

No Child Left Behind (NCLB):2002 vs Every Student Succeeds Act (ESSA):2015

Is the new Federal Law really increasing Local Control?

	NCLB	ESSA	Comments
Statement of Purpose	“fair, equal, high-quality education, reach minimum proficiency on challenging academic standards”	“fair, equitable, high-quality education, close achievement gaps”	Focus changed from equal to equitable and from minimum proficiency in academics to closing achievement gaps
Standards	<p>“...State shall not be required to submit such standards to the Secretary [of Education].” p. 1445</p> <p>Challenging standards same for all schools in the state that 1) specify knowledge and skills for students 2) coherent and rigorous content 3) encourage teaching advanced skills 4) coordinate with 6 federal statutes, 5) English, math, science.</p> <p>Aligned to State standards. Describe 2 levels of high achievement (proficient and advanced). Describe a 3rd level (basic)</p> <p>Secretary approves plans unless requirements not met. p. 1456</p>	<p>“State shall not be required to submit any standards... to the Secretary [of Education] for review or approval... Secretary shall not...mandate, direct, control, coerce or exercise any direction or supervision over State...standards.” p. 51</p> <p>Challenging academic content standards: includes requirement for: 1) consultation with Governor, legislature, teachers, etc. 2) coordination with 11 different Federal programs including IDEA, Workforce Innovation and Opportunity Act (WIOVA) 3) same for all schools in the state with exceptions, 4) English, math, science or others 5) “aligned with entrance requirements for credit-bearing coursework in...higher education...and...career and technical education standards.” p. 48</p> <p>Specification on US Dept of Ed Review Committee for approving state plans.</p> <p>Details on when the Secretary can disapprove plans. p. 42-3</p>	<p>Much of the language is similar. . Standards not required to be submitted for approval. Secretary still has discretion to approve or disapprove plans.</p> <p>Standard specifications much more detailed under ESSA. ESSA requires coordination with 11 federal statutes instead of 6. ESSA requires standards to align with post-secondary coursework. The only current widely-adopted set of standards that are aligned is Common Core and Next Generation Science Standards. This alignment continues to set the stage for national standards (Common Core or similar) that will meet this expectation.</p>
Testing Schedule	Requires testing as follows: In English math, and science at least once:	Requires testing as follows: In English and math: 1) in each grade 3 – 8 2) at least once in grades 9-12	Testing has actually increased under ESSA. However, most state plans already include testing of every grade level, starting in 3rd grade at a minimum. But NCLB only requires 3 tests in the 3

No Child Left Behind (NCLB):2002 vs Every Student Succeeds Act (ESSA):2015

Is the new Federal Law really increasing Local Control?

	<p>1) grades 3- 5, 2) grades 6-9, and 3) grades 10 -12. Involves multiple academic measures including “higher-order thinking skills and understanding;” p. 145095% participation rate required of all students and all subgroups.</p>	<p>In science at least once in 1) grades 3-5, 2) grades 6-9, 3) grades 10 -12. Any other subject the state deems to requires, on a schedule set by the state. Involves multiple up-to-date measures, including higher-order thinking skills, may include measures of student growth, partially determined in the form of portfolios, projects. p. 5495% participation rate required of all students and all subgroups.No parental opt-out of testing is allowed that would hold harmless schools or districts with a lower participation rate on required testing. (p.76)Assessment time is limited (p.76)</p>	<p>different subjects throughout a child’s K-12 experience. ESSA requires 2 tests over 7 years and 1 test over 3 years minimum. ESSA has greater detail given to other measures that ‘may’ be included on assessments.</p> <p>95% participation rate maintained. Penalties follow for lower participation, effectively nullifying parental opt outs of testing for federal purposes. State laws allowing parental opt out are allowed, but meaningless for district and school accountability.</p> <p>The limitation on assessment language has the effect of increasing federally-incentivized testing (under this Act) and reducing local or state testing. Since this is federal law, the federally-required tests will be given. Should additional testing exceed the limit under this part, the state and local assessments will be dropped. It is an increase in federal testing, in practice.</p>
Waivers	<p>The term ‘waiver’ applies to the section it is in. It is to be initiated by the LEA or State Education Agency and could be granted for things such as financial hardship, natural disaster, or if the state could find a better way to meet a given objective. The Secretary has no power to establish new terms. p. 1972</p>	<p>Illegal NCLB Waivers from letter dated Sep. 23, 2011 terminated after Aug. 1, 2016. p. 7-8 The term ‘waiver’ applies to the section it is in. It is to be initiated by the LEA or State Education Agency and could be granted for things such as financial hardship, natural disaster, or if the state could find a better way to meet a given objective.The Secretary has no power to establish new terms. p. 819 – 822</p>	<p>ESSA modifications of language are more administrative than substantive. In 2011, the Secretary of Education granted waivers from penalties under NCLB in exchange for new terms, including, for all practical purposes, using the Common Core standards. NCLB contains no provision for this, and scholarly articles, such as Vanderbilt Law Review, April 2015 (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2485407) call the use of this power unconstitutional. “This Article demonstrates that this exercise of power was beyond the scope of the Secretary’s statutory or constitutional authority. “ In short, the Secretary violated NCLB. There is no recourse for the states under either NCLB or ESSA to prohibit similar action from occurring.</p>
Common Core	Nothing	State retains the right to enter in to voluntary partnerships with other states. Zeldin	Since NCLB didn’t require Common Core, only the unconstitutional waiver process, there is no practical effect to

No Child Left Behind (NCLB):2002 vs Every Student Succeeds Act (ESSA):2015

Is the new Federal Law really increasing Local Control?

		amendment added in the House. Prohibits penalties should states choose to exit Common Core.	this legislation. It's a nice 'Sense of Congress', but the required alignment of standards to credit-bearing coursework and career (see above) will enshrine Common Core and nationally 'certified' programs and processes to meet this requirement.
Accountability	Adequate Yearly Progress (AYP): State establishes a measure of proficiency and standards for that proficiency, as well as a timeline for AYP that leads to 100% proficiency in 12 years (2014) . Measures of different subgroups defined. Interim goals that require minimum proficiency requirements toward the 100% proficiency by 2014. Indicators of proficiency must be valid and reliable. pp. 1446-8	AYP is replaced with Long-term goals: 1) improved academic proficiency on annual assessments (see above) 2) high-school graduation rates 3) terms of goals are the same for all students and subgroups 4) may include student growth measures 5) another statewide valid and reliable indicator 6) indicator(s) of school quality, may include: student engagement, educator engagement, access and completion of advanced coursework, postsecondary readiness, school climate and safety, any other measure chosen by the state. pp. 80-85	AYP proficiency requirements on state-determined tests and standards are now removed. They are replaced with state-determined measures of improvement on state-determined standards and tests. As noted above, the state-determined standards and tests have greater requirements in federal legislation under ESSA than under NCLB. Additionally, the measures of improvement include much more than academic achievement, and cause concern for parents that the state will requirement assessment of things outside their purview. What does the state's assessment of student engagement or school safety look like? How is this to be objectively measured?
Prohibitions on Federal Government	Sec. 9527 "Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act." p.1983	Sec. 8527 "Notwithstanding any other provision of Federal law, no State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act." p. 844	Identical or similar language in both prohibitions sections. ESSA includes more detail "including via grant, cooperative agreement, ..." But legally, they cover the same ground.