



The Education Trust

NCLR
NATIONAL COUNCIL OF LA RAZA



August 3, 2011

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Duncan:

Even as Congress works toward reauthorizing the Elementary and Secondary Education Act, some states are moving forward with ambitious education reform agendas. They are adopting new, higher standards and more rigorous assessments; getting serious about teacher effectiveness; and seeking better ways to turn around their lowest performing schools.

Federal policy does not prohibit any of these reforms. Tennessee, for example, successfully implemented far more rigorous standards and assessments, while still complying with accountability requirements for No Child Left Behind.

We join you in calling on Congress to reauthorize ESEA this year. And we urge you to use the power and authority of the Department of Education to enforce the law *and* to support reform-minded states in moving forward. For example, *the Department can and should take these steps:*

Clarify ESEA financial requirements and flexibility.

As states and districts struggle with budget cuts, the ability to allocate funding purposefully and efficiently becomes ever more critical. However, the “Supplement Not Supplant” demonstration requirements pose a barrier to strategic funding efforts. Both confusing and cumbersome, these requirements lead districts and schools to emphasize compliance over meeting student needs when allocating federal dollars, including Title I dollars. The Department should work with the Office of Management and Budget to revise Circular A-133 so as to clarify that districts can comply with Supplement Not Supplant by demonstrating, through school reporting of state and local expenditures, that they fund their Title I schools equitably.

In addition, via new guidance and outreach, the Department should help states understand the extensive funding flexibility that is now in ESEA.

Help states get the most out of their longitudinal data systems.

Now that many states have developed longitudinal data systems, the Department should help ensure that students, teachers, schools districts, and the public get maximum benefit from this vital resource. For instance, the Department could provide technical assistance and share best practices on how these systems can be used to create robust feedback mechanisms between K-12 and postsecondary systems, evaluate teacher and school effectiveness, inform classroom and

school improvement efforts, and provide parents and the community a data-rich picture of how well their schools are faring.

If Congress does not reauthorize ESEA in a timely fashion and the Department decides to move forward with a waiver strategy, that strategy should allow additional flexibility only for states implementing a college and career-readiness agenda that prioritizes gap closing and effective intervention in the lowest performing schools.

Only those states that demonstrate a commitment to implementing rigorous standards and assessments aligned with the demands of postsecondary and the workforce no later than the 2014-15 school year should be eligible for waivers, based on Sections 1111 and 1116 of No Child Left Behind.

In exchange for these waivers, states must commit to the use of accountability systems that do the following:

- Rely on annual statewide summative assessments in at least reading/language arts and mathematics and cohort graduation rates as defined in 34 C.F.R. §200.19(b)(3).
- Establish aggressive long-term assessment and graduation rates for all schools, so as to increase achievement and narrow gaps, and set annual improvement targets toward those goals.
 - For example, a six-year statewide goal of reducing by at least half the difference between current proficiency rates and 100 percent, overall and for each student group, reflects ambitious but achievable expectations for improvement and gap narrowing.
- Make annual accountability determinations for all schools based on the performance of students overall and each student group relative to the goal or improvement target.
- Establish a system of differentiated and effective supports and interventions for all schools based on their accountability determinations, as well as additional diagnostic information. This system cannot only arbitrarily identify a small group or percentage of schools in the state for interventions. Nor can it offer simply “light touch” or “cookie cutter” approaches to the challenges facing struggling and dysfunctional schools.
- Ensure the identification of and effective intervention in the lowest performing schools that are not progressing at an adequate rate, including the following steps:
 - Hold districts responsible for ensuring that low-performing schools have proven leaders empowered to make key decisions about hiring, staffing, budget, and time.
 - Set clear, ambitious improvement targets for low-performing schools.
 - Mandate state action if, after receiving district support, schools do not meet their improvement targets for a set period of time, not to exceed four years.
 - Ensure that options (including public school choice and supplemental educational services) currently provided for the parents of students in the lowest-performing schools are not eliminated.

Waivers must not be viewed as a replacement for a comprehensive ESEA reauthorization. They should be thought of instead as an opportunity for these improvements: (1) leading states to innovate and (2) providing models on how equity-focused accountability policy could operate under a revised ESEA. Put simply, they cannot allow states to halt or backtrack on accountability for overall improvement and gap

closing. Therefore, waivers must be limited to two years. This time frame reflects both the need for comprehensive reauthorization and the need to reset accountability goals once states roll out new, college and career-ready assessments starting in the 2014-15 school year.

Moreover, to promote innovation and learning, this waiver process must be thoroughly transparent. State proposals must be made available to districts and the public, including parents, educators, community advocates, and business leaders, in accordance with ESEA Section 9401. And all proposals must be subject to a Department-run peer review that makes public the names of reviewers, the review criteria, and the peer responses.

Finally, moving the needle on achievement and equity will take strong steps to raise the overall quality of our teaching force, while ensuring that low-income students and students of color get fair access to effective teachers and are not unfairly relegated to the weakest. Therefore, if the Department embarks on a waiver process, we urge it to simultaneously act on a long-ignored provision of Title I that requires states to ensure that low-income students and students of color are not taught disproportionately by inexperienced, unqualified, or out-of-field teachers.

The Department should clarify, monitor and enforce these teacher equity provisions by, among other things, requiring timely and accurate public reporting on the access of low-income students and students of color to strong teachers, as compared with white and affluent student peers in their school district and across their state. The Department should also require prompt and effective action where inequities exist.

Of course, in recent years some states have made progress toward implementing rigorous evaluation systems that include measures of teacher impact on student learning. The Department should support and encourage this work by allowing these states to use evaluation results as the basis of reporting and action.

Again, these enforcement actions should not be viewed as a replacement for a comprehensive ESEA reauthorization. Rather, they should provoke long overdue action on current law.

We appreciate the efforts by you and your staff to improve education for all of our country's students. We look forward to continuing to work with you to ensure that our most vulnerable students remain the focal point of any ESEA reauthorization.

Sincerely,

The Education Trust
The National Council for La Raza
U.S. Chamber of Commerce