

Senator Lamar Alexander
455 Dirksen Senate Office Building
Washington DC 20510

Representative John Kline
2439 Rayburn House Office Building
Washington DC 20515

Senator Patty Murray
154 Russell Senate Office Building
Washington DC 20510

Representative Bobby Scott
1201 Longworth House Office Building
Washington DC 20510

September 30, 2015

Dear Member of Congress,

On behalf of AASA, The School Superintendents Association, representing more than 13,000 school system leaders across the country, I write to thank you for your continued leadership on reauthorization of No Child Left Behind (the current iteration of the Elementary and Secondary Education Act), to relay our continued strong support for seeing ESEA reauthorization completed this calendar year, and to highlight our key priorities and concerns as you work with your fellow conferees to reconcile the Every Child Achieves Act (S 1177) and the Student Success Act (HR 5).

AASA has endorsed both ECAA and SSA, commending their ability to balance maintaining critical federal guardrails as it relates to standards, accountability, and assessment while restoring balance between the roles of local, state and federal government in education by taking the pendulum of federal overreach and prescription rampant in current law and returning autonomy and responsibility to the state and local level. There are strengths in each bill that must carry through conference, and there are elements of the ESEA discussion where we see room for improvement (detail below).

Congress has a long list of items to address this fall, and this letter is a reminder that ESEA—as the primary K-12 education bill shaping our nation’s educational environment and experience—must be a priority. With the 2015-16 school year underway and ESEA reauthorization efforts now entering their ninth year, our nation’s K-8 graders have spent the entirety of their K12 experience to date under a broken, outdated NCLB. Our students want and deserve more. We cannot continue to ask our nation’s schools and the students they serve to live under waivers and NCLB.

Congress alone can and should reauthorize ESEA. It is time for Congress to set aside adult politics and posturing and put kids first. We strongly urge you to work in a bipartisan, bicameral manner to reach an agreement to reauthorize ESEA by the end of the calendar year with the priorities expressed herein:

Accountability: 15 years of NCLB has taught us that one size does not fit all. With the elimination of adequate yearly progress, annual measurable objectives, and 100% proficiency (among others) and the preservation of data disaggregation and

graduation rate calculation, both ECAA and SSA keep states and districts honest about being accountable for ALL students without being unnecessarily prescriptive. We urge you to OPPOSE any efforts to expand the federal mandates as they relate to accountability, including mandatory identification of/intervention in the bottom five percent of schools or those schools with a graduation rate below a certain threshold, and any effort to establish achievement/performance targets. This reauthorization represents the first time state and local education leaders have the professional space to exercise their expertise and training to develop a functional accountability workbook. Any effort to restore federal prescription is premature, poor policy, and a step back towards 'AYP 2.0' and its high-stakes testing environment.

Portability: AASA opposes provisions that require Title I dollars to “follow a child.” Portability, if implemented, would significantly undermine the control of school leaders to allocate federal funding in a manner that guarantees the highest return on investment. A recent survey¹ conducted by AASA and the Association of School Business Officials details how planning, hiring and retention, administration, and the quality and equitable distribution of funds to students in the district would be impacted by Title I portability. Allocating dollars on a per-child basis abandons the longstanding mandate to develop programs which are of ‘sufficient size, scope and quality’ to provide results for those in greatest need. It also runs counter to ESEA’s founding principle, which is to allocate greater resources to students living in communities with high concentrations of poverty. For those members of Congress who seek to move the school choice ball forward, public school portability is a failed policy goal as it does not amend district enrollment patterns or boundaries or encourage districts to compete over Title I funds (since the Title I dollars that follow poor children are woefully inadequate). Instead, it fundamentally undermines the ability of school personnel to effectively administer their Title I programs, negatively impacting staff and students alike.

Expanded Data Collection: Like you, AASA understands and prioritizes equity, and we welcome conversation about improving the ways state and local education agencies can work to identify and close gaps that exist within and between schools. That said, AASA is deeply concerned with—and opposed to—any effort to expand data collection beyond the indicators and items currently collected by the Office of Civil Rights. OCR has significantly expanded the scope of its data collection in recent years, and we can safely venture that we have yet to fully understand/utilize the data currently being collected. We are very close to—if not already past—the point of ‘data for the sake of data’, a reality that confounds school administrators who often feel forced to choose between a staffing pattern that meets data collection priorities and one that meets educational/instructional needs.

Title I Funding Formula: Both ECAA and SSA make changes to the structure of the Title I formula. Given the obvious potential shifts in funding that come with any formula changes (especially when we consider funding caps or level funding through appropriations), it is imperative that these changes strengthen the accuracy with which critical Title I funding dollars are allocated. That is, any changes to the Title I formula must focus on equity and ensure that Title I dollars are allocated in a manner

¹ <http://aasa.org/uploadedFiles/Sample/AASAASBOPortabilityMemo.pdf>

targeted to where the need is greatest, where the concentration of poverty is deepest. The current formula includes a weighting mechanism (number weighting) that allows larger, but less poor schools, to receive more money per pupil than their concentration of poverty would warrant. While unintentional, this policy flaw comes with very real consequences for the smaller, but poorer, urban and rural districts who continue to be systematically denied their rightful share of Title I dollars and must be addressed.

Alternate Assessment: AASA believes that when it comes to alternate assessments, IEP teams and local and special education administrators are best positioned to determine if and when a student is in need of an alternate assessment. We are opposed to the 1% cap in current law, which limits the use of student scores from alternate assessment for accountability purposes at 1%. AASA supports the work of HR 5 to eliminate the 1% cap. We are deeply concerned with the Senate version, as drafted, which only allows 1% of eligible students to take the alternate assessment, even if more than 1% of students have IEPs that indicate they qualify for this type of assessment. This is extremely troubling, as it completely undermines the professional and familial perspective of the IEP team and ensures that certain students, while qualified for an alternate assessment, will instead be taking a developmentally inappropriate assessment. This is a seemingly small, but actually significant, shift from current law. Current law at least allows students who qualify for alternate assessments to take the alternate assessments, a meaningful way to evaluate their achievement and learning. Under the Senate version, any school where more than 1% of students qualify for an alternate assessment would be faced with arbitrarily picking and choosing which students take the cognitively appropriate assessment. Local IEP teams are best positioned to know and ensure that children are assessed in a meaningful, fair and accurate manner. This is an egregious shift in policy, and we urge the conference bill to reflect at least current law, if not the language included in HR5.

AASA welcomes the opportunity to see ESEA reauthorization move to completion. This reauthorization is a top legislative priority for our members, the nation's public school superintendents. Thank you, again, for your continued leadership on this critical matter.

Sincerely,



Noelle Ellerson

Associate Executive Director, Policy & Advocacy