

February 27, 2012

The Honorable John Kline  
Chairman  
Committee on Education and the  
Workforce  
United States House of Representatives  
2439 Rayburn House Office Building  
Washington, DC 20515

**Re: Committee Mark-Up on the *Student Success Act, H.R. 3989*  
and the *Encouraging Innovation and Effective Teachers Act,*  
*H.R. 3990***

Dear Chairman Kline:

The National School Boards Association (NSBA), representing over 14,500 local school boards across the nation, is pleased that the House Committee on Education and the Workforce has scheduled a Committee mark-up to reauthorize the Elementary and Secondary Education Act. The bill before the Committee will advance student achievement by promoting high standards, rigorous assessments, effective accountability, disaggregated data for informed local decision making, and improved practices in teaching and school leadership in a manner that will enable the state and local levels to effectively perform their roles to achieve the laudatory federal goals and framework set forth in this legislation.

The legislation for the most part is closely aligned with many of the priorities of local school boards across the nation aimed at raising student achievement. Among the proposed improvements to the current law are provisions that would:

- Establish a new accountability system that supports flexibility to the states and local school districts to ensure that strategies are developed that can best meet local needs and conditions to raise student achievement.
- Increase the focus on academic achievement to be addressed through both individual student progress and the elimination of achievement gaps between subgroups.
- Support greater state flexibility in developing standards, assessments, and accountability systems to support local school districts in improving academic achievement.
- Eliminate the unworkable provisions related to Highly Qualified Teacher and paraprofessional requirements and increase the emphasis on teacher and school leader effectiveness, including support for effective performance evaluation systems.
- Require states in their plans to describe how they will assist each local school district and each public school to comply with accountability requirements, including how the state will work with local school districts to provide technical assistance.



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Through our State  
Associations, NSBA  
Advocates for Equity  
and Excellence in  
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through School  
Board Leadership*

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**Office of Advocacy**

- *Mary Broderick  
President*
- *Anne L. Bryant  
Executive Director*
- *Michael A. Resnick  
Associate  
Executive Director*

- Increase focus on assessment measures to address higher-order thinking skills in addition to mathematics and reading/language arts (including the state discretion to add additional subjects), and expand authority to use adaptive assessments for children with cognitive disabilities.
- Continue the use of disaggregated data collection and reporting.
- Strengthen the focus on valid and reliable assessments for all students, including English language learners and students with disabilities.
- Support the use of multiple measures of student achievement and growth models.
- Encourage states to modify or eliminate state fiscal and accounting barriers so funds from the federal, state and local levels could be consolidated.
- Provide authority to local school districts to transfer funds among federal programs but not out of Title I.
- Maintain the current enrollment thresholds for targeted grants for small and rural schools.
- Clarify and limit the authority of the Executive Branch in program implementation of the law.

In addressing the need for immediate action, the NCLB waiver process undertaken by the U.S. Department of Education should not be a rationale for Congress to delay its representative responsibility for setting national education policy. More delay means that local school districts in states that received waivers will face the unnecessary waste of scarce dollars, staff time, and energy in implementing the conditions associated with their state's waiver program only to have a future reauthorization undo some requirements or lead to implementation of still others. Further, delay means states that don't receive waivers will face another year or two of the ever-increasing full burden of the flawed provisions of current law. In order to build effective and stable policies and programs for improving student outcomes the reauthorization cannot be forestalled to yet another year.

While we do have concerns with certain provisions that would establish funding caps in the out years tied to the cost of living, and also excuse states from maintaining state funding levels from year to year, we believe that that the significant overall improvements offered by this legislation should not stand in the way of reporting the bill out of Committee. However, as school boards are the elected office holders entrusted with governing the nation's schools, we are concerned with a change in federal funding policy that could result in cutting valuable programs for students or raising local taxes in many school systems. Accordingly, NSBA will continue to work with members of Congress throughout the legislative process to address these provisions.

NSBA appreciates the opportunity to re-affirm the urgency for completion of the ESEA reauthorization during this second session of the 112<sup>th</sup> Congress and to offer our support for this legislation. Questions regarding our recommendations or positions may be directed to Reginald M. Felton, assistant executive director for congressional relations at 703-838-6782, or by e-mail, [rfelton@nsba.org](mailto:rfelton@nsba.org).

Sincerely,



Michael A. Resnick  
Associate Executive Director