House Ed. Committee Approach for Reauthorizing Elementary and Secondary Education Act (ESEA) Uses a Series of Bills

Committee Starts with Program Elimination, Charter Schools, and State–Local Flexibility

The current iteration of the Elementary and Secondary Education Act (generally known as the No Child Left Behind Act, or NCLB) has been slated for reauthorization since 2007. From 2007 into 2011, the two political parties worked collaboratively to develop and consider policies to improve the education law to increase student achievement, close achievement gaps, decrease dropout rates, and turn around struggling schools. They also wanted to address some of the provisions considered most onerous and inflexible by states—but such cooperation was still not enough to produce a workable bill.

At the start of the 112th Congress in January 2011, John Kline (MN), the new chairman of the House Education and Workforce Committee, indicated his intent for the committee to abandon a comprehensive approach and instead consider a series of piecemeal bills to reauthorize ESEA. Using this approach, Chairman Kline has set as his priorities pursuing education reform that restores local control, empowers parents, lets teachers teach, and protects taxpayers.

Since January, the House committee has held eight hearings to discuss various K-12 education issues, including education innovation and flexibility, burdensome education regulations, and charter school reform. Committee activities are geared toward looking at ways to reduce the federal role in education and empower states, local school districts, individual schools, and parents.

Piecemeal Legislation

Program Eliminations Bill

The first bill introduced by the committee’s majority leadership would eliminate 43 federal education programs deemed ineffective or duplicative in nature. Rep. Duncan Hunter (CA), Chairman of the House Subcommittee on Early Childhood, Elementary and Secondary Education, introduced the Setting New Priorities in Education Spending Act (H.R. 1891), which would reduce the number of ESEA programs by half. (According to the majority leadership, the U.S. Department of Education administers more than 80 education programs.)

Further, the legislation would encourage a more streamlined federal role in the nation’s education system and, according to the committee majority, allow taxpayer dollars to be dedicated toward more efficient and successful education programs. Among the programs the bill would eliminate are the Enhancing Education Through Technology (State Ed-Tech Program), Arts in Education, High School Graduation Initiative, and Safe and Drug-Free Schools and Communities State Grant Program. The committee passed the bill in May and sent it to the House floor for consideration.
Charter School Reform

Rep. Hunter also introduced the Empowering Parents through Quality Charter Schools Act (H.R. 2218), the second of the Committee’s ESEA reauthorization bills. The bill would change the federal charter school program to support the creation, replication, and expansion of high-quality charter schools and to streamline program funding administration at the federal and state levels. It would allow state education agencies, state charter school boards, or governors to provide subgrants to support new high-quality charter schools and models and to replicate and expand high-quality charter schools with successful student outcomes.

The measure would give priority to states that repeal caps on the number of schools and/or the percentage of students that can attend such schools; allow more than a state or local education agency to authorize charter schools; and use charter schools to turn around low-performing schools. The bill would also provide financial assistance to help charter schools secure private sector capital for facility activities, including construction and renovation. The committee passed the bill in June and sent the bill to the House floor for consideration.

State and Local Flexibility for Federal Funding

The committee is currently considering the State and Local Funding Flexibility bill, which would provide increased spending flexibility to states and local school districts to effectively and efficiently address their unique education needs. The bill would expand the flexible authority under the Rural Education Achievement Program (REAP-Flex, Title VI, Part B, Subpart 1) to allow states and local school districts to transfer federal education funds across various education programs with no restrictions. However, such programs would have to be allowable activities under ESEA. Like REAP-Flex, local school districts would be required to notify state education agencies of their intention to use such flexibility and detail how they would be using their funds. States would be required to notify the U.S. Department of Education, as well.

The bill would not require a state application process with the Department. The bill would ensure that all states and local school districts receive their allocations at the same time regardless of whether they decided to take advantage of the flexibility provided by the bill. Finally, the bill would maintain existing reporting and accountability requirements for states and local school districts under existing ESEA programs.

The Committee’s Way Forward

The majority leadership members on the committee expressed their desire to introduce legislation concerning teacher effectiveness in September. The panel will also consider accountability reform in the fall.

Senate Health, Education, Labor, Pensions Committee Chairman Tom Harkin (IA) is expected to introduce comprehensive education legislation sometime this summer for consideration.

President Barack Obama indicated his desire for Congress to pass ESEA reauthorization by the start of the next school year. It is unlikely Congress will have enough legislative time to accomplish this goal. If Congress is unable to reauthorize ESEA in a timely manner, U.S. Education Secretary Arne Duncan indicated he would establish a waiver process for states to relieve them of burdensome ESEA accountability requirements and to provide them more program and spending flexibility.