

DEPARTMENT OF EDUCATION

Statement by Secretary John King

Hearing “ESSA Implementation in States and School Districts: Perspectives from the U.S. Secretary of Education”

The Committee on Health, Education, Labor, and Pensions

April 12, 2016

Thank you Chairman Alexander, Ranking Member Murray, and members of the Committee. I appreciate the invitation to testify today regarding how we are implementing 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In an era when bipartisan successes are too few and far between, you and your staff worked tirelessly to reauthorize an outdated piece of legislation, compromising where needed and always keeping the focus on what was best for kids.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 Alexander and Ranking Member Murray.

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, while striking a new, improved federal-state partnership that moves away from the one-size fits all approach of No Child Left Behind (NCLB).

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 schools, 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 President Obama'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, streamline and improve 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 top-down approach of NCLB. By providing States and districts with more flexibility to innovate and implement locally driven reforms, 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 an important and complex law, with a lot of new pieces – new data-reporting requirements, new opportunities for state-designed accountability and support systems, new programs. 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, we have been listening to the many stakeholders who care about implementation – including civil rights leaders, teacher and principal representatives, state and school district leaders, parents 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 addition, over the past several months, we have held well over 100 meetings with stakeholders from across the education system, including parents and teachers, school leaders, state officials, and civil rights groups, to listen to their thoughts and concerns about implementation of the ESSA.

In general, the comments reflected 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, the 1 percent 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. Department of Education staff at all levels are continuing to meet with groups, and engage in listening sessions across the country, from rural communities north of Seattle in Washington State to Columbia, South Carolina.

We also are looking across our existing regulations and guidance to figure out what is still useful and what needs to be updated. 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, state and local funds. The negotiation sessions began in late March and will continue through April 19 at

the Department of Education, and are open to the public. The negotiating committee represents a wide range of constituencies, including parents, state and district administrators, teachers, principals, other school leaders (including charter school leaders), paraprofessionals, tribal leadership, and members of the civil rights and business communities. The Department has proposed regulatory text that would support states and districts in measuring the progress of all students, including our students with disabilities and English Learners, by ensuring that annual statewide assessments are valid, reliable, fair, and of high technical quality, so that schools can provide good information on student performance for parents and educators. The Department's proposal with regard to "supplement, not supplant" – based on feedback from the committee – will help districts ensure that Title I funds are truly supplemental, while also maintaining districts' authority to choose their own methodology to allocate state and local funds. The sessions have been productive and we 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.

In addition, we recently announced that we will begin the regulatory process on accountability, which would include components relating to reporting and consolidated state plan submission and the new Title I, Part B innovative assessment demonstration authority. As part of this process, the Department will put out proposed regulations for public comment this summer, with a goal of releasing final regulations by late fall to support full implementation of the law by 2017-2018. These regulations will respond to some of the key areas in which the Department received public comment, and on which regulations may serve to support implementation. For example, the law allows for states to submit consolidated state plans, but historically this exercise has involved submitting various different plans stapled together. Through regulation, we will seek to leverage the consolidated aspect of these plans to streamline requirements, reduce burden on states, and encourage them to think comprehensively about systems and supports across programs. As a former state chief, I know I would have found this approach very helpful, and I am glad we will be able to do this.

We also recognize the need to provide guidance on how states and local districts may implement the many provisions throughout ESSA. We are early in this process, as we are still receiving feedback from across the country and plan to continue to meet with stakeholders in the coming months to help identify the appropriate areas in which guidance might be useful.

I want to underscore that the Department is engaging in this process with an understanding that we cannot, and indeed should not, attempt to provide guidance or regulations for every area of the law where ambiguity exists. We are focusing on the things that matter the most.

Through the rulemaking process, we have directed our attention to three areas where we believe it is critical to provide clarity to states, districts, and schools: assessments; accountability; and the equitable allocation of resources. And I assure you that we will take seriously and give every consideration to the feedback we receive through the notice-and-comment period.

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 percent, 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 where it is most useful.

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.