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ESEA Reauthorization Measure Fails to Protect Student Civil Rights or to Promote Student Success

IDRA Statement on the U.S. House of Representatives Passage of the Student Success Act

[July 13, 2015] On July 8, 2015, the U.S. House of Representatives voted (218 to 213) in favor of HR 5, the Student Success Act, which would reauthorize the *Elementary and Secondary Education Act* (ESEA). While much debate has circled around the uncompromising nature of the latest iteration of the ESEA, known as the *No Child Left Behind Act* (NCLB), the House has abandoned key civil rights protections in HR 5 and seeks to turn back the clock on the progress achieved to date.



First passed in 1965, ESEA is well-recognized as one of the most important and lasting pieces of civil rights legislation. It brought much-needed assistance from the federal government to help focus on the educational needs of low-income and minority school children and, later, English learner students. NCLB, passed with bipartisan support in 2001, sought through a variety of provisions to close the achievement gap among racial and socioeconomic groups but was highly proscriptive with Adequate Yearly Progress and intervention measures. The resulting substantial waivers to the stringent requirements of NCLB, the proliferation of high-stakes testing across the states, and the concerns about the loss of control over public schools by local communities proved too much. Reforms are sorely needed. However, HR 5 is not the solution and fails miserably in several key respects.

HR 5 continues the high-stakes consequences resulting from testing requirements for school children by requiring 95 percent of children to test in several subjects in grades 3-8 and one grade in high school. Although the Salmon Amendment (A-47) allows students to opt out of testing without their respective schools or states being held accountable, this measure could possibly make the problem even worse with insufficient testing data acquired among the disaggregated groups. A reasonable alternative to ensure that achievement data is valid and sufficient for accountability purposes is randomized testing in the states.

A second major failing in HR 5 is the lack of effective student group accountability measures. While the rudimentary, one-size-fits-all approach of Adequate Yearly Progress has largely failed to produce the promised returns of increased achievement and opportunity, there still must be a reasonable framework and indicators that ensure the various state accountability systems provide clear, strong, consistent and effective models. Instead, HR 5 gives states and schools a free check with few strings attached by allowing states to develop virtually any "accountability" model that may, or may not, ensure that struggling students in high-need schools receive the services they need to achieve their full potential. Outlining the basic tenets of effective accountability models that ensure local communities access the necessary resources when found to be struggling will avoid a hodgepodge of watered-down systems weighing various factors differently.

HR 5 fails in several other areas including student expectations, appropriate disaggregation of data, equitable distribution of Title I funds, additional supports for EL programs and services, and effective family engagement practices, among others. As a whole, HR 5 undermines the true purpose of the ESEA of supporting our nation's students most in need and is largely a step backward from NCLB. This is, however, just a first step in the process, as the Senate continues to debate the merits of its ESEA reauthorization bill, the *Every Child Achieves Act* (ECAA). If the Senate passes the ECAA, which could occur as early as this week, a conference committee would then negotiate the two bills.

In June 2015, IDRA sent a [letter to Chairman Lamar Alexander and Ranking Member Patty Murray](#) of the Senate Health Education Labor and Pensions Committee detailing its analysis of the ECAA. IDRA will soon be issuing a more comprehensive analysis on the final bill as passed that will assist Congress and advocates in developing federal policies that carry out the true meaning of the ESEA.

For questions about this statement, please contact IDRA's National Director of Policy, [David Hinojosa](#).

Related Resources

[Elementary and Secondary Education Act](#), U.S. Department of Education website

Video: [Signing of the Elementary and Secondary Education Act](#), April 11, 1965

[IDRA Calls for Greater Federal Role in Education](#), 2011

[Assuring Civil Rights Protection with State ESEA Flexibility Waivers](#), 2013

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The logo for IDRA, consisting of the letters "IDRA" in a bold, yellow, sans-serif font.

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