

**ESSA IMPLEMENTATION IN STATES AND SCHOOL
DISTRICTS: PERSPECTIVES FROM EDUCATION
LEADERS**

HEARING

OF THE

**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**

UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

**EXAMINING EVERY STUDENT SUCCEEDS ACT IMPLEMENTATION IN
STATES AND SCHOOL DISTRICTS, FOCUSING ON PERSPECTIVES FROM
EDUCATION LEADERS**

FEBRUARY 23, 2016

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ESSA IMPLEMENTATION IN STATES AND SCHOOL DISTRICTS: PERSPECTIVES FROM EDUCATION LEADERS

TUESDAY, FEBRUARY 23, 2016

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m., in room SD-430, Dirksen Senate Office Building, Hon. Lamar Alexander, chairman of the committee, presiding.

Present: Senators Alexander, Murray, Burr, Kirk, Scott, Hatch, Cassidy, Franken, Bennet, Whitehouse, Baldwin, and Warren.

OPENING STATEMENT OF SENATOR ALEXANDER

The CHAIRMAN. The Senate Committee on Health, Education, Labor, and Pensions will please come to order.

Senator Murray and I will each have an opening statement, and then we'll introduce our panel of witnesses. We welcome you. After our witnesses' testimony, Senators will have 5 minutes of questions. I'll ask our witnesses to summarize their testimony in 5 minutes, that'll leave us more opportunity for discussion.

In December, the President signed into law the Every Student Succeeds Act, a bill to fix No Child Left Behind, which Newsweek magazine said was the law that, "everybody wanted to fix." The Wall Street Journal then said that the new law was the, "largest devolution of Federal power to the states in a quarter century."

There was a consensus that this was a law that everybody wanted fixed, but there was also a consensus about how to fix it, and that was this. Keep the 17 federally required State-designed tests between grades three and 12 so we can know how our children are doing, disaggregate those results and report them to the public, but restore back to classroom teachers, local school boards, communities, and States the responsibility for what to do about the results of those tests.

The Every Student Succeeds Act very clearly changed the way the Department of Education does business. It very clearly put States, school districts, principals, teachers, and parents back in charge. Gone are the Federal Common Core mandate. Gone are what I would call Mother-May-I conditional waivers. Gone are the highly qualified teacher definitions and requirements. Gone are the Federal teacher evaluation mandates, Federal school turnaround models, Federal test-based accountability, and adequate yearly progress.

The Secretary is specifically prohibited from telling States how to set academic standards, how to evaluate State tests, how to identify and fix low-performing schools, teacher evaluation systems, and setting State goals for student achievement and graduation rates. But a law that is not properly implemented is not worth the paper it's printed on.

This year, a major priority of this committee will be to make sure that this bill is implemented the way Congress wrote it. This legislation was truly a bipartisan effort, and I think it's fair to say that every single member of this committee made some contribution to the final product that was signed by President Obama on December 10. Senator Murray was especially a leader in this bipartisan result.

This is a law that 85 out of 100 U.S. Senators voted in favor of, and 19 out of 22 members of this committee voted for it. It passed the House, and the President signed it, as I said, in a White House ceremony in December. The President called it a Christmas miracle.

This is the first of six hearings we will hold this year in this committee to make sure that the law is being implemented in the way we wrote it. The House of Representatives will do the same thing. It looks like we'll have some support in doing this.

The law was written and passed with the support and input of a host of organizations that do not always work together, that is, Governors, chief State school officers, teachers unions, school superintendents, school boards, principals, and PTAs. Many of these organizations are represented here today by our witnesses.

In front of each of the members of our committee is a letter to the acting Secretary of Education John King, who will have his confirmation hearing on Thursday of this week, a letter from a coalition of most of these organizations to Dr. King. The letter says,

"Although our organizations do not always agree, we are unified in our belief that the new law is an historic opportunity to make a world-class 21st Century education system. And we're dedicated to working together at the national level to facilitate partnership among our members and States and districts to guarantee the success of this new law." It goes on to say, "The new law replaces a top-down accountability and testing regime with an inclusive system based on collaborative State and local innovation. For this vision to become a reality, we must work together to closely honor congressional intent. ESSA is clear. Education decisionmaking now rests with States and districts, and the Federal role is to support and inform those decisions."

This letter came from the National Governors Association, the School Superintendents Association, the National Education Association, the American Federation of Teachers, the National Conference of State Legislators, the National Association of State Boards of Education, the National School Board Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Teachers Association, and it has the support of the Chief State School Officers.

I will ask consent to place that letter in the record following my comments.

My objectives in the committee will be the same that are in this letter, to work together to ensure a timely, fair transition to the new law and promote State and local decisionmaking. In other words, make sure that what happens is what Congress said should happen.

This coalition and letter are an excellent first step. An excellent second step is the President's decision to nominate an Education Secretary rather than for us to go a whole year without someone confirmed and accountable to the Senate and the American people. I said to the President at the signing ceremony in December that if he would send us a nominee, this Education Committee would have a fair hearing and markup and, barring some kind of ethical issue, which we don't expect, work to have that person promptly confirmed by the full Senate. The President sent his nomination on February 11. We will have our hearing with Dr. King this Thursday.

Then what are the next steps? I addressed the National Governors Association on Sunday. I thanked them for their lead in helping to pass the bill and for being a part of the coalition that will seek to make sure that it's implemented the way Congress wrote it. I asked each Governor to form his or her own State coalition and include representatives of the national coalition: chief State school officers, teachers, principals, legislators, school districts, school boards, and parents.

I said to the Governors that I expect this transfer of power from Washington to States, cities, and classrooms will unleash a period of innovation and excellence. It will remind us that the real path to higher standards is through the States, cities, and classrooms, and not through Washington, DC.

My hope is that the coalition will work together to help States develop their new title I and title II plans by July 1, 2017, next year, so that they can be effective in the 2017–2018 school year. And my hope is that possibly all this working together might actually help put education on the front burner and move politics a little bit to the back burner.

I want to ask those of you who are testifying here today on behalf of the seven organizations to communicate this year with our committee about how you believe the Department is responding. We'd like to know, not just today, but later this year your thoughts and feedback. I look forward to the discussion today. I look forward to hearing from our witnesses.

I ask unanimous consent, as I said, to include the coalition letter that I mentioned in my testimony.

[The above referenced material follows:]

NATIONAL GOVERNORS ASSOCIATION,
FEBRUARY 10, 2016.

JOHN B. KING, JR., *Acting Secretary*,
U.S. Department of Education,
400 Maryland Avenue,
Washington, DC 20202.

DEAR ACTING SECRETARY KING: On behalf of States, school districts, educators and parents, we write to express our strong, shared commitment to making the

Every Student Succeeds Act (ESSA) a law that puts students first. We invite you to work with us to ensure that communities determine the best methods of educating our Nation's children.

Although our organizations do not always agree, we are unified in our belief that ESSA is a historic opportunity to make a world-class 21st century education system. We are dedicated to working together at the national level to facilitate partnership among our members in States and districts to guarantee the success of this new law.

ESSA replaces a top-down accountability and testing regime with an inclusive system based on collaborative State and local innovation. For this vision to become a reality, we must work together to closely honor congressional intent. ESSA is clear: Education decisionmaking now rests with States and districts, and the Federal role is to support and inform those decisions.

In the coming months, our coalition—the State and Local ESSA Implementation Network—will:

- Work together to ensure a timely, fair transition to ESSA;
- Coordinate ESSA implementation by Governors, State superintendents, school boards, State legislators, local superintendents, educators and parents;
- Promote State, local and school decisionmaking during implementation; and
- Collaborate with a broader group of education stakeholders to provide guidance to the Federal Government on key implementation issues.

In ESSA, Congress recognizes States and schools as well-suited to provide a high-quality education to every child, regardless of their background. We have long prioritized lifting up those students who need help the most and our members stand ready to continue this work.

Our organizations look forward to a cooperative, collaborative and productive relationship with you and your staff throughout the implementation process.

Sincerely,

Scott D. Pattison, Executive Director/CEO, National Governors Association; William T. Pound, Executive Director, National Conference of State Legislatures; Kristen J. Amundson, Executive Director, National Association of State Boards of Education; Daniel A. Domenech, Executive Director, AASA: The School Superintendents Association; JoAnn D. Bartoletti, Executive Director, National Association of Secondary School Principals; Lily Eskelsen Garcia, President, National Education Association; Thomas J. Gentzel, Executive Director, National School Boards Association; Gail Connelly, Executive Director, National Association of Elementary School Principals; Randi Weingarten, President, American Federation of Teachers; Laura M. Bay, President, National PTA.

The CHAIRMAN. Senator Murray.

STATEMENT OF SENATOR MURRAY

Senator MURRAY. Thank you very much, Chairman Alexander, and I really appreciate all of our witnesses taking the time to be here with us today.

At this time last year, Chairman Alexander and I were just starting out on our bipartisan effort to fix No Child Left Behind. We both agreed—in fact, everyone in the country agreed—that the current law was badly broken. So we did work together, along with our colleagues in this committee and our counterparts in the House, Chairman Kline and Ranking Member Scott. I am really proud that we were able to break through the partisan gridlock in Congress and find common ground and pass the Every Student Succeeds Act with very strong bipartisan support.

Throughout our work, I fought hard for my State priorities, Washington State priorities, because last year, I heard from so many people, including a woman named Lillian who lives in Shoreline, WA. When her son was going to the fourth grade, Lillian got a letter in the mail 2 weeks before classes started describing her school as failing.

Those letters home to parents were a consequence of Washington State losing its waiver from the No Child Left Behind's burdensome requirements. Lillian said it left her and parents worried about the type of education her son was getting. Now that our new law is on the books, I am committed to making sure that parents like Lillian, teachers, schools, and especially our students in my home State and across the country get what they need.

Here's what our law does. The Every Student Succeeds Act gives States more flexibility, but it also includes strong Federal guardrails for States as they design their accountability systems. It preserves the Department's role to implement and enforce the law's Federal requirements and reduces reliance on high-stakes testing, and it makes significant new investments to improve and expand access to preschool for our Nation's youngest learners, to name just a few provisions of the law.

Now and in the coming months, this law will go from legislative text to action steps as the Department of Education and States get to work to carry it out. While the Department goes through this process and as States develop their new systems and policies, I will be closely monitoring several issues to make sure our law lives up to its intent to provide all students with a high-quality education.

As I mentioned, Washington State saw firsthand how broken No Child Left Behind really was, especially when our State lost its waiver. I was glad the Department announced last month that during the transition to the new law in this upcoming school year, school districts in Washington State will no longer be required to send those failing school letters home to parents like the one Lillian got. And our State will regain funding flexibility to better target effective services to students most in need. That is the first of what I hope will be many positive steps to make sure our Nation's primary, elementary, and secondary education law works for Washington State, students, parents, teachers, and communities.

Earlier this year, the Department received nearly 370 comments from groups across the country. Those comments made clear that stakeholders need more clarity in the form of regulations and guidance to implement the law effectively. Many stakeholders requested the Department define vague terms and set broad parameters in key areas like assessments, accountability, school supports, and interventions, and I hope the Department will provide this much needed clarity.

I also expect the Department to use its full authority under the Every Student Succeeds Act to hold schools and States accountable for offering a quality education. That means, among other things, making sure States have meaningful accountability systems and enforcing the State level cap on the use of simplified alternate assessments for students with disabilities.

I'll be taking a close look at any guidance or regulations from the Department for school interventions and supports which will be critical to helping our low-performing schools improve. I also want to make sure the Department carries out the law's provisions that will help reduce reliance on redundant and unnecessary testing.

Finally, I will continue to be very focused on the competitive grant program to expand access to high-quality preschool. That means the Department of Health and Human Services should work

closely with the Department of Education so many students get the chance to start kindergarten ready to learn.

At its heart, the Nation's primary, elementary, and secondary education law is a civil rights law, and it's up to all of us to uphold that legacy and promise for students, including many of the groups represented here today from advocacy groups to school officials at the State and local level. And I look forward to hearing from each of you today on how we can make sure this law provides a good education for every child. Thank you again for being here.

The CHAIRMAN. Thank you, Senator Murray.

I want to welcome our seven witnesses. Each has a distinguished resumé. For those that I will introduce, I'm going to keep it short so that we can spend more time visiting with you.

The first witness is the Governor of Utah, Governor Gary Herbert. He is also the current chair of the National Governors Association, and over the weekend, they met here. They met with President Obama. I met with them as well, as did other Senators, and they talked about the State coalitions that they would form to help implement the law.

Our second witness is Ms. Randi Weingarten. She is the president of the American Federation of Teachers, which represents 1.6 million members nationwide. Washington Life magazine included Ms. Weingarten on its 2013 Power 100 List of Influential Leaders.

Our third witness is Ms. Becky Pringle. She is the vice president of the National Education Association, the Nation's largest labor union and professional association for educators with 3 million members. Ms. Pringle has 31 years of teaching experience as a middle school science teacher.

Senator Baldwin will introduce our fourth witness.

STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you, Mr. Chairman. I'm pleased to welcome Dr. Tony Evers to the committee. He is currently serving his second term as Wisconsin's State Superintendent of Public Instruction. He began his career in 1976 in the city of Tomah and has served students, parents, educators, and citizens for four decades, serving as a principal, school district administrator, educational service agency administrator, deputy State superintendent, and now State superintendent. He also currently serves as president of the Council of Chief State School Officers.

Tony, we're very pleased to have you here and look forward to your testimony.

The CHAIRMAN. Thank you, Senator Baldwin.

Senator Kirk will introduce our fifth witness.

STATEMENT OF SENATOR KIRK

Senator KIRK. Thank you, Mr. Chairman. I would like to introduce Dr. David Schuler, who is here from Arlington Heights, IL, District 214. When I was a Congressman, I dealt a lot with District 214. It had an outstanding data analysis effort, the best team in the State, I would say. I'm very excited to hear from Dr. Schuler, the president of the American Association of School Administrators.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Kirk.

Last, we will hear from Ms. Delia Pompa, who is Senior Fellow for—no, Kati Haycock is next. Excuse me, Kati.

Ms. Haycock serves as president of the Education Trust in Washington, DC, a national nonprofit advocacy organization working to help improve student achievement.

Kati, welcome.

Ms. Delia Pompa is Senior Fellow for Education Policy at the Migration Policy Institute. Her research is focused on immigrant students and English learners.

Senator Hatch, I briefly introduced Governor Herbert before you came, and he'll be our first witness. But if you'd like to make other comments about him, you're certainly welcome to.

STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you, Mr. Chairman. I appreciate your recognition.

Seeing all of you here today, I can't help but be reminded of what a truly bipartisan accomplishment this committee has achieved. It's a pleasure to be with you, and I feel especially grateful to be here with a true statesman and a dear friend, Governor Gary Herbert of Utah.

As the chair of the National Governors Association, Governor Herbert was indispensable in our efforts to advance ESSA. In fact, thanks to his advocacy, the National Governors Association fully endorsed this critical legislation last fall. This was the organization's first full endorsement in nearly 20 years. Governors across the Nation recognized that the expansive Federal footprint in education created by No Child Left Behind and the subsequent waivers from the law severely dampened States' ability to innovate, improve, and adapt.

I know Utah has been waiting a long time to say goodbye to these top-down policies, and I look forward to working together to ensure that implementation of ESSA is consistent with the law the President signed.

Governors have a direct and real investment in the educational outcomes of their States. Through education, we can fight intergenerational poverty and jump start economic growth. I commend my home State of Utah for its proven record of finding new and targeted ways to improve education outcomes.

Much of that credit has to go to Governor Herbert. His work in education has been truly exemplary. For example, Governor Herbert recently worked with leading aerospace companies in Utah to create the Utah Aerospace Pathways Program. This program allows high school students to graduate high school with an aerospace manufacturing certificate which they can use to continue their education or find a job. This program has garnered so much interest that it has spurred a diesel fuel sister program to rapidly address another emerging need in our State of Utah. Programs such as these equip graduates with the 21st Century skills they need to compete in a global economy.

ESSA will continue to cultivate this innovation at the State level and, in particular, initiatives such as the Evidence Innovation and Research Program, and those allowable under the flexible title IV

block grant are purposely designed to allow thought leaders to expand upon evidence-based, locally grown initiatives.

Like many of you, I believe these States should set their own standards and judge their schools according to student performance. When the schools fail to meet those standards, States and localities should work with the schools to develop new strategies that promote student success. That's an absolute must. But it should be the role of the State and district, not the Federal Government, to intervene and determine how to help schools improve. Federal top-down policies, though they may be well intentioned, often overlook the unique tools and strategies that States already have to solve the problems at hand.

You are all the ones who are directly involved and responsible for carrying out this law, and we look to you for guidance. And, in particular, Governor Herbert has set an example in this country in many ways, and Utah has been very, very blessed because of his leadership. I'm very happy to introduce him here this morning as a personal friend and a very, very wonderful Governor.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hatch.

Now I'll ask the witnesses if you could summarize your comments in about 5 minutes. We have several Senators who would like to ask questions. Let's begin with Governor Herbert and we'll go right down the line.

Governor Herbert.

**STATEMENT OF HON. GARY R. HERBERT, GOVERNOR OF
UTAH, SALT LAKE CITY, UT**

Governor HERBERT. Thank you, and thank you, Senator Hatch, for those kind words. It's an honor to be with you here.

Chairman Alexander, Ranking Member Murray, members of the committee, thank you for inviting me to testify today on behalf of the National Governors Association and the people of Utah.

Replacing No Child Left Behind was the Governors' top priority in 2015. Thank you for listening and returning education decisions back to the States. Now, through its implementation, States must make the promise of the Every Student Succeeds Act a reality. As chair of the NGA and on behalf of Governors, let me assure you that we are up to the task.

Let me begin with several key points. The Governors' formal endorsement of ESSA, our first of any Federal legislation in 20 years, is a testament to how closely Congress adhered to the Governors' plan to replace No Child Left Behind and is a model for a process of what Federal lawmaking should be, a floor but not a ceiling.

Governors view ESSA as an opportunity for States to set high but realistic expectations for schools while allowing local control to determine how to meet those expectations. Governors also believe that collaboration is essential and plan to facilitate partnership among education stakeholders at the national, State, and local levels. ESSA's success will ultimately be determined by how well we implement the law working together.

Over the last 4 days, Governors have been here in Washington discussing how to use this as an opportunity to truly innovate. As the laboratories of democracy, States intend to fully utilize the

flexibility given under the current law. ESSA recognizes the Governors' role at the helm of State education systems by guaranteeing their involvement in development of the State plan and throughout the ongoing administration of the law. As States now assume more responsibility and authority over their education systems, Governors will use their role to elevate the importance of this law to address our most pressing education needs.

ESSA takes Federal education policy from a siloed, one-dimensional system to one that recognizes what States knew long ago, that a high-quality education begins at early childhood and continues into the workforce. It acknowledges the growing bipartisan awareness of early childhood education in State capitals across the country by weaving early childhood education throughout the law.

As Congress and the administration moves forward with ESSA implementation, I encourage you to look to the States to understand the breakthroughs that are possible with a collaborative State-Federal partnership. In Utah, we have proven that business and education can work together to help fill critical talent demands. Senator Hatch has mentioned Utah's Aerospace Pathways Program. Spearheaded by companies like Boeing, it is a stackable credential model that is addressing the State's unique workforce needs.

Governors also view education as a critical tool to lift up students out of poverty and place them on a path to economic success. States and Governors will continue to prioritize a high-quality education for all students. But we will best accomplish this through State solutions.

In Utah, addressing intergenerational poverty is a cornerstone of our agenda. To improve the academic performance of students from low-income families, we are increasing enrollment in full day kindergarten, and we're making sure that low-income schools employ high-quality teachers. We're also working to dramatically increase graduation rates for low-income students, like our work with Roy High School in northern Utah to increase their graduation rates from 77 percent to 84 percent while also cutting the school's chronic absenteeism in half.

Utah believes that too many brilliant young minds are too often lost in poverty. Those young minds represent human capital, capital that, if we tap into it, will empower their families to succeed, enable them to escape poverty, and, in turn, allow our economy to flourish like never before. ESSA is a tool for States to support important efforts like these.

ESSA implementation will be the Governors' top Federal priority in the coming months. We plan to engage early and often to ensure the Federal Government adheres closely to the following principles. One, as the leader of each State's education system, Governors should be consulted for substantive input throughout the implementation process. Two, gentle guidance should be the primary tool the Federal Government uses to help with State implementation efforts. Three, any regulations should reflect congressional intent and be promulgated only for sections of the law where States and school districts agree that additional context is necessary. And, fourth, the Federal Government should allow a flexible timeline for State and local implementation.

Ultimately, ESSA is built on the potential of State solutions and local control. We look forward to focusing those solutions on preparing students for the high-skill careers of the 21st Century and a productive life.

On behalf of the Nation's Governors, Mr. Chairman, thank you for the opportunity to testify.

[The prepared statement of Governor Herbert follows:]

PREPARED STATEMENT OF THE HONORABLE GARY R. HERBERT

Chairman Alexander, Ranking Member Murray and members of the Senate Health, Education, Labor, and Pensions Committee, thank you for inviting me to testify today on behalf of the National Governors Association (NGA) and the people of Utah.

Governors made replacing an unworkable Federal education law our top priority in 2015. Congress listened and returned education decisionmaking back to the States. Now, through implementation, States must make the promise of the Every Student Succeeds Act (ESSA) a reality.

As Chair of NGA and on behalf of Governors, let me assure you that we are up to the task.

Let me begin with several key points:

- Governors' endorsement of ESSA, our first of any Federal legislation in 20 years, is a testament to how closely Congress adhered to long-standing NGA priorities and the Governors' plan to reauthorize ESEA.¹
- ESSA is a model for what every Federal law should be: a floor, not a ceiling. It proves that bipartisan, bicameral creativity and compromise can still produce pragmatic solutions that equip States, schools, and teachers to improve the lives of students who need help the most.
- Governors view ESSA as an opportunity for States to set high—but realistic—expectations for schools while allowing them to determine how to meet those expectations.
- Governors believe that collaboration is essential and plan to facilitate partnerships among education stakeholders at the national, State and local levels to guarantee the success of this new law.
- Over the last 4 days, Governors have been here in Washington discussing how we will truly innovate under ESSA. As the laboratories of democracy, States intend to fully utilize the flexibility to innovate under this new law.

THE ROAD TO ESSA

Long before the *Nation at Risk* report first revealed shortcomings in our Nation's education system, Governors understood that a thriving State economy and successful lives for citizens could only be realized by elevating the quality of schools in every community. The Federal Government's response that report built on the leadership of education Governors and, together, they turned a time of education challenges into a time for results.

In 1989, at an historic summit in Charlottesville, Governors and the President of the United States, for the first time, proclaimed education an issue of national concern. They agreed that it was States who must take the lead to improve education, while the Federal Government's role was to support and inform their efforts. One Governor, quoting Winston Churchill, called the summit "the beginning of a new beginning."²

Twenty-six years later, after many lessons learned, ESSA again represents a "new beginning." The new law embodies the spirit of that summit by recognizing that improving student performance should be paramount, but collaborative State and local solutions should guide that improvement, not the Federal Government.

GOVERNORS SUPPORTING COLLABORATION

Since the beginning of 2016, 40 Governors have given State of the State addresses and all have spoken about the importance of a high-quality education. In fact, Governors' reference their bold plans for the future of education more than 450 times

¹NGA-National Conference of State Legislatures Plan to Reauthorize the Elementary and Secondary Education Act. Web. 12 Feb. 2016. <<http://www.nga.org/files/live/sites/NGA/files/pdf/2015/ESEAGovernorsAndStateLegislaturesPlan.pdf>>.

²150 Cong. Rec. 11451 (2004).

in those addresses—more than any other policy area by a wide margin.³ Expenditures for K–12 education account for one-third of State budgets and Governors continue to prioritize increasing that percentage in 2016 by proposing new initiatives from teacher salary increases to resources to boost computer science education.⁴

ESSA recognizes Governors’ role at the helm of State education systems by guaranteeing their involvement in development of the State plan and throughout the ongoing administration of the law.⁵ As States now assume more responsibility and authority over their education systems, Governors will use their role to elevate the importance of ESSA to address our most pressing education needs.

Strong collaboration at the State level is in the best interest of students, parents and educators in every State and we look forward to ensuring their voices are heard from the beginning. ESSA’s success will ultimately be determined by how well we implement the law together. The State and Local ESSA Implementation Network⁶ will not only allow Governors to partner with teachers, principals, parents and State legislators to guarantee smooth implementation at the Federal level, but it will lay a foundation for similar coalitions to emerge in each State.

STRENGTHENING THE EDUCATION PIPELINE

ESSA’s new emphasis on collaboration and gubernatorial involvement allows for unprecedented alignment and coordination across the education pipeline. Governors are connecting K–12 education with early childhood education, postsecondary education and the workforce training system to meet the current and future needs of their State’s economy.

ESSA evolves Federal education policy from a siloed, one-dimensional system to one that recognizes what States knew long ago—a high-quality education begins at early childhood and continues into the workforce.

The growing recognition of early childhood education’s importance is happening in communities and State capitols across the country, and with policymakers on both sides of the aisle. Last year was the fourth consecutive year that State early childhood education programs have expanded.⁷ This year, Governors and State legislatures in 45 States will invest nearly \$7 billion State dollars in preschool programs.⁸

ESSA acknowledges this work by establishing the Preschool Development Grants program in law, allowing States the flexibility to use these funds for targeted student populations and programs designed to meet community-specific needs, such as Utah’s work with children caught in intergenerational poverty. Governors are now able to leverage: title I dollars for student’s transition from preschool and kindergarten to elementary school, Title II dollars to prepare and develop early childhood leaders and educators, and title III dollars to begin addressing the English proficiency for dual language learners in preschool.

ESSA also fosters alignment with the workforce development system by making certain that State accountability systems take into account Governors’ workforce development plans required under the Workforce Innovation and Opportunity Act (WIOA). School districts are now able to utilize ESSA funds for classes leading to industry-recognized credentials and career counseling. These new flexibilities will help Governors take education and workforce coordination to the next level.

In Utah, we have proven that business and education can work together to help fill critical talent demands. The Utah Aerospace Pathways, spearheaded by Boeing and other aerospace companies in Utah, partners K–12 with vocational schools and Salt Lake Community College to create a true “stackable credential” model that is

³2016 Governors’ State of the State Addresses Information. Web. 12 Feb. 2016. <<http://www.nga.org/cms/home/special/col2-content/2016-state-of-the-state-dates.html>>.

⁴*Fiscal Survey of States, Spring 2015*. National Association of State Budget Officers. Web. 12 Feb. 2016. <<http://www.nasbo.org/publications-data/fiscal-survey-states/fiscal-survey-states-spring-2015>>.

⁵Heller, Dean. *Heller-Manchin Amendment to Every Child Achieves Act Passes Senate*. Web. 12 Feb. 2016. <<http://www.heller.senate.gov/public/index.cfm/pressreleases?ID=865cbe76-2227-4b3e-bc46-0afe5f0cab63>>.

⁶“Every Student Succeeds.” Letter to John King. 10 Feb. 2016. Web. <http://www.ncsl.org/documents/statefed/ESSA_ImplementationNetwork.pdf>.

⁷*State Pre-K Funding for 2015–16 Fiscal Year: National trends in State preschool funding*. Education Commission of the States. Web. 12 Feb. 2016. <http://www.ecs.org/ec-content/uploads/01252016_Prek-K_Funding_report-4.pdf>.

⁸Ibid.

addressing short-term industry workforce needs. The program has been so successful that even *U.S. News and World Report* took notice.⁹

HIGH EXPECTATIONS FOR STATES, STUDENTS AND EDUCATORS

This year, as Chair of NGA, I am highlighting Governors' innovative solutions to today's most pressing problems. As Congress and the Administration moves forward with ESSA implementation, I encourage you to look to the States to understand the breakthroughs possible through a collaborative state-Federal partnership.

Testing

In Virginia, Governor McAuliffe assembled a diverse coalition of school board members, teachers and parents that re-designed how assessments results are used, introduced new innovative forms of assessment and eliminated 5 unnecessary statewide exams. Governor McAuliffe's experience and a dozen other similar efforts across the country can guide the U.S. Department of Education's implementation of ESSA's innovative testing pilot, expanded forms of assessment and flexibility to reduce high school testing.

Educator Quality

In Tennessee, Governor Haslam listened to educators and worked with them to adjust their statewide educator evaluation system's reliance on math and English exams and to allow districts to determine how to use evaluation results to support teacher development. As the Federal Government gets out of the teacher evaluation business, Tennessee's collaboration can inform States and the Federal Government as they determine how to move forward with teacher evaluations.

School Improvement

Governors recognize that a low-performing school threatens the future well-being of their citizens and the stability of State economies. Accordingly, they are taking ownership of the process to guide those schools back to excellence. Under No Child Left Behind, States could only choose from four strategies to improve schools in more than 14,000 school districts across the country.¹⁰ Under ESSA, States are now in the driver's seat working with districts to determine evidence-based models that will produce results in the Nation's lowest-performing schools.

The Federal Government could look to Connecticut Governor Malloy's statewide network to engage schools in an intensive turnaround process guided by teachers and parents. A school's success under this system is not an afterthought; it is celebrated as an event that will change the lives and futures of children in their community.

Improving Graduation Rates

Utah is leading efforts to dramatically increase graduation rates. Two years ago, our legislature helped northern Utah's Roy High School take a new approach to improving the school's persistently low graduation rates. District leaders made Roy High's graduation rate an outcome of student success at all of the elementary and middle schools sending students to the high school. Student performance throughout these schools was disaggregated and the results were discussed with parents, educators and the local community.

The outcomes of this innovative program are impressive. Roy High's graduation rates increased from 77 percent to 84 percent, chronic absenteeism was cut in half from 29 percent to 14 percent and enrollment and completion rates in Advanced Placement/dual enrollment courses jumped by 19–24 percent.

The success of this project underscores the effectiveness of a model in which struggling students and their families are provided additional support—as opposed to the No Child Left Behind model consisting of varying degrees of punitive consequences. It also reinforces the fact that when resources are provided at the local level, communities are capable of finding solutions.

State-Led Accountability

Governors view education as a critical tool to lift up students out of poverty and place them on a path to successful lives. The top-down accountability and testing regime of NCLB and a commitment to assisting those students that need help the most are not a package deal. States and Governors will continue to prioritize a high-

⁹*Aerospace Program to Give Utah High-Schoolers Path into Industry*. U.S. News and World Report. Web. 12 Feb. 2016. <<http://www.usnews.com/news/stem-solutions/articles/2015/09/15/aerospace-program-to-give-utah-high-schoolers-path-into-industry?page=2>>.

¹⁰*School Districts*. United States Census Bureau. Web. 12 Feb. 2016. <<https://www.census.gov/did/www/schooldistricts/>>.

quality education for all students—but we will accomplish this through State solutions.

In Utah, addressing intergenerational poverty is a cornerstone of our agenda. It is clear that this problem cannot be solved at the Federal level, and even at the State level we've learned that we must work closely with counties, cities, school districts and schools to build coordinated health, education, workforce and human services strategies that work for their unique populations.

To improve the academic performance of students from these low-income families, we're increasing enrollment in full-day kindergarten, we're making sure that low-income schools employ high-quality teachers and we're implementing programs to increase the graduation rate for all low-income students.¹¹

Utah believes in the potential of the many brilliant young minds often lost in poverty. Those young minds represent human capital. Capital that, if we tap into it, will empower their families to succeed, equip them to escape poverty and, in turn, allow our economy to flourish like never before.

ESSA is a tool for States to support efforts like these; not to back down from them.

CONCLUSION AND NEXT STEPS

ESSA implementation will be Governors' top Federal priority in the coming months and years. We plan to engage early and often to ensure the U.S. Department of Education adheres closely to the following principles:

- As the leader of each State's education system and the official responsible for creating lifelong learning from early childhood into the workforce, Governors should be consulted for substantive input throughout the ESSA implementation process;
- Guidance should be the primary tool the Federal Government uses to inform State efforts to implement ESSA;
- Regulations should reflect congressional intent and be promulgated only for sections of ESSA where States, districts and the Federal Government agree additional context is necessary;

Federal agencies should recognize ESSA's alignment of Federal K–12 policy with State early childhood, postsecondary and workforce policies by enabling State collaboration across these areas; and

- Recognizing each State's readiness to implement ESSA varies, the Federal Government should allow a flexible timeline to allow for early implementation or provide additional time for States to make necessary changes to State policy and improvements to State infrastructure.

Furthermore, Governors will apply the lessons of Workforce Innovation and Opportunity Act (WIOA) implementation to our work on ESSA. With only guidance and without a regulation, Governors moved quickly and collaboratively to leverage WIOA's flexibility to develop State plans that envision a new, State-designed workforce system. Governors will work to implement ESSA with that same purpose.

Ultimately, ESSA is built on the potential of State solutions and we look forward to focusing those solutions on empowering educators and parents to prepare students for the high-skill careers of the 21st century and a successful life.

On behalf of the Nation's Governors, thank you for the opportunity to testify. I would be happy to answer questions at the appropriate time.

The CHAIRMAN. Thank you, Governor Herbert.
Ms. Weingarten.

STATEMENT OF RANDI WEINGARTEN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, WASHINGTON, DC

Ms. WEINGARTEN. Thank you, Senator. Thank you, Senators, and I particularly want to thank Senators Alexander and Murray and this whole committee for actually doing something that no one thought that Washington could do in terms of this reset. I really thank you.

My name is Randi Weingarten. I'm the head of the AFT. But I want to speak today as a classroom teacher, because what my

¹¹ *Utah's Plan for a Stronger Future: Five-and Ten-Year Plan to Address Intergenerational Poverty*. Utah Intergenerational Welfare Reform Commission. Web. 12 Feb. 2016. <<https://jobs.utah.gov/edo/intergenerational/igp5-10yearplan.pdf>>.

members are saying—and we’ve had many, many of them on the phone about this process. We had over 172,000 of them on the phone a few days after the bill was signed. That gives you a sense of how interested they are in this. They asked the following question: “What will be different? We want things to be different.”

They are fighting for the public schools their students deserve. They want to give the kids the opportunities that Governor Herbert just talked about, and they want to have the latitude, the conditions, the tools, and the respect they need for their jobs. They appreciate the reset.

Let me make two or three more comments before I stop. The most important thing that States can do is to actually focus on these new accountability systems, accountability systems that are aligned with what kids need to know and be able to do, that help teachers help kids get there, and a system that actually, then, measures that progress or enables that progress. That’s what the reset was, to go from a top-down test and punish system to one that will unleash that kind of creativity but also make sure that people are really focused on the kids that need education most. That’s No. 1.

Several of us have actually thought about what these systems should look like, and we are not proposing a top-down system, but to have States and enable States and locals to actually really start dreaming and thinking about this in terms of academic outcomes, opportunity to learn, and engagement and support.

The second piece is that our members, my members—and I’m sure this is true with Becky’s members as well—they want to do this work. Our whole executive council had a meeting last week where we spent hours talking about the things that they need help from their national union to do, what are the supports, what are the strategies to turn schools around, to make sure that there are real pathways for career tech-ed, to make sure that kids actually have those early learning opportunities to address poverty and persistent poverty, and have a reset in terms of evaluation, not from the Federal level, but from State and local levels, and they really want to do this.

So the thing I would ask is that we have to have the time to do this right. We have gone through many, many reforms where there is a rush to publish and a rush to create and no attention paid to the implementation. So my members are asking—when they say, “What will it look like? How will it be different?”—they want to see that the current system is put on hold for a little while so that we can actually have this new unleashing of creativity, this new accountability system, these new systems where they can actually engage kids. Put the current testing system on hold—not the tests and not data, but a moratorium on the high-stakes system that you have just reset.

The last thing I would say is that we need to actually make sure States do their jobs and not have the Federal Government do so much regulation that this now becomes a repeat of the debate we just had. Let us do the work that Senator Alexander just talked about, us together, showing together that we actually really care about kids, and we can actually unleash that creativity and create the stability that children need.

And, finally, finally, I've been working in education for a long time. We must seize the opportunity to get this reset right. This is the opportunity to redefine student learning in the robust way that any parent or educator would value and to offer the interventions that put struggling schools on the path to success, to have interventions that Kati and I would agree together would work to turn around schools.

So I challenge district and State and Federal officials and all of us to empower and support teachers, to stoke students' curiosity, and help them pursue their dreams. And we stand ready to partner at every level with all who share this goal and to share the goal of bringing back joy to learning and to teaching.

Thank you.

[The prepared statement of Ms. Weingarten follows:]

PREPARED STATEMENT OF RANDI WEINGARTEN

Chairman Alexander, Ranking Member Murray. On behalf of the 1.6 million members of the American Federation of Teachers, I appreciate the opportunity to testify on the implementation of the Every Student Succeeds Act. The AFT represents teachers, paraprofessionals and school-related personnel across the country. Our members fight for the public schools their students deserve, that can help give them the opportunities they need, and for educators who teach them to have the latitude, conditions, tools and respect to do their jobs. ESSA gives us the opportunity for the reset needed to move from a test-and-sanction environment to one of support and improvement.

Before going any further, I want to thank Senators Alexander and Murray for their tremendous work. In a time of increased partisanship and gridlock, your leadership made all the difference. By working with and listening to educators, parents, school administrators and other stakeholders, you have made it possible for States to move away from high-stakes testing and punitive sanctions that have left students alternately stressed or bored, frustrated parents, and deprofessionalized and demoralized teachers.

You have made it possible for States to create new accountability systems that focus on the meaningful learning that will prepare children for the complex world they are entering. You have made it possible to support educators as they meet the needs of the whole child, and have maintained the original intent of the Elementary and Secondary Education Act to address significant poverty and its effects. But States will need time to get it done and get it right.

Though ESSA is not perfect, the AFT supported its passage, as it will help level the playing field for those students most in need to have opportunities to be prepared for life, college and career. ESSA turns the page on the broken policies of No Child Left Behind, NCLB waivers and Race to the Top. It has the potential to ensure every public school is a place where parents want to send their kids, where students are engaged, where educators want to teach, where the curriculum is rich, where there is joy in teaching and learning, and where, ultimately, all children are successful.

While States create new, more effective teaching and learning systems, they should hold off on continuing to use the current, flawed high-stakes testing regime. As States develop the timelines and strategies for the interim period between passage of the new law and its full implementation—which is over 18 months—the AFT renews its call for a moratorium on the consequences of high-stakes testing. A reset means a reset.

Many States have already begun this, and we urge others to follow suit. For example, New York has adopted a 4-year break on consequences of State tests for students and teachers. The Utah Legislature has introduced a bill to put a pause on how test scores are used. A lawsuit in New Mexico challenges the State's unreliable and unfair teacher evaluation system. And just last week, Tennessee announced that student test scores would not be used in teacher evaluations.

School districts and States now need to dive deeply into the new work—which includes building accountability systems that provide a framework for school and student success. Our public schools should be places where children are met where they are and have multiple pathways to realize their potential. They should offer an engaging curriculum that focuses on teaching and learning, not testing, and that includes art, music, the sciences, physical education and project-based learning.

Accountability systems should measure and reflect this broader vision of learning by using a framework of indicators for school success centered on academic outcomes, opportunity to learn, and engagement and support. For example, the AFT recommends academic outcomes measured by assessments, progress toward graduation, and career- and college-readiness. Opportunity-to-learn indicators should include curriculum access and participation, sufficient resources, and measures of school climate. Engagement and support indicators should look not only at students, but at teacher and parent/community involvement. This is hard work, and State leaders will need the input of educators and parents, informed by best practices found throughout the world.

REGULATORY PROCESS

To provide the best opportunity for success, the AFT has urged the U.S. Department of Education to stick to the letter of the law that garnered such broad bipartisan support and limit guidance and regulation to only those issues that need clarification to make the law functional in practice. This is a new era of flexibility. Decisionmaking should be left to the States and the educators, parents and community members—the true stakeholders.

As I wrote in a letter to Acting Secretary King in January regarding opting out and test participation requirements, States are now working out how they will move to new accountability systems, and they need flexibility and support, not threats of losing funding. There is no doubt that teachers will not like everything States do, but the intent of this law is clear. Hopefully, most States have learned from the failures of NCLB and will give educators the latitude and resources to deeply engage students and to focus on the whole child.

The AFT is working with a coalition of States, school districts, educators and parents united by our strong, shared commitment to making ESSA work for students. Although all these stakeholders do not always agree, we are unified in our belief that ESSA is a historic opportunity. It is critical that this work has a direct impact in the classroom where teachers teach and students learn. We are dedicated to working together at the national level to facilitate our members' efforts to guarantee the success of this new law.

WE ALL HAVE TO STEP UP TO MAKE THE NEW LAW WORK

Together, we must seize the opportunity to get this reset right. This is the opportunity to redefine student learning in the robust way that any parent or educator would value, and to offer interventions that will put struggling schools on the path to success. I challenge district, State and Federal officials, and all of us, to empower and support teachers to stoke students' curiosity and help them pursue their dreams. We stand ready to partner at every level with all who share the goal of bringing back the joy of teaching and learning.

The CHAIRMAN. Thank you, Ms. Weingarten.
Ms. Pringle.

STATEMENT OF BECKY PRINGLE, VICE PRESIDENT, NATIONAL EDUCATION ASSOCIATION, WASHINGTON, DC

Ms. PRINGLE. Good morning, Senators, and thank you, Chairman Alexander and Senator Murray, not only for your leadership in the passage of the ESSA, but your obvious commitment to the implementation of this law. We know that the implementation will determine whether the aspirational goals of this law will actually make a difference for students.

My name is Becky Pringle, and as you stated, I have spent over 30 years teaching middle school students science. In that experience, dealing with my babies with attitude, I gained a love not only of teaching but of advocacy for making sure that they had everything they needed to be successful.

I have this amazing, a bit surreal, opportunity to represent 3 million teachers and education support professionals around this country. And I will tell you that as we actually began to believe that No Child Left Behind would become a thing of the past, we

talked with thousands and thousands of members across the country.

What they told us is they wanted three things. They wanted to ensure that their students had the access and opportunity to make sure that every one of them had the chance for success. They wanted us to guarantee that educators' expertise—the professionals who actually work with the students in the classroom not only had a voice, but they were part of the decisionmaking. The third thing they wanted was to reduce the volume and the high-stakes use and overuse and overspending on standardized tests so that they could actually have the time to teach and their students had the time to learn.

The new law has the potential to actually deliver on all three of these things, so we could not be more excited. It paves the way for the opportunity to become a real part of what gets counted now. This is a historic development for this country and for education. The law also gives significant responsibilities now to States and to local districts, and with those decisions comes great responsibility, and we are working very closely to make sure that everyone steps up to that responsibility.

This shift offers the U.S. Department of Education the opportunity to focus on what it should do best, which is the enforcement authority to ensure that students actually have equitable access and resources so that they can have a robust and well rounded education and so that they have the supports that they must have to fulfill their greatest potential, to become constructive members of their communities, to become productive participants in our economy, and to become engaged citizens of the United States and the world.

The kind of monumental transition that we're talking about will require deep collaboration, and we could not be more excited about the conversations that have started with the coalition of folks sitting at this table. And you asked, Senator Alexander, that the Governors go back and form these coalitions back in their States.

None of us can fall victim to the allure of shortcuts. That's what we're so excited about, that there is actually time built into this law for collaboration. It's only through this authentic commitment of all stakeholders to engage in this law together will we be successful for our students. The time to do this right is built into ESSA, and we urge the Department of Education to set a good example by not rushing its part of this very, very important process for the sake of expediency.

The implementation process will simultaneously be developing at all levels, the national, State, and local, and ultimately in schools across this country as policies are updated. We urge that the Department ensure that this regulatory process is designed to include the best thinking, the ideas, and the concepts of educators and other stakeholders around the country.

We must see more listening, not less, and we at the NEA are taking the lead on that. We have brought members and leaders, teachers and ESP from around the country several times into DC to have conversations about what they're thinking, what they're planning, what their ideas are to make sure that the implementation of this law does what we need for our students.

Since January, NEA has joined with our State and local affiliates to create a cadre of educators on ESSA implementation. During this last holiday, we brought in over 60 leaders to provide us with their ideas, their best ideas, on what this new accountability system can look like. And when we talk about an opportunity dashboard, what kind of indicators are in that dashboard? We need to talk about that together, and we need to learn from each other, and that's what we intend on doing.

As educators, we know how lucky we are to have this privilege and this honor of stepping up, to leading what we're calling a transformation of our public education, because that's what's needed now. We need to be building toward the future of our students, not looking back at the past. We are ready to chart new pathways for our students' success. We are excited to lead and to help in this new beginning, and we are ready.

On behalf of the 3 million members of the NEA and as a teacher of so many years, I thank you for the collaboration that you demonstrated in passing this law, and we look forward to continued work with you to make it right for our students.

[The prepared statement of Ms. Pringle follows:]

PREPARED STATEMENT OF BECKY PRINGLE

Thank you Chairman Alexander, Senator Murray and members of the committee. My name is Becky Pringle and I am a middle school science teacher from Pennsylvania with over 31 years of teaching experience. I also have the honor and the pleasure of serving as vice-president to the more than 3 million teachers and education support professionals who make up the National Education Association. There is no one more excited than our educators for the opportunity that the Every Student Succeeds Act provides for our students in the classroom; especially those students who are most in need.

In the months leading up to the enactment of ESSA, we heard loud and clear from our members what they wanted to see in a new law that would:

- Ensure students' access to opportunity that really matters in the accountability system;
- Guarantee educators' expertise is included in decisionmaking; and
- Reduce the volume and over-reliance on standardized testing.

The new law has the potential to deliver on all three, and paves the way for opportunity to become a real part of "what gets counted" now, an historic development for our education system. The law also returns significant responsibility to States and schools districts to ensure decisionmaking is in the hands of people who know the students' names. This shift offers the U.S. Department of Education the opportunity to focus on its enforcement authority to ensure students have equitable access to a robust and well-rounded education and to the supports they need to fulfill their full potential as constructive members of their communities, productive participants in the economy, and engaged citizens of the United States and the world.

This kind of monumental transition will require deep collaboration among multiple stakeholders, some of whom are not used to working together, and making sure more voices are at decisionmaking tables. None of us can afford to fall victim to the allure of shortcuts. It is only through the authentic commitment of all stakeholders to engage in the deep listening, professional respect and collective effort that this new law will be successful for students. The time to do this right is built into ESSA and we urge the U.S. Department of Education to set a good example by not rushing its part of the process for the sake of expediency.

The implementation process will be simultaneously developing at the national level, at the State level, at the district level, and ultimately in schools across this country as policies are updated. We have urged the Department to ensure the regulatory process is designed to include the best thinking, ideas, and concepts from educators and other stakeholders from across the country.

We must see more listening, not less.

And we're practicing what we preach! The National Education Association has embarked on its own listening tour because we want to hear from teachers, education support professionals, specialized instructional support professionals, librar-

ians, and higher education faculty and staff about how to make sure we engage our practitioners in taking advantage of this opportunity to get this right for our students. The Every Student Succeeds Act restores student learning to the center of everything educators do, and we intend on preparing our members to lead this transformation.

Since January, NEA has joined with our State affiliates to create a cadre of educators to act as our ESSA implementation team. During the last holiday weekend, we brought over 60 State and local leaders to Washington, DC to provide our educators the time and space to discuss what is happening in their States and districts, what they are hearing, what they are planning, and to identify the tools and resources they need to ensure a successful implementation of ESSA at the school level.

We saw the spark in the eyes of classroom teachers and paraeducators who got excited at the prospect of allowing more flexibility in the classroom to bring out students' joy of learning. We talked about the historic moment we have to work with districts and States to ensure all students, no matter their zip code, have access to the resources, services and supports that they need.

As educators, we know we are lucky because we have the privilege of inspiring our students' curiosity, imagination, and desire to learn, and the opportunity to provide them with the caring, committed, and qualified educators they deserve. We know we cannot do this alone. It will take educators and parents, superintendents and school boards, State chiefs and State boards, State legislators and Governors all putting aside our differences and working together with the best interests of students in mind. We need to follow the example that all of you set for us in finding a way to collaborate to create a law that recognizes our collective responsibility to promote opportunity, equity and excellence for every one of our students.

We are ready to chart new pathways for student success and we are excited about the opportunity to help lead the change ahead of us.

On behalf of our members and our students, thank you for providing us with this incredible opportunity.

The CHAIRMAN. Thank you, Ms. Pringle.
Dr. Evers.

**STATEMENT OF TONY EVERS, Ph.D., STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION, WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION, MADISON, WI**

Mr. EVERS. Thank you so much, Chairman Alexander, Ranking Member Murray, and members of the committee, for allowing me to testify today.

As Senator Baldwin mentioned, in addition to being Wisconsin's State Superintendent of Public Instruction, I'm also president of the Council of Chief State School Officers. As president, I'm working to help CCSSO promote equity for all kids. Successful implementation of the Every Student Succeeds Act is fundamental to my equity platform. This body is well aware of CCSSO's strong support of ESSA. Now that the bill has become law, we remain committed to ensuring its successful implementation.

I've spent my entire career as an educator. I've learned many things along the way, but, most importantly, when it comes to policy implementation, a strong State-local partnership is critical. The role of Federal Government should be to ensure accountability for student achievement and also, more importantly, to provide States and local districts the resources necessary to innovate, create equity, and improve outcomes.

In Wisconsin, we're referring to this transition as moving from NCLB-prescribed to ESSA-informed. To leverage the flexibility available, Wisconsin is beginning with stakeholder engagement. Wisconsin has many existing collaborations. We will expand our outreach by bringing together many education groups and others who have a major stake in our success, such as business leaders,

civil rights groups, parents, tribal representatives, legislators and, of course, the Governor, and others to help design the strategy that will improve education for all kids.

We will also expand our outreach this spring with statewide listening sessions, a virtual discussion, and online feedback for all the stakeholders in crafting our State's plan. To that end, we hope the Department of Education is able to finalize any implementation regulations this fall so we have a clear understanding of their expectations.

Of equal importance, we'll use this ESSA outreach effort to create permanent avenues for multiple stakeholders not only to weigh in on ESSA, but other issues that are important to Wisconsin and Wisconsin's schools and teachers. Thus, ESSA will make Wisconsin's education system stronger.

We cannot forget that the original ESEA represents a seminal piece of the civil rights activity in the early 1960s. The chief State school officers are committed to this legacy. We share a common goal to make sure every child graduates college- and career-ready.

Frankly, in Wisconsin, we've got a lot of work to do. We have one of the largest achievement gaps among the States between students of color and their peers. We plan to use the flexibility of the new law to infuse the work of my Promoting Excellence for All initiatives into the improvement work of our most struggling schools. Under ESSA, we will no longer need to impose a one-size-fits-all solution upon our most underperforming schools. Instead, we'll work collaboratively with local districts to find State and local solutions to local problems.

Wisconsin is at the forefront of developing an accountability system that's reflective of the needs of our various stakeholders. Wisconsin has been praised for having one of the most transparent report cards by the education commission of the State. However, we look forward to using the new flexibility ESSA will provide us to create even a more useful report card system which could include other information regarding college- and career-readiness, new equity measures, and other metrics.

A final word about accountability. All State chiefs are united in maintaining a strong accountability system that will clearly identify the achievement of all students and, in particular, subgroup performance. New ESSA flexibility will not change our determined effort to focus on equity.

In Wisconsin, like other States, we welcome the partnership with the Federal Government to oversee the progress we are making. The success we envision under this new law will only be possible if we do not face new regulations from Washington. In recent months, since the law has passed, the Department of Education has demonstrated a great partnership with the States, providing helpful guidance on key issues. I applaud those positive efforts.

Going forward, the Department of Education's role in providing States with guidelines and guardrails on the new law remains important. I and my fellow chiefs are open to guidance that clarifies various expectations for States under the new law. However, how we achieve these expectations is a State and local responsibility.

So I thank you for allowing me to testify, and thank you for your role in passing this new law. States are ready, willing, and able to lead.

Thank you.

[The prepared statement of Mr. Evers follows:]

PREPARED STATEMENT OF TONY EVERS, PH.D.

SUMMARY

In addition to being State Superintendent of Public Instruction in Wisconsin, I currently serve as the President of the Board of the Council of Chief State School Officers (CCSSO). As President, I am working to help CCSSO promote equitable educational opportunities for all students in the country, regardless of State or Zip code. Successful implementation of the Every Student Succeeds Act (ESSA) is fundamental to States being able to achieve this objective.

This body is well aware of CCSSO's strong support of the ESSA. Now that the bill has become law, we remain committed to leading in implementing this new law with fidelity to ensure it lives up to its promise of every child succeeding—no matter their background or where they attend school. We look forward to continued coordination with all partners working to help States transition to the new law. The Every Student Succeeds Act reflects a bipartisan acknowledgment that States and local educators are in the best position to determine how to raise academic achievement.

In Wisconsin, we are referring to this transition as moving from NCLB-prescribed to ESSA-informed. The Federal law now informs our work, but does not dictate how we go about it. We expect the Department of Education to maintain the flexibility of this latter focus, as the law intends, and avoid undue prescription. I, like my colleagues across the Nation, am eager to use the flexibility inherent in the law to build upon strategies we know work and create congruence with State goals.

The original ESEA represents a seminal piece of civil rights legislation. The chief State school officers are committed to this legacy and as President of CCSSO I have made it clear that equity will be our priority. This is not just a focus in Wisconsin, but equity is a priority across our entire organization—for every State education chief, no matter their demographics or the challenges within the State. We have a common goal to make sure every child succeeds and to provide the supports necessary to accomplish this goal. I look forward to working with my colleagues to close achievement and opportunity gaps that have persisted for far too long in our States today.

The progress we envision that Wisconsin can make under this new law will only be possible if we do not face new regulations that turn what was a good education law into a set of top-down mandates from Washington. In the recent months since the law passed, the Department of Education has demonstrated a good partnership with States, providing helpful guidance on key issues such as how States can transition away from Highly Qualified Teacher regulations. I applaud these positive steps from the Department of Education and appreciate their efforts to clarify congressional intent and leave these necessary decisions up to States and local communities.

Thank you Chairman Alexander, Ranking Member Murray, and members of the committee for the opportunity to testify today.

In addition to being State Superintendent of Public Instruction in Wisconsin, I currently serve as the President of the Board of the Council of Chief State School Officers (CCSSO). As President, I am working to help CCSSO promote equitable educational opportunities for all students in the country, regardless of State or Zip code. Successful implementation of the Every Student Succeeds Act (ESSA) is fundamental to States being able to achieve this objective.

This body is well aware of CCSSO's strong support of the ESSA. State chiefs have been active over the past year in setting clear priorities for the reauthorization of the Elementary and Secondary Education Act and voicing our support as legislation moved through Congress.

Now that the bill has become law, we remain committed to leading in implementing this new law with fidelity to ensure it lives up to its promise of every child succeeding—no matter their background or where they attend school. As an organization and as individual State chiefs, we have continued to voice support for this law and the responsible implementation of this law, including the proper Federal

role, through public statements, official public comment, and now through these hearings on implementation in the House and Senate.

We look forward to continued coordination with all partners working to help States transition to the new law.

I have spent my career as an educator, working for over 30 years in education. I have been a teacher, principal, administrator, and deputy State superintendent, before being elected Wisconsin State Superintendent of Public Instruction in 2009 and reelected in 2013. In that time, it has become clear to me that, while there is a limited role for the Federal Government, primary decisionmaking authority regarding public education is best left to States and local districts. The role of the Federal Government should be to ensure accountability for student achievement, while providing States and local districts the resources and support to innovate and pursue effective strategies for their students.

The Every Student Succeeds Act reflects a bipartisan acknowledgment that States and local educators are in the best position to determine how to raise academic achievement. We have seen some positive early signs from the U.S. Department of Education as it supports States' transitions into the new law, and we encourage them to maintain this focus throughout the regulatory and guidance process.

State and local leaders are committed to achieving results for all of their students, but under No Child Left Behind (NCLB) overly prescriptive Federal mandates on the overall design of statewide accountability systems left States and local districts without the ability to tailor school improvement strategies to the unique needs of schools and students. Now, with the stability and flexibility promised by ESSA, we stand ready to develop programs more suited to the unique needs of our schools and students, and let me assure you that we are committed to using additional flexibility under the new law to improve educational outcomes for all students.

In Wisconsin, we are referring to this transition as moving from NCLB-prescribed to ESSA-informed. The Federal law now informs our work, but does not dictate how we go about it. We expect the Department of Education to maintain the flexibility of this latter focus, as the law intends, and avoid undue prescription.

Our efforts in Wisconsin are first and foremost to ensure people understand the tenets of the new law and the flexibility available to us. This effort begins with stakeholder engagement—with bringing together educators, parents, students, business leaders, civil rights groups, tribal representatives, advocates, higher education, legislators, our Governor and others to determine the best approaches for educating *all* children.

Our engagement strategy starts with our existing formal collaborations, such as our existing Title I Committee of Practitioners and the school districts who are the focus of our State title I educator equity plan, and expands upon it this spring with statewide listening sessions, a virtual discussion, and online feedback for all of the stakeholders we hope to engage. We want to use these listening sessions as an opportunity to hear multiple perspectives of what is working in the State, what needs to be changed, and how people envision flexibility in practice. This will give us an opportunity to lay out an initial direction for the State plan we will need to submit under the new law.

We are hoping that the Department of Education is able to finalize any implementing regulations this fall so we have a more complete picture of the law as it will be administered. It is our hope to then take those details, along with our initial plans back out to our broad stakeholder coalition for another round of feedback and discussion. It is critical to us that we have broad agreement as to how we will implement this law in Wisconsin.

Now that ESSA is in place, I, like many of my colleagues across the Nation, am eager to use the flexibility inherent in the law to build upon strategies we know work and create congruence with State goals. The ability to focus on State goals in the context of the larger Federal law is extremely important. We don't want to be working on disparate efforts that arbitrarily spread our resources and provide mixed messages concerning the work we need to do to ensure every child graduates college- and career-ready. That is our goal in Wisconsin and our agenda.

We have worked in Wisconsin to set a definition of college- and career-ready and establish targets for closing gaps and increasing graduation rates with work focusing on four main questions.

1. What and how should kids learn?
2. How do we know if kids have learned?
3. How do we ensure kids have highly effective teachers and schools?
4. How should we pay for education in public schools?

I know other States have also set educational goals and agendas and I am sure I speak for those chiefs as well when I say that the ability to focus in on what our

State feels is important to address is critical in our efforts to support and improve educational outcomes for all students.

Now that States have the authority to establish goals and design accountability systems, Wisconsin is eager to take the lead in generating stakeholder feedback about how we can continue to improve these systems so that they reflect best practices and ensure that all students, including low-income students, minority students, and those with disabilities, have access to a high-quality education.

The original ESEA represents a seminal piece of civil rights legislation. The chief State school officers are committed to this legacy and as President of CCSO I have made it clear that equity will be our priority. This is not just a focus in Wisconsin, but equity is a priority across our entire organization—for every State education chief, no matter their demographics or the challenges within the State. We have a common goal to make sure every child succeeds and to provide the supports necessary to accomplish this goal. I look forward to working with my colleagues to close achievement and opportunity gaps that have persisted for far too long in our States today.

In Wisconsin, we have a lot of work to do. We have one of the largest achievement gaps in the country between students of color and their peers. I will be convening a standing group of people, including those in the civil rights community, to regularly consult with and provide updates to in regards to this law and other issues facing our schools. Openness and communication is key to ensuring that a focus on equity stays in the forefront.

I also plan to use the flexibility of the new law to bring the work of my Achievement Gap Task Force into Wisconsin's work to implement ESSA. That group helped identify practices in schools and districts, using our State data, which demonstrated success closing achievement gaps. We then synthesized that information into learning modules for educators and interested members of the public to utilize. We plan to continue that work through a statewide Longitudinal Data Systems Grant and partner with our flagship public university, the University of Wisconsin-Madison, to pinpoint the needs of educators and provide them with research-based practices. Again, the flexibility in ESSA is allowing us to explore improvement strategies focused on closing the achievement gap that would have otherwise been a separate discussion as they were not part of the Department of Education's model.

Additionally, Wisconsin was at the forefront of developing a local accountability system that is reflective of the needs of our various partners. Our State report cards were designed with the and guidance of the chairs of our legislative education committees, the Governor, and the many organizations that support our public and private schools. The result of that work has been praised as one of the Nation's best report card formats for parents and community members by the Education Commission of the States. We look forward to using the new flexibility ESSA provides to update our report cards to include information regarding college- and career-readiness, along with other metrics our partners have identified as being important for their constituencies.

The progress we envision that Wisconsin can make under this new law will only be possible if we do not face new regulations that turn what was a good education law into a set of top-down mandates from Washington. In the recent months since the law passed, the Department of Education has demonstrated a good partnership with States, providing helpful guidance on key issues such as how States can transition away from Highly Qualified Teacher regulations. I applaud these positive steps from the Department of Education and appreciate their efforts to clarify congressional intent and leave these necessary decisions up to States and local communities.

Going forward, as States and local districts implement this law, it is clear the Department of Education has a critical role to play in providing States with guidelines and guardrails on the new law. I and my fellow State chiefs are open to regulations that clarify the expectations for States under the new law, not how to achieve those expectations. For example, as Wisconsin outlined in the written comments we submitted to the Department of Education on January 21, these areas include how States will determine which students take alternative assessments, whether Congress intended for high schools identified under Section 1111(c) because of low graduation rates need to be title I schools, and critical implementation dates and deadlines. However, regulation and guidance should be limited to providing clarity on otherwise ambiguous or confusing issues, not implementing additional, prescriptive requirements that limit flexibility for States and local districts, and that fly in the face of clear congressional intent.

In addition, a major issue that has been raised is how the Federal Government can be certain that, with the increased authority and flexibility provided to States, it is possible to ensure that States and local districts are focusing on improving out-

comes for all students and subgroups of students. In States like Wisconsin, we welcome oversight of the progress we are making, but it is important that States and local districts have the flexibility to identify how we achieve the goals we have set for students: the measures we include in our accountability system, the weight we give these measure, and how we design interventions that reflect the realities facing unique student populations across the State. After all, we all recognize that the one-size-fits-all approach from No Child Left Behind was not getting us to where we needed to be.

Again, thank you for allowing me to testify, and thank you for passing this new law. States are ready, willing, and able to lead. We need the Department of Education to trust us, and let us develop the accountability systems that our children need and deserve. Federal regulations should focus on providing States the guidance and support they need to develop systems that meet the goals of the new law, while ensuring that policies governing implementation reflect the greater flexibility embodied in the statute.

The CHAIRMAN. Thank you, Dr. Evers.
Dr. Schuler.

**STATEMENT OF DAVID R. SCHULER, Ph.D., SUPERINTENDENT
OF SCHOOLS, TOWNSHIP HIGH SCHOOL DISTRICT #214, AR-
LINGTON HEIGHTS, IL**

Mr. SCHULER. Thank you, and I'd like to extend my deep appreciation to Chairman Alexander, Ranking Member Murray, and the entire committee for your tireless work to complete the reauthorization of the Elementary and Secondary Education Act. It is my belief that the language of ESSA is an exceptional piece of legislation, and I applaud Congress' overwhelmingly bipartisan 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. Past conversations regarding innovation and inspiration always started and usually stopped 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 this committee.

Two weeks ago 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. That would have never happened under the waiver process or NCLB. Now, we have the ability to acknowledge that we all learn in different ways, our students learn in different ways, and they should be able to demonstrate readiness in different 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.

States now have an opportunity to examine schools on a more holistic level with the inclusion of a nonacademic factor. This represents a dramatic shift from the NCLB focus on snapshot testing to a more nuanced, well-rounded system to assess school quality. Rather than solely focusing on compliance and reporting to our State and the Department, which at times felt like all we were doing, we will now be able to direct and target our energies and

resources where they can have the most impact, on our students and schools with the most needs.

I would caution the Department to use restraint when issuing regulations and guidance, to ensure those regulations meet the letter, spirit, and intent of the law. In fact, I would urge the Department to consider creating a working group or task force of practitioners from diverse settings to review potential regulations and provide insight into the real implications and consequences of regulations before they are released.

I would further urge the Department to find out what data is already being collected at the State level and please do not duplicate efforts. It is incredibly frustrating as a school district superintendent to have the State request a certain data set and then the Department request a very similar but not identical data set. That's extra work for our staff and provides murky and confusing data for the public.

And I would implore the Department not to request data submission over the summer. Many of the rural schools in our country do not have the 12-month staff to comply with requests that come in during the summer and require compliance prior to the start of the following school year.

Instead of focusing on collecting data to hammer and judge districts, imagine if the Department could be 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. It would be so awesome if the Department could be the go-to place where schools and districts could find best practices from across the country.

I'd like to call up one area where I think ESSA is a pure work of genius. In allowing high schools to use a college admissions test in lieu of the high school State assessment, as long as that college admissions test is approved by the State, it is my belief that you will change lives. Taking a college admissions test can change the trajectory of a student's dreams and aspirations.

We have many students who don't think college is an option until they receive the results of that college admissions test. You are putting a realistic dream of postsecondary education in front of students who may have thought that graduation was the end point. That is truly changing lives one child at a time.

I know that there have been concerns raised regarding schools, districts, and States lowering standards and expectations. I just don't believe that will happen. We have been examining student group data for years, and the vast 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 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 I 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 for the opportunity to be here this morning to share these thoughts.

[The prepared statement of Mr. Schuler follows:]

PREPARED STATEMENT OF DAVID R. SCHULER, PH.D.

Thank you. I would like to extend my deep appreciation to Chairman Alexander, Ranking Member Murray, and the entire Committee on Health, Education, Labor, and Pensions 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. Past conversations regarding innovation and inspiration always started, and usually stopped, 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 school-house doors on a daily basis and for that, I am truly thankful to the committee.

Two weeks ago 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. That would have never happened under the waiver process or NCLB. Now, we have the ability to acknowledge that we all learn in different ways, our students learn in different ways, and they should be able to demonstrate readiness in different 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.

States now have an opportunity to examine schools on a more holistic level with the inclusion of a non-academic factor. This represents a dramatic shift from the NCLB focus on snapshot testing to a more nuanced, 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, we will now be able to direct and target our energies and resources where they can have the most impact ... on our students and schools with the most needs.

I would caution the Department of Education to use restraint when issuing regulations and guidance, to ensure those regulations meet the letter, spirit, and intent of the law. In fact, I would urge the Department to consider creating a working group or task force of practitioners from diverse settings to review potential regulations and provide insight into the real implications and consequences of regulations before they are released.

I would further urge the Department to find out what data is already being collected at the State level and not duplicate efforts. It is incredibly frustrating as a school district superintendent to have the State request a certain data set and then the Department request a very similar, but not identical data set. That is extra work for our staff and provides murky and confusing data for the public ... and I would implore the Department not to request data submission over the summer.

Many of the rural schools in our country don't have the 12-month staff to comply with requests that come in during the summer and require compliance prior to the start of the following school year.

Instead of focusing on collecting data to hammer and judge districts, imagine if the Department could be 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 would like to call out one area where I think ESSA is a pure work of genius. In allowing high schools to use a college admissions test in lieu of the high school State assessment, as long as the college admissions test is approved by the State, it is my belief that you will change lives. Taking a college admissions test can change the trajectory of a student's dreams and aspirations. We have many students who don't think college is an option until they receive the results of their college admissions test. You are putting a realistic dream of post-secondary education in front of students who may have thought that graduation was the end point. That is truly changing lives ... one public school child at a time.

I know that there have been concerns raised regarding schools, districts, and States lowering standards and expectations and I just don't believe that will happen. We have been examining student group data for years, and the vast majority of school districts have used data to improve instruction. That will continue. With Congress being the face of the implementation of ESSA, you will have the oversight

to ensure that ESSA is implemented 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 for the opportunity to share these thoughts with you this morning and I am more than happy to answer any questions you may have.

The CHAIRMAN. Thank you, Dr. Schuler.
Ms. Haycock.

STATEMENT OF KATI HAYCOCK, PRESIDENT, THE EDUCATION TRUST, WASHINGTON, DC

Ms. HAYCOCK. Mr. Chairman and Ranking Member Murray, thank you for the opportunity to testify here this morning.

Let me begin, though, as we always do at the Ed Trust, with the data, because while I understand that it is useful for some to characterize the past 15 years as simply an exercise in unrealistic goals and test and punish that harm children, we actually can't have an honest conversation here this morning without acknowledging that the data tell a very different story.

In the years since we had annual testing, full reporting, and serious accountability for results for all groups of kids, on the longest standing national examination of student learning, results for African American and Latino students improved faster than at any time since the 1980s. High school completion rates have also risen, with especially large gains for students of color and for students with disabilities.

I am not arguing that tests and regulations produce those improvements. The hard work of educators does that. But what good policy does is it creates a sense of urgency about addressing problems that otherwise languish for decades. And now, frankly, is not the time to lose that sense of urgency, for despite the gains that I just talked about, too many students still lack the high-quality schooling that they need to thrive.

It is those children, the disabled third-grader with extraordinary potential but who doesn't get the help that he needs to read fluently because his results don't count; the high achieving African American seventh grader who still, even today, is half as likely as similarly qualified peers to be put in eighth grade algebra, effectively ruling her out of a STEM career; and the eleventh grade Latino who could, in fact, be fully college-ready if her school would actually offer the demanding English courses that are offered in the schools across town. These and millions more like them are today's fierce urgency of now, and as Dr. King reminded us, those young people cannot afford the luxury of a cooling off period or the tranquilizing drug of gradualism.

Thankfully, the new law that you crafted contains really important levers that can be used to speed up the progress instead of to slow it down: statewide standards and accountability that are aligned with the demands of college and careers; statewide accountability systems that expect more progress from the groups of kids that have been behind and that also expect action when any group of kids is struggling; and richer public reporting on both outcomes and opportunities for all groups, including for the first time per-

pupil funding. Thank you, Senator Alexander, for your leadership on that.

Certainly, how we do all this must be responsive to local context and must build on the insights of both educators and parents in the low-income communities and communities of color with the most at stake here. But recognizing the need for State and local decisionmaking does not, as some have suggested, mean that the only real role for the Department of Education is to cut checks, because in the celebration of a return to State and local control that surrounds the new law, one thing has been forgotten, and that is that the State and local track record of serving the interests of vulnerable children is not a good one.

If we had time, I would share some examples of State and local leaders that are focusing on moving the needle for vulnerable children. One is sitting to my right. Another is sitting up there on the dais. But, frankly, there are far, far more examples of States and localities that are dragging their feet, that have let inequities fester for decades, and that are working harder, frankly, to circumvent the expectations in Federal law than to live up to them.

From the 1990s, when Congress and ISA asked States to adopt accountability systems that expected progress for all students, especially English learners and poor students—and most States responded by not even reporting those data, much less making them matter—to the NCLB years, when States gamed the definition of high school dropout and some defined progress as not falling backward very far, to the last few years when the Department's waivers gave States the opportunity to not make group performance matter and virtually every State took up that opportunity, effectively giving A's and B's in State accountability systems to schools, even when their African American students were declining.

This track record is why civil rights, disability, and business groups worked so hard and supported the guardrails that you put into the law and why we will continue to work together in States in implementation, even if we're not, Senator, on your list of coalition members. But it is also why the U.S. Department of Education cannot just recede into the background and must do its job with respect to guidance, regulation, and, where necessary, enforcement.

Yes, ESSA presents an enormous opportunity for developing policies in a vastly more inclusive way. But we know from long experience that without the guardrails that you put in the law, the needs of the less powerful will just get less attention. That terrible tendency is why Congress has always needed and continues to need today a strong partner in the Department of Education.

Thank you so much.

[The prepared statement of Ms. Haycock follows:]

PREPARED STATEMENT OF KATI HAYCOCK

SUMMARY

The Every Student Succeeds Act (ESSA) contains a number of important levers that education leaders, parents, members of the civil rights and business communities, and advocates can use to advance education equity, including:

- Consistent, state-adopted standards for all students that are aligned with the demands of postsecondary education and work;
- Statewide annual assessment aligned with statewide standards;

- Clear requirements that statewide accountability systems must expect more progress for the groups of students who have been behind, base school ratings on the progress of all groups of students, and expect action when any group of students is consistently underperforming;
- An expectation that States and districts report on and address inequities in the rates at which low-income students and students of color are assigned to ineffective, out-of-field, or inexperienced teachers;
- Continued targeting of Federal funding to the highest poverty schools and districts; and
- Richer public reporting on academic outcomes and opportunities to learn for all groups of students, including, for the first time, school-level, per-pupil spending and access to rigorous coursework.

The challenge now is to translate the potential of ESSA into improved State and local policies and practices, and, ultimately, improved outcomes for all students. Doing this means that systems developed under ESSA must be responsive to unique State and local contexts and build on the insights of local stakeholders—especially the low-income communities and communities of color with the most at stake. And if these systems are to help generate real improvements, they must build on insights from successful educators, too.

But let me be clear: Recognizing and honoring the need for State and local decisionmaking does not, as some have suggested, mean that from now on, the U.S. Department of Education should do nothing more than cut checks. Under ESSA, the Department has an important role to play through enforcement, regulation, and guidance, especially when it comes to ensuring that States and localities are taking seriously their responsibility to *all* of their children.

Because in all the celebration of “a return to State and local control” surrounding this law, let’s not forget that the State and local track record of serving the interests of vulnerable students is not a good one. In too many places, State and local leaders have let well-documented inequities in access to opportunities to learn—from rigorous coursework to education funding to strong, well-supported educators—fester. And they’ve too-often made decisions aimed at getting around, rather than living up to, the expectations set by Congress.

This track record is why ESSA includes the levers I described above, many of which we at Ed Trust fought for alongside partners in the business, civil rights, and disability communities. It’s why we’ll continue to work alongside our partners to inform State and local implementation. And it’s why the U.S. Department of Education cannot recede into the background and must continue its historic focus on looking out for the children who are likely to come last in State improvement efforts.

Chairman Alexander, Ranking Member Murray, and members of the Senate HELP Committee, thank you for the opportunity to share my perspective on implementation of the Every Student Succeeds Act (ESSA). This perspective is informed by The Education Trust’s long history of working alongside educators, advocates, and policymakers to close gaps in opportunity and achievement separating low-income students and students of color from their peers.

Allow me to begin as we always do at Ed Trust, with the data. It’s become popular to characterize the No Child Left Behind (NCLB) era as lost years for our Nation’s students—years in which “unrealistic goals” and “test and punish” systems shackled educators’ hands and yielded nothing but rote instruction and shallow learning. But the data suggest a different story altogether: Since we’ve had Federal requirements for annual testing, full public reporting, and serious accountability for the results of every group of children, achievement among black, Latino, and low-income students has improved.

On the longest standing national measure, the National Assessment of Educational Progress (NAEP) Long-Term Trends, results for black and Latino students improved faster than at any time since the 1980s. Instead of the gap-widening we saw during much of the 1990s, we have seen gap-narrowing since that time.

On the main NAEP exam, the percentage of low-income fourth-graders at the Below Basic level in math was reduced by more than half between 2000 and 2015, while the percentage performing at the Proficient or Advanced levels tripled. There was similar improvement among students of color. Among black fourth-graders, for example, the percentage at the Below Basic level in math declined from 65 percent to 35 percent; among Latinos, the Below Basic numbers declined from 59 percent to 27 percent.

High school completion rates are also up, especially for black and Latino students. In 2003, only an estimated 59 percent of black students and 66 percent of Latino

students graduated on time. In 2014, 73 percent of black students and 76 percent of Latino students graduated in 4 years. Among students with learning disabilities, a group of students that many continue to write off as being unable to learn, the percentage earning a regular high school diploma rose from 57 percent in 2002 to 68 percent in 2011.

Let's be clear that laws and regulations themselves don't close gaps and raise achievement. Only the hard work of educators, students, and parents can do that. But smart policy has proved to be an important source of urgency to attend to the needs—and potential—of low-income students, students of color, English learners, and students with disabilities. The NCLB expectation that a school could not be considered successful unless it was successfully improving achievement for all groups of students sparked action in schools and districts that had long been content to coast by on overall averages.

Now to be sure, whether we're talking about reading and math achievement or graduation rates, the gains we've seen as a nation are nowhere near enough.

- When the chances that a young black man will be imprisoned by age 34 drop from 68 percent to 21 percent with high school completion—and fall to 7 percent with a college degree—we cannot stop until we ensure that every young person graduates ready for postsecondary education.

- When elementary reading is one of the most important predictors of high school life opportunities, yet almost half of our black, Latino, and Native children are still reading below the basic level, we cannot stop until we equip every child with the reading skills they need.

- When African American high school students are less than half as likely to reach college-readiness benchmarks as white students, and gaps between Latino and white students persist, we cannot stop until we eliminate the deep inequities within our education system that perpetuate—and even enlarge—these gaps, and provide every single child in America with the education they need to climb the rungs of opportunity in this country.

What does all this mean for ESSA implementation? In short, we need to pick up the pace of improvement—not back off.

Thankfully, the new law crafted by this committee along with your House counterparts contains a number of important levers that education leaders, parents, members of the civil rights and business communities, and advocates can use to advance education equity, including:

- Consistent, State-adopted standards for all students that are aligned with the demands of postsecondary education and work;

- Statewide annual assessment aligned with statewide standards;

- Clear requirements that statewide accountability systems must expect more progress for the groups of students who have been behind, base school ratings on the progress of all groups of students, and expect action when any group of students is consistently underperforming;

- An expectation that States and districts report on and address inequities in the rates at which low-income students and students of color are assigned to ineffective, out-of-field, or inexperienced teachers;

- Continued targeting of Federal funding to the highest poverty schools and districts; and

- Richer public reporting on academic outcomes and opportunities to learn for all groups of students, including, for the first time, school-level, per-pupil spending and access to rigorous coursework.

Taken together, these levers represent key building blocks of an equity-focused school system—one that sets high expectations for all students, provides resources necessary for meeting those expectations, measures and reports progress toward them, and ensures action when any school, or any group of students, falls off track. We thank members of this committee for including them.

The challenge now is to translate the potential of ESSA into improved State and local policies and practices, and, ultimately, improved outcomes for all students. Doing this means that systems developed under ESSA must be responsive to unique State and local contexts and build on the insights of local stakeholders—especially the low-income communities and communities of color with the most at stake.

If these systems are to help generate real improvements, they must build on insights from successful educators, too. While improvement goals must be ambitious, they must also feel achievable. We all know that compliance with expectations is one thing, broad ownership of those expectations is quite another. This difference was painfully clear during the NCLB era.

But let me be clear: Recognizing and honoring the need for State and local decisionmaking does not, as some have suggested, mean that from now on, the U.S. De-

partment of Education should do nothing more than cut checks. Under ESSA, the Department has an important role to play through enforcement, regulation, and guidance, especially when it comes to ensuring that States and localities are taking seriously their responsibility to *all* of their children.

Because in all the celebration of “a return to State and local control” surrounding this law, let’s not forget that the State and local track record of serving the interests of vulnerable students is not a good one. If we had time, I would share with you some examples of State and local leaders who are really moving the needle for their low-income students, students of color, students with disabilities, and English learners. But even today, when such students represent the majority of our young people, there are many, many more examples of States and localities dragging their feet and bucking their responsibilities to these children.

In too many places, State and local leaders have let well-documented inequities in access to opportunities to learn—from rigorous coursework to education funding to strong, well-supported educators—fester.

They’ve made decisions aimed at getting around, rather than living up to, the expectations set by Congress.

- Under the Improving America’s Schools Act, the 1994 reauthorization of ESEA, States were required to hold schools accountable for the “continuous and substantial improvement” of all students, particularly economically disadvantaged and limited English proficient students. Yet only a handful of States actually included subgroup performance in their accountability system. And the majority didn’t even report performance by group.

- Under NCLB, States were required to set goals for the percentage of English learners making progress toward English proficiency. Nine States expected fewer than half of their ELs to make progress toward English proficiency.

- Also under NCLB, States were required to hold high schools accountable for graduation rates. Not only did States game the definition of graduation rates, but they also set exceedingly low expectations for improvement. Over half of States set their improvement target at any progress over the past year, meaning that an increase from 50 percent to 50.1 percent was acceptable. Two States and the District of Columbia actually defined improvement as not losing ground. And as low as these expectations were, States applied them only to students overall, not individual groups of students despite the fact that graduation rates were lowest among low-income students, students of color, English learners, and students with disabilities.

Unfortunately, this reluctance to expect much of schools vis-à-vis their low-income children and children of color didn’t end when States got more flexibility under NCLB waivers. When given the opportunity to do so, most States chose to create school ratings systems that outright ignore the performance of individual student groups. Rather than holding schools accountable for serving each student group, many created “supergroups” that treat students with vastly different needs—such as students with disabilities and English learners—the same.

This track record is why ESSA includes the levers I described above, many of which we at Ed Trust fought for alongside partners in the business, civil rights, and disability communities. It’s why we’ll continue to work alongside our partners to inform State and local implementation. And it’s why the U.S. Department of Education cannot recede into the background and must continue its historic focus on looking out for the children who are likely to come last in State improvement efforts.

Smart Federal involvement can and should establish guardrails for State and local action, assure that the equity goals of Federal education law are honored, and ensure responsible stewardship of the \$15 billion investment in title I that Federal lawmakers make every year.

We’ve seen the Federal government play this role in previous iterations of this law. Going back to the graduation-rate example under NCLB, when States’ efforts to hide, rather than own, their dropout problems became clear, the Bush administration used regulation to enshrine a more accurate graduation-rate definition and ensure that States held schools accountable for making substantial progress in raising graduation rates for all groups of students.

What would State and local decisionmaking balanced with appropriate Federal oversight look like in ESSA implementation? Let me give just a few examples, taken from Ed Trust’s comprehensive public comments on ESSA implementation submitted to the U.S. Department of Education.

- When it comes to assessment, having a consistent measure of student achievement is critical for equity, allowing parents to compare results between districts, educators to benchmark progress on standards, and State leaders to build fair, statewide accountability systems.

States and districts interested in taking advantage of the option for districts to use nationally recognized high school assessments that are different than the statewide high school assessment will need to put in place safeguards to ensure that these assessments are rigorous and truly comparable to statewide tests.

The Department should require States or districts proposing to take advantage of this option to provide evidence that the nationally recognized assessment is aligned to State standards and to submit comparability studies and scoring crosswalks to demonstrate how the new assessment will yield comparable, high-quality data.

- Goals are the cornerstone of meaningful accountability—they must be challenging but feel attainable. And if we are going to close the achievement gaps that have hobbled our Nation for too long, they must expect more progress for the groups of students who are starting further behind. This will be especially important—and challenging—given States' transition to new, more rigorous assessments.

The Department should ask States to clearly explain their goal-setting methodology and clarify the evidence States will need to provide to demonstrate that the goals reflect both ambition and gap-closing. As one example, States could show how their goals are benchmarked against top-performing schools for students overall, and the top-improving schools either for students overall or for student groups, whichever is faster.

- If we're truly going to move the needle on achievement for all, we need progress from students in all kinds of schools, not just the very lowest performing ones, as has been the focus under NCLB waivers.

States will need to establish a rigorous definition of “consistently underperforming” for student groups. When any group is consistently underperforming, that must be clear in the school's rating, and it must prompt action to better serve those students.

The Department should require States to align their definition of consistently underperforming with the statewide goals for each group and clarify that the definition must include not just the lowest performing schools for groups of students, but also those that are consistently not making progress for one or more groups.

In these examples and the other places where the Department can and should regulate, the goal is always to ensure a deliberate focus on equity—on improving achievement for all kids, but especially those whose potential is now being squandered.

ESSA presents an opportunity for developing policies and practices in a truly inclusive way—in a way that responds to the different needs of States and localities, but that never loses sight of the ultimate goal of equity for all students. As the hard work of implementation begins, we urge States and districts to be thoughtful about their new systems. We urge State and district policymakers to involve the community—from civil rights to business to parents to educators—in a meaningful way, from start to finish.

But we know from long experience that, without the levers you provided in the law, the needs of the less powerful will get less attention. That terrible tendency is why Congress has always needed—and continues to need today—a watchful eye in the Department of Education to prevent States from skirting their responsibilities to all children, especially the most vulnerable.

The CHAIRMAN. Thank you, Ms. Haycock.
Ms. Pompa.

STATEMENT OF DELIA POMPA, SENIOR FELLOW OF EDUCATION POLICY, MIGRATION POLICY INSTITUTE, WASHINGTON, DC

Ms. POMPA. Thank you, Chairman Alexander, Ranking Member Murray, and members of the committee, for providing me the opportunity to present testimony this morning.

My name is Delia Pompa. I am a Senior Fellow for Education Policy at the Migration Policy Institute, or MPI, an independent, nonpartisan, nonprofit think tank in Washington, DC, that analyzes U.S. and international migration trends and policies. MPI examines and analyzes the changing demographics of the U.S. pre-K–12 student population and major challenges policymakers and educators face as they seek to respond to the needs of diverse immigrant and English language learner children.

My own work in public school improvement has been shaped by many years of experience leading local, State, and Federal education agencies and national and international organizations. I have deep respect for the bipartisan process led by Chairman Alexander and Ranking Member Murray that resulted in the Every Student Succeeds Act that promises to ensure equity while fostering innovation and excellence.

The primary responsibility for making that promise a reality lies squarely on the shoulders of States and districts. But they can't do it alone. It is critical that the regulatory process ensures that States and districts keep equity, particularly accountability for the progress of all students, at the core of their work and ensures that States and districts engage a wide range of stakeholders in developing and implementing their new accountability and school improvement plans.

While we think there need to be regulations to clarify the law to increase the chances of successful implementation, we also know that regulations alone are not enough. We all have to help States and districts succeed. Already at MPI, we have begun the process of supporting implementation.

Along with community stakeholders, educators, and other national groups, MPI is implementing a strategy in two parts. First, we have analyzed the law to understand new provisions so that we can develop examples for States to consider as they implement particular provisions of the law. The second stage of our work relies on partnerships with a variety of stakeholders in States. We will work with large State coalitions of community groups to increase awareness of the new law and, most importantly, awareness of their right and responsibility to participate in shaping State policy.

English learners are a growing part of the public school population. Today, one in four students in U.S. schools is a child of an immigrant, and one in 10 is an English learner. ESSA includes important policies recognizing the needs and diversity of English learners in an effort to close the ongoing achievement gap between them and other students. However, States will need the law clarified, in many cases through regulation, and they will need ongoing guidance and support in how to achieve improved results, including for English learners.

For example, ESSA requires States to have a standardized process for classifying students as English learners as well as a standardized process for how English learners exit special services. States will need guidelines for the parameters of their definition, however. This will be a policy challenge for all States, particularly for those States that do not currently have standardized statewide processes.

The law also now permits States to include in the English learner subgroup EL students up to 4 years after they have exited special language services. However, by including former English learners, overall scores for the subgroup will rise and may mask the performance of current English learners. The Department should address this issue through the regulatory process. The Federal role in education has been critical to safeguarding the civil and educational rights of English learners, and it is important to ensure

that gains under Federal law are not lost in State and local accountability plans.

We are pleased that parent and family engagement are provided for in this law. Our experience in the past has most often been that in most States this engagement has been perfunctory and superficial. Regulations articulating specific examples of meaningful parent, family, and community engagement in policy development should further the cause of all students.

As MPI moves forward helping States and districts implement ESSA, we share a commitment to smart regulation and guidance that allows for innovation and for local situations but that also provides States with parameters built on the framework of equity set out in the original Elementary and Secondary Education Act. MPI looks forward to working with you, with the Department of Education, and with the breadth of stakeholders who believe in the promise of our school system.

Thank you for this opportunity to share our experience and our aspirations for all children.

[The prepared statement of Ms. Pompa follows:]

PREPARED STATEMENT OF DELIA POMPA

SUMMARY

The Every Student Succeeds Act (ESSA) promises to ensure equity while fostering innovation and excellence. The primary responsibility for making that promise a reality rests squarely on the shoulders of States and districts—but they can't do it alone. It is critical that the regulatory process ensure that States and districts keep equity, particularly accountability for the progress of all students, at the core of their work and to ensure that they engage a wide range of stakeholders in developing and implementing their new accountability and school improvement plans.

It is important to recognize the advancement that ESSA stands to make with respect to English learners (ELs) in K–12. ELs are a growing part of the public school population; today one in four students in U.S. schools is the child of an immigrant, and 1 in 10 is an English learner. ESSA includes important policies recognizing the needs and diversity of ELs in an effort to close the ongoing achievement gap between them and other students. It:

- **Ushers in uniformity with regard to classification of students as ELs and including English proficiency outcomes in States.** ESSA requires States to have a standardized process for classifying students as English learners as well as a standardized statewide process for how ELs exit special services (or how they are reclassified). Regulations are needed to ensure equity.

- **Requires the inclusion of English proficiency outcomes in States' accountability systems.** Yet States will need guidance regarding what "making progress" in developing English proficiency means. This provision is an important example of where more clarification and technical assistance are required from the Department of Education. Clarity on how to measure progress in English proficiency versus measuring English proficiency itself should be embedded in regulations.

- **Includes provisions for parent and family engagement.** This engagement has often been perfunctory in most States. Regulations articulating specific examples of meaningful parent, family and community engagement in policy development could further the cause of equity for ELs and all children.

These new, important EL policies will not be effective if the overall accountability systems that States develop are not strong enough to ensure that schools are held accountable for the success of *all* children. The size and distribution of the EL population continues to grow, and a large and ever expanding number of States and districts will be affected by changes for ELs in ESSA. Consequently, provisions regarding EL students should be as clear as possible to the educators and communities implementing them. Given ESSA's overall thrust of reducing Federal authority in education, ensuring that EL needs are met will be complicated by the fact that education agencies in 50 States and DC will be interpreting the new mandates and perhaps implementing them differently.

If ESSA is to succeed, States will need more support in implementing the law, and will need the law clarified in many cases through regulation. They will also need ongoing guidance and support in how to achieve improved results, including for ELs. We need the Department of Education to provide clarity through regulation that the clock cannot be turned back on progress for all kids.

Thank you Chairman Alexander, Ranking Member Murray and members of the committee for providing me the opportunity to present testimony. My name is Delia Pompa; I am a Senior Fellow for Education Policy at the Migration Policy Institute (MPI), an independent, non-partisan, non-profit think tank in Washington, DC that analyzes United States and international migration trends and policies. Within MPI, the National Center on Immigrant Integration Policy (NCIIP) does significant work in the education arena, examining and analyzing the changing demographics of the U.S. PreK–12 student population and major challenges facing local, State and Federal policymakers and program managers as they seek to respond to the needs of diverse immigrant and English Learner (EL) children.

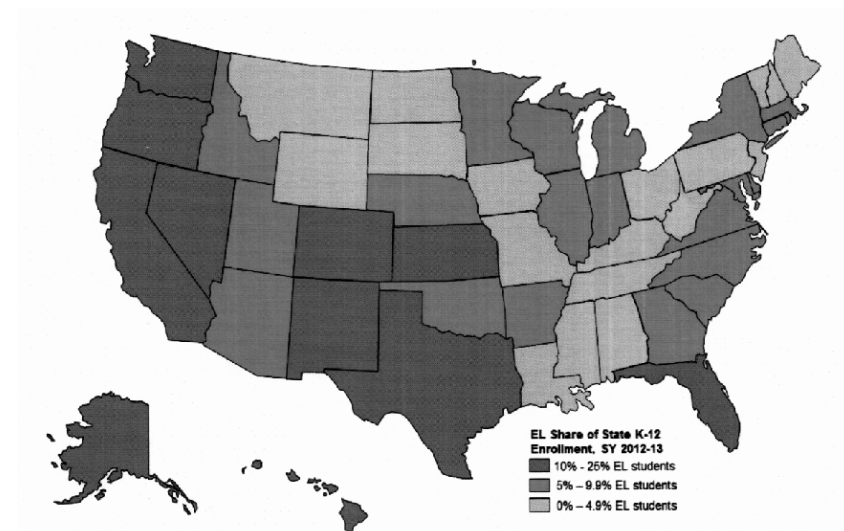
My work in public school improvement has been shaped by many years of experience leading local, State and Federal agencies and national and international organizations. I began my career as a kindergarten teacher in San Antonio and went on to serve as a district administrator in Houston and as Assistant Commissioner of the Texas Education Agency. I was formerly the Director of Education, Adolescent Pregnancy Prevention and Youth Development for the Children's Defense Fund and Director of the Office of Bilingual Education and Minority Language Affairs at the U.S. Department of Education. Immediately prior to my work at MPI, I was Senior Vice President for Programs at the National Council of La Raza.

I have deep respect for the bipartisan process led by Chairman Alexander and Ranking Member Murray that resulted in the Every Student Succeeds Act (ESSA), which promises to ensure equity while fostering innovation and excellence. The primary responsibility for making that promise a reality rests squarely on the shoulders of States and districts, which have been given greater authority under ESSA to interpret the new mandates. But they can't do it alone. It is critical that the regulatory process ensure that States and districts keep equity, particularly accountability for the progress of all students, at the core of their work and ensure that States and districts engage a wide range of stakeholders in developing and implementing their new accountability and school improvement plans.

In addition, it is important to recognize the great advancement that ESSA could make with respect to English learners in K–12 classrooms. ESSA includes important policies that recognize the needs and diversity of ELs in an effort to close the ongoing achievement gap between them and other students. The bill also crucially improves accountability for how ELs are achieving—an expansion of the last reauthorization of the Elementary and Secondary Education Act (ESEA). ESSA responds to the reality that ELs are a large and growing part of the U.S. public school population. Given ESSA's overall thrust of reducing Federal authority in education, however, ensuring that EL needs are met will be complicated by the fact that education agencies in 50 States and the District of Columbia will be interpreting the new mandates and perhaps implementing them differently.

Today one in four students in U.S. schools is the child of an immigrant; 1 in 10 is an English learner. Improvements in accountability and instruction provisions in ESSA will raise outcomes not just for these children, but also overall student achievement in the growing number of States and districts where they are a significant portion of the school population. In 2014 the Department of Education reported that nearly 5 million students in the U.S. K–12 system—or roughly 10 percent—were ELs. But their relative concentration ranges widely by State and district: fully 23 percent of California's students in 2014 were English learners, as were 40 percent of students in the Denver Public Schools. Consequently, provisions regarding EL students should be as clear as possible to the educators and communities who will implement them. As indicated in the charts below, the size and distribution of the EL population continues to grow. The numbers and their location are a clear indication of how many States and districts will be affected by changes for ELs in ESSA.

Map 1. States with the Highest English Learner Student Density, SY 2012-13



Source: Migration Policy Institute (MPI) calculations based on data obtained through the U.S. Department of Education, “ED Data Express Tool,” accessed February 23, 2015. Data on total student enrollment derive from the Common Core of Data (CCD). Data on enrollment of EL students by State derive from the “Consolidated State Performance Report” (CSPR).

Table 1. Top 15 States with Highest English Learner Student Enrollment in Public Schools, SY 2012–13

State	EL Enrollment	Total K–12 enrollment	Percent ELs among K–12 students
United States	4,851,527	49,474,030	9.8
California	1,521,772	6,213,194	24.5
Texas	773,732	5,077,507	15.2
Florida	277,802	2,692,143	10.3
New York	237,499	2,708,851	8.8
Illinois	190,172	2,055,502	9.3
Colorado	114,415	863,121	13.3
Washington	107,307	1,051,694	10.2
North Carolina	102,311	1,506,080	6.8
Virginia	99,897	1,263,660	7.9
Georgia	94,034	1,703,332	5.5
Arizona	91,382	1,087,697	8.4
Michigan	80,958	1,513,153	5.4
Nevada	77,559	445,017	17.4
Massachusetts	71,066	954,507	7.4
Minnesota	70,436	845,291	8.3

Notes: National EL enrollment totals do not include outlying territories such as Guam, American Samoa, the Marshall Islands or Puerto Rico. The share of ELs among K–12 students was calculated by dividing EL enrollment by total K–12 enrollment for all States and the Nation.

Source: MPI calculations are based on data obtained through the U.S. Department of Education, "ED Data Express Tool," <http://eddataexpress.ed.gov/index.cfm>. Data on total student enrollment derive from the Common Core of Data (CCD). Data on enrollment of EL students by State derive from the Consolidated State Performance Reports (CSPR).

Table 2. Top 25 School Districts by EL Enrollment,
SY 2011–12

District/Agency Name	State	EL enrollment	Total K–12 enrollment	Percent ELs among K–12 students
Los Angeles Unified	CA	152,592	659,639	23.1
New York City*	NY	142,572	968,143	14.7
Clark County	NV	68,577	313,398	21.9
Dade County	FL	66,497	350,239	19.0
Dallas Independent	TX	56,650	157,575	36.0
Houston Independent	TX	54,333	203,066	26.8
City of Chicago	IL	53,786	403,004	13.3
Fairfax County	VA	36,551	177,606	20.6
San Diego Unified	CA	36,453	131,044	27.8
Santa Ana Unified	CA	32,170	57,250	56.2
Orange County	FL	28,311	180,000	15.7
District 1 County of Denver	CO	25,417	80,890	31.4
Hawaii Department of Education	HI	24,750	182,706	13.5
Broward County	FL	24,143	258,478	9.3
Hillsborough County	FL	22,474	197,041	11.4
Fort Worth Independent	TX	21,913	83,109	26.4
Austin Independent	TX	21,751	86,528	25.1
Long Beach Unified	CA	20,746	83,691	24.8
Garden Grove Unified	CA	20,743	47,999	43.2
Montgomery County	MD	20,580	146,459	14.1
Gwinnett County	GA	18,968	162,370	11.7
Palm Beach County	FL	18,698	176,901	10.6
Fresno Unified	CA	17,536	74,235	23.6
San Bernardino City Unified	CA	17,488	54,379	32.2
San Francisco Unified	CA	17,083	56,310	30.3

Notes: Data are based on district or agency reports. "New York City" includes 32 districts across the city's five boroughs. The share of ELs among K–12 students was calculated by dividing EL enrollment by total K–12 enrollment for all districts or agencies.

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency (School District) Universe Survey," 2011–12 v. 1a; "State Nonfiscal Public Elementary/Secondary Education Survey," 2011–12 v. 1a, <http://nces.ed.gov/ipeds/data/default.aspx>.

In order to get the results we all hope for—for every student to graduate high school prepared for college or career—we have to do more to support States in implementing the law. States will need the law clarified in many cases through regulation and they will need ongoing guidance and support in how to achieve improved results, including for ELs. My organization, MPI, has specific recommendations on how Federal regulations could help guide States and districts onto a path for success, and we stand ready to help States develop successful plans that meet their individual States contexts.

ACCOUNTABILITY FOR ALL STUDENTS

The focus of my remarks is on the need for effective implementation of provisions relating to ELs. But the bottom line is that the new, important EL policies I mentioned will not be effective if the overall accountability systems that States develop are not strong enough to ensure that schools are held accountable for the success of *all* children. The Department of Education should provide clarity through regulation that the clock cannot be turned back on progress for all kids. This country cannot go back to a time when the performance of subgroups of students was masked by high-performing students. It is my organization's hope that the regulations will be strong in this area.

ENTRY AND EXIT CRITERIA FOR ENGLISH LEARNERS

It is encouraging that ESSA is ushering in uniformity with regard to classification of students as ELs, and including English proficiency outcomes in States. ESSA requires States to have a standardized process for classifying students as English learners as well as a standardized statewide process for how ELs exit special services (or how they are reclassified). Up until now, many States have had a hodgepodge of EL entry-and-exit criteria across districts within a State, resulting in inconsistent assessment of needs and provision of services for students. Under ESSA, the entry and exit of ELs from services will be consistent at least within States, thus allowing educators to better serve students with high rates of mobility and making the definition of an English learner consistent across the State. However,

States will need guidelines for the parameters of their definition; they will need support for how to develop criteria for entry and exit. Given the complexity of new assessments, they will also need regulations for the inclusion of English proficiency in overall accountability as it relates to entry and exit. This will be a policy challenge for all States, particularly for those that do not currently have a standardized statewide process.

ENGLISH PROFICIENCY AS AN INDICATOR

This provision is an important example of where additional clarification and technical assistance are required from the Department of Education. Regulations that define parameters for how English proficiency will figure into a State's academic indicators should take into account the size of the English learner population in a particular State, growth in proficiency levels in the EL population and EL grade level distribution. Certainly clarity on how to measure progress in English proficiency versus measuring English proficiency itself should be embedded in these regulations. Fortunately, there is a body of research from which to define these parameters and examples from States on how to operationalize this knowledge. The Department should define parameters for ensuring that English proficiency outcomes are included in a manner that reflects analysis of existing data and best practice. Doing so is key to fulfilling the law's intent to include the full spectrum of English learners' performance in accountability.

PROGRESS ON ENGLISH PROFICIENCY

The newly required inclusion of English proficiency outcomes in States' accountability systems is also encouraging. Yet States will need guidance regarding what "making progress" in developing English proficiency means. Requirements elsewhere in the law require reporting on EL students who have not reached proficiency within 5 years of their enrollment. Does that requirement signal that English proficiency should be reached within that timeframe and what increments should that reflect? How should grade level and level of English at entry be taken into account? The answers to these questions present a policy challenge to States without strong regulation from the Department of Education.

ENGLISH LEARNER SUBGROUP

The law now permits States to include in the EL subgroup former English Learner students up to 4 years after they have exited special language services. Including former English learners in the EL subgroup allows States and districts to present a more robust picture of how well their English learner students are progressing after meeting exit criteria. However by including former English learners, overall scores for the subgroup will rise and may mask the performance of current English learners. The Department should address this issue through the regulatory process, requiring States to carefully disaggregate and monitor achievement for current English learners and to address any downward trends in performance as soon as they are noted.

PARENT, FAMILY AND COMMUNITY ENGAGEMENT

The Federal role in education has been critical to safeguarding the civil and educational rights of English learners, and it is important to ensure that gains under Federal law are not lost in State and local accountability plans. This will mean an increased need for broader and deeper dissemination of what research has yielded about this group of learners. It will also mean consultation with all stakeholders who count on this law to support an equitable and excellent education for all English learners.

Parent and family engagement are provided for in this law. Our experience has most often been that in most States this engagement has been perfunctory and superficial. Regulations articulating specific examples of meaningful parent, family and community engagement in policy development should further the cause of equity for English learners and all children.

MPI IMPLEMENTATION EFFORTS

While we think that there need to be regulations to clarify the law to increase the chances of successful implementation, we also know that regulations alone aren't enough—we all have to help States and districts succeed. Already at MPI, we have begun the process of supporting implementation of ESSA in a manner that engages diverse stakeholders along with educators. We began this effort by publishing a summary of English learner provisions in ESSA through a variety of networks.

MPI is also working in coalition with other groups to address ESSA implementation. Along with community stakeholders, educators and other national groups, MPI is implementing a strategy in two parts. First, we have analyzed the law to understand new provisions. That process will continue through development of guidance and regulation, culminating in providing examples for States to consider as they implement particular provisions of the law. In response to great interest and some uncertainty about some provisions, we have scheduled presentations to State directors and school board members. We will continue our work assessing the size, distribution and characteristics of the EL population, as well as key subpopulations including long-term ELs and those with disabilities.

The second stage of our work relies on partnerships with a variety of stakeholders in States. We will work with large coalitions of immigrant community groups to increase awareness of the new law and awareness of their right and responsibility to participate in shaping State policy. Leveraging MPI's expertise, strong dissemination capacities and ability to attract and work with a variety of stakeholders, we will be uniquely well-positioned to the development of policies for ELs that yield improved outcomes and support for their champions to ensure that responsive policies are adopted. Immigrant and community groups have a natural interest in education. Education has long been viewed as the most critical element of integration into U.S. economic and civic life by immigrants.

As MPI moves forward helping States and districts implement ESSA, we share a commitment to smart regulation and guidance that allows for innovation and for local situations, but that also provides States with parameters built on the framework of equity set out in the original Elementary and Secondary Education Act. MPI looks forward to working with you, with the Department of Education and with the breadth of stakeholders who believe in the promise of our school system. Thank you for this opportunity to share our experience and our aspirations for all children.

The CHAIRMAN. Thank you, Ms. Pompa, and thanks to all of you. It's been an excellent and diverse set of recommendations. Now, we'll begin a round of 5-minute questions.

Governor Herbert, let's start with you. Over the weekend, the National Governors Association announced not only its national coalition to help with the implementation of the law but State-by-State coalitions. How will that work?

Governor HERBERT. It's based on the common sense idea that together we can get things done and separately we have some challenges. With laws that are put together by State or Federal law, it's too often that we get put in siloes and don't work together.

I know we have a culture in Utah of collaboration and cooperation. In fact, the U.S. Chamber of Commerce recognized us as the No. 1 enterprising State and said the reason for that was our ability to cooperate and collaborate in Utah better than any place they've seen in America. That's the spirit we need to bring together to bring these coalitions together and make sure that we realize the promise of ESSA by making sure that all stakeholders are working together and pulling together.

The CHAIRMAN. Thank you, Governor Herbert.

Ms. Weingarten and Ms. Pringle, let me ask you both a question. Each of you as well as other witnesses talked about time. What we have before us is a rare opportunity in Federal education policy. We have a law that we would all agree is hard to do, hard to pass, and that means every State will need to submit a new plan within the next year or so for its title I and title II moneys.

And the likelihood that, given the difficulty of passing the law, plus, I think, the general feeling that the law is well written and good policy—that, plus the fact that these plans don't have to be amended unless there are major changes in them later, we actually may be headed toward a period where we have real stability in Federal education policy, leaving States and classroom teachers

and chief State school officers and others a chance not to worry so much about changes every 6 months in Washington.

One of the major changes has to do with teacher evaluation. You know from my background that I think, since I don't know how to pass a better parents law, that finding a way to fairly reward outstanding teaching is the holy grail of public school education. In Tennessee, we got involved with that early. But I did not believe when I got to Washington that we should tell everybody how to do it and make them do it from here.

So we're going from a situation where Race to the Top and the conditional waivers had very prescribed mandates—not just to have teacher evaluation, but how to do it—to a situation where the Secretary is actually prohibited from doing that. Now, what's going to happen with the objective of teacher evaluation? What are the teachers unions going to do about the importance of finding fair ways to reward outstanding teaching? And how do you see the U.S. Department of Education's role? How has its role changed insofar as how States will go about that?

MS. WEINGARTEN. We've actually given that a great deal of thought, so thank you for the question. I don't mean this to be in any way other than how I hope people take it. I'm a pretty simple kind of gal. I think about teacher evaluation, as do my leaders and members, in a very simple kind of way, which is: Do I or does a cohort of educators have the tools and conditions to do their job?

And then the second two questions: Have you done your job? Have you taught the things that you have been asked to teach or that you believe is important to teach on a day-to-day basis, a week-to-week basis? And then the third question is: Have kids learned it? And if kids have not, then the question is why.

I say it that way because we need to get back to something that's very accessible to both teachers and to parents in terms of what is within the teacher's scope of responsibility and has she done that, and have you done that, and have we done that on a school level and on a district level. That's what the opportunity here is to reset.

We often talk about moving from——

THE CHAIRMAN. My time is about up. I want to give Ms. Pringle an opportunity. If you have anything——

MS. WEINGARTEN [continuing]. It's moving from test and punish to support and improve, and I think that there's an opportunity to do that now throughout the country.

THE CHAIRMAN. Ms. Pringle.

MS. PRINGLE. Part of the beauty of this law is the requirement that we collaborate and that we not only listen to the voice of teachers but we include them in decisionmaking. Teacher evaluation could not be a better example.

One of the challenges that we had with all of the mandates that you just described, Senator, is that the teacher evaluation systems were based—the premise of them—they were rooted in the test and punish. It was about getting rid of bad teachers or even rewarding good teachers instead of actually being rooted in students and student learning and student improvement. That's a completely different paradigm to approach it.

When we talk about teacher evaluation, of course, we want to talk about indicators of teacher practice. We want to talk about

how we have an evaluation system that informs our teachers so they can improve their professional practice.

We also need to talk about indicators of teacher contribution and growth, not only to their students, but to the profession and to the school community, et cetera. And, of course, we need to talk about indicators and contributions to student learning and student growth. But we've got to root it in the idea that evaluation is about improving professional practice so that all students can learn. That's a very, very different paradigm.

I will tell you—and I know the AFT has done this as well—that we put together an accountability and evaluation task force that came up with recommendations on exactly how to do that and take a look at teacher evaluation from the perspective of the entire continuum, from pre-service all the way to what we hope will be advanced certification for all teachers.

The CHAIRMAN. Thank you, Ms. Pringle.

Senator Murray.

Senator MURRAY. Thank you.

Ms. Haycock, you mentioned in your testimony that in the past 14 years under No Child Left Behind we have seen the achievement gap narrow in both academic achievement and in high school graduation rates. Now, under the Every Student Succeeds Act, we're going to see a lot of the responsibilities of Federal Government under No Child Left Behind shift to our States.

In your many years of experience working at the State and Federal level, what could be some of the unintended consequences of this shift without corresponding implementation of the strong Federal guardrails?

Ms. HAYCOCK. Thank you, Senator. I think it's clear from lots of experience that if we don't clearly enforce the guardrails that are in the law, you do one of two things. For leaders that are really trying to focus on equity, you take away the leverage that they need to do their work effectively. For leaders that are a little more recalcitrant, which, unfortunately, too many are, you take away all the pressure to do the right thing by kids.

Fortunately, you put important guardrails in the law around a variety of things, but most specifically around accountability. And the best way to make sure that those guardrails actually provide the leverage that strong leaders need is to make sure of two things: one, that there is enforcement, that there's not just a wink and a nod in the Department of Education that said, "Well, Congress didn't really mean that," because I think you did; and, second, for those of us on the ground to actually do the advocacy work, to actually participate meaningfully in developing coalitions and being at the table, and that's what we intend to do.

Senator MURRAY. Dr. Evers, in sending so much new power to the States, I believe it's really critically important that a diverse group of stakeholders provide input and inform how States implement the law. I was glad to hear that you're planning to engage stakeholders, including civil rights leaders and parents, in the implementation process.

I wanted to ask you specifically what steps will your organization take to engage these groups across all of our States, and how will

you ensure that a wide range of stakeholders have meaningful input into the implementation of the law?

Mr. EVERS. Thank you so much for addressing that question. Something very important to me and important to our folks in Wisconsin, in particular, is that we need to have a broad group. Clearly, our teachers are really an important part of that. But, also I have to be frank with you. In my role as State superintendent, the opportunities to reach out to people that haven't been at the table—ESSA has really given us an opportunity to do that.

We're already beginning that outreach process. We should have a group of folks together in the very near future, probably by spring or mid spring. So we feel that that's a step in the right direction, and it's also going to be giving us a chance to permanently engage people on a whole variety of issues that, frankly, have nothing to do with ESSA but are important to our State.

The question you raised about other States is an outstanding question. But it's my observation that other States have good stakeholder involvement. Our organization meets regularly where we can share good practices, and this is one that we can share, and I feel confident that most States have that piece in place going forward.

Frankly, I think some of the conversation here is around why States should be trusted. I understand that issue, and all I can say is NCLB had lots of issues related to it. But the best thing about it is for the first time ever, we took a look at subgroups, groups of young people that were failing and were covered up by the folks that were not failing or were not struggling. That was an embarrassment for all States.

I can't imagine in my wildest dreams that any State that has engaged NCLB on this issue would suddenly back away from that. That seems illogical to me. I feel confident that States can be trusted on this. I can assure you that it is in our State. It's an important piece going forward.

Senator MURRAY. I just have a few seconds left. Ms. Weingarten or Ms. Pringle, whoever grabs it first, how are we going to make sure that teachers' voices are heard during the implementation process? Are your organizations moving forward on that?

Ms. PRINGLE. Yes, absolutely. As I said in my testimony, we're bringing in leaders from all over the country. One of the things that we are doing differently is we're listening as well, and we are creating the space and preparing for what I'll call the psychological preparation of our teachers to move forward and to lead. I think we've all been suffering from Stockholm syndrome. I really do. I think this is an opportunity that we're going to take, that we are taking, and we're stepping up.

We are building cadres of people, but we're also building training for them in instructional practice and policy. We're pulling together groups of teacher leaders so that they can be prepared to take that leadership and to go beyond having their voice to actually creating solutions that work for our students.

Senator MURRAY. Very good. I'm out of time.

The CHAIRMAN. Thanks, Senator Murray.

Senator Bennet.

STATEMENT OF SENATOR BENNET

Senator BENNET. Thank you, Mr. Chairman, and I want to thank you and the Ranking Member, Senator Murray, for your leadership on this bill. You really have led a historic discussion about what the role of the Federal Government ought to be with respect to education, the role of State and local governments ought to be with respect to education, and I believe you've come out in the right place.

For many years, in discussions around how to reform our education system, we've used a command and control approach, and we've set off—and that flexibility is something that has to be earned. Demonstrate results and we will give you flexibility.

My view is that we ought to be doing exactly the opposite of that. We should be assuming flexibility, and where results are not delivered, we begin to take that flexibility away. We begin to impose interventions that are necessary, because let's be honest. Notwithstanding everything that we've done over the last 15 years, if you're a poor child living in America, you really don't have a shot at a good education. You don't. And the results are terrible for too many of our children living in poverty.

Too many of them don't have access to high-quality or any early childhood education. Too many of them, the vast majority of them, I would contend, live in communities where the K–12 schools are schools that not a single person on this panel would ever send their kids.

And because college has gotten so expensive—for a variety of reasons—but because it's gotten so expensive that for people living in the bottom quartile of income earners, it costs them 85 percent of their net income, whereas for people in the top quartile, it's only 15 percent of their net income, it is not an overstatement to say that for too many of our children living in poverty, our system of education is actually reinforcing the income inequality we have rather than liberating people from it.

I would trade everything, all the other policies we talk about, all the other government—what we do in our tax code, everything, if I knew that every poor kid in America had a shot at great early childhood education, had a shot at a K–12 school that I'd be proud to send my kids to—and I say that as the parent of three daughters that are in the Denver public schools—and had a shot to go to the best college they got into without bankrupting their family and without shackling themselves to a lifetime of having to pay debt.

So we've made a decision here after this debate to change the roles of these governmental institutions. But that doesn't mean that we've solved the problem. Ms. Pringle said in her testimony that this is a moment about building the future of our students, not looking back at the past. I say amen to that, because what we know is the traditional approach to educating children living in poverty will not work for our children living in poverty.

So my question for the panel—and I'm sorry to go on for so long, but we know it won't work. We know it won't work. So my question for the members of the panel is: As we move away from this compliance-driven approach, how do we assure that we take advantage of opportunities for change and innovation? How do we use this flexibility for the benefit of our children so that 15 years from now,

we're not sitting here saying we've dropped from first to 16th in college graduates, and now we're at 32nd? How do we say we've reclaimed the lead, and we know that, finally, America is living up to its promise to be the land of opportunity because we have seen kids, no matter what their circumstances are, have the right to a high-quality education?

This is a civil rights law. It's the only reason for us to be in this business in the Federal Government. So, Governor, maybe we'll just start with you and work our way down the panel and see if anybody would like to respond.

Governor HERBERT. As you've waxed eloquently there, I can tell it's a complex issue, and, certainly, we need to have the desire and the goal to improve people's lives. I believe States are solving problems better at that State level and improving people's lives better than a one-size-fits-all approach that too often stymies our ability with Federal law.

I'm better qualified to talk about Utah than all the other States, but I do recognize lifting people out of poverty is a key issue. I'm proud to say that in Utah, the child poverty rate is 13.3 percent where the national average is 27 percent. Our overall poverty rate in Utah is 10 percent. The national average is 15 percent. We're a third lower.

We're making a significant effort to make sure that everybody has an opportunity for a good education. We've equalized funding so that no matter whether you're in the rural poverty areas of Utah or the urban better economic standing areas, you have the same opportunity to have an equal education. That really is the key to sustained economic growth—is education. We recognize that.

I do find it puzzling that somehow we think that the Federal Government has got more concern about our students in our State than the local States and the teachers and the families and the parents. I don't think that's true. I think it is a team effort. We've got to work together in a collaborative fashion and see what we can do to have the goal to be No. 1, and let's work together to achieve that.

The CHAIRMAN. Senator Bennet asked all of you the question, but he's run out of time. So you could respond in writing, or we might have time for a second round of questions.

That's a great question. But I want to make sure the other Senators have a chance to ask their questions.

Senator Whitehouse.

STATEMENT OF SENATOR WHITEHOUSE

Senator WHITEHOUSE. Thank you, Chairman.

Ms. Weingarten, you, I think, asked the question of the day, which is what do we want to see from all of this effort. Certainly, what I want to see is curriculum expanded. It contracted because of the testing requirements, and the most impoverished schools ended up with the most impoverished curriculums, and we lost a lot of kids because the thing that they were passionate about wasn't on the curriculum any longer. That would be one.

The second would be some serious middle school accountability. Those were the forgotten years, and this bill for the first time puts some focus there. And, finally, I'd like to see some real innovation

take place. I know the innovation schools effort has run afoul of opponents who worked during the quiet of the reconciliation process between the House and the Senate bills to minimize that. But I think and I hope that we can, through the public process, try to reinvigorate that.

There are two areas where innovation is key. One is where you have a failing school. And to me, a failing school is like a school on fire. You don't run the firefighting through a bureaucracy in Washington. You do what you need to do to get that school right, and you learn through our laboratories of democracy.

And, second, you've got to be able to start innovation schools in our public school system. No school can now see a real capacity to do that if they have to get through the bureaucracy of their local school department and at the same time have to get through the bureaucracy of their State school department and at the same time have to get through the bureaucracy of the Federal education department.


The idea that one little school can line those three things up has basically meant that the whole enterprise has been dead in the cradle, and I would really like to see that revived. So those are the three things that I think I'm looking for most in this.

Ms. Weingarten, let me ask you—one of the ways we opened up curriculum was to take the pressure off some of the testing. One of the ways we took the pressure off the testing was to require that there be a dashboard of alternative measures. We live in a world of data. There's tons of data out there.

What do you think are the best data points that can be used in the existing data stream that's out there to provide a good dashboard for whether an individual school is performing well or not without having to burden it with this insane testing regime we were under?

Ms. WEINGARTEN. I'd be happy to share what I held up, because the point in this piece of paper is to actually help school teachers and parents and people in communities take the words that a lot of us use and translate it into real life. There are a lot of these data points on this piece of paper, Senator Whitehouse, and I'd be happy to share it with you.

[The information referenced above follows:]


 A Union of Professionals
 American Federation of Teachers, AFL-CIO

A Framework of Indicators for School Success

Academic Outcomes	Achievement on assessments	Standardized test results (proficiency, growth, disaggregated) Performance assessment results from common state tasks AP/IB or other college readiness tests
	Graduation and progression through school	Four-, five- and six-year adjusted cohort graduation rates Proportion of eighth graders who progress to ninth grade Dropout rates
	Career and college readiness	Students who have completed college prep coursework, approved CTE sequence, or both Students meeting standard on graduation portfolios, industry-approved certifications, licenses, or badges recognized by postsecondary institutions and businesses
Opportunity to Learn	Curriculum access and participation	Full curriculum including science, history and the arts Rigorous courses and programs (e.g., college preparatory, AP) Standards-based curriculum materials and technology resources
	Access to resources	Ratios of teachers, counselors, nurses, paraprofessionals and specialists to students Teacher certification and length of teaching experience Safe and adequate facilities
	School climate	Evidence from student and staff surveys about school offerings, instruction, supports, trust and belonging
	Teachers' opportunities to learn	Access to, and participation in, professional development
Engagement & Support	Student	Attendance and chronic absenteeism Suspensions and expulsion rates Student perceptions of belonging, safety, engagement and school climate on student surveys Student attitudes toward learning Indicators of social-emotional skills Indicators of social-emotional supports
	Parent and community	Indicators of participation and engagement from parent surveys
	Teacher	Indicators of participation and engagement from teacher surveys

Disaggregated, change over time, compared to district and state

Produced by the AFT, adapted with permission from: Pathways to New Accountability through the Every Student Succeeds Act (SCOPE and LPI, 2016).

Ms. WEINGARTEN. I'll give you one example. Take the issue of chronic absenteeism, and this goes to Senator Bennet's question, too. When you see persistent poverty, you may also see chronic absenteeism. That's a data point that now can be used in the new accountability guardrails, but wasn't used before. That raises a lot of issues in terms of what can we do for kids who are chronically absent.

First, we have to get them in school. But if we don't have that chronic absenteeism as a data point, then how are we going to get the services to get them back in school? It also goes to how are we going to get the social-emotional services that will help kids be ready to learn? So that's one example.

Another example is the issues around resilience and engagement. I'm a big believer in career tech-ed, project-based instruction, because of the engagement. If we can get kids into schools and want to be in schools and want to be in either art or music or a project, that's half the battle. And then resilience is also important and trying to figure out data points around resilience, because all of us fall down. How do we help kids get up?

So we're looking at strategies that can be replicated, because the bottom line is that what has happened in schooling in the last 20 years—there's been some incredibly good examples. But we don't know how to sustain, and we don't know how to replicate.

Senator WHITEHOUSE. In my last 10 seconds, I'll jump in and ask Dr. Schuler—if you have specific examples of unnecessary, redundant, uncoordinated information that's being sought, please let us know. I think the Department of Education needs to take a clear message from this bill that they need to align what they're doing much, much better with what's happening locally and become less of a stifling effect and more of an invigorating one. I think that's a bipartisan sentiment here. Let us know examples, and we will be your advocates.

The CHAIRMAN. Thank you, Senator Whitehouse.

Senator Cassidy has suggested we go on to Senator Baldwin and then he'll go after that.

Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman.

One thing that we know that No Child Left Behind got wrong was its one-size-fits-all intervention scheme. It prescribed federally determined interventions for all schools that didn't move the needle for children who are struggling.

I was proud as a part of our committee and floor process to support a new focus on resource equity in ESSA. Specifically, under the new law, school districts will need to work with both comprehensive improvement and target support schools in order to more equitably allocate funding, outstanding teachers, and other very, very important resources.

I want to direct this question to Becky Pringle and Randi Weingarten. I want to ask you, from your perspective, how urgent is the issue of resource equity, and what, in your mind, can be done to see that these provisions are implemented effectively over the months to come?

Ms. PRINGLE. Senator Baldwin, thank you for that question. We talked a lot about the opportunity dashboard as ESSA was being reauthorized, and we identified resource equity issues from having a counselor to help shepherd a student through the application to college and financial aid to having access to AP courses, to science and math, to arts and music. And we talk a lot about that resource equity.

But, the reality is when you visit schools—and I just came from Patterson, NJ, where we did a walk-in there to talk about the schools our students deserve. And I had an escort, a little fifth grader, who took me around the school, and he's very proud. But he told us as we were walking—he said, "You know, I don't go to the bathroom anymore, because it's too filthy, and I don't feel safe there." Now, when you have a student who doesn't have safe bath-

rooms to go to, we're talking about Maslow's hierarchy of needs here, I mean, basic things.

As I go to schools and visit schools where they have a bank of computers sitting in the back because they're 10 years old, that's a resource equity issue, and that's what we are so hopeful about with ESSA, that we've created this dashboard to actually hold schools accountable for addressing those real issues for real kids. So the resource equity issue is absolutely essential. And when we talk about serious accountability, that must be a part of everything we do for our kids.

And one more thing to Senator Bennet's question. We talk a lot about poverty and the impact on our schools. I need and want the Senators to think about racial justice in education. Far too many of the kids that don't have bathrooms they can go to look like me. We need to address that issue. We need to take it head-on, and we need to redouble a commitment to addressing the fact that too many of our kids who look like me go to schools that don't have a physics teacher or a computer. We need to address that.

Ms. WEINGARTEN. I want to build on what Becky said. At the end of the day, the districts around Detroit would not have the mold and the black mold and a technology school that doesn't have the Internet, and the suburban districts would never have that, and that's part of what resource equity is. That's part of what LBJ thought about when he first pushed the ESEA in the first place. So we need to make it real.

But I want to go to the next step of the hierarchy of needs, to something that I think Kati and others were getting at before, which is the most important thing we can do, I think, in terms of the intervention strategies and using resource equity is how do we turn around schools that are struggling. How do we get great teachers to go and to stay? That's part of resource equity, too.

Take teacher residencies, which tend to be some of the best things we can do right now. How do we get the money to actually have teacher residencies and for teachers to actually stay in schools of need? That's part of what resource equity is.

Senator BALDWIN. I note that I've come to the end of my time. I had a second question that I'll submit for the record unless we get a second rotation.

The CHAIRMAN. Thank you, Senator Baldwin.

Senator Cassidy has deferred to Senator Franken.

STATEMENT OF SENATOR FRANKEN

Senator FRANKEN. I thank my friend from Louisiana.

I visited a number of schools in Minnesota that have done a really good job partnering with community-based mental health providers to expand students' access to mental health services. And after these visits and after talking with experts about mental health needs of students, I introduced my Mental Health in Schools Act, and I'm pleased that we incorporated many of its provisions into ESSA.

My provisions will allow schools to work with community-based organizations and mental health providers to get students mental health screening, treatment, and referral services. This is my question to anybody and everybody. As States begin to develop their

plans to comply with the new law, can you talk about any strategies you've developed to help States expand mental health services for students, for kids?

Anybody?

Mr. EVERS. Thank you, Senator, for that question. Mental health is a huge issue in our State and across the Nation, mental health of young folks. And, luckily, at the State level, we've just passed a law to make it easier for mental health professionals to actually go to schools and provide services there.

The question you raise, though, is really, I think, directed exactly to where ESSA is, and that's identifying schools and kids that are struggling and providing local solutions for that. It kind of gets at the whole community schools opportunity, where we start to address mental health issues with people onsite, where we're able to provide dental health issues onsite, where we bring in community activists who really help the school connect with the community.

I think mental health is a major reason for the community schools movement, and I believe as we work with our schools that are struggling, those sorts of services will be at the crux of it, because, yes, we want people to do well on tests, but, frankly, the issues that struggling kids have are probably not in that arena. It's in the arena of their health and making sure that they're socially and emotionally competent, and community schools can make that happen.

Senator FRANKEN. I know that in the schools I visited, when you had the mental health provider in the school, it made a huge difference, and, actually, in some of the schools I went to, I heard that kids would high-five their therapist in the hall. It reduces stigma and it helps the teachers.

Let me move on to the way we do testing. I think what we did was we understood that the high-stakes, mandated testing, one-size-fits-all, didn't work. I like annual testing because I think you get to measure growth. But we did not mandate growth in this as a measurement. I think proficiency is a very bad—I thought we discovered that was not—that didn't work, and it was a lot because teachers would focus on the kids just above and just below proficiency to get their numbers up. How are we going to approach testing, not having redundant testing?

I'm going to go to Dr. Evers again, because you're the State guy. How are you going to reduce unnecessary testing, but also approach this central issue?

Mr. EVERS. First of all, in the State of Wisconsin, growth is part of our accountability system, and it's in State law, and we will continue to emphasize growth as you mentioned.

Senator FRANKEN. Is that something you did during the waivers?

Mr. EVERS. No, we've done that all along.

Senator FRANKEN. Oh, OK.

Mr. EVERS. Right from the get-go. But the issue about testing—I'm a supporter of annual standardized tests. I think they have value. But we have gotten to a place—and I know I can't get through this in 18 seconds—but a place where we've—

Senator FRANKEN. I just have to get done by my time. You can take—

[Laughter.]

Mr. EVERS. OK. Well, let me—

Senator FRANKEN. You can try the chairman's patience all you like.

Mr. EVERS. We oversold what standardized testing is. Quite simply, what it is is it provides a snapshot of 1 day at a computer or working on a test, and it provides information to parents and teachers for that point in time. It gives the State and the Federal Government information about growth.

But, to me, a lot of the standardized testing preparation should never be done. What is going to be measured on a standardized test is what teachers do every single day in the classroom. And the idea of prepping for standardized testing is a huge issue, and we can move away from that if we start to understand the limited use of standardized tests. But it also has gain, and I appreciate our friends from the teaching profession on this. But we need to look at other tests that are done locally and provide guidance and thought around that.

I have to believe that there is some over-testing in that area. I'm not bailing out on our end of it, the State end. But we need to take a good look at that. At the end of the day, the issue likely is more about how those tests results are used rather than the amount of testing.

For the State of Wisconsin, it's three—about the maximum of 3 hours per year on standardized tests for any grade level that's being tested. I think that's reasonable. But the ongoing, day-to-day testing in our schools just needs to be looked at.

Senator FRANKEN. Thank you.

I'm sorry, Mr. Chairman, for giving the witness permission to try your patience.

[Laughter.]

The CHAIRMAN. It's all right, Senator Franken. Thank you for the good questions.

Senator Cassidy.

STATEMENT OF SENATOR CASSIDY

Senator CASSIDY. Franken said he had to go before me because he had a time constraint, but then he's begging people to stay longer.

[Laughter.]

Senator CASSIDY. Let me first direct this question to Dr. Schuler and Dr. Evers and Governor Herbert, just because you all are the ones who actually would implement such policies. One thing I'm concerned about—about 20 percent of our children, statistically, have dyslexia. But very few places actually screen for dyslexia. Do any of the three entities which you are in charge of screen children for dyslexia?

Mr. EVERS. We do not in the State of Wisconsin. Certainly, dyslexia is an issue that is of great importance to many parents, as you mentioned, 20 percent, but there's no State requirements on that. But I can tell you that within our local school districts, there is screening of that happening. It just doesn't happen as a mandate from the State level.

Senator CASSIDY. I think I saw by head nods that neither the Governor nor you, sir, do so.

Governor HERBERT. Actually, we have nurses in the schools and they test—now, whether it's specifically for dyslexia, I can't comment on that. I don't have the information. But I know that we do have a significant health responsibility for our young people coming into the school, that they're tested, and we have nurses in the schools.

Senator CASSIDY. So one of my concerns is dyslexia. There's a good peer-reviewed article in the Journal of Pediatrics that it's detectable at grade one, and if not remediated, it will continue to go. So now we're going to have standardized testing, but it doesn't respect that—if you're not—and I can promise you most are not—a few are—screening for dyslexia, we have program failure.

Ma'am, you spoke of the civil rights aspect of education. Only one of five children of color actually read at grade level. So one of my concerns—and if you look at prisoners, 48 percent of them are dyslexic. With all this context, I'll now get to kind of my queries.

My concern is that if we have special curriculum that works for children with dyslexia, and we're not screening, and, therefore, they're not receiving that curriculum, then we basically have program failure for 20 percent of the children, which disproportionately affects those impoverished, whether they are of color or not. Whatever the standardized testing, unless we allow you to carve out some sort of way to address that, we have program failure.

For those with authority in this decisionmaking process, is that logic good, or is that logic faulty?

Mr. EVERS. Again, I think that's a good comment. I don't think the argument is faulty. My hope is that we spent a lot of professional development time in our State, especially for early educators, on the issue of dyslexia.

Senator CASSIDY. I accept that. But if there's a 20 percent prevalence, and unless you can tell me, "No, we have 20 percent of our children or maybe 15 percent of our children, even 10 percent of our children in that sort of science-based curriculum," then I'll think that whatever—no offence, because I suspect you're pretty avant-garde—that whatever you've done for your early education, in reality, it's inadequate, again, unless you're telling me that at least 10 percent of your children are under specialized curriculum.

One of my concerns about this legislation is that we don't allow this. And by the way, it disproportionately affects children in poverty.

Let me ask this. If you have a specialized school, which is, say, a dyslexic school—my wife is involved with one, full disclosure—I'm sitting here thinking, well, you have a school which is specialized in the management of this issue, but you can pick another for which there's a science-based curriculum. You really are discriminating against them because you're concentrating those at greatest risk for not performing well.

I say that, again, because as I read the law, this kind of comes out to me. Does that logic seem good?

Mr. EVERS. Is your question about a specialized school for kids with dyslexia?

Senator CASSIDY. Right. You're concentrating those who are most likely to fail. But by the way, if all you did is take those children who culturally have been less exposed to reading—say, children

who grow up in an urban poor environment or a rural poor environment—and you have a school for them, you’ve got program failure there, because the amount of words they are exposed to growing up is far less than, say, one of your children. And it’s been shown that the fewer words you’re exposed to, the less skilled you are in language arts.

Again, my concern is that we almost are selecting how we aggregate children for failure in these language arts tests. As I’m thinking through this—you all are experts. Do you dispute that characterization, or is that a fair characterization?

Governor HERBERT. Let me try—I’m certainly no expert in this issue at all. But I know as a Governor our needs for education is to make sure that every student does succeed. I expect there’s a number of learning disabilities of which dyslexia is just one. It’s one you’re highlighting, and it’s one that we ought to probably pay rapt attention to.

But we have autism. We have people with disabilities in many different ways, some mental health issues that would make it difficult for our children to concentrate and to study. So all those young people should be addressed and see what we can do to put them on a pathway to success.

I actually think our local school districts, with the help of our State school boards and the leadership of our superintendents and principals, can find ways to address those unique circumstances. They may be a concentration in one area and not in another area. Again, one-size-fits-all is not the solution, but I think a realization of the challenge that’s there with learning disabilities ought to be addressed, starting at that local level, with the help of parents and guardians that can help bring that to the attention of those who are going to be teaching in the schools.

Senator CASSIDY. Governor, we’re over time. I totally agree with you. As I yield back, I will add that I totally agree with you, and that’s one of the things I’m concerned about. The law capping at 1 percent the number of children who can take a test particular for their disability, I, frankly, think is a flaw in the law. So we would like—but I don’t think the law is going to give that local school board that which you just said they should have.

Governor HERBERT. I don’t know why it would stop us from doing it, frankly. I don’t know why we cannot evaluate our own students at that local level in the States and say, we have issues here with autism. We have special training for our teachers and for schools to help with autistic children. I don’t know why we can’t do that with dyslexia.

Senator CASSIDY. The law doesn’t allow that. So I yield.

The CHAIRMAN. Thank you, Senator Cassidy.

If others have responses to that, we’d welcome your comments in writing or later.

Senator Warren.

STATEMENT OF SENATOR WARREN

Senator WARREN. Thank you, Mr. Chairman.

The new education law gives States a lot more flexibility in determining how to educate our kids while it also establishes a Federal baseline to ensure that the States actually use Federal dollars

to support teachers and students who most need those resources. I think that one of the most important safeguards in this new law is a bipartisan provision that Senator Gardner and I wrote that requires the States to report better data about how their kids are doing.

For the first time, we have a provision that will give parents, teachers, and researchers across the country the ability to document performance of specific groups of students and the interaction of various factors, like race, gender, disability. And with better data, I hope this means we can figure out what's working and we can figure out what's not working.

Dr. Evers, in your testimony, you discussed your task force's work to close the achievement gaps in Wisconsin. Can you talk just briefly about why having good data is important for work like this?

Mr. EVERS. Absolutely, it's important for work like this. Our Promoting Excellence for All task force—I'm task force adverse, so having a task force was quite an extraordinary thing for me. But we did it right. We brought in teachers and principals, and nobody from 30,000 feet were allowed in the room. It came up with some great ideas.

But you're right. The idea—and I thank you for the efforts around cross-tabulation of data. In fact, we were just working on it the other day in our State, talking about kids of color and cross-tabulation with students with disabilities. The trend line was not good, to be honest with you. We have cross-tabulation information on our public portal. What we don't have is military kids and foster kids. We have great relationships with our State military kids association, and we will absolutely get that.

But there are students that are many times forgotten, and in our State, it's primarily not regular Army. It's primarily National Guard, and so people think what's the big deal there. Well, if you've got mom or dad going away for 9 months and then coming home for a week or two and then be redeployed someplace else for another 9 months, that causes extreme pressure on those kids.

So having those kids part of our accountability system and requiring the ability for anyone to cross-tabulate that information really, as you said, is going to give us much more worthwhile data, and it's not difficult to do. It's not a requirement that people are going to say, "Oh, my God. How are we going to do this?" It's already there. So I thank you for that.

Senator WARREN. Good. Thank you very much. States and local communities can't address persistent achievement gaps if they don't have good data about what's gone wrong. If we want better outcomes, we need better data to figure out where we're failing to reach our students and where we're succeeding, and then make the changes so that all of our students have better opportunities.

We need good data, but we also need accountability around this. The Federal Government provides billions of dollars every year to the States, and for our investment to be meaningful, that money must be used to improve education. And that's why we fought to ensure that Federal education dollars come with clear expectations for how the States will use that money. The new education law specifically directs the Department of Education to issue rules and

regulations to clarify expectations for States that receive billions of dollars in aid.

Ms. Pompa, what is the Department of Education's role in ensuring that the safeguards in this law are actually enforced?

Ms. POMPA. May I preface that by saying that 34 years ago, as a very young director in a school district, I testified before this committee. And as I reviewed that testimony, one paragraph jumped out at me, because I could use it again today. It talked about and cautioned against pitting local control against equity.

Senator WARREN. Yes.

Ms. POMPA. Your question really ties back to that, and that's the struggle, that we have a great belief in innovation and what school districts can do, but we also have a long history of needing protection for special groups of kids and how they are treated within our school system. The Federal Government has played that role for those groups of children since the beginning of ESEA, and it's important that they have the ability to continue playing that role.

I'll give you one example that jumps out for English language learners this year. The committee in its wisdom passed this great provision in the law that requires States to include English proficiency in the accountability system.

The issue, though, is that States vary from having 25 percent of their population being English learners to maybe half of a percent in another State. States clearly need guidelines as to what those guardrails and parameters are, and that's the role the Department of Education can play, not to dictate, but to provide those guardrails, to provide examples, and to provide guidance to States.

Senator WARREN. Thank you very much, Ms. Pompa. Democrats in Congress along with the President fought hard to ensure that the new law includes real accountability, and the Department of Education has clear authority to issue rules and regulations to strengthen, not weaken, that accountability. Congress entrusted this responsibility to the Department to make sure that when the States receive billions of taxpayer dollars to improve education for our most vulnerable kids that those States actually use that money for our most vulnerable kids, and we'll be watching to make sure that that happens.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Warren.

Senator Murray, do you have any closing comments?

Senator MURRAY. I just really want to thank you for holding this hearing and thank all of our witnesses again for taking the time to be with us today. I was really proud last year that Democrats and Republicans did work together to break through the partisan gridlock here and succeed in passing this legislation, and we did it through collaboration.

Senator Alexander, you've mentioned several times that we need to continue that collaboration as this law is implemented, and I totally agree. I believe we need a wide range of stakeholders, including advocacy organizations that give voice to students, like our civil rights groups, that should have a voice at the table, which will be very key in making sure that the Every Student Succeeds Act works for students and parents and teachers and communities and all of our kids.

I think it's been mentioned several times that this is a civil rights law, and I think it is important to all of us to uphold the legacy of that and promise for our students, including all of the groups represented here today. I encourage all of us to stay involved and to make sure this works as intended.

Thank you very much.

The CHAIRMAN. Thank you, Senator Murray, and I agree with you. You'll notice a diversity of views at this hearing, and we try to have bipartisan hearings. That means we agree on who the witnesses are. That wasn't regularly done before, but I think that's part of why we were able to succeed, because this is—as I said often during this debate, this is like going to the University of Tennessee football game with 102,000 people in the stands and every one of them has played football, and they know which play to call next, and they usually do. And everyone has an opinion on education, so you can imagine the difficulty of reauthorizing Elementary and Secondary Education.

I have two questions, and then we'll conclude.

Mr. Evers, I believe Wisconsin adopted the Common Core academic standards in 2010. Is that right?

Mr. EVERS. That's correct.

The CHAIRMAN. These are my words, but the combination of Race to the Top and the conditional waivers encouraged many States to adopt Common Core and, some say, in effect, mandated it.

The new law has a different definition for academic standards. It said you have to have challenging academic standards that are aligned with entrance requirements for credit-bearing course work in your system of public higher education in your State. But then it strictly prohibits the Secretary and peer reviewers from reviewing the content of those standards. The Secretary can't require a State to add or delete standards or to interfere with them. There is an explicit prohibition on any Federal approval or certification of standards, and it says no officer or employee of the Federal Government can mandate, control, direct, or incentivize a grant to encourage the adoption of the Common Core standards.

Does that mean to you, as you look at the law, that if you want to have the Common Core standards that you can, that if you don't want to have them that you don't have to, that if you want 80 percent of them that you can, that if you want 20 percent of them that you can? Do you believe that it's Wisconsin's decision what its challenging academic standards are as long as they are aligned with your public higher education system entrance requirements?

Mr. EVERS. Yes, absolutely, I agree with that concept that districts now are free to modify, change, whatever. Our State has adopted the Common Core. But I have to tell you in State law, that decision is made locally. So our districts have come behind the Common Core standards, and we're implementing them with good fidelity, and I think that'll make a difference in the lives of kids. We never felt there was pressure from DC to do it. We felt it was the right thing to do.

The CHAIRMAN. My last question really is about schedule. I mentioned earlier that the opportunity we have, in addition to this collaboration that we see here—and we'll be seeing State by State in general agreement that the new law seems to be pretty good policy,

maybe very good policy. We have a chance for a reset, which was the word Ms. Weingarten used.

Both you and Ms. Pringle said you need time to do that right, and I agree with that, particularly because the law is so hard to change that this law—and because it's good—is likely to be the law for a while. And because every State will have to submit new plans to get its title I and title II money—and those are likely to be the plans for a while, unless a State decides to make major changes—we're likely to have a period of stability in Federal elementary and secondary education policy.

How much time is enough time to get it right is the question. Dr. King will be in here Thursday for his confirmation hearing, and I'll be asking him this question. One of you said that the regulations should be done by this fall. Was that Dr. Schuler or Dr. Evers? I think that's the schedule the Department is on.

If the regulations are done by the fall, the State can perhaps get its plans in by next spring or summer. Is that practical? And, if so, would it apply to year 2017 or 2018? Is that a realistic schedule? What would you like for me to say to Dr. King about that? To any of you, is that too fast, or is that about right? What is a realistic schedule to get it right and to allow this collaboration to produce a result that will produce the stability that I think all of us would like to see?

Mr. EVERS. I'll just quickly say that you are right about stability. I think that's really important. Yes, I believe the July, June, 2017 is adequate time to put together a good plan. But we have to take it seriously, and in our State, we already have had hearings on this, and we believe that by bringing together a wide variety of people this spring, we will be able to pull this off by the timeline. I don't think there's any problem with that.

But I think it goes beyond getting that plan in. I think it's also—others talked about the need to reset the mindset and so on and so forth. I think that's great. But that's going to be part and parcel of our conversation going forward, even after the plan is submitted.

The CHAIRMAN. Ms. Weingarten and Ms. Pringle, what do you think?

Ms. WEINGARTEN. There's an 18 month process that's already defined in the law. But my point is that every State will do an initial new accountability system. But if we actually want to get to the goals of helping all kids reach their God-given potential and doing it in a way that's not been done before, then there's a lot of opportunity in this law to focus on ELLs, to focus on schools that are struggling, to focus on how we build capacity, how we think about multiple pathways of learning.

What my concern is is that the States will tinker with what they have right now and then put those plans in place, as opposed to doing the process of really redefining what constitutes real student learning and how to get there.

The CHAIRMAN. But it is true that most States, almost every State, have over the last 10 or 15 years been working on new challenging standards, have been deciding which tests to use to the extent they were free to do that, and even new accountability systems. So it's not as if they were starting from scratch.

Ms. WEINGARTEN. But what I'm starting to see in State after State is—take New York, for example. They're actually thinking about how to look at their standards through the lens of what individual children need and to refocus it.

There's a real appetite for a reset in terms of what constitutes the learning that kids need to know and be able to do in the 21st Century to, yes, be college- and career-ready, but be ready for life and to be ready for productive citizenship.

The CHAIRMAN. So you're saying even if you've got a new accountability system, don't just slap it in the box, but take advantage of this unusual opportunity to rethink everything.

Ms. WEINGARTEN. Absolutely.

The CHAIRMAN. Ms. Pringle.

Ms. PRINGLE. Senator Alexander, that's a hard question to answer for this reason. As Randi said, we do have the timeline, the 18 month timeline, in place. And I will say that as the grandparent of a child who only has 1 year in kindergarten, there is a sense of urgency for our students, especially our students of greatest need.

But I'm going to invoke Jim Collins, I think it is, that we have to go slow to go fast, and we have to think—it's when we try to answer questions with a one-size-fits-all. That's when we get into trouble, and we do have that in the law.

But, I visited Governor Herbert's State, and they are so much further along in terms of the collaboration that he and our local affiliate president have led on that I would say they'll be more ready. I just came back from Oregon, and they are collaborating with the State department and with the Governor on assessments and how they can redo their accountability system. They are more ready.

There are States that are way behind that because they have not come together. They've not had those tough conversations yet. So they're not as ready. And even though we have that timeline in place, if the Federal Government doesn't allow those who are further behind, the flexibility to take the time to get it right, then they will tinker around the edges, and they'll overlay on what's already there, and that will do nothing to change anything for our kids.

The CHAIRMAN. Thank you.

Let me ask Dr. Schuler, Ms. Haycock, and Ms. Pompa if they have any comment, and then I'll let Governor Herbert have the last word.

Mr. SCHULER. Senator Alexander, I think one of the things that's most critical is not necessarily the timeline itself but how we are ensuring that every regulation is being viewed in the context of a rural school, a suburban school, an urban setting, different transient levels of students coming in and out, and the different student demographics. I think we felt so forced into this one size will work everywhere that the question I would ask is how are we going to ensure that the regulations are viewed through the lens of the different schools and school districts in our country.

The CHAIRMAN. Ms. Haycock.

Ms. HAYCOCK. Yes, Mr. Chairman. My experience in education suggests that things take as long as you give them, and if we give them more time, they will take that long, even when they don't need to. I really do think we need to think about this in two ways.

First, the initial time that States have, which is roughly 18 months, is, in fact, adequate time to do the consulting, to learn from the high performers, the fast gainers, that we need to do, to involve the range of stakeholders who need to be a part, and to get going on a new system.

That said, I don't think those initial decisions have to necessarily not be evolved over time. I think one of the things we've learned in the best accountability systems, especially the work we see at the district level, is that as people learn more about what indicators are helpful in working on improvement, those can be added later on. All that would take, as you've pointed out, is coming back to the Department and showing the data and moving forward. It's not an elaborate process, and so I don't think we need to get it perfect the first time.

The CHAIRMAN. Thank you.

Ms. Pompa.

Ms. POMPA. My colleagues here today have all talked about the importance of coalitions, and as we look at that 18 month period, one of the steps that States have to take is to start now engaging people in those coalitions, because it is going to be a very different process if we do it right this time. We also have a large research base that we hadn't had before to look at many of the processes that are called for in the law. I would hope that the States in their 18 months will start early, look at the research, and include everybody in a meaningful way.

The CHAIRMAN. Thank you.

Governor Herbert.

Governor HERBERT. Mr. Chairman, thank you again. I think on behalf of all the panel, we thank you for convening us together to talk about this very important milestone in education for this Nation. And the devolution of power back to the States, with accountability, I think is a very positive thing.

I think what Ms. Pringle said is accurate. I'm not a one-size-fits-all guy, and we have unique strengths and weaknesses in all of the States. So where Utah is, maybe Texas is not, or vice versa. I certainly believe that we ought to get it right rather than get it quick. But I also think we need to get it right and be timely. I think we sometimes make the work to expand to the time allotted, and I think that's a concern, that we'll take too much time.

But one of the principles that I mentioned in my testimony from the National Governors Association, speaking on behalf of the States and our local educators and stakeholders, is we need to have some flexibility. We won't all do it the same way in the same timeframe. But we can all do it, and it really is a matter of bringing the stakeholders together.

We have a leg up. We've been working together for a number of years in trying to bring all stakeholders together, to make sure that our elected State school board, who directs the standards for Utah, and our local elected school boards, who direct the curriculum for Utah, are in concert with principals, teachers, and superintendents. We can as a team get it right.

At the end of the day, we need to remember we're all on the same team. We sometimes forget that. These siloes, Federal versus State, State versus local—we're all on the same team, trying to pro-

vide an educational environment that lifts and elevates all of our students, so they have not only educational achievement but the ability to live and participate in the American dream, to be able to have economic prosperity.

This really is the heart and soul of the American dream here, and I thank you for leading it out with this ESSA, or ESSA, as we may start calling it. Thank you very much.

The CHAIRMAN. Thank you, Governor, and thanks to each one of you. In our year of hearings and discussions, often Senators would come up with a very good idea about education, and sometimes I would say, "Well, there are 50 States. There are 50 million children and 3.5 million teachers and 100,000 public schools. So let's think twice about whether we impose that good idea on every single one of them."

I think all of us want to create an environment in which every child can succeed. I hope that we're on that track. Many people said that the passage of this legislation, which was difficult, was really a textbook example of how to resolve a lot of different points of view and still come to a result moving in a good direction. I think this implementation is starting out that way. I don't remember anything quite like this in my experience in education, which goes back a good ways.

So this committee will be holding probably another five hearings this year, two more like this, with those of you who are out working in coalitions in States and in classrooms and advocating, doing different things; three with the U.S. Department of Education so we can know what they're doing and see if the law is being implemented the way we wrote the bill. And we hope we get to the end of the year and we've got a textbook example of implementation as well as legislation.

There's a lot of talk about dysfunction in Washington. We think this is an example of Washington working very well to create an environment in which parents, Governors, teachers, advocates, and others who care about children can help them succeed. And we're going to make sure that that happens if we possibly can.

The hearing record will remain open for 10 days. Members may submit additional information for the record within that time if they would like. I would specifically invite each of you to let us know any time if you have ideas, suggestions, or concerns about implementation. That's why we want this relationship. Thank you for being here.

Our next hearing of this committee will occur Thursday at 2 p.m. on the nomination of Dr. John King to serve as Secretary of Education. We'll be asking him many of the same questions that we asked you.

The committee will stand adjourned.
[Whereupon, at 12:11 p.m., the hearing was adjourned.]

