

October 11, 2011

Sen. Tom Harkin
Chairman
Senate Committee on Health Education
Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Sen. Michael Enzi
Ranking Member
Senate Committee on Health Education
Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

RE: The Reauthorization of the Elementary and Secondary Education Act

Dear Sens. Harkin and Enzi:

On behalf of the millions of students with disabilities, low-income students, students of color, and English-language learners studying in our nation's schools, we would like to offer our initial comments on your Elementary and Secondary Education Act (ESEA) reauthorization proposal.

We think a number of provisions in your proposal could help to promote better outcomes for students. The proposal advances college- and career-ready standards and assessments, defines low-performing schools to include dropout factories, seeks to make funding more equitable within districts, and develops a commission on the assessment of English-language learners. It seeks to limit alternate assessments for students with disabilities to the alternate assessment on alternate achievement standards for students with the most significant cognitive disabilities. It also demands that students who most need the best teachers have equitable access to them, and it calls for districts to develop robust teacher evaluations based on effectiveness and student achievement as well as teacher performance. We applaud the inclusion of these provisions and recognize the benefits they could yield for students.

However, all of this strong policy is undercut by the accountability provisions included in this proposal. In exchange for a significant federal investment, all states, school districts and schools

should be held accountable for meaningful student improvement and take action when student outcomes do not improve. But the proposal only requires continuous improvement. States would not have to set measurable achievement and progress targets or even graduation rate goals. Congress, parents and tax-payers would have no meaningful mechanism by which to hold schools, districts, or states accountable for improving student outcomes at the pace our economy demands.

We appreciate that this reauthorization of ESEA is an effort to improve its last iteration, the No Child Left Behind Act (NCLB). That law has flaws to be sure. With the benefit of nine years of lessons learned and a rich body of data, we know that NCLB's accountability system was too rigid, precluding states and districts from properly differentiating between schools failing for all kids and schools failing for a small number. But we also know that NCLB changed the education conversation in America, focusing unprecedented energy and attention on issues of student achievement in general, and gap closing in particular. The loss of goals and progress targets would dismantle the positive aspects of NCLB's accountability system and be a significant step backward that we can ill afford to take.

Consider what did and did not happen under the 1994 Improving America's Schools Act (IASA), which immediately preceded NCLB. IASA required states to set improvement targets for schools and districts that resulted in "continuous and substantial improvement." What did states do? Many set their goals far too low: "improve mean performance level across grades by an average of .05;" and as nonsensical as "decrease the percentage of students scoring in the lowest quarter of state assessments." Others set un-ambitious goals such as "progress means not sliding backward." Moreover, only two states, Texas and New Mexico, included subgroup performance as part of federal accountability determinations. Neither our children nor our economy can afford to return to such low expectations and weak accountability.

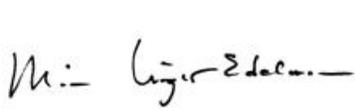
Yes, the states need and deserve more flexibility than NCLB afforded them, but our students need the federal government to establish an accountability framework that includes long-term statewide goals, interim goals, and an unambiguous demand for gap closing.

Anyone looking at the outcomes for our students knows that our school systems need to change — rapidly and dramatically. It is not the federal government's role to dictate *how* states, districts, or educators get their students to higher levels of achievement, but the federal government *must* — in exchange for scarce federal resources — be firm, ambitious and unequivocal in its demand for higher achievement, high school graduation, and gap closing.

Your proposal contains much that could help low-income students, students with disabilities, students of color and English-language learners. But without goals and progress targets it is all but impossible to ensure that these good intentions will actually add up to better outcomes for

students. In fact, past experience suggests they will not; something neither our students nor our country can afford.

Sincerely,



Marian Wright Edelman
President
Children's Defense Fund



Kati Haycock
President
The Education Trust



Wade Henderson
President and CEO
The Leadership Conference
on Civil and Human Rights



Janet Murguia
President and CEO
National Council of La Raza



John D. Podesta
Chair and Counselor
Center for American
Progress Action Fund



James H. Wendorf
Executive Director
National Center for Learning
Disabilities

cc: Members of the Senate Health Education Labor and Pensions Committee