

# Democratic Amendment to H.R. 5

The Democratic substitute strikes and replaces H.R. 5 with amendments to Titles I, II, III, IV, V, VI, VII, VIII, and IX of ESEA. Additionally, it includes amendments to improve access to education for homeless children and a new title on early childhood programs. The Democratic Substitute replaces the outdated, rigid mandates of No Child Left Behind, and promotes local and state reforms while maintaining bedrock equity protections for all students.

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## Title I – Student Success

**Standards and Assessments:** The amendment would require states to establish college- and career-ready standards in English language arts, math, and science, for grades K-12 and high-quality assessments aligned to those standards.

Unlike the Republican bill, this improves 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;
- Updating assessment language to support states in creating the next generation of assessments and allowing for increased flexibility in design of state assessment systems by authorizing a competency education assessment pilot to use project-based and other assessment types;
- Ensuring that new high-quality assessments measure growth, incorporate universal design for learning to improve accessibility, and provide accommodations for students with disabilities and English learners;
- Supporting states and districts in eliminating low-quality, duplicative, and unnecessary assessments;
- Allowing development and implementation of adaptive assessments, so long as such assessments meet quality standards and measure, at a minimum, on-grade level performance.

**Accountability:** The amendment requires states to establish accountability systems that set performance, growth, and graduation targets for of all students, including subgroups of students (low-income, racial and ethnic groups, English learners, and students with disabilities) to ensure all students graduate college and career ready. It gives states flexibility to judge the performance of schools based on multiple measures of student learning and "equity indicators" of school climate and resource equity, while maintaining an important focus on student growth and academic achievement.

This amendment improves current law by:

- Including student growth, not just proficiency, in accountability measures;
- Eliminating the restrictive AYP system while still ensuring States are responsible for making real gains in student achievement for student subgroups; and
- Requiring states to use data on equity indicators in identifying schools for support and interventions and report that data at the state and district level, disaggregated by student subgroup;

This amendment is an improvement over the Republican bill by:

- Restoring accountability with guardrails on schools to ensure all students, including subgroups of students, are prepared for college and careers; and
- Restoring graduation rate accountability tied to the targets established by states under the current graduation rate regulation.
- Including nationally-recognized quality authorizing standards for all public charter schools receiving title I funds which require:
  - performance-based charter agreements;
  - disclosure of amount and duration of any non-public financial and in-kind support; and
  - renewal and revocation decisions to be based on an agreed-upon accountability plan, with significant weight given to student academic achievement and growth.

**School Improvement:** The amendment requires states and districts to use the performance targets to identify “schools in need of support” that have missed targets and “high priority schools” that have the lowest achievement in the State and diagnosed school challenges, as judged by equity indicators. Schools in need of support review data to develop a targeted plan to improve achievement and address school challenges that is driven by the unique needs of the school. High priority schools must develop a plan to improve school-wide factors, school organization, teacher and leader supports, curriculum and instruction, academic and social support services, family engagement, and governance policies. Importantly, both local educational agencies and state educational agencies are required to provide targeted resources aligned with school improvement plans to support schools in implementing locally-identified interventions to meet their improvement goals.

This amendment improves current law by:

- Eliminating the one-size-fits-all approach to school improvement and the prescriptive timelines;
- Including a flexible, targeted, and differentiated approach to improvement that is tied to the specific needs of the school; and
- Using equity indicators (including indicators of student engagement, discipline, advancement, educator quality, academic learning, access to arts and advanced courses, and measures of resource equity) rather than just test scores to measure the progress of schools in improvement.

This amendment is an improvement over the Republican bill by:

- Establishing guardrails to ensure that schools in need of supports and interventions make needed changes to effectively serve all students – by implementing locally-driven interventions that address school challenges and improve student learning; and
- Requiring that the lowest performing schools take significant steps to improve student achievement by addressing a whole range of factors that impact both student achievement and school climate.

**Students with Disabilities:** The amendment ensures students with disabilities are included in accountability systems. It permits states to establish alternate assessments aligned with alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities. When including AA-AAS assessment scores in calculations for accountability, LEAs and states may count as proficient, no more than 1% of all students, which is consistent with data on prevalence of such students.

The amendment also requires states establish guidelines for IEP teams in determining whether students should be assessed on alternate achievement standards on a yearly basis. The amendment eliminates use of “2% assessments” by prohibiting States from establishing additional achievement standards (consistent with current Federal regulations).

Unlike the Republican bill, this improves current law by:

- Requiring that alternate assessments meet the high-quality criteria of the regular assessments, including incorporation of principals of universal design for learning;
- Requiring that the alternate achievement standards be vertically aligned to ensure students achieving proficiency can access college and competitive integrated employment;
- Requiring that any computer adaptive assessments meet high-quality criteria of regular assessments and measure, at a minimum, on grade level proficiency;
- Improving the guidelines for IEP teams by ensuring students have access to the general education curriculum and that placement in alternate assessments does not influence placement in the least restrictive environment;
- Eliminating use of “2%” assessments, which have been egregiously over-used by some states and resulting in thousands of students being assessed to lesser standards unnecessarily;
- Lowering the maximum subgroup N-Size for the purposes of accountability from state-determined to “no more than 15” to hold LEAs and states truly accountable for the success and growth of all students;
- Codifying the 1% cap for accountability and assessment to ensure all students with disabilities are assessed to their true abilities and included in accountability systems and that there is not an incentive to increase referrals to special education or restrict access to a regular diploma; and
- Defining a regular high school diploma to ensure states are not allowed to grant meaningless high school credentials, under the guise of a standard diploma, based on a student's subgroup identification(s), while allowing state flexibility to adopt alternate pathways to diplomas for all students;

**English Learners:** This amendment 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 the state has at least 10,000 students who are English learners, 25% of which speak the same native language. The amendment authorizes Title III to support students and educators in improving the achievement of English learners and authorizes significantly increased funding for Title III services, reflective of need.

Unlike the Republican bill, this improves current law by:

- Moving English language proficiency targets into Title I;
- Requiring and establishing parameters for states to provide native language assessments; and
- Restoring English language proficiency targets and providing dedicated funding for English learners. (H.R. 5 eliminates Title III)

**Reporting:** This amendment requires states and districts to have report cards that present information on student achievement, growth, graduation rates, and equity indicators (including indicators of resource equity, student engagement, discipline, advancement, educator quality, academic learning)—in the

aggregate, disaggregated, and cross-tabulated. The report cards also include information on alternate assessments, information on English language proficiency, and teacher qualifications.

Unlike the Republican bill, this improves current law by:

- Including cross-tabulation, student growth, and performance information on alternate assessments; and
- Appropriately defining the 4-year adjusted cohort graduation rate and the extended year (5- and 6-year) rate (consistent with current Federal regulation).

**Education for Neglected, Delinquent or at-Risk Youth:** The Democratic amendment makes needed improvements to Title I, Part D, State education plans for the education of youth in juvenile institutions. States would also have stronger reporting requirements on the effectiveness of their juvenile institutional education systems.

Unlike the Republican bill, this improves current law by:

- Requiring increased coordination between LEAs and juvenile institutions to ensure children are promptly enrolled in education services that best meet their needs; and requiring that youth in these facilities have sufficient transition services to facilitate their return to school when they leave secure confinement, including the transfer of credits, participation in career pathways, and other necessary re-entry services

**Funding Equity:** The Democratic amendment closes a loophole in current law that allows districts to allocate less money to Title I schools compared to wealthier schools, by requiring districts to include actual teacher salaries in their calculations. It also requires States and districts to publicly report their progress in making funding equitable.

Unlike the Republican bill, this improves current law by:

- Not allowing districts to inequitably fund low-income schools; and
- Making resource equity improvement efforts public and transparent.

**Dropout Prevention:** The Democratic amendment amends Title I, Part H, School Dropout Prevention to provide for better data collection on dropouts, and to reward and recognize schools implementing reforms that lower the dropout rate both for all their students and for subgroups with higher than average dropout rates. Additionally school receiving dropout prevention grants cannot use funds in the support of zero tolerance discipline policies.

**Funding “Flexibility”:** The Democratic amendment restores separate dedicated funding streams for migrant students, neglected and delinquent students, English learners, and rural students. It eliminates the Republican funding “flexibility” provisions that would allow funding from these programs to be spent on activities rather than on services to the population of students for which each program is intended. The Democratic amendment does increase local flexibility by eliminating burdensome mandatory spending requirements in school improvement and supplemental educational services.

**Other Provisions:** The Democratic amendment is an improvement over the Republican bill by restoring fiscal responsibility and ensuring that limited federal resources are serving districts and schools with large concentrations of poverty.

- The Democratic amendment restores the assessment funding stream to maintain a program dedicated to supporting the development of high-quality assessments.
- The Democratic amendment eliminates new burdensome provisions on equitable participation of private school students.
- The Democratic amendment increases funding for family engagement from 1% to 2% and improves section 1118 to align with nationally-recognized standards for family-school partnership.
- The Democratic amendment restores maintenance of effort provisions in Title I to ensure continued state and local funding for education.
- The Democratic amendment does NOT allow states to make Title I funds “portable” – According to best estimates, portability alone could result in the poorest school districts losing more than \$675 million in Title I funding, while the districts with the least poverty could gain \$440 million.
- The Democratic amendment maintains the 40% threshold for operation of school-wide programs, ensuring that students eligible for Title I services benefit from the funding.

## Title II – Great Teachers and Leaders

The Democratic amendment updates current law to better support students, teachers and school leaders. The rewrite of Title II includes a formula grant to states and local education agencies, a competitive grant to support teacher and school leader innovation, and restores and updates Title II of the Higher Education Act to improve pre-service training for teachers. Title II, Part A, the formula to states and LEAs, focuses on three major areas:

- Supporting educator effectiveness through targeted professional development, quality teacher and principal preparation programs, and public reporting on state teacher and principal evaluation systems, should states and districts choose to develop and implement any such systems;
- Improving supports and working conditions for educators; and
- Improving equitable distribution of qualified and effective teachers and school leaders to the students that need them most.

The amendment requires states to describe whether they have established teacher and principal evaluation systems to ensure timely targeting of teachers and leaders with support and opportunities to improve their effectiveness and to improve student learning. Under the Democratic amendment, data is collected on whether evaluation systems:

- are developed with input from teachers and school leaders;
- include multiple measures of student achievement and classroom practice;
- provide teachers and leaders targeted supports and time to improve; and
- train all participants in the evaluation system and its use.

The Democratic amendment allows Title II funding to support and improve the evaluations systems currently being developed and implemented by states and school districts. Additionally, the collective bargaining rights and privacy of teachers and school leaders are protected.

The amendment 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 in the classroom. This assessment would look at 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 look at working conditions such as school climate and safety and opportunities to collaborate. The LEA would 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 amendment requires states and districts to address the equitable distribution of qualified and effective teachers and school leaders to ensure they reach the students that need them most. States and LEAs are required to develop and implement a plan to, over time, ensure students are taught and schools are led by effective teachers and school leaders at equal rates across an LEA, with determinations of effectiveness left to the State or local educational agency.

The amendment also requires states to establish a data system link between LEAs and pre-service programs to support data sharing. Such a link would allow for, but not require, the sharing of aggregated student performance information back to schools of education and other pre-service programs to support program improvement.

Unlike the Republican bill, this improves current law by:

- Supporting new teacher induction and mentoring and requiring states to address large class sizes in kindergarten through 3<sup>rd</sup> grade, with a focus on the poorest schools;
- Emphasizing collaboration and shared professional development for educators in transitional grades, i.e. among teachers and principals in early elementary grades and those in early childhood education;
- Supporting equitable distribution of qualified and effective teachers and leaders in classrooms with high percentages of low-income and minority students.
- Supporting high quality, comprehensive teacher and school leader evaluations that are developed first and foremost to inform professional development, include multiple measures of student learning and classroom practice, and that are tied directly to targeted support for educators and principals;
- Retaining the current Title II formula to focus on the neediest schools (H.R. 5 alters this formula to the detriment of poorer schools);
- Supporting quality professional development (H.R. 5 does not take into consideration the working conditions of teachers and leaders, including school safety, and creates an arbitrary cap on class size despite research);
- Requiring states and districts take steps to ensure all students have access to effective teachers and school leaders;



- Maintaining a federal definition of 'qualified teacher', to ensure teachers enter the classroom prepared to teach, regardless of the type of preparation program (H.R.5 eliminates any such definition);
- Supporting data sharing between LEAs and pre-service programs to better inform and improve pre-service teacher training.

**Title II, Part B, supports the Teacher and Leader Innovation Fund**, a competitive grant to States and LEAs. The grant would support partnerships between States, high-need LEAs or partnerships between institutions of higher education, education service agencies, and other non-profit organizations to develop innovative practices to support teachers and school leaders and improve student achievement.

**Title II, Part C, restores Title II of the Higher Education Act.** The program is updated to ensure teachers are prepared to teach students to new college- and career-ready standards. The competition would be opened to include programs that provide alternative routes to State certification if they meet the same criteria as the current eligible entities. The intention in opening up the competition is to ensure the highest quality programs can be selected.

Unlike the Republican bill, this improves current law by:

- Restoring the Title II of the Higher Education Act to maintain federal support for high quality teacher training. The Amendment improves upon current law by opening up the competition to programs that provide alternative routes to certification.

## **Title III – English Language Learners**

H.R. 5 strikes all of Title III. The Democratic amendment restores Title III as programmatic supports for English language learners and both extends and increases the program authorization within Title III. Additionally, all Title III accountability provisions to ensure quality education for English Learners are moved to Title I (see explanation on page 4). The Democratic amendment authorizes Title III program supports for English learners at \$1,000,000,000 – reflective of need due to the steady increase of EL enrollment in public schools.

## **Title IV – Safe, Healthy, and Successful Students**

H.R. 5 strikes all programs under current law Title IV, Part A and makes these programs an allowable use of funds under the Local Academic Flexible block grant. The Democratic substitute amendment eliminates the Republican block grant, strikes all of current law under Title IV, and replaces it with programs to support out-of-school and expanded learning time programs and programs to support the non-academic, health, and safety needs of students. All programs in the Democratic amendment prioritize low-performing and low-income schools. And all programs under Title V will be prohibited from funding schools with zero-tolerance discipline policies, and law enforcement operating in schools with documented excessive or racial disparities in the use of exclusionary discipline.



**Title IV, Part A provides funding for after school programs and expanded learning time.** The Democratic amendment provides formula funding to States, and competitive grants to partnerships of local educational agencies and community-based organizations (either of which may be fiscal agents). Grantees decide whether to use the funds for before, after, or summer school, or expanded learning time based on a needs assessment.

Unlike the Republican bill, this improves current law by:

- Creating a separate funding stream dedicated to the before, after, and summer school programs, and expanded learning time activities, instead of forcing districts to make difficult, and sometimes political decisions about what to fund through a block grant.
- Allowing local level flexibility to determine the programs that best fit student needs, including increasing teacher planning time and providing enrichment in multiple subjects besides reading and math .

**Title IV, Part B provides funding to address the health and safety needs of students.** The Democratic amendment provides formula funding to States, and competitive grants to local educational agencies in partnership with one or more community-based organizations. Local educational agencies seeking the grant are required to conduct a needs assessment in several key areas, including school safety (including the safety needs of LGBT youth), 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). Grant funds would be used to address the identified needs and the eligible entity would be held accountable for the academic and non-academic progress of students.

The amendment also requires States seeking a grant to develop comprehensive school safety plans which must include plans to address bullying and harassment, including bullying and harassment based on sexual orientation and gender identity; evidence-based and promising practices to address juvenile delinquency and gang activity; school-sponsored, off-premises, overnight field trips, and crisis and emergency management. These plans must be adopted by local educational agencies within 1 year, with LEAs able to incorporate additional safety provisions reflective of community need.

**Title IV, Part C provides funding to create full-service community schools.** The Democratic amendment provides competitive grants to partnerships between LEAs and community-based non-profit entities to support the full-service community school model. Full service community schools provide students, their families, and the surrounding community with access to integrated educational, developmental, family, health and other services at the school building, in coordination with non-profit, public and private partners.

Unlike the Republican bill, this improves current law by:

- Creating a separate funding stream to address the non-academic needs of students. H.R. 5 forces local educational agencies to make difficult decisions about what to fund and what not to fund through a block grant. Under the Republican bill, there is no guarantee that student's safety, health, mental health, nutritional or other essential needs would be met under the Republican bill. Research shows that these needs must be met before effective learning can occur.

- Ensuring that States and districts have comprehensive plans in place to deal with student safety needs and school-wide emergencies. H.R. 5 does nothing to address the very prevalent problems facing students such as bullying and harassment.
- Consolidating numerous small grant programs, reducing administrative burden and bureaucracy on States and local educational agencies, and making it easier for State and local educational agencies to compete for and access funds.

## Title V – Well-Rounded Students and Engaged Families

The Democratic amendment reauthorizes and improves the Charter School Program (CSP), strikes current law Title V, Part D and replaces it with programs dedicated to improving student achievement in STEM, literacy, technology, and other subject matters leading to a well-rounded education, and reauthorizes and improves a State-based program to build effective family-school partnerships.

**Subtitle A: Quality Charter Schools** is legislative language pulled from H.R. 10, passed by the Committee and the full body with strong bipartisan support during the 113<sup>th</sup> Congress. House Democrats were successful in achieving demonstrable accountability and oversight, quality control, and student access improvements for provision of CSP within H.R. 10 last Congress. Because the reach of CSP is limited, the Democratic substitute bolsters charter sector improvement, oversight, and accountability by including quality charter authorizing standards for all States receiving Title I;

### Unlike the Republican bill, this:

- Requires all States receiving Title I dollars to have charter authorizing standards (see page 2)
- Removes granting priority for States without a cap on charter school expansion;
- Ties outcomes to quality authorizing and operational standards included in Title I.
- Ties the definition of ‘high quality charter school’ to student achievement and growth as described in title I.

**Subpart 1 creates a comprehensive program for STEM education** from preschool through grade 12. If the STEM program is funded above \$250 million, funds are provided by formula to States; if funding is below \$250 million, funds are competitive to States. States provide competitive grants to the local level.

Districts or a consortium of districts must conduct a needs assessment to determine how to use the STEM grant, including for professional development, curriculum, assessments, improving school science labs, afterschool programs, and other academic supports. A special focus is required on students who are traditionally underrepresented in STEM fields such as women and students of color. The amendment also creates a STEM Master Teacher Corps that will attract, improve, and retain teachers who teach STEM subject in high need schools.

Unlike the Republican bill, this improves current law by:

- Creating a separate funding stream to address STEM education. H.R. 5 does not specifically fund STEM education and forces local educational agencies to make difficult decisions about what to fund and what not to fund through a block grant.
- Strengthening the provisions formerly authorized under the current law program Mathematics and Science Partnerships and increasing its funding.

**Subpart 2 creates a comprehensive literacy program** for students from preschool through grade 12. If the literacy program is funded above \$250 million, funds are provided by formula to States; if funding is below \$250 million, funds are competitive to States. The Secretary may also award planning grants to States to review current reading, writing, and other literacy programs, form a literacy leadership team, and create a comprehensive literacy plan. States provide competitive grants to the local level.

- 10% of funds are used for children from preschool through kindergarten.
- 40% of funds are used for students from kindergarten through grade 5.
- 40% of funds are used for students from grade 5 through grade 12.
- Funds must be used to implement the literacy plans and provide support for professional development, curriculum, assessments and other academic supports.

Unlike the Republican bill, this improves current law by:

- Creating a separate funding stream to address literacy education. H.R. 5 provides no specific funding for literacy programs and forces local educational agencies to make difficult decisions about what to fund and what not to fund through a block grant.
- Consolidating numerous small grant programs to reduce administrative burden and make it easier for States and districts to compete for and access funds.

**Subpart 3 supports local delivery of a well-rounded education to students.** The amendment provides funding for States and districts, in partnership with Institutes of Higher Education, nonprofit organizations, libraries, or museums, to compete for grants in a variety of important subject matter areas. Grant funds may be used for professional development, curriculum, assessments, and other academic supports. This funding also maintains support for public broadcasting entities to continue to disseminate research-based educational media.

- 25% of funds are reserved for American History, Civic Education, and Geography programs.
- 15% of funds are reserved for Economic, Entrepreneurship, and Financial Literacy Education programs.
- 15% of funds are reserved for Foreign Languages programs.
- 15% of funds are reserved for Arts programs.
- 10% of funds are reserved for Javits Gifted and Talented programs.
- 10% of funds are reserved for Ready-to-Learn.
- 5% of funds are reserved for a national competition for nonprofit organizations, such as the National Writing Project, Ready to Learn, Reach Out and Read, and others.

Unlike the Republican bill, this improves current law by:

- Creating a separate funding stream to provide students with a diverse education. H.R. 5 provides no specific funding for these important programs and does not protect against a narrowing of the curriculum.
- Consolidating numerous small grant programs reduces administrative burden to make it easier for States and districts to compete for and access funds.

**Subpart 4 creates a comprehensive program for education technology.** The program provides formula grants to States and districts. The program would help districts invest in infrastructure (e.g., devices, software, or connectivity) and professional development for educators in the use of technology and digital resources to improve student learning.

Unlike the Republican bill, this improves current law by:

- Restoring support for education technology that was eliminated in H.R. 5 and updating the existing education technology program; and
- Equipping schools and teachers to provide a 21<sup>st</sup> century education and ensuring resources for those students and schools who lack access to technology.

The amendment also creates a new agency (ARPA-ED) in the Department of Education that would leverage cutting edge R&D to spur new education breakthroughs.

**Subtitle C restores and improves Parent Information Resource Centers (PIRCs).** The Democratic amendment re-defines the PIRCs' role to providing capacity-building, training, and technical assistance to States and districts, in order to scale up innovative practices and reach more families, particular those in high-need communities and ensure the ability of school districts to implement section 1118. The amendment renames PIRCs as "Statewide Family Engagement Centers" (SFECs) to better reflect their new role. H.R. 5 also contains this provision.

Unlike the Republican bill, this improves current law by:

- Ensuring that each State receives at least one SFEC grant for technical assistance and capacity-building in family engagement to improve student outcomes.
- Ensuring a minimum grant award per State.

This improves current law by:

- Improving the ability of PIRCs to provide technical assistance to State educational agencies and local educational agencies to more effectively engage parents in the education of their children.

**Subtitle D provides grants for dual enrollment.** The program provides funding for local educational agencies that partner with institutions of higher education to establish or support dual enrollment programs, such as early high schools, that allow secondary school students to earn credit simultaneously toward a secondary diploma and a postsecondary degree or certificate. This funding stream bolsters expansion of dual enrollment and is aligned with school improvement activities within title I for high priority schools and schools in need of support.

**Other Provisions:** The Democratic amendment also provides stronger accountability language around Magnet schools that receive federal assistance, giving the Secretary discretion to reduce or terminate funding of magnets that are not making progress in their goals of reducing or preventing minority group isolation.

## Title VI

The Democratic amendment moves the assessment funding stream from Title VI to Title I and increases the authorization level to assist States and school districts in efforts to eliminate low-quality and duplicative assessments.

## Title VII

The Democratic amendment protects the federal trust responsibility to our Native Indian students. Unlike H.R. 5, the Democratic amendment recognizes the severe need Indian, Native Hawaiian, and Alaska Native communities face by providing adequate funding levels to support these programs. The amendment also ensures that representatives of Indian tribes and Native organizations are included in the collaboration process for the development of state and local plans.

## Title VIII – Impact Aid

H.R. 5 makes small but mostly positive changes to Impact Aid. The Democratic amendment makes a slight change to H.R. 5 to give the US Department of Education improved “policing authority” should States try to circumvent the equalization provision without being an approved State allowed to equalize Impact Aid funding. Only three States (AK, KS, NM) are currently allowed to equalize Impact Aid funding. This change was requested by the National Association of Federally Impacted Schools.

## Title IX – General Provisions

The Democratic amendment makes changes to general provisions of ESEA in order to ensure the safety, health, and well-being of all students, in addition to improving evaluations of federal programs.

**The Keeping All Students Safe Act** amends ESEA by protecting all children nationwide from restraint and seclusion except in emergencies that threaten physical danger. 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. It 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 protections for all children.

Unlike the Republican Bill, this improves current law by:

- Requiring prompt parental notification when seclusion and/or restraint is utilized
- Banning the use of dangerous mechanical and chemical restraints and those that impair breathing
- Requiring 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.
- Ensuring that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to better protect students and staff
- Requiring collection of data to better inform decision-making

**Fair Background Checks for School Employees** amends ESEA by requiring specific criminal and child abuse background checks for all public school employees, contractors and applicants for those positions if they include unsupervised access to children. The bill 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. Provides a timely appeal process to challenge incomplete or inaccurate information and provides an individualized review assessment for extenuating circumstances.

Unlike the Republican bill, this improves current law by:

- Ensuring a fair appeals process for all employees and applicants to ensure that the checks are complete and accurate;
- Requiring that all school employee and contractors with unsupervised access to children update their background check every five years.

**The Protecting Student Athletes from Concussions Act** amends ESEA to set minimum standards for concussion safety and management that meets the needs of the school community.

Unlike the Republican bill, this improves current law by:

- Requiring states to ensure that public schools have a concussion safety and management plan that educates students, parents, and school personnel about concussion safety and how to support students recovering from concussions;
- Empowering parents, student athletes, and school personnel by posting information about concussions on school grounds and on school websites;
- Supporting “when in doubt, sit it out” policies for students suspected of sustaining a concussion during a school-sponsored athletic activity

The Democratic amendment also amends Title IX to include a small set-aside of each program for the purposes of evaluating and improving that program. The Secretary may reserve 1 to 3% of funds from each categorical program or demonstration project in order to 1) evaluate the effectiveness of programs, 2) continuously improve programs, 3) provide technical assistance to grantees, and 4) identify and disseminate best practices.



## **Title X- Education for Homeless Children and Youths**

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% increase in homeless students since 2009. Currently, McKinney-Vento reaches less than one in five local educational agencies. The Democratic amendment includes provisions in Title I and Title X to improve educational access to homeless children and youth.

Unlike the Republican bill, this improves current law by:

- Authorizing the program at a level reflective of real need and in recognition of economic hardship.
- Authorizing a new emergency grant program within McKinney-Vento to assist local educational agencies in experiencing an increase in homelessness in the aftermath of natural disasters such as Super storm Sandy or Hurricane Katrina.
- Improving the engagement of homeless parents in the education of their children.
- Giving 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.

## **Title XI – Supporting High-Quality Early Childhood Education**

The Democratic amendment provides formula grants to states for high-quality preschool programs to build on their investments in evidence-based early childhood education. Millions of young children from low-income families lack access to high-quality, affordable preschool programs. Decades of studies have found that quality preschool leads to a wide range of short- and long-term benefits, including better educational outcomes, stronger job earnings, and lower levels of crime and delinquency. The Democratic amendment includes the prekindergarten components of the Strong Start for America's Children Act, a 10-year innovative federal-state partnership to expand and improve early learning and school readiness opportunities for four-year olds. The amendment specifically provides:

- Formula funding to states, with a state match, for high-quality, full-day pre-kindergarten for four-year old children from families earning below 200% of the Federal Poverty Level (FPL).
- States in turn provide subgrants to local entities to offer children high-quality prekindergarten, which includes:
  - Teachers with high qualifications and quality professional development;
  - Rigorous health and safety standards;
  - Small class sizes and low child-to-staff ratios;
  - Instruction that is based in evidence and is developmentally appropriate;
  - Prohibitions on preschool expulsions and extended suspensions;



- Evidence-based child-staff comprehensive services for children, including strong parent and family engagement, nutritious meals, and health screening and referrals.
- Accountable performance measures for the preschool funds, including increasing school readiness, narrowing achievement gaps, and reducing the need for grade retention.

**Unlike the Republican Bill, this improves current law by:**

- Providing states and local school districts with significant funding so all four-year olds in the nation will have access to high-quality preschool programs;
- Supporting states without preschool programs and those with minimal programs by expanding funding for targeted preschool development grants; and
- Strengthening other early learning efforts in states, including Head Start and quality child care programs by adding resources and authorizing research-based standards.