

February 27, 2012

The Honorable John Kline  
Chairman  
House Committee on Education and the Workforce  
Rayburn House Office Building  
Washington, DC



Dear Chairman Kline:

On behalf of the National Rural Education Association and the National Rural Education Advocacy Coalition, we are writing to applaud the efforts of you and the House Education and the Workforce Committee to reauthorize the Elementary and Secondary Education Act (ESEA). We strongly believe complete reauthorization is crucial to providing the nation's schools with relief from current law, which is both broken and lacking in the flexibility states and local school districts need to support student learning and achievement.

We believe that the Student Success Act (HR 3989) and Encouraging Innovation and Effective Teaching Act (HR 3990) represent a step in the right direction in large part because they balance the proper role of the federal government in education. We welcome the opportunity to work with you, the Committee, the administration and stakeholders to address our concerns and finally conclude the ESEA reauthorization process.

Collectively, the two bills make significant improvements in the federal role in accountability, standards and assessments. In addition to eliminating adequate yearly progress, annual measurable objectives, mandatory set asides for supplemental education services and the requirement for 100% proficiency, the bills also retain student disaggregation by subgroup, reauthorize the Rural Education Achievement Program, and return ownership of accountability, assessments and standards to the state/local level. Further, the bills remove caps on alternate assessments, reduce federal overreach in school improvement strategies, provide funding flexibility between certain programs in Title I, eliminate requirements related to the Highly Qualified Teacher provisions, and require that assessments measure proficiency and growth models.

We strongly support a comprehensive reauthorization of ESEA as the best way to improve a broken law, four years overdue for reauthorization, as the best way to provide relief to the nation's schools and to support their ongoing efforts to expand and grow student learning. We are concerned by the Administration's ongoing efforts to reauthorize through conditional waivers to states. We believe the conditional waivers bypass the traditional route of reauthorization, forgo robust conversation about proper federal policy and implementation, and pose a very real obstacle to state and local education agencies who could find themselves forced to balance the requirements of the two-year waivers with the requirements of a reauthorized law, should the reauthorization happen in 2012 or 2013 and overlap with the waiver period.

The federal government has helped protect children's constitutional rights and provided leadership in piloting new ideas, roles that have proven invaluable. It is important to recognize, however, that wisdom and good will are found across the country and not solely in Washington DC. As such, the successful implementation of federal education policy hinges largely on the active participation of voices at the local and state levels. The Student Success Act relies on the skill and knowledge of school people

as well as the oversight, direction and experience of state and local policy makers and educators. This is in stark contrast to—and a strong improvement over—NCLB’s rigid goals, top-down policies, high stakes testing and inaccurate accountability system, which collectively contributed to teaching only what was tested as well the flat lining of NAEP scores between 2004 and 2009, after what had been a period of growth from 1990-2004.

For all that is good in the bill, both contain provisions that give us pause, provisions that need to be addressed through amendment in committee or on the floor. Our greatest concerns are the elimination of funding lever Maintenance of Effort provides local school districts, the overly prescriptive and bureaucratic equitable participation provisions and the Title I funding cap.

- Maintenance of Effort: We urge the committee to retain current law to ensure continuity of state and local efforts. Currently, states have a 10 percent window in which they can reduce funding in any given year. We believe that the current law serves as a lever to maintain state and local spending while providing states with the flexibility they need to respond to changing fiscal realities.
- Equitable Services: The House provisions regarding services to eligible students in private schools have been made more costly, cumbersome and bureaucratic, which will cut into services without improving student outcomes and strain relations between public and private school leaders. We urge the committee to maintain current law for equitable services.
- Title I Funding Cap: As one of the federal flagship formula programs, capping Title I funding increases to an inflationary index ties the hands of federal legislators to drive money to the program. We urge the committee to lift the cap.

More relevant to the rural educators our organizations represent, we strongly urge the committee to adopt an anticipated amendment that addresses unfair method of distributing Title I dollars within current law. The All Children are Equal (ACE) Act was introduced by Rep. Thompson in 2011 and addresses this concern by ensuring that Title I dollars are distributed to schools based on the concentration of student in poverty. Current law calculates allocations using both number and percentage weighting, meaning that some larger, but less poor, school districts end up receiving more money per Title I student than their smaller, poorer counterparts. The ACE Act is consistent with the original intent of Title I, targeting funding to disadvantaged students.

NREA and NREAC commend the ongoing work of the House Education and the Workforce Committee to reauthorize ESEA. We find these bills to be a good next step in ESEA reauthorization and look forward to improving the bills, as outlined above, as they move through the markup process. If you have any questions or need further information, please contact Noelle Ellerson ([nellerson@aasa.org](mailto:nellerson@aasa.org)), our legislation liaison.

Sincerely,

John Hill  
Executive Director  
National Rural Education Association

Joe Bard  
Executive Director  
National Rural Education Advocacy Coalition