



**Rural Education and ESEA
March 2015**

H.R. 5: Student Success Act¹

02/03 Introduced in the House; Referred to the Committee on Education and the Workforce in addition to the Committee on Financial Services

02/11 Committee mark-up session held by Education and the Workforce to debate, amend, and/or rewrite the proposed legislation before it is put before the full membership for debate and vote; Ordered to be reported amended by a vote of 21-16

02/20 Reported amended by the Committee on Education and the Workforce

02/20 Committee on Financial Services discharged; Placed on Union Calendar, No. 16

02/24 Reported to House

02/25 Debate begins in the House

02/27 Committee of the House on the state of the Union rises, leaving H.R. 5 as unfinished business*

Sponsor: Representative John Kline, R – MN

Co-Sponsors: Representative Todd Rokita, R – IN; Representative Virginia Foxx, R – NC; Representative David Roe, R – TN; Representative Luke Messer, R – IN; Representative Bradley Byrne, R – AL; Representative Pete Sessions, R – TX; Representative Duncan D. Hunter, R – CA; Representative Joseph J. Heck, R – NV; Representative Brett Guthrie, R – KY; Representative Rick W. Allen, R – GA; Representative Carlos Curbelo, R – FL

[Bill Text \(02/03\)](#)

[Bill Text \(02/20\)](#)

**The House leadership delayed the vote that was expected to take place in late February because they did not have adequate votes to pass the bill. It is unclear if/when a vote will be rescheduled. Due to other issues on the calendar—in particular, the annual budget—the window for ESEA to pass the House during the current legislative session is generally thought to be closing quickly.*

The Student Success Act is the U.S. House of Representatives' proposal to reauthorize the Elementary and Secondary Education Act (ESEA)—the current version of which is known as No Child Left Behind. ESEA encompasses many programs and policies that affect rural education. Some parts of ESEA directly target rural students (e.g. the Rural Education Achievement Program) while others have a disproportionate impact on rural schools (e.g. the Title I funding formula). We address both below.

Title I, Subtitle C, Chapter D, Subpart 5: Rural Education Achievement Program (REAP)

Under H.R. 5, two significant changes have been made to the REAP grant programs, the Small Rural School Achievement (SRSA) Program and the Rural and Low-Income School (RLIS) Program: updates to the NCES rural locale codes and changes to program funding.

In 2005 and 2006, the National Center for Education Statistics (NCES) updated its locale codes. The NCES codes are now based on proximity to an urbanized area, rather than county boundaries, population size, and metropolitan statistical areas. H.R. 5 replaces the outdated codes used in No Child Left Behind (NCLB) with the new NCES locale codes.

H.R. 5 also adjusts funding for SRSA and RLIS, designating 1.2 percent of Title I, Part A funds for these programs. Whereas Congress appropriated \$170M for REAP in 2015, the Congressional Budget Office (CBO) estimates that H.R. 5 would increase program funding to almost \$200M per year. However, the amount authorized in the bill is capped and could not change with inflation, meaning that funding would decrease in real terms over time. Notwithstanding the authorization levels written into H.R. 5, actual funding decisions are dependent on the annual appropriations process.

Title V, Part A: Indian Education

Under No Child Left Behind, Part A of Title V funded both block grants and direct grants. Block grants were intended for improving educational opportunities for American Indian students and professional development; direct grants were intended for in-service teacher training, fellowships for American Indian students, support for gifted and talented American Indian students, and adult education grants.

As seen throughout H.R. 5, the bill would change all funding for American Indian education to the block grant model. This allows for more control over programs at the local level—which means that districts can choose to invest in professional development for American Indian teachers, focus their resources on early childhood education, strike a balance between the two, or choose to fund a range of other qualifying programs. With a block grant model, subgrantees can continue to fund programs that they found beneficial under the previous grant program but also gain the flexibility to implement innovative programs and reallocate funding to meet local needs.

The range of activities that can be funded under H.R. 5 has also been expanded to include:

- Initiatives intended to meet the educational needs of at-risk students in correctional facilities, including assistance with the transition to civilian life;
- Early childhood education programs focused on school readiness;
- Funding partnerships between local education agencies and higher education institutions focused on helping students earn college credit in high school and ease the transition to post-secondary education; and
- Partnerships between schools and local businesses focused on career preparation for high-skill, high-wage careers.

Under H.R. 5, there is also a greater emphasis on Native languages, family structures, tribal history, language, and ensuring that American Indian students receive a culturally relevant education. The bill builds upon some of the community participation initiatives included within NCLB, such as increasing the role of tribal leaders, American Indian students' family members, and organizations in decision-making processes regarding educational programming.

Title V, Part B: Alaska Native Education²

H.R. 5 adds language to Title V, Part B indicating that “Alaska Native students must be afforded a culturally relevant education” and emphasizing that the achievement gap between Alaska Native students and their peers is structural and geographic in origin.

As with Title V, Part A on Indian Education, Title V, Part B in H.R. 5 places more emphasis than its No Child Left Behind counterpart on the role of Native Alaskan languages and cultures in education, the role that family and the community can play in schools, and language and cultural preservation. H.R. 5 also includes additional language on the importance of remedial programs, transitions to higher education, career readiness skills, and high-quality early childhood education.

Title I: Funding

H.R. 5 caps Title I funding at a level \$800M below actual fiscal year 2012 program funding³ and does not allow for increases over time.⁴ This would mean reduced funding in all districts that receive program funds.⁵ It is also possible that Congress would fund the program below the amount appropriated within H.R. 5, resulting in larger immediate cuts for districts and schools.

Many of the districts that would be hardest hit by these changes are large urban districts. However, according to an analysis conducted by the Obama Administration,⁶ other districts that stand to lose the most are rural. While these examples are outliers, they include:

- Alaska’s Iditarod District, which would lose 62.8 percent of current Title I funding under H.R. 5
- Maine’s School Administrative District 19, which would lose 73.5 percent of current Title I funding under H.R. 5
- Schools in Martin County, Kentucky, which would lose 33.7 percent of current Title I funding under H.R.5

Title I, Part B, Sec. 130: Funding Portability

New in H.R. 5 is the inclusion of a provision referred to as “Title I portability.” The current Title I funding formulas put rural districts at a disadvantage because the distribution of funds is weighted according to the number and percentage of low-income students in a district or charter school. While rural districts may have high concentrations of low-income students, they are less likely to reach the *number* of students necessary to qualify for higher weights.

Title I portability would allow states to distribute all Title I funds equally among eligible children, regardless of the concentration of low-income students in the district or charter school they attend. It is unclear whether and how this would affect funding levels for rural districts.

Title I, Sec. 104, 117: School Performance and Improvement

Neither the Adequate Yearly Progress (AYP) of No Child Left Behind nor the Annual Measurable Objectives (AMO) of the Obama administration’s waivers were retained in H.R. 5. Developing comparable indicators, which are used to identify schools in need of improvement, would be the responsibility of the states. H.R. 5 also does away with the School Improvement Grant program in favor of state-level decision-making regarding school improvement.

This could be an important change for rural districts and schools, as the school improvement plans created as part of NCLB often required changes that were infeasible in rural or isolated

environments. According to a 2014 report from the Institute for Education Sciences,⁷ the overwhelming majority (95 percent) of rural schools receiving SIG grants implemented the “Transformation Model” turnaround because the other three models (turnaround, restart, and closure) were not realistic options in rural areas. For instance:

1. Rural schools were unable to find qualified candidates to replace 50 percent of teaching staff under the turnaround model
2. Recruiting recruit charter management organizations for the restart model was not an option, as the CMOs could not support one-off schools in isolated areas
3. Because of their isolated locations, rural schools were unable to identify alternative educational options for all students under the closure model.⁸

Under H.R. 5, states could continue to turn to some of these methods for their own school improvement programs. However, it will be up to states to ensure that their school turnaround and improvement plans are suitable for multiple locales.

Title I, Part B, Sec.119: Highly Qualified Teachers

H.R. 5 repeals No Child Left Behind’s highly qualified teacher requirement. Removing highly qualified teacher requirements could be an important change for rural schools, which face outsized challenges related to teacher recruitment and retention. In particular, rural schools often have a smaller hiring pool because fewer rural students go on to college and teachers prefer to work in areas similar to those where they grew up. They also report more difficulty filling positions in fields such as STEM and English Language Learners.⁹

In remaining references to teachers and the quality of instruction, the term “highly qualified” is replaced by “effective.” The legislation does not provide a definition for “effective,” but frequently refers to teachers’ demonstrated ability to increase student achievement. The bill’s silence on formally defining “effective” may be an additional example of the effort by the House to devolve accountability requirements and authority to the state level.

Title II: Teacher Preparation and Effectiveness

Under this bill, the creation and use of teacher evaluation tools is not required. Instead, states and districts would have the authority to develop their own evaluation systems and use those evaluations in personnel decisions as they see fit.

Title II, Part D: Enhancing Education through Technology

Though technology’s importance in elementary and secondary education is mentioned throughout H.R. 5, Title II, Part D of ESEA has not been funded since 2012 and is cut entirely in the new legislation. Returning Title II, Part D funds to ESEA is important, as distance education and blended learning can help fuel innovative strategies to address geographic and human capital constraints in rural geographies.

Amendments to H.R.5

1. Proposed by Representative Joseph P. Kennedy, III – D, MA; No description available; Failed 204 – 217
2. Proposed by Representative Glenn Grothman – R, WI; No description available; Failed 114 – 311

3. Proposed by Representative Gregory W. Meeks – D, NY; No description available; Withdrawn by unanimous consent
4. Proposed by Representative Brenda Lawrence – D, MI; No description available; Agreed to by voice vote
5. Proposed by Representative Bob Goodlatte – R, VA; No description available; Agreed to by voice vote
6. Proposed by Representative Joaquin Castro – D, TX; Would appoint a neutral ombudsman within the Department of Education to ensure that K-12 textbooks meet high academic standards; Failed 182 – 243
7. Proposed by Representative James R. Langevin – D, RI; Would require states applying for funds under Title I to show how they would use the funds to provide career counseling and apprenticeships for academic credit; Agreed to by voice vote
8. Proposed by Representative Lou Barletta – R, PA; Would require districts to include descriptions of before school, summer school, and after school activities in their Title I funding requests, if they plan to direct any Title I funding to those programs; Agreed to by voice vote
9. Proposed by Representative Mike Quigley – D, IL; Would restore the paraprofessional requirements from No Child Left Behind – Places no new burden on districts; Agreed to by recorded vote 218 – 201
10. Proposed by Representative Marcia L. Fudge – D, OH; Would require states to demonstrate that the level of state and local funding provided to education remains constant from year to year; Withdrawn by unanimous consent
11. Proposed by Representative Mark DeSaulnier – D, CA; Would require local education agencies to create agreements with Head Start and other agencies to carry out early childhood education activities; Agreed to by voice vote
12. Proposed by Representative Rodney Davis – R, IL; Would ensure that school and district employees maintained employee rights under Federal, State, and Local laws, as well as collective bargaining agreements; Agreed to by voice vote
13. Proposed by Representative Gwen Moore – D, WI; Would delay the implementation of revised Title II formula until the Secretary of Education determines that it will not reduce funding for schools serving high percentages of students in poverty; Failed 189 – 239
14. Proposed by Representative David B. McKinley – R, WV; Description not available; Agreed to by voice vote
15. Proposed by Representative John K. Delaney – D, MD; Would make “Pay for Success” programs a permissible use of funds for training and supporting teachers; Agreed to by voice vote
16. Proposed by Representative Hakeem S. Jefferies – D, NY; Would ensure that teachers, parents, and other education professionals receive information on copyright piracy to further educate their students on the harms of that practice; Agreed to by voice vote
17. Proposed by Representative Katharine D. Clark – D, MA; Would clarify that early childhood education-focused professional development is an acceptable use of program funds; Agreed to by voice vote
18. Proposed by Representative Steve Cohen – D, TN; Would allow Title II funds to be used for restorative justice programs and conflict resolution training; Agreed to by voice vote
19. Proposed by Representative Frederica S. Wilson – D, FL; Would require districts to provide parents with information at the start of the school year on mandated

- assessments and district policy regarding assessment participation; Agreed to by voice vote
20. Proposed by Representative Jared Polis – D, CO; To express Congressional support for opening more high-quality charter schools as part of the Nation’s education system and to highlight the critical role they play; Agreed to by voice vote
 21. Proposed by Representative Jared Polis – D, CO; Would encourage collaboration and knowledge sharing between charter schools and local education agencies; Agreed to by voice vote
 22. Proposed by Robin L. Kelly – D, IL; Would require Statewide Family Engagement Centers to conduct community programs, including adult literacy programs and financial literacy; Agreed to by voice vote
 23. Proposed by Susan Bonamici – D, OR; Would allow state education agencies to use Local Academic Flexible Grant Funds to audit assessment systems, eliminate unnecessary assessments, and improve the use of assessments; Agreed to by voice vote
 24. Proposed by Jared Polis – D, CO; Would allow grants to be used for the creation and distribution of open-access educational resources, including textbooks; Agreed to by voice vote
 25. Proposed by Representative Shelia Jackson Lee – D, TX; Would support school safety programs and activities; Agreed to by voice vote
 26. Proposed by Representative Frederica S. Wilson – D, FL; Would make Intensive Care Reading Labs and subject-level staffing in grades 1-3 as allowable uses of block grant funding; Failed by voice vote
 27. Proposed by Representative Joe Courtney – D, CT; Would increase the weight for non-connected children residing in public-private venture housing located on military property for the purposes of calculating Impact Aid basic support payments; Withdrawn by unanimous consent
 28. Proposed by Richard M. Nolan – D, MN; Would amend the current stated policy of the US with respect to the education of American Indian children to ensure that they do not attend school in buildings that are dilapidated or deteriorating; Agreed to by voice vote
 29. Proposed by Representative Susan Davis – D, CA; Would clarify the definition of “school leader” such that it explicitly refers to a principal, not an off-site administrator; Agreed to by voice vote
 30. Proposed by Representative Lee M. Zeldin – R, NY; Would allow states to withdraw from the Common Core State Standards or any other specific standards; Offered
 31. Proposed by Representative Will Hurd – R, TX; To express Congress’ belief that it is important to protect students’ personally identifiable information as applied to the current law and this act; Offered
 32. Proposed by Representative Alan Grayson – D, FL; Would require the Secretary of Education to conduct an assessment of the impact of school start times on student health and performance; Offered
 33. Proposed by Representative Frederica S. Wilson – D, FL; Would provide [funding for?] dropout prevention and reentry and grants to raise academic achievement among all students; Offered
 34. Proposed by Representative Joaquin Castro – D, TX; Would require states to include in funding requests a description of how homeless youth will receive assistance from

counselors to improve college and career readiness among this population; Agreed to by voice vote

35. Proposed by Representative Andre Carson – D, IN; Would support a national research strategy focused on ensuring that all students have effective teachers and are receiving an excellent education; Offered
36. Proposed by Representative Doug Collins – R, GA; Would improve accountability and ensure proper oversight of taxpayer funds; Agreed to by voice vote
37. Proposed by Representative Robert J. Dold – R, IL; Would ensure that federal education dollars are not used to make up shortfalls in teacher pension programs; Agreed to by voice vote
38. Proposed by Representative Bill Flores – R, TX; Would reaffirm students', teachers', and school administrators' religious freedom, including the right to exercise religion; Agreed to by voice vote
39. Proposed by Representative Julia Brownley – D, CA; Would create a grant program to recognize student proficiency in speaking, writing, and reading in both English and a second language upon their high school graduation; Offered
40. Proposed by Representative David Loebsack – D, LA; Would expand the use of digital learning through competitive grants; Offered
41. Proposed by Representative Jared Polis – D, CO; Would allow the Secretary of Education to provide grants for early childhood education scholarships, professional development and licensing credentials, or increased compensation for educators who have attained specific qualifications for teaching early childhood education—states are required to include descriptions of early childhood professional development systems in their grant applications; Offered
42. Proposed by Representative Bennie G. Thompson – D, MS; Would require the Secretary of Education to determine that the Student Success act will not reduce the college and career readiness of high-need students and provide written notice to Congress notifying them as such before the law could go into effect; Offered
43. Proposed by Representative Robert C. “Bobby” Scott – D, VA; Would replace the text of the Student Success Act with a substitute amendment that provides robust funding levels, replaces the mandates of No Child Left Behind, and maintains civil rights and equity protections that ensure all students graduate from high school ready for college and careers; Offered as a substitute for H.R.5

¹ This analysis refers to the original version of H.R. 5 introduced on February 3, 2015

² The Bureau of Indian Affairs ceased to fund programs in Alaska in 1983. The Bureau of Indian Education does not operate schools in Alaska, nor operate or fund any Alaska Native educational programs. All programs for Alaska Native students and youth in H.R. 5 are supported by the federal trust responsibility of the U.S. to Alaska Natives.

³ Title I funding has not increased since 2012.

⁴ If Congress authorized less than \$800 million for Title I in the first fiscal year(s) after H.R. 5 is passed, then the possibility remains open that funding could rise with inflation—until it meets the \$800 million cap

⁵ The Executive Office of the President. “Investing in Our Future: Helping Teachers and Schools Prepare Students for College and Careers.” February 2015.

http://www.whitehouse.gov/sites/default/files/docs/final_investing_in_our_future_report.pdf

⁶ Ibid.

⁷ Institute for Education Sciences – National Center for Education Evaluation and Regional Assistance. “A Focused Look at Rural Schools Receiving School Improvement Grants.” April 2014.
<http://ies.ed.gov/ncee/pubs/20144013/pdf/20144013.pdf>

⁸ Ibid.

⁹ Player, Daniel. “The Supply and Demand for Rural Teachers.” Forthcoming.