

**ESSA IMPLEMENTATION: PERSPECTIVES
FROM EDUCATION STAKEHOLDERS
ON PROPOSED REGULATIONS**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

EXAMINING EVERY STUDENT SUCCEEDS ACT IMPLEMENTATION, FO-
CUSING ON PERSPECTIVES FROM EDUCATION STAKEHOLDERS ON
PROPOSED REGULATIONS

JULY 14, 2016

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ESSA IMPLEMENTATION: PERSPECTIVES FROM EDUCATION STAKEHOLDERS ON PROPOSED REGULATIONS

THURSDAY, JULY 14, 2016

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:32 a.m., in room 430, Dirksen Senate Office Building, Hon. Lamar Alexander, chairman of the committee, presiding.

Present: Senators Alexander, Murray, Burr, Paul, Casey, Bennet, Whitehouse, and Murphy.

OPENING STATEMENT OF SENATOR ALEXANDER

The CHAIRMAN. The Senate Committee on Health, Education, Labor, and Pensions will please come to order.

Senator Murray and I will each have an opening statement. Then we will introduce our witnesses. Senator Paul is here to introduce the witness from Kentucky at that time, and then after our witness testimony the Senators will have 5 minutes of questions.

Senator Murray and I both have to leave at 10:15 for a while. I have to leave for a while to go to a short event in the House, but we'll continue the hearing. We'll be in the question time by then. You will have already given your testimony and we will have had a chance to ask you questions. So we'll go right ahead until about 11:30 or 11:45, depending on the number of Senators who come to ask questions.

This is our fifth oversight hearing on the law to fix No Child Left Behind. There's not a lot of need to elaborate on what we established in the first four hearings. The President of the National Education Association said that a dark cloud was lifted in December, and there was a broad consensus that that was true among people who work with children in schools. The President called the new law a Christmas Miracle that had broad support from Governors to teachers' unions to school superintendents to chief state school officers, and my hope is that by restoring responsibility to the States and classroom teachers, it inaugurates a new era of innovation and excellence in student achievement. Gone are the Federal Common Core mandates, the "Mother, May I?" conditional waivers, the highly qualified teacher definitions from Washington, the Washington mandates on teacher evaluation. Gone are the Federal school turnaround models, Federal test-based accountability, and Federal definitions of adequate yearly progress.

The new law placed some guardrails around State accountability systems, but it also placed some guardrails on the Secretary, who is specifically prohibited from telling States how to set academic standards, how to evaluate State tests, how to identify and fix low-performing schools, how to create teacher evaluation systems, and how to set goals for student achievement and graduation rates.

In May, the Education Department issued its first proposed regulation on accountability systems, and I will focus today on four areas that seem to me to be the most in need of overhaul; that is, the regulation needs overhaul, and I'll just mention them briefly.

One is the timeline for the new regulations. Senator Murray and I both mentioned this in our last hearing with Secretary King. The law requires States to establish a State-determined methodology to identify schools beginning with the school year 2017–18, but the proposed regulation, requires States to start identifying new schools for support and improvement by the beginning of the 2017–18 school year. That timeline would discourage States from doing exactly what we hoped they would do, which is develop and implement new accountability systems. States such as Hawaii and Tennessee have begun working with State and local coalitions on innovative approaches to accountability, expecting they will have until March or May 2017 to submit them to the Department. Under the regulations, the State would have to start earlier. Dr. Pruitt from Kentucky will be testifying about that. I look forward to his comments in his testimony.

I asked Dr. King last week whether the proposed regulation would allow a State to develop its new accountability system in 2017–18 and then begin to identify new schools the next year, 2018–19. He said under the current regulations it would not be allowed, but he's open to comment on that. So my interpretation is that the Secretary would be willing to let States wait to identify new schools until the beginning of 2018–19 so long as States are providing additional support to schools that have already been identified under No Child Left Behind waivers.

That might sound a little complicated, but it's pretty important to the States, and we are hearing a great deal about it all across the board. The law's intention, in my view, is to give States an opportunity to demonstrate innovation and accountability systems, which is now their responsibility.

The second one—and Dr. Darling-Hammond mentions this in her testimony—has to do with so-called summative ratings. The law says it's up to the States to figure out how to annually measure and differentiate public schools based upon a series of indicators beyond just the federally required math and reading tests. But the proposed rule invents out of whole cloth a requirement that these accountability systems result in each school receiving a single summative score such as an A to F grading system for all schools. That's not in the law. The law even prohibits the Secretary from providing specific methodology used by States to differentiate or identify schools.

The regulation was seen to put the government in Washington back in the business of deciding which schools in Kentucky, Tennessee, Washington, Hawaii are succeeding or failing. I look forward to Dr. Darling-Hammond's comments on that.

Third, State academic standards. Under No Child Left Behind, in effect, the Department mandated that States adopt Common Core, and 38 out of the 42 States did that in order to get the waivers. The law repeals that effective mandate with at least five specific prohibitions. It no longer requires a State to demonstrate, using that word, that they have adopted challenging standards. They simply have to assure the Secretary that they adopted those standards. Dr. Pletnick in her testimony questions whether the proposed rule requirement that the State must provide evidence at such time and in a manner specified by the Secretary would equate to the ability of the Federal Government to reject the State-developed standards. We look forward to that testimony.

Finally, high-stakes Federal tests. The heart of the new law is the end of Federal test-based accountability. We kept the 17 tests, but we moved to States and classrooms what to do about the tests. The proposed regulation seems to restore those high-stakes mandates. Federally mandated tests would again, and academic indicators would again become the primary means used to determine whether a school is succeeding or not, because once a school is identified as in need of improvement, it's going to always be in need of improvement unless it shows significant progress on a federally mandated system.

Those are some of the issues that I'm concerned about, that the witnesses have mentioned in their testimony. We look forward to hearing from you.

Senator Murray.

OPENING STATEMENT OF SENATOR MURRAY

Senator MURRAY. Thank you very much, Chairman Alexander.

We have a diverse group of witnesses here today to share their expertise and experience. Thank you all very much for joining us.

I'm glad that we have another opportunity to continue our discussion on implementing this important new law, the Every Student Succeeds Act, effectively and faithfully to make sure all our students have access to high-quality education.

For those keeping count, this is our fifth implementation hearing and another great opportunity to ensure the law is on track.

As I mentioned to Secretary King at our most recent hearing, I'm encouraged to see the Department making progress to provide much-needed clarity for States and school districts as they work to use the flexibility provided under ESSA in redesigning their accountability systems. This clarity is helping States and school districts engage and collaborate directly with parents and teachers and school administrators and civil rights organizations across the country.

As I've mentioned before in these hearings, we were deliberate in granting the Department the authority to actually implement the law and to do so in a way that accomplishes the clear goals we laid out. To me, one of the most important of those goals is to maintain the strong Federal guardrails to make sure the law truly is working for all students, because we know what happens when we don't have true accountability and when our education law is not working well. Inevitably, it's the kids from our low-income neighborhoods and the kids of color, kids with disabilities, kids

learning English who fall through the cracks, and that wouldn't just be against the spirit of the law that was just passed, it would be against the letter of it as well. And honestly, it would be an unacceptable outcome.

I am reviewing the regulations being released by the Department, taking a close look at the proposed parameters for accountability systems and State plan requirements and reporting requirements that are included in their draft; and, when necessary, I will continue raising concerns and be pushing for more clarity to make sure we maintain the focus on preparing all students for success in college and career.

As we told the Secretary at our last hearing, I'm concerned about a few provisions in the draft regulations; for example, a provision that allows States to compare the performance of individual subgroups to the average performance of all students in the State. ESSA was clear: the performance of every single student in every single subgroup of students matters.

We also need to make sure Federal investments in education support State and local resources and do not simply replace them. The regulation known as Supplement, Not Supplant, is an important fiscal accountability measure. This is an issue that I have raised at past hearings and I'm sure will be discussed today and one I will continue to push Secretary King to get right in the final rule.

Last, the deadline for public comments on accountability and State plans and reporting regulations is quickly approaching, August 1st. I hope all stakeholders, including those that are represented here today, will provide the Department with their feedback on those regulations.

It's up to all of us to work together on this and uphold the legacy and promise of our Nation's primary education law so every student has the opportunity to learn regardless of where they live or how they learn or how much money their parents make.

With that, I want to keep my remarks short so we can make room for our testimony today, and I look forward to hearing from all of you.

The CHAIRMAN. Thank you, Senator Murray.

Senator Paul, would you like to introduce our first witness? And then I will introduce the others.

STATEMENT OF SENATOR PAUL

Senator PAUL. Yes. Thank you, Senator Alexander. I'm glad to welcome Dr. Stephen Pruitt, our Kentucky Commissioner of Education. He was elected unanimously, which is somewhat of an anomaly to those of us in office, but he was elected unanimously to be Commissioner last September. He has hit the road with a lot of interest in finding out about what's going on around Kentucky. He's had 11 town halls and met with over 3,000 students, parents, and people interested in education.

One of the things I'm interested to hear from his testimony is that our intention was to allow more freedom with the new rules and with the new formulation of ESSA. I'm interested to hear from Dr. Pruitt on whether or not the new law is allowing Kentucky

more freedom compared to the old system of having the wavier that we had previously in Kentucky.

Welcome, Dr. Stephen Pruitt, and thanks for coming.

The CHAIRMAN. Thank you, Senator Paul.

Our second witness is Dr. Linda Darling-Hammond. She is currently President and CEO of the Learning Policy Institute, also Professor of Education Emeritus at Stanford.

Third is Dr. Gail Pletnick, Superintendent of the Dysart Unified School District in Surprise, Arizona. She is President-Elect of the School Superintendents Association.

Senator Burr may be here, but in the meantime I'll introduce the witness from North Carolina, Ms. Alison Harris Welcher, Director of School Leadership for Project L.I.F.T. Her organization works with school leaders to better use resources to improve student outcomes.

Starting with Dr. Pruitt, would each of you take about 5 minutes and summarize your testimony, and then we'll go to questions.

Dr. Pruitt.

**STATEMENT OF STEPHEN L. PRUITT, Ph.D., COMMISSIONER
OF EDUCATION, KENTUCKY DEPARTMENT OF EDUCATION,
FRANKFORT, KY**

Mr. PRUITT. Good morning. Thank you. Chairman Alexander, Senator Murray, Senator Paul, and members of the committee, first I'd like to thank you for the opportunity to come and speak with you this morning on what I believe is one of the great opportunities that I will ever see in my career. As the chief state school officer for the Commonwealth of Kentucky, I'm excited about the future of education in our State under this new law, the opportunity to build on the significant progress that Kentucky has made to date.

We have already started to work to engage a broad spectrum of education stakeholders. This spring I held 11 regional meetings, as Senator Paul has mentioned, met with over 3,000 Kentuckians in an attempt to find out really what our Kentuckians value in their education system. This is not something that's unique just to Kentucky. This has actually been going on in States across the country. This past week we heard from States like Oregon and New Hampshire, who are also engaging in the same type of activities.

Kentuckians told us what they value in their schools and how they want to define school success. We listened, and we're using those comments to shape our work as we move forward. I've assembled 166 diverse individuals and assigned them to work groups to examine all of these issues based on the goals, and make recommendations based on this new accountability system that will be a catalyst for improvement for every child in Kentucky.

The autonomy promise by ESSA is a welcome departure from No Child Left Behind, and I appreciate the continued focus on closing achievement gaps. Like many of you, I believe this is an issue of civil rights. In Kentucky, we're working to move all children to higher levels of learning while also determining the root cause of achievement gaps which we believe stem from opportunity and expectation gaps, access to rigorous, high-quality learning opportunities. By making changes to address these issues, our goal is not

only just to close the gaps but our hope is that we will eventually completely eliminate those gaps.

I'd like to commend the U.S. Department of Education for its quick response in drafting the regulations and releasing them in a timely manner. However, in my opinion, the proposed regulations go beyond what the statute intended.

To be clear, I'm not against accountability. I actually think that it is a critical piece to helping our Nation move forward. I'm also not against guardrails. I believe that someone needs to watch the watchers. However, instead of guardrails on a multi-lane highway, I believe the proposed regulations are more like concrete barriers along a one-lane rural road. With so many restrictions and requirements, the State voices are severely limited. The proposed regulations stifle creativity, innovation, and the sovereignty of States to govern their own education policies. Additionally, the volume and complexity of the regulations are in direct opposition to Kentuckians' desire for a simple system that provides a broad view of school performance.

For many, a new accountability system is a monumental task. Despite our best efforts, I am concerned about the timeline and States' ability to implement a new quality system that takes full advantage of ESSA. I was heartened to hear the Secretary say recently that perhaps the USDOE timeline was a little optimistic. I would wholeheartedly agree. For example, instead of using the data from our current accountability systems to identify schools for comprehensive support and improvement under the new system, as the proposed regulations suggest, we feel it would be prudent to wait until the end of the 2017–18 school year to identify schools based on the measures in the new system. This will be fairer for our schools, allow for a clean transition to a new system, and eliminate an amalgam of the two systems during the transition year.

In the meantime, as provided in Section 5 of the law, we will continue to support our currently identified low-performing schools. I would implore the Secretary to commit to this timeline now and not wait until the regulations are finalized.

On another point, while the proposed regulations claim to replace NCLB's narrow definition of school success, the requirement of a single summative score goes well beyond the statute. The proposed regulations limit States' ability to take a dashboard approach which is broader, fairer, and a more accurate representation of school performance.

In Kentucky, we found that a summative score leads to ranking and creates an unhealthy sense of competition rather than the collaboration and collegiality that supports true school improvement. We also found that in some instances it becomes more about adults chasing points and trying to game the system and to manage the appearance of performance rather than the actual performance.

Now more than ever, what a State needs to implement ESSA is an honest two-way communication, consistency and trust to make good decisions. We need a commonsense approach that supports a quality system of assessments, accountability, and school improvement measures that can be implemented with fidelity and will promote doing what is right for all students. However, a compliance mentality prevails.

There has been a lot said about the peer review process, and I would just issue as a caution that this can't be the answer to everything, because within that comes the potential for possible inconsistencies, impossible misinterpretations or different interpretations of the law.

Kentucky is committed to fully realizing the congressional intent of ESSA. If this law truly represents a new day for education in America, States would have the support to take action based on the quality and what is best for their students and move away from a compliance mentality.

I didn't wake up 6 months ago thinking I'm going to write a letter that is going to get some notice that's going to put me in front of a Senate committee. I do wake up every morning thinking today is a good day to make a difference for children, and I have 650,000 students that are relying on me back home to deliver to them a system that will be fair, equitable, and will promote achievement.

The Commonwealth of Kentucky looks forward to revised regulations that empower States with the freedom to plan, innovate, design, and implement quality education systems that will ensure opportunity for all students and for Kentucky to be able to promote the pillars of equity, achievement, and integrity in education policy.

I thank you so much for this opportunity to speak with you this morning.

[The prepared statement of Mr. Pruitt follows:]

PREPARED STATEMENT OF STEPHEN L. PRUITT, PH.D.

Chairman Alexander, Senator Murray, and members of the committee, thank you for inviting me to testify about the implementation of the Every Student Succeeds Act (ESSA).

I appreciate the support of the Senate in the passage of this law. It is important for Kentucky and other States to have a stable Federal law that enables State and local decisionmaking so that we can effectively support our schools and districts in their efforts to educate *all* children.

In Kentucky, our Constitution mandates an efficient system of common schools throughout the State and ESSA supports that idea with a focus on the success of every student.

I believe we have both an ethical and moral responsibility to our children to provide them with a world-class education regardless of the color of their skin, their heritage, the language they speak, their family income, where they live, or whether they have a disability. We educate children—ALL CHILDREN—because it is the right thing to do for them, for our State and for these United States.

As the Chief State School Officer for the Commonwealth of Kentucky, I am excited about the future of education in our State under ESSA and the opportunity to build on the progress we have made to date.

Kentucky has a long history of taking action in the best interest of our children. We don't believe in doing what is easy. We believe in doing what is right for our students. We understand that also was the intent of Congress in passing the ESSA.

In Kentucky:

- We value **equity** so that all of our students will have the opportunity to graduate from high school with the education and skills they need to go to college or start a career of their choice.
- We value **high achievement** in academics as well as a well-rounded education for every student.
- We believe in **integrity**—being open, honest and transparent with our students and the adults who support them. Sugar-coating data so everyone feels good about themselves is a disservice to our children, our parents and our educators.
- And finally, we value **quality** in the programs and systems that support excellence in teaching and learning, support continuous improvement and support our schools and districts in meeting our goal of every student graduating high school truly prepared to take the next step in life, whether that be college, a career or service in the military.

These values have served us well.

Not so many years ago, Kentucky ranked near the bottom of States on education indicators.

Today, by many measures, Kentucky has become a national leader in improving student achievement. We have climbed to 27th place overall according to the latest *Quality Counts* report from “Education Week.”

- Kentucky students outperform their peers at most levels in reading, mathematics and science on NAEP—the National Assessment of Educational Progress.
- While a wide achievement gap between low-income students and their wealthier counterparts exists in every State in the Nation, according to the *Quality Counts* report, with 60 percent of Kentucky’s students being considered low income, the poverty gap is lower in Kentucky than in the majority of other States.
- Our graduation rate is among the top in the country. In fact, the *2015 Building a Grad Nation* report released annually by the Alliance for Excellent Education, America’s Promise Alliance, Civic Enterprises and the Everyone Graduates Center at Johns Hopkins University called Kentucky “a beacon to all other States.”
- According to the report, our graduation rate for low-income students is nearly identical to the graduation rate for middle/high-income students and well above the national rate for all students.
- And, we have seen significant increases over the past 5 years in our readiness rates for postsecondary education and the workforce.

Despite this progress, we readily acknowledge that we still have achievement gaps—all States do. That is why I am excited about the opportunity ESSA presents. I, like many of you, believe ESSA is both a civil rights law and an education law.

In Kentucky, we are working to determine the *root* cause of achievement gaps, which we believe stem from opportunity gaps and access to rigorous, high quality learning opportunities. Kentucky’s plan for closing gaps is to move all children up, but to do so faster for those at the lowest performance levels. We do not want to sacrifice the performance of any child for the sake of another. We believe all boats should rise and ALL children should perform at the highest levels. We will make changes to not only close the gaps, but eliminate them whenever possible.

In Kentucky, we seized the opportunity that ESSA presents. Before the U.S. Department of Education (USED) even released the proposed regulations, Kentucky started working to engage a broad spectrum of education shareholders, through a series of 11 face-to-face Town Hall meetings held across the State and one conducted virtually. More than 3,000 people participated. They told us what they value in their schools and how they define school success. We listened and are using those comments to shape the work ahead.

Also, we have been intentional in making sure we have representation from all shareholder groups at the table—on our steering committee and work groups—as we build a new accountability system under ESSA that will promote quality programs, school improvement, educational access and create more opportunities for low-income and minority students. I have assembled 166 diverse individuals and assigned them to work groups to examine the issues based on our goals and make recommendations on a new accountability system that will be a catalyst for improvement and *every* child succeeding.

We plan to go back out to the public for feedback on the new system, as well as to gather advice on the development of District and School Report Cards.

I assure you that Kentucky is invested in its young people and is up to the challenge and opportunity that comes with the reauthorization of the Elementary and Secondary Education Act.

POSITIVE ASPECTS OF ESSA PROPOSED REGULATIONS

I commend the United States Department of Education (USED) for its quick response in drafting regulations on the implementation of ESSA and releasing them in a timely manner for public comment.

I am heartened by a number of items in the proposed regulations on accountability and State plans published in the Federal Register on May 31.

In regard to supporting all students and providing a well-rounded and supportive education and equitable access to such for students (*Section 299.19 (a)—p. 34620*), I am excited that career and technical education finally gets its due. Education and the economy are inextricably linked. For many of our students, career and technical education is a pathway to their future, and it is time we recognized it as such through challenging standards and rigorous coursework. The business community also is very enthusiastic about this as it will result in a better prepared workforce.

The folks who spoke during our town hall meetings or who submitted written comments will be very happy that the regulations recognize the importance of sub-

jects beyond math, reading and science. They consistently told us how much they valued student participation in the visual and performing arts, along with the benefits of health and physical education. For many students, these are the areas that keep them engaged in school and persisting to graduation.

I wholeheartedly agree with Secretary King's prior statement on the proposed regulations that they "give educators room to reclaim for all of their students the joy and promise of a well-rounded educational experience."

I appreciate Senator Murray's assessment that the proposed regulations fulfill the Federal obligation to protect and promote equity, ensuring that ESSA implementation will uphold the civil rights legacy of the Elementary and Secondary Education Act, as it was originally approved.

I further welcome the statutory provision and the congruent regulatory guidance on Subgroups of Students (*Section 200.16(b)(i)—p. 34600*) that maintains the inclusion of English Language Learners in accountability up to 4 years to provide a more accurate picture of how schools are continuing to support these students.

Additionally, allowing students with alternate diplomas (*Section 200.34(a)(1)(ii), p. 34612*) to be counted in the graduation rate is a much needed change. Formerly, only students graduating with a "regular" diploma counted in the graduation rate, which discounted the hard work of students participating in an alternate assessment who achieved the alternate diploma. We are happy to see that change reflected in the statute and the proposed regulation.

CONCERNS OVER ESSA PROPOSED REGULATIONS

But, a law is only as good as its regulations and their implementation. No education initiative ever died in the visioning phase; it lives or dies dependent on its implementation.

As we saw under No Child Left Behind (NCLB), States do not achieve quality teaching and learning or improved student outcomes simply by checking a box that they complied with a law. There also must be fidelity in the implementation of the law, which is especially important with the autonomy that the ESSA provides States and local school districts.

However, in my opinion, the proposed regulations go beyond what statute intended. Instead of guardrails along a multi-lane highway, the proposed regulations are more like concrete barriers along a one lane road with so many restrictions and requirements, that State choices are severely limited. The proposed regulations stifle creativity, innovation and the sovereignty of States to govern their own education policies.

Additionally, the volume and complexity of these regulations are in direct opposition to Kentuckians' desire for a system that is simple and yields clear, concise messages to the public and parents and provides a broad view of school performance.

I question, based on the proposed regulations, do States truly have the autonomy to develop an accountability system and State plans that reflect their goals and values and are in the best interest of children as was intended under ESSA? As the saying goes, the devil is in the details.

I am concerned about several issues that have emerged in the proposed regulations that could undermine our efforts to continue on a path to genuine improvement for all students and clearly communicate where on that path a school and district is. Certain of the proposed regulations simply do not seem to be consistent with the intent of Congress or Kentucky's values.

As a preface, it is important for the record to reflect that Kentucky has no intention of backing off of accountability in any way during our transition to the new law. Accountability is important to ensure public dollars are spent wisely and that all students have equitable opportunities to achieve at high levels.

POINT 1—IDENTIFICATION OF SCHOOLS IN NEED OF COMPREHENSIVE SUPPORT AND IMPROVEMENT

Statutory Summary: *Section 5(e)(1)(B)* indicates that States which receive title I funding must develop and implement a single, statewide State accountability system beginning with school year 2017–18. *Section 1111(c)(4)(D)* of the ESEA, as amended by the ESSA, requires States to begin identifying schools in need of comprehensive support and improvement in the 2017–18 school year and to do so at least once every 3 years.

The proposed regulation would: Require States to use data available in 2016–17 that was generated under the current accountability system to identify schools for comprehensive and targeted support and improvement under the new system beginning in 2017–18. (*Section 200.19(d)(1)* p. 34603)

KY Reaction: Implementing a new accountability system in 2017–18 is already a monumental task on an aggressive timeline, and I have concern that States will be able to implement new systems that take full advantage of ESSA by the 2017–18 school year. Instead, States will be forced into continuing the status quo of their current systems or make only minor tweaks to existing systems.

I was heartened to hear the Secretary say recently that perhaps USED’s timetable was a little optimistic. We wholeheartedly agree.

For example, instead of using data from our current accountability system to identify schools for comprehensive support and improvement under the new system as the proposed regulations suggest, we feel it would be prudent to wait until the *end* of the 2017–18 school year to identify schools based on the measures of the *new* system.

If States are forced to identify schools prior to the new system being approved by USED, schools might not be accurately identified under the new system. This means those schools that most need intensive help may be prohibited from getting it, while those not really needing additional resources could receive them.

In addition, misidentification can create confusion among educators, parents and students and erodes confidence in the accountability system. For example, when Kentucky transitioned to its current accountability model, one high school was identified as a Priority School under the former system. However, under the new system it has grown to be high performing and has continued to improve. Since there was no “reset” based on the measures of the new system, this school is simultaneously identified in the bottom 5 percent and the top 5 percent—sending mixed signals and creating distrust of the current accountability system. We do not want to repeat this problem in the transition to a new accountability system under ESSA.

Identifying schools for comprehensive support and improvement using data generated under the new accountability system would be fairer for our schools, allow a clean transition to the new system and eliminate an amalgam of the two systems during the transition year. In the meantime, we would continue to support our currently identified low performing schools.

I would implore the Secretary to commit to this timetable now and not wait until the regulations are finalized.

If we are forced to implement an accountability system that does not closely align with State policy priorities, it will strike a devastating blow against the integrity of this agency and our State as a whole. Our schools will suffer and stay mired in compliance rather than accepting the shared responsibility for educating the students of the Commonwealth. I am a firm believer in accountability, but I will not allow the new system in our State to reflect anything other than Kentucky’s values and what is best for our students.

POINT 2—ANNUAL DIFFERENTIATION OF SCHOOL PERFORMANCE: PERFORMANCE LEVELS AND SUMMATIVE RATINGS

Summary of the Statutory Language: Section 1111(c)(4)(C) requires that a State, on an annual basis, meaningfully differentiate its schools using all the indicators in the State accountability system.

The proposed regulation would require that State accountability systems provide a single summative rating from multiple measures of school performance. (*Section 200.18 (4)—p. 3460*)

KY Reaction: While the proposed regulations claim to replace NCLB’s narrow definition of school success with a more comprehensive picture of school performance, the requirement of a single summative score seems to go well beyond what the statute calls for and would limit States’ ability to leave data at a dashboard level, which is a broader, fairer and more accurate representation of school performance. While composite indices tie up school performance in a neat little package, reporting school performance as a single number—like reporting different student groups as one group—can mask true performance on the various indicators.

In Kentucky, we found that a summative score leads to ranking and creates an unhealthy sense of competition rather than collaboration and collegiality among our schools and districts. We also found that, in some instances, it takes the focus away from decisions based on what’s best for students. Instead, it becomes more about adults chasing points and trying to “game” the system to manage the appearance of performance, rather than actual performance. This is not good for students and is diametrically opposed to Kentucky’s desire to provide a transparent system that has integrity and on which people know they can count to get accurate information about school performance.

Furthermore, research¹ shows that use of a summative score does not spur improvement, whereas, quality feedback on multiple indicators leads to greater improvement.

POINT 3—ANNUAL DIFFERENTIATION OF SCHOOL PERFORMANCE: WEIGHTING OF INDICATORS

Summary of the Statutory Language: Section 1111(c)(4)(B) requires State accountability systems to include certain indicators. Most of those are academic indicators (e.g., results on reading and math assessments, high school graduation rates), but States also are required to have one or more additional indicator(s) of school quality or student success. Section 1111(c)(4)(C)(ii) specifies that each academic indicator has to receive “substantial” weight in the State’s accountability system, and that in the aggregate, “much greater weight” than the school quality indicators in the aggregate.

The proposed regulation: Requires States to perform back-end checks to demonstrate their weighting systems meet the “substantial” and “much greater” standards required in the law, even though the regulations do not prescribe the weight or offer a range of weights States assign to each indicator, or the aggregate weights for the academic and school quality or student success indicators. (Section 200.18 (6)(d)(1–3)—p. 34602) For example:

- A school that gets the lowest score on one of the academic indicators must get a different summative rating than a school performing at the highest level on every academic indicator.
- A school identified for statutorily defined comprehensive support (bottom 5 percent, high schools with graduation rates below 67 percent, and schools with very low performing subgroups) or statutorily defined targeted support (consistently underperforming subgroups) cannot be removed from those categories based on the performance on school quality or student success indicators unless significant forward progress is happening on one of the academic indicators. The proposal does not, however, define “significant forward progress,” thereby leaving that determination up to States.

KY Reaction: The regulation goes beyond the scope of the statute and adds additional provisions to what is supposed to be a State determination. The back-end checks negate a State’s ability to determine the impact that “substantial” and “much greater” weights have in the overall accountability system.

POINT 4—IDENTIFICATION OF SCHOOLS—SCHOOLS IDENTIFIED FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT

Summary of the Statutory Language: Each State must create a methodology, based on a system of annual meaningful differentiation, for identifying certain public schools for comprehensive support and improvement and must include three types of schools:

- The lowest-performing 5 percent of all title I schools in the State;
- Any public high school failing to graduate one-third or more of its students; and
- Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as all students in the lowest-performing 5 percent of title I schools and that has failed to improve after implementation of a targeted support and improvement plan.

The proposed regulations would: Reiterate the statutory requirement for identifying three specific types of schools for comprehensive or targeted support and improvement. They do not extend the authority of States to identify schools for improvement beyond what is in statute. The regulation should provide States further guidance on how they may be able to provide support to schools in need beyond those currently recognized. (Section 200.19(a)(1–3)—p. 34602)

KY Reaction: Currently States are able to identify schools for supports if they are title I *eligible*; however, due to the prescriptive nature of the proposed regulations, States are no longer afforded that option. Since many, if not all, districts run out of title I money before getting to high schools, the result would be there would be middle and high schools that would not receive assistance, in spite of really needing it.

¹Lipnevich, A.A., and Smith, Jeffrey K. (2008, June). Response to assessment feedback: The effects of grades, praise, and source of information. Princeton, NJ: ETS.

POINT 5—IDENTIFICATION OF SCHOOLS—METHODOLOGY TO IDENTIFY CONSISTENTLY UNDERPERFORMING SUBGROUPS

Summary of the Statutory Language: Section 1111(c)(4)(C)(iii) provides that each State must establish and describe in its State plan a methodology to identify schools for targeted support and improvement and leaves the determination of consistently underperforming up to the State.

The proposed regulation would: Define consistently underperforming as failing to make progress for 2 years. (Section 200.19(c)(1)—p. 34602)

KY Reaction: The regulation oversteps the bounds of the statutory language which leaves the definition of consistently underperforming up to the States.

POINT 6—RESOURCES TO SUPPORT SCHOOL IMPROVEMENT

Summary of the Statutory Language: The statute authorizes the SEA to reserve 7 percent of the State's title I allocation to serve schools identified for Comprehensive or Targeted Support and Improvement. At least 95 percent of these funds must flow through to LEAs, unless the SEA and an LEA agree to have improvement activities carried out by the State or an outside provider. The statute provides other requirements regarding local applications and the targeting of these funds.

The proposed regulations would: Require that the SEA, in allocating funds, provide at least \$50,000 for each Targeted Support and Improvement school and at least \$500,000 for each Comprehensive Support and Improvement school, unless the SEA can conclude (based on a demonstration by the LEA in its application) that a smaller amount would suffice. (Section 200.24 (9)(c)(2)(ii)—p. 34608)

KY Reaction: With the proposed regulation setting an arbitrary minimum allocation of \$500,000 for Comprehensive Support and Improvement Schools, there is no consideration of student population. For small rural schools, this would likely be more than they need, but the State would have no discretion in awarding less unless the district requested and justified less, which few are likely to do. The result would be less money for schools that may have larger student populations and need more than the \$500,000 to effect comprehensive improvement, thus creating a funding inequity.

Furthermore, the State should not be forced through the onerous process of establishing a \$500,000 minimum, to have each LEA either apply for the \$500K or request and justify an exception, and then consider each such request on a case-by-case basis—all when the State knows from the beginning that \$500K will be more than needed in many cases.

By setting the minimum allocations in regulation, States do not have the autonomy to make decisions based on actual school needs.

POINT 7—REPORT CARDS

Summary of the Statutory Language: The law requires that each LEA participating in title I produce and disseminate a report card, containing information for the LEA as a whole and for each of its schools.

The proposed regulations would: Require that the local report card (for the LEA as a whole and for each school) begin with a clearly labeled and prominently displayed overview section, be developed with parental input, include certain information and be distributed to parents on a single piece of paper. (Section 200.31 (3)(d)(2)(i)—p. 34610)

KY Reaction: With the volume and complexity of the reporting requirements, a single sheet of paper is not adequate if we are to use a font size that we expect parents and others will be able to read.

POINT 8—CONTENTS OF THE CONSOLIDATED PLAN AND THE PEER REVIEW PROCESS

Summary of the Statutory Language: Section 1111 (e)(1) prohibits the Secretary from adding new requirements and criteria outside the scope of the statute.

Section 9302 (b)(3) states that

“the Secretary shall require only descriptions, information, assurances . . . , and other information that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.”

Section 1111(a)(4) provides that the Secretary establish a peer-review process to assist in the review of State plans. The purpose of peer review is to maximize collaboration with each State; promote effective implementation of the challenging State academic standards through State and local innovation; and to provide transparent, timely and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

The proposed regulations would: Require States to undertake burdensome, time-consuming documentation not required in statute to provide detailed descriptions, reviews and evidences on multiple elements within the consolidated State plan—presumably to support the peer review process.

KY Reaction: We applaud the law’s intent to provide collaboration between State and Federal education agencies through the peer review process and provide feedback designed to strengthen State plans. However, history has shown that the peer review process, as it currently operates, is subjective, secretive and often results in inconsistent interpretations of the law.

The documentation that States must provide under the proposed regulations on items such as challenging State academic standards, performance management systems, strategies, timelines and funding sources goes beyond the intent of the assurances required in statute. As such, we have a concern that though prohibited in law, the peer review process could be manipulated to allow the department to promote its agenda outside of the regulatory process.

Furthermore, the requirement to provide massive amounts of documentation, again presumably to support the peer review process, adds many additional staff hours and expense. Recently, the Kentucky Department of Education was required to spend more than \$500 and countless hours assembling boxes and boxes of hard copy documentation for the assessment peer review. This does not seem to support the collaborative process intended in the law and a trust in States to do the right things for their students.

POINT 10—SUPPLEMENT, NOT SUPPLANT: SECTION 1118(B)

Finally, while I understand the proposed regulations on assessments and “supplement, not supplant” will be forthcoming, based on what we have seen so far with the proposed regulations on accountability and State plans, I have concerns.

Kentucky is committed to supporting equitable educational opportunities for all students. I am concerned, however, that USED’s recent regulatory proposal on title I’s Supplement, not Supplant (SNS) requirement exceeds the scope of the Every Student Succeeds Act (ESSA) and will promote harmful consequences for students.

SNS is a long-standing rule that requires title I funds not be used to replace the State and local funds an LEA would have spent in a title I school if it did not participate in title I. ESSA retained the SNS rule, but changed how compliance is tested. ESSA prohibits USED from prescribing the specific methodology an LEA uses to allocate State and local funds.

ESSA also contains a “rule of construction” stating nothing in title I shall be construed to mandate equalized spending per-pupil for a State, LEA, or school. USED’s proposed regulation on Supplement, not Supplant purports to permit each LEA to determine its own methodology for allocating State and local funds to schools, but would require that the methodology result in the LEA spending an equal or greater amount per-pupil in its title I schools than the average amount it spends per-pupil in its non-title I schools.

The Congressional Research Service recently released an analysis that found “a legal argument could be raised that USED will exceed its statutory authority if it promulgates the proposed SNS rules in their current form.”

In addition to exceeding the statutory scope of ESSA, the proposal that USED presented during negotiated rulemaking may require districts to force place teachers in schools to comply, place existing State and local initiatives to promote diverse public schools at risk of noncompliance, and penalize States and districts that use a weighted funding methodology.

When the Department publishes its forthcoming proposed rule on Supplement, not Supplant, I urge Congress to review it closely to ensure that it conforms to congressional intent and avoids the unintended negative consequences promoted by the Department’s earlier proposals in this area.

There are many other smaller technical points in the proposed regulations that Kentucky will be addressing in its formal comments submitted through the Federal Register website. Individually they may seem benign, but collectively they add up to a very inflexible, prescriptive and authoritarian approach to school improvement—the very thing that doomed NCLB and the very thing ESSA was meant to avoid.

CONCLUSION

Now, more than ever what States need to implement ESSA is a common sense approach that supports a quality system of assessments, accountability and school improvement measures that can be implemented with fidelity and will promote doing what is right for *students*.

States need honest two-way communication, consistency and to be trusted to make good decisions.

Let me share with you, however, an issue we recently encountered concerning Kentucky's current science assessments. On March 31, 2015, as part of the ESEA flexibility waiver renewal process, USED approved Kentucky's plan to give only a Norm Referenced Test (NRT) at the elementary and middle school levels in science, since the State had implemented new science standards and aligned assessments were in development, but not yet vetted and available for administration. The alternative, a delay in teaching the new, more rigorous science standards until a new test was complete, was not a decision Kentucky entertained, since it would not be in students' best interest.

This spring, despite Kentucky's approved ESEA waiver, USED staff informed the State that under a *new* interpretation by USED, the State was out of compliance, unless it gave a science test for which student performance levels could be assigned. USED staff suggested giving an old test, not aligned to the new science standards and for which student performance levels would not be an accurate reflection of what they were learning.

This would be a violation of *Federal requirements* that assessments be aligned with the State's challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards. In order to maintain the integrity of Kentucky's accountability system and to be honest with our students, parents and teachers, I could not in good conscience agree to USED demands.

Although informed that new high-quality science tests aligned with the new standards would be field tested in spring 2017 and implemented statewide in spring 2018, I received a letter that USED has placed a condition on Kentucky's Title I, Part A and IDEA Part B Federal Fiscal Year 2016 grant awards—all because we wanted to do what was right for students, and not waste money on a meaningless test.

In one of our many conversations with USED on this issue, I was told that if everyone took time off testing when new standards are implemented it would be a problem. My response was no, it would be a *solution*, because we would have time to develop high quality tests that assess student knowledge at a much deeper level and provide more meaningful feedback as a basis for improvement. We wouldn't just be giving tests for tests sake.

Kentucky is committed to fully realizing the congressional intent of ESSA. If this law truly represents a new day for education in America, States must have the support to take action based on quality and what is best for their students and move away from a compliance mentality.

The word accountability ends with "ability," which is what Kentucky is seeking in proposed regulations—the ability to put OUR students at the center of the decisionmaking process.

The Commonwealth of Kentucky looks forward to revised regulations that empower States with the freedom to plan, innovate, design and implement quality education systems that will ensure opportunity for all students and, in Kentucky, promote the pillars of equity, achievement and integrity in education policy.

Thank you for your time and consideration.

The CHAIRMAN. Thank you, Dr. Pruitt.

If the witnesses stay as close as you can to 5 minutes, we'll have more time for back and forth with all the Senators.

Dr. Darling-Hammond.

STATEMENT OF LINDA DARLING-HAMMOND, Ed.D., PRESIDENT AND CEO AT LEARNING POLICY INSTITUTE, CHARLES E. DUCOMMUN PROFESSOR OF EDUCATION EMERITUS AT STANFORD UNIVERSITY, PALO ALTO, CA

Ms. DARLING-HAMMOND. Thank you so much, Senators Alexander and Murray, members of the committee. Thank you for your invitation to participate in this hearing.

As a parent and a teacher and a researcher, I want to congratulate the Congress on the many ways in which the Every Student Succeeds Act builds on our knowledge of what works in education and how schools can be improved. ESSA gives States the oppor-

tunity to design accountability systems that both support equity and continuous improvement across schools, and it recognizes that educational improvement today must increase students' ability to succeed in the 21st century.

I also applaud the U.S. Department of Education for including a number of provisions in its proposed regulations that will help support these goals, in particular the need to ensure that the interventions are evidence-based and locally determined and that they support the use of school indicators for both identification and diagnostic purposes.

There are some areas where the proposed regulations, however, could unintentionally undermine equity advances and State efforts to support improvement in all schools for all students. In my written testimony I identify five areas.

The first is allowing dashboards of information that do not require a single summative score.

The second is allowing additional indicators of school quality beyond the four federally required ones to be used meaningfully in accountability decisions.

The third is to allow more detailed and informative measures of achievement in addition to the percent of students proficient on State tests for accountability determinations. We learned under NCLB that the attention on what became the bubble kids who were right at the cut score took away from attention to kids above and below. We need information about how children are progressing along the entire continuum.

The fourth is to allow sufficient time, as we've already mentioned, for implementation of these rules.

And the fifth is to find ways to respond to low participation rates that do not confuse actual student performance with the number of students taking tests.

I'm going to focus really just on the single summative score issue now, which is causing many States concern. Places like California, Kentucky, Vermont and Virginia and others are well along a path toward developing new accountability systems that focus on more and better information for school intervention and improvement that they believe will be undermined by this requirement because it will mask important information, make it more difficult to target the right supports to the right schools in the right ways. Several of these States have used a single measure like a grading system or an index in the past. They found that it impeded useful improvement, causing schools that are above the cut point to become complacent because they don't have to worry about improvement, and masking information both about subgroup performance and about what we need to improve.

Some people have said that parents can't understand more than a single summative score, but as the parent of three children I would argue that those report cards that we get every semester that tell us how our kids are doing in reading and math and social studies and PE and art and whether they're getting their homework done are completely interpretable to parents and very much valued, and I included a redacted version of one of my children's report cards in the testimony on page 5 to remind us that getting this information is very, very valuable. In fact, in my own experi-

ence of parenting, I never ever asked any of my children's schools for a single summative score to describe my child. And because I have two children who are dyslexic and performed well overall, we would never have identified their reading needs if all I got was a single summative score. Schools need to know which kids need help in reading, which ones need help in math, just as States need to know which schools need help to improve their English language proficiency programs and pedagogies and which ones need help to improve their graduation rates.

Many States are exploring and developing decision rules to be able to use multiple indicators in a fair and consistent way, giving more weight to the academic indicators, but also paying attention to things like college and career readiness, how many kids are completing good programs of career technical and college preparatory education, things like suspension and expulsion rates that civil rights groups in a number of States like my own have been advocating for in the dashboard, as part of a comprehensive approach both to monitoring schools for continuous improvement and subgroups of students within those schools, targeting interventions to those needs, using decision rules to decide which schools with the greatest needs in each of those areas and across the areas will get interventions from the State.

I gave examples in my written testimony of how several States are approaching this as they are developing their new systems working with stakeholders, and I think it's really important that we allow in the regulations the flexibility for these important indicators to be part of the accountability determinations and the continuous improvement systems that are used to follow on that.

At the end of the day, our goal has to be providing as much information as possible to identify and solve problems. Thank you for the opportunity to discuss how we can make this law as beneficial as it has the potential to be.

[The prepared statement of Ms. Darling-Hammond follows:]

PREPARED STATEMENT OF LINDA DARLING-HAMMOND, ED.D.

I. INTRODUCTION

Chairman Alexander, Ranking Member Murray, and members of the committee, thank you for your invitation to participate in this hearing.

My name is Linda Darling-Hammond. I am the Charles E. Ducommun Professor of Education Emeritus at Stanford University and serve as the President and CEO of the Learning Policy Institute (LPI).

The Institute conducts and communicates independent, high-quality research to improve education policy and practice. Working with policymakers, researchers, educators, community groups, and others, we seek to advance evidence-based policies that support empowering and equitable learning for each and every child.

I am honored to be here today.

As a parent, an educator, and a researcher, I want to begin by congratulating the Congress on the many ways in which the Every Student Succeeds Act (ESSA) builds on our knowledge of what works in education and how schools can be improved. To a much greater extent than its predecessor, ESSA affords States the opportunity to design accountability systems that both support continuous improvement across all schools while accurately identifying and assisting schools that are struggling to meet the needs of all students. It recognizes that educational improvement must increase students' ability to succeed in the 21st century, fostering such skills as critical thinking, complex problem-solving, effective communication and collaboration, and the ability to learn independently in a rapidly changing world.

The main point of my testimony is that the regulations for the law must allow for accountability that leads to this equity and improvement, by providing trans-

parency and clarity for action both for schools that are failing overall or struggling in certain regards and for all schools to continually improve. At the same time, it must allow for the innovation that will carry this country and its people into the 21st century innovations in learning, teaching, and schooling that are necessary for our national success.

Changes are clearly needed in our educational systems. According to the most recent Program for International Student Assessment (PISA), a test of applied learning and higher order thinking skills released by the Organization for Economic Co-operation and Development (OECD), the United States ranked, among 34 countries, 27th in mathematics, 17th in reading, and 20th in science.¹ Between 2000 and 2012, when No Child Left Behind was in place, U.S. scores and rankings on PISA declined in all areas tested. The greatest challenges are in the schools serving our lowest-income students. And poor children are a growing share of the U.S. population, now comprising more than half all public school students.

It is clear that we need to do some things differently than we have attempted in the past. While we have some wonderfully successful schools, our system as a whole is not ensuring that all students can graduate from high school well prepared for their futures. To achieve this goal, we will need to redesign accountability and improvement systems to support these efforts.

As the U.S. Department of Education (the Department) works toward finalizing regulations to support the successful implementation of ESSA, these regulations must allow States to develop accountability systems that increase equity in educational opportunities and outcomes and that drive continuous improvement for all students and schools. These systems should offer transparency, without sacrificing the specific information needed to determine supports and interventions. And the regulations should support innovation, so that States can implement changes that will support and measure the kind of 21st century teaching and learning that are necessary for our national success.

Congressional intent to support these types of systems is evident throughout ESSA. I join many educators who applaud the wise approach Congress took to create a law that allows States to move away from the restrictions of NCLB that hampered continuous improvement and innovation. While well intentioned, NCLB resulted in rigid accountability systems that were often counterproductive to increasing equitable and meaningful educational opportunities for all students.

I also applaud the U.S. Department of Education for including in its proposed regulations a number of provisions that will help support the goal of creating accountability systems that drive improvement for all schools and all students. For example, the proposed regulations emphasize the need to ensure that interventions are not only based on each school's unique situation but they must also be evidence-based and locally determined. The proposed regulations also support the use of indicators for both identification and diagnostic purposes. The use of diagnostic indicators can provide additional data to inform the use of funding for professional development, direct student services, and school improvement.

There are some areas, however, where the proposed regulations could be counterproductive to State efforts to support continuous improvement in all schools for all students. Other regulations could reduce the opportunities for States to develop much more effective systems for addressing inequalities and improving schools. The following testimony highlights these areas and provide recommendations on how the final regulations can support States in developing, implementing, and improving upon accountability systems that drive continuous improvement to ensure that all students develop the skills necessary to succeed in the 21st century.

II. KEY ISSUES

The final regulations issued by the Department, as well as any subsequent Guidance and Technical Assistance should:

1. Allow States to develop useful dashboards of information that provide transparency and guidance for productive action. ***The regulations should not require a single summative score***, which could limit a State's ability provide the data needed for schools and States to act wisely and well on behalf of the students and families, while hindering the ability of parents and community members to advocate wisely and well on behalf of their children.
2. Allow States to use additional indicators of school quality, beyond the four that are federally required, in meaningful ways that recognize and incentivize schools for

¹Organization for Economic Co-operation and Development, "Program for International Student Assessment (PISA) Results from PISA 2012: United States" (Washington, DC: Organization for Economic Co-operation and Development, 2013).

their progress on these measures. The proposed regulations would essentially render the “5th indicator(s)” meaningless in the process of identifying schools, thus undermining efforts to eliminate disparities and increase student opportunities to learn. ***The regulations should not restrict State options for weighting and using these additional measures*** in meaningful ways to add to the information that is used to examine school success. This should include the meaningful use of extended-year graduation rates in State accountability systems, which incentivize schools to keep in, rather than pushing out, students who cannot graduate in 4 years and to re-attract those who have left.

3. Allow States to use continuous measures of achievement (such as scale scores, and movement across performance categories), in order to better measure progress and equity gaps. This approach encourages schools to pay attention to students at all points along the achievement continuum, and provides States with better information about progress and outcomes for all students. ***The regulations should not require reporting of student performance by the percentage of students who have met a single cut-point*** which has, under NCLB, focused attention disproportionately on assisting students near that cut point (the so-called “bubble kids”) to the detriment of others.

4. Ensure sufficient time to implement thoughtful and effective accountability systems which incorporate stakeholder feedback and have the capacity to drive effective strategies for improvement in schools. ***The regulations should give States until the 2017–18 school year to use new systems for evaluating school progress and identifying schools for intensive assistance.***

Finally, it seems advisable for the Department to reconsider its approach on how States respond to low participation rates on statewide assessments. The proposed regulations outline very specific consequences to be applied when there is a participation rate of less than 95 percent for any group in any school. The Department proposes a menu of options for States dealing with schools that fall below the 95 percent participation rate threshold, including:

- lower summative performance ratings
- lowest performance level on academic achievement indicator
- identified for targeted support and improvement
- State determined action that is equally rigorous and approved by ED²

These consequences would confuse actual student performance with the numbers of students taking tests, and reduce the clarity and transparency of ratings, decisions, and actions. A number of officials and educators have indicated that these approaches could backfire and cause greater challenges for them as they seek to build a culture of engagement in new assessments and systems. Encouraging States to determine and clearly articulate how they will factor the requirement for 95 percent participation in assessments without federally prescribed sanctions will likely better help address the previous misuse of and current responses to high-stakes testing.

For the purposes of my oral testimony, I will focus on the first item—how the Department, in its final regulations, can support States in developing accountability systems that are transparent, while also providing the information needed to drive improvement across all schools for all students.

III. § 200.18 MEANINGFUL DIFFERENTIATION OF SCHOOL PERFORMANCE: PRESERVING A ROBUST DASHBOARD TO GUIDE IMPROVEMENT

ESSA requires that States identify at least 5 percent of their title I schools for comprehensive assistance based on their new accountability systems, which will include multiple measures, such as literacy and math achievement, English proficiency gains, graduation rates, and other indicators. The law does not prescribe a particular method for this identification, aside from noting that the 4 academic measures specified must have “much greater weight” than other measures the States add. However, the proposed regulations would require States to produce a “single summative score” on which to rank all of the schools in order to choose the “bottom 5 percent.”

Many States—including California, Kentucky, Vermont, and Virginia, among others—are well along a path toward developing new accountability systems focused on better information for school intervention and improvement that they believe will be undermined by this requirement, because it will mask important information and make it more difficult to target the right supports to the right schools in the right ways. Several of these States have used a single measure, such as an index or a grading scheme, in the past and have found that it impeded useful improvement.

²Page 34548: Section § 200.15

Their experience was that large amounts of resources and attention were directed to the single summative score at the expense of many other factors that impact teaching and learning. Schools could rest on their laurels if they ranked above an arbitrary cut point, rather than paying attention to continuously improving performance on every indicator. Important factors and data were forgotten because they were buried underneath the score. And important needs for groups of students and schools as a whole went unaddressed.

Parents and educators who work directly with children understand this from their personal experience. A single summative score is not needed and can get in the way of understanding where and how improvement efforts should be focused.

Years ago, when my three children were young, I eagerly awaited the report cards that told me how my children were doing in each of their school subjects, such as reading, writing, math, science, social studies, art, music, and physical education. The most useful of these report cards also provided information on such things as homework and study habits and citizenship. This information was clear and easy to understand, while also revealing specific areas where I could praise or help my child—and where the teacher and school needed to provide additional support.

Figure 1 – Student Report Card

MONTGOMERY COUNTY PUBLIC SCHOOLS					
Report to Parents on Student Progress					
Grade					
02					
School Year					
1983-84					

SUBJECTS	REPORTS				YEAR AVERAGE
	1st	2nd	3rd	4th	
Reading	S+	S+	S+	S+	S
Handwriting	S-	S	S+	S+	S
Spelling	S-	S+	S	S+	S+
Language Arts	S	S	S+	S+	S+
Written Expression	S+	S	S	S	S
Oral Expression	S	S	S	S	S
Listening	S+	S+	S	S	S
Mathematics	S+	S+	S+	S+	S+
Social Sciences	S	S	NG	S	S
Science	S	S	NG	S	S
Music	S	S	S	S	S
Art	S	S	S+	S+	S+
Physical Education	S	S	S	S	S+

WORK STUDY SKILLS (Check One)

The student does the work that is assigned in class and does it completely and gives excellent attention to classroom tasks.

The student usually does the work that is assigned, usually completes the work on time and gives attention to classroom tasks.

The student sometimes does the work that is assigned, seldom completes the work on time and gives little attention to classroom tasks.

Teacher's Name: Mr. R. R. R. R. R.

ATTENDANCE	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Days Absent	0	1	0	0	1	5	2	1	0	
Days Present	20	20	20	17	17	15	17	14	21	
Times Tardy	0	1	0		1	0	0	0	0	

EVALUATION CODES

Evaluation is based on evidence of the attainment of the instructional and performance objectives assigned the student.

S: Outstanding level of performance
 S: Satisfactory level of performance
 N: The level of performance needs to be improved
 NA: Report on progress is not applicable at this time

Reading and Mathematics

In addition, reading and mathematics are evaluated at the student's grade level.

The student is performing above grade level.
 The student is performing at grade level.
 The student is performing below grade level.

In all of those years of parenting, it never once occurred to me to ask any of these schools for a "single summative score" to describe my child. I didn't need it to understand how my child was doing, and in fact it would have gotten in the way. I want-

ed and needed to know exactly where they were doing well and where they were in need of help, so that I could support them. The school needed that information as well. In fact, in my own personal experience, two of my children are dyslexic and while they performed well overall, the need for additional support in reading would have been masked if a single rating were the measure the school focused on. Ranking all the first graders against each other, giving each an overall rating, and then identifying only the bottom 5 percent for extra help, would have missed the mark.

The use of a single summative score would provide neither myself nor my child's teacher the information necessary to identify areas of improvement and act on them. Similarly, schools and districts need reporting systems that allow them to identify individual students and groups of students who may need intensive help in reading or math in order to design, target, and implement interventions like Reading Recovery or math lab. And they need to know which students are chronically absent in order to provide organized outreach to the home for students who are not getting to school. This requires specific indicators that are individually reported, not a single summative score. And it requires a set of interventions that are targeted to the specific needs that are identified.

Some States are thinking about the same approach to identification and improvement of schools: On each of the indicators they use, they could identify schools that are low-performing and not improving (or that have large, persistent equity gaps), and provide focused intensive assistance to those schools to really help them improve in that area. For example, the State could identify and work with a group of schools that are not making sufficient progress in supporting English-language proficiency gains by organizing research about what works, examples of local schools that have strongly improved and can be visited and studied, curriculum materials and program models that can be adopted, professional development for educators, and coaches who work directly in the schools.

Just as targeted interventions can be organized for students who are struggling in a particular area, so such interventions can be organized to support networks of schools that share a common need. The same thing could be done with schools that are struggling in mathematics performance, for example, or graduation rates or high suspension rates, overall or for specific groups of students. The State might identify the neediest schools in each indicator area for intensive intervention. The total number of schools assisted might be more than 5 percent, but each could receive help for the specific areas of need. Across the set of indicators, some schools will be low performing in several and could receive more comprehensive services.

Research has demonstrated the power of the targeted interventions for networks of schools that share similar needs. As we describe in our LPI report, written in partnership with the Stanford Center for Opportunity Policy in Education, *Pathways to New Accountability Through the Every Student Succeeds Act*,³ a number of States are developing accountability systems that incorporate this type of approach to school identification and continuous improvement. These systems aim to identify schools that are low-performing and not improving within each of several indicators, and/or have large equity gaps. Once identified, these schools can be provided with focused, intensive assistance to improve in the area or areas that are identified, such as English language proficiency, chronic absenteeism, or math assessment for a particular student subgroup.

Like some other States, California is exploring ways to examine both performance and improvement simultaneously on its dashboard of indicators and to classify school performance on each indicator. The example below—for a college and career readiness index—would be replicated with the others, with data on subgroup performance also added. Schools falling within the red zone on any indicator would be identified for assistance. With the full set of indicators shown in the Figure 2B, the State could also identify all schools that are in the red zone (low performing and not improving) on at least 3 indicators, for example, as part of the group of schools to receive comprehensive intervention and assistance.

³Darling-Hammond, L., Bae, S., Cook-Harvey, CM., Lam, L., Mercer, C., Podolsky, A., and Stosich, E. (2016). *Pathways to new accountability through the Every Student Succeeds Act*. Learning Policy Institute: Washington, DC. Retrieved from: <https://learningpolicyinstitute.org/our-work/publications-resources/pathways-new-accountability-every-student-succeeds-act/>.

Figure 2A – Measuring Progress and Performance

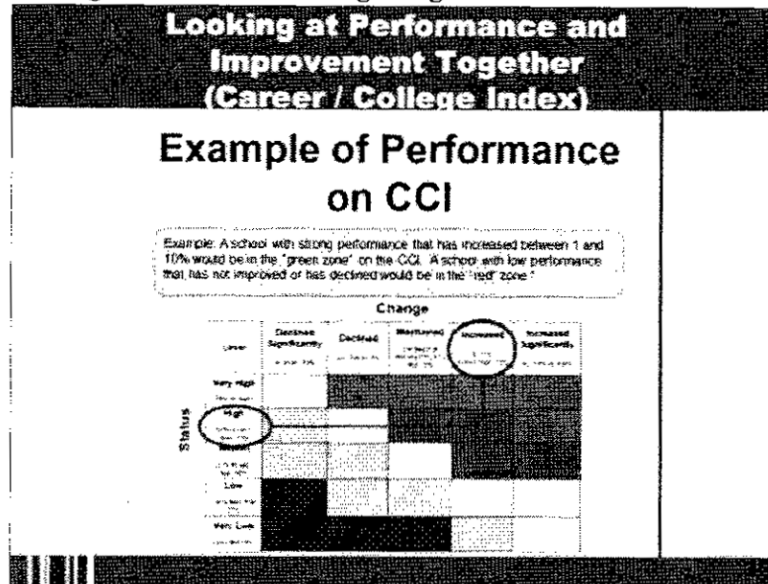
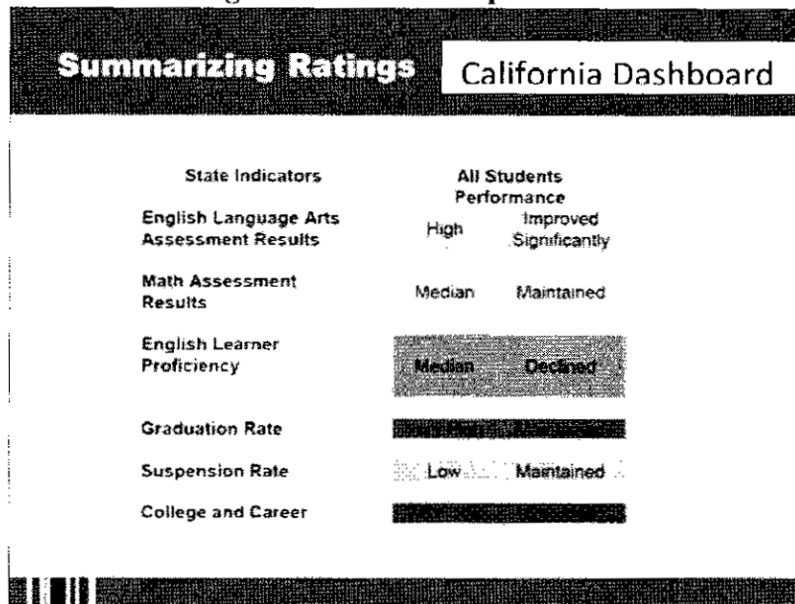


Figure 2B– School Report Card



Vermont is also in the process of determining ways to assess school performance and display the data for the purpose of identifying schools for targeted and comprehensive interventions. The State is in the process of piloting Education Quality Review protocols, or EQRs. EQRs comprise a system of inspection and improvement

that is locally developed and implemented, which evaluates schools by measuring five dimensions of school quality:

- academic achievement in English language arts, mathematics, and science, plus graduation rates,
- personalization, including personalized learning plans,
- safety and school climate,
- high-quality staffing, and
- financial efficiencies.

The Vermont EQRs will include two complementary processes for assessing these criteria: an Annual Snapshot Review, a multiple measures dashboard of quantitative data conducted by the State; and the Integrated Field Review, a system-level qualitative site review similar to the inspectorate model used in other countries. The Snapshot Reviews are designed to occur annually, whereas the more intensive Integrated Field Reviews occur at least every 3 years. Educators at all levels of the system, State and local, are invited to conduct the Integrated Field Reviews, including but not limited to members of the Vermont Agency of Education (AOE), superintendents, curriculum coordinators, principals, and teachers. During the Integrated Field Review, the review team will “engage in classroom observations, reviews of student work, panel discussions or interviews with parents, students and staff and collaborate to generate their assessments of school system performance.”⁴ If data from the EQR suggest that there is evidence of substantial inequity and insufficient improvement taking place, the Vermont AOE will intervene with support and sanctions designed to promote improvement.

In the course of consulting with stakeholders on developing a usable report card and school identification system, the State has also been evaluating several approaches (see figures 3A—3C) which provide different kinds of information. Of note is the fact that, while a weighted index would identify a school like Frakes Secondary as the bottom 5 percent (figure 3A), it would miss the even lower graduation rates at Madson and Solina High Schools, the lower mathematics performance at Darwish, and the lower reading performance at Lindsay High School which are shown in the dashboard approach (figure 3B).

This critically important information could be taken into account with several kinds of decision rules for identifying the lowest-performing schools, including one that counts the number of struggling areas. (These counts could also be weighted to emphasize the 4 required academic indicators without losing valuable information from the dashboard.) Including improvement or growth information along with information about status (as in figure 3-C) would tell decisionmakers even more about what is happening in each school, including which of these schools is making progress and which is not.

None of these valuable kinds of information for deciding where and how to intervene would be available with a single summative score.

⁴<http://education.vermont.gov/documents/edu-oped-education-quality-reviews.pdf>.

Figure 3-A

Type of Aggregation- Index- Average with Weights



School	Reading/ELA	Math	Science	Grad. Rate	FLP	Climate	Staff Satisfaction	Return on Investment	Average
Jones High School	58	65	61	98	72	64	76	15	63.6
Smith Academy High	35	37	36	76	79	56	39	29	48.4
Frakes Secondary School	24	29	31	59	21	75	35	26	37.5
Madson High School	86	80	85	43	54	96	80	82	75.8
Darwist Secondary High School	32	25	35	72	70	57	58	56	50.6
Icenogle High School	86	84	79	84	61	25	72	78	71.1
Palmquist Secondary School	95	89	82	94	35	68	92	89	80.5
Soluna High School	31	26	36	35	63	95	47	16	43.6
Spencer Community School	65	63	70	61	49	64	63	73	63.5
Lindsay High School	23	27	25	57	67	43	50	64	44.5

Source: CCSSO Conference. Ryan Reyna and Andrew Rice presenters 6/8/16



Figure 3-B

**Type of Aggregation-
Index- Counts of Struggling Areas**



School	Reading/ELA	Math	Science	Grad. Rate	PLP	Climate	Staff Satisfaction	Return on Investment	Counts
Jones High School	58	65	61	98	72	64	76	15	1
Smith Academy High	35	37	36	76	79	56	39	29	0
Frakes Secondary School	24	29	31	59	21	75	35	26	2
Madson High School	86	80	85	43	54	96	80	82	0
Darwish Secondary High School	32	25	35	72	70	57	58	56	1
Icenogle High School	86	84	79	84	61	25	72	78	1
Palmquist Secondary School	95	89	82	94	35	68	92	89	0
Selma High School	31	26	36	35	63	95	47	16	1
Spencer Community School	65	63	70	61	49	64	63	73	0
Lindsay High School	23	27	25	57	67	43	50	64	2

Source: CCSSO Conference. Ryan Reyna and Andrew Rice presenters 6/8/16



Figure 3-C

Type of Aggregation- Matrix



Growth	+50	4 pts							
	-50	1 pt 2 pts 3 pts ABCDEFGH							
		120				360			
		Scale Score							

Source: CCSSO Conference. Ryan Reyna and Andrew Rice presenters 6/8/16



Kentucky is another example of a State using a multiple measure approach which does not plan to rely on a single summative score to drive identification and improvement. Kentucky's Multiple Measures Dashboard "was designed to have a more

balanced approach to determine school success by incorporating achievement, program reviews and effective teaching measures.”⁵ The Dashboard includes three components: (1) Next-generation learners, which measures performance on areas of achievement, gap, growth, college- and career-readiness, and graduation rates; (2) Next generation instructional programs and support, which includes program reviews for key instructional areas; and (3) Next-generation professionals, which includes data on educator qualifications and effectiveness. The State indicators are able to identify gaps in subgroup student performance and use the data to ensure that all students are developing the skills necessary in the 21st Century.

By contrast, when multiple indicators are aggregated together to yield a summative score, student subgroup performance can also be hidden from view. For example, in one State with an A-F system, the average proficiency rate for African American students in schools that received an A rating was only 58 percent.⁶ In another State, 183 high schools received the highest rating within the State accountability system while having at least one subgroup with a graduation rate below 70 percent.⁷

Efforts by States that are working to develop new models for driving school improvement that privilege equity and innovation could be undermined by a requirement that they produce a single summative score. Their efforts to provide more nuanced, actionable data that is aligned with contemporary learning demands would be traded for simplicity that masks school needs and distracts attention from what should be done to improve performance.

ESSA does not require the use of a summative score and not every State would prefer to use a weighted index to combine indicators into a numerical score and a letter grade or similar rating scheme. There are a wide variety of methods that could meet ESSA’s accountability requirements beyond the use of indices, such as a matrix approach that identifies where schools fall in terms of performance and growth with respect to each indicator—and includes schools for intervention on each of the separate measures—and/or decision rules that result in school classifications based on the number of areas in which schools fail to meet a standard.

The Department’s regulations should seek to ensure that transparency is a major criterion for identifying schools, along with clear, rational decision rules based on actionable data. While some States may choose to have a system that produces a summative score, the Department should leave open the possibility of other systems of school identification, based on a robust data dashboard that provides information to stakeholders and informs improvement efforts.

IV. § 200.18—WEIGHTING OF INDICATORS

ESSA shifts from an old framework that primarily relied upon performance in math and reading to define a school’s success or failure, to a new approach that measures school quality based on a combination, at the very least, of five separate measures. Section 1111(c)(4)(C)(i) of ESSA empowers States to design their own accountability systems to fit within a minimum set of Federal parameters: academic achievement in reading and math, the high school graduation rate, English proficiency gains for English learners, and one or more State selected measures of school quality and student success.

These measure(s) of school quality or student success offer the promise of a more comprehensive view for parents, students, educators, and stakeholders on how their school is performing on a variety of meaningful indicators. Each element of a State’s emerging accountability system, if well-chosen, can create incentives and opportunities to move school practices forward in ways that better ensure all students are successful. With a well-designed dashboard of measures, educators and community members can track information about inputs, processes, and outcomes to inform a diagnosis of what is and what is not working in schools, along with the types and level of intervention needed.

States have the flexibility to determine the weights of the indicators used within each measure so long as academic achievement in English language arts and math, graduation rates, and EL proficiency are each considered substantial factors and in total, “afforded much greater weight” than the school quality/success indicator(s) within any State-designed accountability system.

However, the Department’s proposed regulations under Section 200.18 of the proposed rule would essentially render these additional indicators as meaningless in

⁵ <http://education.ky.gov/AA/Acct/Pages/default.aspx>.

⁶ <https://edtrust.org/resource/making-sure-all-children-matter-getting-school-accountability-signals-right/>.

⁷ *Alliance for Excellent Education analysis of accountability data for Colorado.*

the accountability system. The Department describes how the first four indicators must be substantially weighted separately and much greater in weight together against the “fifth indicator” (which could be a set of multiple indicators) when identifying the lowest performing 5 percent of schools for comprehensive support and improvement. This identification also impacts which schools with consistently underperforming subgroups of students, specifically those performing as poorly as the lowest performing 5 percent of schools as one of the criteria, will be identified for targeted support and intervention. Specifically, the Department proposes that in order to meet the requirements for meaningful differentiation:

- A school’s performance on the fifth indicator may not be used to change the identity of schools identified for Comprehensive Support and Improvement, unless it is making significant progress for the “all students” group on at least one of the indicators that is given substantial weight;
- A school’s performance on the fifth indicator may not be used to change the identity of schools identified for Targeted Support and Improvement, unless each consistently underperforming subgroup in that school is making significant progress on at least one of the indicators given substantial weight; and
- A school performing in the lowest performance level on any of the substantially weighted indicators does not receive the same summative rating as a school performing in the highest level on all of the indicators.

Based on these rules, it is unclear how any indicator of school quality or success could be affirmatively used for its intended purpose unless a school shows major improvement on test scores, graduation rates, or EL progress. In other words, the school quality/success indicator only serves as a downward ratchet for identification purposes: A school is unlikely to be recognized for positive performance on this indicator, significantly compromising its utility or effect on improving practice.

Yet these indicators can be critically important for leveraging equity and greater opportunity for students. For example, many community groups and civil rights advocates have fought hard to include suspension and expulsion data as a measure of school success, given the research which demonstrates both the strong relationship with graduation and the disproportionate rates by which students of color are often excluded from school due to suspensions and expulsions. Evidence shows that removing students from school for disciplinary purposes has a negative impact, sharply increasing the likelihood that they will drop out of school⁸ and expanding the achievement gap, as students of color are typically suspended out of school at higher rates than their white peers.⁹

Research also indicates that tracking suspension and expulsion data by student groups can help highlight racially disparate practices and promote positive behavioral interventions in schools that will improve student engagement and academic success.¹⁰

Our experience in California, where the State includes this measure among the State priorities regularly tracked, is that changes in school policies have sharply reduced the rate of exclusions; school practices are beginning to support more productive approaches to behavioral interventions and social-emotional learning; and graduation rates have been climbing, for this and other reasons. Civil rights groups that are part of an Equity Coalition in my home State have advocated for consideration of these measures and other indicators of school climate as key levers for improving how schools serve all their students.

Similarly, the final regulations should encourage the meaningful use of extended-year graduation rates in State accountability systems, thereby incentivizing schools to keep in, rather than pushing out, students who cannot graduate in 4 years and to re-attract those who have left. The law explicitly allows for reporting of extended year graduation rates, along with 4-year graduation rates; however, the proposed regulations appear to restrict the ability of States to meaningfully count these extended-year rates in accountability determinations. Schools should be rewarded for

⁸American Psychological Association. (2008, December). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63(9), 852–862. <http://dx.doi.org/10.1037/0003-066X.63.9.852>. See also Losen et. al. 2012; Lee, T., Cornell, D., Gregory, A., & Fan, X. (2011). High suspension schools and dropout rates for black and white students. *Education and Treatment of Children*, 34(2), 167–192; Fabelo, A. (2011). Breaking schools’ rules a statewide study of how school discipline relates to students’ success and juvenile justice involvement. New York, NY: Justice Center, Council of State Governments and Public Policy Research Institute. Retrieved from <https://ppri.tamu.edu/breaking-schools-rules/>.

⁹Skiba, R.J., Michael, R.S., Nardo, A.C., & Peterson, R.L. (2002, December). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34(4), 317–341.

¹⁰Skiba, R., Chung, C., Trachok, M., Baker, T., Sheya, A., & Hughes, R. Parsing Disciplinary Disproportionality. *American Educational Research Journal*, 51(4), 640–670.

keeping and ultimately graduating students who need extra support or time to catch up, such as students who may have immigrated to the U.S. as teenagers with little previous education, those returning to school after dropping out for work or child-rearing, those who have been incarcerated, or those who simply need more time to reach high standards. Thus, the regulations should allow States to use—and meaningfully count—extended-year graduation rates in their accountability reporting and decisionmaking.

Importantly, many States are working to create indicators of college- and career-readiness that can leverage much higher quality opportunities that are provided much more equitably to students. There is strong research demonstrating that taking college preparatory coursework in high school is correlated with several indicators of college readiness, from college enrollment¹¹ to grades¹² to persistence and completion.¹³ Similar research shows that students who are enrolled in career academies enroll in community college at higher rates,¹⁴ are more prepared for college coursework,¹⁵ and experience higher wages and greater employment stability.¹⁶

As examples, Hawaii, Connecticut and New Jersey use the total percentage of students who enroll in any institution of higher education within 16 months of earning a regular high school diploma as one way to indicate college- and career-readiness.¹⁷ Georgia, Pennsylvania and Arkansas use evidence of rigorous course offerings, including the availability of Advanced Placement, International Baccalaureate, or college credit courses as part of their college- and career-readiness indicator.¹⁸ Over 11 States, including Alabama, Florida, Kentucky and Illinois also use the percentage of students who receive industry certification to measure college- and career-readiness.¹⁹

Working hard to get more of these opportunities for a greater share of students could transform the futures of millions of young people. Diminishing the importance of indicators that are not in the set of federally prescribed measures indirectly limits the ability of States to meaningfully tackle many of the structural and societal challenges they face in locally relevant ways. In addition, the added language in the proposed rule essentially removes an aspect of State decisionmaking, which arguably oversteps the statutory boundaries surrounding State determination in the design of new State accountability systems.

The Department should allow States to make these kinds of indicators important and meaningful in their State accountability systems. By overly prescribing the weighting requirements and the uses of additional indicators, the proposed rule could create a perverse incentive for States actually to do less to solve pervasive problems that strongly affect student outcomes. Unless the Department adjusts the language, this provision as currently written would in effect discourage the use of these potentially powerful indicators for States and rollback community efforts underway to address the root cause of educational inequity.

The Department's final rules should support States in their efforts to implement accountability systems that advance equity by highlighting and measuring what matters most for student success and what provides the most useful levers for school improvement.

¹¹ Balfanz, R., & Legters, N. (2006). Closing “dropout factories”: The graduation-rate crisis we know, and what can be done about it. *Education Week*, 25(42), 42–43.

¹² Adelman, C. (2006). *The toolbox revisited: Paths to degree completion from high school through college*. Washington, DC: U.S. Department of Education.

¹³ Long, M.C., Conger, D., & Latarola, P. (2012). Effects of high school course-taking on secondary and postsecondary success. *American Educational Research Journal*, 49(2), 285–322.

¹⁴ Willingham, W.W., & Morris, M. (1986). *Four years later: A longitudinal study of advanced placement students in college* (College Board Research Report No. 86–2, ETS RR No. 85–46). New York: The College Board.

¹⁵ Center for Advanced Research and Technology, (2011). *A model for success: CART's Linked Learning program increases college enrollment*. Clovis, CA: Center for Advanced Research and Technology.

¹⁶ Dayton, D., Hester, C.H. & Stern, D. (2011). *Profile of the California Partnership Academies, 2009–2010*. Berkeley, CA: Career Academy Support Network, University of California.

¹⁷ Bishop, J.H., & Mane, F. (2004). The impacts of career-technical education on high school labor market success. *Economics of Education Review*, 23(4), 381–402.

¹⁸ Alliance for Excellent Education. (2009). *Reinventing the Federal role in education: Supporting the goal of college and career readiness for all students*. Washington, DC: Author. Retrieved from <http://all4ed.org/reports-factsheets/reinventing-the-federal-role-in-education-supporting-the-goal-of-college-and-career-readiness-for-all-students/>.

¹⁹ *Ibid.*

¹⁹ *Ibid.*; Eleven States include: Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, New Mexico, Oklahoma, Louisiana, and Missouri.

V. § 200.33—CALCULATIONS FOR REPORTING ON STUDENT ACHIEVEMENT AND MEETING MEASUREMENTS OF INTERIM PROGRESS

Another area of concern is the way in which States are asked to demonstrate how students are progressing on academic measures. Although the law does not require a particular method of tracking students' proficiency levels, the proposed rules (see p. 34575) indicate that the determination of whether all students and each subgroup of students met or did not meet these State measurements of interim progress must be "based on the percentage of students meeting or exceeding the State's proficient level of achievement" and would be calculated using the method in proposed 200.15(b)(1), in which the denominator includes the greater of—

- 95 percent of all students and 95 percent of each subgroup of students who are enrolled in the schools, LEA, or State, respectively; or
- the number of all such students participating in these assessments

This rule replicates the "percent proficient" standard that was used under No Child Left Behind. However, research has found that a focus on the percentage of students who reach a particular cut point or proficiency standard incentivizes schools to focus only on a selected few students hovering around the proficiency cut score rather than paying attention to all students at all levels of achievement. Studies during the NCLB era characterized this well-documented practice as "educational triage," which resulted in focusing especially on students near proficiency and emphasizing test-specific rather than generalizable skills.²⁰ Furthermore, research found that the improvement gap was largest in the low-achieving schools, where focusing on students near the proficiency cut score came at the expense of attention to the lowest achieving students.²¹ Measures that rely upon moving students across a threshold, for example from "Basic" to "Proficient" create the incentive to over-direct attention to students on the "bubble" at the expense of others.²²

The use of the "percent proficient" measure also fails to make distinctions among students or schools who are farther away from or closer to the cut points, and those who have made significant progress or have largely stagnated in their progress. It is an uninformative measure for most purposes—and particularly useless for tracking gains and changes equity gaps in meaningful ways that can describe how students are actually doing and that can inform improvement efforts.

There are other, much more informative ways to report performance and growth, including progress along the entire scale used to reflect scores. For example, such reporting can reveal that students moved, on average, from a score of 234 to 250, while English learners moved from 208 to 240, a rate of improvement twice as great. All of these changes could occur without affecting the "percent proficient" measure at all, or in ways that do not show the actual gains made.

Many States are moving to use this kind of information in their systems in line with evidence which suggests that all test-based key indicators, including English Learners' progress toward English proficiency, should report progress using scale scores to demonstrate student growth and cohort improvement.

For example, Vermont has been collaborating with stakeholders to generate greater understanding around the importance of operating on a continuum of improvement that values growth rather than simply looking only at "above or below" cut scores. State officials note that a school that is 1 percent below an arbitrary target is not substantially different from a school that is 1 percent above the same target. However, a school that falls 1 percent below the target is likely substantially different than one that falls 30 percent below the target—yet both would be treated in the same way under a "percent proficient" reporting system. As opposed to cut scores, using scale scores can help reveal actual performance and showcase how far students progressed toward proficiency and gauge how much learning is taking place.

Although less severe, the Department's proposal in Section 200.18 that would require each State to have a minimum of three performance levels for each indicator could similarly distort the understanding of achievement and exacerbate continued misunderstandings about school quality. The category approach would provide much

²⁰ Jennings, J., & Sohn, H. (2014). Measure for measure: How proficiency-based accountability systems affect inequality in academic achievement. *Sociology of Education*, 87(2), 125–141.

²¹ Lauen, D., & Gaddis, S. (2015). Accountability pressure, academic standards, and educational triage. *Educational Evaluation and Policy Analysis*; Sparks, S. (2012). Study finds "bubble student" triage a gut reaction to rising standards. *Education Week*. Retrieved from: http://blogs.edweek.org/edweek/inside-school-research/2012/03/study_finds_bubble_student_tri.html.

²² Jennings, J., & Sohn, H. (2014). Measure for measure: How proficiency-based accountability systems affect inequality in academic achievement. *Sociology of Education*, 87(2), 125–141.

less information than scale scores, while insisting on status labeling rather than growth measures as the best way to understand school performance.

In the last decade, we have learned that status measures at particular cut points are not the most productive way to measure school contributions to student learning. Many States are moving to include a focus on both student-level achievement and growth over static measures for the well-understood reason that all students arrive at school with varying levels of preparedness—and schools should be recognized for having increased student learning. The construct as currently proposed does not actually describe change or measure the amount of academic progress each student makes over time. Instead, reverting to the old NCLB measures, the Department should make clear that States are allowed to report achievement in more productive ways by encouraging methods that provide increased accuracy and usefulness with information that shows status, progress, and improvement across the full range of proficiency levels.

VI. § 200.19—TIMETABLE FOR IDENTIFICATION

As you are well aware, many States officials have expressed concern over the feasibility of implementing new systems that maximize the potential of ESSA by the 2017–18 school year. Without the benefit of more deliberation and thoughtful planning, the currently proposed timeline precludes that opportunity. While calling for urgency for the sake of improving struggling schools is laudable, the unintended consequence may be that States end up resorting to only making minor tweaks to an existing system or worse, locking educators into old measures that maintain the status quo. A rushed timeline also undermines the public engagement process that is needed to ensure strong stakeholder input.

Using 2016–17 school year data to identify schools for intervention and support means relying on old information to inform a brand new system and restricting the entire accountability system to measures already in use, rather than taking advantage of the new opportunities for better information under ESSA.

States need time to revise their new accountability systems; this includes adding new indicators of English language proficiency and school quality or student success. Working in close collaboration with teachers, parents, civil rights groups, community-based organizations and other stakeholders, States also need to agree on how to combine indicators and establish criteria and procedures for school identification, all of which requires substantial time and effort. In addition, many States will need legislative or administrative approval in order to collect the data needed for school identification, including data for the indicators that might not yet exist. In essence, the Department's proposed timeline is unworkable.

As the Department take steps to make these regulations more workable for States, extending the timetable will allow for real stakeholder engagement and enhance the ability of States to implement high-quality accountability systems in 2017–18 while also using these systems to identify underperforming schools.

Thank you for the opportunity to provide my views on the Department of Education's proposed regulations on accountability and State plans. I would be happy to answer any questions that members of the committee may have.

The CHAIRMAN. Thank you, Dr. Darling-Hammond.
Dr. Pletnick.

STATEMENT OF GAIL PLETNICK, Ed.D., SUPERINTENDENT, DYSART UNIFIED SCHOOL DISTRICT, SURPRISE, AZ

Ms. PLETNICK. Chairman Alexander, Ranking Member Murray, and members of the committee, thank you for the opportunity to address you today. As was shared, I am a superintendent, and as a member of the School Superintendents Association, I have an opportunity to work with and collaborate with superintendents from across the Nation. I'm here today because I believe the underserved populations in our schools deserve the educational promise that Every Student Succeeds Act, ESSA, was designed to deliver.

The power of ESSA is the flexibility it provides to States and schools, allowing them to focus on each student. The ESSA environment promises to be in stark contrast to the prescriptive and restrictive one-size-fits-all landscape of No Child Left Behind. I un-

derstand the value of carefully crafted regulations in supporting ESSA implementation, but it is critical that those regulations reflect the carefully constructed language that speaks to the intent of this law, State and local flexibility and leadership.

For example, ESSA statute requires evaluation of local educational agencies on academic and non-academic factors, but it stops short of requiring the rating to be a single indicator and, as has already been mentioned, that is a concern. The proposed regulation summative score approach may hinder a State's effort to design a fair and transparent accountability system. We have the ability to utilize current research, to utilize technology, and hopefully now the flexibility of ESSA to build much stronger accountability and reporting systems with meaningful multiple indicators. Let the States do what they were tasked to do, take responsibility for building transparent and fair accountability systems. We should not handicap that work by dictating a single score accountability system.

Compounding my first concern is another concern that's already been mentioned, and that is the timeline for labeling schools under the new ESSA law. In 2017–18, States would be required to identify failing schools. The proposed timeline will rush the implementation of accountability system decisions and may result in some schools in that first year of ESSA label implementation being identified as failing based on 2016–17 data, which is probably more aligned to NCLB mandates. How does that support driving meaningful change in the highest-needs schools?

There were questions posed with the release of the regulations related to areas such as 95 percent participation rate, N size and others. I would just caution the Department of Education from going any further in regulating these areas. ESSA maintains the requirement that 95 percent of students be tested. The concerns that create the problems with meeting those mandates are related to local issues and conditions, and they have to be solved at the State and community level. Consequently, it follows that States should determine the actions to be taken and the consequences.

ESSA is meant to change the role of the Federal Government from dictating to supporting solutions for States and schools. I have concerns with the proposed regulations related to transportation of foster children. Under this proposal, when there is no agreement regulating transporting, the LEA is fiscally liable for the transportation costs. If that were to occur, then it would really undermine the negotiated language in the statute and diminish the responsibility of the child welfare agency to meaningfully engage in discussions with the district.

I want to offer input related to the assurances that may be included as part of ESSA requirements. It is critical that States have rigorous standards that ensure students have the academic foundation that they need to be successful. In Arizona, we wasted a great deal of time and energy in a Common Core debate. To ensure challenging and relevant standards, States need to work collaboratively with stakeholders to evaluate and revise standards to drive those improvements, not spend vast amounts of time debating whether to reject them.

In Section 299.16 of the proposed regulations, language is included requiring States to provide evidence of adopting challenging standards. Does that equate to the ability to reject the State-developed standards based on someone's opinion they are not challenging? If the Department of Education is viewed as dictating standards work, I fear once again in Arizona and really across the Nation resources and energy will be focused on debating federally mandated standards rather than improving those standards.

I am concerned that an unintended consequence of adding a large number of regulations and/or additional reporting requirements will be an increase in the resources needed to address those mandates, resulting in a decrease in the resources that can be allotted to supporting students. Data collection and reporting is important for transparency and accountability. However, we need to move away from burdensome reporting to meaningful collection and reporting of information that is important to the stakeholders.

In closing, I want to thank you for the work that you have done and continue to do to ensure that the Every Student Succeeds Act drives the change we all want to see in our schools, equity in our classrooms, regardless of students' background or circumstances. Your work has ensured our States and local communities have a voice in what happens in our districts and in our schools. I know, given the opportunity, educational leaders across the country will use that voice to deliver on the promise of ESSA. Thank you.

[The prepared statement of Ms. Pletnick follows:]

PREPARED STATEMENT OF GAIL PLETNICK, ED.D.

Chairman Alexander, Ranking Member Murray and members of the committee, thank you for the opportunity to join you today.

My name is Gail Pletnick and I am the Superintendent of the Dysart Unified School District in Surprise, AZ and serve as the President-Elect for the AASA, The School Superintendents Association. To give you a sense of my district, we serve over 25,000 students with 51 percent of the population receiving free or reduced lunches, 16 percent identified for special education services and approximately 51 percent classified in a sub group other than Caucasian.

From both a professional and personal standpoint, I view the passage of the Every Student Succeeds Act (ESSA) as very important to the future of education. Growing up in northeastern Pennsylvania and being from a family of coal miners, I would have fit into more than one of the subgroups that ESSA focuses on in terms of closing the achievement gap. The power of education is that the achievement gap can be addressed and, like me, students can be the first ever in a family to attend college. I am here today because I believe the underserved populations in our schools deserve the educational promise that ESSA was designed to deliver for *every* child.

The power of ESSA is the flexibility it provides to States and to schools allowing them to focus on each student. The ESSA environment promises to be in stark contrast to the prescriptive and restrictive "one size fits all" landscape of No Child Left Behind (NCLB). In my district, we have 23 different schools, each with its own unique school community, united in the reality that each school is filled with students who must be prepared for the challenges and opportunities of a 21st century world of work and life. ESSA and the resources it provides allow schools to address equity issues that impact school communities and the students they serve.

I understand the value of carefully crafted regulations in supporting ESSA implementation, but it is critical those regulations reflect the carefully constructed language that speaks to intent in this law: State and local flexibility and leadership. I am concerned with unnecessarily rigid regulations that may hinder the very State and district innovation that we know is needed to serve our underserved students.

For example, ESSA statute requires evaluation of local education agencies (LEAs) and schools on academic and non-academic factors, but stops short of requiring the rating to be a single indicator. The proposed regulations require a summative score—an approach that may hinder a State's effort to design a fair and transparent accountability system. Reliance on a summative score provides a distorted view of

the strengths and weaknesses of programs and practices in our schools, and can be misleading. In reading a report card, many readers look at the summative indicator and move on, and that one score does not provide a complete picture. We have the ability to utilize current research, technology and, hopefully, now the flexibility of ESSA to build much stronger accountability and reporting systems with meaningful multiple indicators.

Education is the civil rights issue of this generation, and given its roots in the civil rights era, ESSA must continue to protect the rights of each and every student by providing access to high quality education. Why are we trying to reduce what should be a fair and comprehensive picture of schools to a single score? Data tracked on student sub groups indicate many schools still lag behind in terms of the number of low SES and minority students participating in advanced placement and dual credit courses. Absenteeism can be utilized as a predictor of student failure. Multiple measures are important in determining if schools are failing to support student success. Logic tells us if each of these components have value, we need to be careful not to build a system that muddles the data producing a confusing picture that lacks meaning and clarity. Let the States do what they were tasked to do: take responsibility for building transparent and fair accountability systems. We should not handicap that work by dictating a single score accountability system.

I applaud the mandate to have stakeholders play a significant role in the State's development of an accountability system. People buy into that which they have a hand in crafting. Having input from parents, students, community members, teachers, support staff, administrators, and business and civic leaders will ensure building understanding and the buy-in needed to successfully implement ESSA at the State and local levels. Predetermining the use of a summative score in a system is unnecessarily prescriptive and will hinder this collaborative work. The goal must be for the local stakeholders, the leaders of educational institutions, to take responsibility for the schools and outcomes.

I understand the Department of Education is indicating there will be an opportunity to adjust the States' systems if those accountability systems are not fully functional by the proposed date for labeling schools under ESSA. My experience has shown that is a flawed approach. In Arizona under NCLB, the State's accountability system was tweaked after implementation. When you use the same summative labels, such as A through F, but tweak the components in the system, you cause confusion and lose trust. Building an accountability system as you implement it will result in a system that does not compare apples to apples, even though the same summative labels are utilized for schools. The Education Secretary indicated the rationale for summative labels is to "... send a strong signal to educators and school leaders to focus on improving school performance across all indicators in the system." I believe the proposed regulation will result in just the opposite. If I utilize three indicators to determine my summative score and the school scores 100 percent in indicator one, 100 percent in indicator two and 50 percent in indicator three, the summative score is 83 percent plus. Does that give a complete and true picture of how the school is doing in all key indicators? A summative number from 1-5 or a letter grade provides little information.

In Arizona, research is being done on utilizing multiple measures as we work to revisit the State's accountability system. Legislation was passed recently to allow assessment options at the high school level. Additionally, a committee of stakeholders has been established to provide input on an accountability redesign that will ensure a system that is fair, transparent and identifies schools that prepare all students for college/career readiness. These are small steps forward, but with the hope of the flexibility promised by ESSA, we can collaborate on meaningful change driven by research and innovation. If States are forced to continue to utilize a one score defines all approach, I fear we will fall back to what easily fits into that restrictive labeling system and replicate much of what was created under NCLB.

Compounding my concern with the regulation mandating a summative score is the proposed timeline for labeling schools under the new ESSA law. In 2017-18, States would be required to identify schools that are failing or in need of "comprehensive support" based on their performance data from the 2016-17 school year. In some States, including Arizona, we are a few weeks away from the start of the new 2016-17 school year. States may not have their redesigned accountability plans finalized and in place to collect 2016-17 data that will be included in that redesign. The proposed timeline will rush the implementation of accountability system decisions and may result in some schools, in the first year of ESSA label implementation, being identified as failing based on 2016-17 data. That data may be more aligned to NCLB mandates. Once again, we risk losing trust when we use one set of data to label schools and then tweak the system, possibly changing some or all of the data sets utilized, and pretend the summative labels given are accurate and

fair. How does that support driving meaningful change in the highest need schools? Given that 2017–18 is the first year of ESSA implementation, it follows that identification under ESSA would come only after ESSA related data has been collected and applied at the end of the 2017–18 school year. Treating the 2017–18 school year in a manner consistent with how the 2016–17 school year was addressed after ESEA waivers expired is the most logical approach. We should freeze accountability ratings/labels for that year.

There were questions posed with the release of the regulations related to areas such as 95 percent participation rate, n-size and others. I caution the Department of Education from going any further beyond the regulations as proposed.

Leaving the n-size determination up to the State, unless the State wants to go above an n-size of 30, makes the most sense. This language is clear and there is no need for further clarification or regulation.

ESSA maintains the requirement that 95 percent of students be tested. This is a requirement to be taken seriously, but I am concerned that the proposed regulations do not allow for meaningful input to address this concern at the local level. The concerns that create the problem with meeting the 95 percent test mandate are related to local conditions or issues and must be solved at the State and community levels. Consequently, it follows that the States determine actions to be taken and consequences. Further prescription in this area may impede solutions. ESSA is meant to change the role of the Federal Government from dictating to supporting solutions at the local level. Language in the regulations indicate there are options for States in defining consequences for not reaching the 95 percent test rate, but then the language goes on to add restrictions that really limit possibilities. That is the equivalent of saying you can paint the house any color you wish, as long as it is green. So what option do you choose? This is not true flexibility and runs counter to ESSA's framing principles, empowering State and local education agencies in their work to provide all students with educational opportunities of ESSA.

I have concerns with the proposed regulation related to the transportation of foster children. This proposal requires, if the child welfare agency and district cannot reach an agreement regarding transportation for a foster child, the LEA be fiscally liable to cover transportation costs. The ESSA statute requires a collaborative approach between child welfare agencies and LEAs. The statute deliberately stops short of identifying any specific entity as fiscally liable. This regulation undermines the negotiated language in the statute and diminishes the responsibility of the child welfare agency to meaningfully engage in discussions with the district. The regulation in this area is overreach.

I want to offer input related to assurances that may be included as part of the ESSA requirements. It is critical States have rigorous standards to ensure students have the academic foundation they need to be successful. In Arizona, mandating what was viewed as national standards was hotly debated. In the last State election, candidates who strongly opposed Common Core standards, including those running for the Governor's Office and the Office of the Superintendent of Schools, won the elections. It was unfortunate that we wasted a great deal of time and energy in an emotional and divisive Common Core debate. The dialog around what was viewed as federally mandated standards was an all or nothing conversation. To ensure challenging and relevant standards, States need to work collaboratively with stakeholders to evaluate and revise the standards to drive improvements, not spend vast amounts of time debating whether to reject them.

In Section 299.16 of the proposed regulations, language requires States to

“provide evidence at such time and in such manner specified by the Secretary that the State has adopted challenging academic content standards and aligned academic achievement standards ...”

Does that equate to the ability to reject the State developed standards based on someone's opinion they are not challenging? The new law explicitly changed NCLB language that required States to “demonstrate” they have challenging academic standards to requiring States “assure” they have challenging academic standards. This was intentionally done to return responsibility for developing standards to the States. In Arizona, we are now just starting to be able to move forward and work on improving the standards. If the Department of Education is viewed as dictating standards work, I fear, once again, Arizona resources and energy will be focused on debating the idea of federally mandated standards rather than improving the standards.

I am concerned that an unintended consequence of adding a large number of regulations and/or additional reporting requirements will be an increase in the resources needed to address these mandates resulting in a decrease in the resources that can be allocated to support students. Data collection and reporting is important to en-

sure transparency and accountability. However, there is such a thing as being data rich and information poor. We need to move away from burdensome reporting, and toward meaningful collection and reporting of information that is important to the stakeholders. The intent is to return authority to the States and have input from community members into the building of an accountability system. We should be cautious, once again, that if the States are bound by assurances that are viewed as dictates or by unreasonable reporting requirements, the same type of mistrust, unnecessary debate and concern we had with NCLB waivers and Common Core will re-surface. I can assure you that will be the case in Arizona, and I know we were not the only State where these concerns caused major upheaval and stalled productive and meaningful change. Please, do not allow that to happen again.

We also need to be mindful of possible changes within the supplement, not supplant provision. With teacher salaries the largest expenditure in a school district, it is a false premise to require schools to use teacher salaries in evaluating compliance with supplement, not supplant provisions, as it is a policy built on the false assumption that teacher salaries are a single indicator that can meaningfully and reliably be used in an undisputable manner to indicate effectiveness and quality in programs within title I schools. That thinking is flawed on many levels. Perhaps most importantly, it assumes States and schools across the Nation employ one single approach to determining teacher salaries. This is not the reality. In my State alone, districts and schools maintain discretion over teacher salaries, the years of credit that teachers receive when changing districts and other factors that will impact final teacher salary. Regulations on the supplement, not supplant provision must remain consistent with the intent of ESSA, which included a deliberate action to not change the comparability provision and maintained the focus of the supplement, not supplant provisions ensuring that the methodology or construct used to allocate resources within a district is blind to whether or not an individual school receives title I dollars.

In closing, thank you to the committee for the work you have done and continue to do to ensure the Every Student Succeeds Act drives the change we all want to see in our schools—equity in our classrooms regardless of a student's background or circumstances. Your work has ensured our States and local communities have a voice in what happens in our districts and schools. I know, given the opportunity, educational leaders across this country will use that voice to deliver on the promise of ESSA.

Thank you.

The CHAIRMAN. Thank you, Dr. Pletnick.
Ms. Welcher.

**STATEMENT OF ALISON HARRIS WELCHER, DIRECTOR OF
SCHOOL LEADERSHIP, PROJECT L.I.F.T., CHARLOTTE, NC**

Ms. HARRIS WELCHER. Good morning, Chairman Alexander, Ranking Member Murray, and other distinguished members of the committee. Thank you for the opportunity to testify before you today on the Department of Education's proposed accountability guidelines.

For the past decade, I have dedicated my life to educating the students of Charlotte, NC, first as a classroom teacher and then 7 years as a school leader. When I became principal of Ranson IB Middle School in 2011, it was one of the lowest performing schools in the district. We had many teenagers who could not read and many who were not making the growth needed to be successful.

Just 4 years later, Ranson was one of the top 25 schools in the State on growth composite index measures.

School transformation is hard. School transformation takes time, but it is possible. Most recently, I've had the privilege to work with Ranson in eight other high-needs schools in Project L.I.F.T. as the Director of School Leadership.

The Every Student Succeeds Act ushers in a new era of local control and exciting opportunity for innovation, but it also poses challenges that we must address with thoughtful implementation.

The proposed State plan requirements recognizes the relationship between educator quality and school improvement, but they could do even more to encourage investments in leadership. The success of any school intervention comes down to the capacity of the educators, not enough of whom receive the training and support they need to be effective in demanding turn-around environments. Yet we know teachers thrive and stay in schools that are led by principals, and together these educators get stronger results for students faster.

The proposed regulations should ask States and districts how they will ensure all schools, especially those identified for improvement, are led by well-prepared, well-supported principals. And in light of the disastrous consequences leadership transitions can have on teachers and students, those plans also must address strategies for sustaining quality leadership over time.

Next, State accountability systems will now provide a more holistic picture of our students' school experience, and they should continue to direct our efforts toward ensuring all kids achieve at high levels. The academic gains that we achieved at Ranson came only after we addressed the culture and intentionally built an environment that was conducive for learning.

What gets measured gets done. The new indicators of school quality reflect underlying conditions for effective teaching and engaging learning. Add resource equity to the mix and we get an accountability framework that is truly based on multiple measures and in many ways addresses No Child Left Behind's over-reliance on test scores alone. At the same time, I appreciate the regulations keeping the focus on academic outcomes. Ultimately, our job as educators is to grow and gain academic mastery so that all of our scholars can be ready for life beyond the classroom.

Finally, report cards will now provide a more detailed, multifaceted snapshot of our schools that must also be clear and actionable. Principals rely on underlying data from report cards to make decisions about how to marshal school resources to support teachers and students and communicate that progress to families and communities. We need transparent, timely data on all kids and student subgroups, keeping us focused on our most vulnerable students and holding everyone accountable for ensuring that we have resources to succeed.

Though there is a considerable debate surrounding the merits of a summative school rating, I see no world in which we can empower our parents and communities to hold us accountable, offer support, and advocate for change without them. Let me be clear: There is no perfect way to summarize the beautiful, complex, and sometimes very messy work that happens in a school, but that does not give us the right not to do it.

Before I conclude, I want to make one last plea. Though not required by the law, I urge States, with appropriate encouragement from Federal officials, to include growth measures in the new accountability systems. One of the greatest struggles I faced as a principal was convincing the parents and the community that I serve that we were truly turning things around at Ranson IB Middle School.

I chose a career in education because I am committed to making a difference for students who desperately need our school systems to give them a fair shot at success in life. Educators making progress in the lowest-performing schools, they absolutely need our support and they need recognition to keep up the momentum.

Thank you once again for the opportunity to share my perspective on the importance of investing in leaders, responsibly using non-academic measures, making report cards useful and user-friendly, and emphasizing growth for schools in transformation.

And thank you for your willingness to listen, learn, and craft a Federal accountability framework that includes appropriate checks and balances while unleashing educators to help our students, all students, grow, thrive, and fulfill their potential.

Thank you.

[The prepared statement of Ms. Harris Welcher follows:]

PREPARED STATEMENT OF ALISON HARRIS WELCHER

Chairman Alexander, Ranking Member Murray, and other distinguished members of this committee, thank you for the opportunity to testify before you today. And thank you for your leadership in passing the Every Student Succeeds Act (ESSA).

For the past decade, I have dedicated my life to ensuring students in Charlotte, NC, have access to an outstanding education that inspires them to dream big and prepares them to become productive, successful citizens—first as a classroom teacher and, for 7 years, as a school leader.

When I became principal of Ranson IB Middle School in 2011, it was one of the lowest-performing schools in the district. We had teenagers who couldn't read. There were classrooms full of kids where no learning was happening. I chose to lead Ranson because I am committed to serving students who desperately need our education system to help give them a fair shot at success.

Within 4 years, we moved Ranson from a report card grade of "D" to "C." What that shift means for kids is that we exceeded all of our growth targets and were in the top 25 schools in the State on the growth composite index measure. There is a real difference between maintaining excellence and building it—and I am incredibly proud of the educators at Ranson for their tireless efforts that continue to this day. School transformation is hard, it takes time, and it is possible.

Most recently, I have had the privilege to work with Ranson and eight other high-need schools as the Director of School Leadership for Project L.I.F.T., a public-private partnership that supports educators, students, and families in Charlotte's west corridor.

I am honored to bring that experience to this committee to provide feedback on the U.S. Department of Education's proposed regulations regarding accountability systems, State plans, and data reporting.

ESSA ushers in a new era of local control for our education system—one in which States will have greater autonomy to define and set benchmarks for acceptable school performance and in which districts and schools will be charged with developing evidence-based, locally tailored strategies to close achievement gaps and improve schools that don't make the cut.

For those of us working in the highest-need communities—where the challenges of school transformation have often been amplified, rather than alleviated, by one-size-fits-all accountability mechanisms—this shift presents an exciting opportunity for innovation.

But it also poses significant challenges that we need to address via thoughtful implementation.

The success of any school improvement strategy comes down to the capacity of our educators. And while many teachers and principals are deeply committed to serving our most vulnerable students, not enough receive the training they need to effectively support students, their families, and one another in demanding turnaround environments.

Even when we are successful in attracting well-prepared educators to the schools most-in-need, if the conditions are not supportive and the school climate is dysfunctional, strong teaching and learning cannot happen. Though a safe, supportive environment does not itself result in academic gains for students, dramatic and sustained improvement simply cannot occur without it.

Addressing school culture requires strong leadership and a shared vision, as well as effective communication and collaboration between educators, students, families, and community members. Unfortunately, State accountability tools—particularly school report cards—have not historically lent themselves to clear, productive interactions between schools, families, and communities. Educators need better tools and resources, and parents deserve clear, transparent, accurate information on how schools are performing for all students.

Many aspects of the regulations the Department proposed in May are a good first step toward addressing these challenges. I want to highlight a few key areas where Federal officials have an opportunity to leverage the regulatory process to promote strong practices at the State, local, and school levels.

The first is related to school leadership and school improvement in State plans.

Everything that happens in schools—setting high expectations for students, helping teachers grow and improve their practice, engaging families, managing change, everything—depends upon the caliber of our Nation’s school leaders. They account for one quarter of a school’s effect on student learning,¹ and a highly effective principal can increase student achievement by as much as 20 percentage points.² Clearly, strong leadership, school improvement, and student success go hand in hand.

As decisionmaking shifts away from the Federal Government, it is more important than ever that our Nation’s schools be led by individuals who possess the skills and technical prowess to design and adopt school improvement strategies that truly make a difference for kids. The proposed regulations rightly ask States to develop plans that detail how they will strengthen the preparation, support, and development of not only teachers but also principals and other schools leaders—particularly those serving our most vulnerable students.

Moreover, the regulations require States to describe their strategies for ensuring historically underserved students have access to experienced and effective teachers. Principals are a key lever for ensuring students have equitable access to great teachers in every classroom, every year. Our ability to recruit, develop, and retain outstanding teachers is deeply connected to the quality of our school leaders. No one wants to work for a bad boss. In fact, 97 percent of teachers say school leadership significantly affects their career choices.³ Teachers thrive—and *stay*—in schools led by outstanding principals and leadership teams and, together, these educators get stronger, sustained results for students.

The proposed regulations could address educator capacity and equity by asking States to ensure districts have strong plans in place to ensure all schools—particularly those identified for comprehensive support and improvement—are led by a well-prepared, well-supported principal. And, in light of the unacceptably high turnover rates of principals serving low-income schools,⁴ those plans should also address strategies for sustaining quality leadership over time—including system-wide efforts to make the principal role more effective and sustainable and to build robust leadership pipelines that can be tapped into for succession planning.

Regarding State accountability systems, I am pleased they will now include an indicator that looks at “school quality or student success,” providing a more holistic picture of our students’ school experience.

When I first took the helm of Ranson, it was clear I had to make major structural adjustments before we could embark on the critical work of upgrading the instructional program and practices. In particular, I had to get all teachers on the same page that all of our students were capable of excelling and rebuild a sense of trust and safety among staff and students, alike. It was only after addressing our school culture and climate that we could more deeply focus on academics.

I have since visited countless schools that aren’t achieving great results because there are issues with the culture or conditions that make it extremely challenging for students to engage in learning and, frankly, make the work exhausting and unsustainable for teachers. Often these conditions are the result of or are exacer-

¹Leithwood, K., Louis, K. S., Anderson, S., & Wahlstrom, K. (2004). *How Leadership Influences Student Learning*. New York, NY: Wallace Foundation. Retrieved from <http://www.wallacefoundation.org/knowledge-center/school-leadership/key-research/Pages/How-LeadershipInfluences-Student-Learning.aspx>.

²Marzano, R.J., Waters, T., & McNulty, B.A. (2005). *School leadership that works: From research to results*. Alexandria, VA: Association for Supervision and Curriculum Development.

³Scholastic Inc. (2012). *Primary Sources: America’s Teachers on the Teaching Profession*. New York, NY: Scholastic and the Bill and Melinda Gates Foundation. Retrieved from http://www.scholastic.com/primarysources/pdfs/Gates2012_full.pdf.

⁴U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics. (2014). *Principal Attrition and Mobility: Results From the 2012–13 Principal Followup Survey* (NCES 2014–064rev). Retrieved from <http://nces.ed.gov/pubs2014/2014064rev.pdf>.

bated by gross resource inequities, which I am pleased the regulations require districts and schools to address in their plans to improve the lowest-performing schools and close large achievement gaps.

What gets measured gets done. Incorporating other measures of school quality into accountability systems means there is an incentive to focus on the underlying conditions for effective teaching and engaging learning. Add to the mix a strong focus on resource equity, and we get an accountability framework that is truly based on multiple measures and in many ways addresses No Child Left Behind's overreliance on test scores alone.

At the same time, I appreciate that the Department's proposed regulations keep the focus of accountability systems on academic outcomes, due to the statutory requirement to place "much greater weight" on the academic indicators in State systems. Ultimately, everything we do as educators to address school conditions is in service of helping our students grow, improve, and gain academic mastery so they are ready for their next steps in life. The parameters included in the proposed regulations place reasonable constraints on the school quality indicator and I urge the Department to retain those guardrails in the final version.

Finally, we must consider data reporting. Though report card data cannot tell the entire story of a school, it is critical that information on report cards is presented in a way that is easy to understand and captures as much of the full picture as possible.

School leaders rely on the underlying data from report cards to make decisions about how to marshal school resources to support teachers and students to reach our shared goals. We need timely data that are disaggregated by student subgroups and capture the performance and progress of all kids—keeping us focused on meeting the needs of our most vulnerable students and holding school system leaders accountable for ensuring we have the resources necessary to help all children succeed.

Moreover, we use report cards to communicate progress with families and community members. Parents deserve to know how schools are performing so they can hold us accountable, offer support, and make informed decisions about the learning environments that will meet the needs of their children. They need snapshot data on key indicators as well as an overall summary. Ideally, these resources are radically transparent, including as much information as possible on student subgroups and school resources, while meeting the equally important charge of being easy to understand. Our job as educators is to engage with stakeholders and use the data to tell the story of our schools and advocate for our students.

As a practitioner, I also want to know which of my colleagues are working in schools that are getting results—for all kids and for individual groups of students—so I can seek them out to learn and collaborate, particularly if they are doing great work in areas where we need to improve.

Though not required by statute, my plea to policymakers is that they take advantage of the opportunity to ensure report cards and underlying accountability systems include growth measures, particularly for schools in transformation. One of the greatest struggles I faced as a principal was convincing parents and members of our community—many of whom attended Ranson when they were young and watched its slow decline over the course of many years—that we were truly turning things around. Educators making progress in the lowest-performing schools need support, encouragement, and recognition to keep up the momentum.

Ultimately, the purpose of our education system is to meet students where they are—whether they're three grade levels behind (like many of our students), at grade level, or above—and support their development. No matter their proficiency level, our job is to move students forward. That's called good pedagogy and that's what it takes to do right by all of our kids.

Thank you, once again, for the opportunity to share my perspective.

And thank you for your willingness to listen, learn, and ensure Federal policies retain appropriate checks and balances on behalf of our Nation's most vulnerable children while unleashing States, districts, and schools to execute plans that help all students grow, thrive, and fulfill their potential.

The CHAIRMAN. Thank you, Ms. Welcher.

Senator Murray.

Senator MURRAY. Mr. Chairman, thank you. I'm going to submit my questions for the record because I have another commitment. But I really want to thank all of you for your input today and wise counsel, and I look forward to working with all of you as we implement this.

Thank you.

The CHAIRMAN. Thank you, Senator Murray.

We will now begin a round of 5-minute questions, and I'll start.

Three of you mentioned the timeline that States have, and Senator Murray and I have both asked Secretary King about it.

Dr. PRUITT, let me be specific about it. Would it make sense to you that Kentucky could develop its new accountability system during the 2017–18 school year, the next school year, the one coming up, and then begin to identify new schools in the following school year, which would 2018–19? And in the meantime, you would continue to support and work with those schools that are in trouble that you've already identified. Is that what I understand you to say would be a solution, a sensible way to go?

Mr. PRUITT. Yes, sir, absolutely. Of course, if our schools have already been struggling, we would not leave them out. We would definitely continue to support them. But what giving us that extra time would do is give us more time to really engage our stakeholders to ensure that we actually have buy-in on the system. For me, a big part of our new accountability system has to be built on more trust between the State and local levels.

The CHAIRMAN. Would it be helpful if Secretary King did agree with that schedule? Would it be helpful if he announced that soon so that you could make your plans according to that schedule?

Mr. PRUITT. Absolutely, it would. In Kentucky, we have to start on our regulatory process actually in January for us to have it through all of our systems to submit to U.S. Ed. If he would announce it right now, it would mean that we would have more flexibility in our timeline, and I believe we could do a better job.

The CHAIRMAN. Dr. Pletnick, you're a superintendent. Does that make sense to you?

Ms. PLETNICK. It absolutely does make sense. Another concern that we have is that in order to really get the voices of all the stakeholders in a large State, that does mean going out there, bringing all that information in. We need that time to do research. Because we were locked into that compliance with No Child Left Behind, we didn't necessarily have the opportunity to look at those multiple indicators that would make sense. We need that time because we need to make good decisions.

My concern is if we start using some of that data and labeling these schools, and then we tweak the system, we really are losing trust from the stakeholders because even though you might have that same summative A through F label, you've changed components. So that A score really isn't an apples-to-apples comparison the next year when you label it A or F or whatever other label.

The CHAIRMAN. Let me move on. I've just got a couple of minutes left.

Dr. Darling-Hammond, you've talked about California and other States that are using this opportunity, which I would hope they would. This is an unusual opportunity. We have a new law which may set the policy for 10 or 15 years. It means every State will be developing new plans which won't need to be changed unless they make major plans. This should be a period of great innovation and excitement and enthusiasm school by school and district by district.

Is it your thought that too short a timeline would discourage that? And what would you think of the schedule that I just described with Dr. Pruitt?

Ms. DARLING-HAMMOND. The schedule makes perfect sense. Too short a timeline both means you'll make worse decisions about the structure and the data in the accountability system and lose the stakeholder input. I know our State board is meeting this week, and there were hundreds of people there giving commentary. They're trying to model the way the data would look to identify schools. The time is needed to do a good job.

The CHAIRMAN. It is my hope that Secretary King will announce before long that it would be appropriate under the new law, because it was my intention at least, and I think for many of us, that States would create their accountability systems in the school year coming up, keep working with the already-identified schools, but then begin to implement the new system in the following year.

I have about 30 seconds left. Dr. Pletnick, in about five different places in the law we try to make clear that the U.S. Department of Education cannot tell Arizona what its academic standards should be. We changed the word from "demonstrate" to "assure." We put specific prohibitions in the law. Is the way you read this new regulation, do you believe that the U.S. Secretary of Education could decide to reject Arizona's academic standards if he chose to?

Ms. PLETNICK. I believe that is the way that I would interpret it, and my fear is others would as well. This debate, whether that was the intent or not, this debate could start again over Common Core when we're just starting to move forward and really look at our standards and improve them.

The CHAIRMAN. Yes. Do you read anything in the law that suggests that the U.S. Secretary of Education ought to be able to tell Arizona what its academic standards should be?

Ms. PLETNICK. I did not, and as Arizona, we did not. We started the work on reviewing and revising standards so that they would better reflect what our State's needs were.

The CHAIRMAN. Thank you very much.

Now I'm going to excuse myself for a few minutes to go to a meeting, and I'll be back. But in the meantime I'm going to hand the gavel to Senator Paul.

Senator PAUL [PRESIDING]. Thank you, Senator Alexander. I've been wanting to be chairman for quite some time.

[Laughter.]

The CHAIRMAN. Senator Casey would be next.

Senator PAUL. OK. At this time I'll recognize Senator Casey for questions.

STATEMENT OF SENATOR CASEY

Senator CASEY. Thanks very much, Mr. Chairman, officially.

I want to thank the panel, and I'm sorry I wasn't here earlier for your testimony. We are grateful that you're here to provide testimony and answer questions, but really to bring your experience and expertise to these issues.

I do want to start just on a brief personal note. I noticed from the biographies, Dr. Pletnick, you've got significant Pennsylvania roots.

Ms. PLETNICK. I have.

Senator CASEY. Born in what town?

Ms. PLETNICK. Edwardsville.

Senator CASEY. OK. Luzerne County.

Ms. PLETNICK. Most people don't recognize that. I have to say "close to Philadelphia," but I knew you would.

Senator CASEY. There's an Edwardsville, IL, too, I know that. But also it says you were principal in four districts in Pennsylvania before going to Arizona. Is that right?

Ms. PLETNICK. In four different schools.

Senator CASEY. Schools.

Ms. PLETNICK. Right, yes. My last job was in Wallenpaupack.

Senator CASEY. OK, not far from where I live. I just want to make that connection, highlight your biography a little more than it might have been before.

Ms. PLETNICK. Thank you.

Senator CASEY. But thank you so much.

I guess I wanted to start and try to get to as much of the panel as we can in a short time on the question of early learning, which has been a priority for me a long time. I'm not just a believer in the value of early learning but the good news is all the research validates that belief, which is literally that kids will learn more later if they learn more now. That learning and earning connection is substantial, but we haven't really made the kind of national commitment that we need. A lot of States have done some good work and have really advanced, especially in the last decade, but we have a lot more to do, and I think part of that can be Federal Government policy, working with the States in partnership.

I know that, Dr. Darling-Hammond, your organization recently released an analysis of several high-quality, State-based early learning programs, so I wanted to ask you a little bit about that. This is the one-page overview of it. But I wanted to ask you, I guess in the context of the work that your study undertook, what would you tell us about the best ways to expand access, knowing that this cannot be a Federal Government program only, but I think it's an area where we can work in partnership with the States.

Ms. DARLING-HAMMOND. Thank you, glad to talk about that, and happy to send you the 250-page-long report, if you'd like it, as well. By the way, I was credentialed at Temple University as a high school teacher and taught in the Philadelphia area, while we're identifying Pennsylvania roots.

Senator CASEY. Thank you.

Ms. DARLING-HAMMOND. Yes. Our study that was released last week, which looked at four States' exemplary preschool programs—Washington, West Virginia, Michigan, North Carolina, and there are others—found that the key things that make a difference, which ESSA gives us some inroads on in the law, are the investments in quality standards and coaching programs to those standards, staff development, increased coordination of programs, Federal and State, in very strategic ways. It's a complicated system, and simplifying and streamlining that so that people can manage all those funding streams is very important, and strategically using those. Then, creating those transitions between preschool and kin-

dergarten, and designing targeted interventions through early childhood education, which ESSA could allow for as well.

There's a very substantial agenda that is needed for early childhood education in this country. We know that it can really dramatically close the achievement gap that exists before kids get to school, and that is the purpose of our major Federal laws. It's a good step in the right direction. Obviously, as you know, there is more that can be done.

Senator CASEY. I'm grateful for that. I know that in our coming together here in the Senate and the House to pass ESSA that we do now have early learning alignment improvement grants. I don't know if you or anyone else has any advice or guidance on how best to manage that part of the legislation.

Ms. DARLING-HAMMOND. I do think that there are places in different parts of the law where alignment, transitions, professional development are created, and one of the things that will be helpful in the regulations, guidance and implementation is having a holistic view about how States can use those provisions to create a seamless system as they make those investments.

Senator CASEY. I'm out of time, but maybe we'll ask others to submit something in writing on early learning if you wanted to comment further, but I'm down to zero.

Thanks very much for your work, and I'm grateful to be with you today.

Senator PAUL. Senator Burr.

STATEMENT OF SENATOR BURR

Senator BURR. Thank you, Mr. Chairman.

Ms. Welcher, I apologize to you. I had every intention of getting over here to introduce you, as I look forward to having North Carolina talent in the U.S. Senate. But, welcome, and I'm sure the Chairman did an adequate job, but not like somebody from North Carolina could have introduced you.

Ms. Welcher, you're passionate. That's what I love. And not only do you have the experience in the classroom, you were tasked with a turn-around, and you succeeded. And now in your capacity here, you're not only teaching, you're inspiring other teachers to improve.

Senator Casey and I had a little spat last year. It wasn't something that lingered on, but we changed title II funding, and over the next 7 years North Carolina is going to get \$24 million more to go to specifically that. What does that mean for North Carolina?

Ms. HARRIS WELCHER. Yes, thank you so much. I think it means a great opportunity for innovation. We really have to look at doing things differently in how we support school leaders. At the end of the day, as great as a teacher is, a great teacher is not going to stay in a school. People don't leave organizations because of the organization. They leave because of a not-so-great boss.

I think we have a great opportunity to really look at how we train and develop and support school leaders, how we build pipelines for school leaders.

We also have an opportunity to think about what other transformational opportunities can we create for teachers. We see the numbers of teachers who are leaving the profession, and those who are just not even entering to begin with. We have to think more

creatively about how we support our teachers and give them something they know they can hold on to and create a career out of.

Last, I really believe we have an opportunity to provide some innovative spaces for our schools of how they serve our students. We have some major achievement gaps in subgroups. Every child does not learn the same way. Every school cannot turn around the same way. We have to give that flexibility to our districts to really research, explore, and understand what are the ways that they can truly increase student achievement and sustain that achievement over time. The point of a turn-around is to turn it around. A school should not perpetually be in turn-around. So we've really got to figure out a way to allow schools and districts to find innovative ways that will work for their school so that all students can succeed and the community can have a great school forevermore.

Senator BURR. Which is one of the reasons we tried to be as specific about empowering States and local communities. Listen, I understand. This is not my first rodeo of 22 years up here. Agencies have to write regulations. But writing a regulation and interpreting that regulation correctly, I want to make sure you maintain the flexibility that you need.

When Erskine Bowles was president of the university system, he came to me 1 day and he said I need a grant to be able to follow teachers that we educate at the University of North Carolina so that we can figure out whether we're teaching them how to teach the right way in the 21st century. How important is that?

Ms. HARRIS WELCHER. It's hugely important. Many of us, as I look around this room, the way that students are learning today is not the way that we were taught, right? We're taking strategies and saying, oh, this is how I did school. That doesn't work anymore for our students. We have to really understand how do students learn, and we have to understand what works. If it's not working, then we need to fix it. We're not going to get any different result, we know that, if we keep doing the same thing.

We have to spend that time to explore and understand what are the great teachers, the most effective teachers doing, what are the most effective schools doing, and figure out how we can replicate that. We don't need to keep reinventing the wheel. The reality of it is our students don't have any more time for that. A student has 1 year to get it, and many of the students that I've worked with, we have to advance their learning more than a year's worth because they're coming to us so far behind.

It's imperative that we absolutely figure out what the most effective teachers, most effective schools and leaders are doing so that we can replicate that as quickly as possible.

Senator BURR. I thank you for that, and thank all the witnesses for their valuable testimony today. I'll conclude by saying this, that K through 12 has no partisanship in Washington because I think we truly all not only believe but strive to make sure that the current generation in K through 12 is provided the tools they need to compete in the 21st century, and with every child that we don't get across the goal line of graduation, their options for life are so much more diminished. I think we have a moral obligation to make sure that every one of them has an equal opportunity, and that starts with a great education.

Thank you very much for being here.

Senator PAUL. Thank you, and thank you to the panel.

I was never a big fan of No Child Left Behind. I thought it federalized too much, took away too much power from the States, the teachers, the parents, everybody. I think to have innovation you need more local control of schools and more empowerment of local people who are seeing the problem up close and personal.

The intent of the legislation was to allow more creativity, innovation, and more sovereignty of States. When I hear from Commissioner Pruitt that the proposed regulations stifle creativity, innovation, and the sovereignty of States, I wonder to myself how can a piece of legislation that was intended to give you more power somehow still be running into the same problems that we all thought were a problem with No Child Left Behind? How could the intent of both sides somehow be ignored, and what do we do to fix it? If Senator Alexander were here, I would actually ask him that question. How do we create legislation better where the intent actually is fulfilled in the regulations?

But since Dr. Pruitt said this about the proposed regulation, I'd like to hear your theory of how can we get the intent of the legislation to actually work. Is it just a misinterpretation of what our intent was? Will the hearing further that? What is the consensus among—and we'll go to the rest of the panel. What is the consensus among people from all different political persuasions on this issue?

Mr. PRUITT. I actually believe that this is not a political issue as much as it's an issue of doing what's right. Recently I heard a quote that basically said there's a difference between what you have a right to do and what you should do to be right, and I believe that a lot of what these regulations do is it's something that could actually cave in under its own weight, which is sort of what NCLB did. There were so many regulations and inconsistencies within that that it created so many goals that schools couldn't possibly meet all of those goals, and that's one of my concerns with the current regulations, that there's such a vast amount of regulation that it could actually implode.

Senator PAUL. One of the things that we were talking about is when the accountability standards will be enforced on this timetable that Senator Alexander brought up. What would happen, just hypothetically, if there were no accountability standards coming from the Federal Government? Wouldn't each individual State have accountability standards? When you had a waiver from No Child Left Behind, it didn't disappear and you said we're not going to be accountable. You just simply made those decisions within your State.

Mr. PRUITT. Absolutely. I believe accountability is necessary, and I believe my colleagues around the country are fully embracing the idea that accountability is important. But I also think that we're moving away from just accountability and more into shared responsibility for all of these students. If there were none, I believe we would still have accountability. In fact, in Kentucky, we were under the waiver, and I believe that we actually had a system that in many ways exceeded what the Feds would have liked for us to do.

But we are going to make sure that our students are held to a consistent and equitable outcome. I also believe that just because we disagree does not mean that we're not supportive of equity. I think there are different ways to get to that. For me and for Kentucky, we're going to ensure that every single child, regardless of where they live or what their needs are, they're going to be met.

Senator PAUL. From the other members of the panel—we'll start with Dr. Pletnick—do you think we are having some problems between the regulations actually coming forward and representing the true intent of what the bill said? And do you think that's a problem?

Ms. PLETNICK. I do see that there is that disconnect, and sometimes I think we're well-meaning when we try to provide those supports, but there are unintended consequences. I thank the committee for hearing from the practitioners who are looking at these regulations and saying we understand that the intent may have been for support, but what you're actually doing is stifling us, keeping us from doing the innovative things.

From a very local perspective, a superintendent's perspective, if I weren't serving my students, I would hear from the owners of our system, and the owners are those taxpayers, those community members that are supporting our public school system, and they would not allow us to continue to do things that were harmful to children.

Senator PAUL. Dr. Darling-Hammond.

Ms. DARLING-HAMMOND. I think it may be unintentional. As regulations get written and you think about how will people figure out how to do this law, it may be unintentional that they sometimes get so narrow. But what ESSA has done across the country is really unleash a lot of creative energy. A lot of people—constituents, advocates, State officials, educators, civil rights groups—are all working on developing these new systems. I think that as we get information about what States are planning to do and preparing to do, which would come through the system for peer review, it should be easier to right-size the regulations so that they allow for those good solutions that are already being developed in the States that maybe were hard to imagine a few months ago, before the energy really took hold.

Senator PAUL. I think important to remember, though, that the goal of the bill was not to have no regulations but to have them closer to home where you are deciding those in your States, not at the Federal level, and to make sure that it's not so overbearing in its application that we do exactly what we did with No Child Left Behind. In my medical practice, I would see teachers all the time. I never met a teacher who liked No Child Left Behind, not one.

Ms. Welcher.

Ms. HARRIS WELCHER. Yes, I'll just add to what the panel has already stated. As practitioners, we need to understand what the regulation really wants us to do to improve outcomes for all students. As it relates to accountability across States in the Nation, the reality of it is we need high expectations for all students, whether it's in North Carolina, Kentucky, Arizona, California. The students I serve are going to be competing with students in all of

these States and, the reality, across the world. My concern is that we must have high expectations for all students.

It varies, and it has varied across the Nation, and that's not OK. I want my students to have the same opportunity to go to Harvard 1 day, but that may not always be the case if States are left to develop whatever their own accountability system may be. That may be a lower standard.

Senator PAUL. Or a higher standard.

Ms. HARRIS WELCHER. Or higher.

Senator PAUL. Senator Murphy.

STATEMENT OF SENATOR MURPHY

Senator MURPHY. Thank you very much, Mr. Chair.

Thank you, all of you, for being here. I'm sorry that I was in and out. I caught most of your opening statements.

I was one of the primary authors of the accountability sections which we're talking about here today with respect to the new regulations, and I think that when we wrote those provisions in the bill, had we imagined that upon the release of the regulations that we would have received statements of support from both the Council of Chief State School Officers and the Leadership Conference on Civil and Human Rights, we would have figured that we got it largely right. I'd like to offer those two statements into the record, if there's no objection, and admit that, of course, none of this is going to be perfect.

[The information referred to was not available at time of print.]

I want to ask you, Dr. Darling-Hammond, about this question of measuring what is good versus what is perfect. I agree with you that a summative score for a school is going to be imperfect in that there is no perfect way to measure anyone's performance with a numerical grade, with a letter grade, with one simple number attached to it. But, of course, we do it all the time in education, and we often, as you mentioned with respect to report cards, engage in a practice where we have a summation of a student's performance and then determinations underneath that summation of how they have done in particular subjects. I know that because I remember in high school that I had a class rank that was the thing that most people paid attention to. But underneath that class rank I also had grades in all of my subjects. I paid attention to that class rank, but I also paid attention to the grades. It didn't seem to be mutually exclusive, that I only paid attention to the class rank or I only paid attention to the grades.

I'd like to ask you two things. One, why don't you think that parents or policymakers would pay attention to all of the sub-measurements simply because there's a summative number or letter or score sitting on top of it? And second, how would we determine what the lowest 5 percent of schools are if we don't have a summative assessment of schools? How do we do that in a transparent way if you don't have an overall measurement of a school's performance?

Ms. DARLING-HAMMOND. Those are great questions, and thank you very much. You did get a GPA at the end of high school, but you probably didn't have one for most of the years in-between. From kindergarten until about 10th or 11th grade, it's all about

how are you doing in each subject and what are we going to do as a school to support you in improving. When you're looking at the continuous improvement, you have to know how people are doing in these different areas. There are some examples in my written testimony from the way in which Vermont is looking at this, where you see that the single summative score, which would identify a particular school as being in the bottom 5 percent, for example, misses the fact that several other schools have lower graduation rates or lower math performance that will not necessarily get attended to if only that one school is identified.

The law does not require that we identify exactly 5 percent. It requires that a State identifies at least 5 percent. So the question is how do you go about doing that? California had an academic performance index before NCLB. We used that single summative score for years and years and years, and there were things underneath it, and they were reported. But what ended up happening, as Commissioner Pruitt mentioned, is that people were spending all their time trying to game the single summative score.

Take the GPA, for example. If I really want to hide GPA, I'm not going to take that really hard class because it might give me a B instead of an A. I'm going to game the GPA. And some people, when they're focused on that, that happens, and we saw that in many States, that gaming the single summative score overtook making progress on each of the indicators.

Senator MURPHY. But let's say you had three indicators. Why wouldn't that same tendency play out with the indicators? Why would it only play out with a summative score?

Ms. DARLING-HAMMOND. Let's say we have six indicators, because there are four required by the Federal Government. Most States have to add at least one more, and some are adding more. If you have a continuous improvement system, what you might want to do is identify, as we're talking about in California and some other States, the schools that are low performing and not improving, to your point about improvement, on each of those indicators, 5 percent of the schools, and then we're talking about just as your school might say you're going to get reading recovery because you're not doing well in reading, the schools that are struggling with English language learners will get a whole intervention with research and coaching and professional development and opportunities to work with other schools. If they're in that low-performing group, they will have to have access and will be involved in that intervention. Others might even opt in. But we're going to attend to the fact that they are not making progress there.

We would miss a lot of those schools if we were just identifying the bottom 5 percent on a single summative score because they might be doing OK in some other areas, so they get above the line, and then they're not getting identified and supported. The same thing in each of the other areas.

How do you identify that you've got at least 5 percent getting intensive intervention for the right things? You would say if you're low performing and not improving on four of the six, then you're going to get intensive intervention that's more like a SWAT team, in addition to the intervention you're getting for the need that you have, and that's the same way you'd think about improving chil-

dren's experiences in schools as a teacher or a principal, and it's a much better way to ensure that everybody is working on continuous improvement. Subgroup performance doesn't get lost, and the area where you need the help gets attended to.

In the old system, when you just had AYP, you made it or you didn't make it. A lot of the interventions that were prescribed for schools were completely inappropriate for the actual needs that they had because it was just you're in or you're out, and here's the standardized intervention we're going to give you. I think the States' experiences who have had a single summative score suggest that it distracted them from really focusing on the specific needs of the schools, and they can use decision rules that are consistent to identify at least 5 percent of the schools that have the needs that the interventions would address.

Senator MURPHY. I thank you for the answers. I guess I don't think we give enough credit to school officials and to superintendents to be able to continue to pay attention to the underlying indicators even though they will have a score sitting on top of it. I'm not sure that I'm convinced that there won't be a tendency to game the indicators that sit down beneath, just like there might be a tendency to game the top line indicator, and ultimately I think you can probably walk and chew gum at the same time when it comes to both having a measurement of the overall school and having a measurement of these indicators.

I worry that if you don't have a clear top-line indicator summative score, then the transparency of the determination of who gets stuck into the bottom 5 or bottom 10 percent gets a little muddled. I hear what you're saying, that you could make it clean, right? You could just decide that if you're not hitting measurements on four of the six, then you're in. But you could also make it really confusing as well, and it would be largely up to the State as to what they chose to be the mix of performance on those sub-indicators. So there could be States in which it's really clear how you get into that group, but then there could be States in which it's really not clear how you get in, and that's where I worry that it becomes a little bit difficult for parents and for policymakers to parse. But I appreciate your time, and I've gone way over.

Thank you, Mr. Chair.

Senator PAUL. Senator Whitehouse.

STATEMENT OF SENATOR WHITEHOUSE

Senator WHITEHOUSE. Thank you, Chairman.

I have two questions. I'll just ask them together, and you can decide which one each panelist would care to answer.

One is that I'm hearing from folks at home in Rhode Island some concern about the timeframe that has been laid out for getting the new accountability system dashboards up and running. Getting that right is really at the heart of what the whole Every Student Succeeds Act is all about, so I'm interested in your thoughts on what you think an appropriate timeframe would be to work out that new accountability system.

The second and sort of related point is that one of the reasons we took this step was to get rid of the scourge of testing of schools that was so badly deforming the behavior of schools in order to be

successful on the tests. And one of the worst ways in which that deformation of our educational system took place was in curriculum being jettisoned over the side in schools that felt themselves at risk of the testing program so that the kids had nothing to learn except what the school was going to be tested on when the tests came.

For us, one of the measures of the success of this Act is going to be how quickly curriculum can grow back in these schools, and I'd be interested in your assessment of what good—we don't want to add more control, we don't want to add more regulation. You guys have enough of that nonsense all over you in this area already. But what would be the best ways to measure the success of returning curriculum to these schools that had jettisoned so much of it to make the tests?

Those are the two, timeframe on dashboards and measuring the return of curriculum without burdening schools.

Mr. PRUITT. I guess if it's OK, I'll take the first crack. The timeline that Chairman Alexander laid out earlier with us, being able to work on the actual system in 2017–18, identifying new schools the next year, would be a fantastic opportunity for us. The way the current regs are, basically you would be overlapping two systems. We in Kentucky have actually seen that. As a result, we had two schools that entered into priority status at the end of our last accountability system, and now in our current accountability system, because it takes 3 years to come off that list, we have two schools that are simultaneously in our top 5 and bottom 5 percent. It creates a lot of distrust in the system.

Giving us that extra time will allow us to model data. It will allow us to really dive into the system to make sure that what we have really measures what we want it to measure and builds a lot of trust.

Senator WHITEHOUSE. Does anybody disagree with that, or does Dr. Pruitt speak for the panel?

Ms. PLETNICK. As a superintendent, we were talking about that same kind of difficulty. If we move too quickly, actually we'll be forced to use NCLB data. So these schools will be labeled as failing under an old system, versus having that time to transition to the new system.

Senator WHITEHOUSE. It sounds like it's unanimous that a little bit more time would be good. I see all the heads nodding, for the record. OK.

The next question is what would be the best way for this committee, without seeking to add burdens or encouraging the U.S. Department of Education to add burdens, a tendency that seems rather strong in that department, to get a sense of the resurgence of curriculum in these schools that had been deprived of so much curriculum?

Ms. DARLING-HAMMOND. I think there are a couple of ways in which we can encourage the return of rich curriculum into our schools. As you know, under the earlier era, the State tests became not only more plentiful but lower in quality, much more multiple choice assessment rather than open-ended and a variety of ways to show what you know. Rand Corporation did a study that found that only 2 percent of the items on the best State tests were higher-order thinking skills in math, 98 percent low-level rote skills.

The rest of the world has been moving on to develop richer assessments that are more focused on 21st century skills. One thing in the law is the opportunity for the innovative pilot assessments that will—some seven States will have access to initially, and then three more. Hopefully that will be regulated in a way that States are encouraged to really broaden the conception of curriculum that is aimed at thinking and problem-solving and measuring those things so that other States can take that up. That will be an area to be mindful about and encouraging of.

There's also more room in the law for innovative assessments outside the pilot space, and again how that gets both regulated and implemented could allow States to really move from rote learning to much more ambitious and intellectually challenging learning.

In addition, these additional indicators after the first four that are federally required in some States are taking up ways to look at a full, rich curriculum. Are kids getting access? We have this as an indicator for our State accountability in California for science and history and all of the content areas that they need.

Senator WHITEHOUSE. Music, arts. Yes.

Ms. DARLING-HAMMOND. Yes, which disappeared in a lot of schools. Also, are kids getting access in high school or are they completing international baccalaureate or AP or dual credit courses? Are they getting a college preparatory or a high-quality career technical sequence? All of those—actually, many States are looking to put those in the accountability system because we know that ultimately that will drive performance. Research shows that that's one of the most powerful drivers of ultimate skills, and those have to count. Right now, the regulations would make any of those additional indicators fairly meaningless in the accountability determinations because they can't improve a school's rating, they can only bring it down.

I think that allowing room for the measurement of higher-order thinking skills and curriculum that is rich and powerful will also help schools make that transition as they hopefully spend their title II dollars to do the professional development that will also be needed.

Senator WHITEHOUSE. I'm over my time. I thank you for your courtesy.

Senator PAUL. The great thing about being the acting chairman is I can take the prerogative of asking an additional question, and you're welcome, Senator Whitehouse, to do so as well. But I have a question.

I'm a bit of a contrarian when it comes to education. I went through a lot of the educational system—public schools, private schools, graduate degrees, doctorate. But what we get bogged down in is we're talking about accountability standards, assessments, measuring. We're talking about how we're measuring whether we're doing a good job, but I don't think anything we've talked about, other than just a little bit of this rich curriculum that I hear, almost nothing we've talked about today is how do we go from being 25th in the world to 1st in the world again.

We have to have measurements, but I kind of go crazy with all the measurements, whether they're Federal or State. I'd rather have them State. Whether they're State or local, I'd rather have

them local. But those really aren't making any kids smarter. This is how we're measuring our success. How do we get more success?

I'd like to propose something, and this is something that excites me, and this is the concept of the extraordinary teacher. I think this is something where we could take our education to another level if we utilized it.

We have the Internet. We give all our kids smart phones, smart tablets, and we think they're going to get smart with a smart tablet. I think they'll get smart if we connect them to a smart person.

What I would propose is an extraordinary teacher program such that we pick the thousand best teachers maybe in the country, or maybe in the world. We become sort of like the NFL or the NBA of teachers, and they teach everybody. So instead of having a classroom of 15 kids in a classroom, we have a million kids in the classroom. What I mean by that is if Sal Khan is the best teacher or explainer of physics problems, we have him teach everybody. That still means you have a teacher in the classroom who reinforces that. But why wouldn't you want to go get a lecture from the person who can explain calculus better than anybody in the world and can apply it to everyday life and who can say why it would be exciting to know calculus, because you can be an engineer that works in NASA or does this, and we're going to work on a problem on jet fuel that's needed and parabolic curves of how the rockets are launched, et cetera.

But you would get that by beaming these people in and not being stuck with just your local set of teachers, who aren't bad people, but everybody knows, like in my kid's high school, there's a man and a woman who are extraordinary. Everybody knew they were extraordinary. They were both teachers. They came before school, they stayed after school. They were just amazing. Pay them more, but have them teach all of the kids in Kentucky, not just the kids in that one high school for that one class. And maybe it's one area within that one class that they're the best at teaching and they specialize in that. You beam their lectures to everybody in Kentucky, or maybe everybody in the country.

Above and beyond that, if the extraordinary teacher idea was a good idea, then maybe the people who are in college that want to be teachers, when they do their classroom teaching, let's only put them in extraordinary teacher classes. Everybody knows these people are out there, and sometimes we lose them to other parts of business because we don't pay them enough.

One is the concept of having an extraordinary teacher program, having them teach beyond the walls of their school, connecting us. Are we doing any of that? Do you like the idea? And then the second question would be should we train our teachers not just in any old teacher's classroom but in an extraordinary teacher classroom, and do we do any of that?

Since I'm from Kentucky, we'll start with Dr. Pruitt.

MR. PRUITT. Thank you. Thank you for the question. It's a great question.

A lot of what we're looking at with this new system is to start to develop a collaborative nature within Kentucky. That's one of the reasons why I've been fairly critical of the new regs, because I felt like when you put people into that summative score, why am

I going to share? Because if I share, you're going to beat me. Whereas if you actually reward people for working together, you can actually do things like expand the purview of those great teachers.

If District A has a program that is fantastic, but District B does not, having those two districts actually come together to work together is actually something that I do hope we can really promote within our new system, that we do allow people to get outside of their classroom, that we do expose more students to our great teachers, but also to great programs, especially around the areas of career and technical education.

As to the second, I think that the best thing we could do for our pre-service teachers is put them in an incredible teacher's classroom who is fired up, who is passionate about what they're doing, who understands that a good teacher learns continuously.

Senator PAUL. Does anybody know, are we doing any of that around the country? Let's start with Dr. Darling-Hammond.

Ms. DARLING-HAMMOND. We are doing some of that. One program that does that is the residency model, which is funded under the Teacher Quality Partnership grants federally, and some States have put money into it. What it does is it says, particularly in high-needs communities, urban and rural schools, you're going to study under the wing of the very best expert teachers we have who know how to teach our kids right here in this community for a full year as an apprentice while you're working in the university courses that are connected up to get you credentialed and get your Master's degree. District and Federal funds, sometimes some State funds pay for that, and then the resident owes that district 3 or 4 years of service in high-needs schools in that community.

The outcomes are very strong, very high ratings for these teachers who are trained by the best teachers in those districts, and very high retention rates in these high-needs communities. Some university programs have also moved in the direction of this model school where you get the very best teachers and you make that tight connection.

There are some places with career ladders, where teachers who are very expert, like the two that you described in that school, can move up a career ladder, and some of their time and some compensation is attached to this, is really spent being a mentor and a coach for other teachers so that they get this.

Finally the distance learning kind of idea. Sal Khan is a friend of mine, and I'm very appreciative of the work that he does. I think some people are bringing that in. Of course, you need teachers on the ground too who can work with kids, because every kid learns differently, and the lecture that works for one kid may or may not work for everyone. Using that expertise, bringing it in, and then having teachers learn how to work with kids around the other—

Senator PAUL. One other thing I would add to the extraordinary teacher concept is to bring people into the school system who are not teachers for lectures. You could bring them in remotely or physically. For example, I always got the feeling as a physician, nobody wanted to hear from me in the public schools because I don't have a teaching degree, whereas I think it should be the opposite. You should have physicians, physicists, great innovators in our so-

ciety, computer technology, coming in, exciting the kids, giving a lecture, giving one lecture. It doesn't mean they become the teacher, but who wouldn't want to have these extraordinary, successful people outside of teaching come in also and help with the teaching?

Ms. DARLING-HAMMOND. There are some districts that are really taking advantage of that. I think it's less prominent than it could be as a tool and a resource for schools.

Ms. PLETNICK. I can give an example. In our district, we're doing just that. We're fortunate because we have five major retirement communities right in our backyard. We have retired engineers, we have retired physicians, and they come in and actually work side by side with our students, not only our high school through CTE, but actually in our elementary schools, in our STEM programs. They are there adding their expertise.

In addition to that, the students really learn, then, from them how this is applied in the real world. It makes sense.

The other thing we're doing in our district we call Your Call, Your Community of Leaders and Learners. We don't want to be losing our expert teachers from the classroom. We don't want them to believe that the only place they can be experts and leaders is when they leave and go into administration. They have complete control over their professional development. They adopt a problem of practice, and then have to work collegially to solve that. Through that, we're identifying those teacher leaders who others can learn from, and it really provides that ability for those folks to have a voice in what happens, but also to feel appreciated as they lead and learn.

Senator PAUL. Thank you.

Ms. Welcher.

Ms. HARRIS WELCHER. Senator, your idea I think is quite intriguing, and I think at scale certainly could be possible given the experience that I've had of extending the impact of great teachers. Much of what you're saying is exactly what we did at Ranson IB Middle School. We looked at who were our most effective teachers, and we said you've got this, you know how to move students, and you also know how to teach other teachers, so we're going to give you a greater responsibility to own that success. While we didn't expand it outside of our school building, we did that model exactly. We used blended learning. We gave one person who was an expert teacher, like Ovi Miles, the responsibility for all of science and had 350 students that he was responsible for, and ultimately ended up with the highest growth in our entire district.

It's absolutely possible. I think your idea of placing our most novice teachers and those who want to go into teaching with the most effective teachers is absolutely necessary. When you're a first-year teacher, you are literally just mimicking what you see. We want our beginning teachers to mimic the best so that our students can grow better faster.

Senator PAUL. Thank you all for coming. That's my plea to you as educators, and also to those across the country. Let's not get lost in measuring our success that we forget that we're trying to create success, and that's also what we discussed a little bit in the rules today, that we don't want the rules to be so overbearing in how we measure our success or how we test our children that we're losing

sight that we need a richer curriculum. Grades shouldn't overwhelm everything. Measurement of grades and measurement of teachers and measurement of schools shouldn't distract us from the purpose of getting the best education for our kids.

Thank you all.

The hearing record will remain open for 10 business days.

We're going to recess for 5 minutes. I believe the Chairman is on his way back.

[Recess.]

The CHAIRMAN [presiding]. The hearing will come to order.

Thanks to the witnesses for your patience. We worked pretty hard for 2 or 3 years on legislation involving opioid abuse, and today was the signing of that. I know I missed some interesting comments, but let me take advantage of this opportunity to ask a few more questions, if that's all right with you.

Let's go back to the timeline we talked about, because there seemed to be general agreement about that. And let's talk about, in the different States, what we mean when we say accountability system. What I said in my questioning was that my hope is, and I believe this is what Secretary King said, is that Kentucky, say, California, North Carolina, Arizona, would develop its accountability system during the school year coming up and then implement it in the following year, and in the meantime continue to work with the schools already identified as having some problems. States do that in different ways now. Some do that every 3 years, some do it every year, that sort of thing.

Dr. Pruitt, the whole heart of the law is that we move the accountability system from Washington to Kentucky and North Carolina and California and Tennessee, all the States, but people don't always know what we mean when we say accountability system. So could you describe briefly but with some specifics what you're doing in Kentucky to create an accountability system? Put it on that timeline we discussed and let's see how does it work.

Mr. PRUITT. Sure. We have to start with the idea that it is a system. I have a background in sciences, so I have a tendency to think in terms of systems, and when you evaluate a system, you break it into its parts and you reintegrate it.

We have five groups that are currently working on pieces of that system—assessment, school improvement, college and career readiness. Two that I think are a little bit unique are opportunity and access, because we want to move away from it being just about test scores, and innovation, how we can really promote innovation within our districts.

We have a committee that will take those findings and integrate that into a system that actually works like a system. So as one thing affects another part of a system, we evaluate it.

The CHAIRMAN. What's your schedule for doing that? What would you like for it to be?

Mr. PRUITT. What I'd like for it to be is to have all of this year to really get into that, work at it, and actually be able to model the data.

The CHAIRMAN. All of this calendar year or all of this school year?

Mr. PRUITT. I would love all of this coming school year to be able to do it. As it stands, because of how the regulatory process works in Kentucky, we have to be finished by December because of the requirements of when we would have to submit it to the Federal Government, because I have to get through my State board and through our regulatory process before I can actually submit it. So we're operating on a ridiculously short timeline.

The CHAIRMAN. So if you had to do it during the upcoming school year you would have to, in effect, do it before December, which is 6 months from now. Would that limit the number of Kentuckians that you could consult about different approaches for those five areas?

Mr. PRUITT. I believe so. Not only would it limit the number of Kentuckians, it would limit our ability to actually put it through testing, through modeling what it might look like to actually identify issues. I have a specific group called the consequential group review team, that's dedicated to finding unintended consequences of the system. And if we had more time, we could actually really dig into that to make sure that—what the accountability system does, or at least in my opinion, is it drives adults to make good decisions for kids and not decisions about adults.

The CHAIRMAN. If we had the schedule that Dr. King indicated he might entertain and that I recommended, I suggested, when would you anticipate you would finish your work and submit your plan?

Mr. PRUITT. It would be great if we could have this entire academic year, fiscal year, if you will.

The CHAIRMAN. Would that be until June 2017?

Mr. PRUITT. Correct, and then to be able to submit it to the Federal Government at the end of the summer, and then be able to continue on in the following school year, identifying our first group of low-performing schools in the following fall.

The CHAIRMAN. In the year that begins in 2018?

Mr. PRUITT. Correct. Yes, sir.

The CHAIRMAN. Dr. Hammond, you were talking about what California is doing. California is a pretty big place. It also has a reputation as an innovative place. Californians like to say their good ideas, or bad ideas sometimes, spill across the country. How does this timeline affect what's happening in California? And please give me some dates so I can get an idea of what a short timeline would do and what a longer timeline would do in terms of encouraging innovation and consultation or whatever else you think is important.

Ms. DARLING-HAMMOND. I think the basic outline is very similar to what Dr. Pruitt just described. In addition to figuring out what indicators we want to have in the accountability system, you've then got to sometimes build a data set to allow for that indicator. Just this week I think the board has adopted the idea of a college and career readiness index, which will have many things in it. Well, you have to build the data set for that. You have to model it, see how it would work out.

The CHAIRMAN. How many schools are there in California?

Ms. DARLING-HAMMOND. Oh, my. There are 1,000 districts, and then there are lots of schools. I don't know the exact number, but

it's large, 6 million kids, and it's a lot to model. We have counties involved as well that are part of the accountability improvement structure. Deciding on the indicators, modeling the data, building the data sets. Then, of course, you don't just want data; you want to use it, so you have to figure out how to have decision rules for deciding which schools will get which interventions and supports and assistance, but also what is your school improvement plan.

All of those things have to be both vetted with stakeholders and then come through the State board, and there may be some legislation necessary at some point, depending—because we have an accountability law, and then you have to look at the new law, the new ideas and say does it fit with the old law, do we have to amend the old law. All of that needs to take place in this coming school year, 2016–17, at the end of which you could be ready to say, OK, we know what we're about to do, we have gotten through all of our processes, and at the beginning of 2017–18 we could start to collect the data that would allow us to fully implement the system, ideally in 2018–19.

The CHAIRMAN. So collect and then implement the following year.

Ms. DARLING-HAMMOND. Yes, still keeping supports going on with the schools that are already identified. We have both a State law and a Federal law for identifying schools in need of improvement.

The CHAIRMAN. If you had to deal with a short timeline, the one that seemed to be required by the proposed accountability regulation, when would California have to finish its plan and submit it, would you guess?

Ms. DARLING-HAMMOND. If it had to be submitted to be implemented in the fall, we'd be talking about just in the next few months settling on everything. What you'd lose, in addition to the stakeholder opportunities, is the opportunity to actually add new indicators to the system, because you wouldn't have time to build the data set to incorporate the new indicators, and you'd also lose the confidence that when you implemented it, it would work well, because you wouldn't have had time to test it to see if, in fact, things play out in a reasonable way.

The question has come up many times about the 5 percent of schools, or the at least 5 percent of schools. That kind of thing needs to be understood and modeled, and you need to figure all of those components out. We'd basically either be pushed into doing what we did in the past rather than adding the new components that people have been really working hard to advocate for and figure out, or doing it on the fly and sort of crossing fingers and seeing what happens, and you could imagine with a State the size of California that you'd have some problems.

The CHAIRMAN. In your institute, you look at many States. My impression is that States work together first to develop common standards, then they work together to develop a few tests, and more recently States have been working on so-called accountability systems, working together, borrowing ideas from one another. So this next year-and-a-half provides an opportunity to put all of that work and knowledge in place in an innovative way, does it not?

Ms. DARLING-HAMMOND. It does. The Council of Chief State School Officers and other groups have brought States together.

There is a lot of State sharing and learning going on. We've done a couple of reports from the Learning Policy Institute documenting the progress that States are making. It would also short-circuit that learning process and that sharing process that's going on.

The CHAIRMAN. Dr. Pletnick, what about Arizona? What's the schedule for—what will you be doing with an accountability system in Arizona, and what would the difference be between the short timeline and the longer timeline?

Ms. PLETNICK. In Arizona we were very dependent on that single test for our accountability system. We basically sliced and diced that test score a million different ways to come up with an A through F system. We have to go back to redefining. For us right now, we want to be looking at multiple indicators. We know that college and career indicators are very important if we want to really accomplish what we say we do, and that's graduate every child college and career ready.

That's the piece that we've been working on. In fact, the State has gone out for an RFI for information. They have convened some committees of stakeholders to talk about it. They're going out doing listening tours. Our Governor has a new Office of Education, and they're doing research. All of those groups are still in that redefining.

Next we have to go to redesign. And again, much as what has already been indicated, we want to make sure we are selecting the right indicators and that we can collect that information. So that takes a great deal of redesign, and also really building those systems that will allow us to do that. That's the technology side of the house. And then we can re-imagine, which means then we get the product. You cannot do that in 3 months. If you're going to take that short period of time, we're going to have a lot of errors. We did that when we moved to a new assessment, and we're still trying to figure out how to clean up the mess we created because we moved too quickly.

We don't want to do that with an accountability system because it impacts trust with our community. It also then gives you those results that don't help the schools that really need that help because you don't have a true system that's indicating where the strengths and weaknesses are.

The CHAIRMAN. My impression, and you made some allusion to this, is that I'm very much for higher standards, and when I was Governor of Tennessee we became the first State to pay teachers more for teaching well, over the opposition of a lot of people. But what I noticed—and I would concede that some of the mandates under the waiver in No Child Left Behind moved us in a good direction. But they also created a massive backlash on standards and on teacher evaluation, which in a way set us back. I mean, you alluded to that. I mean, most States were adopting Common Core, some version of it, until they found out Washington was making them do it. Then they all got mad about it. We spent the last 2 or 3 years having a massive political brawl over Common Core.

It seems to me that if we were to create new accountability systems and cram them down the throats of schools and teachers and parents, that we might create the same sort of backlash because there wouldn't be the opportunity to buy into whatever you're

doing. So you either cram it down their throats and run the risk of a backlash or you don't make any changes at all and you just do what you were already doing.

Ms. PLETNICK. That's exactly what my fear is. After 40 years in education, what I have found is that when I bring the stakeholders to the table and I ask for those ideas, we come up with the best solutions because we see it from all perspectives. However, if it's top-down, there is no buy-in, and so automatically there is that question about is this the right thing, or an indication we could have done it better. But by bringing people around the table, I think we're going to find the best solution and we're going to have the buy-in.

I will tell you, with the standards, I ended up spending a lot of time as a superintendent in my community being asked to debate whether we should or we shouldn't, answering questions. There was really so much misinformation about what was or was not happening in the school, and no matter where it was happening across the Nation, somehow it became are you doing this in this school. It was such a waste of our resources and our energy, and we have so much work to do that I don't want to go back to that place.

I think we really have to take the time to get it right, build that trust, build that buy-in, and together we are going to be able to support each and every child. I no longer want to talk about all children. That's not important to me. It's each and every child, and we have an opportunity, and we have resources that we can utilize now, including technology that could help us with these metrics, but we have to have the time to build it.

The CHAIRMAN. Ms. Welcher, what about North Carolina? What about building an accountability system there?

Ms. HARRIS WELCHER. Yes, absolutely. I think in terms of the timeline, I love what was said around trying to redefine then redesign. I often think about this idea of slowing down to speed up. At the end of the day, school leaders, building school leaders, they're going to be the ones who are going to have to re-imagine and implement.

In my short years in education, I have been a part of way too many new ideas that were just thrown at me and told go do it, and in all cases it just didn't survive. It didn't live and it was not deeply implemented with fidelity.

The reality of it is, as a school leader you actually start planning your next school year in January. You start thinking and assessing, and you know what has gone well, you know what's not gone well. You start thinking about that. If we expect schools and districts and States to start implementing something in 2017–2018, I can tell you right now we're not going to get a really strong outcome and result. We need time for the States to get it right, for our district superintendents to get it right, and then to filter that down to the school leaders and the school buildings so that they feel comfortable and feel very confident in what they're about to do for kids.

If not, we're going to have folks going through the motions, and we just don't have the time to do that for our children.

The CHAIRMAN. Thank you very much. Well, you've got until August the 1st to send those comments to the Secretary. He has indicated he may agree with you, and so I'm going to urge him, if he

does, to go ahead and let everybody know so you can make your plans.

There are lots of different laws that are passed in Congress, and some are better than others. Some are passed in the middle of the night in a snowstorm or sometime, and they're not carefully read and not carefully structured, and when they're implemented people are wondering how in the world, what does this mean.

This law is not perfect, but it was carefully considered over a long period of time in the open, with lots of participation by lots of people, and it went through the entire process of both bodies of Congress and the House, and I think it's pretty well crafted, not just good policy but pretty well crafted. In other words, we meant what we said. So it has the promise of creating stability in Federal elementary and secondary education policy so, Ms. Welcher, you don't have that "here's the big new idea every year" and you're in your school and say where does that come from, I was just working on the one they gave me last year.

Hopefully, you have a new law that might settle things for a decade or so, and then States will have time to develop their new plans for their title 1 and title 2 Federal dollars, and in doing that those plans will stay in place for a decade or so, or until they're significantly changed. They don't have to be changed every year. And then the superintendent and the school leaders can say, OK, that takes care of that, and now let's go to work and do our job, maybe less uncertainty, less politics, more education.

Let me go back to the summative rating question. That just kind of dropped from the sky because those words aren't in the law. In fact, the law says that States develop accountability systems that measure and differentiate all public schools based upon a series of indicators beyond just the federally required math and reading tests. The law says that we envision an accountability system that is not based on a single test at the end of the year.

If you wanted to do that, you could do that. We're also trying to say if you want Common Core, you can have Common Core. If you don't, you can't. If you want this, you can have that, or if you don't. And the law also says that the Secretary "is prohibited from prescribing the specific methodology used by States to meaningfully differentiate or identify schools."

Dr. Pletnick, would you consider the words "single summative score" to be a specific methodology?

Ms. PLETNICK. I believe it drives you to have to, again, work within a framework that is going to, unfortunately, cause many States to think more like the NCLB mandates and environment than it would under ESSA, because if I've already determined what that answer has to be, then I've limited the possibilities of what I could build in order to comply with that outcome that's being mandated. My fear is by putting that limitation there, then we're going to limit the innovation.

When I think about multiple indicators, I know we all want to go back to the traditional way, for instance, of doing report cards, with one single score. But if my child receives an A in reading, I don't really know whether there might be comprehension issues or maybe there's something with their vocabulary. It doesn't tell me enough. I think when we limit ourselves and say that has to be the

outcome, we're also limiting what the possibilities are. And with technology, the new ways that we can use that to work with metrics, I don't think that we need to limit ourselves to that summative score.

The CHAIRMAN. We'll wind this up. Dr. Pruitt, I know you have a meeting at 11:30 that I want you to be able to go to. Would you like to be able to say anything and then leave after that, and then I'll wind up the hearing in the next 5 or 10 minutes after you leave?

Mr. PRUITT. Thank you so much. I thank you for having me, for allowing us to come in and really talk about what is the most important issue in K-12 education today. We have an incredible opportunity ahead of us. I believe with regard to the summative score, there is a significant amount of research out there that shows that even at the student level, when grades are put on writing assignments, that actually it doesn't lead to the improvement that they thought, as opposed to just giving good feedback.

For us, we want to end with a system that we can be proud of that will drive adults toward making good decisions for students, and I believe that the way you envisioned this law allows that to happen, that we actually have something special that leads to each and every child having opportunity that they would not have had to not just graduate high school but actually be contributors to our society.

I appreciate the time and effort that you've put into this law, and I appreciate the opportunity to have come and shared my concerns.

The CHAIRMAN. Thank you, and the person you're about to see played a major role in the passage of the law, so you can tell him we're up here trying to implement it the way it was written.

You're free to go, Dr. Pruitt, if you'd like to do that.

Mr. PRUITT. Thank you.

The CHAIRMAN. Dr. Darling-Hammond, I just have a couple more questions. I want to go back to the summative rating. It's pretty clear to me it's not in the law, and it's a little, just to be blunt about it, it's kind of a tricky maneuver. If the law says you're prohibited from doing X, and then the regulation says we're going to require you to do something that results in X, that's a little maneuver they use over at the Department of Education to get around specific prohibitions. Specific prohibitions are very unusual in Federal law, and the only reason they're in there is to keep people from doing things that Congress has agreed on.

But let's go back to the summative rating. Maybe that's just a mistake by the Department. Maybe they didn't think it through. But let's talk about what we mean by summative rating. A summative rating to me means something like Florida had or New York City had, which means the whole school is A to F.

Dr. Hammond, am I right about that? What does single summative rating mean to you?

Ms. DARLING-HAMMOND. It conjures something along a single scale, like A through F or you got a 92 versus a 43, some kind of a numerical scale. It may be that really what the regulations ought to focus on is a rational way to make a summative decision. You do have to make a summative decision about which schools are

going to get identified for additional assistance. But a single summative rating does seem to connote a single scale.

The challenge with doing it that way is that, like kids, you may have a child who has an A in reading but they're really struggling in math, and you want to understand that you're going to give them extra help in math. In an improvement and accountability mindset, we really want to be sure that you don't just say you're a 42 or you're a C-minus or whatever that is, that you actually say if you're really struggling and have low graduation rates or have that for a subgroup of kids, we can identify you to be getting assistance in that area, and we can add those up in a way that's more focused on the actual help you need than just saying you're in or out of that 5 percent group.

The CHAIRMAN. Is California far enough along? The law says you would develop an accountability system that annually measures and differentiates all public schools based upon a series of indicators. What does that mean in California?

Ms. DARLING-HAMMOND. We're still debating the final versions, and they're all getting refined, as you've described. But there will probably be six or seven indicators, and on each of them there will be a scale, and there will be some way of categorizing. Right now we have five dimensions or five areas where we're looking at whether a school is high or medium or low and whether they're improving or declining or staying the same. So on each indicator you find that out. There's a little picture of it in my written testimony if people want to look at it. After you've done that, anyone who is low and not improving on any indicator would be identified, even if they wouldn't have been in the bottom 5 percent of a single summative score. They would be identified to get intensive assistance, and then you could count up—for example, you could have a decision rule that says if you are in the low and not improving group on four of the six, then you're going to get a kind of help that is more comprehensive and intensive.

Our view has been that if it's at least 5 percent of the schools that are definitely low and not improving on those indicators, then we can organize the assistance indicator by indicator with those summative ratings that have to do on each indicator with whether they're high, low, in-between, improving or not improving.

There are ways to think about that that allow you to really say, as the teacher would say, you really are going to need that extra help in reading, and we're going to make sure you get it even if you didn't fall into the bottom 5 percent on everything, and you're going to get help in math if you need it, and some people are going to get help in a lot of areas with a very special approach.

There will be summative ratings on each indicator. There will be a way to see where every school is, and there's also a way to go underneath and look at the subgroups of students on those, but then to make the decision about how and what assistance they get and whether they get it in a way that doesn't just roll it up and lose all that good information.

The CHAIRMAN. I'll ask my last question about standards. We had some pretty good differences of opinion, as you could imagine, when we wrote this law, so we voted, and some things passed and some things didn't. For example, I wanted to let States have the

option to take most of their Federal dollars and turn them into scholarships for low-income children and follow those children to whatever school the local attendance policy put them in. But that only got 43 votes, and it needed 60. Some Senators would have liked to have had more Federal mandates about various things, but the major legislation on that got 43 or 44 votes and it needed 60. So those aren't in the law, and they're not supposed to be in the regulation.

Something about which there was almost no disagreement—I don't want to overstate it, but I'm trying to think if any of my Democratic colleagues ever disagreed with this. I don't think they did. We did not want the U.S. Department of Education defining for States what their academic standards were to be, period, and my thinking on that was what I said a little earlier. I thought the States were doing a pretty good job of working together for the last 20 years of trying to create higher standards. Some States, including my own, were using lower standards, and we had a Governor, a Democratic Governor named Bredeesen, who blew the whistle on that, so Tennessee actually adopted Common Core, but it did it itself, it did it itself.

There was almost unanimous agreement that the U.S. Department of Education, that not only did we not authorize the Secretary to set State standards, we prohibited it from doing so in about five different places in the law.

Arizona, for example, Dr. Pletnick, no longer has to demonstrate that you have challenging standards. All you have to do is assure the Secretary that you adopted those standards. That's what the law says. What does that mean to you?

Ms. PLETNICK. For me, it means that we have the flexibility at the State and local level to develop the standards that best reflect what we believe will prepare students for college and career, and that in so doing we would have to have that set of standards in place and all of our districts assuring that they're using those standards as the framework for the curriculum. It does not mean to me that we would have to send them anywhere. I would hope that we would not have to send them somewhere and say, yes, we agree or, no, we reject these, because then we've just discounted the voices of our entire community who have input into that.

The other thing is by having our assessments in place, then I think we are assuring that we have those rigorous standards, because if our assessments are aligned to those, and they must be, then I don't think we need to go beyond that in terms of what we have to assure.

The CHAIRMAN. The regulation says, the proposed regulation, that a State must "provide evidence at such time and in such manner specified by the Secretary that it has adopted standards." What does that mean to you?

Ms. PLETNICK. That means to me we're submitting something for approval or for it to be rejected, because if you're given the time-frame that you have to do that and you're going to have to have that approval, then to me that again still has control over what's done at the local level. I, quite frankly, believed that we should have been working on our Common Core standards to improve them as soon as we began to work with them, because they don't

reflect everything that we need to do in school. But instead we spent all of this time arguing over whether they should be completely rejected or completely adopted. In my State, especially in my school, we're looking at not only knowledge but we're looking at skills and disposition that prepare students for the 21st century, and right now those standards need work in order to include them.

The CHAIRMAN. I thank the four of you for your time and your expertise and for coming today. This has been very useful. There seems to be a unanimous judgment that the longer timeline, which is what I thought the law envisioned, would be the correct thing to do because it would allow States to consult with the largest number of stakeholders, carefully consider their new accountability systems, make whatever innovations they wished to make, and develop support and buy-in from the individual school leaders, and then everybody can settle down and try to implement that for a period of time.

That especially is helpful, and I would urge you if you have other thoughts that you would like for the Secretary to have, that you've got the rest of this month to get those in. In the meantime, I hope that North Carolina and Kentucky and California and Arizona see this as a tremendous opportunity for innovation and showing other States and other school districts and parents everywhere that we know how to have higher standards and better teaching and real accountability State by State, community by community, and school by school. So it's very helpful to us in the process, and I thank you for your time.

The hearing record will remain open for 10 business days. Members may submit additional information and questions for the record.

Thank you for being here.

The committee will stand adjourned.

[Additional material follows.]

ADDITIONAL MATERIAL

RESPONSE TO QUESTIONS OF SENATOR MURKOWSKI BY
ALISON HARRIS WELCHER AND GAIL PLETNICK, ED.D.

ALISON HARRIS WELCHER

Question. If you had the freedom to design a school accountability system for your State without any regulatory oversight by the U.S. Department of Education, what would that system look like? In broad strokes.

Answer. Over the course of 4 years as principal of Ranson I.B. Middle School in Charlotte, NC, I led our team to move Ranson from a report card grade of “D” to “C.” Although a “C” rating doesn’t sound like much to rave about, what that shift meant for kids is that we exceeded all of our growth targets and were in the top 25 schools in the State—the top 1 percent—on the growth composite index measure. Our students still weren’t where they needed to be, but the truth is our growth shows that we were doing better work for kids—specifically our most vulnerable students who were far behind their peers—than many schools that received a higher grade. There is a real difference between maintaining excellence and building it.

Therefore, in designing an accountability system that works for all schools, my top priority would be thoughtfully including measures of student growth in addition to performance.

Ultimately, the purpose of our education system is to meet students where they are—whether they’re three grade levels behind (like many of our students at Ranson and in similar schools across the country), at grade level, or above—and support their development. No matter their proficiency level, our job is to move students forward. That’s called good pedagogy and that’s what it takes to do right by all of our kids. I cannot emphasize this enough: educators making progress in the lowest-performing schools need support, encouragement, and recognition to keep up the momentum.

I would also ensure the system includes multiple measures of school success, with a special focus on the most vulnerable and at-risk students.

As educators, we are preparing students for college, career, and, for many, a life beyond the here-and-now of their current circumstances. It is critical that we define school success in relation to how well students are progressing toward college- and career-readiness, which requires that we understand their mastery (and growth toward mastery) of subjects like reading and math as well as their access to civics, history, geography, literature, foreign languages, science, technology, engineering, music, drama, and art. The former are critical building blocks and the latter ensure our children have access to a well-rounded education in disciplines that reflect and prepare them for the careers in which many students will later work. Other data, such as rates of chronic absenteeism and information on disciplinary practices, can help provide a better picture of school culture. We also know that physical activity and social and emotional skills help our students lead happy, healthy lives, so an accountability system could include indicators, as appropriate, that assess such non-academic measures (*e.g.*, related to student health and access to high-quality early learning opportunities) that are correlated with improving student achievement and other academic outcomes. And, ultimately, we need to know whether students demonstrate college- and career-readiness, including by looking at matriculation and completion rates for a wide range of postsecondary options (especially without the need for remediation).

In our work to ensure all students have access to a high-quality education that inspires them and prepares them for success in college, career, or whatever their next step in life may be, we must pay special attention to groups of students who are not being served as well as they can and must be. It is critical that information on student performance and progress is disaggregated so we know how well our schools are serving different populations of students who have special educational needs, who have been historically underserved by our education system, and/or who are at-risk for educational failure. This information can help us celebrate success and identify areas where faster growth is needed or where we need to do more to support students’ unique learning needs. To the extent possible, this information should be cross-tabulated so we know, for example, how our Black girls are doing or how well Hmong students perform relative to other Asian students and their peers of all races and ethnicities.

The system must also provide data on the underlying conditions necessary for effective teaching and engaging learning.

A strong accountability system holds educators responsible for effectively supporting all students, and it should also hold school system leaders and entire com-

munities accountable for providing the resources—financial, personnel, technology, and advanced and well-rounded coursework, among others—that enable student success. It is particularly important that we ensure there is an equitable distribution of effective teachers and leaders, including educators of color.

By providing a more holistic picture of our students' school experience and a more detailed, multi-faceted snapshot of the underlying conditions necessary for effective teaching and engaging learning, we can more efficiently identify and address resource inequities that contribute to achievement and opportunity gaps.

To make data understandable and actionable, the system would also need to include information and tools to effectively communicate progress.

Obviously, I have struggled with whether our "C" grade really captures the great work happening at Ranson. But I cannot imagine having conversations with staff, students, and families without being able to somehow summarize our school's status.

One idea that I find very promising is to consider rating schools by category rather than letter grade. In addition to highlighting the schools most in need of improvement (to help marshal community resources to support change), categories could also highlight lower-performing schools that have made tremendous gains for students, celebrating those schools even though they may still be in the middle of transformation.

If you look at the list of "Reward" schools in North Carolina, we see a set of outstanding schools, to be sure, yet only a handful are recognized for progress and not a single school was recognized solely for making gains. It would mean so much to educators, students, and families making progress in the highest-need schools if our leaders had the courage to publicly celebrate and put their stamp of approval on schools that are not yet high-performing, but that are closing gaps and making gains.

Categories would need to be simple to understand (like report card grades), but could also be designed to provide a more accurate—if not entirely comprehensive—description of a school's status that didn't essentially rank them by performance (e.g., color categories or matrix analyses that lead to specific classifications). I understand such categories are already being used (e.g., the District of Columbia identifies "Rising" schools), so we can learn from their experience and figure out ways to make designations, which will never be perfect, even better.

We would also need tools that help us communicate progress to a wide range of audiences. The tools must be radically transparent, yet also easily digestible for families and other stakeholders. Particularly as we move toward accountability frameworks based on multiple measures and report cards that include more information on the underlying conditions and resources necessary for effective teaching and engaging learning, it will be all the most important that we develop thoughtful methods for summarizing that information so it is clear and digestible for parents.

I am a huge proponent of data transparency—I believe we owe it to ourselves and our family and community supporters to be clear about where we stand as a school in preparing every student for success. It's about accountability, yes, but it's also about building support to advocate for change, secure necessary resources, and bring parents and families into their child's education in new and deeper ways. This type of engagement—even or especially if it requires tough conversations about where we're not meeting our goals—is good for schools and it's good for kids.

Though snapshot data on progress and performance from the current (or most recent) year is critical, for those of us working in low-performing schools it is also incredibly valuable for us to be able to easily point to how an individual data point fits into a larger growth trajectory. Including select multi-year data on report cards or other tools would help.

Finally, the accountability system should pair information on school performance and progress with a suite of resources tailored to student, educator, school, and community needs.

All of the information and resources above should then be used to direct resources to where they're needed. Labeling schools and telling them they are not making the grade and failing to serve students is not an impetus for improving. We must ensure States develop systems that go beyond transparency to aggressively demand *and support* action. Even the best educators need help to transform underperforming schools, so accountability systems should include robust funding, technical assistance from experts, and ongoing professional development and other supports for schools identified for improvement.

Note: While this question specifically asks about my vision for an accountability system without Federal oversight, we know that the Elementary and Secondary Education Act is fundamentally a civil rights law. As we move in what I see as a promising shift toward State, local, and school-level decisionmaking, we cannot for-

get that Federal laws have played a key role in advancing equity and justice in our education system and society. Despite our best efforts, Federal protections are still the last, best, or only hope for some of our country's most vulnerable students.

GAIL PLETNICK, ED.D.

Question 1. Have you had the opportunity to review the Department's proposal to add a new priority for all of the Department's K-12 and postsecondary competitive grants? This priority would require all applicants to seek to increase schools' racial and socioeconomic diversity by investigating the barriers to diversity, changing school assignment policies, creating or expanding school choice, or changing how funds are allocated to schools. Clearly these options would be impossible for many of Alaska's rural communities and other rural areas of the Nation. If you have reviewed this proposed priority, what are your views, and do you anticipate submitting comments to the Department about it?

Answer 1. I am aware of the competitive grant process and would like to first respond to this question by voicing my concern with utilizing a competitive process for programs designed to reduce the barriers faced by children from underserved populations. Competitive grants do not provide equitable opportunities for K-12 and postsecondary institutions to access the funding provided through such grants. The process and the resources it takes to complete the competitive grant applications often eliminate the institutions most in need of the resources those grant moneys provide. The amount of paperwork and red tape associated with a competitive grant may frustrate innovative educational systems, who, if given an opportunity, would utilize additional funding to contribute to solutions and best practices. Rural, smaller, and more isolated systems find it hard to participate in these competitive processes. Even mid-sized districts or postsecondary institutions find it too time consuming and often elect to concentrate their efforts elsewhere, even though the grants could be very beneficial to designing and/or implementing effective programs.

A review of the outcomes from competitive grant initiatives, such as the Race To The Top, indicate that this approach did not consistently yield the results desired, especially in terms of programs being able to be replicated nationwide. I remain concerned that continued reliance on competitive allocation of Federal funds is not only inherently inequitable, it actually exacerbates the gap between the "haves" and the "have nots" and perpetuates a system of winners and losers. In a time where education is widely touted as the civil rights issue of this generation, and in a law like ESSA, where the role of the Federal Government is to help level the playing field for a historically disadvantaged population, competitive allocation is in absolute conflict of the stated purpose of truly addressing school and community needs, equity, and educational opportunity. I strongly urge that the limited resources available to support K-12 and postsecondary systems in the work of removing barriers related to racial and socioeconomic diversity, not be distributed through a competitive grant process that may create inequities in accessing funds.

Additionally, I would offer points to consider regarding the impact of grants that require the applicants to investigate the barriers to diversity and find ways to address those barriers through strategies such as changing school assignment policies, creating or expanding school choice, or changing how funds are allocated to schools. Looking across our Nation, attempting to limit the way the individual needs of our unique school communities are addressed does not serve our students well and often creates impossible restrictions that impede rather than advance the work being done in schools. There is an important distinction between reaching ALL students through "one size fits all" compared to "each and every" student. While both approaches focus on ALL students, only the latter option ensures school districts are able to address the individual needs of our school communities and the students they serve.

The work to address these issues looks very different in rural areas where school boundaries are not reported in single or even double digit miles, but are often described as boundaries with hundreds of miles. In turn, this type of work fits a different mold in a school located in a neighborhood in the center of a large city. Effective policies, the option of choice and the efficient use of funding to support students will, also, look very different in these two places. We must not lose focus of the educational goals of serving each and every student and finding ways to deliver personalized learning in order to effectively break down those barriers that impede student success. Students from all walks of life and diverse backgrounds must be prepared to succeed in an information-driven age of innovation. That is where time and money needs to be invested and not in one-size-fits-all solutions framed by limitations that require those solutions to fit in prescribed areas that may or may not truly define the problem.

Question 2. If you had the freedom to design a school accountability system for your State without any regulatory oversight by the U.S. Department of Education, what would that system look like? In broad strokes.

Answer 2. The design of an effective accountability system must start with the end in mind. In 1813, John Adams stated:

“The object [of my education bill was] to bring into action that mass of talents which lies buried in poverty in every country for want of the means of development, and thus give activity to a mass of mind which in proportion to our population shall be the double or treble of what it is in most countries.”

If that is a founding principle of public education then we must be focused on that outcome. Success in achieving that goal should be measured by supporting college, career, and life ready graduates who can use their knowledge and talents to take on the challenges and opportunities of the world where they live and work. It would make sense to have an accountability system aligned to that desired goal and those outcomes.

To accomplish that we must have multiple measures drawing from what research has shown are valid indicators of readiness. That research exists and clearly indicates one test score, one piece of demographic data or one non-academic indicator, such as attendance, does not provide a complete picture. Creating an accountability system that collects and analyzes a number of valid indicators is critical. Utilizing a formula that analyzes the information not to label a system, but to support the success of that system must be the focus. Knowing a school is an A, B, or F tells me nothing about the system's weaknesses and strengths. In the compliance heavy NCLB system a great deal of emphasis was on one test score as the determiner of a school's success in meeting all children's needs.

The lesson we learned during that period in education is an over reliance on one indicator, may result in the weakening of areas of strength due to neglect, and thus damage the entire balance of the system. Utilizing multiple indicators, in for instance a dashboard approach, would provide a balanced and transparent view of the school. It would allow focused supports to be provided in crucial areas while still monitoring and sustaining all other critical indicators. Identifying the most at need schools (bottom 5 percent) is still possible by identifying those schools where a certain percentage of indicators are below acceptable range. These schools would warrant more intense and comprehensive interventions.

Question 3. The NPRM allows public and tribal schools that provide instruction in a Native American language to assess student proficiency using assessments in that Native language. But the NPRM also sets out a number of requirements before such Native language assessments can be approved and used. In Alaska, we have a very few schools that teach academic content through the Alaska Native language of the community but Native leaders in all regions of the State are working to create and expand those opportunities. Knowing that there are a number of long-standing Native language immersion schools in Arizona, such as those serving Navajo children, have you had the opportunity to collaborate with Arizona's Native educators leaders in reviewing that section of the NPRM? If so, what conclusions have you drawn? And, do you know whether the School Superintendents Association has reached out to the National Indian Education Association to consult with them and perhaps provide comments to that section of the NPRM?

Answer 3. I can provide limited input regarding proposed Department of Education regulations dealing with requirements for the approval and use of Native language assessments. I have connected with superintendents from districts in Arizona who serve a high percentage of Native language students, but these individuals are not active in the Indian Education Association. Some of these Arizona districts are working with their communities on programs such as dual language program (Navajo and English), but have not addressed the assessment issue. However, local control is an important element as each community addresses how to support local needs and goals in this area; therefore, prescriptive Federal regulations can impede this work.

From the AASA perspective, the association did talk with the National Association of Federally Impacted Schools, which covers Impact Aid districts. Impact Aid districts do include districts serving Indian reservations. AASA, however, has not had any explicit conversations with the National Indian Education Association.

[Whereupon, at 11:36 a.m., the hearing was adjourned.]

