

## S 3578

### Elementary and Secondary Education Reauthorization Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Education

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## Sponsor

**Name:** Sen. Harkin, Tom [D-IA]

**Party:** Democratic • **State:** IA • **Chamber:** Senate

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Reported Original Measure	Sep 20, 2012

## Subjects & Policy Tags

### Policy Area:

Education

## Related Bills

Bill	Relationship	Last Action
112 HR 5933	Related bill	Sep 26, 2012: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
112 HR 3614	Related bill	Mar 29, 2012: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
112 S 1178	Related bill	Jun 9, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
112 S 622	Related bill	Mar 17, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Elementary and Secondary Education Reauthorization Act of 2011 - Revises and reauthorizes programs under the Elementary and Secondary Education Act of 1965 (ESEA).

**Title I: Ensuring College and Career Readiness for All Students** - Amends title I of the ESEA to revise the school improvement program under part A.

Eliminates the requirement that local educational agencies (LEAs) and schools make adequate yearly progress toward state academic performance standards or be subject to specified improvements, corrective action, or restructuring.

Requires states to adopt college and career ready academic content and achievement standards and assessments in reading, mathematics, science, and English language proficiency.

Requires states to adopt and implement assessments of student progress toward those standards that measure the overall performance of students in each public school and the performance of their poor, minority, disabled, and English learner subgroups. Allows states to adopt alternate academic achievement standards and assessments for students with the most significant cognitive disabilities.

Allows states to measure student growth toward those standards and to develop and administer computer adaptive assessments that determine whether each student is meeting or exceeding the on-track level of performance for his or her grade level.

Requires states to provide for the improvement of all schools that are low-performing overall or have low-performing student subgroups on those assessments or, in the case of high schools, low graduation rates.

Subjects schools to improvement strategies if they are identified as persistently low-achieving or achievement gap schools due to their students overall or one or more of their student subgroups having among the lowest reading and mathematics scores or lowest high school graduation rates in the state.

Requires each LEA that serves an achievement gap school to develop and implement a measurable and data-driven correction plan to improve the performance of the school's low-achieving subgroups.

Requires LEAs to conduct a data-driven needs analysis of each of their persistently low-achieving schools and use it to select and implement, as appropriate for each school: (1) a transformation strategy, (2) a strategic staffing strategy, (3) a turnaround strategy, (4) a whole school reform strategy, (5) a restart strategy, or (6) a school closure strategy.

Requires LEAs to allow students at persistently low-achieving schools to transfer to another of its public schools that has not been identified as persistently low-achieving, unless that option is prohibited by state law.

Replaces the School Support and Recognition program with the Blue Ribbon Schools program that allows states to award their highest performing schools with increased autonomy, flexibility in using ESEA funds, and monetary rewards.

Requires teachers to be highly-qualified if teaching a core academic subject in a program supported with school improvement funds, but makes this requirement applicable only to new teachers if the state has fully implemented a teacher and principal evaluation system.

Requires LEAs to show that: (1) combined state and local per-pupil expenditures in each of their schools served under

part A are not less than the average combined state and local per-pupil expenditures for their schools not served under part A; or (2) the average combined state and local per-pupil expenditures at its high-poverty schools are no less than those expenditures at its low-poverty schools, if LEAs serve all of their schools under part A.

Directs the Secretary to award grants to states to develop, improve, or administer their college and career ready academic standards and assessments.

Replaces part B (Student Reading Skills Improvement Grants) of title I with new Pathways to College grant programs that: (1) assist schools in implementing innovative and effective secondary school reform strategies, and (2) cover part or all of the Advanced Placement (AP) or International Baccalaureate (IB) examination fee low-income students incur.

Amends the program, under part C (Education of Migratory Children), providing grants to states for the education of migratory children. Requires migratory children to be given the opportunity to meet the same college and career readiness standards as other children.

Amends part D (Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk)I. Requires states to ensure that students who have been placed in the juvenile justice system are promptly re-enrolled in secondary school or placed in re-entry programs that best meet their educational and social needs.

Replaces part E (National Assessment of Subchapter I) with a new part E (Educational Stability of Children in Foster Care) program to facilitate the educational transition of children that move to a new school attendance area as the result of being placed in foster care, changing their foster care placement, or leaving foster care.

Eliminates parts F (Comprehensive School Reform), G (Advanced Placement Programs), and H (School Dropout Prevention).

**Title II: Supporting Excellent Teachers and Principals** - Replaces title II (Preparing, Training, and Recruiting High Quality Teachers and Principals) with a new title II (Supporting Excellent Teachers and Principals). Strikes parts A (Teacher and Principal Training and Recruiting Fund), B (Mathematics and Science Partnerships), C (Innovation for Teacher Quality) and D (Enhancing Education Through Technology) of title II.

Transfers responsibility for the operation and administration of the Troops-to-Teachers program from the Department of Education to the Department of Defense (DOD) and amends the program.

Establishes a new: (1) part A (Continuous Improvement and Support for Teachers and Principals) program to train and increase the number and equitable distribution of high-quality teachers and principals; (2) part B (Teacher Pathways to the Classroom) program to support the recruitment, selection, preparation, placement, retention, and support of teachers in high-need subjects or fields at high-needs schools; (3) part C (Teacher Incentive Fund) for the development, implementation, improvement, or expansion of performance-based evaluation and compensation systems for teachers and principals; and (4) part D (Achievement through Technology and Innovation) program to enhance the use of educational technology.

**Title III: Language and Academic Content Instruction for English Learners and Immigrant Students** - Amends title III (Language Instruction for Limited English Proficient and Immigrant Students) to refer to limited English proficient students as English learners.

Amends part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act), which provides funding to states to improve the education of English learners. Eliminates the Emergency Immigrant Education

program. Authorizes Indian tribes or educational entities that receive grants under the part A program to use them for Native American immersion and restoration programs.

Allows states to continue providing title III services to students who have reached the English language proficiency level if they are not yet on track to meet the state college and career readiness standards in other subjects.

Revises the professional development grant program for English language instructors.

Directs the Secretary to establish an independent commission on the assessment and advancement of English learners to provide the Secretary with advice regarding the education of English learners and their inclusion in state assessment and accountability systems.

Strikes part B (Improving Language Instruction Educational Programs).

**Title IV: Supporting Successful, Well-Rounded Students** - Replaces title IV (21st Century Schools) with a new title IV (Supporting Successful, Well-Rounded Students).

Replaces part A (Safe and Drug-Free Schools and Communities) with a new Improving Literacy Instruction and Student Achievement program, which provides funding to states to improve the literacy of children from birth through grade 12.

Creates a new part B (Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement) program, providing funds to states to improve preschool and elementary and secondary school science, technology, engineering, and mathematics (STEM) education.

Establishes a new part C (Increasing Access to a Well-Rounded Education) program, which provides funding to states to increase the access of low-income students to high-quality courses in the arts, civics and government, economics, environmental education, financial literacy, foreign languages, geography, health education, history, physical education, or social studies.

Establishes a new part D (Successful, Safe, and Healthy Students) program, which provides funding to states to foster comprehensive improvements to school-level conditions for learning.

Revises the 21st Century Community Learning Centers program. Includes summer learning, and expanded learning time activities in the program. Requires the program to serve students who primarily attend high-need schools and schools identified as achievement gap or persistently low-achieving schools.

Establishes a new part F (Promise Neighborhoods) program, awarding Promise Neighborhood Partnership grants and Promise School grants to partnerships of nonprofit organizations and high-need LEAs to provide education and student support services to children who live in distressed neighborhoods or attend high-poverty schools.

Establishes a new part G (Parent and Family Information and Resource Centers) program, which provides funds to nonprofit organizations to operate state parent and family information and resource centers.

Requires part I funds to support nationally significant programs that help all children meet the college and career ready academic content and achievement standards required by this Act.

**Title V: Promoting Innovation** - Replaces title V (Promoting Informed Parental Choice and Innovative Programs) with a new title V (Promoting Innovation).

Creates a new part A (Race to the Top) program that awards grants to states and high-need LEAs to carry out one or more educational goals selected by the Secretary. Lists those goals.

Creates a new part B (Investing in Innovation) program to support the school innovation efforts of public schools and LEAs.

Revises the Magnet Schools Assistance program under part C, which provides grants to LEAs to establish and operate magnet schools under a court-ordered desegregation plan or voluntary desegregation plan approved by the Secretary.

Replaces the existing Public Charter Schools program under part B with a new Public Charter Schools program under part D. Establishes under part D: (1) a subpart 1 (Successful Charter Schools Program), to support the creation, expansion, or replication of high-performing charter schools; and (2) a subpart 2 (Charter School Facility Acquisition, Construction, and Renovation), to improve access to facilities and facilities financing for high-performing charter schools.

Revises Voluntary Public School Choice Programs to support the establishment or expansion of inter- or intra-district public school choice programs that enable students attending achievement gap or persistently low-achieving schools to attend high-quality public schools, including charter schools.

**Title VI: Promoting Flexibility; Rural Education** - Redesignates title VI (Flexibility and Accountability) as title VI (Promoting Flexibility; Rural Education).

Replaces part A (Improving Academic Achievement) with a new part A (Transferability) program that allows states and LEAs to transfer funds they are allotted for state-level and local-level activities, respectively, by an ESEA formula grant to other state or LEA formula grant programs under the ESEA.

Prohibits states and LEAs from transferring any funds that originate in titles I, III, VII, or VIII out of each respective title.

Amends part B (Rural Education Initiatives) of title VI to give LEAs that qualify for funding under both the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs the option to choose the program for which they would prefer to receive funding.

**Title VII: Indian, Native Hawaiian, and Alaska Native Education** - Amends title VII (Indian, Native Hawaiian, and Alaska Native Education).

Amends part A (Indian Education) to revise the programs under subparts 1 (Formula Grants to Local Educational Agencies), 2 (Special Programs and Projects to Improve Educational Opportunities for Indian Children and Youth), 3 (National Activities), and 4 (Federal Administration).

Provides support for Native American language immersion and restoration programs.

Preserves the national research activities under subpart 3, but strikes: (1) the in-service training for teachers of Indian children program, (2) the fellowships for Indian students program, (3) the gifted and talented Indian students program, (4) the grants to tribes for education administrative planning and development program, and (5) the improvement of educational opportunities for adult Indians program.

Revises the Native Hawaiian Education program.

Includes among the approved uses of grant funds, workforce preparation and training for Native Hawaiian youth.

Revises the Alaska Native Education program.

**Title VIII: Impact Aid** - Amends title VIII (Impact Aid). Alters calculations made in determining the payments due LEAs for federal ownership of property, or for federally-connected children, within their areas. Directs the Secretary to complete Impact Aid payments to eligible LEAs within three fiscal years of their appropriation.

**Title IX: General Provisions** - Amends title IX (General Provisions) to establish additional definitions for terms that are applicable throughout the ESEA.

Allows students who are threatened by, or the victim of, a criminal offense at their public school to attend a safe public school within the LEA's jurisdiction. (Currently, this unsafe school choice option is available only to students attending schools identified as persistently dangerous or to students who become victims of a criminal offense at their public school.)

**Title X: Commission on Effective Regulation and Assessment Systems for Public Schools** - Commission on Effective Regulation and Assessment Systems for Public Schools Act - Establishes a Commission on Effective Regulation and Assessment Systems for Public Schools.

**Title XI: Amendments to Other Laws; Miscellaneous Provisions** - McKinney-Vento Homeless Education

Reauthorization Act of 2011 [sic]- Amends the McKinney-Vento Homeless Assistance Act to revise, and reauthorize appropriations for, the Education for Homeless Children and Youth program, which provides funds to states for the education of homeless youth.

Amends the Department of Education Organization Act to establish in the Department of Education an Advanced Research Projects Agency-Education (ARPA-ED) to pursue breakthrough research and development in educational technology and provide for its effective use.

## **Actions Timeline**

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- **Sep 20, 2012:** Introduced in Senate
- **Sep 20, 2012:** Committee on Health, Education, Labor, and Pensions. Original measure reported to Senate by Senator Harkin. With written report No. 112-221. Additional views filed.
- **Sep 20, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 531.