these issues? What has the federal government funded under the Statewide Data Systems program, and how have states used these funds? How do the requirements accompanying additional funds that were provided for these purposes in the ARRA differ from what has been required in the past?

Teacher and School Leader Issues

- What has been the impact of the requirement that virtually all public school teachers, and many paraprofessionals, be *"highly qualified"*? To what extent have ESEA Title II-A funds been used to improve teacher quality through enhanced recruitment of new teachers and effective professional development of existing teachers? Are highly qualified teachers equitably distributed across schools and LEAs?
- What should be the next phase of efforts to improve teacher quality and effectiveness? Should the NCLB address *teacher compensation* issues or alternative routes to teacher certification? Should a *"highly effective teacher"* requirement be considered during ESEA reauthorization, especially in light of the RTTT requirements?
- Although Title II-A is supposed to support the training and recruitment of both teachers and principals, evidence suggests that LEAs direct little of this support toward improving principal quality. Meanwhile, a growing body of research finds that effective school leadership is a critical component of successful school reform, effective teaching, and, ultimately, student performance. Should current provisions in Title II-A be amended to ensure greater support for the development of principal quality? Are there other provisions in ESEA (e.g., accountability requirements) that could be leveraged to improve school leadership?
- Title II of the ESEA constitutes the major federal effort to improve the quality of P-12 teaching; however, Title II of the Higher Education Act (HEA) is also designed for this purpose. The activities supported by the HEA have historically addressed pre-service training, while the ESEA has attended to in-service training. Authority for HEA Title II-A expires in FY2011 (unlike most other programs in the HEA, which are authorized through FY2014), thus providing an opportunity to jointly reauthorize both aspects of the federal effort in this area. Should efforts be made to better coordinate these provisions? How might the ESEA be amended to strengthen the partnerships between LEAs and teacher training programs that are required under the HEA?

Other Issues

- The issue of high school reform has received substantial attention in the last couple of years with respect to stemming the dropout rate, increasing graduation rates, reconsidering how the last one or two years of high school are structured, and forging stronger ties between high schools and postsecondary education and employment, as well as strengthening the cohesiveness of education from PK through college. Should changes be made to the Title I, Part A formula to increase funding for high schools, especially low-performing high schools?

Should specific high school reform provisions (e.g., career and technical education programs, dual enrollment, and PK-16/PK-20 coordination strategies) be incorporated into the ESEA?

- Do the current ESEA requirements represent an “*unfunded mandate*”? Should programs have authorized funding levels specified for fiscal years beyond the initial fiscal year of authorization when ESEA is reauthorized? Were the authorized funding levels in NCLB met? Should additional federal education funding be provided to assist states and LEAs when a national economic crisis reduces resource availability at the state and local levels?
- As more states add preschool, pre-kindergarten, and full-day kindergarten programs, should the role of the ESEA in supporting state preschool and pre-kindergarten programs be expanded? In particular, how might an expanded federal role in early childhood education under the ESEA provide incentives and support to states to improve the quality, standards, and outcomes of these programs?
- To what extent are ESEA and IDEA aligned, and does this alignment need to be reconsidered? Are there competing priorities in ESEA and IDEA that create barriers to effectively serving students with disabilities?

Issue Team Members

Rebecca R. Skinner, Coordinator
Specialist in Education Policy
rskinner@crs.loc.gov, 7-6600

Erin D. Caffrey
Analyst in Education Policy
ecaffrey@crs.loc.gov, 7-9447

Cassandria Dortch
Analyst in Education Policy
cdortch@crs.loc.gov, 7-0376

Jody Feder
Legislative Attorney
jfeder@crs.loc.gov, 7-8088

Nancy Lee Jones
Legislative Attorney
njones@crs.loc.gov, 7-6976

Jeffrey J. Kuenzi
Specialist in Education Policy
jkuenzi@crs.loc.gov, 7-8645

Shannon S. Loane
Information Research Specialist
sloane@crs.loc.gov, 7-6223

Ann Lordeman
Specialist in Social Policy
alordeman@crs.loc.gov, 7-2323

Karen E. Lynch
Analyst in Social Policy
klynch@crs.loc.gov, 7-6899

Steven Maguire
Specialist in Public Finance
smaguire@crs.loc.gov, 7-7841

Gail McCallion
Specialist in Social Policy
gmccallion@crs.loc.gov, 7-7758

Laura L. Monagle
Information Research Specialist
lmonagle@crs.loc.gov, 7-7351

Carol J. Toland
Legislative Attorney
ctoland@crs.loc.gov, 7-4659

Roger Walke
Specialist in American Indian Policy
rwalke@crs.loc.gov, 7-8641