



H.J. Res. 57 – The Ongoing Republican Assault on Public Education

Republicans are using the Congressional Review Act process to overturn critical safeguards and protections for America’s students and working families. H.J. Res 57 is the most recent attempt to dismantle and undermine the U.S. Department of Education and jeopardize educational equity.

On February 2, 2017, Rep. Todd Rokita (R-IN), Chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, introduced a joint resolution of disapproval under the Congressional Review Act (CRA) to nullify, and prevent the Department of Education from re-regulating the rule clarifying state and district flexibilities related to accountability, data and reporting, and state plan requirements of the bipartisan Every Student Succeeds Act (ESSA), the law replacing No Child Left Behind (NCLB).

House Republicans are turning ESSA, and the education of America’s 50 million children attending public schools, into a political issue by stripping states and districts of the stability and clarity necessary to implement the new law. When ESSA passed in 2015 – with overwhelming bipartisan support from both chambers – Congress made a promise to parents, teachers, students, and communities that ESSA implementation would bring new innovations in education, while protecting and promoting the civil rights of all students. If H.J. Res. 57 is signed into law, implementation of ESSA will become a casualty of the Republicans’ full-on assault on protections for students and their working families.

Undermining the success of ESSA through permanent lack of regulation will leave students, particularly low-income, minority students, students with disabilities, and English language learners, without protections and support intended by Congress. H.J. Res 57 puts the promise of equal educational opportunity at risk and leaves states with a severe lack of information and guidance at a time when many states are currently drafting and seeking clarity for their ESSA plans.

- **All students deserve access to a great public education. Blocking this ESSA regulation will result in confusion for states working to serve America’s 50 million public school students.**
 - State and district confusion will stall ESSA state plan development, leaving many states reluctant to utilize the law’s new flexibilities, instead reverting to continued use of current state systems that are overly reliant on student test scores, as dictated by NCLB.
 - The final regulation provides important guidance on ESSA’s requirement that states develop and implement challenging academic standards to ensure students are college and career-ready.
 - ESSA regulations ensure that states clearly identify schools in which any subgroup of students is underperforming so that school districts can support such schools to improve instruction, provide wraparound services, and meet the needs of students and families.
 - The regulation under attack outlines the ways in which important information is reported so that data used to measure school performance and resource equity is understandable and actionable for parents, teachers, and policymakers.

- **Congressional Republicans and the Trump Administration are denying states and districts the requested and deserved clarity that will ensure implementation complies with ESSA’s new protections for vulnerable students.**
 - On February 1, 2017, the U.S. Department of Education removed all technical assistance related to ESSA from its website so that it is no longer publicly available.
 - For months, states have been working with education stakeholders in their states to draft and submit plans required by the new law. Removing technical assistance and regulations at this key juncture, when state and district leaders are well-into plan development, is irresponsible and shortsighted.
 - ESSA significantly alters the educational landscape from No Child Left Behind, which was widely criticized for its top-down approach. Ensuring that states have the knowledge, guidance, and tools to shape their state plans for this new landscape is imperative if ESSA is to be meaningfully implemented with states truly at the forefront of system design and school improvement.
- **H.J.Res. 57 puts politics before students by taking an axe to a consensus-driven ESSA rule that is supported by state and district leaders, civil rights groups, parents, and educators.**
 - Through consultation with the outgoing administration, the education and civil rights communities has vetted this final regulation to ensure it reflects stakeholder input and priorities.
 - The final regulation allows states to develop their own measures of academic achievement, afford states significant authority in the development of their state plans and how they will communicate students’ academic achievement to students and families. The regulations also provide states with a more flexible timeline to ensure that they appropriately implement this landmark law.
 - When the final regulation was released, the American Federation of Teachers (AFT), the American Association of School Administrators (AASA), the Council of Chief State School Officers (CCSSO), and others acknowledged the need for stability provided by regulation, technical assistance, and guidance, and voiced appreciation for a final rule amended to be reflective of stakeholder input on provisions of key importance.

ESSA allows for unprecedented state and local flexibility while ensuring key civil rights safeguards for our most vulnerable students. The resolution introduced to undermine ESSA by targeting its most critical regulation flies in the face of the bipartisan spirit of the new law and its promise to provide an equitable, high-quality education to each and every one of America’s 50 million students attending public schools. Congress must put students before partisan politics and reject this harmful legislation.