

Bipartisan Compromise on No Child Left Behind



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Senate HELP Committee Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA) have released a long-awaited compromise bill that would reauthorize the *Elementary and Secondary Education Act*, a.k.a. *No Child Left Behind*. We think this deal is a huge step forward toward fixing the things we all know need updating from that decade-and-a-half old law while maintaining the provisions that have spurred huge student improvement, especially among the students with the highest needs.

We are deeply encouraged to see the following components included in the bill:

- Maintaining the requirement for annual testing, and for reporting performance overall as well as among the highest-needs groups of students.

- Allowing states to break up those assessments into multiple tests throughout the year that can later be combined into one score, keeping the data comparable but giving states and districts the ability to get rid of duplicative tests and giving teachers and parents access to information about how their students are doing earlier in the year, when it is more useful.
- Letting states set their own goals for improvement, and allowing states to use multiple factors as part of those goals (not just test scores), but requiring their plans to be approved by the Department of Education, who can deny funds if there is “substantial evidence” that the state doesn’t meet federal requirements—which include having goals for students overall and for high-needs groups, as well as giving “substantial weight” to factors that indicate college and career readiness (though we’d prefer to see the language removed that says the Secretary can’t define what “substantial” means).
- Allowing for the development of innovative assessments like the one just approved in New Hampshire, but limiting them to 5 in the first three years and ensuring that those innovative tests will produce comparable data and are intended to be scaled up statewide if the pilot works (not to create a patchwork of different district tests).
- Keeping Title I funds directed at the schools and students for which they were intended by eliminating the “portability” proposal from Senator Alexander’s initial draft bill, reinstating the requirement that a school must have at least 40% poverty to institute a Title I funded school-wide program, and reinstating the “maintenance of effort” requirement so that states have to continue to commit their own money rather than just replacing it with federal funds.

- Requiring states to ensure that low-income students and students of color have equal access to good teachers and that they measure and publicly report their progress on achieving that goal of teacher equity.

We hope that the amendment process can improve two major things:

- Allowing the Department of Education to step in if a state or district consistently fails its own goals over and over again (currently the state plans are approved for 7 years with no ability for the federal government to step in again during that long time frame).
- Putting in place more specificity about what kind of failure must designate a school as low performing, so that designating just a handful of schools or none as low performing is not an option, and so that schools cannot be labeled high performing if they are miserably failing certain groups of students.

The bill that Senators Murray and Alexander have negotiated strikes a thoughtful balance. It maintains crucial federal guardrails that weren't included in the original draft circulated earlier this year, allowing states to set their own goals but making clear what those goals need to entail, especially for high-need students. It represents a huge step forward. If every Member of Congress approaches this upcoming debate with the same spirit that has generated this compromise, there's no doubt we will see a new law passed this year—one that will continue to build on the progress we've made since *No Child Left Behind* and set our students up for success in an increasingly competitive global economy.

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