

**United States House of Representatives
Committee on Education and the Workforce**

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**Written Testimony of
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Chairman Kline, Ranking Member Miller, and Members of the Committee, thank you for the opportunity to testify before you this morning on the role of the federal government in education and its impact on states, districts, and schools.

In his address to the Conservative Political Action Conference (CPAC) last month, Indiana Governor Mitch Daniels aptly captured the historic federal role in education when he said, “Our first thought is always for those on life’s first rung, and how we might increase their chances of climbing.”

Indeed, from the first iteration of the Elementary and Secondary Education Act (ESEA) during the presidency of Lyndon Johnson, through the more recent presidencies of George W. Bush and Barack Obama, the focus of federal support for education has been clear: to provide schools serving concentrations of low-income students, ethnic and language minorities, and students with disabilities with the extra support they need to help move these youngsters up the American economic ladder and the American social ladder, more generally.

But, while that focus has been clear, its implementation has been far from perfect, and we have learned a lot of lessons along the way about how the federal role should work. Among the most important: Excessive controls on how federal dollars are spent at the state and local level are counterproductive.

In the early years, the green eye-shades monitoring federal funds had one operative litmus test for states and localities: “Prove to us that the dollars we gave you are being spent only on the children for whom they were intended.” Never did they ask the more important question: “Are the children learning more as a result of our support?” Under this structure, the feds knew very specifically where dollars were going, but they had no idea what those dollars were (or were not) doing.

Beginning with the 1994 reauthorization and continuing with the 2001 reauthorization, Congress began an important transition: from an emphasis on bureaucratic monitoring to an emphasis on improved results. That started by ensuring that states had standards toward which all students were moving and goals for measuring their progress. Essentially, Congress proposed a trade: You show us improved results, especially for underachieving children, and we will stop telling you exactly how to spend the money we gave you.

Sadly, there are many educators and others who would argue that the focus on results is, in and of itself, burdensome. They would prefer to go back to the days of sweeping the underperformance of some groups of children under the rug of school-wide averages—or, at the very least, to be free of the obligation to actually improve their achievement. For them, it is enough to have “served” them, even if they remain on the very bottom rung.

Here, however, it is vitally important that you stand with the 103th Congress and the 107th Congress—and with the children themselves. Tell them we are not going to turn back the clock to a time when results didn’t matter. In fact, if there is one thing on which both critics and supporters of NCLB agree, it is that the law’s focus on the underperformance of groups of children was dead-on. Of course, your focus on results for all children doesn’t have to be done in exactly the same way as No Child Left Behind. Looking at just a snapshot of achievement without recognizing growth, for example, was far from perfect. But both taxpayers and children deserve a focus on improved results, and the country needs us to pick up the pace of improvement, not slow it down.

There are some, too, who would argue that federal requirements for reporting to parents and the public are burdens that districts should not have to bear. Here again, though, we hope you will stand for the right of parents to honest reporting on school and teacher quality and for the right of taxpayers to honest reporting on the impact of their dollars.

However, it is important to acknowledge that in the shift to an emphasis on results, the federal government has not lived up to its part of the bargain. These are the burdens—often horrendous ones, I might add—to which Congress should turn its attentions during reauthorization, sheering off unnecessary regulatory burden and producing a “thin” law with a clear focus on improved results. Let me provide a few examples.

- a. The **school improvement provisions** of the law, for example, require the development of a plan that, by some counts, contains no fewer than 17 elements, most of which are simply pulled from a grab bag of activities important to various interest groups. I saw the effect of this in a recent visit to a small school district in the Midwest. Here’s what happens: The federal government demands a plan with 17 elements, and sends that requirement to the state. The State Department of Education, in its infinite wisdom, turns that 17 into 55, formats them within a 100-page plan, and demands the plan BEFORE school starts. For the principals of these schools, the burden looks like this: six 12-hour days to produce a plan, which—to be a real plan—has to be redone two weeks later once their teachers return and can provide input.
- b. The same can be said of the law’s **supplement, not supplant** requirements. Though designed to respond to a real problem—that, instead of using federal funds to increase supports for struggling students, as intended, states sometimes simply replace state dollars with federal dollars—these provisions cannot be adequately monitored without returning power to the

green-eyeshade folks. The net result: Schools do not get the flexibility over their federal dollars that you aimed to provide.

- c. And here's one final example of unnecessary burden: Schools that fail to make annual yearly progress face a number of consequences, including offering **choice and supplemental services**, like tutoring, to students. Doing this requires district approval and coordination, review and selection of providers, plans—and, of course, meetings with parents and written notice to them. In short, it's a lot of work for a school. But, does it result in any real benefit to kids? No, because test results don't come back until the end of the year and parents have no idea about the availability of these options until after the deadline for opting into them has passed.

Requirements like these are one of the reasons why the current law is more than 1,000 pages long, and why the regulations issued under it add another approximately 300 pages. Surely, if you were extraordinarily disciplined, you could design a thin law that focused energies on what is important, rather than what is not.

Let me conclude by proposing a practical test for determining what—beyond accountability for results and honest public reporting—should go into that thin law: ***Does the proposed provision provide a powerful lever to help local educators do what it takes to raise achievement, especially among the children most often left behind in state improvement efforts?*** If the answer is yes, the provision goes in. If the answer is no, it does not.

Thank you.