



FEDERAL EDUCATION UPDATE

NCSL LEGISLATIVE SUMMIT
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The Road to ESEA Reauthorization

House Passage H.R. 5

- Pulled from the floor in February
- Additional amendments made in order
- Passed on 7/8, close vote of 218-213

Senate Passage S. 1177

- Bipartisan process
- Over a week on the floor
- Passed on 7/16, bipartisan vote of 81-17

Governance of Federal Education Programs

- S. 1177 has language that requires “representatives of state legislatures” to be consulted by the State Education Agency before it submits the Title 1 plan.
- H.R. 5 has language that states that the U.S. Department of Education cannot enforce any condition of receiving assistance under an ESEA grant program unless the state legislature has approved it. And federal funding for an ESEA grant program has approved the program or has affirmatively adopted a budget that approves funding for any requirement that is a grant condition.

The Road to ESEA Reauthorization: Similarities Between the House and Senate

- No more AYP!!!!!!
- States will have much more flexibility in their accountability systems
- Annual testing stays, but how assessments are used differs, and there is more flexibility in the types of systems
- No federal definition of highly qualified teacher and no federal teacher evaluation requirement
- Strong language regarding federal interference

The Road to ESEA Reauthorization... next?

Conference Has to Succeed

- Timeline—after August recess
- Difficult issues/differences remain
 - Title 1 portability
 - Accountability measures
 - PreK
 - Federal program consolidation
 - Maintenance of effort
 - Bullying

President Has to Sign

- Veto threat on H.R. 5
- Concerns about S. 1177, specifically accountability

Approaches to Student Data Privacy

Revamping FERPA

- In the Senate
 - Markey/Hatch
 - Vitter
- In the House
 - Rokita/Fudge/Kline/Scott
 - Amendment to H.R.5 by Rep. Hurd adopted

Focusing on online service providers (revising COPPA)

- Blumenthal/Daines
- Bicameral Markey/Barton

Other

- Amendment to S. 1177 by Senators Markey and Hatch adopted, establishes a Student Privacy Policy Committee

Overlapping areas:

- *Regulating online providers*
- *Ensuring parental access and review of data*
- *Prohibiting the use of student data for targeted marketing*

Regulatory Actions

- College Ratings plan dropped by the Administration; will introduce a new tool that will give students more data to compare college costs and outcomes
- Final Teacher preparation regulations expected in a few months
- State authorization of distance learning regulations are on the books as of July 1
 - Time to comply is up, but Dear Colleague letter last month noted states may have their “current status” continued as they put in place a process for oversight and approval
- “Gainful employment” regulations took effect on July 1; survived court challenges
 - House and Senate spending bills have riders to bar enforcement
- Campus dating violence (Campus SaVE Act) provisions, part of the reauthorization of the Violence Against Women Act, took effect July 1
 - Make dating violence a crime for federal reporting purposes
 - Requires colleges to spell out policies
 - Mandates that students know their rights

Equity Plans

- Updated state educator equity plans handed in on June 1
 - Last summer, the U.S. Department of Education announced its “Excellent Educators for All” initiative
- State plans were first created in 2006, a requirement of Title 1 under No Child Left Behind
- Equity plans address how states will assure that all students, especially poor and minority students, have access to high quality and experienced teachers

Higher Education

- Senate HELP
 - Six [hearings](#) this Congress on reauthorization of the Higher Education Act (May-July)
 - Ensuring affordability
 - Institutional risk-sharing
 - Consumer information
 - Role of accreditation in quality
 - Barrier and opportunities in innovation
 - Combating sexual assault
- House Ed & Workforce
 - Two [hearings](#) this Congress on higher education issues
 - Strengthening America's higher education system
 - Improving college access and completion for low-income and first-generation students
- Sen. Alexander's [white papers](#) (March 2015)
 - Accreditation
 - Risk sharing
 - Consumer information

Fall Budget Battles

- Will Congress get rid of spending caps on defense and domestic spending?
- Many moving parts that could collide with spending deal:
 - Debt limit
 - Highway funding
 - Tax extenders
 - Political calendar
- Most assume that Congress will approve a continuing resolution in September to fund the government through at least the end of the year
- Looking at potentially another Murray-Ryan compromise situation

Labor-HHS-Education Budget

- Both chambers have seen bills approved in committee, but not on the floor
- Senate
 - \$153.2 billion
 - \$3.6 billion below FY15 and \$14.5 billion below Obama administration request
 - Dept. of Education
 - \$65.5 billion – decrease of \$1.7 billion from FY15
 - \$14.56 billion for Title I grants
- House
 - \$153 billion
 - \$3.7 billion below FY15 and \$14.6 billion below Obama administration request
 - Dept. of Education
 - \$64.4 billion – decrease of \$2.8 billion from FY15
 - \$14.41 billion for Title I grants

For More Information

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