

Minority Views
H.R. 5, “Student Success Act”
113th Congress, 1st Session
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Overview

Committee Democrats unanimously oppose H.R. 5, the Student Success Act. All present Democratic members voted in opposition to the legislation during its consideration in Committee on June 19, 2013. We believe the No Child Left Behind Act (NCLB) is long-overdue for reauthorization, but H.R. 5 does not set forth a reauthorization that would improve student outcomes. Instead, it would turn the clock back decades on equity and accountability in American public education. Additionally, the partisan path the Committee Republicans chose to take lacks the consensus and bipartisanship necessary to complete a reauthorization this Congress and send a bill to the President that he would sign.

The Committee Democrats oppose H.R. 5 because it shortchanges students, weakens accountability, and fails to update current law to take the public education system into the 21st century. This opposition is shared by the majority of the education, civil rights and business community. The Republican bill eliminates critical supports and accountability to provide a balanced and effective education to every child. H.R. 5 drastically cuts education funding in order to lock in sequestration cuts rather than undo them. H.R. 5 further shifts much needed resources away from the poorest students, and it fails to provide adequate support for professional development to improve teaching and learning. H.R. 5 fails to provide dedicated support for literacy, STEM, or other subjects that provide students a well-rounded education. The bill eliminates wrap-around services, support for before-, after, and summer school, and support for expanded learning time, all of which are critical to student learning.

Given the urgent need to reauthorize current law and to address the fatal flaws of H.R. 5, Democrats offered at mark-up a comprehensive substitute to the Republican bill that demonstrates a positive vision for the reauthorization and a path forward. The Democrats’ proposal garnered support from the civil rights, education, and business communities.

Committee Democrats believe that the reauthorization of NCLB must build upon what we have learned over the last 10 years and take advantage of and support the advancements that have been made. The most recent long-term trend study by the National Assessment of Educational Progress, released in June 2013, showed that American students have improved their reading and math achievement since 1973. Notably, the biggest gains were made among African-American and Hispanic students. For example, African-American 4th graders improved 36 points in both reading and math. However, progress has stalled since 2008. Therefore, now is the time to press ahead, and not scale back, federal investment and involvement in education.

We believe the reauthorization should support college and career ready standards, modern assessments, an accountability system that includes meaningful goals and targets for improving student achievement, and a school improvement system that gives schools and districts flexibility in how they achieve those goals. Committee Democrats also believe reauthorization should lead to the placement of an effective teacher in every classroom and an effective school leader in every school across the country. Federal policy should encourage and support important professional development opportunities for teachers and school leaders. It should protect collective bargaining and teacher privacy. Federal policy should also support states, districts, and schools in their efforts to provide a well-rounded education to students, and in addressing non-academic factors, such as mental health and counseling needs, that create barriers to student learning.

H.R. 5 Undermines the Federal Role in Education to Promote Equal Opportunity

With the passage of the first Elementary and Secondary Education Act (ESEA) in 1965, in response to the *Brown vs. Board of Education* decision, the federal role in education has been focused on ensuring equal opportunity in education. It has been about ensuring that our nation's public schools are giving students a fair chance at a future of their choice and not locking them into their station in life. Economic mobility is a hallmark and measure of equal opportunity in our nation -- access to a high quality education is the only sure path to achieve this security.

The federal interest in a strong public education system is grounded in civil rights, economic, and national security concerns. All three areas are threatened by an elementary and secondary educational system that is not held accountable for supporting the potential of *all* our nation's students. Unfortunately, H.R. 5 both undermines the promise of the *Brown* decision, and the federal role in supporting a strong public education system that promotes civil rights, that feeds a strong economy, and that builds our national security.

Standards and Assessments

H.R. 5 does not support the national consensus for college and career ready standards to ensure students graduate ready to succeed and, despite the advances in technology, it fails to modernize assessments to measure progress towards those standards. The bill does not contain requirements that States set high standards to graduate students who are college and career-ready. Current law requires states to establish standards, but does not assess the rigor of those standards. NCLB did not have a check on the rigor of assessments, and since it was enacted, some States chose to lower their standards. In fact, according to a 2009 NAEP State Mapping Analysis, 15 states lowered their proficiency standards in fourth- or eighth-grade reading or math from 2005 to 2007. As a result, stakeholders from civil rights groups, business groups, and educators believe that reauthorization must ensure that academic standards help students graduate prepared for college and careers.

However, instead of modernizing the law, H.R. 5 weakens current law by not establishing parameters on quality standards, and it even goes as far as to eliminate use of the word "challenging" with regard to standards.

High-quality assessments are essential to measure our progress as a nation and to ensure we have reliable data to improve student achievement, instruction, and schools. H.R. 5 does not support the development of high-quality assessments. The bill, similar to current law, requires annual English and math assessments in grades 3-8 and once in high schools. It also requires assessments to measure growth. Unfortunately, the legislation does not ensure assessments are high-quality, reflect the advancements in assessments over the past decade, or even require that states differentiate achievement levels of students. Additionally, H.R. 5 eliminates the Grants for State Assessments program which supports State development of high-quality assessments. High-quality assessment systems are expensive to develop but critical to effectively measuring student achievement and to supporting improvements in teaching and learning. This assessment program provides critical support to States to develop the next generation of assessments.

H.R. 5 also fails to ensure all children are held to high expectations by permitting States to develop alternate achievement standards for students with the most significant cognitive disabilities but does not establish any parameters to determine which students should be assessed in this category. Additionally, the bill would eliminate the current regulation that caps at one percent the number of students assessed alternatively. This regulation ensures schools are still held accountable for the achievement of students with disabilities.

By eliminating the cap, H.R. 5 permits all students with disabilities to be held to lower standards and given different assessments, effectively allowing those students to be educated in a parallel but lesser system. As a result, large numbers of students with disabilities could be prevented from receiving a regular high school diploma. Additionally, this bill would create a perverse incentive to over-identify children for special education to include them in the lower standard. Low-income and minority students are already over-represented in special education, and this legislation could exacerbate that problem.

Accountability and School Improvement

One of the most critical aspects of NCLB was that, for the first time, schools were held accountable for the performance of all students, including student subgroups, and they were required to take action when student achievement failed to improve. Over the last ten years, NCLB's accountability system has received both more praise and criticism than any other aspect of the law. Accordingly, Democrats firmly believe that the accountability and school improvement system must be updated to reflect what we have learned over the last ten years, but without abandoning a focus on accountability.

Unfortunately, H.R. 5 would allow States to establish weak accountability systems that would not require performance targets for student achievement, would not require schools to take specific action to improve low performance, and would not ensure all students have access to high-quality schools. H.R. 5 provides no federal guardrails on accountability for student achievement and does not support the expectation that all students should graduate high school. The lack of quality and consistency in the state systems combined with weak standards and low-quality assessments would provide little transparency for how schools are evaluated and little consistency from district to district or state to state.

H.R. 5 does not require states to establish overall goals for student achievement or to establish performance targets to measure progress toward that goal. In addition, H.R. 5 does not include graduation rates, despite clear consensus on the need for graduation rate accountability to be paired with accountability for student achievement to ensure low-performing students do not get pushed out of school. Further, the bill dismantles current regulations requiring states have and utilize meaningful graduation rate accountability.

Additionally, while H.R. 5 requires school improvement systems be established, it does not establish any parameters for identifying schools for improvement. Therefore, there is no assurance that schools that are failing to improve student achievement will be required to take action to improve. Worse, the students in those schools will not be provided with an assurance that they have the right to a better education. Specifically, H.R. 5 does not define low-performing schools or establish any parameters on interventions in such schools. The bill does not establish timelines for improvement or consequences if schools do not improve, thereby leaving students to languish in low-performing schools.

H.R. 5 also fails to recognize the critical role of the Department of Education in implementing the law by prohibiting the Secretary of Education from providing guidance on any of the bill's standards, assessments, or accountability provisions. This short-sighted and highly partisan legislative approach assumes a perfect bill in need of no future clarification or guidance and a stagnant education system. Under the bill, the Secretary would be prohibited from simply assisting states with guidance when implementation on the ground may be unclear or challenging. Additionally, this provision would ensure that regulations, including those establishing requirements on graduation rates or the one percent cap on the number of students taking alternate assessments, could not be upheld.

H.R. 5 also removes current law protections on collective bargaining rights. Current law ensures that teachers are included in the school improvement process and are not sidelined. The removal of this provision ignores both the rights of teachers to collectively bargain and their important role in improving student achievement.

Students with Disabilities

H.R. 5 dismantles equity protections for many groups of students; however, the failures of H.R. 5 will be especially detrimental for students with disabilities. Over the course of the past decade, students with disabilities have significantly benefited from the accountability and reporting requirements under current law which mandate that schools not only measure and report the academic achievement of every child, but are also held accountable for each student's progress. As a result, thousands more students with disabilities have been afforded the opportunity to learn – and master – grade-level academic content and graduate from high school college- and career-ready.

Students with disabilities have made considerable gains thanks to current law's focus on all schools and all student subgroups, including not only improved participation rates, but also improved academic achievement on grade-level reading and math assessments. Students with disabilities have benefited greatly from increased access to the general curriculum and from higher expectations for student achievement due, in large part, to the requirement that

participation and proficiency of all subgroups be measured, reported, and used for the planning and implementation of interventions. Simply put, by removing subgroup accountability, H.R. 5 will undoubtedly hinder, and almost certainly eliminate the gains made by students with disabilities.

The Republican bill seeks to radically reduce expectations for students with disabilities, allowing states to teach and assess this population of students to an alternate and less-challenging set of content and achievement standards, only intended for students with the most significant cognitive disabilities. Furthermore, H.R. 5 would remove current restrictions on the use of student scores on such assessments for local and State educational agency accountability purposes, allowing States to administer and report on a lower standard for as many students with disabilities as the State sees fit, despite consistent research demonstrating the incidence of students with the most significant cognitive disabilities to be less than one percent of the student population. To ignore this data by eliminating any federal limitation on the use of lower standards and less challenging assessments will result in a lack of access to general curriculum and lower expectations for students with disabilities, turning back the clock on equity protections for this vulnerable group of students.

H.R. 5 lacks any requirements that all schools be held accountable for student achievement at the subgroup level and also receive extra resources and support if and when they fail to produce progress for *all* students. When coupled with provisions to allow States to establish alternate standards and alternate assessments with no assurances for quality or alignment, as well as the repeal of any limitation on usage of lower standards, H.R. 5 will place millions of students with disabilities at acute risk of receiving a subpar education.

This irresponsible approach to educational equity for students with disabilities is why leading disability rights coalitions and groups stand unified in firm opposition to H.R. 5 including the National Center for Learning Disabilities, National Disability Rights Network, Council for Exceptional Children, Disability Rights Education & Defense Fund, the Collaboration to Promote Self Determination, and the Consortium for Citizens with Disabilities.

Fiscal Responsibility, “Flexibility,” and Undermining Civil Rights

H.R. 5 undermines fiscal responsibility for special populations of students, reduces fiscal transparency, and cuts education funding.

Special Populations

Under the guise of flexibility, H.R. 5 attacks the rights of special populations of students. H.R. 5 consolidates the following programs as percentage set-asides under Title I, Part A: English Language Learners (currently Title III); Education of Migratory Children (currently Title I-C); Indian, Native American and Alaska Native Education (currently Title VII); Neglected and Delinquent Students (currently Title I-D); and Rural Education Initiative (currently Title VI-B). The bill also allows for funds to be shared across what would be the new Title I, Part A, permitting states and districts to siphon funds away from the very populations that drive certain ESEA funding allocations and that the law intended to serve.

The Republicans claim these current law funding streams are inflexible, but the reality is states and districts have few, if any, restrictions on how the funding can be used. The only restriction is on whom the funding be used in order to support the populations for which they are intended. The Republicans additionally claim that they maintain the funding streams for these populations, but they merely make them a percentage set-aside of Title I and then allow complete flexibility in how districts utilize those funds.

Current law establishes separate funding streams to help ensure the needs of English language learners, migrant students, neglected and delinquent students, and Indian students are being met. Title III, part A of the Elementary and Secondary Education Act was created, after the *Lau vs Nichols* Supreme Court ruling, to help ensure that English learners attain English proficiency, develop high levels of academic attainment in English, and meet the same state academic content and student academic achievement standards that all students are expected to meet. This program supports 4.5 million English learners in the United States. The educational needs of migrant children go well beyond those traditionally supported by State and local budgets, and, due to their high mobility, no single State or district is responsible for their education. In turn, the schools that serve high concentrations of migrant students are among the Nation's highest-need schools. Title I, Part C was created to provide additional funding to support migrant students. This program currently serves about 500,000 students. Authorized over 40 years ago, Title I, part D creates both a state and local program intended to improve educational services for students who are neglected, delinquent, or at risk of dropping out of school. This program currently serves over 100,000 students. Indian children are subject to significant risk factors that threaten their academic success and overall well-being. To help schools address their unique needs, Congress established Title VII, part A of ESEA. This program currently serves about 500,000 students.

Democrats believe funding allocated based on the number of children in need of services from the number of migrant students, the number of neglected or delinquent students, the number of English Language Learners, or the number of American Indian students should be used for services for those students to improve educational outcomes for those students. Increasing flexibility is needed in this reauthorization, but it must be grounded in increasing equity and improving student achievement. This flexibility can be accomplished by aligning data and allowing flexibility in school improvement. Arbitrary flexibility policies, as put forth by H.R. 5, undermine equality of opportunity and hinder our economic competitiveness.

Fiscal Accountability

H.R. 5 also eliminates fiscal accountability by striking the current law "maintenance of effort" provisions (MOE). Under the Republican bill, States and districts will be able to reduce their nonfederal education spending without any penalty. This provision will allow states and districts to use education funds for tax relief or other initiatives unrelated to education, rather than efforts to support students.

Under current law, MOE requires districts receiving Title I funds to spend at least 90 percent of what they spent in the previous year from nonfederal sources. This helps to prevent big decreases in education investment, whether driven by tough budget times or genuine desire to reduce education funding. The Republicans claim the MOE provision is a "federal overreach,"

but maintenance of effort makes requirements about the levels of state and local spending, not about *how* money should be spent.

Committee Republicans claim that because they maintain the “supplement, not supplant” provision they maintain fiscal accountability. However, eliminating the maintenance of effort requirement and providing complete flexibility in how districts spend their federal dollars, means there is no way under H.R. 5 to actually measure whether districts are using federal money to supplement not supplant local money. “Supplement, not supplant” will become meaningless, and education spending across the country will decrease. Democrats believe the maintenance of effort provision must be maintained to ensure tax dollars are being spent responsibly.

Funding

H.R. 5 caps funding at FY13 appropriations levels, post-sequester, and caps annual increases based on the inflation rate. Democrats believe education funding should not be held to arbitrary caps and that funding should reflect national need and priority if our nation is to remain globally competitive.

According to the Committee for Education Funding, a coalition of 111 national education associations and institutions representing birth to postgraduate education, the impact of H.R. 5 would be devastating on our nation’s students and schools. They stated:

H.R. 5 sets the aggregate ESEA authorization level for FY2014 and for each of the succeeding years at the aggregate FY2013 post-sequester funding level of \$22.85 billion. Doing so locks in almost \$1.3 billion in cuts to these programs. Should this bill become law, locking in the sequester levels as the authorization levels through FY2019 would prevent the Congress from increasing funding for ESEA programs even if the sequester were replaced or revised at any time in the next six years.

ESEA programs have already been cut multiple times in the past two and a half years. The FY 2011 continuing resolution cut ESEA programs by an aggregate \$1.43 billion. The FY 2012 omnibus appropriations bill cut ESEA funding by another \$99 million. The final FY 2013 level, after both a 0.2 percent across-the board cut and then the 5 percent sequester cuts, slashed another \$1.26 billion from ESEA programs. These waves of cuts have come at a time when enrollments have increased, more children are living in poverty, and schools and students have endured deep state and local budget cuts.

Democrats believe H.R. 5 would put the nation on the wrong path. Such low funding levels would make it more difficult for schools to accomplish the mission of improving student achievement and graduation rates, despite supposedly greater flexibility offered to states and districts. More flexibility but with far less funding is hardly a beneficial bargain.

Public polls show the American public agrees—

- According to a national survey by the Pew Research Center for the People & the Press, only a mere 10 percent of the public supports decreasing funding for education programs, while 60 percent wants to increase spending.

- A Bloomberg News poll found that 67 percent of the public believes education funding should not be cut at all by the sequester.

Now is the time to increase, not decrease, federal investment in education. As states transition to new standards, assessments, and accountability and school improvement systems, they need the federal government to be a partner in supporting their work. As U.S. students compete globally for high-wage, high-growth jobs, Congress must invest in their education, not gut funding as H.R. 5 does.

Waiver Authority

H.R. 5 limits the waiver authority of the Secretary of Education, apparently in response to the voluntary flexibility offered by the Department of Education to certain provisions of current law. As of June, 2012, 40 states were approved to receive waivers, with an additional 6 states awaiting approval of a pending application.

While Committee Republicans have questioned the legal authority of the Department of Education to grant conditional waivers, Sec. 9401 of current law clearly provides the Secretary of Education broad waiver authority. The waiver authority currently used by the Secretary of Education mirrors authority used by Secretary Margaret Spellings to administer the Differentiated Accountability Pilot and for the Growth Model Pilot.

Additionally, the nonpartisan Congressional Research Service (CRS) in their February 2012 report entitled *Educational Accountability and Secretarial Waiver Authority Under the ESEA* and in a June 2011 memo to the Committee on Education and the Workforce Majority Committee Staff has explained the legal authority of the Department of Education to provide this flexibility. In the February report, CRS states:

Based on the plain language of the statute, the scope of ED's waiver authority appears to be quite broad, suggesting that ED may indeed have the authority to waive the various requirements of the ESEA specified in its flexibility proposal. This interpretation is bolstered by the fact that, although the ESEA previously contained similar waiver authority, Congress expressly enacted the current waiver provisions as part of the No Child Left Behind Act amendments to the ESEA, signaling that Congress clearly understood and intended for ED to waive the requirements of that act when appropriate.

The report further states:

...the courts will generally uphold an agency's exercise of its statutory waiver authority so long as the agency develops an adequate record regarding its decision to grant a waiver and ensures that the waiver is granted consistent with the statutory purposes and procedures set forth in the section authorizing such waivers. As a result, it appears that ED does have the authority to waive ESEA statutory requirements related to issues such as academic standards and assessments; accountability requirements, including the timeline by which all students are to be proficient in reading/language arts and mathematics; school improvement, corrective action, and restructuring requirements; and public school choice and supplemental educational services, as long as ED develops the

aforementioned adequate record and ensures that the waiver is granted consistent with the statutory purposes and procedures set forth in Section 9401.

CRS also highlights the voluntary nature of the waivers currently offered by the Department of Education.

H.R. 5 Fails to Support Teachers and School Leaders

Federal policy must ensure that every student graduates from high school prepared for college and the workforce. In order to achieve that goal, every student must have access to an effective teacher. Unfortunately, H.R. 5 does not increase access to effective teachers. The bill fails to provide support to teachers to ensure that they are successful. In addition, H.R. 5 also fails to ensure that we have the most effective school leaders in every school.

H.R. 5 requires mandatory evaluation systems for teachers. While Committee Democrats believe that fair evaluation systems are important for true reform, the bill calls for the creation of systems that are purely punitive in nature. The bill only requires that the systems be used for personnel decisions, not for professional development. H.R. 5 does not support collective bargaining rights of teachers, and it does not require States and districts to ensure that teachers' voices are part of system creation and implementation. H.R. 5 also does not take into consideration the working conditions of teachers and leaders, including those related to school safety. In addition, the bill does not link the evaluation systems with supports to improve teacher performance and student learning through professional development, nor does it support access to effective teachers for all students.

H.R. 5 fails students by ignoring the very real need for principal evaluations. Committee Democrats believe that in order for a school to truly benefit students, the entire school system must be evaluated, needs must be identified, and professional development must be targeted to address the identified needs. H.R. 5 accomplishes none of this.

H.R. 5 establishes an arbitrary cap on class size funding. This provision ignores very clear research that class size reduction in early grades is effective in improving student achievement. The first large-scale experiment on small class size was the Tennessee Student/Teacher Achievement Ratio (STAR) program. Several studies on the STAR program and other similar class reduction programs confirm substantial academic gains for K-3 students in smaller classes compared to students in larger classes.

H.R. 5 eliminates the current law minimum threshold for teacher quality by striking the Highly Qualified Teacher definition. Current law contains many provisions related to improving teacher quality, including the requirement that all students be taught by highly qualified teachers. In order to become a highly qualified teacher, NCLB requires that teachers possess a baccalaureate degree and a state teaching certificate. Teachers are also required to demonstrate content knowledge for the subjects and grades they teach. Over the past ten years, research has shown that teacher quality is one of the most important factors in student achievement. Current law's provisions requiring minimum standards for teachers prior to entering the classroom were an

important step forward in improving education for both teachers and students. H.R. 5 undermines this advancement by not only eliminating current law requirements, but also by failing to set any new minimum standards for teachers before they enter the classroom.

H.R. 5 also arbitrarily eliminates Title II of Higher Education Programs, which provides federal support for high quality teacher training. Though improvements must be made to that system, stripping funds from the programs that train and educate 95 percent of teachers is not an effective strategy to achieve that goal.

H.R. 5 is Fiscally Irresponsible

H.R. 5 creates a block grant that is yet another example of the Republican failure to learn from the lessons of the past ten years and improve upon current law. The bill provides limited funding to states and districts to address the needs of students, ranging from STEM to literacy to the arts to after school activities. Block grants are the first step to eliminating programs under the guise of increased flexibility for administrators. In addition, block grants fail taxpayers because there is no accountability for how funds are spent. Block grants make it difficult to collect standardized data and monitor interventions to determine effectiveness. Additionally, under the Republican proposals to eliminate maintenance of effort requirements it is likely that block grant funds will only be used to fill the holes left after states re-direct public education dollars to other areas.

Moreover, block grants spread funding too thin. When there is no concentration of resources on a specific area or population, there is no observable change. Block grants reduce the ability to demonstrate what programs work and at what funding levels work best. While funding is only a part of the education policy equation, spreading money out over multiple education programs disrupts the ability to determine how much is the right amount to have an effect and under which conditions.

H.R. 5 Fails to Support 21st Century Community Learning Centers

H.R. 5 eliminates all dedicated support for additional learning time (including before-, after- and summer school programs, and expanded learning time). After-school programs, supported by current federal 21st CCLC funding have proved successful in developing the academic, social, emotional and physical needs and interests of students that results in improved student achievement.

For example, in a 20-year UCLA longitudinal study, researchers found that LA's BEST—a program funded in part by 21st CCLC—elementary school students in after school who participated for three or more years were nearly 20 percent less likely to drop out years later than similar students who did not attend LA's BEST.¹ A 2011 UCLA study confirmed the lasting

¹ Huang, D., Kim, K.S., Marshall, A., & Perez, P. (2005). *Keeping kids in school: An LA's BEST example*. Los Angeles, CA: National Center for Research on Evaluation, Standards and Student Testing, University of California, Los Angeles. http://www.lasbest.org/what/publications/Keeping_Kids_in_School_Exec_Sum.pdf; LA's BEST After School Enrichment Program. (2006). *Annual Report 2005-2006. Caught up in the act ... of success*. http://www.lasbest.org/what/publications/annual_reports/AR0506-web%5B1%5D.pdf

impact of high-quality after school programs, showing that students who participated in LA's BEST in their elementary school years demonstrated academic gains in math, science and history.² After-school programs also provide safe learning environments for many low-income students who would otherwise be unsupervised and whose families cannot afford needed enrichment opportunities.

In recent studies of public schools where low income students were shown to excel, more instructional time than conventional schools or expanded learning time was an essential factor. The Mid-continent Research for Education and Learning (McREL), found that experienced teachers believed that they needed at least 20 percent more hours to teach the four core academic subjects—English language arts, mathematics, social studies, and science—than are available in a standard school year.³

On February 10, 2011 at a Committee hearing entitled, "Education in the Nation: Examining the Challenges and Opportunities Facing America's Classrooms", when asked about the importance of non-academic supports for students and additional learning time, witness Ted Mitchell, CEO and President of the NewSchools Venture Fund, said "In the schools where we work, it is no surprise that extending the school day and providing some of those kinds of supports, but also the extended safe period for kids, has become one of the trends that no one prescribed, but it has just grown up over time. And the research on extended learning time that is growing, first out of Massachusetts and now in other states, is quite compelling, that extended learning time can go a long way to addressing many of those needs."

In addition, the National Center on Time & Learning found that 9 in 10 schools considered their longer day and year to be essential to meeting their educational goals in a survey of nearly 250 schools that feature an expanded schedule.⁴ H.R. 5 ignores the research. Instead of improving on current law, the bill moves our educational system backwards and fails to meet the needs of students, jeopardizing their future success by removing effective federal policy.

H.R. 5 Fails to Support the Social and Emotional Needs of Students

H.R. 5 eliminates all dedicated support for wrap-around services essential to increasing student achievement. A student's mental, social, or emotional health, including problems such as depression, bullying, or alcohol and substance abuse, can create barriers to learning. Such barriers exist for an increasingly large number of students. Research clearly shows that students suffering from these problems suffer declining test scores and diminished academic functioning. An estimated 20 percent of school-age students will experience a significant mental health problem during their school years.⁵ Further, some research suggests that up to 71 percent of

² UCLA National Center for Research on Evaluations, Standards, and Student Testing (CREST). (2011). Supporting student success in middle schools: examining the Relationship between elementary afterschool program participation and subsequent middle school attainments. Executive summary.

³ Judy Florian, "Teacher Survey of Standards-Based Instruction: Addressing Time" (Aurora, CO: Mid-Continent Research for Education and Learning, 1999).

⁴ http://www.americanprogress.org/issues/2010/02/pdf/elt_policy_brief.pdf

⁵ Kutash, Duchnowski, & Freidman, 2005; U.S. Department of Health and Human Services, 1999.

youth experience at least one victimization event each year (for example, assault, theft, criminal victimization, or child maltreatment), with many exposed to multiple victimizations.⁶

In the Committee hearing on February 10, 2011, when asked if it was important to provide wrap around services in schools, Republican witness and Indiana Superintendent of Public Instruction Tony Bennett said, “So, you know, we have to make tough decisions. This goes to that statement about marrying fiscal policy and education policy. We have to put our money into the things that are going to drive results. And these school corporations that have done this around the state of Indiana have had to make tough fiscal decisions to provide these services for children, but they have made a difference in the lives of those children.” H.R. 5 fails to invest in the services that are successful and drive results.

Students show improved outcomes when they have access to school-based mental health services. Research shows that students who have access to and receive social, emotional, and behavioral health support demonstrate better grades and standardized test scores.⁷ In addition, school mental health programs have been shown to decrease absences and discipline referrals.

Unfortunately, H.R. 5 again ignores the research. By failing to provide dedicated support for wrap-around service, the bill fails to recognize the very real needs of students, fails to acknowledge and support what is actually working on the ground, and undermines the ability of schools to meet the needs of their students.

H.R. 5 Fails to Support a Well-Rounded Education for Students

One of the criticisms commonly heard about No Child Left Behind is that it forced schools to narrow their curriculum. Despite these criticisms, H.R. 5 eliminates all dedicated support for critical programs addressing STEM, literacy, and other subject matter that provide for a well-rounded education. A number of interventions and practices have been shown to increase student literacy skills; school districts just need the support to scale up best practices and implement them in the classroom. With federal support, 46 states are already working to implement comprehensive literacy strategies to strengthen our students’ ability to compete in the 21st century economy. Unfortunately, H.R. 5 eliminates support for literacy and once again fails to acknowledge actual needed and what is working in schools.

STEM occupations are projected to grow by 17 percent from 2008 to 2018, compared to 9.8 percent growth for non-STEM occupations.⁸ Committee Democrats believe that federal policy must keep pace with the increased demand for STEM occupations. Dedicated resources to STEM education have already led to increases in student achievement. From 1990 to 2007, average mathematics scores increased by 27 points for fourth graders.⁹ However, when compared to other nations, the math and science achievement of U.S. pupils and the rate of STEM degree attainment appear inconsistent with a nation considered the world leader in scientific innovation. According to the 2009 [Programme for International Student Assessment](#),

⁶ Finkelhor, Ormrod, Turner, & Hamby, 2005

⁷ Jennings, Pearson, and Harris in 2000

⁸ <http://www.esa.doc.gov/Reports/stem-good-jobs-now-and-future>

⁹ <http://www.nsf.gov/statistics/seind12/pdf/c01.pdf>

out of 34 countries, the U.S. ranked 14th in reading, 17th in science and 25th in math. H.R. 5 does nothing to increase student achievement in STEM subjects. It ignores the very real need to support STEM learning in order to graduate students who will be competitive in STEM careers.

Instead of taking steps forward to support innovative and effective reform, H.R. 5 once again undermines the needs of America's students, fails to improve on current law, and fails to provide support for literacy, STEM, and other subjects such as art, history, economics, and much more.

H.R. 5 Fails to Protect the Rights and Well-Being of Vulnerable Students

While H.R. 5 makes "school safety" a delineated allowable use of funds under the large, catch-all block grant, the measure does nothing to meaningfully address known safety risks facing students and school personnel. H.R. 5 lacks any mention of or protections against the overreliance on use of seclusion and restraint as disciplinary tactics and makes no effort to encourage or incentivize the implementation of school-wide positive behavioral supports. H.R. 5 lacks federal minimum standards for preventing sexual and physical abuse of students through use of criminal background checks. Additionally, H.R. 5 is silent on protecting the rights of lesbian, gay, bisexual, and transgender students, including against devastating bullying and harassment, despite the prevalence of harmful actions against this population of students.

Broad Opposition to H.R. 5

H.R. 5 was opposed by a broad array of education, civil rights and business organizations. Over 100 groups, representing students, teachers, school leaders, parents, and business wrote letters in opposition to H.R. 5. Some of the groups in opposition include: the U.S. Chamber of Commerce, the Education Trust, the Leadership Conference on Civil and Human Rights, the Consortium for Citizens with Disabilities, the National Center for Learning Disabilities, the Lawyers' Committee for Civil Rights Under Law, MALDEF, NAACP Legal Defense Fund, National Council of La Raza, the Council for Exceptional Children, the National Education Association, the American Federation of Teachers, Democrats for Education Reform, National Disability Rights Network, the Council of the Great City Schools, American Association of University Women, Association of People Supporting Employment First, Autistic Self-Advocacy Network, Autism Society of America, Council of Parent Attorneys and Advocates, Disability Rights Education Defense Fund, Easter Seals, Institute for Educational Leadership, National Down Syndrome Congress, National Down Syndrome Society, National Fragile X Foundation, Physician-Parent Caregivers, TASH, and United Cerebral Palsy.

Groups expressing serious concerns about portions of the bill included the Committee for Education Funding, the Center for American Progress Action Fund, First Focus, the National Association of School Psychologists, the National PTA, and the PACER Center.

Additionally, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus wrote a letter in opposition to H.R. 5 citing "the potentially grave consequences" of this bill on students and communities.

Democratic Vision for ESEA Reauthorization

Given the significant concerns across H.R. 5, Democrats offered a full substitute to the Republican bill. The Democratic substitute would support a 21st century education system and ensure all students have access to a world-class education. Democrats offered a full substitute amendment that struck all of H.R. 5 and amended Title I, Title II, Title III, Title IV, Part D of Title V, Title VIII, Title IX, and Title X of ESEA.

The Democratic substitute would eliminate the inflexible and outdated provisions of NCLB and require states and LEA's to adopt strong but flexible and achievable standards, assessments, and accountability reforms. The amendment would provide for effective and supported teachers in every classroom; give students access to a well-rounded education; and provide students with the non-academic supports they need to come to class ready to learn and achieve.

Standards and Assessments

In order to ensure students graduate high school prepared to enter the workforce or college without the need for remediation, the Democratic substitute required States to establish college and career ready standards for English/ language arts, math, and science for kindergarten through grade 12 and high-quality assessments aligned to those standards. It also included a program to support the development of high-quality assessments.

Unlike H.R. 5, the substitute improved current law by requiring that standards be validated to ensure that proficiency in the standards signals that students are on-track to enter the workforce or postsecondary education without need for remediation. The substitute updates the assessment quality requirements to align with the Race to the Top Assessment Competition, which has over 40 States participating, to create the next generation of assessments. It also ensures that new high-quality assessments are accessible for all students by incorporating universal design for learning and providing for accommodations for students with disabilities and English learners.

Accountability and School Improvement

The Democratic substitute includes the appropriate balance between accountability and flexibility to ensure schools are held accountable for the achievement of all students but have the opportunity to address their specific student needs.

The Democratic substitute requires States to establish accountability systems that set performance, growth, and graduation targets to achieve the goal of all students, including subgroups of students (low-income, racial and ethnic groups, English learners, and students with disabilities) graduate college and career ready. Unlike H.R. 5, this substitute improves current law by effectively including student growth while maintaining accountability; eliminating the restrictive AYP system while still ensuring States establish performance targets for all students and subgroups that are ambitious but achievable; and establishing parameters to ensure fair accountability, including requiring States to have an 'n-size' that is 15 or less. And the substitute allows states to use a variety of factors to evaluate school performance and inform school improvement, in recognition of the importance of using multiple measures.

Additionally, this substitute restores accountability with guardrails on schools to ensure all students, including subgroups of students, are prepared for college and careers, and restores graduation rate accountability tied to the targets established by States under the graduation rate regulation. These protections, which help ensure students are taught to high standards and graduate high school, were eliminated in H.R. 5.

The Democratic substitute puts forth a strong but flexible model for school improvement that provides a differentiated approach to help schools target their students' needs. The substitute requires States, along with LEAs, to identify schools in need of improvement that have missed performance targets and persistently low-achieving schools that have the lowest achievement in the State. If identified as a school in need of improvement, that school would use their data and develop a targeted plan to improve achievement. Persistently low-achieving schools would be required to develop an improvement plan addressing schoolwide factors, school organization, teacher and leader effectiveness, curriculum and instruction, student academic and social support services, family engagement, and governance policies.

Unlike H.R. 5, this substitute improves current law by eliminating the one-size-fits-all approach to school improvement and the prescriptive timelines and including a flexible, targeted, and differentiated approach to improvement that is tied to the specific needs of the school. It also supports districts in using improvement indicators (including indicators of student engagement, student advancement, educator quality, and academic learning) rather than just test scores to measure the progress of schools in improvement.

Additionally, this substitute restores provisions eliminated by H.R. 5 to ensure that schools not making performance targets are expected to improve the achievement of their students. The substitute contains additional requirements that the lowest performing schools take significant steps to improve their achievement by addressing schoolwide factors, school organization, teacher and leader effectiveness, curriculum and instruction, student academic and social support services, family engagement, and governance policies.

As states implement new standards, assessments, accountability, and teacher and principal evaluation systems, they will inevitably encounter unforeseen challenges and obstacles. The Democratic substitute provides flexibility to states as they make this transition while still holding them accountable for timely implementation.

Students with Disabilities

The Democratic substitute ensures students with disabilities are held to high standards and are included in accountability systems. It permits states to establish alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities. When including these students in calculations for accountability, LEAs and States may include their scores for up to one percent of all students. The substitute also requires States to establish guidelines for Individualized Education Program (IEP) teams in determining whether students should be assessed on alternate achievement standards. The amendment eliminates the use of alternate assessments aligned to modified achievement standards aligned with the implementation of new high-quality assessments.

Unlike H.R. 5, this substitute improves current law by requiring not only that alternate assessments meet the high-quality criteria of the regular assessments, but also that it incorporate principals of universal design for learning and measure, at a minimum, on grade-level proficiency. The substitute requires that the alternate achievement standards be vertically aligned to ensure students achieving proficiency can access college and careers. It improves the guidelines for IEP teams by ensuring students have access to the general education curriculum and that placement in alternate assessments do not influence placement in the least restrictive environment. The Democratic substitute to H.R. 5 also lowers the maximum n-size for accountability purposes to 15 students, ensuring more students with disabilities are actually included in state accountability systems.

Additionally, this substitute seeks to curb over-classification by codifying the one percent cap on reporting as-proficient students assessed using alternate assessments based on alternate achievement standards for accountability, does not allow widespread application of alternative assessments based on alternate achievement standards, and eliminates use of the two percent cap. These crucial steps are strongly supported by the disabilities community and will ensure all students with disabilities are included in accountability systems and that there is not an incentive to increase referrals to special education. This cap was eliminated by H.R. 5.

English Learners

The Democratic substitute requires States establish English language proficiency standards, assessments, and targets to ensure all students are achieving English language proficiency. It also requires States establish native language assessments when States have at least 10,000 students or 25 percent of students who speak the same native language.

Unlike H.R. 5, this improves current law by moving English language proficiency targets into Title I, part A to increase the coordination in accountability systems and establishing parameters for native language assessments so that students are fairly assessed in a manner that helps them best demonstrate their knowledge. The substitute also restores English language proficiency targets which were eliminated by H.R. 5.

Additionally, the Democratic substitute maintains essential supports for this vulnerable population of students by extending program authorizations for Title III of ESEA. This stands in stark contrast to H.R. 5 which substantially diminishes guaranteed supports for the English learner population by repealing Title III and instead utilizing a minimal reservation within Title I. Not only does the mandatory reservation within a post-sequester Title I not provide adequate support for this growing population of students, it also sends a signal to states and school districts that quality education supports for English learners is not a high priority.

Reporting

Quality and transparent reporting is essential to ensure parents, schools, and districts have access to critical information to help improve student achievement. The Democratic substitute meets this important need by requiring States and LEAs have district report cards that present information in the aggregate, disaggregated, and cross-tabulated on student achievement, student growth, graduation rates, and improvement indicators (including indicators of student engagement, student advancement, educator quality, and academic learning). The report cards

also include information on alternate assessments, information on English language proficiency, teacher qualifications, teacher effectiveness, and per-pupil expenditures (that are determined using actual teacher salaries).

Unlike H.R. 5, these provisions improve current law by including cross-tabulation, student growth, and information performance on alternate assessments, appropriately defining the 4-year adjusted cohort graduation rate and the cumulative rate, and using actual teacher salaries to determine per-pupil expenditures.

Fiscal Responsibility, “Flexibility,” and Protecting Civil Rights

The Democratic substitute reinstates support for special populations of students by restoring separate and dedicated funding streams for migrant students, neglected and delinquent students, English learners, rural students, and Indian students. It eliminates the Republican funding “flexibility” provisions that do more to undermine accountability and student achievement than they do to provide needed flexibility, allowing funding from these programs to be spent in other areas rather than on services to the population of students for which it is intended.

The Democratic substitute also restores fiscal responsibility, which was eliminated by H.R. 5. The Democratic substitute restores maintenance of effort provisions in Title I to ensure continued State and local funding for education. It also eliminates the new burdensome provisions on equitable participation of private school students added by H.R. 5.

Effective Teachers and Leaders

Research is clear that the most important factor in the education of a child is his or her teacher, followed closely behind by the principal. NCLB, for the first time, addressed issues of teacher quality, with the goal of ensuring that teachers meet minimum standards before entering the classroom. Much has been learned about teacher quality since NCLB was signed into law. Though today the national debate centers on teacher and school leader effectiveness and outputs, 10 years ago the data capacity did not even exist to have those conversations. Committee Democrats believe that the reauthorization of NCLB must build on what we have learned about teachers and leaders over the last 10 years and utilize the advancements made on data capacity and the state, district and school level to improve teaching and learning.

The Democratic substitute supports teacher and principal evaluation systems to ensure teachers and leaders are receiving quality evaluations that integrate targeted support and opportunities to improve. Committee Democrats believe that teacher evaluation systems should be developed with teachers and school leaders, protect collective bargaining rights, protect the privacy of teachers, and include multiple measures of student achievement and classroom practice. Teacher evaluation is also part of the Administration’s NCLB waiver package that 11 states are implementing and for which another 26 states have applied.

The Democratic substitute also requires local education agencies to develop and implement an assessment of educator supports and working conditions to ensure teachers and school leaders are given the best opportunity to succeed with students. The assessment would evaluate educator supports, such as access to quality professional development and instructional materials, timely

access to data, professional growth opportunities, and strong instructional leadership. It would also evaluate working conditions such as school climate, safety, and opportunities to collaborate. Districts would need to develop a plan to address shortfalls and annually report on that plan. Additionally, the assessment and corresponding plan would be developed with teachers and school leaders.

The Democratic substitute puts the needs of students first by requiring states and districts to address the equitable distribution of effective teachers and school leaders to ensure they reach the students that need them the most. States and districts would be required to develop and implement a plan to ensure students are taught and schools are led by effective teachers and school leaders at equal rates across a district.

The Democratic substitute also restores Title II of the Higher Education Act. Committee Democrats update the program to ensure that teachers are prepared to teach students to new college and career ready standards. Committee Democrats also requires states to establish a data system link between districts and pre-service programs to support data sharing. Such a link would have provided aggregated student performance information back to schools of education and other pre-service programs to support their improvement.

Eliminating the Block Grant in H.R. 5

The Democratic substitute amendment restores fiscal responsibility and support for essential student services by eliminating the Republican block grant and providing for six dedicated funding streams for consolidated programs, including: 21st Century Community Learning Partnerships, the Charter School Program, non-academic support services to students, literacy programs, STEM programs, and funding for a well-rounded education.

21st Century Community Learning Partnerships

The Democratic substitute addresses the need of districts, schools, and students by improving the 21st Century Community Learning Centers program and providing formula funding to states, and competitive grants to partnerships of local educational agencies and community-based organizations, to support before-, after-, and summer school programs, as well as expanded learning time opportunities. Committee Democrats firmly believe that decisions should be made at the local level on whether to use the funds for before-, after-, or summer school programs, or expanded learning time activities based on an assessment of needs in the schools that would be served. The need to engage and support more students is urgent. Now more than ever, we need to be providing students with additional learning time to achieve a high-quality education and skills that meet the needs of the 21st Century.

Ensuring High-Quality Charter Schools

The Democratic substitute seeks to reauthorize the Charter School Program and prioritize quality authorizing and operational standards for all public charter schools receiving federal funds.

Like H.R. 5, the proposal for reauthorization of the Charter School Program would streamline the program by awarding one grant per state to support the opening, replication, and expansion of quality charter schools, allowing states to subgrant to local educational agencies and developers within the state. Both H.R. 5 and the Democratic substitute seek to ensure charter schools serve students with disabilities, English language learners, and other underserved students.

The Democratic substitute seeks to reward innovation and results by increasing the amount of funds available for national activities grants, awarded directly from the Secretary to eligible applicants, but in recognition of systemic improvements does not allow the state's governor to act as an autonomous charter authorizer in receipt of federal CSP funds.

Unlike H.R. 5, the Democratic substitutes improves upon the bipartisan CSP proposal to prioritize charter school quality over charter school quantity by maintaining the five year grant cycle while providing flexibility for local use of CSP funds, introducing a strong program evaluation, and defining high-quality charter schools as those schools best serving the academic needs of students as delineated in Title I. Additionally, the Democratic substitute amends Title I to include nationally-recognized quality authorizing standards in the state plan. Supported by the National Association of Charter School Authorizers, inclusion of quality standards will ensure that all states supporting public charter schools are utilizing best practices around charter school performance and accountability and making that information available in a transparent and understandable format.

Social and Emotional Supports for Students

The Democratic substitute to H.R. 5 ensured that schools would have the funds necessary to support key wrap-around services necessary for students to succeed in school. The Democratic substitute amendment provides formula funding to states, and competitive grants to local educational agencies to support programs and services to address school safety, the prevalence of substance abuse, the unmet needs of youth in danger of juvenile delinquency and gang activity, the need for specialized instructional support personnel, and the prevalence of student health needs (including mental health and nutrition). The Democratic substitute recognizes that if States and local educational agencies are to be held accountable for student achievement, they must also have access to a dedicated funding stream to address the non-academic needs of students. Lastly, because a safe and inclusive learning environment is essential to academic success of all students, the Democratic substitute contains dedicated supports to curb bullying and harassment, including such activities negatively affecting lesbian, gay, bisexual, and transgender students.

Support for a Well-Rounded Education

The Democratic substitute supports a well-rounded education for students, ensuring that students have access to high-quality literacy and STEM curriculum, including a STEAM curriculum, as well as highly skilled teachers to implement that curriculum. Committee Democrats believe it is unacceptable that American fifteen-year-olds rank fourteenth among developed nations in

reading, lagging behind such countries as Poland, Iceland, and Estonia.¹⁰ The Democratic substitute recognizes that reading and writing are absolutely critical to a student's education, and to the nation's economy. The substitute provides funds to implement state literacy plans and provides support for professional development, curriculum, assessments and other academic supports for districts and schools.

Concern about America's ability to be competitive in the global economy has also led to a number of calls to action to strengthen the STEM pipeline. The Democratic substitute answers that call and focuses on graduating students prepared for college and careers in STEM occupations. The Democratic substitute recognizes the enormous need for STEM education in this country and creates a comprehensive program for STEM education from birth through grade 12. Schools could implement STEM programs, develop curriculum, or assessments, or professional development activities for science, technology, engineering, and math, including other subjects that build on or are integrated with these subjects, such as statistics, computer science, environmental science, and the arts and design.

In 2007, about 20 percent of all public middle and high school mathematics and science teachers were novice teachers. Novice STEM teachers disproportionately teach in high-minority schools: 22 percent of mathematics teachers and 25 percent of science teachers were novices, compared with 13 percent and 15 percent in low-minority schools.¹¹ The Democratic substitute addresses this inequality by creating a one-time STEM Master Teacher Corps that will attract, improve, and retain teachers who teach STEM subjects in high need schools.

The Democratic substitute provides support beyond literacy and STEM so that students have access to diverse subject areas including American History, Civics, Geography, Economics, Entrepreneurship, Financial Literacy, Foreign Languages, Arts education, and Javits Gifted and Talented programs.

Committee Democrats also recognize that it is hard for states and districts to compete for numerous small pots of funding so the Democratic substitute allows for consolidated applications to reduce administrative burden and bureaucracy. The Democratic substitute also provides funds for a national competition for nonprofit organizations with demonstrated expertise in specific content areas, such as the National Writing Project, Ready to Learn, Reach Out and Read, and others. These funds would be used for professional development, curriculum, assessments, and other important academic supports.

The Democratic substitute also provides significant support for states, districts, and schools to leverage technology to improve student learning. Dedicated funding would support building the technological infrastructure schools need to offer a 21st century education, including hardware, devices, software, and improving connectivity to and within buildings. Funds would also be dedicated to improving the capacity and skills of educators to use that technology to improve student achievement.

¹⁰ http://nationsreportcard.gov/reading_2009 (accessed March 1, 2011).

¹¹ <http://www.nsf.gov/statistics/seind12/pdf/c01.pdf>

Protecting the Rights and Well-Being of Students

Unlike H.R. 5 the Democratic substitute contains provisions to ensure student and staff safety in a number of areas critical to a safe learning environment and academic success of all students.

Recognizing the overreliance on the use of seclusion and restraint as disciplinary measure that result in detrimental impact on student learning, the Democratic substitute protects all children nationwide from restraint and seclusion. Inclusion of these provisions recognizes that all students have the right to be free from physical or mental abuse and aversive behavioral interventions that compromise health and safety. The substitute makes clear that restraint and seclusion must only be used in emergencies threatening physical safety and are never a substitute for appropriate educational or behavioral support. Fewer than half of all states lack these vital protections for all children. Unlike H.R. 5, the Democratic substitute requires prompt parental notification when seclusion and/or restraint is utilized and bans the use of dangerous mechanical and chemical restraints. The substitute requires use of evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. Additionally, the substitute seeks to ensure that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to better protect students and staff.

Unlike H.R. 5, the Democratic substitute seeks to amend ESEA by requiring comprehensive, consistent, and regular criminal and child abuse background checks for all public school employees, contractors and applicants for those positions if they include access to children. The substitute prohibits such staff from working in public schools if they have been convicted of specified violent or sexual felonies or any violent or sexual crime against children.

Additionally, the Democratic substitute seeks to protect the rights of all students, including lesbian, gay, bisexual, and transgender students to a safe, quality education free from harmful bullying and harassment. Through inclusion of the Student Non Discrimination Act, the Democratic substitute adds sexual orientation and gender identity to the list of classifications utilized to define harassment and extends the civil rights and protections afforded to other student subgroups to LGBT students because all students deserve to learn in a safe and harassment-free learning environment.

Improving Homeless Education

While H.R. 5 makes some improvements to the McKinney-Vento program for the education of homeless children and youth, the Republican-proposed program authorization is \$9 million below current authorization, despite a 57 percent increase in homeless students since 2009. Currently, McKinney-Vento reaches less than one in five local educational agencies. Unlike H.R. 5, the Democratic substitute authorizes the program at a level reflective of real need and in recognition of economic hardship.

The Democratic substitute also authorizes a new emergency grant program within McKinney-Vento to assist local educational agencies experiencing an increase in homelessness in the aftermath of natural disasters such as Super storm Sandy or Hurricane Katrina. Additionally, the

substitute gives local educational agencies the flexibility to equitably serve homeless children and youth by making clear that Title I funds can be expended to transport homeless children and youth to and from their school-of-origin.

Support for Democratic Principles

The Democratic substitute received broad support from the education, civil rights, disability, and business communities. The following organizations submitted a letter in support of the approach of the Democratic substitute: the Education Trust, the Leadership Conference on Civil and Human Rights, the National Center for Learning Disabilities, National Disability Rights Network, the Alliance for Excellent Education, the American Association of University Women, the Center for American Progress Action Fund, the Council of Parent Attorneys and Advocates, Inc, Democrats for Education Reform, the Disability Rights Education and Defense Fund, Consortium on Citizens with Disabilities, Autism National Committee, NAACP Legal Defense and Education Fund, National Association of Councils on Developmental Disabilities, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association of School Psychologists, Reach Out and Read, and The Arc.

Groups supporting substantial portions of the bill included the U.S. Chamber of Commerce, Action to Keep Students Safe, Americans for the Arts, American Association for Colleges of Teacher Education, Association of University Centers on Disabilities, Brain Injury Association of America, the Collaborative for Building After-School Systems, Consortium for School Networking, Council for Exceptional Children, Families Against Restraint and Seclusion, Grantmakers in the Arts, International Reading Association, International Society for Technology in Education, the Knowledge Alliance, KnowledgeWorks, NAMM, the National Education Association, Performing Arts Alliance, The Grimes Reading Institution, The School Superintendents Association (AASA), State Educational Technology Directors Association, the STEM Education Coalition, the Software and Information Industry Association, Youth Advocate Programs, Inc., Association of Performing Arts Presenters, American Composers Forum, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, Learning Disabilities Association of America, National Alliance for Musical Theatre, National Council of Teachers of English, National Writing Project, Nemours, OPERA America, the PACER Center, Reading Recovery Council of North America, SEDL, and Theatre Communications Group.

Conclusion

Currently, only about 70 percent of students will graduate from high school. Only about half of those students who graduate are academically prepared for college, and one-third of students who enter college need remediation. This remediation costs the country over \$3 billion per year¹². To be competitive as individuals and as a nation, students must be prepared for the workforce of the 21st century. Today's students will not only be competing with their neighbors

¹² Amos, J. (August 2008). *Dropouts, Diplomas, and Dollars: U.S. High Schools and the Nation's Economy*. Alliance for Excellent Education.

for jobs; they will be competing with workers and entrepreneurs from all over the world. It is time for federal policy to support state efforts to meet that growing challenge.

H.R. 5 fails to help our students meet this challenge. First and foremost, the Republican bill abandons the civil rights and equity gains made for children over the last 10 years under NCLB. H.R. 5 eliminates federal guardrails that ensure that schools are held accountable for the achievement of all students. Under the Republican bill, there would be no accountability for the number of students that graduate from high school, no transparency in how schools are evaluated, and no expectation for them to improve student achievement. The bill removes students with disabilities from the accountability system by allowing all students with disabilities to be taught to different and lower standards than the rest of the student body. H.R. 5 undermines support and accountability for low-income students, English learners, migrant students, Indian students, and neglected and delinquent students by creating a block-grant under Title I and removing requirements to improve achievement for English learners. It additionally undermines accountability to taxpayers by removing Maintenance of Effort requirements that ensure states and districts maintain their share of funding in order to receive federal funds. H.R. 5 ignores the needs of teachers, students, schools and communities. The bill fails to provide support and professional development activities to teachers and principals. H.R. 5 also disregards important research on the need for targeted services to students for specific subject matter and for other non-academic needs.

During consideration of H.R. 5 on June 19, 2013, Committee Democrats proposed to move the country's education system forward by offering a substitute amendment aimed at helping every student, regardless of their background, graduate from high school prepared to succeed in college or the workforce. The Democratic substitute offers real flexibility for States, districts, and schools while maintaining critical provisions and programs that support students, teachers, and principals in their efforts to improve learning.

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Senior Democratic Member

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