
THE CONGRESS PROJECT

Assignment Prompt Sheet

Every Student Succeeds Act (ESSA)

Overview

Act Title: Every Student Succeeds Act (ESSA)

Congress: 114th Congress (2015-2016)

Session/Sessions: 1

Statute No:

Public Law No: 114-PL-95

Eid: 1140095

Gid: 213-011

Bill: [S 1177](#)

Sponsor: Sen. [Lamar Alexander](#) (R-TN)

House Committees: Education and the Workforce, House Financial Services

Senate Committees: Health, Education, Labor, and Pensions

Companion Bill: [HR 5](#)

Related Bills: HR 3087, Hres 526, Hres 542, S 308, S 316, S 1787

House Rules: Hres 121; Hres 125; Hres 526; Hres 542,

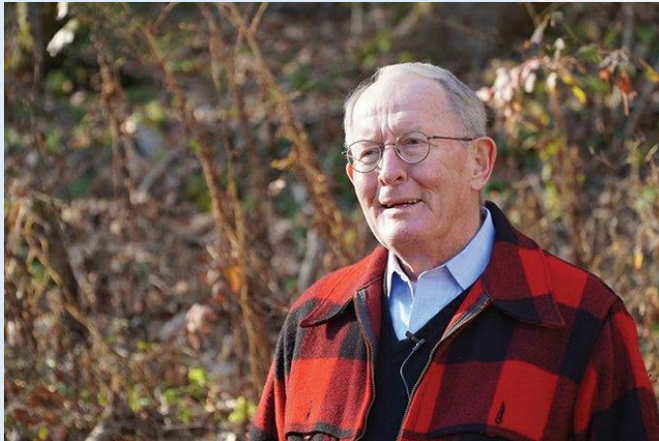
Past Bills: 113 HR 10; 113 S 1094; 112 HR 3989; 112 HR 2218; 111 HR 2187; 111 HR 4247; 110 HR 3021

Introduced Date- Law Date: 04/30/2015-12/10/2015

House Floor Days: 6

Senate Floor Days: 8

Roll Call Votes: 59 (30 in Senate and 19 in House on S 1177; 19 in the House on HR 5; 2 in the House on Hres 121; 3 in the House on Hres 125; 1 in the House on Hres 347; 2 in the House on Hres 526; 2 in the House on Hres 542)



(Above) Sen. Lamar Alexander (R-TN), the bill's sponsor, was a two time presidential candidate whose love of plaid eventually led him to write "Lamar Alexander's Little Plaid Book."

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Legislative History Comments

The Every Student Succeeds Act modified the [2002 No Child Left Behind Act \(NCLB\)](#), which required annual tests from third through eighth grade for all schools in math and reading, along with additional testing in science and in high school as a [condition of receiving federal education funding](#). Both laws were reauthorizations of the original federal school aid law, the *Elementary and Secondary Education Act of 1965* (or ESSA). The Every Student Succeeds Act kept most of the controversial testing provisions provided by No Child Left Behind, but “it drop[ped] the 2002 law’s other big idea: that the federal government, which spends \$14 billion each year on poor schools, should directly hold those schools accountable for the quality of their education ([Vox 2015](#)).”¹

The Every Student Succeeds Act can be seen as a significant step towards [the decentralization of federal education policy](#) put in place by No Child Left Behind (“NCLB”), by limiting federal oversight of state education programs. While NCLB was a law that passed with broad, bipartisan support it was aggressively criticized by some at the time and by many others in the years since. [Nelson \(2015\)](#) notes “did two major things: It forced states to identify schools that were failing according to scores on standardized tests. Then it told states what to do to fix those schools.” Schools were then punished for not doing. The measure’s enactment set off to a lengthy debate over whether or not it constituted an unfunded mandate.

From a process standpoint, this bill is a contemporary law, so it’s absolute nightmare. However, it’s a nightmare in a really fun way (though “fun” is probably a relative term here)! The Republican-controlled House initially considered their bill, HR 5, under Hres 121, a closed rule that only provided for debate. The following day, the House adopted Hres 125, a structured rule. After several days of debate and amending, House leadership was forced to pull HR 5 from the floor because they lacked the votes to pass it. This almost never happens! Several months later, the House brought it up again under Hres 347, another structured rule. After adopting several key amendments, the House passed the bill narrowly, [218 to 213](#). This bill was largely dead on arrival in the Senate, which was narrowly controlled by Republicans, and generated a veto threat from President Obama (see [Washington Post 2015](#)).

The Senate bill was far more bipartisan and passed [81-17](#) after six days of debate. While no Democrats supported the House bill, the Senate bill was opposed by a handful of more liberal Democrats and a number of the most conservative Republicans in the chamber. The House then adopted S 1177 with an amendment and requested a conference by voting for Hres 526, a self-executing rule.² The conference report passed the House [359-64](#) and the Senate [81-17](#).

Because of how recent this bill is, you won’t have a CQ Almanac article to work off of. But don’t hesitate to contact me with questions on the process.

¹ Specifically, the Every Student Succeeds Act changed these requirements by no longer requiring teachers and schools to be subject to federal testing targets and allowed states to implement their own accountability systems for standardized tests and teaching qualifications

² See e.g. [CRS \(2008\)](#); [Binder \(2010\)](#) and [Washington Post \(2010\)](#) for more on self-executing rules.

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Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

#3.

Background Questions

1. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered comparable legislation? You might want to contextualize this bill by discussing some of the other landmark laws relating to this issue.

Specifically, why did reauthorization of No Child Left Behind fail in previous congresses? On this point, see e.g. [CQ \(2013\)](#).

2. What did existing federal policy look like in this specific issue area (See [Elementary and Secondary Education Act of 1965](#) and [No Child Left Behind Act](#)) ? Why did reformers feel it needed to be changed?

What is a reauthorization? Do programs really need to be reauthorized? Why or why not? How often had this been reauthorized in the past? Were these controversial? Bipartisan? Had the bill been substantially altered since its initial passage? In what way?

3. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress?

What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify? See e.g. [CRS \(2015\)](#); [CRS \(2018\)](#); [CRS \(2019\)](#).

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Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins.

#1. Initial House Consideration of HR 5 (February 25 – 27, 2015)

Initial consideration on February 25th was provided for by Hres 121, which was a closed rule that only allowed for debate.

The following day, the House adopted Hres 125, a structured rule.

After two additional days of debate and amending, the bill was pulled from the floor. My reading of it suggests this was because interest groups lead by Heritage Action argued the bill was not conservative enough.

#1. Secondary House Consideration of HR 5 (July 8, 2015)

The bill was brought up again in May after Republicans adopted an amendment that allowed parents to opt their children out of standardized tests.

Bill is considered under Hres 347, another structured rule.

HR 5 passes the House narrowly, [218 to 213](#), but was not brought up in the Senate.

#2. Senate Consideration of S 1177 (July 7 – 9, July 13-16, 2015)

Considered in the Senate under unanimous consent.

Passes the Senate [81-17](#) after six days of debate.

#2. House Consideration of S 1177 (November 17, 2015)

The House considered S 1177 under a closed, self-executing rule.

The rule, Hres 526, provided that upon its adoption, S 1177 shall be considered taken from the Speaker's desk and adopted with the provisions of HR 5 inserted.

#3. House Consideration of the Conference Report on S 1177 (December 2, 2015)

Considered under Hres 542.

#3. Senate Consideration of Conference Report (December 8-9, 2015)

Cloture on the conference report is agreed to on December 8. The conference report passes the Senate the next day.

Commented [AJM1]: Would guess this section is short. I'm not sure how much (if any) substantive debate occurs on S 1177 here.

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Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. John Kline (R-MN); Rep. Barbara Lee (D-CA); Rep. Tom Price (R-GA); Rep. Chaka Fattah (D-PA); Rep. Louise Slaughter (D-NY)

#2. Sen. Lamar Alexander (R-TN); Sen. Patrick Leahy (D-VT); Sen. David Perdue (R-GA); Rep. Xavier Becerra (D-CA); Sen. Chuck Schumer (D-NY)

#3. Rep. Paul Ryan (R-WI); Sen. Richard Burr (R-NC); Sen. Patty Murray (D-WA); Rep. Bobby Scott (D-VA); Rep. Tom Cole (R-OK)

Aftermath Questions

1. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? How is the bill viewed today (see e.g. [Washington Post 2021](#))?

Additionally, how has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation?

2. How has this act been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? Are there aspects of the bill that are viewed more favorably than others?

Discuss the relevance of this act as it pertains to contemporary policy. In particular, how does it relate to the debate over Common Core? Also, what is Common Core? This [CRS Report \(2014\)](#) might help.

3. How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change?

How good a job did this measure do with the standardized testing issue? That was probably the element of No Child Left Behind that was most frequently criticized. What have scholars said? Why was standardized testing so controversial?

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Suggested Sources

Scholarly Articles:

Adler-Greene, L. (2019). Every Student Succeeds Act: Are schools making sure every student succeeds. *Touro L. Rev.*, 35, 11.

Black, D. W. (2017). Abandoning the federal role in education: The every student succeeds act. *California Law Review*, 105(5), 1309-1374.

Knight, D. S. (2019). Are school districts allocating resources equitably? The Every Student Succeeds Act, teacher experience gaps, and equitable resource allocation. *Educational Policy*, 33(4), 615-649.

McGuinn, P. (2016). From no child left behind to the every student succeeds act: Federalism and the education legacy of the Obama administration. *Publius: The Journal of Federalism*, 46(3), 392-415.

CRS 2019. "The Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA): A Primer." Congressional Research Service.
<https://sgp.fas.org/crs/misc/R45977.pdf>

Dee, Thomas S., and Brian Jacob. "The impact of No Child Left Behind on student achievement." *Journal of Policy Analysis and management* 30.3 (2011): 418-446.

Imazeki, Jennifer, and Andrew Reschovsky. "Is No Child Left Behind an un (or under) funded federal mandate? Evidence from Texas." *National Tax Journal* (2004): 571-588.

Darling-Hammond, Linda. "Race, inequality and educational accountability: The irony of 'No Child Left Behind'." *Race Ethnicity and Education* 10.3 (2007): 245-260.

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Nichols, Sharon L., Gene V. Glass, and David C. Berliner. "High-Stakes Testing and Student Achievement: Problems for the No Child Left Behind Act. Appendices." *Education Policy Research Unit* (2005).

Hanushek, Eric A., and Steven G. Rivkin. "The quality and distribution of teachers under the No Child Left Behind Act." *Journal of Economic Perspectives* 24.3 (2010): 133-50.

Standerfer, Leslie. "Before NCLB: The History of ESEA." *Principal Leadership* 6.8 (2006): 26-27.

Peterson, Paul E., and Martin R. West, eds. *No child left behind?: The politics and practice of school accountability*. Brookings Institution Press, 2003.

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Newspaper Pieces:

- <https://www.vox.com/2015/12/11/9889350/every-student-succeeds-act-schools>
- <https://www.vox.com/policy-and-politics/2015/12/2/9836014/every-student-succeeds-act>
- <https://www.usatoday.com/story/news/politics/2015/12/10/every-student-succeeds-act-vs-no-child-left-behind-whats-changed/77088780/>
- <https://www.everystudentsucceedsact.org/>
- <https://www.vox.com/2015/1/23/7877893/no-child-left-behind-esea-reauthorization>
- <https://www.nassp.org/a/every-student-succeeds-act-essa-overview/>
- <https://www.washingtonpost.com/news/education/wp/2015/11/30/how-schools-would-be-judged-under-every-student-succeeds-the-new-no-child-left-behind/>
- <https://www.washingtonpost.com/news/education/wp/2017/03/27/trump-signs-bills-overturning-obama-era-education-regulations/>
- <https://www.brookings.edu/blog/brown-center-chalkboard/2020/10/12/trumps-administrative-presidency-and-its-effort-to-weaken-federal-oversight-in-public-education/>
- <https://www.politico.com/story/2015/12/paul-ryan-congress-no-child-left-behind-216696>
- <https://www.washingtonpost.com/education/2021/09/23/2021-standardized-test-scores-questions/>
- <https://www.vox.com/2015/1/23/7877893/no-child-left-behind-esea-reauthorization>
- <https://www.forbes.com/sites/petergreene/2020/05/16/without-the-big-standardized-test-would-schools-be-flying-blind/#b6dfbf6722d>
- <https://www.washingtonpost.com/education/2020/04/21/leading-public-education-advocates-write-open-letter-joe-biden-your-statements-encourage-us/>
- <https://www.vox.com/2015/7/27/9045491/no-child-left-behind-accountability>
- <https://www.vox.com/2015/12/11/9889350/every-student-succeeds-act-schools>
- https://www.washingtonpost.com/opinions/no-child-has-failed/2015/02/13/8d619026-b2f8-11e4-827f-93f454140e2b_story.html
- <https://www.washingtonpost.com/news/answer-sheet/wp/2018/02/12/are-states-really-trying-to-overcome-the-harmful-legacy-of-no-child-left-behind/>
- <https://www.politico.com/magazine/story/2017/10/29/john-boehner-trump-house-republican-party-retirement-profile-feature-215741>