

# ELEMENTARY AND SECONDARY EDUCATION ACT

Comparison of the  
No Child Left Behind Act to the  
Every Student Succeeds Act



Congress passed the Every Student Succeeds Act (ESSA)<sup>1</sup> to replace the No Child Left Behind Act (NCLB).<sup>2</sup> This chart provides a breakdown of the differences between the two laws and highlights ASCD's position on key provisions.

## STANDARDS

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
Requires state standards in reading, math, and science at all grade levels.	Requires assurance that states adopt challenging academic content standards in reading, math, and science with three levels of achievement that are aligned with entrance requirements for credit-bearing coursework in the states' higher education system as well as the state's career and technical education standards. <b>Prohibits the Secretary from having any authority over a state's academic standards.</b>	Each student deserves access to a credible, comprehensive, and well-rounded education that includes instruction in all academic content areas. States' standards, accountability systems, and public reporting of student performance must reflect these subjects.
Allows states to develop standards in other content areas.	Allows states to adopt standards in other subjects.	
Requires states to apply the same academic standards to all schools and children.	Allows states to develop alternate academic achievement standards for students with the most significant cognitive disabilities using a documented and validated standards-setting process.	

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## ASSESSMENTS

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
Requires state testing in reading and math annually in grades 3–8 and once in high school.	<p>Same as NCLB but with the following changes:</p> <ul style="list-style-type: none"> <li>• Allows states to use a single annual summative assessment or multiple statewide interim assessments throughout the year that result in one summative score.</li> <li>• Allows districts to use other tests for high schools with state permission.</li> <li>• Allows states to develop and administer computer-adaptive assessments.</li> <li>• Allows states to limit the aggregate amount of time spent on assessments for each grade.</li> <li>• Prohibits the Secretary from specifying any aspect of assessments.</li> <li>• Requires districts to publicly post information on all required assessments, including the amount of time students spend taking the assessments.</li> </ul>	<p>Standardized tests help to provide a snapshot of student performance, and results should continue to be disaggregated and reported publicly. However, student test scores provide an incomplete appraisal of student achievement and by themselves often offer a misleading depiction of student performance and school quality. Standardized tests alone should never be used for high-stakes purposes, and neither students nor educators nor schools should be ranked or rated based on test scores.</p>
Requires state testing in science annually in grade spans 3–5, 6–8, and 10–12.	Same as NCLB.	
Allows states to develop assessments in other subjects.	Same as NCLB.	
<p>Requires states to provide reasonable adaptations and accommodations for students with disabilities.</p> <p>Allows states to administer alternate tests to students with disabilities; however, these alternate tests may be used by no more than 1% of the total number of students being assessed.</p>	<p>Requires states to provide reasonable accommodations for students with disabilities.</p> <p>Allows states to administer alternate tests for students with the most significant cognitive disabilities; however, these alternate tests may be used by no more than 1% of the total number of students being assessed.</p>	
Requires states to administer assessments to at least 95% of students and 95% of each student subgroup.	Maintains requirement that assessments be administered to at least 95% of all students. Allows states to establish their own laws governing “opt-outs” and requires parents to be notified regarding their children’s participation rights in assessments. Consequences for schools that miss this threshold are determined by states and districts.	
Requires districts to annually assess all students with limited English language proficiency.	Shifts accountability for English language learners into Title I; allows schools to phase in the use of English language learners’ test results for accountability purposes.	
Requires states and districts receiving Title I-A funds to annually administer National Assessment of Educational Progress tests in grades 4 and 8 in reading and math.	Same as NCLB.	

## ACCOUNTABILITY

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
<p>Required that 100% of students be proficient in reading and math by the end of school year 2013–14.</p> <p>Requires that schools make adequate yearly progress (AYP) for all students and for subgroups for which data are disaggregated.</p>	<p><b>Eliminates AYP and the 100% proficiency requirement.</b></p> <p>Prohibits the Secretary from prescribing any aspect of the accountability system, including indicators, weighting, and differentiation methodology.</p> <p>Requires state-developed accountability systems that</p> <ul style="list-style-type: none"> <li>• Include performance goals for each subgroup,</li> <li>• Annually measure student performance based on state assessments,</li> <li>• For high schools: annually measure graduation rates,</li> <li>• For elementary and middle schools: annually measure student growth (or another valid and reliable statewide academic indicator),</li> <li>• Include one other indicator of school quality or student success that allows for meaningful differentiation, such as student or educator engagement, or school climate and safety,</li> <li>• For all English language learners: measure English language proficiency annually in grades 3–8 and once in high school,</li> <li>• Annually identify and differentiate schools based on all indicators, and</li> <li>• Differentiate schools in which any subgroup is consistently underperforming.</li> </ul> <p>Allows states to decide how much weight to give tests in their accountability systems and determine what consequences, if any, should attach to poor performance. Requires states to give more weight to academic factors than other factors.</p>	<p>Standardized test scores alone should never be used to evaluate students, educators, or schools.</p> <p>A new multimetric accountability model is needed that should</p> <ul style="list-style-type: none"> <li>• Incorporate all subjects,</li> <li>• Include nonacademic factors,</li> <li>• Use multiple measures of performance,</li> <li>• Promote continuous improvement and support, and</li> <li>• Report community-level data to highlight shared responsibility for student success.</li> </ul> <p>Although states should be given flexibility and autonomy to design and implement their own accountability systems, certain benchmarks should be collected and reported at each grade span to ensure schools meet minimum performance thresholds.</p>
<p>Establishes student subgroups for accountability and data disaggregation, including students who are economically disadvantaged, have limited English language proficiency, have disabilities, and belong to major racial and ethnic groups as determined by the state.</p>	<p>Same as NCLB, with three additional subgroups for data reporting only: homeless status (if statistically significant), students with parents in the military, and students in foster care.</p>	<p>Public reporting of student achievement data in disaggregated formats would allow transparency, promote equity, hold appropriate stakeholders accountable, and ensure shared responsibility for student success.</p>

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## ACCOUNTABILITY

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
<p>Requires publicly available annual state report card that includes</p> <ul style="list-style-type: none"> <li>• Data on student achievement at each grade level disaggregated by subgroup,</li> <li>• Comparison of state's actual achievement to its objectives,</li> <li>• Percentage of students not tested,</li> <li>• State's achievement trends over the course of two years,</li> <li>• Other indicators used to determine AYP,</li> <li>• Graduation rates,</li> <li>• Information on teacher quality, and</li> <li>• Other information as determined by the state.</li> </ul>	<p>Requires publicly available annual state report card that includes</p> <ul style="list-style-type: none"> <li>• A description of the state accountability system, including all indicators and the weights assigned by the state,</li> <li>• Schools identified as in need of support and improvement,</li> <li>• Student performance disaggregated by subgroup,</li> <li>• NAEP results,</li> <li>• Student participation rates in assessments,</li> <li>• Student performance on other academic indicators,</li> <li>• Graduation rates,</li> <li>• Performance of English language learners,</li> <li>• Data collected pursuant to the Civil Rights Data Collection survey,</li> <li>• Teacher qualifications, including those with emergency or provisional status,</li> <li>• Per-pupil expenditures of federal, state, and local funds,</li> <li>• Number and percentages of students taking alternate assessments, and</li> <li>• Postsecondary enrollment.</li> </ul>	<p>State report cards should be made publicly available to provide aggregated data on student and school performance. Public, user-friendly reporting of all education and student achievement data in disaggregated formats, including resource allocations and funding levels, will allow transparency, promote equity, and empower all interested parties to hold appropriate entities accountable for their responsibilities to children.</p>

## SCHOOL IMPROVEMENT

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
<p>Triggers corrective action for schools that fail to meet AYP in consecutive years, with annually escalating interventions.</p> <p>Requires states to reserve up to 4% of Title I-A funds to be available through the School Improvement Grant program.</p>	<p>Requires states, once every three years, to identify a category of schools for comprehensive support and improvement, including at least the lowest-performing 5% of Title I schools, high schools with a graduation rate of 67% or less, and schools where one or more subgroups of students are underperforming.</p> <p>Allows districts to provide students in underperforming schools with the opportunity to transfer to another public school in the district, if permitted by the state.</p> <p>Requires districts to develop evidence-based strategies for school improvement—in partnership with parents and school staff—that include all accountability indicators; requires districts to identify resource inequities.</p> <p>Eliminates the School Improvement Grant program but requires states to reserve 7% of Title I-A funds for school improvement activities, unless doing so results in a district receiving less Title I-A funding than in the previous year.</p> <p>Requires states to implement more rigorous actions for schools identified as being in need of improvement if the schools don't meet the state's improvement criteria within four years.</p> <p>Prohibits the Secretary from prescribing any specific school supports or improvement strategies.</p>	<p>States and districts should be allowed flexibility to implement improvement strategies, such as a whole child approach, and educator professional development should be a crucial component of such strategies.</p>

## TEACHER AND LEADER EFFECTIVENESS

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
<p>Requires 100% of teachers in core academic subjects to be “highly qualified,” which is defined as follows:</p> <ul style="list-style-type: none"> <li>Existing teachers must have a bachelor’s degree, demonstrate subject-matter knowledge in the areas they teach, and hold a certification or license in the subject they teach.</li> <li>New teachers must have a bachelor’s degree and pass subject-matter tests.</li> </ul>	<p>Eliminates highly qualified teacher requirements.</p> <p>Requires state plans to provide assurance that all teachers and paraprofessionals working in programs supported by Title I-A funds meet state certification and licensure requirements.</p>	<p>Each student should have access to highly effective teachers in every subject and discipline. Effective teaching leads to ongoing student achievement and growth; is based on evidence; and incorporates knowledge and skills into planning and preparation, classroom management, instruction, and subject content.</p>
<p>Requires state plans to provide assurance that all teachers and paraprofessionals working in programs supported by Title I-A funds meet state certification and licensure requirements.</p>	<p>Same as NCLB.</p>	
<p>Requires schools receiving Title I-A funds to ensure that poor and minority children are not taught by inexperienced, unqualified, or out-of-field teachers at higher rates than other children.</p>	<p>Maintains the equitable distribution requirement but replaces “unqualified” with “ineffective.”</p>	
<p>Defines professional development as activities that improve teachers’ knowledge in the subjects they teach, enable them to become highly qualified, are aligned with content standards, and advance understanding of instructional strategies, etc.</p>	<p>Updates the definition of professional development to ensure personalized, ongoing, job-embedded activities that are</p> <ul style="list-style-type: none"> <li>Available to all school staff, including paraprofessionals,</li> <li>Part of broader school improvement plans,</li> <li>Collaborative and data driven,</li> <li>Developed with educator input, and</li> <li>Regularly evaluated.</li> </ul> <p>Creates new teacher, principal, and school leader academies to help meet the need for effective educators in high-need schools.</p> <p>Creates new teacher residency programs to enhance clinical training opportunities for teachers.</p>	<p>All educators should receive a stepped induction into the profession, time to reflect on and refine their practice, and personalized professional development that recognizes their strengths and allows them to grow.</p>
<p>Requires states to provide scientifically based professional development for teachers of core academic subjects.</p>	<p>Expands access to professional development under Title II to include teachers of all subjects, not just core subjects as under NCLB, as well as school leaders, administrators, and other school staff.</p> <p>Replaces the requirement that professional development programs and activities be scientifically based with a requirement that they be evidence based.</p>	
<p>Requires schools to use Title II funds to prepare, recruit, and retain teachers and principals. Allocates Title II funds to states based on 35% of a state’s school-age population and 65% of its school-age population living in poverty.</p>	<p>Changes the Title II formula to 20% based on school-age population and 80% based on school-age population living in poverty, phased in over four years.</p> <p>Maintains Teacher Quality Partnership Grants and revises the Teacher Incentive Fund to include school leaders.</p> <p>Allows the use of Title II funds to reform certification systems; improve alternate routes to certification; and improve recruitment and retention of teachers, principals, and school leaders; among other activities.</p>	

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## TEACHER AND LEADER EFFECTIVENESS

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
Does not require teacher evaluations; however, requires states that received NCLB waivers to create or improve their teacher evaluation systems.	Does not require teacher evaluation systems, but if Title II funds are used to create or change school district evaluation systems, they must be based “in part” on student achievement and must be based on multiple measures.  Precludes the Secretary from prescribing any aspect of educator evaluation systems or measures of effectiveness.	Educator evaluations should include multiple measures, assess educators only on the subjects they teach, and ultimately aim to enhance practice.

## WELL-ROUNDED EDUCATION

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
Includes a variety of programs and funding authority to support a well-rounded education, including Arts in Education, Elementary and Secondary School Counseling, the Physical Education Program, and 21st Century Community Learning Centers.	Eliminates 50 individual programs, including those that support physical education, STEM programs, and school counseling.  Creates a new block grant that provides funding to states by formula and then districts by formula and must fund at least one academic activity (see description of well-rounded education in the following box), one nonacademic activity (see description of safe and healthy students in the following box), and at least one activity expanding the use of technology. Additional activities may be funded based on a district’s needs assessment.  Creates a new early childhood education program aimed at increasing access to child care.  Maintains 21st Century Community Learning Centers to support after-school activities.  Requires state plans to show how they are improving conditions for learning, including reducing bullying and harassment and addressing adverse behavioral interventions that compromise student health and safety.	Access to a wide variety of subjects, as well as non-academic supports, is crucial to preparing students for college, careers, and citizenship.
Defines core academic subjects as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.	Eliminates the definition of core academic subjects.  Requires districts to allocate 20% of Title IV funds to programs that support a well-rounded education, which could include counseling, music and arts, accelerated learning, foreign languages, history, and environmental education, among other activities.  Requires districts to allocate 20% of Title IV funds to programs that support safe and healthy students, which could include school-based mental health services, nutrition and physical education, bullying and harassment prevention, and school personnel crisis management training, among other activities.  Allows districts to allocate the remaining 60% of Title IV funds based on assessed needs.	

## FEDERAL EDUCATION FUNDING

No Child Left Behind Act	Every Student Succeeds Act	ASCD Position
<p>Provides Title I-A funding to states through four separate funding formulas:</p> <p>Basic, Concentration, Targeted, and Education Finance Incentive Grants. Total Title I-A FY15 funding \$14.5 billion.</p> <p>Requires each state to make specific adjustments to grant amounts, including administrative and reserved allocations, before providing funds to districts.</p>	<p>Allows 100% transferability between Title II (educator supports) and Title IV and from Titles II and IV into Title I.</p> <p>Authorizes (but does not appropriate) funding at gradually higher levels for four years.</p> <p>Authorizes the Institute of Education Sciences to study a Title I formula change that would reallocate funds based more heavily on poverty than population.</p> <p>Creates a pilot program for 50 districts that may aggregate their state and local funds with their federal dollars and design their own allocation to better target funds to the neediest schools.</p>	<p>Flexibility in the use of federal education funds is essential for states and districts to best meet the needs of their students. A robust federal investment will ensure that all students receive a high-quality education.</p>
<p>Requires districts to show maintenance of effort; that is, districts may not reduce funding to schools by more than 10% from the previous year. If they do, the federal government reduces the education funding proportionally.</p>	<p>Same as NCLB, except there is no penalty for a district that fails to meet its maintenance of effort requirement if it met the requirement for the five previous years.</p>	<p>Supports the maintenance of effort requirement.</p>
<p>Supplement not supplant: states and districts are prohibited from using federal funds to provide services or support activities for which state and/or local funds are currently used.</p>	<p>Allows districts to use federal funds for non-schoolwide programs if they can demonstrate that the method used to allocate funds ensures the school receives all of the state and local funds it would have received absent Title I-A funds.</p>	

### References

1. Every Student Succeeds Act, S.1177, 114th Cong. (2015). Retrieved from [http://edworkforce.house.gov/uploadedfiles/every\\_student\\_succeeds\\_act\\_-\\_conference\\_report.pdf](http://edworkforce.house.gov/uploadedfiles/every_student_succeeds_act_-_conference_report.pdf)
2. No Child Left Behind Act of 2001, Public Law 107-110. (2002). Retrieved from <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

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