

August, 2015

House and Senate Each Pass Different Rewrites of No Child Left Behind

In July the US Senate and House of Representatives each passed their own versions of a reauthorized *Elementary and Secondary Education Act* to replace the *No Child Left Behind* law. The House version, titled the *Student Success Act*, passed the House by a narrow margin of 218-213, with only Republicans supporting the final vote. The Senate version, titled *The Every Child Achieves Act of 2015*, passed by a much wider vote of 81-17, with bipartisan support. If you are interested in seeing how particular legislators voted click on the links to view the roll call votes.

With two different versions of the law in play the next step of the process will be for the two laws to be combined into one bill through a conference committee. Conference committees meet behind closed doors with a small number of Senators and Representatives, perhaps 6 – 10, from each house charged with constructing a compromise bill. If a compromise is achieved, the bill would then go back to both houses for a final vote and then on to the President for his signature or veto. It is likely that the conference committee will not begin meeting until after the August congressional recess, so they would not complete their work until sometime in September at the earliest. While conference committee members have not yet been appointed, just last week two Representatives (John Kline, R-Minn. and Tim Scott, D-Va.) and two Senators (Lamar Alexander, R-Tenn. and Patty Murray, D-Wash.) got together to discuss the process.

The House version of the bill, with no Democrat support, is the more conservative version of the two, and judging by the narrow margin of support in the House, it is likely that a more liberal version of the bill may not be able to pass the House in the final vote. However, the bipartisan support of the Senate version, coupled with the fact that any bill that is to become law will also need to have President Obama's signature, will give the more liberal Senate version some strength in conference committee negotiations. It will be quite a trick for the Senate, House, and President to come up with one law that they can all support and there are no guarantees or requirements that they do this. If they cannot come to an agreement over the next few months, the current law, *No Child Left Behind*, will remain in force, probably until a new President takes office.

While conference committees need not stick to what is in the two different bills, and at times have come up with new ideas that no one expected, looking at similarities and differences between two versions of a bill in conference committee can give insight on what might come out of the process. What are the issues most relevant to classroom teachers, and where do we see some agreement?

More Local Control of Education Improvement Replaces Control by the US Department of Education

In the floor debate a frequent comment from Representatives and Senators of both parties was, “NCLB is broken and needs to be fixed.” The most common complaint was that NCLB took too many decisions away from local control and gave too much authority to the US Department of Education headed by Secretary of Education Arne Duncan. While both versions of the law keep in place the NCLB annual testing requirements in English, mathematics and science, both versions strike the Annual Yearly Progress (AYP) requirement and take away the Secretary’s authority to force school improvement strategies on schools that do not meet AYP. Instead, state and local education officials will be free to devise their own school improvement targets and school improvement plans. The President has complained that this does not leave the law with enough accountability teeth to ensure that schools, especially those serving minorities, improve. In one of the last votes on the Senate bill, Senator Patty Murray (D - Wash) attempted to add an amendment requiring more accountability. The Murray amendment failed by a [43-54](#) vote indicating that the President may not get his way on this. House and Senate Republicans both pushed for less accountability though a measure called the A-Plus amendment, which would have removed most strings from federal education programs and converted federal education funding into block grants to the states. The A-Plus amendment failed in the House by a [195-235](#) and failed in the Senate by a vote of [44-54](#). The discussion of what Senator Murray and President Obama would call “accountability,” and Republicans would call an encroachment on local control of school improvement, is likely to be the major issue for the conference committee.

Common Core Standards – Secretary of Education Can No Longer Coerce Adoption

While the *No Child Left Behind Act* does not mention the Common Core Standards, Secretary of Education Arne Duncan over the past six years has required states to adopt the standards if they wanted to be eligible for various school improvement grants or waivers from the requirements of NCLB. Both versions of the bill prohibit the Secretary of Education from making waivers or grants contingent upon adoption of standards. However, some legislators feel that this does not go far enough and may push in the conference committee for more specific language reigning in the Common Core standards.

Teacher Quality Returned to States

One of the biggest intrusions into state control over public education was the Highly Qualified Teacher definition of NCLB. This provision has been eliminated in both the Senate and House rewrites, so we expect that states will no longer be forced to have teachers jump through federal hoops to become or continue as teachers.

Title I Funding Formula Altered in the Senate Version

In a surprising last minute effort, Senator Richard Burr (R-N.C.) succeeded in adding an amendment that would shift Title 1 Funding slightly away from urban poverty and toward rural poverty. The [Washington Post](#) reports that this change would not happen for a number of years -- not until Title I funding reaches \$17 Billion. Current Title I funding is about \$14.5 Billion.

While every teacher has a different view of the role the federal government should play in education, there are a few provisions in both of these measures to make the federal government a little less intrusive in your classroom, which most teachers favor. As the bill moves to conference committee, the process becomes less public and very difficult for interest groups and lobbyists to impact. Christian teachers have an advantage here. We know that the Lord can change the hearts of our legislators and that the Holy Spirit will be active behind the closed doors of conference committee. Prayers for wisdom, discernment, and courage for the legislators called to serve on the conference committee will make a difference. When they are available, we will get you the names of the Representatives and Senators serving on the conference committee so you can keep them in your prayers.

You can address your comments on this column to JMitchell@ceai.org.

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