Administration's Proposal to Reauthorize the Elementary and Secondary Education Act: Comparison to Current Law

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Summary

On March 13, 2010, the U.S. Department of Education (ED) released *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act* (hereafter referred to as the *Blueprint*). The Elementary and Secondary Education Act (ESEA), particularly its Title I-A program for Education for the Disadvantaged, is the primary source of federal aid to K-12 education. The ESEA was initially enacted in 1965 (P.L. 89-10), and was most recently amended and reauthorized by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110).

The *Blueprint* indicates that it builds on reforms already being implemented, which are supported through funding initiatives that were included in the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). The *Blueprint* outlines five areas of key priorities:

1. College- and Career-Ready Students includes a focus on improving standards for all students, supporting the development of better assessments, and providing students with a well-rounded education.

2. Great Teachers and Leaders in Every School focuses on effective teachers and principals, the distribution of effective teachers and leaders, and teacher and leader preparation and recruitment.

3. Equity and Opportunity for All Students includes a focus on rigorous and fair accountability, meeting the needs of diverse learners, and resource equity.

4. Raise the Bar and Reward Excellence focuses on achieving these goals through continuing Race to the Top, supporting public school choice, and promoting a "culture of career readiness and success."

5. Promote Innovation and Continuous Improvement includes a focus on "fostering innovation and accelerating success," supporting local innovations, and supporting student success.

This report examines ED's ESEA reauthorization proposal and, where appropriate, draws comparisons between the proposal and current law. The report is organized around the broad themes used to organize the detailed discussion of ED's reauthorization proposal, beginning with College- and Career-Ready Students and ending with Additional Cross-Cutting Priorities. Comparisons between the proposal and the ESEA are drawn only for proposals included in the *Blueprint*. As this report mirrors the *Blueprint* discussion, it in many ways also reflects the level of detail provided by ED on any given element in the *Blueprint*. In general, the discussions in this report of the individual elements of the proposal vary substantially in length and detail depending on the amount of detail ED provided about a particular element in the *Blueprint*. In some instances, other relevant data sources, such as the FY2011 budget request, were used to provide additional information and analysis of a particular part of the proposal.

The analysis of the *Blueprint* is followed by several tables. These tables present information on the similarities and differences between key proposals included in the *Blueprint* and current law; the consolidation of programs proposed by the Administration's FY2011 budget request; the funding for ESEA programs not subject to consolidation under the FY2011 budget request; and ESEA programs slated for elimination under the FY2011 budget request.

While Congress has not enacted legislation to reauthorize the ESEA, the Administration has made available an ESEA flexibility package that waives various academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB. In exchange for these waivers, states must agree to meet four principles established by ED for "improving student academic achievement and increasing the quality of instruction." The four principles, as stated by ED, are as follows: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in current law that aligns with many of the priorities included in the *Blueprint*. As of December 2012, ED had approved ESEA flexibility package applications for 34 states and the District of Columbia and was reviewing applications from several other states. If Congress considers ESEA reauthorization during the 113th Congress, it is possible that provisions included in any final bill may be similar to or override the waivers and principles established by the Administration.

This report focuses only on current law and does not discuss the details of the ESEA flexibility package or how it modifies current law. For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*.

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Introduction

On March 13, 2010, the U.S. Department of Education (ED) released *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act* (hereafter referred to as the *Blueprint*). The Elementary and Secondary Education Act (ESEA), particularly its Title I-A program for Education for the Disadvantaged, is the primary source of federal aid to K-12 education. The ESEA was initially enacted in 1965 (P.L. 89-10), and was most recently amended and reauthorized by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110),[1] which authorized virtually all ESEA programs through FY2008.[2]

The *Blueprint* indicates that it builds on reforms already being implemented, which are being supported through funding initiatives included in the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). The ARRA created three sources of federal funding that have, in part, shaped ED's *Blueprint* for reauthorization: the State Fiscal Stabilization Fund, the Race to the Top Program (RTTT), and the Investing in Innovation Fund (i3). The State Fiscal Stabilization Fund provided funding to states when many were experiencing budgetary shortfalls to help increase state support for elementary and secondary education and public institutions of higher education (IHEs). From the $53.6 billion made available under the State Fiscal Stabilization Fund, $5 billion was reserved for the Secretary of Education to implement three competitive grant programs: RTTT, the RTTT Assessment Program, and i3.[3] These programs are particularly relevant to some of the priorities identified in the *Blueprint*.

The *Blueprint* outlines five key priorities:

1. College- and Career-Ready Students includes a focus on improving standards for all students, supporting the development of better assessments, and providing students with a well-rounded education.

2. Great Teachers and Leaders in Every School focuses on effective teachers and principals, the distribution of effective teachers and leaders, and teacher and leader preparation and recruitment.

3. Equity and Opportunity for All Students includes a focus on rigorous and fair accountability, meeting the needs of diverse learners, and resource equity.

4. Raise the Bar and Reward Excellence focuses on achieving these goals through continuing RTTT, supporting public school choice, and promoting a "culture of career readiness and success."

5. Promote Innovation and Continuous Improvement includes a focus on "fostering innovation and accelerating success," supporting local innovations, and supporting student success.

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[1] The *Blueprint* does not propose a title for an eventual reauthorization bill.

[2] The NCLB authorized most ESEA programs through FY2007. The General Education Provisions Act (GEPA) provided an automatic one-year extension of these programs through FY2008. While most ESEA programs no longer have an explicit authorization, the programs continue to receive annual appropriations. Thus, the programs are considered to be implicitly authorized.

[3] For more information on programs funded by ARRA, see http://www2.ed.gov/policy/gen/leg/recovery/programs.html.

These five priorities and their associated foci are discussed in greater detail in the *Blueprint*. However, within the *Blueprint*, the topics highlighted under each of the priorities are not consistently discussed in the same order as the priorities, nor are they consistently discussed under broad headings that necessarily match the priorities under which they are initially discussed. Thus, **Table A-1** in this report provides a crosswalk between ED's priorities that are briefly discussed at the beginning of the *Blueprint* and a more detailed discussion of the specific elements of ED's reauthorization proposal.

It is often the case that when Administrations release an overview document outlining plans for reauthorizing major legislation, the approach is thematic in nature. The *Blueprint* is a document that generally addresses themes and priorities, and details associated with the design of new strategies, programs, and provisions are provided in varying levels of depth, and sometimes not at all. The *Blueprint* has received considerable attention and some regard it as a starting point for ESEA reauthorization discussions. This report has been prepared in response to considerable congressional demand for a document that helps map the proposals in the *Blueprint* against the ESEA. In preparing this document, we have relied heavily on the *Blueprint* itself, and in some instances have drawn on other sources, such as the Administration's FY2011 budget proposal when it explicitly elaborates on proposals in the *Blueprint*.

Throughout this report, we have attempted to identify where the *Blueprint* offers precise proposals, and where a general direction is suggested. Under the latter scenario, there may be instances where we believe a direction is implied when it is not. That said, we have attempted to be thorough and to carefully describe the basis for our depictions of Administration proposals. This document reflects our attempt to more directly map themes introduced in the *Blueprint* against current law, and since the alignment is not perfect, the exercise requires some judgment.

As has been noted, this report principally examines ED's ESEA reauthorization proposal and, where appropriate, draws comparisons between the proposal and current law. The report is organized around the broad themes presented in the *Blueprint*, beginning with College- and Career-Ready Students and ending with Additional Cross-Cutting Priorities. The majority of the headings included in the report reflect those used in the *Blueprint*. Headings that appear in italics are CRS headings that have been included to either help frame the overall discussion of a broad theme or clarify whether provisions being discussed are based on current law or the *Blueprint*. Wherever possible, comparisons between the proposal and the ESEA are drawn for elements included in the *Blueprint*. Some sections of the *Blueprint* did not provide sufficient detail to make relevant comparisons to current policy in the ESEA. The comparative discussions covering the individual elements of the proposal, therefore, differ substantially in length and detail depending on the extent to which ED provided detail in the *Blueprint*. In some instances, other relevant sources, such as the FY2011 budget request, were used to provide additional information and analysis of a particular part of the *Blueprint* proposal. For some elements of the proposal, however, there was little that could be said beyond restating what was included in the *Blueprint* or budget request.

The examination of the *Blueprint* is followed by several appendix tables. There has been some demand for a concise side-by-side comparison of key provisions of the *Blueprint* to current law. **Table A-2** provides a summary of similarities and differences of key provisions; however, it does not include the same level of detail as the discussion in the text and does not discuss every section of the *Blueprint*. To demonstrate how the provisions included in the *Blueprint* could affect line-item appropriations for ESEA, **Table A-3** examines the consolidation of programs proposed by the Administration's FY2011 budget request and the *Blueprint* to identify which programs would

be consolidated; the program type (e.g., formula or competitive grants) for current and proposed programs; the FY2010 funding level for the program; and the proposed funding levels for FY2011. As a companion to **Table A-3**, **Table A-4** examines funding for ESEA programs that would not have been subject to consolidation under the FY2011 budget request, including the types of grants awarded under each program. Finally, **Table A-5** lists ESEA programs that were slated for elimination under the Administration's FY2011 budget request.[4]

Recent ESEA Flexibility Provided by the Administration

While Congress has not enacted legislation to reauthorize the ESEA, on September 23, 2011, President Obama and the Secretary announced the availability of an ESEA flexibility package for states and described the principles that states must meet to obtain the included waivers. The waivers apply to school years 2011-2012, 2012-2013, and 2013-2014. States have the option to apply for a one-year waiver extension for the 2014-2015 school year.

The waivers exempt states from various academic accountability requirements, teacher qualification-related requirements, and funding flexibility requirements that were enacted through NCLB. State educational agencies (SEAs) may also apply for an optional waiver related to the 21st Century Community Learning Centers program. However, in order to receive the waivers, SEAs must agree to meet four principles established by ED for "improving student academic achievement and increasing the quality of instruction." The four principles, as stated by ED, are as follows: (1) college- and career-ready expectations for all students; (2) state-developed differentiated recognition, accountability, and support; (3) supporting effective instruction and leadership; and (4) reducing duplication and unnecessary burden.

Taken collectively, the waivers and principles included in the ESEA flexibility package amount to a fundamental redesign by the Administration of many of the accountability and teacher-related requirements included in current law that aligns with many of the priorities included in the *Blueprint*. As of December 2012, ED had approved ESEA flexibility package applications for 34 states and the District of Columbia and was reviewing applications from several other states.[5] If Congress continues to work on ESEA reauthorization during the 113th Congress, it is possible that provisions included in any final bill may be similar to or override the waivers and principles established by the Administration.

The remainder of this report focuses only on current law and does not discuss the details of the ESEA flexibility package or how it modifies current law. For more information about the ESEA flexibility package, see CRS Report R42328, *Educational Accountability and Secretarial Waiver Authority Under Section 9401 of the Elementary and Secondary Education Act*. This report discusses each aspect of the ESEA flexibility package, as well as similarities between the ESEA flexibility package and the *Blueprint*.

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[4] This report examines ESEA reauthorization proposals included in the *Blueprint* and the Administration's FY2011 budget request. It does not track appropriations or budget requests over time. For information on ESEA appropriations for FY2010, FY2011, and FY2012, see CRS Report RL33960, *The Elementary and Secondary Education Act, as Amended by the No Child Left Behind Act: A Primer*, by (name redacted).

[5] Approved state applications and pending applications are available at http://www.ed.gov/esea/flexibility/requests.

I. Standards, Assessments, and Accountability

Over the last decade, more attention has been focused on strategies that emphasize accountability in elementary and secondary education. These strategies generally require the following components: (1) the development of academic standards that aim to provide a clear and consistent understanding of what students are expected to learn across grades and subject areas; (2) the adoption of "standards-based instruction" that is aligned to the academic standards; and (3) the use of test-based accountability to measure students' progress toward meeting the academic standards. Under accountability systems, schools are typically rewarded for their success in boosting student achievement or face consequences for failing to do so.

With the enactment of the No Child Left Behind Act, new provisions regarding standards, assessments, and accountability were incorporated into the Elementary and Secondary Education Act. These provisions built upon those already included in the ESEA, focusing specifically on holding schools, local educational agencies (LEAs), and states accountable for the academic achievement of all students. The NCLB required all states to develop an accountability system featuring state-developed content and performance standards and assessments for reading/language arts (hereafter referred to as language arts) and mathematics in grades 3 through 8 and for one grade in grades 10 through 12. The NCLB required states to establish benchmarks for the percentage of students who will score at the proficient level in language arts and mathematics based on the ultimate goal of having all students reaching the proficient level (as defined by the state) in language arts and mathematics by the end of the 2013-2014 school year. Each year, schools and LEAs are held accountable for student proficiency on the required assessments, student participation in the required assessments, and student performance on one additional academic indicator. How well a school or LEA does with respect to these requirements determines whether a school or LEA makes adequate yearly progress (AYP). Schools and LEAs that fail to make AYP are subject to a series of outcome accountability requirements, including corrective action and restructuring.

Under the *Blueprint*, many of the current requirements regarding standards, assessments, and accountability would be altered. Most notably, the Administration has indicated that it would eliminate the concept of AYP, require standards to be developed in language arts and mathematics for grades 3 through 12, alter assessment requirements, and modify the actions required when students in a school or LEA do not meet their performance targets. In addition, the Administration would eliminate the goal of all students reaching the proficient level in language arts and mathematics by the end of the 2013-2014 school year, replacing it with the goal of all students being college- and career-ready by 2020.

College- and Career-Ready Students

This section of the *Blueprint* focuses on the use of Title I-A, Education for the Disadvantaged funds with respect to standards, assessment, and accountability. According to the FY2011 budget request, this program would be renamed College- and Career-Ready Students. The *Blueprint* notes that students are not graduating from high schools with the skills and knowledge needed to be successful in postsecondary education or employment. It also notes that Elementary and Secondary Education Act reauthorization must "follow the lead of the nation's governors" to focus on state-developed, college- and career-ready standards and related assessments.[6] Finally, this section of the *Blueprint* discusses rewarding schools making significant progress, bringing change to low-performing schools, and addressing "persistent gaps" in student academic achievement and graduation rates. These issues are addressed below under three main headings: College- and Career-Ready Students, Assessing Achievement, and School Turnaround Grants.

College- and Career-Ready Students

In this section of the *Blueprint*, ED outlines changes to Title I-A accountability requirements, including new requirements for college- and career-ready standards. The proposal states that Title I-A grants would remain formula grants.

Rigorous College- and Career-Ready Standards

Current Law. Prior to enactment of the NCLB, the Improving America's Schools Act of 1994 (IASA; P.L. 103-382) required states to adopt standards and assessments in the subjects of language arts and mathematics at three grade levels—at least once in each of the grade ranges of 3-5, 6-9, and 10-12. States that wanted to remain eligible for Title I-A grants were required to develop or adopt curriculum content standards, as well as academic achievement standards and assessments tied to the standards. These requirements were retained and expanded under the NCLB.

Under the NCLB, states were also required to develop and adopt standards and assessments in the subjects of mathematics and language arts in *each* of grades 3-8 by the end of the 2005-2006 school year.[7] In addition, states were required to adopt standards in science (at three grade levels) by the end of the 2005-2006 school year and adopt corresponding assessments by the end of the 2007-2008 school year.[8] States were also required to establish achievement standards that include *at least* three performance levels for all students—advanced, proficient, and partially proficient (or basic).[9] State assessments aligned with the standards are used to determine students' performance levels.

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[6] This is a reference to the Common Core State Standards Initiative being spearheaded by the National Governor's Association and the Council of Chief State School Officers. For more information, see http://www.corestandards.org/.

[7] These requirements only have to be met if certain minimum levels of annual federal funding are provided for state assessment grants. The minimum level of funding for these assessments has been provided in FY2002 through FY2010.

[8] States had the option of including other academic indicators, such as student achievement on state assessments in other subject areas, as part of their accountability systems.

[9] If no agency or entity in a state has authority to establish statewide standards or assessments (as is generally assumed to be the case for Iowa), then the state may adopt either (1) statewide standards and assessments applicable only to Title (continued...)

Blueprint. Under the *Blueprint*, states would be required to adopt state-developed standards in language arts and mathematics that build across grade levels to ensure that students graduate from high school college- and career-ready. According to ED, states would be required to adopt standards for grades 3-12 for language arts and mathematics.[10] As discussed previously, under current law states were required to adopt standards for grades 3-8 and for at least one grade in grades 10-12. States would now also be required to adopt assessments aligned with these standards (see subsequent discussion under "Assessing Achievement"). In addition, according to ED the high school assessment would now have to be used to determine whether students were college- and career-ready, as opposed to assessing a student's language arts or mathematics proficiency at a specific grade level.[11]

States would have two options for developing these new standards. States could upgrade their existing standards and have them certified by a four-year public university system to ensure that if a student completes the required standards, the student would not need remedial coursework upon admittance into the public university system. The second option would be to work with other states to create state-developed "common standards" that build toward college- and career-readiness. Regardless of how they are developed, the new standards would have to be based on evidence indicating what skills and knowledge are required at each grade level, so that students would be on track to graduate from high school college- and career-ready. While the *Blueprint* indicates that being prepared to do college-level work without remediation would define being college-ready, it does not provide a similar indication of what would constitute being career-ready or how standards for career-readiness would be established.

With respect to the option of adopting state-developed common standards, there is a grassroots effort currently being led by the National Governor's Association and the Council of Chief State School Officers to develop common standards for language arts and mathematics in grades K-12 that build toward college- and career-readiness. The initiative, commonly known as the Common Core State Standards Initiative, is supported by 48 states and the District of Columbia.[12] Once the final version is released in 2010, it will be up to the states to decide whether they want to adopt and implement the standards. It is possible that not all 48 states and the District of Columbia will choose to adopt the standards, even though they participated in the development process and provided feedback on the standards. For example, education leaders in Massachusetts and Minnesota have expressed concerns that the standards developed through the Common Core Initiative will not be as high as the standards currently used in each of their respective states.[13] In addition, states adopting the standards are required to adopt all of them, but they may add an additional 15% to the standards to reflect state priorities and interests. Thus, the standards may not be 100% "common," even among the states that adopt them. While the federal government has not been involved with the Common Core Initiative, it has been supportive of the effort.[14]

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I-A pupils and programs, or (2) a policy providing that each LEA receiving Title I-A grants will adopt standards and assessments that meet the requirements of Title I-A and are applicable to all pupils served by that LEA.

[10] ED also indicated that it is still considering whether standards in language arts and mathematics would also have to be developed for grades K-2 (Information provided by the U.S. Department of Education at a meeting with staff from the House of Representatives on March 25, 2010).

[11] See footnote 10.

[12] For more information, see http://www.corestandards.org/.

[13] Catherine Gewertz, "Draft Common Standards Elicit Kudos and Criticism," *Education Week*, March 10, 2010.

[14] One way the federal government has demonstrated support for the Common Core Initiative is by creating a competitive grant program to develop common assessments called the RTTT Assessment Program. For more (continued...)

Presumably, the work of the Common Core Initiative is what ED envisions many states adopting in order to be in compliance with the proposed Title I-A accountability requirements.[15]

In addition to having standards and assessments for language arts and mathematics, states would be required to continue implementing statewide science standards and aligned assessments in specific grade spans.[16] Under the provisions included in the *Blueprint*, states would be permitted to include the science assessment and other statewide assessments in the accountability system. While current law allows states to administer statewide assessments in subjects other than language arts and mathematics, neither these assessments nor the science assessment have been included in the accountability system required under Title I-A for determining adequate yearly progress (AYP).[17] As ED proposes the elimination of AYP, it appears that ED would allow states to develop new academic accountability systems that include more subjects than language arts and mathematics provided that student performance evaluated using statewide assessments for any subjects included in the accountability system.

Current Law. Under current law, states are required to develop and adopt statewide English language proficiency standards based on the domains of speaking, listening, reading, and writing for English language learners (ELLs) that are aligned with the achievement of state academic content and student academic achievement standards required under Title I-A.

Blueprint. The *Blueprint* would require states to develop and adopt statewide English language proficiency standards that are aligned with the new college- and career-readiness standards states would be required to develop so that they "reflect the academic language necessary to master the state's content standards."[18] Other issues related to ELLs are discussed in a later section, "Meeting the Needs of English Learners and Other Diverse Learners."

Rigorous and Fair Accountability and Support at Every Level

Current Law. The NCLB strengthened the accountability provisions of the ESEA, Title I-A over what was required under the IASA by requiring states to demonstrate in their state plans that they have a single, statewide accountability system applicable to all elementary and secondary schools and LEAs in the state. Each state's accountability system is required to be based on the academic assessments and other academic indicators it uses to measure academic progress. LEAs are required to annually review the status of each public school in making AYP toward state standards of academic achievement; and state education agencies (SEAs) are required to annually review the status of each LEA in making AYP.[19]

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information on the RTTT Assessment Program, see http://www2.ed.gov/programs/racetothetop-assessment/index.html.

[15] For example, in the Race to the Top grant competition, states are awarded points for indicating that they will adopt the common standards being developed through the Common Core Initiative.

[16] The grade spans include grades 3-5, 6-9, and 10-12.

[17] AYP is discussed in detail in the next section of this report.

[18] For a discussion of the meaning of "academic language," see footnote 7 in the *Framework for High-Quality English Language Proficiency Standards and Assessments: Brief*, available online at http://www.aacompcenter.org/pdf/ELPFramework_Brief_Jan2009_AACC.pdf.

[19] Accountability provisions for charter schools must be implemented to be consistent with state charter school laws.

Under the ESEA, AYP is defined primarily on the basis of multiple aggregations of student scores on state assessments of academic achievement. State AYP standards must also include at least one additional academic indicator. In the case of high schools, this additional indicator must be the graduation rate; for elementary and middle schools, the attendance rate is often used as the additional indicator. The additional indicators may not be employed in a way that would reduce the number of schools or LEAs identified as failing to meet AYP standards.

AYP calculations must be disaggregated—that is, determined separately for several demographic groups as well as for an "all students" group. The specified groups include economically disadvantaged students, limited English proficient (LEP) students,[20] students with disabilities, and students in major racial and ethnic groups. However, student groups need not be considered if their number is so small that results would not be statistically significant or the identities of students might be divulged (i.e., there is a *minimum group size* before disaggregation occurs). In order to make AYP, at least 95% of students overall and 95% of each demographic group must participate in assessments. Schools or LEAs meet AYP standards only if they meet the required threshold levels of performance on assessments, other academic indicators, and test participation with respect to all of the designated student groups that meet the minimum group size criterion selected by the state.

Each year, states and LEAs are required to prepare and disseminate report cards containing academic achievement and other data. States are also required to prepare annual reports for submission to the Secretary. The Secretary, in turn, is required to compile national and state-level data for presentation in annual reports to Congress. While AYP determinations must be made with respect to every public school and LEA in a state that receives Title I-A funds, states vary in the extent to which they apply sanctions to non-Title I-A schools or LEAs.

Blueprint. ED has publicly stated that it would no longer use the current outcome accountability system based on AYP to determine which schools and LEAs were low-performing.[21] Under the *Blueprint*, states would be required to ensure that their statewide accountability systems reward schools and LEAs for growth and success. These systems would be required to include "rigorous interventions" for the lowest-performing schools and LEAs. Unlike the current accountability requirements under the ESEA, strategies for improving and supporting most schools would be determined at the local level. More specific requirements related to rewarding schools and intervening in low-performing schools are discussed in the next section.

The *Blueprint* would require states to have data systems that could collect data needed to determine the progress being made by schools and LEAs in preparing students to be "college- and career-ready." States and LEAs would also be required to make available to the public data on student performance and growth in language arts and mathematics, and student achievement in science;[22] and at the state's discretion, it could make public academic achievement and growth data for other subjects included in the state's accountability system. At the high school level, the public data must also include data on graduation rates, college enrollment rates, and students'

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[20] The *Blueprint* refers to LEP students as English language learners (ELLs). The terms "LEP" and "ELL" will be used interchangeably in this report.

[21] See, for example, U.S. Department of Education, *Justifications of Appropriation Estimates to the Congress: Fiscal Year 2011*, Washington, DC, 2010, pp. B-25, http://www2.ed.gov/about/overview/budget/budget11/justifications/ index.html. (Hereafter referred to as ED, *Justifications of Appropriations*.)

[22] The *Blueprint* would not require states and LEAs to show growth in science. Science assessments, unlike assessments in language arts and mathematics, would not be administered in most grades.

need for remediation upon college enrollment. Under current law, data are only required to be collected on graduation rates, and these data must be made public by subgroup. The *Blueprint* would require that all of the aforementioned data be disaggregated by race, gender, ethnicity, disability status, English learner status, and family income. As previously discussed, under the ESEA, AYP data must be disaggregated by each of these categories except gender for accountability purposes,[23] assuming a minimum group size is met. However, on state (and LEA) report cards, data must also be disaggregated by gender for reporting purposes only.[24] Thus, the gender subgroup could be a new accountability subgroup for which schools and LEAs might be required to take steps to improve performance if gaps exist between male and female students.

Under the *Blueprint*, states and LEAs would also be required to collect additional information about "teaching and learning conditions," including data on school climate such as attendance rates for students, teachers, and the school leader; disciplinary incidents; or data generated through student, parent, or staff surveys. While some of these data may currently be reported by some states and LEAs,[25] other data may not be reported regularly. Based on details provided on teachers (see subsequent discussion on teachers), teacher survey data on working conditions and teacher and principal attendance data would have to be published at least once every two years. It is unclear how frequently other data (e.g., student and parent survey data on working conditions) would have to be published.

Measuring and Supporting Schools, Districts, and States

This section of the *Blueprint* outlines goals for student performance over time and discusses how student performance would be measured. It also provides information about how schools, LEAs, and states would be rewarded for meeting performance targets and about the requirements that would apply to low-performing schools, LEAs, and states.

Student Performance Goals

Current Law. Under current law, AYP standards developed by the states must incorporate concrete movement toward meeting an *ultimate goal* of all students reaching a proficient or advanced level of achievement by the end of the 2013-2014 school year. The steps—that is, the required levels of achievement—toward meeting this goal must increase in "equal increments" over time. The first increase in the thresholds had to occur after no more than two years, and remaining increases had to occur at least once every three years. Several states have accommodated these requirements in ways that assume much more rapid progress in the later years of the period leading up to 2013-2014 than in the earlier years. As of the 2008-2009 school year, about one-third of public elementary and secondary schools had failed to meet AYP under the current goal of all students reaching proficiency in language arts and mathematics.[26]

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[23] This includes data on the percentage of students proficient in language arts and mathematics, percentage of students tested, and percentage of students meeting the additional academic indicator (e.g., high school graduation rate) for the all-students group and for all subgroups for which data are disaggregated. For more information, see U.S. Department of Education, *Report Cards Title I, Part A: Non-Regulatory Guidance*, September 12, 2003.

[24] For reporting purposes only, data must also be disaggregated by migrant status. For more information, see U.S. Department of Education, *Report Cards Title I, Part A: Non-Regulatory Guidance*, September 12, 2003.

[25] For example, many schools use student attendance rates as the additional academic indicator for AYP purposes.

[26] For three states, data from the 2007-2008 school year were used. For more information, see Center on Education Policy, *How Many Schools Have Failed to Make Adequate Yearly Progress Under the No Child Left Behind Act?*, (continued...)

Blueprint. The *Blueprint* would eliminate the goal of having all students reach proficiency in language arts and mathematics by the end of the 2013-2014 school year. This goal would be replaced by the goal of having all students be on track to graduate high school college- and career-ready by 2020. Performance targets would be established based on the achievement and growth of all students in a school and in subgroups. Graduation rates would also be considered in determining whether the 2020 goal was being met. States, LEAs, and schools that meet their performance targets would be recognized and rewarded. It is unclear who would establish the performance targets, the extent to which achievement and growth gains would need to be demonstrated from year to year, and whether targets would be established by working backward from having 100% of all students college- and career-ready or on track to be college- and career-ready by 2020. In addition, it is also unclear what states, LEAs, and schools would be held accountable for in the interim as they develop the college- and career-ready standards and related assessments that would be used for determining whether all students were on track for the 2020 goal. Finally, as previously discussed, being prepared to do college-level work without remediation would define being college-ready, but it is unclear how being career-ready would be demonstrated.

Student Growth as a Measure of Performance

Current Law. Under current law, the primary basic structure for AYP under the NCLB is now specified in the authorizing statute as a "group status model."[27] Under the "group status model," a "uniform bar" approach is employed: states set a threshold percentage of students at proficient or advanced levels of performance each year that is applicable to all student subgroups of sufficient size to be considered in AYP determinations. The threshold levels of achievement are to be set separately for language arts and mathematics, and may be set separately for each level of K-12 education (i.e., elementary, middle, and high schools).

In determining whether scores for a group of students are at the required level, the averaging of scores over two to three years is allowed. In addition, the NCLB statute includes an alternative *safe harbor* provision, under which a school that does not meet the standard AYP requirements may still be deemed as having met AYP if there is a 10% reduction, compared to the previous year, in the number of students in each of the student groups failing to reach the standard requirement, and those groups also make progress on at least one other academic indicator included in the state's AYP standards. This alternative provision adds "successive group improvement" as a secondary type of AYP model under the NCLB.

A third basic type of AYP model, not explicitly mentioned in the NCLB statute, is the *individual/cohort growth* model. The key characteristic of this model is a focus on the rate of change over time in the level of achievement among cohorts of the same students. Growth models are longitudinal, based on the tracking of the same students as they progress through their K-12 education careers. Although the progress of students is tracked individually, results are typically aggregated when used for accountability purposes. In general, growth models give credit for

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meeting steps along the way to proficiency in ways that a status model typically does not (e.g., moving from the below-basic level to the basic level).

In November 2005, the Secretary announced a growth model pilot program[28] under which up to 10 states would be allowed to use growth models to make AYP determinations.[29] In December 2007, the cap on the number of states that could participate in the growth model pilot was lifted by the Secretary.[30] In October 2008, ED issued regulations allowing a state to request authority from the Secretary to incorporate measures of student growth into its definition of AYP.[31] Related non-regulatory guidance released by ED in January 2009 provides detailed discussion of the information and evidence a state needs to provide when requesting the authority to use growth models in its AYP determinations. As of 2010, 15 states included growth models in their definition of AYP.[32]

Blueprint. The *Blueprint* emphasizes that performance would not be judged only on absolute performance and proficiency, and that individual student growth and school progress over time would be taken into account in evaluating performance. Thus, it appears that states, LEAs, and schools would be expected to use growth models in evaluating performance. In order to use growth models, states, LEAs, and schools would need to be able to track student performance over time. As mentioned previously, relatively few states are currently using growth models as part of their AYP determination process.

Rewards for Performance

Current law. The ESEA establishes a system of rewards and sanctions designed to hold Title I-A schools and LEAs accountable for their performance. Each participating state is required to establish an Academic Achievement Awards Program for the purpose of making academic achievement awards to schools that have either significantly closed academic achievement gaps between student subgroups or have exceeded their AYP requirements for two or more consecutive years. States may also give awards to LEAs that have exceeded their AYP requirements for two or more consecutive years. Under Academic Achievement Award Programs, states may recognize and provide financial awards to teachers or principals in schools that have significantly closed the academic achievement gap or have made AYP for two consecutive years. States may fund Academic Achievement Awards for schools and LEAs by reserving up to 5% of any Title I-A funding that is in excess of the state's allocation for the previous year.[33] States may fund teacher

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[28] For details on the growth model pilot, see CRS Report RL33032, *Adequate Yearly Progress (AYP): Growth Models Under the No Child Left Behind Act*, by (name redacted).

[29] U.S. Department of Education, "Secretary Spellings Announces Growth Model Pilot, Addresses Chief State School Officers' Annual Policy Forum in Richmond," press release, November 18, 2005, at http://www.ed.gov/news/pressreleases/2005/11/11182005.html.

[30] See http://www.ed.gov/policy/elsec/guid/secletter/071207.html.

[31] For more information, see http://www2.ed.gov/legislation/FedRegister/finrule/2008-4/102908a.pdf.

[32] ED, *Justifications of Appropriations*, p. B-20. The 15 states are Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Iowa, Michigan, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas. The list of the states is available from the Council for Exceptional Children at http://cecblog.typepad.com/policy/2010/01/report-on-growth-models-highlights-the-difficulties-states-have-including-alternative-assessment-sco.html.

[33] Guidance on procedures for reserving funds for State Academic Achievement Awards Programs is available in U.S. Department of Education, Office of Elementary and Secondary Education, *Guidance: State Educational Agency Procedures for Adjusting Basic, Concentration, Targeted, and Education Finance Incentive Grant Allocations Determined by the U.S. Department of Education*, May 23, 2003, pp. 32-34.

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and principal awards by reserving such sums as necessary from the amount received under the ESEA, Title II-A-1—Teacher and Principal Training and Recruiting Fund, Grants to States. While states have complied with this requirement, relatively few schools and LEAs appear to receive rewards under this program.[34]

Blueprint. Under the *Blueprint*, there would be an increased focus on rewarding schools, LEAs, and states that reach their performance targets, "significantly" increase student performance for all students, close achievement gaps, and turn around the lowest-performing schools.[35] Schools, LEAs, and states that meet these criteria would be referred to as "Reward" schools, LEAs, and states. States would be provided with funds to design innovative programs to reward schools and LEAs identified as Reward schools and LEAs. Rewards provided to these schools and LEAs may include financial rewards for the staff and students; development of and participation in "communities of practice," designed to share best practices and replicate successful strategies in other schools and LEAs; and flexibility in the use of ESEA funds.[36] Competitive preference may be given to Reward states, "high-need" Reward LEAs, and "high-need" Reward schools in some federal grant competitions.[37] Finally, Reward LEAs would be provided with flexibility in implementing interventions in their lowest-performing schools. The *Blueprint* does not specify how much flexibility these LEAs would receive in this respect. It is unclear whether states would use Title I-A funds to design innovative programs and provide rewards or what percentage of funds could be used for these purposes if Title I-A funds are used.[38]

Outcome Accountability for Low-Performing Schools, LEAs, and States

Current law. Under current law, after not making AYP for two consecutive years, a Title I-A school is identified for school improvement. Being designated for school improvement carries with it the requirement to develop or revise a school plan designed to result in the improvement of the school. LEAs are required to provide schools within their jurisdictions with technical assistance in the design and implementation of school improvement plans. Schools identified for improvement must use at least 10% of their Title I-A funding for professional development. All students attending Title I-A schools identified for school improvement must be offered public school choice—the opportunity to transfer to another public school within the same LEA. Under public school choice, students must be afforded the opportunity to choose from among two or more schools, located within the same LEA, that have not been identified for school

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[34] See, for example, http://www.cde.ca.gov/ta/sr/aa/index.asp (California), http://www.doe.k12.ga.us/tss_title.aspx? PageReq=TSSAcademicAchievement (Georgia), http://www.dpi.state.nd.us/title1/achieve/award.pdf (North Dakota), and http://www.k12.wa.us/EducationAwards/AcademicAchievement/2003.aspx (Washington).

[35] The latter criteria would apply only to states and LEAs.

[36] The *Blueprint* does not specify what type of flexibility in the use of ESEA funds would be provided.

[37] The term "high-need" is not defined in the *Blueprint*. However, ED recently defined the term "high-need LEA" in the RTTT grant competition to mean the following: "an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line." This is identical to the definition of a high-need LEA contained in ESEA Title II-A, Section 2101(3)(A). The term "high-need school" was not defined in the RTTT grant competition. The RTTT grant competition application defines a "high-poverty school," but it is not clear whether the reference to "high-need school" is the same as a "high-poverty school" as defined in the RTTT grant application. The RTTT grant application is available online at http://www2.ed.gov/programs/racetothetop/index.html.

[38] Under current law, funds to support the Academic Achievement Awards Program are provided under Title I-A. States may also use funds under Title II-A to support awards to teachers and principals. The *Blueprint* does not provide specific information on which funds would be used to reward schools, LEAs, and states.

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improvement, corrective action, or restructuring, and that have also not been identified as persistently dangerous schools.[39] LEAs are required to provide students who transfer to different schools with transportation and must give priority in choosing schools to the lowest-achieving children from low-income families. LEAs may not use lack of capacity as a reason for denying students the opportunity to transfer to their school of choice.[40] In instances where there are no eligible schools in the student's LEA, LEAs are encouraged to enter into cooperative agreements with surrounding LEAs to enable students to transfer to an eligible public school.

If, after being identified for school improvement, a school does not make AYP for another year, it must be identified for a second year of school improvement by the end of that school year. All students attending a school identified for a second year of school improvement must continue to be offered the option of attending another eligible public school within the same LEA. In addition, students from low-income families who continue to attend the school must be offered the opportunity to receive supplemental educational services (SES). Supplemental educational services are educational activities, such as tutoring, that are provided outside of normal school hours and are designed to augment or enhance the educational services provided during regular periods of instruction. Supplemental educational services may be provided by a nonprofit entity, a for-profit entity, or the LEA, unless such services are determined by the SEA to be unavailable in the local area. The SEA is required to maintain a list of approved SES providers (including those offering services through distance learning) from which parents can select. LEAs may be required to expend up to 20% of their Title I-A grants on transportation for public school choice and supplemental educational services combined.

If a school fails to make AYP for a total of two years after being identified for school improvement, it must be identified for corrective action by the end of the school year. For schools identified for corrective action, LEAs must continue to provide technical assistance and offer public school choice and supplemental educational services, and they must implement one of the following corrective actions: replacing school staff relevant to the school not making AYP; implementing a new curriculum; limiting management authority at the school level; appointing an expert advisor to assist in implementing the school improvement plan; extending the school year or the school day; or restructuring the school's internal organization. If a school does not make AYP for a third year after being identified for school improvement, by the end of the school year the LEA must begin to plan for restructuring while continuing to implement the requirements of corrective action. Restructuring of the school must involve implementation of one of five alternative governance structure options: reopening the school as a charter school, replacing most or all of the school staff, contracting with an education management organization to operate the school, turning the school over to the SEA, or implementing any other "major restructuring" of the school's governance structure. If an additional year passes without the school making AYP, the LEA must implement restructuring of the school.

Any of the sanctions described above may be delayed for up to one year if the school makes AYP for a single year, or if the school's failure to make AYP is due to unforeseen circumstances such as a natural disaster or a significant decline in the financial resources of the LEA or school.

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[39] Students attending schools that are identified as being persistently dangerous by the state are eligible to transfer to another public school. This is referred to as the unsafe school choice option. For more information on this option, see CRS Report RL33371, *K-12 Education: Implementation Status of the No Child Left Behind Act of 2001 (P.L. 107-110)*, coordinated by (name redacted).

[40] 34 CFR 200.44(d).

Schools that make AYP for two consecutive years may no longer be identified for school improvement, nor subject to the sanctions associated with school improvement, corrective action, or restructuring.

AYP standards under the NCLB must be applied to *all* public schools and LEAs, and to states overall, if a state chooses to receive Title I-A grants. However, outcome accountability requirements for failing to meet AYP standards need only be applied to schools and LEAs participating in Title I-A, and there are no consequences for states failing to meet AYP standards beyond the provision of technical assistance.[41]

Blueprint. Under the *Blueprint*, lower-performing states, LEAs, and schools would be referred to as "Challenge" states, LEAs, and schools. States would be required to identify schools in need of "specific assistance." These schools would be classified into one of three categories. The first category, referred to as Challenge schools, would include the lowest-performing 5% of schools in each state. These schools would be identified based on student academic achievement, student growth, and graduation rates. As discussed in greater detail in a subsequent section (see "School Turnaround Grants"), ED is currently requiring states to identify the lowest-performing 5% of schools for purposes of the School Improvement Grant (SIG) program. It is unclear whether states would be required to follow similar requirements in identifying the lowest-performing 5% of schools. It also appears that the lowest-performing 5% of schools referenced in the *Blueprint* may include schools receiving Title I-A funds as well as non-Title I-A schools. In general, non-Title I-A schools are currently prohibited from receiving Title I-A funds. However, under recent changes made to the SIG program, non-Title I-A secondary schools that meet specific criteria are eligible to receive SIG funds.

The aforementioned Challenge schools would be required to implement one of four school turnaround models: the transformation model, turnaround model, restart model, or school closure model. (Each model is discussed in detail in the "School Turnaround Grants" section.) It is unclear whether current restrictions on how many schools may use specific models at a given time under SIG would apply to the implementation of the turnaround models in Challenge schools.

Reward LEAs would not be required to implement one of the four turnaround models. Rather, these LEAs would be given the flexibility to implement a different research-based intervention model.

The second category of schools that would be identified as needing specific assistance would include the next 5% of the lowest-performing schools. These will be referred to as schools in the "warning category." Again, this category of schools would appear to include both Title I-A and non-Title I-A schools. States and LEAs would be required to implement "research-based, locally-determined strategies" to provide assistance to these schools. That is, states and LEAs would not be limited in providing assistance to these schools through the four turnaround models. In addition, the flexibility granted in providing assistance to schools in the warning category would not be limited to Reward LEAs.

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[41] For a more comprehensive discussion of accountability under NCLB, Title I-A, see CRS Report R41533, *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act*, by (name redacted); and CRS Report RL33960, *The Elementary and Secondary Education Act, as Amended by the No Child Left Behind Act: A Primer*, by (name redacted).

The third category would actually be a second category of "Challenge schools," which would include schools that fail to close "significant, persistent achievement gaps." This category does not appear to be limited to any specific percentage of schools. Rather, it appears that any school (Title I-A or non-Title I-A) that fits the aforementioned criteria could be identified as a Challenge school. LEAs would be required to implement "data-driven interventions" to assist students who are the lowest-performing and to close the achievement gap.

LEAs serving Challenge schools would be able to implement a variety of strategies, including "expanded learning time, supplemental educational services, public school choice, or other strategies to help students succeed." Under current law, schools are required to implement public school choice and supplemental educational services in schools that fail to meet AYP for a specific number of years. Under ED's proposal, the use of these strategies would become optional.

The *Blueprint* also includes provisions that would apply to Challenge LEAs and states. While it is not clear how an LEA or state would be identified as a Challenge LEA or state,[42] Challenge LEAs whose schools, principals, or teachers are not receiving the support necessary to be successful could be subject to "significant governance or staffing changes, including replacement of the superintendent." The *Blueprint* does not specify the precise conditions under which these steps would be taken, what the governance changes might include, or the extent to which staffing could be changed. In addition, Challenge LEAs and states would be subject to restrictions on the use of ESEA funds and could be required to work with an outside organization to help improve student achievement. Again, no details are provided regarding the specific restrictions that could be imposed on the use of ESEA funds or under what circumstances a Challenge LEA or state could be required to seek outside assistance.

It is unclear what percentage of Title I-A funds would have to be reserved to support Challenge schools, LEAs, and states and schools in the warning category. As discussed previously, states can currently reserve 4% of their Title I-A funds to support schools identified for improvement, corrective action, or restructuring, and LEAs are required to reserve an amount equal to 20% of their Title I-A funds for similar purposes. Depending on the amount or percentage of funds that would have to be reserved to support schools and LEAs that were either succeeding or failing, with no increase in Title I-A funding based on the FY2011 budget request, it is possible that schools and LEAs that do not fit into either the Challenge or Reward categories may receive less Title I-A funding to continue to support the staff or activities for which they currently use Title I-A funds.

Building Capacity for Support at Every Level

Current law. Under current law, while funds are available to assist failing schools, funds are not available specifically for capacity building at the state and LEA levels. One of the criticisms that has been leveled at the requirements of the NCLB is that not all states or LEAs have the capacity to help failing schools, and this problem will only be exacerbated as more schools and LEAs fail to make AYP. Under current law, states are able to reserve 4% of their total Title I-A funds to support school improvement efforts and funds are also available for these purposes through School Improvement Grants. In both cases, states may reserve 5% of the funds (e.g., 5% of the

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[42] For example, all states would have Challenge schools and schools in the warning category, so it is unclear what additional criteria, if any, must be met before a state is labeled a Challenge state.

4% reservation of Title I-A funds and 5% of the state's SIG grant) for state administration and activities (e.g., state school-level improvement activities). These funds are not reserved specifically to build the capacity of states and LEAs to assist schools in need of improvement.

Blueprint. Under the *Blueprint*, states and LEAs would be permitted to reserve funds for the following purposes:

- supporting the adoption of new college- and career-ready standards and assessments aligned with these standards, and supporting teachers in the teaching of such standards;

- supporting the use of data to identify local needs and improve student outcomes;

- improving the capacity of states and LEAs to use technology to improve instruction;

- coordinating with early childhood programs to improve school readiness; and

- implementing family engagement strategies.

The *Blueprint* does not specify the percentage of funding that may be reserved for these purposes.

In addition, LEAs would be required to reserve Title I-A funds to improve student performance in high-need schools. This would be accomplished by "implementing effective school improvement strategies and carrying out strategies to ensure the equitable distribution of effective teachers and school leaders." LEAs identified as "Reward districts" would be provided with flexibility with respect to this reservation. It is unclear what percentage of funds LEAs would be required to reserve. Under current law, LEAs must reserve up to 20% of their funds to provide public school choice and supplemental educational services. Under the *Blueprint*, LEAs would no longer be required to provide these services.

Fostering Comparability and Equity

Current law. Title I-A includes a fiscal accountability requirement known as "comparability" that does not apply to other ESEA programs. Comparability requires that services provided with state and local funds in schools participating in Title I-A must be comparable to those in non-Title I-A schools in the same LEA.[43] The Title I-A comparability requirement (Section 1120A(c)) is intended to provide that equivalent levels of state and local funds are provided to the schools receiving Title I funds and to the other public schools within each LEA participating in the program. Comparability is designed to assure that federal Title I-A funds provide a net increase in funding for Title I-A schools, compared to non-Title I-A schools, and do not simply supplant state and local funds which would, in the absence of Title I-A, be provided to the Title I-A schools. Under current law, states are required to review comparability among schools in an individual LEA, and if comparability does not exist, the LEA is not supposed to receive Title I-A funds.

Concerns have been raised about the effectiveness of the current Title I-A comparability requirement, and whether many LEAs may be, in effect, using Title I-A funds to subsidize their general operations in addition to increasing the level of services and resources available to

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[43] If all of an LEA's schools participate in Title I-A, then services funded from state and local revenues must be "substantially comparable" in each school of the LEA.

disadvantaged students.[44] Under current law and regulations, many LEAs meet the comparability requirement without any reporting of data that compare expenditures or resources in Title I-A versus non-Title I-A schools. In addition, statutory language permits LEAs to exclude staff salary differentials based on years of employment in making comparability determinations. While this may help to minimize burdens on LEAs, it raises questions about the significance of the comparability requirement as currently implemented.

An underlying difficulty in requiring LEAs to report more detailed financial data in determining comparability, however, is the lack of comprehensive school-level budgeting and accounting systems in much of the nation. Typically, LEAs can attribute staff salaries to individual schools, but often they cannot similarly allocate other costs of public K-12 education. Until comprehensive school-level budgeting and accounting systems are common, it will remain difficult to ensure that the Title I-A comparability requirement can be meaningfully implemented.

Under provisions included in the American Recovery and Reinvestment Act, all LEAs receiving Title I-A funds or School Improvement Grant funds were required to provide a school-by-school listing of per-student expenditures from state and local sources for the 2008-2009 school year by December 1, 2009. States, in turn, were required to provide these data to the Secretary no later than March 31, 2010. These data may provide additional information about the extent to which comparability is being achieved within a given LEA. ED has expanded on these provisions to require every LEA that received Title I-A funds in FY2009 to report these data.[45]

Blueprint. The *Blueprint* indicates that ED would continue to focus on comparability issues and collect data on personnel and relevant non-personnel expenditures at high- and low-poverty schools. ED would also require states to measure and report on resource disparities and to develop plans to address these disparities. In this section of the *Blueprint*, ED mentions that it would also give additional flexibility to LEAs that use their resources to support disadvantaged students to continue providing such support. It is unclear what type of additional flexibility is being referenced.

Assessing Achievement

The NCLB requires states to administer assessments to students and use the results of these assessments as part of a system to determine whether schools and LEAs have made AYP. Currently, states are required to administer assessments in language arts and mathematics for students in grades 3 through 8 and once in high school. In addition, states are required to administer science assessments at least once in each of three grade bands (3-5, 6-8, and 9-12). The ESEA authorizes two grant programs that support states' efforts to develop and administer these assessments. The following sections describe these two grant programs and the *Blueprint*'s proposed changes.

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[44] See, for example, "Strengthening Title I to Help High-Poverty Schools," by Marguerite Roza, et al., published on August 18, 2005, by the Center on Reinventing Public Education, University of Washington, available at http://www.crpe.org/workingpapers/pdf/TitleI_reportWeb.pdf, visited on October 20, 2006.

[45] Without this requirement, there were about 1,095 LEAs that received Title I-A funds through FY2009 regular appropriations, but not through the ARRA, as funds awarded under the ARRA were provided under only two of the four formulas used to make Title I-A grants. For more information, see ED's request to the Office of Management and Budget for emergency clearance of the data collection, http://edicsweb.ed.gov/edics_files_web/04119/ Att_SSLE%20Emergency%20Request%208-28-09.pdf.

Current law. Under current law, the ESEA, Title VI-A-1 (Sections 6111 through 6113) provides funding for the development and implementation of state assessments used for accountability under Title I-A. Funding is provided through both formula and competitive grants to states. Section 6111 authorizes the Secretary to make formula grants to states for the purpose of assisting states in meeting the assessment requirements of Section 1111(b). Section 6112 authorizes the Secretary to make competitive grants to states (or consortia of states) for the purpose of improving the quality, validity, and reliability of state assessments beyond what is required by Section 1111(b). For example, these competitive funds may be used to develop multiple measures of achievement, performance- or technology-based assessments, and assessments for special populations, such as English language learners and students with disabilities. The competitive grant program is typically referred to as grants for Enhanced Assessment Instruments.[46]

Blueprint. Under the *Blueprint*, states would continue to receive formula funding for the development and implementation of assessments; however, states would use these funds to develop assessments aligned with college- and career-ready standards in language arts and mathematics rather than with current state content standards (as has been required under the ESEA, Section 1111(b)). These assessments would measure student academic achievement and growth, provide feedback to support and improve teaching, and measure school success and progress. States would also use these funds to develop additional statewide assessments in other academic or career and technical subjects, high school course assessments, English language assessments, and interim or formative assessments. Beginning in 2015, formula funds would only be available to states that are implementing assessments based on college- and career-ready standards.[47]

The *Blueprint* would also continue to support competitive grants to a consortia of states (and to other partnership entities) to research, develop, and improve additional assessments in the areas of science, history, or foreign languages; high school course assessments in academic and career and technical subjects; universally designed assessments; and assessments for English language learners and students with disabilities.

The *Blueprint* does not specify any changes to the current ESEA assessment requirements with respect to content areas and grade levels that would be assessed. ED has indicated that it would continue to support the current ESEA requirements (i.e., assessing language arts and mathematics in grades 3-8 and once in high school, and assessing science at least once in each of three grade bands: 3-5, 6-8, and 9-12).[48]

The *Blueprint* does not address the issue of how to assess students with disabilities. Although the ESEA currently requires that all students with disabilities participate in state assessments, it does not provide any assessment options for students with disabilities for whom the state assessment is inappropriate (i.e., due to the nature or severity of their disability). After passage of the NCLB, ED issued regulations regarding alternate assessment options for two groups of students with disabilities: (1) students with the "most significant cognitive disabilities" (alternate assessments based on alternate achievement standards, or AA-AAS), and (2) students with disabilities whose

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[46] For more information on Enhanced Assessment Instruments, see http://www2.ed.gov/programs/eag/awards.html.

[47] It is unclear if the formula funding restriction would apply to the set-aside for the outlying areas and BIE-funded schools.

[48] Statements made about assessment requirements are based on information provided by the U.S. Department of Education at a meeting with staff from the House of Representatives on March 25, 2010.

disabilities may prevent them from achieving grade-level proficiency within a year but who do not have the "most significant cognitive disabilities" (alternate assessments based on modified achievement standards, or AA-MAS).[49] ED has indicated it would continue supporting alternate assessments for students with the most significant cognitive disabilities (i.e., AA-AAS).[50] However, ED has not indicated that it would continue to support alternate assessments for other students with disabilities whose disabilities may prevent them from achieving grade-level proficiency (AA-MAS). Rather, ED stated that the new state assessments developed through the Assessing Achievement formula grant program would consider the needs of students with disabilities in the assessment development process, and that most students with disabilities would be able to participate appropriately in these new assessments.[51]

School Turnaround Grants

Under current law, federal funds are provided under School Improvement Grants, authorized under Title I, to assist failing schools. The specific statutory and regulatory requirements related to this program were revised at the beginning of 2010. The *Blueprint* proposal would build on changes already made to this program and continue the current focus on having School Improvement Grant funds be targeted on the lowest-performing schools.

Current law. The ESEA authorizes a separate formula grant program for state School Improvement Grants under Title I to provide additional funds to support school improvement activities.[52] At least 95% of each state's funds is to be allocated at the state's discretion to LEAs to serve schools identified as being in need of improvement, corrective action, or restructuring. States are required to give priority in awarding grants to LEAs that demonstrate the greatest need for such funds and the strongest commitment to ensuring that the lowest-achieving schools are provided with adequate resources to meet the goals established under their school and LEA improvement, corrective action, or restructuring plans. Through the Consolidated Appropriations Act, 2010 (P.L. 111-117), the School Improvement Grants program was amended to include any school eligible to receive assistance under Title I-A that has not made AYP for at least two years[53] or is in the state's lowest quintile of performance based on proficiency rates or, for secondary schools, has a graduation rate below 60%. For each such school that will be served using School Improvement Grants, the state must provide the LEA with at least $50,000 but not more than $2 million annually.[54] Grants are renewable for two one-year periods.

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[49] For more information on alternate assessments, see CRS Report R40701, *Alternate Assessments for Students with Disabilities*, by (name redacted).

[50] Statements made about alternate assessments are based on information provided by the U.S. Department of Education at a meeting with staff from the House of Representatives on March 25, 2010.

[51] See footnote 50.

[52] School Improvement Grants are authorized under Title I, Section 1003(g); that is, they are not Title I-A grants.

[53] Under the requirements of ESEA Title I-A, a school is identified as being in need of improvement if it fails to meet AYP for two consecutive years. If a school fails to make AYP one year, makes it the next, then fails to make it the following year, it is not identified as being in need of improvement. It appears that P.L. 111-117 would allow schools that had failed to meet AYP for any two years to receive a School Improvement Grant. However, as discussed below, ED has added additional requirements for the receipt of School Improvement Grants that focus on schools that have failed to make AYP for at least two consecutive years.

[54] The $2 million limit applies to funds allocated through the ARRA (P.L. 111-5) or for FY2010 through the Consolidated Appropriations Act, 2010 (P.L. 111-117). For other fiscal years, the ESEA establishes an upper limit of $500,000 annually for an individual school.

These changes complement changes made to the School Improvement Grant program by ED through Interim Final Requirements. Based on these new requirements, each state is required to give priority in making competitive grants to LEAs that serve the lowest-performing schools. For the purposes of the School Improvement Grants program, ED has defined the lowest-performing schools using two tiers. A Tier 1 school is a Title I-A school that has been identified for improvement, corrective action, or restructuring and is among the lowest-achieving 5% of all such schools or has a high school graduation rate that is less than 60%. A Tier 2 school is any secondary school that is eligible for, but does not receive, Title I-A funding and has been identified for improvement, corrective action, or restructuring and is among the lowest-achieving 5% of all such schools or has a high school graduation rate that is less than 60%. LEAs using funds for a Tier 1 or Tier 2 school must select from four school intervention models prescribed by ED for each school. After making awards to LEAs serving Tier 1 or Tier 2 schools, grants may be awarded to LEAs that serve Tier 3 schools, which consist of schools that have been identified for improvement, corrective action, or restructuring but are not in the lowest-achieving 5% of schools identified for improvement, corrective action, or restructuring. States may establish criteria for determining which Tier 3 schools to support (e.g., those in the lowest achieving 6%-10% of schools identified for improvement, corrective action, or restructuring).[55] This focus on the lowest-performing 5% of schools that have been identified for improvement, corrective action, or restructuring is somewhat similar to the proposal contained in the *Blueprint* regarding low-performing schools (see previous discussion in "Outcome Accountability for Low-Performing Schools, LEAs, and States ").

States are required to award funds to LEAs with the strongest commitment to improving schools. According to the Interim Final Requirements, "strongest commitment" is defined as an LEA that agrees to implement and demonstrate the capacity to implement one of four models in all Tier 1 and Tier 2 schools. These four models include the turnaround model, restart model, school closure model, and transformation model. A brief description of the key components of each model is provided below.

- Turnaround model: This model requires the LEA to replace the school principal and provide the new principal with greater flexibility (including in the areas of staffing and budget); screen all staff and rehire no more than 50% of existing staff; provide "ongoing, high-quality, job-embedded professional development"; adopt a new governance structure (e.g., hiring a "turnaround leader"); implement a research-based instructional program; continuously use data to differentiate instruction to meet the needs of individual students; increase learning time; and provide social-emotional and community-oriented student services and supports.

- Restart model: This model requires the LEA to convert a school or close and reopen a school under a charter school operator, a charter management organization (CMO), or an education management organization.[56] The operator or organization assuming control of the school must have been selected through a "rigorous review process."

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[55] For more information, see http://www2.ed.gov/programs/sif/index.html.

[56] A CMO is defined as a "non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools." An EMO is defined as a "for-profit or non-profit organization that provides 'whole-school operation' services to an LEA."

- School closure model: This model requires an LEA to close a school and enroll the students who attended it in other schools in the LEA that have higher achievement. This could include enrollment in charter schools.

- Transformation model:[57] This model requires an LEA to implement several strategies. For example, the LEA must implement strategies to increase teacher and school leader effectiveness, including replacing the principal and using teacher and school leader evaluation systems that take student growth into account as a significant factor. It must also implement a research-based instructional program and continuously use data to differentiate instruction to meet the needs of individual students. The LEA must also increase learning time and create community-oriented schools.

Blueprint. Under its reauthorization proposal, ED would rename the program School Turnaround Grants. States would continue to receive funds by formula and would be permitted to reserve a portion of the funds to build state capacity for improving low-performing schools. The *Blueprint* does not specify what percentage of funds could be used for this purpose. Remaining funds would continue to be awarded on a competitive basis. Funds could be awarded to LEAs, as is done under current law, or to partnerships of LEAs and nonprofit organizations. Subgrantees would be required to implement one of four intervention models in each of the low-performing schools. The models specified in the *Blueprint* include the transformation model, turnaround model, restart model, and school closure model. Based on limited information provided in the *Blueprint*, these models appear to be similar to those that ED has recently required LEAs to use under SIG. LEAs and their partners, if applicable, would receive three-year grants to implement an intervention model and would be eligible for two additional years of funding for schools that are showing improvement. In addition, the Secretary would be permitted to reserve a portion of the funding for the School Turnaround Grants to support additional activities designed to improve state, LEA, and nonprofit capacity to improve low-performing schools. Under current law, SIG does not include any reservation of funds for the Secretary.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to standards, assessment, and accountability.

- States would be required to develop and adopt standards in language arts and mathematics in grades 3-12 that ensure that students have the skills and knowledge needed to graduate college- and career-ready.

- States would continue to implement annual assessment in language arts and mathematics for grades 3-8 and would be required to develop an assessment to measure college- and career-readiness for administration in high school.

- The current system of AYP would be eliminated.

- The goal of all students reaching proficiency in language arts and mathematics by the end of the 2013-2014 school year would be replaced with the goal that all

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[57] If an LEA has nine or more Tier I and Tier II schools, the LEA is prohibited from implementing the transformation model in more than 50% of those schools.

students are on track to be or are completing high school college- and career-ready by 2020.

- There would be an increased focus on rewarding schools, LEAs, and states that reach their performance targets, increase student performance for all students, close achievement gaps, and turn around the lowest-performing schools.

- Three categories of low-performing schools would be established and different requirements related to school improvement would apply to each of the three categories.

- Funds would continue to be provided to turn around low-performing schools, and LEAs would continue to be required to use specific models for turning around low-performing schools meeting specific criteria.

II. Teachers

The federal government has historically had a limited role in shaping policy related to teachers. Decision making around issues such as hiring, promotion, tenure, and compensation has typically been conducted at the local level. With the enactment of the No Child Left Behind Act, new provisions regarding teachers were incorporated into the Elementary and Secondary Education Act. These provisions established minimum teacher quality requirements and charged states and LEAs with developing plans to meet them. Under the NCLB, each state educational agency (SEA) receiving Title I-A funding was required to have a plan to ensure, by no later than the end of the 2005-2006 school year, that all public school teachers teaching in core academic subjects within the state would meet the highly qualified teacher definition.[58]

During implementation, the NCLB highly qualified teacher requirement came to be seen as setting minimum qualifications for entry into the profession and was criticized by some for establishing standards so low that nearly every teacher met the requirement.[59] Meanwhile, policy makers have grown increasingly interested in the output of teachers' work—that is, their performance in the classroom and the effectiveness of their instruction. Under the *Blueprint*, ED proposes to shift the emphasis from *highly qualified* teachers to *effective* teachers and also to *effective* leaders. This shift would require states for the first time to define effective teachers and leaders based, in part, on student academic growth.

Great Teachers and Great Leaders

This section of the *Blueprint* focuses on the federal teacher and leadership programs, particularly on the largest of these programs—the ESEA, Title II-A, Improving Teacher Quality State Grants. The *Blueprint* makes the following assertions: the interaction between teacher and student is the primary determinant of student success, great teachers can help students achieve at high levels,

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[58] For more information, see CRS Report R42127, *Teacher Quality Issues in the Elementary and Secondary Education Act*, by (name redacted).

[59] According to a study conducted for the Education Department by the RAND Corporation, "By 2006-2007, the vast majority [over 90 percent] of teachers met their states' requirements to be considered highly qualified under NCLB." See http://www.ed.gov/rschstat/eval/teaching/nclb-final/report.pdf.

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and great leaders can help teachers succeed as part of a strong, well-supported instructional team. The proposal seeks to improve current programs by consolidating and refocusing them on the conditions that allow teachers and leaders "to get meaningful information about their practice, and support them in using this information to ensure that all students" receive effective instruction.[60] The *Blueprint* places emphasis on improving the evaluation of teacher and leader effectiveness, rewarding and advancing effective teachers and leaders, and strengthening the recruitment and preparation of teachers and leaders. These issues are addressed below under three main headings: effective teachers and leaders, teacher and leader innovation fund, and teacher and leader pathways.

Effective Teachers and Leaders

ED proposes to continue formula grants to states under the ESEA, Title II-A, Improving Teacher Quality State Grants.[61] However, the program would be refocused on improving the effectiveness of school staff and be renamed Effective Teachers and Leaders State Grants.

Current Law. Under the current ESEA, Title II-A, formula grants are awarded to SEAs, which then award formula subgrants to LEAs. The allocation formula provides each state (including Puerto Rico and the District of Columbia) with a base guarantee of funding equal to the amount it received for FY2001 under two antecedent programs.[62] Any excess funding is allocated by formula among the states based 35% on school-aged population (ages 5-17) and 65% on school-aged population in poverty. Ninety-five percent of the state grant is distributed to LEAs according to their base guarantee (i.e., FY2001 antecedent grant) with the remainder allocated by formula based 20% on school-aged population and 80% on school-aged population in poverty.[63]

Blueprint. The *Blueprint* describes a similar formula grant allocation to states; however, the proposal neither discusses hold harmless provisions nor specifies population elements or formula weights to be used for the distribution of funds. States would be required to subgrant at least 90% of their funds to LEAs, but again the proposal gives no detail as to how the funds would be allocated. The new program would authorize the Secretary to reserve 1.5% of the total appropriation for national activities. In addition, funds appropriated to the Effective Teachers and Leaders State Grants would also be used to support continuation grants for other current programs—School Leadership, Teacher Incentive Fund, Teacher Quality Partnerships, Teachers for a Competitive Tomorrow, and Transition to Teaching.

Current Law. Under the current Title II-A program, states may use their funds for a variety of activities, but they primarily used them to reform teacher and principal certification or licensing requirements. LEAs are also authorized to engage in a variety of activities focused on improving teacher quality; however, most LEAs used three-quarters of their funds for two activities: professional development and class-size reduction.[64] Over the course of NCLB implementation,

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[60] *Blueprint*, p. 13.

[61] Although the program is widely referred to by this name, by statute, Title II, Part A is entitled, the Teacher and Principal Training and Recruitment Fund.

[62] As amended by the NCLB, the ESEA Title II-A replaced the Eisenhower Professional Development and Class Size Reduction programs.

[63] For more information on this formula grant allocation, see CRS Report RL30834, *K-12 Teacher Quality: Issues and Legislative Action*, by (name redacted) (available from the author).

[64] The list of allowable LEA uses includes teacher and principal recruitment and retention initiatives, signing bonuses (continued...)

LEAs increasingly shifted their use of funds toward professional development in order to meet the law's new *highly qualified teacher* requirement. Under the NCLB, all core subject-matter teachers[65] were required to possess a bachelor's degree, hold a state teaching certificate, and demonstrate subject-matter knowledge by the end of the 2005-2006 school year.[66]

Blueprint. Under the *Blueprint*, the proposed Effective Teachers and Leaders program would refocus the emphasis of federal teacher policy generally, and the purpose of this program in particular, from reforming certification standards and requiring minimum teaching credentials to mandating reform of teacher and principal evaluation systems. Specifically, the *Blueprint* would require states and LEAs to put in place three policies and systems, none of which are required under current law.

1. Statewide definitions of "effective teacher," "effective principal," "highly effective teacher," and "highly effective principal" developed in collaboration with stakeholders that are "based in significant part on student growth and also include other measures, such as classroom observations."[67]

2. State-level data systems that link information on teacher and principal preparation programs to the job placement, student growth, and retention outcomes of their graduates.

3. District-level evaluation systems that (1) meaningfully differentiate teacher and principal effectiveness in at least three performance levels, (2) are consistent with state definitions of effectiveness, (3) provide meaningful feedback that informs professional development, and (4) are developed in collaboration with stakeholders.

Developing Effective Teachers and Leaders

Current Law. The majority of Title II-A funds are used for class-size reduction and professional development. In recent years, professional development has replaced class-size reduction as the single largest area of spending. The percentage of funds used for reducing class size decreased from 57% in 2002-2003 to 38% in 2008-2009, and the percentage of funds used for professional development increased from 27% in 2002-2003 to 39% in 2008-2009.[68] Criticism of the use of current Title II-A funds rests on research that calls into question the impact of class-size reduction and the effectiveness of traditional professional development for improving teaching and learning. Specifically, class-size reduction has been shown to have an impact only with very large

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(...continued)

and other financial incentives, teacher and principal mentoring, reforming tenure systems, merit pay, teacher testing, and pay differentiation initiatives. However, ED has found that less than one-quarter of Title II-A funds are used for these additional activities, see U.S. Department of Education, *Findings from the 2008-2009 Survey on the Use of Funds Under Title II, Part A* , Washington, DC, July 2009, http://www2.ed.gov/programs/teacherqual/2009findings.doc.

[65] Under ESEA, the core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (Section 9101(11)).

[66] For additional information on this requirement, see CRS Report R42127, *Teacher Quality Issues in the Elementary and Secondary Education Act*, by (name redacted).

[67] *Blueprint*, p. 14. The Blueprint notes that during the transition to using these new definitions, ED will maintain provisions of current law relating to "Highly Qualified Teachers" with additional flexibility.

[68] U.S. Department of Education, *Findings from the 2008-2009 Survey on the Use of Funds Under Title II, Part A*, Washington, DC, July 2009, http://www2.ed.gov/programs/teacherqual/data2009.doc.

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reductions in class size (larger than is typically the case under the current program).[69] Although most teachers (92%) receive professional development, less than half (43%) receive more than 16 hours of training in their content area each year and a little over half (59%) found such training to be useful in the classroom.[70] Professional development also tends to be delivered away from schools on college campuses and fosters little teacher-to-teacher collaboration and curriculum development.

Blueprint. The *Blueprint* would attempt to address these criticisms by refocusing the emphasis of this program on the outcome of supported activities—that is, on teacher and leader effectiveness. Improved evaluation systems are at the center of the *Blueprint*'s focus. To identify and improve effectiveness under the proposal, grantees would develop and implement fair and meaningful teacher and principal evaluation systems; foster and provide collaboration and development opportunities; build instructional teams; and improve instructional practice through effective, ongoing, job-embedded professional development. The proposal requires that these activities "must be aligned with evidence of improvements in student learning … [and] aimed at improving the equitable distribution of effective teachers and principals. Districts that have put in place the required evaluation systems may generally spend funds flexibly."[71]

Measuring Success

Current Law. Under the ESEA, states and LEAs are required to issue reports annually on the progress made toward meeting the 2005-2006 highly qualified teacher deadline. LEAs are required to issue these reports publicly and report progress for the LEA as a whole and for each school within the LEA. States are required to submit reports annually to the Secretary on their progress toward meeting the deadline.

Blueprint. The *Blueprint* would require publication of key indicators of program success in state and district report cards to be released at least every two years. These reports must include information on

- teacher qualifications and teacher and principal designations of effectiveness;

- teachers and principals hired from high-performing pathways;

- teacher survey data on levels of support and working conditions in schools;

- the novice status of teachers and principals;

- teacher and principal attendance; and

- retention rates of teachers by performance level.[72]

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[69] Mary Ann Millsap et al., *A Descriptive Evaluation of the Federal Class-Size Reduction Program*, U.S. Department of Education, Doc. #2004-18, Washington, DC, August 2004, http://www2.ed.gov/rschstat/eval/other/class-size/report.pdf.

[70] Linda Darling-Hammond et al., *Professional Learning in the Learning Profession*, National Staff Development Council, Dallas, TX, February 2009, http://www.nsdc.org/news/NSDCstudy2009.pdf.

[71] *Blueprint*, p. 15.

[72] *Blueprint*, p. 16.

Teacher and Leader Innovation Fund

Under the *Blueprint*, ED proposes to merge two existing competitive grant programs that reward teacher performance and career advancement—the Teacher Incentive Fund (ESEA, Title V-D) and Advanced Credentialing (ESEA, Title II-A, Section 2151(c))—into a new competitive grant program called the Teacher and Leader Innovation Fund.

Current Law. The Teacher Incentive Fund (TIF) supports the reform of teacher and principal compensation systems so that teachers and principals are rewarded for successful job performance (including gains in student achievement), for teaching in hard-to-staff schools or subjects, and for taking on additional responsibilities and leadership roles. The program provides grants to encourage school districts and states to develop and implement innovative strategies for providing financial incentives to achieve these goals. Under the appropriations language authorizing the TIF program, these compensation systems must take into consideration gains in student achievement as well as other factors, including classroom observations conducted multiple times during the year. Further, ED requires applicants for TIF grants to demonstrate a significant investment in, and a commitment to ensuring the fiscal and programmatic sustainability of, their project.

The Advanced Credentialing program awards grants to the National Board for Professional Teaching Standards (NBPTS) and the American Board for the Certification of Teacher Excellence to support the development and implementation of advanced certifications or credentials for teachers who have demonstrated mastery in the teaching of their academic discipline.

Blueprint. According to the *Blueprint*, the new Teacher and Leader Innovation Fund would build on the strengths of the Teacher Incentive Fund and support compensation reforms and complementary reforms of teacher and principal development and evaluation, teacher placement, and other practices. It would support states and districts willing to "implement ambitious reforms to better identify, recruit, prepare, develop, retain, reward, and advance effective teachers, principals, and school leadership teams."[73] These reforms would be required to differentiate among teachers and principals on the basis of their students' growth and other measures and must use this information to differentiate credentialing, professional development, retention, advancement, and rewards for effectiveness. NBPTS and other nonprofit organizations eligible for a grant under Advanced Credentialing would be eligible to partner with states and LEAs and compete for an Innovation Fund grant.

Teacher and Leader Pathways

ED proposes to merge several existing competitive grant programs into a new competitive grant program called Teacher and Leader Pathways. Five current competitive grant programs would be combined under this new program into two activities: Teacher Pathways and Transformational Leaders.[74]

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[73] *Blueprint*, p. 16.

[74] The proposal would transfer the Troops to Teachers program (ESEA, Title II-C-1-A) to the Department of Defense in FY2011, U.S. Department of Education, *Fiscal Year 2011 Justifications of Appropriation Estimates to the Congress*, v. 1, p. F-136.

Teacher Pathways

Current Law. Four programs authorized in current law are intended to increase the supply of teachers through support for traditional teacher preparation programs as well as alternative pathways to teaching. The Transition to Teaching (ESEA, Title II-C-1-B) program provides grants to high-need schools and LEAs to help them recruit and employ qualified teachers by encouraging the development and expansion of alternative routes to certification. The Teacher Quality Partnership (Higher Education Act (HEA), Title II-A) program provides grants to higher education institutions to improve the preparation of teachers and enhance professional development activities for teachers through Pre-Baccalaureate Preparation, Teaching Residencies, and School Leadership programs. The HEA authorizes the Secretary to award a grant to Teach for America, Inc. (HEA, Title VIII-F), a nonprofit organization that recruits outstanding recent college graduates who commit to teach for two years in underserved communities. The Teachers for a Competitive Tomorrow (America COMPETES Act, Title VI-A-1) program provides grants to higher education institutions to enhance and improve teachers' content knowledge by funding the development of master's and baccalaureate level degree programs that provide integrated courses of study in science, technology, engineering, mathematics, or critical foreign languages, in conjunction with teacher education.

Blueprint. The *Blueprint* would consolidate these four programs to strengthen traditional and alternative pathways into teaching by providing competitive grants to programs that would (1) prepare teachers to teach to college- and career-ready standards; (2) meet the needs of high-need areas, including rural areas, or high-need fields; and (3) recruit and prepare high-performing college graduates or non-traditional teacher candidates, such as mid-career professionals and military veterans. The Secretary would be authorized to reserve up to 5% of funds for a national teacher recruitment campaign, working with states, districts, and outside organizations to recruit talented candidates into the teaching profession.

Transformational Leaders

Current Law. The current School Leadership program (ESEA, Title II-A, Section 2151(b)) assists high-need LEAs in recruiting, training, and retaining principals and assistant principals by (1) providing financial incentives to aspiring new principals, (2) providing stipends to principals who mentor new principals, (3) carrying out professional development programs in instructional leadership and management, and (4) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

Blueprint. Under the *Blueprint*, ED would refocus this program to strengthen traditional and alternative pathways into school leadership by providing competitive grants to programs that would (1) prepare principals to improve student academic achievement and other outcomes at low-performing schools; and (2) put in place the conditions that increase the likelihood that their graduates and other principals will succeed in improving low-performing schools, such as autonomy over staffing, budget, instructional programs, and schedule. The Secretary would be authorized to reserve up to 5% of funds for grants to recruit, prepare, place, and support the retention of state and district leaders—such as superintendents, chief academic officers, and human resource directors—who are able to lead transformational change in their states and districts.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to teachers.

- States would be required to develop definitions of "effective teacher," "effective principal," "highly effective teacher," and "highly effective principal." These definitions would be based in significant part on student growth and also include other measures, such as classroom observations. States would also be required to develop district-level evaluation systems that (1) meaningfully differentiate teacher and principal effectiveness in at least three performance levels, (2) are consistent with state definitions of effectiveness, (3) provide meaningful feedback that informs professional development, and (4) are developed in collaboration with stakeholders.

- The *Blueprint* would require the publication of new indicators of program success in state and district report cards to be released at least every two years.

- Two existing competitive grant programs—the Teacher Incentive Fund and Advanced Credentialing—would be merged into a new competitive grant program called the Teacher and Leader Innovation Fund.

- Five existing competitive grant programs would be consolidated into a new competitive grant program called Teacher and Leader Pathways.

III. *Supporting Diverse Learners*

One purpose of the No Child Left Behind Act is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education.[75] To ensure that all children have access to an education, the Elementary and Secondary Education Act supports programs to meet the educational needs of student groups that face unique challenges in obtaining a high-quality education. Current programs supported by the ESEA include Title I programs that support migrant children and neglected and delinquent children; Title III programs that support language instruction for English language learners (ELLs); Title VI programs that support rural education; Title VII programs that support Indian, Native Hawaiian, and Alaska Native Education; and Title VIII programs that support children connected with federal activities. In addition, Title VII of the McKinney-Vento Act supports access to education for homeless students.

Under the *Blueprint*, ED proposes to thematically group the various educational programs that support access to high-quality education for student groups that face unique challenges. Current programs would be supported under the new heading of Meeting the Needs of English Learners and Other Diverse Learners.

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[75] ESEA, Sec. 1001.

Meeting the Needs of English Learners and Other Diverse Learners

This section of the *Blueprint* seeks to strengthen the existing elementary and secondary education programs that target support to diverse learners. The *Blueprint* recognizes that schools are responsible for ensuring that all students, including diverse learners, are ready to succeed in college or a career upon high school graduation. Diverse learners include students with disabilities, ELLs, the children of migrant workers, homeless children, neglected and delinquent children, American Indians, children residing in rural areas, and children connected with federal activities. The following sections briefly outline ESEA programs related to diverse learners and highlight any changes that the *Blueprint* would make to existing programs.

Students with Disabilities

Current Law. The majority of federal funding to support the education of students with disabilities is provided through the Individuals with Disabilities Education Act (IDEA). Because most students with disabilities are included in the general education classroom, the ESEA also influences their education. For example, students with disabilities are required by the IDEA and the ESEA to participate in state assessment and accountability systems as outlined by the ESEA, Title I-A.

Blueprint. The *Blueprint* does not indicate that a reauthorized ESEA would change current practices related to students with disabilities. ED states that the ESEA would support programs related to teachers, assessments, and instructional approaches that would "increase support for the inclusion and improved outcomes of students with disabilities."[76]

English Learner Education

Current Law. Title III of the ESEA requires SEAs and LEAs to provide language instruction educational programs to limited English proficient (LEP) students and to ensure LEP students gain proficiency in English and meet state academic content and achievement standards. Title III does not include provisions regarding the process or standards for identifying LEP students, in part to allow SEAs and LEAs greater flexibility.[77] Although many states and LEAs use similar criteria of English language proficiency to identify LEP students and place them in and exit them from language instruction educational programs, there is concern that the criteria do not sufficiently take into consideration grade-level expectations, native language proficiency, academic achievement, years of schooling, or year of entry into an English-speaking society.[78]

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[76] *Blueprint*, p. 20.

[77] Under Title I-A, LEP students must be assessed annually on their level of English proficiency in speaking, reading, writing, and listening.

[78] Alex Ragan and Nonie Lesaux, "Federal, State, and District Level English Language Learner Program Entry and Exit Requirements: Effects on the Education of Language Minority Learners," *Education Policy Analysis Archives*, vol. 14, no. 20 (August 15, 2006).

Blueprint. Under the *Blueprint*, states would be required to establish consistent statewide criteria for identifying LEP students. In addition, the *Blueprint* proposal would require states to establish consistent statewide criteria for placing LEP students into and exiting them out of language instruction educational programs.

Current Law. Under current law, SEAs that find LEAs failing to meet their annual measurable achievement objectives (AMAOs)[79] for two consecutive years can require LEAs to develop an improvement plan. The SEA must provide technical assistance and consult with the failing LEA during the development and implementation of this plan. LEAs found to be failing for four consecutive years can be forced to modify their language instruction educational program, have their funds withdrawn, and have relevant personnel replaced by the SEA.

Blueprint. Under the *Blueprint*, LEAs that consistently fail to meet their AMAOs would lose even this level of flexibility to a certain extent. LEAs that fail to meet their AMAOs after a number of years (the number is not specified in the *Blueprint*) would be required to work with the SEA to implement more effective strategies. The SEA would identify the effective program or a set of effective programs from which the LEA could choose. Under current law, SEAs provide assistance to LEAs in identifying and implementing the programs, while LEAs retain the flexibility to actually choose the language instruction educational program.

Current Law. Under current law, states are required to provide technical assistance to LEAs to help them achieve their AMAOs. In FY2007, 28 states received Title III awards with conditions for not determining or incorrectly determining the AMAOs; failing to assess students; lacking evidence of a process for aligning English language proficiency standards with assessments or academic content standards; failing to reserve funds for LEAs with significant increases in immigrant students; and failing to submit annual data to ED.

Blueprint. Under the *Blueprint*, states would be required to create a system to evaluate the effectiveness of language instruction educational programs to increase the accountability of states for ensuring that LEP students are achieving English proficiency and state academic content and achievement standards. Beyond the current provision of technical assistance, states would be required to take a lead role in helping LEAs improve their language instruction educational programs and selecting effective programs. States would also be required to disaggregate LEP students by subgroups, although the *Blueprint* does not specify the subgroups. In the past, states and LEAs have requested subgroup reporting by the student's length of stay in the United States, by grade, by type of language instruction educational program, by English language domain (listening, speaking, reading, and writing), and by length of time in language instruction educational programs.

Finally, under the *Blueprint* at least one competitive grant program would be funded in addition to the state formula award program discussed above. SEAs, LEAs, and nonprofit partners would be eligible for the competitive grants. The competitive grants would support the development of innovative programs, expand knowledge of promising practices, and implement effective practices among more LEP students. The *Blueprint* specifically suggests funding graduate

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[79] SEAs must develop annual measurable achievement objectives that reflect (1) the amount of time individual children are enrolled in programs, (2) annual increases in the number or percentage of children learning English, and (3) the number or percentage of students receiving waivers for reading or language arts assessments.

research fellowships and teacher preparation or professional development programs under the proposed competitive grants programs.

Migrant Education

Current Law. The Migrant Education Program (MEP) provides grants to SEAs to develop or improve education programs for migrant children.[80] Since FY2002, the amount of a state's grant allocation has been based on the level of its FY2002 state grant, which is largely dependent on the 2000-2001 count of eligible migrant children[81] residing in the state relative to other states, although these numbers have been adjusted in recent years for inaccurate or incomplete data submitted by states for the calculation of their FY2002 MEP grants.[82] That is, ED calculates a defect rate for each state that is then applied to the 2000-2001 counts of eligible migrant children that were used to make FY2002 awards. Thus, the base grant amount received by states is actually an "adjusted" FY2002 grant.[83]

Blueprint. Under the *Blueprint*, the program would remain a formula grant program, and the formula would be updated to use more accurate and timely data.

Current Law. Under MEP, the Secretary is required to assist states in developing methods to transfer student records electronically and in determining how many migrant students are in the state. The Secretary is also required to help states link their migrant student record systems. Grants may also be made to improve the interstate and intrastate coordination of educational programs serving migrant students.

Blueprint. Based on the *Blueprint*, it appears that ED would continue to support interstate efforts to facilitate the educational transition of migrant students into local schools and communities.

Homeless Children and Youths Education

Current Law. The Education for Homeless Children and Youths program (Title VII, Part B, McKinney-Vento Homeless Assistance Act; P.L. 100-77) was most recently authorized under the NCLB. Currently, the program provides assistance to SEAs to ensure that all homeless children and youth have equal access to the same free and appropriate public education, including public preschool education, that is provided to other children and youth. Grants made by SEAs to LEAs

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[80] A migrant child is defined as a child who is, or whose parent or spouse is, a migratory agricultural worker or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or to accompany such parent or spouse in order to obtain, temporary or seasonal work in agriculture or fishing, (1) moved from one school district to another, (2) moved from one administrative area to another in a state comprised of a single school district, or (3) resides in a school district larger than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in fishing work.

[81] Two migrant child estimates were used to determine these counts: (1) the 12-month estimated number of migrant children ages 3 to 21 years old, and (2) the summer and intersession estimated number of migrant children ages 3 to 21 years old. (U.S. Department of Education, *Migrant Education Program Annual Report: Eligibility, Participation, Services (2001-02), and Achievement (2002-03)*, 2006, available at http://www.ed.gov/rschstat/eval/disadv/migrant/ annualreport/report.pdf; and U.S. Department of Education, *Title I Migrant Education Program Trends Summary Report: 1998-2001*, 2004, at http://www.ed.gov/rschstat/eval/disadv/migrant/report01.pdf.)

[82] *Federal Register*, May 4, 2007, p. 25229.

[83] For more information on the formula allocation of the Migrant Education program, see CRS Report RL34721, *Elementary and Secondary Education Act: An Analytical Review of the Allocation Formulas*, by (name redacted).

under this program must be used to facilitate the enrollment, attendance, and success in school of homeless children and youth. LEAs may use funds for activities such as tutoring, supplemental instruction, and referral services, as well as medical, dental, mental, and other health services. In order to receive funds, each state must submit a plan indicating how homeless children and youth will be identified; how assurances will be put in place that homeless children will participate in federal, state, and local food programs if eligible; and how the state will address such problems as transportation, immunization, residency requirements, and the lack of birth certificates or school records.

Blueprint. The *Blueprint* proposes to rename the program as Homeless Children and Youth Education and to include it as program authorized by the ESEA. It would also change the formula used to allocate awards to states. Grants would be awarded to states based on the most recent data available on each state's share of homeless students.[84]

Current Law. The current program, as amended by NCLB, prohibits states that receive McKinney-Vento funds from segregating homeless students from non-homeless students, except for short periods of time for health and safety emergencies or to provide temporary, special, supplementary services. An exception was made for four counties that operated separate schools for homeless students in FY2000 (San Joaquin, Orange, and San Diego counties in California, and Maricopa County in Arizona), as long as (1) those separate schools offer services that are comparable to local schools; and (2) homeless children are not required to attend them.

Blueprint. Under the *Blueprint*, the current exception to the prohibition on operating separate schools for homeless children and youth would be eliminated.

Neglected and Delinquent Children and Youth Education

Current Law. Neglected and Delinquent Children and Youth Education (ESEA, Title I-D) authorizes a pair of programs intended to improve education for students who are neglected, delinquent, or at risk of dropping out of school.

Blueprint. Under the *Blueprint*, both programs (Title I-D, Subpart 1 and Subpart 2) would be retained. Subpart 1, which provides formula grants to states, would continue to be based on the number of children in state-operated institutions and per-student expenditures for the state. Subpart 2, which currently draws its funds for local subgrants from a state-level reservation of local ESEA, Title I-A grants,[85] would continue to be awarded to LEAs with high numbers or percentages of children and youth residing in locally operated correctional facilities.

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[84] For more information on the formula allocation of the Education for Homeless Children and Youths program, see CRS Report RL34721, *Elementary and Secondary Education Act: An Analytical Review of the Allocation Formulas*, by (name redacted).

[85] ESEA Section 1402(b) requires each state to retain funds generated throughout the state under Title I-A based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

Indian, Native Hawaiian, and Alaska Native Education

Current Law. The ESEA, Title VII authorizes supplemental educational programs to address the unique cultural, linguistic, and academic needs of American Indian, Native Hawaiian, and Alaska Native children and families. Funds may be used for early childhood education, family-based education, the incorporation of culturally relevant curricula, and other purposes, depending on the particular program.

Currently, the Indian education formula grant program (Part A, Subpart 1) allows funds to be used for the language needs of Indian students and to incorporate American Indian- and Alaska Native-specific curriculum content into the curriculum used by the LEA. The Special Programs and Projects To Improve Educational Opportunities for Indian Children (Part A, Subpart 2) allow funds to be used for bilingual and bicultural programs. The Native Hawaiian (Part B) competitive grant program and Alaska Native (Part C) competitive grant program currently allow funds to be used for Hawaiian language literacy and Native Alaskan language instruction, respectively.

Blueprint. Under the *Blueprint,* ED would expand the use of funds under the Part A American Indian education programs to be used for native language immersion and restoration. In addition, funds under one of the Indian education programs could be used to develop tribal-specific academic standards and assessments.[86] Finally, under the *Blueprint,* eligibility under the Native Hawaiian and Alaska Native programs would be expanded to LEAs and public charter schools. Currently, only organizations and consortia of organizations meeting specific criteria (e.g., Native Hawaiian educational organizations) are eligible for the two programs.

Current Law. Under current law, BIE-funded schools receive ESEA program funds through set-asides or by competing as an LEA, but the schools are not eligible for most programs that fund states or specific organizations. Tribal groups have requested in the past that BIE-funded schools be eligible for all ESEA programs, and tribal education departments have requested more oversight of Indian students in the public school system. Some tribal education departments (TEDs) provide resources and supplemental services to the public schools that educate the tribe's students. The relationship, unless facilitated by a parent committee requirement under the ESEA, Title VII-A or the Johnson O'Malley Act,[87] between the LEA or public school and TED is dependent upon the preference of the LEA or public school.

Blueprint. Under the *Blueprint* the access that Indian tribes have to ESEA funding for the support of BIE-funded schools would increase and a role and relationship between TEDs and LEAs would be codified.

Rural Education

Current Law. The ESEA, Title VI-B provides funding for rural education through the Rural Education Achievement Program (REAP). REAP currently provides two formula grants to rural LEAs that would be retained with level funding: the Small, Rural School Achievement (SRSA)

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[86] The *Blueprint* does not specify which program.

[87] The Johnson O'Malley (JOM) program provides supplementary financial assistance, through contracts, to meet the unique and specialized educational needs of Indian students in public schools and non-sectarian private schools. For more information on the program, see CRS Report RL34205, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, by (name redacted).

program (Subpart 1) and the Rural, Low-Income School (RLIS) program (Subpart 2). SRSA funds are allocated by formula to eligible LEAs based on the number of students in average daily attendance (ADA) and the amount the LEA received under certain federal programs in the previous fiscal year.[88] ED calculates an initial allocation for each eligible LEA equal to $20,000 plus $100 for each child in ADA above 50, with a maximum initial allocation of $60,000. To be eligible to receive funds under the current SRSA program, an LEA must, among other criteria, serve only schools that (1) have a National Center for Education Statistics (NCES) locale code of 7 (rural) or 8 (rural near an urban area), or (2) are located in an area of the state defined as rural by a governmental agency of the state. In addition, under current "REAP Flex" authority, LEAs with small REAP allocations are permitted to use these funds for activities authorized under Title I-A, Title III (English Language Acquisition), or Title IV-B (21st Century Community Learning Centers).

RLIS funds are allocated by formula to states based on each state's proportionate share of children in ADA in all eligible LEAs. States have the option of allocating funds to eligible LEAs competitively or through a formula based on the number of children in ADA in eligible LEAs within the state.[89] To be eligible for funds under the current RLIS program, an LEA must, among other criteria, serve only schools that have an NCES locale code of 6 (small town), 7 (rural), or 8 (rural near an urban area).

Blueprint. Under the *Blueprint*, appropriated funds would continue to be split evenly between SRSA and RLIS. The formulas used to determine LEA grant amounts would also remain the same. However, the *Blueprint* states that "in order to improve targeting of funds, [ED] will update the method used to identify districts as rural." Although no further details are provided as to how the method would be updated, given that NCES recently completed the process of updating its locale codes, these new codes would presumably be incorporated into the updated identification method.[90] This could result in changes in LEA eligibility for one or both REAP programs.

Under the *Blueprint*, the current "REAP Flex" authority for SRSA grantees would be continued and expanded to LEAs eligible for RLIS. In addition, the Secretary would be authorized to reserve REAP funds for national activities such as technical assistance and research on innovative programs that are designed to help rural districts overcome common capacity constraints in order to help rural LEAs apply for competitive grants and to improve student academic achievement.

Impact Aid

Current Law. Impact Aid, authorized under the ESEA, Title VIII, compensates LEAs for the loss of tax revenue resulting from federal activities, such as federal ownership of certain lands and the enrollment in LEAs of children of parents who work or live on federal land (e.g., children of parents in the military and children living on Indian lands). The largest Impact Aid payments—

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[88] An LEA's final allocation is equal to an initial allocation minus the amount received in "applicable funding" (funds allocated under the Improving Teacher Quality State Grants, Educational Technology State Grants, Safe and Drug-Free Schools and Communities State Grants, and State Grants for Innovative Programs) in the previous fiscal year.

[89] A state may also use an alternative formula to allocate funds if it can demonstrate that an alternative would better target funds to eligible LEAs that serve the highest concentrations of poor students. Currently, however, all states make RLIS awards through the statutory formula.

[90] Further details on this issue can be found in CRS Report R40853, *The Rural Education Achievement Program: Title VI-B of the Elementary and Secondary Education Act*, by (name redacted).

Section 8002, Payments for Federal Property, and Section 8003, Payments for Federally Connected Children—are made by formula grant to LEAs.

Blueprint. The *Blueprint* indicates that formula grants for these programs would continue, and LEAs would continue to be provided with flexibility in the use of these funds.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to supporting diverse learners.

- No major changes are proposed with respect to Impact Aid or programs for students with disabilities, neglected and delinquent children, and migrant children.

- The *Blueprint* proposes that the Homeless Children and Youths Education would become an ESEA program.

IV. Content Area Instructional Programs

The Elementary and Secondary Education Act does not promote specific curricula or instructional methods in content areas such as reading, mathematics, history, and so on. There are, however, content area instructional programs that are authorized and supported by the ESEA. Content area instructional programs are supported throughout various Titles of the ESEA. For example, larger content area instructional programs, such as literacy programs, are currently supported in Titles I, II, and V. Smaller content area instructional programs, such as economic education, arts education, and civic education, are supported in Titles II and V.

The *Blueprint* proposes to group disparate programs under thematic headings that reflect the content area being taught (e.g., literacy; science, technology, engineering, and mathematics; etc.). The *Blueprint* would consolidate academic programs under the heading of A Complete Education.

A Complete Education

A Complete Education is a collection of programs that addresses improving teaching and learning across multiple academic content areas. While college- and career-ready standards may address elementary and secondary education standards in language arts and mathematics, a Complete Education would make investments across multiple content areas—from literacy and STEM to history, civics, foreign languages, the arts, financial literacy, environmental education, and other subjects. The following sections discuss the thematic areas addressed by the *Blueprint* under this heading. These thematic areas include Literacy, STEM, Ensuring a Well-Rounded Education, College Pathways and Accelerated Learning, and Activities to Strengthen a Complete Education.

Literacy

Current Law. The ESEA currently provides support for multiple literacy programs. The two largest federal literacy programs currently receiving funding are the Striving Readers program

and the Even Start program.[91] Under the Striving Readers program, ED awards competitive grants to eligible local entities for the purpose of implementing and evaluating reading curricula and professional development programs, as well as other activities intended to improve reading achievement for middle and high school students. The mission of the Striving Readers program was expanded in FY2010 to allow grantees to provide comprehensive literacy programs for children from birth through grade 12. Under the Even Start program, ED awards formula grants to states to support family literacy programs serving low-income children from birth through age seven and their parents. States, in turn, award subgrants to high-need LEAs and partnerships. The mission of the Even Start program is to support family literacy by integrating early childhood education, adult education, and parenting education.

Blueprint. Under the *Blueprint,* the Striving Readers and Even Start Family Literacy programs, along with several smaller literacy programs, would be consolidated into a new program titled Effective Teaching and Learning: Literacy (hereafter referred to as the Literacy program). The following ESEA programs would be consolidated into the Literacy program:

- Striving Readers (ESEA, Title I-E);

- Even Start Family Literacy programs (ESEA, Title I-B-3);

- Literacy Through School Libraries (ESEA, Title I-B-4);

- National Writing Project (ESEA, Title II-C-2);

- Reading Is Fundamental (ESEA, Title V-D-5); and

- Ready-to-Learn Television (ESEA, Title II-D-3).

Under the *Blueprint*, the Literacy program would award competitive grants to states to assist them in developing comprehensive, evidence-based pre-K through grade 12 literacy plans and aligning federal, state, and local funds to provide high-quality literacy instruction. States would retain a portion of their awards for state activities. The amount to be set aside for state activities is not specified. Priority in awarding grants would be given to states that have adopted college- and career-ready standards.

Under the Blueprint, states would subgrant funds to high-need LEAs and partnerships to be used to support comprehensive literacy programs. At the local level, funds would be used for professional development, high-quality literacy curricula and assessments, ensuring all students receive appropriate literacy services, and ensuring that classroom environments are of high quality. States would be required to give priority in awarding grants to LEAs that plan to align other federal, state, and local resources with federal funds from this new program to improve literacy instruction; propose to implement programs with the strongest evidence of effectiveness;

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[91] Following their authorization in the No Child Left Behind Act of 2001, the largest federal programs exclusively focused on literacy were Reading First for students in grades K-3, and Early Reading First for preschoolers. Reading First, a formula grant program, was last funded at $393 million in FY2008, but received funding of approximately $1 billion each year between FY2002 and FY2007. The Early Reading First program, a competitive grant program that was last funded in FY2009, received approximately $100 billion a year in funding between FY2002 and FY2009. The Striving Readers' program, a competitive grant literacy program for students in middle school, was first funded at $30 million in FY2005; funding equaled $35 million in FY2009 and $250 million in FY2010. For more information on the Reading First and Early Reading First programs, see CRS Report RL31241, *Reading First and Early Reading First: Background and Funding*, by (name redacted); and CRS Report RL33246,*Reading First: Implementation Issues and Controversies*, by (name redacted).

plan to implement programs in schools with the greatest need; or have a plan for sustaining programs in the future.

Science, Technology, Engineering, and Mathematics (STEM)

Current Law. Under the ESEA, the primary source of funding for STEM programs is the Math and Science Partnerships (MSP) formula grant program (ESEA, Title II-B). The current MSP program requires partnerships to engage in one or more of 10 different activities, including professional development of mathematics and science teachers, the integration of reliable and technology-based teaching methods into the curriculum, mathematics and science summer workshops or institutes for teachers, enhanced recruitment efforts (e.g., signing bonuses and scholarships), and redesigning curricula.

Blueprint. Under the *Blueprint*, the MSP program would be renamed Effective Teaching and Learning: Science, Technology, Engineering, and Mathematics (hereafter referred to as the STEM program). Under the STEM program, ED would award competitive grants to assist states in strengthening their STEM education programs and to support "high-need districts in implementing high-quality instruction in at least mathematics or science and may also include technology or engineering."[92] States would be required to develop plans to align federal, state, and local funds to provide STEM instruction, and they may carry out efforts to improve instruction statewide, identify effective instructional materials, and improve teachers' knowledge and skills in STEM instruction. Priority would be given to states that have adopted common, state-developed, college- and career-ready standards; use technology to address student learning; cooperate with outside partners; or propose to prepare more students for advanced study and STEM careers. Under the *Blueprint*, states would award competitive subgrants to high-need districts to support "comprehensive STEM instruction in the grades and schools with the greatest local need."[93] This support would include professional development for teachers, high-quality curricula, instructional materials, and assessments.

Under the *Blueprint*, the current formula-based state grant program would be replaced by a competitive state grant program.[94] Similar to the MSP program, the proposed STEM program would require states to make subgrants to eligible partnerships that must include at least one high-need LEA. States would also be permitted to reserve funds for state-level activities and ED would be permitted to reserve funds for State Capacity-Building grants.[95] Neither the *Blueprint* nor the Administration's FY2011 budget describe specific grantee activities supported by the new STEM program; however, the Administration's budget justification states that "the activities supported would be more competitive, more accountable, and more likely to result in significant achievement gains than those carried out under previous Federal math and science programs."[96]

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[92] *Blueprint*, p. 26.

[93] *Blueprint*, p. 27.

[94] According to statute (ESEA, Section 2202(a)(1)), MSP grants must be awarded competitively when the program's appropriation is under $100 million; however, that has not occurred since the program was authorized by the NCLB.

[95] *Justifications*, p. D-26.

[96] *Justifications*, p. D-27.

Ensuring a Well-Rounded Education

Current Law. Under the ESEA, content area programs in history, civics, foreign language, and economic education are authorized separately, typically by programs authorized in Titles II and V. These programs represent a relatively small portion of total ESEA funding. The Administration argues that these existing programs are "too fragmented to provide State and district officials with the tools they need to strengthen instruction and increase student achievement in the comprehensive manner required."[97] Further, ED notes that "the current programs are not well-structured to enable educators and policymakers to identify the most effective practices to replicate."[98]

Blueprint. Under the *Blueprint,* a new competitive grant program would be created to make grants to states, high-need LEAs, and nonprofit partners to foster the teaching and learning of arts, foreign languages, history and civics, financial literacy, environmental education, and other subjects. These grants would support the development or expansion of instructional practices that benefit all students and may include professional development, improved assessments, state- and locally determined curricula aligned with state standards, or innovative technology. Priority for these grants would be given to proposals that integrate teaching and learning across academic subjects, use technology, and ensure that high school coursework is aligned with college and university expectations.

The Administration's FY2011 budget request provides information on the current programs that would be consolidated to create the new competitive grant program called Effective Teaching and Learning for a Well-Rounded Education. The following current competitive grant programs would be combined under this new program:

- Excellence in Economic Education (ESEA, Title V-D-13);

- Teaching American History (ESEA, Title II-C-4);

- Arts in Education (ESEA, Title V-D-15);

- Foreign Language Assistance (ESEA, Title V-D-9);

- Academies for American History and Civics (American History and Civics Education Act and ESEA, Title V-D);

- Close Up Fellowships (ESEA, section 1504);

- Civic Education: We the People (ESEA, Title II, Part C-3-a, section 2344); and

- Civic Education: Cooperative Education Exchange (ESEA, Title II, Part C-3-b, section 2345).

College Pathways and Accelerated Learning

Current Law. Under the ESEA, three separate programs are authorized to provide accelerated learning opportunities: the High School Graduation Initiative, the Advanced Placement program, and the Javits Gifted and Talented Education program. In general, these program aim to prevent

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[97] *Justifications*, p. D-28.

[98] *Justifications*, p. D-28.

school dropout and raise academic achievement, provide opportunities for high school students to earn college credit, and enhance programs that meet the needs of students who are gifted and talented.

Blueprint. Under the College Pathways and Accelerated Learning program included in the *Blueprint*, competitive grants would be provided to states, LEAs, and nonprofit partners to increase accelerated learning opportunities for students. Under the *Blueprint*, grantees of the College Pathways and Accelerated Learning program would serve elementary and middle school students by providing access to gifted and talented education programs, particularly in high-poverty schools. At the high school level, grantees would be encouraged to implement strategies such as expanding the Advanced Placement and International Baccalaureate programs, including early-college or dual-enrollment programs that allow high school students to earn credit towards a college degree. Applicants could also propose additional activities, such as allowing credit based on successful demonstration of competency, or providing counseling, mentoring, or programs to develop study skills. At the high school level, priority would be given to applicants that propose to serve schools with low graduation rates. Priority would also be given to applicants who partner with state higher education offices and institutions of higher education (IHEs) in a program that allows higher education credits to be portable beyond the individual partner institution.[99]

The Administration's FY2011 budget request provides information on the current programs that would be consolidated to create a new competitive grant program called College Pathways and Accelerated Learning. The following current programs would be combined under this new program:

- High School Graduation Initiative (ESEA, I-H);

- Advanced Placement program (ESEA, I-G); and

- Javits Gifted and Talented Education program (ESEA, V-D).

Activities to Strengthen a Complete Education

Current Law. Under the ESEA, there is no particular section that is analogous to the Blueprint's section called Activities to Strengthen a Complete Education. One current program that may fall under the authority of this new section; however, is the Enhancing Education Through Technology (Ed-Tech) program.[100] The goal of the Ed-Tech program is to improve student academic achievement through the use of technology in elementary and secondary schools, to ensure that each student is technologically literate by the end of eighth grade, and to encourage the effective integration of technology resources with teacher training and curriculum development.

Blueprint. Under the *Blueprint*, the Secretary would be permitted to set aside funds to carry out additional activities to improve teaching and learning in academic subjects, such as grants for the creation of high-quality educational digital content; grants to states to develop and improve their capacity to use technology to improve instruction; or grants to nonprofits to develop and implement innovative and effective strategies to improve the teaching and learning of specific subjects. Under the *Blueprint*, Ed-Tech would no longer be authorized as a separate program, but

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[99] The *Blueprint* did not outline any specific priority areas at the elementary and middle school level.

[100] ESEA Title II-D.

activities currently authorized by Ed-Tech could still be eligible to receive funding under other programs.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to content area instructional programs.

- Six current ESEA programs focused on reading, writing, and literacy would be consolidated into one Literacy program.

- The STEM program would change from a formula grant program to a competitive grant program.

- Eight ESEA programs would be consolidated into one program called Ensuring a Well-Rounded Education.

- Three ESEA programs would be consolidated into one program called College Pathways and Accelerated Learning.

- The current Ed-Tech program under the ESEA, Title II-D would no longer be authorized as a separate program.

V. Supporting the Whole Child

The Elementary and Secondary Education Act is composed predominantly of programs designed to provide for improved student achievement. It also includes programs that focus on other aspects of the lives of children that affect their academic achievement, including attending schools with a safe learning environment, having access to afterschool programs, and having opportunities to attend schools where educational opportunities, community services, and systems of family support are aligned. Currently, programs that address the needs of students beyond academics or the traditional school day are concentrated in Titles IV and V of the ESEA. The *Blueprint* proposes to increase funding for programs that support safe learning environment and proposes to fund programs that would support a range of activities to meet students' needs by consolidating multiple existing programs, expanding an existing program, and changing an existing program from a formula grant program to a competitive grant program.

Supporting Student Success

This section of the *Blueprint* focuses on proposed changes to the ESEA, Title IV programs (21st Century Community Learning Centers and the Safe and Drug Free Schools and Communities Act), and on the proposed expansion of the Promise Neighborhoods program. Under the *Blueprint*, a new program—titled Supporting Student Success—would fund innovative, comprehensive approaches to meet the full range of children's needs. This program would support a range of activities currently supported through the aforementioned ESEA, Title IV and V programs. Funded activities could include Promise Neighborhoods, before- and after-school programs, full-service community schools, extended learning time opportunities, and activities to ensure all students are safe, healthy, and supported in their schools and communities. These

activities are discussed within three sections of the *Blueprint*: Promise Neighborhoods; 21st Century Community Learning Centers (21st CCLC); and Successful, Safe, and Healthy Students.

Promise Neighborhoods

Current Law. The Promise Neighborhoods program is currently funded under demonstration authority (ESEA, Title V-D-1). According to the FY2011 budget request: "Promise Neighborhoods support the goal of all children and youth having access to high-quality educational opportunities, effective community services, and strong systems of family support necessary to address their fundamental needs so that they enter school prepared to learn and succeed in school, college, and beyond."[101] The Promise Neighborhood**s** program intends to build on the success achieved by the Harlem Children's Zone (HCZ)[102] in improving outcomes for the children and youth in the 97-block neighborhood it serves.

Blueprint. Under the *Blueprint*, competitive grants would be awarded to develop and implement, "a continuum of effective community services, strong family supports, and comprehensive education reforms to improve the educational and life outcomes for children and youth in high-need communities, from birth through college, and into careers."[103] Based on the FY2011 budget request, expanded funding for this program would support 18 to 20 one-year competitive planning grants for community based organizations serving high-need geographic areas and up to 10 five-year implementation grants.

21st Century Community Learning Centers

Current Law. The 21st Century Community Learning Centers is a formula grant program that emphasizes activities during non-school hours that offer learning opportunities for children and youth. The stated purposes of the program are to

- provide opportunities for academic enrichment to help students (particularly those attending low-performing schools) to meet state and local student academic achievement standards;

- offer students a wide variety of additional services, programs, and activities intended to reinforce and complement their regular academic program; and

- offer families of students served an opportunity for literacy and related educational development.

Blueprint. Under the *Blueprint*, the 21st CCLC program would be changed from a formula grant program to a competitive grant program.[104] Under the restructured program, competitive grants would be awarded to states, LEAs, and community based organizations. Priority would be given to applicants that propose to carry out programs to support the improvement of Challenge schools

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[101] ED, *Justification of Appropriations*, p. G-16.

[102] HCZ is a community-based organization serving over 17,000 children living in a 100-city-block area in Harlem, New York City. For more information, see http://www.hcz.org/home.

[103] The *Blueprint*, p.32.

[104] For more information on the 21st CCLC program, including information on formula allocation to states, see CRS Report RL31240, *21st Century Community Learning Centers: Background and Funding*, by (name redacted).

served under the proposed College- and Career-Ready programs, and to applicants that propose comprehensive, coordinated programs. It is not clear from the *Blueprint* how frequently competitions would occur. The *Blueprint* does not indicate whether all competitions would be open to all eligible entities, or would instead be targeted to different entities (e.g., separate competitions for states versus LEAs).

In addition to the out-of-school-time activities currently funded under 21st CCLC, the newly restructured program would fund extended learning time opportunities and full-service community schools.[105] It is not clear from the *Blueprint* whether a certain amount of the funds available for new grants would be allocated for full-service community schools and/or extended learning time opportunities, or whether applicants proposing to operate these programs would be competing with applicants proposing to operate before- and after-school programs for the same pool of competitive money.

The Administration's FY2011 budget request would provide level funding of $1.166 billion for a restructured 21st CCLC program. The restructured program would include

- 21st CCLC (ESEA, Title IV-B); and

- Full Service Community Schools (ESEA, Title V-D-1).

Successful, Safe, and Healthy Students

Current Law. The existing Safe and Drug-Free Schools and Communities Act (SDFSCA; ESEA, Title IV-A) is the federal government's major initiative to prevent drug abuse and violence in and around schools.[106] Through FY2009, the SDFSCA supported two major grant programs—one for State Grants and one for National Activities.[107] In FY2009, State Grants received $295 million in funding, and National Activities received $140 million. Prior to elimination of the State Grants program, critics had argued that the structure of the program was flawed and spread funds too broadly to support quality interventions. In FY2010, National Activities received $191 million in funding; State Grants received no funding.

Blueprint. Under the *Blueprint,* the Safe and Drug Free Schools and Communities National Activities program and several smaller programs would be consolidated into a new program called Successful, Safe, and Healthy Students. This program would provide competitive grants to SEAs and Title I-eligible LEAs and their partners. Grantees would be required to develop and implement a state or district-wide school climate needs assessment to evaluate school engagement, safety, and environment. Grantees would use funds to improve school safety and promote students' physical and mental well-being. Grantees could also use funds to reduce or

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[105] Community schools include those schools that coordinate and provide access to comprehensive services that address the developmental, physical, and mental health needs of their students, their families, and, as appropriate, their communities at the school site.

[106] For more information on this program, see CRS Report RL34496, *Safe and Drug-Free Schools and Communities Act: Program Overview and Reauthorization Issues*, by (name redacted).

[107] State Grants were distributed by a formula that allocated 50% of the funds on the basis of school-aged population, and 50% in proportion to ESEA Title I, Part A concentration grants for the preceding fiscal year. States subsequently awarded subgrants to local educational agencies (LEAs) using a formula that allocated 40% of an LEA's grant on the basis of school enrollment and 60% on the basis of an LEA's relative share of total Title I-A grants for the preceding fiscal year. LEAs were permitted to use their formula funds for a wide variety of activities intended to enhance violence prevention efforts and reduce drug and alcohol abuse.

prevent substance use and violence, harassment, or bullying; and to strengthen family and community engagement with the school. Priority would be given to applicants that propose to support partnerships between LEAs and nonprofit organizations, or propose to direct funds to schools with the greatest need (such as Challenge schools, or those identified through school climate surveys as having the greatest need).

The Administration's FY2011 budget proposal would consolidate several existing programs into the new Successful, Safe, and Healthy Students program, with proposed funding of $410 million for FY2011.[108] The following existing programs would be incorporated into this program:

- Safe and Drug-Free Schools and Communities National Activities (ESEA, Title IV-A);

- Elementary and Secondary School Counseling (ESEA, Title V-D-2);

- Physical Education Program (ESEA, Title V-D-10);

- Foundations For Learning (ESEA, Title V-D-14, Section 5542);

- Mental Health Integration in Schools (ESEA, Title V-D-14, Section 5541);

- Alcohol Abuse Reduction (ESEA, Title IV-A-2, Section 4129).

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to supporting the whole child.

- The Promise Neighborhood program would be expanded to provide effective community services, strong family supports, and comprehensive education reforms to improve the educational and life outcomes for children and youth in high-need communities, from birth through college, and into careers.

- The 21st CCLC would be changed from a formula grant program to a competitive grant program.

- The *Blueprint* would consolidate the Safe and Drug Free Schools and Communities National Activities program and several smaller programs into a new program called Successful, Safe, and Healthy Students, which would provide competitive grants to SEAs and Title I-eligible LEAs and their partners.

VI. Competition, Innovation, and Choice

The Elementary and Secondary Education Act supports educational programs through both formula and competitive funding. The majority of the funding is provided through Title I-A

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[108] According to the Administration's FY2011 budget request, the $410 million in funding would be allocated as follows: $5 million would be for grants to the Bureau of Indian Affairs and the outlying areas, $85 million for National Activities, $139 million for new competitive grants, $1 million for peer review, and $180.5 million for continuation awards to predecessor programs ($91.7 million for SDFSCA National Activities, $8.2 million for Alcohol Abuse Reduction, $36.5 million for Elementary and Secondary School Counseling, and $44.1 million for Physical Education programs).

formula grants. With the passage of the American Recovery and Reinvestment Act, however, ED was authorized to use an unprecedented amount of funding to conduct competitive grant programs. ED has expressed interest in continuing these competitive grant programs through ESEA reauthorization in addition to the existing formula grant programs. ED has also expressed an interest in continuing to offer public school choice options, such as charter schools and magnet schools.

Under the *Blueprint*, programs that support competition, innovation, and choice are discussed under the heading of Fostering Innovation and Excellence.

Fostering Innovation and Excellence

This section of the report discusses the *Blueprint* proposal with respect to supporting innovative programs that prepare students to be college- and career-ready and provide students with high-quality public school options. These programs include an expanded Race to the Top (RTTT) program, additional funding for the Investing in Innovation Fund (i3), a modified Charter Schools Program, and funding for public school choice and magnet schools.

Division A, Sections 14006 and 14007 of the ARRA authorized State Incentive Grants and the Innovation Fund. These programs are now known as Race to the Top and i3, respectively. The other programs discussed in this section are authorized under the Elementary and Secondary Education Act, Titles V-B and C. Each program and ED's relevant proposal are discussed below.

Race to the Top

Current Law. Under the State Fiscal Stabilization Fund created by the ARRA, $53.6 billion was appropriated to provide grants to states to increase state support for elementary and secondary education and public institutions of higher education. Of the funds appropriated, $5 billion was reserved for the Secretary to establish the RTTT program, and the Secretary was given the option to use up to $650 million of the $5 billion to establish the i3 program. The Secretary has done both.

The statutory language authorizing the RTTT competitive grant program specifies that grants must be made to states and that at least 50% of the funds received by states must be provided to LEAs receiving grants under the ESEA, Title I-A program. Since the program was authorized as part of the State Fiscal Stabilization Fund, the RTTT grants also include a variation of the four priorities associated with the State Fiscal Stabilization Fund. To receive a grant under the State Fiscal Stabilization Fund, states were required to provide assurances about specific school reform areas. ED modified these assurances to some extent for RTTT's first round of competition, added two eligibility priorities for receiving grants, and added several other areas in which states had to discuss their educational plans.[109]

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[109] In their RTTT applications, states were specifically asked to advance reforms around four areas outlined by the Secretary: (1) adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy; (2) building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction; (3) recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and (4) turning around the lowest-achieving schools. To be eligible to receive a RTTT grant, the state must have received both rounds of state funding under the (continued...)

Blueprint. The RTTT program proposed in the *Blueprint* is based on the current program with several modifications, including authorizing the program as part of the ESEA rather than the ARRA. Under the *Blueprint*, the RTTT program would be expanded to allow states and LEAs (rather than states) to compete for grants. According to ED, states would compete against other states for grants, and LEAs would compete against other LEAs.[110] ED indicated that it would like to allow LEAs in states that receive RTTT grants to separately compete for RTTT funds, but it was unclear whether the program would be implemented in this way. All grantees under the new program would be required to develop and implement comprehensive plans with the involvement of other stakeholders to "dramatically improve student outcomes." The plans would have to focus on college- and career-ready standards and associated assessments, providing better data on educational options to students and their families, providing better information to teachers to help them improve their practices, supporting effective teachers and school leaders, intervening in persistently low-performing schools, and supporting innovative reform models.

Grantees would continue to have flexibility in how they use their funds, but states would be required to award at least 50% of their funds to LEAs participating in the state plan. Under the current RTTT program, at least 50% of funds received by states must be awarded to Title I-A LEAs. This restriction on Title I-A LEAs would no longer apply. All grantees would be required to meet annual performance targets and to improve measurable outcomes for students and schools. The receipt of continuation funding would be contingent on grantees implementing their plans effectively and meeting their performance targets. Thus, it appears that states and LEAs could receive multi-year grants under the proposed RTTT program, as opposed to one-time grants under the current program. However, the *Blueprint* does not specify the number of years for which grants would be made. Finally, all grantees would be required to "invest in rigorous evaluation" of their performance and reform efforts.

Investing in Innovation

Current Law. The i3 program was established under Section 14007 of the ARRA. During FY2010, the Secretary will award $650 million in i3 competitive grants to LEAs, partnerships between nonprofit organizations and LEAs, or a consortium of schools for the purposes of allowing eligible entities to expand and develop innovative practices that can serve as models of best practice, to work in partnership with the private sector and the philanthropic community, and to identify and document best practices that can be shared and taken to scale on demonstrated success.

The Secretary has outlined four "absolute priorities" for the current i3 program: (1) Innovations that Support Effective Teachers and Principals, (2) Innovations that Improve the Use of Data, (3) Innovations that Complement the Implementation of High Standards and High-Quality Assessments, and (4) Innovations that Turn Around Persistently Low-Performing Schools. Applicants must choose one of these absolute priorities and address it in the application.

(...continued)

State Fiscal Stabilization Fund and may not have any legal, statutory, or regulatory barriers at the state level to linking data on student achievement or student growth to teachers and principals for staff evaluation purposes.

[110] Information provided by the U.S. Department of Education at a meeting with staff from the House of Representatives on March 25, 2010.

In addition to one absolute priority, applicants may choose to address one or more of the following "competitive preference" priorities: (1) Innovations for Improving Early Learning Outcomes, (2) Innovations that Support College Access and Success, (3) Innovations to Address the Unique Learning Needs of Students with Disabilities and Limited English Proficient Students, and (4) Innovations that Serve Schools in Rural LEAs.

The i3 program uses a "three-tiered evidence framework" to award three different types of grants (i.e., Development, Validation, and Scale-Up grants). The type of grant an applicant applies for is based on the level of evidence for the particular educational practice or program to be implemented and evaluated during the grant period. Each applicant for the i3 program is required to conduct or participate in an independent evaluation. In addition, each applicant must secure matching funds from the private sector equal to 20% of the grant award.

Blueprint. The i3 program proposed in the *Blueprint* is based on the current program with several modifications, including authorizing the program as part of the ESEA rather than the ARRA. Under the *Blueprint*, the i3 program would continue to provide competitive grants to expand the implementation of, and investment in, innovative and evidence-based practices, programs, and strategies that improve student outcomes. The Secretary would continue to use a three-tiered evidence framework that would provide higher levels of funding to programs and practices that are supported by stronger evidence. Each grantee would be required to conduct or participate in an independent evaluation of its project, and grantees would be required to form partnerships and secure matching funds. Under the *Blueprint*, the Secretary would be granted some discretion to give preference to applications that propose to develop or expand innovations around "specific pressing needs." Some of these needs are defined in the *Blueprint* as improving the teaching and learning of STEM subjects, improving early learning outcomes, addressing the learning needs of English language learners and students with disabilities, and serving schools in rural areas. In addition, the Secretary would be granted discretion to reserve funds for "inducement prizes" to incentivize interventions that dramatically improve educational outcomes.

The Administration's FY2011 budget summary requests $500 million for i3 and would consider the i3 program a newly authorized ESEA program. Of the $500 million, $150 million would be available for projects involving science, technology, engineering, and mathematics education. The description of the program in the budget summary appears to expand the current program so that states would be eligible applicants and could apply to "undertake special projects."[111]

Expanding Educational Options

Currently, there are federal competitive grant programs for charter schools, public school choice, and magnet schools. The *Blueprint* addresses the expansion of educational options across these programs. Under the *Blueprint*, ED would encourage "educational entrepreneurship" through expanded competitive grants that would be intended to increase the availability of high-quality public school options.

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[111] U.S. Department of Education, *Fiscal Year 2011 Budget Summary*, Washington, DC, 2010, p. 20, http://www2.ed.gov/about/overview/budget/budget11/summary/11summary.pdf.

Supporting Effective Charter Schools

Current Law. The ESEA authorizes three programs related to charter schools: Charter Schools Program (CSP; Title V-B-1), State Charter School Facilities Incentive Grants Program (Title V-B-1), and Credit Enhancement Initiatives to Assist Charter School Facility, Acquisition, Construction, and Renovation (Credit Enhancement for Charter School Facilities; Title V-B-2). For FY2010, these programs received a total of $256 million.[112]

CSP provides competitive grants to support the planning, program design, and initial implementation of charter schools, and the dissemination of information on charter schools.[113] SEAs in states with charter school laws may apply for grants.[114] These entities subsequently make competitive grants to charter schools. Charter schools can receive three-year planning[115] and implementation grants or dissemination grants of up to two years. Through the FY2010 Omnibus Appropriations Act (P.L. 111-117), several changes were made to the CSP, including requiring states applying for grants in FY2010 to describe their plan for monitoring and holding accountable public chartering agencies in the state through various activities (e.g., providing technical assistance or professional development). State applications are also required to contain assurances that state law, regulations, or other policies include requirements related to performance contracts and charter renewal decisions.[116]

The State Charter School Facilities Incentive Grants program is a competitive grant program that provides matching funds[117] to states to establish or enhance and administer per-student facilities allowances to help charter schools obtain facilities.[118] Only SEAs that have enacted a state law authorizing per-student annual facilities aid for charter schools may apply. To date, only four states have received grants under this program: California, the District of Columbia, Minnesota, and Utah.

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[112] The funds were appropriated for the CSP. The Secretary is permitted to use up to $23 million for State Charter School Facilities Incentive Grants and the Credit Enhancement for Charter School Facilities program.

[113] For the purposes of the current federal charter school programs authorized under the ESEA, a "charter school" is defined in Section 5210.

[114] If the SEA in a state does not apply for a grant, a charter school developer in that state may apply directly to ED for a grant.

[115] Charter schools receiving planning and implementation grants are limited to using the funds for not more than 18 months for planning and program design and not more than two years for the initial implementation of the charter school. Dissemination grants may only be awarded to charter schools that have been in operation for at least three consecutive years and have demonstrated overall success in improving student achievement, high levels of parent satisfaction, and the management and leadership necessary to overcome start-up problems and establish a financially viable charter school. Charter schools may not receive more than one of each type of grant.

[116] More specifically, state applications are also required to contain assurances that state law, regulations, or other policies require that (1) each authorized charter school operates under a legally binding charter or performance contract that describes the responsibilities of the school and chartering agency; requires annual, independent audits of the school's financial statements; and demonstrates improved student academic achievement; and (2) student performance for the all-students group and each relevant subgroup on state assessments required under ESEA, Title I-A is the most important factor in determining whether to renew or revoke a charter.

[117] Competitive grants are made for up to five years. The federal share of the cost of the program cannot exceed 90% in the first year, 80% in the second year, 60% in the third year, 40% in the fourth year, or 20% in the fifth year.

[118] This program is authorized as part of the CSP. The specific program authorization appears in Section 5205(b). The program uses the same state grant priorities criteria as the CSP (Section 5205(e)).

The Credit Enhancement program provides grants to eligible entities to demonstrate innovative credit enhancement initiatives to assist charter schools in meeting the costs of acquiring, constructing, and renovating facilities. Entities eligible to apply for grants include public entities (including state or local governments), private nonprofit entities, or a consortium of a public entity and a private nonprofit entity.

Blueprint. Under the *Blueprint*, ED would continue to provide competitive grants to start or expand high-performing charter schools, but would expand the scope of the program to include the start or expansion of high-performing autonomous public schools. According to the *Blueprint*, autonomous public schools are schools that resemble charter schools with respect to having at least as much autonomy as charter schools over their operations, including staffing, budget, schedule, and program. Charter schools and autonomous schools receiving grants under the program would be required to be held to the same accountability system as traditional public schools and be subject to additional accountability for improving student academic achievement.

Grants would be made to states, charter school authorizers, charter management organizations, LEAs, and nonprofit organizations. Applicants would be evaluated based on their track record of "funding, supporting, authorizing, managing, or operating" high-performing charter schools or autonomous public schools. They would also be evaluated based on their record of eliminating funding for or closing low-performing charter schools or autonomous public schools, as well as their commitment to improving the quality of their schools. Grantees would be required to develop plans to demonstrate how all students in the school would be served, including students with disabilities, and how information would be provided to students and their families to ensure they are aware of their education options.

The *Blueprint* also indicates that ED would support grantees in developing their capacity to support and hold schools accountable under this competitive grant program. Grantees at all levels would be permitted to set aside funds to build their capacity for these purposes. Under the *Blueprint*, charter management organizations that agree to work with LEAs in improving schools operated by the LEA may be eligible for larger grants.[119] It is unclear whether these would be traditional public schools or autonomous public schools.

The *Blueprint* does not specifically discuss either of the two existing charter school facilities-related programs. Rather, the *Blueprint* indicates that the Secretary, at his discretion, could reserve a portion of funds to improve charter schools' access to facilities or funding for facilities.

Promoting Public School Choice

Current Law. The ESEA, Title V-B-3 authorizes the Voluntary Public School Choice program. The program provides competitive grants for up to five years to support the establishment or expansion of public school choice. Eligible grantees for the program include SEAs, LEAs, or partnerships of SEAs and LEAs, and other public, for-profit or nonprofit entities. In making awards under this program, priority is given to applications that provide the widest variety of choice to participating students, would have the greatest effect in allowing students who attend low-performing schools to attend high-performing schools, and propose partnerships to implement interdistrict (i.e., among LEAs) choice. Grant recipients must use funds to pay the

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[119] The *Blueprint* does not provide any indication of how large grants would be for any grantees.

transportation costs associated with students choosing to attend different public schools.[120] Grantees are required to develop their programs with parent, community, and educator involvement. They are also required to notify parents in the area to be served by the program about the existence of the program, the program's availability, and how the program will operate.

Blueprint. Under the *Blueprint*, competitive grants would continue to be made to LEAs, consortia of LEAs, and states working in partnership with LEAs[121] to increase public school options for students, especially students attending low-performing schools, and to ensure that students and their families are aware of these options. The program would continue to focus on interdistrict and intradistrict choice programs but would be expanded to include support for theme-based schools, high-quality online education programs, or academic pathways.[122] Grantees would be required to provide students, families, and communities with information about how to "identify, evaluate, and access high-quality educational options." Several priorities would be established for awarding grants, including priority for interdistrict choice programs, programs that provide comprehensive choices to all students in an LEA, and programs "that increase diversity in the schools served by the program."[123]

Magnet Schools Assistance Program

Current Law. Under current law, the Magnet Schools Assistance program is designed to assist in the desegregation of schools served by LEAs by providing financial assistance for the elimination, reduction, or prevention of minority group isolation; development and implementation of magnet programs that will assist students in meeting academic standards; and development and design of innovative educational methods that promote diversity and increase school choice. Competitive grants are awarded for a period of three years to LEAs or consortia of LEAs that are implementing a court ordered desegregation plan[124] *or* are voluntarily implementing a desegregation plan that has been approved by the Secretary,[125] *and* the desegregation plan must be designed to bring together students from different social, economic, ethnic, and racial backgrounds. For the purposes of the program, a magnet school is defined as a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds. Magnet schools generally have an academic subject focus (e.g., engineering, science, arts) or a specialized method of instruction (e.g., International Baccalaureate program, Montessori).

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[120] Funds may also be used for planning or designing a public school choice program, the costs of making tuition transfer payments, capacity-enhancing activities to enable schools facing high demand for slots to accommodate transfer requests, and other costs necessary to implement the program.

[121] The *Blueprint* does not indicate that other nonprofit or for-profit entities would be eligible to receive grants as under current law.

[122] "Academic pathways" is not defined.

[123] This priority may raise constitutional issues depending on its actual implementation. For more information about this issue, see CRS Report RL33965, *The Constitution and Racial Diversity in K-12 Education: A Legal Analysis of the Supreme Court Ruling in Parents Involved in Community Schools v. Seattle School District No. 1*, by (name redacted).

[124] This includes a plan required by a state agency or a plan required by the Office of Civil Rights at ED.

[125] The Secretary must find the plan to be adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

Blueprint. Under the *Blueprint*, the Magnet Schools Assistance program would be retained as a competitive grant program. The program would place more emphasis on funding whole-school magnet programs or models that have demonstrated success in improving student academic achievement and reducing minority group isolation. According to ED, emphasizing these aspects of the program would expand and improve education options for students and increase diversity.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to choice, innovation, and competition.

- RTTT would become a newly authorized competitive grant program within the ESEA.

- i3 would become a newly authorized competitive grant program within the ESEA.

- Competitive grants would continue to be made available to start charter schools, but the scope of the program would be expanded to include support for the replication of high-performing charter schools and the start or expansion of high-performing autonomous public schools.

VII. ED's Priorities Across ESEA Programs

ED has outlined a set of additional priorities that cut across numerous programs within the Elementary and Secondary Education Act. These priorities are not directly tied to any program in particular and making comparisons between current law and these priorities is difficult because there is no parallel section of "priorities" within the ESEA. This report does not, therefore, attempt to make direct comparison between current law and the *Blueprint* within each of the following sections. Direct comparisons between the ESEA and the *Blueprint* are made in select sections, where appropriate.

Under the *Blueprint*, ED outlines its priorities for reauthorized programs under the ESEA in Additional Cross-Cutting Priorities.

Additional Cross-Cutting Priorities

ED states in the *Blueprint* that it seeks to "redefine the federal role in education: shifting from a focus merely on compliance to allowing state and local innovation to flourish, rewarding success, and fostering supportive and collaborative relationships with states, districts, and nonprofit partners."[126] ED seeks to redefine the federal role in several ways. For example, under the *Blueprint*, states and LEAs would be granted more flexibility in return for "improved outcomes." ED also proposes to expand programs, projects, and strategies that show results and focus on "key priorities" across programs.

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[126] *Blueprint*, p.39.

ED's discussion of cross-cutting priorities seems to be an effort to unite the proposed educational programs and policies and to create focus during the reauthorization of the ESEA. Although ED describes these priorities as "cross-cutting," the *Blueprint* does not offer sufficient detail to determine how each cross-cutting priority is reflected in the proposed programs and policies. The remaining sections of this report follow the *Blueprint* in its discussion of cross-cutting priorities and, where possible, provide details on how the priorities are incorporated into proposed programs and policies. "Additional cross-cutting priorities" discussed within the *Blueprint* include Flexibility for Success, Growing Success, Evaluation and Building the Knowledge Base, and Cross-Cutting Priorities.[127]

Flexibility for Success

In general, federal K-12 education assistance program requirements include activities or outcomes that SEAs or LEAs are expected to provide or achieve in order to establish accountability for the use of funds consistent with the purposes of authorizing statutes. These requirements are usually intended to provide *target accountability*, ensuring that funds are focused on eligible localities, students, and purposes; *outcome accountability*, ensuring that funds are used effectively to improve student achievement and improve the quality of K-12 instruction; and *fiscal accountability*, ensuring financial integrity and providing that federal funds constitute a net increase in resources.

Current Law. The ESEA contains several special flexibility authorities that allow exceptions to these general requirements. These include Ed-Flex; Secretarial case-by-case waivers; ESEA, Title I-A schoolwide programs; flexibility for small, rural LEAs; the Innovative Programs block grant; and Transferability authority; plus the State and Local Flexibility Demonstration Program (State-Flex and Local-Flex). In general, these authorities increase the ability of states or LEAs to use federal funding in accordance with their own priorities. These authorities, however, are significantly limited in terms of the number of states and LEAs that may participate, the number and size of the programs affected, or the range of requirements that may be waived.

Blueprint. Under the *Blueprint*, ED would provide states and LEAs with additional flexibility in how they spend "federal dollars" to improve student outcomes.[128] States and LEAs would be given the flexibility to use most federal administrative funds and reservations to build their capacity to support "reform and improvement." Most LEAs would also be provided with flexibility in how they spent more of their ESEA program funds, as long as they complied with the requirements associated with the funds and were improving student outcomes.

Growing Success

Under the *Blueprint*, ED indicates that it would reward grantees who are improving student outcomes but would also seek to replicate their best practices. Thus, for each competitive grant program discussed in the *Blueprint*, grantees that are "significantly improving" student outcomes would be eligible to received continuation funds as well as funds to expand their strategies to

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[127] The *Blueprint* contains a section on "Cross-Cutting Priorities" under the overall heading of "Additional Cross-Cutting Priorities."

[128] The *Blueprint* does not limit flexibility to federal funds administered by ED.

additional students, schools, LEAs, or states. This particular strategy for "growing success" would be used as a way to target federal funds to successful projects.

Evaluation and Building the Knowledge Base

The *Blueprint* proposes that federal, state, and local levels work together to use data for continuous improvement, test innovative ideas, evaluate and replicate promising approaches, and "scale-up" programs that show evidence of improved results. Under the authority of the American Recovery and Reinvestment Act, ED has begun to establish competitive grant programs that allow state and local levels to apply for funding to further certain school reform goals and to evaluate their progress toward these goals.[129] In addition, ED has offices that conduct policy analysis and evaluation at the federal level. The *Blueprint* may seek to expand these current mechanisms of evaluation or seek to align state, local, and federal evaluation.

Several offices currently conduct research that evaluates policies, programs, and practices for elementary and secondary education students. For example, the Office of Planning, Evaluation, and Policy Development (OPEPD) conducts evaluations of proposed education policy and designs, conducts, and reports on evaluations to describe program operations and outcomes to promote program improvement.[130] In addition, the Institute of Education Sciences (IES) has several centers that conduct evaluations of educational policies, programs, and interventions.[131] OPEPD and IES conduct both congressionally mandated evaluations and evaluations of broad national interest determined by ED.

Under the *Blueprint*, a "new evaluation authority" would authorize rigorous, objective evaluations of the ESEA programs, policies, and practices and support performance measurement of those programs. The Secretary would also submit to Congress a biennial plan on ESEA evaluation and performance measurement and would establish an independent panel that advises the Secretary on the plan. It is unclear whether the "new evaluation authority" refers to granting a new authority to an existing research and evaluation office within ED (e.g., OPEPD or IES) or creating a new office specifically designed to evaluate and foster ongoing improvement of ESEA programs.

The Administration's FY2011 budget includes $9.2 million for a "reauthorized Title I Evaluation authority," which would continue to evaluate the impact and implementation of Title I programs, including College- and Career-Ready Students and School Turnaround Grants programs. OPEPD currently conducts evaluations of Title I, so the "new" authority may extend their evaluation authority to conduct this type of work.

Cross-Cutting Priorities

The *Blueprint* discusses five other priorities that may be relevant to several areas of education reform: Technology, Evidence, Efficiency, Supporting English Learners and Students with Disabilities, and Supporting Rural and Other High-Need Areas. These priorities would not

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[129] See previous sections of this report: "Race to the Top" and "Investing in Innovation."

[130] For more information on the Policy and Program Studies Service of OPEPD, see http://www2.ed.gov/about/offices/list/opepd/ppss/index.html.

[131] For more information on the Centers of IES, see http://ies.ed.gov/centers.asp.

represent specific ESEA programs; however, states, LEAs, and schools would be encouraged to incorporate these priorities across their educational programs and policies. To date, ED has incentivized these priorities in some of its competitive grant programs, such as RTTT and i3, and may continue to do so in future competitive grant competitions. Based on the discussion in the *Blueprint*, it appears that the cross-cutting priorities are particularly relevant to competitive grants because competitive grants are a funding mechanism that typically allows the Secretary to grant "priority" to applicants. It is unclear how the Secretary would incentivize states to apply these priorities in formula grant programs.

Technology

In the *Blueprint*, ED states that the use of technology can improve how schools work, how teachers teach, and how students learn. ED would give priority to programs, projects, or strategies that leverage digital information or communications technology to accomplish the goals of a grant. Currently, ED incentivizes the use of technology in the RTTT and i3 grant programs. Within RTTT, states were given competitive priority if they proposed a high-quality plan to emphasize STEM across grades and disciplines and prepare more students for advanced study in STEM careers. In addition, both RTTT and i3 give priority to applications that improve how schools work in terms of improving data systems and using data to improve student outcomes.

Within the *Blueprint*, technology is incorporated into several programs, such as a Complete Education (i.e., Literacy, STEM, Ensuring a Well-Rounded Education, and Activities to Strengthen a Complete Education); however, as discussed previously, the Ed-Tech program would no longer receive a separate funding stream under the ESEA.

Evidence

Current Law. Under the ESEA, the concept of "evidence" is addressed through requirements for using "scientifically based research." Scientifically based research is defined in the ESEA as "research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs."[132] The term includes empirical methods—both experimental and quasi-experimental—that rely on observation or experimentation and have results that are accepted by a peer-reviewed journal or a panel of independent experts.

Blueprint. In the *Blueprint*, ED proposes that funding be devoted to areas with the most evidence of effectiveness in improving outcomes for students. ED would give priority to programs, projects, or strategies on the strength of their evidentiary base. The i3 program currently uses a three-tiered framework of evidence to award competitive grants. Some of the selection criteria within the RTTT program also requires states to provide specific evidence to support educational programs proposed within the grant.

In the *Blueprint*, "evidence-based" is mentioned within the context of College- and Career-Ready Students, Effective Teachers and Leaders, Literacy, STEM, Ensuring a Well-Rounded Education, i3, Expanding Educational Options, and Evaluation and Building the Knowledge Base. In most cases, ED has not defined the type or level of evidence required for a program or policy to be

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[132] ESEA, Section 9101(37).

"evidence-based."[133] It is unclear at this time whether the shift from "scientifically based research" to "evidence-based" programs and policies is intentional or whether this would have any discernible effect on the type or level of evidence required to determine the effectiveness of a program or policy.

Efficiency

In the *Blueprint*, ED states that priority may be given to programs, projects, or strategies that are designed to significantly increase the efficiency in the use of resources to improve student outcomes. It is unclear how the priority of efficiency relates to current or proposed ED programs. In the RTTT program, the application briefly mentions that applicants may be judged on their ability to effectively and efficiently implement their RTTT programs, including grant administration and oversight, budget and reporting, and performance measure tracking and reporting, and fund disbursement. Within the *Blueprint*, efficiency is only mentioned in the Cross-Cutting Priorities section and is not mentioned in relation to any proposed programs.

Supporting English Learners and Students with Disabilities

In the *Blueprint*, ED restates a central theme of the ESEA: schools, LEAs, and states must be held accountable for educating all students, including English language learners and students with disabilities. ED states that more work could be done to develop and scale-up effective strategies for these two groups of students. The Secretary may grant priority to programs, projects, or strategies that are designed to specifically improve the performance of English language learners or students with disabilities.

English language learners and students with disabilities are mentioned throughout the *Blueprint*. The primary legislation covering the elementary and secondary education of English language learners is the ESEA, while the primary legislation covering the education of students with disabilities is the Individuals with Disabilities Education Act. The *Blueprint* provides some detail on ELL education programs (as discussed in "English Learner Education") but relatively little information on education programs for students with disabilities.

In general, ELLs and students with disabilities are mentioned together within specific programs in the *Blueprint* (e.g., College- and Career-Ready Students, Assessing Achievement, Great Teachers and Great Leaders, etc.). Although both groups of students are mentioned together and some students are in both groups, each group has unique educational needs that cannot necessarily be addressed by the same policy, program, or practice. For example, an assessment that accurately measures what ELLs know and can do may not be an appropriate assessment for some students with disabilities. As another example, teachers who are effective in the instruction of ELLs may not be trained to teach students with disabilities.

Within the current i3 program, applicants are given competitive preference points for proposing to meet the unique learning needs of ELLs or students with disabilities. In the i3 program, the

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[133] The exception to this statement is the i3 program, in which ED defined three levels of evidence: plausible hypothesis, moderate evidence, and strong evidence. For more information, see http://www2.ed.gov/legislation/FedRegister/finrule/2010-1/031210a.html.

needs of ELLs or students with disabilities could be addressed within any of the four absolute priority areas.[134]

Supporting Rural and Other High-Need Areas

Under the *Blueprint*, ED would implement strategies to ensure that rural districts and other high-need districts are not disadvantaged in the process of applying for competitive grants. These "strategies" are not discussed in the *Blueprint*, but it is possible that ED may offer more technical assistance to rural and other high-need districts in applying for and administering competitive grants. It may also be possible for ED to structure new competitive grant programs in a way that either gives priority to rural and other high-need districts or incentivizes partnerships between these districts and districts that may be perceived to be more competitive in the grant process.

Currently, the i3 program awards competitive preference points to applicants that propose to develop or implement innovations that serve schools in rural LEAs. In the i3 program, applicants could propose to support rural and other high-need areas within any of the four absolute priority areas.[135] If the i3 program is reauthorized as a new ESEA program, as outlined by the *Blueprint*, it is possible that support of rural and other high-need areas may be continued through the use of competitive preference points.

Summary of Key Provisions

Below are highlights of key changes the Administration proposes with respect to priorities across ESEA programs.

- The presence of clearly defined priorities across ESEA programs would represent a new organizational construct for the legislation that is not currently used across the ESEA.

- It is unclear how or where these additional cross-cutting priorities would be represented in new legislation.

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[134] See "Investing in Innovation" for more information on the absolute priority areas.

[135] See "Investing in Innovation" for more information on the absolute priority areas.

Appendix. Tables

Table A-1. Alignment Between Stated Priorities in the *Blueprint* and Discussion of These Priorities

Priority Area/Focus	Broad Discussion Section	Page in the *Blueprint* on Which Discussion Begins
College- and Career-Ready Students		
Raising standards for all students	College- and Career-Ready Students	7
Better assessments	College- and Career-Ready Students	7
A complete education	A Complete Education	25
Great Teachers and Leaders in Every School		
Effective teachers and principals	Great Teachers and Leaders	13
Our best teachers and leaders where they are needed most	Great Teachers and Leaders	13
Strengthening teacher and leader preparation and recruitment	Great Teachers and Leaders	13
Equity and Opportunity for All Students		
Rigorous and fair accountability for all levels	College- and Career-Ready Students	7
Meeting the needs of diverse learners	Meeting the Needs of English Language Learners and Other Diverse Learners	19
Greater equity	College- and Career-Ready Students	7
Raise the Bar and Reward Excellence		
Fostering a Race to the Top	Fostering Innovation and Excellence	35
Supporting effective public school choice	Fostering Innovation and Excellence	35
Promoting a culture of college readiness and success	A Complete Education	25
Promote Innovation and Continuous Improvement		
Fostering innovation and accelerating success	Fostering Innovation and Excellence	35

Priority Area/Focus	Broad Discussion Section	Page in the *Blueprint* on Which Discussion Begins
Supporting,, recognizing, and rewarding local innovations	Additional Cross-Cutting Priorities	39
Supporting student success	Successful, Safe, and Healthy Students	31

Source: Table prepared by CRS based on CRS review of the U.S. Department of Education, *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, 2010.

Note: The broad discussion area cited in the table references the primary discussion of a specific priority. Individual priorities may be included in other sections of the *Blueprint* discussion.

Table A-2. Comparison of Key Provisions Under the Elementary and Secondary Education Act (ESEA) and the U.S. Department of Education's *Blueprint* for ESEA Reauthorization

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
College- and Career-Ready Students	
College- and Career-Ready Students	
Title I-A of current law, known as the Education for the Disadvantaged program, includes numerous accountability requirements with which states, local educational agencies (LEAs), and schools have to comply as a condition of receiving funds.	Title I-A would be known as the College- and Career-Ready program. It would continue to be the vehicle to which numerous (but different) accountability requirements would be attached.
States are required to adopt standards and assessments in the subjects of reading/language arts and mathematics in each of grades 3-8. States are required to adopt standards and assessments for at least one grade in the range of 10th-12th grade. States are required to adopt standards and assessments in science for three grade levels (once in each of the following grade spans: 3-5, 6-9, and 10-12). Currently, only the results of the reading/language arts and mathematics assessments are required to be included in state accountability systems for meeting the requirements of Title I-A.	States would be required to adopt state-developed standards in language arts/reading and mathematics for grades 3-12 that ensure that students graduate from high school college- and career-ready. States would be required to adopt assessments aligned with these standards in each of grades 3-8. States would be required to administer a high school assessment to determine whether students are college- and career-ready. States would be required to continue to have science standards and assessments, as under current law. These assessments and statewide assessments administered in other subject areas could be included in a state's accountability system.
Each year, states, LEAs, and schools are reviewed to determine whether they are making adequate yearly progress (AYP). AYP is defined primarily on the basis of multiple aggregations of student scores on states' assessments of academic achievement in language arts and mathematics. States are permitted to include other academic indicators, such as student achievement on state assessments in other subjects, in their accountability systems.	The current system of AYP would be replaced by a new system based on statewide assessments in reading/language arts, math, and science. States would be permitted to expand the accountability system to include any subject in which a statewide assessment is administered. (Additional details about how the system would function appear below.)
States are required to establish an Academic Achievement Awards program to recognize schools that are making academic gains and to implement a system of outcome accountability specified in statutory language. Under the current system of AYP, schools and LEAs that fail to make AYP for two consecutive years or more are subject to a system of outcome accountability. At the school level, this includes being identified for improvement, corrective action, and restructuring.	States would be required to develop accountability systems that reward schools and LEAs for growth in student achievement and academic success. These systems would be required to use "rigorous Interventions" for the lowest-performing schools and LEAs. (Additional details about how the system would function appear below.)
AYP standards developed by states must incorporate concrete movement toward the goal of having all students reach the proficient level or higher in reading/language arts or math by the end of the 2013-2014 school year.	The current goal of having all students reach the proficient level or higher in reading/language arts or math by the end of the 2013-2014 school year would be eliminated. It would be replaced by a goal of having all students graduate from high school college- and career-ready by 2020.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
Student achievement on state assessments is generally measured using a "group status model," which determines what percentage of students overall and in various subgroups meet a uniform level of performance established by the state for the assessments. Achievement is also measured using a "safe harbor" provision, under which a school that does not meet the aforementioned uniform level of expected performance but is making a certain level of progress toward the goal of all students being proficient in reading/language arts and math by 2013-2014 is considered to have made AYP. Through regulations, states are also permitted to use growth models to determine whether students are on track to be proficient.	Academic performance would no longer be evaluated based on absolute performance and proficiency. Rather, individual student growth and school progress over time would be taken into account in evaluating performance.
States are required to establish an Academic Achievement Awards program to recognize schools that are making academic gains and to implement a system of outcome accountability specified in statutory language.	There would be an increased focus on rewarding schools, LEAs, and states that reach performance targets, "significantly" increase student performance for all students, close achievement gaps, and turn around the lowest-performing schools. Schools, LEAs, and states that meet these criteria would be referred to as "Reward" schools, LEAs, and states. Among other benefits, Reward LEAs would be provided with flexibility in implementing interventions in their lowest-performing schools. Competitive preference may be given to Reward states, "high-need" Reward LEAs, and "high-need" schools in some federal grant competitions.
Under the current system of AYP, schools and LEAs that fail to make AYP for two consecutive years or more are subject to a system of outcome accountability. At the school level, this includes being identified for improvement, corrective action, and restructuring. Schools identified for improvement are required to provide students with an opportunity to attend a public school in the LEA that is making AYP, provide supplemental educational services (SES), use at least 10% of their Title I-A funding for professional development, and develop and implement a school improvement plan. Once a school reaches corrective action, it is required to implement one of several actions specified in statutory language (e.g., replacing school staff, extending the school year), in addition to the actions previously required. At the restructuring stage, the school is required to implement some form of alternative governance structure, including reopening as a charter school, replacing all or most of the school staff, contracting with an education management organization to operate the school, turning the school over to the state, or any other "major restructuring" of the school's governance structure.	States would be required to identify three categories of schools in need of "specific assistance." The first category of schools, Challenge schools, would include the lowest-performing 5% of schools in each state. These schools would be required to implement one of four turnaround models. Presumably, these would be the four turnaround models that would be used for School Turnaround Grants (see below). The second category of schools, Warning category schools, would include the next 5% of the lowest-performing schools. States and LEAs would be required to implement "research-based, locally-determined strategies" to assist these schools. The third category of schools, also known as Challenge schools, would include schools that fail to close "significant, persistent achievement gaps." LEAs would be required to implement "data-driven interventions" to assist students who are the lowest performing and to close the achievement gap.
Schools failing to make AYP for two consecutive years and for a third year are required to offer a public school choice and SES, respectively.	LEAs would have the option to implement public school choice or SES for Challenge schools.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
Building Capacity for Support at Every Level	
States are able to reserve 4% of their Title I-A funds for school improvement purposes. Of these funds, up to 5% may be reserved for state administration and state activities. States may also reserve up to 5% of their School Improvement Grant funds for state-level school improvement activities and administration. None of these funds are specifically reserved for capacity building at the state level.	States and LEAs would be permitted to reserve funds from their Title I-A allocation to build their capacity to support schools, school leaders, teachers, and students. The amount of the reservation is not specified.
LEAs must reserve up to 20% of their Title I-A allocations to provide public school choice and supplemental educational services (SES) in schools that fail to make AYP for at least two consecutive years.	LEAs would be required to reserve a portion of their Title I-A grants to improve school performance in high-need schools. The amount of the reservation is not specified. In addition, LEAs would no longer be required to provide public school choice or SES.
Fostering Comparability and Equity	
Services provided with state and local funds in schools participating in Title I-A must be comparable to those in non-Title I-A schools of the same LEA. This is known as the concept of comparability. LEAs can meet the requirement without reporting any data that compare expenditures or resources in Title I-A versus non-Title I-A schools, and do not have to account for seniority-based salary differentials for teachers.	Comparability would be retained as a fiscal accountability requirement. LEAs receiving Title I-A funds would be required to report on school-by-school per-student expenditures for personnel and relevant nonpersonnel expenditures.[b]
Assessing Achievement	
States receive formula grants to fulfill the assessment requirements of Section 1111(b) of the ESEA. These requirements include the development and implementation of assessments in English language arts and mathematics annually for students in grades 3-8 and once for students in high school. In addition, the requirements include the development and implementation of science assessments at least once in each of three grade spans (3-5, 6-8, and 9-12).	States would receive formula grants to develop and implement assessments aligned with college- and career-ready standards in English language arts and mathematics. These assessments would measure student academic achievement and growth, provide feedback to support and improve teaching, and measure school success and progress. States would also use the funds to develop additional statewide assessments in other academic or career and technical subjects, and to develop high school course assessments, English language assessments, and interim or formative assessments.
States (or consortia of states) may apply to receive competitive grants to develop and implement assessments for the purpose of improving the quality, validity, and reliability of state assessments beyond what is required by Section 1111(b).	A consortia of states (and other partnership entities) would be eligible to apply for competitive grants to research, develop, and improve additional assessments in the areas of science, history, or foreign languages; high school course assessments in academic and career and technical subjects; universally designed assessments; and assessments for English language learners and students with disabilities.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
School Turnaround Grants	
Under the School Improvement Grant (SIG) program, formula grants are made to states, which subsequently make competitive grants to LEAs to serve low-performing schools. For the purposes of the program, these low-performing schools are identified by the state and must have been identified for improvement, corrective action, or restructuring, or have a graduation rate of less than 60%. Depending on the specific criteria met by each school, the state places the school into one of three tiers established by ED. LEAs serving schools in two of the three tiers are required to use one of four models to improve these schools. These models include the turnaround model, restart model, school closure model, and transformation model. With the exception of one of the three tiers, schools receiving SIG funds must also receive Title I-A funds.	The program would be renamed School Turnaround Grants. Funds would continue to be awarded by formula to states and competitively at the local level, but could be awarded to LEAs or partnerships of LEAs and nonprofit organizations. Grantees would continue to be required to implement one of four models specified by ED in low-performing schools. These schools would no longer be identified based on their identification for improvement, corrective action, or restructuring, as ED would no longer use the current system of outcome accountability. Rather, schools would be identified using the new accountability system described by ED in the *Blueprint*. It appears that low-performing schools do not have to be receiving Title I-A funds or be eligible to receive Title I-A funds to receive a grant under this program.
Great Teachers and Great Leaders	
Effective Teachers and Leaders	
The Improving Teacher Quality State Grants program (ESEA, Title II, Part A) awards formula grants to states, which then award subgrants to LEAs (95% of grant funds) after reserving funds for state activities.	States would continue to receive formula grants under Title II-A, and the program would be renamed Effective Teachers and Leaders State Grants. The *Blueprint* does not specify any hold harmless provisions or population elements or formula weights. States would continue to award subgrants to LEAs and would be allowed to reserve up to 10% of grant funds for state activities.
States may use funds for a variety of activities and primarily used them to reform teacher and principal certification or licensing requirements. States must ensure that all core subject-matter teachers were "highly qualified" by the end of the 2005-2006 school year.	States would be required to develop definitions of "effective teacher," "effective principal," "highly effective teacher," and "highly effective principal" in collaboration with stakeholders that are "based in significant part on student growth and also include other measures, such as classroom observations." States would be required to develop data systems that link information on teacher and principal preparation programs to the job placement, student growth, and retention outcomes of their graduates.
LEAs may use funds for a variety of activities focused on improving teacher quality; however most LEAs used three-quarters of their funds for two activities: professional development and class-size reduction.	LEAs would be required to use funds to develop and implement fair and meaningful teacher and principal evaluation systems; foster and provide collaboration and development opportunities; build instructional teams; and improve instructional practice through effective, ongoing, job-embedded professional development.
States and LEAs are required to issue reports annually on the progress made toward meeting the highly-qualified teacher deadline. LEAs are required to issue these reports publicly and report progress for the LEA and each school within the LEA. States are required to submit reports annually to the Secretary.	State and district report cards would be required to included biennial publication of key indicators of program success, including information on teacher qualifications and teacher and principal designations of effectiveness; teachers and principals hired from high-performing pathways; teacher survey data on levels of support and working conditions in schools; the novice status of teachers and principals; teacher and principal attendance; and retention rates of teachers by performance level.

Current Law Provisions Under the ESEAª	Provisions Included in the *Blueprint* for Reauthorization
Teacher and Leader Innovation Fund	
The Teacher Incentive Fund (ESEA, Title V-D) supports the reform of teacher and principal compensation systems so that teachers and principals are rewarded for successful job performance (including gains in student achievement), for teaching in hard-to-staff schools or subjects, and for taking on additional responsibilities and leadership roles.	A new Teacher and Leader Innovation Fund would be established that builds on the Teacher Incentive Fund and supports compensation reforms and complementary reforms of teacher and principal development and evaluation, teacher placement, and other practices. The program would support states and districts willing to, "implement ambitious reforms to better identify, recruit, prepare, develop, retain, reward, and advance effective teachers, principals, and school leadership teams." These programs would be required to differentiate among teachers and principals on the basis of their students' growth and other measures and must use this information to differentiate credentialing, professional development, retention, advancement, and rewards for effectiveness.
The Advanced Credentialing program (ESEA, Title II-A) awards grants to the National Board for Professional Teaching Standards (NBPTS) and the National Council on Teacher Quality (later transferred to the American Board for the Certification of Teacher Excellence(ABCTE)) to support the development and implementation of advanced certifications or credentials for teachers who have demonstrated mastery in the teaching of their academic discipline.	NBPTS and other nonprofit organizations eligible for a grant under Advanced Credentialing would be eligible to partner with states and LEAs and compete for an Innovation Fund grant.
Teacher and Leader Pathways	
Five programs prepare and recruit new teachers and leaders into the profession: Transition to Teaching (ESEA, Title II-C-1-B); School Leadership (ESEA, Title II-A, Section 2151(b)); Teacher Quality Partnerships (HEA, Title II-A); Teach for America (HEA, Title VIII-F); and Teacher for a Competitive Tomorrow (America COMPETES Act Title VI-A-1).	Five existing competitive grant programs would be merged into a new competitive grant program called the Teacher and Leader Pathways.

Meeting the Needs of English Learners and Other Diverse Learners

English Learner Education	
No requirements for identifying limited English proficient (LEP) students.	States would be required to establish consistent statewide criteria for identifying LEP students and placing them in and exiting them from language instruction educational programs.
The law mandates certain actions when an LEA fails to meet its annual measurable achievement objectives for two and four consecutive years.	LEAs would be provided with less flexibility under these circumstances, and states would be required to provide more oversight.
LEAs choose and evaluate effectiveness of language instruction educational programs, and states use the evaluation to provide technical assistance to improve the program or discontinue funding.	States would be required to create a system to evaluate the effectiveness of language instruction educational programs and select effective programs.
States report the total number and percentage of LEP students served meeting various benchmarks.	States would be required to disaggregate data about LEP students by subgroups. (Specific subgroups were not specified.)

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
Title III funds are allocated by formula.	While funds would continue to be provided by formula, funds would also be provided for at least one competitive grant program.
Migrant Education	
Grants are made to states by formula using outdated data.	Grants would continue to be made to states by formula, but the formula would use more accurate and timely data.
Homeless Children and Youths Education	
The Education for Homeless Children and Youths program (currently authorized under the McKinney-Vento Homeless Assistance Act) provides assistance to state education agencies (SEAs) to ensure that all homeless children and youth have equal access to the same free and appropriate public education, including public preschool education, that is provided to other children and youth. Grants made by SEAs to LEAs under this program must be used to facilitate the enrollment, attendance, and success in school of homeless children and youth. LEAs may use funds for activities such as tutoring, supplemental instruction, and referral services for homeless children and youth, as well as for providing them with medical, dental, mental, and other health services.	The program would be renamed the Homeless Children and Youth Education program. The formula would be changed to allocate awards based on the most recent data available on each state's share of homeless students.
Under current law, homeless children may be educated in separate schools for short periods of time for health and safety emergencies or to provide temporary, special, supplementary services.	The current exception to the prohibition on operating separate schools for homeless children and youth would be eliminated.
Neglected and Delinquent Children and Youth Education	
The Neglected and Delinquent Children and Youth Education state grant program (Title I-D-1) awards formula grants to states based on the number of children in state-operated institutions and per-student expenditures for the state.	The state formula grant program under ESEA, Title I-D-1 would be continued.
The Neglected and Delinquent Children and Youth Education local agency program (Title I-D-2) draws funds for local subgrants from a state-level reservation of local Title I-A grants. Subgrants are awarded to LEAs with high numbers or percentages of children and youth residing in locally operated correctional facilities.	The LEA subgrant program under ESEA, Title I-D-2 would be continued.
Indian, Native Hawaiian, and Alaska Native Education	
Part A provides funding for the language needs of Indian students, for the incorporation of American Indian- and Alaska Native-specific curriculum content into the curriculum used by the LEA and for bilingual and bicultural programs.	Part A would provide funding for native language immersion and restoration.
The ESEA allows tribal governing bodies and school boards to develop academic content and achievement standards, assessments, and an alternative definition of AYP.	Funding would be provided for the development of tribal-specific academic content and achievement standards and assessments.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
BIE-funded schools are not eligible for some ESEA grant programs.	BIE-funded schools would be eligible to participate in additional ESEA programs.
There is no formal relationship between tribal education departments (TEDs) and public schools.	A relationship between TEDs and LEAs or public schools would be formalized.
LEAs and charter schools are not eligible to apply for Part B and Part C grants.	LEAs and charter schools would be eligible to apply for Part B and Part C grants.

Rural Education

The Rural Education Achievement Program (Title VI-B) provides two formula grants under Subparts 1 and 2 to rural LEAs that enroll either a small number of students or a large proportion of low-income students.	Formula grants for both rural programs would be continued with the current, even split of funds between Subparts 1 and 2 of Title VI-B.
Eligibility under the Subpart 1 Small, Rural School Achievement (SRSA) program requires that an LEA, among other requirements, must serve only schools that (1) have a National Center for Education Statistics (NCES) locale code of 7 (rural) or 8 (rural near an urban area), or (2) are located in an area of the state defined as rural by a governmental agency of the state. Eligibility under the Subpart 2 Rural Low-Income School (RLIS) program requires that an LEA, among other requirements, must serve only schools that have an NCES locale code of 6 (small town), 7 (rural), or 8 (rural near an urban area).	The method used to identify districts as rural would be updated. The *Blueprint* provides no detail as to how the method would be updated; however, given that NCES recently completed the process of updating its locale codes, these new codes would presumably be incorporated into the updated identification method.[c]
"REAP Flex" gives authority to SRSA grantees to use their REAP funds to carry activities authorized under Part A of Title I, Title III (Language Instruction), or Part B of Title IV (21st Century Community Learning Centers).	"REAP Flex" authority would be expanded to RLIS grantees.
No national activities are authorized.	The Secretary would be authorized to reserve REAP funds for national activities such as technical assistance and research on innovative programs that are designed to help rural districts overcome common capacity constraints.

Impact Aid

Impact Aid, authorized under ESEA, Title VIII, compensates LEAs for the loss of tax revenue resulting from federal activities, such as the ownership of certain federal lands or the enrollment of federally connected children (e.g., children of parents in the military) in LEAs.	No substantive changes to the program are discussed.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
A Complete Education	
Literacy	
The ESEA authorizes the following six programs to promote literacy: 1) Striving Readers (ESEA, Title I-E); 2) Even Start Family Literacy Programs (ESEA, Title I-B-3); 3) Literacy Through School Libraries (ESEA, Title I-B-4); 4) National Writing Project (ESEA, Title II-C-2); 5) Reading Is Fundamental (ESEA, Title V-D-5); and 6) Ready-to-Learn Television (ESEA, Title II-D-3).	Current literacy programs would be consolidated into a new program called Effective Teaching and Learning: Literacy. This restructured literacy program would be a competitive grant program serving children from preK through grade 12.
Science, Technology, Engineering, and Math (STEM)	
The Math and Science Partnership (MSP) program (ESEA, Title II, Part B) awards formula grants to states, which then award subgrants to partnerships that must include the engineering, mathematics, or science department of a higher education institution, and at least one high-need LEA.	The MSP program would be replaced with a new Effective Teaching and Learning: Science, Technology, Engineering, and Mathematics program. The proposed program would award competitive grants to states that would subsequently award subgrants to high-need LEAs and eligible partnerships, which are not defined. States would be permitted to reserve funds for state-level (e.g., coordination) activities, and ED would be permitted to reserve funds for national activities (e.g., State Capacity-Building grants).
Advanced Placement competitive grants (Title I-G) support two programs: the Advanced Placement Test Fee program and the Advanced Placement Incentive program. The purpose of both programs is to support state and local efforts to increase access to Advanced Placement (AP) and International Baccalaureate (IB) classes and tests for low-income students. The statute requires ED to give priority to funding the Advanced Placement Test Fee program, with remaining funds allocated to Advanced Placement Incentive grants.	Advanced Placement would be consolidated with two other existing competitive grant programs, the High School Graduation Initiative (ESEA, Title I, Part H) and Javits Gifted and Talented Education (ESEA, Title V, Part D), to create a new College Pathways and Accelerated Learning program. This new program is further discussed in a subsequent section of this table.
Teachers for a Competitive Tomorrow (America COMPETES Act, Title VI-A-1) awards competitive grants to enhance and improve teachers' content knowledge by funding the development of master's- and baccalaureate-level degree programs that provide integrated courses of study in STEM, or critical foreign languages, in conjunction with teacher education.	Teachers for a Competitive Tomorrow would be consolidated with four existing competitive grant programs to create a new Teacher and Leader Pathways program. This consolidation is discussed in greater detail in the Great Teachers and Great Leaders section of this table.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
The Higher Education Act (HEA) authorizes four STEM education programs: 1) Minority Science and Engineering Improvement (Title III, Part E, Subpart 1, $9.5 million in FY2010); 2) TRIO, Upward Bound Math and Science (Title IV, Part A, Subpart 2, $35.2 million in FY2010); 3) Graduate Assistance in Areas of National Need (Title VII, Part A, Subpart 2, $31 million in FY2010); and 4) National Science and Mathematics Access to Retain Talent (SMART) Grants (Title IV, Part A, Subpart 1).[d]	Level funding would be provided for all four STEM education programs currently authorized under the HEA.

Ensuring a Well-Rounded Education

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
The ESEA authorizes the following eight programs to improve educational achievement in several subjects: 1) Excellence in Economic Education (ESEA, V-D-13); 2) Teaching American History (ESEA, II-C-4); 3) Arts in Education (ESEA, V-D-15); 4) Foreign Language Assistance (ESEA, V-D-9); 5) Academies for American History and Civics (American History and Civics Education Act and ESEA, V-D); 6) Close Up Fellowships (ESEA, section 1504); 7) Civic Education: We the People (ESEA II, Part C-3-a, section 2344); and 8) Civic Education: Cooperative Education Exchange (ESEA II, Part C-3-b, section 2345).	Eight existing programs would be consolidated to create a new program called Effective Teaching and Learning for a Well-Rounded Education. The new program would award competitive grants to states, high-need LEAs, and nonprofit partners to improve educational achievement in the arts, foreign languages, history and civics, financial literacy, environmental education, and other subjects. The new program would support the development or expansion of instructional practices that benefit all students and may include professional development, better assessments, state- and locally-determined curricula aligned with state standards, or innovative technology. Priority would be given to proposals that integrate teaching and learning across academic subjects, use technology, and ensure that high school coursework is aligned with college and university expectations.

College Pathways and Accelerated Learning

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
The ESEA authorizes the following three programs to provide accelerated learning opportunities: 1) High School Graduation Initiative (ESEA, I-H); 2) Advanced Placement (ESEA, I-G); and 3) Javits Gifted and Talented Education (ESEA, V-D).	Three existing programs would be consolidated to create a new program called College Pathways and Accelerated Learning. Grantees under the new program would serve elementary and middle school students by providing access to gifted and talented education programs, particularly in high-poverty schools. At the high school level, grantees would be encouraged to implement strategies such as expanding the Advanced Placement and International Baccalaureate programs, including early-college or dual-enrollment programs that allow high school students to earn credit towards a college degree.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
Activities to Strengthen a Complete Education	
Not applicable.	The Secretary would be permitted to set aside funds to carry out additional activities to improve teaching and learning in academic subjects, such as grants for the creation of high-quality educational digital content; grants to states to develop and improve their capacity to use technology to improve instruction; or grants to nonprofits to develop and implement innovative and effective strategies to improve the teaching and learning of specific subjects.
Successful, Safe, and Healthy Students	
Promise Neighborhoods	
The Promise Neighborhoods program was first funded through demonstration authority in Title V-D-1 in FY2010. This program funds neighborhood based initiatives that provide comprehensive services intended to improve the educational and life outcomes for children from birth through college.	The Promise Neighborhoods program would be expanded.
21st Century Community Learning Centers (21st CCLC)	
The 21st CCLC program is a formula grant program to states. States are awarded grants in proportion to the awards they received Title I-A funding for the preceding fiscal year. SEAs must award at least 95% of their state allotment to eligible local entities (defined as LEAs, community based organizations, other public or private entities, or consortia of one or more of the above).	The 21st CCLC program would be changed from a formula grant program to states to a competitive grant program.
The 21st CCLC program emphasizes activities during non-school hours that offer learning opportunities for children and youth. Funds are most commonly used to provide after school activities.	In addition to the out-of-school-time activities funded under the existing program, the newly restructured program would also fund extended learning time opportunities and full-service community schools.
Successful, Safe, and Healthy Students	
The Safe and Drug-Free Schools and Communities Act (SDFSCA; Title IV-A) is the federal government's major initiative to prevent drug abuse and violence in and around schools. The SDFSCA currently supports competitive grant awards for National Activities.	The Safe and Drug Free Schools and Communities National Activities program would be consolidated with several smaller program into a new competitive grant program—Successful, Safe, and Healthy Students. The programs to be consolidated include: Safe and Drug-Free Schools and Communities National Activities; Elementary and Secondary School Counseling,; the Physical Education Program; Foundations For Learning,; Mental Health Integration in Schools; and Alcohol Abuse Reduction.

Current Law Provisions Under the ESEAª	Provisions Included in the *Blueprint* for Reauthorization
Fostering Innovation and Excellence	

Race to the Top

The Race to the Top (RTTT) program was authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5), not by the ESEA. The program provides competitive grants to states. States are required to provide at least 50% of the funds they receive to LEAs receiving Title I-A funds. Funds provided to states under this program are provided on a one-time basis.

A modified version of the RTTT program would be authorized under the ESEA. For example, competitive grants could be made to states or LEAs. States receiving grants would be required to award at least 50% of their funds to LEAs participating in the state plan. These would not have to be LEAs receiving Title I-A funds. The receipt of continuation funding would be based on grantees effectively implementing their plans and meeting their performance targets.

Investing in Innovation

Under the authority of the ARRA, not the ESEA, competitive grants are awarded to LEAs, partnerships between nonprofit organizations and LEAs, or a consortium of schools for the purposes of allowing eligible entities to expand and develop innovative practices that can serve as models of best practice, to work in partnership with the private sector and the philanthropic community, and to identify and document best practices that can be shared and taken to scale on demonstrated success.

As a newly authorized ESEA program, competitive grants would be awarded to LEAs and other entities to provide competitive grants to expand the implementation of, and investment in, innovative and evidence-based practices, programs, and strategies that improve student outcomes. In addition, awards to states and other entities to undertake "special projects" would be provided. The Secretary would have some discretion to give preference to applications that propose to develop or expand innovations around "specific pressing needs."

The i3 program uses a "three-tiered evidence framework" to award three different types of grants (i.e., Development, Validation, and Scale-Up grants). The type of grant an applicant applies for is based on the level of evidence for the particular educational practice or program to be implemented and evaluated during the grant period.

Grant determinations would continue to be based on the same "three-tiered evidence framework."

Each applicant for the i3 program is required to conduct or participate in an independent evaluation. In addition, each applicant must secure matching funds from the private sector equal to 20% of the grant award.

Each grantee would be required to conduct or participate in an independent evaluation of its project, and grantees would be required to form partnerships and secure matching funds.

Expanding Educational Options

Three federal programs are authorized to provide support to public charter schools: Charter Schools program, State Charter School Facilities Incentive Grants program, and Credit Enhancement for Charter School Facilities. The Charter Schools program provides grants to states, which subsequently make competitive grants to charter schools for planning, implementation, and dissemination. Funds may also be used to support the replication and expansion of successful charter school models. The remaining two programs focus on charter school facilities issues. Of the appropriation currently provided for the Charter School Program for FY2010, the Secretary is permitted, at his discretion, to reserve a specific amount of funding for the facilities focused programs.

Competitive grants would be provided to start or expand high-performing charter schools, as well as to start or expand high-performing autonomous public schools. The Secretary would be permitted to reserve a portion of funds appropriated for the program to improve charter schools' access to facilities or funding for facilities.

Current Law Provisions Under the ESEA[a]	Provisions Included in the *Blueprint* for Reauthorization
Competitive grants are authorized under the Voluntary Public School Choice program to support the establishment or expansion of public school choice. Grantees must use funds to pay the transportation costs associated with students choosing to attend different schools. Grantees are required to notify parents in the area to be served by the program.	The program would be retained as a competitive grant program focused on increasing public school options for students, especially students attending low-performing schools (as discussed previously), and to ensure students and their families are aware of their educational options.
The Magnet Schools Assistance program provides competitive grants to LEAs designed to assist in the desegregation of schools served by LEAs by providing financial assistance for the elimination, reduction, or prevention of minority group isolation and development and implementation of magnet programs and innovative educational methods that promote diversity and increase school choice.	The program would be retained as a competitive grant program with greater emphasis placed on funding whole-school magnet programs or models that have demonstrated success in improving student academic achievement and reducing minority group isolation.

Source: Table prepared by CRS based on CRS analysis of the U.S. Department of Education, *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*, 2010. This table provides a summary of similarities and differences of key provisions; however, it does not include the same level of detail as the discussion in the text and does not discuss every section of the *Blueprint*.

a. Relevant provisions from the ARRA (P.L. 111-5) and the McKinney-Vento Homeless Assistance Act (MVHAA) have also been included in this column in instances where ED would include a program in the ESEA that is based on ARRA or MVHAA provisions.

b. The *Blueprint* provisions build on comparability requirements included in the ARRA. Under these requirements, LEAs receiving Title I-A funds or School Improvement Grant funds under the ARRA were required to provide school-by-school per-student expenditures from state and local sources during the 2008-2009 school year. Seniority-based salary differentials were required to be included in these comparability determinations.

c. Additional information about this issue is available in CRS Report R40853, *The Rural Education Achievement Program: Title VI-B of the Elementary and Secondary Education Act*, by (name redacted).

d. Due to underutilization of both American Competitiveness and SMART Grants, the Administration proposes to defer $561 million in FY2010 funds for these programs to FY2011 and return $597 million to the Treasury.

Table A-3. Programs Subject to Consolidation Under the Administration's FY2011 Budget Request and the *Blueprint*

(dollars in thousands)

FY2010				FY2011				FY2010–FY2011 Request
Programs Subject to Consolidation	Award Type	Appropriation	Total Appropriation for Programs that Would Be Consolidated	New Program Authority		Award Type	Requested Appropriation	Change in Appropriation
Ready to Teach	C	$10,700	$2,958,449	Effective Teachers and Leaders		F	$2,500,000	-$458,449
Teacher Quality State Grants	F	$2,947,749						
Advanced Credentialing	C/DA	$10,649	$410,649	Teacher and Leader Innovation Fund		C	$950,000	+$439,351
Teacher Incentive Fund	C	$400,000						
School Leadership	C	$29,220	$136,111	Teacher and Leader Pathways		C	$405,000	+$268,889
Teach for America[a]	C/DA	$18,000						
Teacher Quality Partnerships[a]	C	$43,000						
Teachers for a Competitive Tomorrow[a]	C	$2,184						
Transition to Teaching	C	$43,707						
Even Start	F	$66,454	$413,348	Effective Teaching and Learning for a Complete Education	Effective Teaching and Learning: Literacy	C	$450,000	+$36,652
Literacy through School Libraries	C	$19,145						
National Writing Project	DA	$25,646						
Reading is Fundamental	DA	$24,803						
Ready-to-Learn Television	C	$27,300						
Striving Readers	C	$250,000						
Mathematics and Science Partnerships	F	$180,478	$180,478		Effective Teaching and Learning: STEM	C	$300,000	+$119,522

FY2010				FY2011				FY2010–FY2011 Request
Programs Subject to Consolidation	Award Type	Appropriation	Total Appropriation for Programs that Would Be Consolidated	New Program Authority		Award Type	Requested Appropriation	Change in Appropriation
Teaching American History	C	$118,952	$226,084	Effective Teaching and Learning for a Complete Education (continued)	Effective Teaching and Learning for a Well-Rounded Education	C	$265,000	+$38,916
Academies for American History and Civics	C	$1,815						
Civic Education	C/DA	$35,000						
Close-Up Fellowships	DA	$1,942						
Excellence in Economic Education	C	$1,447						
Foreign Language Assistance	C	$26,928						
Arts in Education	C/DA	$40,000						
Educational Technology State Grantsb	F	$100,000	$100,000		na	na	$0	-$100,000
Advanced Placement	C	$45,840	$103,303	College Pathways and Accelerated Learning		C	$100,000	-$3,303
High School Graduation Initiative	C	$50,000						
Javits Gifted and Talented	C/DA	$7,463						

	FY2010			FY2011			FY2010–FY2011 Request
Programs Subject to Consolidation	**Award Type**	**Appropriation**	**Total Appropriation for Programs that Would Be Consolidated**	**New Program Authority**	**Award Type**	**Requested Appropriation**	**Change in Appropriation**
Alcohol Abuse Reduction	C	$32,712	$364,966	Successful, Safe, and Healthy Students	C	$410,000	+$45,034
Elementary and Secondary School Counseling	C	$55,000					
Foundations for Learning	C	$1,000					
Mental Health Integration in Schools	C	$5,913					
Physical Education	C	$79,000					
Safe and Drug-Free Schools and Communities National Programs	C	$191,341					
Charter School Grants	C	$256,031	$409,104	Expanding Educational Options	C	$490,000	+$80,896
Credit Enhancement for Charter School Facilitiesᶜ	C	$8,300					
Parental Information and Resource Centers	C	$39,254					
Smaller Learning Communities	C	$88,000					
Voluntary Public School Choice	C	$25,819					
Total		$5,302,492	$5,302,492			$5,870,000	+$567,508

Source: Table prepared by CRS based on analysis of the FY2011 budget request included in U.S. Department of Education, *Justifications of Appropriation Estimates to the Congress: FY2011*, 2010.

Notes: With respect to the type of program, the interpretation of how to classify a program was primarily based on relevant statutory language. In some cases, programs may have a "trigger" appropriations level at which the program is either formula or competitive. For example, Math and Science Partnership grants are made on a competitive basis if the program appropriation is below $100 million. At an appropriations level of $100 million or higher, grants are made by formula. For programs with "trigger" levels, the designation in the table reflects the current type of program based on the FY2010 appropriations level. As appropriate, the table indicates which

existing ESEA programs would be consolidated under proposed program authority in FY2011. It is unclear, however, under which title in the ESEA the consolidated programs would then be placed.

    F: Funds awarded primarily through formula grants.

    C: Funds awarded primarily through competitive grants.

    DA: Funds awarded based on congressionally directed authorization or appropriation.

a.   The proposed program authority for Teacher and Leader Pathways would also consolidate several non-ESEA programs: Teacher Quality Partnerships (Higher Education Act Title II-A), Teachers for a Competitive Tomorrow (America COMPETES Act VI-A-1), and Teach for America (Higher Education Act VIII-F).

b.   The Administration proposes incorporating the integrated use of technology throughout ESEA programs and would no longer have a specific program dedicated to funding education technology.

c.   The $8.3 million the Administration anticipates using for the Credit Enhancement Charter School Facilities program will be subtracted from the total funding provided for Charter School Grants ($256.031 million) per statutory provisions in the Consolidated Appropriations Act , 2010 (P.L. 111-117).

Table A-4. Programs Not Subject to Consolidation or Elimination Under the Administration's FY2011 Budget Request and the *Blueprint*

(dollars in thousands)

Program	FY2010			FY2011		FY2010–FY2011 Request
	Award Type	Appropriation		Award Type	Requested Appropriation	Change in Appropriation
School Improvement Grants (School Improvement Grants)	F	$545,633		F	$900,000	$354,367
Title I-A (College- and Career-Ready Students)	F	$14,492,401		F	$14,492,401	$0
Migrant Education Program	F	$394,771		F	$394,771	$0
Neglected and Delinquent	F	$50,427		F	$50,427	$0
Evaluation (Title I)	C	$9,167		C	$9,167	$0
English Language Acquisition (English Learner Education)	F	$750,000[a]		F	$800,000[a]	$50,000[a]
21st Century Community Learning Centers[a]	F	$1,166,166		C	$1,166,166	$0
Magnet Schools	C	$100,000		C	$110,000	$10,000
Fund for the Improvement of Education (National Programs)	C/DA	$125,461		S/C	$25,000	-$100,461
Promise Neighborhoods	C	$10,000		C	$210,000	$200,000
Women's Educational Equity	C	$2,423		C	$2,278	-$145
Assessing Achievement	F	$410,732		F	$450,000	$39,268
Rural Education	F	$174,882		F	$174,882	$0
Indian Education	F	$127,282		F	$127,282	
Native Hawaiian Education	C/DA	$34,315		C	$34,315	$0
Alaska Native Education	C/DA	$33,315		C	$33,315	$0
Impact Aid	F	$1,276,183		F	$1,276,183	$0
Subtotal for existing ESEA programs	—	$19,703,158		—	$20,256,187	$553,029
Race to the Top[b]	na	$0		C	$1,350,000	$1,350,000
Investing in Innovation[c]	na	$0		C	$500,000	$500,000
Homeless Education[d]	F	$65,427		F	$65,427	$0
Total	—	$19,768,585		—	$22,171,614	$2,403,029

Source: Table prepared by CRS based on analysis of the FY2011 budget request included in U.S. Department of Education, *Justifications of Appropriation Estimates to the Congress: FY2011*, 2010.

Notes: With respect to the type of program, the interpretation of how to classify a program was primarily based on relevant statutory language. In some cases, programs may have a "trigger" appropriations level at which the program is either formula or competitive.

F: Funds awarded primarily through formula grants.

C: Funds awarded primarily through competitive grants.

DA: Funds awarded based on congressionally directed authorization or appropriation.

a. Activities authorized by this program would be expanded from before and after school activities to also include full service community schools and extended learning time opportunities.

b. The Race to the Top program was initially authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). It received an appropriation only in FY2009.

c. The Investing in Innovation fund was initially authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5). It received an appropriation only in FY2009.

d. Based on an analysis of the U.S. Department of Education, *A Blueprint for Reform: the Reauthorization of the Elementary and Secondary Education Act*, it appears that the Homeless Education for Children and Youth program would be removed from the McKinney-Vento Homeless Education Assistance Act and included in the ESEA.

Table A-5. ESEA Programs Slated for Elimination Under the Administration's FY2011 Budget Request

(dollars in thousands)

Program	FY2010 Appropriation	FY2011 Requested Appropriation
Exchanges with Historic Whaling and Trading Partners	$8,754	$0
Troops-to-Teachers[a]	$14,389	$0
Total	$23,143	$0

Source: Table prepared by CRS based on review of the FY2011 budget request included in U.S. Department of Education, *Justifications of Appropriation Estimates to the Congress: FY2011*, 2010.

Note: The Education Technology State Grants program would also be eliminated. In FY2010, the program was funded at $100,000. It is not reflected on this table because the Administration depicts it with its program consolidations.

a. Program would be transferred to the U.S. Department of Defense.

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