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Subject: ESEA Reauthorization: Everyone's cards are on the table. Now let's make a deal.

A clear path to reauthorization is in sight, folks. Who is willing to lead? Let's get this thing across the finish line!

ESEA Reauthorization: Everyone's cards are on the table. Now let's make a deal.

yes [Michael J. Petrilli](#) / January 12, 2012

Democrats across and beyond the nation's capital—in the [Administration](#), on [Capitol Hill](#), in [advocacy groups](#), and in [think tanks](#)—are up in arms about the ESEA [reauthorization proposals](#) released by House GOP leaders on Friday. Or at least they are pretending to be. While they contained a few surprises, the House bills were pretty much as one would expect: significantly to the right of both the Senate Harkin-Enzi bill and the package put forward by Republican Senator Lamar Alexander and his colleagues. In the parlance that we've been using at Fordham for [three years now](#), the House GOP embodies the views of the Local Controllers, Senator Alexander embraced Reform Realism, and Harkin-Enzi represents a mishmash of ideas from the Army of the Potomac and the System Defenders.

But while there are significant differences among the players, a clear path toward a workable, maybe even bipartisan, package is still visible. In short: all roads lead to Lamar. Not only does the Alexander package represent smart policy, it also serves as a sort of mid-point between the Senate bill that passed out of committee and the House GOP bill that is likely to do the same. Let's tackle the five big issues:

1. **Requirements for standards and tests.** The Administration and the Senate (including supporters of both the Harkin-Enzi and Alexander measures) want states to adopt standards that indicate college and career readiness; the House Republicans don't. The real issue at stake is not just differing views of big, pushy Uncle Sam but also the new Common Core standards initiative, and whether federal policy should encourage (or even coerce) states to participate. The House GOP bill comes out swinging, stating that "the Secretary shall not attempt to influence, incentivize, or coerce state participation" in any work on common standards or tests. On the other hand, the same bill also says states must develop accountability systems that "ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation." That amounts to college and career readiness, right? Proponents of the Common Core should simply swallow their pride, and accept the House language. It doesn't really matter, anyway; with forty-six states already on board, those of us who support the Common Core should have a very quiet victory party and then move on to hoping that at least one of the two test-building consortia devises a workable assessment system.

Where the House GOP gets it wrong is in scrapping the requirement that states test students in science.

Reducing transparency around science achievement isn't a smart way to promote flexibility or cost savings; current law is fine on that point. Indeed, the more Washington substitutes transparency for regulation, the more data it should insist be transparent—and more it should want those data to span as much of the curriculum as possible, not just reading and math.

2. **Federal mandates around state accountability systems.** No Child Left Behind famously required states to adopt the "Adequate Yearly Progress" measure for identifying failing schools. Today, nobody wants to keep AYP; the question is [how much leeway to give states](#) when creating their next-generation systems. The Administration's waiver policy allows states to propose radically different approaches—but they must still consider subgroup performance and must set annual targets for all schools (and groups) to hit. Harkin-Enzi concurs on subgroups but leaves out the annual targets; instead, states must expect schools to make "continuous progress." (For that alleged crime by the Senators, many reformers and civil rights groups cried bloody murder.) Alexander goes a step further, leaving it to the states to figure out how to "differentiate" among schools, though they still must consider the performance of "categories" of students. And the House GOP goes the farthest by prohibiting the Department of Education from dictating the contours of state accountability systems at all (though still requiring states to evaluate schools based on the performance of subgroups).

Alexander's language represents a reasonable middle ground, and it's not bad. States must establish "a system of identifying and differentiating among all public elementary schools and secondary schools in the State based on student academic achievement and any other factors determined appropriate by the State [that] also takes into account achievement gaps...and overall performance of all students and of each category of students." That gives the states clear guidance and plenty of room for flexibility, but maintains the focus on the performance of disadvantaged students. Next?

3. **Federally mandated interventions in failing schools.** Here there's more agreement than may meet the eye. Nobody wants to continue NCLB's notorious (and ineffectual) "cascade of sanctions" for faltering schools: choice for kids in schools "in need of improvement"; supplemental services for kids stuck in schools in "corrective action"; more stringent demands for those in need of "restructuring." And nobody wants to force states to intervene in schools that are merely mediocre. (Which isn't to say states should leave them be, especially if their students have no viable alternatives. Remember, this is about *federal* policy.) The question is whether states—to keep receiving federal dollars—must do something about really awful schools at the bottom. The final Harkin-Enzi bill includes a compromise with Lamar Alexander to offer states and districts a wider range of options for intervening in their five percent worst schools. (That range is wider than Senator Harkin—or the Administration—may have preferred.) The House GOP bill, on the other hand, merely asks states to develop a

“system for school improvement for low-performing” Title I schools and to make sure districts “implement interventions in such schools that are designed to address such schools’ weaknesses.”

Personally, I like the House approach, since the Federal government doesn’t have the expertise or capacity to enforce a system of sanctions anyway. But that also means this is another symbolic debate; it doesn’t really matter what Congress writes into law, since it will be impossible to implement. So adopting the compromise Senate language wouldn’t be the end of the world.

4. **Teacher effectiveness.** There is a bundle of questions in play here: Should Congress scrap the “highly qualified teachers” mandate? Should it replace it with a tougher requirement that states and/or districts develop rigorous teacher evaluation systems? Should it mandate the “equitable distribution of teachers”? Should it require such an equitable distribution within districts by tweaking Title I’s “comparability” rule? On most of these issues, the House GOP plan is (predictably) less demanding than the Senate. Unlike Harkin-Enzi, it would scrap the HQT mandate while eliminating any federal efforts to redistribute teachers (via “comparability” or otherwise). Alexander’s plan does the same. On teacher evaluations—a genuine surprise—however, the House *would* require them (at either the state or district level), while the Senate would simply provide competitive funds for such systems.

This might be the toughest area around which to forge common ground. The unions will fight to eliminate the evaluation mandate, and few “local control” Republicans will push back, I suspect. So expect it to get tossed. The HQT mandate is an abomination, beloved by nobody, so I’m hopeful that it will get killed. But conservatives will probably have to cede some ground on the “inequitable distribution” policies. A good first step would be to require states to collect and make public data on the distribution of effective teachers—though without a teacher evaluation mandate, it’s hard to understand how that would work. What’s most doable, then, would be a new requirement for districts to report actual spending, school by school, and include the real cost of teachers’ salaries and benefits in those data.

5. **Spending.** It always comes down to money in the end. The House GOP bill explicitly limits the growth in out-year spending on ESEA programs to the rate of inflation; the Senate is silent on the issue. Furthermore, the House wants to scrap the law’s longstanding “maintenance of effort” requirements, which penalize districts for cutting their own expenditures. Expect the House to lose on the out-year spending issue (which is another symbolic fight; Congressional appropriators will make these decisions every year anyway). But dropping [maintenance of effort is a good idea](#), especially in the New Normal of tight budgets. (In the real world, after all the compromising is done, MOE is more likely to be loosened than jettisoned entirely.)

This truly is not rocket science; with a little presidential leadership and goodwill from both parties, a deal could be hammered out quickly. We haven’t had much of any of that in recent months, however—an issue voters might raise come November.

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