

February 1, 2011

The Honorable Tom Harkin  
Chairman  
Health, Education, Labor & Pensions Committee  
United States Senate  
Washington, D.C. 20510

The Honorable Michael B. Enzi  
Ranking Member  
Health, Education, Labor & Pensions Committee  
United States Senate  
Washington, D.C. 20510

Dear Chairman Harkin and Ranking Member Enzi:

At our recent Annual Policy Forum, Chief State School Officers from across the nation discussed our collective education policy priorities, particularly with regard to pending reauthorization of the Elementary and Secondary Education Act (ESEA) and what needs to be done to reinvent ESEA and address several shortcomings in the present No Child Left Behind Act (NCLB). We welcome the President's State of the Union call for Congress to reauthorize ESEA in a manner that supports state-led reform, and we look forward to working with the Congress to craft such a law. We see this as an important moment that presents real opportunities for progress.

I am writing on behalf of the Council of Chief State School Officers (CCSSO) – representing the education leaders from all 50 states, the District of Columbia, six territories, the Bureau of Indian Affairs, and the Department of Defense Education Activity - to communicate three core points:

1. **Chiefs remain committed to leading education reforms**, as demonstrated by the state-led development and adoption of college- and career-ready standards, current development of dramatically improved assessments aligned with those standards, etc.;
2. **Chiefs call on Congress and the Administration to focus on a bipartisan effort to re-envision and reauthorize ESEA in 2011** to support these state reforms and innovations, consistent with CCSSO's ESEA Policy Statement; and
3. If, despite all efforts, ESEA reauthorization is delayed, **chiefs intend to exercise the authority expressly granted by Congress to states in NCLB to develop and propose new, innovative policy models in terms of accountability and other areas** that move beyond NCLB, and we urge the Administration and Congress to encourage and support this strategy – so that



current law does not become a further barrier to innovation and achievement.

This letter elaborates on each of the three points. I look forward to joining with the chiefs to discuss these points further with you.

### *I. States Intend to Lead Education Reform*

As you are well aware, there are important education reforms occurring in states across the country, anchored in the belief that our education policies and systems must be designed to ensure that all students graduate from high school ready for college and career. States vary in their strategies and pace in advancing this agenda, but the direction is clear. This is evidenced by myriad state-led reforms initiated over the last several years, often despite NCLB requirements, including:

- The development and adoption of **college- and career-ready, internationally benchmarked standards**, including the Common Core State Standards in reading/language arts and math that have been adopted by 45 states and territories;
- The ongoing development of **robust, internationally benchmarked, assessments** aligned to rigorous standards, including through the two national assessment consortia (PARCC and SMARTER Balanced) that are developing common assessments across more than 40 member states;
- The design and implementation of individual student identifier, **longitudinal data systems** that track the progress of students over time, which are now largely in place across the states, as well as the recent release of **common data definitions**;
- The establishment and adoption of **accurate, common graduation rates** across the states;
- The design and implementation of **growth models** for accountability, which focus schools on ensuring that students meet the goal of college- and career-readiness; and
- The development of improved **standards for teacher and principal effectiveness**, and **teacher and principal evaluation systems** focused on student achievement.

States are committed to leading a bold and balanced agenda. States are raising the bar for our education systems, in a manner that supports districts, schools, and educators in achieving our education goals. Important federal initiatives have complemented state efforts and stimulated the pace of state reform and leadership. Even in the face of outdated federal requirements and significant state budget shortfalls, states remain committed to leading the reform agenda.



Federal law – in terms of ESEA reauthorization as well as NCLB implementation – must support this state leadership and innovation, and not remain a barrier or seek to codify a single “right” answer for national education reform.

## ***2. ESEA Reauthorization Must be a Top Bipartisan Priority***

In this spirit, we call on Congress and the Administration to make ESEA reauthorization the top priority for 2011.

Some observers have expressed concern that Congress may not complete the work of ESEA reauthorization in 2011. ESEA reauthorization is an opportunity for collaboration in a policy area that is too often overlooked among competing priorities and yet is most essential to the long-term success of our economy and democracy.

The CCSSO ESEA Policy Statement, released by the chiefs in 2007 and revised in 2010, provides a roadmap for reauthorization and concrete recommendations that are inherently bipartisan – based on a simple but profound shift in the state-federal partnership:

**This policy statement presents a vision...to guide reauthorization of the Elementary & Secondary Education Act (ESEA). First, states must continue to lead the way with bold, thoughtful education reforms to ensure that all students graduate from high school ready for college and career. This includes developing and adopting higher, clearer, and fewer standards; improving state assessment systems; ensuring transparent, disaggregated accountability; building educationally rich data systems; strengthening teacher and leader effectiveness; and turning around underperforming schools.**

**In return and to succeed, we need a new federal education law that invests in these state efforts and encourages innovation, evaluation, and continuous improvement—so that states can develop and implement policies to help districts and schools dramatically improve student achievement and close achievement gaps.**

Chiefs hope for more than just small changes to current NCLB requirements. We hope for a fundamental shift in federal law that raises the bar on education *goals* but returns power and judgment to states and districts with regard to the *means* of achieving those goals. We hope for a new form of ESEA that expects and promotes innovation, evaluation, and continuous improvement in state policies.

States are eager to work with Congress and the Administration to reauthorize ESEA to reflect the important principles included in CCSSO's ESEA Reauthorization Policy Statement. For example:

- Require states to establish next generation accountability systems that meet certain core principles (e.g., aligned to college and career readiness, focus on student achievement, annual assessments, disaggregated results), but give them the flexibility to design the systems to address their unique state contexts;
- Require states to set professional educator standards and establish meaningful teacher and principal evaluation systems based on multiple measures that include returns on student achievement, but leave states and districts the flexibility to design those evaluation systems and define their use;
- Provide states with meaningful flexibility to consolidate programs and funding within ESEA and across other federal laws with a particular focus on breaking down barriers and better integrating across early learning, K-12, and higher education;
- Build state capacity by supporting state education agencies' leadership to implement the core foundations of standards-based reform and build high performing systems necessary to meet college and career ready standards.

At this crucial moment, inaction or a piecemeal approach to updating the law could exacerbate the problems currently hampering meaningful reform and delay efforts to dramatically improve systems to advance student achievement. We must get this right and get it done.

### ***3. In Anticipation or Absence of ESEA Reauthorization, States will Present Innovative Reform Models under Section 9401***

Our main goal for federal policy in 2011 is to support Congress and the Administration in reauthorizing ESEA to create a new state-federal partnership for reform consistent with the principles outlined above. That is job #1.

If reauthorization is delayed, we intend to exercise authority expressly granted by Congress to *states* under Section 9401 of NCLB providing that *states* may propose innovative policy models that move beyond the requirements of NCLB. This is particularly important with regard to development of new state accountability systems and the outdated requirements of NCLB that could hamper reform.

We believe this authority in NCLB does *not* allow states or the federal government to “get out” of core requirements. Rather, it says that if states have models of education reform that are more educationally sound, consistent with state and local

judgment, and can better advance student achievement, then states may propose and the Secretary may approve those models.

We understand some parties have called on the Department to make discrete changes to the way that NCLB is implemented. While we agree with many of the specific changes suggested by these organizations, we believe discrete “fixes” will not create the new atmosphere needed to enable state and local reforms to meet their full potential. Instead of this technical approach, we propose a new strategy designed to maximize innovation through state proposed models subject to peer review and secretarial approval.

States are committed to leading a balanced and bold reform agenda. To support states in these efforts, CCSSO is leading a Task Force of chiefs in developing a roadmap for states and the nation in terms of *next-generation accountability systems*. The report of this Task Force will be out shortly and will provide clear principles to guide state leadership in accountability, as well as recommendations for federal law. The purpose is to develop accountability systems that are more valid and educationally meaningful, and that better connect accountability determinations to delivery of supports that can help all schools move all students toward college- and career-ready performance.

As this work moves forward, CCSSO intends to work with states, individually and collectively, to support development of promising, evidence-based accountability systems that move beyond NCLB and may result in state-specific proposals to put these systems in place. We call on Congress and the Administration to support this state-led approach.

Consistent with our pending Task Force report, each state (acting individually or collectively) should be empowered to propose for review and approval a new model of school and district accountability based on several principles that are designed to better drive school performance toward college- and career-readiness; more accurately and meaningfully identify and support the range of schools (particularly including the lowest and highest performing schools); and better provide actionable data to support districts, schools, principals, teachers, parents, students, and policymakers to dramatically improve student achievement. Each state’s proposal should address several requirements. It must:

- Fully align accountability expectations and measures to the goal of all students graduating from high school ready for **college and career**;
- Make annual accountability determinations for **all schools based on the performance of all students**;

- Base accountability determinations on **student outcomes**, including but not necessarily limited to improved, rigorous statewide assessments in reading and math (grades 3-8 and high school) and accurate graduation rates;
- Include both **status and growth** measures in accountability determinations, measuring whether students are on track or making significant progress toward college and career readiness;
- Base accountability determinations in part on **disaggregated data** of student performance across relevant subgroups;
- Provide **timely, transparent, disaggregated data** and reports that can meaningfully inform policy and practice;
- Identify at a minimum the **lowest performing schools for significant, meaningful interventions**, as well as the highest performing schools as models of excellence (chiefs believe it is the state’s responsibility to develop comprehensive state accountability systems that include a focus on improving schools across the entire performance continuum but believe that for federal accountability purposes, requirements should be limited to the chronically underperforming.).

Beyond these core requirements, states may and will develop proposals that approach these issues in different ways. State proposals could include several other elements beyond those above, such as inclusion of deeper diagnostic reviews to better link initial accountability determinations to delivery of meaningful supports and interventions. State proposals may and will look different across different states, based on state context, priorities, and ideas for innovation. Further, state proposals may include key transition rules that states might need to move to these new accountability systems, such as holding schools in their accountability status for a limited time as we move to new, improved assessments and accountability models. Finally, state proposals should include regular review and be designed to evolve over time.

This state-led approach to revising NCLB implementation could be a model for ESEA reauthorization and could be managed much like prior NCLB “accountability plans,” but with far greater focus on state innovation, evaluation, and continuous improvement.

We look forward to working with you further in support of education reform across the nation.

Sincerely,



Gene Wilhoit

cc: The Honorable John Kline  
The Honorable George Miller  
The Honorable Arne Duncan  
Members of the Senate Health, Education, Labor and Pensions Committee  
Members of the House Education and Workforce Committee  
Senate Leadership  
House Leadership