



Senator Lamar Alexander  
455 Dirksen Senate Office Building  
Washington DC 20510

Senator Richard Burr  
217 Russell Senate Office Building  
Washington DC 20510

Senator Johnny Isakson  
131 Russell Senate Office Building  
Washington DC 20510

Senator Mark Kirk  
524 Hart Senate Office Building  
Washington DC 20510

September 16, 2011

Dear Senators,

On behalf of the American Association of School Administrators, representing more than 13,000 school system leaders across the nation, thank you for your leadership and efforts related to the reauthorization of the Elementary and Secondary Education Act (ESEA), currently known as No Child Left Behind (NCLB). AASA strongly supports reauthorization of ESEA, in recognition of the outdated and broken nature of certain aspects of current law.

The package of bills you have released—addressing teacher and principal improvement, charter schools, the waiver process, local decision making, and Title I—are a step in the right direction, and put federal education policy making on the right path. The language you have drafted starts with a crucial assumption: state and local education leaders are best equipped to make the crucial decisions that shape their districts and the nation’s public education system. Your proposals refine the role of the federal government to one of supporting partner, a role consistent not only with constitutional authority, but also in closer proportion to the amount of funding the federal government provides. Our letter is shaped by several broad themes we found throughout your proposals.

**Setting a New Foundation for ESEA:** Your proposals establish a new foundation for ESEA with state and local education agencies responsible for decision making and leadership relating to education policy priorities, including accountability, standards and assessments. AASA has long advocated for local control of education, and this suite of legislative proposals has a common theme of putting state and local education agencies behind the wheel when it comes to making important education decisions, especially related to accountability and assessments. AASA applauds this shift in policy. The Title I bill, while maintaining the current annual testing schedule and requiring states to continue collecting disaggregated results, narrows the role of the federal government to intervening in only the bottom five percent of schools. The measure gives states the flexibility to label and intervene in the remaining 95 percent of schools.

**Improving Standards and Assessment:** In current law tests—not standards—drive curriculum and instruction, which has proven detrimental to student learning. Your proposal includes a clear requirement for states to establish a measurable end target for high school graduation: career and college readiness. Further, the proposal eliminates the current ‘one size fits all’ approach to

accountability and puts states in control of determining how only what assessments to use, but also to design their own systems that ensure students graduate career and college ready. States are responsible for partnering with locals in determining what their standards and assessment will look like. AASA strongly supports the concept of accountability and assessment being a state function, and support the efforts of your legislation to return this responsibility to state education agencies.

Your proposal includes language related to the fair and appropriate assessment of students with special needs and English Language learners. The proposal leaves the decision up to the states as to how to determine what assessments should be used, and when. In preliminary discussions with Senate staff, we learned that the statute would not include the 1 and 2 percent caps exercised under current law, limiting the number of students with special needs that can utilize modified or alternative assessments. While the draft language does not include these caps, we hope that the final statute, as well as any regulation or federal guidance, will move away from these limiting caps, which forces students with special needs to take tests that are beyond current capabilities and provide no instructionally-useful information.

A second concern we have related to assessments stems from a continued overreliance on one-time, snapshot testing. We urge you to clarify the proposed language, especially at it relates to identifying schools in the bottom five percent based on test scores, to reflect that multiple sources of valid and reliable information are used to measure achievement, including various types of assessments (adaptive, formative, performance, portfolio, etc...) as well as other indicators (attendance, high school graduation rates). We are concerned that failure to clarify the important role of multiple measures in identifying schools in the bottom five percent will result in false positives, where non-bottom performing LEAs find themselves in the bottom five percent.

**Improving Struggling Schools:** AASA agrees with your proposal to focus the federal role on the poorest-performing schools, targeting federal involvement on the very lowest-achieving schools for extra assistance and funding. We appreciate the expanded and more nuanced nature of the school improvement strategies you propose. In the past, AASA has opposed the very prescriptive nature of the four turn-around models advocated by the current administration. We found the proposals to be quite prescriptive, hyper vigilant in removing staff (principals and teachers) that may warrant one more year to improve, and a limit on the number of schools that could utilize the more flexible model. While your proposal includes many aspects of these four turn around models, your proposal makes some changes and includes two additional options that look promising: First, there is not a limit on the number of school districts that can utilize the transformation model. Second, you proposal includes two other options—state determined and waiver—that allows a state to determine a fifth turn around model that can be used by LEAs for school improvement or for REAP-eligible districts to adopt a waiver to modify any one element of the four ‘original’ turn around models. While we remain concerned about the overreliance on eliminating teachers and principals in the four original models and have concerns about the inclusion of charter management organization option, the fact is that the two newest additions provide some relief, giving state and local education agencies the flexibility they deserve to choose a school improvement strategy that meets their needs.

**Improving Effectiveness of Teachers and Administrators:** We agree with the proposal to consolidate and streamline the Title II programs. Ultimately, our members see the change as one that provides state and local education agencies with greater flexibility in targeting and leveraging resources to recruit, retain, and develop the highest-quality teachers and leaders. As a point of caution, though, AASA points

to the history of Title II programs, and how future block-grant like approaches made it easier to underfund and defund programs that are crucial to teacher and leader quality. AASA urges your commitment to the fact that while flexibility is good, it is not a substitute for continued funding of and investment in teacher and leader improvement. We also support the proposal's hands-off approach when it comes to the federal role in teacher and principal evaluation. AASA supports the allowable use approach, which gives states the authority to oversee not only certification requirements, but also development and implementation of any educator evaluation tool and how it intertwines with the state's approach to accountability.

**Charters:** AASA supports public school choice and charter schools that operate under the governance of local public school boards. We believe that there should be a level playing field, including non-discriminatory and unconditional enrollment for all children. Further, the same regulations and accountability should apply to all schools receiving public funding. The manner in which charter schools are financed must be addressed so that their creation does not have an adverse effect on the quality of existing public schools. As such, AASA has concerns related to flexibilities and freedoms available to charter schools that are not afforded to all public schools and urges you to make sure that flexibilities afforded to charter schools are available to all schools. In more detail:

- Federal regulations believed to be obstacles to successful operation of charter schools are also likely obstacles to traditional public schools. As such, waivers from the regulations granted to charter schools should be extended to similarly situated public schools.
- All states should have an equal chance of receiving the funds. AASA is concerned that the bill, as currently written, gives an advantage to states that received Race to the Top funds, given the priority for removing caps.
- AASA is concerned that the bill does not specifically require charters to be held to the same level of academic performance using the same measures that the state requires for traditional public schools (accountability). Consistent accountability requirements will help avoid varying levels of accountability within the public education system. We urge the Committee to continue to enhance language that focuses on both charter school and authorizer accountability.

AASA looks forward to moving ahead with reauthorization of ESEA and welcomes improvements to federal policy that put state and local education agencies back in charge of the crucial, day-to-day management, leadership and implementation decisions that come with running a public school. We applaud your efforts in reevaluating and redefining the role of the federal government in education, and see this legislative package as a step in the right direction. Please do not hesitate to contact me (ddomenech@aasa.org) or our policy team (Bruce Hunter: bhunter@aasa.org, Noelle Ellerson nellerson@aasa.org) with any questions.

Sincerely,



Daniel A. Domenech  
Executive Director  
American Association of School Administrators.