



**Testimony of  
Lily Eskelsen García  
President, National Education Association**

**Before the  
United States Senate  
Health, Education, Labor, and Pensions Committee**

**May 18, 2016**

Thank you Chairman Alexander, Senator Murray, and members of the Committee for inviting me to join you today.

My name is Lily Eskelsen García and I am an elementary school teacher from the great state of Utah. I also have the honor and the privilege of representing three million educators as president of the National Education Association.

Classroom educators, across the country, welcome the Every Students Succeeds Act (ESSA) as a critical juncture in education—a chance to reduce and eliminate opportunity gaps and inject the expertise of educators into decisions that impact teaching and learning in the classroom. Much as we were committed to the passage of this law and ending the era of test and punish, our members stand united on ensuring that we make the best decisions for students as states and districts move forward with the important work of implementation.

ESSA has already reinvigorated the national conversation about equal opportunity for all our students, no matter what zip code they live in. But that is not enough. I will focus today on what we must do to fulfill ESSA's potential to be a game changer with regard to accountability, state and local flexibility, and doing right by the students most in need.

ESSA is a civil rights law, so the renewed focus on equity and closing opportunity gaps is important. ESSA is also a major course correction from the stifling federal overreach of No Child Left Behind—a critical opportunity for all stakeholders in education to participate meaningfully in making the decisions at the state and district level.

While we welcome this approach—and believe it is necessary—the process of co-creating such plans through meaningful dialogue will be demanding and complicated. Stakeholder engagement and planning will need to happen at the federal, state, and district level simultaneously, and will require really listening to the concerns of different stakeholders. Everyone involved will need to stretch muscles that haven't been used in quite some time if we are to arrive at solutions that work for our students.

The undertaking will be hard but more than justified by the result: advancing equity for all our students. For the first time, students' access to opportunities and resources will be systematically tracked. New state-developed accountability systems, which will be fully implemented in the 2017-18 school year, must include at least one indicator of school success or student support. Determining which indicators to measure and capturing that data will push states to identify and begin closing opportunity and resource gaps to the benefit of all students—especially those that have been historically underserved. Parents, teachers, and other stakeholders can use the indicators as an additional tool to advocate for change at the state and local level.

ESSA also empowers educators and students to return their focus to teaching and learning in the classroom—it encourages states and districts to right-size the amount of testing and explore alternatives to standardized tests. As an educator, I believe that every student deserves access to a curriculum that is broad and rich in content—not just reading and math, but the arts, physical education, civics, hands-on career and technical education, and more.

Making that a reality is easier said than done, of course. That is where ESSA comes into play, and why implementing the new law as Congress intended is so important.

Resources are key and there are only so many of them. Federal dollars are intended to “supplement, not supplant” the use of state and local dollars for the students most in need—the reason the federal government got involved in public education in the first place. However, we continue to have concerns with the proposal the U.S. Department of Education offered during the negotiated rule making process. Districts should have the flexibility to develop a methodology that shows federal dollars are supplemental to their efforts. At the same time, we want to ensure that students are getting access to the services and programs they need, regardless of their zip code. Therefore we strongly support the new reporting element that will require all public schools to report actual per pupil expenditures of federal, state and local funds (disaggregated by personnel and non-personnel). This is a significant improvement that will provide the transparency that was lacking under NCLB.

At this critical juncture, the devil is in the details. Those details are complex, as is our mission: developing new state accountability systems built around multiple measures, not just standardized test scores. For ESSA to fulfill its potential to be a game changer for students, the new accountability systems must be developed collaboratively, with the input of all stakeholders. That approach is the only way to ensure stakeholders' commitment and buy-in.

Educators must have a seat at the table, along with parents and other stakeholders. Together, we will determine key elements of the new accountability systems—how much tests count, what tests could be eliminated, and which indicators of student or school support to use. Together, we will determine who conducts school needs assessments, what interventions look like, and more.

Other concerns include some of the U.S. Department of Education's regulatory proposals—those we have already seen and what they imply for those to come. Attempts to circumvent congressional intent could create ripples that extend far beyond the regulations to which they pertain—specifically, a chilling effect that discourages states and districts from thinking creatively or being proactive. That, in turn, could undermine the promising new paradigm that ESSA represents.

Settling these issues will take time and demand patience. That is to be expected, given the far-reaching nature of the changes we are making and the complexity of the issues we are addressing. In Oregon, for example, there has been a multi-year collaborative dialogue on what testing should look like for students and how test results should be used. Several states are setting up task forces and listening sessions. The best conversations revolve around this central question: What type of schools do we want for our students?

These experiences have taught us a lot about what it means to involve stakeholders in meaningful ways, the benefits as well as the barriers. We know that including educators at the decision-making table is critical—it is the voice of classroom practitioners that has been missing for the last 14 years. It is also critical for the educators at the table to get the respect and buy-in from other educators in the state. In addition, we need to make sure that states and districts are doing everything in their power to reduce barriers to educators' participation in the process—for example, ensuring that they are given release time and helping to cover their travel expenses. We want to express our appreciation for the letter that Sen. Murray and Rep. Scott sent last week to Secretary King raising these very issues.

We also want to keep the pressure on the way-too-many states that are telling their educators nothing needs to change as a result of ESSA. This is not what anyone had in mind when ESSA was signed into law.

Those who know our students best—their parents and their educators—must have a meaningful say in what schools, districts and states are held accountable. We need to learn from the past, not repeat mistakes such as No Child Left Behind’s one-size-fits-all approach to accountability, the inequities of Race to the Top, or tying teacher evaluations to poorly designed tests that are neither valid nor reliable.

ESSA has opened window to a new direction for students and schools. While that path is challenging, with challenge comes opportunity—and responsibility.

For ESSA to become the game changer Congress intended it to be, the Department of Education, states, and school districts must live up to their end of the bargain. Educators and other stakeholders must stand up, speak out, and advocate for their students. And all of us must insist on keeping the focus where it belongs: on equity and opportunity for all students, no matter what zip code they live in.