



1201 16th St., N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Dennis Van Roekel  
*President*

Lily Eskelsen  
*Vice President*

Rebecca S. Pringle  
*Secretary-Treasurer*

John Stocks  
*Executive Director*

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Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington, DC 20510

Dear Senator:

On behalf of the 3.2 million members of the National Education Association, we would like to offer our views on the ESEA reauthorization bill scheduled for mark-up this week. We will provide positions on specific amendments prior to the mark-up. We are pleased to see improvements in the managers' amendment compared with the original draft. We commend the leadership of Chairman Harkin and Ranking Member Enzi in conducting bipartisan negotiations that will have a significant effect on the quality of education students receive in our public schools. We appreciate the commitment they have made to continuing to improve this legislation as it proceeds, and we look forward to offering more suggestions from America's public school educators as the bill moves through the mark-up process.

The stakes in this reauthorization are incredibly high for students, teachers, and schools; the key to success will be whether educators and students feel a real difference in their schools and classrooms between the current and the new law. The managers' amendment includes a number of positive provisions to help achieve this goal; however, **much work remains to be done, particularly in the areas of multiple measures of student achievement and turnaround models for struggling schools.**

We are very pleased that the latest version of the bill **recognizes that the federal government's role is limited in the arena of teacher evaluations.** This is a critical change reflecting the fact that crafting a national evaluation system that works in all settings in a nation as diverse as the United States would be impossible. NEA is committed to improving the quality of the workforce in our nation's public schools, and has offered a new framework for a comprehensive and robust evaluation system for our members to use at the state and local level. We will be working with our members at the state and local level to continue to promote policies that reflect our commitment to high standards for entry into the profession, for educators' obligation to continue to improve their practice while in the classroom, and for robust and meaningful ways to evaluate educators' performance.

The draft bill includes a number of policy changes that reflect important steps toward **correcting flaws in the accountability system of the current law, No Child Left Behind (NCLB).** NCLB's testing and accountability system has been recognized as flawed by policymakers on

both sides of the aisle. Accountability should set up a system of continuous improvement that helps teachers and students determine what real progress has been made in learning, what is working, and what needs to be addressed. A comprehensive system should help identify and target resources to schools most in need, rather than punishing schools who fail to meet arbitrary and unworkable deadlines.

The draft bill makes progress toward these goals by eliminating deadlines that most schools would eventually have been unable to meet, while retaining a strong focus on addressing achievement gaps through continued disaggregation of student achievement data. In addition, the draft supports the transition to a more growth-focused approach by providing needed flexibility to states and districts and schools to measure “student growth” and take actions to improve student achievement.

We also strongly support the significant improvements regarding **assessment of English Language Learners (ELL)**. The ELL population is the fastest-growing population of public school students in the United States. No matter what students’ backgrounds are, their ability to communicate in English is essential to academic success. Yet, current law has failed to meet the needs of our ELL students. For ELL students to meet the federal Adequate Yearly Progress standard, they must demonstrate progress in reading and math on an assessment that is usually given in English. Students struggling to learn even rudimentary English are expected to master content in reading and math and demonstrate progress in learning English. We know from research that, on average, it takes approximately three years for a student to learn English well enough to be able to take content assessments in English. Too often, however, due to NCLB requirements, ELL students are given reading and math tests in English before they are proficient in English. This practice defies research and does not provide valid or meaningful data that helps students succeed.

We are pleased that the draft makes significant progress in addressing these issues. First, it requires high quality ELL standards aligned with reading and math standards by 2014. In addition, it extends to two years the time certain ELL students can be enrolled in school before being required to take the English language assessment in English. And, it retains a two-year extension after three consecutive years in a public school if the student would be better assessed in another language. These provisions are critical to helping to ensure that students are not forced to take core tests in English before they attain sufficient proficiency to demonstrate their skills and knowledge.

We are also very pleased that **collective bargaining rights are preserved under Title I**. Collective bargaining rights allow educators to raise concerns about class size, school safety, and other teaching and learning conditions. We firmly believe that any sustained and systemic improvements to our public schools will require educators to be full partners with administrators, parents, students, elected officials, and community members. We are all accountable for the progress of our schools and students; therefore, we must all have a voice in the process. By preserving collective bargaining rights, the draft avoids intruding on state and local collective bargaining laws and agreements. We do note, however, that there is no specific protection in Title II or other Titles of ESEA.

Nevertheless, **there is still much work to be done** if students and educators are to see real, meaningful, and workable change from current law. In particular, the draft:

- **Includes no requirement for multiple measures of school or student performance.** The draft allows, but does not require, multiple measures of school performance. Nor does it require non-assessment based multiple measures of student learning, except for implementing the Teacher Incentive Fund. For the last 10 years, educators, researchers, and others have protested and documented NCLB's undue emphasis on narrow state standardized tests that have, in turn, led to the mislabeling and sanctioning of schools, narrowing of the curriculum, and the inability to provide targeted funding and support for struggling schools. Use of multiple measures will allow for a more comprehensive picture of school and student achievement and help identify specific areas for more intensive attention and resources.

According to a 2011 report by the Rand Corporation, “[P]ublic schools are expected to promote a variety of outcomes, of which academic achievement as measured by standardized tests is only one. Additional goals of schooling include the preparation of students for life after school, which includes not only readiness for college or the workplace but also social and behavioral outcomes, such as displaying self-regulating behavior, taking personal responsibility, and demonstrating an ability to work in teams...[A]n expanded set of measures could increase the validity of inferences about schools’ effectiveness and offer relevant information to principals and teachers about how to improve their schools’ performance.”

- **Continues the focus on testing in narrow subject areas and lacks a coherent NCLB transition plan.** There is no less testing in the draft than under current law, as it still requires annual standardized testing in math and reading in grades 3-8 and once in high school. Achieving a world-class education that prepares children for college and career, and allows them to compete in our ever-changing global economy, means that we are going to have to change the way we think about public education—children have got to be more than standardized test scores. Further complicating this is the fact that under the draft bill, states would have to use flawed NCLB-era tests until 2015-16, and identify persistently low-achieving and achievement gap schools by 2013-14 based on assessments that are not deemed valid and reliable for determining school performance. Therefore, the outcome of the accountability system’s triage process would remain flawed as well.

And, instead of entrusting local IEP teams to decide what assessments are best for students with disabilities, the draft bill retains the one percent cap on inclusion of alternate assessments for such students in overall accountability reporting; it also eliminates the allowance for modified assessments.

- **Includes troubling school turnaround models.** The proposal expands the number of turnaround models, but only one involves whole school reform using evidence-based strategies. The draft provides no way to embrace promising, locally-developed ideas to turn around struggling schools. In fact, most of the models rely on staff replacement—a wholly unworkable approach in many areas of the country, particularly rural districts.

NEA believes that ensuring success for all students requires all the adults involved in public education working together collaboratively and making decisions based on common understandings and agreements. Too many students in high poverty communities attend chronically underfunded, understaffed, and unsupported schools. Students must try to learn in buildings badly needing repair and often environmentally hazardous. Teachers working in these schools are often the most inexperienced and too often the least prepared. Great teachers and support professionals—with the right policy supports and resources—are the ideal agents of permanent change for these schools.

- **Provides no charter school accountability or public transparency.** The bill does not address charter school transparency and accountability to taxpayers for the use of federal funds. Charters must be held to the same accountability standards as other public schools, and should have to answer to parents and taxpayers for all funding sources. The bill also leaves open whether charters are subject to Title I accountability, based on state charter laws. To be clear, charter schools are public schools, so they should be held to the same accountability standards as all public schools.

We believe the draft bill contains a number of positive provisions. We thank you for your consideration of our views on these very important issues. We look forward to continuing these discussions with the Committee as the legislation moves to mark-up.

Sincerely,



Kim Anderson  
Director, Center for Advocacy



Mary Kusler  
Manager, Federal Advocacy