



Township High School District 214

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Dr. David R. Schuler
Superintendent

June 23, 2016 – Written Statement

I would like to extend my deep appreciation to Chairman Kline, Ranking Member Scott, and the entire Committee on Education and the Workforce for your tireless work to complete the reauthorization of the Elementary and Secondary Education Act. It is my belief that the language of the Every Student Succeeds Act is an exceptional piece of legislation and I applaud Congress' overwhelmingly bi-partisan support for ESSA.

This new law holds states and school districts accountable, while still allowing significant flexibility. 'Tight on goals and loose on means' is a well-researched philosophy that correlates positively to student achievement. ESSA restructures the balance of authority between the federal government and state and local governments. Under ESSA, the role of the federal government is one of supporting and strengthening our nation's public schools—not prescribing and dictating to them—and ESSA realigns the balance of authority so that the federal government can maintain its appropriate, limited focus on closing achievement gaps while empowering state and local education leaders to make the day-to-day decisions that most directly impact the school systems they lead. Past conversations regarding innovation and inspiration always started, and usually ended, with the construct of "Will this comply with our State Waiver or NCLB?" Now, with those constraints lifted and ESSA the law of the land, states and districts can focus once again on truly meeting the needs of every student who walks through our schoolhouse doors on a daily basis and for that, I am truly thankful to the Committee.

In February, at the National Conference on Education, AASA, The School Superintendents Association launched a new research-based, multi-metric initiative to redefine what it means to be college and career ready called Redefining Ready (www.redefiningready.org). That could have never happened under the waiver process or NCLB. Now, we have the ability to acknowledge that we all learn in a variety of ways, our students learn in a variety of ways, and they should be able to demonstrate readiness in a variety of ways. Under ESSA, you have given us permission to dream and lead and transform public education in this country and we will do just that, and my district, my state association and my national organization have already begun that process, including with the Redefining Ready initiative.

State and local education agencies now have an opportunity to examine schools with the inclusion of a non-academic indicator. This represents a dramatic shift from the NCLB focus on snapshot testing to a more comprehensive, well-rounded system to assess school quality. Rather than solely focusing on compliance and reporting to our State and the Department of Education, which at times felt like all we were doing under NCLB, we can now direct and target our energies and resources where they can have the most impact... on our students and schools with the most needs.

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While ESSA itself is a statute that numbers more than 1,000 pages in length, the reality is that meaningful, successful implementation will require some additional federal clarification. As the Education Department (USED) works to provide this information, I want to encourage the USED to be mindful of three distinct approaches it has to providing information: regulations, nonbinding guidance and technical assistance. Beyond the specific regulations required under ESSA, it is critical that the USED use restraint when issuing regulations and guidance and to ensure those regulations meet the letter, spirit, and intent of the law. I appreciate the Department's guidance and rules and regulations where necessary, but only where necessary and when there is agreement between the state and local education agencies that additional regulation is needed. It would be disheartening, frustrating and discouraging to see the final rules and regulations released that go beyond the letter, spirit, and intent of the hard work of this Committee and your colleagues. Further, unnecessarily prescriptive regulations run the risk of hindering state and local innovation before it has time to be implemented. State and local education agencies are emerging from fifteen years of a compliance-based mentality as it relates to education policy. ESSA represents the first time these education agencies have the opportunity to innovate and demonstrate what we are capable of as it relates to accountability and educating students absent the federal overreach rampant in NCLB and the waiver process, and early federal overreach under ESSA increases the likelihood that the changes state and local education agencies make will be more peripheral adjustments rather than the broader redesign that I believe your committee envisioned and codified under ESSA.

I applaud USED's proposed regulation leaving the N-size determination to the states. I am concerned about the proposed regulation regarding a two-year timeframe for states to identify 'Consistently Underperforming' schools. I believe the determination of a timeframe should be made at the state level as part of the broader context of a state's accountability system. I am more concerned about proposed regulation 200.18 that requires a state plan to include one summative rating from at least three distinct rating categories for each school. ESSA does not require each school to be rated by a single indicator. It is critically important that states should be allowed to create balanced accountability systems and to move away from reducing our schools and teachers down to one single letter or number. States should have the flexibility and support to create a multi-metric, research-based balanced accountability system if they so choose. Reliance on a summative indicator mirrors current reporting requirements and unnecessarily hinders the ability of state and local education agencies to consider new innovative, research-based approaches.

Another concern I would note is the proposed regulation that would require states to identify schools in need of support/improvement for the start of the 2017–2018 school year. States are just developing their implementation plans now. How can schools be held accountable this coming school year for metrics not yet developed? It would seem to reason that since ESSA is to be implemented beginning in the 2017–2018 school year, that we implement in 2017–2018 and that after data has been collected to comply with each state's implementation plan, states would then look to identify schools in need of support or improvement beginning with the 2018-2019 school year. I would suggest that it is unfair to students, teachers, parents, and our communities to be judged and rated by unknown metrics.

While I am very pleased that the proposed regulations did not attempt to define “much more than” regarding the weight of academic indicators and non-academic indicators, I do have a concern with the extent to which the proposed regulations include restrictions that indirectly ascribe weights to the academic indicators. The proposed regulations stipulate that a school identified for improvement cannot move off the list based solely on improvement in a non-academic indicator, and that a school receiving the lowest performance level under any of the academic indicators must receive a different (lower) summative score than a school performing at the highest level of all indicators. My concern with this proposed regulation is that it is prematurely prescriptive. This is the first time in fifteen years that schools, districts, and states can demonstrate what we can do in the accountability arena absent federal overreach. The academic indicators are already required to weigh much more than non-academic indicators. More items that weigh more individually will weigh more in the collective. Adding layers of prescription, like those in this proposed regulation, indirectly ascribe federal weight to academic indicators and increase the likelihood of small, peripheral changes to state implementation plans, rather than bold and innovative approaches supported under statute.

While I strongly support the right of students in foster care to have transportation to their school of origin, I strongly oppose the proposed regulation regarding the transportation of foster children. The Department’s proposal deems that when it comes to transporting children in foster care, if the child welfare agency and district cannot reach an agreement, it is the district’s responsibility to cover transportation costs. In these challenging fiscal times, it is deeply troubling that this proposal will create a new financial burden for many districts, especially in a manner at such direct odds with what ESSA requires. ESSA’s carefully crafted statutory language requires a collaborative approach between child welfare agencies and LEAs and provides that if there are additional costs for transporting students in foster care, the district will provide transportation for the child under three specified conditions: if the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation; if the local educational agency agrees to pay for the cost of such transportation; or if the local educational agency and the local child welfare agency agree to share the cost of such transportation. I believe this proposed regulation is in direct conflict with the language of ESSA that was negotiated in a collaborative and purposeful manner. It also reduces the responsibility of child welfare agencies to work with and negotiate with school districts. Furthermore, I would suggest that there isn’t a need for this regulation as the statutory language is very clear.

I would note that I have strong reservations about USED’s proposal regarding supplement not supplant. Congress was as deliberate in making changes to supplement not supplant as it was in not making changes to comparability. Congress did not draft a 1000+ page bill and accidentally forget to update the comparability provisions. I am concerned that the proposal being advanced by USED blurs the lines between two distinct and equally important statutory provisions, both targeted at maintaining the integrity of Title I dollars. I am concerned that a push to equalize spending assumes that a school can control for all factors that teachers consider when deciding where to apply. To the extent that those factors are beyond a school district’s control, the only functional way to equalize spending is forced teacher transfers. The flawed inherent assumption

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behind this proposal is that only teacher salaries directly correlate to the quality of teachers and the fit between a school and a teacher. Schools administrators are well aware of the cost differentials that exist between schools within their district. The factors that influence where a teacher applies are not something that school districts control. Some schools are seeking teachers with specific skill sets that may be unique to a specific school. To not consider candidates that meet that necessary skill set because that individual's salary might be too low or too high to meet a threshold under supplement not supplant (as could be the case under a USED proposal) could prove very detrimental to the students who could greatly benefit from a teacher whose skills fit the needs of the school regardless of their salary. An arbitrary requirement to equalize spending is draconian, against statute, and could result in forced transfers that would be extremely detrimental to our mission of finding the best fit for our students and our schools.

Circling back to something I referenced earlier: while I urge the Department to use restraint in issuing regulations, I believe that the Department is uniquely positioned to play a critical role in supporting state and local implementation of ESSA through the sharing of best practices and technical assistance. The sheer volume of new practices, programs, and approaches that state and local education agencies will be considering and adopting means that states, schools, and school districts will need a clearinghouse to share what is working, what isn't working, and what we learn along the way. The Department is best positioned to manage this clearinghouse to support schools, districts, and states. Imagine the Department being a repository for what is working in our nation's schools in regards to career pathways, coding, closing the achievement gap, grade level readiness, a digital curricular transformation, resource efficiencies, and other issues facing U.S. schools. Wouldn't that be awesome? The Department being the 'go-to' place schools and districts could find best practices from across the country.

I know that there have been concerns raised by some regarding schools, districts, and states lowering standards and expectations with the implementation of ESSA and I just don't believe that will happen. We have been examining student group data for years, and the overwhelming majority of school districts have used data to improve instruction. That will continue. With Congress being the face of the implementation of ESSA, you have the oversight to ensure that ESSA is implemented with fidelity and in a manner consistent with the language, spirit, and intent of the legislation.

America's teachers and school district leaders will not let you down. I applaud the Committee's work on ESSA and am confident that America's public education system will be better as a result of the Every Student Succeeds Act being the law of the land. Thank you again for the opportunity to share these thoughts with you this morning.

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