

October 15, 2011

The Honorable Tom Harkin
Chairman
Senate Committee on Health, Education,
Labor and Pensions
Washington, DC 20510

The Honorable Michael Enzi
Ranking Member
Senate Committee on Health, Education,
Labor and Pensions
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the nation's chief state school officers, we are writing to express our support for your Elementary and Secondary Education Act (ESEA) reauthorization bill and to applaud your bipartisan leadership. States are ready, willing and able to embrace the challenge of turning around low-performing schools and closing achievement gaps. Our commitment to meaningful accountability is resolute and we commend you for maintaining a core commitment to such in federal law while promoting greater state and local leadership in K-12 education. However, we recommend strengthening this legislation in several important ways and advocate for even greater deference to state and local leadership as the reauthorization process unfolds. Your bill represents a necessary and significant step forward for this urgently needed reauthorization process.

States are leading groundbreaking education reform efforts to raise the bar beyond current No Child Left Behind (NCLB) requirements to achieve college and career readiness for all students. This includes developing college and career ready standards and aligned, high quality assessments, designing and implementing updated accountability systems, and working collaboratively to begin developing systems of teacher and leader evaluation. States are eager to continue building upon these fundamental reforms so clearing away hurdles presented by existing federal law must be a high priority.

The Council of Chief State School Officers (CCSSO) has long called for transforming the ESEA to reinforce state leadership and establish a new type of partnership—based on a commitment to college and career readiness for all students; that maintains a focus on accountability, transparency, disaggregation, and other positive attributes of NCLB; but a partnership that fundamentally shifts the federal role away from dictating a single right answer in education policy to promoting state and local innovation. Your legislation is important progress toward this goal.

Broadly speaking, the draft Senate bill embraces this mindset to empower states to continue to lead on behalf of their students without dictating how. In particular, the bill achieves this by asking that all states adopt and implement college and career ready standards and improved assessments that measure student knowledge and ability to apply knowledge through higher order skills. Without hampering states with a one-size-fits all approach similar to that in current law, the bill also requires states to establish accountability systems, make annual determinations for all schools and districts based on clear goals and continuous improvement, and provide an array of rewards, supports, and interventions for all schools, with a focus on the lowest performing schools and schools with the largest achievement gaps. Finally, the bill requires states and districts to design and implement meaningful systems of educator evaluation based on multiple measures of student achievement, without dictating a single model or mandating particular high-stakes uses. As we have said, states are already leading and making significant progress on implementing all of these reforms so we welcome the attention you have given to these areas as we all agree they will have a significant impact on student achievement and success later in life.

However, there are several areas where the bill is far more prescriptive and specific than it needs to be. We urge you to change these elements, and we further urge members to resist pressures to prescribe additional language that will stymie state innovation. Key areas where we would like to seek improvements are outlined below.

- The draft requires states use a single framework for identifying the 5% lowest achieving schools. A better approach would permit states to select and use other valid outcome measures to inform identification of these schools. This approach would be similar to the model permitted by the draft bill for identifying continuous progress of all other schools in the state. This distinction creates unnecessary complexity and prevents states from identifying and using multiple outcome measures to develop innovative ways to determine how students are performing.
- The draft requires districts and schools to select from federally determined school-turn around models and does not allow states to propose alternate evidence-based models for peer review and Secretarial approval. This rigid approach stifles the ability of state and local leaders to implement customized turn-around strategies to meet student's specific needs. Using a principle based approach in the Senate bill, such as the one used by the U.S. Department of Education's ESEA Flexibility framework or at least allowing states to propose an alternate model for Secretarial approval, would be a major step in the right direction.
- The bill also oversteps by narrowly defining growth. Our nation's students are diverse and each brings strengths and needs into an educational setting. States need flexibility to identify and promote a wider variety of student attributes. Federal law should hold states accountable for meeting a high performance bar for all students, but should not over prescribe how states meet that level of performance. States are committed to developing strong accountability systems and the federal government does not need to specify a single approach for all states.

Addressing these issues is critically important as the bill moves through the legislative process and certainly before the law is sent to the President for his signature, but we see the Health, Education, Labor and Pensions Committee's upcoming consideration of your bill as the critical first step in moving toward a much more effective law. Given the urgency of the challenges facing our education system—and the students, families, teachers and communities in it— all parties must come to the table together to successfully reauthorize an ESEA, anchored in a renewed faith in state and local leadership, to ensure all of our students are ready for college and careers. We look forward to working with you throughout this process. If you have any questions, please contact us.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Gene Wilhoit' and the signature on the right is 'Christopher Koch'.

Gene Wilhoit
Executive Director, CCSSO

Christopher Koch
President, CCSSO Board of Directors
Superintendent of Education,
Illinois State Board of Education