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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

August 1, 2016

The Honorable John B. King, Jr.
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary King,

We have heard serious concerns about the timeline for when states must identify schools for improvement using their new accountability systems under the Every Student Succeeds Act (ESSA), as proposed by the U.S. Department of Education in its Notice of Proposed Rulemaking (NPRM) on May 31, 2016. Therefore, we were pleased to hear at the Senate Health, Education, Labor, and Pensions (HELP) Committee oversight hearing on implementation of ESSA on June 29, 2016 that you are open to considering a different timeline for when states must identify new schools for improvement than the Department originally proposed.

We urge you to provide states with a more flexible timeline than the draft NPRM proposed and to notify them about this change as soon as feasible. In requesting you to expedite your decision, we hope to allow states to thoughtfully continue working with coalitions of stakeholders to plan new accountability systems during the 2016-2017 school year without the pressure to do so in a rushed manner. We have heard from many state and district leaders that the best way to collaborate with the largest number of stakeholders in the development of accountability systems, build trust and support for these new systems, and give states sufficient time to develop innovative accountability systems is through a more flexible and extended timeline than your proposed regulations would allow.

This is what you said at the June 29, 2016 HELP oversight hearing responding to a question about whether the proposed regulations would allow a state to “develop its new accountability system in 2017-18 and then begin to identify [new] schools in 2018-19”:

“Under the current regulations, that would not be [allowed]. The interventions would begin in 17—18. As I said earlier this week and will emphasize again, we are open to comment on the timeline and open to adjusting that timeline. The key question that states need to address as they provide comment is in which schools will they provide additional support in 17—18? Would that be the same schools as in 16—17?”

Here is the timeline that we recommend and which reflects Congress’s intent for states to develop and implement new accountability systems under the Every Student Succeeds Act:

- In the 2016-2017 school year, states will plan and develop their new accountability systems to comply with ESSA, including choosing what indicator or indicators of School Quality or Student Success and what academic indicator for elementary schools to include and how to weigh each of those indicators.
- In the 2017-2018 school year, states will implement their new statewide accountability systems, as is required under section 5(e)(1)(B) of ESSA, and collecting data on all of the required and chosen indicators, including any new indicators.
- By the beginning of the 2018-2019 school year, states will identify new schools for improvement, based on data collected on the indicators in the 2017-2018 school year.
- In the 2016-2017 and 2017-2018 school years, states will continue to support and intervene in schools previously identified for improvement under No Child Left Behind or ESEA Flexibility waivers, as required under section 5(e)(2) of the law.

We believe the above timeline reflects what Congress intended when we wrote the Every Student Succeeds Act. We have heard from teachers, principals, school leaders, district superintendents, chief state school officers, researchers, parents, and other stakeholders that the timeline we set forth in this letter will lead to more effective implementation of the new law. At the HELP committee's last oversight hearing on the new law on July 14, 2016, when Senator Whitehouse asked the witnesses if they would like changes to the proposed regulations to extend your proposed timeline, they all unanimously agreed that an extended timeline was necessary. Based on this feedback and testimony, as well as our intent in drafting the law, we believe the timeline we propose above is the better -- and correct -- policy.

We look forward to your response.

Sincerely,



Lamar Alexander
Chairman
U.S. Senate Committee on
Health, Education, Labor,
and Pensions



Patty Murray
Ranking Member
U.S. Senate Committee on
Health, Education, Labor
and Pensions