

February 2, 2012

Chairman John Kline  
House Committee on Education and the Workforce  
2181 Rayburn House Office Building  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Kline:

I am writing on behalf of the nation's chief state school officers to provide input on the Student Success Act and the Encouraging Innovation and Effective Teachers Act, your draft legislation to fix and reauthorize the Elementary and Secondary Education Act (ESEA). At a time when states are seeking interim relief from dated ESEA requirements, we applaud your effort to advance the congressional reauthorization process in the interest of sustainable and viable federal policies that reconfigure the federal-state-local partnership in American education. The Council of Chief State School Officers (CCSSO) looks forward to working with you to secure ESEA reauthorization as soon as possible, ideally before the beginning of the next school year.

I applaud your legislation's recognition of the primacy of state and local leadership in education. CCSSO has long called for transforming ESEA into a law that reinforces state leadership and promotes deference to state and local judgment; we strongly believe that state and local leaders are best situated to make improvements that benefit students in our states. Our commitment to meaningful accountability on behalf of students is resolute. To an extent unprecedented in our recent history, state and local governments are answering the national call for education reform. We remain staunchly committed to raising the bar by developing college and career ready standards for all students and ensuring that federal policy supports the ultimate goal of ensuring that all students graduate ready for higher learning or entering the workforce. States are also working together to develop aligned high-quality assessments and corresponding data systems and educator evaluation systems. We are eager to build upon these foundational reforms and tackle the challenge of turning around low-performing schools, improving student achievement for all students, and closing achievement gaps.

In order for the federal-state-local partnership in education to succeed, state and local leaders must be provided greater authority to develop and implement education reforms that are designed primarily at the state and local levels and targeted to students' needs. We believe that federal law must promote greater state and local leadership in a manner consistent with CCSSO's Next Generation Accountability Principles, which states are currently using as a framework to govern the development of stronger accountability systems. CCSSO believes your bill reflects a shared vision of education reform driven by state and local leaders with limited federal supports:

- We applaud your bill's continued focus on accountability for all schools and recognizing the need to accurately measure student growth in addition to proficiency. We support eliminating the federally-defined 100% proficiency



target (AYP), but requiring states to define, report, and act using authentic student growth.

- We strongly support your bill's continued call for annual determinations, disaggregation, and reporting on the performance of all schools by overall student performance and subgroup population performance.
- We commend your legislation for ensuring that states have a school improvement intervention strategy in place while granting states flexibility from the prescriptive federal turnaround models set forth in the School Improvement Grant program.
- We support your inclusion of policies that advance teacher and leader evaluation reforms, which are a top ESEA priority for CCSSO and our members.

While we support the overall direction of the bill and believe that it will allow states to continue to lead on behalf of their students, a few modifications could strengthen the ability of states to deliver on their commitments to stronger accountability systems rooted in the ultimate goal of college and career readiness for all students. These include:

- In the absence of a set requirement for the designation of low-performing schools, we are concerned that school districts will not identify and intervene in enough schools and that States will lack leverage to require such interventions where they are most needed.
- We believe that federal education law should ask states to establish an ambitious yet achievable goal for our students. We do not support a universal academic performance target set at the federal level, as AYP was in NCLB, but we do embrace state-established performance targets. The Secretary should defer to state judgments on these targets, not second-guess state determinations.
- Like you, we believe ESEA should empower states to drive meaningful interventions in the lowest-performing schools to ensure significant improvement. In order for this to be realized, states should have the authority to withhold funding from districts that fail to implement their school improvement plans or strategies adequately or if those strategies fail to improve student achievement. We believe in a state and local partnership and trust our local school districts, but just as ESEA puts in place protections against inaction, we too ask for such protections.

As stated above, we applaud your call for a return to state leadership in K-12 education and to task us with additional responsibilities on behalf of our schools and students. In order for us to take on the addition of certain new state responsibilities, corresponding support is warranted. Otherwise it may lead to unfunded mandates that limit state and local flexibility:

- Your bill properly continues a call for annual testing in grades 3-8 and once in high school, but it simultaneously eliminates the authorization that states have depended on to fund such a requirement. We strongly urge you to restore the



dedicated allocation of funds authorized in Sections 6111 and 6112 of current law and urge you to permit states to use these funds to acquire the necessary technologies to implement next generation assessments. In addition, your bill as currently written would seem to prohibit direct federal funding of the two existing state assessment consortia working to develop next-generation assessments capable of more accurately measuring student performance. Nearly every state is a member of one of these consortia and has a strong interest in maintaining a limited federal role in the support of these consortia. In the interest of voluntary state collaboration, efficiency in the use of federal funds, and quality assessment practices, we urge you to be silent on common standards and assessments in your legislation. In the alternative, please clarify that your bill intends only to restrict that the Secretary mandate participation in common standards or assessments consortia through the use of absolute or competitive requirements in formula or competitive grants.

- In keeping with your legislation's reliance upon increased state and local leadership in education, we urge you to ensure that it authorizes sufficient funding to support the capacity-building necessary to advance education reform at the state and local levels and avoid unfunded federal mandates.

In sum, I applaud your leadership in moving forward on ESEA reauthorization and appreciate and support the direction that your bill moves the ESEA debate in Congress. As you know, I've been out of the office for several weeks, but will be back in D.C. the week of Feb. 13<sup>th</sup> and would greatly appreciate the opportunity to discuss these matters with you in more detail. My staff will also connect with yours next week to follow up on this letter. We look forward to working collaboratively with you and your colleagues to pass a bill this year that supports state and local educators.

Sincerely,



Gene Wilhoit  
Executive Director  
Council of Chief State School Officers (CCSSO)

cc: Congressman George Miller

