

Every Student Succeeds Act (ESSA)
A Public Input Meeting

Tuesday
January 19, 2016

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Held at
University of California, Los Angeles (UCLA)
Los Angeles, (CHORUS OF "AYES")

ESSA Public Input Meeting

January 19, 2016

I N D E X

	<u>Page</u>
<i>Welcome</i>	
by Janina Montero	6
<i>Welcome and Overview of ESSA</i>	
by Ann Whalen	8
<i>Logistics and Plan for the Day</i>	
by Patrick Rooney	11
<i>Public Comments</i>	
Tom Torlakson, California Superintendent of Public Instruction	14
Gary Orfield, Civil Rights Project, UCLA	17
Steve Zimmer, Los Angeles Unified School District	24
Ilene Straus, California State Board of Education	27
Patricia Rucker, California Teachers Association	31
Patty Scriptor, California State PTA	35
Delia De la Vara, National Council of La Raza	39
Candis Bowles, Disability Rights California	44
Mike Hoa Nguyen, National Commission on Asian American and Pacific Islander Research in Education	49
Eloy Ortiz Oakley, Long Beach Community College District	53
Ruth Cusick, Public Counsel	56
Araceli Sandoval-Gonzalez, Early Edge California	59
Carrie Hahnel, The Education Trust - West	63
Colin Miller, California Charter Schools Association	67

I N D E X

	<u>Page</u>
<i>Public Comments</i>	
Donna Weiss, Communities in Schools, Inc.	71
Louis Gomez, Carnegie Foundation for the Advancement of Teaching	75
Elliott Duchon	79
David Rattray, Los Angeles Chamber of Commerce	81
Lydia Guitierrez	85
Juan Pena, Youth Justice Coalition	89
Loring Davies, Whittier Union High School District	93
Thomas Saenz, MALDEF	97
<i>Afternoon Session at 12:15 pm</i>	
<i>Welcome and Overview of ESSA</i>	
by Ann Whalen	103
<i>Logistics and Plan for the Day</i>	
by Patrick Rooney	105
<i>Public Comments</i>	
Dave Hinojosa	109
Howard Gary Cook	114
Tony Gueringer	118
Mark Slavkin	120
Rico Tamayo	123
Roxana Marachi	126
Gina Womack	131
Mike Stryer	136

I N D E X

	<u>Page</u>
<i>Public Comments</i>	
Marisol Rerucha	140
Angela Hasan	144
Marika Pfefferkorn	147
Christopher Lund	152
Sandra Goodwick	155
Deborah Marcus	161
Heidi Brewington	164
Rudy Cuevas	168
Claudia Goytia	175
Sylvia Youngblood	178
Judy McKinley	183
 <i>Afternoon Session at 2:45 pm</i> 	
<i>Welcome and Overview of ESSA</i>	
by Ann Whalen	187
<i>Logistics and Plan for the Day</i>	
by Patrick Rooney	190
<i>Public Comments</i>	
Margaret Martin	193
Michelle Youngblood	197
Michelle Traiman	201
Hario Vasquez	206
Misti Kemmer	208
Cynthia Lim	212

I N D E X

	<u>Page</u>
<i>Public Comments</i>	
Matt Chapman	215
Bootsie Battle-Holt	220
Pamela Donnelly	224
Ernie Silva	228
Joan Davidson	232
Paul Hirsh	239
Chris Hofmann	244

KEYNOTE: "----" Indicates inaudible in transcript.
 "*" Indicates phonetic spelling in transcript.

1 First, at UCLA we have extraordinary faculty
2 devoted to the study and practice of urban education, student
3 testing and assessment, teacher continuing education and
4 development. We are proud to be a leader in key areas of
5 this law and therefore to be a partner to the Federal
6 Government in the steadfast commitment to provide all
7 children with access to excellent educational environments
8 and to the opportunity to succeeds.

9 Secondly, under Academic Preparation and
10 Educational Partnerships, "APEP", UCLA brings together a
11 number of programs that support K-12 students and schools in
12 traditionally underserved areas to strengthen and enhance the
13 student preparation pipeline to college, to support community
14 college transfers, and to build up STEM education.

15 Not surprisingly we have a keen interest in seeing
16 how the new law, once implemented, will continue to support
17 this longstanding important partnership between federal
18 programs and our efforts and aspirations under academic
19 preparation and educational partnerships.

20 No doubt this is a very important day for our
21 colleagues in the Department of Education, for us at UCLA,
22 and for the future of education in this country.

23 Welcome and best wishes for a very productive
24 meeting!

25 Thank you very much. Have a great day!

1 Student Succeeds Act or ESSA.

2 We are excited to have so many speakers at today's
3 meeting representing a variety of different organizations and
4 stakeholder groups. We are particularly excited to hear from
5 a number of teachers who have been scheduled to speak during
6 the afternoon sessions to accommodate their school day
7 schedules.

8 As you know, President Obama signed ESSA into law
9 on December 10, 2015, reauthorizing the Elementary and
10 Secondary Education Act of 1965. This is a bipartisan law
11 which will replace No Child Left Behind Act of 2001. This is
12 good news for our nation, schools, and students.

13 The ESSA builds on key progress that we have made
14 in our education in recent years, including a record high
15 school graduation rate of 82 percent and includes many of the
16 key reforms we have called on Congress to enact in recent
17 years as part of any reauthorization.

18 The ESSA has a clear goal: Ensuring our education
19 system prepares every single child to graduate from high
20 school ready to thrive in college and careers. It includes
21 several provisions that emphasize equitable access to
22 educational opportunities, including holding all students to
23 high academic standards and ensuring accountability for our
24 lowest performing schools and schools with low graduation
25 rates. It also empowers state and local decision-makers to

1 develop their own strong systems for school improvements.

2 The Department is soliciting advice and
3 recommendations regarding regulations and guidance needed to
4 implement programs under Title I of ESSA, both in person and
5 electronically or via postal mail. This provides
6 stakeholders with an opportunity to identify areas that could
7 particularly benefit from regulations and provide specific
8 feedback on what those regulations should establish and
9 require.

10 As part of this process, we are accepting
11 electronic comments through the Federal E-rule-making portal,
12 as described in the Federal Register Notice published on
13 December 22, 2015, as well as written comments via postal
14 mail, commercial delivery, or hand delivery.

15 We strongly encourage everyone participating in
16 today's meeting to also submit comments through our
17 electronic comment process. You may submit comments on or
18 before January 21, 2016. Please visit www.ed.gov/ESSA for
19 additional information and instructions on how to submit
20 comments.

21 In addition to this meeting we also had a regional
22 meeting to solicit advice and recommendations from
23 stakeholders in Washington, D.C. on January 11th. At these
24 meetings we request your advice and recommendations regarding
25 topics for which regulations or non-regulatory guidance may

1 be necessary or helpful, as states and districts transition
2 to the new law.

3 Programs under Title I of the law are designed to
4 help disadvantaged children meet high academic standards.
5 Comments at these meetings should be focused on these issues,
6 please.

7 As a reminder, the purpose of these hearings and
8 commentary is for us to listen and learn from you. And
9 therefore, we will not be at this time providing individual
10 or general responses or reflections to the testimony made
11 today. We will use this thoughtful feedback to inform our
12 work as we implement the new law.

13 Again, we thank you for being here today and very
14 much look forward to your comments and input.

15 Now I would like to introduce my colleague, Patrick
16 Rooney, who will provide some logistical information on how
17 today's meeting will be run.

18 **Logistics and Plan for the Day**

19 ***by Patrick Rooney***

20 MR. ROONEY: Thank you, Ann. And I want to thank
21 you all for joining us here today and I also want to thank
22 UCLA for hosting us for this meeting. It is great to see all
23 of you here in the room.

24 So I will give you some logistics and again, if you
25 have any questions during the day, the registration table

1 outside or any of our colleagues that have the name badges
2 with the little ribbons will be available to answer any other
3 questions that you may have.

4 But as you can see from the agenda we have three
5 two-hour blocks of comments we are going to hear today. And
6 when you signed up you should have gotten a notice which
7 block you are going to be in. And you can see from the
8 agenda the order in which we are going to call the speakers.

9 This is just a draft and it may change if people
10 are not in the room when we call their name. So please we
11 ask that you be flexible. But you can use this list to help
12 prepare for when you may be called. So you can prepare
13 yourself for that.

14 If you didn't register in advance, but you want to
15 speak today you can register at the table and we will try to
16 fit you in as we can, as time allows. And we will do it on a
17 first-come, first-served basis. So please, if you are
18 interested in speaking please go to our registration table
19 and let them know.

20 We ask that you follow along with the agenda so you
21 can see about when you will be coming up next on the list and
22 you will have a good sense of when you will be called. When
23 we call your name please come up here and then speak so that
24 way we can capture you on the live stream so everyone
25 watching at home can see and hear your comments.

1 Each speaker will be allowed five minutes to share
2 his or her comments. And given that we have a large number
3 of people interested we ask that you respect the time limit
4 in order to ensure that others have the opportunity to speak.
5 There is a timer here which will count down your five
6 minutes. It will start with green, when you have a minute
7 left it will turn to yellow, and then when your time is up it
8 will turn to red. So it will give you a sense of how much
9 time you have left.

10 And please note that we will ask you to conclude
11 your thoughts if you have not finished at the end of your
12 five minutes. If you have any written copies of comments or
13 additional information you would like to give us in hardcopy
14 you can do so by turning it in at the registration desk.
15 Either any time during the day, before or after you speak.

16 And just again a reminder that the event is being
17 live streamed so any member of the public can watch and
18 listen to your remarks. And we will be making this
19 information about this meeting publicly available, including
20 posting the list of all of the speakers and their
21 affiliations after this meeting.

22 And the live stream will be recorded and we will
23 put it up on our website. And we are also making a
24 transcript of this meeting which we will then be posting.
25 That will probably take a few days or a week or so until that

1 is posted on our website.

2 But all of the information about this public
3 meeting will be made available on our website.

4 Again, please if you have any questions do not
5 hesitate to ask any of my colleagues at the registration
6 table or sitting in the room. And with that we can start.

7 And the first speaker is Superintendent Tom
8 Torlakson from the California State Department of Education.

9 ***Tom Torlakson***

10 ***State Superintendent of Public Instruction***

11 MR. TORLAKSON: Good morning everyone. Welcome to
12 California. And a special welcome to Patrick Rooney and Ann
13 Whalen. Thank you for the kind welcome from UCLA.

14 I am also Superintendent of the Schools for
15 California and Public Instruction, overseeing the K-12 system
16 and some preschool. But I am also Regent in the UC System.
17 It is no coincidence I wore gold and blue today. There are
18 bears here and there are also bears up north in the Bay Area.

19 And so delighted to be here. There are five of us,
20 a delegation of five of us who are going to share our
21 thoughts on ESSA. I am so pleased that you are having these
22 hearings and we have an opportunity to have a discussion
23 about ESSA.

24 All states have great interest in ESSA. As the
25 most populous state, California has an especially keen

1 interest. California has 6.2 million students, 300,000
2 teachers, more than 10,000 public schools, and more than
3 1,000 school districts.

4 And we are grateful that after years of trying a
5 true bipartisan effort came together in Congress to pass this
6 legislation. Of course replacing the outdated No Child Left
7 Behind Act was very long overdue.

8 NCLB had admirable, but unrealistic goals. It
9 carried them out in a way that involved too much testing, too
10 much punishing, and not enough support. It gave too much
11 control to the federal government and too little control to
12 the states.

13 I am heartened by the fact that ESSA takes a
14 different approach beginning truly a new era in education.
15 The new law follows California's approach to education by
16 emphasizing local control, Block grants, flexibility, and
17 reducing unnecessary testing. It goes in the right
18 direction.

19 As in any law guidance and regulations are needed
20 to specify how it will work. And today I urge the U.S.
21 Department of Education to maintain the principles of local
22 control and discretion when writing these regulations.

23 California is in the midst of an exciting time.
24 Dramatic changes in our education system, all of them
25 designed to better prepare our students for the challenges

1 and opportunities of 21st century careers and college.

2 In short we are upgrading what students learn,
3 changing how schools are funded, how schools and districts
4 are evaluated. California's new local control funding
5 formula gives districts more flexibility in spending
6 decisions and provides more resources to students in
7 districts with the greatest needs.

8 California's new standards in English Language,
9 Arts, Math, Science, English Language Development emphasize
10 analytical critical thinking, problem-solving skills, and
11 communication skills. California eliminated its previous
12 accountability system that relied so heavily on one test and
13 is now developing a new accountability system that emphasizes
14 multiple measures of progress.

15 These additional measures will give parents,
16 communities, teachers, and students a broad picture rather
17 than a narrow view. When you drive a car you just don't look
18 at the speedometer. You also look at the gas gauge, battery
19 charge, air pressure, oil pressure, multiple indices of
20 evaluation of what's going on.

21 It's the same thing when it comes to evaluating
22 schools and districts. To continue enacting and developing
23 these changes California needs ESSA to give us flexibility
24 and discretion. Regulations from ESSA should allow states to
25 assess progress toward their own long-term goals. Regulation

1 should allow states to target districts for additional help
2 and not just schools. Regulations should not assume that the
3 assessment of the lowest performing is based only or largely
4 on test scores.

5 In short, California and other states need the
6 flexibility to be able to develop systems that best suit our
7 own needs and our own priorities based on what we believe is
8 the best for our students and their future success.

9 I want to close by thanking the U.S. Department of
10 Education for outstanding work with our California Department
11 of Education team and with California school districts. We
12 look forward to working closely with you as we have an
13 outstanding launch to ESSA.

14 Thank you very much.

15 MS. WHALEN: Thank you.

16 MR. ROONEY: Thank you.

17 Next is Gary Orfield from the Civil Rights Project
18 at UCLA.

19 ***Gary Orfield***

20 ***Civil Rights Project, UCLA***

21 MR. ORFIELD: "If men were angels," James Madison
22 wrote in Federalist No. 51 when the U.S. Constitution was
23 being debated "no government would be necessary". If all the
24 states, school districts, private contractors, charter
25 operators had the capacity, will, and expertise to carry out

1 the extremely demanding tasks that they are assigned under
2 this law, the federal government could retire from the field.

3 While most maybe honest and serious in pursuing
4 public goals, others will play political games, will not have
5 the expertise to select strategies that actually work, and
6 our history is full of examples of state and private
7 violations of rights and practices that reinforce inequality
8 rather than generate progress and more equal opportunity.

9 Some private institutions that receive federal
10 funds will create major problems. When the Elementary
11 Secondary Education Act was adopted 51 years ago within just
12 months there were scandals about the use of the funds in
13 different parts of the country. And there were major civil
14 rights problems.

15 This law obviously limits the authority of the
16 federal government to make or even suggest policies in some
17 areas and for the forthcoming state plans. But there must be
18 reasonable checks and balances so we don't have too much and
19 too arbitrary a government as we have had, but to make sure
20 that the spirit of the law is fulfilled.

21 The federal government needs to support and enable
22 good practices and increase the chance that serious errors
23 are avoided or rectified. I am going to suggest four
24 concerns.

25 The first is civil rights. The second is evidence.

1 The next is language. And the fourth is capacity. The law
2 greatly diminishes federal authority in implementing federal
3 school expenditures, but it makes no change in civil rights
4 law and there are still massive civil rights problems in
5 American education.

6 Here in California for example we have the most
7 segregated, by both race and poverty, of Latino students of
8 any state. And it is systematically related to unequal
9 opportunity to prepare for college and other opportunities.

10 Although the authority of the Secretary to issue
11 regulations and guidance under ESSA is critically limited,
12 the administration has full authority and responsibility
13 under Civil Rights Law and should move on it.

14 The Office for Civil Rights and the Justice
15 Department Civil Rights Division have issued some excellence
16 guidance documents during the Obama administration and they
17 need to very seriously think about specific guidance to
18 states and localities about the civil rights dimensions of
19 this law which transfers best discretion to states and local
20 school districts.

21 The point on evidence is that the law is full of
22 references to evidence-based solutions, but the definition of
23 evidence is pathetic. You know, almost anything can meet one
24 of the standards of evidence mentioned in this law. So the
25 risk is that we waste money on lots of things that don't

1 work.

2 Most educational programs don't have good evidence
3 of success. There is limited money for research on
4 educational effectiveness. And before No Child Left Behind,
5 virtually every state was reporting that it was succeeding
6 more every year. And that is what will happen with the
7 discretion that is granted by this law to the states to
8 define their own standards and measure their own success. So
9 we need to think seriously about how to get some serious
10 evidence into this process.

11 Obviously the authors of this law have very little
12 trust in the federal government. And a lot of that distrust
13 is deserved given the mistakes the federal government has
14 made. But we need more than what most states can provide.
15 Most states have very little capacity in terms of research or
16 evaluation. We need to strengthen that capacity and we need
17 to create evidence from other places.

18 My recommendation is that the federal government
19 ask the National Academy of Sciences and the National Academy
20 of Education to provide summaries of best evidence in various
21 areas of remedies under this law. They wouldn't be binding
22 obviously and these academies are wholly independent of the
23 government and are composed of the leading scholars in the
24 country.

25 They would be helpful to states and localities and

1 particularly as the states have a very large responsibility
2 to intervene for the bottom five percent of schools, which
3 mostly have many multiple problems, and the schools that are
4 the drop-out factories, if we don't spend the money on things
5 that are likely to work it will be wasted and we will not
6 make the progress.

7 Most of the state interventions in badly achieving
8 schools haven't worked very well so far. In language, the
9 law requires that there be assessment in students' native
10 language, but we don't have any valid instruments. They
11 weren't developed under No Child Left Behind and they have
12 not been developed under the Common Core.

13 This is a really high priority given the fact that
14 in this state more than 40 percent of all of the students
15 come from homes where English is not the family language. We
16 can't possibly validly assess the success of these students,
17 particularly in the early years with the instruments that we
18 have now.

19 It is as if you, the people here, were to go and
20 take a test on their knowledge of educational policy in
21 Chinese or Spanish. Everybody's knowledge would be
22 radically, improperly assessed. We need to give serious
23 attention to develop and use the instruments. And it should
24 be a very important goal of federal policy.

25 The last point is capacity. We studied six states

1 when No Child Left Behind was implemented and we have written
2 a lot about capacity of states. The states don't have the
3 capacity to do a lot of the things they are required to do
4 under this law. Big states like California with powerful
5 agencies have much more than others, but many have virtually
6 no research capacity or evaluation capacity. They need help.

7 And when the Elementary and Secondary Education Act
8 was passed it had a whole title to reinforce and develop
9 state departments of education. We need to think about ways
10 to increase the capacity of the state departments to do the
11 things they want.

12 I am suggesting that we use things like the
13 Intergovernmental Personnel Act to transfer expertise from
14 our leading public universities to the State Departments of
15 Education as they develop and implement these new plans and
16 very rapidly increase the capacity.

17 I am also suggesting that the regional labs be
18 directed to give absolute priority to helping the State
19 Departments of Education in the development of their plans
20 and their evaluation schemes and that this be a very high
21 priority.

22 Because we are coming up in a very critical period
23 of development of plans, but nobody knew that they were going
24 to have to develop, before last month, and most states don't
25 have all the resources they need to develop these things.

1 Finally, we need to define lots of terms in this
2 act. For example, our project has done a create deal of
3 research on dropouts. And we are concerned that the new law
4 says for graduation rates kids who transfer to a prison or a
5 juvenile justice system will leave the graduation rate
6 cohort. Since "transfer to" is not defined, we would only
7 make sure that there is no incentive to arrest or push more
8 kids into our failing juvenile justice system in order to
9 make the school outcomes look better.

10 Our suggestion is that "transfer to" only means
11 that when a juvenile hall or prison provides an educational
12 program that can result in a regular diploma that that be
13 counted as a "transfer to". Otherwise they should stay in
14 the cohort of the sending school. Further, when they return
15 they should be reentered in that cohort.

16 There are dozens of terms like this in this law
17 that need definition. And certainly that is an appropriate
18 role of federal regulation.

19 Thank you.

20 MS. WHALEN: Thank you.

21 MR. ROONEY: Thank you.

22 Next is Thomas Saenz from MALDEF.

23 (Pause.)

24 MR. ROONEY: Okay. Then if he is not here it is
25 Steve Zimmer from the Los Angeles Unified School District.

1 (Pause.)

2 *Steve Zimmer*

3 *Los Angeles Unified School District*

4 MR. ZIMMER: Good morning. It is a great honor to
5 be here. Humbling to represent the well over 500,000
6 students and families as well as the almost 100,000 of the LA
7 Unified School District. Also very proud and humble to
8 follow our State Superintendent, Tom Torlakson, and a great
9 and important writer and professor, Gary Orfield.

10 I want to first applaud the passage of ESSA and
11 also on behalf of our new Superintendent I want to extend her
12 greetings and the greetings of our board to the Department
13 and especially the Acting Secretary.

14 LAUSD is pleased that this new law returns control
15 of public education to states and local districts who most
16 and best understand the needs of our students. We are the
17 second largest school district in the nation. We are by far
18 the largest unified school district in the nation. With an
19 extraordinary large population of students living in poverty
20 and living in high risk.

21 We are dedicated to the mission of transforming
22 lives, their lives, through public education. And this new
23 law will help us continue that progress.

24 Many of the important aspects of ESSA are
25 consistent of the work that LAUSD in California have already

1 been doing. California is in the process of creating a new
2 accountability system that looks at multiple measures in both
3 assessing students and assessing schools instead of relying
4 on one high stakes score.

5 LAUSD looks forward to continuing our work with the
6 State Board of Education as we design and develop this new
7 system.

8 A couple of notes particularly on topics that are
9 important to LAUSD. We urge the Federal Government to
10 continue to maintain the principles of local control
11 providing states and districts with the needed flexibility
12 and discretions in regards to implementation.

13 We want to point out how important it was to us
14 that Title I portability was not included in the final
15 version of ESSA. And we caution against any pilot programs
16 or other kind of subversive ways of inserting portability
17 into this processes we know that will hurt the students who
18 need public education funding the most and for whom Title I
19 was intended for.

20 We also welcome and applaud the addition of
21 additional subgroups in ESSA for reporting purposes,
22 especially including homeless children and foster youth. Our
23 foster youth and our homeless youth are a very important part
24 of our LPAP process here in California and in LAUSD.

25 In the little over a moment I have left I just want

1 to say that we have learned through No Child Left Behind that
2 we can't test and punish our way to equity. We don't
3 advocate for flexibility for flexibility sake, for political
4 expedience, or because we are afraid to accountability. We
5 advocate for flexibility and authentically and organically
6 grown solutions because they work.

7 Here in California and especially in LAUSD we
8 understand the urgency of the equity mission and the need for
9 accountability. Indeed, with 80 percent of our students
10 living in poverty we understand the stakes. We understand
11 that hundred of thousands of American dreams literally hang
12 in the balance.

13 But it is not prescription and punishment that will
14 support those dreams. It is the proper balance of
15 establishing the reasonable guardrails and then the
16 flexibility that will guide states and LEAs to establish the
17 fine grain pictures of student progress that include, but our
18 not driven by standardized tests.

19 And I urge especially that we focus on measures of
20 school climate, conditions for teaching and learning, social-
21 emotional learning and effective measurements for English
22 Language learners.

23 As I conclude, I urge us to remember what I learned
24 long ago. Teaching is listening, leading is listening, and
25 indeed good governing can be listening too. As the

1 Department writes these guidelines I hope that the Department
2 continues to listen, especially to teachers, students,
3 parents, and those who will be most affected by this law.

4 Thank you.

5 MS. WHALEN: Thank you.

6 MR. ROONEY: Thank you.

7 So next we will hear from Ilene Strauss from the
8 California State Board of Education. And just a reminder to
9 everyone speaking, because this is being webcast we ask that
10 you try to speak up, into the -- is it the microphone that's
11 catching the live stream? Okay. So please to try to
12 project.

13 *Ilene Straus*

14 *California State Board of Education*

15 MS. STRAUS: Good morning. My name is Ilene Straus
16 and I serve as the Vice President of the California State
17 Board of Education. I actually have my bachelor's degree
18 from UCLA and I actually teach in the doctoral program. So I
19 am delighted to be here on campus.

20 The implementation of Every Student Succeeds Act is
21 among one of our most important ongoing discussions.

22 Flexibility is paramount to states like California. It is
23 already far along in redesigning our accountability system.

24 Our goal in California is to ensure options are
25 available to us as our new accountability system evolves.

1 California's investment in education is significant. The
2 investment of State funds in education is expected to grow to
3 \$71.6 billion in 2016/17. With an additional \$7 billion in
4 federal dollars which is 10 percent of our State's
5 investment.

6 Maintaining the ability to use all of these funds
7 to do what is best for our students and schools is a
8 priority. Since the enactment of the Local Control Funding
9 Formula in 2013 California has shifted from a compliance-
10 based system to a coherent funding and accountability system
11 that is based on continuous improvement.

12 The Governor, lawmakers, teachers, administrators,
13 parents, equity groups, higher education officials, business
14 leaders and community organizations are working
15 collaboratively in support of this new accountability system
16 and efforts to build capacity for educators and improve the
17 outcomes for all students.

18 Our system gives school districts greater
19 discretion over spending decisions while holding them
20 accountable for results and requires the adoption of local
21 accountability plans.

22 The new system focuses on ensuring greater
23 resources for programs and services for students with the
24 greatest need. California's new system does not focus
25 totally on test scores. Instead it requires schools and

1 districts to set goals and allocate spending resources
2 according to State and local priorities.

3 California's new system is designed to strengthen
4 teaching and learning, improve the individual capacity of
5 teachers and school leaders, and increase institutional
6 capacity for continuous improvement for schools, districts,
7 and state agencies.

8 Many components of California's new system are set
9 and remaining elements are underway. The Local Control
10 Funding Formula Law outlines how and when support is to be
11 provided to schools and when intervention occurs.

12 Rubrics are now being developed by the California
13 State Board of Education that will help identify strengths
14 and areas in need of improvement in local district plans.
15 County Offices of Education, the California Department of
16 Education, and the newly established California Collaborative
17 for Educational Excellence will provide technical assistance
18 and intervention for schools in need of additional support.

19 A headline last week read "California's
20 accountability plan may prove a model to the nation". We
21 could not agree more.

22 As guidance is provided and the required components
23 of ESSA evolve through the regulatory process we recommend
24 the following. Regulation should avoid specifying any
25 particular metric or approach to measurements of progress and

1 should allow for states to assess progress toward their long-
2 term goals in any manner they choose. Continuous improvement
3 should be supported as an approach.

4 Regulations should not assume or require that
5 differentiation must be based on a single index or grading
6 system. A multiple measures approach to examining school
7 performance should be anticipated and it should be protected.

8 Regulations should not assume that weight
9 necessarily means a numerical indicator averaged with others
10 into a single metric. Giving weight to an indicator may be
11 accomplished by ensuring that it receives significant
12 attention in the differentiation system.

13 Regulations should not assume that the assessment
14 of lowest performing is based only or largely on test scores.
15 States must be free to look at the full range of multiple
16 measures that they use in evaluating school performance.

17 Regulations should allow states to target school
18 districts not just schools for comprehensive support and
19 improvement since building capacity at the district level is
20 critical.

21 Regulations should accommodate both standardized
22 tests that use multiple forms or adaptive and robust
23 performance measures.

24 And Regulations should allow for states to use
25 scale scores that measure performance and improvement for the

1 full range of students rather than a single cut score such as
2 that previously labeled "percent proficient".

3 In addition, in a competency based system
4 Regulations should allow student performance to be reported
5 in relation to competencies rather than traditional grade
6 levels. Many questions remain regarding timelines for ESSA
7 implementation and some major decision points.

8 We look forward to working with you to answer these
9 questions and to ensure flexibility so California can
10 continue its work toward one coherent school accountability
11 system.

12 Thank you very much.

13 MR. ROONEY: Thank you.

14 MS. WHALEN: Thank you.

15 MR. ROONEY: Next is Patricia Rucker from the
16 California Teacher Association.

17 ***Patricia Rucker***

18 ***California Teachers Association***

19 MS. RUCKER: Good morning. I am Patricia Rucker
20 representing the California Teachers Association. The
21 Association is pleased this morning to offer its perspectives
22 on the implementation of the Every Student Succeeds Act.

23 This process begins in the shadow of years of
24 winning rhetoric and failing substance, heavy-handed test-
25 based accountability polices, and an unfulfilled promise of

1 no child left behind to close the achievement gap. The
2 reality is there were many gaps not addressed in federal
3 policy which separates successful schools from the rest. A
4 teaching gap, an opportunity gap, a leadership gap, and an
5 expectations gap.

6 CTA believes the State needs the flexibility to
7 frame the architecture of an appropriate school
8 accountability system. To support the creation of such a
9 system the California Teachers Association believes the
10 implementation of ESSA is centered on lessons learned from
11 the failure of NCLB.

12 Lesson number one, there is a need to balance
13 federalism and local control. CTA believes implementation
14 must respect state authority to determine valid and reliable
15 accountability models. This means ESSA Regulations must be
16 more descriptive than prescriptive in defining
17 accountability.

18 Lesson two, CTA believes the rule-making process
19 must remain disciplined to developing intent and purpose and
20 scope of state plans as articulated in the law. To
21 understand that there is a nuance in state planning that
22 involves multiple levels of decision-making.

23 Lesson three, there is a need to balance program
24 monitoring and accountability. ESSA provisions on assessment
25 and accountability are flexible and focus on locally and

1 state-determined rather than federally imposed rules for
2 accountability. CTA believes Regulatory guidance must allow
3 schools that focus on alternative populations and students
4 who do transfer out from their graduation cohort into
5 alternative programs must have a valid and reliable
6 accountability system that has a way of counting them for
7 purposes of the graduation cohort.

8 Lesson four, balancing and understanding the
9 difference between assessment and testing. The definition of
10 multiple measures must include developmentally appropriate
11 content aligned activities, and not just tests, that focus on
12 learning and academic growth. The outcome should be focused
13 on equitable access to high quality teaching and learning and
14 not minimum competency.

15 There needs to be a renewed focus on how to assess
16 the effectiveness of the school on the ground for the purpose
17 of sustained improvement in academic achievement.

18 Lesson five, understanding the difference between
19 school change and school improvement. NCLB's bureaucratic
20 system of standardized tests, rankings, and sanctions
21 interfered with efforts to boost achievements for students.
22 ESSA has reset the focus on building success rather than
23 labeling and punishing.

24 School change must focus on extra support rather
25 than extra penalties.

1 And finally, lesson six, understanding funding and
2 financing public education. NCLB was an underfunded mandate.
3 No one here questions the 100 percent federal commitment to
4 improving public education. CTA believes there is a direct
5 relationship between increases in education funding and
6 increasing and meeting education goals.

7 The Association believes the implementation of ESSA
8 must not only set the education goals the state must strive
9 toward, but should also set models and opportunities for
10 funding that appropriately provide adequate funding and not
11 just simply equitable funding.

12 An adequate and balanced accountability system
13 would provide all students an opportunity to meet education
14 goals. Simply stated there are two components in adequacy:
15 one being what is an adequate education and the other being
16 the appropriate funding level to provide such assistance.

17 Over the past few years, as you have already heard,
18 California has been very active in trying to figure this out.
19 CTA believes the State is on the right track. Proven reform
20 such as small class sizes, improved teacher training and
21 professional support, and years of hard work by dedicated
22 educators are producing real results.

23 California students deserve a well-rounded
24 education, a full curriculum, the promise of Every Student
25 Succeeds Act is to promise a coherent system of

1 accountability, innovative state initiatives like the Local
2 Control Accountability Plan, and an alignment with clear
3 federal intent and state innovation grounded in an
4 appropriate context, but centered around state priorities.

5 Thank you very much.

6 MS. WHALEN: Thank you.

7 MR. ROONEY: Thank you.

8 Next is Patty Scriptor from the California State
9 PTA.

10 *Patty Scriptor*

11 *California State PTA*

12 MS. SCRIPTER: Good morning, Patty Scriptor,
13 California State PTA.

14 California State PTA is a grassroots association
15 with over a century of experience in connecting families and
16 schools and helping parents develop leadership,
17 communications and advocacy skills, and in advocating for all
18 children.

19 Based on our continuing work and approximately 3500
20 local chapters with over 50 percent in Title I schools, our
21 organization is uniquely positioned to offer policy
22 recommendations based on the perspectives of local parents,
23 educators, and volunteers whose children and communities are
24 served by the public schools.

25 We would like to offer the following input:

1 California State PTA supports a single, coherent
2 accountability system that incorporates the federal
3 requirements of ESSA and builds upon the work currently being
4 done in California to develop an accountability system based
5 on multiple measures that clearly show how students, schools,
6 and districts are doing.

7 We recommend the Department of Education
8 Regulations provide guidance while supporting existing
9 efforts such as those in California where stakeholders,
10 practitioners, and policy makers have been working diligently
11 to develop an accountability system that meets the needs of
12 our large, diverse student population and focuses on improved
13 student outcomes and closure of opportunity and achievement
14 gaps.

15 California State PTA has long supported the move
16 from a single score for accountability to multiple measures
17 that more clearly reflect what is happening in our schools
18 and how are students are doing.

19 We know that to be effective an accountability
20 system must focus on three major areas: outcomes,
21 improvement, and equity. This is the direction that
22 California as a state is moving, to the development and
23 implementation of our new funding and accountability systems
24 that focus support for historically under-served students.

25 We believe there is congruence between the

1 accountability measures identified in ESSA and the ones
2 adopted in California statutes in 2014. We call for
3 Regulations that allow us to continue to develop our system
4 of multiple measures that capture the basic conditions of
5 learning, pupil outcomes and engagement.

6 And will identify districts, schools, subgroups,
7 and students that need support and intervention to ensure
8 closure of the opportunity and achievement gaps so all
9 students graduate, college and career ready.

10 The timely adoption of ESSA with appropriate
11 Regulations gives California and other states the opportunity
12 to incorporate the federal requirements and to develop a
13 single, clear set of measures of school success and to avoid
14 the past confusion for parents and communities over the
15 previous disconnect between two systems.

16 Transparent processes and accessible information
17 which will come from an integrated accountability system are
18 needed for students, parents, and communities to be actively
19 engaged in the education system.

20 We urge the development of Regulations that meet
21 the federal requirements while allowing states the
22 flexibility to design overall accountability systems to best
23 meet the needs of their students, which in California is over
24 6 million children, and to support communication of key
25 information to stakeholders with clarity.

1 Parent and family engagement is one of our
2 organization's primary concerns and is clearly identified in
3 California Statute as a State priority.

4 California State PTA believes that parent
5 engagement is more than regional parent centers and we need
6 the ESSA Regulations to recognize that fact. We encourage
7 the Department to seize the opportunity to strengthen this
8 component of the Regulations moving forward.

9 Parent engagement is the greatest predictor of
10 student success and regulations that support parent
11 engagement, along with resources and accountability, will
12 serve all students well. We urge Regulations that support a
13 broader vision than simply regional parent centers.

14 California State PTA recognizes that the
15 reauthorization of ESSA was the first step and looks forward
16 to working with you through the Regulatory process to develop
17 Regulations that honor the intent of the Law to shift
18 decision-making to states with federal oversight and to help
19 ensure families are empowered to support their children's
20 learning so all students receive high quality, well-rounded
21 education that prepares them for long-term success.

22 Thank you.

23 MS. WHALEN: Thank you.

24 MR. ROONEY: Thank you.

25 Next is Delia De la Vara from the National Counsel

1 of La Razza.

2 *Delia De la Vara*

3 *National Counsel of La Razza*

4 MS. DE LA VARA: Good morning. Thank you.

5 Thank you to the Department of Education for
6 hosting this timely town hall on the implementation of ESSA
7 and to UCLA for welcoming this important dialogue on campus.

8 My name is Delia De la Vara. I have the privilege
9 of working at the National Counsel of La Razza representing
10 my D.C. colleagues, my California colleagues, and a national
11 network of non-profit affiliate organizations.

12 NCLR is a private, non-profit, non-partisan
13 organization established in 1968 to reduce poverty and
14 discrimination and improve opportunities for the nation's
15 Hispanic families.

16 As the largest national Hispanic Civil Rights and
17 advocacy organization in the U.S. NCLR serves all Hispanic
18 nationality groups in all regions of the country through a
19 network of nearly 300 community-based organizations. Of
20 those nearly half provide some type of educational service
21 and we also have a membership of about 115 charter schools.

22 In my remarks I would like to provide a brief
23 statistical landscape of Latino and English learner student
24 population and discuss areas for regulatory action. NCLR has
25 invested a great deal of time in helping shape the Every

1 Student Succeeds Act. And we are working towards building an
2 effective implementation strategy for the Law which we see as
3 a lynchpin for the future of Latino students.

4 NCLR and its affiliate network worked with Congress
5 to strengthen provisions for English Learners by providing
6 clear accountability for helping ELs acquire English and keep
7 up with their English proficient peers in reading, math, and
8 science.

9 NCLR works with Congress to make sure that parents
10 are part of the education process, particularly immigrant
11 parents who are not English proficient.

12 Now is a critical time to make sure that the
13 educational policies set in this new law, the regulations and
14 implementation are responsive to the needs of the children it
15 is intended to serve.

16 We still have a long way to go to ensure adequate
17 educational support for our nation's most vulnerable
18 children. One in four children in U.S. schools are Hispanic
19 and this figure is growing.

20 In California, Latino students are more than half
21 of all school enrollments. English Learners are one in ten
22 students and we have continued to see a steady rise in our
23 English Learner population in schools.

24 In order for this new law to be successful we must
25 ensure that it meets the needs of the nearly 12 million

1 Latino students in U.S. schools and 5 million English
2 Learners in our classrooms. Eighty percent of these students
3 are Spanish speakers.

4 Before reauthorization many activists and policy
5 makers argued about what is the best method for helping
6 English Learners acquire English. The Every Student Succeeds
7 Act has correctly changed the debate on English Learners to a
8 simple question: How can schools improve the academic
9 achievement and attainment of English Learners?

10 While by no means a perfect law, ESSA provides some
11 leverage to ensure that Latinos and English Learners cannot
12 be ignored. It does this by requiring that student test
13 scores are desegregated by different student categories
14 including race, ethnicity, and English proficiency. Thus
15 schools will have to pay attention to these students because
16 they will be part of their accountability bottom line.

17 However, there are opportunities in the regulatory
18 process to address some of the data, assessment, and
19 accountability provisions not explicitly stated in the law.
20 For the purposes of my remarks I will focus on students
21 identified as English Learners.

22 To begin, the law creates a new definition for the
23 English Learner subgroup. For the purposes of accountability
24 states can include English Learners up to four years after
25 they have been reclassified in the EL subgroup. This can

1 create a masking effect and hide the true performance of
2 current ELs.

3 While we understand the concerns around stabilizing
4 the subgroup to monitor long-term trends, we see this as more
5 appropriate for reporting purposes rather than
6 accountability. We encourage the Department of Education to
7 desegregate current versus former ELs in the reporting of
8 subgroups.

9 The law allows for locally designed assessments,
10 however we must make sure that we address issues of equity
11 and comparability for students that may need accommodations
12 like English Learners.

13 ESSA takes important steps forward to place EL
14 accountability with that of all other students in Title I.
15 In fact, English language proficiency is an indicator for the
16 school rating system. It is important that this indicator
17 carry substantial weight, especially because English
18 proficiency is tied to academic achievement.

19 We must take steps to ensure that schools with
20 large percentages of ELs are making this indicator a
21 significant amount of their accountability system.

22 The new law calls for goals in the percentage of
23 students making progress towards English language proficiency
24 within a state-determined timeline. We ask that these
25 timelines be aggressive to help students access the general

1 curriculum.

2 And finally, I will conclude with the need to
3 emphasize parental involvement in the new law and the need to
4 make sure that parents are given the consideration as
5 partners in the academic success of their children.

6 Underlying ESSA is the theory that students will
7 meet higher benchmarks if they are challenged. And if they
8 do not, their parents will march into the schools and demand
9 change. To think that the average parent from a low income
10 community can march into a school and connect the dots
11 between state standards, state assessments, and ESSA's
12 complicated accountability requirements is fantasy.

13 Parents need to get information from an accessible
14 source that can help them understand the complicated school
15 system, particularly as it relates to the new requirements in
16 the law.

17 We must make sure that the newly authorized Parent
18 and Family Engagement Centers are resourceful and provide a
19 space for meaningful engagement from parents and community
20 partners.

21 Together we can monitor the implementation of this
22 new law. And together we can work to ensure that this law
23 does right by all of our kids.

24 Thank you.

25 MS. WHALEN: Thank you.

1 MR. ROONEY: Thank you.

2 Next is Candis Bowles from Disability Rights
3 California.

4 And I ask, just to make sure that people listening
5 on the live stream can hear, if you can introduce yourself
6 and your organization when you start. Just to make sure we
7 capture that on the video. Thank you.

8 ***Candis Bowles***

9 ***Disability Rights California***

10 MS. BOWLES: Good morning. I'm Candis Bowles from
11 Disability Rights California. Disability Rights California
12 appreciates the opportunity to respond to the request for
13 information regarding the implementation of programs under
14 Title I of the Every Student Succeeds Act.

15 We are deeply concerned about the potential impact
16 of the changes in Title I for children and youth with
17 disabilities who have benefitted from the federal oversight
18 provided under NCLB. As you know, shining a light on the
19 performance of students with disabilities has allowed
20 individuals with disabilities, families, educators, and
21 policy makers to better identify areas of success and
22 struggle.

23 We welcome the opportunity to work with the State
24 and local education agencies as they develop state plans and
25 local implementation plans in compliance with ESSA

1 Regulations.

2 Disability Rights California is part of the
3 protection and advocacy system. The PNA System has worked to
4 protect the human and civil rights of people with
5 disabilities for over 30 years.

6 A central part of the work of the PNA has been to
7 advocate for opportunities for students with disabilities to
8 receive a quality education with their non-disabled peers.
9 Similarly, the Department's voice is critical to ensuring
10 ESSA meets its goal to provide all children significant
11 opportunity to receive a fair, equitable, and high quality
12 education and to close educational achievement gaps.

13 As we all know and agree, every student with a
14 disability deserves this opportunity as well. Under the ESSA
15 the Department has an opportunity to protect and promote
16 vulnerable populations that have been historically
17 marginalized.

18 It is with this in mind that Disability Rights
19 California respectfully requests that the Department provide
20 regulations and/or non-regulatory guidance in the following
21 areas:

22 One, State Plan Development. We urge the
23 Department to issue guidance on what states should do to
24 ensure adequate stakeholder input as state plans are being
25 developed. Stakeholder input should be meaningful and

1 ongoing throughout the entire plan development process.

2 States should also ensure that a wide variety of stakeholder
3 groups are included.

4 DRC also urges the Department to issue regulations
5 clarifying state and local plan requirements. This clarity
6 will help ensure transparency of information for families,
7 educators, and policy makers.

8 Disability Rights California specifically
9 encourages the Department to focus on those parts of the plan
10 regarding how states and schools will improve learning
11 conditions, including reducing incidences of bullying and
12 harassment in schools, examining overuse of discipline
13 practices, and reducing the use of aversive behavioral
14 interventions such as restraint and seclusion.

15 Second, Title I State and Local Education Agency
16 Report Cards. We urge the Department to issue regulations,
17 clarifying state and LEA report card requirements such as
18 reinforcing the statute related to the state's accountability
19 system, including specifying the methodology for determining
20 consistent underperformance and the time period used by the
21 state to determine consistent underperformance on the state
22 report card.

23 Third, State Accountability System. Meaningful
24 inclusion of students with disabilities in state
25 accountability systems is critical to identifying areas of

1 success and the need for improvement. Disability Rights
2 California is concerned that data collection systems that are
3 structured inaccurately will result in misrepresentation of
4 factors used to determine school quality. This is especially
5 important in rural areas and when considering the critical
6 issue of intersectionality.

7 As studies have shown, children of color with
8 disabilities are at the greatest risk of school removal and
9 other negative school outcomes. And yet an incise and data
10 collection system that is inaccurately structured can
11 overlook these problems. Incises must balance the need to
12 protect student privacy with the need to obtain the most
13 information as possible on subgroup performance.

14 It is critical that states receive the technical
15 assistance from the Department that they need to ensure that
16 data is gathered in a manner that will insure that this
17 balance is maintained. Additionally, the Department should
18 explicitly prohibit the use of super subgroups.

19 Four, Assessments. The alternative assessments
20 aligned to alternate achievement standards is one of the most
21 important provisions for students with disabilities. We urge
22 the Department to clarify and reinforce the regulation and
23 number of specific provisions, including reinforce the one
24 percent cap on participation of students taking the alternate
25 assessment.

1 Ensure that participation in the alternate
2 assessment does not preclude a student from obtaining a high
3 school diploma. Emphasize parental notification of the
4 impact of their student participating in the alternate
5 assessment.

6 Five, School Quality or Student Success Indicator.
7 School climate indicators are key to ensuring that children
8 and youth with disabilities, particularly those of color,
9 receive a quality education in a consistent and healthy
10 environment.

11 The Department must provide guidance to states both
12 about the importance of including a school climate indicator
13 in states with low graduation rates, high removal rates, and
14 high dropout rates. Particularly those impacting discreet
15 subpopulations. And additionally, how to craft such an
16 indicator in a manner that will result in meaningful change.

17 And last, Seclusion and Restraint. The Department
18 must issue guidance on the appropriate uses of restraint and
19 seclusion. Data reported to the Department by LEAs on the
20 use of emergency behavior interventions showed incidents in
21 which restraints were used climbed from 9,921 in the
22 2005/2006 school year to 22,043 by 2011/2012, the last year
23 that that data was reported.

24 Disability Rights California feels strongly that
25 more binding guidance from the Department is critical to

1 ensuring the reduction of the use of restraint and seclusion.

2 Thank you for the opportunity to present public
3 comments. Disability Rights California looks forward to
4 working with the Department and local school districts in
5 implementing the ESSA Regulations.

6 MS. WHALEN: Thank you.

7 MR. ROONEY: Thank you.

8 Next is Mike Hoa Nguyen from the National
9 Commission on Asian American and Pacific Islander Research
10 and Education.

11 *Mike Hoa Nguyen*

12 *National Commission on Asian American*
13 *and Pacific Islander Research and Education*

14 MR. NGUYEN: First off, thank you to the Department
15 of Education for taking public input today with regards to
16 the implementation of the Every Student Succeeds Act and
17 thank you to our civic and community leaders for attending
18 and speaking and providing their input.

19 My name is Mike Hoa Nguyen and I am with the
20 National Commission for Asian Americans and Pacific Islander
21 Research and Education, "CARE", which is housed here at the
22 Institute for Immigration, Globalization and Education at
23 UCLA's Graduate School of Education.

24 The purpose of CARE is to conduct applied research
25 that responds to the exclusion and misrepresentation of Asian

1 Americans and Pacific Islanders, "AAPIs" in broader discourse
2 on America's commitment to equity and social justice; to
3 demonstrate the relevance of AAPIs through national education
4 and research and policy priorities; and offer solutions and
5 strategies to inform the work of the constituents such as
6 researchers, policy makers, additional leaders, and advocacy
7 organizations.

8 So to this end my comments will provide input for
9 ways in which the implementation of ESSA can work towards
10 ensuring that schools have the capacity to serve AAPI
11 students by including high quality data and increased
12 resources for English Language Learners.

13 To do this those in the field of education and
14 within the Department of Education must understand the
15 diversity and complexity of AAPIs. Asian Americans and
16 Pacific Islanders are too often misunderstood,
17 misrepresented, and overlooked in research, policy debates,
18 and the development of educational programs.

19 The key factor that contributes the exclusion and
20 misrepresentation of AAPIs is a lack of disaggregated data
21 available to inform a proper understanding of AAPI students.
22 In data that this aggregates information for all AAPIs --
23 that aggregates information of all AAPIs into a single
24 category, provides a misleading and --- portrait of a very
25 diverse population.

1 As a result, aggregated data becomes a barrier to
2 policy and program development which would advance the
3 equitable treatment of the AAPI community. Simply put, the
4 need for desegregated data which reveals significant
5 disparities between AAPI subgroups is one of the most
6 important civil rights issues for the Asian American and
7 Pacific Islander community.

8 At no other time has data played such an important
9 role in how decisions are made in organizational settings.
10 And as information becomes increasingly diverse we need to
11 find ways to create a more equitable system of education.

12 Simply put, we need data that can be tailored to
13 respond to the specific needs to inform efforts and
14 effectively support an increasing complex and heterogeneous
15 student population. In the heterogeneity of the AAPI
16 population cannot be overstated. This racial category is
17 inclusive of over 50 different ethnic groups, a dramatic
18 range of immigration histories, and persons who speak over
19 300 different languages.

20 Aggregated data also conceals the fact that AAPIs
21 occupy positions along the full range of social-economic
22 spectrum from the poor and working class to the affluent and
23 highly skilled. Thus we are deeply disappointed that ESSA
24 failed to incorporate data disaggregation.

25 However, there is still a lot of room to insure

1 that data disaggregation is a priority. With this in mind,
2 using negotiated rule-making may be useful when drawing up
3 regulations within Title I that will impact AAPI students and
4 the quality of the data for AAPI students.

5 If the Secretary does indeed choose to go down this
6 path, ensuring that individuals who are selected into the
7 rule making process come from diverse backgrounds is not only
8 necessary but imperative. Having Asian Americans and Pacific
9 Islanders with a deep knowledge of the AAPI community and the
10 AAPI educational issues and trajectories to serve on the
11 rule-making committee will ensure that there is a full and
12 fair attempt that AAPI students are not left out of the
13 conversation.

14 Additionally, negotiated rule-making presents an
15 opportunity to allow for more refined individual subgroup
16 data collection and reporting as opposed to combining
17 disparate student identities into these so-called super
18 subgroups.

19 We would like to see this --- further and require a
20 collection of subgroups, in particular for AAPIs, into
21 desegregated ethnicities. Following the way the census
22 collects is a useful model, but expanding the collection
23 beyond census categories to reflect local demographics is
24 very important. Otherwise communities like those who
25 identify as Mayan for example, will be left unrepresented.

1 MS. WHALEN: Good morning.

2 MR. OAKLEY: My name is Eloy Ortiz Oakley. I am
3 the President of Long Beach City College as well as a member
4 of the Board of Regents for the University of California. So
5 welcome to UCLA on behalf of the Regents.

6 I just want to come and express my thoughts and
7 concerns about the regulations that you are about to write.
8 First and foremost as a partner in the Long Beach College
9 Promise and as a huge supporter of the Long Beach Unified
10 School District, it is really important that we look at these
11 regulations not in a vacuum, but in terms of the progress of
12 our students from K all the way through their final college
13 education.

14 I think too often we write regulations in those
15 vacuums and given the push to create meaningful partnerships
16 between K-12 and higher education now is a great opportunity
17 to look at how we do that. Certainly the President has
18 expressed his desire through the America's College Promise
19 Act to really extend the default from a high school diploma
20 to a post-secondary credential.

21 So how do we do that? I think the way we do that
22 is to provide the kind of flexibility that we enjoy in Long
23 Beach. To really create meaningful partnerships so that we
24 blur the lines between high school and college, college and a
25 university education.

1 So the more that we can encourage states like
2 California to drive those partnerships through the
3 flexibility that we have enjoyed, through the flexibility
4 that Long Beach Unified has enjoyed, not only from the State
5 of California but from the previous Secretary of Education I
6 think the more we can do for our students.

7 In addition, let me talk a little bit about
8 assessment and the importance of assessment in this context.
9 Long Beach City College, through the support of Long Beach
10 Unified and through the rich data-sharing that we enjoy, has
11 clearly seen that the use of standardized placement exams are
12 not only poor predictors of success in college, but they
13 unnecessarily discriminate against students of color.

14 So we have piloted several models to do away with
15 standardized placement exams and using a multiple measures
16 model. Multiple measures assessment holds promise for us.
17 It really looks at a student's entire educational experience
18 so that we can use it to place a student more accurately,
19 more appropriately in the class they deserve to be in.

20 At Long Beach City College we have learned to trust
21 our teachers in our high schools, not standardized tests. So
22 I think the more that we can encourage you on behalf of the
23 higher education community to write these regulations in a
24 way that encourages states not only to provide flexibility
25 but to build assessment models throughout the K-12 experience

1 that gives us meaningful information when they get to higher
2 education, whether that be community college, whether that be
3 a public four-year university, or an R1 like the University
4 of California.

5 We need more and better information about students.
6 Not more standardized exams. So on behalf of the Long Beach
7 College Promise I just want to encourage you to continue to
8 provide courageous superintendents like Chris Steinhauser the
9 tools they need to do the right thing for our students. To
10 hold our states accountable, but to make sure that our states
11 have the flexibility to give those tools to superintendents
12 like Chris Steinhauser.

13 So thank you for being here today, for listening to
14 this wonderful testimony. And I look forward to hearing
15 about your work.

16 MR. ROONEY: Thank you.

17 Next is Ruth Cusick, Public Counsel.

18 ***Ruth Cusick***

19 ***Public Counsel***

20 MS. CUSICK: Good morning. My name is Ruth Cusick
21 and I am an Education Rights Attorney at Public Counsel and
22 here as a member of the Dignity in Schools Campaign. And as
23 an Education Rights Attorney at Public Counsel in our
24 statewide education rights project we have issued a "How to
25 Fix School Discipline Toolkit" where we have partnered with

1 community organizers and progressive educators across the
2 state to lift up the best practices in school climate
3 transformation.

4 For example, school-wide positive behavior
5 interventions and supports, restorative practices, and trauma
6 informed schools. As members of the Dignity in School
7 Campaign we work as a national coalition to reframe school
8 climate, family participation, and youth criminalization from
9 a human rights framework to the right of families'
10 participation in schools and students' rights to dignity in
11 all of the processes we are concerned about.

12 In the L.A. Chapter of the Dignity in Schools
13 Campaign we have been working together for almost a decade to
14 transform schools in Los Angeles. Back in 2007 cadre parent
15 leaders and organizers led all of us in L.A. to combat racial
16 justice and reform school discipline. And Los Angeles
17 Unified became one of the largest districts to have initiated
18 a school district-wide PBIS Plan.

19 And then just about three years ago now with the
20 Brothers Themselves Coalition and what we learned about early
21 implementation of that policy we passed the LAUSD School
22 Climate Bill of Rights with our partners on the school board
23 like Steve Zimmer and Monica Garcia.

24 What we have learned in all of the policy
25 transformation we have done in L.A. and with our partners in

1 Oakland and other Bay Area school districts is that the work
2 of confronting structural racism and implicit bias is hard
3 work. The work of changing culture in school to support
4 really meaningful family participation. And every
5 opportunity for full development of our young people is very
6 hard work. And we need your department to issue the kind of
7 regulations and real enforcement that supports that change.

8 So we have issued our platform statement from the
9 Dignity in Schools Campaign. We want your Department to
10 encourage our districts to be creative and brave in this
11 challenging work to confront racial justice in our schools.
12 And we urge the Department to issue regulations and technical
13 assistance that targets our school districts with high
14 discipline disparities.

15 In Los Angeles especially we have learned that
16 indicators like graduation, expulsion rates, and even our
17 suspension rates are lagging indicators. And if we really
18 care about all of the invisible students we have pushed out
19 over the last several decades that will start to monitor
20 office/classroom referrals and really understand what is
21 happening inside of our classrooms and our school offices.

22 Because if I could drive you down to Watts* right
23 now, you will see that there are children every day sitting
24 in an office not being educated. And that is not going to be
25 documented as a suspension. But you are going to see maybe

1 10 years from now that that student is not graduating high
2 school.

3 And so we care deeply about being a part of
4 solution towards racial justice. Our office has already
5 filed several Office of Civil Rights Complaints with the
6 Department based on racial discrimination and discipline
7 disparities across Southern California districts and so we
8 look forward to continuing to partner with the department to
9 make sure that all of these positive things that are
10 happening are encouraged and supported and that you have
11 mechanisms to actually hear in the feedback loop from
12 students and families what is happening to them when there
13 are challenges in our schools.

14 Thank you.

15 MR. ROONEY: Thank you.

16 Next is Araceli Sandoval-Gonzalez from Early Edge
17 California.

18 ***Araceli Sandoval-Gonzalez***

19 ***Early Edge California***

20 MS. SANDOVAL: Good morning. I am Araceli
21 Sandoval, Statewide Field Director with Early Edge
22 California. We are a statewide non-profit organization
23 working to ensure all children have the early experience
24 necessary to be successful learners by the end of third grade
25 setting them on the path to success in school and beyond.

1 We appreciate the opportunity to submit comments
2 today on the implementation of Title I and the Every Student
3 Succeeds Act.

4 Our organization has over 10 years of experience
5 advocating for quality and access pre-kindergarten programs
6 in California. We were a sponsor of state legislation that
7 created California's transitional kindergarten program, a
8 pre-kindergarten program offered by public schools for four-
9 year old children choosing developmentally appropriate
10 curriculum based upon California's pre-school learning
11 foundations.

12 Early Edge also continues to advocate policies to
13 raise quality of state pre-school program to ensure access to
14 quality programs for all eligible children.

15 We welcome the opportunities in Title I to create
16 greater coherence and alignment between pre-kindergarten
17 programs and early elementary grades and the Statute's
18 support for addressing children's transition from pre-school
19 to elementary school.

20 Providing quality early education is one of the
21 most effective tools for addressing persistent gaps in
22 achievement and opportunities for children. The explicit
23 recognition in the Statute of the importance of investments
24 in quality pre-kindergarten and an early childhood education
25 has the potential to generate meaningful changes as the local

1 level.

2 And that is why we are pleased to provide our
3 comments as implementation activity begins. We urge that
4 regulations and guidance clearly promote efforts at state and
5 local levels to breakdown silos* and support alignment and a
6 continuum of pre-K through third grade.

7 These efforts need to address educator capacity and
8 professional development standards, curriculum, assessments,
9 and family engagement. It is essential that these efforts
10 also include strategies for dual language learners.

11 Accountability and program evaluations must go
12 beyond a simple focus on cognitive development and include
13 social and emotional skills development. This is
14 particularly important for early childhood and pre-
15 kindergarten programs, critical development periods for
16 children.

17 In California the transitional kindergarten
18 program, a public school program for four-year olds based
19 upon the State's preschool learning foundations has shown
20 that students who attend transitional kindergarten enter
21 kindergarten significantly more advanced than their peers in
22 language, literacy, math, and executive function.

23 And yet we know that we cannot limit our efforts to
24 a focus on kindergarten readiness. Support must continue
25 into kindergarten and through third grade if gains are to be

1 sustained. This is why the efforts to align expectations on
2 programs and build educator capacity pre-K through grade
3 three are essential.

4 Here are some specific issues for consideration:
5 one, the agency plans for assisting school districts and
6 elementary schools in quality early education should be
7 developed with insight and feedback from pre-kindergarten and
8 early childhood educators with experience in building pre-
9 kindergarten through third grade.

10 A number of pre-K through third grade efforts are
11 underway in California. We have Fresno County, there are
12 some in Long Beach, Los Angeles, Barona NorCal, San
13 Francisco, and Oakland.

14 Two, requirements for the local education agency
15 plans under provisions related to school-wide programs and
16 targeted assisted schools should include requirements on how
17 schools and school districts will build greater coherence
18 across a pre-kindergarten through third grade continuum.

19 Three, guidance and regulations should also
20 encourage the coordination and incorporation of Title I plans
21 into state required plans for accountability. California's
22 Local Control Accountability Plan, the LCAP process is part
23 of the state's recently enacted funding system.

24 The LCAP process brings stakeholders together with
25 district leadership to develop plans for improving student

1 outcomes on a range of state and local determined priorities.
2 Combining this effort with Title I plans would encourage more
3 comprehensive vision and strategies to use federal and state
4 funding to develop strategies to address achievement gaps and
5 improve student outcomes.

6 And four, family engagement requirement should
7 include pre-kindergarten family engagement. Local education
8 agencies need to have a range of tools and understand
9 strategies for working with and engaging families of our
10 youngest learners.

11 Thank you so much for being here today.

12 MS. WHALEN: Thank you.

13 MR. ROONEY: Thank you.

14 Next is Carrie Hahnel from The Education Trust -
15 West.

16 *Carrie Hahnel*

17 *The Education Trust - West*

18 MS. HAHNEL: Good morning. My name is Carrie
19 Hahnel and I am here representing The Education Trust - West,
20 a statewide advocacy, policy, and research organization
21 committed to closing opportunity and achievement gaps here in
22 California.

23 We have been closely following the design and
24 evolution of California's statewide accountability system and
25 while we see many things moving in the right direction here

1 in California, we also see gaps in our current plan that ESSA
2 can help California address.

3 We have the opportunity to create more transparency
4 into how all of our schools are performing. To set ambitious
5 goals that close achievement gaps and to offer greater
6 protections to vulnerable students.

7 In order to help us achieve that we believe a
8 degree of judicious regulation will be helpful as it provides
9 states with significant flexibility. And that's a good
10 thing. California needs flexibility to design the best
11 possible plan for California students and to adapt that plan
12 over time as necessary.

13 However, there are times when federal guardrails
14 are valuable. These guardrails create accountability for the
15 billions in federal education money California gets every
16 year. And, most importantly, they ensure that the state
17 keeps equity front and center.

18 We appreciate the important protections in the new
19 law, including the requirements around statewide standards
20 and assessments, stricter public reporting, resources to
21 support teachers and leaders, reporting on any inequitable
22 access to effective teachers, and continued targeting of
23 federal funds to the highest poverty schools and districts.
24 But there are places where we urge the Secretary to go
25 further through regulation. Thoughtful regulations can help

1 keep our state focused on the priorities that matter most and
2 the students who might otherwise be underserved.

3 On accountability, the Department of Education
4 should regulate on the following, and we will name three:
5 first, requiring states to set and provide evidence of
6 ambitious improvement in gap-closing goals. This is
7 something that some in California arguably have been hesitant
8 to do as the state has been creating its new evaluation
9 rubrics.

10 We also think that further there needs to be a
11 definition for consistently underperforming for subgroups
12 that is pegged to these gap-closing goals.

13 Second, clarifying that meaningful differentiation
14 among schools requires an overall assessment of how a school
15 is serving students, not simply a dashboard of various data
16 points that parents and the public are left to decipher on
17 their own. And clarify that this rating, whether it is a
18 letter grade, a label, an index, a composite, a ranking,
19 whatever we want to call it, it must reflect how each school
20 is performing for each group of students it serves as well as
21 whether the school is consistently underperforming for any
22 subgroup. And again, that needs to be defined.

23 Third, being clear that the state has a role in
24 supporting, monitoring, and improving low performing schools,
25 not just LEAs. We need guidance on what quality school

1 improvement plans should look like and how California's
2 existing district-level plans and support, which it is
3 beginning to implement with the local control and
4 accountability plans, can be leveraged to support individual
5 schools.

6 And further, we need guidance on how and when
7 additional focus at the individual school site beyond the
8 LCAP process and things that are in place with the LEA level
9 are necessary.

10 On public reporting the Department of Ed should
11 push hard on states to report college going rates and not
12 make this simply a "nice to have" feature, but rather a "must
13 have" feature of reporting. California does not have data
14 systems that connect K-12 data to higher education data.

15 In a state as diverse and economically vibrant as
16 California we absolutely need better information on how
17 effectively we are preparing our students for college
18 matriculation and success.

19 And finally, on teacher equity the Department of
20 Education should require states to set measurable goals and
21 timeframes for eliminating disparities and access to
22 qualified, experienced, and effective educators. California
23 does monitor this data, but monitoring is not the same thing
24 as creating meaningful goals and action plans for eliminating
25 any gaps it identifies.

1 We appreciate the opportunity to summarize our
2 comments here today for your information gathering. We
3 generally do support the changes in the Reauthorized Charter
4 Schools Program within ESSA. We recognize that charter
5 schools have a very significant balance between flexibility
6 and accountability as a key tenet of chartering. And we see
7 this coming forward also in many of the conversations and
8 comments that we are hearing here today.

9 Robust assessments are critical to school
10 accountability and a critical component of measuring success
11 of charter schools. We support regulations on or guidance
12 that facilitate the implementation of assessments that
13 measure student growth over time as well as a clear status
14 measure of student success.

15 We are also supportive of innovation and
16 assessment, but such models must be implemented not at the
17 expense of comparability or robust measures of student
18 academic achievement. CCSA supports the accountability
19 provisions in ESSA that require states to set goals for all
20 groups of students.

21 We also support requiring states to identify and
22 intervene in the lowest performing schools and to set aside
23 federal funds for that purpose. We believe charter schools
24 have an important role to play in turning around low
25 performing schools and providing students in failing schools

1 with access to higher quality performing schools.

2 But while there is intentional flexibility for
3 states to set goals and to measure student progress, there is
4 also some ambiguity in the Statute. We support additional
5 clarity in how to implement measures of school quality and
6 student success.

7 For example, will states be able to develop a
8 dashboard of multiple measures of school quality and success
9 or will a single aggregate metric be required? And how will
10 we insure that subgroup student performance is not masked by
11 aggregate school site or district metrics?

12 We offer our expertise and experience to ensure a
13 robust accountability system that considers multiple measures
14 of success, but also places primary emphasis on academic
15 achievement and growth for all students.

16 ESSA does not specify specifically which
17 interventions are permissible as part of a comprehensive
18 support of underperforming schools. And while the law does
19 not specifically mention it, we do request that any
20 accountability regulations or guidance clearly delineate that
21 restarting schools as charter schools is a permissible
22 strategy and use of funds.

23 In addition, states and districts should be able to
24 direct funding to expand access to high quality charter
25 options for students attending identified schools.

1 A note on the graduation rate issues. There is a
2 small but growing segment of charter schools that focus on
3 students who are overage and undercredited. In the past such
4 schools have had difficulty demonstrating their success and
5 the context of state accountability systems focused on four-
6 year cohort graduation rates because many of these schools
7 only have these students for a short period of time before
8 returning to their traditional school.

9 States will need additional guidance on graduation
10 rates, especially those with accountability systems for
11 alternative schools on how to differentiate these schools and
12 establish an appropriate threshold for schools failing to
13 graduate one-third or more of students.

14 Since the Statute does not specify that this
15 standard may only be met through a four-year grad rate, we
16 believe there is flexibility for states to develop meaningful
17 accountability for schools that primarily serve students who
18 have dropped out of the traditional system.

19 We are pleased to see that ESSA now requires
20 charter school leaders to be included in state and local
21 planning process under Title I. And we encourage you to
22 include communications that clarify and emphasize that in any
23 guidance to the states.

24 Charter schools, I would just finally note that
25 charter schools in California are commonly considered local

1 education agencies for federal funding purposes. Single
2 school LEAs, including rural school districts or urban high
3 schools that are charter schools face unique challenges to
4 access federal funds and to ensure compliance with federal
5 rules.

6 We ask that the Department consider those
7 particular circumstances caused by the small scale single
8 school LEAs in all planning and reporting requirements.

9 Overall we are very pleased with the enactment of
10 ESSA and we look forward to engaging at both the state and
11 federal level to ensure that implementation meets the promise
12 of high quality education for all students.

13 Thank you for the opportunity to share our comments
14 today.

15 MS. WHALEN: Thank you.

16 MR. ROONEY: Next is Donna Weiss from the
17 Communities in Schools, Inc.

18 ***Donna Weiss***

19 ***Communities in Schools, Inc.***

20 MS. WEISS: Good morning. I am Donna Weiss. I
21 serve on the National Board of Communities in Schools. And I
22 am also the Founding Board Chair of Communities in Schools in
23 Los Angeles.

24 Communities in Schools is the nation's largest and
25 most effective dropout prevention organization operating in

1 more than 2,400 schools in the most challenged communities of
2 25 states and the District of Columbia.

3 Communities in Schools serves nearly 1.5 million
4 young people and their families each year. Communities in
5 schools unique model places a site coordinator inside schools
6 to meet the needs of the whole child by assessing their needs
7 and providing them with resources that help them stay in
8 school and prepare for success in life.

9 We partner with 400 school districts including
10 LAUSD and 17,000 partners like local business, social service
11 agencies, and healthcare providers to mobilize 40,000
12 volunteers. Whether it is providing food, school supplies,
13 healthcare, counseling, academic assistance, or a positive
14 role model Communities in Schools is there to help.

15 This local and school-based approach has proven
16 effective at removing academic and non-academic barriers to
17 student achievement in rural, suburban, and urban communities
18 all across the United States by increasing graduation rates,
19 lowering dropout rates, increasing academic achievement, and
20 increasing attendance.

21 I have served on the National Board of Communities
22 in Schools for 13 years and I have chosen to focus my own
23 philanthropy and volunteerism on this organization because it
24 works. But private support only goes so far. And that is
25 why we are so excited by the opportunities that ESSA presents

1 for both evidence based practice and for integrated student
2 supports. And we are particularly excited for the impact
3 that this will have on the most underserved students and
4 underperforming schools.

5 In passing ESSA Congress affirmed what we have
6 believed and shown to be true for over 40 years, which is
7 that closing the achievement gap between poor and middle
8 class student requires more than addressing pedagogian school
9 management. It requires addressing the particular impacts
10 that poverty has on students.

11 In that light we would like to provide the
12 Department with two recommendations regarding the
13 implementation of ESSA. Congress deliberately designed ESSA
14 to include opportunities for states and districts to promote
15 academic success and discourage student dropouts by
16 developing, securing, and coordinating supports that target
17 academic and non-academic barriers to student achievement.

18 ESSA explicitly allows states and districts to use
19 Title I dollars on integrated student supports and other
20 evidence-based improvement strategies. Previous iterations
21 of ESSA lacked clarification with regard to the use of Title
22 I funds and we have seen across the country disparities in
23 the interpretation of whether Title I funds can be used to
24 support integrated student support.

25 So we really urge you to clarify in the

1 implementation of the Act that integrated student supports
2 were specifically authorized by Congress to be paid for with
3 Title I dollars.

4 We also urge you to work to educate LEAs and SEAs
5 on how integrated student supports address the needs of our
6 most underserved students and underperforming schools and how
7 they are an integral part of closing the achievement gap and
8 reforming underserved schools.

9 Our second recommendation is that the Department
10 should refrain from issuing guidance or regulation that has
11 the effect of taking stewardship of Title I dollar funding
12 away from states and districts. Having worked with 2,000
13 schools in 400 districts across the country we firmly believe
14 that the obstacles to learning faced by underserved students
15 vary tremendously from community to community and we believe
16 that local districts are best situated to understand the
17 obstacles faced by their students and to address them.

18 So we urge you in implementing the law not to be
19 too dogmatic and restrictive in allowing districts to make
20 these decisions themselves.

21 And on behalf of the 200 local and state CIS
22 organizations, the 1.5 million we currently serve and the 9
23 million students in poverty that we hope to serve in the
24 future, I would like to thank you for this opportunity.

25 MR. ROONEY: Thank you.

1 Next is Louis Gomez from the Carnegie Foundation
2 for the Advancement of Teaching.

3 ***Louis Gomez***

4 ***Carnegie Foundation for the Advancement of Teaching***

5 MR. GOMEZ: Good morning. I am Louis Gomez. I am
6 a member of the faculty here in the Department of Education
7 at UCLA. And today I am offering comments on behalf of the
8 Carnegie Foundation for the Advancement of Teaching.

9 The term "evidence based" is mentioned over 60
10 times in the new ESSA. We applaud the Act's attention to the
11 central role of research in improving schooling. I am
12 grateful for the opportunity to offer suggestions about how
13 ESSA can accomplish this.

14 We offer six recommendations. First, encourage the
15 use of programs with a strong evidence base, but at the same
16 time recognize that states and districts need flexibility for
17 local problem solving.

18 There is a limited body of evidence on program
19 effects that meet the Act's Tier 1 and Tier 2 criteria.
20 Consequently, in the near term most local implementation
21 efforts will be anchored in Section A, Part 2. Regulatory
22 language must remain flexible and cognizant that evidence
23 about possible interventions will often not be available to
24 address specific local needs.

25 The Department should recognize that significant

1 effect sizes in clinical trials can only tell educators that
2 an intervention can work. They do not tell educators what it
3 will take to make the intervention work in local context or
4 even whether it is appropriate for their students in their
5 context.

6 This leads to our second recommendation. Promote
7 methodologies that provide better information about
8 variability and effects across context and for important
9 subpopulations. Districts need better access to information
10 about how interventions will work in contexts like their own.
11 Likewise they need to know about variability and program
12 effects among different subgroups of students to promote
13 equitable outcomes for all.

14 Over the last decade many states and districts have
15 built impact infrastructure around school and teacher
16 accountability. Attention now must focus on the ability to
17 build continuous quality improvement infrastructures. The
18 Department should directly support the development of this
19 capacity.

20 Third, focus on continuous improvement through
21 rapid, timely analysis of evidence in informed decision-
22 making. Consistent with the ESSA spirit of continuous
23 quality improvement, future local evaluation activity should
24 emphasize rapid analytics that can quickly inform educators
25 about the effectiveness of their attempts to improve schools.

1 The Department should enable professional
2 evaluators and local leaders to use rapid analytics for
3 practical learning.

4 Four, support and coordinate local capacity for
5 building continuous improvement. To enable the goals set out
6 in ESSA the Department will need to ensure that (a) districts
7 and states prepare quality improvement specialists, (b) local
8 resources are set aside so that teachers and principals can
9 directly engage in improvement research, (c) state and local
10 staff should have access to improvement research and
11 professional development, (d) collaborative technologies have
12 developed to support improvement networks, and (e) colleges
13 and universities and other professional preparation
14 organizations should develop professional education programs
15 in improvement science.

16 But most importantly, the Department should support
17 the development of much needed implementation and improvement
18 science standards to build a field and to encourage the
19 formation of professional associations focused on continuous
20 improvement.

21 Five, promote networks to solve shared problems.
22 Too often individual teachers, schools, and districts have
23 been compelled to address improvement tasks alone. Their
24 efforts are slow and often the outcomes are varies. Progress
25 at scale can be accelerated when educators work together in

1 structured networks to address common problems. The result
2 will be quality outcomes achieved more reliably, rapidly, and
3 at larger scale. ESSA should encourage the formation of such
4 networks.

5 And six, support long-term development of a quality
6 improvement infrastructure. Federal labs and comprehensive
7 centers should be reoriented and coordinated to support the
8 continuous quality improvement efforts in districts and
9 states and facilitate the development of network improvement
10 communities.

11 Likewise, the Department should ensure that in
12 implementing the relevant provisions in both ESSA and ESRA
13 that these two statutes will work together in supporting
14 local efforts to improve.

15 In closing, ESSA offers much promise for improving
16 our nation's schools. But moving from our hopes to results
17 will require a sustained federal commitment to support the
18 efforts of educators across the nation to become a continuous
19 quality improvement community sharply focused on accelerating
20 achievements raw.

21 The potential here is enormous and we believe now
22 is the time to seize it. Thank you.

23 MS. WHALEN: Thank you.

24 MR. ROONEY: Thank you.

25 Next is Elliott Duchon.

1 *Elliot Duchon*

2 *Jurupa Unified School District*

3 MR. DUCHON: Somebody had to adjust the mic before
4 me, so I'll do it again.

5 Good morning. My name is Elliott Duchon. Thank
6 you for the opportunity to address you this morning. I serve
7 as Superintendent of Jurupa Unified School District about 60
8 miles east of here. We spend our days educating 19,350
9 students, 75 percent of whom are in free and reduced lunch,
10 85 percent are Hispanic, and 36 percent are English language
11 learners.

12 We are excited in our district about the passage of
13 Every Student Succeeds. It will give us the opportunity to
14 assure that our efforts to implement federal programs will be
15 in alignment with our current efforts under California's
16 local control funding formula which emphasizes services are
17 delivered to students of low income families, English
18 language learners, and foster youth.

19 Dr. Eric Jensen suggests five strategies to
20 stimulate healthy neurodevelopment, particularly in children
21 of poverty: novel complex learning, physical activity, hope,
22 managed stress levels, and the support of a hopeful
23 environment. The Every Student Succeeds Act is America's
24 tool to address the education of underprivileged students.
25 These strategies are key programs to break the cycle of

1 poverty.

2 The stressors of poverty can have long-term
3 detrimental implications on the cognitive development of
4 children. ESSA should embrace the flexibility to allow
5 districts to implement strategies in neurodevelopment. When
6 schools are identified as underperforming aren't we labeling
7 children as underperforming?

8 Stereotype threat is a real phenomenon where by a
9 situational predicament in which people, mainly students,
10 feel themselves to be at risk of confirming negative
11 stereotypes about their social group. Children identify
12 strongly with their school and community and this
13 identification forges a child's self-image reinforcing a
14 cycle of poor achievement linked to conditions of poverty.

15 Let us cease labeling schools and ultimately
16 children as underperforming. How can we expect our children
17 to feel like winners when we tell them their schools are
18 losers? Children are smart and know school ratings are based
19 on their own test scores. If schools are labeled as failing
20 how can children be expected to feel hope and strive for
21 success.

22 In returning authority and flexibility for school
23 accountability to state and local education experts federal
24 policy makers positioned ESSA as a critical tool in breaking
25 this cycle, redirecting us to a path where federal government

1 MR. RATTRAY: So first of all good morning and I
2 want to thank Ann Whalen and Patrick Rooney for coming out to
3 Southern California and for having this event in this region,
4 making it available to many of us to be able to give you our
5 thoughts.

6 Excuse my frog in my voice. So again, my name is
7 David Rattray and I am the Executive Vice President of
8 Education and Workforce Development for the Los Angeles Area
9 Chamber of Commerce. I have had the privilege to serve with
10 the State Superintendent and our Governor's office and help
11 bring together a coalition of leaders that really has put
12 California in a place where all the major stakeholders, I
13 think, are on the same page in working to help students
14 achieve better in California.

15 And that is a marked difference because we have had
16 many times a lot of conflict in California where we all had
17 the same goals but we worked against each others purposes.
18 And with that I want to say that I am very pleased to bring a
19 business perspective to this discussion on the new federal
20 law.

21 I think after many years of trying we had a true
22 bipartisan success in the United States, much to the surprise
23 of many of us given the climate, to pass this legislation
24 that the President signed. And it was way overdue, but I
25 think extremely positive for kids in the United States of

1 America.

2 NCLB did have ambitious goals that were very
3 admirable. And I don't want to join the chorus that simply
4 say it was bad, it certainly had the right goals. Its
5 methods I think ended up being a negative because it
6 attempted to do change through a top-down process. And I
7 think most of us know in the business community the best run
8 companies empower their front line workers, they don't
9 disempower them.

10 And I think NCLB had the unintended effects of a
11 worthy set of goals, but a method that really created
12 oftentimes very toxic environments in the very places where
13 teachers were doing their best to support their students.

14 But this new law I think is very consistent with
15 California's approach. That is emphasizing local control,
16 Block grants, and flexibility and reducing unnecessary
17 testing but having even more ambitious goals which we believe
18 that local educators always embrace naturally on their own in
19 them being a partner with school districts.

20 We would encourage the U.S. Department of Education
21 to think of the federal rule first and foremost as being a
22 partner with states, that we have a shared goal and we need
23 partners to work together and focus more then on guidance and
24 less on regulation. We are doing that in California. Our
25 biggest focus now is build capacity for school districts and

1 less about trying to be the cop.

2 While I would agree with so many of my colleagues
3 here today that closing the achievement gap should be the
4 number one priority, I don't agree sometimes with the methods
5 that it takes a top-down cop to sort of do that. We believe
6 in California, and the business community is strongly behind
7 this, that if we are really going to see the kind of changes
8 we want to see we need to work together frankly. As sort of
9 corny as that sounds, the bottom line is we have an amazing
10 core of teachers in California as we do across the country.
11 They get up every day and want to come and fight for their
12 kids and do the best they can. And what they need is better
13 partnership from many of us to support them and to build
14 their capacity.

15 So with that we are developing a new accountability
16 system in California that doesn't rely so much as many have
17 said on testing, but does rely on a dashboard. And as much
18 as it is tempting to want to have a single simple index I
19 would suggest that we know now that it was counterproductive
20 and brought a lot of negatives that were not worth the
21 benefit of simplicity.

22 And in fact, as the Superintendent mentioned
23 earlier, having a dashboard with multiple indicators and
24 believing in parents and stakeholders that they can interpret
25 indicators wisely and effectively is in fact a much better

1 way to build the kind of education system that we need in the
2 United States.

3 So let me just finish with saying one more time be
4 our partner. We need you. We need the Federal Government as
5 our partner. But we don't really need you to come and tell
6 us how to do the job, we need you to help us do the job.

7 Thank you.

8 MR. ROONEY: Thank you.

9 Next is Lydia Gutierrez.

10 *Lydia Gutierrez*

11 *Executive Board of the Benjamin Banneker Association*

12 MS. GUTIERREZ: My name is Lydia Gutierrez -- I'm
13 sorry, let me get closer to it.

14 MR. ROONEY: That's fine.

15 MS. GUTIERREZ: Is that better?

16 MR. ROONEY: Yes.

17 MS. WHALEN: Yes.

18 MS. GUTIERREZ: Thank you. My name is Lydia
19 Gutierrez and I am on the Executive Board of the Benjamin
20 Banneker Association. And we help with math skills for
21 African American students. And I am going to present to you
22 my skills and my background and I bring about four questions
23 that I am going to ask.

24 I am a public school teacher with 20 plus years of
25 teaching experience. I graduated Pepperdine University, two

1 teaching credentials: a Master's in Bilingual Education, I
2 am an international baccalaureate teacher, writing fellow
3 with Long Beach State University, master teacher for the
4 Mathematics Project and Teacher Leadership Institute with
5 UCLA.

6 Before teaching I worked in the aerospace industry
7 as an administrator and acting cost estimating supervisor
8 overseeing contracts, scheduling, and budget costs. This
9 kind of experience has led me to ask four questions that I am
10 requesting answers to.

11 In the reauthorization of the Elementary and
12 Secondary Education Act called ESSA -- I mean called -- that
13 switched to called Every Student Success Act, ESSA, was
14 released for public review on November 30th. It was approved
15 by Congress on December 2nd, the U.S. Senate on December 9th,
16 and signed by President Obama on December 10, 2015.

17 ESSA is considered a financial support to help
18 academic excellence for our disadvantaged children throughout
19 the United States. In Title I, Public Review, it requires
20 states to be transparent and allow a 30-day review process of
21 all communications, feedback, and notifications to be made
22 public.

23 I would like to request the same. During this
24 timeframe of public review for ESSA from November 30th
25 through December 10th, were any comments or questions or

1 concerns brought forward and were they answered? Please
2 provide where on your U.S. Department of Education website
3 are the comments, questions, and responses?

4 Number two, one of the major outcries of No Child
5 Left Behind was that it took foundational teaching time and
6 was replaced with testing prep time. In ESSA Title I under
7 academic assessments it requires six straight years of
8 testing for mathematics and language arts from grades three
9 through eight with one more additional time between ninth
10 through twelfth.

11 Please provide what is the justifiable reason for
12 six straight years of testing from grades three through
13 eight, why does ESSA go into detail supporting language arts
14 from early childhood through twelfth grade throughout the
15 whole document, which I have here which shows that I've gone
16 through it, very thoroughly, but mathematics is dealt with
17 separately. Instead science, technology, engineering,
18 mathematics as a separate grant funding when they will be
19 strenuously tested at the same time as language arts.

20 Number three, in Title IV, Expanding Opportunity
21 through Quality Charter Schools, it addresses facilities,
22 financing, assistance. It states of helping charter schools
23 address the costs of acquiring, constructing, renovating
24 facilities by embracing the availability of loans or bond
25 financing.

1 If for whatever reason, a charter school were to
2 close and after all the outstanding bills were paid and still
3 remained land, the facility, and/or supplies, who would it go
4 to? The local school district? State? Or would it go to
5 the entity that started the school as a profit? Please keep
6 in mind this is all taxpayer money that helped establish the
7 school.

8 And number four, in labeling education standards as
9 a challenging state academic standard it is stated that there
10 must be evident space and Title VIII gives a definition of
11 this by stating it must show with scientific evidence that
12 they are high performing standards.

13 In regards to Common Core State Standards it is
14 mentioned in ESSA and presently in California it is using, in
15 the California State Department of Education and the U.S.
16 Department of Education websites there are not any scientific
17 studies that validate Common Core State Standards as a valid
18 standard. Comments are made that it had been internationally
19 benchmarked.

20 Dr. James Milburn* was contacted. He was on the
21 validation committee, stated they were reviewed and were not
22 considered high academic standards. When asked the question
23 "Are the Common Core mathematics benchmarked to the level of
24 standards and expectations in high achievement countries?"
25 "No, they are not even close to those expectations".

1 I am requesting that the U.S. Department of
2 Education please put to rest this constant concern of
3 validation process, of Common Core State Standards, that many
4 states have been using by providing the full analysis and
5 data that validates Common Core State Standards met the
6 latest demands to be considered high quality standards.

7 Thank you for this opportunity to request answers
8 for these questions today.

9 MS. WHALEN: Thank you.

10 MR. ROONEY: Next is Juan Pena from the Youth
11 Justice Coalition.

12 *Juan Pena*

13 *Youth Justice Coalition*

14 MR. PENA: Hello everybody. My name is Juan Pena.
15 I am a recent high school graduate and a youth leader at the
16 Youth Justice Coalition. The Youth Justice Coalition is
17 proudly a member of Dignity in Schools Campaign.

18 I am here to tell my story about surviving the
19 school to jail track. I was born in Mexico and came to the
20 United States when I was seven. I grew up in Wilmington in
21 the South Bay of Los Angeles.

22 Because of where I grew up in one particular --- in
23 the public housing projects next to the Port of Los Angeles
24 police stops for me were -- in the schools and streets were
25 really constant. The first time I was ever arrested was when

1 I was 10 years old in the fourth grade because one of the
2 students had brought paraphernalia, drug paraphernalia
3 because a day before their program, the police officers had
4 shown us drugs and drug-taking materials such as --- wraps
5 and stuff like that.

6 And one of the students had found one in the street
7 but they -- the next day, and thinking he would impress
8 people he brought it to school. And he, he got caught with
9 this so he blamed it on me when he was questioned by it. So
10 when he got caught with it and blamed it on me I was
11 questioned even more because -- and detained for several
12 hours because I was from Mexico and I didn't really have
13 English and Spanish and stuff like that, I barely knew the
14 English language.

15 And I was detained for several hours. And he
16 wasn't even questioned about it even more. Once they asked
17 him who he was he blamed it on me. He wasn't detained, or he
18 wasn't even arrested or he was just sent back to his
19 classroom.

20 Young people, especially black and brown youth,
21 undocumented youth, system-involved youth, you know, foster
22 youth are already afraid of law enforcement. Imagine how we
23 feel when we walk into our schools past metal detectors, dog
24 sniffing drug dogs, law enforcement, probation and they're
25 all armed with weapons and stuff like that on campus before

1 we even get to our first classrooms. Imagine how we feel
2 going to school. We don't feel safe, we feel intimidated and
3 unsafe.

4 That is why so many young people in neighborhoods
5 where I grew up at, why we dropout or don't go to school no
6 more. In middle school those are -- if middle schools and
7 high schools, the ones that I attended, if law enforcement
8 either you had a problem with another student they'll get
9 both you guys, send you to the bathrooms and they will lock
10 'em and --- the whole class period, right. Take you to the
11 bathrooms and they'll --- afterwards to who the outcome was -
12 -- they'll make you fight. They'll give you, if you don't
13 fight they'll give you a \$20 to \$50 ticket. And if you did
14 fight at the end the loser will get a \$20 to \$50 ticket and
15 they'll place bets on who would win. So that's some of the
16 things that we go through every day.

17 Once also in high school or middle school there was
18 a walk-off for immigration rights and immigration status and
19 stuff like that and some of the students were walking out and
20 jumping the fence. And while some of the students were doing
21 that some of the law enforcement locked down the school and
22 were taking a lot of the people down to the fence or --- and
23 stuff and one of the females, a lot of females actually were
24 really thrown down on the ground and stuff like that. But
25 one of them was, when they were putting her down she got

1 caught in the fence by her neck and her whole neck was
2 slashed through and she was bleeding, bleeding rapidly and
3 was forced down.

4 I also struggled in school because I didn't know
5 English. Instead of getting extra support I was graduated
6 from grade to grade. I went to high school and I had to pass
7 a statewide exit exam. Some of the schools didn't want me no
8 more. They merely passed me those tests and continuation
9 schools and I was kicked out of continuation school as well
10 because I had just turned 18 and they thought 18 was too old
11 enough to be in school.

12 Education is right, we shouldn't have to fight. I
13 finally graduated with the Youth Justice Coalition when I
14 enrolled. And you can enroll until the age of 24 there.
15 There is no limit of the time you can finish. There is peace
16 builders (sic) instead of law enforcement and counselors
17 instead of probation officers. And we believe in
18 transformative justice instead of suspension, expulsion, and
19 arrest.

20 I hope you will stand with me and --- youth like me
21 who are locked in low performing schools without resources,
22 locked out of quality schools, college, job opportunities, --
23 - residency or citizenships that is.

24 Locked up in probation schools, juvenile halls,
25 prisons because of minor incidents at school better handled

1 by school administrators. Don't lock us in, don't lock us
2 out. And don't lock us out because -- please, because
3 include the Dignity in School Campaign recommendations by
4 issuing guidelines, regulations, and technical assistance for
5 state under every student, ESSA act, to help address school
6 climate and safe to ensure every student gets college prep
7 and not prison prep. And a school that is welcoming, non-
8 violent, and respectful.

9 Thank you.

10 MS. WHALEN: Thank you.

11 MR. ROONEY: Thank you.

12 Next is Loring Davies from Whittier Union School
13 District.

14 *Loring Davies*

15 *Whittier Union High School District*

16 MR. DAVIES: Good morning. My name is Loring
17 Davies and I am the Assistant Superintendent for Educational
18 Services in the Whittier Union High School District. And I
19 appreciate the opportunity to speak to you today regarding
20 the implementation of ESSA and to state my support for the
21 new state accountability program that is currently under
22 development.

23 Certainly I can speak on behalf of our District
24 when I say that we support the State's Local Control
25 Accountability Plan and the ability of the State to have

1 flexibility in creating and implementing its accountability
2 program.

3 And you will hear, or I should say you probably
4 have heard, that our developing accountability system does
5 not focus on a single measurement, that test scores are not
6 the only thing by which school effectiveness is determined,
7 and that by allowing local school districts the ability to
8 determine the programs and services offered to students and
9 families we will see stronger teaching and improved school
10 and district capacity for improvement.

11 You have also heard a good many other perspectives
12 throughout the morning. I might describe what I have heard
13 mostly as coming from somewhat of a macro perspective. Let
14 me try and give you a micro perspective from the schools.

15 About two decades ago the board in our district
16 designed an accountability system that incorporated multiple
17 measures. This system, with some slight variations, remains
18 in place today and is actually remarkably similar to what
19 California is now creating.

20 It has given us stability while also allowing us to
21 make appropriate modifications and it has empowered school
22 teachers, administrators, and local families to identify the
23 needs and to design solutions for our students to those
24 needs.

25 Our District has focused not on a single

1 measurement, but rather has required all of us at the schools
2 to examine things like student attendance rates, discipline
3 data, percentages of students who are making adequate
4 progress toward graduation as well as graduation rates. The
5 percentage of students meeting college entrance requirements.
6 And last, but not least, standardized test scores.

7 This has resulted, I am quite proud to say, in a
8 district that has seen continued growth on all of our
9 campuses in multiple measures with numbers that are well
10 above state and county averages in things such as student
11 attendance rates, graduation rates, as well as assessment
12 results.

13 And I might add that our students are predominately
14 Latino and consist of nearly 70 percent socioeconomically
15 disadvantaged. Now we have learned through this approach
16 that focus on a single measurement can often lead to singular
17 approaches and often those singular approaches do not address
18 the real needs of our students.

19 To address things like attendance rates we have
20 initiated a rather expansive student mental health program.
21 It probably comes as no surprise that we have found that
22 well-adjusted students come to school more often and do
23 better in school.

24 We also developed early and focused intervention
25 approaches at times in conjunction with the community based

1 upon a student's graduation progress which has led to higher
2 graduation rates. We believe it is also no coincidence that
3 this has led to higher test scores among our students.

4 And we have created and implemented student mentor
5 programs which are shown to increase not only the grades of
6 the students being supportive, but also the grades of the
7 mentors and the attendance rates of both groups.

8 This has demonstrated to us that when we are able
9 to identify specific areas of needs, such as student grades,
10 addressing that need not only causes improvement in that
11 particular area but we see growth in other related areas as
12 well.

13 And my theory in returning to a system that is
14 imposed upon us and that focuses on a single number or a
15 single metric is that we will be tempted to focus our efforts
16 exclusively on improving that number while not addressing the
17 needs and issues that may be the real cause of that
18 measurement suffering in the first place.

19 So I urge you to allow us to work in concert with
20 our County office and with the State to identify the measures
21 we will use to determine school effectiveness and to allow
22 both the State and local districts the flexibility to
23 identify those areas that need to be improved and develop
24 local plans to accomplish that.

25 I believe that allowing local districts to identify

1 and respond to the unique needs of its students and its
2 families is absolutely vital.

3 Thank you.

4 MS. WHALEN: Thank you.

5 MR. ROONEY: Thank you. And I want to go back down
6 to Thomas Saenz from MALDEF to see if he is here?

7 (Pause.)

8 ***Thomas Saenz***

9 ***MALDEF***

10 MR. SAENZ: Thank you and I apologize for being
11 late, but L.A. traffic is always L.A. traffic. My name is
12 Thomas Saenz. I am President and General Counsel of MALDEF,
13 the Mexican-American Legal Defense and Educational Fund. We
14 are a nationwide civil rights legal organization whose
15 mission is to promote the civil rights of all Latinos living
16 in the United States.

17 MALDEF staff in Washington, D.C. worked assiduously
18 when the ESSA was pending in Congress to ensure greater
19 attention and accountability with respect to subgroup
20 performance. In the end we offered conditional support for
21 the legislation. Our support was conditional because of a
22 concern that the increased discretion at the state and local
23 level would not ensure rapid or even sustained success in
24 reducing and eliminating achievement gaps faced by subgroups
25 across the country.

1 But in the end we supported the legislation because
2 the ESSA does live up to the civil rights heritage of the
3 original Elementary and Secondary Education Act. In
4 particular it does so by shifting the primary focus from
5 NCLB's bringing all students to a level of competency to the
6 elimination of achievement gaps faced by students.

7 In our view that shift is appropriate. It turns
8 out that local and state structures of accountability serve
9 pretty well in ensuring overall performance of education
10 systems despite some problems that continue to persist.

11 But, historical and continuing experience
12 demonstrates that with respect to particular subgroups,
13 especially those viewed as politically powerless, often local
14 and state structures of accountability do not ensure that the
15 receive what they need to close those education achievement
16 gaps.

17 This significant shift from NCLB primary focused to
18 ESSA's illustrates the need for Department regulatory
19 guidance. In particular I want to identify three.

20 First, the Department should make clear that the
21 goal of any state plan should be to eliminate achievement
22 gaps at all levels of success, not just competency. What
23 that means is that a school for example that succeeds at
24 getting all of its students in all subgroups to competency is
25 certainly to be applauded, but not to be excused from

1 continued efforts at ensuring that achievement gaps that
2 persist at higher levels of achievement are eliminated.

3 This is necessary because we know that the impacts
4 of unconscious and subconscious bias and the continued
5 obstacles put forth by structures to true equal educational
6 opportunity are persistent in significant numbers of systems
7 across the country.

8 Number two, the Department should prohibit any
9 steps that arbitrarily limit targeted supports to any
10 subgroup. The ESSA sets up a structure that could mean that
11 more and more schools are identified by subgroup performance
12 for targeted supports. And the Department should ensure that
13 states do not set up systems that prevent large numbers of
14 schools being appropriately identified by subgroup
15 performance for targeted support.

16 First that means with respect to goal setting, no
17 state should be allowed to water down their goals in order to
18 reduce the number of schools that might be identified because
19 of subgroup performance as needing targeted supports.

20 Second, it means that implementing the additional
21 targeted supports based on subgroups that perform equivalent
22 to the fifth percentile, the bottom five percent, or that
23 subgroup to be a school there should be no arbitrary
24 obstacles, no arbitrary limits set up by any state to large
25 numbers of schools being identified.

1 In a state like California --- with a number of
2 significant subgroups and the different levels of performance
3 we are likely to see a significant number of schools and
4 districts identified as having to provide to additional
5 targets of course because of subgroup performance and we
6 should not shy away from that large number of schools being
7 identified.

8 Third, every indicator, including in particular the
9 B5 supplemental indicators of school quality or student
10 success, must be differentiated by subgroup based on actual
11 not imputed experience. This means for example with respect
12 to a measure like access and completion of advanced
13 coursework it should not be based on imputations based on the
14 percentage population of a particular school and the
15 coursework available and completed by that whole school, but
16 actually look at specifically within each subgroup how many
17 students are enrolling and completing that advanced
18 coursework. Don't allow states to use indicators that impute
19 success based on populations at schools rather than actual
20 experience.

21 And fourth, with respect to English Learners, you
22 have already heard some important input about the up to four
23 years that redesignated English Learners maybe continued to
24 count within that group. The Department should make clear
25 that the time within that zero to four years of continuing to

1 be counted should correlate with the reliability of the
2 redesignation standards in a particular state.

3 In other words, states that use lower redesignation
4 standards should not be allowed to precipitously remove those
5 redesignated English Learners from the English Learner
6 subgroup. By the same token states that use more rigorous
7 redesignation standards should not be allowed to unduly
8 lengthen the amount of time that those redesignated English
9 Learners remain counted within the subgroup.

10 We will in addition submit comments in writing, but
11 I want to thank you at this opportunity to present this
12 input.

13 MS. WHALEN: Thank you.

14 MR. ROONEY: Thank you.

15 MS. WHALEN: Well first, thank you everybody who is
16 here in attendance and those listening on the live stream for
17 your very thoughtful comments about priorities and inputting
18 questions around ESSA. We will definitely take all of those
19 under advisement.

20 I would also just like to remind everybody, if you
21 haven't done so already, to please submit comments in writing
22 to the Department by no later than January 21st. And again,
23 instructions on how to submit comments in writing is
24 available on our website at www.ed.gov/essa.

25 This morning we actually had a number of people who

1 signed in to speak just as walk-ins. We will be able to
2 accommodate you this afternoon. I am afraid we will not be
3 able to accommodate you this morning because we have actually
4 reached our time.

5 It is now a little after 11:15 here on Pacific
6 Time. We will be breaking until 12:15 Pacific Time. At that
7 time we will all come back, or those of you who would like to
8 return can come back and join us. For those of you on the
9 web stream you are welcome to rejoin then in about an hour.
10 At that point we will begin with the speakers who are on the
11 agenda.

12 I would just like again to thank you all who spoke
13 this morning and look forward to this afternoon's comments.

14 Thank you.

15 (Whereupon, a luncheon recess was taken.)

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1 their school day schedule accommodates them to be here to
2 speak.

3 As you may know, the Department is soliciting
4 advice and recommendations regarding regulations and guidance
5 needed to implement programs under Title I of the ESSA, both
6 in person and electronically and through the post mail. This
7 provides stakeholders with an opportunity to identify areas
8 that could particularly benefit from regulations and provide
9 specific feedback on what those regulations should establish
10 and require.

11 As part of this process we are accepting electronic
12 comments through the Federal E Rule-Making Portal as
13 described in the Federal Register Notice published on
14 December 22, 2015. As well as written comments via postal
15 mail, commercial delivery, or hand-delivery. We strongly
16 encourage everyone participating, either speaking or here
17 just listening at today's meeting to also submit comments
18 through this electronic comment process.

19 You may submit comments on or before January 21st.
20 Again, that is on or before January 21st. Please visit
21 www.ed.gov/essa for additional information and instructions
22 about how to submit your comments.

23 In addition to today's meeting we also held a
24 regional meeting to solicit advice and recommendations from
25 stakeholders in Washington, D.C. on January 11th. At these

1 meetings we request your advice and recommendations regarding
2 topics for which regulations or non-regulatory guidance may
3 be necessary or helpful as states and districts transition to
4 the new law.

5 Programs under Title I of the Law, ESSA, are
6 designed to help disadvantaged children meet high academic
7 standards. Comments provided at these meetings should focus
8 on these issues, please.

9 As a reminder, the purpose of these meetings and
10 comment periods is for us to listen and learn and therefore
11 we will not be, at this particular time, providing individual
12 or general responses or reflections to your testimony made
13 today. We will use the thoughtful feedback to affirm our
14 work as we implement the new law.

15 Again, we thank you for being here today and look
16 forward to receiving your comments and inputs. I am now
17 going to turn it back over to Patrick Rooney who is again
18 going to walk through the logistics of those here to issue
19 public comment as well as for those on live stream, how to
20 view this, the transcripts and the names and associations in
21 the future.

22 MR. ROONEY: Thanks, Ann. And thank you everyone
23 for being here this afternoon. So, for those of you who were
24 here this morning this will be a repeat of what you heard
25 before. But I just want to remind you of some of the

1 logistics before you go ahead and get started.

2 So, as you can see from the agenda that was
3 available at the registration table there is three two-hour
4 blocks, we are in the second two-hour block. And based on
5 that there is an order of the speakers that we are going to
6 call so that you have a sense of when if you signed up to
7 speak ahead of time when you may be called.

8 We will go through the list in the order the names
9 are listed in the Agenda, but that's just kind of a rough
10 template of when the timing may be. If a speaker is not here
11 we will go on to the next name. So it will give you a guide
12 of when you are going to speak, but please be ready to speak
13 earlier if someone isn't here ahead of time and we have to
14 move on to the next name in the location.

15 People were asked to sign up ahead of time, but we
16 are happy to take walk-ins, people who are here and would
17 like to speak if they did not have a chance to sign up ahead
18 of time. Please let them know at the registration desk and
19 they will add you to the list on a first-come, first-serve
20 basis.

21 We know that there are several people who wanted to
22 speak, that signed up to speak this morning. We didn't have
23 time to fit them in. So we are going to try to fit them in
24 either at this block or the next block. We should be able to
25 do that. But we will take them in the order in which we

1 found them.

2 So we do want to make sure we hear from as many
3 people as possible. So we have asked that everyone limit
4 their remarks to five minutes. And we ask that you respect
5 that time limit so we can make sure to hear from as many
6 people as possible.

7 There is a timer up here on the podium that will
8 count down your five minutes. When it gets to one minute
9 left it will turn yellow and when it turns to zero time left
10 it will turn red to indicate that we are asking you to please
11 conclude your remarks so we can hear from the next person on
12 the Agenda.

13 If you have any written comments or written
14 testimony or any additional research or documents that you
15 would like for us to have as part of the public comment, we
16 ask that you turn them in at the registration desk and we are
17 happy to take that there and they are happy to take that for
18 you.

19 Let's see, as a reminder a couple things. We have
20 hopefully fixed some of the technology that we had from this
21 morning to solve some of the problems. We have a new
22 microphone which is now closer to the computer to help align
23 things better. But we ask that since we are live streaming
24 this we ask that you try to not block the computer screen and
25 please be aware that the screen is recording your comments.

1 That way everyone on the live stream can see what you are
2 saying and can see you as you are saying it. So please speak
3 clearly and try not to block the computer screen and be aware
4 that it is recording.

5 And also, when we call your name when you come up
6 here please if you could reintroduce yourself and your
7 organization before you start your comments.

8 If you have any other comments or questions or you
9 need anything several of our colleagues are sitting outside
10 or around the room that have name tags with the little
11 ribbons, they are happy to answer any questions you may have
12 throughout the session.

13 All right. With that -- oh, sorry -- the last
14 thing I was going to say is that since we are live streaming
15 this we are recording it. We will post that recording up on
16 our website in the next few days. We also will make the list
17 of all of the speakers and their affiliations public. And we
18 are taking a transcript of this meeting and that transcript
19 will also be available on our website. That will probably
20 take a week or so until the transcript is up.

21 But all of that information will be made publicly
22 available on our website. So with that I am going to turn
23 over to the first speaker who I think is David Gordon from
24 Sacramento County Superintendent of Schools. Is Mr. Gordon
25 here?

1 (No response.)

2 MR. ROONEY: Okay. Number two is Nolan Rollins
3 from Los Angeles Urban League. Mr. Rollins?

4 (No response.)

5 MR. ROONEY: Okay. The third name is David
6 Hinojosa from Intercultural Development and Research
7 Association.

8 *David Hinojosa*

9 *Intercultural Development and Research Association*

10 MR. HINOJOSA: I'll try to put my stop-watch here.
11 I have walked through a number of red lights. I'm an
12 attorney and I've walked through many red lights and oral
13 arguments. So I will try to keep track of that.

14 My name is David Hinojosa and Ms. Whalen,
15 Mr. Rooney, and Secretary John King we appreciate the
16 opportunity in coming out here from San Antonio, Texas where
17 we are based. While we are based out of San Antonio we have
18 done much work in schools and communities with parents,
19 children, teachers, principals, superintendents, school
20 boards, et cetera and our work has a wide range of services
21 under Title I, II, III, and IV in the past, many of the
22 historic work.

23 We also have a strong track record in research,
24 evaluation, and policy, especially focused on underserved
25 student populations which of course are the focus and should

1 be the focus of Title I Regulations and Guidance.

2 Now for purposes of our testimony today I will be
3 focusing on the following topics: accountability and
4 intervention, resource equity, and supplement and supplant
5 issues. And certainly we would like to make ourselves
6 available for the negotiating process should the Secretary
7 and the staff choose to pursue regulations and guidance in
8 these areas.

9 So first off although ESSA, as I'll refer to it,
10 has taken away some of the direct authority of the Secretary,
11 the Department still maintains a very key, pivotal role in
12 oversight and ensuring appropriate regulations and guidance
13 are issued.

14 So for example, in the area of accountability there
15 are a number of states across the country for one reason or
16 another that have accountability systems that are misaligned
17 to the actual goals that they have in place. So for example
18 in Texas their accountability system purports to measure
19 student achievement, student progress, achievement gaps, and
20 post-secondary readiness. Yet despite the dismal outcomes
21 for underserved students such as English Learner and low
22 income students across many metrics, whether you look at the
23 STAR state exam, whether you look at graduation rates,
24 dropout rates, college readiness indicators where those
25 student groups are performing miserably, only four percent of

1 1,024 districts were identified for needing improvement under
2 the state accountability system. And that's just an example
3 of how you can have a system in place on paper, but what it
4 is actually doing to help school districts -- because of
5 course if you don't identify school districts for improvement
6 probably not a lot is going to change as the Secretary knows.

7 We would also encourage the Department to issue
8 guidance and regulations to ensure that ELL students needs
9 are met. ELL student needs obviously through provisions of
10 the ESSA have a priority now. But that has not been the
11 case, even with No Child Left Behind and the English
12 proficiency in the AMAOs, in the past they have not had that
13 more prominent role.

14 And so we believe that guidance is going to be
15 necessary to help local education agencies and states to
16 ensure that they afford them proper weight. For example --
17 and it is especially important because of the lumping of
18 former ELL students, their performance, with the performance
19 of current ELL students.

20 That of course, and we are going to submit written
21 testimony that shows that in Texas for example the ELL
22 student category in the fifth grade only 48 percent passed
23 the fifth grade reading test, yet when you combine the former
24 ELLs just from two years that jumped all the way up to 57
25 percent. So it is nine percentage points by combining those

1 two.

2 And while that is certainly allowed under law, some
3 guidance and regulations can help ensure that this is aware.
4 And they could also provide examples of practices that are
5 unacceptable such as states that in the past have had
6 separate minimum numbers, the end number, larger end numbers
7 for EL categories and proficiency than in the general
8 accountability system.

9 We would also encourage the Department to issue
10 regulations and guidance in the area of quality and student
11 success indicators. This is an incredible leap we believe
12 from an equity standpoint for school children. But it also
13 still has important parameters that must be met.

14 We at IDRA have developed the Quality Schools
15 Action Framework that list various components from spare
16 funding to parent and community engagement to teaching
17 quality and high quality curriculum access. And some of
18 these indicators could be measured in a state accountability
19 system.

20 We would also encourage the Department to issue
21 regulations and guidance in helping to identify resource
22 inequities. This has not been done very successfully in the
23 past at the local level. Now all of a sudden it is going to
24 be a requirement for districts or schools identified under
25 the comprehensive and additional targeted support areas.

1 And the Department can both help in identifying how
2 those resource inequities can be discovered and also provide
3 some ideas, of course not prescriptive, but just suggestive,
4 on how to remedy those inequities.

5 And lastly, in the area of supplement versus
6 supplant, we encourage the Department to issue real clear
7 guidance to ensure that states have the appropriate awareness
8 in implementing regulations and guidance in this. For
9 example, there are some districts that have used and some
10 schools in the past that have used Title I funds and Title
11 III funds to pay for the basic salary of a teacher. And of
12 course those English Learner students require a teacher, that
13 is not anything beyond. And so they supplanted those local
14 funds with federal funds.

15 On the other hand, it could also provide helpful
16 guidance in using federal funds for after school tutoring,
17 for example to help EL students obtain English proficiency.
18 So that would be another area.

19 In conclusion, the Department has a great
20 opportunity before it to help usher in a new era of
21 accountability together with schools, parents, communities,
22 and organizations under the ESSA. One where all students are
23 valuable. One where student diversity and the changing
24 demographics are seen as assets, not deficits. And one that
25 is supportive of students and educators, not punitive. And

1 one that is honest and transparent, not misleading and
2 deceitful.

3 Thank you very much.

4 MS. WHALEN: Thank you.

5 MR. ROONEY: Thank you.

6 Next is Marco Petruzzi from Green Dot Public
7 Schools. Is Mr. Petruzzi here?

8 (No response.)

9 MR. ROONEY: Okay. And then Howard Gary Cook.

10 *Howard Gary Cook*

11 *WIDA at the Wisconsin Center for Education Research*

12 MR. COOK: Thank you for this opportunity to
13 comment on the Every Student Succeeds Act. I am thankful
14 that the department is taking comments on this new, and what
15 I believe a much improved version, of the Elementary and
16 Second Education Act.

17 My name is Howard Gary Cook. And I am an Associate
18 Research Scientist at the Wisconsin Center for Education
19 Research at the University of Wisconsin at Madison. And we
20 bring you greetings from the frigid north.

21 I also serve as the Research Director for the WIDA
22 Consortium. WIDA is a consortium of 36 states that share
23 common English language proficiency standards and the common
24 English language proficiency assessment called Access for
25 ELLs.

1 In total, WIDA member states assess over 1.5
2 million English Learners annually. While the comments and
3 questions I share today are my own, many of them are sourced
4 from our member states, specifically members from the WIDA
5 Board's National Policy Subcommittee.

6 I recognize that the Department is currently
7 gathering comments and will ultimately provide guidance and
8 recommendations as to the application of this law. I am
9 particularly commenting specifically to the students that the
10 WIDA Consortium and its member states serve, that is English
11 Language Learners.

12 In addition to my comments we have a series of
13 questions and clarifications we hope will be addressed in the
14 regulations and guidance. In my short time I would like to
15 highlight three issues that are of particular concern to WIDA
16 states.

17 First, and I am going to Title III. I recognize we
18 are talking about Title I, but what I am going to say
19 influences Title I. And I apologize, I am going to throw out
20 the reference. It will be in my documents that I send to
21 you. In Section 3102(b)(1)(A) of the ESEA states are to
22 establish and implement standardized statewide entrance and
23 exit procedures for English Learners.

24 I and my colleague, Robert Linqanti, have written
25 extensively on this topic, the topic of creating a common

1 definition for English Learners within and across states. I
2 heartily, and I am certain Robert heartily endorsed this
3 requirement. However, it would be very helpful if the
4 Department could clarify what "standardized procedures"
5 means. The clearer the direction the better states will move
6 towards establishing a common definition for English
7 Learners.

8 Second, in Section 1111(c) (4) (A) it says that
9 states are to establish long-term and interim goals for
10 increases in the percentage of students making progress and
11 achieving English language proficiency. Section
12 1111(c) (4) (B) identifies one of the required accountability
13 indicators to be progress in achieving English language
14 proficiency.

15 So my question is what does "progress in English
16 language proficiency" mean? Does it refer to growth in
17 language proficiency? Does it refer to increases in the
18 number of students obtaining English proficiency? Or does it
19 mean both?

20 My reading of these sections seems to me to be
21 both. Regardless, clarification of these two sections would
22 be very helpful to states and could prevent a great degree of
23 confusion and misunderstanding.

24 Lastly, in my reading of Section 1111(c), the
25 accountability section, schools are identified as the locus

1 of accountability. That is the application of the indicators
2 for accountability are at the school level. In the previous
3 version of ESA districts were the locus of accountability for
4 ELs. In WIDA states three-quarters, that is 75 percent of
5 the districts, have less than 100 ELs. Slightly more than 33
6 percent or one-third of the districts in WIDA Consortium have
7 less than 10 ELs.

8 Given the cell size restriction in reporting and
9 accountability findings I fear that EL accountability will
10 only apply to schools with large numbers of ELs. And there
11 will be an incentive to distribute ELs across schools within
12 a school district to minimize accountability requirements.

13 I recognize that allowing states to include ELs who
14 have been reclassified for up to four years will ameliorate
15 this slightly, but only slightly. There is a potential to
16 mask both the positive and negative effects of programs that
17 support ELs' language development if the accountability
18 requirement is only at the school level.

19 Clarification on the locus of accountability for
20 English Learners specifically as it relates to school
21 districts would be very, very helpful.

22 WIDA would welcome the opportunity to work with the
23 Department in any way in developing guidance, especially as
24 it relates to English Learners.

25 And I thank you for the time and providing me the

1 opportunity to share my comments.

2 MS. WHALEN: Thank you.

3 MR. ROONEY: Thanks.

4 Next is Tony Gueringer, UCLA Black Alumni
5 Association.

6 *Tony Gueringer*

7 *UCLA Black Alumni Association*

8 MR. GUERINGER: Good afternoon. My name is Tony
9 Gueringer. I am from the UCLA Black Alumni Association. And
10 I would like to thank Mr. Rooney and Ms. Whalen and UCLA for
11 giving myself and our organization an opportunity to address
12 the Every Student Succeeds Act.

13 I understand that the major purpose of this Act is
14 actually address issues, achievement levels, and achievement
15 gaps that have to deal with disadvantaged students. Our
16 organization here at UCLA has worked with our academic
17 support program, which is a retention program for African
18 American students coming into UCLA.

19 We also have the SHAPE Program which is a program
20 that goes back into the community and tries to help other
21 students to actually gain admittance into UCLA and
22 successfully complete their degree.

23 Having said that, we are very concerned about the
24 disproportionate levels of suspensions that have been given
25 out to students of color that occur from K-12. That, the

1 limit, seems to be something that is nationwide. It is not
2 just happening here in L.A. or in California. It is
3 happening across the nation.

4 So what we would like to see is an effort made by
5 the Every Student Succeeds Act to actually establish a clear,
6 cohesive, and nondiscriminatory regulation that unilaterally
7 exhibits legitimate reasoning in terms of handing out these
8 suspensions, okay?

9 What we are saying is that in one district a
10 student can be sent home based on how she wears her hair.
11 And in other districts that is not an issue at all. Okay?
12 What we would also like to see is an added diversity
13 curriculum for the students that attend the schools. Because
14 we think creating an element and an environment where
15 learning is welcomed from all different ethnicities is in
16 fact important.

17 We would also like for the faculty, staff, and the
18 security officers that are at these schools to have an
19 increase of diversity training.

20 And in conclusion, we would like to say that we
21 hope that the local school districts are able to maintain
22 their flexibility. We understand that capacity is an issue,
23 but in terms of trying to implement diversity measures it is
24 going to take the creativity of that local school district to
25 actually succeed at doing that.

1 the new law has explicit references to the importance of a
2 well-rounded education and specific references to art and
3 music and other arts education programs.

4 The key is that we and the Department are proactive
5 in giving schools not just permission but guidance and
6 resources to make this a reality. I think we all know at
7 some level that the arts can be an important contributor to
8 student success. Not a magic bullet in any special way, but
9 a contributor.

10 And when we talked to principals in Title I schools
11 that don't have the arts and asked why don't you have the
12 arts they say well you don't understand the challenges that
13 we face. Are kids aren't engaged in learning. They're not
14 reading at high levels. They often read kind of robotically
15 but don't have a sense of the meaning. They don't have a
16 deep sense of character. They don't have a deep sense of
17 sequencing.

18 Our ELL students don't have strong oral language
19 skills. And it's not obvious to educators that the arts can
20 be part of that solution although there is more and more
21 evidence and quality research that makes that point. We have
22 a generation of educators who have grown up in a world where
23 they don't have the arts and their assumption in Title I
24 schools is they cannot use Title I money to support the arts.
25 That has either been a reality or an urban mythology or the

1 word that comes down in their district or their state or
2 their understanding of all of the compliance rules.

3 Or if it is permissible there are just 125 easy
4 steps you must take in order to use even a dollar of Title I
5 money. So educators are either scared away or intimidated
6 away and it is not happening.

7 So I think what we have learned in recent years is
8 simply saying *well, on page 25 of the law you may use it*
9 isn't enough. We need to be proactive in giving support and
10 guidance.

11 At the Alliance we have actually partnered with the
12 Department to create a website called Title 1 Arts dot Org --
13 title1arts.org to provide very concrete resources to teachers
14 and principals to make this a user-friendly process. If you
15 don't have prior knowledge, if it has been part of your own
16 education, if it hasn't been part of your school's tradition
17 simply giving them a memorandum that says it is permissive
18 isn't going to move that needle.

19 And if we are serious about it, if we believe as a
20 matter of equity and social justice that all kids deserve
21 access to a well-rounded curriculum we want to see proactive
22 guidance, technical assistance, resources, a whole mix of
23 things if we're really going to make this a reality for our
24 kids.

25 Thank you for listening.

1 MS. WHALEN: Thank you.

2 MR. ROONEY: Thank you.

3 I believe next was intended to be Ann Kinkor from
4 Epilepsy California, but she is not here today. I just want
5 to check that she hasn't shown up. I believe she had to
6 cancel.

7 So the next would be Rico Tamayo from California
8 Federation of Teachers.

9 *Rico Tamayo*

10 *California Federation of Teachers*

11 MR. TAMAYO: Good afternoon. My name is Rico
12 Tamayo and I represent the California Federation of Teachers.
13 I am the President of the Early Childhood TK-12 Council. And
14 I want to say today is a good day because I drove up from
15 Long Beach on the 405. You may not know L.A., but I made it
16 in 38 minutes and that's awesome. I just hope it's that way
17 going back.

18 All right. Coming from a small school district
19 myself, Pico Rivera, California where I was president of my
20 local union for many years I appreciate that the Every
21 Student Succeeds Act empowers local educators, parents, and
22 communities to collaboratively make educational decisions for
23 what's best for students.

24 I think we all know that facilitating state,
25 district, and school-level decision-making is going to be key

1 to its success. We appreciate that the ESSA gives educators
2 a greater voice. It provides more opportunities for all
3 students and takes away the emphasis on high stakes testing.
4 This is possibly going to be the shortest speech I have ever
5 made. I was at the Commission on Teacher Credentialing where
6 they gave me a whole two and a half minutes. And if I can
7 beat that then I think I deserve an award.

8 All right. I will end my speech, although I love
9 the brother from UCLA who spoke about ethnic studies, my
10 school district Pico Rivera, was actually the first in the
11 country to make that a requirement for high school. Then --
12 yes, I think that's a good thing -- then, you know, I know
13 Laurie Easterling is in the House and we talked about how
14 that was going to go up and hopefully get passed by the House
15 and the Senate in California, which it did. But then the
16 Governor didn't go for it. So maybe coming from the Feds I
17 think that's a good idea.

18 In any case as someone who also represents early
19 childhood educators, I sit on the EC which stands for Early
20 Childhood TK-12 Council, I want to say a big thank you and
21 highlight that for the first time ever expanding access to
22 preschool-aged children by dedicating, I'm not sure of the
23 amount it's either 250 or 500 million dollars, that's a great
24 big step in the right direction.

25 I don't think it is up for debate that the

1 foundation of pretty much all learning is set by about five
2 years old. And it is very important to support and protect
3 and nourish our little ones as they begin their educational
4 journey.

5 Side note, I started off as a kindergarten teacher
6 at 22 in Compton, California. So I feel very strongly about
7 childhood education.

8 And then the last thing, I had some discussions
9 with some local presidents this past weekend in San Francisco
10 and they suggested, it's just an opinion, but even though
11 there are very few states that have a law that allows -- I
12 mean I'm guessing there are very few states, I think there's
13 three -- that allow parents to opt out of testing, that is
14 their right. And they are parents. And sometimes that gets
15 lost in the mix.

16 So the suggestion was in those states where parents
17 have that right to mandate that they at least get that
18 information from the school district. Whether it's a flyer
19 that goes home, email, you know something on the phone, a
20 message, but simply informing them of that right that they
21 have.

22 Okay. That's about it. I thank you for allowing
23 me to speak. And I hope it's a good day driving back home.
24 Thank you.

25 MS. WHALEN: Thank you very much.

1 MR. ROONEY: Next is Roxana Marachi.

2 *Roxana Marachi*

3 MS. MARACHI: Good afternoon. Thank you for the
4 opportunity to share these comments. My name is Roxana
5 Marachi. I am an Associate Professor of Education at San
6 Jose University where I teach educational psychology and
7 supervise student teachers in the Multiple Subjects
8 Credential Program.

9 My research is on school climate, violence
10 prevention, and the promotion of social, emotional, mental,
11 and physical health -- excuse me -- social, emotional,
12 mental, and physical health in our school communities.

13 I make my comments today not as a representative of
14 my university, rather as a youth and social justice advocate
15 interested in the impact of policies enacted by the U.S.
16 Department of Education on the youth of our nation. I will
17 publish these comments prior to the 21st on eduresearch dot
18 com -- eduresearcher.com -- a site that also includes two
19 earlier letters to the California State Board of Education
20 regarding concerns about the Smarter Balanced Assessments
21 that were administered to over 10 million students in 18
22 states last spring.

23 My letters document the numerous technological
24 barriers, design flaws, and breaches of contract in the
25 development of the computerized assessments that are now

1 being pushed with increasing pressure from the U.S.
2 Department of Education.

3 I recommend for your ESSA review team to explore
4 and response specifically to each of the 10 critical
5 questions about computerized assessments. And that as a
6 Department you take on the related assessment challenge
7 issued at the close of the open letter, also published on the
8 site.

9 My letters outline grave concerns regarding unfair
10 test administrations, security and privacy issues related to
11 test data, violations of students rights, delivery of the
12 tests on faulty networks and technology, and long-term
13 motivational problems that are likely to result from
14 misdiagnosing students with assessments unfit for use.

15 In the medical community such practices would
16 constitute fraud. On November 13th the California State
17 Board of Education filed proposed amendments for the Office
18 of Administrative Law entitled "Finding of Emergency.
19 California Assessment of Student Performance and Progress,
20 CASP, the State Board of Education finds that an emergency
21 exists and that emergency regulations adopted are necessary
22 to avoid serious harm to the public peace, health, safety, or
23 general welfare. Especially the welfare of pupils attending
24 California's public school".

25 The State's proposal indicates that if CASP online

1 assessments are administered under the current regulations
2 achievement measures may not be accurate, reliable, and
3 valid. Consequently, calculations based on inaccurate
4 measures will harm students and LEAs by not providing
5 information needed for appropriate instruction and
6 accountability, both federal and state.

7 The document also includes that during the 2015
8 test administration over 46,000 appeals were filed. I agree
9 that a finding of emergency exists and argued in my letter of
10 response to the regulations that while the amendments
11 outlined may be deemed necessary they would be profoundly
12 insufficient to address the lack of validity of the tests.

13 Dr. Doug McRae, a testing specialist who has been
14 communicating validity concerns of the assessments for the
15 past five years stated at the September State Board meeting
16 that "including current scores and student academic records
17 without evidence of validity, reliability, and fairness of
18 the assessments would be immoral, unethical, unprofessional,
19 and to say the least totally irresponsible".

20 I would say that to transfer these false data for
21 use in federal or otherwise shared databases would be equally
22 immoral, unethical, unprofessional, and irresponsible. Now
23 it appears that the same faulty assessments at the core of
24 this finding of emergency are poised to be forced on to
25 students.

1 On December 22nd the U.S. Department of Education
2 issued a letter that threatened punitive action against the
3 State of California and 12 other states should participation
4 rates for these tests fall below 95 percent. Such a threat
5 not only violates basic rights of students and parents, but
6 also ethical protections of human subjects and research and
7 the very provisions in the new ESSA law that gives states the
8 authority to affirm parents rights to opt their children out
9 of tests.

10 My written statement will outline specific
11 recommendations related to the tests, communications
12 regarding opt-out rights, and also connected to the ESSA the
13 improper use of taxpayer funds. That is Section 9203 of the
14 law.

15 The remainder of my public comment will focus on
16 the need to provide clear effective communication to parents
17 and education communities regarding health and safety risks
18 associated with the extended use of screen and wireless
19 devices and to share resource sites with strategies to
20 minimize exposure.

21 Websites that have excellent resources are a
22 National Association for Children and Safe Technology and
23 Safer EMF dot com. As of December 1st 217 scientists from 40
24 nations have signed the International EMF Scientist Appeal.
25 All have published peer-reviewed research on electromagnetic

1 fields in biology or health. The petition calls on the
2 United Nations, the UN member states and the World Health
3 Organization to adopt more protective exposure guidelines for
4 EMF and wireless technology in the face of increasing
5 evidence of health risks.

6 The scientists cite a 2011 study which documents
7 how the industry-designed process for evaluating microwave
8 radiation from phones results in children absorbing twice the
9 radiation to their heads, up to triple in their brain's
10 hippocampus and hypothalamus, greater absorption in their
11 eyes, and as much as 10 times more in their bone marrow when
12 compared to adults.

13 In a press release dated October 14, 2015 leading
14 expert scientists and doctors from the Environmental Health
15 Trust sent an open letter to the U.S. Department of Education
16 detailing children's unique vulnerability to the health risks
17 of wireless technology and outlined specific steps the U.S.
18 Department of Education can take to safeguard children's
19 health.

20 The letter references accumulated scientific
21 research documenting that wireless radiation, or otherwise
22 known as microwave radiation, could increase cancer risk and
23 has been shown to damage reproductive systems and alter
24 neurological development.

25 I echo the recommendations documented in the EMF

1 Scientist Appeal and the Environmental Health Trust open
2 letter and further recommend that your administration
3 prominently display full disclosure of exposure risks to EMF
4 radiation, especially in the schools where these devices will
5 be used.

6 I further recommend that the safety measures
7 outlined by Dr. Deborah Davis and cosigned by the
8 Environmental Health Trust Scientists and medical doctors be
9 included in a dear colleague letter that would be
10 communicated directly to school leaders, prominently
11 displayed on the landing pages of the tech.ed.gov and
12 connected initiatives.

13 Neither of these pages currently include any
14 information on the safe use of technology and both appear to
15 be heavily promoting the exact kinds of wireless technologies
16 that the scientists and doctors are recommending to limit.

17 These are critically important issues in child
18 development and public health that deserve focused attention
19 by the U.S. Department of Education. Thank you.

20 MR. ROONEY: Thanks. Next is Gina Womack from
21 Families and Friends of Louisiana's Incarcerated Children.

22 ***Gina Womack***

23 ***Families and Friends of Louisiana's Incarcerated Children***

24 MS. WOMACK: Good afternoon. Thank you for
25 allowing me to speak to you today. My name is Gina Womack

1 and I am a parent, Co-founder and Executive Director of
2 Families and Friends of Louisiana's Incarcerated Children.
3 We are a statewide family advocate group.

4 Our goals, through our Let Kids be Kids campaign,
5 are to end mass incarceration and its direct link in the
6 school to prison pipeline. I am also a coordinating
7 committee member of the National Dignity in Schools Campaign.

8 I bring greetings today from Louisiana, the prison
9 capital of the world. I come with a sense of urgency. We
10 definitely have lots of stories for many of the topics that
11 are outlines in ESSA. However, we like to pay particular
12 attention to a few areas.

13 First, prevention and intervention programs for
14 children and youth are neglected, delinquent, or at risk.
15 Many students become involved in the juvenile justice system
16 due to overly punitive discipline practices that result in
17 expulsions, arrests, or referrals to law enforcement too
18 often for minor offenses.

19 In fact, our organization began in 2000 after
20 hearing from hundreds of parents of children who are locked
21 in our ineffective juvenile justice system that their
22 children's trajectory began at school. When parents went
23 looking for help and support instead they were referred to
24 our juvenile justice system.

25 Even today 46 percent of the children that our

1 juvenile public defender's office in New Orleans serves have
2 been expelled or suspended from school. About 25 percent
3 were arrested for something that happened at school. And
4 unfortunately, about 98 percent of those children are African
5 American.

6 Therefore we urge regulations and guidance from the
7 Department to help states realize the law's intent and to re-
8 enroll and re-integrate students in the juvenile justice
9 system into their school's community so that they can go on
10 to obtain a regular high school diploma and enter post-
11 secondary school and earn needed credentials.

12 States also need technical assistance in assuring
13 that course work in facilities is aligned with challenging
14 state academic standards and that students in facilities
15 receive transferable credits. We must ensure that students
16 in the juvenile justice system are not stigmatized but are
17 supported and provided with quality education.

18 One of the most often heard complaints from parents
19 and youth alike in Louisiana is that children want to return
20 to their home school, however the prisons push children on
21 the GED track in spite of their pleas.

22 Comprehensive needs assessments in regulation,
23 guidance, or technical assistance to states please ensure
24 that the needs assessment fully examine areas for improvement
25 for safe and healthy school environments that includes

1 reducing the presence of police in schools. Reducing
2 suspension and expulsion rates. Addressing
3 disproportionality in discipline along racial, gender, and
4 disability lines.

5 At FLICK, Families and Friends, that's our call
6 name, we believe that every child deserves an equitable
7 education as well as every opportunity to grow and thrive.
8 Children cannot learn if they are not in school.

9 Currently there is nothing in Louisiana state law
10 that protects the rights of children or prevents school
11 boards from putting young children out of school for minor
12 and subjective disciplinary reasons.

13 The Louisiana Department of Education reported that
14 in the 2013-2014 school year more than 8,000 children were
15 suspended from school due to wilful disobedience. Wilful
16 disobedience is a subjective term that includes minor
17 incidents such as taking out of turn while in class or
18 returning a baby doll to school as one of our third graders
19 was.

20 Louisiana schools rely too heavily on suspensions
21 and expulsions as a solution to children's challenging
22 behavior.

23 Lastly, we urge the Department to joint our Let
24 Kids Be Kids effort and issue regulations or provide
25 technical assistance to schools to help address school

1 climate and safety. This alliance with the 2014 issuance of
2 the Joint Guidance and School Discipline issued by this
3 Department and the Department of Justice.

4 School climate is a key indicator of school quality
5 and student success because students cannot learn or achieve
6 if they do not feel valued or safe in school. Students who
7 are pushed out of school due to overly punitive discipline
8 practices are more likely to drop out of school, be retained
9 a grade, or worse end up in the juvenile justice system.

10 Schools cannot exceed if students are being pushed
11 out. In fact, the punitive provisions of the No Child Left
12 Behind motivated many schools to push students out of school
13 and to inflate test scores. The ESSA should urge schools to
14 keep all students in schools to enhance learning for all
15 students.

16 We know that children make mistakes and they need
17 support. Even the evidence-based practice of positive
18 behavior supports state that children are not problems,
19 children have problems. We need to eliminate zero tolerance
20 policies and let kids be kids.

21 Again, thank you for allowing me this opportunity
22 to speak with you today. We invite the Department to
23 Louisiana, specifically New Orleans, to hear from parents
24 regarding the many challenges they face in navigating an all
25 charter system and we welcome the opportunity to work with

1 the Department on these issues.

2 Thank you.

3 MS. WHALEN: Thank you.

4 MR. ROONEY: Thank you.

5 Next is Mike Stryer from Teach Plus.

6 *Mike Stryer*

7 *Teach Plus*

8 MR. STRYER: Good afternoon. I'm Mike Stryer,
9 California Executive Director for Teach Plus. I'm also a
10 former social studies teacher having taught for eight years
11 here in L.A. Unified at Fairfax High School. And I very much
12 appreciate the chance to share some thoughts around the Every
13 Student Succeeds Act.

14 Teach Plus is a national, not-for-profit
15 organization focused on empowering our strongest teachers to
16 become leaders in policy and practice issues that directly
17 impact students.

18 For the last six years we have grown from just a
19 few passionate teachers in Boston to a network of over 10,000
20 urban educators committed to strengthening K-12 public
21 schools for our highest needs students.

22 So within this context Teach Plus and our teachers
23 have a keen interest in the implementation of ESSA as our
24 students' future depends on how well the new law is
25 implemented around the country.

1 Later today you will have an opportunity to heard
2 directly from two of Teach Plus's fellows, teaching policy
3 fellows, Bootsie Battle-Holt and Chris Hofmann, two
4 outstanding teachers currently teaching here in L.A. in L.A.
5 public schools.

6 I won't preempt their comments but I would like to
7 address two aspects of ESSA that have been identified by
8 Teach Plus fellows, all current classroom teachers, as
9 critical to more equitably meeting the needs of all students,
10 particularly students of color and those in low socioeconomic
11 communities.

12 These aspects include appropriate administration in
13 use of annual assessments, number one. And authentic teacher
14 leadership, number two.

15 The recently passed ESSA legislation is notable in
16 at least two areas related to assessment. First, the
17 legislation is notable in the continuing requirement that at
18 least 95 percent of all students participate in selected
19 assessments. The bottom line is that every student must
20 count.

21 Full rates of participation allow us to continue to
22 use these assessments to highlight disparities between
23 specific subgroups of students and to provide a rich source
24 of information in addressing these disparities. Clearly,
25 focus on high participation rates is critical.

1 Number two, the legislation is also notable in
2 focus on streamlining assessments. As we all know in some
3 districts the high number of assessments has diluted the
4 potential effectiveness of assessments in identifying student
5 needs and in pinpointing areas for growth in teacher
6 practice.

7 Retention of the highest quality assessments is
8 fundamental to a rational streamlining process. In the words
9 of Casey Jones, a teacher and coach in Tennessee,
10 "Assessments should be a subtle ongoing process used to
11 measure teacher efficacy and student skill level. It's a
12 process that will yield information that directly impacts
13 students and teachers to the next level of learning."

14 In assessment-related issues as well as other
15 aspects of ESSA legislation, teacher leadership is paramount.
16 In the recent federal legislative process our teachers
17 actively sought the inclusion of new Title II provisions.
18 Those focused on teacher leadership and outcome, focused
19 professional development. Those focused on support for
20 instructional leadership teams. And those focused on
21 promotion of innovative career pathways.

22 Over the last few months Teach Plus teacher leaders
23 here in L.A. met with numerous legislators here in their
24 district offices and participating in Congressional briefings
25 and Hill Days in D.C. advocating for their inclusion. And we

1 are really gratified to see that they are largely part of the
2 final legislation. It is a big step forward for teacher
3 leadership.

4 As one Teach Plus alum puts it "Our district will
5 only thrive if more teachers step into leadership. We need
6 to ensure our evaluation is accurate, fair, and growth
7 oriented. Teachers must define what new teacher leadership
8 roles look like in schools".

9 But good intentions are just the first step.
10 Teachers cannot be brought in to the implementation process
11 just to add a stamp of legitimacy. We need to go beyond the
12 idea that teachers need to buy into the process. Rather
13 there needs to be authentic engagement whether it is in
14 decisions around streamlining assessments or in design of
15 teacher-led professional development or whether it's in other
16 aspects of ESSA.

17 I don't think it is an exaggeration to say that the
18 success of ESSA both for students and for the teaching
19 profession hinges on early, meaningful engagement of our
20 strongest teachers throughout the U.S. And at Teach Plus we
21 are excited about this opportunity and look forward to
22 continuing to link our teachers with critical aspects of ESSA
23 implementation.

24 Thank you.

25 MS. WHALEN: Thank you.

1 MR. ROONEY: Thank you.

2 Next is Marisol Rerucha.

3 ***Marisol Rerucha***

4 ***County Office of Education***

5 MS. RERUCHA: First of all I want to thank the
6 Department of Education for hosting the Town Hall and
7 providing the opportunity for input on the implementation of
8 the Every Student Succeeds Act.

9 I also want to thank each of you for coming and
10 speaking and being the voice for thousands of students that
11 we serve.

12 It is not a program or policy that changes or
13 improves schools, but it's people. It's people like us that
14 are focused on meeting the needs of all students. And I want
15 to thank both of you for making this your work.

16 I am Marisol Rerucha. I come with a robust
17 experience as an educational leader. I was born, raised, and
18 live in San Diego, California. I was a middle and high
19 school English teacher, elementary school assistant principal
20 and principal. I was in the charter system as a principal in
21 an alternative charter in Chula Vista seven miles from
22 Tijuana, seven miles from downtown San Diego.

23 I am now at the County Office of Education working
24 with the juvenile court and community schools. I am leading
25 career technical education. Students in our juvenile

1 facilities, according to our '13-14 SARK* were 68 percent
2 Latino, 12 percent African American, 43 percent English
3 Learner, and 99 percent socioeconomically disadvantaged.

4 I also come to you as a master fellow with the
5 National Council in La Razza, National Institute for Latino
6 School Leaders. I was trained to write and advocate for
7 educational policy. NCLR is a private, non-profit
8 organization established in 1968 to decrease poverty and
9 discrimination and increase opportunities for all Hispanics
10 and families.

11 I am not here just representing Latinos, but I am
12 here representing all of our students who are the most
13 marginalized, under-resourced, and vulnerable. Our African
14 American males are most at risk of not completing high
15 school, followed closely by Latino males.

16 The statistical reality is that 24 percent of
17 nation's student population is Latino. By 2025 25 percent of
18 our population will be English Language Learners with 75
19 percent having the home language of Spanish.

20 NCLB brought high stakes accountability and demand
21 to meet the need of our most marginalized student population,
22 our ELL, special education, socioeconomic, African American,
23 and Latinos. But it created a punitive, fear-based
24 environment where school systems shifted those populations
25 out to be able to save their systems.

1 There was a harsh focus on teachers, educational
2 leaders, schools, and ultimately our students. NCLB created
3 an environment of "I gotcha". So it was the "gotcha", I
4 gotcha for not meeting those populations year after year. I
5 got you student for not increasing your English language
6 proficiency.

7 Our culture has changed. We have realized the
8 importance of strategic and intentional support needing to be
9 a part of the high stakes accountability. Research has
10 proven that that combination will increase outcomes for
11 students.

12 It is time to use educational policy to create a
13 systematic environment that ensures a culture of "I've got
14 you". "I've got you". A system of support. And what we
15 need is accountability for all students.

16 An example in our school rating systems, we need to
17 ensure that they include graduation rates for all of our
18 subgroups. Communication to parents about student progress
19 and achievement needs to be communicated and it needs to
20 include info on all subgroups. And EL proficiency scores
21 need to be available and also include --- populations.

22 Our assessments should be growth model, be
23 competency based, and we also should be offering native
24 language assessments to show our English Language Learners
25 that we've got them. To prove if they have a stronger

1 language that we can see their content and skill, their
2 critical thinking, listening, speaking, reading, and writing
3 abilities. We have to get them. We have to support them.

4 Race matters. Closing the achievement gap is not
5 just about addressing our socioeconomic, but race matters.
6 And by the time it's time for us to get comfortable saying
7 that and embracing the fact that we need to bring race into
8 our schools. There is beautiful language in Title VI for our
9 Native people that includes addressing their unique cultural,
10 language, and educational needs. Imagine us including that
11 through all of Title I for all of our populations.

12 We must include how state and LEAs meet the
13 cultural, language, and educational demands for all students
14 in our plans. And we must include cultural proficiency and
15 responsiveness to close that achievement gap.

16 Lastly, we need a deeper partnership with our
17 corrections system. In Section (d) of Title I there is
18 discussion about the way the educational and correction
19 system need to be sharing information. And that is not
20 necessarily happening. So there needs to be more partnership
21 in the Department of Justice and Department of Education
22 regarding policy.

23 We are critical partners. And also, throughout
24 Title I language our incarcerated youth need to be included
25 in all of those areas and not just in Section (d).

1 I want to thank you for your time and I thank all
2 of you for your work and for your voice today. Thank you.

3 MS. WHALEN: Thank you.

4 MR. ROONEY: Thank you.

5 Next is Angela Hasan, USC Rossier School of
6 Education.

7 *Angela Hasan*

8 *USC Rossier School of Education*

9 MS. HASAN: Hello. Thank you so much for providing
10 this opportunity to give some feedback. I would like to give
11 some feedback on teacher education and also on the parent,
12 family engagement.

13 First of all, my concern is really providing
14 definition for what is effective teaching and defining
15 quality and effectiveness. Prior quality teachers was a
16 focus before and it was very challenging and still fuzzy and
17 because so much language is around effectiveness now and
18 quality is very important for teacher education programs to
19 be able to have a clear understanding of what that means.

20 At our school, Rossier School of Education, we are
21 in the process of following our teacher candidates for at
22 least the first three years trying to understand how
23 effective they are as teachers so that that will lay the data
24 and foundation to the kind of coursework and clinical
25 experiences that they may have.

1 So we are asking if there is possibilities in the
2 near future for teacher education programs to be tied with
3 teacher effectiveness. Unless that's done, unless what we're
4 doing in terms of preparing teachers are tied to the
5 effectiveness that they have in the classroom as teachers,
6 then we will continue making the same mistakes.

7 So we feel that that is very important and we hope
8 that we will continue to gain information about how effective
9 we are. Our young novice teachers are working with all out
10 children. So it is very important.

11 Also in the new Act that we see there are
12 opportunities for school districts to be able to create
13 independent teacher ed programs that may not have kind of a
14 congruency between programs outside of teacher education as
15 well as inside in terms of institution.

16 It is very important that all teacher education
17 programs have the same requirements. Because students have
18 assessments that all students have to take and if we don't
19 have a unified understanding of what those requirements are
20 and we do not meet those challenges if we have schools of ed
21 with different agendas, different requirements then it is
22 very difficult for us to serve our children.

23 So it starts in these teacher education programs
24 that are putting out young candidates with all the great
25 intentions but with poor preparations because we are not

1 tying what is going on in those classrooms with our programs.
2 That we are in isolated in doing that in a program.

3 So we are asking for some clarity and definition in
4 terms of that.

5 And final, the other concern is because we do work
6 closely with our parents there is no way for our candidates
7 to be effective teachers if they do not understand the best
8 ways of engagement with parents. However, the parent and
9 family engagement aspect of this Act leaves that very fuzzy
10 for most school districts.

11 So we are asking for clarification in terms of what
12 it means that having effective parent and family engagement
13 that should be some increase in the one percent possibly for
14 collecting data and having active research in terms of that
15 increasement and how to increase the engagement and what does
16 effective engagement, the parents will tell us that they take
17 their children to be tutored in different programs but it
18 doesn't align with what is expected in the classroom. And it
19 surely doesn't align with what is expected on the test,
20 testing and assessment.

21 So we need to align the parent piece with what is
22 going on in the classroom and also with the teacher in
23 particular. Again, teacher education programs need to be
24 involved with the parent engagement piece as a requirement.
25 And so we are asking for better alignment between the parent,

1 family engagement and teacher education as well as the
2 effectiveness of those programs and research that help us to
3 understand and guide these programs in the future.

4 Thank you.

5 MS. WHALEN: Thank you.

6 MR. ROONEY: Thank you.

7 Next is Steve Henderson from the California School
8 Employees Association.

9 (No response.)

10 MR. ROONEY: Maria (sic) Pfefferkorn, Minnesota
11 Education Equity Partnership.

12 *Marika Pfefferkorn*

13 *Minnesota Education Equity Partnership*

14 MS. PFEFFERKORN: Good afternoon. My name is
15 Marika Pfefferkorn and I am the Director of the Minnesota
16 Black Male Achievement Network and Statewide Solutions Not
17 Suspensions Campaign.

18 I bring you greetings from Minnesota. As was
19 stated earlier I am happy to be here because it's very cold
20 there right now. But I know there are number of people that
21 we have in the Midwest, in the State of Minnesota, that
22 really wanted to be able to share their voice and they are
23 missing out on the opportunity having a Midwestern section of
24 this conversation. So I just wanted to highlight that.

25 Again, I mentioned I'm the Director of the

1 Minnesota Black Male Achievement Network, but we are a part
2 of the Minnesota Education Equity Partnership. And as a part
3 of that work we provide technical assistance to school
4 districts. We also do parent engagement and student
5 engagement and we also are very active at the legislative
6 level in our state.

7 For us we are also a statewide, a state member of
8 the Dignity in Schools National Campaign. And so we are
9 representing both Minnesota and all of the organizations that
10 can't be represented here today, over 97. So you see just me
11 here, but imagine hundreds of people standing behind me.

12 So I am just going to cover a few topics or points
13 in the law that we really want to highlight and make sure
14 that attention is garnered for this.

15 The first one I want to talk about is the school
16 climate as an indicator of school quality or student success.
17 So we urge the Department to issue regulations on providing
18 technical assistance to schools, to help address school
19 climate and safety. And of course this aligns with the 2014
20 issuance of Joint Guidance on School Discipline issued by the
21 Department and the Department of Justice.

22 So we know that school climate is a key indicator
23 of school quality and student success because students cannot
24 learn if they are not in school. Students cannot learn or
25 achieve if they do not feel safe in school. And this

1 includes students that are still remaining in the classroom
2 when other students are being pushed out.

3 Students who are pushed out of the classroom due to
4 overly punitive and harsh discipline practices like
5 suspensions or expulsions are most likely to drop out of
6 school and be retained a grade. And for us in Minnesota a
7 key indicator of that is we know by third grade reading
8 levels that our students have a prison cell waiting for them
9 when they don't graduate from high school.

10 And we know that even in elementary our young
11 people are being suspended and so it's a double whammy
12 against our young people.

13 Schools cannot succeed if students are pushed out.
14 In fact the punitive provisions of No Child Left Behind as
15 stated earlier motivated many schools to push students out of
16 school to inflate test scores. The ESSA should urge schools
17 to keep all students in school, to enhance learning for all
18 students.

19 And I just wanted to bring a bit of snapshot so you
20 will remember Minnesota when you leave here. So last year we
21 had about 45,000 out of school suspensions. That is not all
22 of the suspensions, that is just the out of school. Over
23 109,495 hours of instruction time was lost. We had 50
24 percent of the suspensions that I mentioned were students
25 suspended with IEPs, 84 percent of those suspensions were out

1 of school.

2 The majority of those suspensions were for
3 behaviors that did not endanger others, they had less than
4 three percent involving weapons. And only 33 percent
5 actually involved a victim. Attendance was the number one
6 reason for 1,900 plus suspensions over the last year. So we
7 have already done our quarterly examination of what that
8 looks like and we've put this number to shame already. So we
9 really need to focus and concentrate on that.

10 Another piece that I would really like to elevate
11 in this conversation is about reporting on state plans under
12 Title I. And we urge regulations and technical assistance to
13 ensure that reporting on state plans is comprehensive,
14 accurate, and complete. We urge enforcement and action if
15 reporting is not accurate and complete. And that has been
16 one of our greatest challenges, even getting local
17 information. So we need the help and support of the federal
18 government to make sure that we are able to access that
19 locally.

20 We urge regulations and guidance to define the term
21 "aversive behavioral preventions". This does not refer to
22 restraint and seclusion. What about handcuffing?
23 Regulations are needed to clarify. Still to this day we
24 can't distinguish between non-violent and violent suspensions
25 in our community. Even in the school district you'll have

1 one teacher say one thing and another will say another and
2 the two will never have the conversation about it.

3 I also want to make sure that we talk about
4 reporting and local education agencies. We urge regulations
5 and guidance around reporting discipline data and information
6 desegregated by student subgroup.

7 Please note that the law says that the LEA may
8 identify support for schools with discipline disparities
9 among subgroups. The "may" is my concern. We urge the
10 Department to issue regulations and technical assistance
11 targeted at school districts with documented high discipline
12 disparities like those in Minnesota. Those identified
13 through the civil rights data collection as having
14 disparities along racial, disability, and other subgroup
15 lines.

16 While the language of the law is permissive with
17 may, it is imperative to overall school improvement that such
18 disparities be addressed and plans for addressing them be
19 detailed in the LEA plan.

20 So as I said, we are struggling in the State of
21 Minnesota with our school climate, with our discipline
22 disparities, and with the resources in order to support our
23 teachers and educators in managing this crisis in our state.
24 And we know that there is still a role for the federal
25 government and we desperately need it to show up in

1 Minnesota.

2 Thank you for your time. And I also want to say
3 the 97 other organizations have my back when I say they need
4 your help too. Thanks.

5 MS. WHALEN: Thank you.

6 MR. ROONEY: Okay. Next is Christopher Lund from
7 Long Beach Unified School District.

8 ***Christopher Lund***

9 ***Long Beach Unified School District***

10 MR. LUND: All right. Good afternoon everyone. My
11 name is Christopher Lund. I am the Assistant Superintendent
12 for Research in School Improvement for the Long Beach Unified
13 School District. And I am speaking to you this afternoon on
14 behalf of Core, our partnership with some of the largest
15 school districts within the State of California.

16 The passage of the Every Student Succeeds Act
17 obviously provides new and important opportunities for
18 California and other states to strengthen learning
19 opportunities for all students. But it is not without
20 challenges.

21 One daunting requirement is the development of a
22 new system of educational accountability. Fortunately here
23 in California my district, the Long Beach Unified School
24 District, and our colleagues in Los Angeles, Santa Ana,
25 Fresno, Oakland, and San Francisco have worked together to

1 develop a new system of educational accountability.

2 One that provides more and better information about
3 students and schools, is linked to strategies and practices
4 that share and build on success. And offers strong support
5 to those schools that may be struggling.

6 Developed by educators within the Core Districts
7 the School Quality Improvement Index uses a new system of
8 multiple measures to improve student learning. In addition
9 to academic achievement the Index includes a first in the
10 nation use of social-emotional learning and school climate
11 indicators.

12 The Index also makes more students visible by
13 including results for any student group with 20 or more
14 students. This educational accountability system meets every
15 requirement under the new Every Student Succeeds Act.

16 It provides a powerful example for educational
17 leaders and policymakers working to develop and strengthen
18 educational accountability systems, to learn from and build
19 upon.

20 While we are encouraged by the State of
21 California's emerging efforts to measure multiple dimensions
22 of school quality, we also recognize that the State's limited
23 data system will make the kind of robust system that we have
24 developed for over a million students in California
25 infeasible at the state level.

1 For instance, we include measures of chronic
2 absenteeism which requires student level attendance data that
3 is not collected at the state level.

4 We have similarly developed a measure of high
5 school readiness for our eighth grade students, one that
6 looks at GPA, grades in core subjects, whether a child has
7 been suspended in that eighth grade year, and an overall
8 attendance rate for each individual student. None of this is
9 feasible at the state level with their current data system.

10 In Long Beach we find these additional measures to
11 be an important part because they allow us to intervene in a
12 purposeful and strategic manner using those measures that I
13 mentioned on an individual student level.

14 When accountability shines the light on
15 differentiated needs of individual students we transcend the
16 bureaucracy of interventions and becomes really a tool to
17 personalize the learning for individual students based on the
18 individual needs of students. Meaning that a chronically
19 absent student with good grades is different than a
20 chronically absent student with poor grades.

21 Whether suspensions are impacting that chronic
22 absenteeism needs to be addressed. And all of that needs to
23 be addressed on the individual level.

24 We ask that the U.S. Department of Education
25 consider allowing states to permit a subset of LEAs to engage

1 in alternative school quality measurement systems that still
2 meet the requirements of ESSA while also allowing for more
3 rigorous assessments than what the state can provide. In
4 states where this occurs the state would still be responsible
5 for ensuring that across schools in the state system and
6 schools in an alternative system at least five percent of
7 schools are being identified for instance, for comprehensive
8 intervention. But where the statewide system may differ from
9 the alternative system employed by select LEAs in terms of
10 which schools are actually being identified.

11 We see this as a way for states to innovate with a
12 subset of their LEAs and for LEAs with the capacity to do so
13 to be able to engage in a more robust approach to measuring
14 and improving school quality.

15 Thank you.

16 MS. WHALEN: Thank you.

17 MR. ROONEY: Thank you. Next was intended to be
18 Tom Chun, but I believe he canceled. And we would ask Sandra
19 Goodwick to take his space.

20 ***Sandra Goodwick***

21 MS. GOODWICK: Hello. My name is Sandy Goodwick
22 and I would like to start with a little bit of universal
23 design for learning, some history. I noticed when I came
24 here that the podium is inaccessible. There are stairs, two
25 steps down below which is eliminating to anyone who uses a

1 wheelchair and problematic for anyone else like me who has
2 balance problems.

3 And so this is an example of "ableism" which is the
4 disability rights equivalent of what is known within the
5 Black community as "White Privilege". I do not identify as
6 white because I have grown up with a disability. I have
7 Mobius Syndrome which is a congenital oculofacial paralysis.

8 When I was in college 40-some years ago I was told
9 not to go into teaching. And then I was told "try special
10 ed". I did neither and I taught for 21 years. And then it
11 was after I went into special ed I read in a grad text book
12 that my disability, a rigid or frozen facial expression, was
13 undesirable. So I wrote them a letter and I changed some
14 attitudes.

15 So I've been an advocate for much of my entire
16 life. First of all some truths about teaching. Research has
17 demonstrated that teachers are the single most ingredient in
18 the education process. Teachers. We do the lesson plans.
19 We do the interactions.

20 Teaching at the core is a moral profession because
21 we are changing lives. Teaching is a nation-building
22 profession. Teachers teach because they believe they make a
23 difference in children's lives and that they contribute in a
24 tangible way to the community.

25 Now despite these historically deep truths in these

1 statements, understood worldwide look at who has the best
2 spots in last weeks hearing. One non-teacher billionaire.
3 Gates Foundation, nine of the first eleven speakers had Gates
4 Foundation money. Eleven of the next twenty-two. Five of
5 the next twenty-three. And none at the end.

6 So who is sitting at the table? While my
7 successful advocacy included retaliation, his money as a non-
8 teacher not only gives him a seat at my classroom table, it
9 tries to set the tone for my profession.

10 I am not here to speak just about any Title I
11 program. I am speaking about far more fundamental things. I
12 have been teaching with Los Angeles County Office of
13 Education for 21 years. I am also a member of the Bad Ass
14 Teachers Association.

15 (Applause/Laughter)

16 MS. GOODWICK: Thank you. Okay. Let me tell you a
17 little bit about a survey that we conducted last year, the
18 quality of work life survey. In 2014 teachers online learned
19 of four teachers that had committed suicide in just two
20 weeks. I personally knew of more right here in Southern
21 California, well-respected, deeply loved teachers who
22 couldn't endure any more verbal abuse or sabotage.

23 Jamy Brice-Hyde, a teacher who spoke last week in
24 D.C. started a grassroots movement. We connected with
25 teachers from Sandy Hook to Seattle. We developed a first of

1 its kind survey that took a deep, dark look at all the real
2 problems that you know about and we know about. From
3 inadequate facilities to bullying administrators and campus
4 violence.

5 Results showed there were problems. I requested
6 Secretary Duncan listen to the results. We met with senior
7 U.S. DOE advisors and shared the results with them. Two
8 senators co-authored an amendment that is now in ESSA.
9 District can now use Title II money along with stakeholders
10 and find out what it is really like to work or learn in their
11 schools. And then report it to the community.

12 This might be the single most part of the entire
13 law. It is a start. Poverty, we know poverty affects
14 children. We know about adverse childhood experiences and
15 developmental trauma. We know the rise of depression and
16 medication use among young children. These are alarming
17 concerns. But it is easier to ignore them and blame
18 teachers.

19 I read Jonathan Kozol's book when I was back in
20 college and I am ashamed to realize that in the intervening
21 43 years his books are evermore needed now because we are in
22 worse shape than we were then. You need to learn how to
23 collaborate with teachers, with local school communities,
24 with people in the school.

25 Disability. Teachers with disability add to the

1 milieu of a school. They demonstrate to the community how to
2 live successfully with difference. Their candor helps kids
3 to realize that it is indeed normal to have one. Yet the
4 quality of work-life survey showed that a majority of
5 teachers with disabilities experience bullying and more. I
6 can tell you all about it.

7 The U.S. DOE needs to do more regarding ADA Title I
8 and Title II implementation. Employers blatantly ignore
9 reasonable accommodations and teachers fear asking for them.
10 That sets a tone on idea. So not only is it special ed for
11 children, it is civil rights for teachers. Districts don't
12 have ADA Title II coordinators or ADA self-reviews. It is
13 though the ADA exists only as a checklist to get funding.

14 Race. We have back-slid. Integration is not for
15 the benefit of whites, rather it is to help minority kids
16 succeed. We teachers know that. Segregation is worse now
17 than it was 45 years ago. Teachers of color have experienced
18 disproportionate bullying.

19 There is so much more. This is only a start.
20 Teachers are speaking out. Billionaires are covertly
21 destroying generations of children through testing that
22 treats them like animals and pills that muffle their despair.
23 They do it all through good marketing.

24 Building a nation means learning how to collaborate
25 with one another as co-members. Collaboration, not

1 MS. MARCUS: Hello. Okay. Thank you for having me
2 here today and thank you for including me with all of these
3 other speakers. It has been very inspirational and powerful.
4 So thank you all for your words.

5 Good afternoon and thank you. I am Deborah Marcus,
6 the Executive Director of Communities in Schools of Los
7 Angeles. Communities in Schools or CIS is a local 501(c)(3)
8 and we are an affiliate of the nation's leading high school
9 dropout prevention organization.

10 We started programming in the Los Angeles Unified
11 School District in 2007 and now operate in partnership with
12 12 traditional Title I middle schools and high schools
13 throughout the city. We are providing case management to
14 over 1,500 underserved students annually.

15 Our students this year are 75 percent English
16 Language Learners, 10.7 percent special ed, 82 percent low
17 income, 3.8 percent foster youth, 1.5 percent homeless, 81
18 percent Latino, 13 percent African American, and 52 percent
19 male.

20 In addition to supporting the 1,500 students with
21 case management we work at the whole school level brokering
22 and coordinating resources to over 14,000 students and their
23 families in the communities we serve.

24 CIS's unique and evidenced-based model positions
25 site coordinators inside schools, partnering with teachers,

1 without counselors, and with administrators to meet the needs
2 of the whole child by assessing their needs and providing
3 them with wraparound resources to help them stay in school
4 and achieve their potential.

5 This local and school-based approach of delivering
6 integrated student supports has been proven effective at
7 removing academic and non-academic barriers to student
8 achievement by increasing graduation rates, lowering dropout
9 rates, increasing academic achievement, and increasing
10 attendance.

11 Our four-year graduation rates for the students who
12 are under our case management in LAUSD is 91 percent. Which
13 is a full 20 to 30 percent than the District's average. And
14 our students are the ones who when we meet them as sixth and
15 ninth graders are failing more than two classes, attending
16 irregularly, or who are having challenges navigating how they
17 are to behave while they are at school.

18 Our work is only just beginning here in L.A. Our
19 challenge in bringing our ISS model to support more students
20 is limited only by what funding has been available up until
21 this point.

22 Communities in Schools is excited about the
23 opportunities in ESSA for evidence-based practice and
24 integrated student supports. We would like to provide the
25 Department with two recommendations regarding Title I.

1 Congress deliberately designed ESSA to include
2 opportunities for states and districts to promote academic
3 success and discourage student dropouts by developing,
4 securing, and coordinating supports that target academic and
5 non-academic barriers to achievement.

6 ESSA explicitly allows states and districts to use
7 Title I dollars on integrated student supports and other
8 evidence-based improvement strategies. Previous iterations
9 of the Elementary and Secondary Education Act lacked
10 clarification with regard to Title I and student supports
11 creating conflicting interpretations that discouraged LEAs
12 and SCAs from attempting to use Title I dollars for ISS
13 activities.

14 Communities in Schools encourages the Department to
15 circulate guidance clarifying that LEAs and SCAs are
16 permitted to use Title I dollars for these activities.
17 Furthermore, the Department should work to educate LEAs and
18 SCAs on how ESSA provides opportunities for the use of
19 integrated student supports and furthers community schools
20 models.

21 The Department should refrain from issuing guidance
22 or regulation that has the effect of taking stewardship of
23 Title I funding away from states and districts. States and
24 districts must be allowed to utilize the student support
25 strategies that they view as working best for their students,

1 including those that reduce systemic obstacles to learning
2 and provide a holistic approach to K-12 education.

3 With that in mind we urge the Department to tread
4 carefully when considering regulation or guidance that may
5 undermine local flexibility and prevent states and districts
6 from using Title I dollars as they deem fit.

7 On behalf of the 15,000, 14,000 families and
8 students that we support here in Los Angeles as well as the
9 200 local and state CIS organizations, the 1.5 million
10 students we serve, and the 9 million additional students in
11 poverty who will benefit from these modifications in ESSA,
12 thank you for this opportunity.

13 MS. WHALEN: Thank you.

14 MR. ROONEY: Next is Heidi Brewington from the
15 California PTA.

16 ***Heidi Brewington***

17 ***California State PTA***

18 MS. BREWINGTON: Good afternoon. My name is Heidi
19 Brewington. I am the Federal Advocate for the California
20 State PTA which represent more than 800,000 members and 3,500
21 local associations, over 50 percent of which are in Title I
22 schools.

23 This afternoon I would like to offer input on the
24 Every Student Succeeds Act. As a parent I saw first hand the
25 impact that actively engaged families have on their schools,

1 communities, and most importantly their students, including
2 students with special needs versus the students whose
3 families are not involved.

4 Students with actively engaged parents and families
5 are succeeding. Not just in the classroom, but in their
6 communities. National PTA has standards for family
7 engagement that are backed up by over 20 years of research.
8 This research confirms what we know at the California State
9 PTA and what we advocate and what many of our school
10 districts know and have adopted. Families are an essential
11 ingredient for student success and excellent schools.

12 Family engagement is critical to accountability
13 which ESSA is trying to accomplish. In order for ESSA to be
14 successfully implemented it will need adequate funding in
15 order to promote and encourage parent engagement.

16 Research shows that family engagement in a child's
17 education increases student achievement, improves attendance,
18 and reduces student dropout rate. The one-size fits all
19 approach does not work.

20 Parent engagement is more than regional parent
21 centers and we need for the federal government to recognize
22 that. California is rich with diversity. What works for a
23 school in Southern California may differ for a school in
24 Eureka, California. What works for California may differ in
25 Washington and other states.

1 We need to reach out to parents, guardians,
2 students, and communities and embrace the diversity of each
3 community and find out what each community needs in order to
4 be successful in increasing family engagement.

5 PTA developed national standards for family-school
6 partnerships to empower PTA leaders, parents, educators,
7 community members, and students to work together for the
8 educational success of all children and youth.

9 Research consistently demonstrates the benefits of
10 family-school community partnerships: greater student
11 success; increased communication among parents, teachers, and
12 school leaders; more parent involvement in supporting, and
13 teaching, and learning.

14 More community support for the school and higher
15 teacher morale. Families and their communities need to be
16 empowered through programs and activities that promote parent
17 engagement in schools, support parents as their child's first
18 teacher, develop parent leaders, encourage parents to
19 advocate for a complete education. One that includes a full
20 curriculum to close the access, achievement, and opportunity
21 gap.

22 Knowledge is power. And education is the power
23 behind family engagement. The California State PTA advocates
24 to increase the number of engaged parents and families so
25 that they may be empowered to support the needs of more than

1 9 million children, preschool through high school.

2 And while we know that the family and parent
3 centers referenced in ESSA are great, we need more than just
4 a few centers. We need regulations that support and will
5 drive meaningful parent engagement as I have described.

6 As mentioned earlier over 20 years of research
7 confirms that family engagement is key to student success.
8 We need regulations that make it a priority for schools,
9 districts, and states to engage parents in supporting their
10 schools and engaging in decision-making and accountability.

11 Parent engagement should never be viewed as a
12 requirement to check off or a location to meet, but rather an
13 ongoing interactive process. And we believe that ESSA
14 regulations could help drive this process and we are here to
15 help you in that.

16 Thank you.

17 MS. WHALEN: Thank you.

18 MR. ROONEY: Thank you.

19 (Applause.)

20 MR. ROONEY: So that is the end of the list for
21 this session. I am going to go back and call the people who
22 may not have been here when we first went through that. And
23 then we do have several walk-in speakers. We will try to
24 take those in the order in which they signed in.

25 So first going back is David Gordon from the

1 Sacramento County Superintendent of Schools here?

2 (No response.)

3 MR. ROONEY: Okay. Nolan Rollins, Los Angeles

4 League?

5 (No response.)

6 MR. ROONEY: Okay. Marco Petruzzi, Green Dot

7 Public Schools?

8 (No response.)

9 MR. ROONEY: Okay. So the first walk-in speaker is
10 Rudy Cuevas, YouthBuild Charter School.

11 ***Rudy Cuevas***

12 ***YouthBuild Charter School***

13 DR. CUEVAS: Good afternoon, ladies and gentlemen.
14 My name is Dr. Rudy Cuevas and I am the Principal and Chief
15 Collaboration Officer for the YouthBuild Charter School of
16 California.

17 Our school network works in collaboration with 19
18 youth build programs across California. We provide a high
19 school diploma opportunity for young people that were pushed
20 out of comprehensive schools for the many reasons that
21 impoverished young people of color have always been pushed
22 out and denied a right to an education.

23 One thing is for sure, whether they were pushed out
24 of their last school for reasons of race, class, or gender
25 our young people find a haven at YouthBuild.

1 While we have all heard about the many remarkable
2 achievements under NCLB it is good to hear legislators admit
3 that the lockstep approach to cookie cutter accountability
4 was yet another way in which young people were marginalized
5 and tactfully pushed out.

6 So I am here to celebrate this enlightened
7 legislation. And while we should expect some transformative
8 national reform because of this legislation we should know
9 that many schools across the country were already doing a lot
10 of what is now being proposed.

11 Our school was one of those who made the scary but
12 fundamentally necessary decision to author a progressive
13 charter, ironically as one of the only options to defy
14 elements of NCLB that were harmful to the young people we
15 serve.

16 Before Common Core and the local accountability
17 legislation here in California we in our school were already
18 asking for our teachers to devise the kind of authentic
19 assessments that we call Community Action Projects to foster
20 creativity, communication, and collaboration.

21 Before national calls for college and career
22 readiness minimum standards YouthBuild Programs have long
23 been expected to provide a post-secondary pathway for
24 graduates that complete our program. Recently our focus has
25 been to push beyond just diplomas and AAs in community

1 colleges so we can help young people go directly to a four-
2 year college because community college transfer rates are
3 still abysmal in impoverished communities.

4 So we are excited about the Every Student Succeeds
5 Act because it is a summary of what we are already working on
6 at YouthBuild Charter School and so many of us have been
7 doing and we are ready to help implement this legislation
8 nationwide if called upon.

9 But if you don't call upon groups like ours or
10 programs like it we lose out on the opportunity to inform
11 this new legislation from folks that have already been doing
12 this work on the front lines. My hope is that this federal
13 initiative will truly learn from the stifling --- mistakes of
14 NCLB and call on teachers and educators so that at some point
15 schools like ours that serve pushed-out youth can one day
16 cease to exist when the so-called dropout crisis will have
17 finally been eliminated.

18 Thank you.

19 MS. WHALEN: Thank you.

20 MR. ROONEY: Next is Sarah Ruse*. Is Ms. Ruse
21 here?

22 (No response.)

23 MR. ROONEY: Okay. The next name is Celia Alvarado
24 from Teach America.

25 (No response.)

1 MR. ROONEY: Okay. I think this woman might have
2 left, but Yvette Kingburg, Youth Policy Institute Charter
3 School?

4 (No response.)

5 MR. ROONEY: Laurel Ashlock, ACSA?

6 *Laurel Ashlock*

7 *ACSA*

8 DR. ASHLOCK: Thank you. Good afternoon. I am Dr.
9 Laurel Ashlock. I am Chief Academic Officer, Assistant
10 Superintendent for Central Unified School District in the
11 Central San Joaquin Valley. I am a Member of the Association
12 of California School Administrators, Curriculum Instruction
13 Accountability Council and California Association for
14 Supervision and Curriculum Development, President-Elect.

15 As you know, in California we have a local control
16 accountability plan supported by a local control funding
17 formula. This formula provides a base funding with
18 concentration in supplemental grants for fostering homeless
19 youth, English Learners, and students of poverty.

20 A system of accountability is being developed to
21 ensure our district and schools will be monitored for
22 attainment of goals using multiple measures. However, we
23 have a great need for the Department of Education's
24 guidelines related to the implementation of ESSA to support
25 local control, integrated use of Title I funds, and use of

1 multiple measures.

2 As stated, I am from Central Unified, a district in
3 the central San Joaquin Valley. We have a concentrated urban
4 poverty as well as rural poverty and we cover 92 square
5 miles, comprised mostly of agricultural land. We are home to
6 15 group homes, level 14 and above. We have many foster
7 youth and close to 75 percent students of poverty.

8 Many of our students have faced repeated traumas
9 and stressors which have contributed to their gaps in
10 educational progress and have resulted in many social-
11 emotional challenges.

12 In addition, we have English Learners, special
13 education students, many of whom are medically fragile and
14 multiply involved, gifted and talented students, and
15 typically developing students.

16 Our state has provided us the flexibility to use
17 our state funds to meet the unique needs of each of these
18 students. We will be held accountable to standardized state
19 multiple metrics and additionally identified local metrics.

20 There will be a requirement to demonstrate
21 continuous improvement in closing achievement gaps and in
22 demonstrating growth. It will be essential to support a
23 balanced approach to teaching and learning while using local
24 funding control equitably to ensure every student masters
25 standards, attains language proficiency, and develops the

1 social-emotional skills to exist as a member of a community.

2 This is only possible through the continued support
3 for adult capacity building in meeting the needs of every
4 student and equipping the adults to respond to the social-
5 emotional needs of every student in order to allow students
6 to focus on learning rather than hunger, shelter, and safety.

7 The feedback from our students and parents in
8 Central Unified is that we are hearing their voices and
9 making inroads in developing a partnership and accomplishing
10 our goals through expanded arts, performing group
11 opportunities, career technical education, and increased
12 opportunities for participation and competitions such as
13 robotics, history day, and science olympiad.

14 In conclusion, regulations being written for
15 implementation of ESSA must take into account the need for
16 districts to be able to develop structures and systems which
17 support student success in a post-secondary experience,
18 whether that is the military, technical school, or college.

19 The goal for students to succeed in post-secondary
20 experiences, including functional citizenship, means that
21 pre-school through 12th grade experiences must have the
22 ability to create multiple opportunities for every student to
23 close the experience gap, connect to school, and attain
24 mastery of standards.

25 Regulations must allow states flexibility to

1 monitor, through multiple measures designed at the state and
2 local level, to meet the needs of students in their schools.
3 Goals and strategic plans created at the local level,
4 supported by flexible state and federal funding must be able
5 to be measures by multiple metrics for not only districts and
6 schools, but by subgroups.

7 Districts must be provided the flexibility to build
8 the capacity of teachers and leaders in meeting the needs of
9 students. Close monitoring of using multiple metrics for
10 achievement, attendance, graduation rate, and engagement will
11 enable districts and county offices to demonstrate progress
12 towards goals or the need for technical support to improve
13 outcomes for students.

14 And improved outcomes for every student will result
15 in access to post-secondary opportunities and ultimately
16 healthier families and communities.

17 Thank you.

18 MS. WHALEN: Thank you.

19 MR. ROONEY: Thank you.

20 We have a few more names on the walk-in speakers,
21 but this is a reminder if anyone has not signed up to speak,
22 but would like to do so I think we will have a little bit of
23 time left in this session. So please let them know at the
24 registration desk if you would like to speak.

25 And now the next name on the list is Claudia Goytia

1 from AHA.

2 *Claudia Goytia*

3 *American Heart Association*

4 MS. GOYTIA: Good afternoon. Can you hear me?

5 MS. WHALEN: Yes.

6 MS. GOYTIA: On behalf of the American Heart
7 Association, including the American Stroke Association and
8 more than 30 million volunteers and supporters we appreciate
9 the opportunity to comment to you today on the importance of
10 physical education and why we believe it is critical for the
11 Department to make clear the importance of physical education
12 in school programs and curricula and why we recommend that
13 the Department issue guidance to state and school districts
14 that details the programs and funding that can be used to
15 support physical education based on the term well-rounded
16 education.

17 The regulatory and guidance process is essential
18 for all education stakeholders to understand the provisions
19 of Every Student Succeeds Act and implement it effectively.
20 In addition, the passage of this law provides new
21 opportunities to support physical education in schools across
22 the country.

23 The American Heart Association is the nation's
24 oldest and largest voluntary organization dedicated to
25 fighting cardiovascular disease and stroke. As such we

1 support strengthening standards for physical education
2 throughout K-12 education to address the cardiovascular
3 health of our nation's children and their long-term well-
4 being.

5 Regular physical activity is associated with a
6 healthier, longer life, and with lower risk of heart disease,
7 high blood pressure, diabetes, obesity, and some cancers. In
8 addition, physically fit children have higher scholastic
9 achievements, better classroom behavior, greater ability to
10 focus, and less absenteeism than their unfit counterparts.
11 Unfortunately, many youth are increasingly sedentary
12 throughout their day meeting neither physical education nor
13 national physical activity recommendations.

14 Physical education in schools has been decreasing
15 in recent years. Only 3.8 percent of elementary, 7.8 percent
16 of middle, and 2.1 percent of high schools provide daily
17 physical education or its equivalent for the entire school
18 year. Twenty-two percent of schools do not require students
19 to take any physical education at all.

20 Nationwide only 51.8 percent of high school
21 students attend at least some physical education classes and
22 31.5 percent of those students have daily physical education.
23 Given this data we believe it is critical for the department
24 to make clear the importance of physical education and school
25 programs and curricula. Title VIII of ESSA clearly defines a

1 well-rounded education to include health and physical
2 education. However, we believe that in issuing regulations
3 and guidance for Title I the Department should list all of
4 the subjects included in the definition. This will ensure
5 that states, districts, and other partners clearly understand
6 the intent of Congress when referencing a well-rounded
7 education and the opportunities available to them to
8 strengthen physical education programs in schools.

9 In Title I this includes in the local educational
10 agency plans, school-wide programs, targeted-assistance
11 programs, and references to professional development
12 activities. We also recommend that the department issue
13 guidance to states and school districts that details the
14 programs and funding that can be used to support physical
15 education based on the term well-rounded education.

16 In addition, Title I does include references to
17 professional development in Title II, the student support and
18 academic enrichment grants in Title IV, and the 21st Century
19 Community Learning Centers Program also in Title IV of the
20 Statute.

21 Again we appreciate the opportunity to comment and
22 we look forward to working with the Department on ESSA
23 implementation in the coming months. We feel the Department
24 plays a vital role in providing importance guidance that can
25 strengthen physical education across the United States.

1 So thank you again. Claudia Goytia with the
2 American Heart Association.

3 MS. WHALEN: Thank you.

4 MR. ROONEY: Thank you.

5 (Applause)

6 MR. ROONEY: Next is Sylvia Youngblood from DA*.

7 *Sylvia Youngblood*

8 *DA*

9 MS. YOUNGBLOOD: Hmm, someone was shorter than me.

10 (Laughter)

11 MS. YOUNGBLOOD: Well, thank you for the
12 opportunity to give input. I just wanted to say that having
13 it here at this location is a little inaccessible, especially
14 for parents and people who are further out in Los Angeles
15 County. So if you are trying to reach Los Angeles County I
16 mean I would say like do it somewhere in Pasadena at a
17 community location rather than at a college where it is
18 really confusing how to get around this college. Parking was
19 horrible.

20 Okay. And for the distance from the building to
21 the parking, individuals with disabilities, I would think it
22 would be they would have a hard time getting here, in here.

23 (Applause)

24 MS. YOUNGBLOOD: I just wrote notes so I don't have
25 anything as eloquently put as the others so I am just going

1 to kind of go through it.

2 My name is Sylvia Youngblood. I am the mother of
3 four children with specific learning disabilities and who are
4 on the autism spectrum. I am on the Los Angeles Learning
5 Disabilities Associations of America's National Board. I
6 also serve as the Chairperson of the Weston* Gaber Valley
7 SoCal Community Advisory Committee on Special Education.

8 Parents and students and community are never given
9 the information so they don't have the opportunity to comment
10 at events like this. So you are really not getting what the
11 parent, student, and community voice is on ESEA and ESSA.

12 And when you are creating the law and you are
13 rewriting the law and providing guidance using words like "as
14 appropriate" and ambiguous words are not good because it
15 gives districts at the local level to have the option to not
16 implement things. So it gets parents and students lost in
17 overcoming the bureaucracy of what is going on at the
18 districts and the local level.

19 Concerns with RTI and multi-tier systems of
20 support, most schools don't have anything like this in place.
21 And parents are not educated on RTI so they don't know what
22 RTI is. RTI also is a big concern in the special education
23 community because it is a way to not assess kids for special
24 education. So it eventually denies kids entry into special
25 education.

1 Implementation and accountability, from a lot of
2 standpoints from community cannot be left up to the states or
3 at the local level because there is no oversight. So when
4 you have things put in place, when you put in place great
5 laws and different things it gets lost at the local level.

6 Having something that puts parents, students, and
7 communities to have the authority to oversee what has been
8 put in place to benefit their children and students would be
9 helpful. That way they would have the authority to make sure
10 that things get put in place and have a forum to give their
11 input on what is working and what is not working and what is
12 happening and what is not happening.

13 Just for example, in my SOPA*, our SOPA director
14 just as a Community Advisory Committee we wanted to give
15 input on her performance. So we went into closed session.
16 That in return put in retaliation for our SOFA director to
17 file a complaint with the Los Angeles County District
18 Attorney's Office against the Community Advisory Committee on
19 Special Education. Is that how you treat your community
20 leaders?

21 That's how educated community leaders are met at
22 the local level. So it is really hard for us. When it is at
23 the state level all states are required to have an Advisory
24 Commission on Special Education to advise the state on
25 special education within the state. Then things like

1 privatized task forces are put in place that get around the
2 parent and community input and they create a task force of
3 who they want to have on the task force. And they end up
4 advising the state and the governor rather than the true
5 individuals who are supposed to be advising the state and the
6 governor.

7 On school site councils under Title I students and
8 parents don't really know what their purpose is why they are
9 there. So they don't understand what's going on. They have,
10 I just attended my school site council meeting last week.
11 They're trying, but they have no idea what's going on here
12 today.

13 They're talking about it and there's minimal
14 information that the principals know and that the schools
15 know and that the teachers know and it's not to their fault,
16 they have a lot going on, but if we could help educate our
17 parents and communities and get the word out there then it
18 would be helpful.

19 Councils are not communicating with the other
20 groups that they are required to communicate with in the law
21 for school site councils, including special ed groups like
22 the Community Advisory Commission on Special Education.
23 Principals and teachers end up making the decisions because
24 parents and students don't know what's going on.

25 Waivers under Title I. You have to stop giving

1 waivers because if you create a law and expect the law to be
2 implemented why are you going to waive the law? That's kind
3 of giving you the option to either comply or not comply. And
4 if there are waivers in effect have some sort of public
5 hearings that parent and student bodies are overseeing so
6 that it can be determined by the community is this waiver, is
7 there any validity to this waiver request or not before it
8 moves on to the state and the state just goes ahead and
9 grants all these waivers under Title I.

10 Special ed students are not a topic again in school
11 site council meetings. It's really only about English
12 Language Learners and low income students. But they are all
13 students that are at risk. And I think we forget the special
14 ed population.

15 For example, we just had Central Unified just speak
16 about LCFF and there's four subgroups. The subgroup she left
17 off was special education. So special education is always
18 getting left out of the conversation and I think that we need
19 to put a lot more focus on that.

20 Transitions in post-secondary education in life,
21 the support is not meaningful enough to where kids are going
22 to succeed in post-secondary education and life. Especially
23 when it comes to the special ed student population. One
24 gentleman mentioned diversity training when it comes to
25 Native American. I am Native American, I would love to see

1 that happen. History taught in the school districts. Coming
2 up is Lincoln's birthday. We all know Lincoln for freeing
3 the slaves. But did we also know that Lincoln also executed
4 the largest mass execution in the United States, the Dakota
5 38? That history goes untold and our students really need to
6 know what the history is of all of the populations within the
7 United States because we are so diverse.

8 So, thank you for your time.

9 (Applause)

10 MS. WHALEN: Thank you.

11 MR. ROONEY: Thank you.

12 The last name on our list is Judy McKinley, the Los
13 Angeles Learning Disabilities Association.

14 ***Judy McKinley***

15 ***The Los Angeles Learning Disabilities Association***

16 MS. McKINLEY: Good afternoon, all. My name is
17 Judy McKinley. I'm President of the Los Angeles Learning
18 Disabilities Association which is an affiliate of the
19 Learning Disabilities Association of America.

20 I want to express concerns regarding Pay for
21 Success that is in the new law which is used as an investment
22 for corporations such as Goldman Sachs. They invest -- to
23 make large profits when children are not identified, their
24 special needs are not identified.

25 This is a disincentive to identifying the special

1 education needs, the Individuals with Disabilities Education
2 Act is the United States Federal Special Education Law. Pay
3 for Success is in direct opposition to the IDEA requirements
4 of Child Find*. This requires school districts to actively
5 seek out children with suspected disabilities. Obviously,
6 Pay for Success is a deterrent to that happening.

7 Next LALDA is extremely concerned that students
8 with specific learning disabilities be given quality
9 assessments and provided quality-intensive instruction
10 utilizing curriculum and practices validated for teaching SLD
11 students based on their individual needs.

12 Many school districts in California are grossly out
13 of compliance with California and Federal Special Education
14 Laws. There is valid documentation that the pipeline from
15 school to prison is in some part due to the lack of
16 identifying students' handicapping conditions and providing
17 appropriate educational services to meet their needs.

18 Valid research shows that 70 plus percent of
19 children and adults that are incarcerated have specific
20 learning disabilities and other related disorders. In
21 California that population is largely made up of African
22 Americans and Hispanics.

23 And -- let me see here -- both the California
24 Department of Education and the U.S. Department of Education
25 must acknowledge that the lack of quality special education

1 services leads to the prison incarceration.

2 One other thing, the representative was not here
3 for the California School Employees Association. I am a Vice
4 President of the Pasadena, California School Employees
5 Association and I want there to be -- California School
6 Employees Association is the largest classified union in the
7 United States. And I think it is important that classified
8 employees get the credit that they are the backbone to most
9 school districts and keep those school districts running.

10 Anyway. Thank you.

11 (Applause)

12 MS. WHALEN: Thank you.

13 MR. ROONEY: Thank you. Actually, thank you for
14 that reminder. When I went through the people I called a
15 second time I realized I had forgotten to call Steve
16 Henderson from the California School Employees Association to
17 make sure he didn't come in.

18 MS. McKINLEY: I don't see him. So hopefully I
19 did ---

20 (Laughter/Applause)

21 MR. ROONEY: Well we will ask one more time the
22 names that we skipped over to make sure they didn't sneak in
23 while people were talking.

24 David Gordon from Sacramento County Superintendent
25 of Schools?

1 (No response.)

2 MR. ROONEY: Nolan Rollins, Los Angeles Urban
3 League?

4 (No response.)

5 MR. ROONEY: And Marco Petruzzi from Green Dot
6 Public Schools?

7 (No response.)

8 MR. ROONEY: And then from the walk-in list Sarah
9 Ruse?

10 (No response.)

11 MR. ROONEY: Celia Alvarado?

12 (No response.)

13 MR. ROONEY: And Yvette Kingburg?

14 (No response.)

15 MR. ROONEY: Okay.

16 MS. WHALEN: Okay. That was a wonderful segment of
17 public comment. Thank you guys all very much. We very much
18 appreciate you taking the time out of your afternoon, both in
19 person and on the live web stream.

20 For those of you who haven't done so already I will
21 remind you once again, I will do it a few more times today,
22 to please submit your comments in writing if possible via the
23 E Rule-making site. For instructions on how to do that
24 please go to www.ed.gov/essa. Again, we ask you to submit it
25 by January 21st.

1 have to hear it for the third time. But for those who are
2 new, welcome. We really appreciate you guys coming this
3 afternoon and taking time out of your day to join us.

4 So your advice and recommendations that we hear
5 today are going to help the Department of Education support
6 successful implementation of the Every Student Succeeds Act
7 or ESSA.

8 As you know, President Obama signed ESSA into law
9 on December 10, 2015 reauthorizing the Elementary and
10 Secondary Education Act of 1965. This new bipartisan law,
11 which will replace the No Child Left Behind Act of 2001 is
12 good news for our nation's schools and students.

13 The ESSA built on key project we have made in
14 education in recent years, including a record high of high
15 school graduation rate of 82 percent and includes many of the
16 key reforms we called on Congress to enact in recent years as
17 part of any reauthorization of the law.

18 The ESSA sets out clear goals of ensuring our
19 education system prepares every single child to graduate from
20 high school ready to thrive in college and career. It
21 includes several provisions and emphasizes equitable access
22 to educational opportunities, including holding all students
23 to academic standards, and ensuring accountability for the
24 lowest performing schools and schools with low graduation
25 rates.

1 It also empowers states and local decision-makers
2 to draw up their own strong systems for school improvement
3 and accountability.

4 The Department is soliciting advice and
5 recommendations regarding regulations and guidance needed to
6 implement programs under Title I of ESSA, both in person and
7 electronically. This provides stakeholders with an
8 opportunity to identify areas that could be beneficial from
9 regulations and provide specific feedback on what those
10 regulations should establish and require.

11 As part of this process, we are accepting
12 electronic comments through the Federal E-rule-making portal,
13 as described in the Federal Register Notice published on
14 December 22, 2015, as well as written comments via postal
15 mail, commercial delivery, or hand-delivery. We strongly
16 encourage everyone participating in today's meeting to also
17 submit comments through our comment process. You may submit
18 comments on or before January 21, 2016. You may visit
19 www.ed.gov/essa for additional information and instructions
20 on how to submit comments.

21 In addition to today's meeting we also held a
22 regional meeting to solicit advice and recommendations from
23 stakeholders in Washington, D.C. on January 11th. At these
24 meetings we request your advice and recommendations regarding
25 topics for which regulation or non-regulatory guidance may be

1 necessary to help as states and districts transition to the
2 new law.

3 Programs under Title I of the law are designed to
4 help disadvantaged children meet high academic standards.
5 Comments provided at these meetings should be focused on
6 these issues, please.

7 As a reminder, the purpose of these meetings and
8 comment periods is for us to listen and learn from you and
9 therefore we will not be, at this time, providing individual
10 or general responses or reflections to testimony made today.

11 We will use your thoughtful feedback to inform our
12 work as we implement this new law. Again, we thank you for
13 being here today. I would also like to thank UCLA for
14 hosting us here today and look forward to receiving your
15 comments and input.

16 Now I would like to introduce my colleague Patrick
17 Rooney to go over for the third time the logistics of today's
18 agenda and public comment period.

19 **Logistics and Plan for the Day**

20 ***by Patrick Rooney***

21 MR. ROONEY: Hi again, everyone. And thank you for
22 all of you who have been patient and made it through the full
23 day. We are into the third of our two-hour blocks.

24 For those of you who are new I will just go through
25 some of the logistics to make sure we are all on a sense of

1 the steps to follow. All of you should have gotten an agenda
2 which has the people speaking in each of the three blocks.
3 So everyone has been assigned a block and then within that
4 block there is an order in which we will call the people who
5 signed up to provide comments.

6 So please follow that list, it will help you figure
7 out about when you will be called. In the past session we
8 actually had a few people who were not here for their time to
9 be called so we skipped over them. So this is just a draft
10 and you may go a little earlier than it looks like you are
11 going to go on the sheet. So please just follow along to
12 make sure you are ready when we call you.

13 A few things to remind you about. If you didn't
14 register but you would like to speak we will probably have
15 time at the end I would imagine. So please go to the
16 registration desk and let them know that you would like to
17 speak and we are happy to add you in as time permits at the
18 end.

19 Each speaker will have five minutes to speak. And
20 we ask that you try to respect that time so we can make sure
21 we hear from as many people as we can during this session.
22 There is a timer up here which will show your five minutes.
23 When you get to one minute left, your light will turn yellow.
24 And then when your time has run out, the light will turn red
25 indicating you are out of time. And we ask that you please

1 conclude your remarks so we can then make sure we are hearing
2 from as many people of the public as we can today.

3 If you have any written copies of comments or other
4 material that you would like to share with us you can turn
5 those in at the registration desk outside the door and they
6 are happy to take those there and they will become part of
7 the record.

8 And as a reminder, the event is being live
9 streamed. So there is a little camera right here on the
10 laptop in front of me where everyone who is watching along at
11 home or at work, wherever they may be, can watch your
12 comments. So please try to be mindful of the camera while
13 you are giving your comments and try not to block the camera
14 in some way. And make sure you are speaking clearly so it is
15 covered for all of the people here in the audience and also
16 the people who are following along on the live stream.

17 And as Ann mentioned we are recording this meeting
18 and we will put the recording of the meeting up on our
19 website. We will also create a transcript of the meeting and
20 the transcript will be available on our website, it will
21 probably take a week or two until the transcript is
22 available. The recording should be available sooner than
23 that.

24 And we will be making the names and affiliations of
25 all of the people who provided comments today and everything

1 last week will be available on our website. So just so you
2 know that that will be the case.

3 And again, please don't hesitate to ask Deborah or
4 any of our colleagues sitting outside if you have any
5 questions or you need any help during the session and we are
6 happy to answer any questions you may have.

7 And with that I will now announce the first speaker
8 is Patricia Phipps from the Los Angeles Urban League. Is
9 Ms. Phipps here?

10 (No response.)

11 MR. ROONEY: Okay. The second speaker is Margaret
12 Martin from the Harmony Project.

13 ***Margaret Martin***

14 ***Harmony Project***

15 DR. MARTIN: I'm Dr. Margaret Martin, Founder and
16 National Director of Harmony Project.

17 In 2001 McKenzie* estimated the economic cost of
18 the achievement gap in the U.S. at \$700 billion to \$1.3
19 trillion per year in lost GDP. Our non-profit is closing
20 that gap and sending students from the poorest neighborhoods
21 to college in partnerships with public schools across six
22 states. Our model has been validated in published research
23 by a neuroscience team from Northwestern University.

24 Here is our story. A posse of L.A. gang members
25 walked through a farmers' market. Shaved heads, tattoos,

1 oversized clothing. They stopped in front of a kid playing
2 Brahms on a tiny violin. After five or six minutes without
3 saying a word to one another I watched those gang members
4 pull out their own money and lay it gently in the child's
5 case.

6 I was at UCLA at the time earning a doctorate in
7 public health focused on what it takes to make a healthy
8 community. Those gang members were teaching me that they
9 would rather be doing what that kid was doing than what they
10 were doing, but they never had the chance.

11 I dug into the research. Music training was linked
12 to improvements in math, language, cognition, brain
13 development, and behavior. We launched a Harmony Project in
14 2001 with 36 kids from low-income homes. Eight years later
15 Harmony Project was awarded the highest honor in the nation
16 for an arts-based youth program.

17 President Obama awarded us the Presidential
18 Citizens medal in 2011. Last year Harmony Project was
19 designated a 2015 Bright Spot in Hispanic Education by the
20 U.S. Department of Education.

21 Today, throughout L.A.'s gang zones and across the
22 country thousands of kids ages 5 to 18 spend 5 to 12 hours
23 per week after school learning to make music together instead
24 of getting into trouble. We commit to our students from
25 early childhood through high school graduation providing they

1 remain enrolled in school and they all do.

2 Harmony Project is tuition-free based on family
3 income and includes parent orientations and ongoing parent
4 education programming and social support.

5 Since 2008 between 90 and 100 percent of high
6 school seniors who have participated in Harmony Project for
7 at least three years have graduated from high school and have
8 gone on to colleges like Dartmouth, Tulane, NYU, USC, UCLA,
9 UC-Berkley, and dozens more.

10 Despite dropout rates close to 50 percent in the
11 neighborhoods where they live average time in program, six
12 and a half years. More than a third of our graduates pursue
13 stem majors in college. Two have earned Fulbright awards.
14 Our first doctor graduated last spring.

15 Our students are all from low-income homes, 99
16 percent our students of color. Kids with dyslexia, ADHD, or
17 on the Autism spectrum also thrive within Harmony Project and
18 begin to do much better in school and in life. Our outcomes
19 were more than social science could explain.

20 I contacted Dr. Nina Kraus* at Northwestern
21 University for answers. In 2013 using neurological
22 assessments the Cross Lab identified specific ways in which
23 poverty negatively impacts a child's developing brain and her
24 capacity to learn.

25 The same Lab recently completed randomized

1 controlled research with Harmony Project students. It turns
2 out that intensive music training, the way we do it in
3 Harmony Project over multiple years enables low-income kids
4 to erase the negative impact of poverty. Once that happens
5 they begin to learn on par with their more advantaged peers.

6 Meanwhile, the psycho-social support they receive
7 within Harmony Project throughout childhood builds resilience
8 our students need to make it through the challenges they face
9 every day in the neighborhoods where they live.

10 Articles published by the Kraus* Lab detail
11 improvements in our students' capacity to listen, to focus,
12 to read, and to learn relative to controls. In fact, Harmony
13 Project students met their third grade reading targets while
14 the reading scores of weight-listed controls declined over
15 the same time period.

16 Links to these articles are on the Lab's website:
17 brainvolts.northwestern.edu under Neuro Education. But
18 cognitive improvement doesn't happen quickly. Our students
19 participated for two years at a minimum of five hours per
20 week before most of the findings began to reach significance.

21 In summary, poverty negatively impacts a child's
22 developing brain and her ability to learn. Intensive music
23 training over multiple years can enable low-income kids to
24 erase the negative impact of poverty and begin to learn on
25 par with their more advantaged peers.

1 of the year for Los Angeles Unified. As all of this says, I
2 truly believe that I have the best job in the world.

3 In the past few years I have added teacher advocate
4 to my title. I was and am a literary instructor, a reading
5 coach, a literature teacher, a confidante, a yearbook
6 advisor, a counselor, a class sponsor, a school site council
7 member, and the list goes on. And to some I'm even known as
8 "Jarmom".

9 But I am first and foremost champion for my
10 students and for public education. It is far too easy to be
11 cynical about education. The stakes are high, afterall we
12 hold the future in our hands. As educators our focus is in
13 the classroom and on our students and we often fail to herald
14 our successes.

15 The rising class, the inflated failures, we hear
16 about them all the time but we don't hear about the successes
17 of Title I. We don't hear about Kyle who moved here three
18 years ago from the Philippines and because of the additional
19 supports he has is now speaking fluently and taking advanced
20 Calculus. We don't hear about how Title I has paid for a
21 college counselor at my Title I school and therefore 95
22 percent of all of our students at my school are going to
23 post-secondary education.

24 Now at this time in history college is a real
25 possibility for nearly all students, no matter where they

1 live or where they come from. I was attracted to working
2 with Educators for Excellence on education policy because
3 having lived in so many diverse places in the United States
4 and abroad I believe I've come to the realization that
5 accountability must come along with flexibility.

6 But we must use data as a starting point to make
7 sure that there is equity and access for all. I believe in
8 the human capital that highly qualified teachers supply and
9 the need to support them in this invaluable pursuit.

10 E for E is driven by a diverse teacher group
11 nationwide with a focus centered on student need. A few
12 months ago at the end of October a group of 11 teachers had
13 the privilege to travel to Washington, D.C. We spent several
14 months soliciting input and reviewing both the House and the
15 Senate bills culminating in a recommendation paper that we
16 submitted to the Department of Education for the ESEA.

17 We have now organized our regulatory
18 recommendations for implementation for the Title I funds in
19 the areas of accountability, funding, communications, school
20 climate, teacher equity, and teacher input. Johnson clearly
21 had a vision in '65 with clear intentions that still hold
22 true today. We must have equity and access to education for
23 all of our students.

24 To this end I want to focus on the recommendations
25 for accountability, funding, and communication surrounding

1 Title I. And my colleague Misti Kemmer for school climate,
2 teacher equity, and teacher input.

3 So first accountability. We support the
4 legislative requirement that 95 percent participation rate
5 for state testing and we also encourage states and districts
6 to use data to make better decisions to support teaching and
7 learning.

8 This kind of desegregated data will only be helpful
9 if the Secretary enforces the 95 percent participation rate.
10 So we recommend specific rules on accountability around that.

11 The EFA recommendations should uphold the
12 requirement that states cannot mask the performance of
13 historically underserved students by lumping them into super
14 subgroups. States must expect action in schools that are
15 well performing overall, but where subgroups of students are
16 not being served well.

17 Although the states should be empowered to design
18 their own accountability plans, the Education Secretary
19 should have oversight of interventions for districts where
20 historically underserved students are not making progress.
21 Desegregated data is vital in order to ensure equity and
22 access for all.

23 Second, funding. It is vital that the federal
24 rules maintain the requirement that federal funds supplement
25 and do not supplant funds otherwise they are not in addition

1 to what we already have. Rules must not undermine
2 maintenance of effort nor should they encourage portability
3 of Title I funds because we need equity and access for all
4 students.

5 Last, communication. Ongoing communication between
6 states and the Federal Department of Education about the
7 Title I implementation is essential in order for education
8 leaders and teachers to have clear, specific guidance around
9 implementation.

10 The Federal Department needs to provide clear and
11 timely interpretive guidance for implementing the ESSA both
12 to help states and districts serve students to fulfill its
13 historic role. Instead of punitive numbers we need
14 assistance and modeling. We need models for successful
15 implementation and an open channel of communication.

16 In closing I would like to thank you for inviting
17 us and for incorporating teacher feedback in the process and
18 encourage you to continue receiving feedback from those who
19 are in the field working in schools throughout the country.

20 MS. WHALEN: Thank you.

21 MR. ROONEY: Next is Michelle Traiman, the National
22 Center for Youth Law.

23 *Michelle Traiman*

24 *The National Center for Youth Law*

25 MS. TRAIMAN: Good afternoon. I am Michelle

1 Francois Traiman and I have the privilege as serving as the
2 National Director of Foster Ed at the National Center for
3 Youth Law which is a nationally recognized program working in
4 multiple states to improve education outcomes for students in
5 the Foster Care System.

6 Foster Ed works at a state and regional level to
7 bring child welfare, education, the courts, community-based
8 agencies, and probation together to the table to address the
9 needs of foster youth.

10 And I am here specifically to speak directly to the
11 groundbreaking provisions of this bill that for the first
12 time recognize and address the needs of our nation's most
13 vulnerable students, foster students.

14 So the National Center for Youth Law played a
15 leading role along with many other advocates to include these
16 new provisions in the law and we see this moment as a
17 profound opportunity to begin to close the achievement gap
18 for a group of students that has remained largely invisible.

19 Research has well documented that students in
20 foster care are fairing worse than any other student group,
21 through no fault of their own. They are removed from their
22 homes. They move homes multiple times, they move schools
23 multiple times. Their credits often do not transfer with
24 them. They experience enormous lags in enrollment.

25 Transportation to school of origin does not often

1 occur. And there is a whole list of issues and challenges
2 that they are faced with that are quite unique to the
3 circumstance of being in foster care.

4 So research, and I think it is our strong belief,
5 has believed that no single system alone can address and
6 close this achievement gap. Historically it has always kind
7 of been a spotlight on the role the child welfare system
8 plays. And it sour sense that it is multiple agencies that
9 need to come together cohesively to work on behalf of this
10 group of students.

11 This group of students is unique in a lot of ways.
12 They have a lot of adults in their life that are not at all
13 coordinated. Rarely are the systems currently working
14 together and in concert with one another to address the
15 issues and concerns that they had before they become major
16 problems.

17 This group of students falls through the cracks in
18 a way that no other vulnerable group of students does. So we
19 believe that these provisions will go a long way to helping
20 to address the situation. And we have three requests for the
21 Department that we believe will help to realize the promise
22 of these provisions.

23 The first is the request that the Department hire a
24 dedicated staff person to focus on students in foster care
25 with a specific goal of mirroring exactly what the

1 legislation requires at a state and local level. Right now
2 there is not that point of contact and it is going to be
3 really important to have a point of contact that oversees the
4 new foster care provisions of the law and to work
5 collaboratively with the U.S. Department of Health and Human
6 Services to support the educational stability and success of
7 students in foster care.

8 Secondly, because the unique needs of foster care
9 has not historically been the expertise of the school and
10 district systems and departments of education, we need to
11 ensure a mechanism for State Departments of Education and
12 school districts to receive dedicated technical assistance
13 and training so that they can appropriately implement these
14 laws which are going to feel very new to them.

15 Even those that really want to do this well
16 historically have needed this kind of support.

17 And third, we think that grand funding, at least
18 for a period of time to support states and LEAs that are
19 working to implement these provisions to lift up what's
20 working, to support evaluation of what's working, and to also
21 encourage sharing that information with others to follow in
22 their footsteps.

23 Another request is that there is a number of
24 technical requests that we hope will ensure the clarity and
25 guidances issued around a number of things. And those are

1 included in my written comments.

2 And then finally, the intent of the foster care
3 provisions of the new law was to create a mechanism for
4 agencies and child welfare agencies to work together to
5 support school stability and success of all students,
6 including those in foster care.

7 The McKinney-Vento* program has been serving many
8 students in foster care and including that they receive the
9 prompt transportation to ensure school stability, very
10 important, and have access to school district points of
11 contact.

12 It is our sense that the regulations must ensure
13 prompt compliance with specific time lines around developing
14 both the state and local Title I plans related to students in
15 foster care so activities and supports can be in place before
16 the removal of the awaiting foster care placement takes
17 effect.

18 And then in conclusion I just want to say that
19 foster youth have already had to overcome enormous obstacles
20 that no young person should have to face in their life. They
21 have been consistently and tragically let down by their
22 communities and their families. And I think it is the least
23 that we can do is to ensure these provisions that are
24 designed to support them are not buried amidst all of the
25 other work that needs to happen.

1 Our fear is that without some of this dedicated
2 support, a dedicated contact at the federal level, technical
3 assistance to districts and states, and grant funding to
4 support early implementation is that we are not going to lift
5 up what is working, this will get buried and these kids will
6 remain invisible.

7 These kids are amazing and they deserve our
8 attention and for us to get this right on their behalf.
9 Thank you.

10 MS. WHALEN: Thank you.

11 MR. ROONEY: Thank you.

12 (Applause)

13 MR. ROONEY: Next is Hario Vasquez, a Better
14 Tomorrow Education.

15 *Hario Vasquez*

16 *A Better Tomorrow Education*

17 MR. VASQUEZ: Good afternoon. My name is Hario
18 Vasquez and I represent A Better Tomorrow Education. Our
19 company was founded in 2009 strictly guided towards SCS. And
20 that is pretty much the behalf that I am here to speak of.

21 I know it is pretty much going to be done when
22 everything is said and done, but one thing we got to
23 remember, I started working in this industry when I was 16.
24 I was just a young little boy trying to figure out what was
25 going on. And I wanted to be a CPA.

1 And it wasn't until the age of 21 when I was taking
2 my exams that I just said this wasn't for me anymore. I want
3 to go back and help children as I always had been since I was
4 a child.

5 So we started working, I jumped back in SCS and I
6 noticed a big gap that had occurred, the big change that had
7 occurred from one year to another. It became a zoo. It was
8 a marketing zoo, parents going to provider fairs. And these
9 are all low-income families. So I have to get their part as
10 well where instead of them asking what type of education,
11 what type of curriculum are you going to offer they're asking
12 "How fast are these computers? How much space do they have?
13 How much memory do they have?"

14 And I believe all of that started from guidance
15 from the state level down to the LEA levels. LEAs got tired
16 of it. I'm a company that charges on average \$37 to \$38 an
17 hour for tutoring as opposed to our competitors which charge
18 \$60 to \$100. Do I think \$60 is fair? Definitely. I mean
19 some of these corporate structures are huge.

20 I personally have a corporate structure of 600
21 tutors here in the State of California alone, yet I run a
22 show and I work over 18 hours a day. But that's me. I enjoy
23 doing what I do. I do it as a passion.

24 The big picture of it, I don't want to see this
25 leave. Personally I think that it is something that helps if

1 it is done correctly. If we could all work together from the
2 federal level down to the state level down to LEA levels we
3 all know who the good companies are. We know who are the
4 ones that have the good intentions.

5 If we all sit down and really work with these
6 students, starting with ESL, students with disabilities, I
7 think we'd make a huge impact. We don't need groups of
8 classes of 30 kids after school. They're already in there
9 all day. Why don't we just cut the cost.

10 Bring in companies not necessarily just like mine,
11 there's tons of competitors that I can name that we could all
12 go in and work together and get something done.

13 Pretty much that is all I wanted to speak of. I
14 want to thank you for your time and most importantly thank
15 you for the invitation.

16 MS. WHALEN: Thank you.

17 MR. ROONEY: Thank you.

18 (Applause)

19 MR. ROONEY: Next is Misti Kemmer.

20 ***Misti Kemmer***

21 MS. KEMMER: Okay. Excuse me. It gets a little
22 cloudy in L.A. and of course I get sick immediately.

23 My name is Misti Kemmer. I am a teacher in the Los
24 Angeles Unified School District. I have been teaching for 11
25 years at Russell Elementary in the south L.A. Watts area of

1 Los Angeles.

2 I hold several leadership positions at my school:
3 grade level chair, part of the leadership team, the gifted
4 and talented coordinator. So I am very invested in my school
5 site. I am also a member of Educators for Excellence. And
6 an alumni of Teach Plus. Both groups have had speakers speak
7 here today.

8 Recently I had the opportunity with my colleague
9 Michelle to be part of an action team around ESEA where a
10 group of teachers, 11 actually from across the country, got
11 to meet several times over the phone and talked about what we
12 thought as classroom teachers would be good for federal law.

13 And we actually ended up writing a policy paper
14 which we have submitted here today and we were able to meet
15 in D.C. and actually present those, our recommendations to
16 legislators and the Department of Education.

17 So my colleague Michelle talked about
18 accountability, funding, and communications. So what I want
19 to talk about is school climate, teacher equity, and teacher
20 input.

21 So along the area of school climate, when I began
22 teaching in 2005 we were under No Child Left Behind. And my
23 particular school was under what was called Program
24 Improvement. And we were what was called a PI5 plus plus
25 plus plus plus kind of school.

1 Which basically meant we were failing under every
2 possible measure of the word failing. And we did a lot of, a
3 lot of interventions, a lot of improvements. But no matter
4 what we did we could never dig ourselves out of that failing
5 hole of what No Child Left Behind looked like.

6 What we really needed at that time was a lot more
7 support under Title I: how to engage our parents more. How
8 to have more counselors so we could properly address behavior
9 or issues that came up with our students in high poverty.

10 How to deal with our homeless students and our
11 foster students and what they really needed in a classroom.
12 But instead we were really given a lot of punitive fixes on
13 what we should be doing with our school. A lot of which just
14 really did not work.

15 So we do ask that the Department of Ed provide some
16 alternatives to those punitive practices that were under No
17 Child Left Behind and merely outline evidence-based practices
18 for what parent engagement should look like. Outline what
19 strong community partnerships could look like in our urban
20 schools. And include our parent advocacy groups.

21 Second, for teacher quality. The group I am part
22 of, Educators for Excellence, is part of a national coalition
23 called Teach Strong. That is several organizations that are
24 seeking to elevate and modernize the teaching profession. So
25 therefore the recommendations that we wrote before, we want

1 to ensure that our most high need students in our Title I
2 schools like where I teach are taught by strong and effective
3 teachers as measured by multiple indicators.

4 So we do want to ensure that if Title II funds are
5 used for teacher evaluation that those include multiple
6 measures, student achievement being just one of them. I do
7 remember the time, again under No Child Left Behind, when the
8 tests that students were taking were very high stakes for
9 everyone except the student. So we want to make sure that
10 that doesn't happen again.

11 Many factors make for a good teacher. I just want
12 to make sure we are finding things out, to allow teachers to
13 grow, to be mentors, to remain in the classrooms as leaders.

14 Finally, for teacher input. The law requires that
15 teachers are consulted as states create plans to deliver
16 services under Title I. So we do recommend that teacher
17 advisory groups are included in the consultation process in
18 order to get comprehensive input from educators as we
19 teachers are the ones who have to implement all of this when
20 it actually does come down the pipe.

21 And we want to thank you today for incorporating
22 teacher voice and teacher feedback in the regulations.

23 Thank you.

24 MS. WHALEN: Thank you.

25 MR. ROONEY: Next is Cynthia Lim, Los Angeles

1 Unified School District.

2 *Cynthia Lim*

3 *Los Angeles Unified School District*

4 MS. LIM: Good afternoon. My name is Cynthia Lim.

5 I am the Executive Director for the Los Angeles Unified
6 School District in the Office of Data and Accountability.

7 So you heard this morning from our school board
8 president about how excited we are in L.A. Unified to
9 implement the new ESSA. We are the second largest district
10 in the nation. We have over 500,000 students and about 75
11 percent of them live in poverty.

12 And we have been working with the core waiver for
13 the past few years. We are looking at multiple measures and
14 different ways of looking at our schools and looking at
15 achievement and school performance.

16 My comments today are really focused around the new
17 accountability guidelines. And we have a few comments and
18 recommendations about the regulations, mostly about the areas
19 where it seems a little bit vague or ambiguous in the
20 regulations.

21 So we are very pleased with the increased
22 flexibility of the new legislation and we like the idea that
23 states and districts are granted much more flexibility. We
24 really like the idea of moving away from the punitive
25 measures of No Child Left Behind.

1 Our comments today are really from the perspective
2 of a large district trying to implement new accountability
3 measures and providing support to schools. So one area of
4 concern for us is the implementation time lines for the new
5 accountability and for the LEA intervention plans.

6 So ESSA requires that states submit their
7 accountability plans and that they are in place for the '17-
8 '18 school year. And that the U.S. Department of Education
9 will approve those state accountability plans within 120
10 days. But there aren't any other specific deadlines in the
11 legislation.

12 So our worry is that once we receive these lists of
13 schools that we are supposed to be doing intervention with,
14 there's not a whole lot of time for us to do a very
15 thoughtful process with our schools.

16 So there is some ambiguity about when intervention
17 plans have to be in place. We have, we are concerned that
18 the LEA will have very little time to implement and get
19 interventions in place in time for the '17-18 school year.
20 And we know from our experience with the core waiver that a
21 short time line doesn't lend a lot of opportunities for
22 feedback from stakeholders, from our teachers, from our
23 parents. So we just ask that there is more clarity in the
24 time lines in terms of implementation and what exactly needs
25 to happen in the '17-18 school year.

1 We also recommend that the U.S. Department of Ed
2 have a sense of urgency with state accountability plans.
3 Again we know from our experience with the core waiver we
4 know how difficult it is to implement a new accountability
5 system and to really have stakeholders understand what the
6 expectations are and what the interventions are that we need
7 to be implementing.

8 We also ask that there's flexibility granted to
9 states in terms of how we determine the lowest 5 percent in
10 terms of that regulation of schools that will be granted
11 priority status. We know from our work on the core waiver
12 that are high schools are lower performing than our
13 elementary and middle schools so when we looked at just the
14 lower 5 percent high schools were over-represented in that
15 sample.

16 So we think that if states could have flexibility
17 in terms of the measures that they look at and looking at it
18 by school type in terms of elementary, middle, and high
19 school we won't over-identify high schools.

20 We also recommend that the regulations allow for
21 innovation in the interventions with our comprehensive and
22 targeted support schools. We are hoping that it is not just
23 going to be a list of state-approved interventions that we
24 will allow innovation from districts so that when we find
25 successful programs at individual schools or within districts

1 we would have the flexibility to implement those.

2 And finally, we echo the recommendations of the
3 Counsel of Great City Schools about abolishing SCS for the
4 '16-'17 school year. I know that states and districts that
5 are under waivers do not have to implement that, but we think
6 it should be extended to all districts also.

7 And thank you!

8 MS. WHALEN: Thank you.

9 MR. ROONEY: Thank you.

10 Next is Matt Chapman from the Northwest Evaluation
11 Association.

12 *Matt Chapman*

13 *Northwest Evaluation Association*

14 MR. CHAPMAN: Thank you very much. I would echo
15 the comment of so many of the presenters of appreciation for
16 the fact that the Department is doing this and the
17 opportunity to be here today.

18 My name is Matt Chapman and I am Chief Executive
19 Officer of the Northwest Evaluation Association. We are a
20 not-for-profit actually based in Portland so let me as an
21 aside point out we understood that you needed rain. We
22 brought it. So you're welcome.

23 (Laughter)

24 MR. CHAPMAN: And we were founded as a spinoff of a
25 series of schools, public schools: Seattle, Portland, a

1 number of others quite awhile back in order to find out how
2 best to assess the academic growth of students and from there
3 to be in a position to help teachers take advantage of that
4 information so that they would be able to do a better job in
5 terms of particular instruction.

6 That's what we've done now for quite a long time.
7 We are very, very dedicated to that. We have the incredible
8 privilege of partnering with over 7,800 I think it is school
9 districts, charter organizations, private, parochial,
10 whatever and such. We serve about 8 million kids, mostly in
11 the United States, but increasingly around the world.

12 Our mission is partnering to help all kids learn.
13 And quite frankly I am really, really excited to be able to
14 speak about the opportunity that is presented by the
15 enactment of ESSA. Because every child in our view can
16 succeed.

17 But we have to give the students, the teachers, and
18 the parents the tools and the information to make that
19 possible. And we need a system that works toward enabling
20 that outcome.

21 So what I would like to do is to take the next
22 couple of moments and talk about three heroes that I
23 personally have and know and by no coincidence at all, they
24 are all three teachers.

25 The first is a teacher in Portland Public Schools,

1 Tim Schultz*. He teaches fifth grade in a very, very high
2 poverty school. And this spring Oregon requires the Smarter
3 Balance Test and his class of fifth graders, about half of
4 whom are recent emigres from Somalia, took the test and
5 hardly any of them passed.

6 The result of that is that the principal, per what
7 the rules require, cancelled all the field trips. Cancelled
8 most of the external activities so that Tim was required to
9 spend essentially all of his time teaching English, math, and
10 a couple of other things that were considered rudimentary and
11 central to the process.

12 His students were not punished for failing to
13 learn. Tim is an extraordinary teacher. His students are
14 learning incredibly well. His students were punished for
15 their status as people who are not yet where they need to be
16 academically. That is the system we are replacing.

17 And the opportunity to go from a punishment-based
18 single metric to a comprehensive system that provides
19 flexibility and incentive and can build on the promise of
20 what we can do to help our children is something that I find
21 fantastic.

22 The job of the opportunity of ESSA as Acting
23 Secretary King has so wonderfully said is the opportunity to
24 close the achievement gap. For NWA when we say we are
25 partnered to help all kids learn, we mean all kids!

1 And I think that moving away from a single metric
2 and moving toward a comprehensive system is an important part
3 of how we are going to be able to do that.

4 And to that point the other two things I would say
5 are this. By contrast, Damon Lopez who is a principal in Los
6 Pines Elementary School in Palway*. In his school they have
7 an approach for every single kid where they measure where the
8 kids growth is, they identify goals. They tell the kids the
9 two or three things they need to work on and Los Pines, while
10 its demographics would suggest that it is in fact almost
11 doomed in terms of schools, is in fact one of the highest
12 performing grade schools in California.

13 That is what we can do if we go above and below
14 grade level, if we go to the point where we can in fact
15 include in the accountability for the schools this type of
16 approach.

17 And finally to close, the other hero I have is my
18 son, Patrick who is a teacher in Fairbanks, Alaska with a
19 very, very challenged group of kids. Fantastic kids who need
20 a lot of help. And he is in his third year of teaching up
21 there and what he is able to do is to understand how those
22 kids work by using assessments effectively.

23 And that would be the point of the other and final
24 thing I would say about ESSA. Because one of the things that
25 it does is to encourage the use of teacher preparation. He

1 had the privilege and the opportunity of being well prepared
2 in understanding assessment as part of his education. I
3 encourage you to encourage that as permitted and endorsed by
4 the law as you proceed.

5 So again, thank you very much for this opportunity.
6 We will provide all of the technical stuff in our written,
7 but I really hope that you will consider these three heroes
8 as you consider the regulations so that you can help each
9 of the three of them to be more effective.

10 Thank you.

11 MS. WHALEN: Thank you.

12 (Applause)

13 MR. ROONEY: Next is Linda Cohen.

14 (No Response.)

15 MR. ROONEY: All right. The next listed is Rebecca
16 Halliwell* from Epilepsy California. I believe she is unable
17 to join us today. I'm just checking to see if she is not
18 here.

19 The next name is Sandra Goodwick who actually went
20 in the last session. So the next one after that is Paul
21 Hirsh* from Lend to Learning Alliance.

22 (No response.)

23 MR. ROONEY: Okay. Thank you. So we will come
24 back to him. Is Michael Bati* here?

25 (No response.)

1 our students are feeling.

2 Also there is some exciting language about
3 accountability and multiple measures of student growth that I
4 am very pleased to see in the new Bill. And some exciting
5 language about the resources provided by Title I.

6 But as I said what I really want to speak to today
7 was teacher leadership. This is the first time that teacher
8 leadership has been written into what we expect from a solid
9 education system.

10 The image of a teacher in a lone classroom with
11 students coming in and out but not a lot of collaboration has
12 been the norm for a very long time. When we picture teachers
13 we picture someone who is really going at it alone, but that
14 is not what teaching is in this day and age.

15 And it is important that we focus on opportunities
16 for collaboration around teacher leadership.

17 I was lucky at the beginning of my teaching career.
18 My first assignment was in a first grade classroom and I had
19 a wonderful grade level team that took me in right away.
20 Before the first day of school even they were showing me how
21 to present lessons, they were sharing their resources. They
22 really took me under their wing.

23 And for that reason parents at that schools were
24 not afraid to have the new teacher. Parents, kids at that
25 school knew that they were getting consistent education from

1 classroom to classroom.

2 In fact, one of my fabulous mentors, her name was
3 Miss Miabi*, she recently retired from Paseo Del Ray
4 Elementary School, said to me at that time "Great teachers
5 are not born, they're made from the teacher next door". And
6 that's been a mantra that I've held onto throughout my
7 career.

8 But I know that there are many classrooms and many
9 teachers who don't have the opportunity to collaborate and
10 have teacher mentors. It is not something that has been
11 built into the system. There are places where it is
12 happening and it is working well. But it's not, it hasn't
13 always been passed down as a focus of what we do.

14 As I said I've been fortunate to be part of many
15 collaborative organizations. I've worked with the Teach Plus
16 C2 Program where I've had the opportunity to lead classes on
17 Common Core implementation.

18 Last year we worked in the Central Valley and this
19 year throughout Los Angeles. I'm working with teachers who
20 were at the beginning of their Common Core implementation and
21 we worked together and collaborated. The great thing about
22 being a teacher leader is that I am learning from the
23 teachers that I'm leading as well as vice versa.

24 Also as I said LAUSD Math Fellows was a great
25 opportunity for me. However, the funding of course dried up

1 there because there was nothing built into the system that
2 said we are going to continue this program. It was a great
3 program we were writing collaborative lessons, we were
4 writing lessons for the whole district. But the funding
5 wasn't earmarked for that so that didn't continue.

6 As a national board-certified teacher I do have the
7 opportunity to mentor other teachers. However this is all
8 happening outside of the regular classroom day, out of the
9 regular schedule.

10 So ideas that might be implemented with teacher
11 leadership could be hybrid positions where teachers are
12 spending part of the day collaborating and part of the day in
13 the classroom.

14 One thing that has happened historically is that
15 our greatest teachers leave the classroom. If they want to
16 mentor then they have to take an out of classroom position
17 and that harms everyone when our best are no longer working
18 with students.

19 We are in an exciting time as the curriculum
20 changes. I've heard that our transition in teaching is from
21 being the sage on the stage to the guide on the side. And
22 this is a big transition for many teachers. It is something
23 that we can't go alone.

24 Also, it is important because modern students are
25 wired differently. We know that. And so as these changes

1 League graduate and as someone who comes with credentials
2 that most kids will never have access to, you know, *Summa Cum*
3 *Laude* Columbia University. Now my parents didn't go to
4 college. So when I come in here and I try to talk about my
5 expertise which is test preparation for college, my team and
6 I at Gate College System, we're all about SAT and ACT Prep.
7 We help kids get into the college of their dreams without
8 their parents going crazy or broke. How fun is that?

9 Okay, so here's the problem. The kids that we are
10 here to serve are coming of age in a time when we have
11 basically what I see as a corporatocracy beginning to take
12 hold. And I am going to bold facely stand here with respect
13 to everyone and say what a lot of people whisper and don't
14 get on a mic and say.

15 We are pretty sick of the marketization of
16 education in our country.

17 (Applause)

18 MS. DONNELLY: Thank you. We are pretty sick of
19 companies like Pearson* with \$9 billion in revenues and
20 McGraw-Hill with \$2 billion in revenue and Houghten Mifflin*
21 and Harcourt that does business as something called
22 Educational Testing Services but which is actually a profit
23 chain that is padding pockets of corporations while our kids
24 sit in classrooms without the resources that they need. I
25 have a problem with that.

1 You know, I'm also a mom. I've got one daughter
2 out of college and two in high school. God help me I've got
3 a junior this year and she's got me for a mom, sorry Lilly.
4 It's a challenging time as a parent to sit and to pray that
5 our Government and that the Departments that are trickling
6 down from the top to the bottom instead of from the bottom to
7 the top which is the way education in this country was
8 originally conceptualized when you study the history of
9 public education which of course is part of my expertise in
10 my degree.

11 You begin to understand that is an unholy alliance
12 when you've got a corporate investment in something that is
13 happening on the federal level. You know it ties in with
14 Common Core as well. And God bless the teachers who are able
15 to take Common Core and make that work with their kids. Like
16 you guys are rock stars, like I love you. I want to hug
17 every one of you.

18 But I'm also really sorry that you're dealing with
19 that because I was in those classrooms for 20 years before I
20 became CEO of two companies here in L.A. where we are
21 successfully bringing solutions that are digital.

22 So here is a solution that I want to just mention.
23 And I'm no crony, I'm like a little mom and pop. I'm like a
24 little boutique. I'm a mom running a little company, Valley
25 Prep Tutoring, you know. It's like what are we? We're just

1 35 people who are trying to help kids and we do a good job.

2 But I can tell you that we want to help more kids
3 and we don't want to line our pockets. We want to actually
4 help. So here is an idea for the U.S. Department of
5 Education. Find people with hearts who actually care about
6 kids and listen to us. Because I feel like a lot of these
7 corporations have a blind spot back here, like they're
8 driving a big semi-truck full of all their money and they
9 don't see the teenagers that are bored out of their minds.

10 I really love what Bootsie Battle-Holt just said
11 about Jaylen and he's a student that needs, he needs
12 interactive. He needs something that keeps him awake. You
13 can't just hand him a giant book. You know the old days of
14 test prep you guys, raise your hand if you remember those
15 books, it looked like a telephone book. And it's like here
16 you go. If you have a teenager do you know how horrifying
17 that is to hand that to your kid? Here you go, honey. I
18 love you. Boy, that doesn't feel like love.

19 So what I love and what's going on just this week
20 in London they're doing the big expose. There's so much cool
21 stuff going on in ad tech right now and so we've got like a
22 mobile app, passport to the new SAT and it's digital and it's
23 fun. Like find people who are bringing stuff, and you don't
24 have to pay us a lot of money, but just let us help the kids.

25 Let us help these kids have a good time with what

1 they have to do. Because if you are going to talk about
2 getting kids into as many colleges and career-readiness
3 positions as possible you are going to have to equip them in
4 a way that is flexible, that incentivizes them.

5 This is, you know Matt Chapman was really
6 brilliant. When he was talking about this he was saying that
7 they're partnering to help all kids learn but they need the
8 flexibility to be able to incentivize them. Well what better
9 -- do you know what is attached to every teenager in America
10 right now? Even the ones who are Title I and struggling,
11 they've got a phone, man. And you know what, that phone is a
12 lifeline if it is used correctly.

13 So less cronyism, more heart. Pamela Donnelly,
14 out. Thank you.

15 (Applause)

16 MR. ROONEY: Thank you.

17 Next is Chris Hofmann.

18 (No response.)

19 MR. ROONEY: All right. Next is Ernie Silva from
20 the School for Integrated Academics and Technologies.

21 ***Ernie Silva***

22 ***School for Integrated Academics and Technologies***

23 MR. SILVA: Thank you and good afternoon. I'm
24 Ernie Silva. I'm from SIATech, the School for Integrated
25 Academics and Technologies. We are a dropout recovery high

1 school. We partner with the Department of Labor, and other
2 career opportunity programs. We will be submitting a letter
3 that is signed by us as well as the California Council of
4 NAACP and schools across the country from Arkansas to
5 California, Connecticut, Florida, Minnesota, Oregon, and
6 Utah. And I am bringing you a single issue and a solution.

7 So we serve very low income, 90 percent very low
8 income, 10 percent are kind of cheaters, they're just low
9 income, students who have been out of school on average for
10 500 days. They come to us at fifth or six grade math or
11 reading levels. So they've got a hill to climb.

12 These are the young men and women that Dr. John
13 Zaff* from America's Promise Alliance says come from toxic
14 environments. They are students described as trauma-infused.
15 We describe them as "At Promise". They are beyond "At Risk".
16 They've already failed, they've already dropped out. So they
17 are no longer at risk of that. They are now at promise of
18 success.

19 So the students come to us with a different, a
20 unique set of circumstances and needs and its one that you
21 recognize, that the administration recognizes both in ESSA
22 which for the first time, and we're really excited about
23 that, provides specific strategies for dropout recovery
24 schools.

25 And the recently adopted EIOA, the Economic

1 Innovations and Opportunity Act mentions our population, the
2 out of school youth population no less than 14 times. But we
3 are not going to be able to serve those kids unless we solve
4 this problem of graduation rates.

5 And the feds require what we call a 9th Grade
6 Cohort. It's a four-year cohort and we understand there has
7 been some flexibility at five or six years, cohorts. But if
8 you think about the students that we serve that have been out
9 of school for 500 or more days, they don't fit in a four,
10 five, or six-year cohort.

11 And as a result, a school like mine, 70 percent of
12 our graduates, these are young men and women who have earned
13 a fully accredited public high school diploma don't count,
14 they're not reported to the federal government.

15 So this is the --- so it's bad math, it causes
16 impacts to the school and to the students. It means that we
17 don't meet our AYP target grad rate. I know we don't have to
18 worry about that, at least not now. But there are in
19 addition to us and the other folks talking earlier that were
20 at the 2015 at the Alternative Accountability Policy Forum we
21 had fully 43 percent of the respondents that identified this
22 grad rate issue as being one of the top three accountability
23 problems that we need to fix.

24 And the good news is that there are solutions
25 available. Portland and Chicago and other places have

1 identified what is being called a one-year graduation rate.
2 What's less important to young men and women who have been
3 out of school for a long time is who they went to ninth grade
4 with. What's important is that they have re-engaged and they
5 have managed to graduate, to earn the credits they needed.

6 So this one-year graduation rate that is being used
7 in some places gives, creates a cohort of those who are
8 credit eligible to graduate in the year.

9 Another way of looking at the same problem for one
10 year is to say let's put in the cohort all of the students
11 who have been enrolled for 180 days. In other words it's a
12 way of identifying who that cohort is and recognizing that
13 these are folks who have re-engaged and that have a chance of
14 earning that all important diploma.

15 You get three things out of this. One is we are
16 going to recognize the success of the students and the staff
17 in dropout recovery schools. We eliminate a barrier and
18 hopefully will create more schools like this.

19 Second, we are also creating some outcomes that
20 ought to be important to your Department and to the
21 Department of Labor.

22 So for us we are now looking at providing, if we
23 count these kids at meaningful data for those dropout
24 recovery schools that you want to encourage. And it is
25 meaningful data that isn't available otherwise.

1 place in the Midwest so that we have all our nationwide
2 parents given the same opportunity that I am being given
3 today.

4 The newly enacted ESSA Bill and its implications,
5 the ESEA Bill was 37 pages. We now have a 1,000-page
6 document. I'm not sure you've read it all, I mean it's
7 rather heavy reading.

8 What it does do is give the states the authority to
9 affirm a parent's right to opt out their children from tests.
10 That's very important. But I am asking by what method does
11 the DOE intend to advise every U.S. parent that they have
12 that right to opt out of the yearly testing?

13 If every child has the right to opt out of testing,
14 please explain how the Department intends to enforce a 95
15 percent testing participation? And under what constitutional
16 authority can they do that?

17 California is a very lucky state, we have local
18 control. In 1972 the voters in California passed Proposition
19 5 that gives local control to local school districts. And
20 until a new proposition is voted upon I believe local control
21 stands in California.

22 And we are also very lucky we have the California
23 It* Code which gives parents the right to opt out of testing.
24 So we have given ourselves the right to opt out. We have
25 given ourselves local control and we are asking you to

1 determine what achievement is in our local school districts.

2 2015 in December the Department of Education letter
3 came out to all our state chiefs of education. In it it
4 stated states will not have to submit new annual measure
5 objectives for the Departments review and approval by next
6 month that was currently required. But at the same time it
7 says we must continue to publish report cards that includes
8 information that shows how a district student achievement on
9 state assessments compares to students in subgroups in the
10 state as a whole.

11 And I don't simply understand how the DOE defines
12 achievement and how you intend to scientifically and legally
13 compare students achievement when the --- balance test are
14 computer-adaptive and California no longer as the Store* Test
15 whatsoever which would have been universal to all.

16 I believe that California would benefit from a
17 standardized test such as the Store Test rather than a
18 computer-adaptive --- test or no test at all.

19 Three, California Board of Education Statements.
20 In April of 2015 Michael Kirsh* stated at his meeting that
21 we, California, are not about proficiency. That's a federal
22 word. And if education is not about proficiency what is
23 education about? Why do we have schools and tests at all?

24 What does the U.S. Department of Education Define
25 as academic proficiency? If the goal of the DOE is

1 proficiency, where is the accountability in using non-
2 comparable tests to determine state-to-state achievement?

3 Four, the DOE is requiring all states to publish
4 report cards. If all states are using different test methods
5 to determine achievement please provide the scientific method
6 the DOE will use to compare achievement across the nation.

7 If each child in a room is taking a smarter balance
8 test every child is getting a different test. Every child
9 nationally is getting a different test. So I do not
10 understand how you are going to conclude anything regarding
11 achievement?

12 How can ESSA or DOE require a report card based
13 upon different tests across the nation?

14 Problems with smarter balance. Smarter balance,
15 the number of students taking a test is wrong. And if you go
16 on their website, which I did, as a past school board member
17 I noted that in our district Palos Verdes Unified, it listed
18 that we only had 700 juniors when in fact we had over 1,000.
19 And we had only 34 percent participating at Palos Verdes High
20 School.

21 I have emailed twice up to the State, California
22 Department of Education to back offices and cannot get a
23 conclusive answer and cannot find out from them why they are
24 reporting the wrong numbers as it is true in other districts
25 as reported in the L.A. Times?

1 And I'd like to know where the transparency for
2 Smarter Balance is and the DOE who financed the grant to
3 Smarter Balance. So I'm going to hand to you today when I
4 finish speaking a formal request for any and all documents,
5 agreements, contracts, records, electronic correspondence
6 including but not limited to minutes, agendas, election
7 decision documents of the Smarter Balance Executive Committee
8 and selection of staff members between September 1, 2014
9 through today.

10 Because as soon as the grant ended on September
11 2014 and they moved to this campus where we are sitting today
12 there is no longer any information available to any public
13 member. It's gone. They are in a locked fortress and we
14 want you to unlock that door.

15 Six, are test scores helpful to teachers in
16 districts? No they are not because Smarter Balance scores
17 are received very late or not at all in some states.
18 Teachers cannot tell how to improve without any information.

19 Seven, privacy and lack of transparency. Smarter
20 Balance tests are scored by contractors that are in
21 agreements with Smarter Balance. These are people and
22 entities and they are the only ones that are allowed to see
23 the test and the data created by these tests. What happened
24 to student privacy?

25 Many questions asked to the children are about

1 their belief system. These responses are for sale. States
2 and the DOE are allowing contractors and vendors to review
3 our children's tests, but not allowing parents or teachers to
4 do so. Is that a violation of their rights and their
5 privacy?

6 Why aren't parents, districts given copies of their
7 children test answers and their scores?

8 That's a good question for you to answer.

9 Eight, No Child Left Behind has led to huge
10 increase in testing. ESSA has not limited the testing
11 whatsoever. High stakes tests are used to make important
12 decisions such as student promotion or graduation, teacher
13 tenure, sanctioning schools for poor performance.

14 Nine, accountability. Where did that go? Too
15 often accountability has been reduced to standardized tests
16 that measure a limited range of academic skills thereby
17 narrowing curricula and teaching. This approach has been
18 used to attack rather than help educators, parents, and
19 students.

20 California and the DOE are suggesting requiring
21 school climate participation in Smarter Balance and Park
22 standardized tests is determining student and district
23 achievement. None of these are evidence of achievement.

24 It is very sad that for the most part poor
25 districts continue to do poorly while affluent districts have

1 higher ratings. It's not for the lack of billions of dollars
2 sent by the government to these districts, it's the lack of
3 steady and federal oversight that these billions are used for
4 the purposes sent to the districts. Clearly once the use of
5 the growing administrative costs and unfunded mandates to
6 districts are so costly that no district can provide for all
7 of the needs of the students.

8 The DOE needs to track the billions of dollars
9 spent for testing, where children go to school buildings that
10 are unsafe, where children are afraid either because the
11 building has been scaffolded for 10 years and may collapse in
12 an earthquake in California. Or because of credible threats
13 of violence daily.

14 Oversight of funds sent to educate children, now
15 that is a worthwhile endeavor. But that is not about
16 academic achievement. The real achievement will be the
17 hordes of parents opting out their children from tests this
18 coming spring. The real achievement will be the DOE and
19 responsible agencies ensuring that the funding is spent on
20 actually learning and not spent on the business of
21 profiteering.

22 Thank you.

23 (Applause)

24 MR. ROONEY: Thank you. We will bring these to the
25 front desk. I want to go back to the people earlier who were

1 not here when we called them to make sure if they've come
2 since then.

3 Patricia Phipps from the Los Angeles Urban League?

4 (No response.)

5 MR. ROONEY: Linda Cohen?

6 (NO response.)

7 MR. ROONEY: Paul Hirsh from Link Learning
8 Alliance?

9 ***Paul Hirsh***

10 ***Link Learning Alliance***

11 MR. HIRSH: Good afternoon. My name is Paul Hirsh.
12 I am the principal of the STEM Academy, a Link Learning High
13 School at the Helen Bernstein Campus in the Los Angeles
14 Unified School District. It is a pleasure to be here today
15 to provide recommendations to the U.S. Department of
16 Education for the regulations that will guide the
17 implementation of the Every Student Succeeds Act.

18 ESSA provides the opportunity to redouble our
19 efforts, to close the achievement gap and ensure that all
20 students receive an equitable and excellent education. To do
21 so I urge the Department to ensure that the ESSA regulations
22 reflect the policies and practices that have contributed to
23 the progress California has made in preparing students for
24 post-secondary education and the workforce.

25 Undoubtedly one of the major developments that has

1 fostered gains for California students is the state's focus
2 on high school reform through Link Learning. Link Learning
3 is not simply a program, it's a new way to approach high
4 school in the 21st century that integrates rigorous
5 academics, career and technical education, work base
6 learning, and wraparound services.

7 Link Learning ignites high school students'
8 passions by creating meaningful learning experiences through
9 career oriented pathways in fields such as engineering,
10 healthcare, performing arts, law, and more. When students
11 love what they're learning they work harder, dream bigger,
12 and learn more.

13 Evidence shows that Link Learning is increasing
14 achievement and graduation rates across the state,
15 particularly among students with low prior achievement and
16 high dropout rates. In my own school the adoption of the
17 Link Learning Approach has been truly transformative. We
18 have experienced huge gains in graduation rates, attendance,
19 enrollment in advanced coursework, and post-secondary
20 readiness.

21 The only metric that has gone down in our school is
22 the suspension and expulsion rate. In fact the funding
23 previously allocated for security guards is now being spent
24 on lab equipment and field trips to colleges.

25 ESSA regulations should mandate Link Learning or

1 any other specific approach to school reform, however the
2 regulations should create the space needed for evidence-based
3 systemic reform such as Link Learning by embedding the
4 principles of this approach into the regulations consistent
5 with the statutory authority provided to the Department of
6 Education through ESSA.

7 I will highlight several opportunities to do so.
8 First, ESSA requires a multiple measure of accountability
9 system and provides flexibility to states in selecting an
10 indicator of school quality or success which may include an
11 indicator of access to and completion of advanced coursework.

12 I encourage the Department to clarify that this
13 indicator may include student participation and success in
14 coursework that integrates preparation for post-secondary
15 education and the workforce, including performance in
16 coursework sequences that integrates rigorous academics, work
17 base learning, and career and technical education.

18 ESSA also stipulates that the indicator of school
19 quality or success may include a measure of post-secondary
20 readiness. I encourage the Department to clarify that this
21 indicator may include one, completion of and performance in
22 dual enrollment programs.

23 Two, performance or on assessments of career-
24 readiness and acquisition of industry-recognized credentials
25 that may lead to quality criteria established by the state

1 under the workforce innovation and opportunity act.

2 And three, rates of participation in post-secondary
3 education which may include enrollment, remediation,
4 persistence, and completion.

5 Second, ESSA allows states to utilize up to three
6 percent of their Title I funds to support direct student
7 services which may include CT coursework that leads to an
8 industry-recognized credential.

9 ESSA regulations should clarify that this includes
10 and that funds provided to the direct student services may
11 support approaches like Link Learning that integrate rigorous
12 academics, CTE, work base learning, and wraparound services.

13 Third, ESSA regulations should clarify that the
14 State Title I plans must comply with the report language
15 accompanying the requirement for states to support students
16 at all levels of schooling. Section 1111(g)(1)(d).

17 The report language says that states should work
18 with school districts to assist in developing effective
19 transitions from high school to the post-secondary education,
20 including strategies that integrate rigorous academics, CTE,
21 and work base learning.

22 Finally, ESSA regulations should assert the
23 authority of states, districts, and schools under Title II to
24 utilize funding for professional development on the effective
25 integration of rigorous academics, CTE, work base learning.

1 ESSA regulations should clarify that such funds may
2 be used to support professional development for all students
3 including CTE teachers.

4 Thank you for your opportunity to inform the ESSA
5 regulations. I and the Link Learning Community look forward
6 to working with you to ensure that regulations provide the
7 opportunity for every student to graduate from high school,
8 prepare for post-secondary and the workforce.

9 Thank you.

10 MS. WHALEN: Thank you.

11 MR. ROONEY: Is Michael Bati here?

12 (No response.)

13 MR. ROONEY: And the last name we went past before
14 is Chris Hofmann.

15 MS. : He's on his way.

16 MR. ROONEY: He's on his way. Okay. Deborah, has
17 anyone signed up to speak that didn't -- I can go through the
18 list again. We'll go back through the list of people we
19 missed last time.

20 Is Sarah Ruse here?

21 (No response.)

22 MR. ROONEY: Celia Alvarado?

23 (No response.)

24 MR. ROONEY: And Yvette Kingburg?

25 (No response.)

1 MR. ROONEY: Anyone who didn't sign up who is here
2 would like to speak now is your opportunity if you would like
3 to take advantage of it.

4 (No response.)

5 MR. ROONEY: Do you know if Chris Hofmann is close?
6 Where?

7 (Pause.)

8 MR. ROONEY: We are obviously running ahead of
9 schedule. So it's understandable that -- he or she is not
10 here.

11 (Pause.)

12 MR. ROONEY: Hi everyone on the live stream. At
13 this point there is one person left to speak who has not
14 joined us yet. So we are going to give him or her a few more
15 minutes to try to come here since we are running ahead of
16 schedule. But there aren't any other speakers at this point.
17 So we are going to stay the live stream movie and we will
18 wait to see if the last individual can join us.

19 But I wanted to give you a heads up on why there's
20 been a blank screen for awhile. We will continue to hold
21 until we find out. Thank you.

22 (Pause.)

23 ***Chris Hofmann***

24 MR. HOFMANN: I am Chris Hofmann. I would like to
25 express my appreciation at being allowed to speak. Thank you

1 for waiting for me. I am a fourth grade teacher at a charter
2 school in East Los Angeles and a former Teach Plus Teaching
3 Policy Fellow.

4 I would like to start by expressing my appreciation
5 for the opportunity to share my thoughts on the Every Child
6 (sic) Succeeds Act with you today. The provisions of the law
7 will have a profound effect on what school is like for my 26
8 fourth graders each and every day and will definitely
9 reverberate throughout the every day educational experiences
10 of our nation's 50 million K-12 students.

11 Right now my school in East L.A. serves 535
12 students. 96 percent of our students are Latino, and 90
13 percent of our students qualify for the federal free and
14 reduced lunch program. For me this new law and Title I
15 aren't just extra federal dollars, but they are those extra
16 weird school books I got, I made my students excited to read.
17 They are the mathematical programs and the laptops that made
18 a difference for a lot of my students and their math skills.

19 And they are the professional development
20 opportunities that allow me to grow substantially as a
21 teacher. And lastly, they are the state tax and the
22 accountability provisions that we use to evaluate and reflect
23 upon all of my students' academic success.

24 In reference to the new law there are two things I
25 really want to share with you today. First, the new law I

1 believe moves us closer to an accountability system that
2 truly measures what we value in a school.

3 And secondly, the new law provides a critical
4 opportunity for research and experimentation and both what
5 makes a great school. And we educators, parents, students,
6 lawmakers, everyone at the Department of Education, we need
7 to be ready to continuously learn from our efforts and make
8 changes that improve outcomes for all students.

9 First, I think ESSA approves on No Child Left
10 Behind by recognizing that proficiency on state tests is only
11 one dimension of a school's quality. When I think about my
12 fourth graders I realize that there is no single data point
13 to truly capture who my students are or what they can do.

14 And likewise I think that no single data point
15 linked to a state test score can truly capture the
16 educational experience of an entire school.

17 I think ESSA rightly recognizes this and requires
18 to conclude, at least those four academic indicators. I also
19 think it is great that the law requires states to incorporate
20 at least one other measure of a different sort to --- tap
21 into all of those other factors that make schools great.

22 For the last six years I worked at a 2015 National
23 Blue Ribbon School in East L.A. and I think what makes our
24 school great is not only the high levels of student learning,
25 it's also the way we celebrate our students growth. It's

1 also the way we get to know our families with home visits.
2 And the way that we encourage parental support with frequent
3 communication.

4 The way we continue to think about and evaluate how
5 we nurture our students confidence and their character. And
6 I think it is all of these factors that are critically
7 important in trying to make a school a vibrant and wonderful
8 place where we all want to send our children.

9 And with the passage of ESSA we know have an
10 opportunity to craft an accountability system that really
11 accounts for what teachers and what parents and what students
12 really value.

13 I think that said I think my school's North Star
14 has always been student learning and I think it is really
15 important that ESSA continues to strike the balance between
16 student learning and the other factors in determining a
17 school's quality.

18 The final law require state's accountability
19 systems to count academic indicators much more than other
20 factors. And by keeping this language as so and making sure
21 I think that this will prevent states and schools from using
22 other data points to mask those student learning.

23 I think this way ESSA rightly keeps the focus on
24 what really matters in that school needs to be successful --
25 schools need to be teaching our students what they need to be

1 successful in a competitive world while still also
2 acknowledging that there is a whole lot more to a really good
3 school.

4 Secondly, the second thing is with 50 states
5 developing their own accountability systems, this moment
6 really provides us a unique opportunity to research and
7 innovate. California and all states should experiment with
8 creating measures that capture students academic growth over
9 time.

10 We should experiment with different ways to gather
11 and synthesize non-academic factors of school quality and
12 with how we should weigh all of these distinct factors to
13 create accountability systems focused on what we need -- what
14 we value in a school.

15 Most importantly, I think on a state and federal
16 level we need to closely study the effects of these systems.
17 Learn from each other's successes and failures and quickly
18 make improvements. There will be a tremendous amount of
19 learning to be done in the next few years and we need to be
20 like our students ready to learn and grow.

21 So thank you for waiting for me. I appreciate it.

22 MS. WHALEN: Thank you very much.

23 MR. HOFMANN: Yes.

24 MR. ROONEY: Thank you.

25 (Applause)

1 MS. WHALEN: And with our last speaker that
2 concludes today's public meeting. I would just like to thank
3 everybody who participated both here today in person as
4 speakers and as listeners as well as all of you on the live
5 stream who listened through the full day of very thoughtful
6 input and feedback to the Department of Education on
7 regulatory and non-regulatory guidance for ESSA.

8 I would also like to take this opportunity to thank
9 a few people who made today's public meeting possible
10 including UCLA, the Synergy Team, Deborah, Ashley, Irene, you
11 guys went above and beyond so thank you so much for
12 everything you've done to make today go off without a hitch.

13 For those of you who are interested in more
14 information about ESSA, the regulatory process or would like
15 to comment on what the Department's priority should be for
16 regulations or non-regulatory guidance, another quick
17 reminder, all of that information is on our website at
18 www.ed.gov/essa we will also post a copy of the live stream
19 from today's event as well as the transcript of all of the
20 speakers today.

21 And with that, we wish you good evening and good
22 night. Thank you all for coming.

23 MR. ROONEY: Thank you.

24 (Applause)

25 (Whereupon, the meeting adjourned at 4:30 p.m.)

C E R T I F I C A T E

Audio Associates, hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the ESSA Public Input Meeting held on January 19, 2016 at the UCLA, Los Angeles, California.

Laura Jackson 2/1/2016
Laura Jackson Date
Reporter

Jacqueline McFarland 2/1/2016
Jacqueline McFarland Date
Certified Transcriber