

Testimony of Tom Luna  
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Chairman Kline, Ranking Member Miller, Members of the Committee, thank you for inviting me to testify today about the Student Success Act and the Encouraging Innovation and Effective Teachers Act, Chairman Kline's proposals to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA). My name is Tom Luna, and I am the Superintendent of Public Instruction for Idaho and the current President of the Council of Chief State School Officers (CCSSO).

I am pleased to be here today to discuss how to best preserve and advance the ESEA's longstanding focus on ensuring that all children - especially children of color, low-income students, English Language Learners, and students with disabilities – have access to high quality educational opportunities to ensure they are prepared for success after graduation. States remain staunchly committed to raising the bar with college and career ready standards for all students, and we believe that federal policy must support the ultimate goal of ensuring that all students graduate ready for higher learning or entering the workforce. We urgently need for Congress to reauthorize the ESEA now, because for the last 10 years, American schools have lived under a law that is akin to the classic Clint Eastwood movie, "The Good, the Bad and the Ugly."

First the good: No Child Left Behind has placed a spotlight on student achievement in America, especially among disadvantaged students, and it has established grade level proficiency as the target for every child. But while No Child Left Behind has focused America's schools upon improving learning for every child, it also has many bad parts. Notably, current law doesn't recognize student growth, so schools have numerous ways to fail but few avenues to demonstrate success. And now the ugly: because the law has not been reauthorized in a timely manner, its rigid accountability system has become a stumbling block to state and local education reforms.

Thankfully, the states have not waited for the federal government to act on ESEA and have acted on our own to advance meaningful state-driven accountability; in fact, States are currently engaged in a "renaissance" of education reform. More than 30 states last year passed some form of comprehensive education reform legislation. States across the nation are addressing antiquated labor practices, improving student access to technology, engaging in system redesign, adopting clear and high academic standards, and developing data systems that support targeted student interventions and improved program evaluation.

States' record of also initiating and tenaciously pursuing educational improvements at the national level in recent years speaks for itself. Working without federal involvement, 45 states worked together with CCSSO to develop, adopt, and now implement college and career ready standards for all public school students. Nearly every state is also currently collaborating to develop next generation assessments aligned to those standards to better measure what students

know and can do; Idaho is the lead state in one of the two state assessment coalitions. Building on these successes, 45 states have worked with CCSSO to develop and adopt next generation accountability principles aimed at ensuring better outcomes for all students, including but not limited to a continued commitment to regular assessments, a continued focus on accountability for subgroup performance, and ongoing public transparency and reporting to ensure that parents and communities understand how their schools are performing. In short, state and local leaders are not running from accountability and improvement; we are stepping up and embracing higher levels of it on our own accord.

Let me be clear: these education reform efforts have been carried out across the country willingly and without coercion by engaged and reform-oriented state leaders. We do not need the federal government to dictate the specific terms of state and local reforms, because we are situated best to develop and implement state, local, and national initiatives that benefit students in our state. I know of no Governor or State Superintendent who passively accepts current conditions in our public schools or seeks to conceal inadequacies in their systems; in fact, almost every state is, to an extent unprecedented in recent history, pursuing aggressive education reforms on our own accord. Federal law must now recognize state leadership by holding us to high standards and requiring adherence to core principles while unleashing and empowering state innovation, evaluation, and continuous improvement.

And yet Congress and the Administration are still broadly debating what federal role is appropriate for education. As a conservative Republican, I submit to you that where taxpayer dollars are spent there is an appropriate federal role in ensuring accountability for student performance. The freedom for states to innovate must be built into statute, however. I prefer a 10<sup>th</sup> Amendment approach to the federal government's role in education. The 10<sup>th</sup> Amendment to the United States Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The states should therefore define the federal government's role in education, instead of the federal government defining the states' role.

The fact that states have waited almost five years for Congress and the President to reauthorize the ESEA is further evidence that the federal role in education should be minimal. Today, states are left to live under an outdated law or submit ESEA waiver requests to the U.S. Department of Education. Last week, the President announced that 10 states will receive waivers from central provisions of current law; nearly 30 states, including Idaho, are in the process of submitting waivers at the end of February. Many states are driven to submit waivers to secure temporary relief from NCLB, but what we really want is reauthorization of the entire law.

As I stated above, the new ESEA must support, not hinder, the innovative work being done at the state and local levels. State and local leaders must be empowered to develop and implement a range of new educational models that would ensure that all students graduate college and career ready. That includes allowing states to develop meaningful accountability, improvement, teacher effectiveness, professional development, and other systems that reflect local conditions and needs, while holding us accountable for achieving the outcomes that we promise. In other words, the new law must set clear expectations for states across core areas of reform, but should not prescribe a single approach for how states must meet these reform objectives. We must stop

legislating and regulating to the lowest common denominator, and begin to unleash educators to educate.

ESEA must help more states continue on the road to better performance by incentivizing continued state leadership, clearing away hurdles like those I described, and creating the necessary flexibility for states, districts and schools to customize solutions aimed at addressing persistent underperformance. Regardless of federal action, Idaho intends to implement college and career ready standards and establish a new accountability system consistent with the principles outlined in the Council of Chief State School Officers accountability framework. Passage of a strong ESEA reauthorization would enable our state to forgo costly and burdensome implementation and administration of dual federal and state systems at this critical junction of reform.

We commend Chairman Kline for offering a bill that acknowledges and respects that it is state and local leaders who are driving education reform. Specifically, we support the elements of the Student Success Act and Encouraging Innovation and Effective Teachers Act that:

- Maintain a strong focus on accountability for all schools and recognition of 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;
- Seek annual determinations, disaggregation, and reporting on the performance of all schools by overall student performance and subgroup population performance;
- Ensure 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;
- Allow states to develop and implement computer adaptive assessments; and
- Promote policies that advance teacher and leader evaluation reforms, which are a top ESEA priority for Idaho and CCSSO.

CCSSO supports modifications to the legislation, however, to 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:

- Including two additional parameters for state accountability and school improvement systems: states identifying at least a baseline percentage of lowest-performing schools and asking states to establish ambitious yet achievable performance targets for their students, without mandating a single goal or approach;

- Granting states the express authority to withhold federal school improvement funding from districts that fail to implement their school improvement plans or strategies adequately or if those strategies fail to improve student achievement;
- Clarifying that the legislation does not bar federal funds from being used to support the two existing state-led assessment consortia that are 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; and
- In keeping with your legislation's reliance upon increased state and local leadership in education, ensuring that the new ESEA authorizes sufficient funding to support the capacity-building and programmatic support necessary to advance education reform at the state and local levels and avoid unfunded federal mandates.

Addressing these issues is critically important as the bill moves through the legislative process, but I see the Committee's upcoming consideration of this legislation as an important step in moving toward a much more effective law.

Let me reiterate that as long as the federal government contributes to funding public education, it should play a limited role in ensuring accountability both for ensuring positive results for all students and encouraging the best and highest use of taxpayer dollars towards achieving those results. Congress must empower states also to define and lead education reform efforts, while limiting the federal role to supporting authentic, comprehensive state and local reform efforts. One needs only look at what is going on in Idaho, Indiana, Ohio, Florida and dozens of other states across the country to see evidence of our commitment to accountability and comprehensive reform.

Four years ago, states were told to wait for reauthorization until a new Congress and a new President were elected. We cannot wait another two or four years. CCSSO and I look forward to working with this Committee and the full Congress to support a sensible and timely reauthorization.