

DEPARTMENT OF EDUCATION

Statement by Acting Secretary John King

Hearing

“Next Steps for K-12 Education: Upholding the Letter and Intent of the *Every Student Succeeds Act*.”

Committee on Education and the Workforce

February 25, 2016

Thank you Chairman Kline, Ranking Member Scott, and members of the Committee. I appreciate the invitation to testify today regarding how the Department intends to implement the Every Student Succeeds Act (ESSA), which the President signed into law on December 10, 2015.

I have seen and lived the hard work and challenges faced by state leaders, principals, teachers, and other educators at all levels of our education system. And I have no greater responsibility than supporting their efforts to ensure that all children, regardless of where they live or their background, receive the education they need to succeed in school and in life.

I want to take a moment to acknowledge the hard work of this Committee in passing this law, and thank you for your work. In an era when bipartisan successes are too few and far between, you and your staff worked tirelessly to reauthorize an outdated piece of legislation, compromising where needed and always keeping the focus on what was best for kids. That is a great testament to each of you and particularly to the leadership of Chairman Kline and Ranking Member Scott.

My colleagues will tell you that as a former social studies teacher, I rarely miss an opportunity to put our work in its historical context. As you all know, the Every Student Succeeds Act reauthorized the original Elementary and Secondary Education Act (ESEA), which was signed by President Lyndon Johnson in 1965. From its inception, ESEA was a civil rights law. It was signed into law following the Civil Rights Act of 1964, and in the same year as the Voting Rights Act of 1965, by a President who believed that “full educational opportunity” should be “our first national goal.” ESSA honors the law’s civil rights heritage, and the responsibility to ensure that its implementation also honors that heritage rests with each state, district, and school—but also with all of us here.

ESSA advances equity by upholding critical protections for America’s disadvantaged students. The law maintains dedicated resources and supports for students from low-income families, students with disabilities, English learners, Native American students, foster and homeless youth, and migrant and

seasonal farmworker children. What's more, the law maintains the expectation that, in schools where students chronically underperform, in high schools that have low graduation rates over extended periods of time, and in schools where groups of students are not making progress, action will be undertaken to improve opportunities for students. With ESSA, Congress has reinforced the Federal commitment to holding our nation's schools accountable for the progress of all students.

ESSA also reflects many of the priorities that this Administration has put forward over the last seven years, moving forward a vision grounded in equity – to ensure that every young person in America receives an education that will prepare him or her with the knowledge and skills needed to succeed in college and future careers. It creates high expectations for students and for the system, and it invests in local innovation – including evidence-based and place-based interventions – consistent with many of our Administration's ideas and priorities. The law requires that all students in America be taught to high academic standards and shares vital information about their progress and performance with educators, families, students, and communities on an annual basis, through statewide assessments. ESSA also encourages a smarter approach to testing, moving away from a sole focus on standardized tests to drive decisions around the quality of schools and allowing for the use of multiple measures of student learning and progress – along with other indicators of student success – to make school accountability decisions. Our Administration is pleased that ESSA includes provisions consistent with the Administration's principles around reducing the amount of classroom time spent on standardized testing, encouraging states to limit the amount of learning time devoted to these assessments and supporting efforts to audit and streamline assessments at the state and local level.

In addition, this new law builds on the work already underway in states to raise expectations for students, develop their own strong state systems for school improvement, particularly in the lowest-performing schools and schools with chronically low graduation rates, and drive opportunity and better outcomes for every child. ESSA empowers state and local decision-makers to develop their own strategies for supporting the students and schools most in need based on evidence, rather than imposing the one-size-fits all approach of No Child Left Behind (NCLB). By providing States and districts with more flexibility to innovate and implement locally driven reform, ESSA moves beyond NCLB in a way that will drive stronger outcomes for all kids.

The new law builds on and sustains our historic investments in increasing access to high-quality preschool – one of the most powerful things we can do to ensure opportunity for students, by giving our youngest learners a strong start. And it creates an opportunity for states to reclaim the goal of a well-rounded education for all students. We have long understood that English Language Arts and Math test scores alone do not tell us all we need to know about our students' progress, or their readiness for college and careers. Under the new law, states have an opportunity to broaden how they consider what makes a school successful for the 21st century while maintaining focus on key academic outcomes. That may mean states measuring how students – all students – are doing in Advanced Placement and International Baccalaureate courses. It may mean states taking a closer look at chronic absenteeism, postsecondary enrollment, placement in remedial college coursework, or school climate as additional measures of how schools are serving all students.

The possibilities are exciting and expansive, but their real world impact for children will depend on implementation. And that is what you have invited me here today to discuss. So let me speak briefly about the Federal role in education. Education is, and should remain, primarily a State and local responsibility. What we do at the Federal level is support states and districts to improve opportunity for all students, invest in local innovation, research and scale what works, ensure transparency, and protect our students' civil rights, providing guardrails to ensure educational opportunity for all children.

We at the Department take that responsibility very seriously. This is a big and complex law, with a lot of new pieces – new data-reporting requirements, new opportunities for state-designed accountability and support systems, new programs and new authorities. Everyone – from the parent whose first child just enrolled in pre-school to the district superintendent – has questions about how this all comes together in practice. As someone who is a parent of public school children, and who has been a teacher, a principal, and a state commissioner of education, I can tell you that the prospect of a new law of this magnitude and scope is both exciting and daunting. There is an incredible amount of work to be done at all levels to implement the law.

That is why, since the bill was signed into law, the Department has been listening to the many stakeholders who care about implementation – including civil rights leaders, teacher and principal representatives, state and school district leaders, and many others – to hear their questions and concerns and identify where regulations, guidance or technical assistance might be most needed. We published in the Federal Register on December 22nd a request for information, broadly seeking input on areas in Title I in need of regulation. And as part of that notice, we held two regional meetings to seek

public input: one on January 11th in Washington, D.C., and one on January 19th in Los Angeles. In response to our notice, we received hundreds of comments, submitted on behalf of approximately 1,000 groups and individuals. We heard from teachers, principals, and other school leaders. We heard from state chiefs and district superintendents, from parents and students.

In general, the comments reflected overwhelming support for the new law. Many commenters expressed the need for regulations and guidance from the Department in order to better understand how to implement the provisions of the new law by July 2017. Among the most common areas of interest were: accountability, assessments, school improvement, data reporting, fiscal requirements, consolidated state plans, and family engagement. For example, the Leadership Conference on Civil and Human Rights, along with 36 other civil rights organizations, recommended that the Department promulgate regulations relating to assessments that would address the 95% participation requirement, the 1% cap on the alternate assessment for students with the most significant cognitive disabilities (including criteria for a waiver of that cap), and the inclusion of English learners in content assessments. The National Education Association requested that the Department regulate on data requirements relating to compliance with the requirement that funds under Title I, Part A be used to supplement, and not to supplant, state and local funds. The Business Roundtable called on the Department to ensure that there is regulatory guidance in place to prevent student achievement gaps from growing and students from exiting high-school ill-equipped to succeed in college and the workplace.

But we are still very early in the process. We are sifting through questions and comments, we are continuing to meet with groups, and we are looking across our existing regulations and guidance to figure out what is still useful and what needs to be updated.

At the same time, we know that states, districts, and educators are eager to move forward with implementing the new law, and we want to be responsive to that sense of urgency. When it comes to building new systems, the 2017-2018 school year is actually not that far away. To that end, on February 4th, we published a notice announcing our intent to engage in negotiated rulemaking on assessments under ESEA section 1111(b)(2) relating to statewide assessments, and the requirement under section 1118(b) of the ESEA that title I, part A funds be used to supplement, and not supplant, non-Federal funds. The negotiation sessions will begin in late March at the Department of Education, and are open to the public. As we said in our notice, we are hoping to seat negotiators representing a wide range of constituencies, including parents and students, state and district administrators, teachers, principals and members of the civil rights and business communities. We are looking forward to robust discussion and

hope that the final outcome will be a set of regulations – which will also be subject to public notice and comment before they are final – that support high-quality implementation of the new law and protect equity and transparency, particularly for our most vulnerable student populations.

Our goal is a renewed Federal-state partnership that will support local school districts and their schools in their charge of helping every student succeed. As we announced in December, our nation’s graduation rate is at a record-high 82%, but achievement gaps persist and too many students complete their schooling without the knowledge and skills needed for future success. We need to keep the progress going for all kids, and so we are going to keep the conversation going – with stakeholders at every level, and with all of you here. And as we hear from the field, we will continue to identify opportunities to support our states and districts through regulations, guidance, and technical assistance.

Ensuring a world-class education for every child is both a demanding challenge and an urgent imperative for our nation, our communities, and our children. I know that members of the Committee share those beliefs – and I look forward to continuing to work with this Committee to ensure that in America, education is, as it must be, the great equalizer.

Thank you, and I am happy to answer any questions that you have.