

Frequently Asked Questions on the Elementary and Secondary Education Act

- **What is the Elementary and Secondary Education Act (ESEA)?**

- The Elementary and Secondary Education Act was passed in 1965 during the Johnson Administration as a part of the “War on Poverty.” It emphasizes equal access to education, establishes high standards and accountability, and authorizes federally funded education programs that are administered by the states. Congress most recently amended ESEA in 2002 and reauthorized it as the No Child Left Behind Act (NCLB).

- **Why is reauthorization important?**

Historically, ESEA has been reauthorized every five years. This ensures that law stays current and is improved. Based on this schedule, the law should have been reauthorized in the 2006-07 timeframe. It wasn’t and Congress has failed to do so every year since. Each year when WSSDA members and other school directors from across the country go back to D.C. to discuss advocacy, they take forward to our Congressional delegation a request to reauthorize this act.

- **Is there a difference between ESEA and No Child Left Behind (NCLB)?**

The No Child Left behind Act is a reauthorization or latest version of the Elementary and Secondary Education Act. It was intended to help improve student achievement through high standards, frequent testing and holding school districts accountable for student performance.

- **What is ESEA flexibility or waiver?**

While awaiting ESEA reauthorization by Congress, it became apparent that many of the punitive sanctions that were part of NCLB would harm schools. As a stop-gap measure, the U.S. Department of Education gave each state the option to request flexibility so that schools could focus on improving student learning and increase education quality and equity. Requesting flexibility is not mandatory. It is intended to exempt states from specific NCLB requirements. In exchange, the states provide comprehensive and rigorous state plans intended to improve student achievement and education quality.

- **Why did Washington lose its ESEA flexibility or waiver?**

In the February 2012 request for waiver, Washington agreed to implement an evaluation and support system for teachers and principals. Washington’s Teacher Principal Evaluation (TPE) law includes several ways to evaluate and requires districts to consider student test scores, but it lets them choose the tests they will use. As a condition of the 2012 waiver, OSPI agreed to seek a legislative change specifying that state test scores must be considered as one of multiple measures in teacher evaluation for tested grades and subjects. When the legislature did not make the change during the 2014 session, USED pulled the waiver.

- **Are any other states in danger of losing their waivers?**

Yes. The U.S. Department of Education has notified several other states that they are at risk of losing their waivers. We do not know if this will happen. While each state's waiver requirements are unique, without reauthorization of ESEA, most states will likely face similar challenges to those in Washington.

- **What are the immediate consequences of Washington's failure to get a waiver?**

Washington is subject to meeting all NCLB Adequate Yearly Progress (AYP) requirements. The state will also lose control of nearly \$40 million in federal Title I funding for disadvantaged students. Schools that don't meet AYP requirements must set aside those funds for solutions dictated by NCLB, such as school choice and tutoring. Schools would also have to set aside about \$19 million to pay for teacher training. Additionally, nearly every school district in Washington will be required to send a letter saying it failed to meet NCLB AYP requirements.

- **How will the loss of those funds affect students?**

Some districts will have to sacrifice existing programs supported by the Title I funds, such as extended school days and individualized curriculum. Ironically, the loss of the use of Title I dollars most directly hurts the students ESEA set out to help. Some schools may even need to dismiss staff members resulting in increased class sizes.

- **When does Washington need to return to NCLB AYPs?**

Washington must return to meeting all NCLB AYP requirements starting with the 2014-2015 school year. The most recent AYP determinations, which will be available in late August, will be made using test scores from spring 2014.

- **Are the NCLB AYP requirements realistic?**

No. To date, no state has been able to meet NCLB's AYP requirements.

- **How many Washington districts will fail to meet AYPs?**

An exact number is not available. Education officials expect the vast majority of schools and districts to miss the AYP targets.

- **What does returning to AYPs mean for Washington?**

Returning to AYPs means that the majority of Washington schools will be classified as "not meeting AYP" under ESEA. Popular media has termed this "failing." They will be unable to meet the 100% math and reading proficiency requirement. These districts are required to send a

letter within 14 days of the start of the 2014-2015 school year to parents explaining that the school their child attends did not meet AYP.

- **Why are they required to send this letter?**

The letter's intent was to provide families with choice in allowing them to move students to a school that had met AYP. However, the choice may be irrelevant since nearly all schools will be designated as failing to meet the standards.

- **What are the consequences of this letter being sent to parents?**

Washington schools rely heavily on funding from local levies and bonds. These letters may erode public support and critical funding, making it more difficult for our schools and students. This could put several billion dollars in annual levy funding at risk.

The mislabeling also perpetuates the myth that most schools aren't doing a good job. Our state and many individual Washington schools have been recognized for impressive achievements in graduation rates, closing the achievement gap, improving test scores and a commitment to early learning.

- **Are schools that are designated as not meeting AYP actually failing?**

No. In order to meet AYP, a school must meet as many as 37 categories, depending upon the number of students in the school. If a school falls short in even one category, the school is classified as failing. Washington has continued to receive national recognition for progress in multiple areas, including but not limited to:

- Consistently remaining above the national average for fourth-grade math and reading scores
- Achieving the highest-ever extended graduation rate- 80+% of Washington students are now earning their high school diploma

In addition, in 2013, college-bound students had the fourth best combined average SAT score in the country. Participation in the test has increased 30% since 2002

- **Why is WSSDA seeking reauthorization of ESEA if the law is flawed?**

The ESEA waiver served as a temporary fix for a flawed law. For a permanent fix, the law would need to be amended and reauthorized by Congress or a new law would need to be created in its place. WSSDA is seeking to have the law amended and approved. Even US Secretary of Education Arne Duncan has acknowledged that "transitioning back to NCLB is not desirable and will not be simple."