Myth vs. Fact
No Improvement over No Child Left Behind

Myth: The *Every Student Succeeds Act* is not an improvement over the No Child Left Behind Act.

Fact: The *Every Student Succeeds Act* eliminates the following provisions from federal law that were enacted by No Child Left Behind in 2002 or the Secretary of Education's "waivers with strings":

- Adequate Yearly Progress (AYP): No longer will schools be labeled "failing" because they don't meet all 31 ways NCLB required them to succeed. States will be in charge of determining how to identify schools and how to intervene in those schools that do not meet state goals. States and districts will still have to provide interventions for the bottom 5% of schools, those with less than 67% of students graduate, and where subgroup students struggle. BUT states and school districts (not the federal government) determine what those interventions look like.
- Highly Qualified Teacher Requirements: States will regain sole charge of determining what standards teachers must meet for certification and licensure.
- Teacher and Principal Evaluations: The NCLB waiver requirement for states to develop teacher and principal evaluations that meet the Secretary's approval is eliminated. It will be up to states and local school boards whether to evaluate teachers and principals and if so, how.
- Federal Control: There are multiple, substantive prohibitions against federal mandates, direction, or control of state, local, and school level decisions about standards, assessments, curriculum, programs of instruction, and instructional content. States do not have to submit standards for federal approval and the Secretary is specifically prohibited from having anything to do with them. The conference report also includes a section that prohibits "an officer or employee of the Federal Government" from using federal funds or receipt of any priority or preference in order to condition, incentivize, or otherwise control or direct decisions regarding standards, assessment, curricula, programs of instruction, or instructional content. There are other prohibitions on Secretarial influence as well.

The *Every Student Succeeds Act* also improves on current law, including:

Tribal Consultation: States will have to include representatives of tribes located in the state among the stakeholders consulted in developing the State Plan. School districts that enroll certain percentages of Native students will have to consult the local tribe/tribal organizations prior to submitting their Plans or an application for funding under certain federal programs so that tribal representatives are able to meaningfully and substantively contribute to such plans.

Impact Aid: Impact Aid reimburses school districts for cost of educating students who live on properties that are tax-exempt due to federal law. This applies to students who live on, or whose parents work on, military installations, federally-designated low-income housing, and Indian lands. Under Impact Aid, Indian lands include trust lands, lands held by individual Indians or Indian tribes, land owned by the U.S. for the sole use and benefit of Indians, and lands conveyed to a Native individual, Native group, village, or regional corporation under ANCSA. But under the Alaska Native Claims Settlement Act, Indian lands that are conveyed to third parties are no longer considered "federal Indian lands". The conflict between Impact Aid and ANCSA on this point required Alaskan school districts to seek certifications of the status of every property they intended

to claim—every house every Alaska Native student lives in or parent works in. This often proved impossible.

In addition, the school district must prove that the property being claimed is not taxable by the local government. School districts in the Unorganized Borough were often unable to provide such certification because there is no local tax assessor. The state tax assessor sometimes would provide a certification that as far as he know, properties not under his jurisdiction were not taxed, but he was quite uncomfortable doing so.

Senator Murkowski inserted a provision to fix both of these problems by stating that Indian properties that had been conveyed under ANCSA and are located within a Regional Education Attendance Area with no taxing power are automatically eligible for Impact Aid.

<u>After School Programs</u>: Reauthorizes the 21st Century Community Learning Centers as a stand-alone program to give working parents the peace of mind that their children are in a safe and enriching environment after school.

<u>Native Language Revitalization</u>: Authorizes a program to support Native language immersion schools and programs to help revitalize Native languages.

<u>Limits Reporting Requirements</u>: Superintendents throughout Alaska have complained for years that the U.S. Department of Education requires them to fill out multiple forms to report on same date throughout the year. Senator Murkowski insisted on inserting a provision that prohibits the U.S. Department of Education from requiring any more data collection than is currently required.

<u>Alaska Native Educational Equity Act Program (ANEP)</u>: For many years, Alaska Native tribes and tribal organizations have been providing supplemental educational services to help Alaska Native students succeed academically funded in part by ANEP. These tribal agencies, however, have had to compete with school districts, the university, and others for ANEP funds—agencies that are eligible for many other federal sources of education funds. The bill gives Alaska Native tribes and tribal organizations sole lead grantee status, reflecting their desire to take more responsibility for helping their children learn.

<u>More Funds to Serve Migratory Students</u>: A formula change governing how funds that help school districts serve migratory students will increase Alaska's allocation from $6.894 million in Fiscal Year 2015 to $13.29 million next year and increase to $14.9 million in year 4 when the hold harmless expires (assuming student counts and appropriations remain the same).