



Whiteboard
Advisors

Education Insider

ESEA & HEA Reauthorization, State Testing, Student Data Privacy & Debt-Free College Proposals

June 2015

Why Education Insider?

An Insider look at education policy from leaders across the country



Survey Insiders



Analyze Results



Report Insights



Drive Action

About Education Insider

Education Insider is a monthly report that uses a proprietary model to cut through the noise and provide real-time insights on national education policy trends, debates, and issues—from a small group of approximately 50-75 Insiders who are close to the process. We conduct a survey of these influencers, which includes their candid opinions and insights, to provide a unique perspective on K-12 and higher education. The views expressed do not necessarily represent the viewpoints of Whiteboard Advisors or any of its employees.

Who Are the Insiders?

Influential leaders who are shaping federal education reform, including individuals who have served or are currently serving as key policy and political “insiders,” such as:

- Current and former White House and U.S. Department of Education leaders;
- Current and former Congressional staff;
- State education leaders, including state school chiefs and former governors; and
- Leaders of major education organizations and think tanks, as well as other key influencers.

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Executive Summary

A snapshot of key insights from our June 2015 survey

Data Snapshot

50% of Insiders believe ESEA will not be reauthorized by the end of 2016. 42% believe it will happen while President Obama is in office.

70% of Insiders believe legislation to reauthorize ESEA will allow states to use multiple assessments for annual testing.

54% of respondents believe student data privacy legislation will be enacted in the next 18 months.

96% of Insiders believe that recent proposals to streamline FAFSA will eventually be enacted. **75%** believe legislation could pass that would allow borrowers to refinance their loans at a lower interest rate.

ESEA & HEA Reauthorization

Exactly half of Insiders now believe that ESEA will not be reauthorized during Obama's presidency, and seven percent think it will never be renewed. An overwhelming majority of Insiders do not believe HEA will be renewed before the end of 2016.

State Testing

Nearly three in four survey respondents believe that a renewed ESEA would give states the flexibility to employ multiple assessments within each state. However, Insiders do not expect changes in testing frequency or grades tested.

Student Data Privacy Legislation

A slight majority of Insiders believe that student data privacy legislation will be passed by the end of 2016, though respondents are skeptical that any of the current legislative proposals will be the eventual framework for future legislation.

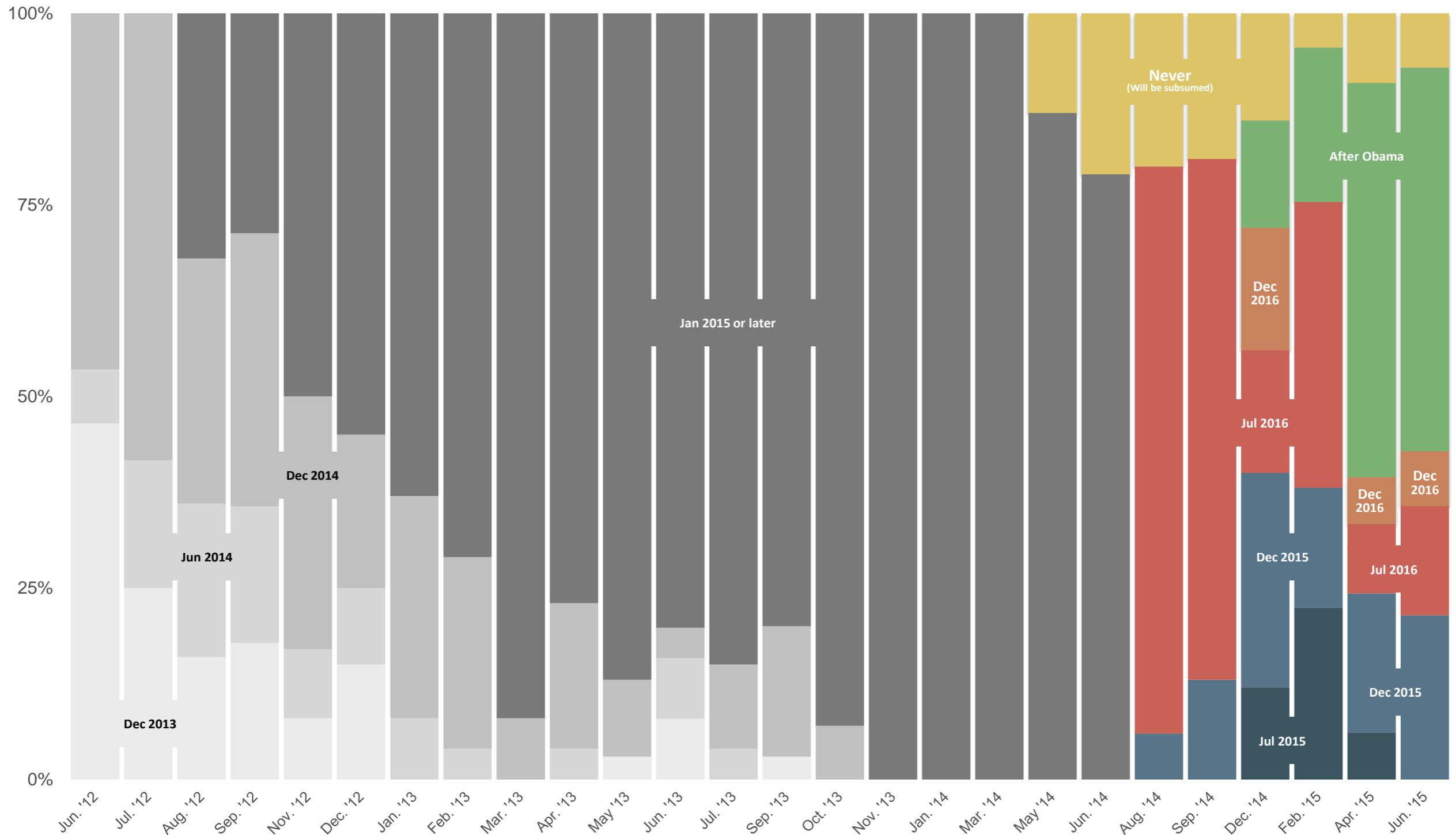
Debt-Free College Proposals

When asked about provisions included in recent debt-free college proposals, Insiders indicate that streamlining FAFSA, loan refinance and risk-sharing on debt are mostly likely to become law.

Tracking Measures

ESEA Reauthorization Timing

57% of Insiders believe ESEA will NOT be reauthorized while Obama is in office, if at all



ESEA Reauthorization

Insiders offer comments on the timeline for renewing ESEA

Losing Faith

“Quickly losing faith ESEA will ever be reauthorized. Obama has lost interest. An incoming Republican president will not want ED anyway. And neither Hillary nor her primary opponents will be able to get anything through a GOP Congress. Who needs reauthorization anyway? It's only eight years past due...”

The Optimists

“One can always hope.”

“I think the Senate bill will pass by July 4. The House bill may as well. Conference could happen in August or maybe September. A bill could be signed in October or November.”

“I think it's possible that conference negotiations continue into 2016, and the President could sign a bill as a lasting legacy before he leaves office. It will likely happen at the last minute due to the final deal being something not all parties like, but that they believe is better than nothing.”

Compromise Is Hard

“I'm totally unconvinced that House Republicans will go for any compromise bill.”

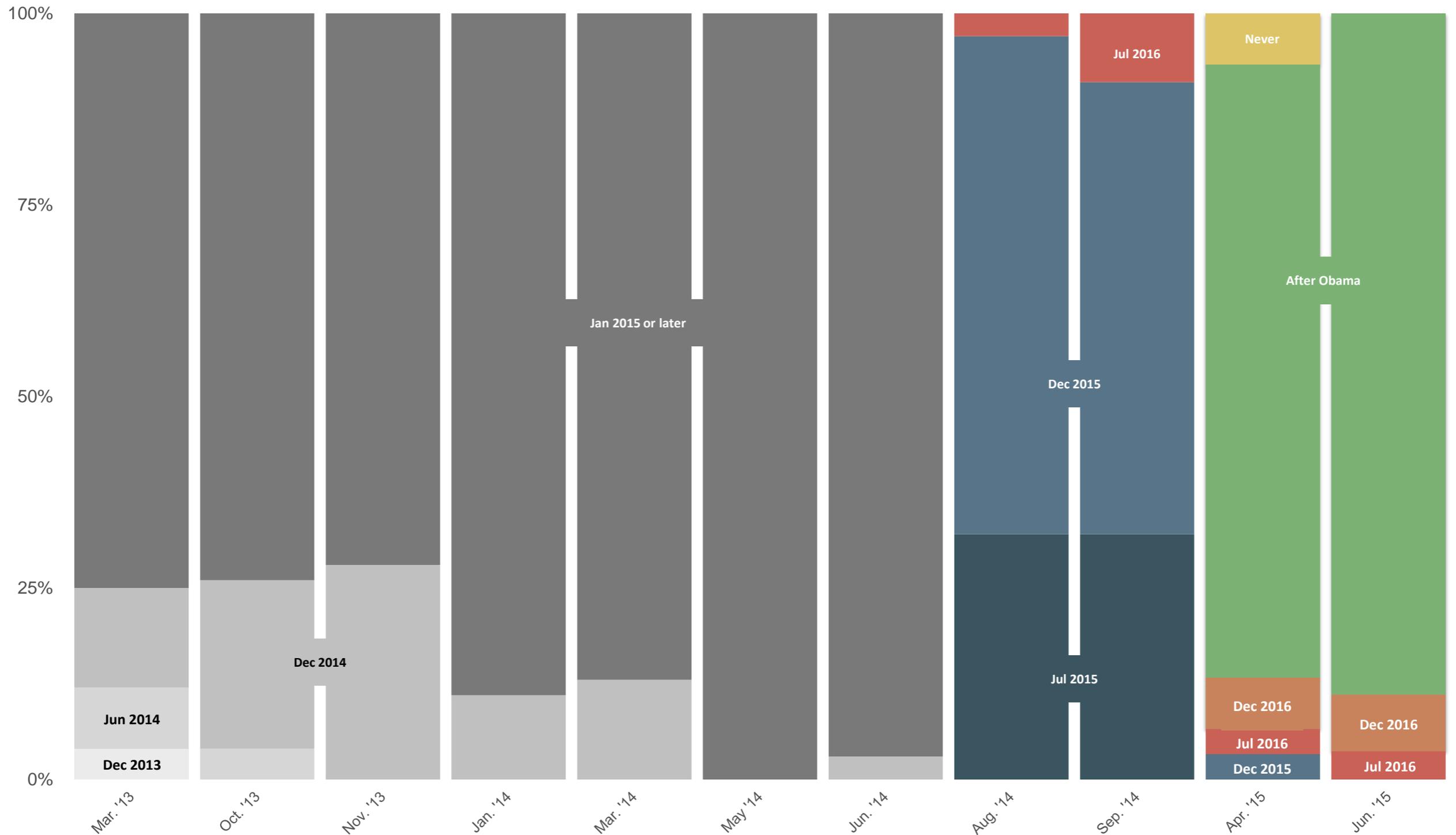
“The bill won't get passed during this administration. It will get hung up on accountability issues.”

Stalemate

“There is still not a clear path forward in the House for legislation that can also pass the Senate and be signed by the President. I wouldn't be surprised to see something pass the Senate and something different pass the House, but both will likely just die.”

HEA Reauthorization Timing

89% of Insiders believe HEA will be reauthorized after President Obama leaves office



HEA Reauthorization Timing

Insiders offer comments on the timing for HEA reauthorization

Kinda...Sorta...Maybe...

“Only one or two issues are the problem. Mostly consensus on student aid. No issues with programs.”

“Components will be enacted, but no comprehensive HEA.”

...But Probably Not

“They're running out of time.”

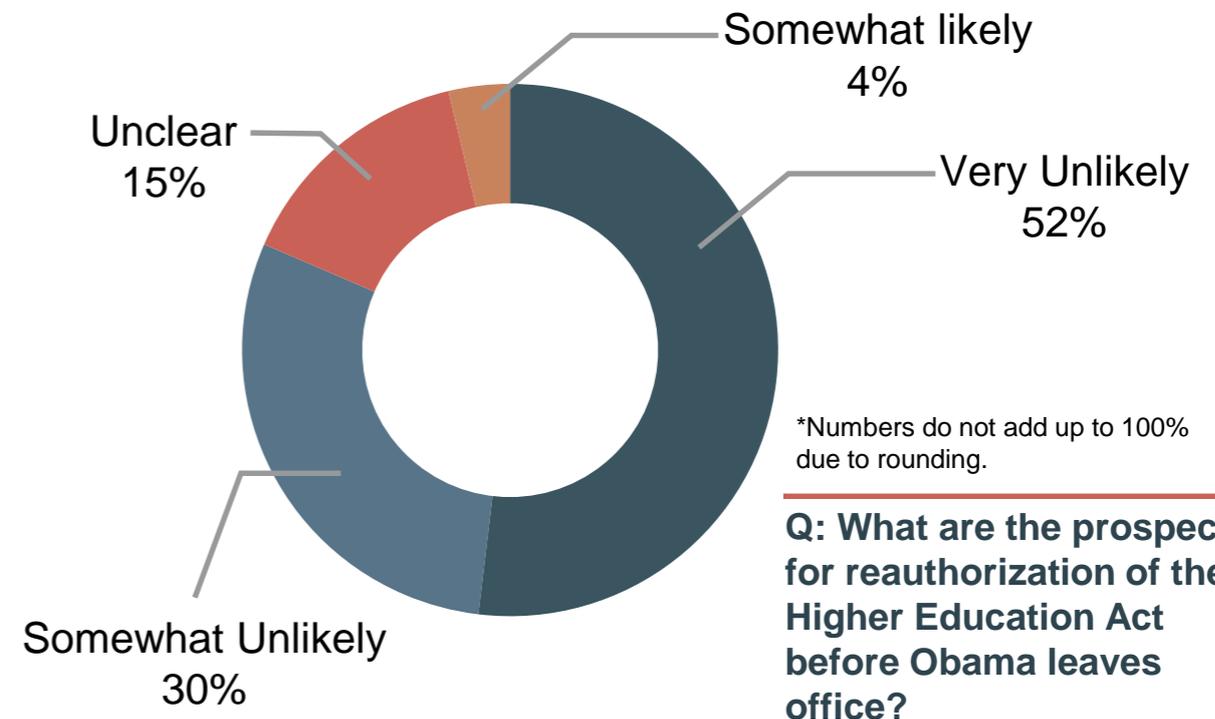
“The odds are long for almost any question framed as, ‘What are the prospects for _____ before Obama leaves office?’”

Warren In The Way?

“Elizabeth Warren will prevent a bipartisan compromise...”

The Prospects

This month, we asked Insiders a variation of the question regarding timing for HEA reauthorization to get their sense of the likelihood that action would be taken irrespective of timing. Insiders indicated that it is very unlikely that action on HEA will happen while Obama is in office, confirming that this is not merely an issue of timing.



ESEA & Annual Testing Requirements

State Testing Requirements

States could gain flexibility to use multiple assessments; frequency likely to stay the same

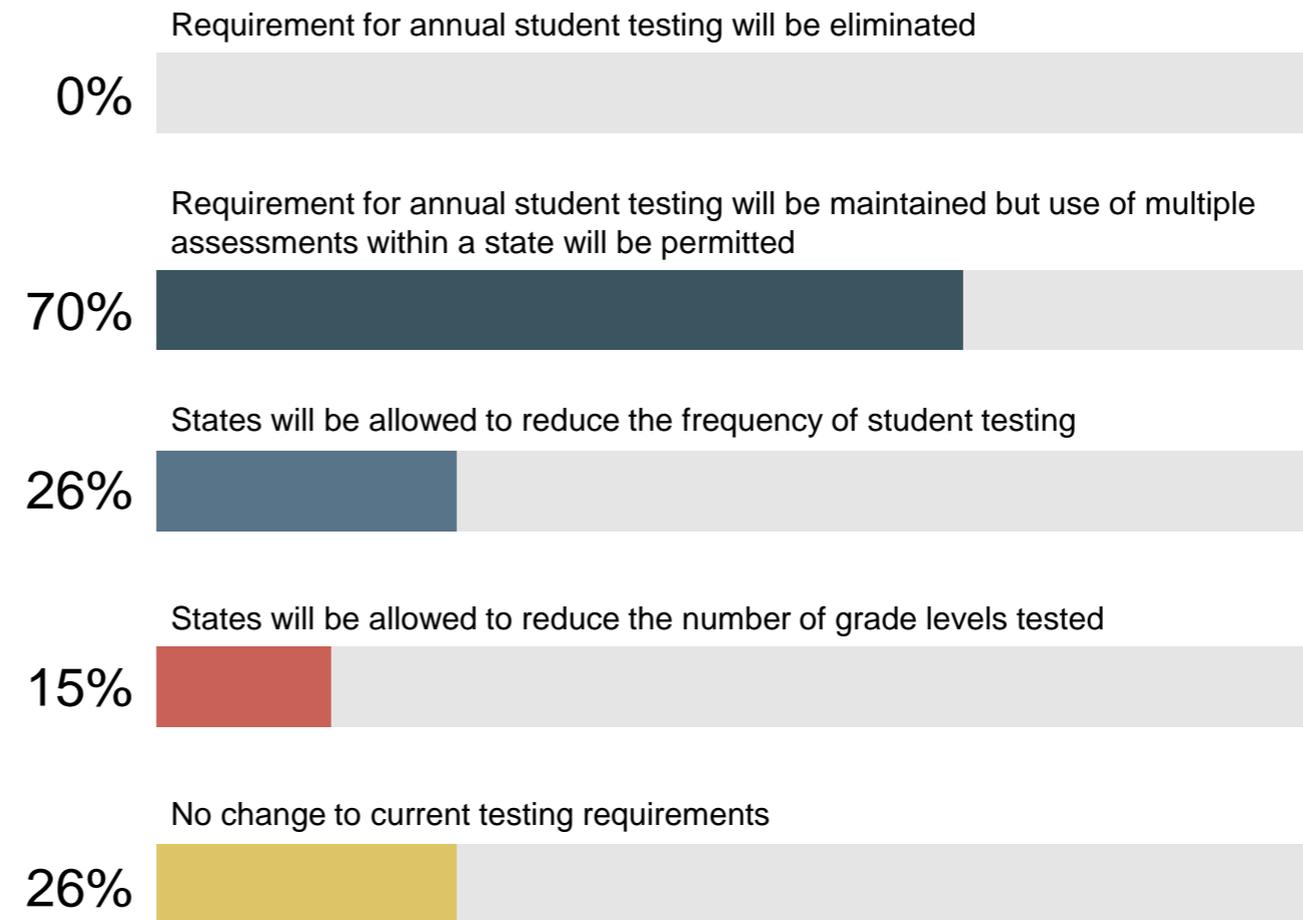
Insiders Weigh In

Recent boycotts of standardized tests in multiple states—especially where Common Core assessments are being implemented—have brought the issue of federal annual testing requirements to the forefront.

We asked Insiders to look at a number of ways in which ESEA reauthorization might affect testing requirements. 70% of respondents indicated that they believe states will be allowed to use multiple assessments. However, Insiders are less optimistic that states would receive flexibility as it pertains to the frequency of testing and number of grade levels required to participate in annual assessments. 26% of Insiders believe current law will be maintained despite the debate over testing.

By The Numbers

The data below show the percentage of respondents who agree that ESEA will affect state testing requirements in the following ways:



*Respondents could select more than one answer.

Q: How do you think legislation to reauthorize ESEA will affect state testing requirements? (Note that you can select more than one option.)

State Testing Requirements

Insiders offer comments on the the potential impact of ESEA on state testing

A Delicate Balance

“The implicit deal that seems to be emerging is to keep testing because it's a priority for a number of civil rights groups, but to also ease up the accountability which pleases the Republicans (less rules) and the teachers unions (less consequences).”

A Mixed Approach

“Hybrid approach: High school test requirement will be modified to allow states to choose from a number of tests. Grades 3-8 will remain the same.”

Opt-Out Protection

“It is important to note how federal policy may address the opt-out protection. While not related to federal mandates in testing, that cover could undermine the 95% participation and bring a whole different set of issues.”

Stalled

“Alexander made this a big political deal in the discussion draft, but after all the fighting we're back to where we started.”

Another Cause For Concern

“My worry is that states will see New Hampshire and think that developing an alternate assessment is easy. As the people in New Hampshire will tell you, it is not.”

Student Data Privacy

Senator Vitter's (R-LA) Student Privacy Protection Act

No Insiders think Senator Vitter's student data privacy bill will be signed into law

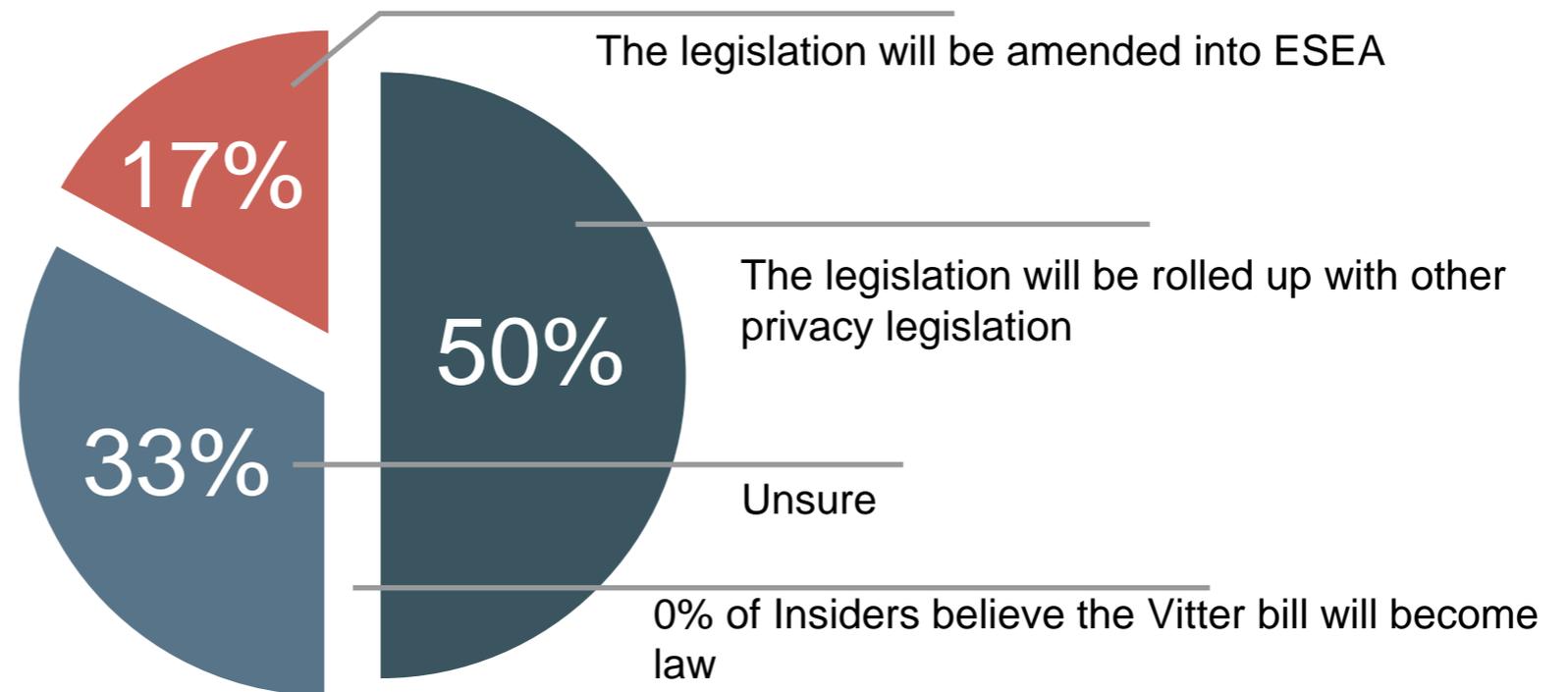
Insiders Weigh In

Louisiana Senator David Vitter (R-LA) introduced the Student Privacy Protection Act. A recent op-ed in *The New York Times* called the bill "the most stringent" of recent proposals, saying it "would effectively end the analysis of data by outside scientists."¹

We asked Insiders to weigh in on the prospects for this legislation. Exactly half of those surveyed say the legislation will likely get rolled up with other privacy legislation. No one believes the bill would become law as a stand alone bill. Insiders said it is "not a serious proposal" and called the bill "clumsy," arguing that it "basically eliminates any positive use of data in education."

By The Numbers

Survey respondents do not believe Vitter's student data privacy bill will become law. 50% of Insiders believe the legislation could be rolled up with other legislative proposals. One-third indicated they are unsure about the proposal's future.



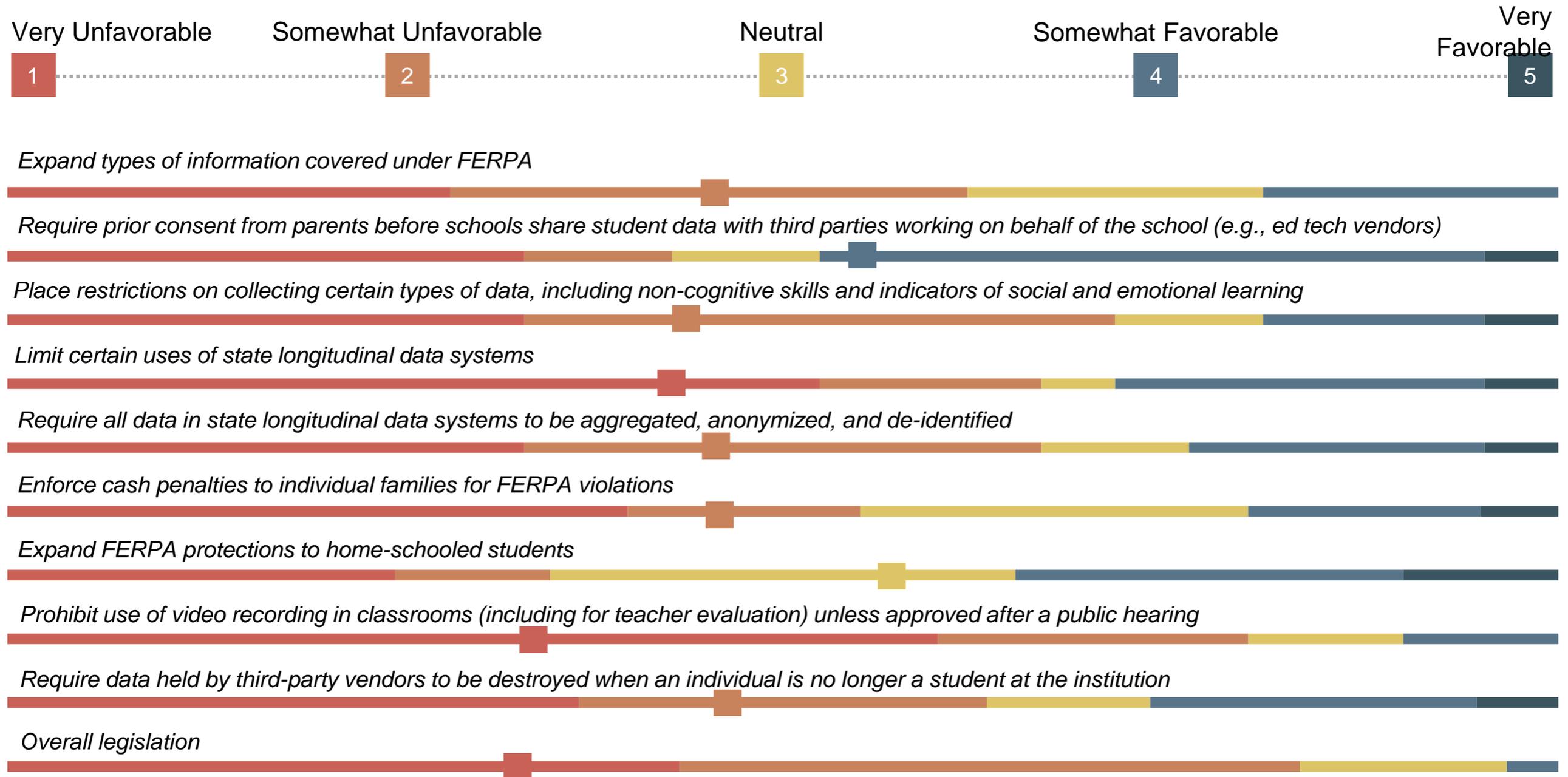
Q: In May, Senator Vitter introduced the Student Privacy Protection Act. In your opinion, what are the prospects for this legislation?

¹ Dynarski, Susan. "When Guarding Student Data Endangers Valuable Research." *The New York Times* 16 June 2015: Web.

Senator Vitter's Student Privacy Protection Act

Insiders generally have an unfavorable opinion of Senator Vitter's privacy provisions

Q: What is your opinion on the following provisions of Senator Vitter's Student Protection Privacy Act?



Senator Vitter's Student Privacy Protection Act

Insiders offer comments on Senator Vitter's recent legislative proposal

A Step In The Wrong Direction

"It seems pretty clear that Vitter hasn't thought through the implications of his bill. It would decimate states' abilities to do things like performance-based funding, accountability, value-added measures, etc. I can't see red state governors being okay with federal preemption of their rights to do with their data what they will. I get that privacy messaging is important in this cycle, but there could not be a worse way to address the issue than this bill. This would be a disaster on every possible level for education."

No Chance

"There is no chance of this legislation becoming law, influencing law, or getting more than 15 votes on the Senate floor. The only one saying otherwise is a lobbyist billing clients with too much money and no common sense. Spending any time on it is totally unwarranted."

Sending A Message

"I don't understand the interest being given to this bill. Vitter's bill is a campaign talking point for him and not a serious proposal."

"I think this is a message bill for the far right...While some portions of the bill may make it into other legislation, I think it is DOA, like any message bill is."

Unintended Consequence?

"This legislation empowers opt-out. A Republican is giving a tool to the unions. Think about that..."

Balancing Protection & Innovation

Insiders evaluate the balance of leading student data privacy proposals

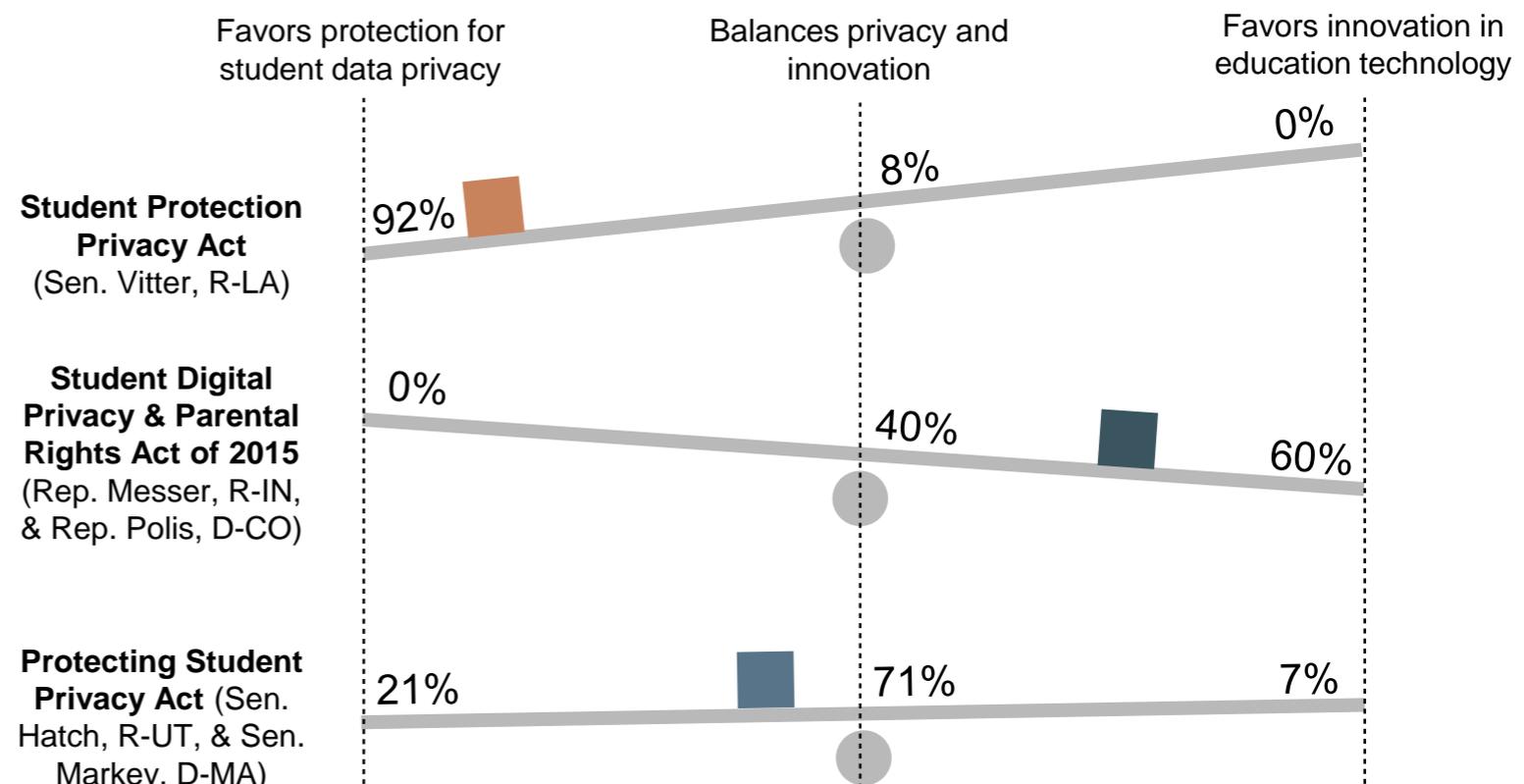
Insiders Weigh In

We asked Insiders to take a look at how the leading legislative proposals to address student data privacy balance priorities associated with the issue—specifically protections for students and openness to innovation.

There are three current bill proposals and a discussion draft being circulated. We asked Insiders to look at how effectively the current legislative proposals balance protection and innovation. More than 9 in 10 Insiders indicate that Senator Vitter's bill favors student data privacy. Legislation from Reps. Messer (R-IN) and Polis (D-CO) appears to favor innovation, while a proposal from Senators Hatch (R-UT) and Markey (D-MA) appears to be the most balanced proposal, according to Insiders.

By The Numbers

A significant majority of Insiders—71%—indicate that the proposal from Senators Hatch and Markey is the most balanced of the three current bills. Reps. Messer and Polis's legislation was seen as balanced by 40% of respondents.



*Numbers do not add up to 100% due to rounding.

Q: How would you characterize the balance between protection of student data and openness to innovation in each of the following student data privacy bills?

Framework For Student Data Privacy Legislation

Insiders look at potential frameworks for eventual privacy legislation

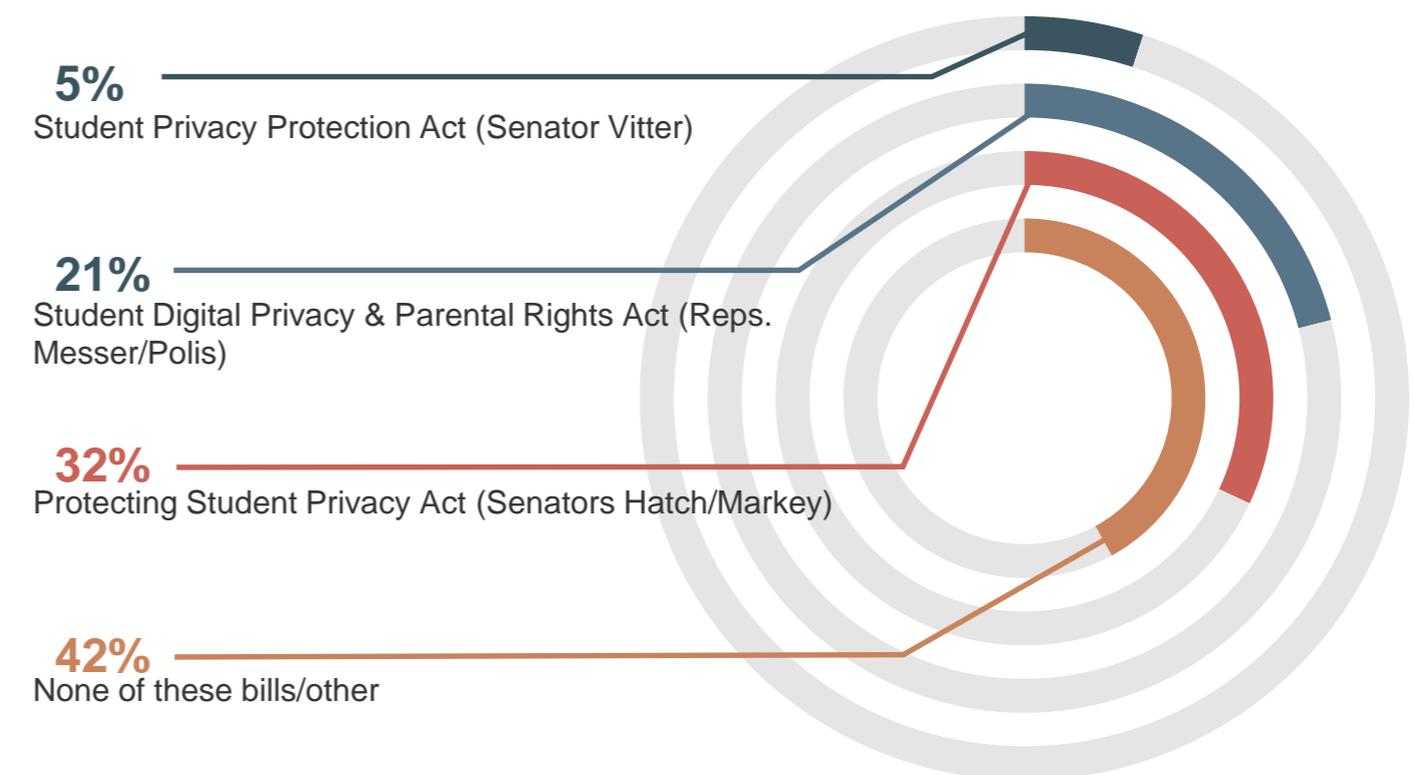
Insiders Weigh In

We asked Insiders to evaluate the current legislative proposals regarding student data privacy and determine which is most likely to be the framework for final legislation.

42% of respondents say that none of the current proposals are likely to be the eventual framework. A number of commenters pointed to the FERPA discussion draft from Representatives Kline (R-MN) and Scott (D-VA) as a likely alternative to current proposals. Consistent with Insiders' view that the Hatch/Markey legislation is the most balanced of the current proposals, 32% of respondents say it is the most likely framework for a final bill.

By The Numbers

The percentages below indicate the likelihood that each proposal will be the framework for final legislation. When we consider Insiders' view of the balance of each proposal, Insiders seem to believe that the most balanced is likely to be the eventual framework.



Q: In your opinion, which student data privacy legislation is mostly likely to be the framework for a final bill?

Timing Of Student Data Privacy Legislation

Insiders continue to believe privacy legislation will be enacted by December 2016

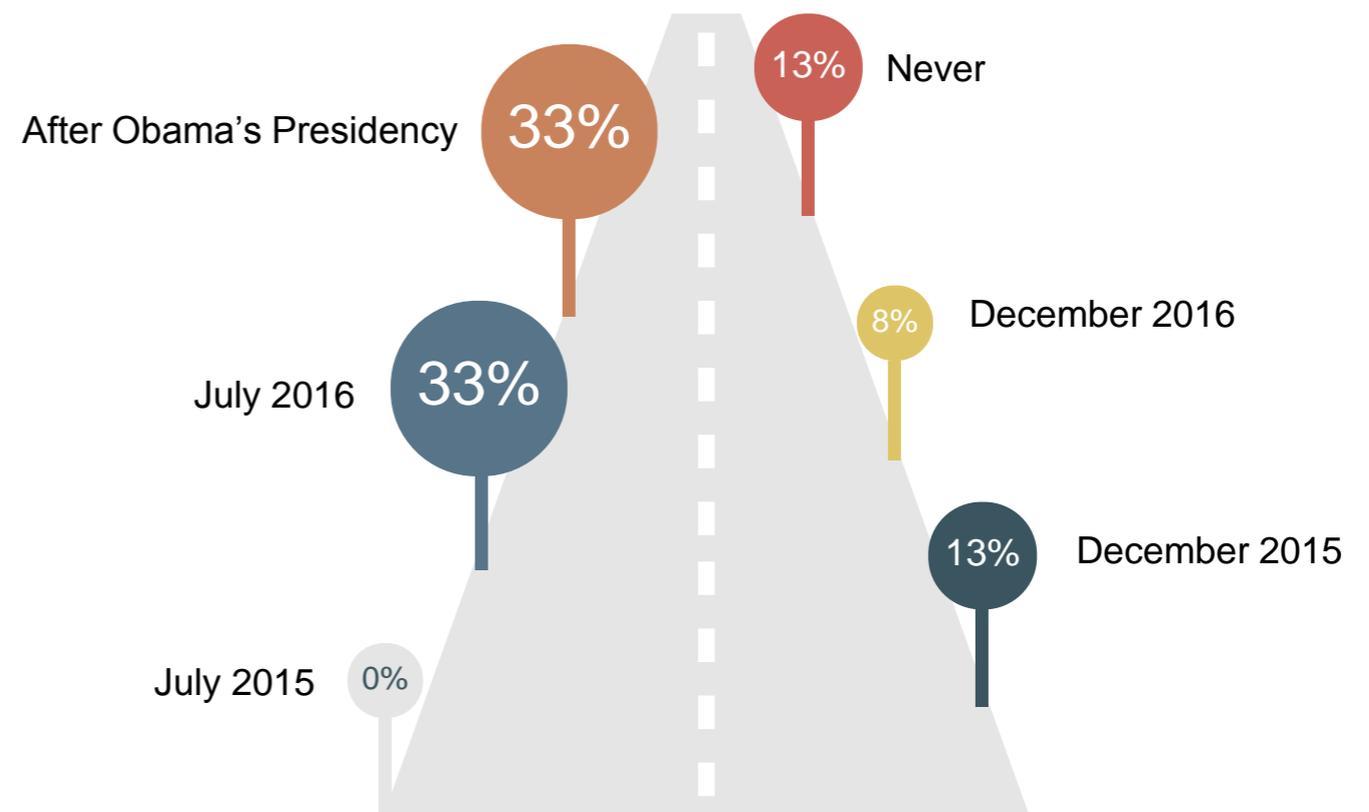
Insiders Weigh In

Insiders are generally in agreement that this issue continues to have a significant amount of momentum behind it, which could lead to legislation in the next 18 months. Those who are optimistic say “a modest bill can garner bipartisan support” but caution that politics, not substance, may be the ultimate driver.

Conversely, many Insiders believe this issue is too complicated for Congress. Some respondents cite the looming 2016 elections as a complicating factor—one that makes Congress eager to talk but slow to vote. One Insider points to corporate interests as a key barrier to substantive action on this issue.

By The Numbers

A slight majority of Insiders (54%) believe legislation to protect student data privacy will be enacted by the end of 2016. One-third believe legislation will have to wait until the next administration, and 13% believe legislation on this issue will not be passed.



Q: By about when do you believe a new federal law on student data privacy will be put into effect?

Debt-Free College Proposals

Provisions In Debt-Free College Proposals

Insiders believe changes to FAFSA, loan refinancing most likely to become law

Background

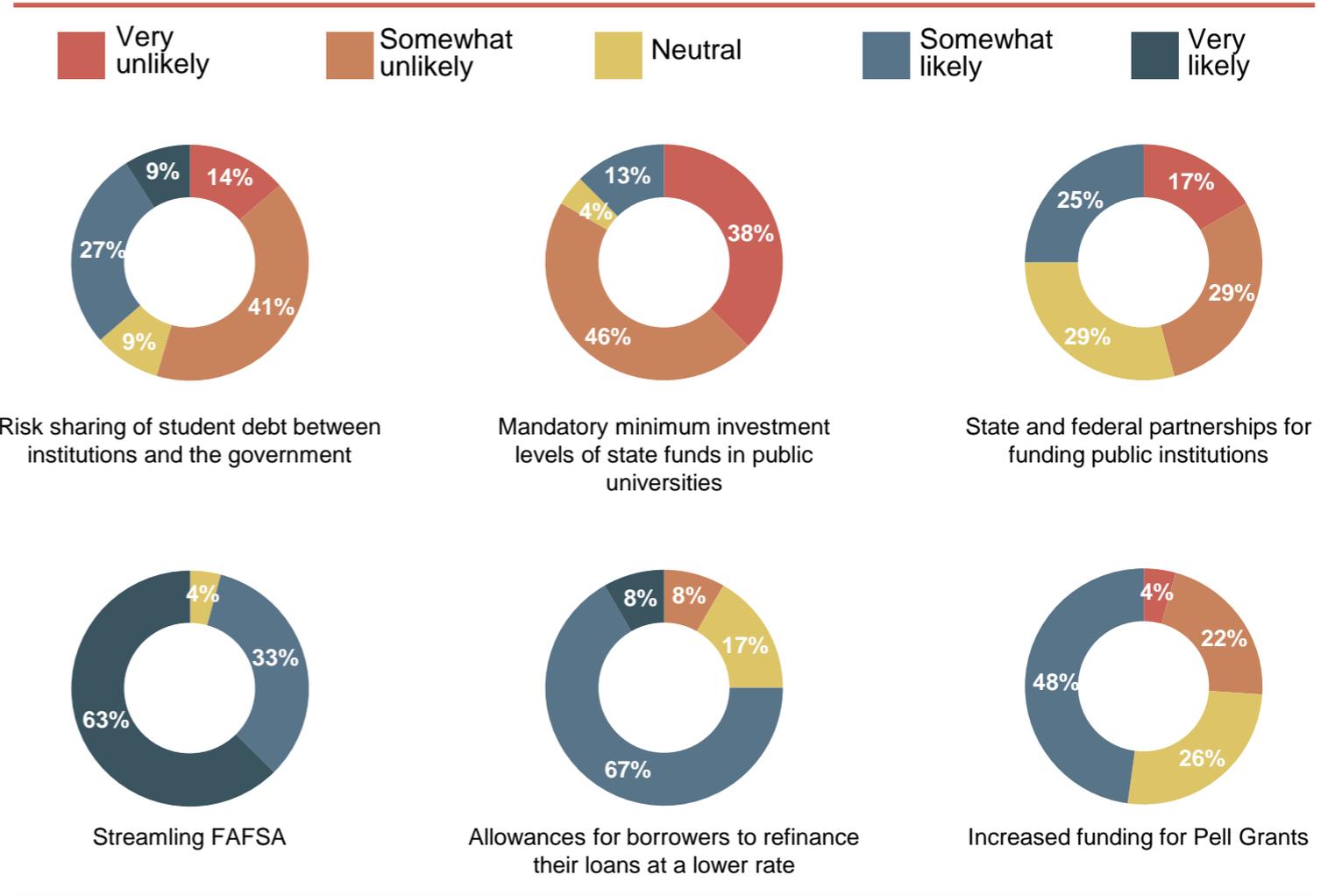
The Lumina Foundation, the non-profit Redeeming America's Promise, Senator Elizabeth Warren (D-MA), and Hillary Clinton have all recently discussed proposals aimed at creating debt-free college options.

Insiders Weigh In

We asked Insiders to look at popular provisions in these proposals. A large majority of Insiders believe that changes to FAFSA and college loan refinancing are likely to become law in the near future. 36% of Insiders said risk-sharing of debt between institutions and the government are likely, and 48% believe increases to Pell Grant funding are also likely. Conversely, mandatory minimum investment levels in public universities for states appear to be unlikely, according to 84% of Insiders.

By The Numbers

96% of Insiders believe that proposals to streamline FAFSA will become law; 75% believe that borrowers will be able to refinance their debt at a lower rate.



Q: How likely are the following following provisions of recent debt-free college proposals to become law?



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