

ESSA Implementation: Perspectives from Education Stakeholders
Senate Health Education Labor and Pensions (HELP) Committee
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Thank you Chairman Alexander, Ranking Member Murray, and Members of the Committee for the opportunity to testify today. I also want to thank you for your ongoing efforts to support the implementation of the Every Student Succeeds Act (ESSA). As states and local school districts across the country develop strategies to close achievement gaps and promote equity for our students under the new law, and the U.S. Department of Education (Department) moves forward with the regulatory and guidance process, it is important that states retain the renewed flexibility that is the central element of the ESSA. Flexibility is critical if we are to keep the focus on our students. This is the Every Student Succeeds Act and it is aptly named. To be successful in implementation, those of us closest to our students must be empowered to do the work that is needed to ensure that every one of them has the opportunity to graduate college and career ready.

As I highlighted in previous testimony before this Committee, state and local leaders are committed to achieving optimal results for all of their students. Under No Child Left Behind (NCLB), overly prescriptive federal mandates on the overall design of statewide systems left states and local districts without the ability to tailor school improvement strategies to the unique needs of their schools and students. We should not repeat these mistakes.

The ESSA is a landmark piece of civil rights legislation that provides states with the opportunity to engage their citizens about the importance of education. Part of that dialogue needs to be how we measure success. I firmly believe that states should be held accountable for their student results. But as states begin to implement the law, we must take into consideration the

very different systems and supports for K-12 education states across the nation have in place. The regulations the Department proposed during the negotiated rulemaking process on supplement, not supplant, while well-intended, fail to recognize the importance of those differences and would have significant impacts on our students.

I encourage you to think about what the proposed supplement, not supplant rule would mean for our kids. It is the job of school leaders to ensure that the best teachers are in front of the kids who need them the most. School leaders look at qualifications, diversity, and skill sets. They contemplate optimal grade configurations, staffing patterns and supports, and facility needs, all with an eye toward the best way to increase student achievement for all students. School leaders will not have the ability to make optimal decisions for kids with the supplement, not supplant rule in effect as proposed during negotiated rulemaking. Nor will kids be guaranteed access to a qualified educator who has the skills and life experience necessary to fulfill their needs. As it stands now, the proposed regulations would require states to fund individual schools on a per-pupil basis and require state education agencies to redirect existing staff in an attempt to build capacity to monitor and enforce per-pupil expenditures.

School districts may be required to break contracts or force placement of teachers, without regard to educational outcomes. This is not good for kids and it will inhibit our ability to attract and retain teachers. Districts may be forced to eliminate specialized and more expensive programming in some schools such as career and technical education, engineering, music, and art. Students may be reassigned to different schools because of additional needs, special education status, or transportation requirements due to costs involved. School districts, in an effort to limit the disruption to students, may decrease the number of Title I schools and concentrate low-income students in fewer schools, instead of economically integrating them,

which research demonstrates results in better educational outcomes. None of these decisions will be based on educational factors that lead to the best outcomes for kids.

Put simply, the proposed rule is not focused on educational results, but rather dollar for dollar spending. Hold us accountable for results, but do not make the same mistakes of NCLB by tying our hands so we are prohibited from considering or implementing certain school improvement strategies, assigning teachers, and providing requisite supports and other programming to improve outcomes for kids. We all know that there are better ways to determine whether someone is a high-quality educator than looking only at how much they are compensated for their services.

I believe everyone wants to get to the same result here: better educational opportunities and outcomes for all students and the closing of opportunity and achievement gaps. As I stated in the negotiated rulemaking sessions, I also believe the proposed regulations on supplement, not supplant, exceed the Department's authority under the law. In the pursuit of more equitable outcomes, we should ensure we are not eliminating options and undercutting systems states and school districts have put in place to address inequities. Those systems may have merit and should not be tossed aside without careful consideration.

We need to work harder and smarter to address inequities in a way that will not cause harm to the educational experience of all students. To best facilitate that, regulation and guidance throughout ESSA should be limited to providing clarity on otherwise ambiguous or confusing issues; not implementing additional requirements that were not envisioned by Congress.

Guidance is not regulation, but it does give states and school districts information as to how the Department both interprets and plans to address provisions in the law as it moves forward in its administration.

An example of an area my colleagues are watching closely is the innovative assessment pilot. Innovation is not often associated with standardized and detailed rulemaking processes. In order to respect Congressional intent and ensure a carefully designed study and valid assessment, it will be important for the Department to stick to the guardrail philosophy that is evidenced in ESSA. State and local decision-makers have a critical role to play in identifying or developing strategies that will be effective for their schools and students and implementing these strategies with fidelity.

This is especially true in areas where unique state- and district-level strategies are critical to improving educational outcomes for all students. Accountability is a prime example of this. Wisconsin is committed to leveraging the new flexibility to examine the statewide accountability system to ensure it is responsive to stakeholder feedback about best practices and effective strategies. The end goal being that all students, including low-income students, minority students, English learners, and students with disabilities, have access to a high-quality education. We are asking our stakeholders to take a look at our state report cards, how they interface with federal report cards, what value they discern from report cards, what improvements they would suggest, how accountability measures should relate to school improvement strategies, what those strategies look like, and when do we intervene as a state in a school or district. These important conversations will inform our school improvement efforts and help us ensure that all students have an equitable access to a high-quality education that results in graduation and career and college readiness.

If we are going to take on these conversations in an authentic fashion, we have to bring everyone to the table. To that end, in Wisconsin, we have developed a comprehensive stakeholder engagement process to facilitate discussions around strategies that result in

equitable access to educational opportunities and closing achievement gaps. This process starts with statewide listening sessions, which will be ongoing through the summer.

Wisconsin's statewide listening sessions are focused on getting educators, representatives from parent groups, civil rights groups, community organizations, businesses, and others together to provide critical feedback on school accountability and school improvement. Furthermore, this week we will be deploying a web-based feedback form for anyone in the state to provide us with information. And in August, we will be having virtual sessions on school improvement and accountability for anyone in the state who wants to participate. These efforts represent the first round of feedback that we will use to inform the Equity Council I have established as my primary advisory group as we develop our state plan. I reached out to national civil rights organizations to help me build this council, and they will join education-related organizations, legislators, and others so we can work together on a comprehensive state plan.

When it comes to both funding and educational practice, states are committed to using additional flexibility to improve educational outcomes for all students, addressing inequities, and closing achievement gaps. Over the course of the regulatory and guidance process, I hope the Department remains committed to the civil rights purpose of ESSA while allowing states to retain the flexibility to meet student needs and work with all stakeholders in a meaningful way.

Thank you again for the opportunity to testify, and I look forward to your questions.